
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 74

**The Planning (Environmental Impact
Assessment) Regulations (Northern Ireland) 2015**

PART 10

Miscellaneous

Availability of information in relation to determinations, opinions, decisions, etc.

41. The council shall make available for public inspection at all reasonable hours at the place where—

(1) a register pursuant to Article 24 of the General Development Procedure Order is kept, a copy of—

- (a) any determination or opinion given pursuant to regulation 7(1), 10(1), 11(1), 14(1), 15(1) or 18(1), notification under regulation 16(1), 17(1) or 18(2), or determination confirmed or amended under regulation 42(2) together with the accompanying statement of reasons, the relevant request and the documents which accompanied it;
- (b) any environmental statement and further information and any other information received under these Regulations; and
- (c) where environmental information has been taken into consideration in determining an application for planning permission or subsequent application or appeal, a statement containing—
 - (i) the content of the decision and any conditions attached to it;
 - (ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
 - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and
 - (iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.

(2) a register pursuant to Article 26 of the General Development Procedure Order is kept, a copy of—

- (a) every regulation 31 notice served by the council or, as the case may be, the Department;
- (b) every determination made by the council or, as the case may be, the Department in accordance with regulation 31(2) or notice confirmed or amended under regulation 42(2) in respect of a deemed application under Part 8;
- (c) every environmental statement or additional information received by the council or, as the case may be, the Department by virtue of regulation 34(1); and
- (d) every notice received by the council or, as the case may be, the Department under regulation 35(4) or (5).

(3) a register kept pursuant to Article 27 of the General Development Procedure Order is kept, a copy of any direction given by the Department pursuant to regulation 3(1)(a) and (b), and any information obtained under regulation 3(2).

(4) Where the registers kept under this regulation are kept using electronic storage, the council may make the registers available for inspection by the public on a website maintained by the council for that purpose.

Hearing by the Commission in relation to the council's or Department's determination

42.—(1) Where a person seeks a hearing before the Commission under regulations 7(13), 16(3), 17(3) or 31(6) it shall afford that person the opportunity of appearing before and being heard by the Commission.

(2) Where a hearing is held, the council or, as the case may be, the Department shall consider the report of the Commission and may confirm, amend or withdraw its determination.

Use of electronic communications

43.—(1) Paragraph (2) applies where a person uses electronic communications to make an application under regulation 7 (pre-application determination as to the need for environmental impact assessment and opinion as to content of environmental statement), and except where a contrary intention appears, the applicant shall be taken to have agreed—

- (a) to the use of electronic communications for all purposes relating to the application which is capable of being effected using such communications;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the application;
- (c) that the person's deemed agreement under this paragraph shall subsist until the person gives notice in writing that the person wishes to revoke the agreement and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

(2) In paragraphs (3)(a) and 4(a) of regulation 7 the requirement for the application to be accompanied by a plan sufficient to identify the land to which the application relates is satisfied where the applicant identifies the land on an electronic map provided by the council or, as the case may be, the Department and for this purpose a map is taken to be provided where the council or, as the case may be, the Department has published it on its website.

Application to the Crown

44. These Regulations shall apply to the Crown.

Revocation, saving and transitional provisions

45.—(1) The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012⁽¹⁾ (the "2012 Regulations") are revoked.

(2) Where by virtue of paragraph 2 of Schedule 2 to the Planning (2011 Act) (Commencement No. 3) and (Transitional Provisions) Order (Northern Ireland) 2015⁽²⁾ an application is to be treated

- (a) as if it had been made to the council under the 2011 Act;
- (b) as if it were an application to which section 26 applies; or

(1) S.R. 2012 No. 59

(2) S.R. 2015 No. 49 (C.5)

- (c) as if the Department had given a direction under section 29 that an application was to be referred to it,

then where that application is also an EIA application under the 2012 Regulations, anything done by or in relation to the Department in connection with any of its functions under the 2012 Regulations shall be treated as if it had been done by, to or in relation to the council or, as the case may be, the Department in connection with its functions under these Regulations.

(3) The Regulations specified in paragraph (4) which continued to apply by virtue of Regulation 40 of the 2012 Regulations (as that regulation had effect immediately before the coming into operation of these Regulations) in respect of the matters specified in paragraph 2(a) to (c) of that regulation shall continue to have effect in relation to those matters subject to the amendments specified in Schedule 5; and anything done by, to or in relation to the Department in connection with its functions under those Regulations shall be treated as if it had been done by, to or in relation to the council or, as the case may be, the Department in connection with its functions under those Regulations as amended by Schedule 5.

(4) The Regulations referred to in paragraph (3) are

- (a) the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999⁽³⁾;
- (b) the Planning (Electronic Communications) Order (Northern Ireland) 2006⁽⁴⁾;
- (c) the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2008⁽⁵⁾;
and
- (d) the Planning (Environmental Impact Assessment) (Amendment No. 2) Regulations (Northern Ireland) 2008⁽⁶⁾.

(5) Nothing in this regulation shall affect the generality of section 29 of the Interpretation Act (Northern Ireland) 1954.

(3) S.R. 1999. No. 73
(4) S.R. 2006 No. 276
(5) S.R. 2008 No. 17
(6) S.R. 2008 No. 372