



Number 26 of 2023

Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023



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**HISTORIC AND ARCHAEOLOGICAL HERITAGE AND MISCELLANEOUS
PROVISIONS ACT 2023**

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- (6) The giving by the Minister of a notice referred to in *subsection (1)(c)* stating that he or she has declined to proceed with the potential Register action (*section 23*) shall not operate to prevent the Minister from deciding to implement the potential Register action (*section 23*) at a later date provided that the provisions of this section have again been complied with in respect of the potential Register action (*section 23*).
- (7) In this section, “interim general protection”, in relation to the potential Register action monument (*section 23*), means the general protection deemed to be applied to the monument pursuant to *subsection (3)*.

CHAPTER 5

*Special protection for certain registered monuments***Special protection applied to registered monuments in ownership or guardianship of Minister or local authority**

24. (1) *Section 30* shall be deemed to apply to a registered monument in the ownership or guardianship of the Minister or a local authority where special protection does not otherwise apply to the monument.
- (2) The Minister may, by notice published in *Iris Oifigiúil* or a national newspaper, give public notice of registered monuments to which *subsection (1)* applies where such monuments are in his or her ownership or guardianship.
- (3) Where the Minister, in a notice referred to in *subsection (2)*, identifies a registered monument to which *subsection (1)* applies by the use of a map, the map shall not be definitive as to the extent of the monument unless the Minister expressly states in that notice that it is so definitive.
- (4) A local authority may, by notice published in *Iris Oifigiúil* or a national newspaper, give public notice of registered monuments to which *subsection (1)* applies where such monuments are in its ownership or guardianship.
- (5) Where a local authority, in a notice referred to in *subsection (4)*, identifies a registered monument to which *subsection (1)* applies by the use of a map, the map shall not be definitive as to the extent of the monument unless the local authority, with the consent of the Minister, expressly states in that notice that it is so definitive.

CHAPTER 6

*Works at, etc., monuments***Interpretation - Chapter 6**

25. (1) In this Chapter—

“Act of 2011” means the Environment (Miscellaneous Provisions) Act 2011;

“applicant”, in relation to a relevant licence, means the person to whom the licence will relate if granted and notwithstanding that another person has made an application for the licence on behalf of the first-mentioned person;

“demolition”, in relation to a relevant monument to which special protection applies, does not include, in so far as any requirement for an EIA is concerned—

- (a) archaeological excavation,
- (b) works (including dismantling) carried out to the monument for the purpose of repairing, restoring or protecting the monument, or
- (c) the temporary or permanent removal of the monument for a purpose connected with—
 - (i) the repair of the monument,
 - (ii) the protection of the monument,
 - (iii) the preservation of the health or safety or welfare of members of the public, or
 - (iv) the provision of access, by members of the public, to the monument;

“EIA portal” means the website referred to in section 172A of the Act of 2000;

“EIAR” means environmental impact assessment report;

“European site” has the meaning assigned to it by Regulation 2 of the Habitats Regulations;

“proposed relevant works”, in relation to a notice under *section 27(2)(b)(i)*, relevant licence, EIA or EIAR, means the proposed relevant works to which the notice, licence, EIA or EIAR, as the case may be, relates;

“regional assembly” means a body established in accordance with section 43 of the Local Government Act 1991;

“Regulations of 2011” means the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 (S.I. No. 456 of 2011);

“Regulations of 2017” means the Forestry Regulations 2017 (S.I. No. 191 of 2017);

“relevant application” means an application for the grant of a relevant licence;

“relevant licence” means a licence which, if granted, would result in relevant works;

“relevant monument” means the monument to which the relevant works, or proposed relevant works, relate;

“relevant opinion”, in relation to an EIAR, means the opinion (if any) given under *section 34(6)* by the Minister on the scope and level of detail of the information to be included in the EIAR;

“relevant works” means works at, on, in, under, to, or within the immediate surroundings of, a monument;

“screening determination for EIA” means a determination made under this Chapter as part of a screening for EIA;

“screening for EIA” means a determination made under this Chapter—

- (a) as to whether proposed relevant works would be likely to have significant effects on the environment, and
- (b) if the relevant works would be likely to have such effects, that an EIA is required;

“submissions” includes observations;

“Transboundary Convention” means the United Nations Economic Commission for Europe Convention on Environmental Impact Assessment in a Transboundary context, done at Espoo (Finland), on 25 of February 1991;

“Transboundary State” means any other state party to the Transboundary Convention or Member State.

- (2) *Section 149* applies to the interpretation of this Chapter as it applies to the interpretation of *Part 7*.
- (3) A word or expression that is used in this Chapter has the same meaning as it has in the EIA Directive except as otherwise provided for in this Chapter or where the context otherwise requires.

Application - Chapter 6

26. (1) Subject to *subsections (2) and (4)*, this Chapter applies to any (including any combination) of the following:

- (a) a proposal by a person for the carrying out of relevant works;
- (b) a proposal by a person to direct or authorise the carrying out of relevant works;
- (c) the carrying out of relevant works by a person;
- (d) the directing or authorising by a person of the carrying out of relevant works.

(2) (a) Subject to *paragraph (b)*, this Chapter (apart from this subsection) does not apply to—

- (i) the authorisation of a proposal for the carrying out of relevant works, or
- (ii) the authorisation of the carrying out of relevant works.

where such authorisation (whether a licence, consent, approval, permission or other authorisation) is granted, issued or given under an enactment (other than this Act) only for the purpose of making lawful the doing of an act as part of, or pertaining to, such works which would otherwise, in the absence of such authorisation, be unlawful under that enactment.

(b) The disapplication, effected by *paragraph (a)*, of this Chapter to an authorisation referred to in that paragraph shall not be construed to also disapply this Chapter to—

- (i) the proposal for the carrying out of relevant works, or
 - (ii) the carrying out of relevant works,
- to which that authorisation relates.
- (3) Sections 32 to 41 shall only apply to relevant works where the person proposing to carry out, or carrying out, the works has not applied for the relevant authorisation for the works.
- (4) Where—
- (a) a licence, consent, approval, permission or other authorisation is required to be granted, issued or given under an enactment (not being the Act of 2000) for works to be carried out which may require an EIA, and
 - (b) the Minister is satisfied that—
 - (i) such works are capable (and without having regard to any particular case) of being relevant works, and
 - (ii) it is reasonable and proportionate to do so and compatible with the protection of monuments,
- the Minister may prescribe such licence, consent, approval, permission or other authorisation for the purposes of *paragraph (b)* of the definition of “relevant authorisation” in *subsection (5)*.
- (5) In this section, “relevant authorisation” means—
- (a) planning permission under the Act of 2000, or
 - (b) a licence, consent, approval, permission or other authorisation prescribed under *subsection (4)* for the purposes of this paragraph.

