
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 518

**Environmental Impact Assessment (Forestry)
Regulations (Northern Ireland) 2006**

PART II

FORESTRY PROJECTS GENERALLY

Restriction on relevant projects

5.—(1) This Part applies to any project (including any project carried out by a Crown body) other than one to which Part 3 applies.

(2) Subject to regulation 4 a person shall not carry out, on any land, work or operations relating to a relevant project unless—

- (a) a consent has been granted for that project by the Department; and
- (b) the project is carried out in accordance with the consent (including the conditions to which the consent is subject).

Application for an opinion whether a project is a relevant project

6.—(1) A proposer may apply in writing to the Department for its opinion whether a project is a relevant project.

(2) An application under paragraph (1) shall include or be accompanied by —

- (a) a map or plan sufficient to identify the land that is the subject of the proposed project and the extent of the proposed project;
- (b) a brief description of the nature, size and location of the proposed project and of its possible effects on the environment; and
- (c) such further information or representations as the proposer may wish to provide or make.

(3) The Department shall, if it considers that it has not been provided with sufficient information to enable it to give an opinion under paragraph (1), notify the proposer in writing of the matters on which it requires further information and the proposer shall supply that further information to the Department within such period as the Department may reasonably require.

Opinion of the Department

7.—(1) Where a proposer applies to the Department under regulation 6, the Department shall give to him written notice of its opinion within —

- (a) 28 days beginning with the date of its receipt of the application or, where it notifies the proposer under regulation 6(3) that it requires further information, the date of its receipt of that information; or
- (b) such longer period as may be agreed in writing between the Department and the proposer.

(2) Subject to paragraph (3), in considering, for the purpose of forming its opinion, whether the project is likely to have significant effects on the environment the Department shall—

- (a) take into account the selection criteria in Schedule 3; and
- (b) consult with the consultation bodies.

(3) In a case where the project does not exceed any relevant threshold set out in Schedule 2, the Department shall form its opinion in accordance with regulation 3(3) except where, in its opinion, there are exceptional circumstances which, taking account of the selection criteria in Schedule 3, make it likely that the project will have significant effects on the environment.

(4) Where the opinion of the Department is that the project is a relevant project, the Department shall include in, or provide with, its opinion a written statement of its reasons for being of that opinion.

(5) The Department may, in the absence of an application under regulation 6, give its opinion whether or not a project is or would be a relevant project and where it gives an opinion under this paragraph—

- (a) it shall give written notice of its opinion to any person who reasonably appears to it to be the proposer; and
- (b) paragraphs (2), (3), (4), (6) and (7) shall apply as they do to an opinion given under paragraph (1).

(6) In paragraph (3), the reference to circumstances which are, in the opinion of the Department, exceptional shall be construed in accordance with paragraph 4 of Schedule 2.

(7) The Department shall by general and local advertisement —

- (a) publish a copy of any opinion given pursuant to this regulation;
- (b) publish copies of any relevant application under regulation 6(1) and a description of the documents which accompanied it;
- (c) state that any person may make representations to the Department in writing in relation to the likely environmental effects of the project to which the application relates at an address specified in the notice within 28 days of the date of the publication of the notice in the Belfast Gazette; and
- (d) describe what other information relating to the environmental effects of the proposed project is available and give details of where it can be obtained.

Effect of opinions

8.—(1) This paragraph applies to an opinion given under regulation 7 that a project is not or would not be a relevant project.

(2) An opinion to which paragraph (1) applies —

- (a) shall have the effect of determining for the purpose of these Regulations that the project specified in the opinion (but only that project) is not or would not be a relevant project; but
- (b) shall cease to have effect on the expiry of —
 - (i) the period five years beginning with the date on which the opinion is given; or
 - (ii) such shorter period as may be specified in the opinion, if the work relating to the project has not been completed within that period.

(3) This paragraph applies to an opinion under regulation 7 that a project is or would be a relevant project.

(4) An opinion to which paragraph 3 applies shall have the effect of determining for the purposes of these Regulations that the project specified in the opinion is or would be a relevant project.

