STATUTORY RULES OF NORTHERN IRELAND

1999 No. 89

EUROPEAN COMMUNITIES
ROADS

Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999

Made - - - -	*3rd March 1999*
Coming into operation	*14th March 1999*

The Department of the Environment, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) 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, in exercise of the powers conferred by that section and of all other powers enabling it in that behalf, and having taken into account the selection criteria specified in Annex III to Council Directive 85/337/EEC (on the assessment of the effects of certain public and private projects on the environment)(**3**) as inserted by Council Directive 97/11/EC (amending Council Directive 85/337/EEC)(**4**) hereby makes the following regulations:

Citation and commencement

1.—(1) These regulations may be cited as the Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 and shall come into operation on 14th March 1999.

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

Amendment of the Roads (Northern Ireland) Order 1993

2. For Part V of the Roads (Northern Ireland) Order 1993(**6**) there shall be substituted the following—

(**1**) S.I.1988/785
(**2**) 1972 c. 68
(**3**) O.J. No. L175, 5.7.1985, p. 40
(**4**) O.J. No. L73, 14.3.1997, p. 5
(**5**) 1954 c. 33 (N.I.)
(**6**) S.I. 1993/3160 (N.I. 15) as amended by S.R. 1994 No. 316

"PART V

Environmental Impact Assessment

Environmental impact assessment

67.—(1) In this Part—

"the Directive" means Council Directive No.85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive No. 97/11/EC;

"Annex" means an Annex to the Directive;

"relevant project" means a project for constructing or improving a road where the area of the proposed works—

(a) exceeds 1 hectare; or

(b) is situated in whole or in part in a sensitive area.

(2) In paragraph (1) in the definition of "relevant project"—

"area of the proposed works" includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation; and

"sensitive area" means any of the following—

(a) an area of special scientific interest, that is to say, land so declared under Article 24 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985(**7**));

(b) an area of outstanding natural beauty, that is to say, an area so designated under Article 14(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

(c) a National Park, that is to say, an area so designated under Article 12(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

(d) a World Heritage Site(**8**);

(e) a scheduled monument within the meaning of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995(**9**);

(f) a European site within the meaning of regulation 9 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995(**10**).

(3) If the Department is considering a project for constructing or improving a road the Department must, before details of the project are published, determine whether or not the project falls within Annex I or II.

(4) If the Department—

(a) considers that the project falls within Annex I; or

(b) considers that the project is a relevant project falling within Annex II and determines, having regard to the selection criteria contained in Annex III, that the project should be made subject to an environmental impact assessment in accordance with the Directive,

(**7**) S.I. 1985/170 (N.I. 1) as amended by S.I. 1989/492 (N.I. 3)
(**8**) A World Heritage Site identified under the 1972 UNESCO World Convention. See Command Paper 9424
(**9**) S.I. 1995/1625 (N.I. 9)
(**10**) S.R. 1995 No. 380

it must, not later than the date when details of the project are published, publish an environmental statement.

(5) To the extent to which the Department considers—

(a) that it is relevant to the specific characteristics of the project and of the environmental features likely to be affected by it; and

(b) that the information may reasonably be gathered (having regard among other matters to current knowledge and methods of assessment),

the environmental statement must contain the information referred to in Annex IV.

(6) That information must include at least—

(a) a description of the project (comprising information on the site, design and size of the project);

(b) a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;

(c) the data required to identify and assess the main effects which the project is likely to have on the environment;

(d) an outline of the main alternatives studied by the Department and an indication of the main reason for its choice (taking into account the environmental effects); and

(e) a non-technical summary of the information mentioned in sub-paragraphs (a) to (d).

Procedure

67A.—(1) The Department must publish any determination made by it as to whether or not a relevant project should be made subject to an environmental impact assessment in accordance with the Directive.

(2) Any project for the construction or improvement of a special road which falls within Annex II is to be treated as having characteristics that require it to be made subject to an environmental impact assessment.

(3) An environmental statement must be published so as to ensure that members of the public who are likely to be concerned are given a reasonable opportunity to express their opinion before the Department decides whether to proceed with the construction or improvement to which the assessment relates.

(4) The Department must ensure that the consultation bodies are given an opportunity to express an opinion on the published details of the project and the environmental statement before the Department decides whether to proceed with the construction or improvement to which the assessment relates.

(5) After considering any opinions which have been expressed in relation to the statement the Department shall cause a local inquiry to be held if it appears to the Department to be necessary to do so.

(6) Where a local inquiry is held any interested person shall be permitted to appear in person or by a representative and to be heard at the inquiry.

(7) Before deciding whether to proceed with the construction or improvement in relation to which an environmental impact assessment has been made, the Department must take into consideration—

(a) the environmental statement;

(b) any opinion on that statement expressed by a member of the public, by any of the consultation bodies or by any Member State consulted under Article 67B; and