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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 280**

**The Environmental Assessment of Plans and  
Programmes Regulations (Northern Ireland) 2004**

**PART III**

**ENVIRONMENTAL REPORTS AND CONSULTATION PROCEDURES**

**Preparation of environmental report**

**11.**—(1) Where an environmental assessment is required by any provision of Part II, the responsible authority shall prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3).

(2) The report shall identify, describe and evaluate the likely significant effects on the environment of –

- (a) implementing the plan or programme; and
- (b) reasonable alternatives taking into account the objectives and geographical scope of the plan or programme.

(3) The report shall include such of the information referred to in Schedule 2 that may reasonably be required, taking account of –

- (a) current knowledge and methods of assessment;
- (b) the contents and level of detail in the plan or programme;
- (c) the stage of the plan or programme in the decision-making process; and
- (d) the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.

(4) Information referred to in Schedule 2 may be provided by reference to relevant information obtained at other levels of decision-making or through other Community legislation.

(5) When deciding on the scope and level of detail of the information that must be included in the report, the responsible authority shall consult the consultation body.

(6) Where the consultation body wishes to respond to a consultation under paragraph (5), it shall do so within the period of 5 weeks beginning with the date on which it receives the responsible authority's invitation to engage in the consultation.

**Consultation procedures**

**12.**—(1) Every draft plan or programme for which an environmental report has been prepared in accordance with regulation 11 and its accompanying environmental report (“the relevant documents”) shall be made available to the consultation body and to the public in accordance with the following provisions of this regulation.

(2) As soon as reasonably practicable after their preparation, the responsible authority shall send a copy of the relevant documents to the consultation body and invite it to express its opinion on the relevant documents within a specified period.

(3) The responsible authority shall also –

- (a) within 14 days of the preparation of the relevant documents, publish in accordance with paragraph (5), or secure the publication of, a notice –
  - (i) stating the title of the plan, programme or modification;
  - (ii) stating the address (which may include a website) at which a copy of the relevant documents may be inspected or from which a copy may be obtained;
  - (iii) inviting expressions of opinion on the relevant documents;
  - (iv) stating the address to which, and the period within which, opinions must be sent; and
- (b) keep a copy of the relevant documents available at its principal office for inspection by the public at all reasonable times and free of charge; and
- (c) publish a copy of the relevant documents on the authority's website.

(4) The periods referred to in paragraphs (2) and (3)(a)(iv) must be of such length as will ensure that those to whom the invitation is extended are given an early and effective opportunity to express their opinion on the relevant documents.

(5) Publication of a notice under paragraph (3)(a) shall be by such means as will ensure that the contents of the notice are likely to come to the attention of the public affected by, or likely to be affected by, or having an interest in, the draft plan or the programme.

(6) Nothing in paragraph (3)(a)(ii) shall require the responsible authority to provide a copy of the documents concerned free of charge; but where a charge is made, it shall be of a reasonable amount.

### **Transboundary consultations**

**13.**—(1) Where a responsible authority is of the opinion that a plan or programme for which it is the responsible authority is likely to have significant effects on the environment of another Member State, it shall, as soon as reasonably practical after forming that opinion –

- (a) notify the Department concerned of its opinion and of the reasons for it; and
- (b) supply the Department concerned with a copy of the relevant plan or programme, and of the accompanying environmental report.

(2) Where the Department concerned has been notified under paragraph (1)(a), the responsible authority shall, within such period as the Department concerned may specify by notice in writing to the authority, provide that Department with such other information about the plan or programme or its accompanying environmental report as it may reasonably require.

(3) Where –

- (a) the Department concerned, whether in consequence of a notice under paragraph (1)(a) or otherwise, considers that the implementation of a plan or programme is likely to have significant effects on the environment of another Member State; or
- (b) a Member State that is likely to be significantly affected by the implementation of a plan or programme so requests,

the Department concerned shall, before the adoption of the plan or programme or its submission to the legislative procedure for adoption, forward a copy of it and of its accompanying environmental report to the Member State concerned.

(4) Where the Department concerned receives from a Member State an indication that it wishes to enter into consultations before the adoption, or submission to the legislative procedure for adoption,

of a plan or programme forwarded to it in accordance with paragraph (3), the Department concerned shall –

- (a) agree with the Member State –
    - (i) detailed arrangements to ensure that the authorities referred to in paragraph 3 of Article 6 of the Environmental Assessment of Plans and Programmes Directive and the public referred to in paragraph 4 of that Article in the Member State likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable time; and
    - (ii) a reasonable time for the duration of the consultations;
  - (b) enter into consultations with the Member State concerning –
    - (i) the likely transboundary environmental effects of implementing the plan or programme;
    - (ii) the measures envisaged to reduce or eliminate such effects.
  - (c) where it is not the responsible authority, direct the responsible authority that it shall not adopt the plan or programme, or submit it to the legislative procedure for adoption, until the consultations with the Member State have been concluded.
- (5) Where consultations take place pursuant to paragraph (4), the Department concerned shall –
- (a) as soon as reasonably practicable after those consultations begin, notify the consultation body of that fact; and
  - (b) notify the consultation body and, where the Department concerned is not the responsible authority, the responsible authority, of the outcome of the consultations.

#### **Plans and programmes of other Member States**

14.—(1) This regulation applies where the Department concerned receives from a Member State (whether or not in response to a request made by that Department in that behalf under the Environmental Assessment of Plans and Programmes Directive) a copy of a draft plan or programme –

- (a) that is being prepared in relation to any part of that Member State; and
  - (b) whose implementation is likely to have significant effects on the environment of any part of Northern Ireland.
- (2) The Department concerned shall indicate to the Member State whether, before the adoption of the plan or programme or its submission to the legislative procedure for adoption, it wishes to enter into consultations in respect of that plan or programme concerning –
- (a) the likely transboundary environmental effects of implementing the plan or programme; and
  - (b) the measures envisaged to reduce or eliminate such effects.
- (3) Where the Department concerned so indicates, it shall agree with the Member State concerned –
- (a) detailed arrangements to ensure that the consultation body and the public in Northern Ireland are informed and given an opportunity to forward their opinion within a reasonable time; and
  - (b) a reasonable time for the duration of the consultations.
- (4) Where such consultations take place under this regulation, the Department concerned shall –
- (a) inform the consultation body of the receipt of the draft plan or programme;

- (b) provide it with a copy of the draft plan or programme and the relevant environmental report provided under Article 7.1 of the Environmental Assessment of Plans and Programmes Directive or specify the address (which may include a website) at which those documents may be inspected;
  - (c) take such steps as it considers appropriate to bring the receipt of the draft plan or programme to the attention of such persons as, in its opinion, are affected or likely to be affected by, or have an interest in the decisions involved in the assessment and adoption of the plan or programme concerned, required under the Environmental Assessment of Plans and Programmes Directive (“the transboundary consultees”);
  - (d) inform the transboundary consultees of the address (which may include a website) at which a copy of the draft plan or programme and the relevant environmental report provided under Article 7.1 of the Environmental Assessment of Plans and Programmes Directive may be inspected, or from which a copy may be obtained; and
  - (e) invite the consultation body and the transboundary consultees to forward to it their opinions within such period as it may specify.
- (5) The period specified under paragraph (4)(e) shall end not later than 28 days before the end of the period that the Department concerned has agreed with the Member State concerned, pursuant to paragraph (3)(b), as reasonable for the duration of their consultations.
- (6) Nothing in paragraph (4)(d) shall require the Department concerned to provide a copy of the relevant documents free of charge; but where a charge is made, it shall be of a reasonable amount.