STATUTORY INSTRUMENTS.

S.I. No. of 2026

PLANNING AND DEVELOPMENT (PART 6) (TRANSBOUNDARY CONSULTATION) REGULATIONS 2026

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PLANNING AND DEVELOPMENT (PART 6) (TRANSBOUNDARY CONSULTATION) REGULATIONS 2026

I, JAMES BROWNE, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by sections 4(2) and 238(1) of the Planning and Development Act 2024 (No. 34 of 2024), hereby make the following regulations:

Part 1 – Preliminary and General

Citation

1. These Regulations may be cited as the Planning and Development (Part 6) (Transboundary Consultation) Regulations 2026.

Definitions

2. In these Regulations—

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

"applicant" means the person who makes an application for permission and shall be construed as—

(a) the relevant local authority in the case of Chapter 4 local authority development (within the meaning of section 82(1) of the Act), or

(b) the relevant State authority in the case of Chapter 4 State authority development (within the meaning of section 82(1) of the Act);

"competent authority" for the purposes of Part 2 of these Regulations has the same meaning as it has in section 223 of the Act;

"nominated authority" means a planning authority or State authority nominated in accordance with Regulation 13(a);

"Part 2 application for permission" means an application for permission for relevant development requiring an environmental impact assessment, in accordance with Part 6 of the Act, where sections 238(1)(a)(i) or (ii) of the Act apply;

"Part 3 project" means a project that is, or is proposed to be, located within a Member State or Transboundary Convention state where sections 238(1)(b)(i) or (ii) of the Act apply;

"Regulations of 2026" means Planning and Development (Control of Development – Planning Authorities) Regulations 2026 (S.I. No. **XXX** of 2026).

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Part 2 - Consultation with a Member State or Transboundary Convention state (where relevant development in the State has had, is having or is likely to have an impact on the environment in another Member State or Transboundary Convention state in accordance with section 238(1)(a)(i) or (ii) of Act) for purpose of section 238(2) of Act

Notification to Minister by competent authority where section 238(1)(a) of Act applies for purpose of section 238(2)(a) of Act

3. (1) A competent authority, as soon as may be after receipt of an application for permission for relevant development requiring an environmental impact assessment in accordance with Part 6 of the Act, shall notify the Minister of such application, where the requirements of section 238(1)(a)(i) or (ii) of the Act are met.

(2) A notification to the Minister under paragraph (1) shall state—

(a) the name and address of the applicant, as appropriate,

(b) the location, townland or postal address of the land or maritime site to which the application for permission for relevant development relates,

(c) the nature and extent of the relevant development,

(d) the date of receipt of the application for permission for relevant development, and

(e) if the relevant development comprises or is for the purposes of an activity requiring an integrated pollution control licence, industrial emissions licence, a waste licence, a waste water discharge licence or an abstraction licence, an indication of that fact.

(3) A notification to the Minister under paragraph (1) shall be accompanied by a copy of any relevant environmental impact assessment report.

(4) Where the Minister is notified in accordance with paragraph (1), he or she shall consult with the relevant competent authority as appropriate in relation to the application for permission and may require the competent authority to furnish him or her with such details, information or documents as he or she may specify in relation to such application for permission.

Provision of information by relevant competent authority to Minister relating to application for permission for relevant development where section 238(1)(a) of Act applies for purpose of section 238(2)(b) of Act

4. Where a Member State or Transboundary Convention state has requested that it be provided with information on a Part 2 application for permission and no notification has been received by the Minister in relation to the development under Regulation 3(1) he or she may require a competent authority to furnish him or her with such details, information or documents as he or she may specify

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in relation to such application for permission and shall require the competent authority to comply with Regulation 5.

Notification of and provision of information to Member State or Transboundary Convention state for purpose of section 238(2)(c) of Act

5. (1) The competent authority shall provide information on a Part 2 application for permission to the Member State or Transboundary Convention state concerned and shall enter into consultations with that Member State or Transboundary Convention state in relation to the potential transboundary effects of the proposed development:

(a) at the same time as notifying the Minister under Regulation 3(1), or

(b) following a requirement under Regulation 4.

