
EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations revoke and replace the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.

These Regulations implement, in respect of the planning system in Northern Ireland, [Directive 2011/92/EU](#) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment (O.J. No. L26, 28.1.2012, p.1), as amended by Council [Directive 2014/52/EU](#) (O.J. No. L124, 25.04.2014, p.1) which came into operation on 15 May 2014.

Part 1 defines terms used in the Regulations, sets out the Department's power of direction, ensures that EIA development cannot be permitted without the consideration of environmental information, describes the environmental impact assessment process, sets out the matters that confirm that development is EIA development and provides that the Planning Appeals Commission (the Commission) can carry out council or Departmental functions in respect of appeals under section 58 or 60 of the 2011 Act.

Part 2 sets out pre-application procedures under which a developer can ask the council or Department to give a determination as to whether proposed development is EIA development or an opinion as to the information to be provided in an environmental statement.

Part 3 contains procedures to facilitate the preparation of environmental statements and the provision of information relevant to their preparation and sets out the minimum content and requirements when preparing an environmental statement.

Part 4 sets out procedures for dealing with applications on receipt by a council or the Department. These include those for determining whether or not the application is an EIA application, consideration of any environmental information previously provided, requiring an environmental statement to be provided and provisions for the Department to process EIA applications referred to it under section 29 of the 2011 Act without an environmental statement. The period for making a decision on planning applications or subsequent applications is extended for EIA applications.

Part 5 contains the publicity arrangements for environmental statements including the availability of copies, consultation requirements, the need for further information and evidence, and charges for the cost of printing and distributing the environmental statement.

Part 6 is new and ensures that, where the proposed development also requires a Habitats Regulations Assessment, the environmental impact assessment is coordinated with that assessment, sets out the procedures when considering whether planning permission or subsequent consent should be granted, specifies the factors to bear in mind when considering whether to impose monitoring measures, describes the information to accompany a decision and details the arrangements for informing the public of decisions.

Part 7 deals with development by a council, modifying the Regulations as appropriate.

Part 8 sets out transboundary procedures where development in Northern Ireland is likely either to affect other EEA states, or the reverse.

Part 9 contains the procedures for unauthorised development which is or appears to be EIA development.

Part 10 restricts the grant of planning permission under simplified planning zone and enterprise zone schemes and any development order made after the commencement of these Regulations.

Changes to legislation: *There are currently no known outstanding effects for the The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. (See end of Document for details)*

Part 11 requires the council and the Department to perform their duties in an objective manner and avoid conflicts of interest, sets out the requirements to make information available for inspection, specifies the circumstances in which the Commission will allow people to appear before it and be heard, and the effect of the Commission's report on determinations. It also details how electronic communications will apply to applications, applies the Regulations to the Crown and revokes the 2015 Regulations with saving and transitional provisions.

Schedule 1 lists the developments for which environmental assessment is mandatory. Schedule 2 lists, with thresholds/criteria, development for which environmental assessment is required if it has significant environmental effects. Schedule 3 lists the selection criteria to be taken into account to determine whether a development listed in Schedule 2 should be subject to an environmental impact assessment. Schedule 4 lists matters for inclusion in an environmental statement. Schedule 5 lists the extent of the revocations imposed by these Regulations.

A Regulatory Impact Assessment has been prepared in relation to these Regulations. A copy may be obtained from the Department for Infrastructure, Planning Policy Division, Clarence Court, 10-18 Adelaide Street, Town Parks, Belfast BT2 8GB (Tel: 028 9054 0572) or accessed at <http://www.planningni.gov.uk>.

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