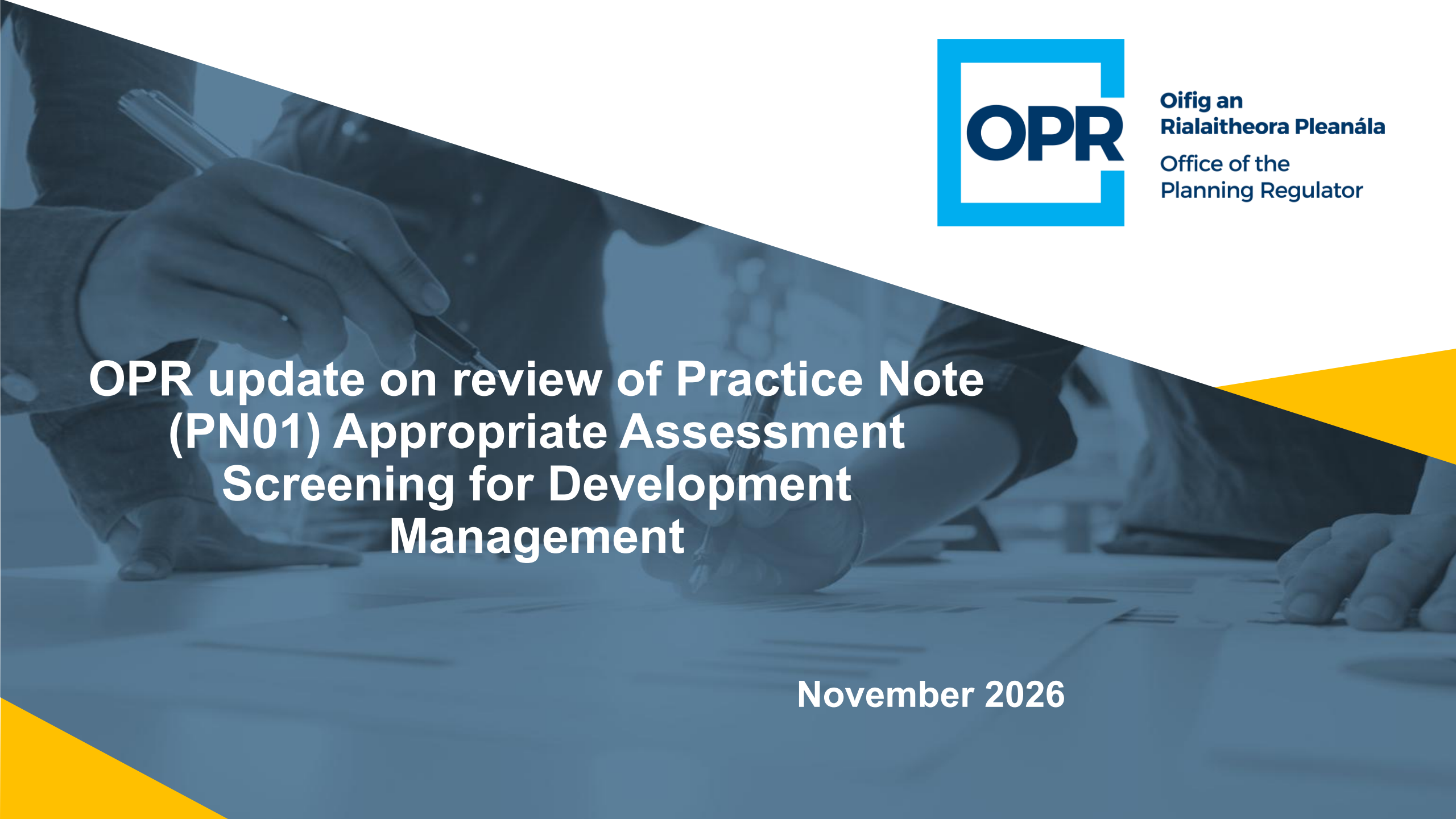


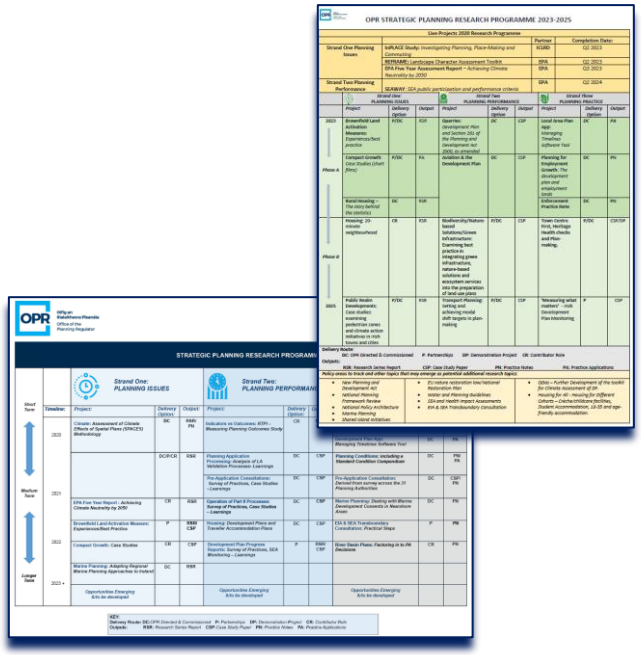
Oifig an Rialaitheora Pleanála
Office of the Planning Regulator

OPR update on review of Practice Note (PN01) Appropriate Assessment Screening for Development Management

November 2026

OPR Research Background:





Strategic Planning Research Programme 2026-2028

Strand	Project Theme	Delivery Mechanism, Output
1. Planning Issues	**1.1** Community and Social Infrastructure Data Coordination for Spatial Planning	Partnership, RSR/PA
	1.2 Cost/Benefit Analysis of Urban Greening Measures and Cost-Comparison with Traditional Construction Costs	Direct Commission, RSR
	1.3 Rural Housing and Ageing Population: Strategic Implications	Partnership, RSR
	1.4 Common Good/Public Engagement/Youth Engagement and Acceptance of Planning and Environmental Policy	Partnership, RSR
	1.5 Ethically Informed Approaches to AI in Planning	Partnership, RSR
2. Planning Performance	**2.1** Delivery of Community and Social Infrastructure Case Studies and Spatial Planning	Direct Commission/Partnership, CSP
	2.2 Planning for Sustainable Housing Needs of Island Communities	Direct Commission, CSP
	2.3 A Cost Benefit Analysis of a Further Reform of the Planning System versus the Cost of Resourcing the Current Planning System	Partnership, RSR
	2.4 Best Practice in Section 254 Licensing	Direct Commission, CSP
	2.5 Architectural Conservation Areas (ACAs) Best Practice Case Studies	Partnership, CSP
3. Planning Practice	**3.1** Review/Update: Practice Note (PN01) Appropriate Assessment Screening for Development Management	Direct Commission, PN
	3.2 Review/Update: Practice Note (PN02) Environmental Impact Assessment Screening	Direct Commission, PN
	3.3 AI Supported: SEA Scoping & Improving Effectiveness (EPA project)	Contributor Role, RSR
	3.4 Landscape Sensitivity in Assessment of Strategic Plans & Programmes (EPA)	Contributor Role, RSR
