

SCHEDULE 5

Saving and transitional provisions

PART 2

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

Prohibition on the grant of planning permission or subsequent consent without consideration of environmental information

4.—(1) This regulation applies—

- (a) to every application for planning permission for EIA development received by a council or the Department on or after the commencement of these Regulations; and
- (b) to every subsequent application in respect of EIA development received by a council or the Department on or after the commencement of these Regulations but which was not determined by 1st October 2008;

and for the purposes of this paragraph, the date of receipt of an application by a council or the Department shall be determined in accordance with Article 11 (time periods for decisions) of the General Development Order as applied by regulation 10.

(2) A council, the Department or the Commission, as the case may require, shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.

(3) Paragraph (2) applies to a council where an application to which these Regulations apply is to be treated as having been made to that council under the 2011 Act by virtue of paragraph 2 of Schedule 2 to the Planning (2011 Act) (Commencement No. 3) and (Transitional Provisions) Order (Northern Ireland) 2015.

Changes to legislation:

There are currently no known outstanding effects for the The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015, Paragraph 4.