General protection and relevant works

27. (1) Subject to *subsection (2)* and *section 29(4)*, a person shall not carry out relevant works where the relevant monument is a monument to which general protection applies, or direct or authorise the carrying out of such works, other than under and in accordance with a licence.
- (2) (a) This subsection applies to relevant works other than relevant works—
- (i) which require either—
 - (I) a licence by virtue of *Part 6*, or
 - (II) an AA necessitated by a provision of this Act,
 - or
 - (ii) which would require, if they were the subject of an application for a licence (even though no such application has for the time being been made), a screening determination for EIA or an EIA by virtue of *section 34(2)(a)*.

- (b) Subject to *subsections (3) to (8)*, it shall not be a contravention of *subsection (1)* for a person to carry out relevant works, or direct or authorise the carrying out of the relevant works, without a relevant licence (including without making a relevant application for such licence) if—
- (i) subject to *paragraph (c)*, the person carrying out the relevant works, or directing or authorising the carrying out of the relevant works, has given the relevant days valid notice in writing to the Minister of his or her intention to carry out the relevant works, or direct or authorise the carrying out of the relevant works, as the case may be,
 - (ii) the relevant days referred to in *subparagraph (i)* have elapsed and the person has been given a notice under *subsection (4)(b)* stating that the notice referred to in *subparagraph (i)* is a valid notice, and
 - (iii) either—
 - (I) the relevant works are carried out in accordance with the conditions (if any) specified by the Minister under *section 28(2)(a) or (4)*, or
 - (II) the person has been given a notice under *section 28(2)(b)* stating that the Minister has decided that the relevant works should not be subject to conditions.
- (c) Subject to *paragraph (d)*, a notice under *paragraph (b)(i)* from a person shall be deemed to be an application for consent referred to in paragraph (1) of Regulation 42 of the Habitats Regulations and, accordingly—
- (i) subject to *subsection (4)(c)*, the Minister shall, before giving the notice concerned under *subsection (4)(b)*, carry out, in respect of that first-mentioned notice, a screening for AA (as construed in accordance with Part 5 of those Regulations) in accordance with paragraphs (6) and (7) of that Regulation,
 - (ii) the powers under that Regulation requiring the submission of a Natura impact statement (within the meaning of Regulation 2 of those Regulations) shall, in respect of that first-mentioned notice, be exercisable by the Minister, and
 - (iii) where the Minister determines that an AA is required—
 - (I) the first-mentioned notice shall cease to have effect, and
 - (II) the notice concerned under *subsection (4)(b)* shall inform that person of the Minister's determination and the reasons therefor and of the cesser referred to in *clause (I)*.
- (d) *Paragraph (c)* shall not apply to a notice under *paragraph (b)(i)* where the Minister is satisfied that the relevant works to which the notice relates have been the subject of—

- (i) a screening for AA (as construed in accordance with Part 5 of the Habitats Regulations), under another enactment (whether the Act of 2000 or otherwise), which complies with Part 5 of the Habitats Regulations, or
 - (ii) an AA under another enactment from which it can be concluded that the carrying out of the relevant works would not be incompatible with that AA.
- (3) A notice under *subsection (2)(b)(i)* shall be in the specified form and, without prejudice to the generality of *section 223*, shall—
- (a) state the name and address of the person giving the notice and, if available, a telephone number at which he or she may normally be contacted,
 - (b) where the monument to which the notice relates is included in a general notice or draft general notice—
 - (i) identify that monument by reference to any individual identification number used in respect of it in that notice, and
 - (ii) identify the notice by reference to the geographical area the subject of the notice,
 - (c) where a specific notice or a *section 23* consultation notice was given, identify the monument to which the notice under *subsection (2)(b)(i)* relates by reference to any identification number used in respect of it in the specific notice or *section 23* consultation notice, as the case may be,
 - (d) state the general nature of the relevant works and—
 - (i) whether they will involve the disturbance of the surface of land or the substratum of land or interference with any building or structure, and
 - (ii) whether they will effect a European site and, if so, the likely nature of that effect,
 - (e) specify whether the relevant works will take place in relation to all or part of the monument and, if the latter, identify such part,
 - (f) specify, by reference to calendar dates, the period during which the relevant works are intended to be carried out or that it is intended that the relevant works will be carried out on an ongoing basis, as the case may be,
 - (g) provide such other information as may be prescribed, whether generally or in respect of any particular monument or class of monuments, and
 - (h) be given to the Minister by sending it—
 - (i) by prepaid registered post or by any form of recorded delivery service in an envelope addressed to the Minister at his or her office, or
 - (ii) by sending it by such other means as may be prescribed.
- (4) (a) A notice purporting to be a notice under *subsection (2)(b)(i)* but which does not comply with the requirements of *subsection (3)* shall not be a valid notice under *subsection (2)(b)(i)* for the purposes of this Act.

- (b) Subject to *subsection (2)(c)*, on receipt of a notice under *subsection (2)(b)(i)* from a person, the Minister shall, as soon as is practicable after he or she is satisfied that the notice does or does not comply with the requirements of *subsection (3)*, give the person a notice in writing, as appropriate—
- (i) stating that the Minister is satisfied that the first-mentioned notice is a valid notice, or
 - (ii) stating that the Minister is satisfied that the first-mentioned notice is not a valid notice in that it does not comply with such of those requirements as are identified in the second-mentioned notice.
- (c) The Minister shall publish a notice of (and containing) his or her screening determination for AA in such form or manner as he or she considers appropriate including publication on the website of the Department, together with information on the procedure for seeking to have the decision judicially reviewed.
- (5) A notice under *subsection (2)(b)(i)* shall have effect only to make lawful the relevant works to which it relates and in respect of which the period referred in that subsection has elapsed and which are carried out—
- (a) within the period specified in the notice pursuant to *subsection (3)(f)* or within such other period as may be specified in conditions (if any) specified by the Minister under *section 28(2)(a)* or (4), and
 - (b) in accordance with any conditions (if any) specified by the Minister under *section 28(2)(a)* or (4).
- (6) A notice under *subsection (2)(b)(i)* shall not operate to prevent special protection from being applied to the monument to which the notice relates.
- (7) A notice under *subsection (2)(b)(i)* shall not be capable of being given in respect of—
- (a) relevant works in respect of which a relevant licence has been applied for pending a decision by the Minister on such application,
 - (b) relevant works in respect of which a relevant licence has been granted under this Act unless, within a period of 10 working days following the grant of the licence, the person to whom it has been granted gives notice in the specified form to the Minister that he or she does not accept the licence, or
 - (c) relevant works which are (whether in whole or part), in addition to being a licensable activity under this section, a licensable activity under another provision of this Act.
- (8) The reference to “relevant days” in *subsection (2)(b)(i)* means—
- (a) subject to *paragraph (b)*, 90 days, or
 - (b) such shorter number of days as is prescribed for relevant works which the Minister is satisfied are so minor or trivial, or otherwise insignificant, that the 90

days referred to in *paragraph (a)* would be excessively long in the case of such works.