(2) The information to be provided under paragraph (1) shall include—

(a) a description of the relevant development, together with any available information on its possible transboundary impact,

(b) an indication that the relevant development is subject to an environmental impact assessment procedure,

(c) an indication that the competent authority is the decision-making body,

(d) an indication of the types of decision the competent authority may make in relation to the application for permission,

(e) an indication that a decision will not be taken on the application for permission until the views, if any, of the Member State or Transboundary Convention state have been received or the consultations are otherwise completed, and

(f) an indication that where the Member State or Transboundary Convention state indicates that it wishes to take part in the decision-making procedures in relation to the application for permission, a copy of the environmental impact assessment report will be sent to it.

(3) Where a Member State or Transboundary Convention state indicates that it wishes to take part in the decision-making procedures in relation to the Part 2 application for permission, the competent authority shall forward the environmental impact assessment report and any other relevant information to the Member State or Transboundary Convention state.

(4) Where the relevant competent authority has provided information and entered into consultations with a Member State or Transboundary Convention state, it shall notify the applicant for permission of that fact.

Notification of and provision of information to Commission on appeal

6. Where notice of, or details, information or documents in relation to an application for permission has or have been given to the Minister by a planning

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authority under Regulation 3 or where the planning authority has been required to comply with Regulation 5 in accordance with Regulation 4, the planning authority shall, when complying with the requirements of section 105 or 363 of the Act, notify the Commission of that fact.

Further information for purpose of section 238(2)(c) of Act

7. (1) In the case of a Part 2 application for permission a competent authority may, having regard to the views of a Member State or Transboundary Convention state, and notwithstanding any other regulations made under the Act, require an applicant to submit further information in respect of the application.

(2) Where a competent authority considers that further information or evidence submitted in response to a request under paragraph (1) or in a response to any request under the Act, in respect of a Part 2 application for permission, contains additional material information on the effects on the environment of the relevant development, it shall in addition to any applicable requirements of section 97(3), 107(2), 122(6), 144(3) or 145(5) of the Act send a copy of the additional material information to the Minister and any relevant Member State or Transboundary Convention state.

Submissions from Member State or Transboundary Convention state for purpose of section 238(2)(d) of Act

8. (1) The Minister may enter into an agreement with any Member State or Transboundary Convention state regarding the detailed procedures to be followed in respect of consultations regarding a Part 2 application for permission.

(2) Notwithstanding paragraph (1), where a Member State or Transboundary Convention state indicates that it wishes to take part in the environmental decision-making procedures in relation to a Part 2 application for permission, that Member State or Transboundary Convention state and members of the public in that Member State or Transboundary Convention state may—

(a) make submissions as part of any consultation under section 235 of the Act related to the application for permission with respect to the significant effects or likely significant effects of the relevant development on the environment in the Member State or Transboundary Convention state, or

(b) where it is not possible to make submissions under subparagraph (a), make observations and submissions in writing, regarding the application for permission and its significant effects or likely significant effects on the environment, to the relevant competent authority during an agreed consultation period.

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Time limit for consultation with Member State or Transboundary Convention state for purpose of section 238(2)(e) of Act

9. The timeframe for receipt of submissions under Regulation 8 shall not be shorter than 30 days.

Extension of time limits for taking of steps and the making of decisions under Act to facilitate consultations with Member State or Transboundary Convention state for purpose of section 238(2)(e) of Act

10. (1) A competent authority shall, notwithstanding Part 4 of the Act, not decide to grant or refuse permission in respect of a Part 2 application for permission until after—

(a) the views, if any, of any relevant Member State or Transboundary Convention state have been received in response to consultations under Regulation 8, or

(b) the consultations with the relevant Member State or Transboundary Convention state are otherwise completed.

(2) The notification of a decision under section 100(1), 111(1), 125(1) or 143(4) of the Act in respect of a Part 2 application for permission shall be sent to—

(a) the Minister, and

(b) any relevant Member State or Transboundary Convention state.