Request as to the information to be included in an environmental statement

9.—(1) Before applying for consent in relation to a project, a proposer may request the Department to give its opinion as to the information to be contained in any environmental statement required for that project.

(2) Where a proposer requests an opinion under paragraph (1) before a determination has been made whether a project is or would be a relevant project, the Department shall deal with the request on the assumption that the project is a relevant project.

(3) A request under paragraph (1) shall include or be accompanied by —

- (a) a map or plan sufficient to identify the land that is the subject of the proposed project and the extent of the proposed project;
- (b) a brief description of the nature, size and location of the proposed project and of its possible effects on the environment; and
- (c) such further information or representations as the proposer may wish to provide or make.

(4) The Department shall, if it considers that it has not been provided with sufficient information to enable it to give an opinion under paragraph (1), notify the proposer in writing of the matters on which it requires additional information and the proposer shall supply that additional information to the Department within such period as the Department reasonably may require.

(5) The Department shall give to the proposer written notice of its opinion under paragraph (1) within —

- (a) 5 weeks beginning with the date of its receipt of the application for that opinion or, where it notifies the proposer under paragraph (4) that it requires additional information, the date of its receipt of that information; or
- (b) such longer period as may be agreed in writing between the Department and the proposer.

(6) Before giving an opinion under paragraph (1) the Department shall consult the consultation bodies.

(7) In giving an opinion under paragraph (1) the Department shall take into account—

- (a) the specific characteristics of the proposed project; and
- (b) the environmental features likely to be affected by the project.

Applications for consent

10.—(1) An application for consent shall be made in writing to the Department and shall be accompanied by —

- (a) a map or plan sufficient to identify the land on which the relevant project would be carried out and the extent of any planting, tree felling, regeneration, construction, works or operations;
- (b) a description of the nature, size and location of the relevant project; and
- (c) an environmental statement in respect of the relevant project.

(2) An applicant for consent shall supply to the Department such number of copies of the application, the documents accompanying it and the statement as the Department reasonably may require for the purposes of public participation in the environmental assessments under these Regulations.

Assistance in preparation of environmental statements

11.—(1) Subject to paragraphs (2) and (3), the Department and any consultation body shall, if requested by an applicant for consent, and may without such a request, enter into consultation with

an applicant for consent to determine whether it has in its possession any information which may be relevant to the preparation of the environmental statement and if it has such information, it shall make it available to the applicant.

(2) Paragraph (1) shall not require the Department to disclose information which is capable of being treated as confidential or must be so treated under the Environmental Information Regulations 2004(1).

(3) Paragraph (1) shall not prevent a consultation body from imposing a charge reflecting the cost of making any information available under that paragraph (including for the identification, preparation and copying of any information) or making the payment of such a charge a condition of providing the information.

Publicity

12.—(1) Where a person has made an application for consent in relation to a proposed project the Department shall by general and local advertisement —

- (a) describe the nature, size and location of the proposed project;
- (b) state where the application may be inspected;
- (c) state that the project is likely to have significant effects on the environment and that an environmental statement is required in respect of it;
- (d) state that any person may obtain information from, or make representations in writing to, the Department in relation to the likely environmental effects of the project at an address specified in the notice within 28 days of the date of the publication of the notice in the Belfast Gazette;
- (e) indicate the nature of the information in question and the times where and means by which it will be made available;
- (f) state the nature of the possible decisions that may be made in the case or, if there is one, the draft decision; and
- (g) indicate whether the proposed project is likely to have significant effects on the environment in another EEA State.

(2) Where the Department publishes an advertisement in accordance with paragraph (1) it shall, on or before the date of the publication of the notice in the Belfast Gazette, send a copy of that notice to each of the consultation bodies.

(3) Where the Department receives an environmental statement in accordance with regulation 10(1) it shall by general and local advertisement give notice in accordance with paragraph (4).

(4) The advertisement shall state —

- (a) that the environmental statement has been prepared and give details of the places where and times at which copies, together with details of the proposed project to which the statement relates, may be inspected;
- (b) that any person wishing to make representations in relation to the likely environmental effects of the proposed project to which the statement relates shall make them in writing to the Department at the address specified in the advertisement within 28 days of the publication of the notice in the Belfast Gazette; and
- (c) that where no objection in relation to the likely environmental effects of the project is made and the Department, having undertaken the assessment specified in regulation 16(3) considers that the project should proceed, may so determine.