- (9) (a) On receipt of a notice under *subsection (2)(b)(i)*, the Minister shall consider whether special protection should be applied to the monument to which the notice relates and, if the Minister considers that special protection should be applied to the monument, the period referred to in *subsection (2)(b)(i)* shall cease to run from the date on which the Minister gives the *section 22* consultation notice concerned or publishes that notice in accordance with *section 22(2)*, as the case may be.
- (b) Where the period referred to in *subsection (2)(b)(i)* has ceased to run by virtue of *paragraph (a)* but the Minister subsequently gives the person concerned referred to in that subsection a notice in writing stating that special protection will not be applied to the monument for the time being, the unexpired portion of that period shall begin to run from the giving of that notice.
- (10) Where, under *subsection (9)*, the Minister decides that special protection will not be applied to a monument to which a notice under *subsection (2)(b)(i)* relates, that decision shall not operate to prevent special protection from being applied to the monument subsequently.
- (11) Where a person who has given a notice under *subsection (2)(b)(i)* applies for a licence in respect of any or all of the relevant works to which the notice relates, the notice shall cease to have effect.
- (12) Where the Minister receives a notice under *subsection (2)(b)(i)* and is of the opinion that the relevant works to which the notice relates may, if carried out, have significance to another state, he or she may, at his or her discretion, consult with an authority in that state, being an authority that has responsibilities as regards historic heritage in that state, in order to obtain the authority's views (if any) on such works.

Attachment of conditions to certain relevant works

28. (1) Where—

- (a) following the consideration referred to in *section 27(9)*, the Minister decides not to apply special protection to the monument, or
- (b) the Minister decides, following consultation under *section 22*, not to apply special protection to the monument,

the Minister shall consider whether or not the relevant works in respect of which the notice concerned has been given under *section 27(2)(b)(i)* should be made subject to conditions relating to any or all of the matters specified in *subsection (5)*.

(2) Where the Minister decides that—

- (a) relevant works should be subject to conditions, he or she shall, prior to the elapse of the notice period under *section 27(2)(b)(i)*, specify such conditions and give

notice in writing of them to the person who gave the notice concerned under that section, or

- (b) relevant works should not be subject to conditions, he or she shall, prior to the elapse of the notice period under *section 27(2)(b)(i)*, give notice in writing of that decision to the person who gave the notice concerned under that section.
- (3) Conditions specified under *subsection (2)(a)* may, subject to *subsection (5)*, include requirements that specified actions or steps be taken prior to the commencement of the relevant works in respect of which notice has been given under *section 27(2)(b)(i)* and that such works shall not commence until the Minister has had an opportunity to consider any report or assessment prepared on foot of the taking of such actions or steps, as the case may be, but any such consideration by the Minister shall not exceed a period of 30 working days following receipt of any such report or assessment.
- (4) Subject to *subsection (5)*, the Minister may, following consideration of any report or assessment received by him or her under *subsection (3)*, specify further or additional conditions to which the relevant works concerned shall be subject and any conditions so specified shall have effect as if they were conditions specified under *subsection (2)(a)* and the Minister shall give notice of them in writing to the person who gave the notice concerned under *section 27(2)(b)(i)* and shall do so within the period specified in *subsection (3)*.
- (5) Conditions specified under *subsection (2)(a)* or (4) may require all or any of the following:
 - (a) the carrying out of an assessment of heritage interest or potential including, without prejudice to the generality of the foregoing, an assessment by way of archaeological excavation, use of detection devices or any form of photographic or geophysical survey equipment or any other appropriate form of survey or inspection;
 - (b) the recording of the monument as a whole or any part or aspect of it (including its immediate surroundings) or any objects on, in, under or within it or its immediate surroundings including, without prejudice to the generality of the foregoing, recording by way of archaeological excavation, use of detection devices or any form of photographic or geophysical survey equipment or any other appropriate form of survey or inspection;
 - (c) the carrying out of any form of monitoring (including archaeological monitoring), supervision or inspection;
 - (d) the salvaging, collection or protection of any part of the monument (including its immediate surroundings) or any object on, in, under or within it or its immediate surroundings and, where appropriate, the preparation of such part or object for deposition in an appropriate museum or other site for such deposition;
 - (e) the specification of the time period when the relevant works are to be carried out;
 - (f) that the relevant works in respect of which notice was given under *section 27(2)(b)(i)* and any thing required to be done by *paragraph (a), (b), (c)*

or (d) be done in a specified manner or be funded or carried out by a specified person or a person falling within a specified category of persons including, without prejudice to the generality of the foregoing, that the doing of those relevant works or any thing referred to in that paragraph be subject to further conditions of any of the type set out in *section 151(4)* and, for that purpose, any reference in *section 151(4)* to “the licensable activity” shall be construed as a reference to the relevant works in respect of which notice was given under *section 27(2)(b)(i)* and any thing required to be done by *paragraph (a), (b), (c) or (d)*.

- (6) A reference in this section to an object on, in, under or within a monument includes a reference to an object found in the course of carrying out any thing referred to in *paragraph (a), (b), (c) or (d) of subsection (5)*.
- (7) The carrying out of any thing in fulfilment of a condition specified by the Minister under *subsection (2)(a) or (4)* shall not, in order for it to be lawful, require—
 - (a) the giving of a notice under *section 27(2)(b)(i)*, or
 - (b) the granting of a licence except in so far as it would be a licensable activity under any provision of this Act other than this section.
- (8) As the Minister thinks fit, a notice under *subsection (2)(a) or (b)* may be combined with a notice under *section 27(4)(b)* stating that the notice concerned under *section 27(4)(b)(i)* is a valid notice.

Exemption of certain relevant works from *section 27*

29. (1) In this section, “authorisation” includes a licence, consent, approval, permission or direction.
- (2) Subject to *subsections (3) and (6)*, a class of relevant works may be prescribed as a class of relevant works to which *section 27* shall not apply.
 - (3) The Minister shall not exercise his or her power under *subsection (2)* in respect of a class of relevant works unless—
 - (a) the following requirements are met:
 - (i) that class of relevant works requires an authorisation under another enactment before that class of relevant works can be carried out;
 - (ii) that authorisation may be granted subject to conditions relating to the protection of monuments;
 - (iii) the enactment under which that authorisation may be granted provides for the Minister to be notified or consulted, by the person who may grant the authorisation and before the authorisation is granted, on the potential effect that the grant of the authorisation may have on monuments,
- or

- (b) the Minister is satisfied that the class of relevant works would not be likely to have significant effects on the environment or a European site by virtue, *inter alia*, of their nature, size or location (or any combination thereof) and the class of relevant works either—
- (i) cannot reasonably be considered as creating a risk of damage to monuments, or
 - (ii) was an established recurrent activity before the monuments concerned became monuments to which general protection applies and in respect of which it would, in all the circumstances of the case, be reasonable to exercise that power.
- (4) Subject to *subsection (5)*, *section 27* shall not apply to relevant works falling within a class of relevant works prescribed under *subsection (2)*.
- (5) This section shall be deemed never to have applied to works falling within a class of works, prescribed under *subsection (2)*, to the extent to which a person referred to in *subsection (3)(a)(iii)* has failed to give the notification, or carry out the consultation, as the case may be, referred to in *subsection (3)(a)(iii)* in respect of those works.
- (6) The Minister shall not exercise his or her power under *subsection (2)* in respect of a class of relevant works in such a way as to prevent access, by members of the public, to a monument.

