

SCHEDULE 1

Thresholds

Commencement Information

II Sch. 1 in operation at 5.11.2007, see reg. 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Uncultivated land project	2 hectares	2 hectares
Restructuring project involving the addition or removal of any field boundary (including any wall, fence, bank, ditch or watercourse)	4 kilometres	2 kilometres
Restructuring project which involves an area of land	100 hectares	50 hectares

[^{F1}SCHEDULE 2

Regulations 6 and 8

Selection criteria for a screening notice or a screening decision

Textual Amendments

F1 Sch. 2 substituted (25.9.2017) by The Environmental Impact Assessment (Agriculture) (Amendment No. 2) Regulations (Northern Ireland) 2017 (S.R. 2017/198), reg. 1(1), Sch. 1 (with reg. 20)

Characteristics of projects

1. The characteristics of project must be considered, with particular regard:—
 - (a) the size and design of the whole project;
 - (b) cumulation with other existing and/or approved project;
 - (c) the use of natural resources, in particular land, soil, water and biodiversity;
 - (d) the production of waste;
 - (e) pollution and nuisances;
 - (f) the risk of major accidents and/or disasters which are relevant to the project concerned including those caused by climate change, in accordance with scientific knowledge;
 - (g) the risks to human health (for example due to water contamination or air pollution).

Location of projects

2. The environmental sensitivity of geographical areas likely to be affected by projects must be considered, with particular regard to:—
 - (a) the existing and approved land use;
 - (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water, and biodiversity) in the area and its underground;

Changes to legislation: There are currently no known outstanding effects for the The Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2007. (See end of Document for details)

- (c) the absorption capacity of the natural environment, paying particular attention to the following areas:—
- (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) areas classified or protected under legislation (“including European sites or Areas of Special Scientific Interest” or “Natura 2000 areas ^{F2}...”);
 - (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
 - (vii) densely populated areas;
 - (viii) landscapes and sites of historical, cultural or archaeological significance.

Textual Amendments

F2 Words in Sch. 2 para. 2(c)(v) 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(9)**; 2020 c. 1, Sch. 5 para. 1(1)

Type and characteristics of the potential impact

3. The likely significant effects of projects on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 of this schedule, with regard to the impact of the project on the factors specified in regulation 9(3), taking into account:—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing and/or approved projects;
- (h) the possibility of effectively reducing the impact.]

[^{F3}SCHEDULE 2A

Regulation 7

Information to be provided for a Screening decision

Textual Amendments

F3 Sch. 2A inserted (25.9.2017) by The Environmental Impact Assessment (Agriculture) (Amendment No. 2) Regulations (Northern Ireland) 2017 (S.R. 2017/198), reg. 1(1), **Sch. 2** (with reg. 20)

1. A plan sufficient to identify the relevant land.
2. A description of the project, including in particular a description of—
 - (a) the physical characteristics of the whole project and, where relevant, of demolition works;
 - (b) the location of the project, with particular regard to the environmental sensitivity of geographical areas likely to be affected.
3. A description of the aspects of the environment likely to be significantly affected by the project.
4. A description of any features of the proposed project or measures to avoid or prevent any likely significant adverse effects on the environment.
5. A description under paragraph 2 must include a description of any likely significant effects, of the project on the environment resulting from—
 - (a) the expected residues and emissions and the production of waste, where relevant, and
 - (b) the use of natural resources, in particular soil, land, water and biodiversity.
6. When compiling the information in accordance with paragraphs 1 to 4, the applicant must take into account—
 - (a) the criteria of Schedule 2 which are relevant to the project, and
 - (b) the results of any relevant EU environmental assessments which are reasonably available to the applicant.]

[^{F4}SCHEDULE 3

Regulations 2(1) and 9A

Information for inclusion in the Environmental Statements

Textual Amendments

- F4** Sch. 3 substituted (25.9.2017) by [The Environmental Impact Assessment \(Agriculture\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/198\)](#), reg. 1(1), **Sch. 3** (with reg. 20)

PART 1

1. The information to be provided shall include at least:—
 - (a) a description of the project comprising information on the site, design, size and other relevant features of the project;
 - (b) a description of the likely significant effects of the project on the environment;
 - (c) a description of the features of the project and/or measures envisaged in order to avoid, prevent or reduce and, if possible offset likely significant adverse effects on the environment;
 - (d) a description of the reasonable alternative studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;
 - (e) a non-technical summary of the information referred to in sub-paragraphs (a) to (d); and

- (f) any additional information specified in Part 2 of this Schedule relevant to the specific characteristics of a particular project or type of project and to the environmental features likely to be effected.

PART 2

1. Description of the project, including in particular:—
 - (a) a description of the location of the project;
 - (b) a description of the physical characteristics of the whole project including, where relevant, requisite demolition works and the land-use requirements during the construction and operational phases;
 - (c) a description of the main characteristics of the operational phase of the project (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
 - (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operation phases.
2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.
3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the project as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.
4. A description of the factors specified in regulation 9(3) likely to be significantly affected by the project: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, scaling), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscapes.
5. A description of the likely significant effects of the project on the environment resulting from, including:—
 - (a) the construction and existence of the project, including, where relevant, demolition works;
 - (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
 - (c) the emission of pollutants, noise, vibration, light heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
 - (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
 - (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
 - (f) the impact of the project on climate (for example the nature and magnitude of green house gas emissions) and the vulnerability of the project to climate change;

(g) the technologies and the substances used.

The description of the likely significant effects on the factors specified in regulation 9(3) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project. This description should take into account the environmental protection objectives established [^{F5}in Union legislation or under other national legislation] which are relevant to the project.

Textual Amendments

F5 Words in Sch. 3 para. 5 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(10)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.

