

ENVIRONMENTAL PROTECTION AGENCY (LICENSING) REGULATIONS 1994

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S.I. No. 85 of 1994.

ENVIRONMENTAL PROTECTION AGENCY (LICENSING) REGULATIONS, 1994.

In exercise of the powers conferred on the Minister for the Environment by sections 6 of the Environmental Protection Agency Act, 1992 (No. 7 of 1992), and by sections 3, 83 and 87 of that Act as amended by the European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1994, which said powers are delegated to me by the Environment (Delegation of Ministerial Functions) Order, 1993 (S.I. No. 127 of 1993), I, JOHN BROWNE, Minister of State at the Department of the Environment, hereby make the following Regulations:

PART I

PRELIMINARY AND GENERAL

REG 1

Citation.

1. These Regulations may be cited as the Environmental Protection Agency (Licensing) Regulations, 1994.

REG 2

Commencement.

2. (a) These Regulations, other than article 43, shall come into operation on the 16th day of May, 1994.
- (b) Article 43 shall come into operation on the 1st day of September, 1994.

REG 3

Interpretation.

3. (1) In these Regulations, any reference to a Schedule, Part or article which is not otherwise identified is a reference to a Schedule, Part or article of these Regulations.

(2) In these Regulations, any reference to a sub-article or paragraph which is not otherwise identified is a reference to the sub-article or paragraph of the provision in which the reference occurs.

(3) In these Regulations—

"the Act" means the Environmental Protection Agency Act, 1992;

"the Agency" means the Environmental Protection Agency established under section 19 of the Act;

"applicant" means an applicant for a licence;

"application for a licence" means an application for a licence under section 83 of the Act;

"the Environmental Impact Assessment Regulations" means the European Communities (Environmental Impact Assessment) Regulations, 1989 and 1994;

"licence" means a licence under section 83 of the Act;

"objection" means an objection under section 85 of the Act;

"objector" means the person who makes an objection;

"offices of the Agency" means the headquarters and the regional environmental units of the Agency;

"oral hearing" means an oral hearing under section 85 (6) of the Act;

"party to an objection" means—

(i) an objector, or

(ii) the applicant for a licence or the licensee in the case of a review, in relation to which an objection is made by another person (other than a person acting on behalf of the applicant or licensee) and "party" shall be construed accordingly;

"planning permission" means a permission granted under Part IV of the Act of 1963;

"review" means a review of a licence or revised licence under section 88 of the Act;

"revised licence" means a revised licence under section 88 of the Act.

(4) Where a requirement of or under the Act or these Regulations requires submissions or observations to be made, or documents, particulars or other information to be submitted, to the Agency

within a specified period and the last day of that period is a Saturday, a Sunday, a public holiday (within the meaning of the Holidays (Employees) Act, 1973) or any other day on which the offices of the Agency are closed, the submissions or observations, or documents, particulars or other information, as the case may be, shall be regarded as having been received before the expiration of that period if received by the Agency on the next following day on which the offices of the Agency are open.

REG 4

Commencement of licensing of activities.

4. (1) The 16th day of May, 1994 shall be the prescribed day for the purposes of section 82 (1) of the Act in respect of the classes of activity specified in paragraphs 1, 2, 4, 5, 7, 8, 10 and 11 of the First Schedule to the Act.

(2) The 16th day of May, 1994 shall be "the relevant day" for the purposes of the definition of "established activity" in section 3 of the Act in respect of the classes of activity specified in paragraphs 1, 2, 4, 5, 7, 8, 10 and 11 of the First Schedule to the Act.

PART II APPLICATIONS AND ENVIRONMENTAL IMPACT STATEMENTS

REG 5

Notice of intention to apply for a licence or the transfer of an application for or the review of a licence or permit to the Agency.

5. (1) An applicant shall—

(a) within the period of two weeks before the making of an application for a licence, publish notice of the intention to make the application in a newspaper circulating in the district in which the activity is or will be situate, in accordance with article 6, and

(b) not later than the making of the application for the licence, give notice of the application by the erection or by the fixing of a site notice on the land or structure concerned, in accordance with article 7.

(2) Where a licence is required in respect of an activity to which section 99 (4) of the Act relates, as soon as may be after the prescribed day in accordance with article 4(1), the local authority, sanitary authority or the Minister for the Marine, as appropriate, shall give notice in writing to the applicant for a licence or permit or licensee or permit holder, as appropriate, that the application for the licence or permit or the review of the licence or permit to which section 99(1) of the Act relates will be dealt

with and decided by the Agency under Part IV of the Act.

(3) The Agency shall notify the applicant, the licensee or the permit holder, as the case may be, of the date deemed under section 99 (5) of the Act to be the date of an application for a licence under Part IV of the Act.

(4) As soon as may be after receipt of a notice under subarticle (3), the applicant for a licence or permit or the licensee or holder of a permit to which section 99 (1) of the Act relates, as appropriate, shall give notice—

(a) in a newspaper circulating in the district in which the activity is or will be situated, in accordance with article 6, and

(b) by the erection or by the fixing of a site notice on the land or structure concerned, in accordance with article 7, that the application for a licence or permit or the review of a licence or permit will be dealt with and decided by the Agency under Part IV of the Act.

REG 6

Notices in newspapers.

6. (1) A notice published in a newspaper pursuant to article 5 (1) shall contain as a heading the words "APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR A LICENCE" and shall—

(a) give the name and address of the applicant,

(b) state the location or postal address (including, where appropriate, the name of the townland or townlands) and the National Grid reference of the premises to which the application relates,

(c) specify the class or classes and nature of the activity in accordance with the First Schedule of the Act,

(d) where the application is required to be accompanied by an environmental impact statement in accordance with this Part—

(i) state that such a statement will be submitted to the Agency with the application,

(ii) state that the environmental impact statement, and any further information relating to the effects on the environment of the emissions from the activity which may be furnished to the Agency in the course of the Agency's consideration of the application, will be available at the headquarters of the Agency, and

(iii) indicate the name of the planning authority to which a copy of the environmental impact statement has been, or will be, submitted, and

(e) state that a copy of the application for the licence may be inspected at or obtained from the headquarters of the Agency as soon as is practicable after the receipt by the Agency of the application for the licence.

(2) A notice published in a newspaper pursuant to article 5 (4) shall, in addition to the matter specified in that sub-article—

(a) contain as a heading the words "TRANSFER OF APPLICATION FOR A LICENCE OR PERMIT (AS THE CASE MAY BE) TO THE ENVIRONMENTAL PROTECTION AGENCY"

(b) comply with the requirements of sub-article (1) (a) to (d),
and

(c) state that a copy of the application may be inspected at
or obtained from the headquarters of the Agency.

REG 7

Site notices.

7. (1) A site notice erected or fixed pursuant to article 5 (1)
or 5 (4) on any land or structure shall—

(a) be painted or inscribed, or printed and affixed, on a
durable material,

(b) be securely erected or fixed in a conspicuous position—

(i) on or near the main entrance to the land or structure from a
public road, or

(ii) on any other part of the land or structure adjoining a public
road,

and shall be so erected or fixed and the text shall be so
painted, inscribed or printed that the notice shall be capable of
being read by persons using the said public road.

