

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2015 No. 74**

**The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015**

**PART 4**

**Procedures on Receipt of Application**

**Application made to the council without an environmental statement**

**16.**—(1) Where an EIA application, including an application determined as such under regulation 10 or 14, is not accompanied by an environmental statement or a statement referred to by the applicant as an environmental statement, the council shall notify the applicant in writing that the submission of such a statement is required, giving clearly and precisely the full reasons for its view.

(2) The council shall notify the applicant in accordance with paragraph (1) within 4 weeks from the date of receipt of the application or such longer period as may be agreed in writing with the applicant.

(3) An applicant receiving a notification pursuant to paragraph (1) shall, within 4 weeks from the date of the determination, inform the council, in writing, that the applicant—

- (a) accepts the council's determination and proposes to provide an environmental statement; or
- (b) does not accept the council's determination and proposes to seek a hearing before the Commission.

(4) If the applicant does not inform the council in writing in accordance with paragraph (3), the permission or subsequent consent sought shall be deemed to be refused at the end of the relevant 4 week period; and the deemed refusal shall not give rise to an appeal to the Commission by virtue of section 58 (appeals) or section 60 (appeal against failure to take planning decision).

(5) Where, following receipt of a notification pursuant to paragraph (1), an applicant proposes to seek a hearing before the Commission, the applicant shall by notice in writing inform the Commission to such effect within 4 weeks from the date of the notification.

(6) Where the council determines, or following a hearing by the Commission confirms, that an environmental statement is required, the statement shall be submitted within 6 months from the date of determination or such extended period as may be agreed in writing between the applicant and the council, and if not so submitted, the application for planning permission or subsequent application shall be deemed to be refused and the deemed refusal shall not give rise to an appeal to the Commission by virtue of section 58 (appeals) or section 60 (appeal against failure to take planning decision).

(7) Where, following a hearing by the Commission, the council withdraws its determination that an environmental statement is required, the period within which the application for planning permission or subsequent application is to be determined shall be calculated from the date of notice to the applicant of the council's withdrawal.

(8) Where the council makes a determination under regulation 10(1) or 14(1) that an environmental statement is required or confirms a determination under paragraph (6), regulations 8(3) and 9 shall apply.