Part 3 - Consultation with Member State or Transboundary Convention state (where development in Member State or Transboundary Convention state has had, is having or is likely to have impact on environment in the State) for purposes of sections 238(1)(b) and (5) of Act

Consultation with Member State or Transboundary Convention state to ensure that transboundary environmental effects in the State of any Part 3 project are taken into account in accordance with Environmental Impact Assessment Directive and Transboundary Convention for purpose of section 238(5)(h) of Act

11. (1) Where, in response to a request under Regulation 12 or otherwise, the Minister or a planning authority receives a notification from another Member State or a Transboundary Convention state in relation to a Part 3 project, he or she or the nominated authority shall as soon as may be following receipt of such information agree with the Member State or Transboundary Convention state—

(a) a reasonable consultation period to allow for discussion of the potential transboundary effects of the Part 3 project on the State and the measures envisaged to reduce or eliminate such effects, and

(b) the manner in which submissions can be made.

(2) The consultation period referred to in subparagraph (1)(a) shall—

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(a) not be less than 30 days,

(b) allow sufficient time for the public to prepare and participate effectively in the environmental decision-making process, and

(c) conclude before development consent is given by the Member State or Transboundary Convention state.

(3) Where a planning authority receives information directly under paragraph (1), it shall as soon as may be following receipt of such information notify the Minister.

Request for Information from Member State or Transboundary Convention state for purposes of section 238(5)(b) and (c) of Act

12. In any case where—

(a) a notification has been received from a Member State or Transboundary Convention state, in respect of any Part 3 project in that state; or

(b) the Minister or a planning authority considers that section 238(1)(b)(i) of the Act applies,

then—

(i) the Minister,

(ii) the planning authority or State authority (nominated under Regulation 13(a)), or

(iii) the Minister on behalf of the planning authority or State authority,

may request the Member State or Transboundary Convention state to forward information in respect of the project including any environmental impact assessment report.

Transmission of notification received from Member State or Transboundary Convention state to competent authority or State authority in relation to Part 3 project for purpose of section 238(5)(a) of Act

13. Where in response to a request under Regulation 12 or otherwise, the Minister receives information from a Member State or Transboundary Convention state in relation to a Part 3 project or a notification under Regulation 11(3), the Minister shall:

(a) nominate one or more planning authorities or State authorities to carry out the steps in Regulation 15 and send a copy of the information received to any such nominated authority, and

(b) provide the nominated authority with a list of all other planning authorities or State authorities likely to be affected by the proposed development.

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Transmission of information received by the Minister from Member State or Transboundary Convention state for purpose of section 238(5)(d) of Act

14. Where the Minister receives information from a Member State or Transboundary Convention state following a request under Regulation 12 or otherwise he or she shall as soon as may be following receipt of such information forward the information to the nominated authority.

Notification of the public and making of submissions in relation to a Part 3 project for purpose of section 238(5)(e) of Act

15. (1) Where a nominated authority receives information from the Minister under Regulation 13 or 14 or from a Member State or Transboundary Convention state under Regulation 12, it shall as soon as may be following receipt of the information:

(a) publish a notice—

(i) in at least one newspaper, except where directed by the Minister, and

(ii) on an internet website maintained by or on its behalf,

(b) give notice of having received the information and include the notice published in accordance with subparagraph (a), to—

(i) any authority entitled to be given notice under Regulations 16 and 45 of the Regulations of 2026, and

(ii) all authorities listed in accordance with Regulation 13(b),

and

(c) publish on an internet website maintained on its behalf—

(i) the URL, if known, to the application for development consent on the website of the relevant competent authority in the Member State or Transboundary Convention state concerned where relevant information can be found,

(ii) the information received from the Member State or Transboundary Convention state including any environmental impact assessment report, and

(iii) the notice published in accordance with subparagraph (a).

(2) A notice referred to in paragraph (1) shall state:

(a) that information has been received in relation to the proposed development in such Member State or Transboundary Convention state,

(b) the URL, if known, to the application for development consent on the website of the relevant competent authority in the Transboundary Convention state concerned, or the URL to the nominated authority's website where information received from the Member State or Transboundary Convention state is available for inspection,

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(c) the nature of the information received,

(d) that the proposed development is subject to an environmental impact assessment procedure and has potential transboundary effects,

(e) the nature of possible decision, or where there is one, the draft decision,

(f) that the information is available for inspection, free of charge, during office hours at the offices of the authority, and

(g) that a submission or observation on the information received may be made in accordance with Regulation 16 and in the manner agreed in accordance with Regulation 11(1)(b).