(5) On or before the date of publication in the Belfast Gazette of the notice under paragraph (3), the Department shall —

- (a) send a copy of the environmental statement and notice to each of the consultation bodies so that any such body has an opportunity to make representations on the likely environmental effects of the project to which the statement relates before the expiry of the period specified in the notice; and
- (b) make available at an office of the Department or some other convenient place for a period of at least 28 days following the date of publication of the notice in the Belfast Gazette, the details of the proposed project and the environmental statement relating to the project and ensure that a reasonable number of copies of the statement are made available.

(6) Where, in accordance with paragraph (5)(a), the Department sends any person a copy of the environmental statement it shall consult that person about the statement and the likely environmental effects of the proposed project to which it relates.

Further information and evidence relating to environmental statements

13.—(1) The Department, when dealing with an application for consent in relation to which an environmental statement has been provided may by notice in writing require the applicant to provide such additional information as may be specified to enable the Department to make a determination in relation to the application or concerning any matter which is required to be dealt with in the environmental statement.

(2) The Department may only issue a notice under paragraph (1) where—

- (a) the applicant could (having regard in particular to current knowledge and methods of assessment) provide additional information about any matter mentioned in Schedule 1;
- (b) the additional information is reasonably required to give proper consideration to the likely environmental effects of the proposed development;
- (c) and where an applicant is so notified he shall provide the additional information in question.

(3) The Department may in writing require to be produced to it such evidence, in respect of any environmental information, as it may reasonably call for to verify any information it contains.

(4) Where, pursuant to paragraph (1) or otherwise, the Department obtains any additional information it shall —

- (a) by general and local advertisement state that the additional information is available, and give details of the places where and times at which a copy of that additional information may be inspected or obtained; and
- (b) state that any person who wishes to make representations in relation to the additional information should make such representations in writing to the Department at the address specified in the advertisement within 28 days of the date of the publication of the notice in the Belfast Gazette.

(5) At the same time as the notice in the Belfast Gazette is published under paragraph (4)(a), the Department shall —

- (a) send copies of the additional information to each consultation body; and
- (b) make available for inspection at an office of the Department or at some other convenient place, for a period of at least 28 days following the date of the publication of the notice in the Belfast Gazette, the additional information, the details of the proposed project in question and the environmental statement relating thereto, and ensure that a reasonable number of copies of the information are made available.

Public participation

- 14.—(1) The Department shall, in relation to any proposed project, make available to the public—
- (a) at the time that the notice in the Belfast Gazette relating to the proposed project is published under regulation 12(1), all information that is relevant to it;
 - (b) any other information which is relevant to a determination under regulation 16 and which only becomes available after the time that the public was given notice in accordance with regulation 12(1);
 - (c) any additional information which is relevant to a determination under regulation 16 and which only became available after the time that the notice in the Belfast Gazette relating to the project was published under regulation 12(1).

Information for another EEA State

15.—(1) Where it appears to the Department that a project in relation to which it has received an application for consent would be likely to have significant effects on the environment of another EEA State or where another EEA State likely to be significantly affected so requests, the Department shall provide a copy of the environmental statement relating to the project to that EEA State.

(2) Where the Department provides a copy of an environmental statement in accordance with paragraph (1) it shall —

- (a) send to the EEA State as soon as possible and no later than the date of its publication in the Belfast Gazette of the notice referred to in regulation 12(1), a copy of that notice.
- (b) make available to the EEA State any additional information which is relevant to the notice in the Belfast Gazette sent to it under sub-paragraph (a) but which only became available after the date of its publication;
- (c) give the EEA State a reasonable time in which to indicate whether it wishes to participate in the procedures for which these Regulations provide; and
- (d) inform the applicant for the consent to which the statement relates.

