



To: Directors of Planning Services, City and County Councils
Senior Planners, City and County Councils
An Bord Pleanála
All Government Departments and the Office of Public Works.

Cc: Chief Executives, City and County Councils
Directors of Regional Assemblies
Environmental Protection Agency

Circular Letter: PL 10/2018

22 November 2018

**Public notification of timeframe for application to An Bord Pleanála for screening determination
in respect of local authority or State authority development**

I have been asked by Mr. Eoghan Murphy, T.D., Minister for Housing, Planning and Local Government, to refer further to Circular letter PL 05-2018 relating to the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No 296 of 2018) which came into effect on 1 September 2018.

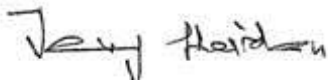
As highlighted in Circular letter PL 05-2018, article 81 of the Planning and Development Regulations 2001 (the Regulations) has been amended by S.I. 296 of 2018 to provide for the inclusion with the public notices of proposed development by a local authority of the conclusions of the preliminary examination or screening determination by the local authority (that an EIA is not required) in respect of the proposed development. Article 120(3), as amended by S.I. No. 296 of 2018, now provides that, where any person considers that a development proposed to be carried out by a local authority would be likely to have significant effects on the environment, he or she may, at any time before the expiration of 4 weeks beginning on the date of the publication of the notice referred to in article 81(2), apply to the Board for a screening determination as to whether the development would be likely to have such effects. This 4 week timeframe is a new addition to article 120(3) effective from 1 September 2018. Analogous provisions to those set out above are included in articles 87 and 120A of the Regulations in respect of development by a State authority under section 181 of the Planning and Development Act 2000.

The new public notice requirements in relation to EIA preliminary examinations or screening determinations made by local and State authorities in respect of their own development proposals do not, however, include a requirement to state in the public notice that a person who wishes to question the results of that examination or determination to the Board must now, under article 81 or 87 of the Regulations, do so within 4 weeks of the public notice. In order to ensure that the public are made aware of this new 4 week timeframe for questioning the EIA preliminary examination or screening determination of a local authority or State authority, the Department recognises that supplementary

amendments to the provisions outlined above are necessary in this regard. It is intended to amend the public notice requirements in respect of local authority and State development by way of further Regulations at the next available opportunity, in order to provide that such authorities will need to explicitly state in their public notices under article 81 or article 87 that members of the public have 4 weeks to apply to the Board for an EIA screening determination in respect of proposed development under Part XI of the 2000 Act. **In the interim, pending the making of these Regulations, it would be good practice for local authorities and State authorities proposing the carry out development under Part XI of the Act to include in their public notices a statement that any person may, within 4 weeks from the date of the notice, apply to An Bord Pleanála for a screening determination as to whether the development would be likely to have significant effects on the environment.**

Any enquires in relation to this Circular can be emailed to planning@housing.gov.ie or phone 01 888 2873.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Terry Sheridan', is positioned above the typed name.

Terry Sheridan
Principal
Planning Policy