STATUTORY RULES OF NORTHERN IRELAND

2008 No. 372

PLANNING

The Planning (Environmental Impact Assessment) (Amendment No.2) Regulations (Northern Ireland) 2008

Made - - - -	*9th September 2008*
Coming into operation	*1st October 2008*

The Department of the Environment, is a designated(**1**) Department for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the environment.

The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by that section.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Planning (Environmental Impact Assessment) (Amendment No.2) Regulations (Northern Ireland) 2008 and shall come into operation on 1st October 2008.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999

2. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999(**4**) shall be amended in accordance with regulations 3 to 11.

3. In regulation 2 (2) (interpretation)—

(a) for the definition of "EEA agreement" substitute—

> ""EEA agreement" means the agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993, as modified or supplemented at 9th September 2008;";

(**1**) S.I. 2008/301
(**2**) 1972 c.68. 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)
(**3**) 1954 c.33 (N.I.)
(**4**) S.R. 1999 No. 73 as amended by S.R. 2008 No. 17

(b) for the definition of "EIA application" substitute—

""EIA application" means—

(a) an application for planning permission for EIA development; or

(b) a subsequent application in respect of EIA development;";

(c) for the definition of "Schedule 1 application" and "Schedule 2 application" substitute—

""Schedule 1 application" means—

(a) an application for planning permission for Schedule 1 development; or

(b) a subsequent application in respect of Schedule 1 development; and

"Schedule 2 application" means—

(a) an application for planning permission for Schedule 2 development; or

(b) a subsequent application in respect of Schedule 2 development;";

(d) in the definition of "sensitive area" in sub-paragraph (a) for "Article 24 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985(**5**)", substitute "Article 28 of the Environment (Northern Ireland) Order 2002(**6**)";

(e) after the definition of "sensitive area" insert—

""subsequent application" means an application for approval of a matter where the approval—

(a) is required by or under a condition to which a planning permission is subject; and

(b) must be obtained before all or part of the development permitted by the planning permission may be begun;";

""subsequent consent" means consent granted pursuant to a subsequent application.".

4. For regulation 4 (prohibition on the grant of planning permission without consideration of environmental information) substitute—

"**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 the Department on or after the commencement of these Regulations; and

(b) to every subsequent application in respect of EIA development received by 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 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) 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.".

(**5**) S.I. 1985/170 (N.I. 1) as amended by S.I. 1989/492 (N.I. 3)
(**6**) S.I. 2002/3153 (N.I. 7)