	3.5 Exploring Material Contraventions	Direct Commission/Partnership, CSP
	3.6 Review/Update: Practice Note (PN03) Planning Conditions	Direct Commission, PN
	3.7 Review/Update: Practice Note (PN05) Planning Enforcement under Planning and Development Act 2024	Direct Commission, PN
	3.8 Appropriate Assessment Screening in Nearshore	Direct Commission, PN
	3.9 Implications and Implementation of Planning Policy for Re-use/Refurbishment and Demolition	Partnership/Direct Commission, CSP

Monitor and Respond:

- **Preparation of Development Plans under the 2024 Act:**
  Through the research role the OPR will support coordinated approaches to strategic spatial opportunities and considerations across groups of planning authorities on a thematic or geographical basis.
- **Quarry and Extractive Industry/Circular Economy**
- **Climate Action**
- **Shared Island**
- **EU Nature Restoration Law/Ireland's forthcoming Nature Restoration Plan**

Legend:
CSP - Case Study Paper, **PA** - Practice Application, **PN** - Practice Note, **RSR** - Research Series Report

As outlined in the OPR's Strategic Planning Framework the above programme seeks to be flexible and responsive to any emerging issues or research requirements during 2026-2028.

Reminder - What is a ‘Practice Note’?

- ✓ Paper that examines a specific subject matter from the perspective of the practitioner.
- ✓ Key messages translated from policy and legislation into pragmatic advice for day-to-day work of a planning practitioner.
- ✓ Complementary tool to give support and reassurance.
- ✓ Sharing collective knowledge and learnings

- ✗ **Not** a substitute for learning, understanding or reading the principal legislation, guidelines or case law.
- ✗ **Not** binding – a planning authority does not have to adopt or incorporate any recommendations outlined.
- ✗ **Not** a legal digest – it does reflect recent case law.

What's changed since PN01?