(3) The nominated authority shall, as soon as possible after publication of the notice under paragraph (1), send a copy of that notice to the Minister.

(4) The Minister shall make a notice received under paragraph (3) available on a website maintained by or on behalf of the Department of Housing, Local Government and Heritage as soon as practicable after receipt of such notice.

(5) An authority shall make a notice received under paragraph (1)(b)(ii) available on a website maintained by or on its behalf as soon as practicable after receipt of such notice.

Transmission of submissions to Member State or Transboundary Convention state for purpose of section 238(5)(f) of Act

16. (1) The public and any authority notified under Regulation 15(1)(b) may make a submission or observation following a notice under Regulation 15(1) in relation to the potential transboundary effects of the project and the measures envisaged to reduce or eliminate such effects either—

(a) in writing to the relevant competent authority in the Member State or Transboundary Convention state, or

(b) in writing to the nominated authority or the Minister,

as may be specified in the notice under Regulation 15(1) within the period agreed in accordance with Regulation 11(1)(a).

(2) Where a submission may be made in writing to the nominated authority or the Minister, the nominated authority or the Minister shall forward any observations or submissions received in writing to the Member State or Transboundary Convention state as soon as practicable following receipt of same, and within the period agreed in accordance with Regulation 11(1)(a).

Provision of information or making of submissions by Minister or nominated authority to Member State or Transboundary Convention state

17. (1) The Minister or a nominated authority may make submissions in writing to a Member State or Transboundary Convention state in relation to the potential transboundary effects of the project and the measures envisaged to

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reduce or eliminate such effects within the period agreed in accordance with Regulation 11(1)(a).

(2) In response to a request from a Member State or Transboundary Convention state or otherwise, the Minister or nominated authority may provide information to the Member State or Transboundary Convention state in relation to the potential transboundary effects of the project and the measures envisaged to reduce or eliminate such effects.

Notification of decision taken by Member State or Transboundary Convention state in relation to Part 3 project for purposes of section 238(5)(d) and (e) of Act

18. (1) Where the Minister receives information from a Member State or Transboundary Convention state in relation to a decision to grant or refuse permission for a Part 3 project, the Minister shall, as soon as may be following receipt of such information, send such information to the nominated authority and place such information on the website of the Department of Housing, Local Government and Heritage.

(2) The nominated authority shall, as soon as may be after receipt of the information referred to in paragraph (1), or where received directly from a Member State or Transboundary Convention state—

(a) publish a notice—

(i) in at least one newspaper, except where directed by the Minister, and

(ii) on a website maintained by or on its behalf,

(b) give notice of having received the information to—

(i) any authority entitled to be given notice under Regulations 16 and 45 of the Regulations of 2026,

(ii) all authorities listed in accordance with Regulation 13(b), and

(iii) where received directly from a Member State or Transboundary Convention state, the Minister,

and

(c) publish on a website maintained by or on its behalf—

(i) the URL, if known, to the application for development consent on the website of the relevant competent authority in the Member State or Transboundary Convention state concerned, and

(ii) the information received from the Member State or Transboundary Convention state.

(3) A notice referred to in paragraph (2)(a) shall state—

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(a) that it has received information on a decision taken by a Member State or Transboundary Convention state to grant or refuse permission for a Part 3 project,

(b) the nature of the decision,

(c) that the information is available for inspection (free of charge) during office hours at the offices of the nominated authority, and

(d) the URL, if known, to where the information may be inspected on the website of the relevant competent authority in the Member State or Transboundary Convention state concerned, or the URL to the nominated authority's website where information received from the Member State or Transboundary Convention state is available for inspection under paragraph (2).

(4) A planning authority shall make a notice received under paragraph (2) available on a website maintained by or on its behalf as soon as practicable after receipt of such notice.

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*.)

These Regulations provide the process by which Member States of the European Union and Transboundary Convention states are to be consulted in relation to applications for permission for developments in the State that have had, are having, or are likely to have, significant effects on the environment in their territories (Part 2 of the Regulations) and where the State is consulted with regard to proposed developments in those other states that have had, are having or are likely to have significant effects on the environment in the State (Part 3 of the Regulations).

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