
STATUTORY INSTRUMENTS

1993 No. 3160

The Roads (Northern Ireland) Order 1993

PART V

ENVIRONMENTAL ASSESSMENT

Environmental assessment of certain road projects

67.—(1) In any case where the Department has under consideration the construction of a new road or the improvement of a road it shall determine before the date of publication of details of the project whether or not it falls within Annex I or Annex II to Council Directive No.85/337/EEC on the assessment of the effects of certain public and private projects on the environment.

(2) Where it appears to the Department that it falls within Annex I, or that it falls within Annex II and has such characteristics that it should be made subject to an environmental assessment in accordance with the Directive, the Department shall prepare an environmental statement, that is, a statement containing the information referred to in Annex III to the Directive to the extent that the Department considers—

- (a) that such information is relevant to the specific characteristics of the project and of the environmental features likely to be affected by it; and
- (b) that (having regard in particular to current knowledge and methods of assessment) the information may reasonably be gathered,

including at least—

- (i) a description of the project comprising information on the site, design and size of the project;
- (ii) a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;
- (iii) the data required to identify and assess the main effects which the project is likely to have on the environment;
- (iv) a non-technical summary of the information mentioned in heads (i) to (iii).

(3) Any project for the construction or improvement of a special road which falls within Annex II to the Directive shall be treated as having such characteristics that it should be made subject to an environmental assessment in accordance with the Directive.

(4) Where an environmental statement has been prepared, the Department shall not later than the date of publication of details of the project publish in each of two successive weeks in one or more newspapers circulating in the area in which the project is initiated a notice—

- (a) stating the general effect of the project;
- (b) stating that an environmental statement has been prepared;
- (c) specifying a place in that area where a copy of the environmental statement may be inspected by any person free of charge at all reasonable hours during a period of not less than 30 days from the date of the last publication of the notice; and
- (d) stating that within that period a person may in writing express an opinion on the statement.

(5) The Department shall not later than the date on which the notice referred to in paragraph (4) is last published consult the district council in whose area the project is to be carried out and such other statutory bodies whose interests appear to the Department to be affected by the project.

(6) The Department may direct any such council or body to furnish it at such time and in such manner as it may specify with any relevant information which that council or body possesses.

(7) After considering any opinions which have been expressed in relation to the statement the Department shall cause a local inquiry to be held if it appears to the Department to be necessary to do so.

(8) Where a local inquiry is held any interested person shall be permitted to appear in person or by a representative and to be heard at the inquiry.

(9) Before deciding whether to proceed with the project the Department shall consider—

- (a) the environmental statement;
- (b) any opinions which have been expressed in relation to the statement; and
- (c) where a local inquiry is held, the report of the person who held the inquiry.

(10) The Department shall publish once in one or more newspapers circulating in the area in which the project is initiated a notice—

- (a) stating that the Department has considered the matters set out in paragraph (9);
- (b) stating the Department's decision as to whether or not to proceed with the project; and
- (c) specifying a place in the area where a statement setting out the reasons and considerations on which its decision is based can be inspected by any person free of charge at all reasonable hours within a period of 30 days from the date of publication of the notice.