
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 518

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

PART III

DEPARTMENTAL FORESTRY PROJECTS

Restriction on relevant projects

27.—(1) This Part applies to any project carried out by the Department.

(2) The Department shall not carry out on any land, work or operations relating to a relevant project unless it has complied with this Part and, in any case where a proposal relating to that project has been referred to an appointed person under regulation 36(5)—

- (a) that person has consented to the carrying out of the project in question; and
- (b) the project is carried out in accordance with any conditions to which the consent is subject.

Consideration whether the proposed project has significant effects on the environment

28. The Department shall consider, taking into account the selection criteria in Schedule 3, whether any proposed project other than a project which—

- (a) is mentioned in Column 1 of the table to paragraph 2 of Schedule 2; and
 - (b) which does not exceed the threshold prescribed in relation to that project by Schedule 2,
- is a relevant project.

Determinations following consideration of project under regulation 28

29.—(1) Where, pursuant to regulation 28, the Department considers that a proposed project is not a relevant project, it shall, by general and local advertisement—

- (a) state that it proposes to carry out the project in question;
- (b) describe briefly the nature, size and location of the proposed project;
- (c) state that it does not propose to prepare an environmental statement in respect of the project;
- (d) state that any person may make representations to the Department in writing in relation to the likely environmental effects of the project at an address specified in the notice within 28 days of the date of the publication of the notice in the Belfast Gazette; and
- (e) describe what other information relating to the environmental effects of the proposed project is available and give details of where it can be obtained.

(2) Where the Department publishes a notice in accordance with paragraph (1) in relation to any proposed project it shall, on or before the date of the publication of the notice in the Belfast Gazette, send a copy of that notice to each of the consultation bodies.

(3) Where, within the period specified in paragraph (1)(d), no representations have been made to the effect that the proposed project is likely to have significant effects on the environment, the Department may proceed to carry out the project.

(4) Where, following the period specified in paragraph (1)(d) the Department considers (whether in the light of any representations or otherwise) that the proposed project is likely to have significant effects on the environment, it shall make a determination accordingly.

Notification of determination that a proposed project is likely to have significant effects on the environment

30.—(1) This regulation applies to any case where, under regulation 29(4), the Department determines that any proposed project is likely to have significant effects on the environment.

(2) In any case to which this regulation applies, the Department shall by general and local advertisement—

- (a) describe briefly the nature, size and location of the proposed project in question;
- (b) state that the proposed project is likely to have significant effects on the environment and that the Department intends to prepare an environmental statement in respect of it;
- (c) state that any person may obtain information from, or make representations in writing to, the Department in relation to the likely environmental effects of the proposed project at an address specified in the notice within 28 days of the date of the publication of the notice in the Belfast Gazette;
- (d) indicate the nature of the information in question and the times where and means by which it will be made available;
- (e) state the nature of the possible decisions that may be made in the case or, if there is one, the draft decision; and
- (f) indicate whether the proposed project is likely to have significant effects on the environment in another EEA State.

(3) Where the Department publishes an advertisement in accordance with paragraph (2) it shall, on or before the date of the publication of the notice in the Belfast Gazette, send a copy of that notice to each of the consultation bodies.

Preparation of an environmental statement

31. The Department shall prepare an environmental statement in any case to which regulation 30 applies.

Publicity for an environmental statement

32.—(1) Where the Department has prepared an environmental statement in relation to any proposed project, it shall by general and local advertisement give notice in accordance with paragraphs (2) and (3).

(2) The advertisement shall state—

- (a) that the environmental statement has been prepared and give details of the places where and times at which copies, together with details of the proposed project to which the statement relates, may be inspected;
- (b) that any person wishing to make representations in relation to the likely environmental effects of the proposed project to which the statement relates shall make them in writing to the Department at the address specified in the advertisement within 28 days of the publication of the notice in the Belfast Gazette; and;

- (c) that where no objection in relation to the likely environmental effects of the project is made and the Department, having undertaken the assessment specified in regulation 36(1), considers that the project should proceed, it may so determine.
- (3) On or before the date of publication in the Belfast Gazette of the notice under paragraph (1), the Department shall—
 - (a) send a copy of the environmental statement and notice to each of the consultation bodies so that any such body has an opportunity to make representations on the likely environmental effects of the project to which the statement relates before the expiry of the period specified in the notice;
 - (b) make available at an office of the Department or some other convenient place for a period of at least 28 days following the date of publication of the notice in the Belfast Gazette, the details of the proposed project and the environmental statement relating to the project and ensure that a reasonable number of copies of the statement are made available and, if a charge is to be made for any such copy under regulation 34, the amount of the charge.
- (4) Where, in accordance with paragraph (3)(a), the Department sends any person a copy of the environmental statement it shall consult that person about the statement and the likely environmental effects of the proposed project to which it relates.

