1994 No. 395

PLANNING

Planning (Assessment of Environmental Effects) (Amendment) Regulations (Northern Ireland) 1994

Made . . . . . *14th October 1994*

Coming into operation . . *28th November 1994*

The Department of the Environment, being a department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in exercise of the powers conferred on it by that section and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Planning (Assessment of Environmental Effects) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 28th November 1994.

Amendment of Regulations

2.—(1) The Planning (Assessment of Environmental Effects) Regulations (Northern Ireland) 1989(**c**) are amended in accordance with paragraphs (2) to (11).

(2) In regulation 2(2) (interpretation) after the definition of "the 1972 Order" insert—

" "the 1991 Order" means the Planning (Northern Ireland) Order 1991(**d**);".

(3) After regulation 3(1) (application for planning permission requiring an environmental statement) add the following paragraph—

"(1A) The Department or the Commission as the case may require shall, when granting planning permission in respect of an application to which paragraph (1) applies, state in the notice to the applicant of its decision that it has taken environmental information into consideration.".

(4) For regulation 4(7) (application to determine whether environmental statement required) substitute the following paragraph—

(**a**) S.I. 1988/785
(**b**) 1972 c. 68
(**c**) S.R. 1989 No. 20
(**d**) S.I. 1991/1220 (N.I. 11)

"(7) If the applicant wishes to proceed with the proposed development he shall, by notice in writing inform the Department that he either—

(*a*) accepts the Department's determination and proposes to provide an environmental statement; or

(*b*) does not accept the Department's determination and proposes to seek a hearing before the Commission.".

(5) In regulation 5(4) (application for planning permission without environmental statement) after the words "as applied by paragraph (2),", add the words "that he accepts the determination, or".

(6) For regulation 7 (availability of information in relation to a determination) substitute—

"7. The Department shall place a copy of any—

(*a*) notification under regulation 3(2)(*a*); or

(*b*) determination under regulation 4 or 5; or

(*c*) determination under regulation 4 or 5 confirmed or amended under regulation 6,

on a register kept in pursuance of Article 124(1) of the 1991 Order.".

(7) Regulation 10 (consultation where environmental statement submitted) shall be amended as follows—

(*a*) in paragraph 1(a) for the words "the register" to the end substitute "a register required to be kept in pursuance of Article 124(1) of the 1991 Order; and"; and

(*b*) in paragraph (3) delete the words "and shall not take such information into consideration until after the expiration of the period of such notice".

(8) After regulation 11 insert the following regulation—

"*Further information relating to environmental statement*

11A.—(1) Where the Department or the Commission is of the opinion that—

(*a*) the applicant could have provided further information about any of the matters mentioned in paragraph 3 of Schedule 3; and

(*b*) that further information is reasonably required to give proper consideration to the likely environmental effects of the proposed development;

it may request the applicant in writing to submit such further information.

(2) Regulations 10 and 11 shall apply where such further information is received by the Department in relation to an environmental statement as if references to "environmental statement" were references to "further information.".

(9) In regulation 12 (availability of an environmental statement) after the words "copies of it" insert the words "and any further information supplied to the Department pursuant to regulation 11A".