



An Roinn Iompair
Department of Transport



Cumann Lucht Bainistíochta Contae agus Cathrach
County and City Management Association



LOCAL AUTHORITY ROADS CONFERENCE and EXHIBITION – 2022

Roads Act Environmental Impact Assessment Amendment Regulations 2019

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How did the 2019 Regulations come about

- Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment
- Directive 2014/52/EU amended Directive 2011/92/EU in order to strengthen the quality of the environmental impact assessment procedure
- Directive 2014/52/EU transposed into Irish legislation via S.I. No. 279 of 2019 – European Union (Roads Act 1993) (Environmental Impact Assessment)(Amendment) Regulations 2019





What are the amendments to the Roads Act?

- Section 2(1) – definitions and interpretation;
- New Section 50 – deals with the Environmental Impact Assessment Report (EIAR);
- Updated Section 51 – Environmental Impact Assessment (EIA).



Definition of EIA in relation to proposed road development

Environmental Impact Assessment



Examination by ABP

Preparation of Environmental Impact Assessment Report (EIAR)

Carrying out consultation

Examination by An Bord Pleanála (ABP) of the information presented in the EIAR including additional information

Reaching by ABP of the reasoned conclusion on the significant effects of the proposed road development on the environment

Integration by ABP of its reasoned conclusion into its decision



Assess significant effects of proposed road development (incl vulnerability to risk of major accident/disaster) on:

- Population and human health
- Biodiversity with particular attention to species and habitats
- Land, soil, water and climate
- Material assets, cultural heritage and the landscape
- The interaction between the factors



Section 50 of Principal Act in relation to EIAR main points:

- Requirements for screening decision updated – particularly in relation to protected sites;
- ABP can seek further information before making a screening decision;
- Obligation on road authority/Authority to ensure EIAR carried out by competent experts;
- A written opinion can be requested from ABP on the level of detail/scope of the EIAR. EIAR shall be based on the opinion;
- Electronic versions of decisions must be made available on websites.

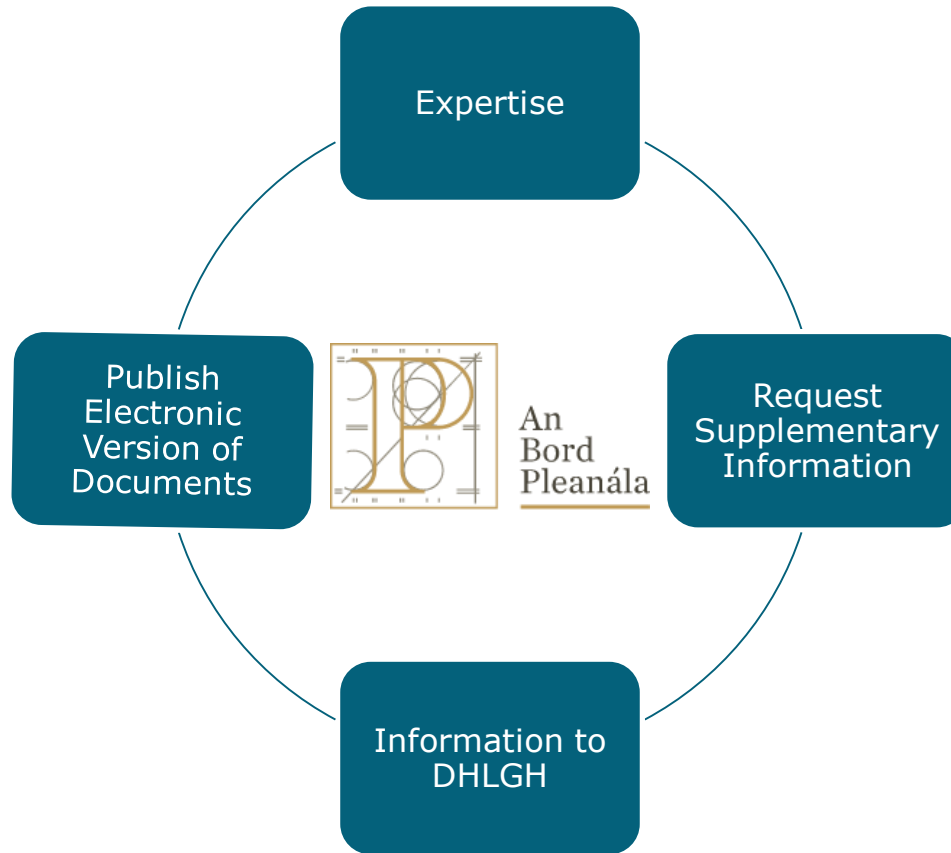


Section 51 - main amendments:

- Road authority/Authority must now send ABP electronic version of public notice, EIAR and location map. ABP must make available on website;
- Environmental Protection Agency now added to list of Prescribed Bodies.