(3) Where an EEA State indicates, in accordance with paragraph (2)(c) that it wishes to participate in the procedure for which these Regulations provide, the Department shall as soon as possible send to that EEA State the following information —

- (a) a copy of the application for consent;
- (b) a copy of the environmental statement in respect of the application;
- (c) all the information required to be given to any person under regulation 12 or 13; and
- (d) relevant information regarding the procedure under these Regulations

but only to the extent that such information has not been provided to the EEA State earlier in accordance with paragraph (2).

(4) The Department shall also —

- (a) arrange for the information referred to in paragraphs (2) and (3) to be made available, within a reasonable time, to the authorities referred to in Article 6(1) of the Directive and the public concerned in the territory of the EEA State likely to be significantly affected by the proposed project in question; and
- (b) ensure that those authorities and the public concerned are given an opportunity, before the determination of the application for consent, to forward to the Department, within a reasonable time, their opinion on the information supplied.

(5) The Department shall in accordance with Article 7(4) of the Directive—

- (a) enter into consultations with the EEA State concerned regarding, inter alia, the potential significant effects of the project on the environment of that EEA State and the measures envisaged to reduce or eliminate such effects; and
 - (b) determine in agreement with the EEA State a reasonable period of time for the duration of the consultation period.
- (6) Where an EEA State has been consulted in accordance with paragraph (5), on the determination of the application for a consent the Department shall inform the EEA State of the decision and shall forward to it a statement of—
- (a) the content of the decision and any conditions attached thereto;
 - (b) the main reasons and considerations on which the decision is based; and
 - (c) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the project.
- (7) Where the Department receives from another EEA State information which has been made available in accordance with Article 7(1) and (2) of the Directive (which relates to projects in one EEA State which are likely to have significant effects on the environment in another EEA State), the Department shall—
- (a) arrange for that information to be made available within a reasonable time, to such of the consultation bodies and such members of the public as, in its opinion, would be likely to be concerned by the project; and
 - (b) ensure that the consultation bodies and members of the public provided with the information in accordance with paragraph (a) are given an opportunity during the period agreed between the Department and the relevant EEA State in accordance with paragraph (8)(b) to forward to the competent authority in the relevant EEA State within reasonable time, their opinion of the information provided.
- (8) The Department shall also, in accordance with Article 7(4) of the Directive—
- (a) enter into consultations with an EEA State from which information has been received as mentioned in paragraph (7) regarding, amongst other things, the potential significant effects of the proposed project on the environment in Northern Ireland and the measures envisaged to reduce or eliminate such effects; and
 - (b) seek to agree with that EEA State a reasonable period, before consent for the project is granted, during which the consultation bodies and members of the public referred to in paragraph (7)(b) may forward their opinion to the competent authority of that EEA State in accordance with that paragraph.

Determination of applications

16.—(1) Where an application is made to the Department for consent, it may, subject to the provisions of this regulation—

- (a) grant consent either subject only to the conditions required by regulation 22 or subject to such conditions and to further conditions as it sees fit; or
- (b) refuse consent.

(2) The Department shall not determine an application for consent until after the expiry of the periods referred to in regulations 12 and 13 during which representations may be sent to the Department or where appropriate any period of consultation with an EEA State in accordance with regulation 15.

(3) In determining an application for a consent in relation to a proposed project, the Department shall take into consideration the environmental information, any representations received by it and

any other material consideration in relation to the project including in particular its assessment of the direct and indirect effects of the relevant project on the environmental factors specified in Schedule 4.

Notification of decisions

- 17.—(1) Where an application for consent has been determined by the Department it shall—
- (a) give notice in writing of its decision to the applicant and any person from whom it received representations in relation to the application in accordance with paragraph (2); and
 - (b) publish a general and local advertisement in accordance with paragraph (3).
- (2) Each notice under paragraph (1)(a) shall inform the person concerned of the determination and shall give a statement of—
- (a) the Department’s determination and any conditions to which it is subject;
 - (b) the main reasons and considerations upon which its determination was based; and
 - (c) where necessary, a description of the main measures to avoid, reduce and, if possible, offset the adverse effects of the proposed project.
- (3) Each of the advertisements referred to in paragraph (1)(b) shall inform the public of the determination and give details of the places where and the times at which the public may inspect a statement of—
- (a) the Department’s determination and the conditions to which it is subject;
 - (b) the main reasons and considerations upon which its determination was based; and
 - (c) where necessary, a description of the main measures to avoid, reduce and, if possible, offset the adverse effects of the proposed project.
- (4) Each notice under paragraph (1)(a) and each of the advertisements referred to in paragraph (1)(b) shall give details of the procedures by which an appeal may be made to the Department or an application for a judicial review made to the High Court in respect of a decision made under these regulations.