Special protection and relevant works

30. Subject to *section 31(3)*, a person shall not carry out relevant works where the relevant monument is a monument to which special protection applies, or direct or authorise the carrying out of such works, other than under and in accordance with a licence.

Exemption of certain relevant works from *section 30*

31. (1) Subject to *subsections (2)* and *(4)*, a class of relevant works may be prescribed as a class of relevant works to which *section 30* shall not apply.
- (2) The Minister shall not exercise his or her power under *subsection (1)* in respect of a class of relevant works unless the Minister is satisfied that the class of relevant works would not be likely to have significant effects on the environment or a European site by virtue, *inter alia*, of their nature, size or location (or any combination thereof) and the class of relevant works either—
- (a) cannot reasonably be considered as creating a risk of damage to monuments to which special protection applies, or
 - (b) was an established recurrent activity before the monuments concerned became monuments to which special protection applies and in respect of which it would, in all the circumstances of the case, be reasonable to exercise that power.
- (3) *Section 30* shall not apply to relevant works falling within a class of relevant works prescribed under *subsection (2)*.

- (4) The Minister shall not exercise his or her power under *subsection (1)* in respect of a class of relevant works in such a way as to prevent access, by members of the public, to a monument.

Application for screening for EIA

32. (1) An applicant for a relevant licence shall make an application in the specified form to the Minister for a screening determination for EIA where the proposed relevant works—
- (a) fall within a class specified in Part 2 of Schedule 5 to the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) but do not exceed the relevant quantity, area or other limit specified in that Part,
 - (b) consist of an activity within the meaning of Regulation 2(1) of the Regulations of 2011, or
 - (c) consist of development within the meaning of Regulation 12 of the Regulations of 2017.
- (2) Without prejudice to the generality of *section 223*, an application under *subsection (1)* shall contain—
- (a) the name and address of the applicant,
 - (b) where the applicant is not the owner or occupier of the land the subject of the proposed relevant works, the name and address of the owner and, where the owner is not the occupier of the land, the occupier,
 - (c) a location map for the proposed relevant works, and
 - (d) a description of the nature and extent of the proposed relevant works, their characteristics, their likely significant effects on the environment (including the information specified in Annex IIA to the EIA Directive) including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive have been taken into account.
- (3) An application under *subsection (1)* may be accompanied by a description of the features (if any) of the proposed relevant works and the measures (if any) envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.
- (4) An application under *subsection (1)* shall be accompanied by the prescribed fee (if any).
- (5) For the purposes of enabling the Minister to carry out a screening for EIA on foot of an application under *subsection (1)*, he or she may do either or both—
- (a) seek further information that he or she considers necessary from the applicant or any other person that the Minister considers appropriate, and

(b) consult the Board, the local authority in whose functional area the relevant monument is situated and the regional assembly in whose administrative area such monument is situated and any other persons who the Minister considers appropriate in the circumstances,

and, where *paragraph (a) or (b)* applies, the Minister shall specify the period within which the information or views concerned are required to be received by the Minister.

(6) Subject to *subsection (7)*, where the applicant is not the owner or occupier of the land the subject of the proposed relevant works, the Minister shall invite in writing—

- (a) the owner to make a submission on an application made under *subsection (1)*, and
- (b) where the owner is not the occupier of the land, the occupier of that land to make such a submission,

and, where *paragraph (a) or (b)* applies, the Minister shall specify the period within which the submission or submissions is or are required to be received by the Minister.

(7) The invitation under *subsection (6)* shall state that the owner or occupier may provide a description of the features (if any) of the proposed relevant works and the measures (if any) envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the relevant works.

(8) The Minister may reject an application under *subsection (1)* if, in his or her opinion, the application is incomplete in any material detail.

(9) Where the Minister rejects an application in accordance with *subsection (8)*, he or she shall—

- (a) subject to *subsection (10)*, return the documents to which *subsection (2)* relates to the applicant, and
- (b) give reasons for his or her decision to the applicant,

and, where the applicant is not the owner or occupier of the land the subject of the proposed relevant works, the Minister shall also notify the owner and, where the owner is not the occupier of the land, the occupier of his or her decision under *subsection (8)*.

(10) *Subsection (9)* is without prejudice to the Minister—

- (a) making a copy of a document,
- (b) retaining an electronic copy of a document, or
- (c) by agreement with the applicant concerned, retaining a document, to which that subsection relates.

Determination of application for screening for EIA

33. (1) The Minister shall make a screening determination for EIA in respect of the proposed relevant works on the basis of the information provided by the applicant under

section 32(2) and, as the case may be, *section 32(3)* taking into account the relevant selection criteria specified in Annex III to the EIA Directive and, where relevant, the results of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation (other than the EIA Directive).

- (2) Where the Minister determines that the proposed relevant works would be likely to have significant effects on the environment, the screening determination for EIA shall specify, with reference to the relevant criteria listed in Annex III to the EIA Directive, the main reasons for that determination.
- (3) Where the Minister determines that the proposed relevant works would not be likely to have significant effects on the environment, the screening determination for EIA shall specify, with reference to the relevant criteria listed in Annex III to the EIA Directive, the main reasons for that determination and any of the following that the Minister has relied upon in making the decision:
 - (a) any features of such works to avoid or prevent significant adverse effects on the environment;
 - (b) measures proposed by the Minister, the applicant or another person, as the case may be, to avoid or prevent what would otherwise be significant adverse effects on the environment.
- (4)
 - (a) Subject to *paragraph (b)*, the Minister shall make his or her screening determination for EIA as soon as possible and within 90 days from the date on which the applicant has submitted to the Minister all the information referred to in *section 32(2)* or, as the case may be, *section 32(3)*.
 - (b) The Minister may, in exceptional cases, including where the nature, complexity, location or size of the proposed relevant works justifies it, extend the 90 day period referred to in *paragraph (a)* in order to make his or her determination and in such cases he or she shall inform the applicant (and, where the applicant is not the owner or occupier of the land the subject of the proposed relevant works, the owner and, where the owner is not the occupier of the land, the occupier) in writing of the reasons justifying the extension and of the date when his or her determination is expected.
- (5) Where, in consequence of the Minister's screening determination for EIA, the applicant is not required to submit an EIAR to the Minister, the applicant shall comply with any specified measures relied upon by the Minister in accordance with *subsection (3)(b)* to make a determination.
- (6) The Minister shall publish a notice of (and containing) his or her screening determination for EIA (including the matters referred to in *subsection (2)* or *(3)*, as the case may be) on the website of the Department and in such other (if any) form or manner as he or she considers appropriate, together with information on the procedure for seeking to have the decision judicially reviewed.

