

S.I. No. 76 of 1995.

ENVIRONMENTAL PROTECTION AGENCY (LICENSING) (AMENDMENT NO. 2) REGULATIONS, 1995.

The Minister for the Environment, in exercise of the powers conferred on him 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 (S.I. No. 84 of 1994), hereby makes the following Regulations:

Citation. 1. (1) These Regulations may be cited as the Environmental Protection Agency (Licensing) (Amendment No. 2) Regulations, 1995.

(2) These Regulations, the Environmental Protection Agency (Licensing) Regulations, 1994 and the Environmental Protection Agency (Licensing) (Amendment) Regulations, 1995 may be cited together as the Environmental Protection Agency (Licensing) Regulations, 1994 and 1995.

Commencement and Application. 2. These Regulations shall come into operation on the 2nd day of May 1995 and shall apply and have effect in the case of documents relating to an application for a licence or revised licence received by, or the review of a licence or revised licence commenced by, the Agency on or after the 3rd day of April 1995.

Amendment of Article 23 of the Environmental Protection Agency (Licensing) Regulations, 1994. 3. The Environmental Protection Agency (Licensing) Regulations, 1994 are hereby amended by the substitution of the following article for article 23—

"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, and for a period of three years following the day on which a decision is made on the application for the licence or the review of the licence or revised licence.

(2) The following are specified for the purposes 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 including site location maps, photographs, 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, and
- (e) any written submissions received by the Agency following the giving or publication of a notice under section 85 (1) of the Act.

(3) Subject to sub-article 6, copies of an environmental impact statement submitted to the agency in accordance with any provision of Part II, and of extracts from such a statement, or of any document or other item referred to in sub-article (2), as appropriate, shall be made 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 or document or other item, or the giving of a notice, as appropriate, and for a period of three years following the day on which a decision is made on the application for the licence, or on the review of the licence or revised licence, as the case may be.

(4) At the request of the agency the applicant, or where appropriate the licensee, shall supply to the Agency as soon as is practicable such further copy or copies of the environmental impact statement, or any document or other item referred to in paragraphs (a), (d) or (e), as appropriate, of sub-article (2), as may be specified, and in such form as may be specified, by the Agency for the purposes of sub-article (3).

(5) Any written report prepared by or for the Agency for the purposes of its proposed determination or decision on an application for licence, or the review of a licence or revised licence, including any written report made under section 86 (2) of the Act, shall be made available at the headquarters of the Agency, for inspection, or for purchase for such charge as the Agency may fix, not exceeding the reasonable cost of making a copy, for a period of three years commencing on the third working day following the day on which—

(a) a notification is given under section 85 (2) of the Act, and

(b) a decision is made under section 83 (1) of the Act on an application for a licence, or under section 88 (2) on the review of a licence or revised licence.

(6) The provisions of sub-article (3) shall not apply to plans, or other drawings or photographs."

GIVEN under the Official Seal of the Minister for the Environment, this 6th day of April, 1995.

BRENDAN HOWLIN,

Minister for the Environment.

EXPLANATORY NOTE.

These Regulations amend article 23 of the Environmental Protection Agency (Licensing) Regulations, 1994 to provide for the availability for inspection or purchase of documents related to applications for licences or revised licences or to review of licences. The Regulations also require that any written report by or for the Agency for purposes of a licence determination or decision will also be made available for inspection or purchase, over an extended period following the making of the determination or decision.