STATUTORY RULES OF NORTHERN IRELAND

2007 No. 346

EUROPEAN COMMUNITIES
ROADS

The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2007

Made - - - -	*25th July 2007*
Coming into operation	*10th September 2007*

The Department for Regional Development makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**) and section 56(1) and (5) of the Finance Act 1973(**2**).

The Department for Regional Development is a department designated(**3**) for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment.

These Regulations are made with the consent of the Department of Finance and Personnel(**4**) in accordance with section 56(1) and (5) of the Finance Act 1973:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2007 and shall come into operation on 10th September 2007.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Roads (Northern Ireland) Order 1993

2.—(1) The Roads (Northern Ireland) Order 1993(**6**) shall be amended in accordance with this regulation.

(**1**) 1972 c. 68
(**2**) 1973 c. 51
(**3**) S.I. 1988/785
(**4**) Formerly the Department of Finance; *see*S.I. 1982/338 (N.I. 6), Art. 3
(**5**) 1954 c. 33 (N.I.)
(**6**) S.I. 1993/3160 (N.I. 15) as amended by S.R. 1999 No. 89

(2) In Article 67(**7**) (environmental impact assessment)—

(a) in paragraph (1)—

(i) omit the definition of "the Directive"; and

(ii) after the definition of "Annex" insert the following —

""the Directive" means Council Directive No.85/337/EEC(**8**) on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive No. 97/11/EC(**9**) and Directive No. 2003/35/EC(**10**) of the European Parliament and Council;

"EEA State" means a Member State, Norway, Iceland or Liechtenstein;

"member of the public" includes any body of persons;";

(b) in paragraph (4), in sub-paragraph (b), for "publish an environmental statement" substitute "prepare an environmental statement and publish notice of it in accordance with paragraphs (3), (3A) and (9) of Article 67A".

(3) Article 67A(**11**) (procedure) is amended as follows—

(a) omit paragraph (2);

(b) in paragraph (3), for "An" substitute "Notice of the";

(c) after paragraph (3), insert—

"(3A) The notice must state—

(a) that the Department is considering implementing the project;

(b) the proposed location and nature of the project;

(c) that the project is subject to the environmental impact assessment procedure required by this Part and, where relevant, that Article 67B applies;

(d) that a copy of the environmental statement may be inspected at an address in the area in which the project is proposed to be situated during the period specified under sub-paragraph (i);

(e) the times at which the copy of the environmental statement may be so inspected;

(f) an address from which copies of the environmental statement may be obtained and from which further information about the project may be requested during the period specified under sub-paragraph (i);

(g) if a charge is to be made for a copy of the environmental statement, the amount of the charge;

(h) if the Department uses a website for the publication of information about projects that are subject to the procedure required by this Part, that a copy of the environmental statement or non-technical summary may be inspected on the website during the period specified under sub-paragraph (i);

(i) that any person wishing to make any representations about the project and the environmental statement may do so in writing to the Department at a specified

(**7**) Article 67 was substituted by regulation 2 of the Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 89)
(**8**) O.J. No. L175, 5.7.85, p. 40
(**9**) O.J. No. L73, 14.3.97, p. 5
(**10**) O.J. No. L156, 25.6.03, p. 17
(**11**) Article 67A was inserted by regulation 2 of the Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 89)

address within a specified period, being not less than 6 weeks from the date of publication of the notice; and

(j) that the Department will take into consideration any representations so made before deciding whether or not to proceed with the project with or without modifications.

(3B) The Department shall ensure that during the period specified under sub-paragraph (3A)(i)—

(a) copies of the environmental statement are available for inspection by any person free of charge at all reasonable hours at the address specified in sub-paragraph (3A)(d);

(b) copies of the environmental statement are available to be obtained by any person from the address specified in sub-paragraph (3A)(f); and

(c) where under sub-paragraph (3A)(h), the notice states the address of a website, that a copy of the environmental statement or non-technical summary is available for inspection, by any person, on that website.

(3C) A reasonable charge reflecting the costs of printing, copying and distribution may be made by the Department for the supply of a copy of the environmental statement —

(a) to a person, other than a consultation body; or

(b) to a consultation body to which one copy has already been supplied free of charge.";

(d) in paragraph (4), omit "published details of the";

(e) in paragraph (7)—

(i) for sub-paragraph (b) substitute—

"(b) any opinion on that statement or the project which is expressed in writing by—

(i) any of the consultation bodies; or

(ii) any other person;

and is received by the Department within any period specified for the purpose;";

(ii) after sub-paragraph (b) insert—

"(bb) where Article 67B applies, and the EEA State has indicated in accordance with paragraph (4) of that Article that it wishes to participate in the procedure required by this Part, any opinion on that statement or the project which is expressed in writing by—

(i) the EEA State;

(ii) a member of the public in the EEA State; or

(iii) an authority having environmental responsibilities designated by the EEA State to be consulted about the project under Article 6(1) of the Directive;

and is received by the Department within the period specified under sub-paragraph (3A)(i);";

(f) in paragraph (8)—

(i) after the words "paragraph 7", insert ", and describing the right under Article 67BA(1) to challenge the validity of the decision,";