- Amendments to 2000 Act [incl. Circular Letter: EUIPR 01/2021]
- Maritime Area Planning Act 2021 (as amended)
- European Commission Notice [2021/C 437/01]
- Legal Judgments – Learnings through Litigation
- Planning and Development Act 2024 (as amended)
- Wider Strategic Policy Developments
  e.g. NPF, NMPF, CAP, NBAP, NRL etc.

AA in Planning Legislation

THEN

2000 Act:
- Part XAB Inserted in 2010
- Sections 177R-177AE

Planning Regulations:
- Part 20 inserted 2011
- Articles 236-282

NOW

2024 Act
Part 6 – Environmental Assessments

Chapter 1. Preliminary and General

Chapter 2. AA of Plans

Chapter 3. AA of Development and Proposed Development

Chapter 4. Environmental Assessment of Development

Part 6 - Chapter 1.

Section 195 – Definitions:

"relevant development" means—

(a) development, (b) proposed development, or (c) a proposed alteration or extension of duration

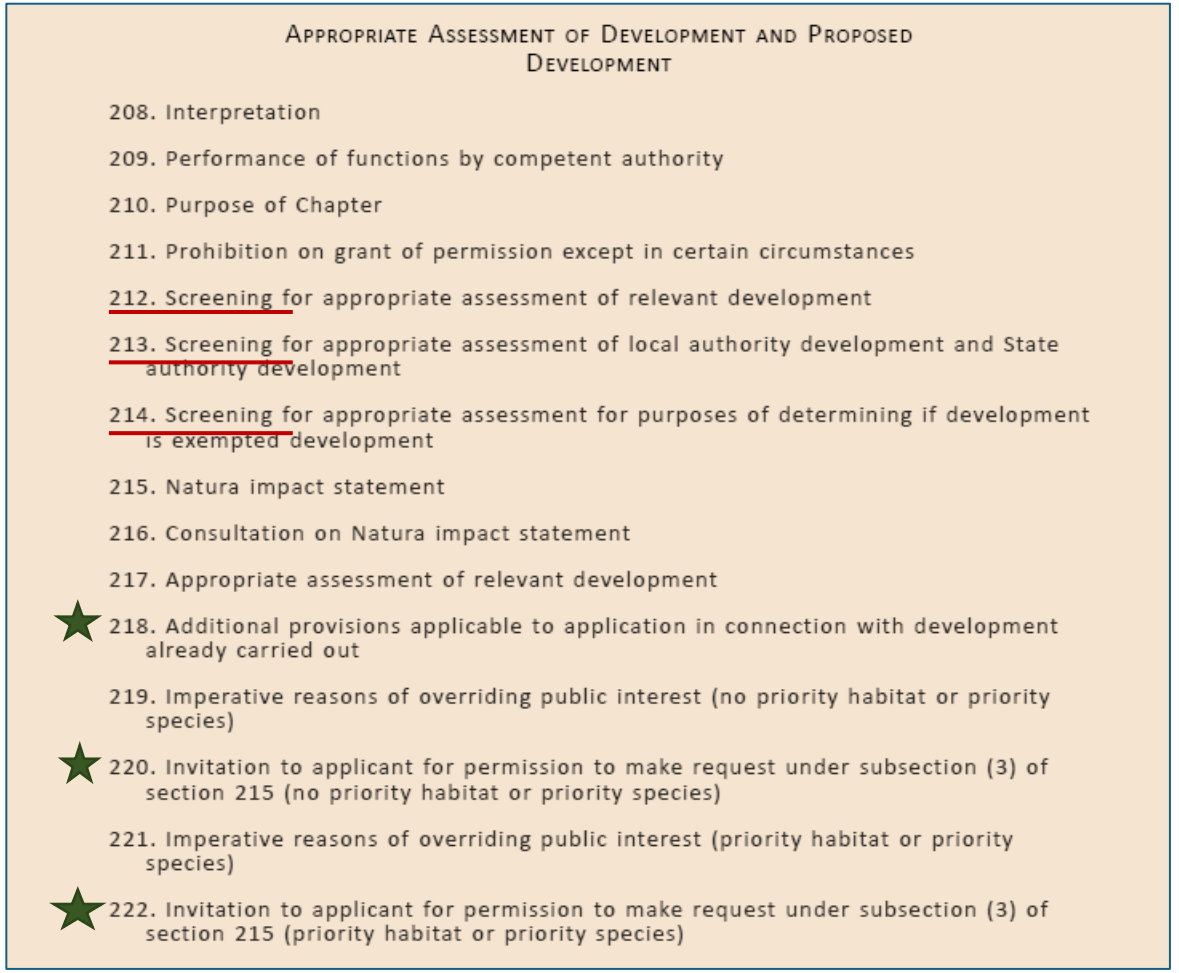
Section 196 – Duties of independence, confidentiality NEW

- Competent authority shall be independent and impartial
- Requirements for consultation with planning authority or public body shall not apply.
- Confidentiality and public interest

Section 197 – Access to Expertise NEW

- A competent authority shall ensure that it has access to such expertise as is necessary to enable it to perform its functions.
- It may engage such consultants or advisers as it considers appropriate.

