

# **ROADS (AMENDMENT) (NORTHERN IRELAND) ORDER 2004**

**S.I. 2004 No. 3079 (N.I. 20)**

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## **EXPLANATORY MEMORANDUM**

### **INTRODUCTION**

1. The Roads (Amendment) (Northern Ireland) Order 2004 (“the Order”) was made on 17th November 2004.
2. This Explanatory Memorandum has been prepared by the Department for Regional Development (“the Department”) in order to assist the reader in understanding the Order. It does not form part of the Order.

### **BACKGROUND AND POLICY OBJECTIVES**

3. Under Article 133 of the Roads (NI) Order 1993 the Department may be required to hold up to three public enquiries into the Environmental Impact Assessment (EIA) Direction Order/Designation Order (DO) and Vesting Order aspects of any particular road scheme proposal. While the Article does allow for the EIA and DO or DO and VO procedures to be taken concurrently this has not obviated the need for three separate enquiries to be held.
4. In England and Wales these procedures are contained in the Highways Act 1980 however under the provisions of this legislation Roads Service’s counterparts, the Highways Agency, may take all three strands of the procedures concurrently within a single enquiry process.
5. There are clear benefits in following the procedures used in England and Wales in terms of the time taken to progress schemes through the statutory procedures together with a reduction in administrative costs for both the Department and objectors. Consequently the Department intends to amend the current legislation accordingly.
6. The Department, in common with its counterparts in all member states, is required under EC directive to assess the environmental impact of any relevant road proposal, publish such assessment, give cognisance to any representations made in connection with the proposal and publish its decision before proceeding with any other aspect of the statutory procedures. The Department will ensure, by administrative means that this requirement is adhered to.

### **CONSULTATION**

7. Consultation took place over a 12 week period between 9 February and 30 April 2003. Some 180 individual groups were circulated and 19 responses were received. Of these 18 either supported the proposals or simply acknowledged receipt of the paper. One Negative response, which centred around public awareness, was received. The Department will address this concern administratively by expanding its advertising in respect of all major roads proposals to include the 3 Northern Ireland daily newspapers where they are not already included.

*This Explanatory Memorandum refers to the Roads  
(Amendment) (Northern Ireland) Order 2004No. 3079 (N.I. 20)*

**MAIN ELEMENTS OF THE ORDER**

8. The Order contains one Article.

**COMMENTARY ON ARTICLES**

9. **Article 133A** replaces paragraphs (2) and (3) of Article 133 (proceedings which may be taken concurrently with proceedings under Schedule 8) with a provision entitled “Concurrent Proceedings under this Order”. This allows for all of the proceedings connected with a proposed road scheme to be taken concurrently (as far as is practicable).

**COMMENCEMENT**

10. The Order comes into operation on the expiration of two months from the day on which it is made.