(2) Where the land or structure to which an application for a
licence relates does not adjoin a public road, a site notice shall
be erected or fixed in a conspicuous position on the land or
structure so as to be easily visible and legible by persons outside
the land or structure.

(3) A site notice erected or fixed on any land or structure
pursuant to article 5 (1) shall be headed "APPLICATION TO THE
ENVIRONMENTAL PROTECTION AGENCY FOR A LICENCE" and shall—

(a) state the name and address of the applicant,

(b) specify the class or classes and nature of the act ivity
in accordance with the First Schedule of the Act,

(c) indicate the site location or proposed location of the act
ivity,

(d) where the application is required to be accompanied by an
environmental impact statement in accordance with this Part—

(i) state that such a statement has been or will be submitted, as
the case may be, to the Agency with the application,

(ii) state that the environmental impact statement, and any further
information relating to the effects on the environment of emissions
from the act ivity which may be furnished to the Agency in the
course of the Agency's consideration of the application, will be
available at the headquarters of the Agency, and

(iii) indicate the name of the planning authority to which a copy
of the environmental impact statement has been, or will be,
submitted, and

(e) state that a copy of the application for the licence may
be inspected at or obtained from the headquarters of the Agency as
soon as is practicable after the receipt by the Agency of the
application for the licence.

(4) A site notice erected or fixed on any land or structure

pursuant to article 5 (4) shall, in addition to the matter specified in that sub-article—

(a) contain as a heading the words "TRANSFER OF APPLICATION FOR A LICENCE, OR PERMIT (AS THE CASE MAY BE) TO THE ENVIRONMENTAL PROTECTION AGENCY",

(b) comply with the requirements of sub-article (3) (a) to (d), and

(c) state that a copy of the application may be inspected at or obtained from the headquarters of the Agency.

(5) A site notice in accordance with this article shall be maintained in position—

(a) where erected or fixed in accordance with article 5 (1), for at least one month after the making of the application, or

(b) where erected or fixed in accordance with article 5 (4), for one month from the day such notice was first erected or fixed, and shall be renewed or replaced if it is removed or becomes defaced or illegible within the period during which it is required to be displayed.

REG 8

Further notice.

8. Where—

(a) a period of more than two weeks has elapsed between the publication in a newspaper of a notice in accordance with article 5 and the making of the relevant application for a licence, or

(b) it appears to the Agency that any notice published or given in pursuance of article 5—

(i) if published in a newspaper, does not comply with the provisions of article 6, or

(ii) if erected or fixed on any land or structure, does not comply with the provisions of article 7, or

(iii) in either case, because of its content or for any other reason, is misleading or inadequate for the information of the public,

the Agency shall require the applicant to publish, erect or fix such further notice in such manner, whether in a newspaper or otherwise, in such terms as it may specify and to submit to it such evidence as it may specify in relation to compliance with any such requirement.

REG 9

Notice to the planning authority.

9. A notice required to be given to the planning authority under section 85 (1) (a) of the Act shall at least contain the information referred to in article 6.

REG 10

Application for a licence.

10. (1) An application for a licence shall be submitted to the headquarters of the Agency.

(2) An application for a licence shall—

(a) give the name, address and telephone number of the applicant and, if different, any address to which correspondence relating to the application should be sent and, if the applicant is a body corporate, the address of its registered or principal office,

(b) give—

(i) in the case of an established activity the number of employees and other persons working or engaged in connection with the activity on the date after which a licence is required and during normal levels of operation, or

(ii) in any other case, the gross capital cost of the activity to which the application relates,

(c) give the name of the planning authority in whose functional area the activity is or will be carried out,

(d) in the case of a discharge of any trade effluent or other matter (other than domestic sewage or storm water) to a sewer of a sanitary authority, give the name of the sanitary authority in which the sewer is vested or by which it is controlled,

(e) give the location or postal address (including where appropriate, the name of the townland or townlands) and the National Grid reference of the premises to which the activity relates,

(f) identify the relevant class or classes in the First Schedule to the Act to which the activity relates,

(g) give a list of the raw and ancillary materials, substances, preparations, fuels and energy which will be produced by or utilised in the activity,

(h) describe the plant, methods, processes and operating procedures for the activity,

(i) indicate how the requirements of section 83 (3) (a) to (e) of the Act shall be met, having regard, where appropriate, to any relevant specification issued by the Agency under section 5 (3) of the Act and the reasons for the selection of the arrangements proposed,

(j) give particulars of the source, location, nature, composition, temperature, volume, level and rate of emissions, and the period or periods during which the emissions are made or are to be made,

(k) describe the on and off site arrangements for the disposal of solid and liquid wastes,

- (l) give details and an assessment of the impacts of any existing or proposed emissions on the environment, including environmental media other than those into which the emissions are to be made,
 - (m) identify monitoring and sampling points and outline proposals for monitoring emissions and the environmental consequences of any such emissions,
 - (n) describe the existing or proposed measures, including emergency procedures, to minimise the impact on the environment of an accidental emission,
 - (o) describe the existing or proposed measures to minimise the impact on the environment after the activity or part of the activity ceases operation, and
 - (p) state whether the activity consists of, comprises, or is for the purposes of, an industrial activity or isolated storage to which Regulations 12 to 18 of the European Communities (Major Accident Hazards of Certain Industrial Activities) Regulations, 1986 (S.I. No. 292 of 1986), as amended by the European Communities (Major Accident Hazards of Certain Industrial Activities) (Amendment) Regulations, 1989 (S.I. No. 194 of 1989) and the European Communities (Major Accident Hazards of Certain Industrial Activities) (Amendment) Regulations, 1992 (S.I. No. 21 of 1992), apply.
- (3) Without prejudice to article 12 (1), an application for a licence shall be accompanied by—
- (a) a copy of the relevant page of the newspaper in which the notice in accordance with article 6 has been published,
 - (b) a copy of the text of the site notice erected or fixed on the land or structure in accordance with article 7,
 - (c) a copy of the notice given to the planning authority under section 85 (1) (a) of the Act,
 - (d) a copy of such plans, including a site plan and location map, and such other particulars, reports and supporting documentation as are necessary to identify and describe—
 - (i) the activity,
 - (ii) the position of the site notice in accordance with article 7,
 - (iii) the point or points from which emissions are made or are to be made, and
 - (iv) monitoring and sampling points, and
 - (e) a fee specified in accordance with section 94 of the Act.
- (4) (a) A signed original and 5 copies of the application and the accompanying documents and particulars as required under sub-articles (1) and (2) (a) to (d) shall be submitted to the headquarters of the Agency.
- (b) Notwithstanding the requirements of paragraph (a) all or part of the 5 copies of the said application and accompanying documents and particulars may be submitted to the Agency in a computer or other non-legible format where such format has been specified by the Agency.

REG 11

Procedure on receipt of an application for a licence.