Appeals (general provisions)

- 18.—(1) Persons who have been served a notice under Regulation 17(1)(a) may by notice to the Department appeal (“notice of an appeal”) against the consent, decision or conditions as the case may be (in this regulation referred to as “the relevant decision”) in accordance with this regulation.
- (2) A person to whom paragraph (1) applies must serve notice of an appeal on the Department within three months from the date upon which that person was notified of the relevant decision.
- (3) Notice of an appeal shall include –
- (a) a description of the relevant decision;
 - (b) a statement of the grounds of appeal; and
 - (c) a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be disposed of on the basis of written representations.
- (4) As soon as is reasonably practicable after receipt of notice of an appeal the Department shall serve copies of the notice on such of the consultation bodies as it thinks fit, on any person who made representations in respect of the relevant decision, on any EEA State consulted pursuant to regulation 15 or any authority or person who forwarded their opinion under regulation 15(4)(b) and on any other person who appears to it to have a particular interest in the subject matter of the appeal.
- (5) A person upon whom a copy of a notice of an appeal has been served in accordance with paragraph (4) may not make representations in respect of the appeal unless he notifies the Department

that he wishes to do so within twenty-eight days of the date on which a copy of the notice was served upon him.

(6) The Department shall appoint a person (in this Part referred to as “the appointed person”) to exercise, with or without payment, the functions in relation to an appeal set out in this Part and Schedule 5 shall have effect with respect to such appointment.

(7) Before determining an appeal, if the appellant has indicated that he wishes to be heard, the appointed person shall arrange a hearing or, if the appellant has not indicated that he wishes to be heard, the appointed person shall decide whether the appeal shall proceed by way of written representations or a hearing and in either case shall notify his decision in that behalf to the appellant, to the Department and to any persons who notified the Department in accordance with paragraph (5) that they wished to make representations accordingly.

(8) For the purpose of determining any matter involved in an appeal under this regulation the appointed person may, subject to paragraph (9), by summons require any person to attend at a time and place stated in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the appeal hearing, and may take evidence on oath and for that purpose administer oaths or may instead of administering an oath require the person examined to make a solemn affirmation.

(9) A person shall not be required to attend to give evidence or to produce any documents in obedience to a summons issued in accordance with paragraph (8) unless the necessary expenses of his attendance are paid or tendered to him.

(10) Any person who refuses or deliberately fails to attend in obedience to a summons issued in accordance with paragraph (8) or refuses to give evidence or to produce any book or other document which he is required or is liable to be required to produce for the purposes of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding the statutory maximum.

(11) Where the appointed person holds or causes to be held a hearing to determine any matter under this regulation he may direct that the costs incurred by him in relation to the hearing (including such reasonable sum as he may determine for the services of any officer engaged in conducting the hearing) may be paid by such party to the hearing as the appointed person may direct and may cause the amount of costs so incurred and directed to be paid by any person shall be recoverable from that person summarily as a civil debt.

(12) The appointed person may, when holding or causing to be held a hearing to determine any matter under this regulation, make orders with respect to the costs of the parties at the hearing and with respect to the parties by whom the costs are to be paid and every such order may be made a rule of the High Court on the application of any party named in such an order.

(13) The appointed person may make orders with respect to the costs of the parties providing evidence for the hearing and with respect to the costs of the parties by whom the costs are to be paid in relation to an appeal to which this regulation applies which does not give rise to a hearing in the same way as if a hearing had in fact taken place.

(14) Except as otherwise provided by this regulation or by regulation 19 or 20 the appointed person shall determine the procedure (which may include provision for site visits) for deciding any matter arising in the appeal.

