STATUTORY INSTRUMENTS.

S.I. No. of 2026

PLANNING AND DEVELOPMENT (PART 6) (APPEALS OF CERTAIN SCREENING AND EXAMINATION DETERMINATIONS) REGULATIONS 2026

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S.I. No. of 2026

PLANNING AND DEVELOPMENT (PART 6) (APPEALS OF CERTAIN SCREENING AND EXAMINATION DETERMINATIONS) REGULATIONS 2026

I, JAMES BROWNE, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by sections 4(2), 213(14)(b)(ii), (iii) and (iv), 225(4)(e)(i), (iii) and (iv), 230(15)(b)(ii), (iii) and (iv) and (16) 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) (Appeals of Certain Screening and Examination Determinations) Regulations 2026.

Definition

2. In these Regulations "Act" means Planning and Development Act 2024 (No. 34 of 2024).

Manner in which appeal of appropriate assessment screening determination may be brought for purpose of section 213(14)(b)(iii) of Act

3. (1) An appeal by a person under section 213(8) of the Act shall –

(a) be made in writing,

(b) state the name and address and Eircode (if any) of the person making the appeal and of any person acting on his or her behalf in relation to it,

(c) state in full the grounds of the appeal, and the reasons, considerations and arguments on which each ground is based, and

(d) be made in the manner set out in section 360(8) of the Act.

(2) An appeal referred to in paragraph (1) which does not comply with the requirements of that paragraph shall be invalid and shall not be considered by the Commission.

Timeline within which appeal of appropriate assessment screening determination must be carried out for purpose of section 213(14)(b)(iv) of Act

4. (1) Subject to paragraph (2), the Commission shall carry out a screening for appropriate assessment in accordance with section 213(9) of the Act as soon as possible and, in any event –

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(a) not later than 8 weeks from receipt of the information specified in Regulation 5(1)(a), or

(b) where a request under Regulation 5(1)(b) has been made, not later than 8 weeks from receipt of such further information or clarification.

(2) Subject to paragraph (3), the Commission need not comply with paragraph (1) within the periods specified in that paragraph, where it appears to the Commission that it would not be possible or appropriate because of the exceptional circumstances of the relevant development (including in relation to the nature, complexity, location or size of such development) to do so.

(3) Where paragraph (2) applies, the Commission shall, by notice in writing served on –

(a) the local authority or State authority, as the case may be, and

(b) any person who made an appeal under section 213(8) of the Act,

before the expiration of the period referred to in paragraph (1), inform the authority and any such person of the reasons why it would not be possible or appropriate to comply with paragraph (1) within that period, and shall specify the date before which the Commission intends that the screening determination concerned shall be made.

Request for information from local authority or State authority in respect of appeal of appropriate assessment screening determination for purpose of section 213(14)(b)(ii) of Act

5. (1) For the purpose of carrying out a screening for appropriate assessment on appeal under section 213(9)(a) of the Act, the Commission –

(a) shall request–

(i) a copy of —

(I) the screening determination (including the reasons for the determination) made by the relevant local authority or State authority under section 213(5) of the Act, and

(II) records of consultations held, if any, by the relevant local authority or State authority under section 213(3) of the Act,

and

(ii) such information as the Commission considers necessary to enable it to carry out that screening,

to be submitted to it by the relevant local authority or State authority, as the case may be, within a specified period,

and

(b) may request such further information or clarification as the Commission considers necessary to enable it to carry out that

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screening to be submitted to it by the relevant local authority or State authority, as the case may be, within a specified period.

(2) The relevant local authority or State authority, as the case may be, shall comply with a request made under paragraph (1) –

(a) within such period as may be specified in the request, or

(b) within such further periods as may be agreed with the Commission.

Manner in which appeal of declaration may be brought for purpose of section 225(4)(e)(iv) of Act

6. (1) An appeal by a person of a declaration in relation to relevant development consisting of local authority or State authority development under section 225(4)(b) of the Act shall –

(a) be made in writing,

(b) be made not later than 4 weeks from the date of the publication of a notice in accordance with Regulation 9 of the Planning and Development (Part 6) (Screening Classes, Thresholds, Criteria and Examination) Regulations 2026 (S. I. No. **XXX** of 2026),

(c) state the name and address and Eircode (if any) of the person making the appeal and of any person acting on his or her behalf in relation to it,

(d) state in full the grounds of the appeal, and the reasons, considerations and arguments on which each ground is based, and

(e) be made in the manner set out in section 360(8) of the Act.