Assistance in the preparation of environmental statements

- 33.**—(1) Subject to paragraph (6), where the Department is required to prepare an environmental statement in pursuance of regulation 31 it may consult with any person to determine whether that person has in his possession any information which may be relevant to the preparation of the environmental statement and if that person has any such information, he shall make that information available to the Department.
- (2) Where the Department has prepared an environmental statement in relation to any proposed project and made that statement available in accordance with regulation 32, it may determine that there is additional information available.
 - (3) Subject to paragraph (6), the Department may consult with any person to determine whether that person has in his possession any additional information and if that person has any such information, he shall make that information available to the Department.
 - (4) Where, pursuant to paragraph (3), the Department obtains any additional information it shall—
 - (a) by general and local advertisement state that the additional information is available, and give details of the places where and times at which a copy of that additional information may be inspected or obtained and, if a charge is to be made for any such copy under regulation 34, the amount of the charge; and
 - (b) state that any person who wishes to make representations in relation to the additional information should make such representations in writing to the Department at the address specified in the advertisement within 28 days of the date of the publication of the notice in the Belfast Gazette.
 - (5) At the same time as the notice in the Belfast Gazette is published under paragraph (4)(a), the Department shall—
 - (a) send copies of the additional information to each consultation body;
 - (b) make available for inspection at an office of the Department or at some other convenient place, for a period of at least 28 days following the date of publication of the notice in the Belfast Gazette, the additional information, the details of the proposed project in question and the environmental statement relating to the project, and ensure that a reasonable number of copies of the information are made available.

(6) Nothing in paragraph (1) or (3) shall require the disclosure by any person of information which is capable of being treated as confidential under the Environmental Information Regulations 2004.

(7) Any person making information available to the Department in accordance with paragraph (1) or (3) may make a reasonable charge reflecting the cost thereof and the Department shall pay that charge.

Charges

34. The Department may make a reasonable charge reflecting printing and distribution costs to any person for—

- (a) any copy, in excess of one, of the whole or any part of an environmental statement supplied to that person in accordance with regulation 32(3) or 35; or
- (b) any copy, in excess of one, of the whole or any part of any additional information supplied to that person in accordance with regulation 33(5) or 35.

Proposed project likely to have significant effect on the environment in another EEA State

35.—(1) Where it appears to the Department that any proposed project is likely to have a significant effect on the environment in another EEA State or where another EEA State likely to be significantly affected so requests, the Department shall—

- (a) send to that State, as soon as possible and no later than the date of publication in the Belfast Gazette of the notice referred to in regulation 32(2)—
 - (i) a copy of the notice; and
 - (ii) any available information on the possible significant effects of the proposed project on the environment in that EEA State;
- (b) make available to the State any further information which is relevant to the notice in the Belfast Gazette forwarded to it under sub-paragraph (a) but which only became available after its publication; and
- (c) inform the EEA State in writing that if it wishes to be consulted further in relation to the proposed project in accordance with paragraphs (2) to (4) it must inform the Department of that fact within 28 days beginning with the day on which the Department forwarded the copy of the notice or other information, whichever is the later, to that State.

(2) Where an EEA State indicates in accordance with paragraph (1)(c), that it wishes to be consulted further, the Department shall send to that EEA State—

- (a) a copy of the proposal for the project in question;
- (b) a copy of the environmental statement in respect of the proposed project;
- (c) all the information required to be given to any person under regulation 32 or 33; and
- (d) relevant information regarding the procedure for consultation under this Part,

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

(3) The Department shall also—

- (a) arrange for the particulars and information referred to in paragraphs (1) and (2) 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 EEA State likely to be significantly affected; and

- (b) ensure that these authorities and the public concerned are given an opportunity, before a determination is made as to whether the proposed project should proceed, to forward to the Department, within reasonable time their opinion on the information supplied.
- (4) The Department shall in accordance with Article 7(4) of the Directive—
 - (a) consult with the EEA State concerned regarding, inter alia, the potential significant effects of the proposed project on the environment of that EEA State and the measures envisaged to reduce or eliminate such effects; and
 - (b) determine, in agreement with the other EEA State, a reasonable period of time for the duration of the consultation period.
- (5) Where an EEA State has been consulted in relation to any proposed project in accordance with paragraph (4) the Department shall inform the EEA State of the determination in respect of the proposed project and shall forward to it a statement of—
 - (a) the determination and conditions attached thereto;
 - (b) the main reasons and considerations on which the determination is based; and
 - (c) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the adverse effects of the proposed project.

Determination of whether proposed project should proceed

36.—(1) On expiry of the period referred to in regulation 32(2)(b) the Department shall assess, in the light of the environmental statement, any additional information and any representations made in accordance with regulations 32 or 35, the direct and indirect effects of the proposed project on the environmental factors specified in Schedule 4.

