
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 88

The Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

PART 2

DRAINAGE WORKS

Proposed drainage works likely to have significant effect on the environment in another EEA State

15.—(1) Where it appears to the Department that any proposed drainage works are likely to have a significant effect on the environment in another EEA State or where another EEA State likely to be significantly affected so requests, the Department shall—

- (a) send to that State, as soon as possible and no later than the date of publication in the Belfast Gazette of the notice referred to in regulation 9(2)—
 - (i) a copy of the notice; and
 - (ii) any available information on the possible significant effects of the proposed drainage works on the environment in that EEA State;
- (b) make available to the State any further information which is relevant to the notice in the Belfast Gazette forwarded to it under sub-paragraph (a) but which only became available after its publication; and
- (c) inform the EEA State in writing that if it wishes to be consulted further in relation to the proposed drainage works in accordance with paragraphs (2) to (4) it must inform the Department of that fact within a period determined in agreement with that State but which shall not be less than 30 days beginning with the day on which the Department forwarded the copy of the notice or other information, whichever is the later, to that State.

(2) Where an EEA State indicates in accordance with paragraph (1)(c), that it wishes to be consulted further, the Department shall send to that EEA State—

- (a) a copy of the proposal for the drainage works;
- (b) a copy of the environmental statement in respect of the proposed drainage works;
- (c) all the information required to be given to any person under regulation 9; and
- (d) relevant information regarding the procedure for consultation under this Part,

but only to the extent that such information has not been provided to the EEA State earlier in accordance with paragraph (1).

(3) The Department shall also—

- (a) arrange for the particulars and information referred to in paragraphs (1) and (2) to be made available, within a reasonable time, to the authorities referred to in Article 6(1) of the Directive and the public in the territory of the EEA State likely to be significantly affected; and

- (b) ensure that these authorities and the public concerned are given an opportunity, before a determination is made as to whether the proposed drainage works should proceed, to forward to the Department, within reasonable time their opinion on the information supplied.
- (4) The Department shall in accordance with Article 7(4) of the Directive—
 - (a) consult with the EEA State concerned regarding, inter alia, the potential significant effects of the proposed drainage works on the environment of that EEA State and the measures envisaged to reduce or eliminate such effects; and
 - (b) determine, in agreement with the other EEA State, a reasonable period of time for the duration of the consultation period which shall not be less than 30 days beginning with the day on which the Department forwarded the information to that State in pursuance of paragraph 2.
- (5) Where an EEA State has been consulted in relation to any proposed drainage works in accordance with paragraph (4) the Department shall inform the EEA State of the determination in respect of the proposed drainage works and shall forward to it a statement of—
 - (a) the determination and conditions attached thereto;
 - (b) the main reasons and considerations on which the determination is based; and
 - (c) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the adverse effects of the proposed drainage works.