
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 435

Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) Regulations (Northern Ireland) 2001

Determination of appeals

17.—(1) After the conclusion of the hearing or after receiving all written representations the appointed person shall—

- (a) if he was so appointed determine the appeal; or
- (b) make a report to the Department that shall include his conclusions and his recommendations or his reasons for not making any recommendations.

(2) If having received a report under paragraph (1)(b) the Department differs from the appointed person on any matter of fact mentioned in, or appearing to it to be material to, a conclusion reached by that person, or takes into consideration any new evidence or new matter of fact and is for that reason disposed to disagree with a recommendation made in the report, it shall not come to a decision under paragraph (3) without first affording to any other persons who made representations to the appointed person the opportunity of making further representations to it within such reasonable time as it shall specify.

(3) The appointed person who determines an appeal or the Department, on receipt of the report of an appointed person under paragraph (1)(b) may affirm the decision to which the appeal refers, reverse it or any part of it and may deal with the appeal in the same way as if it were an application for a decision of first instance.

(4) The Department shall notify its decision under this regulation and the reasons for it, and shall send a copy of any report made in accordance with paragraph (1), to the appellant, to the interested parties and to any other persons who appeared at the hearing (if any) and asked to be notified of the decision.

(5) The appointed person who determines an appeal shall notify his decision under this regulation and the reasons for it to the appellant, to the Department, to other interested parties and to any other persons who appeared at the hearing (if any) and asked to be notified of the decision.