(2) An appeal referred to in paragraph (1) which does not comply with the requirements of that paragraph shall be invalid and shall not be considered by the Commission.

Manner in which examination on appeal of declaration may be conducted by Commission for purpose of section 225(4)(e)(i) of Act

7. (1) Subject to paragraph (2), where the Commission receives an appeal under section 225(4)(b) of the Act which complies with Regulation 6(1), it shall carry out an examination of the nature and location of the relevant development concerned in accordance with section 225(3)(b)(i) of the Act as soon as possible and in any event –

(a) not later than 8 weeks from receipt of the information specified in paragraph (4)(a), or

(b) where a request under paragraph (4)(b) has been made, not later than 8 weeks from receipt of such further information or clarification.

(2) Subject to paragraph (3), the Commission need not comply with paragraph (1) within the periods specified in that paragraph, where it appears to

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the Commission that it would not be possible or appropriate because of the exceptional circumstances of the relevant development (including in relation to the nature, complexity, location or size of such development) to do so.

(3) Where paragraph (2) applies, the Commission shall, by notice in writing served on –

(a) the local authority or State authority, as the case may be, and

(b) any person who made an appeal under section 225(4)(b) of the Act,

before the expiration of the period referred to in paragraph (1), inform the authority and any such person of the reasons why it would not be possible or appropriate to comply with paragraph (1) within that period, and shall specify the date before which the Commission intends that the examination shall made.

(4) For the purpose of carrying out its examination in accordance with section 225(3)(b)(i) of the Act in respect of an appeal under section 225(4)(b) of the Act, the Commission –

(a) shall request –

(i) a copy of the declaration (including the reasons for the declaration) made by the relevant local authority or State authority under section 225(4)(a) of the Act, and

(ii) such information as the Commission considers necessary to enable it to carry out that examination,

to be submitted to it by the relevant local authority or State authority, as the case may be, within a specified period,

and

(b) may request such further information or clarification as the Commission considers necessary to enable it to carry out that examination to be submitted to it by the relevant local authority or State authority, as the case may be, within a specified period.

(5) The relevant local authority or State authority, as the case may be, shall comply with a request made under paragraph (4) –

(a) within such period as may be specified in the request, or

(b) within such further period as may be agreed with the Commission.

Publication and notice of outcome of examination on appeal of declaration for purpose of section 225(4)(e)(iii) of Act

8. (1) Where, following the conduct of an examination referred to in Regulation 7(1), the Commission is not satisfied that the possibility of significant effects on the environment resulting from the relevant development can be excluded, the Commission shall give notice of its decision (including the reasons it is not satisfied that the possibility of significant effects on the environment resulting from the relevant development can be excluded) to –

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(a) the local authority or State authority concerned, and

(b) any person who brought an appeal under section 225(4)(b) of the Act,

and following receipt of the notice the local authority or State authority concerned shall comply with section 225(3)(b)(ii) and (iii) of the Act, as appropriate.

(2) Where, following the conduct of an examination referred to in Regulation 7(1), the Commission is satisfied that the possibility of significant effects on the environment resulting from the development can be excluded, the Commission shall give notice of its decision (including the reasons it is satisfied that the possibility of significant effects on the environment resulting from the relevant development can be excluded) to –

(a) the local authority or State authority concerned, and

(b) any person who brought an appeal under section 225(4)(b) of the Act.

(3) The Commission shall –

(a) make its decision under paragraph (1) or (2) (including the reasons for the decision in those paragraphs) available for inspection (free of charge) by members of the public at its offices during normal office hours, and

(b) publish a notice of that decision on an internet website maintained by the Commission or on its behalf.

Manner in which appeal of screening determination may be brought for the purpose of section 230(15)(b)(iii) of Act

9. (1) An appeal by a person under section 230(9) of the Act shall –

(a) be made in writing,

(b) state the name and address and Eircode (if any) of the person making the appeal and of any person acting on his or her behalf in relation to it,

(c) state in full the grounds of the appeal, and the reasons, considerations and arguments on which each ground is based, and

(d) be made in the manner set out in section 360(8) of the Act.

(2) An appeal referred to in paragraph (1) which does not comply with the requirements of that paragraph shall be invalid and shall not be considered by the Commission.