11. (1) On receipt of an application for a licence, the Agency shall—

- (a) stamp the application with the date of receipt, and
- (b) examine whether the application complies with the requirements of article 10.

(2) (a) Where the Agency considers that an application for a licence complies with the requirements of article 10, it shall send to the applicant an acknowledgment stating the date of receipt of the application.

(b) Where the Agency considers that an application for a licence does not comply with any or all of the requirements referred to in paragraph (a) which relate to the application, it may, as it considers appropriate having regard to the extent of the failure to comply with the said requirements, by notice in writing—

- (i) inform the applicant of such failure of compliance and that the application cannot be considered by the Agency, or
- (ii) require the applicant to furnish such further particulars, plans, drawings or maps as may be necessary to comply with the said requirements.

(3) Where the Agency gives a notice in accordance with sub-article (2) (b) (i), it shall return to the applicant all copies, other than the signed original copy, of the application and particulars, plans, drawings or maps submitted with the applications.

REG 12

Certain applications to be accompanied by environmental impact statement or to comply with other requirements where exemption has been granted.

12. (1) Subject to sub-article (2), an application for a licence in respect of an activity shall, where an application for planning permission for development comprising or for the purposes of the activity is required to be accompanied by an environmental impact statement, in addition to the matters prescribed in article 10, be accompanied by at least 15 copies of the environmental impact statement.

(2) Sub-article (1) shall not apply to an application for a licence in respect of an activity where, in respect of an application for planning permission for development comprising or for the purposes of the activity, an exemption is granted by the Minister in accordance with section 25 (3) (inserted by the Environmental Impact Assessment Regulations) of the Act of 1963.

(3) (a) Where the Minister, in granting an exemption under section 25 (3) (inserted by the Environmental Impact Assessment Regulations) of the Act of 1963 in respect of an application for planning permission for development comprising or for the purposes of the activity, has applied other requirements in relation to the risk of environmental pollution from the activity, the application for a licence when made shall comply with the said requirements applied by the Minister.

(b) Where an application referred to in paragraph (a) does not comply with the said requirements applied by the Minister, the Agency shall give a notice to the applicant stating that the said requirements have not been complied with and requiring compliance with the said requirements.

(4) Notwithstanding the requirements of sub-article (1), all or part of 14 copies of the environmental impact statement may be submitted to the Agency in a computer or other non-legible format where such format has been specified by the Agency.

REG 13

Procedure where licence application not accompanied by environmental impact statement or where exemption is granted.

13. (1) Subject to sub-article (2) (b), where the Agency receives an application for a licence to which the requirement of article 12 (1) applies and the application is not accompanied by an environmental impact statement, it shall, as soon as may be, by notice in writing—

(a) inform the applicant that the application does not comply with the said requirement, and

(b) require the applicant to comply with the said requirement.

(2) (a) Where, before the giving of a notice in accordance with sub-article (1), the Agency receives notice of the grant of an exemption in accordance with section 25 (3) (inserted by the Environmental Impact Assessment Regulations) of the Act of 1963 in respect of an application for planning permission for development comprising or for the purposes of the activity—

(i) a notice in accordance with sub-article (1) shall not be given,

(ii) the Agency shall, where other requirements have been applied in relation to the risk of environmental pollution in accordance with the said section 25 (3) of the Act of 1963, as soon as may be after receipt of notice of the grant of the exemption and of the other requirements applied, by notice in writing require the applicant to comply with the said other requirements.

(b) (i) A notice given in accordance with sub-article (1) shall cease to have effect on the date of the receipt by the Agency of notice of the grant of an exemption by the Minister in accordance with section 25 (3) (inserted by the Environmental Impact Assessment Regulations) of the Act of 1963 in respect of an application for permission for development comprising or for the purposes of the activity.

(ii) The Agency shall, as soon as may be after receipt of notice of the grant of an exemption in accordance with section 25 (3) (inserted by the Environmental Impact Assessment Regulations) of the Act of 1963 in respect of an application for permission for development comprising or for the purposes of an activity in relation to which a notice has been given by the Agency in accordance with sub-article (1), by notice in writing inform the applicant of the cesser of the notice given in accordance with sub-article (1) (a) of the date on which the said notice ceased to have effect, and—

(I) where no other requirements have been applied in relation to the risk of environmental pollution in accordance with section 25 (3) (inserted by the Environmental Impact Assessment Regulations) of the Act of 1963, that the application falls to be dealt with as if the notice in accordance with sub-article (1) had been complied with on that date,

(II) where other requirements have been applied in relation to the risk of environmental pollution in accordance with the said subsection (3), require the applicant to comply with the said other requirements.

(3) The Agency shall, on receipt of notice of the decision of the Minister on a request for an exemption in accordance with section 25 (3) (inserted by the Environmental Impact Assessment Regulations) of the Act of 1963, stamp the notice with the date of its receipt.

REG 14

Content of environmental impact statement.

14. (1) An environmental impact statement submitted to the Agency in accordance with any provision of this Part shall comply with article 25 of the Environmental Impact Assessment Regulations, or with any provision amending or replacing the said article 25.

(2) (a) The Agency shall, on receipt of an environmental impact statement, consider whether the statement complies with sub-article (1) in so far as the risk of environmental pollution from the activity is concerned.

(b) Where the Agency considers that an environmental impact statement does not comply with sub-article (1) in so far as the risk of environmental pollution from the activity is concerned it shall, by notice in writing, so inform the applicant, and require the applicant to submit such further information or particulars as may be necessary to secure compliance.

PART III REVIEW OF LICENCES

REG 15

Application for a review of a licence or revised licence. —

15. An application to the Agency to review a licence or a revised licence shall—

- (a) be made in writing to the headquarters of the Agency,
- (b) state the grounds on which it is made, and
- (c) be accompanied by the fee specified in accordance with section 94 of the Act.

REG 16

Form of notice of intention to review a licence or revised licence.

16. (1) Where the Agency proposes to review a licence or revised licence under section 88 of the Act it shall publish a notice of such intention in a newspaper circulating in the district in which the activity is or will be situate.

(2) Every notice given in writing under section 85 (1) (b) of the Act or published in accordance with sub-article (1) shall indicate—

- (a) the reference number given under article 42 (2) to the existing licence or revised licence in the register of licences,
- (b) the reference number given under article 42 (2) to the said notification under 85 (1) (b) of the Act in the register of licences, and
- (c) the reason for the review.

(3) A notice given in writing under section 85 (1) (b) of the Act to the licensee shall indicate that a submission relating to the review may be made in writing to the Agency within one month of the date of the giving of the notice.

(4) A notice given in writing under section 85 (1) (b) of the Act may require the licensee to submit such plans, documents, drawings, maps, evidence or other information and particulars as the Agency considers necessary for the purpose of the review.

(5) Where the licensee fails or refuses to comply with any requirement of the Agency under sub-article (4) within one month from the date of the notice the Agency may proceed with its proposed determination of the review.

**PART IV
CONSIDERATION OF APPLICATION OR REVIEWS**

REG 17

Further information.