(2) Where—

- (a) no objection in relation to the likely environmental effects of the proposed project has been made; or
- (b) any such objection has been withdrawn, and

the Department, having undertaken the assessment required by paragraph (1) considers that the project should proceed, it may so determine (or may so determine subject to conditions).

(3) Where the Department has determined—

- (a) in accordance with paragraph (2), that it should proceed with the project or that it should proceed subject to conditions, or
- (b) that it should not so proceed,

it shall publish a general and local advertisement in accordance with paragraph (4).

(4) Each of the advertisements referred to in paragraph (3) shall—

- (a) inform the public of the determination, and
- (b) give details of the places where and the times at which the public may inspect a statement of—
 - (i) the Department’s determination and any conditions to which the project in question is subject;
 - (ii) the main reasons and considerations upon which its determination was based; and
 - (iii) where necessary, a description of the main measures to avoid, reduce and if possible, offset the adverse effects of the proposed project.

(5) Where the Department, having undertaken the assessment specified in paragraph (1), considers that the proposed project should proceed but objections to the project made in relation to their likely environmental effects have not been withdrawn, it shall—

- (a) appoint a person (in this Part referred to as an “appointed person”) to exercise, with or without payment, the functions he is given under this Part in relation to any matter sent to him under this regulation and Schedule 5 shall have effect with respect to such an appointment; and
- (b) send the proposal for the project together with the environmental statement, any additional information and any representations on it to the appointed person for determination in accordance with paragraphs (6) to (9).

(6) Where the appointed person considers that the proposal, environmental statement, additional information and representations sent to it in accordance with paragraph (5) do not provide sufficient information to enable a determination to be made in relation to any proposed project in pursuance of this regulation, he shall notify the Department in writing of the matters on which further information is required and may make a written request to the Department for such information as it may be able to provide on the matters raised.

(7) Where in accordance with paragraph (6), the appointed person requests further information from the Department in relation to any proposed project, the Department shall, no later than the time when it provides that information to the appointed person—

- (a) by general and local advertisement, at least 28 days before a determination as to whether the proposed project should proceed—
 - (i) state that the further information is available in relation to the project and give details of the places where and times at which a copy may be inspected; and
 - (ii) state that any person who wishes to make representations on the likely environmental effects of the project to which the further information relates may make them in writing to the appointed person at the address specified in the advertisement within 28 days of the date of the publication of the notice in the Belfast Gazette;
- (b) on or before the date of the publication of the notice in the Belfast Gazette supply a copy of the further information and notice to each of the consultation bodies so that they have an opportunity to make representations to the appointed person on the likely environmental effects of the proposed project to which the further information relates before the expiry of the period specified in the notice.

(8) The appointed person shall—

- (a) assess, in the light of the environmental statement, any further information provided in response to a request under paragraph (6) and any representations referred to in regulations 32, 35 or paragraph (7), the direct and indirect effects of the proposed project on the environmental factors specified in Schedule 4;
- (b) afford the Department and any persons who made representations the opportunity of appearing before and being heard by him;
- (c) having regard to the assessment under sub-paragraph (a) and the representations made under sub-paragraph (b) and having examined the concerns and opinions expressed by the public and the main reasons and considerations upon which the determination under consideration was based, including information about the public participation process—
 - (i) consent to the project in question unconditionally or subject to such conditions as the appointed person considers appropriate; or—
 - (ii) refuse to consent to the project; and
- (d) send to the Department and any person who made representations under regulations 32, 35 or paragraph (7) a statement in writing of—
 - (i) his determination under sub-paragraph (c) and any conditions attached to the project in question;

- (ii) the main reasons and considerations upon which it was based; and
 - (iii) where necessary, a description of the main measures to avoid, reduce and, if possible, offset the adverse effects of the proposed project.
- (9) The Department shall by general and local advertisement—
- (a) inform the public of the appointed person’s determination under paragraph (8)(c); and
 - (b) give details of the places where and times at which the public may inspect a copy of the statement sent to it under paragraph (8)(d).
- (10) In relation to any determination made by itself or by an appointed person under this regulation , the Department shall maintain a record of, and make available to the public on request the following—
- (a) the content of the determination and any conditions attached to the project in question;
 - (b) the main reasons and considerations on which the decision is based, including information about the public participation process; and
 - (c) a description, where necessary, of the main measures proposed to avoid or mitigate any major adverse effects on the environment of the project.

Public Participation

- 37.** The Department shall, in relation to any proposed project, make available to the public—
- (a) at the time that the notice in the Belfast Gazette relating to the project is published under regulation 30(2), all information that is relevant to it; and
 - (b) any further information which is relevant to the assessment under regulation 36 and which only became available after the time that the notice in the Belfast Gazette relating to those projects was published under regulation 30(2).