
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012 (“the 2012 Regulations”). The 2012 Regulations consolidated and amended the Planning (Environmental Impact Assessment) Regulations 1999 which implemented Council Directive [85/337/EEC](#) (O.J. No. L 175, 5.7.1985, p 40 (“the EIA Directive”)) on the assessment of the effects of certain public and private projects on the environment. The EIA Directive was amended by Directive [97/11/EC](#), (O.J. No. L 73, 14.3.1997, p.5); Directive [2003/35/EC](#), (O.J. No. L 156, 25.6.2003, p.17); and Directive [2009/31/EC](#), (O.J. No. 140, 5.6.2009, p.114). It was then repealed and replaced by Directive 2011/92/EU (O.J. No. L26, 28.1.2012, p.1) which entered into force on 17th February 2012.

These Regulations are being made to implement the EIA Directive in respect of the new two tier planning system under the Planning (Northern Ireland) Act 2011.

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, 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 for the provision of information relevant to their preparation.

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 new provisions for the Department to process EIA applications made to it under section 26 or 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, charges and informing the public of decisions.

Part 6 is new and deals with development by a council, modifying the Regulations as appropriate.

Part 7 sets out transboundary procedures where development in Northern Ireland is likely either to affect other EEA states, or the reverse.

Part 8 contains the procedures for unauthorised development which is or appears to be EIA development.

Part 9 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.

Part 10 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

Status: This is the original version (as it was originally made).

will apply to applications, applies the Regulations to the Crown and revokes the 2012 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 selection criteria referred to in Article 4.3 of the Directive. Schedule 4 lists matters for inclusion in an environmental statement. Schedule 5 Part 1 lists modification of statutory rules and Part 2 sets out those provisions as modified.

A Regulatory Impact Assessment has been prepared in relation to these Regulations. A copy may be obtained from the Department of the Environment, Planning Policy Division, Causeway Exchange, 1-7 Bedford Street, Town Parks, Belfast BT2 7EG (Tel: 028 9082 3497) or accessed at <http://www.planningni.gov.uk/>