
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 518

**Environmental Impact Assessment (Forestry)
Regulations (Northern Ireland) 2006**

**PART I
INTRODUCTORY**

Citation and commencement

1. These Regulations may be cited as the Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006 and shall come into operation on 4th January 2007.

Interpretation

2.—(1) In these regulations—

“additional information” in any case where an environmental statement has been prepared means any information relating to the statement which is not contained in it;

“afforestation” means initial afforestation (which has the same meaning as in paragraph 1 (d) of annex II to the Directive);

“consent” means a consent under regulation 5;

“consultation bodies” in relation to any project means—

(a) the Department of the Environment; and

(b) any other public body, statutory authority or organisation which exercises statutory functions or is otherwise designated by any statutory provision as having responsibilities relating to the environment;

“deforestation” means deforestation for the purposes of conversion to another type of land use (which has the same meaning as in paragraph 1(d) of Annex II to the Directive);

“the Department” means the Department of Agriculture and Rural Development;

“development” means development within the meaning of Article 11 of the Planning (Northern Ireland) Order 1991⁽¹⁾;

“the Directive” means Council Directive [85/337/EEC](#)⁽²⁾ on the assessment of the effects of certain public and private projects on the environment as amended by Council Directive [97/11/EC](#)⁽³⁾ and Council Directive [2003/35/EC](#)⁽⁴⁾;

(1) S.I. 1991/1220 (N.I. 11)

(2) O.J. No. L175, 5.7.85

(3) O.J. No. L73, 14.3.97, p.5

(4) O.J. No. L156 25.6.03

“EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed in Brussels on 17th March 1993;

“environmental information” means information in the environmental statement and any other information (including any additional information) provided in accordance with these Regulations in relation to an application for consent relating to the likely environmental effects of the project which is the subject of the application;

“environmental statement” means a statement—

- (a) that includes such of the information referred to in Part I of Schedule 1 as is reasonably required to assess the environmental effects of the project and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile, but
- (b) that includes at least the information referred to in Part II of Schedule 1;

“forest quarry works” means operations on land used or to be used for the purposes of forestry, or on land held or occupied with that land, to obtain the materials required for forest road works;

“forest road works” means the formation, alteration or maintenance of private ways on land used or to be used for the purposes of forestry;

“general advertisement” means publication of a notice—

- (a) in the Belfast Gazette; and
- (b) on an official website maintained by the Department;

“interested parties” means those persons who notify the Department in accordance with regulation 18(5) that they wish to make representations in respect of an appeal;

“local advertisement” means a notice in one or more newspapers circulating in the immediate locality of any relevant project;

“project” means the execution of construction works or of other installations or schemes or other intervention in the natural surroundings or landscape including those involving the extraction of mineral resources;

“proposer” means the person who proposes to carry out a project; and

“relevant project” shall be construed in accordance with regulation 3.

(2) In these Regulations, any reference to an enforcement notice shall be construed as including, as the context requires, a reference to a notice of variation under regulation 23(6)(a) or to an enforcement notice so varied.

(3) The Interpretation Act (Northern Ireland) 1954 shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly(5).

Interpretation of “relevant project”

3.—(1) For the purposes of these Regulations, a project is a relevant project if —

- (a) it is a project of a type specified in paragraph (2);
- (b) subject to paragraph (3) it is likely, by virtue of factors such as its nature, size and location, to have significant effects on the environment; and
- (c) it is carried out by the Department or another Crown body or the carrying out of the project —
 - (i) does not involve development, or

- (ii) involves development which is not mentioned in Schedule 1 to, or in column 1 of the table in Schedule 2 to the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 (6); or
 - (iii) involves development for which planning permission is granted by Part 7 of Schedule 1 to the Planning (General Development) Order (Northern Ireland) 1993(7).
- (2) The types of project referred to in paragraph (1)(a) are —
- (a) afforestation;
 - (b) deforestation;
 - (c) forest road works;
 - (d) forest quarry works.

(3) For the purposes of paragraph (1)(b), and subject to regulation 7(3), a project shall be taken not to be likely to have significant effects on the environment if the area covered, or to be covered, by the project does not exceed any relevant threshold set out in Schedule 2.

Exemptions

4.—(1) In accordance with Article 2(3) of the Directive, the Department may direct that a particular project is exempted from the application of these Regulations.

(2) The Department shall only make a direction under paragraph (1) in an exceptional case and where it does so, it shall—

- (a) consider whether in that case another form of assessment of the environmental effects of the proposed project in question would be appropriate; and
- (b) make available to the public the information obtained under that other form of assessment, information relating to the making of the direction and the reasons for making it.

(3) Where the Department makes a direction under this regulation it shall by general and local advertisement briefly describe the project to which the direction relates, explain the effects of the direction and give reasons for making it.

(4) No direction shall be made under this regulation where it appears to the Department that the project would be likely to have significant effects on the environment in another EEA State.

(6) S.R. 1999/73.
(7) S.R. 1993/278