

2020 No. 300

PLANNING

**The Planning (Environmental Assessments and Technical
Miscellaneous Amendments) (EU Exit) Regulations (Northern
Ireland) 2020**

Made - - - - *4th December 2020*

Coming into operation in accordance with regulation 1

The Department for Infrastructure(**a**) being a department designated(**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**) in relation to the environment, in exercise of the powers conferred by that section and in exercise of the powers conferred by, sections 51 and 108(4) of the Planning Act (Northern Ireland) 2011(**d**) and sections 11 and 22 of, and paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018(**e**) makes the following Regulations.

PART 1

Introductory Provisions

General Citation, Commencement and Interpretation

1.—(1) These Regulations may be cited as the Planning (Environmental Assessments and Technical Miscellaneous Amendments) (EU Exit) Regulations (Northern Ireland) 2020.

(2) This Part and regulations 2 to 5 come into operation on IP completion day.

(3) Regulation 6 comes into operation immediately before IP completion day.

(4) The Interpretation Act (Northern Ireland) 1954(**f**) applies to these Regulations as it applies to an Act of the Assembly.

(a) S.I. 1999/283

(b) S.I. 2008/301

(c) 1972 c.16 The enabling powers of section 2(2) were extended by virtue of the amendment of section 1(2) by section 1 of the European Economic Area Act 1993 (c.51)

(d) 2011 c.25 (N.I.)

(e) 2018 c.16 section 11 was amended by the European Union (Withdrawal Agreement) Act 2020 (c.1) (“the 2020 Act”) Schedule 5, Part 2, paragraph 42 and paragraph 21 of Schedule 7 was amended by Schedule 5, Part2, paragraph 53 of the 2020 Act.

(f) 1954 c. 33 (N.I.)

PART 2

Amendments to Secondary Legislation

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

2.—(1) The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015(a) are amended as follows.

(2) In regulation 2(2) in the definition of “CLP Regulation” at the end insert “as it had effect immediately before IP completion day.”

(3) In regulation 4(7)(a) after “pursuant to” substitute “ Article 13(1) of Regulation (EU) 2017/852(b) of the European Parliament and of the Council of 17 May 2017 on mercury, as it had effect immediately before IP completion day;”.

Amendments to the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015

3. In the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015(c), in regulation 2(2) omit the definitions, “Directive 67/548/EEC” and “Directive 99/45/EC”.

Amendments to the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015

4. In the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015(d), in regulation 2(2) after the definition of “the Directive” insert—

““Directive 2008/98/EC” means Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste(e) as it had effect immediately before IP completion day;

“Directive 2009/31/EC” means Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide(f) as it had effect immediately before IP completion day;”.

Amendments to the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

5. —(1) The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017(g) are amended as follows.

(2) In regulation 2(2) after the definition of “the Directive” insert—

““Directive 2008/98/EC” means Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste as it had effect immediately before IP completion day;

“Directive 2009/31/EC” means Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide as it had effect immediately before IP completion day;”.

(a) S.R. 2015 No.344
(b) O.J. No. L137, 24.5.2017, p.1-21
(c) S.R. 2015 No.85
(d) S.R. 2015 No.74
(e) O.J. No. L312, 22.11.08, p.3
(f) O.J. No. L140, 5.6.2009, p.114
(g) S.R. 2017 No.83

(3) In Schedule 4, in paragraph 8 after “Council Directive 2009/71/Euratom” insert “as it had effect immediately before IP completion day”.

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

6.—(1) The Planning (Environmental Assessments and Miscellaneous Amendments) (EU Exit) (Northern Ireland) Regulations 2018(a) are amended as follows.

(2) In regulation 1(3) after “9(3)(b)” substitute “and 9(3)(c) come into force immediately before IP completion day.”

(3) In regulation 6(2)(a) in the definition of “best available techniques” for “Article 3(12)” substitute “Article 3(10)”.

Sealed with the Official Seal of the Department for Infrastructure on 4th December 2020.



Angus Kerr
A senior officer of the
Department for Infrastructure

(a) S.I. 2018/1235

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Statutory Rule uses powers conferred by the European Union (Withdrawal) Act 2018, the Planning Act 2011 and Section 2(2) of the ECA 1972.

These Regulations make technical and miscellaneous amendments to EU transposed Planning secondary legislation to ensure the legislation is operable and legally certain post IP completion day, at which time the UK will have left the European Union.

The Explanatory Memorandum is available alongside the Regulations on the government's website www.legislation.gov.uk

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