
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 435

Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) Regulations (Northern Ireland) 2001

Appeals (general provisions)

14.—(1) The following persons that is to say—

- (a) a person who has applied for a screening decision in respect of a project which the Department has decided is a relevant project, or is deemed to have so decided under regulation 5(8);
- (b) a person who has applied for consent for a relevant project in respect of which consent has been refused or has been granted subject to conditions (other than those specified in regulation 12(11)); and
- (c) a person upon whom a notice of a decision has been served in accordance with paragraph 3 of Schedule 3,

may by notice to the Department appeal against the consent, decision or conditions as the case may be (in this regulation referred to as “the relevant decision”) in accordance with this regulation.

(2) A person to whom paragraph (1) applies must serve notice of an appeal on the Department within three months from the date upon which that person was notified of the relevant decision.

(3) Notice of an appeal shall include—

- (a) a description of the relevant decision;
- (b) a statement of the grounds of appeal; and
- (c) a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be disposed of on the basis of written representations.

(4) As soon as is reasonably practicable after receipt of notice of an appeal the Department shall serve copies of the notice on such of the consultation bodies as it thinks fit, on any person who made representations in respect of the relevant decision, on any EEA State consulted pursuant to regulation 11(4) or any authority or person who forwarded their opinion under regulation 11(3)(b) and on any other person who appears to it to have a particular interest in the subject matter of the appeal.

(5) A person upon whom a copy of a notice of an appeal has been served in accordance with paragraph (4) may not make representations in respect of the appeal unless he notifies the Department that he wishes to do so within twenty-eight days of the date on which a copy of the notice was served upon him.

(6) The Department shall appoint any person (“the appointed person”) to exercise, with or without payment, the functions in relation to an appeal set out in these Regulations and Schedule 4 shall have effect with respect to such appointment.

(7) Before determining an appeal, if the appellant has indicated that he wishes to be heard, the appointed person shall arrange a hearing or, if the appellant has not indicated that he wishes to be heard, the appointed person shall decide whether the appeal shall proceed by way of written representations or a hearing and in either case shall notify its decision to the appellant, to the

Department and to any persons who notified the Department in accordance with paragraph (5) that they wished to make representations accordingly.

(8) For the purpose of determining any matter involved in an appeal the appointed person may, subject to paragraph (9), by summons require any person to attend at a time and place stated in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the appeal hearing, and may take evidence on oath and for that purpose administer oaths or may instead of administering an oath require the person examined to make a solemn affirmation.

(9) A person shall not be required to attend to give evidence or to produce any documents in obedience to a summons issued in accordance with paragraph (8) unless the necessary expenses of his attendance are paid or tendered to him.

(10) Any person who refuses or deliberately fails to attend in obedience to a summons issued in accordance with paragraph (8) or refuses to give evidence or to produce any book or other document which he is required or is liable to be required to produce for the purposes of these Regulations shall be guilty of an offence.

(11) Where the appointed person holds or causes to be held a hearing to determine any matter under this regulation it may direct that the costs incurred by him in relation to the hearing (including such reasonable sum as he may determine for the services of any officer engaged in conducting the hearing) may be paid by such party to the hearing as the appointed person may direct and may cause the amount of costs so incurred and directed to be paid by any person shall be recoverable from that person summarily as a civil debt.

(12) The appointed person may, when holding or causing to be held a hearing to determine any matter under this regulation, make orders with respect to the costs of the parties at the hearing and with respect to the parties by whom the costs are to be paid and every such order may be made a rule of the High Court on the application of any party named in such an order.

(13) The appointed person may make orders with respect to the costs of the parties providing evidence for the hearing and with respect to the costs of the parties by whom the costs are to be paid in relation to an appeal to which this regulation applies which does not give rise to a hearing in the same way as if a hearing had in fact taken place.

(14) Except as otherwise provided by this regulation or by regulation 15 or 16 the appointed person shall determine the procedure (which may include provision for site visits) for deciding any matter arising in the appeal.

(15) Any representations, statements or other documents to be submitted to the appointed person in accordance with regulation 15 or 16 shall be accompanied by such number of copies as he may specify.