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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 415**

**FISHERIES**

**Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations (Northern Ireland) 1999**

*Made - - - - 11th October 1999*

*Coming into operation 8th November 1999*

The Department of Agriculture, 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 on it by the said section 2 and of every other power 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, commencement and application**

1.—(1) These Regulations may be cited as the Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations (Northern Ireland) 1999 and shall come into operation on 8th November 1999.

(2) These Regulations apply in any case where a person makes or is minded to make an application to the Department for a fish culture licence as regards fish farming in marine waters on or after 8th November 1999, and where—

- (a) any part of the proposed development is to be carried out in a sensitive area, or
- (b) the proposed development is designed to hold a biomass of 100 tonnes or greater, or
- (c) the proposed development will extend to 0.1 hectare or more of the surface area of the marine waters, including any proposed structures or excavations.

**Interpretation**

2.—(1) In these Regulations—

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(1) S.I.1988/785  
(2) 1972 c. 68  
(3) O.J. No. L175, 5.7.85, p. 40  
(4) O.J. No. L73, 14.3.97, p. 5

“applicant” means a person who is minded to apply for, or who has applied for, a fish culture licence;

“the Department” means the Department of Agriculture for Northern Ireland;

“the Directive” means Council Directive [85/337/EEC](#), as amended by Council Directive [97/11/EC](#);

“document” includes a chart, map, diagram, illustration or other descriptive matter in any form and also includes where appropriate a copy of a document;

“environmental information” means—

- (a) any environmental statement, including any further information provided by the applicant, required to be provided by these Regulations;
- (b) any representations made by an authority, body or person required by these Regulations to be invited to make representations or to be consulted; and
- (c) any representations duly made by any other person about the likely environmental effects of the proposed development;

“environmental statement” means a statement—

- (a) that includes such of the information referred to in Part I of Schedule 2 as is reasonably required to assess the environmental effects of the development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile, but
- (b) which includes at least the information referred to in Part II of Schedule 2;

“fish culture licence” means a licence granted under section 11 of the Fisheries Act (Northern Ireland) 1966<sup>(5)</sup>;

“fish farming” means keeping live fish, excluding shellfish, (whether or not for profit) with a view to their sale or to their transfer to other marine waters;

“inland waters” means waters of any river about the boundary between the tidal and freshwater portions thereof, and the waters of any freshwater lake;

“the Londonderry Area” has the meaning given to it by section 2(1) of the Foyle Fisheries Act (Northern Ireland) 1952<sup>(6)</sup>;

“marine waters” means waters within seaward limits of the territorial sea adjacent to Northern Ireland, other than inland waters;

“scoping opinion” means a written statement of the opinion of the Department under regulation 6 as to the information to be provided in the environmental statement;

“screening opinion” means a written statement of the opinion of the Department under regulation 4 as to whether an environmental assessment is required;

“selection criteria” means the criteria set out in Schedule 1;

“sensitive area” means any of the following—

- (a) an area designated by order as a National Park under Article 12 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985<sup>(7)</sup>;
- (b) an area of outstanding natural beauty designated as such by an order made under Article 14 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

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(5) [1966 c. 17](#) (N.I.); section 11 was substituted by Article 6 of the Fisheries (Amendment) (Northern Ireland) Order 1991, S.I. [1991/1466](#) (N.I. 13)

(6) [1952 c. 5](#) (N.I.)

(7) S.I. [1985/170](#) (N.I. 1)

- (c) an area of land declared to be a national nature reserve under Article 18 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;
- (d) an area designated by order as a marine nature reserve under Article 20(8) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;
- (e) a nature reserve provided by a district council under Article 22(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;
- (f) an area of special scientific interest, that is to say, an area of land declared to be an area of special scientific interest under Article 24(9) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;
- (g) a wildlife refuge, that is to say, an area specified in an order made under Article 16 of the Wildlife (Northern Ireland) Order 1985(10);
- (h) a scheduled monument within the meaning of the Historic Monuments and Archeological Objects (Northern Ireland) Order 1995(11);
- (i) a European site within the meaning of regulation 9 of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995(12);
- (j) Ramsar sites listed under the Convention on Wetlands of International Importance, especially as Waterfowl Habitat(13);
- (k) a property appearing on the World Heritage list kept under Article 11(2) of the 1972 UNESCO Convention for the Protection of World Cultural and Natural Heritage(14).