17. (1) Where the Agency receives an application for a licence it may, by notice in writing, require the applicant—

- (a) to submit any further information, particulars, plans, drawings or maps relative to the application which it considers necessary to enable it to deal with the application, or
- (b) to produce any evidence which it may reasonably require to verify any particulars or information given by the applicant in or in relation to the application.

(2) Where the Agency has given a notice in writing under section 85 (1) (b) of the Act to the licensee, it may, by further notice in writing, require the licensee—

- (a) to submit any further information, particulars, plans, drawings or maps which it considers necessary to enable it to determine the review, or
- (b) to produce any evidence which it may reasonably require to verify any particulars or information given by the licensee in response to such notice or further notice.

(3) The Agency shall not require an applicant or a licensee who has complied with a requirement under sub-article (1) or (2), as appropriate, to submit any further particulars, plans, drawings, maps or information save as may be reasonably necessary to clarify the matters dealt with in the applicant's or licensee's response to the requirement or to enable them to be considered or assessed.

(4) Where there is a failure or refusal to comply with a requirement under any of the foregoing sub-articles within one month of the date of notice of such requirement, the Agency may, if it thinks fit, proceed with its consideration of the application or the review and to give a notification under section 85 (2) of the Act in the absence of the particulars, plans, drawings, maps, information or evidence specified in the requirement.

REG 18

Extension of time for proposed determinations.

18. (1) Where a notice has been given under article 17 in relation to an application for a licence or the review of a licence or a revised licence, the period specified in section 85 (3) of the Act for giving a notification under subsection (2) of that section shall

be extended to two months beginning on the day on which the notice under article 17 has been complied with.

(2) If, before the expiration of the period specified in section 85

(3) of the Act, the applicant or the licensee gives to the Agency his consent in writing to the extension by it of that period, the Agency may so extend the period.

(3) The Agency may, and shall at the request of the Minister, before the expiration of the period specified in section 85 (3) of the Act, extend the said period in such manner as it considers appropriate or as may be required by the Minister in the case of an application for a licence for an activity the emissions from which would be likely to have significant effects on the environment in another Member State of the European Communities and in respect of which activity the Minister has been notified under article 19.

(4) The period specified in section 85 (3) of the Act shall be extended to two months beginning on the day on which an exemption under section 25 (3) (inserted by the Environmental Impact Assessment Regulations) of the Act of 1963 was granted by the Minister where such day is subsequent to the date of the application for the licence.

(5) (a) Where, in accordance with sub-articles (1), (2), (3) or (4) the period specified in section 85 (3) of the Act is extended, the Agency shall, as soon as may be, publish notice of the extension in a newspaper circulating in the district in which the activity is or will be situated.

(b) Where the period specified in section 85 (3) of the Act is extended in accordance with sub-article (3), the Agency shall, in addition to the requirement of paragraph (a), notify the Minister of the extension.

REG 19

19 Notice to Minister of certain applications for licences.

19. (1) (a) The Agency shall, as soon as may be after its receipt, notify the Minister of any application for a licence—

(i) in respect of which an environmental impact statement has been submitted in accordance with Part II, or

(ii) in respect of which it intends to give a notice in accordance with article 13 requiring the submission of an environmental impact statement,

and which relates to an activity likely to have significant effects on the environment in another Member State of the European Communities.

(b) A notification to the Minister pursuant to paragraph (a) shall indicate—

(i) the reference number given under article 42 (2) to the application in the register of licences,

(ii) the name and address of the applicant,

(iii) the location or postal address (including, where appropriate, the name of the relevant townland or townlands) and the National

Grid reference of the premises to which the application relates,
(iv) the class or classes and nature of the activity in accordance with the First Schedule to the Act,

(v) the date of receipt of the application, and

(vi) the name of the planning authority to which a copy of the environmental impact statement has been, or will be, submitted.

(2) The Agency shall furnish to the Minister a copy of any environmental impact statement received in respect of an application for a licence in relation to which notice is given to the Minister pursuant to sub-article (1).

(3) The Minister may, where an application for a licence in respect of which an environmental impact statement has been submitted in accordance with any provision of Part II relates to an activity which the Minister considers likely to have significant effects on the environment in another Member State of the European Communities, require the Agency to furnish to him such information or documents concerning the application as he may specify.

REG 20

20 Notice to certain bodies.

20. (1) Where the Agency receives an application for a licence, other than an application in respect of which a notice in accordance with article 11 (2) (b) (i) has been or will be given, or has given a notice in writing of intention to review a licence or revised licence under section 85 (1) (b) of the Act, it shall notify—

(a) the Commissioners of Public Works in Ireland,

(b) the National Authority for Occupational Safety and Health,

(c) the Central Fisheries Board,

(d) in the case of a discharge of trade effluent or other matter (other than domestic sewage or storm water) to a sewer of a sanitary authority, the sanitary authority in which the sewer is vested or by which it is controlled, and

(e) An Taisce — The National Trust for Ireland, and such of the following public authorities, persons or bodies, if any, as it considers necessary having regard to the nature and extent of the activity to which the application or review refers—

(f) the local authority in whose functional area the activity is or will be situate, or other local authority,

(g) a sanitary authority,

(h) the Minister for Transport, Energy and Communications,

(i) the Minister for the Marine,

(j) the appropriate health board,

(k) the National Monuments Advisory Council,

(l) Bord Fáilte,

(m) in the case of an activity any part of which is situate within the functional area of the Shannon Free Airport Development Company Limited, that company, or

(n) Teagasc.

(2) A notice given in accordance with sub-article (1) shall at least indicate—

- (a) the reference number given under article 42 (2) to the application or review in the register of licences,
- (b) the name and address of the applicant or the licensee, as the case may be,
- (c) the location or postal address (including, where appropriate, the name of the relevant townland or townlands) and the National Grid reference of the premises to which the application or the review relates,
- (d) the class or classes and nature of the activity in accordance with the First Schedule to the Act,
- (e) the date of receipt of the application or the publication of a notice under section 85 (1) (b) of the Act.

(3) Where an environmental impact statement is received in respect of an application for a licence in accordance with any provision of Part II the Agency shall send a copy of the statement to each authority, person or body to which it has given a notice under sub-article (1) and indicate the name of the planning authority to which the environmental impact statement has been, or will be, submitted.

REG 21

21 List of applications received or notices of review given by the Agency.

21. (1) The Agency shall, by not later than the third working day following a particular week, make available in accordance with sub-article (2) a list of—

(a) the applications for a licence, other than applications in respect of which a notice in accordance with article 11 (2) (b) (i) has been, or will be, given, received by the Agency during that week, and

(b) notices given in writing to the licensee by the Agency under section 85 (1) (b) of the Act.

(2) (a) A copy of a list referred to in sub-article (1) shall, for a period of not less than 2 months—

- (i) be displayed in or at the headquarters of the Agency in a position convenient for public inspection during office hours, and
- (ii) be made available for such charge, if any, as the Agency may fix, not exceeding the reasonable cost of making the copy, at the headquarters of the Agency during office hours.

