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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 344**

**The Planning (Hazardous Substances)  
(No. 2) Regulations (Northern Ireland) 2015**

**PART 3**

Consent

**Consultations before determining applications for hazardous substances consent**

**11.**—(1) Before determining an application for consent the council shall consult with—

- (a) the Department [<sup>F1</sup>of Agriculture, Environment and Rural Affairs] ;
- (b) the Health and Safety Executive for Northern Ireland; and
- (c) the Northern Ireland Fire and Rescue Service.

(2) The council must also, before determining an application for hazardous substances consent, consult any other persons, including any non-governmental organisation promoting environmental protection, who are affected or likely be affected by, or have an interest in, the application, and who in the council's opinion are unlikely to become aware of the application through the notices under regulation 6.

(3) When consulting under paragraph (1) or (2) of this regulation, the council must within 7 days—

- (a) notify in writing the body or person concerned that they have received an application for hazardous substances consent and inform them of the following matters;
  - (i) a description of the proposal and the address or location of the land to which the application relates;
  - (ii) where applicable, the fact that the proposal is, or is part of, a project that is subject to a national or transboundary environmental impact assessment [<sup>F2</sup>(which have the same meaning as any provision of retained EU law which implemented the EIA Directive)] ;
  - [<sup>F3</sup>(*ia*) where applicable, the fact that the project to which the proposal relates is one in respect of which the council or, as the case may be, the Department is required to consult any state under any provision of retained EU law which implemented the EIA Directive or which is subject to consultations between Member States in accordance with Article 14(3) of the Directive;]
  - (iii) that the council (from which relevant information can be obtained) will decide whether or not to grant consent, and if to grant, will decide on what conditions to grant;
  - (iv) that representations (including comments or questions) may be made to the council;
  - (v) details of how such representations should be made and the time period for making representations which must not be less than 28 days beginning with the day after the

day on which the person or body is notified that an application has been received by the council;

- (vi) the place and times at which and the period during which copies of the application may be inspected by the public; and
- (b) ensure that a copy of the application and any information, plans and other documents contained in or accompanying it is available for inspection at its offices during the period or periods allowed for making representations.

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**Textual Amendments**

- F1** Words in reg. 11(1) inserted (9.5.2016) by [The Planning \(Hazardous Substances\) \(No.2\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/116\)](#), regs. 1, **2(2)**
- F2** Words in reg. 11(3)(a)(ii) substituted (31.1.2020) by [The Planning \(Environmental Assessments and Miscellaneous Amendments\) \(EU Exit\) \(Northern Ireland\) Regulations 2018 \(S.I. 2018/1235\)](#), regs. 1(2), **8(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Reg. 11(3)(a)(iia) inserted (31.1.2020) by [The Planning \(Environmental Assessments and Miscellaneous Amendments\) \(EU Exit\) \(Northern Ireland\) Regulations 2018 \(S.I. 2018/1235\)](#), regs. 1(2), **8(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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**Modifications etc. (not altering text)**

- C1** Reg. 11 applied (with modifications) by [S.R. 2015/344](#), **reg. 16(2)** (as substituted 9.5.2016 by [The Planning \(Hazardous Substances\) \(No.2\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/116\)](#) S.R. 2016/116, **regs. 1, 2(3)**)

**Changes to legislation:**

There are currently no known outstanding effects for the The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015, Section 11.