Relevant works at, etc., relevant monument to be subject to EIA

34. (1) The Minister shall, in accordance with *subsection (2)*, and as part of his or her consideration of a relevant application, ensure that, before the application is determined, proposed relevant works likely to have significant effects on the environment by virtue, *inter alia*, of their nature, size or location (or any combination thereof) are made subject to an EIA.
- (2) (a) An EIA shall be carried out by the Minister in respect of a relevant application where the proposed relevant works would—
- (i) be of a class specified in Part 1 of Schedule 5 to the Planning and Development Regulations 2001 and—
 - (I) such works would exceed any relevant quantity, area or other limit specified in that Part, or
 - (II) no quantity, area or other limit is specified in that Part in respect of such works,
 - (ii) be of a class specified in Part 2 of Schedule 5 to the Planning and Development Regulations 2001 and—
 - (I) such works would exceed any relevant quantity, area or other limit specified in that Part, or
 - (II) no quantity, area or other limit is specified in that Part in respect of such works,
- or
- (iii) consist of development referred to in Regulation 13(2)(a) or (b) of the Regulations of 2017.
- (b) An EIA shall be carried out by the Minister in respect of a relevant application where the proposed relevant works, if carried out, would result in the demolition of a relevant monument to which special protection applies.
- (c) An EIA shall be carried out by the Minister in respect of a relevant application where the proposed relevant works—
- (i) would be of a class specified in Part 2 of Schedule 5 to the Planning and Development Regulations but do not exceed the relevant quantity, area or other limit specified in that Part,
 - (ii) consist of an activity within the meaning of Regulation 2(1) of the Regulations of 2011, or
 - (iii) consist of a development within the meaning of Regulation 12 of the Regulations of 2017,
- and the Minister determines, pursuant to *section 33*, that such works would be likely to have significant effects on the environment.

- (3) The applicant shall, where the Minister is required by *subsections (1) and (2)* to carry out an EIA in respect of the relevant application, submit to the Minister an EIAR in respect of the proposed relevant works.
- (4) Where the applicant has not submitted an EIAR to the Minister in accordance with *subsection (3)*, the Minister shall, by notice in writing given to the applicant, require the applicant to submit to the Minister an EIAR in respect of the proposed relevant works and the applicant shall, as soon as is practicable after being given that notice, comply with that requirement.
- (5) (a) Subject to *paragraphs (b) to (d)*, an EIAR submitted to the Minister under this Chapter shall include, in relation to the proposed relevant works, at least the following information:
- (i) a description of the project comprising information on the site, design, size and other relevant features of the project;
 - (ii) a description of the likely significant effects of the project on the environment;
 - (iii) a description of the features of the project and measures envisaged in order to avoid, prevent or reduce and, if possible, offset the likely significant adverse effects on the environment;
 - (iv) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;
 - (v) a non-technical summary of the information referred to in *subparagraph (i) to (iv)*;
 - (vi) any additional information specified in Annex IV of the EIA Directive relevant to the specific characteristics of a particular project or type of project and to the environmental features likely to be affected.
- (b) Where a relevant opinion has been given, the EIAR shall be based on that opinion and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the project on the environment taking into account current knowledge and methods of assessment.
- (c) The applicant shall, with a view to avoiding duplication of EIAs, take into account, in preparing the EIAR, the available results of other relevant assessments under European Union or national law.
- (d) The applicant shall ensure that the EIAR is prepared by persons who have sufficient expertise in the matters to be the subject of the EIAR.
- (6) Subject to *subsections (7) to (11)*, if the applicant, before submitting the EIAR to the Minister under this Chapter, so requests, the Minister shall, after consulting the applicant, the Board, the local authority in whose functional area the relevant monument is situated and the regional assembly in whose administrative area such

monument is situated and any other persons who the Minister considers appropriate in the circumstances, give an opinion in writing on the scope and level of detail of the information to be included in the EIAR.

- (7) A request for a relevant opinion shall state the following:
- (a) the name, address, telephone number and e-mail address (if any), of the applicant;
 - (b) the site, townland or postal address of the land on which the relevant monument is situated;
 - (c) a brief description of the proposed relevant works and of its possible effects on the environment.
- (8) Where the Minister considers that he or she has insufficient information to enable him or her to give a relevant opinion, the Minister shall, as soon as is practicable, inform the applicant in writing that he or she is required to submit to the Minister, in writing, specified further information within a specified period, and the applicant shall comply with that requirement.
- (9) In dealing with a request for a relevant opinion, the Minister shall have regard to the following:
- (a) the information required to enable the Minister to perform his or her function under *subsection (1)* or to ensure compliance with the EIA Directive;
 - (b) the consultations under *subsection (6)*;
 - (c) any information provided under *subsection (7)* and any further information submitted under *subsection (8)*.
- (10) The relevant opinion shall indicate the extent to which the additional information specified in Annex IV of the EIA Directive should be contained in the EIAR concerned.
- (11) The giving by the Minister of the relevant opinion shall not prevent the Minister from requiring an applicant to submit further information under this Chapter.

Submissions on EIAR may be made to Minister

35. (1) Subject to *subsection (2)*, where the applicant is required under this Chapter to submit an EIAR to the Minister, he or she shall, not more than 2 weeks before so submitting the EIAR, publish a notice of his or her intention to do so—
- (a) in at least one national newspaper,
 - (b) on that part of the website of the Department set aside for that purpose, and
 - (c) on the EIA portal.
- (2) A notice under *subsection (1)* shall state the following:
- (a) the name of the applicant required to submit the EIAR;