(2) Expressions used both in these Regulations and in the Directive have the same meaning for the purposes of these Regulations as they have for the purposes of the Directive.

(3) The Interpretation Act (Northern Ireland) 1954(15) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

### **Prohibition on the granting of a fish culture licence without consideration of environmental information**

3.—(1) Subject to paragraph (2), the Department shall not grant a fish culture licence as regards fish farming in marine waters where the proposed development will be likely to have significant effects on the environment by virtue inter alia of its nature, size or location unless it has taken into consideration the environmental information in respect of the proposed development and states in its decision that it has done so.

(2) Paragraph (1) shall not apply where the Department grants a fish culture licence as regards fish farming in marine waters following an appeal under section 11A(4)(b)(16) of the Fisheries Act (Northern Ireland) 1966.

(3) In a case to which regulation 14 (development in Northern Ireland likely to have significant effects in another Member State) applies, paragraph (1) of this regulation is subject to the procedures for which that regulation provides.

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(8) Article 20 was amended by section 3 of, and Schedule 1 to, the Territorial Sea Act 1987 (1987 c. 49)

(9) Article 24 was amended by Article 10(1) of the Nature Conservation and Amenity Lands (Amendment) (Northern Ireland) Order 1989, S.I. 1989/492 (N.I. 3)

(10) S.I. 1985/171 (N.I. 2)

(11) S.I. 1995/1625 (N.I. 9)

(12) S.R. 1995 No. 380

(13) See Command paper 6464

(14) See Command paper 9424

(15) 1954 c. 33 (N.I.)

(16) Section 11A was inserted by Article 6 of the Fisheries (Amendment) (Northern Ireland) Order 1991

### **Screening opinion of the Department**

4.—(1) A person who is minded to apply for a fish culture licence as regards fish farming in marine waters may ask the Department to state in writing its opinion as to whether an environmental assessment is required; and such an opinion is referred to in these Regulations as a “screening opinion”.

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

- (a) a map or chart showing the location and extent of the site of the proposed fish farm;
- (b) a brief outline of the proposed annual scale of production in tonnes (deadweight), the biomass capacity of the development, the equipment to be installed on site and of the possible effects of the development on the environment;
- (c) a statement of the proposed servicing methods and of any intended associated development; and
- (d) such other information or representations as the person making the request may wish to provide or make.

(3) The Department shall, if it considers that it has not been provided with sufficient information to enable it to give an opinion on the questions raised, notify the person making the request in writing of the matters on which it requires further information.

(4) In coming to a view as to whether consideration of environmental information is required the Department shall consult such authorities, bodies or persons mentioned in Schedule 3 as it considers appropriate.

(5) The Department shall respond to such a request within 6 weeks commencing with the date of receipt of the request or such longer period as may be agreed with the person making the request.

(6) In giving a screening opinion the Department shall take into account such of the selection criteria set out in Schedule 1 as are relevant to the proposed development.

(7) If, in response to such a request, the Department expresses a screening opinion to the effect that consideration of environmental information would be required before a fish culture licence could be granted for the proposed development, it shall provide with the screening opinion a written statement giving clearly and precisely the reasons for its conclusion and provide notice that the applicant shall supply the authorities, bodies and persons, which have been consulted under paragraph (4), with such further information about the proposed development as they may request.

(8) Where the Department expresses a screening opinion under paragraph (7) to the effect that consideration of environmental information would be required, the Department shall inform such of the authorities, bodies or persons mentioned in Schedule 3 as shall be appropriate according to the circumstances mentioned therein of the requirement for an environmental statement and that they may be required to make available to the applicant, in accordance with regulation 7(1), any information in their possession which he or they consider relevant to the preparation of an environmental statement.

