
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 73

The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999

Part IV

Procedures on Receipt of Application

Application made to the Department without prior determination as to need for environmental impact assessment or without an environmental statement

- 9.—(1) Where it appears to the Department that an application for planning permission—
- (a) is a Schedule 1 application or a Schedule 2 application;
 - (b) has not been the subject of a determination as to whether the application is or is not an EIA application; and
 - (c) is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these regulations,

it shall make a determination as to whether the application is for EIA development, taking into account the selection criteria.

(2) If the Department considers that it has not been provided with sufficient information to make a determination, it shall notify the applicant of the particular points on which it requires further information.

(3) Where an EIA application, including an application determined as such under paragraph (1), is not accompanied by an environmental statement or a statement referred to by the applicant as an environmental statement, the Department 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.

(4) Subject to paragraph (5), the Department shall make a determination under paragraph (1) and, where necessary, notify the applicant in accordance with paragraph (3) within 4 weeks from the date of receipt of the application or such longer period as may be agreed in writing with the applicant.

(5) Where additional information is requested under paragraph (2), the Department shall notify the applicant of its determination within a period of 4 weeks from the date of receipt of the additional information.

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

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

(7) If the applicant does not inform the Department in writing in accordance with paragraph (6), the permission 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 Article 32 (appeals) or Article 33 (appeal in default of planning decision).

(8) Where the Department 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 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 Article 32 (appeals) or Article 33 (appeal in default of planning decision).

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

(10) Where the Department makes a determination under paragraph (1) that an environmental statement is required or confirms a determination under paragraph (8), regulations 7(3) and 8 shall apply.

Extension of the period for Department's decision on a planning application

10. Where an environmental statement is required in relation to an application for planning permission, article 11 of the General Development Order shall have effect as if—

- (a) for the reference in paragraph (2)(a) of that article to a period of 2 months from the date the application was received there were substituted a reference to a period of 16 weeks; and
- (b) after paragraph (3)(b) of that article there were inserted—
 - “(ba) the environmental statement required to be submitted in respect of the application has been submitted, together with the documents required to accompany that statement; and”.

Application of Article 31 of the 1991 Order

11. Where an environmental statement is required to be submitted with an application for planning permission and the Department decides that the application for planning permission is one to which Article 31 (major planning applications) shall apply, that Article shall have effect as if—

- (a) for the reference to two months in paragraph (1) of that Article there were substituted a reference to 16 weeks; and
- (b) the date of application were calculated from the date when each of the events described in article 11(3) (time periods for decisions) of the General Development Order, as modified by regulation 10 has taken place.