
STATUTORY INSTRUMENTS

2018 No. 1235

The Planning (Environmental Assessments and Miscellaneous Amendments) (EU Exit) (Northern Ireland) Regulations 2018

PART 2

Amendments to secondary legislation

Amendments to the Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015

8.—(1) The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015⁽¹⁾ shall be amended as follows—

(2) In regulation 2(2)—

(a) in the definition of “the Directive” for “amending and subsequently repealing Council Directive 96/82/EC,” substitute “as it had effect immediately before exit day,”;

(b) after the definition of “the Directive” insert—

““the EIA Directive” means Directive 2011/92/EU⁽²⁾ of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment as it had effect immediately before exit day;” and

(c) after the definition of “electronic communication” insert—

““major accident” has the same meaning as in regulation 2 of the Control of Major Accident Hazards Regulations (Northern Ireland) 2015.”.

(3) In regulation 6(2)—

(a) in paragraph (d), for the words from “or to consultations” to the end of the paragraph substitute “(which have the same meaning as in any provision of retained EU law which implemented the EIA Directive)”; and

(b) after paragraph (d), insert—

“(da) where applicable, the fact that the project to which the proposal relates is one in respect of which the council or, as the case may be, the Department is required to consult any state under any provision of retained EU law which implemented the EIA Directive or which is subject to consultations between Member States in accordance with Article 14(3) of the Directive;”.

(4) In regulation 11(3)(a)—

(a) in paragraph (ii), for the words from “or to consultations” to the end of the paragraph substitute “(which have the same meaning as any provision of retained EU law which implemented the EIA Directive)”; and

(1) S.R. 2015 No. 344

(2) O.J. No. L26, 28.1.2012, p. 1-21

(b) after paragraph (ii), insert—

“(ia) where applicable, the fact that the project to which the proposal relates is one in respect of which the council or, as the case may be, the Department is required to consult any state under any provision of retained EU law which implemented the EIA Directive or which is subject to consultations between Member States in accordance with Article 14(3) of the Directive;”.

(5) In regulation 17, at the end of paragraph (1)(b) insert “(with the reference in sub-paragraph (c) of that paragraph of that Article to Article 5 being read as a reference to regulation 5 of the Control of Major Accident Hazards Regulations (Northern Ireland) 2015)”.

(6) In regulation 18(6), in the definition of “relevant plan or programme” in both sub-paragraphs (a) and (b), after “pursuant to” insert “any provision of retained EU law which implemented”.

(7) In regulation 19(2)(a)—

(a) in paragraph (ii), for the words from “or to consultations” to the end of the paragraph substitute “(which have the same meaning as in any provision of retained EU law which implemented the EIA Directive)”; and

(b) after paragraph (ii), insert—

“(ia) where applicable, the fact that the project to which the proposal relates is one in respect of which the council or, as the case may be, the Department is required to consult any state under any provision of retained EU law which implemented the EIA Directive or which is subject to consultations between Member States in accordance with Article 14(3) of the Directive;”.

Commencement Information

II [Reg. 8](#) in force at 31.12.2020 (in force on IP completion day in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Planning (Environmental Assessments and Miscellaneous Amendments) (EU Exit) (Northern Ireland) Regulations 2018, Section 8.