

SCHEDULE 2

Regulations 3(3), 7(3) and 7(6)

Thresholds for identification of projects likely to have significant effects on the environment

Interpretation

1. For the purposes of this Schedule—

“sensitive areas” means—

- (a) land to which Article 14(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (1)(in this paragraph the 1985 Order) applies (areas of outstanding natural beauty);
- (b) land notified under Article 28 of the Environment (Northern Ireland) Order 2002 (2)(areas of special scientific interest);
- (c) a national park within the meaning of the 1985 Order;
- (d) a nature reserve within the meaning of the 1985 Order;
- (e) a property appearing on the World Heritage List kept under Article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage(3);
- (f) a scheduled historic monument within the meaning of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995(4);
- (g) a European site within the meaning of regulation 9 of the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995(5);

“specified threshold” means any threshold specified in hectares in Column 2 or 3 of the Table in paragraph 2.

Thresholds

2. Subject to paragraph 3, for the purposes of regulation 3(3), the threshold for any project of a type specified in an entry in Column 1 in the Table is the area (if any) specified in the corresponding entry in Column 2 or 3 of the Table, whichever is appropriate to the land covered, or proposed to be covered, by that project.

Table 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Type of Project	Threshold where any part of the land is in a sensitive area	Threshold where no part of the land is in a sensitive area
Afforestation	2 hectares where the sensitive area is a national park or an area of outstanding natural beauty. No threshold in the case of other sensitive areas.	5 hectares
Deforestation	0.5 hectares where the sensitive area is a national park or an area of outstanding natural beauty. No threshold in the case of other sensitive areas	1 hectare

- (1) [S.I. 1985/170 \(N.I. 1\)](#)
- (2) [S.I. 2002/3153 \(N.I. 7\)](#)
- (3) *See* Command Paper 9424
- (4) [S.I. 1995/1625 \(N.I. 9\)](#)
- (5) [S.R. 1995/380](#) as amended by [S.R. 2004/435](#)

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Forest Road Works	No threshold	1 hectare
Forest Works	Quarry No threshold	1 hectare

Thresholds for extending projects

- 3.—(1) Where the project under consideration is an extending project—
- (a) the threshold specified in the Table in paragraph 2 shall not apply; and
 - (b) the threshold applicable for that project for the purposes of regulation 3(3) shall be instead such balance (if any), in hectares, of the area specified in Column 2 or, as the case may be, Column 3 in that Table opposite the entry in Column 1 for that type of project as remains after deduction of the accumulated material past project area.
- (2) For the purposes of sub-paragraph (1)(b), it is immaterial whether any part of the accumulated material past project area is, or is not, in a sensitive area (or any kind of sensitive area).
- (3) In this paragraph —
- “extending project” means any project covering, or proposed to cover, land adjoining the area of one or more material past projects;
 - “material past project”, in relation to a particular extending project, means a project which —
 - (a) is of the same type (as specified in regulation 3(2)) as that extending project; and
 - (b) was completed after the coming into operation of these Regulations; and
 - (c) was completed not more than five years before the proposed date for starting the work relating to that extending project;
 - “accumulated material past project area”, in relation to a particular extending project, means the total area covered by —
 - (d) the material past project or, if more than one, all of them; and
 - (e) every other project —
 - (i) whose area adjoins the material past project, or one of them; and
 - (ii) which satisfies conditions (a) to (c) in the definition of “material past project”.

Consideration of thresholds in other cases where a project adjoins or is near another project

- 4.—(1) The facts —
- (a) that a project is or would be adjoining or, in the opinion of the Department, near another project of any type specified in regulation 3(2); and
 - (b) that, for any reason, the case in question does not fall within paragraph 3,
- may be regarded by the Department as rendering the circumstances of that project exceptional for the purposes of regulation 7(3).
- (2) This paragraph—
- (a) shall not affect the application of those regulations in a case which does fall within paragraph 3; and
 - (b) shall not be interpreted as limiting the generality of the references in those regulations to circumstances which are, in the opinion of the Department, exceptional.

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