(b) A copy of a list referred to in sub-article (1) may, in addition to the requirements of paragraph (a), be displayed in any other place which the Agency considers appropriate or made available for such charge, if any, as the Agency may fix, not exceeding the reasonable cost of making the copy, to any body, group or person likely to be interested.

(3) (a) A list referred to in sub-article (1) shall, in respect of each application for a licence to which it relates, indicate—

- (i) the reference number given under article 42 (2) to the application in the register of licences,
- (ii) the name and address of the applicant,
- (iii) the class or classes and nature of the activity in accordance with the First Schedule to the Act,
- (iv) the location or postal address (including, where appropriate, the name of the relevant townland or townlands) and the National Grid reference of the premises to which the application relates,
- (v) the date of receipt of the application, and
- (vi) where a copy of the application may be obtained.

(b) A list referred to in sub-article (1) shall, in respect of each review of a licence or revised licence, indicate—

- (i) the reference number given under article 42 (2) to the existing licence or revised licence, in the register of licences,
- (ii) the reference number given under article 42 (2) to the notification given in writing under section 85 (1) (b) of the Act in the register of licences,
- (iii) the name and address of the licensee,
- (iv) the class or classes and nature of the activity in accordance with the First Schedule to the Act,
- (v) the location or postal address (including, where appropriate, the name of the relevant townland or townlands) and the National Grid reference of the premises to which the review relates,
- (vi) the reason for the review,
- (vii) the date of the publication of the notice under section 85 (1) (b) of the Act, and
- (viii) where a copy of the notice given in writing to the licensee under section 85 (1) (b) of the Act may be obtained.

(c) A list referred to in sub-article (1) shall, in addition to the requirements of paragraph (a), indicate those applications for licences, if any, in respect of which an environmental impact statement has been submitted to the Agency in accordance with Part II and the name of the planning authority to which a copy of the environmental impact statement has been, or will be, submitted.

REG 22

22 Agency investigations.

22. The Agency may carry out, or arrange to have carried out, such investigations as it considers necessary to enable it properly to determine or to decide on an application for a licence or the review of a licence or revised licence, and may require the applicant or the licensee, as appropriate, to defray or contribute towards the cost of any such investigations.

REG 23

23 Inspection and availability of documents including environmental impact statements.

23. (1) The Agency shall make the documents or other items

specified in sub-article (2) available for public inspection during office hours at the headquarters of the Agency from as soon as may be after receipt of the documents or other items or the giving of a notice as the case may be, until 2 months after the date on which the Agency has given its decision on the application for the licence or the review of the licence or revised licence.

(2) The following are specified for the purpose of sub-article (1)—

(a) an application for a licence,

(b) a notice given in writing to the licensee under section 85

(1) (b) of the Act,

(c) such other notices as are given by the Agency under Part IV of the Act or under these Regulations in respect of the application for a licence or the review of a licence or a revised licence,

(d) such information, particulars, plans, drawings, maps, evidence, environmental impact statements, notices, objections, submissions, views or observations as are received or obtained by the Agency from the applicant or licensee or any other person in accordance with Part IV of the Act or in accordance with these Regulations in respect of the application for a licence or the review of a licence or a revised licence, land

(e) any written submissions received by the Agency following the giving or publication of a notice under section 85 (1) of the Act.

(3) Copies of an environmental impact statement submitted to the Agency in accordance with any provision of Part II shall be available during office hours at the headquarters of the Agency, for such charge, (if any) as the Agency may fix not exceeding the reasonable cost of making a copy, from the time of receipt of the statement by the Agency until a decision is given on the application.

(4) The applicant shall supply to the Agency as soon as is practicable such further copy or copies of the environmental impact statement as may be specified, and in such form as may be specified, by the Agency for the purposes of sub-article (3).

REG 24

Withdrawal or abandonment of application for a licence.

24. (1) An application for a licence may be withdrawn at any time before the making of the decision of the Agency on the application.

(2) Where the Agency is of the opinion that an application for a licence has been abandoned it may give to the applicant a notice stating that fact and requiring that person, within a period specified in the notice (being a period of not less than fourteen or not more than twenty-eight days beginning on the date of the giving of the notice), to make to the Agency a submission in writing as to why the application should not be regarded as having been withdrawn.

(3) Where a notice has been given under sub-article (2), the Agency may, at any time after the expiration of the period specified in

the notice, and after considering the submission (if any) made to the Agency pursuant to the notice, declare that the application to which the notice relates shall be regarded as having been withdrawn.

(4) Where pursuant to this article the Agency declares that an application is to be regarded as having been withdrawn, any objection in relation to the application shall not be further considered by the Agency.

REG 25

List of proposed determinations by the Agency.

25. (1) The Agency shall, by not later than the third working day following a particular week, make available a list containing details of the proposed determinations notified by the Agency under section 85 (2) of the Act during that week.

(2) (a) A copy of a list referred to in sub-article (1) shall, for a period of not less than 21 days—

(i) be displayed in or at the headquarters of the Agency in a position convenient for public inspection during office hours, and
(ii) be made available for such charge, if any, as the Agency may fix, not exceeding the reasonable cost of making the copy, at the headquarters of the Agency during office hours.

(b) A copy of a list referred to in sub-article (1) may, in addition to the requirements of paragraph (a), be displayed in any other place which the Agency considers appropriate or made available for such charge, if any, as the Agency may fix, not exceeding the reasonable cost of making the copy, to any body, group or person likely to be interested.

(c) A copy of a list referred to in sub-article (1) or the relevant portion of such list shall, within 7 days of the giving of a notification under section 85 (2) of the Act, in addition to the requirements of paragraph (a), be published in a newspaper circulating in the district in which the activity is or will be situate.

(3) (a) A list referred to in sub-article (1) shall, in respect of each application for a licence to which it relates, indicate—

- (i) the reference number given under article 42 (2) to the application in the register of licences,
- (ii) the name and address of the applicant,
- (iii) the class or classes of activity and nature of the activity in accordance with the First Schedule to the Act,
- (iv) the location or postal address (including, where appropriate, the name of the relevant townland or townlands) and the National Grid reference of the premises to which the application relates,
- (v) the day of the giving of the notification under section 85 (2) of the Act,
- (vi) the manner in which the Agency proposes to determine the application,
- (vii) where a copy of the proposed licence or the proposed reasons for refusal, as the case may be, may be obtained, and

(viii) that an objection, which shall include the grounds for the objection and be accompanied by the appropriate fee specified in accordance with section 94 of the Act, may be made to the Agency within the appropriate period.

(b) A list referred to in sub-article (1) shall, in respect of each review of a licence or revised licence, indicate—

(i) the reference number given under article 42 (2) to the review in the register of licences,

(ii) the name and address of the licensee,

(iii) the class or classes and nature of the activity in accordance with the First Schedule to the Act,

(iv) the location or postal address (including, where appropriate, the name of the relevant townland or townlands) and the National Grid reference of the premises to which the review relates,

(v) the day of the giving of the notification under section 85 (2) of the Act,

(vi) the manner in which the Agency proposes to determine the review,

(vii) where a copy of the proposed revised licence or the proposed reasons for refusal of a revised licence may be obtained,

(viii) that an objection, which shall include the grounds for the objection and be accompanied by the appropriate fee specified in accordance with section 94 of the Act, may be made to the Agency within the appropriate period.