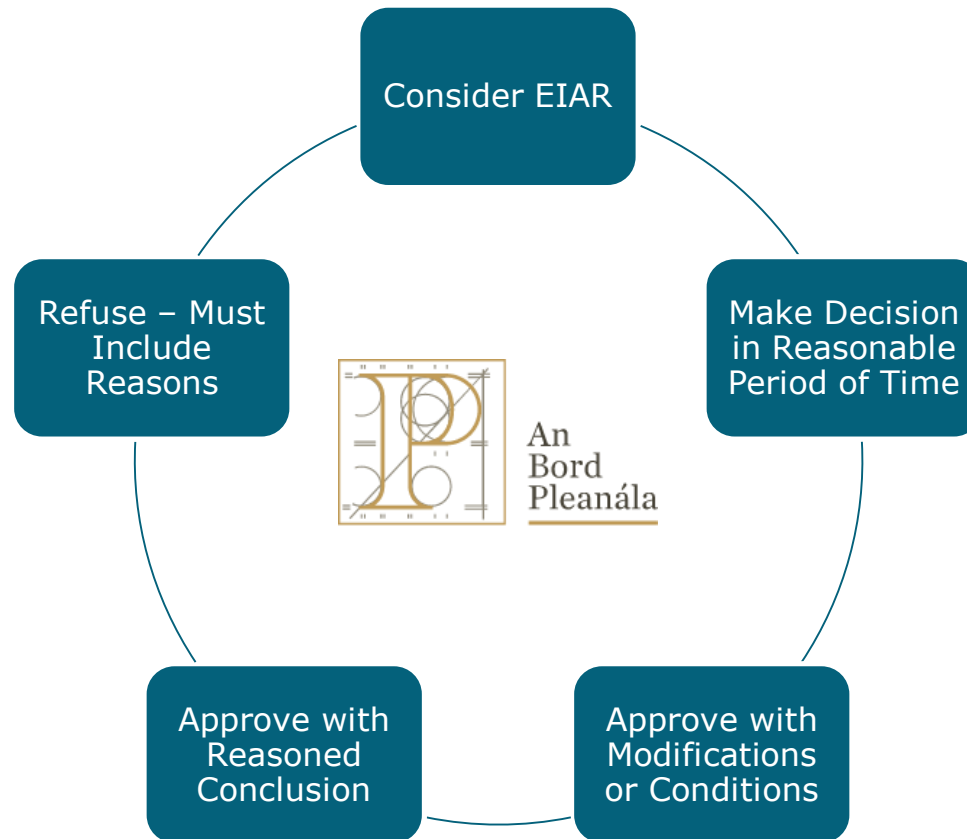


Section 51 - requirements of ABP:





Section 51 requirements of ABP:





Sections 51C to 51G – New Requirements:

New requirements in relation to the implementation of **measures to avoid, prevent or reduce effects on the environment:**

- Road developers obliged to inform the competent authority of, and comply with, environmental modifications or conditions in an ABP Order;
- Competent authorities have powers to monitor that the environmental conditions or modifications are being complied with and to enforce compliance if this is not the case.



Implementation of measures to avoid, prevent or reduce effects on the environment.

Under this section, the developer, in relation to a road development, is defined as:

- The road authority that proposed the road development, or
- where the Authority proposed the development, then the Authority is the developer



Implementation of measures to avoid, prevent or reduce effects on the environment.

Notes that an ‘order’ under this section means an order approving a road development either with **modifications or subject to conditions** relating to:

- features of the road development or measures envisaged to avoid, prevent, reduce or offset significant adverse effects on the environment, or
- the monitoring of significant adverse effects on the environment (including conditions regarding monitoring measures, parameters to be monitored and the duration of monitoring).

