
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 85

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

PART 2

**PRE-APPLICATION PROCEDURES &
ASSESSMENT OF RELEVANT PROJECTS**

Environmental impact assessment report, and opinions of the Department on the contents of an environmental impact assessment report

8.—(1) An environmental impact assessment report must include such of the information set out in Schedule 3 as is applicable to the relevant project and at least the following—

- (a) a description of the relevant project comprising information on the site, design, size and other relevant features of the project;
- (b) a description of the likely significant effects of the relevant project on the environment;
- (c) a description of the features of the relevant project and/or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
- (d) a description of the reasonable alternatives considered by the applicant which are applicable to the relevant project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the relevant project on the environment;
- (e) a non-technical summary of the information provided in accordance with sub-paragraphs (a) to (d); and
- (f) any additional information specified in Schedule 3 applicable to the specific characteristics of the relevant project and to the environmental features likely to be affected.

(2) The environmental impact assessment report must—

- (a) be prepared by a competent person to ensure the completeness and quality of the report;
- (b) state the relevant expertise and qualifications of the competent person;
- (c) where an opinion has been issued in accordance with paragraph (6), be based on that opinion;
- (d) include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment; and
- (e) be prepared, taking into account the available results of other relevant assessments, with a view to avoiding duplication of assessment.

(3) The Department must ensure that it has, or has access as necessary to, sufficient expertise to examine the environmental impact assessment report.

(4) Where the Department receives an environmental impact assessment report in relation to a relevant project, it must consult the consultation bodies and invite them to express their opinion on the information supplied by the applicant and inform them that they can make representations.

(5) A person, before making an application for a licence, or the modification of a licence, in relation to a relevant project may ask the Department for an opinion on the scope and level of detail of the information to be provided in an environmental impact assessment report accompanying such an application.

(6) If a person makes a request in accordance with paragraph (5), the Department must, having consulted the person making the request and the consultation bodies, give an opinion on the scope and level of detail of the information which should be contained in an environmental impact assessment report accompanying such an application.

(7) When making a request in accordance with paragraph (5), a person must provide the following information—

- (a) a plan sufficient to identify the specific characteristics of the relevant project;
- (b) a brief description of the nature, extent and purpose of the relevant project, including its location and technical capacity;
- (c) an explanation of the likely impact of the relevant project on the environment; and
- (d) any other information or representations which the person wishes the Department to take into account.

(8) The person making a request in accordance with paragraph (5) may also provide a description of any features of the relevant project or any measures envisaged to avoid or prevent what otherwise might have been significant adverse effects on the environment.

(9) The Department, having received a request in accordance with paragraph (5) must, if it considers that it has not been provided with sufficient information to give an opinion, notify the person of the points on which it requires additional information.

(10) The fact that the Department has given an opinion in accordance with paragraph (6) must not preclude it from subsequently requiring the person making the request to provide further information.

(11) The Department and the consultation bodies must, if requested by a person proposing to make an application for which an environmental impact assessment report is required, enter into consultation with that person to determine whether they have in their possession any information which may be relevant to the preparation of an environmental impact assessment report and, if they have, they must make it available to that person.

(12) Paragraph (11) must not require the disclosure of information where disclosure of that information may be refused in accordance with the Environmental Information Regulations 2004(1).

(13) If the Department or the consultation bodies provide information to a person in accordance with paragraph (11) they may require the payment of a charge which reflects the cost of making that information available.

(14) If the Department considers that an environmental impact assessment report does not contain all the information required by paragraph (1), it must by notice in writing—

- (a) inform the applicant; and
- (b) specify what further information the Department requires,

and the applicant must provide that information to the Department.