(15) Any representations, statements or other documents to be submitted to the appointed person in accordance with regulation 19 or 20 shall be accompanied by such number of copies as he may specify.

Determination of appeals by written representations

19.—(1) This regulation shall apply to an appeal under regulation 18 which is to proceed by written representations.

(2) Within six weeks of receiving notice that the appeal is to be determined by written representations, the appellant shall either serve on the appointed person any further representations that he wishes to be considered by him or shall notify the appointed person that he wishes to rely on the information already supplied by him, and the appointed person shall either send to the Department and other interested parties copies of any further representations made by the appellant or shall notify them that the appellant does not intend to make further representations as the case may be.

(3) The Department and any interested parties who wish to make representations in respect of the appeal shall, within twenty-eight days of receipt of further representations made by the appellant or of notification that the appellant does not wish to make further representations, as the case may be, serve such representations on the appointed person and the appointed person shall send copies of the representations served upon it to the appellant and to the other interested parties.

(4) The appointed person shall allow the appellant, the Department and the other interested parties a period of not less than fourteen days in which to respond to the representations made in accordance with paragraph (3).

(5) No earlier than the expiry of the period specified in paragraph (4), the appointed person shall determine the appeal and shall notify the decision and the reasons for it to the appellant, the Department and to the interested parties.

Determination of appeals by hearing

20.—(1) This regulation shall apply to an appeal which is to proceed by way of a hearing.

(2) Within six weeks of receiving notice that the appeal is to proceed by way of a hearing the appellant shall serve on the appointed person a statement which contains full particulars of his case and copies of any documents to which he wishes to refer at the hearing and the appointed person shall send copies of the statement and documents to the Department and other interested parties.

(3) The appointed person shall give the appellant, the Department and other interested parties at least six weeks notice of the date, time and place fixed for the hearing and shall give, not less than twenty-one days before the date fixed for the hearing, such notice to the public as he may think fit.

(4) The appointed person may vary the time or place for the holding of the hearing and shall give such notice of such variation as he may think fit.

(5) Any of the interested parties (other than the appellant and the Department) who wish to be heard at the hearing shall, within twenty-eight days of receipt of the appellant's statement pursuant to paragraph (2), notify the appointed person that they wish to appear and the appointed person may require any such parties to serve upon him a statement containing the particulars of their case together with copies of any documents to which they wish to refer at the hearing within five weeks of being so required and the appointed person shall send copies of such statements to the appellant, the Department and to the other interested parties.

(6) The appointed person may by notice require the appellant, the Department or any other person who has provided a statement in accordance with paragraph (5) to provide such further information about the matters contained in the statement as he may specify and shall send a copy of such information to the interested parties or to the appellant, the Department and the other interested parties as the case may be.

(7) Before a hearing takes place the appointed person shall make all of the documents submitted by the appellant, the Department or any interested parties in respect of the hearing available for inspection by any person who so requests.

(8) The persons entitled to be heard at a hearing are –

- (a) the appellant;
- (b) the Department;
- (c) any interested parties; and

(d) any other person whom the appointed person shall permit to be heard.

(9) A person entitled to appear at a hearing who proposes to give evidence at the hearing by reading a proof of evidence shall send a copy of the proof of evidence to the appointed person together with a written summary not less than three weeks before the date fixed for the hearing and the appointed person shall send copies of the proof and summary to the appellant, the Department and the other interested parties as the case may be.

Determination of appeals

21.—(1) After the conclusion of the hearing or after receiving all written representations the appointed person shall determine the appeal.

(2) The appointed person who determines an appeal may affirm the decision to which the appeal refers, reverse it or any part of it and may deal with the appeal in the same way as if it were an application for a decision of first instance.

(3) The appointed person who determines an appeal shall notify his decision under this regulation and the reasons for it to the appellant, to the Department, to other interested parties and to any other persons who appeared at the hearing (if any) and asked to be notified of the decision.

Conditions to be included in every consent

22. Every consent shall include conditions to the effect that—

- (a) work in relation to the relevant project shall be commenced within such period (not being more than 5 years beginning with the date consent is granted) as is specified in the consent.
- (b) No work shall be carried out in relation to the project after the expiration of such period (not being more than 10 years beginning with the date consent is granted) as is specified in the consent.