(c) A list referred to in sub-article (1) shall, in addition to the requirements of paragraph (a), indicate those applications for licences, if any, in respect of which an environmental impact statement has been submitted to the Agency in accordance with Part II and the name of the planning authority to which a copy of the environmental impact statement has been, or will be, submitted.

REG 26

Additional notice in certain cases.

26. (1) Where the Agency, in accordance with article 20, has given notice of an application for a licence or a notice of intention to review a licence or revised licence under section 85 (1) (b) of the Act, to a public authority, person or body, it shall notify that public authority, person or body of its proposed determination in respect of the application or the review, as appropriate, within three working days of the giving of the notification of the proposed determination.

(2) The Agency shall, within three working days of the giving of the notification of its proposed determination of an application for a licence in respect of which notice was given to the Minister in accordance with article 19 or in relation to which information or documents were furnished to the Minister in accordance with article 19 (3), notify the Minister of the proposed determination.

REG 27

Notification of proposed determination of application for a licence or review of a licence or revised licence.

27. Every notification given under section 85 (2) of the Act shall, in addition to the matters specified in that subsection, specify—

- (a) the reference number given under article 42 (2) to the application or the review in the register of licences,
- (b) the activity to which the proposed determination relates,
- (c) the day of the giving of the notification,
- (d) where it is proposed to grant a licence or revised licence the conditions, if any, to be attached and the reasons therefor and where a copy of the proposed licence or revised licence may be obtained,
- (e) where it is proposed to refuse to grant a licence or a revised licence, the reasons for such refusal,
- (f) that an objection against the proposed determination, which shall include the grounds for the objection and be accompanied by the appropriate fee specified in accordance with section 94 of the Act, may be made to the Agency in accordance with the following—
 - (i) in the case of the applicant or the licensee the period of 28 days beginning on the day of the giving of the notification,
 - (ii) in any other case, the period of 21 days beginning on the day of the giving of the notification,
- (g) that the decision of the Agency shall be in accordance with the proposed determination and shall be issued as soon as may be after the expiration of the appropriate period where no objection is taken or where an objection or objections is or are taken and the objection or objections is or are withdrawn.

REG 28

Reasons for proposed determinations or decisions.

28. A proposed determination under section 85 (2) of the Act or a decision under section 83 (1) or 88 (2) of the Act shall contain the reasons for the proposed determination or the decision.

PART V OBJECTIONS

REG 29

Form and content of objection.

29. (1) An objection shall—

- (a) be made in writing,
- (b) state the name and address of the objector,
- (c) state the reference number given under article 42 (2) to the application or the review in the register of licences and the subject matter of the objection,
- (d) state the grounds for the objection and the reasons, considerations and arguments on which they are based, and
- (e) be accompanied by a fee specified in accordance with section 94 of the Act.

(2) Without prejudice to article 31, an objector shall not be entitled to elaborate in writing upon, or make further submissions in writing in relation to, the grounds for the objection stated in the objection, or to submit further grounds of objection and any such elaboration, submission or further grounds for the objection that is or are received by the Agency shall not be considered by it.

(3) (a) An objection shall be accompanied by such documents, particulars or other information relating to the objection as the objector considers necessary or appropriate.

(b) Without prejudice to article 31, the Agency shall not consider any documents, particulars or other information submitted by an objector other than the documents, particulars or other information which accompanied the objection.

(4) An objection shall be made—

- (a) by sending the objection by prepaid post to the headquarters of the Agency, or
- (b) by leaving the objection with an employee of the Agency at the headquarters of the Agency during office hours.

(5) The Agency shall as soon as may be after receipt of an objection acknowledge such receipt.

REG 30

Circulation of objections.

30. (1) The Agency shall, as soon as may be after receipt of an objection, give a copy thereof to each other party to the objection.

(2) Each other party to the objection may make submissions in writing to the Agency in relation to the objection within a period

of one month beginning on the day on which a copy of the objection is sent to that party by the Agency.

(3) Any submissions received by the Agency after the expiration of the period mentioned in sub-article (2) shall not be considered by the Agency.

(4) Where no submissions have been received from a party to an objection within the period mentioned in sub-article (2), the Agency may without further notice to that party consider the objection.

(5) Without prejudice to article 31, a party to the objection shall not be entitled to elaborate in writing upon any submissions made in accordance with sub-article (2) or make any further submissions in writing in relation to the objection and any such elaboration or submission that is received by the Agency shall not be considered by it.

REG 31

Power of the Agency to request submissions by objectors.

31. Where the Agency is of the opinion that, in the particular circumstances of an objection, it is appropriate in the interests of justice to request a party to the objection to make submissions in relation to any matter which has arisen in relation to the objection, the Agency may, in its discretion, notwithstanding articles 29 (3) and 30 (5), give notice under this article—

(a) requesting that party, within a period specified in the notice (not being less than fourteen or more than twenty-eight days beginning on the date of the giving of the notice) to make to the Agency a submission in writing in relation to the matter in question, and

(b) stating that, if a submission in writing is not received before the expiration of the period specified in the notice, the Agency will, after the expiration of that period and without further notice to the party, proceed with its consideration of the objection and make a decision on the application for a licence or the review of a licence or revised licence.

REG 32

Power of the Agency to request submission of documents, particulars or information by an objector.

32. Where the Agency is of the opinion that any document, particulars or other information is or are necessary for the purposes of enabling it to consider an objection, the Agency may give to any party to the objection a notice under this article—

(a) requiring that party, within a period specified in the notice (being a period of not less than fourteen days beginning on the date of the giving of the notice) to submit to the Agency such document, particulars or other information (which document, particulars or other information shall be specified in the notice), and

(b) stating that, in default of compliance with the requirements of the notice, the Agency will, after the expiration of the period so specified and without further notice to the party, make a decision on the application for a licence or the review of a licence or revised licence.

REG 33

Withdrawal of applications or objections in certain cases.

33. (1) Where the Agency is of the opinion that an objection has been abandoned, it may give to the party who made the objection a notice stating that fact and requiring that party, within a period specified in the notice (being a period of not less than fourteen or more than twenty-eight days beginning on the date of the giving of the notice) to make to the Agency a submission in writing as to why the objection should not be regarded as having been withdrawn.

(2) Where a notice has been given under sub-article (1), the Agency may, at any time after the expiration of the period specified in the notice, and after considering the submission (if any) made to the Agency pursuant to the notice, declare that the objection to which the notice relates shall be regarded as having been withdrawn.

REG 34

Notification of oral hearings.

34. (1) Where the Agency decides to hold an oral hearing, it shall give the persons specified in section 85 (6) of the Act not less than seven days notice of the time and place of the opening of the oral hearing or such shorter notice as may be accepted by all such persons.

