
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 209

The Waterways (Environmental Impact Assessment) Regulations (Northern Ireland) 2019

PART 1

INTRODUCTORY AND APPLICATION

Citation and commencement

1.—(1) These Regulations may be cited as The Waterways (Environmental Impact Assessment) Regulations (Northern Ireland) 2019 and come into operation on 1st December 2019.

Interpretation

2.—(1) In these Regulations—

“additional information” in any case where an environmental statement has been prepared in respect of proposed works means any information relating to the statement which is not contained in it;

“the Commission” means the Water Appeals Commission as described in Article 292 of the Water and Sewerage Services (Northern Ireland) Order 2006(1);

“consultation bodies” shall be construed in accordance with regulation 8(2);

“the Department” means the Department for Infrastructure;

“the Directive” means [Directive 2011/92/EU\(2\)](#) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment as amended by [Directive 2014/52/EU\(3\)](#) of the European Parliament and of the Council;

“the Drainage Order” means the Drainage (Northern Ireland) Order 1973(4);

“the Water Order” means the Water (Northern Ireland) Order 1999(5);

“environmental statement” means a statement that includes such of the information referred to in Schedule 2, as is reasonably required to assess the environmental effects of any proposed works and which the Department can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile;

“general advertisement” means publication of a notice—

- (a) in the Belfast Gazette; and
- (b) on the website maintained by the Department;

(1) [S.I. 2006 No. 3336 \(N.I. 21\)](#)
(2) [O.J. L 26, 28.1.2012, p. 1](#)
(3) [O.J. L 124, 25.4.2014, p. 1](#)
(4) [S.I. 1973 No. 69 \(N.I. 1\)](#)
(5) [S.I. 1999/662 \(N.I. 6\)](#)

“local advertisement” means a notice in one or more newspapers, circulating in the immediate locality of any proposed works;

“public” means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups;

“public concerned” means the public affected or likely to be affected by, or having an interest in, the environmental decision-making procedures of the Department. For the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest;

“waterway” has the same meaning assigned to it by the Water Order and any reference to a waterway includes a reference to the channel or bed of a waterway which is for the time being dry; and

“works” means—

- (a) works carried out in relation to a marina under Part III of the Water Order; and
- (b) any changes made to or extension of such works;

(2) In these Regulations, “canal scheme” has the same meaning assigned to it by Article 39(2) of the Water Order.

(3) In these Regulations, “the Drainage Council” has the same meaning assigned to it by Article 3(1) of the Drainage Order.

(4) In these Regulations, any reference to significant effects on the environment includes a reference to such effects on the environment in the Republic of Ireland.

(5) Expressions used in these Regulations and in the Directive have the same meaning for the purposes of these Regulations as they have for the purposes of the Directive, unless otherwise provided for.

(6) The Interpretation Act (Northern Ireland) 1954⁽⁶⁾ shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Application

3.—(1) Subject to the following provisions, Part 2 shall apply in relation to any works other than works commenced before the coming into operation of these Regulations.

(2) The amendments made to the Water Order by these Regulations shall not have effect in relation to any canal scheme prepared before the coming into operation of these Regulations.

Directions

4.—(1) The Department may direct that—

- (a) specific works are exempt from these Regulations if it considers that the application of these Regulations would have an adverse effect on the fulfilment of the works purpose, provided the objectives of the Directive are met; or
- (b) these Regulations do not apply in relation to particular proposed works if the sole purpose of the proposed works is to respond to a civil emergency and the Department considers the application of the Regulations would have an adverse effect on the fulfilment of that purpose.

(2) The Department shall only make a direction under paragraph (1)(a) in an exceptional case and where it does so shall—

(6) 1954 c.33 (N.I.)

- (a) make available to the public by general and local advertisement, the information considered in making the direction, the reasons for making the direction, briefly describe the proposed works and the effect of the direction;
 - (b) consider whether, in that case, another form of assessment of the environmental effects of the proposed works would be appropriate; and
 - (c) make available to the public any information obtained under that other form of assessment.
- (3) No direction shall be made under paragraph (1)(a) or (b) where the Department or any other Northern Ireland Department is aware that the proposed works would be likely to have significant effects on the environment in the Republic of Ireland.

Coordination of assessments

5.—(1) In addition to the requirement for an assessment of the environmental effects to be carried out in accordance with these Regulations, if there is also a requirement to carry out a Habitats Regulation Assessment, the Department must, where appropriate, ensure that the Habitats Regulation Assessment and the assessment of the environmental effects are coordinated.

(2) In these Regulations, a “Habitats Regulation Assessment” means an assessment under regulation 43 of the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995(7).

(7) S.R. 1995 No. 380; regulation 43 was substituted by S.R. 2007 No. 345, regulation 14