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## EXPLANATORY NOTE

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

These Regulations replace and revoke the Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 32) and provide (in relation to relevant water management projects for agriculture in Northern Ireland) for the assessment of the effects of such projects on the environment in accordance with Council Directive 2011/92/EU, as amended by Directive 2014/52/EU, on assessing the potential effects of projects on the environment.

The Regulations impose procedural requirements in relation to the consideration of applications or proposals for consent for a relevant project (water management projects for agriculture involving the abstraction or impoundment of 200 cubic metres or more in any period of 24 hours which would be likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location).

Part 1 of the Regulations contains general provisions. Regulation 3 requires an environmental impact assessment (EIA) to be carried out for relevant projects. There is an exclusion for development within the meaning of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and land drainage improvement works within the meaning of the Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2001.

Part 2 of the Regulations outlines the pre-application procedures for an EIA. Regulation 6 outlines the procedure for determining whether a water management project is a relevant project and regulation 7 requires an environmental impact assessment report to be provided by applicants of relevant projects. The Department determines, at the request of the person applying or proposing to apply, whether the project is a relevant project, using the selection criteria in Schedule 1. If the person who makes the request is dissatisfied with the Department's determination, they may appeal to the Water Appeals Commission for Northern Ireland. Determinations as to whether a project is a relevant project must be made public, and must accompany any subsequent application for a licence or modification of a licence in respect of a relevant project. Regulation 8 and Schedule 3 set out the information which an environmental impact assessment report must contain. A person may enter into consultation with any consultation body to determine whether it possesses information relevant to the environmental impact assessment report. The Department is required to give an opinion on the content of an environmental impact assessment report in respect of a proposed application for a relevant project if so requested.

Part 3 of the Regulations outlines the requirements around the publicising of any environmental impact assessment reports in respect of relevant projects and determinations taken around the granting or refusal of such projects. Regulation 9 provides for environmental impact assessment reports in respect of relevant projects to be publicised. Regulation 10 requires the Department to have regard to the environmental information provided and any representations received in determining an application for a relevant project and to consider whether it is appropriate to impose a monitoring condition or a mitigation condition in respect of the project.

Part 4 of the Regulations outlines the procedures to be followed in relation to projects likely to affect the Republic of Ireland and those in the Republic of Ireland likely to affect Northern Ireland.