

SCHEDULE 5

Regulation 7

Projects and works in Scotland and Northern Ireland: national defence exemptions

PART 1

Projects and works in Northern Ireland

Roads (Northern Ireland) Order 1993: national defence exemption

1.—(1) The Secretary of State may direct that Part 5 of the Roads (Northern Ireland) Order 1993 (environmental impact assessment) does not apply in relation to a road project specified in the direction if satisfied—

- (a) the project has national defence as its sole purpose, and
- (b) that carrying out an environmental impact assessment would have an adverse effect on the fulfilment of that purpose.

(2) In this Schedule—

- (a) “road project” means a project for constructing or improving a road which the Department for Infrastructure in Northern Ireland is considering;
- (b) “environmental impact assessment” has the meaning given in Article 67 of the Roads (Northern Ireland) Order 1993.

(3) The Secretary of State must send a copy of any direction given under sub-paragraph (1) to the Department for Infrastructure in Northern Ireland.

Harbour Works (Environmental Impact Assessment) Regulations (Northern Ireland) 2003: national defence exemption

2.—(1) The Secretary of State may direct that the 2003 Regulations do not apply to the Northern Ireland harbour works specified in the direction if satisfied—

- (a) the works have national defence as their sole purpose, and
- (b) the application of the 2003 Regulations to the works would have an adverse effect on the fulfilment of that purpose.

(2) The Secretary of State must, as soon as reasonably practicable after giving a direction under sub-paragraph (1), send a copy of the direction to the Department for Infrastructure in Northern Ireland.

(3) In this paragraph—

“the 2003 Regulations” means Harbour Works (Environmental Impact Assessment) Regulations (Northern Ireland) 2003;

“Northern Ireland harbour works” means proposed harbour works to which the 2003 Regulations apply (see regulation 3 of those Regulations).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART 2

Works in Scotland

Transport and Works (Scotland) Act 2007 and the Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007: national defence exemption

3.—(1) The Secretary of State may direct, in respect of the proposed works specified in the direction, that—

- (a) sections 11(8) and 12(4) of the Transport and Works (Scotland) Act 2007 do not apply;
- (b) rule 14 of the Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007 does not apply;
- (c) any application in connection with those works is to be treated as if it were not an EIA application.

(2) The Secretary of State may give a direction under sub-paragraph (1) only if satisfied that—

- (a) the sole purpose of the proposed works is national defence, and
- (b) compliance with the requirement for an environmental impact assessment would have an adverse effect on the fulfilment of that purpose.

(3) The Secretary of State must send a copy of any direction given under sub-paragraph (1) to the Scottish Ministers.