1989 No. 226

FORESTRY

Environmental Assessment (Afforestation) Regulations (Northern Ireland) 1989

Made	*16th June 1989*
Coming into operation . .	*1st September 1989*

The Department of Agriculture, being a department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) 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 upon it by the said section 2(2) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, application and commencement

1.—(1) These Regulations may be cited as the Environmental Assessment (Afforestation) Regulations (Northern Ireland) 1989 and shall come into operation on 1st September 1989.

(2) These Regulations apply in any case where an application for a grant in respect of an afforestation project was received by the Department on or after 1st September 1989.

Interpretation

2.—(1) In these Regulations—

"afforestation project" means a proposal for the initial planting of land with trees for forestry purposes;

"the Department" means the Department of Agriculture for Northern Ireland;

"District Conservation Committee" means any of the committees in which, in each District Forest Area, there is consultation between the Forest Service of the Department, the Countryside and Wildlife Branch of the Department of the Environment for Northern Ireland and other bodies or groups concerned with protecting the environment;

"environmental information" means the environmental statement prepared by the applicant for a grant in respect of an afforestation project, any representations made by any committee, authority or

(a) S.I. 1988/785
(b) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with it

body required by these Regulations to be consulted, and any representations duly made by any other body or person about the likely environmental effects of the afforestation project;

"environmental statement" means such a statement as is described in the Schedule; and

"grant" means a grant under section 2 of the Forestry Act (Northern Ireland) 1953(**a**).

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

Prohibition of grant without consideration of environmental information

3.—(1) The Department shall not make a grant for an afforestation project where it appears to it in pursuance of regulations 4 to 6 that the project will be likely to have significant effects on the environment, and may lead to adverse ecological changes, by reason inter alia of its nature, size or location unless it has first taken into consideration environmental information in respect of that project.

(2) Any reference in these Regulations to environmental information being required for an afforestation project means required under paragraph (1) before a grant may be made in respect of that project.

Opinion of Department in advance of application for grant

4.—(1) A person may, before applying for a grant in respect of an afforestation project make a written request to the Department for its opinion in writing on whether environmental information would be required for that project.

(2) A request made under paragraph (1) shall be accompanied by—

(*a*) a map or plan sufficient to identify the land on which the proposed planting would be carried out, and to show the extent of the proposed planting; and

(*b*) a brief description of the nature of the proposed planting and of its possible effects on the environment, and

may be accompanied by such further information or representations as the person making the request may wish to provide.

(3) Where the Department considers that it has not been provided with sufficient information to enable it to give an opinion it shall notify the person requesting the opinion of the matters on which it requires further information.

(4) The Department shall give its opinion to the person who requested it within 4 weeks beginning with the date of the receipt of the request or such longer period as it may agree with him in writing, and where that opinion is that consideration of environmental information would be required it shall state its reasons.

(**a**) 1953 c. 2 (N.I.)
(**b**) 1954 c. 33 (N.I.)

(5) Where the Department has not given its opinion to the person who requested it by the end of the period provided for by paragraph (4), it shall be presumed that in its opinion environmental information would not be required for the afforestation project to which the request relates.

(6) Where the Department gives the opinion that environmental information would be required for any afforestation project the person who requested the opinion may request the Department in writing to reconsider its opinion, following the procedure provided in regulation 6.

(7) In paragraphs (3) to (6) "opinion" means an opinion referred to in paragraph (1).

Procedure where an environmental statement is required

5.—(1) Where in the view of the Department an afforestation project in respect of which an application is made for a grant, is a project for which environmental information is required, but no environmental statement has been submitted with the application, it shall within 4 weeks beginning with the date of receipt of the application, or such longer period as it may agree with the applicant in writing, notify the applicant in writing of its view on the application and the reasons for it and stating that the Department cannot make any grant for the project without considering environmental information in respect of it.

(2) Where an applicant for grant is notified under paragraph (1) of the Department's view in relation to his application, he may within 4 weeks beginning on the date of that notification inform the Department in writing:

(*a*) that he accepts that view and proposes to provide an environmental statement; or

(*b*) that he is requesting it to reconsider its view as provided by regulation 6.

(3) If the applicant for grant takes no action in accordance with paragraph (2) within the period specified therein his application shall be deemed to be refused at the end of that period.

(4) The Department shall not determine any application for grant for a project for which environmental information is required, otherwise than by refusing it unless it receives an environmental statement and regulation 7(1) is complied with.

(5) Where the Department receives an environmental statement relating to an application for grant it shall, if regulation 7(1) has been complied with, proceed to deal with the application.

Request to the Department to reconsider its opinion or view

6.—(1) Any request to the Department to reconsider its opinion under regulation 4(6) or its view under regulation 5(2)(*b*) may be accompanied by such representations as the person making the request wishes to make.

(2) Where the Department considers that the representations made to it in pursuance of paragraph (1) do not provide it with sufficient information to enable it to reconsider its opinion or view, as the case may be, it shall notify the applicant in writing of the matters on which it requires further information.

(3) The Department shall within 4 weeks beginning with the date of receipt of a request referred to in paragraph (1) or such longer period as it may reasonably require, reconsider the opinion or view, as the case may be, to which that request relates.

(4) The Department shall forthwith upon completing its reconsideration under paragraph (3) notify the person who requested it of the decision it has reached in pursuance of that reconsideration and where this is that environmental information is required in any case it shall state its reasons.

Publicity for environmental statement

7.—(1) Where environmental information is required for any afforestation project the applicant for the grant to which that requirement relates shall:—

(*a*) by advertisement in at least two local newspapers nominated by the Department give notice of the afforestation project, notifying members of the public that any person wishing to make representations regarding the project should make them in writing to the Department at the address specified in the advertisement within a period so specified, being a period not less than 28 days from the date of the advertisement;

(*b*) make available for inspection by members of the public at all reasonable times at an office of the Department or at some other convenient place nominated by it (such times and place to be stated in the advertisement referred to in sub-paragraph (*a*)) for a period of at least 21 days following the publication of the advertisement, the details of the project and of the environmental statement relating to it, and shall ensure that a reasonable number of copies of the statement are made available; and

(*c*) state in the advertisement referred to in sub-paragraph (*a*) the address at which copies of the environmental statement may be obtained and if a charge is to be made for a copy under regulation 10(1), the amount of the charge.

(2) Where the Department receives an environmental statement relating to an application for grant for an afforestation project for which environmental information is required it shall send a copy to:—

(*a*) the appropriate District Conservation Committee;

(*b*) the appropriate District Council; and

(*c*) any other public authority and any statutory body which appears to it to have an interest in the afforestation project;

and shall consult with them about the statement.

(3) Where under this regulation the Department consults any committee, authority or body about any environmental statement—

(*a*) it shall give not less than 4 weeks' notice to such committee, authority or body that such statement is to be taken into consideration; and

(*b*) it shall not consider the statement until after the expiration of the period of such notice.