Enforcement notices

23.—(1) Where it appears to the Department that a person is carrying out or has carried out work in relation to a relevant project—

- (a) without consent, where consent is required by regulation 5 or
 - (b) in breach of a condition subject to which consent has been granted under these regulations,
- the Department may serve an enforcement notice on that person.

(2) An enforcement notice may require the person on whom it is served to take such one or more of the following measures as appear to the Department to be suitable in the circumstances, namely—

- (a) apply to the Department for consent;
- (b) discontinue work in relation to the relevant project;
- (c) restore the land to its condition before any work in relation to the relevant project was carried out;
- (d) carry out on the land any works or operations, specified in the enforcement notice, which in the opinion of the Department are reasonably necessary to secure compliance with any condition subject to which consent was granted or to remove or alleviate any injury to the environment which has been caused by the relevant project.

(3) An enforcement notice shall specify the period during which any of the measures mentioned in paragraph (2)(a), (c) or (d) is to be taken and may specify different periods for different measures.

(4) Either—

- (a) an enforcement notice served by virtue of paragraph (1)(a) shall include or be accompanied by a written statement of the Department's reasons for being of the opinion that the project is a relevant project; or
 - (b) the Department shall serve such a written statement on the person on whom the enforcement notice was served as soon as practicable after serving the enforcement notice.
- (5) Either—
- (a) an enforcement notice shall include or be accompanied by a notice explaining how, to whom and within what period a person may request the Department to review an enforcement notice and whether the requirements of the notice will be stayed during any review; or
 - (b) the Department shall serve such notice on the person on whom the enforcement notice was served as soon as practicable after serving the enforcement notice.
- (6) The Department may, at any time—
- (a) by a further notice served on the person on whom the enforcement notice was served, vary an enforcement notice; and
 - (b) withdraw an enforcement notice.
- (7) An enforcement notice may be served on any person—
- (a) by delivering it to him personally;
 - (b) by leaving it for him at his last known place of abode or business; or
 - (c) by sending it through the post addressed to him at his last known place of abode or business.
- (8) An enforcement notice may—
- (a) in the case of a body corporate, be served on the secretary or clerk of that body at the address of the registered or principal office of that body;
 - (b) in the case of a partnership, be served on a partner or person having the control or management of the partnership business.

Penalties for non-compliance with enforcement notices

24.—(1) Any person who carries out work in relation to a relevant project in contravention of a requirement to discontinue that work in an enforcement notice served on him in accordance with regulation 23 shall be guilty of an offence and liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment to a fine.

(2) Any person on whom an enforcement notice has been served in accordance with regulation 23 who fails, within the period specified in the enforcement notice, to carry out any measure, other than discontinuance of the relevant project, required by the enforcement notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Power of entry and default powers

25.—(1) Subject to paragraph (2), any person duly authorised in writing by the Department may at any reasonable time enter any land on which he or the Department reasonably suspects that work in relation to a relevant project is being or has been carried out—

- (a) without consent, where such consent is required under regulation 5; or
- (b) in breach of a condition subject to which consent has been granted.

(2) Where any measures required by an enforcement notice by virtue of regulation 23 (other than discontinuance of the relevant project) have not been taken within the period specified in the enforcement notice—

- (a) any person duly authorised by the Department may at any reasonable time enter the land to which the enforcement notice relates and take those measures; and
- (b) the Department may recover from the person on whom the enforcement notice was served any expenses reasonably incurred by it in doing so.

(3) A person authorised under paragraphs (1) or (2) to enter any land shall, if so requested, produce evidence of his authority before so entering.

Registers of directions, decisions and opinions etc. for public inspection

26.—(1) The Department shall keep a register of the following—

- (a) each direction given under regulation 4(1);
- (b) each opinion under regulation 7;
- (c) each opinion under regulation 9;
- (d) each decision under regulation 16 (1);
- (e) statements of reasons accompanying any of the above;
- (f) each environmental statement received and any additional information relating thereto.

(2) Each register kept under this regulation shall be available for inspection by the public at all reasonable hours.