

STATUTORY RULES OF NORTHERN IRELAND

**2007 No. 421**

The Environmental Impact Assessment  
(Agriculture) Regulations (Northern Ireland) 2007

PART 1

General Provisions

**Title, application and commencement**

1. These Regulations may be cited as the Environmental Impact Assessment (Agriculture) (Northern Ireland) Regulations 2007, and shall come into operation on 5 November 2007.

**Commencement Information**

**II** [Reg. 1](#) in operation at 5.11.2007, see [reg. 1](#)

**Interpretation**

2.—(1) In these Regulations—

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding or keeping, the use of land as grazing land, meadowland, osier land, reed beds, market gardens and nursery grounds;

“additional environmental information” means any additional information required under regulation 13(1);

“Area of Special Scientific Interest” [<sup>F1</sup>means and area so declared by Article 28 of the Environment (Northern Ireland) Order 2002;]

<sup>F2</sup>  
...

“consent” means consent granted under regulation 16(1);

“consultation bodies” means the consultation bodies listed in Schedule 5, and any other public authority, statutory body or other organisation which the Department may consider to have any interest in or holds any information which may be relevant to a project;

“cultivated” means cultivated by physical means (including ploughing and harrowing) or chemical means (including the application of fertilisers);

“the Department” [<sup>F3</sup>means the Department of Agriculture, Environment and Rural Affairs;]

“EEA State” means a member State, Norway, Iceland or Liechtenstein;

<sup>F2</sup>  
...

“environmental statement” [<sup>F4</sup>means an environmental impact assessment report, which should be prepared by a competent expert and—

- (a) include at least the information referred to in Part 1 of Schedule 3;
- (b) is based on any scoping opinion given under regulation 10 in respect of the significant project;
- (c) any additional information which, taking into account current knowledge and methods of assessment, may reasonably be required for reaching a reasoned conclusion on the significant effects of the project on the environment;
- (d) takes into account the results of any relevant UK environmental assessments which are reasonably available to the applicant, and
- (e) states the relevant expertise and qualifications of the competent person.]

[<sup>F5</sup>“EU environmental assessment” means an assessment of the effect of anything on the environment carried out under retained EU law other than any law of any part of the United Kingdom that implemented [Directive 2011/92/EU](#) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment;]

“European site or Area of Special Scientific Interest” [<sup>F6</sup>means a site mentioned in regulation 9 of the Habitat Regulations.]

“the Habitats Directive” means Council Directive [92/43/EEC\(1\)](#) on the conservation of natural habitats and of wild fauna and flora, as last amended by [<sup>F7</sup>as last amended by Council [Directive 2013/17/EU](#);]

“the Habitats Regulations” means the Conservation (Natural Habitats, [<sup>F8</sup>etc]) Regulations (Northern Ireland) 1995(2);

[<sup>F9</sup>“Natura 2000” means Natura 2000 as defined in regulation 2(2) of the Habitats Regulations;]

“project” means—

- (c) the execution of construction works or other installations or schemes; or
- (d) other interventions in the natural surroundings and landscape;

“the relevant land” means the land on which the project is to be (or has been) carried out;

“restructuring project” means a project for the restructuring of rural land holdings;

“screening decision” means a decision made by the Department under regulation 8(1) or a decision deemed to be made by the Department under regulation 8(7);

“screening notice” means a notice served under regulation 6;

“sensitive area” means—

- (e) an area of outstanding natural beauty designated as such by an Order made by the Department of the Environment under the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 ;
- (f) a National Park;
- (g) a scheduled monument within the meaning of section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979(3);
- (h) Special Areas of Conservation;
- (i) Special Protected Areas;
- (j) Areas of Special Scientific Interest;

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(1) O.J. No. L206, 22.7.1992, p. 7.

(2) S.R. 1995 No. 380

(3) 1979 c.46

“significant project” means an uncultivated land project or a restructuring project which the Department has decided under regulation 8 or is deemed to have decided under regulation 8, is likely to have significant effects on the environment;

“uncultivated land” means land which has not been cultivated in the previous 15 years;

“uncultivated land project” means a project to increase the productivity for agriculture of uncultivated land or a semi-natural area, and includes projects to increase the productivity for agriculture of such land to below the norm.