8. A description of the expected significant adverse effects of the project on the environment deriving from the vulnerability of the project to risks of major accidents and/or disasters which are relevant to the project concerned. [^{F6}Relevant information available and obtained through risk assessments pursuant to Union legislation or UK environmental assessments may be used for this purpose provided that the requirements of any law 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 are met.] Where appropriate this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

Textual Amendments

F6 Words in Sch. 3 para. 8 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(10)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

9. A non-technical summary of the information provided under paragraphs 1 to 8.

10. A reference list detailing the sources used for the descriptions and assessments included in the report.]

SCHEDULE 4

Review of decisions and consents

1. As soon as is reasonably practicable the Department must, for the purpose of determining whether the project permitted by the decision or consent will adversely affect the integrity of the

site, make an appropriate assessment of the implications of the project for the European site or Area of Special Scientific Interest in view of the site's conservation objectives.

Commencement Information

I2 Sch. 4 para. 1 in operation at 5.11.2007, see [reg. 1](#)

2. For the purposes of the assessment, the Department may —
 - (a) require any person interested in the relevant land to supply it with such information as it reasonably thinks necessary; and
 - (b) if it considers it necessary, consult members of the public.

Commencement Information

I3 Sch. 4 para. 2 in operation at 5.11.2007, see [reg. 1](#)

3. Unless, following the assessment, the Department is satisfied that the project permitted by the decision or consent will not adversely affect the integrity of the European site or Area of Special Scientific Interest, and regulation 17(4) does not apply, The Department shall—
 - (a) in the case of a decision, revoke the decision; and
 - (b) in the case of a consent, either—
 - (i) revoke the consent; or
 - (ii) make such modifications to the consent as appear to it to be necessary to ensure that the project will not adversely affect the integrity of the European site or Area of Special Scientific Interest,

and the Department must notify all persons who appear to it to have an interest in the relevant land of its decision (its “further decision”).

Commencement Information

I4 Sch. 4 para. 3 in operation at 5.11.2007, see [reg. 1](#)

4. Subject to paragraph 5, a further decision does not affect any works that have already been carried out in relation to a decision or consent.

Commencement Information

I5 Sch. 4 para. 4 in operation at 5.11.2007, see [reg. 1](#)

- 5.—(1) If—
 - (a) a project which is subject to a further decision has commenced; and
 - (b) it appears to the Department to be necessary to safeguard the integrity of the European site or Area of Special Scientific Interest,

the Department may by notice require the person responsible for carrying out such works, or the owner/occupier of the relevant land, to carry out such works of reinstatement as may be reasonable in the circumstances,

- (2) A notice under paragraph (1) must state the period during which the works must be carried out.

(3) Any person who carries out such reinstatement works is entitled, on making a claim in accordance with paragraph 8, to recover from the Department compensation in respect of any expenses reasonably incurred by him in carrying out those works.

Commencement Information

I6 Sch. 4 para. 5 in operation at 5.11.2007, see [reg. 1](#)

6.—(1) Regulation 28 applies to a further decision made under paragraph 3.

(2) Regulation 27 applies to a notice served under paragraph 5.

Commencement Information

I7 Sch. 4 para. 6 in operation at 5.11.2007, see [reg. 1](#)

7. If, following a further decision, a person has incurred expenditure in carrying out work which is rendered abortive by the further decision or has otherwise sustained loss of damage which is directly attributable to the further decision, he is entitled to be paid compensation on submitting a claim in accordance with paragraph 8.

Commencement Information

I8 Sch. 4 para. 7 in operation at 5.11.2007, see [reg. 1](#)

8. A claim for compensation payable under paragraph 5(3) or 7 must be submitted to the Department within 6 weeks of the notification of the further decision and must be accompanied by such evidence as the Department may reasonably require.

Commencement Information

I9 Sch. 4 para. 8 in operation at 5.11.2007, see [reg. 1](#)

9. Any dispute as to the amount of compensation payable under paragraph 5(3) or 7 may be referred to the Lands Tribunal within 6 years of the date of notification of the further decision in respect of which compensation is payable.

Commencement Information

I10 Sch. 4 para. 9 in operation at 5.11.2007, see [reg. 1](#)

10. Nothing in this Schedule affects anything done in pursuance of a decision or consent before the date the site became a European site or Area of Special Scientific Interest.

Commencement Information

I11 Sch. 4 para. 10 in operation at 5.11.2007, see [reg. 1](#)

SCHEDULE 5

Consultation Bodies

Commencement Information

I12 Sch. 5 in operation at 5.11.2007, see **reg. 1**

Agri-Food and Biosciences Institute
Causeway Coast and Glens Heritage Trust
Council for Nature, Conservation and the Countryside
Countryside Access Activities Network
Department of Agriculture and Food (Republic of Ireland)
F7 ...
Department for the Environment, Food and Rural Affairs
[^{F8}Department for Communities]
Farming and Wildlife Advisory Group
Forest Service
Mourne Heritage Trust
National Trust
Northern Ireland Agricultural Producers' Association
Northern Ireland Biodiversity Group
Northern Ireland Environment Link
Rivers Agency
Royal Society for the Protection of Birds
Scottish Executive Environment and Rural Affairs Department
Ulster Farmers' Union
Ulster Wildlife Trust
Welsh Assembly
World Wildlife Fund Northern Ireland

Textual Amendments

- F7** Words in Sch. 5 omitted (25.9.2017) by virtue of [The Environmental Impact Assessment \(Agriculture\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/198\)](#), regs. 1(1), **18(2)** (with reg. 20)
- F8** Words in Sch. 5 substituted (25.9.2017) by [The Environmental Impact Assessment \(Agriculture\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/198\)](#), regs. 1(1), **18(1)** (with reg. 20)

Changes to legislation:

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