2016 CHAPTER 13

# PART 1

## GENERAL ENVIRONMENTAL REGULATION

### General purpose: protecting and improving the environment

**1.**—(1) The purpose of this Part is to enable provision to be made for or in connection with protecting and improving the environment, including (but not limited to) the following—

(a) regulating environmental activities;

(b) implementing EU obligations of the United Kingdom relating to protecting and improving the environment;

(c) implementing international obligations of the United Kingdom relating to protecting and improving the environment.

(2) In subsection (1) "international obligations" has the same meaning as in the Northern Ireland Act 1998.

### Regulations relating to protecting and improving the environment

**2.**—(1) The Department, by regulations, may make provision for, or in connection with, any of the matters specified in Schedule 1.

(2) In accordance with section 1, the provision that may be made by regulations under this section is provision for or in connection with protecting and improving the environment, including (but not limited to) any of the matters mentioned in paragraphs (a) to (c) of subsection (1) of that section.

(3) The regulations may provide for specified provisions of the regulations to have effect in relation only to—

(a) specified regulated activities;

(b) the carrying on of regulated activities in specified circumstances; or

(c) the carrying on of regulated activities by specified persons or classes of person.

(4) The regulations may—

(a) modify any statutory provision or document;

(b) in making different provision for different purposes, make different provision for different cases, persons, circumstances or areas;

(c) provide for the delegation of functions; or

(d) impose requirements in relation to any standards or other matters set out in such documents as may be specified in the regulations.

(5) The regulations may contain such consequential, incidental, supplementary, transitional or saving provisions (including provisions modifying statutory provisions) as the Department considers necessary or expedient.

**Regulations relating to protecting and improving the environment: consultation**

**3.**—(1) Before making any regulations under section 2, the Department must consult—

(a) any regulator on whom the proposed regulations would confer functions; and

(b) such other persons, including persons appearing to it to be representative of the interests of district councils, industry, agriculture, fisheries or small businesses, as it considers appropriate.

(2) Consultation undertaken before the coming into operation of this section is as effective compliance with subsection (1) as if undertaken after its coming into operation.

**Regulations relating to protecting and improving the environment: objective**

**4.** The Department must, in making regulations under section 2, have as anobjective reducing the regulatory and administrative burden on persons carrying on regulated activities to the greatest extent possible consistent with protecting and improving the environment.

**General environmental rules**

**5.**—(1) General environmental rules specified in, or made under, the regulations under section 2 pursuant to paragraph 4(3)(c) of Schedule 1 may—

(a) impose conditions or requirements;

(b) prescribe standards or objectives to be complied with or achieved; or

(c) require standards or objectives specified in or under other statutory provisions to be complied with or achieved.

(2) Before making any general environmental rules in accordance with a procedure specified under paragraph 4(5) of Schedule 1, the Department must—

(a) publish a draft of the proposed rules;

(b) publicise the opportunity to make representations about the proposed rules under subsection (3) in such manner as the Department thinks fit; and

(c) make copies of the proposed rules available for public inspection for such period, which must be at least 28 days, as the Department may determine.

(3) Any person who wishes to make a representation about the proposed rules to the Department may do so within the period determined under subsection (2)(c).

(4) The Department must, in making the rules, have regard to any representations on the proposed rules received by it within that period.

**Interpretation**

**6.** In this Part—

"activities" means activities of any nature, whether industrial, commercial or otherwise and whether carried on in particular premises or otherwise and includes (with or without other activities) the production, treatment, keeping, transportation, depositing or disposal of any substance;

"archaeological object" has the same meaning as in the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995;

"energy efficiency" means the ratio of output of performance, service, goods or energy, to input of energy;

"environmental activities" means—

(a) activities that are capable of causing, or liable to cause, environmental harm; or

(b) activities connected with such activities;

"environmental harm" means—

(a) harm to the health of human beings or other living organisms;

(b) harm to the quality of the environment, including—

(i) harm to the quality of the environment taken as a whole;

(ii) harm to the quality of air, water or land; and

(iii) other impairment of, or interference with, ecosystems, biodiversity, geodiversity, habitats, species, historic monuments, archaeological objects or protected landscapes;

(c) offence to the senses of human beings;

(d) damage to property; or

(e) impairment of, or interference with, amenities or other legitimate uses of the environment;

"historic monuments" has the same meaning as in the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995;

"protecting and improving the environment" includes—

(a) preventing deterioration (or further deterioration) of, and protecting and enhancing, the status of ecosystems, biodiversity, geodiversity, habitats, species, historic monuments, archaeological objects or protected landscapes;

(b) promoting the sustainable use of natural resources based on the long-term protection of available natural resources; and

(c) promoting and enhancing the energy efficiency of regulated activities;

"regulated activities" means any environmental activities in respect of which provision may be made by regulations under section 2;

"regulator" means any person by whom functions conferred by the regulations for, or in connection with, regulating regulated activities are, or are to be, exercisable.