(9) The Department shall make available for public inspection at all reasonable hours at an appropriate place, a copy of—

- (a) any opinion given pursuant to a request under paragraph (1),
- (b) any accompanying statement of reasons,
- (c) the relevant request and the documents which accompanied it.

### **Application made to the Department without an environmental statement**

5. Where it appears to the Department that an application for a fish culture licence as regards fish farming in marine waters, has not been the subject of a screening opinion and the application is

not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, paragraphs (3) to (9) of regulation 4 shall apply as if the receipt of the application were a request made under paragraph (1) of regulation 4.

### **Scoping opinion of the Department**

6.—(1) A person who is minded to apply for a fish culture licence as regards fish farming in marine waters may ask the Department to state in writing its opinion as to the information to be provided in the environmental statement; and such an opinion is referred to in these Regulations as a “scoping opinion”.

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

- (a) a map or chart showing the location and extent of the site of the proposed fish farm;
- (b) a brief outline of the proposed annual scale of production in tonnes (deadweight), the biomass capacity of the development, the equipment to be installed on site and of the possible effects of the development on the environment;
- (c) a statement of the proposed servicing methods and of any intended associated development; and
- (d) such other information or representations as the person making the request may wish to provide or make.

(3) The Department shall, if it considers that it has not been provided with sufficient information to enable it to give a scoping opinion, notify the person making the request in writing of the matters on which it requires further information.

(4) The Department shall not give a scoping opinion in response to a request under paragraph (1) until it has consulted the person who made the request and such bodies in Schedule 3 as it considers appropriate.

(5) The Department shall, subject to paragraph (6), respond to such a request within 6 weeks commencing with the date of receipt of the request or such longer period as may be agreed in writing with the person making the request.

(6) Where a person has, at the same time as making a request for a screening opinion under paragraph (1) of regulation 4, asked the Department for an opinion under paragraph (1) of this regulation, and the Department has given a screening opinion to the effect that consideration of environmental information is required, the Department shall give a scoping opinion within 6 weeks commencing with the date on which that screening opinion was given or such longer period as may be agreed in writing with the person making the request.

(7) In giving a scoping opinion the Department shall take into account—

- (a) the specific characteristics of the proposed development; and
- (b) the environmental features likely to be affected by the development.

(8) Where the Department has given a scoping opinion in response to a request under paragraph (1) it shall not be precluded from requiring of the person to whom that opinion was given further information in connection with a statement submitted by the applicant which he refers to as an environmental statement for the purposes of these Regulations in connection with an application for a fish culture licence for the same, or substantially the same, development as was referred to in the request.

### **Provision of relevant information**

7.—(1) Subject to paragraph (2), any authority, body or person notified in accordance with these Regulations that a person is minded to apply for or has applied for a fish culture licence for a development to which the prohibition in regulation 3(1) applies shall, if requested by the applicant,

or may, without such request, enter into consultation with him with a view to ascertaining whether they have any information in their possession which he or they consider relevant to the preparation of the environmental statement and shall make any such information available to him.

(2) Nothing in paragraph (1) shall require the disclosure of any information which the body concerned are entitled or bound to hold in confidence or must be so treated under regulation 5 of the Environmental Information Regulations (Northern Ireland) 1993<sup>(17)</sup>.

### **Publicity where an environmental statement is submitted**

8. Where the Department expresses a screening opinion that an environmental statement is required and the applicant wishes to proceed with his application, the Department shall publish at the applicant's expense in two or more newspapers circulating in the locality in which the proposed development is to be situated a notice stating—

- (a) the location of the proposed fish farm;
- (b) where the application and the environmental statement may be inspected, which shall be a Post Office in the locality nearest to the proposed development;
- (c) the address at which copies of the application and the environmental statement may be obtained;
- (d) the cost of a copy of the environmental statement; and
- (e) the representations in writing may be made to the Department within a specified period being not less than one month from the date of the said notice.

### **Consultation on the environmental statement**

9.—(1) Where the Department receives an environmental statement relating to an application to which the prohibition in regulation 3(1) applies, it shall consult the authorities, bodies and persons mentioned in Schedule 3, according to the circumstances mentioned therein, about the environmental statement and such other persons, groups or bodies as it considers appropriate.