(2) The Agency may, at any time before the opening of an oral hearing, alter the time or place of the opening of the hearing and, in the event of such alteration, the Agency shall give the persons specified in section 85 (6) of the Act not less than seven days notice of the new time and place or such shorter notice as may be accepted by all such persons.

REG 35

Procedure at oral hearings.

35. (1) A person appointed to conduct an oral hearing shall have discretion as to the conduct of the hearing and in particular shall—

- (a) conduct the hearing without undue formality,
- (b) permit any party to the objection, the planning authority in whose functional area the activity to which the licence application or review relates, is or will be situate, or such employee of the Agency as the Agency may decide, to appear in person or to be represented by another person,

- (c) decide the order of appearance of persons to be heard.
- (2) Where the Agency has given notice in accordance with article 39 (2) of its intention to take into account matters other than those raised by the parties to the objection, the parties shall be permitted, if present, to make submissions in relation to the said matters to the person conducting the oral hearing.
- (3) A person appointed by the Agency to conduct an oral hearing shall be appointed in writing by the Agency to be an authorised person for the purposes of section 13 of the Act.

REG 36

Power to require attendance at oral hearings.

36 (1) Subject to sub-article (2), the person appointed to conduct an oral hearing may, by giving notice in that behalf in writing to any party to the objection, such employee of the Agency as the Agency may decide or the planning authority in whose functional area the activity is or will be situated, require that party, employee or authority to attend at such time and place as is specified in the notice and to produce any documents, particulars, or other information in his or its possession, custody or control.

(2) The following provisions shall have effect for the purposes of sub-article (1)—

(a) it shall not be necessary for a person to attend in compliance with a notice at a place more than ten miles from a person's ordinary place of residence unless such sum as will cover the reasonable and necessary expenses of the attendance has been paid or tendered to that person;

(b) the Agency shall pay or tender to any person whose attendance is required such sum as the Agency, following consultation with the person appointed to conduct the oral hearing, considers will cover the reasonable and necessary expenses of the attendance;

(c) any person who in compliance with a notice has attended at any place shall, save insofar as the reasonable and necessary expenses of the attendance have already been paid to that person, be paid those expenses by the Agency, and those expenses, save as aforesaid, shall, in default of being so paid, be recoverable as a simple contract debt in any court of competent jurisdiction.

(3) A person to whom a notice under sub-article (1) has been given shall not refuse or wilfully neglect to attend in accordance with the notice or shall not wilfully alter, suppress, conceal or destroy any documents, particulars or other information to which the notice relates or having so attended, shall not refuse or wilfully fail to produce any documents, particulars or other information to which the notice relates.

(4) A person appointed to conduct an oral hearing may require an officer of a local authority, sanitary authority or planning authority concerned to provide any information which that person reasonably requires for the purpose of the hearing, and it shall be the duty of the officer concerned to comply with the requirement.

REG 37

Adjournment or reopening of an oral hearing.

37. (1) Subject to sub-article (2) and (3), the person appointed to conduct an oral hearing may—

(a) adjourn or resume the oral hearing,

(b) having obtained the consent of the Agency, re-open the hearing, or

(c) notwithstanding that any party to the objection has failed to attend a hearing, proceed with the hearing.

(2) Notice of the time and place of the resumption of an oral hearing that has been adjourned indefinitely or the reopening of an oral hearing shall be given by the Agency to the persons specified in section 85 (6) of the Act not less than seven days before the said time or such shorter period as may be accepted by all such persons.

(3) Unless the Agency considers it expedient to do so and so directs, an oral hearing shall not be re-opened after the report thereon has been made to the Agency.

REG 38

Replacement of person appointed to conduct an oral hearing.

38. If, for any reason, the person appointed to conduct an oral hearing is unable or fails to conduct, or to complete the conduct of, an oral hearing or, for any reason, is unable or fails to furnish a written report on an oral hearing to the Agency, the Agency may appoint another person to conduct the oral hearing or to conduct a new oral hearing.

REG 39

Other matters may be taken into account by the Agency.

39. (1) The Agency in considering an objection may take into account matters other than those raised by a party to the objection.

(2) The Agency shall give notice in writing to each party to the objection of the matters that it proposes to take in to account under sub-article (1) and shall indicate in that notice—

(a) in a case where the Agency proposes to hold an oral hearing of the objection, or where an oral hearing of the objection has been concluded and is re-opened in accordance with article 37, that submissions in relation to the said matters may be made to the person appointed to conduct the hearing, or

(b) in a case where the Agency does not propose to hold an oral hearing of the objection, or where an oral hearing of the

objection has been concluded and the Agency does not propose to consent to the re-opening of the hearing, that submissions in relation to the said matters may be made to the Agency in writing within a period specified in the notice (being a period of not less than fourteen or more than twenty-eight day beginning on the date of the giving of the notice).

(3) Submissions as aforesaid that are received by the Agency after the expiration of the period referred to in sub-article (2) (b) shall not be considered by the Agency.

(4) Without prejudice to article 31, where a party to an objection makes a submission to the Agency in accordance with sub-article (2) (b), that party shall not be entitled to elaborate in writing upon that submission or to make further submissions in writing in relation to the matters referred to in sub-article (1) and any such elaboration or submissions that are received by the Agency shall not be considered by it.

REG 40

Period for consideration of objection.

40. (1) Where it appears to the Agency that it would not be possible or appropriate, because of the particular circumstances of an objection, to carry out the procedures for the consideration of an objection, whether or not an oral hearing is held, within four months beginning on the day after the expiration of the appropriate period, the Agency shall give notice in writing to each party to the objection of the reasons why it would not be possible or appropriate, as the case may be, to do so and shall specify the date before which the Agency intends to carry out such procedures.

(2) Where a notice has been given under sub-article (1), the Agency shall take all such steps as are open to it to ensure that the procedures are carried out before the date specified in the notice.

REG 41

Notification and publication of decisions

41. (1) (a) The Agency shall notify each person specified in sections 85 (2) and 85 (6) of the Act and persons or bodies notified under article 20 of decision under section 83 (1) of the Act on application for a licence or under section 88 (2) of the Act on the review of a licence or revised licence.

(b) A notification under paragraph (a) shall be accompanied by a copy of the decision referred to.

(2) The Agency shall, by not later than the third working day following a particular week, make available a list containing details of the decisions referred to in sub-article (1) given by the Agency during that week.

(3) (a) A copy of a list referred to in sub-article (2) shall, for a period of not less than 2 months commencing on the date on which the decision was given—

(i) be displayed in or at headquarters of the Agency in a position convenient for public inspection during office hours,

(ii) be made available for such charge, if any, as the Agency may fix not exceeding the reasonable cost of making the copy, at the headquarters of the Agency during office hours.

(b) A copy of a list referred to in sub-article (2) may in addition to the requirements of paragraph (a) be displayed in any other place which the Agency considers appropriate or made available for such charge, if any, as the Agency may fix not exceeding the reasonable cost of making the copy to any body, group or person likely to be interested.

(c) A copy of a list referred to in sub-article (2) or the relevant portion of such list shall, in addition to the requirements of paragraph (a), within 7 days of the date of the giving of the decision be published in a newspaper circulating in the district in which the activity is or will be situate.