[<sup>F10</sup>“UK environmental assessments” means an assessment carried out in accordance with an obligation under the law of any part of the United Kingdom of the effect of anything on the environment;]

[<sup>F11</sup>“Union legislation” means any enactment in the domestic legislation of Northern Ireland giving effect to retained EU law]

(2) Other expressions used in both these Regulations and in the Environmental Impact Assessment<sup>F12</sup>...[<sup>F13</sup>Habitats Regulations] have the same meanings in these Regulations as they have in the [<sup>F14</sup>Habitats Regulations].

(3) All notifications, applications, notices, representations, requests, approvals and agreements under these Regulations must be made or given in writing.

(4) “Writing” in paragraph (3), except where it applies to notices under regulations 24 and 26, includes an electronic communication within the meaning of the Electronic Communications Act 2000(4), but notifications required to be made by the Department to any person may only be made by an electronic communication if the intended recipient—

- (a) has himself used that form of electronic communication in communicating with the Department under any provision in these Regulations, or
- (b) has otherwise represented that that form of electronic communication is a means by which persons can communicate with him.

[<sup>F15</sup>(5) The Interpretation Act (Northern Ireland) 1954 shall apply to these Regulations as it applies to an Act of the Assembly.]

#### Textual Amendments

- F1** Words in reg. 2(1) substituted (25.9.2017) by [The Environmental Impact Assessment \(Agriculture\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/198\)](#), regs. 1(1), **3(a)** (with reg. 20)
- F2** Words in reg. 2(1) omitted (31.12.2020) by virtue of [The Environmental Impact Assessment \(Amendment\) \(Northern Ireland\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/279\)](#), regs. 1(1), **4(2)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 2(1) substituted (25.9.2017) by [The Environmental Impact Assessment \(Agriculture\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/198\)](#), regs. 1(1), **3(b)** (with reg. 20)
- F4** Words in reg. 2(1) substituted (25.9.2017) by [The Environmental Impact Assessment \(Agriculture\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/198\)](#), regs. 1(1), **3(d)** (with reg. 20)
- F5** Words in reg. 2(1) substituted (31.12.2020) by [The Environmental Impact Assessment \(Amendment\) \(Northern Ireland\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/279\)](#), regs. 1(1), **4(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

- F6** Words in reg. 2(1) substituted (25.9.2017) by The Environmental Impact Assessment (Agriculture) (Amendment No. 2) Regulations (Northern Ireland) 2017 (S.R. 2017/198), regs. 1(1), **3(e)** (with reg. 20)
- F7** Words in reg. 2(1) substituted (25.9.2017) by The Environmental Impact Assessment (Agriculture) (Amendment No. 2) Regulations (Northern Ireland) 2017 (S.R. 2017/198), regs. 1(1), **3(f)** (with reg. 20)
- F8** Word in reg. 2(1) substituted (25.9.2017) by The Environmental Impact Assessment (Agriculture) (Amendment No. 2) Regulations (Northern Ireland) 2017 (S.R. 2017/198), regs. 1(1), **3(g)** (with reg. 20)
- F9** Words in reg. 2(1) inserted (31.12.2020) by The Environmental Impact Assessment (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/279), regs. 1(1), **4(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 2(1) inserted (25.9.2017) by The Environmental Impact Assessment (Agriculture) (Amendment No. 2) Regulations (Northern Ireland) 2017 (S.R. 2017/198), regs. 1(1), **3(i)** (with reg. 20)
- F11** Words in reg. 2(1) inserted (31.12.2020) by The Environmental Impact Assessment (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/279), regs. 1(1), **4(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in reg. 2(2) omitted (31.12.2020) by virtue of The Environmental Impact Assessment (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/279), regs. 1(1), **4(2)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in reg. 2(2) substituted (31.12.2020) by The Environmental Impact Assessment (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/279), regs. 1(1), **4(2)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in reg. 2(2) substituted (31.12.2020) by The Environmental Impact Assessment (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/279), regs. 1(1), **4(2)(e)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Reg. 2(5) added (31.7.2008) by The Environmental Impact Assessment (Agriculture) (Amendment) Regulations (Northern Ireland) 2008 (S.R. 2008/278), regs. 1(1), **3(b)**

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#### Commencement Information

- I2** Reg. 2 in operation at 5.11.2007, see **reg. 1**

#### Extent of Regulations

**3.—(1)** These Regulations apply to any restructuring project or uncultivated land project, unless it is exempt under paragraph (2) or (3).