(2) Where an applicant submits an environmental statement to the Department he shall supply it with enough copies of the environmental statement or parts thereof to enable it to comply with paragraph (1) and one additional copy.

- (3) Where, under this regulation, the Department consults any authority, body or person—
- (a) it shall give not less than one months' notice to such authority, body or person that environmental information is to be taken into consideration; and
  - (b) it shall not grant a fish culture licence for the development to which the environmental information relates until after the expiration of the period of such notice.

(4) Where any authority, body or person which the Department is required to consult under this regulation consider that consultation with them is not required in respect of any environmental statement relating to any case or class of case, or relating to any specified area they shall so inform the Department in writing and notwithstanding the foregoing provisions of this regulation the Department shall not be required so to consult them.

### **Further information and evidence relating to environmental statements**

10.—(1) The Department, when dealing with an application in relation to which an environmental statement has been provided which is referred to by the applicant as an environmental statement for the purpose of these Regulations, may in writing require the applicant to provide such further information as may be specified to enable the application to be determined, or concerning any matter

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(17) S.R. 1993 No. 45 as amended by S.R. 1998 No. 238

which is required to be dealt with in the environmental statement; and where in the opinion of the Department—

- (a) the applicant could (having regard in particular to current knowledge and methods of assessment) provide further information about any matter mentioned in Schedule 2; and
- (b) that further information is reasonably required to give proper consideration to the likely environmental effects of the proposed development,

it shall notify the applicant in writing and the applicant shall provide that further information.

(2) The Department may in writing require to be produced to it such evidence, in respect of any environmental statement which falls to it to take into consideration, as it may reasonably call for to verify any information it contains.

### **Intimation of decision**

**11.** Where the Department has decided an application to which the prohibition in regulation 3(1) applies, it shall—

- (a) inform the applicant and all authorities, bodies or persons consulted under regulation 9 of its decision, and of any conditions attached to it;
- (b) inform the public of the decision, by publishing a notice in two or more newspapers circulating in the locality of the site concerned, or by such other means as are reasonable in the circumstances; and
- (c) make available for public inspection, at all reasonable hours and free of charge, a statement containing—
  - (i) the content of the decision and any conditions attached thereto;
  - (ii) the main reasons and considerations on which the decision is based; and
  - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development.

### **Appeals**

**12.—**(1) This regulation applies where an appeal is made to the Water Appeals Commission for Northern Ireland (“the Appeals Commission”) under section 11A(4)(b) of the Fisheries Act (Northern Ireland) 1966 in relation to an application for a fish culture licence as regards fish farming in marine waters where the proposed development will be likely to have significant effects on the environment by virtue inter alia of its size, nature or location.

(2) The Appeals Commission shall not dispose of any such appeal unless it has taken into consideration the environmental information in respect of the proposed development.

(3) Regulations 11 and 14(6) shall apply to the Department in relation to the decision of the Appeals Commission on any such appeal as they apply to a decision by it on an application to which the prohibition in regulation 3(1) applies.

### **Charges**

**13.—**(1) A reasonable charge reflecting the costs of printing, copying and distribution may be made to the public for copies of the environmental statement made available to them under regulation 8 and for copies in excess of one copy for each authority, body or person consulted under regulation 9.

(2) An authority, body or person entering into consultation under regulation 9, having been requested to do so, may make a reasonable charge reflecting the cost of making available information which they had in their possession.

## **Development in Northern Ireland likely to have significant effects in another Member State**

14.—(1) Where—

- (a) it comes to the attention of the Department that development proposed to be carried out is likely to have significant effects on the environment in another Member State; or
- (b) another Member State likely to be significantly affected by such development so requests;

the Department shall—

- (i) send to the Member State as soon as possible and no later than its date of publication in the Belfast Gazette referred to in sub-paragraph (ii) the particulars mentioned in paragraph (2) and, if it thinks fit, the information referred to in paragraph (3); and
- (ii) publish the particulars mentioned in sub-paragraph (i) in a notice in the Belfast Gazette, with an indication of where further information is available; and
- (iii) give the Member State a reasonable time in which to indicate whether it wishes to participate in the procedure for which these Regulations provide.