Chapter 3 – AA of Development & Proposed Development



APPROPRIATE ASSESSMENT OF DEVELOPMENT AND PROPOSED DEVELOPMENT

208. Interpretation

209. Performance of functions by competent authority

210. Purpose of Chapter

211. Prohibition on grant of permission except in certain circumstances

212. Screening for appropriate assessment of relevant development

213. Screening for appropriate assessment of local authority development and State authority development

214. Screening for appropriate assessment for purposes of determining if development is exempted development

215. Natura impact statement

216. Consultation on Natura impact statement

217. Appropriate assessment of relevant development

★ 218. Additional provisions applicable to application in connection with development already carried out

219. Imperative reasons of overriding public interest (no priority habitat or priority species)

★ 220. Invitation to applicant for permission to make request under subsection (3) of section 215 (no priority habitat or priority species)

221. Imperative reasons of overriding public interest (priority habitat or priority species)

★ 222. Invitation to applicant for permission to make request under subsection (3) of section 215 (priority habitat or priority species)

Correlation Table

Chapter 3 – AA of Development & Proposed Development

Competent Authority S208

- Planning Authority
- An Coimisiún Pleanála
- State Authority

Relevant Development:

- Standard Applications (S98)
- Exempt Development Declarations (S10)
- Applications to ACP
- Retrospective Consent (ACP)
- Alteration or extension of duration
- LA & State Authority development

Screening for AA

S212 – Relevant Development (non-LA/State Devt)

S213 – LA & State Authority Development

- AA required if significant effects cannot be excluded (via Screening),
  - ➢ Application for relevant development made directly to ACP
- If Screening determination of "no significant effects" public notices are required (4wk period for appeal)
  - ➢ If appealed ACP makes determination

S214 – Exempted Development under Section 10 (or an appeal on same)

S211 – Prohibits Grant of Permission

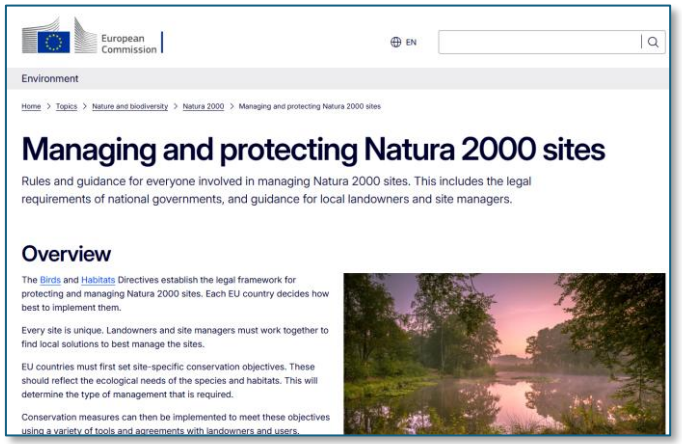
Except:

- ✓ Determination that AA not required [via screening]
- ✓ Appropriate Assessment undertaken & there are no adverse affects on integrity of European site
- ✓ Minister issues notice
  re: Compensatory measures [S219(10)] or IROPI [S221(12)]

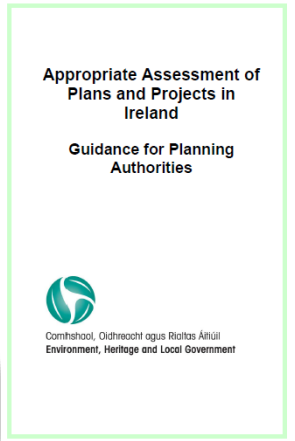
Planning and Development (Part 6) Regulations 2026

	Title	Topic
1	**Additional Information Retrospective Consent Application**	**Prescribed additional information to be contained in Natura impact statement as provided for in section 218(2)(d) of Act**
2	Environmental Impact Assessment Portal	EIA related
3	**Imperative Reasons Of Overriding Public Interest**	**Consultation process and prescribed the persons for Article 6(4) Imperative Reasons of Overriding Public Interest**
4	Prescribed Bodies	EIA scoping related
5	Consultation With Environmental Protection Agency	EIA related (Integrated Pollution Control & Industrial Emissions Licences)
6	Environmental Impact Assessment Report	EIAR content
7	**Appeals Of Certain Screening And Examination Determinations**	**Appeals on appropriate assessment screening determination of LA or State Authority development. (Timelines ACP, Notices etc.)**
8	Transboundary Consultation	EIA related
9	Screening Classes, Thresholds, Criteria And Examination	EIA thresholds

