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STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 85**

**The Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2017**

**PART 4**

**PROJECTS LIKELY TO AFFECT OTHER MEMBER STATES**

**Projects likely to have significant effects on the environment in another EEA State**

**11.—(1) Where—**

- (a) it comes to the attention of the Department that a relevant project is the subject of an environmental impact assessment application and is likely to have significant effects on the environment in another EEA State; or
- (b) another EEA State likely to be significantly affected by such a project so requests, the Department must—
  - (i) publish a notice in the Belfast Gazette giving the address of the relevant project, stating that it is accompanied by an environmental impact assessment report and that it is likely to have significant effects on the environment of another EEA State and giving an address at which further information may be obtained;
  - (ii) send to the EEA State as soon as possible and no later than the date of publication of the notice referred to in sub-paragraph (i), the particulars mentioned in paragraph (2) and if the Department thinks fit, the information referred to in paragraph (3); and
  - (iii) give the EEA 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)(b)(ii) are—**

- (a) a description of the relevant project, together with any available information on its possible significant effect on the environment in another EEA State; and
- (b) information on the nature of the determination that may be made.

**(3) Where an EEA State indicated in accordance with paragraph (1)(b)(iii) that it wishes to participate in the procedure for which these regulations provide, the Department must send to that EEA State—**

- (a) a description of the relevant project concerned;
- (b) a copy of the environmental impact assessment report in respect of the relevant project to which that application relates; and
- (c) relevant information regarding the procedure outlined in these Regulations, unless that information has already been provided to the EEA State earlier in accordance with paragraph (1)(b)(ii).

**(4) The Department must 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 to the public concerned in the territory of the EEA State likely to be significantly affected; and
  - (b) ensure that those authorities and the public concerned are given an opportunity, before the licence or modification thereof is granted, to forward to the Department, within a reasonable time, their opinion of the information supplied.
- (5) The Department must in accordance with Article 7.4 of the Directive—
- (a) enter into consultations with the EEA State concerned regarding, inter alia, the potential transboundary effects of the relevant project on the environment of that EEA State and the measures envisaged to reduce or eliminate such effects; and
  - (b) agree with the other EEA State, a reasonable timeframe for the duration of the consultation period.
- (6) Where an EEA State has been consulted in accordance with paragraph (3), on the determination of the application concerned, the Department must inform the EEA State and must forward to it a statement of—
- (a) the content of the determination and any conditions attached thereto;
  - (b) the reasons and considerations on which the determination is based; and
  - (c) a description, where necessary, of the measures to avoid, reduce and, if possible, offset the major adverse effects of the development.
- (7) The consultations referred to in paragraph (5) may be conducted through an appropriate joint body.

### **Projects in another EEA State likely to have significant transboundary effects**

**12.—**(1) Where the Department receives from another EEA State pursuant to Article 7.2 of the Directive information which the EEA State has gathered from an applicant of a proposed project in that EEA State which is likely to have significant effects on the environment in Northern Ireland, the Department must, in accordance with Article 7.4 of the Directive—

- (a) enter into consultations with that EEA State regarding, inter alia, the potential transboundary effects of the proposed project on the environment in Northern Ireland and the measures envisaged to reduce or eliminate such effects and whether it wishes to participate in that EEA State's procedure; and
  - (b) agree with that EEA State a reasonable timeframe, before consent for the project is granted, during which members of the public in Northern Ireland may submit to the competent authority in that EEA State representations pursuant to Article 7.3(b) of the Directive.
- (2) The Department, in so far as it is concerned, must also—
- (a) arrange for the information referred to in paragraph (1) to be made available, within a reasonable time, both to the consultation bodies in Northern Ireland which it considers are likely to be concerned by the project by reason of their specific environmental responsibilities, and to the public concerned in Northern Ireland;
  - (b) ensure that those consultation bodies and the public concerned in Northern Ireland are given an opportunity before consent for the project is granted, to forward to the competent authority in the relevant EEA State, within a reasonable time, their opinion on the information supplied; and
  - (c) make available to the public concerned in an appropriate manner any information received from the competent authority of the relevant EEA State in order to comply with Article 9.2 of the Directive.

## **Revocations and Savings**

- 13.**—(1) Subject to paragraph (2), the following regulations are revoked—
- (a) the 2005 Regulations; and
  - (b) the Water Resources (Environmental Impact Assessment) (Amendment) Regulations (Northern Ireland) 2006<sup>(1)</sup>.
- (2) The revocations made by paragraph (1) shall not apply in respect of—
- (a) a determination of whether a project is a relevant project in accordance with regulation 2 of the 2005 Regulations, where a person requested the determination in accordance with regulation 4(1) of the 2005 Regulations before 5th June 2017;
  - (b) a relevant project, where a person requested an opinion about the scope and level of detail of information to be included in an environmental statement in accordance with regulation 6(2) of the 2005 Regulations before 5th June 2017; and
  - (c) a relevant project, where the applicant provided an environmental statement in accordance with regulation 5 of the 2005 Regulations before 5th June 2017.

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<sup>(1)</sup> S.R. 2006 No. 483