- (b) the site, townland or postal address of the land on which the relevant monument is situated;
 - (c) the nature and extent of the proposed relevant works;
 - (d) that an EIAR in relation to the proposed relevant works will be submitted to the Minister under this Chapter;
 - (e) that the EIAR will be available for inspection free of charge or purchase, at a fee not exceeding the reasonable cost of making a copy, during office hours at the offices of the Minister or such other convenient site as the Minister may specify;
 - (f) that the Minister, when he or she receives the EIAR, will make the EIAR available for inspection, for at least 5 weeks—
 - (i) on that part of the internet website of the Department set aside for that purpose, and
 - (ii) on the EIA portal;
 - (g) that submissions in relation to the EIAR may be made in writing to the Minister within the 5 weeks referred to in *paragraph (f)*.
- (3) The Minister shall specify such arrangements as he or she considers appropriate to allow the matters referred to in *paragraph (e), (f) and (g) of subsection (2)* to have effect.
- (4) When submitting an EIAR to the Minister under this Chapter, the applicant shall accompany it with a copy of the relevant page of the national newspaper in which a notice under *subsection (1)* was published.
- (5) Where it appears to the Minister that a notice published under *subsection (1)*—
- (a) does not comply with one or more than one of the requirements of that subsection or *subsection (2)*, or
 - (b) because of its content or for any other reason, is misleading or inadequate for the information of the public,
- the Minister shall, by notice in writing given to the applicant, require the applicant to publish a further notice in the manner specified by the Minister and to provide to the Minister evidence that that further notice has been so published, and the applicant shall comply with those requirements.
- (6) Where the applicant submits an EIAR to the Minister under this Chapter, the Minister, for consultation purposes, shall, as soon as is practicable following receipt of the EIAR, send a copy of the EIAR to the Board, the local authority in whose functional area the relevant monument is situated, the regional assembly in whose administrative area such monument is situated and any other person that the Minister considers appropriate in the circumstances.
- (7) The Minister shall, when sending an EIAR to a person under *subsection (6)*, inform the person that submissions in relation to the EIAR may be made in writing to the Minister within the 5 weeks referred to in *subsection (2)(f)*.

Minister's consideration of EIAR and power to require further action by applicant for relevant licence

36. (1) (a) The Minister shall consider whether an EIAR submitted under this Chapter to him or her—
- (i) complies with the requirements of this Chapter,
 - (ii) complies with the relevant opinion, and
 - (iii) identifies and describes adequately the significant direct and indirect effects on the environment of the proposed relevant works.
- (b) The Minister shall ensure that he or she has access, or has access as necessary, to persons who have sufficient expertise in the matters the subject of the EIA.
- (c) Where necessary, the Minister may require the applicant to submit to him or her any additional information, specified in Annex IV of the EIA Directive, which is directly relevant to the Minister reaching the reasoned conclusion on the significant effects of the project on the environment, and the applicant shall comply with that requirement.
- (2) Where the Minister considers that an EIAR submitted under this Chapter to him or her—
- (a) does not comply with the requirements of this Chapter,
 - (b) does not comply with the relevant opinion (if any), or
 - (c) does not identify or describe adequately the direct and indirect effects on the environment of the proposed relevant works,
- the Minister shall require the applicant to submit to him or her any further information that the Minister considers necessary for the purpose of remedying the matters concerned referred to in *paragraphs (a) to (c)*, and the applicant shall comply with that requirement.
- (3) In addition to any requirement arising under *subsection (1)(c) or (2)*, the Minister shall require the applicant to provide any further information that the Minister considers necessary to enable him or her to carry out an EIA, and the applicant shall comply with that requirement.
- (4) The Minister shall give notice in writing to the applicant of any requirement for further information under *subsection (1)(c), (2) or (3)* and any notice so given to the applicant shall, where applicable, specify in what way the EIAR does not comply with this Chapter or with a relevant opinion or does not identify or describe adequately the significant direct and indirect effects on the environment of the proposed relevant works.
- (5) Where the Minister considers that further information submitted under *subsection (1)(c), (2) or (3)* contains significant additional data in relation to the effects on the environment of the proposed relevant works, the Minister shall, as soon as practicable after receipt of that further information—

- (a) send a copy of the further information to any person consulted under *section 34(6)* and inform that person that submissions in relation to the further information may be made in writing to the Minister within a specified period,
 - (b) notify any person who made submissions in relation to the proposed relevant works of the matters specified in *subsection (6)*, and
 - (c) require the applicant to publish a notice in at least one national newspaper stating the matters specified in *subsection (7)* (and the applicant shall comply with that requirement).
- (6) The matters specified for the purpose of *subsection (5)(b)* are the following:
- (a) that significant additional data in relation to the effects on the environment of the proposed relevant works has been provided to the Minister and that the further information submitted to the Minister containing that data is available for inspection, free of charge or for purchase at a fee not exceeding the reasonable cost of making a copy, at the offices of the Minister or such other convenient site as the Minister may specify;
 - (b) that the further information is available for inspection—
 - (i) on that part of the website of the Department set aside for that purpose, and
 - (ii) on the EIA portal;
 - (c) that submissions in relation to the further information may be made in writing to the Minister within a period specified by the Minister.
- (7) The matters specified for the purpose of *subsection (5)(c)* are the following:
- (a) the name of the applicant required to submit the EIAR;
 - (b) the site, townland or postal address of the land on which the relevant monument is situated;
 - (c) that significant additional data in relation to the effects on the environment of the proposed relevant works has been provided to the Minister and that the further information submitted to the Minister containing that data is available for inspection, free of charge or for purchase at a fee not exceeding the reasonable cost of making a copy, at the offices of the Minister or such other convenient site as the Minister may specify;
 - (d) that the further information is available for inspection—
 - (i) on that part of the website of the Department set aside for that purpose, and
 - (ii) on the EIA portal;
 - (e) that submissions in relation to the further information may be made in writing to the Minister within a period specified by the Minister.
- (8) The Minister shall specify such arrangements as he or she considers appropriate to allow the matters referred to in *paragraphs (a), (b) and (c) of subsection (6)* and *paragraphs (c), (d) and (e) of subsection (7)* to have effect.

- (9) Where it appears to the Minister that a notice published under *subsection (5)(c)*—
- (a) does not comply with one or more than one of the requirements of that subsection or *subsection (7)*, or
 - (b) because of its content or for any other reason, is misleading or inadequate for the information of the public,

the Minister shall, by notice in writing given to the applicant, require the applicant to publish a further notice in the manner specified by the Minister and to provide to the Minister evidence that that further notice has been so published, and the applicant shall comply with those requirements.

Carrying out of EIA by Minister, etc., and grant or refusal to grant relevant licence

37. (1) The Minister shall not grant a relevant licence other than where the requirements of this Chapter, including any requirement placed on the applicant by the Minister under this Chapter, have been complied with.
- (2) In carrying out an EIA under this Chapter, the Minister shall take into account the following:
- (a) the EIAR which was submitted to the Minister;
 - (b) any further information submitted to the Minister under this Chapter;
 - (c) any submissions made under this Chapter in relation to the environmental effects of the proposed relevant works;
 - (d) the views (if any) provided by any other Transboundary State under this Chapter.
- (3) Where an EIA has been carried out by the Minister under this Chapter, the Minister shall, in deciding whether or not to grant a relevant licence, duly take into account the following:
- (a) the EIA and its results and findings;
 - (b) the EIAR which was submitted to the Minister;
 - (c) any further information submitted to the Minister under this Chapter;
 - (d) any submissions made under this Chapter in relation to the environmental effects of the proposed relevant works;
 - (e) the views (if any) provided by any other Transboundary State under this Chapter.
- (4) In carrying out an EIA under this Chapter, the Minister may take into account any reports prepared by his or her officers, agents or servants or by any consultants or advisors engaged by the Minister, whether or not for valuable consideration, for the purpose of assisting him or her in the performance of his or her functions under this Chapter.
- (5) Where an EIA has been carried out by the Minister under this Chapter, the Minister may, in deciding whether or not to grant a relevant licence, take into account any

reports prepared by his or her officers, servants or agents or by any consultants or advisors engaged by the Minister, whether or not for valuable consideration, for the purpose of assisting him or her in the performance of his or her functions under this Chapter.