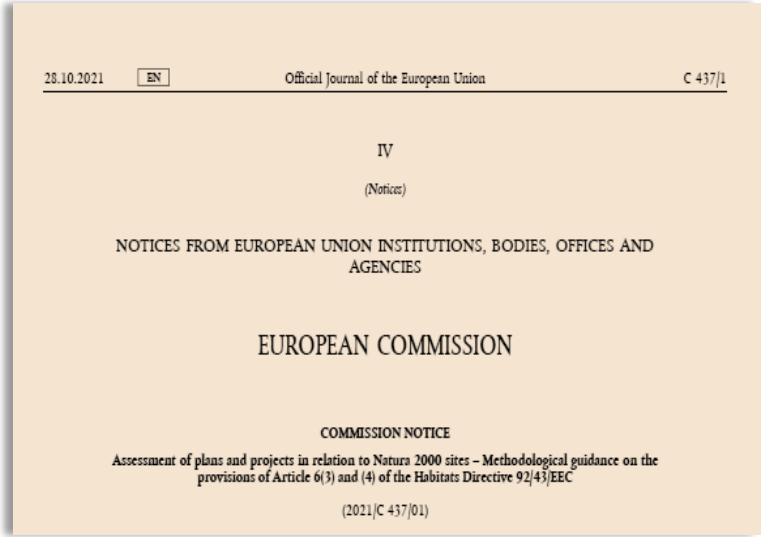
European Commission Guidance







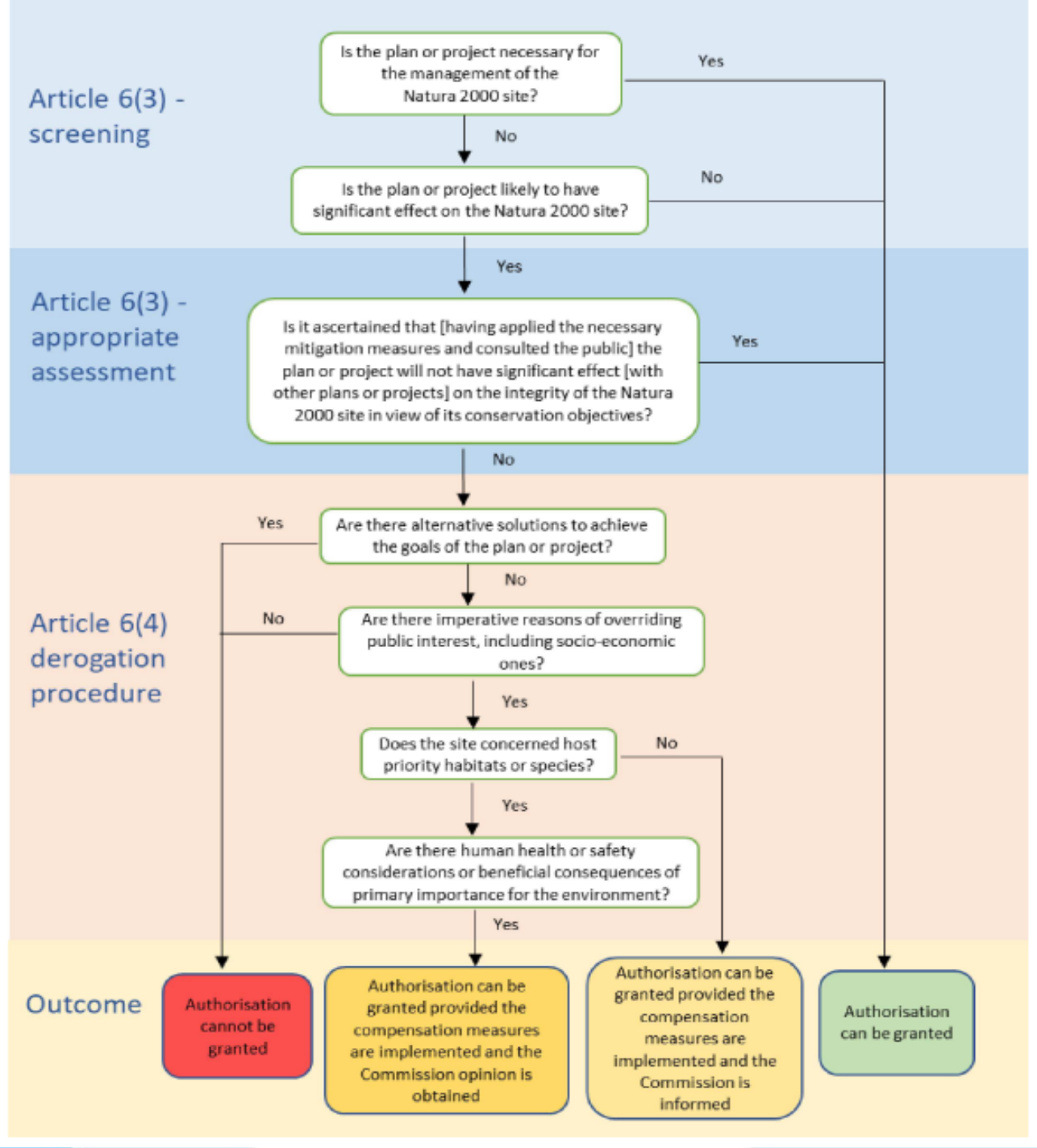
- EC website dedicated to Managing and protecting Natura 2000 sites – for integrated approach across member states.