(2) The particulars referred to in paragraph (1)(i) are—

- (a) a description of the development, together with any available information on its possible transboundary impact; and
- (b) information on the nature of the decision which may be taken.

(3) Where a Member State indicates, in accordance with paragraph (1)(iii), that it wishes to participate in the procedure for which these Regulations provide, the Department shall as soon as possible send to that Member State the following information—

- (a) a copy of the application concerned;
- (b) a copy of the environmental statement in respect of the development to which that application relates; and
- (c) relevant information regarding the procedure under these Regulations,

but only to the extent that such information has not been provided to the Member State earlier in accordance with paragraph (1)(i).

(4) The Department shall also—

- (a) arrange for the particulars and information referred to in paragraphs (2) and (3) to be made available, within a reasonable time, to the authorities referred to in Article 6(1) of the Directive and the public concerned in the territory of the Member State likely to be significantly affected; and
- (b) ensure that those authorities and the public concerned are given an opportunity, before a fish culture licence for the development is granted, to forward to the Department, within a reasonable time, their opinion on the information supplied.

(5) The Department shall in accordance with Article 7(4) of the Directive—

- (a) enter into consultations with the Member State concerned regarding, inter alia, the potential transboundary effects of the development and the measures envisaged to reduce or eliminate such effects; and
- (b) determine in agreement with the other Member State a reasonable period of time for the duration of the consultation period.

(6) Where a Member State has been consulted in accordance with paragraph (5), on the determination of the application concerned the Department shall inform the Member State of the decision and shall forward to it a statement of—

- (a) the content of the decision and any conditions attached thereto;
- (b) the main reasons and considerations on which the decision is based; and

- (c) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 11th  
October 1999.

*G. Lavery*  
Assistant Secretary

## SCHEDULE 1

Regulations 2 and 4

### Selection Criteria for Screening Opinions

#### Characteristics of Development

1. The characteristics of developments must be considered having regard, in particular, to—
  - (a) the size of the development;
  - (b) the cumulation with other developments;
  - (c) the use of natural resources;
  - (d) the production of waste;
  - (e) pollution and nuisances; and
  - (f) the risk of accidents, having regard in particular to substances or technologies used.

#### Location of Developments

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to—
  - (a) the existing land use;
  - (b) the relative abundance, quality and regenerative capacity of natural resources in the area; and
  - (c) the absorption capacity of the natural environment, paying particular attention to the following areas:
    - (i) wetlands;
    - (ii) coastal zones;
    - (iii) mountain and forest areas;
    - (iv) nature reserves and parks;
    - (v) areas classified or protected under Member States' legislation: special protection areas designated by Member States pursuant to Council Directive 79/409/EEC on the conservation of wild birds<sup>(18)</sup> and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora<sup>(19)</sup>;
    - (vi) areas in which the environmental quality standards laid down in Community legislation have already been exceeded;
    - (vii) densely populated areas; and
    - (viii) landscapes of historical, cultural or archeological significance.

#### Characteristics of the Potential Impact

3. The potential significant effects of developments must be considered in relation to criteria set out under paragraphs 1 and 2, and having regard in particular to—
  - (a) the extent of the impact (geographical area and size of the affected population);
  - (b) the transfrontier nature of the impact;
  - (c) the magnitude and complexity of the impact;
  - (d) the probability of the impact; and

<sup>(18)</sup> O.J. No. L103, 25.4.79, p. 1

<sup>(19)</sup> O.J. No. L206, 22.7.92, p. 7

- (e) the duration, frequency and reversibility of the impact.

## SCHEDULE 2

Regulations 2 and 10

### **Matters for inclusion in Environmental Statement**

#### **Part I**

1. Description of the development, including in particular:—
  - (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;
  - (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
  - (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc) resulting from the operation of the proposed project.
2. An outline of the main alternatives studied by the developer and an indication of the main reasons for this choice, taking into account the environmental effects.
3. A description of the aspects of the environment likely to be significantly affected by the proposed development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archeological heritage, landscape and the inter-relationship between the above factors.
4. A description of the likely significant effects of the proposed development on the environment resulting from:—
  - (a) the existence of the development;
  - (b) the use of natural resources;
  - (c) the emissions of pollutants, the creation of nuisances and the elimination of waste; and
  - (d) the description by the developer of the forecasting methods used to assess the affects on the environment.
5. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
6. A non-technical summary of the information provided under paragraphs 1 to 5.
7. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information.

