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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 4**

Policies and public participation

**Other planning approvals for projects**

**19.**—(1) Subject to paragraph (4), this regulation applies where consent, permission or other authorisation for a relevant project is sought from the competent authority.

(2) A competent authority must, before deciding to give any consent, permission or other authorisation for a relevant project, take such measures as it considers appropriate to ensure that—

- (a) the public is informed by public notices or other appropriate means, including electronic media where available, of the following matters early in the procedure for the taking of a decision or, at the latest, as soon as the information can reasonably be provided—
  - (i) the subject of the relevant project;
  - (ii) where applicable, the fact that a project is subject to a national or transboundary environmental impact assessment [<sup>F1</sup>“(which have the same meaning as in any provision of retained EU law which implemented the EIA Directive)”];
  - [<sup>F2</sup>(iiia) 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) details of the competent authority responsible for taking the decision, from which relevant information can be obtained and to which comments or questions can be submitted;
  - (iv) an indication of the times and places where, or means by which, the relevant information will be made available;
  - (v) details of the period for transmitting comments and questions; and
  - (vi) the nature of possible decisions or, where there is one, the draft decision;
- (b) [<sup>F3</sup>the Department of Agriculture, Environment and Rural Affairs] and the Health and Safety Executive for Northern Ireland are consulted about the project;
- (c) the main reports and advice issued to the competent authority at the time when the public concerned was informed pursuant to paragraph (2)(a) are made available to the public concerned at that time;
- (d) the public concerned is entitled to express comments and opinions to the competent authority before a decision is taken; and

- (e) the results of the consultations held pursuant to this regulation are taken into account in the taking of a decision.
- (3) After deciding whether to give any consent, permission or other authorisation for a relevant project, the competent authority must make available to the public—
- (a) the content of the decision and the reasons on which it is based, including any subsequent updates;
  - (b) the results of the consultations held before the decision was taken and an explanation of how they were taken into account in that decision.
- (4) To the extent that the competent authority is already required by any enactment to take any of the actions set out in paragraphs (2) and (3) of this regulation, those paragraphs do not apply.
- (5) In this regulation—
- “competent authority” means the council, the planning appeals commission, or as the case may be the Department with responsibility for deciding whether to give a consent, permission or other authorisation referred to in paragraph (1).
- “the public concerned” means persons, including any non-governmental organisation promoting environmental protection, who are affected or likely to be affected by, or have an interest in, the taking of a decision to give the consent, permission or other authorisation referred to in paragraph (1); and
- “relevant project” means development falling within paragraphs 2(a) and (b) of Parts 1 and 2 of Schedule 3 to the General Development Procedure Order.
- (6) In this regulation, a reference to giving consent, permission or other authorisation means—
- (a) granting planning permission on an application under Part 3 of the 2011 Act (planning control);
  - (b) granting planning permission on an application under section 213 (urgent crown development);
  - (c) granting planning permission, or upholding the decision of the council to grant planning permission (whether or not subject to the same conditions and limitations as those imposed by the council), on determining an appeal under section 58 (appeals) in respect of such an application;
  - (d) granting planning permission under section 145(1)(a) (appeal against enforcement notice – supplementary provisions relating to planning permission);
  - (e) making—
    - (i) a special development order under section 32(3)(b) (development orders);
    - (ii) a simplified planning zone scheme under section 33 (simplified planning zones);
    - (iii) an order designating an enterprise zone under article 7 of The Enterprise Zones (Northern Ireland) Order 1981 <sup>M1</sup>
    - (iv) an order under section 73 (orders requiring discontinuance of use or alteration or removal of buildings or works) including an order made under that section by virtue of section 75 (power of the Department to make section 73 orders) which grants planning permission, or confirming any such order under section 74 (confirmation by Department of section 73 orders);
    - (v) an order under section 73 as modified by section 230 (2)(b)(iv) (minerals);
    - (vi) an order made under section 1 of the Harbours Act (Northern Ireland) 1970 <sup>M2</sup>.
  - (f) granting hazardous substances consent under section 114 (call in of certain applications for hazardous consent to Department);

(g) granting hazardous substances consent under section 145(1)(a) (as applied to hazardous substances contravention notices, and modified, by regulation 21 and Schedule 3)

(7) In relation to any consent, permission or authorisation falling within paragraph (6) which is capable of being varied or modified, the modification or variation is to be treated as if it is a consent, permission or other authorisation for a relevant project for the purposes of this regulation where that modification or variation authorises development falling within paragraph 2(b)(ii) of Part 1 and Part 2 of Schedule 3 to the General Development Procedure Order.

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#### Textual Amendments

- F1** Words in reg. 19(2)(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(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Reg. 19(2)(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(7)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 19(2)(b) substituted (27.3.2019) by [The Planning \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/24\)](#), regs. 1, **8(3)**
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#### Marginal Citations

- M1** S.R. 1981 No. 607
- M2** 1970 c.1

**Changes to legislation:**

There are currently no known outstanding effects for the The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015, Section 19.