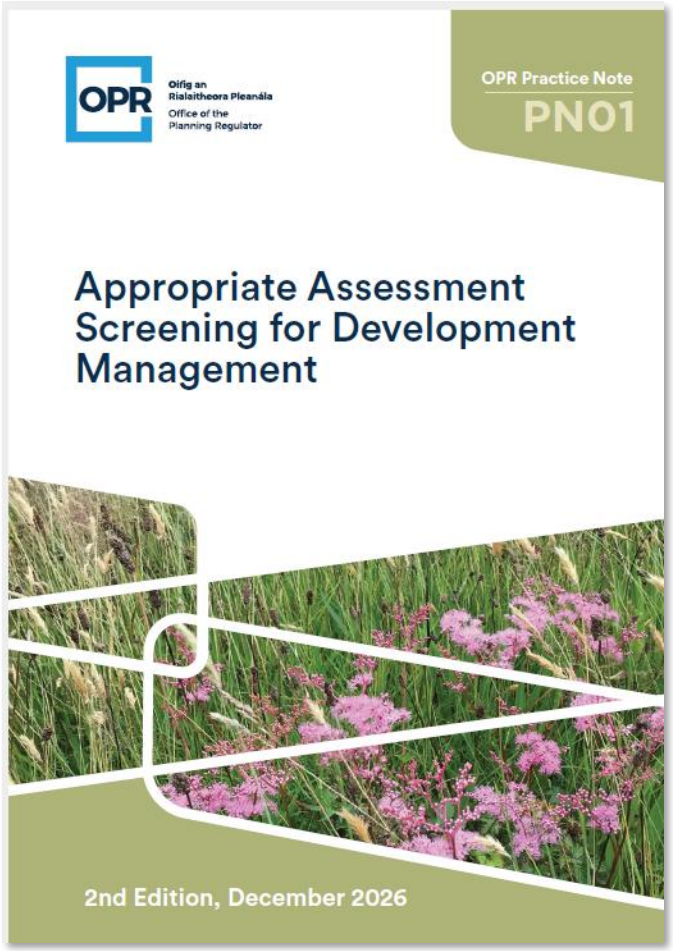
  - Commission Notice [2021/C 437/01]

Figure 1.
Assessing plans and projects in relation to the Natura 2000 sites; three stages of the Article 6(3) and (4) procedure.

Source:
Commission Notice [2021/C 437/01]



OPR Practice Note – AA Screening for DM



Same:

- ✓ Structure & Layout
- ✓ Cover AA concepts, the process, common issues, and implications for DM

Different:

- Align with 2024 Act
- Lessons from last five years
- Steps for Screening augmented to align with EC Notice

Ongoing Commitment:

- Review as/when NPWS Handbook available
- Develop case studies and worked examples

AA Concepts in PN01 Second Edition

European Sites

Natura 2000 Network

Best Scientific Knowledge in the Field

Compensatory Measures

Competent Authorities

Conservation Objectives

Deciding Authority

Direct and Indirect Effects

Effect v Impact

Integrity

Mitigation

Precautionary Principle

Qualifying Interests/ Special Conservation Interests

Significant Effect

'Likelihood'

Reasonable Scientific Doubt

S-P-R

Transboundary

Zone of Influence

Source-Pathway-Receptor Model

Source

Identify the characteristics of the proposed development such as the nature, size and location and the type of impacts.

