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STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 87**

**The Roads (Environmental Impact Assessment)  
Regulations (Northern Ireland) 2017**

**Amendment of Article 67A (procedure)**

- 4.—(1) Article 67A is amended in accordance with paragraphs (2) to (13).
- (2) Omit paragraph (1).
- (3) For paragraph (3) substitute—
- “(3) Where, in relation to a proposed project, the Department has prepared an EIA report, it shall publish, in accordance with paragraph (9), notice of the report so as to ensure that the public concerned and the consultation bodies are given a reasonable opportunity to express their opinion before the Department decides whether to proceed with the project.”.
- (4) In paragraph (3A)—
- (a) in sub-paragraph (a) for “implementing” substitute “proceeding with”;
- (b) in sub-paragraphs (d), (e), (f), and (g) for “environmental statement”, wherever it occurs, substitute “EIA report”;
- (c) for sub-paragraph (h) substitute—
- “(h) that a copy of the EIA report and a non-technical summary of the report may be inspected on a website used by the Department for the purpose of giving information to the public about the project during the period specified under sub-paragraph (i), and the address of the website;”.
- (d) after sub-paragraph (h) insert—
- “(ha) an indication of the availability of other information gathered in the development of the EIA report;”.
- (e) in sub-paragraph (i), for “environmental statement” substitute “EIA report”.
- (5) In paragraph (3B)—
- (a) in sub-paragraph (a)—
- (i) for “environmental statement” substitute “EIA report and supplementary information, as referred to in Article 67(7), used in reaching the decision”;
- (ii) for “specified in” substitute “specified under”;
- (b) in sub-paragraph (b)—
- (i) for “environmental statement” substitute “EIA report”;
- (ii) for “specified in” substitute “specified under”;
- (c) for sub-paragraph (c) substitute—
- “(c) a copy of the EIA report and a non-technical summary of the report are available for inspection by members of the public on the website referred to in paragraph (3A)(h).”.
- (6) In paragraph (3C) for “environmental statement” substitute “EIA report”.

- (7) In paragraph (4) for “environmental statement” substitute “EIA report”.
- (8) In paragraph (5) for “statement” substitute “EIA report”.
- (9) After paragraph (6) insert—
  - “(6A) Having considered the report of the person who held the inquiry, the Department will publish the report on its website.”.
- (10) For paragraph (7) substitute—
  - “(7) When deciding whether to proceed with a project the Department must—
    - (a) examine the environmental information;
    - (b) where a local inquiry is held under paragraph (5) consider the report of the person who held the inquiry;
    - (c) reach a reasoned conclusion on the significant effects of the project on the environment, taking into account the results of the examination referred to in subparagraph (a) and, where appropriate, its own supplementary examination;
    - (d) integrate that reasoned conclusion into the decision as to whether to proceed with the project; and
    - (e) if the decision is to proceed with the project, consider whether it is appropriate to implement monitoring measures.
  - (7A) The reasoned conclusion referred to in paragraph (7) must be up to date at the time that the decision as to whether to proceed with the project is taken.
  - (7B) The decision of the Department must—
    - (a) if the decision is to proceed with the project, incorporate—
      - (i) the reasoned conclusion referred to in paragraph (7)(c);
      - (ii) any conditions to which the decision is subject which relate to the likely significant effects of the project on the environment;
      - (iii) a description of any features of the project and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment; and
      - (iv) any monitoring measures considered appropriate by the Department; or
    - (b) if the decision is not to proceed with the project, state the main reasons for this decision.
  - (7C) When considering whether to implement a monitoring measure under paragraph (7)(e), the Department must—
    - (a) ensure that the type of parameters to be monitored and the duration of the monitoring are proportionate to the nature, locations and size of the proposed project and the significance of its effects on the environment;
    - (b) in order to avoid duplication of monitoring, consider whether monitoring arrangements required under Union legislation (other than legislation implementing the requirements of the Directive) or other legislation applicable in Northern Ireland are more appropriate than implementing a monitoring measure; and
    - (c) if monitoring is considered appropriate, consider whether provision should be made for potential remedial action.
  - (7D) Where mitigation measures or monitoring measures are required, the Department must take steps to ensure that those measures are implemented.”.
- (11) For paragraph (8) substitute—

“(8) When the Department has decided whether or not to proceed with a project which has been subject to an environmental impact assessment, it must promptly—

- (a) inform the consultation bodies of the decision in writing;
- (b) inform the public of the decision in accordance with paragraph (9); and
- (c) make available for public inspection at an address in the area in which the project is proposed to be situated the following—
  - (i) information regarding the right under Article 67BA(1) to challenge the validity of the decision and the procedure for doing so;
  - (ii) the content of the decision, including the reasoned conclusion referred to in paragraph (7)(c), and any conditions attached to it or monitoring measures as referred to in paragraph (7B);
  - (iii) a statement containing the main reasons and considerations on which the decision is based, including information about the participation of the public; and
  - (iv) a summary of the results of the consultations carried out under this Article and, where relevant, Article 67B, and information gathered in respect of the project, and how those results (in particular comments received from an EEA State pursuant to consultation under Article 67B) have been incorporated or otherwise addressed.”.

(12) In paragraph (9) for sub-paragraph (c) substitute—

“(c) on a website used by the Department.”.

(13) For paragraph (10) substitute—

“(10) In this Article—

“the consultation bodies” means—

- (a) any district council for the area in which the proposed project is situated; and
- (b) any other bodies likely to be concerned by the proposed project by reason of their specific environmental responsibilities or local and regional competences;

“monitoring measure” means provision requiring the monitoring of any significant adverse effects on the environment of a project.”.