
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 74

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

PART 5

Publicity

Publicity where an environmental statement is submitted

20. Where an environmental statement is submitted, the developer shall make it available to the public, and the council or, as the case may be, the Department shall, when it receives the environmental statement—

- (a) publish notice of the application for planning permission or subsequent application by local advertisement, allowing the public a period of 4 weeks from the date on which the notice is first published, in which to make representations;
- (b) state in the notice that—
 - (i) the application for planning permission or subsequent application is accompanied by an environmental statement; and
 - (ii) in the case of a subsequent application, that a copy of the planning permission and supporting documents for the development in respect of which the application has been made may be inspected by members of the public at all reasonable hours at the relevant office of the council or, as the case may be, the Department;
- (c) give in the notice, a postal address (within the locality in which the land proposed to be developed is situated) at which copies of the environmental statement may be obtained from the developer, so long as stocks last, and if a charge is to be made for a copy, state the amount of the charge; and
- (d) where it is aware of any particular person who is or is likely to be affected by, or has an interest in, the application for planning permission or subsequent application, and who is unlikely to become aware of it by means of a local advertisement, send a notice to such person containing the details set out in paragraphs (a) – (c) and the address of the relevant office of the council or, as the case may be, the Department.

Availability of copies of environmental statement

21. A developer who submits an environmental statement shall—

- (a) ensure that a reasonable number of copies are made available at the address given in the notice pursuant to regulation 20(c); and
- (b) provide the council or, as the case may be, the Department with sufficient copies of it, or parts of it, to enable the council or, as the case may be, the Department to comply with regulation 22 and 3 additional copies.

Consultation where environmental statement submitted

22.—(1) Where the council receives an environmental statement in relation to a proposed development, it shall consult any other council and bodies mentioned in regulation 8(3) and inform them that they may make representations.

(2) Where the Department receives an environmental statement in relation to a proposed development, it shall consult the council or councils and bodies mentioned in regulation 8(4) and inform them that they may make representations.

(3) The council or, as the case may be, the Department shall give not less than 4 weeks notice to any council and bodies consulted under paragraph (1) or (2) that environmental information is to be taken into account in determining the application for planning permission or subsequent application.

Further information and evidence relating to environmental statement

23.—(1) Where the applicant has submitted a statement which he refers to as an environmental statement and the council or, as the case may be, the Department is of the opinion that the statement should contain further information in order to be an environmental statement, it shall require the applicant, by notice in writing, to submit such further information.

(2) The council or, as the case may be, the Department may, by notice in writing, require an applicant to produce such evidence as it may reasonably call for to verify any information in the environmental statement.

(3) On receipt of a request under paragraphs (1) and (2) the applicant shall submit the further information or evidence within three months from the date of the request or such extended period as may be agreed in writing between the applicant and the council or, as the case may be, the Department, and if not so submitted the 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).

(4) Subject to paragraph (6), regulations 20 to 22 shall apply where such further information and any other information is received by the council or, as the case may be, the Department, as if references to “environmental statement” were references to “further information and any other information”.

(5) Subject to paragraph (6), where information is requested under paragraph (1) or any other information is received by the council or, as the case may be, the Department, it shall suspend determination of the application and shall not determine it before the expiry of the period of four weeks after the date on which notice of that information was published under regulation 20, or the expiry of the period of notice given to bodies consulted about that information under regulation 22, whichever is the latest.

(6) Paragraphs (4) and (5) shall not apply to further information and any other information provided for the purposes of a public local inquiry or hearing held under section 26(10) and (11), (Department’s jurisdiction in relation to developments of regional significance) or section 29(6) and (7) (call-in of applications, etc. to Department).

(7) Where a public local inquiry or hearing is to be held under section 26(10) or (11) or section 29(6) or (7) in relation to an EIA application, the Department shall, not less than four weeks before the inquiry or hearing is to be held, publish notice of it by local advertisement.

(8) Every notice published pursuant to paragraph (7) shall contain:

- (a) a clear statement of the date, time and place of the inquiry or hearing;
- (b) details of where and when copies of any information provided for the purposes of the inquiry or hearing may be inspected and, where practicable, copied by the public.

(9) Where a public local inquiry or hearing is to be held under section 26(10) or (11) or section 29(6) or (7) in relation to an EIA application the Commission or, as the case may be, the person appointed by the Department shall, not less than four weeks before the inquiry or hearing is to be held, afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of any information provided for the purposes of the inquiry or hearing.

(10) For the purposes of paragraph (9), an opportunity is to be taken as having been afforded to a person where the person is notified of—

- (a) publication on the Commission’s website or, publication on a website accessible by the person appointed by the Department of any information provided for the purposes of the inquiry or hearing;
- (b) the address of that website; and
- (c) the place on the website where that information may be accessed, and how it may be accessed.

Charges

24.—(1) A reasonable charge reflecting the cost of printing and distribution of an environmental statement, part of it, or further information or any other information, may be made by the developer in respect of copies made available under regulation 21(a).

(2) A body entering into consultation pursuant to regulation 9, may make a reasonable charge for the costs of making available to the developer information in its possession.

Duty to inform the public of decisions

25.—(1) Where an EIA application is determined, the council or, as the case may be, the Department shall inform the public of the decision by local advertisement or by such other means as are reasonable in the circumstances.

(2) Where an EIA application is determined by the Department it shall also—

- (a) notify the council of its decision;
- (b) provide the council with a statement containing—
 - (i) the contents of the decision and the conditions attached to it;
 - (ii) the main reasons and considerations on which the decision was based including, if relevant, information about the participation of the public;
 - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and
 - (iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.

(3) Where, after environmental information has been taken into consideration, an EIA application is determined by the Commission, the Commission shall—

- (a) notify the council of its decision; and
- (b) provide the council with a copy of a statement containing—
 - (i) the contents of the decision and the conditions attached to it;
 - (ii) the main reasons and considerations on which the decision was based including, if relevant, information about the participation of the public;
 - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and

(iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.

(4) The council shall, as soon as reasonably practicable after receipt of the notification under paragraph (3), comply with paragraph (1) as if the decision so notified was a decision of the council.