For Example:

- Direct emissions (water, air, noise or light).
- Loss of habitat (including breeding or foraging habitat).
- Loss of breeding or foraging habitat outside the European site.
- Impact on a non-QI habitat or species within the European site that is ecologically linked to the conservation objectives/QI.
- Barriers to movement e.g. aquatic species, otter, bats, bird species.
- Collision risk.

Pathway

Identify the existence and characteristics of the pathways that could link European sites and their Qualifying Interests to the proposed development.

For Example:

- Proximity (i.e. location within the European site).
- Water bodies (rivers/streams, marine, lakes, groundwater).
- Air (for both air emissions and noise impacts).

Receptor

Establish the location, nature and sensitivities of the qualifying species and habitats, the ecological conditions underpinning their survival and the conservation objectives specified to maintain or restore favourable conservation status.

For Example:

- Freshwater Pearl Mussel extreme sensitivity to siltation in water.
- Lesser Horseshoe Bat sensitivity to noise and light.
- Turlough sensitivity to changes in groundwater levels.

Reminder for Screening:



Source- Pathway-Receptor

S-P-R

No pathway/link

=

No potential impact



Zone of Influence

- The area that the effects could reach
- Arbitrary distances (15km) not relevant
- Case-by-Case assessment required



- **Integrity** of European site; this is considered through AA. Do **not** use this term in screening.
- Mitigation measures **cannot** be considered for the purpose of screening.
- ‘Reasonable Scientific Doubt’ test is relevant to AA stage.

Reminder for Screening

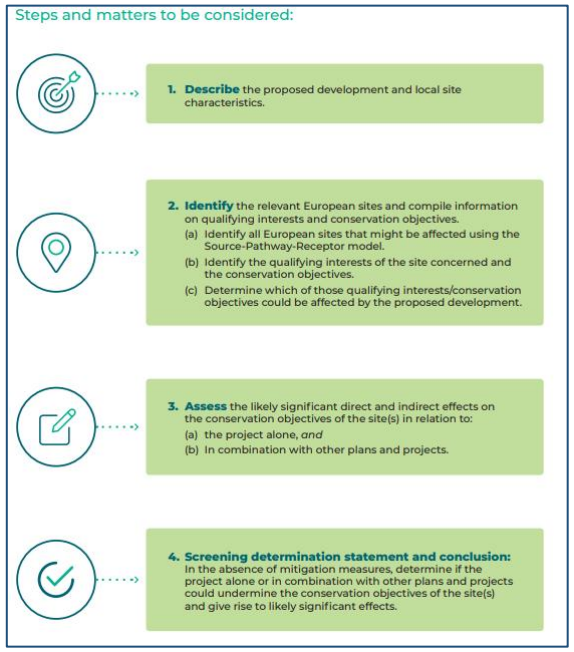
“Precautionary Principle” reasonable doubt no significant effects based on objective information

‘Likely’ Significant Effects – based on objective information; possibility exists

Sources of Information:

NPWS/EPA; internal/external reports; submissions/observations; new/emerging plans

Screening Steps..



Then

Screening Process

Steps and matters to be considered:

Step 1. Project Purpose:
Establish if the proposal is connected with, or necessary for, the management of a European site.

Step 2. Describe the proposed development: including all phases, construction, operation and decommissioning (where relevant) and local site characteristics.

Step 3. Identify the relevant European sites and compile information on Qualifying Interests and site-specific conservation objectives.
(a) Identify all European sites that might be affected using the Source-Pathway-Receptor model.
(b) Identify the Qualifying Interests of the site concerned and the site-specific conservation objectives.

Step 4. Assess likelihood of significant effects:
(a) Based on the impacts identified in step 2, identify potential likely significant effects of the project on the on the conservation objectives of the European site(s) from step 3.
(b) Detail any plans or projects which when combined with the proposal could potentially result in likely significant effects on the conservation objectives of a European site.
(c) Describe how the predicted effects individually or in combination, might undermine the site-specific conservation objectives of the qualifying interests potentially at risk.
(d) Consider the role of 'mitigation measures' (if any) in the assessment of likelihood of significant effects.

Step 5. Screening determination:
In absence of mitigation measures, determine if the project either individually or in-combination with other plans and projects could undermine the site-specific conservation objectives of the site(s) and lead to likely significant effects.

Now

Common Issues

Q. When should AA screening be carried out?

Clearly set out in 2024 Act – effectively all DM functions

Q. Is screening necessary if a NIS is submitted?

Yes. Must ensure that all potential sites are captured. The applicant is not the competent authority.

