1988 No. 344

EUROPEAN COMMUNITIES
ROADS

Roads (Assessment of Environmental Effects) Regulations (Northern Ireland) 1988

Made . . . . . 22nd September 1988

Coming into operation . . 14th November 1988

The Department of the Environment, 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 by that section and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Roads (Assessment of Environmental Effects) Regulations (Northern Ireland) 1988 and shall come into operation on 14th November 1988.

Amendment of the 1980 Order

2. After Part IV of the Roads (Northern Ireland) Order 1980(**c**) there shall be inserted the following Part —

"PART IVA
ENVIRONMENTAL ASSESSMENT

Environmental assessment of certain road projects

39B.—(1) In any case where the Department has under consideration the construction of a new road or the improvement of a road it shall determine before the date of publication of details of the project whether or not it falls within Annex I or Annex II to Council Directive No. 85/337/EEC on the assessment of the effects of certain public and private projects on the environment.

(2) If the Department determines that it falls within Annex I, or that it falls within Annex II and has such characteristics that it should be made subject to an environmental assessment in accordance with the Directive, the Department shall prepare an environmental statement, that is, a statement containing the information referred to in Annex III to the Directive to the extent that the Department considers —

(**a**) S.I. 1988/785
(**b**) 1972 c.68
(**c**) 1980/1085 (N.I.11) as amended by S.I. 1984/1986 (N.I.) Sch. 2 paragraph 2

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

(*b*) that (having regard in particular to current knowledge and methods of assessment) the information may reasonably be gathered,

including at least —

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

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

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

(iv) a non-technical summary of the information mentioned in heads (i) to (iii).

(3) Where an environmental statement has been prepared, the Department shall not later than the date of publication of details of the project publish in each of 2 successive weeks in one or more newspapers circulating in the area in which the project is initiated a notice—

(*a*) stating the general effect of the project;

(*b*) stating that an environmental statement has been prepared;

(*c*) specifying a place in that area where a copy of the environmental statement may be inspected by any person free of charge at all reasonable hours during a period of not less than 30 days from the date of the last publication of the notice; and

(*d*) stating that within that period a person may in writing express an opinion on the statement.

(4) The Department shall not later than the date on which the notice referred to in paragraph (3) is last published consult the district council in whose area the project is to be carried out and such other statutory bodies whose interests appear to the Department to be affected by the project.

(5) The Department may direct any such council or body to furnish it at such time and in such manner as it may specify with any relevant information which that council or body possesses.

(6) 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.

(7) Where a local inquiry is held —

(*a*) any interested person shall be permitted to appear in person or by a representative and to be heard at the inquiry; and

(*b*) the Department shall consider the report of the person who held the inquiry.

(8) Whether or not an inquiry is held, the Department shall publish once in one or more newspapers circulating in the area in which the project is initiated a notice —