
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 32

The Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2005

PART 6

OFFENCES & APPEALS IN CONNECTION WITH CONSENT, REVOCATION, MODIFICATION AND PROHIBITION NOTICES

Restriction on commencing a relevant project

- 16.**—(1) Subject to paragraph (2) a person shall not –
- (a) begin a relevant project except in pursuance of a consent granted under regulation 10 by the Department; or
 - (b) carry it out except in accordance with the provisions of that consent.
- (2) A person may rely on a consent granted under regulation 10 even though he is not the person to whom the consent was granted.
- (3) A person who contravenes paragraph (1) shall be guilty of an offence and liable –
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.

Appeals in relation to consent

- 17.**—(1) Subject to the following provisions of this regulation, where an application has been made to the Department for a consent under regulation 10, the applicant may by notice in writing appeal to the Commission if –
- (a) the applicant is dissatisfied with the decision of the Department on the application; or
 - (b) the Department fails to give notice to the applicant of the Department's decision within a period of four months from the date of receipt of the application or within such extended period as may be agreed in writing between the applicant and the Department.
- (2) A notice of appeal under paragraph (1) shall be served within a period of twenty-eight days from –
- (a) the date on which the decision to which it relates was notified to the applicant; or
 - (b) the end of the period referred to in paragraph (1)(b),
- whichever is the later.
- (3) The Commission shall serve a copy of the notice of appeal on the Department before the expiry of the period of twenty-eight days referred to in paragraph (2).
- (4) Where any representations in writing with respect to the application were made within the period specified in accordance with regulation 8(1)(iv), the Department shall serve a copy of the notice of appeal on each of the persons who made those representations; and any person so served

with a copy of the notice of appeal may make further representations to the Commission in writing within a period of twenty-one days from the date on which the copy of the notice is served on him.

(5) No appeal shall be brought by virtue of paragraph (1)(b) before the expiry of a period of four months commencing with –

- (a) the date on which an environmental statement is furnished in accordance with regulation 6(1), or
- (b) the date on which any further information requested by the Department is provided in accordance with regulation 6(7),

whichever is the later.

(6) The Commission shall by notice in writing given to the applicant and the Department –

- (a) uphold the decision of the Department; or
- (b) substitute its own decision.

(7) The Department or, as the case may be, the Commission shall take such steps as are considered appropriate to make a decision under this regulation available to the public.

Appeals in relation to revocation and modification notices

18.—(1) Where the Department revokes or modifies a consent under regulation 11 or serves a prohibition notice under regulation 12, any person dissatisfied by that decision may by notice in writing appeal to the Commission within twenty-eight days from the date on which the decision to which it relates was notified to the applicant. The Commission shall send a copy of the notice to the Department.

(2) An appeal under paragraph (1) may be brought on the grounds that the revocation, modification or prohibition exceeds what is required to prevent significant harm to the environment.

(3) The Commission shall by notice in writing given to the applicant and the Department –

- (a) uphold the decision of the Department; or
- (b) substitute its own decision.