Q. What's the status of a screening report submitted by applicant?

No legislative status. No statutory requirement.
Competent authority is the PA/ACP.
May have regard to any supplementary report provided.

Q. Does the requirement for EIA trigger a need for appropriate assessment?

No, however ensure screening is consistent.

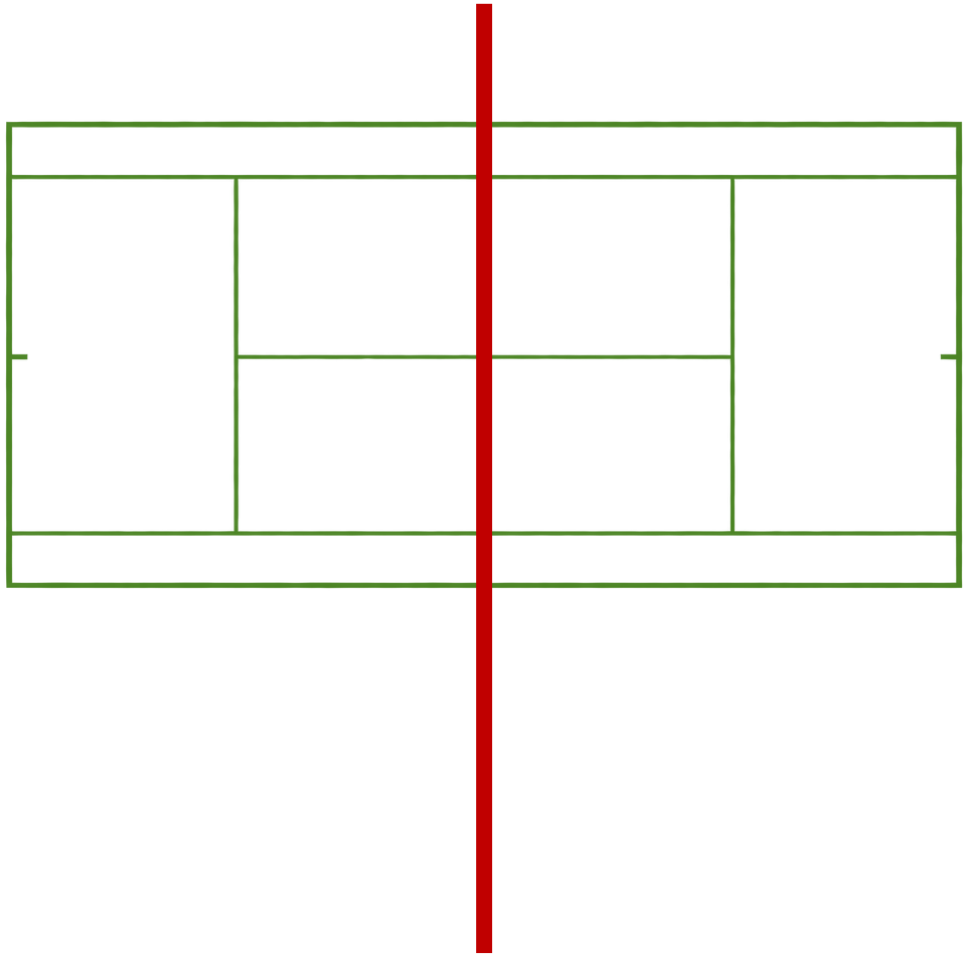
Q. What happens if further information is submitted?

If further information is submitted after the screening has been undertaken, it **must be reviewed** in light of those details or changes before the decision is made.

FUNCTIONAL INDEPENDENCE

LA/State Authority Project Promoter

i.e. team/officials directing, designing, responsible for control or supervision of the project.



Officer/Planner Undertaking the Project Examination as part of Consent Process

"..shall not be subject to direction, control or supervision (direct or indirect) of any officer or member of staff… formulation of the proposal…." S213(13)

Final Guiding Principles

Planning & Development Act, 2024 (as amended)

Section 209 - Competent authority shall take steps to avoid in a European site the deterioration of natural habitats and species.

European Communities (Birds and Natural Habitats) Regulations 2011 (as amended)

Regulation 27

Public authorities, including local authorities, must exercise their powers in accordance with the Birds and Habitats Directives by preventing habitat deterioration, avoiding significant disturbance of protected species, protecting European sites and candidate SPAs, and taking enforcement action where necessary.

Regulation 42(1) requires that any public authority (including a local authority) **must** carry out a screening for appropriate assessment of a plan or project, for which an application for consent is received or which a public authority wishes to undertake or adopt.

Oifig an Rialaitheora Pleanála
Office of the Planning Regulator

Thankyou for listening