- (6) (a) Subject to *paragraph (b)*, where, following the carrying out of an EIA under this Chapter, the Minister exercises his or her discretion to grant a relevant licence, the Minister may attach to such licence any conditions (in this subsection referred to as the “relevant conditions”) which the Minister considers necessary to avoid, prevent, reduce and, if possible, offset the significant adverse effects on the environment of the proposed relevant works.
- (b) Subject to *paragraph (c)*, the Minister shall include, in the relevant conditions, additional conditions which provide for the monitoring (whether by existing or new monitoring arrangements or a combination thereof) of—
- (i) the measures implemented by the relevant conditions to avoid, prevent, reduce and, if possible, offset the significant adverse effects on the environment of the relevant works, and
- (ii) any significant adverse effects on the environment of the relevant works.
- (c) The Minister shall ensure that the types of parameters monitored and the duration of the monitoring are proportionate to the nature, site and size of the project concerned and the significance of the project’s effects on the environment.
- (7) *Subsection (6)* is without prejudice to any other power of the Minister under this Act to attach conditions to a licence.
- (8) *Subsections (3), (5) and (6)* shall have effect notwithstanding any provision of *Part 7* relating to the matters to be considered by the Minister in the exercise of his or her discretion as to whether or not to grant a relevant licence.

Relevant works which may affect environment in another Transboundary State

38. (1) Where the Minister considers that the proposed relevant works that is the subject of an EIAR under this Chapter would be likely to have significant effects on the environment in another Transboundary State, or where another Transboundary State considers that the proposed relevant works would be likely to have such effects and so requests, the Minister shall, as soon as possible, send to that Transboundary State—

- (a) a description of the proposed relevant works and any available information on its possible effects on the environment in that Transboundary State, and
- (b) relevant information about the procedure for deciding whether or not to grant the relevant licence concerned,

and shall give to that Transboundary State a reasonable time to indicate whether it wishes to provide views on those effects.

- (2) Where a Transboundary State which has received information under *subsection (1)* indicates that it wishes to provide views on the likely effects on the environment of the proposed relevant works, the Minister shall send to that Transboundary State—
 - (a) if he or she has not already done so, a copy of the EIAR submitted to the Minister under this Chapter, and
 - (b) any further relevant information about the procedure for deciding whether or not to grant the relevant licence concerned.
- (3) Where a Transboundary State has, under *subsection (2)*, indicated that it wishes to provide views on the likely effects on the environment of the proposed relevant works, the Minister shall consult with that Transboundary State regarding the potential effects of the proposed relevant works on the environment in that Transboundary State and the measures envisaged to reduce or eliminate such effects.
- (4) The Minister shall notify a Transboundary State which was consulted under *subsection (3)* of his or her decision as to whether or not to grant the relevant licence concerned.

Public notice of Minister’s decision to grant or refuse to grant relevant licence

39. (1) The Minister shall, as soon as is practicable following the making of a decision in relation to whether or not to grant a relevant licence after carrying out an EIA under this Chapter (but, in any case, not later than 3 working days after making that decision)—
- (a) publish a notice of the decision in at least one national newspaper,
 - (b) arrange to make the EIAR submitted under this Chapter and information on the decision available for inspection by members of the public during a period specified by the Minister, and
 - (c) make the notice referred to in *paragraph (a)*, and the EIAR and information referred to in *paragraph (b)*, available for inspection—
 - (i) on that part of the website of the Department set aside for that purpose, and
 - (ii) on the EIA portal.
- (2) Information made available under *subsection (1)(b)* and *(c)* shall include the following:
- (a) the content of the relevant licence, if granted, including any conditions attached to the licence;
 - (b) the Minister’s evaluation of the significant direct and indirect effects of the relevant works on the factors specified in points (a) to (d) of Article 3.1 of the EIA Directive and on the interaction of those factors;
 - (c) having examined the concerns and opinions expressed by the public concerned, the main reasons and considerations on which the decision (including any conditions attached to the relevant licence) is based, including information about

the public participation process (including a summary of the results of the consultations and the information gathered pursuant to the Transboundary Convention and Articles 5 to 7 of the EIA Directive and how those results have been incorporated in the decision or otherwise addressed, in particular the comments received from the affected Transboundary State referred to in *section 38*);

- (d) a description, where necessary, of the main measures to be taken to avoid, prevent, reduce and, if possible, offset the significant adverse effects on the environment and the main measures to be taken to monitor the implementation of the first-mentioned measures;
- (e) information for the public on the procedures available to review the substantive and procedural legality of the decision.

Exemption from requirements of *sections 32 to 39* or *34 to 39*

40. (1) A person may, before making an application for consent for relevant works, request the Minister to grant an exemption in respect of the relevant works from the requirements of *sections 32 to 39* or *34 to 39*, as appropriate, and the Minister may, subject to this section, grant such exemption.
- (2) Before determining an application under *subsection (1)*, the Minister shall—
- (a) invite the local authority in whose functional area the person proposes to carry out the relevant works, after having first consulted with the authority's elected members from the relevant municipal district or local electoral area (within the meaning of *section 2* of the Act of 2001), to make (within such period as the Minister may specify) observations to the Minister in relation to the request,
 - (b) consider whether any other state party to the Transboundary Convention should be informed about the relevant works and, if the Minister considers that it should, invite such state party to make (within such period as the Minister may specify) observations to the Minister in relation to the request, and
 - (c) consider any such submissions made and any submissions made by the person in his or her application.
- (3) The Minister shall not grant an exemption under this section unless he or she is satisfied that—
- (a) exceptional circumstances warrant the granting of such exemption,
 - (b) the requirement to comply with *sections 32 to 39* or *34 to 39*, as appropriate, in relation to the proposed relevant works would adversely affect the purpose of the relevant works, and
 - (c) the objectives of the EIA Directive are capable of being achieved by other means, in particular by the carrying out of any other form of assessment of the effects of the relevant works required by law in relation to the relevant works.

