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STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 83**

**The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017**

**PART 1**

**General**

**Directions**

3.—(1) The Department may direct that—

- (a) a particular development of a description described in column 1 of the table in Schedule 2 and which does not meet the conditions in sub-paragraphs (a) and (b) of the definition of “Schedule 2 development” is EIA development;
- (b) <sup>F1</sup>... a particular proposed development specified in the direction is exempted from these Regulations where the application of the Regulations would result in adversely affecting the purpose of the development, provided the objectives of these Regulations are met; or
- (c) these Regulations do not apply in relation to a particular proposed development specified in the direction if the development comprises or forms part of a project having the response to civil emergencies as its sole purpose and the application of the Regulations would have an adverse effect on that purpose.

[<sup>F2</sup>(1A) The Department must not make a direction under paragraph (1)(b) that a project is exempt unless, where the Department considers that the development is likely to have significant effects on the environment in an EEA State, or where an EEA State likely to be significantly affected so requests, the Department has carried out a form of consultation with that EEA State broadly equivalent to the form described in regulation 29 or 30, as appropriate, or is satisfied that such an equivalent consultation has been carried out, before planning permission or subsequent consent is granted in respect of the development.]

(2) Where a direction is made under paragraph (1), the Department shall send a copy of the direction to the council or councils in whose district the proposed development is to be situated.

(3) Where a direction is made under paragraph (1)(b), the Department shall—

- (a) make available to the public the information considered in making the direction and the reasons for making the direction;
- (b) consider whether another form of assessment would be appropriate; and
- (c) take such steps as are considered appropriate to bring the information obtained under the other form of assessment to the attention of the public.

[<sup>F3</sup>(4) Before planning permission or subsequent consent is given in respect of a development which is exempt under paragraph (1)(b), the council or, as the case may be, the Department, must take into account the results of—

- (a) any other assessment considered appropriate by the Department under paragraph (3)(b); and
- (b) any consultation with an EEA State carried out under paragraph (1A) about the development.]

**Textual Amendments**

- F1** Words in [reg. 3\(1\)\(b\)](#) omitted (31.12.2020) by virtue of [The Planning \(Environmental Assessments and Miscellaneous Amendments\) \(EU Exit\) \(Northern Ireland\) Regulations 2018 \(S.I. 2018/1235\)](#), regs. 1(2), [9\(3\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F2** [Reg. 3\(1A\)](#) inserted (30.1.2020) by [The Planning \(Environmental Assessments and Miscellaneous Amendments\) \(EU Exit\) \(Northern Ireland\) Regulations 2018 \(S.I. 2018/1235\)](#), regs. 1(3), [9\(3\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F3** [Reg. 3\(4\)](#) inserted (31.12.2020) by [The Planning \(Environmental Assessments and Miscellaneous Amendments\) \(EU Exit\) \(Northern Ireland\) Regulations 2018 \(S.I. 2018/1235\)](#), regs. 1(2), [9\(3\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**Commencement Information**

- I1** [Reg. 3](#) in operation at 16.5.2017, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, Section 3.