

Title: The Environmental Impact Assessment (Agriculture) (Amendment) Regulations (Northern Ireland) 2017	Regulatory Impact Assessment (RIA)		
	Date: 31 August 2017		
	Type of measure: Secondary Legislation		
Lead department or agency: Department of Agriculture, Environment and Rural Affairs	Stage: Final		
	Source of intervention: European		
Other departments or agencies: None.	Contact details: Leanne McGrath		
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Summary Intervention and Options

What is the problem under consideration? Why is government intervention necessary? (7 lines maximum)

The EU has amended Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (known as the EIA Directive). The amending Directive (2014/52/EU), forms part of European law and DAERA is responsible for transposition of the Directive in relation to agricultural projects. Therefore, the Department will transpose the Directive through The Environmental Impact Assessment (Agriculture) (Amendment) Regulations (Northern Ireland) 2017.

What are the policy objectives and the intended effects? (7 lines maximum)

The amendment aims to strengthen the quality of the environmental impact assessment procedure and ensure that environmental protection is improved, resource efficiency increased and sustainable growth supported.

The proposed amendment will introduce the minimum changes required by the EU Directive.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) (10 lines maximum)

The policy options considered were to either to do nothing or to transpose the amended Directive as appropriate.

1. The 'do nothing' option would have left the Department open to EU infraction procedures. Therefore, this option was ruled out.
2. The preferred option, which has been carried forward, is to transpose Directive 2014/52/EU, by way of secondary legislation amending the Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2007 [SR 2007 No 421].

Will the policy be reviewed? Yes

If applicable, set review date: Ongoing

Cost of Preferred (or more likely) Option

Total outlay cost for business £m	Total net cost to business per year £m	Annual cost for implementation by Regulator £m

Does Implementation go beyond minimum EU requirements?

NO X

YES

Are any of these organisations
in scope?

Micro
Yes X No

Small
Yes X No

Medium
Yes X No

Large
Yes X No

The final RIA supporting legislation must be attached to the Explanatory Memorandum and published with it.

Approved by: Dave Foster Date: 31/08/2017

ECONOMIC ASSESSMENT (Option 2)

Costs (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				

Description and scale of key monetised costs by 'main affected groups' Maximum 5 lines
Applicants (Landowners and Farmers): It is difficult to provide an exact cost to the applicants. The amendment requires the applicant to provide more information, including any existing environmental surveys, at the screening stage. In the event that an environmental statement is required, the applicant must hire a competent expert. DAERA, as administrator of the Regulations, must have sufficient resources and expertise to effectively implement the regulations.

Other key non-monetised costs by 'main affected groups' Maximum 5 lines
Directive 2014/52/EU is intended to lighten administrative burden, reinforce the quality of decision making, improve current levels of environmental protection, and introduce a more harmonised regulatory framework. It aims to help make decisions on public and private investments more sound, more predictable, and more sustainable in the longer term in relation to applications for projects which may have significant environmental effects.

Benefits (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				

Description and scale of key monetised benefits by 'main affected groups' Maximum 5 lines
This is difficult to calculate as it is dependent upon the number, nature, scale and location of future proposals which may come within the scope of these Regulations. Based on EIA (Agriculture) applications received since 2012, four out of 34 (12%) screening decisions requested submission of an Environmental Statement. However, subsequently, no environmental statements were submitted. Therefore, it may be contended that any impact will be minimal.

Other key non-monetised benefits by 'main affected groups' Maximum 5 lines
Clarity on the environmental information required for EIA development proposals and source of information from key consultees / stakeholders.

Key Assumptions, Sensitivities, Risks Maximum 5 lines
NA

BUSINESS ASSESSMENT (Option)

Direct Impact on business (Equivalent Annual) £m			
Costs:	Benefits:	Net:	

Cross Border Issues (Option)

How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) Maximum 3 lines
The Directive will be similarly transposed in the rest of the UK and in the Republic of Ireland.

Evidence Base

Problem under consideration

Following a report on the application and effectiveness of Directive 2011/92/EU, and a wide public consultation, an amended EIA Directive (2014/52/EU) came into force on 15 May 2014. It is the responsibility of the Department of Agriculture, Environment and Rural Affairs (DAERA) to transpose this amending EIA Directive into Northern Ireland legislation in respect of agricultural projects.

Rationale for intervention

DAERA must transpose the Directive into national legislation to prevent the possibility of infraction proceedings and to ensure that the EIA process continues to operate effectively.

Policy objective

To transpose the EIA Directive 2014/52/EU.

Description of options considered (including do nothing), with reference to the evidence base to support the option selection

Directive 2014/52/EU was developed to strengthen the EIA process within Member States. The options in relation to this were to either do nothing or to transpose the Directive as appropriate. To do nothing was not a realistic option as the amended EIA Directive had to be transposed to avoid infraction proceedings. Therefore, the Department chose to transpose the Directive as appropriate.

Monetised and non-monetised costs and benefits of each option (including administrative burden)

As the amended EIA Directive streamlines established requirements in relation to EIA, it is considered by DAERA that it will not have any negative cost implications for businesses, and may reduce costs as necessary environmental information will be more readily available. The Department is of the opinion that the resources required to fully implement the amended EIA Directive would be similar to the resources required to fully implement the previous Directive (2011/92/EU), including administration of the procedure.

Rationale and evidence that justify the level of analysis used in the RIA (proportionality approach)

The amended EIA Directive has been developed to strengthen and enhance the EIA process and it is considered that no additional burden on resources or requirements will result. Therefore, the Department believes that the level of RIA analysis is appropriate.

Risks and assumptions

Risks would include infraction proceedings for non-transposition and implementation. It is assumed by DAERA that transposition of the amended EIA Directive will lead to a strengthening of the EIA process. Failure to transpose would mean that the benefits of improved streamlining will not be realised.

Direct costs and benefits to business

It is anticipated that the direct costs to business may decrease with the introduction of the amended EIA Directive as procedures are streamlined.

Wider impacts (in the context of other Impact Assessments in Policy Toolkit Workbook 4, economic assessment and NIGEA)

There are no wider impacts.]