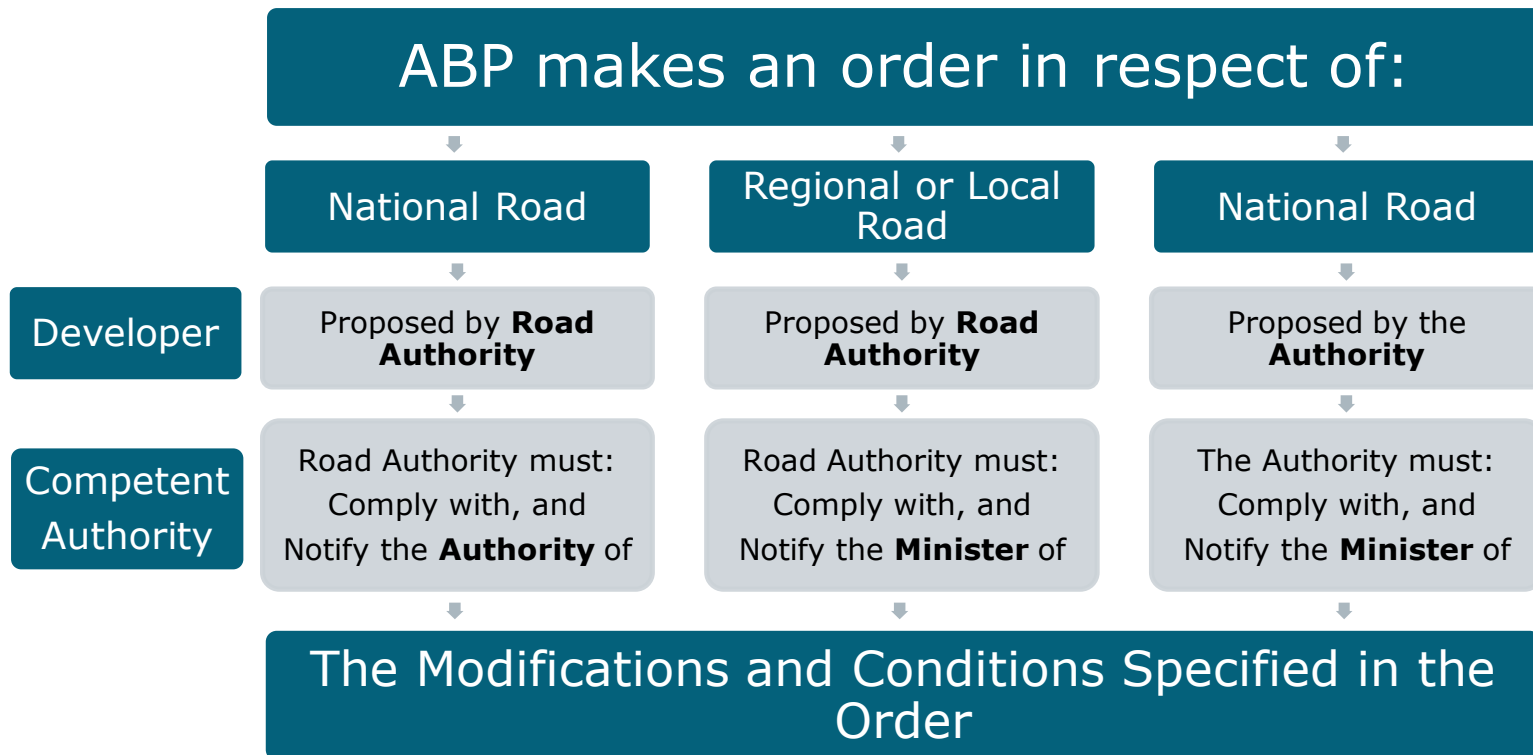


Duty to notify, and to comply with modifications and conditions of approval

Three scenarios where ABP makes an order in respect of a proposed road development and the developer must comply with and notify the competent authority of the modifications and conditions specified in the order.



Duty to notify, and to comply with modifications and conditions of approval





Powers of the Minister or the Authority in relation to compliance with modifications and conditions

- The Minister or the Authority:
 - shall take all reasonable steps to ensure that the developer complies with the modifications and conditions specified in the notification;
 - may request the developer to provide information in relation to the developer's compliance with the modification or condition;
 - carry out an assessment of the developer's compliance with the modification or condition;
 - may issue a direction to the developer to ensure the modifications and conditions specified in the order are complied with



Powers of the Minister or the Authority in relation to compliance with modifications and conditions

A person/developer that fails to comply with the requirements set out in these sections shall be guilty of an offence and shall be liable:

- a) on summary conviction, to a class A fine or to imprisonment for any term not exceeding 6 months or, at the discretion of the court, to both such fine and such imprisonment, or
- b) on conviction on indictment, to a fine not exceeding €500,000 or to imprisonment for a term not exceeding 3 years or, at the discretion of the court, to both such fine and such imprisonment.



In Summary:

- The definition of EIA now provides for a clear distinction between the process of environmental impact assessment and the preparation of an EIAR
- New obligations on road developers to inform the competent authority of and comply with, environmental modifications or conditions in an ABP order
- Competent authorities now have powers to monitor that the environmental conditions and modifications are being complied with
- Competent authorities now have powers to enforce compliance where the environmental conditions or modifications are not being complied with



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Thank You!