- (4) Where the Minister grants an exemption under this section, he or she shall, as soon as may be thereafter—
- (a) publish a notice of the grant and the reasons therefor—
 - (i) on the website of the Department, and
 - (ii) in a national newspaper,
 - (b) give notice in writing of the grant and the reasons therefor to—
 - (i) the local authority in whose functional area the relevant works are proposed to be located,
 - (ii) any state party to the Transboundary Convention which the Minister invited to make observations in accordance with *subsection (2)*, and
 - (iii) the European Commission,
- before the Minister makes a determination in relation to the application for consent for the relevant works to which the exemption applies.
- (5) The Minister shall not grant consent for any relevant works in respect of which an application under this section is pending before the Minister and, if the Minister purports to grant a consent in contravention of this subsection, the consent shall not be valid.
- (6) Where the Minister—
- (a) is satisfied that the carrying out of relevant works or part of relevant works is for the sole purpose of the defence of the State or responding to a civil emergency, and
 - (b) considers that the application of this Part to the relevant works or such part of the relevant works would adversely affect that purpose,
- he or she may, by order, declare that this Part shall not apply to the relevant works or such part of the relevant works.
- (7) This Chapter shall not apply to relevant works or part of relevant works—
- (a) in respect of which an exemption has been granted under this section, or
 - (b) declared by order under *subsection (6)* not to apply to that relevant works or such part.

Judicial review

41. (1) (a) A notice under *section 27(4)(c)*, *33(6)*, *39(1)*, *40(4)* or *151(9)(c)* shall inform the public that a person may question the validity of the decision that an EIA or an AA is or is not required or, as the case may be, to grant or not grant a relevant licence or, as the case may be, to grant an exemption under *section 40* from the requirements of *sections 32 to 39* or *34 to 39*, as appropriate, by way of an application for judicial review under the Order.

- (b) The notice shall identify where practical information on the review mechanism can be found.
- (2) A person shall not in legal proceedings question the validity of—
- (a) a decision, act or omission made or done by the Minister under this Chapter in the performance or purported performance of a function under this Chapter for which an EIA or an AA is required, or
- (b) a licence,
- otherwise than by way of an application for judicial review under the Order.
- (3) The High Court shall not grant leave for judicial review under this section unless it is satisfied that—
- (a) the applicant has a sufficient interest in the matter which is the subject of the application, or
- (b) the applicant—
- (i) is a body or organisation (other than a State authority, a public authority or a governmental body or agency) the aims or objectives of which relate to the promotion of environmental protection, and
- (ii) has, during the period of 12 months preceding the date of the application, pursued those aims or objectives.
- (4) A sufficient interest for the purpose of *subsection (3)* is not limited to an interest in land or other financial interest.
- (5) The High Court, in determining either an application for leave for judicial review under this section, or an application for judicial review on foot of such leave under this section, shall act as expeditiously as possible consistent with the administration of justice.
- (6) The provisions of section 50B of the Act of 2000 shall, with all necessary modifications, apply to the questioning of a decision, act or omission referred to in this section which has been subjected to an EIA or an AA or both an EIA and an AA.
- (7) Subject to *subsection (9)*, an application for leave to apply for judicial review under the Order in respect of an act referred to in *subsection (2)(a)* shall be made within a period of 8 weeks beginning on the making or doing of the decision, act or omission by the Minister.
- (8) Subject to *subsection (9)*, an application for leave to apply for judicial review under the Order in respect of a licence referred to in *subsection (2)(b)* shall be made within a period of 8 weeks beginning on the date on which the licensing authority grants the licence under *section 151(1)*.
- (9) The High Court may extend the period provided for in *subsection (7)* or *(8)* within which an application for leave referred to in that subsection may be made but shall only do so if it is satisfied that—

- (a) there is good and sufficient reason for doing so,
 - (b) the circumstances that resulted in the failure to make the application for leave within the period so provided were outside the control of the applicant for the extension.
- (10) In this section—
- “Order” means Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986);
- “State authority, a public authority or governmental body or agency” means—
- (a) a Minister of the Government (or Minister of State);
 - (b) the Commissioners;
 - (c) a local authority;
 - (d) the Health Service Executive;
 - (e) a person—
 - (i) established by or under an enactment (other than the Act of 2014) but excluding any person which is an existing company,
 - (ii) established by any scheme administered by the Government, or
 - (iii) established under the Act of 2014 or an enactment repealed by that Act, pursuant to powers conferred by or under another enactment, and financed wholly or partly, whether directly or indirectly, by means of moneys provided, or loans made or guaranteed, by a Minister of the Government or by subscription for shares held by or on behalf of a Minister of the Government;
 - (f) a company, a majority of the shares in which are held by or on behalf of a Minister of the Government.

CHAPTER 7

*Works carried out at registered monument, etc.***Works carried out at registered monument, etc.**

42. (1) Subject to *subsection (2)*, any works which are carried out, or proposed to be carried out, at, on, in, under, to, or within the immediate surroundings of, any site shown on a relevant map as a registered monument shall—
- (a) for the purposes of any provisions of this Act requiring that any thing be done under and in accordance with a licence or after the giving of a notice under this Act, and
 - (b) for the purposes of any proceedings,

be taken to have been carried out, or proposed to be carried out, at, on, in, under, to, or within the immediate surroundings of, as the case may be, that monument unless the contrary is shown.

- (2) Where a specific notice is given in respect of a registered monument subsequent to a general notice being made available for inspection by members of the public in respect of that monument (and regardless of how many monuments the general notice relates to), the reference to “relevant map” in *subsection (1)* shall not include the relevant map contained in or accompanying the general notice to the extent that that relevant map relates to that monument.
- (3) Any works which are carried out, or proposed to be carried out, at, on, in, under, to, or within the immediate surroundings of, any site shown on a map contained in or accompanying a *section 22* consultation notice, *section 23* consultation notice, or draft general notice, shall—
- (a) for the purposes of any provisions of this Act requiring that any thing be done under and in accordance with a licence or after the giving of a notice under this Act, and
- (b) for the purposes of any proceedings,

be taken to have been carried out, or proposed to be carried out, at, on, in, under, to, or within the immediate surroundings of, as the case may be, the potential Register action monument concerned unless the contrary is shown.

- (4) In this section, “potential Register action monument” means—
- (a) a potential Register action monument (*section 22*) to which special protection applies pursuant to *section 22(3)*, or
- (b) a potential Register action monument (*section 23*) to which general protection applies pursuant to *section 23(3)*.

CHAPTER 8

Provisions applicable to monuments to which general or special protection applies

Restriction on export of Chapter 8 monument

43. (1) Subject to *subsection (2)*, a person shall not export, or direct or authorise the export of, a *Chapter 8* monument other than under and in accordance with a licence.
- (2) *Subsection (1)* shall not apply where—
- (a) the export is done under and in accordance with a licence which has been granted under section 50 of the Act of 1997, and
- (b) the Minister has approved the terms and conditions of such licence in so far as they relate to the export of the *Chapter 8* monument the subject of the licence.