

EXPLANATORY MEMORANDUM TO
THE WATER RESOURCES (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS (NORTHERN IRELAND) 2017

2017 No. 85

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (The Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule replaces and revokes the Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2005 ("the 2005 Regulations") and its primary purpose is to transpose Directive 2014/52/EU, which amended Directive 2011/92/EU, in respect of water management projects for agriculture which involve the abstraction of 200 cubic metres or more in any 24 hour period. Directive 2011/92/EU ensures that any such projects which are likely to have significant effects on the environment are made subject to an environmental impact assessment prior to their approval.

3. Background

- 3.1. The 2005 Regulations implemented Directive 2011/92/EU in respect of water management projects for agriculture in Northern Ireland. The Statutory Rule incorporates the requirements included in the 2005 Regulations and where appropriate, updates them in order to reflect and implement the changes introduced by Directive 2014/52/EU.

4. Consultation

- 4.1. Consultation was carried out between 1st March and 26th April 2017. Only a small number of responses were received and no substantive changes to the Statutory Rule were made as a result of the consultation.

5. Equality Impact

- 5.1. The Department completed a preliminary screening exercise which has shown no evidence of any impact on equality issues. Therefore, the Department did not consider it necessary to complete a full Equality Impact Assessment.

6. Regulatory Impact

- 6.1. Not applicable. The Regulations do not impose any additional financial burden on any Department or the public.

7. Financial Implications

- 7.1. The Regulations do not impose any additional financial burden on any Department or the public.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Rule does not discriminate on grounds of religious belief or political opinion nor does it modify the European Communities Act 1972, the Human Rights Act 1998 or other statutory provisions listed in section 7 of the 1998 Act.

9. EU Implications

- 9.1. The 2005 Regulations transposed Directive 2011/92/EU. The new Regulations ensure that Directive 2011/92EU, as amended by Directive 2014/52/EU, is effectively transposed in Northern Ireland in relation to water management projects for agriculture which are likely to have significant effects on the environment.

10. Parity or Replicatory Measure

- 10.1. The Department of Environment, Food and Rural Affairs made similar Regulations, covering England and Wales, in April 2017. Updates were also made to the equivalent legislation in Scotland in April 2017.

11. Additional Information

- 11.1. Not applicable.