Chartered Institute of Ecology
and Environmental Management

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John Cummins TD
Minister of State for Local Government and Planning
Department of Housing, Local Government and Heritage
Custom House, Dublin 1, D01 W6X0

Subject: Draft Planning and Development (Part 6) (Screening Classes, Thresholds, Criteria and Examination) Regulations 2026

Dear Minister Cummins,

I am writing on behalf of the Chartered Institute of Ecology and Environmental Management (CIEEM), the professional body for ecologists and environmental managers. Our members in Ireland prepare and review the ecological parts of the EIA screening and environmental impact assessment reports that these Regulations will govern. That work usually follows CIEEM's own Guidelines for Ecological Impact Assessment in the UK and Ireland, and the EPA's Guidelines on information to be contained in Environmental Impact Assessment Reports (EIAR).

We welcome the publication of the draft Regulations on 30 October. Our members seek to support the efficient delivery of housing and infrastructure. However, some provisions would weaken scrutiny of schemes and could create uncertainty for applicants and authorities. Clear safeguards would make the new thresholds more robust, which serves developers as much as nature.

We ask the Department to make four changes before the Regulations are made:

1. **Exclusion thresholds should not apply in or near protected areas:** Appropriate assessment will continue to protect European sites, but this does not apply to Natural Heritage Areas, nature reserves or national parks. Appropriate assessment also tests effects on a site's conservation objectives only, not the wider environment that EIA considers. We therefore ask that exclusion thresholds do not apply within or close to these areas, all of which fall within Schedule 3, paragraph 2(c)(iv) and (v) of the draft regulations. In England, Scotland, Wales, and Northern Ireland, development in a designated sensitive area is screened whatever its size. At the very least, Regulation 8(e) should define "ecologically sensitive site or location" by reference to the areas in paragraph 2(c), giving authorities and applicants a clear test at no extra cost.
2. **Keep a site-area test for housing:** Until these Regulations come into force, a housing scheme needs EIA if it has more than 500 homes or a large site. A large site means over 10 hectares in a built-up area, or 20 hectares elsewhere. The draft drops the site-size tests, for both EIA and screening, wherever a scheme includes homes, a car park or a shopping centre (see the note to Schedule 2, paragraph 10(b) of the draft regulations). Only the number of homes would then count, so a scheme of fewer than 250 homes would be excluded from formal screening however large its site. We ask that the site-size tests continue to apply alongside the number of homes.
3. **Apply thresholds to the whole project:** Regulation 8(d) and Schedule 3 deal well with cumulative effects, but nothing requires phases or adjoining schemes by the same developer, or future phases of a masterplan to be counted together when a threshold is applied. A simple aggregation rule would stop schemes being divided to stay below 250 homes.

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4. **Record, publish, and review declarations**: Regulation 9 helpfully requires local and State authorities to make their declarations available for inspection. We ask that the reasons are also published online, and that planning authorities record the outcome of each examination of a private scheme on the planning file. We also ask the Department to publish data on schemes below the exclusion thresholds, and to review the thresholds two years after commencement.

These draft regulations go further than the evidence published with the June 2026 consultation: the Department's Environmental Impacts Traffic Lights Study (2022) recommended keeping mandatory EIA at more than 500 homes, whereas the draft regulations raise this to more than 750. They also set a higher unit threshold for screening than England (250 homes compared with 150). Without appropriate safeguards, the potential for these to create uncertainty and risk should not be underestimated. As far as we are aware, the consultation responses, and how they shaped the draft, have not been published.

We note the view that environmental screening at the zoning stage makes project-level screening unnecessary. However, strategic environmental assessment of a development plan is high-level by design; our members' real-world experience confirms this. Relying on development plans would therefore leave site-specific effects, for example on habitats, species and watercourses within or next to a site, unassessed under the proposed reforms.

Relevant to this, CIEEM is a signatory to the cross-sector joint letter[1], coordinated by the Irish Green Building Council, which calls for a national approach to biodiversity in housing delivery. The national framework and standardised tool and toolkits it proposes would give the examination step the consistent evidence base critical for timely consenting and delivery of housing and infrastructure while helping ensure Ireland's biodiversity is protected and restored.

We would welcome a meeting with you or your officials to discuss these points. Members of our Ireland Policy Group would also be glad to contribute to guidance on the examination step.

I am copying this letter to Minister Browne and to Minister of State O'Sullivan.

Yours sincerely

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[1] https://cieem.net/resource/joint-letter-on-delivering-homes-while-protecting-and-restoring-biodiversity/