(4) (a) A list referred to in sub-article (2) shall, in respect of each decision on an application for a licence to which it relates, indicate—

(i) the reference number given under article 42 (2) to the application in the register of licences,

(ii) the name and address of the applicant,

(iii) the class or classes and nature of the activity in accordance with the First Schedule to the Act,

(iv) the location or postal address (including, where appropriate, the name of the relevant townland or townlands) and the National Grid reference of the premises to which the decision relates,

(v) the nature of the decision,

(vi) the date of the giving of the decision, and

(vii) where a copy of the licence or the reasons for refusal, as the case may be, may be obtained.

(b) A list referred to in sub-article (2) shall, in respect of each decision on a review of a licence or revised licence, indicate—

(i) the reference number given under article 42 (2) to the application in the register of licences,

(ii) the name and address of the licensee,

(iii) the class or classes and nature of the activity in accordance with the First Schedule to the Act,

(iv) the location or postal address (including, where appropriate, the name of the relevant townland or townlands) and the National Grid reference of the premises to which the review relates,

(v) the nature of the decision,

(vi) the date of the giving of the decision, and

(vii) where a copy of the revised licence or the reasons for a revised licence, as the case may be, may be obtained.

(c) A list referred to in sub-article (2) shall, in addition to the requirements of paragraph (a), indicate those applications for licences, if any, in respect of which an environmental impact statement has been submitted to the Agency in accordance with Part

II and the name of the planning authority to which a copy of the environmental impact statement has been or will be submitted.

PART VI REGISTER

REG 42

Form of register.

42. (1) The register of licences required under section 89 of the Act to be established and maintained by the Agency, and kept at the offices of the Agency, shall in respect of each application for a licence, each notification given in writing to the licensee under section 85 (1) (b) of the Act, and each application for a licence or permit or a review of a licence or permit dealt with by the Agency under section 99 (4) of the Act as the case may be, contain the following entries—

- (a) the reference number in accordance with sub-article (2),
- (b) the name and address of the applicant, or the licensee, as the case may be,
- (c) the class or classes and nature of the activity in accordance with the First Schedule to the Act,
- (d) the location or postal address (including where appropriate, the name of the relevant townland or townlands) and the National Grid reference of the premises to which the application or the review relates,
- (e) the date on which the Agency is in receipt of the application for a licence and supporting documentation and particulars required to be submitted under article 10,
- (f) the date of a notice published under section 85 (1) (b) of the Act,
- (g) the date of any notification given by the Agency under articles 11 (2) (b), 12 (3) (b), 13 (1) and (2), 14 (2) (b), 17, 24 (2), 31, 32, 33, 34, 39 (2) and 40 (1),
- (h) the date of receipt of any submission, document, plans, drawings, maps, evidence, particulars or information submitted to the Agency in compliance with any notice given under articles 11 (2) (b) (ii), 12 (3) (b), 13 (1) and (2), 14 (2) (b), 32, 33, 34 and 39 (2),
- (i) the date of receipt of an environmental impact statement required under article 12,
- (j) the date of receipt of a notice of an exemption in accordance with section 25 (3) (inserted by the Environmental Assessment Regulations) of the Act of 1963,
- (k) the date of a notification given under section 85 (2) of the Act,
- (l) the date on which the Agency is in receipt of additional information required under article 17,
- (m) the period by which the Agency extends under article 18 (2)

or 18 (3) the period specified in section 85 (3) of the Act,
 (n) the manner in which the Agency proposes to determine the application or review,
 (o) the number of objections received, if any,
 (p) the date of receipt of a submission in accordance with article 31 in respect of an objection,
 (q) the date of a notification to hold an oral hearing in accordance with article 34,
 (r) any date specified by the Agency under article 40,
 (s) the date of a declaration under article 24 (3) or 33 (2),
 (t) the date of the decision on the application for a licence or the review of a licence or revised licence,
 (u) the frequency or periods within which monitoring reports or other information are required to be submitted to the Agency by or under a condition attached to a licence or revised licence, and
 (v) (i) the date of receipt of a notice under section 91 (2) of the Act,
 (ii) the date of receipt of a notice under section 92 (1) of the Act,
 (iii) the date and nature of the decision by the Agency under section 92 (2) of the Act.
 (2) Each application for a licence, each notification given in writing to the licensee under section 85 (1) (b) of the Act and each application for a licence or permit or a review of a licence or permit dealt with by the Agency under section 99 (4) of the Act shall be given a reference number in the register of licences.

PART VII TRANSITIONAL ARRANGEMENTS

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Provisions of other enactments exercisable by the Agency.
 43. For the purposes of section 99 (2) of the Act the provisions of the enactments mentioned in section 99 (1) (a) of the Act and as set out in the Table hereunder, shall be exercisable by the Agency in lieu of the local authority, sanitary authority or the Minister for the Marine, as appropriate.

TABLE

<p>Enactment</p> <p>(No. 6 of 1987)</p> <p>1977 (No. 1 of 1977)</p>	<p>Provisions exercisable by the Agency in lieu of the local authority, sanitary authority or the Minister for the Marine, as appropriate, for the purposes of section 99 (2) of the Act.</p> <p>Air Pollution Act, 1987</p> <p>Sections 5, 7 (1) for the purposes of appointment of "authorised person", 13, 14, 15, 16, 20, 26, 27, 28, 29, 37, 38 and 54 (1) to 54 (4).</p> <p>Local Government (Water Pollution) Act, Sections 4, 10, 11, 12, 13, 14, 16, 22, 23,</p>
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28 and 32. Local Government (Water Pollution) (Amendment) Act, 1990 (No. 21 of 1990) Sections 26, 27 and 28. Fisheries (Consolidation) Act, 1959 (No. 14 of 1959) Sections 292 for the purposes of appointment of "authorised person", 297, 312 and 317. European Communities (Toxic and Dangerous Waste) Regulations, 1982 (S.I. No. 33 of 1982) Articles 2 (1) for the purposes of appointment of "authorised person", 7, 9 and 11 (b). European Communities (Waste) Regulations, 1979 (S.I. No. 39 of 1979) Articles 2 (1) for the purposes of appointment of "authorised person", 5, 6 and 7.

Dated this 13th day of April, 1994.

JOHN BROWNE,

Minister of State at the Department of the Environment.

EXPLANATORY NOTE.

The Regulations provide for various procedural matters in relation to the integrated licensing by the Environmental Protection Agency of scheduled activities under the Environmental Protection Agency Act, 1992. The Regulations provide for applications for licences, reviews of licences or revised licences, consideration by the Agency of objections, including the holding of oral hearings and the contents of the register of licences.

The Regulations also prescribe the day on or after which specified classes of activity in the First Schedule to the 1992 Act will require an integrated licence in accordance with section 82 (1) of the Act.

The Regulations also specify the "relevant day" for the purposes of the definition of "established activity" in section 3 of the 1992 Act in respect of specified classes of activity in the First Schedule to that Act.