#### **Part II**

8. A description of the development comprising information on the site, design and size of the development.
9. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
10. The data required to identify and assess the main effects which the development is likely to have on the environment.

11. An outline of the main alternatives studied by the applicant and an indication of the main reasons for his choice, taking into account the environmental effects.

12. A non-technical summary of the information provided under paragraphs 8 to 11.

### SCHEDULE 3

Regulations 4, 6 and 9

#### **Bodies to be consulted**

1. The Department of the Environment for Northern Ireland.
2. The Council for Nature Conservation and the Countryside.
3. The Foyle Fisheries Commission where the proposed development is to be situated in the Londonderry Area.
4. The Fisheries Conservancy Board for Northern Ireland where the proposed development is to be situated outside the Londonderry Area.

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#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations.)*

These Regulations implement for Northern Ireland Council Directive [85/337/EEC](#) (O.J. No. L175, 5.7.85, p. 40) as amended by Council Directive [97/11/EC](#) (O.J. No. L73, 14.3.97, p. 5) (“the Directive”) insofar as that Directive relates to the assessment of the environmental effects of certain projects in respect of fish farming in marine waters.

The Regulations apply to applications as regards fish farming in marine waters, made on or after 8th November 1999, where any part of the proposed development is in a sensitive area, or the proposed development is designed to hold a biomass of 100 tonnes or greater, or will extend to 0.1 hectare or more of the surface area. The Regulations provide for decisions on whether consideration of environmental information in respect of such applications for fish farming in marine waters is required to be taken by the Department of Agriculture (“the Department”). “Fish farming” is defined in regulation 2(1) and excludes shellfish farming.

Regulation 3 provides that the Department shall not grant a fish culture licence under section 11 of the Fisheries Act (Northern Ireland) 1966 as regards fish farming in marine waters where the project is likely to have significant effects on the environment, without taking into consideration environmental information in respect of the proposed project.

Regulation 4 provides procedures for allowing a person proposing to apply for such a licence to seek a screening opinion from the Department, being an opinion as to whether an environmental assessment is required in relation to the proposed application.

Regulation 5 provides for an application for a fish culture licence as regards fish farming in marine waters, without an environmental statement, to be treated as a request for a screening opinion under regulation 4.

Regulation 6 enables a person proposing to apply for a fish culture licence as regards fish farming in marine waters to seek from the Department a scoping opinion, being an opinion as to the information to be provided in the environmental statement.

Regulation 7 provides that any bodies with relevant information in their possession shall make it available to the applicant.

Regulation 8 provides that the environmental statement shall be publicised through press advertisement and made available for public inspection, with the opportunity for representations to be made.

Regulation 9 provides that the Department shall consult the bodies mentioned in Schedule 3 about the environmental statement.

Regulation 10 enables the Department when taking into consideration environmental information, to require further information or the verification of information.

Regulation 11 requires the Department to publicise its decision in cases involving consideration of environmental information.

Regulation 12 provides that the Water Appeals Commission for Northern Ireland shall not dispose of any appeal in relation to an application for a fish culture licence as regards fish farming in marine waters where the proposed development will be likely to have significant effects on the environment unless it has taken into consideration environmental information in respect of the proposed development.

Regulation 13 provides that a reasonable charge may be made for making available copies of the environmental statement and of any relevant information in the preparation of the statement.

Regulation 14 implements Article 7 of the Directive by providing for consultation between Member States in cases of development likely to have significant effects in another Member State.

Schedule 1 describes the selection criteria in relation to screening opinions of the Department. Schedule 2 sets out the information that is required in an environmental statement. Schedule 3 lists the bodies to be consulted by the Department under the Regulations.