

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2017 No. 83**

**The Planning (Environmental Impact  
Assessment) Regulations (Northern Ireland) 2017**

**PART 11**

Miscellaneous

**Objectivity and bias**

**43.—**(1) The council or, as the case may be, the Department shall perform their duties under these Regulations in an objective manner and so as not to find themselves in a situation giving rise to a conflict of interest.

(2) Where the council or, as the case may be, the Department is (or would be) an applicant and it will also be responsible for determining its own application, the council or, as the case may be, the Department shall make appropriate administrative arrangements to ensure that there is a functional separation, when performing any duty under these Regulations, between the persons making the application and the persons responsible for determining that application.

**Availability of information in relation to determinations, opinions, decisions, etc.**

**44.—**(1) The council shall make available for public inspection at all reasonable hours at the place where a register pursuant to Article 24 of the General Development Procedure Order is kept, a copy of—

- (a) any determination or opinion given pursuant to regulation 8(1), 12(1), 14(1) or 16(1), notification under regulation 15(1) or 16(3), or determination confirmed or amended under regulation 45(2) together with the accompanying statement of reasons, the relevant request and the documents which accompanied it;
- (b) any environmental statement and further information and any other information received under these Regulations; and
- (c) where environmental information has been taken into consideration in determining an application for planning permission or subsequent application or appeal, a statement containing—
  - (i) the main reasons and considerations on which the decision was based including information about the arrangements taken to ensure the public had the opportunity to participate in the decision making procedures;
  - (ii) a summary of the results of the consultations undertaken and information gathered in respect of applications and how those results, in particular comments received from an EEA State pursuant to consultation under regulation 29, have been incorporated or otherwise addressed; and
  - (iii) details of the matters referred to in regulation 26(2).

(2) The council shall make available for public inspection at all reasonable hours at the place where a register pursuant to Article 26 of the General Development Procedure Order is kept, a copy of—

- (a) every regulation 34 notice served by the council or, as the case may be, the Department;
- (b) every determination made by the council or, as the case may be, the Department in accordance with regulation 34(2) or notice confirmed or amended under regulation 45(2) in respect of a deemed application under Part 8;
- (c) every environmental statement or additional information received by the council or, as the case may be, the Department by virtue of regulation 37(1); and
- (d) every notice received by the council or, as the case may be, the Department under regulation 38(3) or (4).

(3) A register kept pursuant to Article 27 of the General Development Procedure Order is kept, a copy of any direction given by the Department pursuant to regulation 3(1)(a) to (c), and any information obtained under regulation 3(2).

(4) Where the registers kept under this regulation are kept using electronic storage, the council may make the registers available for inspection by the public on a website maintained by the council for that purpose.

#### **Hearing by the Commission in relation to the council's or Department's determination**

**45.**—(1) Where a person seeks a hearing before the Commission under regulations 8(19), 15(4), 16(5) or 34(6) it shall afford that person the opportunity of appearing before and being heard by the Commission.

(2) Where a hearing is held, the council or, as the case may be, the Department shall consider the report of the Commission and may confirm, amend or withdraw its determination.

#### **Use of electronic communications**

**46.**—(1) Paragraph (2) applies where a person uses electronic communications to make an application under regulation 8, and except where a contrary intention appears, the applicant shall be taken to have agreed—

- (a) to the use of electronic communications for all purposes relating to the application which is capable of being effected using such communications;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the application;
- (c) that the person's deemed agreement under this paragraph shall subsist until the person gives notice in writing that the person wishes to revoke the agreement and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

(2) In paragraphs (3)(a), 5(a) and 6(a) of regulation 8 the requirement for the application to be accompanied by a plan sufficient to identify the land to which the application relates is satisfied where the applicant identifies the land on an electronic map provided by the council or, as the case may be, the Department and for this purpose a map is taken to be provided where the council or, as the case may be, the Department has published it on its website.

#### **Application to the Crown**

**47.** These Regulations shall apply to the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

### **Revocation, saving and transitional provisions**

**48.**—(1) Subject to paragraphs (2) to (4) the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015(1) (“the 2015 Regulations”) are revoked except for regulations 45(3) and (4).

(2) The 2015 Regulations continue to have effect as they did immediately before 16th May 2017 where before that date—

- (a) the applicant or, as the case may be, the appellant has submitted an environmental statement (within the meaning of the 2015 Regulations); or
- (b) the applicant has made a request under regulation 7(1)(b) of the 2015 Regulations for an opinion as to the information to be provided in the environmental statement.

(3) Parts 1 and 2 of the 2015 Regulations continue to have effect as they did immediately before 16th May 2017 in respect of—

- (a) a request for a determination under regulation 7(1)(a) of the 2015 Regulations made to the council or, as the case may be, the Department, before that date.
- (b) a determination by the council or, as the case may be, the Department where the process to make the determination was initiated before that date.

(4) Regulations 45(3) and (4) of the 2015 Regulations continue to have effect in respect of the matters specified in paragraph 2(a) to (c) of regulation 40 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012.