Timeline within which appeal of screening determination must be carried out for purpose of section 230(15)(b)(iv) and (16) of Act

10. (1) Subject to paragraph (2), the Commission shall carry out a screening for environmental impact assessment in accordance with section 230(10) of the Act as soon as possible and in any event –

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(a) not later than 8 weeks from receipt of the information specified in Regulation 5(1)(a), or

(b) where a request under Regulation 5(1)(b) has been made, not later than 8 weeks from receipt of such further information or clarification.

(2) Subject to paragraph (3), the Commission need not comply with paragraph (1) within the period specified in that paragraph, where it appears to the Commission that it would not be possible or appropriate because of the exceptional circumstances of the relevant development (including in relation to the nature, complexity, location or size of such development) to do so.

(3) Where paragraph (2) applies, the Commission shall, by notice in writing served on –

(a) the local authority or State authority, as the case may be, and

(b) any person who made an appeal under section 230(9) of the Act,

before the expiration of the period referred to in paragraph (1), inform the authority and any such person of the reasons why it would not be possible or appropriate to comply with paragraph (1) within that period and shall specify the date before which the Commission intends that the screening determination concerned shall made.

Request for information from local authority or State authority in respect of appeal of screening determination for purpose of section 230(15)(b)(ii) of Act

11. (1) For the purpose of carrying out a screening for environmental impact assessment under section 230(10)(a) of the Act, the Commission –

(a) shall request -

(i) a copy of –

(I) the screening determination (including the reasons for the determination) made by the relevant local authority or State authority under section 230(6) of the Act,

(II) the information prepared by the relevant local authority or State authority in accordance with section 230(2) of the Act, and

(III) records of consultations held, if any, by the relevant local authority or State authority under section 230(3) of the Act,

and

(ii) such information as the Commission considers necessary to enable it to carry out that screening,

to be submitted to it by the relevant local authority or State authority within a specified period,

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and

(b) may request such further information or clarification as the Commission considers necessary to enable it to carry out that screening to be submitted to it by the relevant local authority or State authority, as the case may be, within a specified period.

(2) The relevant local authority or State authority shall comply with a request made under paragraph (1) –

(a) within such period as may be specified in the request, or

(b) within such further period as may be agreed with the Commission.

GIVEN under my Official Seal,

____ _____ 2026.

_____,

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*.)

Regulations 3, 4 and 5 of the Regulations – specify the manner in which an appeal of a screening determination, made by a local authority or State authority, that an appropriate assessment is not required in respect of a relevant development (to be carried out by that authority) may be taken under section 213(8) of the Planning and Development Act 2024, and

- enable the Commission to request certain information, further information and clarification from the relevant local authority or State authority for the purpose of making its own determination in accordance with section 230(9) of that Act following receipt of an appeal,
- require that the relevant local authority or State authority must comply with any such requests for information or clarification within the time period specified by the Commission or such further period as may be agreed, and
- specify the period of time within which such an appeal must be determined by the Commission.

Regulations 6, 7 and 8 – specify the manner in which an appeal of a declaration, made by a local authority or State authority, that it is satisfied (following an examination undertaken under section 225(3)(b)(i) of that Act) that the possibility of significant effects on the environment from a relevant development (to be carried out by that authority) can be excluded, may be taken under section 225(4)(b) of that Act and

- enable the Commission to request certain information, further information and clarification from the relevant local authority or State authority for the purpose of making its own determination in accordance with section 230(10) of that Act following receipt of an appeal,
- require that the relevant local authority or State authority must comply with any such requests for information or clarification within the time period specified by the Commission or such further period as may be agreed, and
- specify the period of time within which such an appeal must be determined by the Commission.

Regulations 9, 10 and 11 – specify the manner in which an appeal of a screening determination, made by a local authority or State authority, that an environmental impact assessment is not required in respect of a relevant development (to be carried out by that authority) may be taken under section 230(9) of that Act, and

- enable the Commission to request certain information, further information and clarification from the relevant local authority or State

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authority for the purpose of making its own determination in accordance with section 230(10) of that Act following receipt of an appeal,

- require that the relevant local authority or State authority must comply with any such requests for information or clarification within the time period specified by the Commission or such further period as may be agreed, and
- specify the period of time within which such an appeal must be determined by the Commission.

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