

The Environmental Impact Assessment (Forestry) (Amendment) Regulations (Northern Ireland) 2017

Transposition Note for Directive 2014/52/EU amending Directive 2011/92 on the assessment of the effects of certain public and private projects on the environment

1. This transposition note sets out how Directive 2014/52/EU (“the 2014 Directive”) amending Directive 2011/92/EU on the assessment of certain public and private projects on the environment (“the EIA Directive”) is transposed in respect of certain forestry projects.

2. The table shows how the main elements of the 2014 Directive are transposed in the Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006 (“the 2006 Regulations”), as amended by the Environmental Impact Assessment (Forestry (Amendment) Regulations (Northern Ireland) 2017 (“the 2017 Regulations”).

3. References in the table to Article numbers are to the EIA Directive as amended by the 2014 Directive.

4. References in the table to regulations are to the 2006 Regulations as amended by the 2017 Regulations.

Article	Objective	Implementation
Article 1(2)	Definition of “environmental impact assessment”	Regulation 2(1)
Article 2(3)	Joint or co-ordinated procedures to apply where projects are assessed under the EIA Directive and Directive 92/43 EEC on habitats or Directive 2009/147/EC on wild birds.	Regulation 9A
Article 3	Statement of factors which must be considered etc. during environmental impact	Schedule 4
Article 4(3)	Setting thresholds or criteria to determine when EIA or screening not required	No change
Article 4(4) first and second sentence	Developer provides information specified in Annex II A for an initial (“screening”) decision of whether project likely to have significant effects on environment.	Regulation 6(2)(b) and Schedule 2A
Article 4(4) third sentence	Developer must take other assessments under Union legislation into account in preparing information for screening decision	Regulation 6(2A)

Article	Objective	Implementation
Article 4(4) fourth sentence	Developer may also provide a description of features envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment	Regulation 6(2)(c)
Article 4(5)	Screening decision of competent authority	Regulation 7
Article 4(6)	Screening decision must be made within 90 days	Regulation 7(1) and (1A)
Article 5(1) (a) to (e)	Information to be submitted in an environmental statement	Regulation 2- definition of “environmental statement”, paragraph (b) and Part 2 of Schedule 1
Article 5(1)(f)	Information to be submitted in an environmental statement	Regulation 2 – definition of “environmental statement”, paragraph (a) and Part 1 of Schedule 1
Article 5(1) third sentence	Environmental statement must be based on opinion (“scoping opinion”) by the Department about contents of report where requested	Regulation 2 – definition of “environmental statement” paragraph (d)
Article 5(1) fourth sentence	Developer to take into account other relevant assessments in preparing the statement	Regulation 2 – definition of “environmental statement” paragraph (c)
Article 5(2)	Facility for scoping opinions by the department	Regulation 9(1)
Article 5(3)(a)	Developer must ensure environmental statement prepared by competent experts	Regulation 2 – definition of “environmental statement” paragraph (e)
Article 5(3)(c)	Facility for supplementary information to be provided which is relevant to the Department’s conclusion about environmental impact	Regulation 6(3)
Article 6(1)	Departments with specific environmental responsibilities to be consulted	Regulation 2 (amended definition of “consultation bodies”)
Article 6(2) and (5)	Informing the public electronically of request for consent and of availability of environmental statement etc.	Regulation 2 (definition of “local advertisement”)
Art 6(6)/(7)	Timeframe for consulting public on environmental impact assessment report must not be less than 30 days	Regulation 12(1)(d), (4)(b) and 5(b)
Art 8a(1)	Decision to grant consent must incorporate at least the reasoned conclusion, and environmental conditions and, where appropriate, monitoring measures	Regulation 17(2)

Article	Objective	Implementation
Art 8a(2)	Decision to refuse consent must state reasons	Regulation 17(2)
Art 8a(4)	The Department must ensure environmental conditions are implemented by developer and determine procedures regarding monitoring significant adverse effects	Regulation 22
Annex II A	Information to be provided by developer on projects listed in Annex II for screening decision	Schedule 2A and regulation 6(2)(b) and (2A)
Annex III	Criteria to determine whether projects listed in Annex II should be subject to environmental impact assessment	Schedule 3
Annex IV	Information for the environmental statement	Schedule 1