
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 32

The Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2005

PART 3

CONSENT

The application

7.—(1) An application for consent for a relevant project shall be made to the Department on a form supplied by the Department.

(2) An application shall include the environmental statement and any other information provided in accordance with regulation 6.

(3) The applicant shall provide to the Department such number of copies of the application as it may reasonably require.

(4) After the Department has received an application and copies thereof in accordance with paragraphs (1) to (3), it shall send a copy of the application to the consultation bodies and inform them that they may make representations within twenty-eight days from the date of receipt of that copy.

Publicity for an application

8.—(1) At the same time an applicant makes an application he shall publish in the Belfast Gazette and one or more newspapers circulating in –

- (a) the locality in which the proposed project, which is the subject of the application, is proposed to be carried out; and
- (b) the locality in which the waterway or underground stratum which may be affected by the project is situated,

a notice –

- (i) stating the applicant's name and that he has made an application and that he has provided the Department with an environmental statement or further information in accordance with regulation 6;
- (ii) naming a place in the relevant locality at which copies of the application, the environmental statement and any further information may be inspected free of charge at all reasonable hours within a period of twenty-eight days beginning on the date the notice was published;
- (iii) specifying an address at which copies of the application, the environmental statement and any further information may be obtained from the applicant and, if a charge is to be made for a copy, the amount (not exceeding a reasonable charge for copying) of the charge; and
- (iv) stating that any person wishing to make representations in relation to the application should make them to the Department in writing within a period of twenty-eight days beginning on

the date the notice was first published in the newspaper, at a specified address nominated by the Department.

(2) By not later than such date as may be specified by the Department, the applicant shall send a copy of the notice published in the newspaper and the application (including the environmental statement and the further information) to such persons as the Department may specify, under cover of a letter stating that any representations in relation to the application should be made in writing to the Department within a period of twenty-eight days beginning on the date of the letter.

(3) The applicant shall send to the Department a copy of any notice published under paragraph (1).

(4) The Department shall not determine an application made by a person where that person has not complied with a requirement of this regulation.

Determination of application and notice of determination

9.—(1) The Department shall not determine an application before the latest date allowed under these Regulations for making representations or concluding any consultation.

(2) In determining the application the Department shall take into consideration the environmental statement, any further information provided, and any representations relating to the environmental effects of the project made to the Department in accordance with these Regulations.

(3) Within twenty-eight days of the decision on the application, the Department shall publish in those newspapers in which a notice was published under regulation 8 a notice stating that the Department has granted or refused the application and stating a place and times where any person may inspect –

- (a) any relevant consent or variation thereof;
- (b) a document containing the relevant decision and the main reasons and considerations on which it is based; and
- (c) a description, where necessary, of the main measures to avoid, reduce and if possible offset the major adverse effects of the project.

Department's decision on an application for consent

10. In relation to an application, the Department may, taking into account any significant effects the relevant project is likely to have on the environment –

- (a) grant a consent containing such provisions as it considers appropriate; or
- (b) refuse consent.

Revocation or modification of consent

11.—(1) If it appears to the Department that a relevant project is causing or is likely to cause significant harm to the environment, the Department may, in accordance with this regulation, revoke or modify any consent granted in respect of it.

(2) Subject to paragraph (3) the Department shall not revoke or modify a consent without giving at least 3 months' notice of its intention to do so by –

- (a) serving a notice of the revocation or modification on any person on whose application the consent was granted and any other person appearing to the Department to rely on the consent; and
- (b) publishing a notice of the revocation or modification in such manner as the Department considers appropriate for bringing it to the attention of those likely to be thereby affected.

(3) Where the Department considers that it is necessary to prevent significant harm to the environment, it may (by notice served on a person appearing to it to rely on that consent) revoke or

modify a consent with effect from the date of service of that notice or (if later) the date specified in the notice.