(2) A restructuring project or an uncultivated land project is exempt if it—

- (a) constitutes development to which the [<sup>F16</sup>Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017] apply;
- (b) is directed by the Department to be exempt from regulations 4 to 34 of these Regulations, [<sup>F17</sup>where the application of these Regulations would adversely affect the purpose of the project, but the objectives of these Regulations are still met];
- (c) constitutes the carrying out of improvement works by a drainage body within the meaning of [<sup>F18</sup>The Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2017;]
- (d) is a project mentioned in regulation 3(2) of the [<sup>F19</sup>Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006;]
- (e) constitutes a relevant project under regulation 3(2) of the [<sup>F20</sup>The Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2017;]

(f) constitutes the restoration of a field boundary under regulation 3(2)(a) of the Countryside Management Regulations (Northern Ireland) 2005<sup>(5)</sup>, and Article 4(3) of the Environmentally Sensitive Areas Designation Order (Northern Ireland) 2005<sup>(6)</sup>;

(3) In the case of a project which the Department decides is likely to have a significant effect on a European site or Area of Special Scientific Interest (either alone or in combination with other projects), the power to direct that the project is exempt under [<sup>F21</sup>paragraph (2)(b)] is only exercisable to the extent that compliance with the Habitats Directive is secured in relation to the project.

(4) Where the Department proposes to give a direction under [<sup>F22</sup>paragraph (2)(b)], it shall—

- (a) consider whether any other kind of assessment of the project would be appropriate; and
- (b) take such steps as the Department considers appropriate to bring to the attention of the public—
  - (i) the information considered in making the direction and the reasons for doing so, and
  - (ii) the information obtained from any assessment of the project under sub-paragraph (a).

#### Textual Amendments

- F16** Words in reg. 3(2)(a) substituted (25.9.2017) by The Environmental Impact Assessment (Agriculture) (Amendment No. 2) Regulations (Northern Ireland) 2017 (S.R. 2017/198), regs. 1(1), **4(1)(a)** (with reg. 20)
- F17** Words in reg. 3(2)(b) substituted (31.12.2020) by The Environmental Impact Assessment (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/279), regs. 1(1), **4(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in reg. 3(2)(c) substituted (25.9.2017) by The Environmental Impact Assessment (Agriculture) (Amendment No. 2) Regulations (Northern Ireland) 2017 (S.R. 2017/198), regs. 1(1), **4(1)(c)** (with reg. 20)
- F19** Words in reg. 3(2)(d) substituted (25.9.2017) by The Environmental Impact Assessment (Agriculture) (Amendment No. 2) Regulations (Northern Ireland) 2017 (S.R. 2017/198), regs. 1(1), **4(1)(d)** (with reg. 20)
- F20** Words in reg. 3(2)(e) substituted (25.9.2017) by The Environmental Impact Assessment (Agriculture) (Amendment No. 2) Regulations (Northern Ireland) 2017 (S.R. 2017/198), regs. 1(1), **4(1)(e)** (with reg. 20)
- F21** Words in reg. 3(3) substituted (25.9.2017) by The Environmental Impact Assessment (Agriculture) (Amendment No. 2) Regulations (Northern Ireland) 2017 (S.R. 2017/198), regs. 1(1), **4(1)(f)** (with reg. 20)
- F22** Words in reg. 3(4) substituted (25.9.2017) by The Environmental Impact Assessment (Agriculture) (Amendment No. 2) Regulations (Northern Ireland) 2017 (S.R. 2017/198), regs. 1(1), **4(1)(g)** (with reg. 20)

#### Commencement Information

- I3** Reg. 3 in operation at 5.11.2007, see reg. 1

(5) S.R. 2005 No. 268

(6) S.R. 2005 No. 276

**Changes to legislation:**

There are currently no known outstanding effects for the The Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2007, PART 1.