

1988 No. 344

EUROPEAN COMMUNITIES
ROADSRoads (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 —

- (a) stating whether or not it is intended to proceed with the project;
- (b) specifying a place in the area where a statement setting out the reasons and considerations on which its decision is based can be inspected by any person free of charge at all reasonable hours within a period of 30 days from the date of publication of the notice.

(9) This Article shall not apply to projects where the details of the project were published before the coming into operation of the Roads (Assessment of Environmental Effects) Regulations (Northern Ireland) 1988.”.

Sealed with the Official Seal of the Department of the Environment on
22nd September 1988.

(L.S.)

A. Miller

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement in Northern Ireland the Directive of the Council of the European Communities on the assessment of the effects of certain public and private projects on the environment (85/337/EEC — OJ No. L175, 5.7.1988 p.40) in respect of proposals by the Department of the Environment to construct new roads and to improve roads to which the Directive applies.

Regulation 2 inserts into the Roads (Northern Ireland) 1980 Order a new Part IVA.

The new Part provides that 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 the project requires such an environmental assessment under the Council Directive (Article 39B(1)). If the Department determines that the project requires such an assessment it shall prepare an environmental statement in accordance with Article 39B(2).

Article 39B(3) provides for the publication of a notice where an environmental statement has been prepared and for the making of representations. The Department is required to consult the appropriate district council and statutory bodies appearing to have an interest (Article 39B(4)). Where any such council or body has information which may be relevant it may be directed to furnish the information to the Department (Article 39B(5)).

The Department shall, if it considers it necessary, cause a local inquiry to be held into the project (Article 39B(6)). Notice of the Department's decision in relation to the project is to be published and information concerning the reasons and considerations on which the decision is based will be made available for inspection (Article 39B(8)).

Copies of Council Directive 85/337/EEC are available from the Commission of the European Communities, Windsor House, 9-15 Bedford Street, Belfast BT2 7EG.