

The Environmental Impact Assessment (Agriculture) (Amendment) Regulations (Northern Ireland) 2017

Transposition Note for Directive 2014/52/EU, amending Directive 2011/92/EU, on the assessment of the effects of certain public and private projects on the environment.

1. This transposition note sets out how Directive 2014/52/EU (2014 Directive), amending Directive 2011/92/EU (the EIA Directive) on the assessment of the effects of certain public and private projects on the environment, is transposed in respect of certain agricultural projects.
2. The following table outlines how the main elements of the 2014 Directive are transposed within the Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2007 (2007 Regulations), as amended.

EIA Directive Article	Objective	Implementation within the EIA Regulations 2017
1(2)(g)	Definition of “environmental impact assessment”	Regulation 9A(1)
2(3)	Joint or co-ordinated procedures to apply where projects are assessed under the EIA Directive and Directive 92/43/EEC on Habitats or Directive 2009/147/EC on Wild Birds.	Regulation 17(7) (Co-ordinated procedure)
2(4)	Exemption in exceptional circumstances	Regulation 3(2)(b)
3	Statement of factors which must be considered during EIA.	Regulation 9A(2) to (4)
4(3)	Setting Thresholds or criteria to determine when an EIA or Screening is not required.	Regulations 4 and 5
4(4) first and second sentence	Developer provides information specified in Annex IIA for an initial screening decision of whether a project is likely to have significant effects on the environment.	Schedule 2A paragraphs 2, 3 and 5
4(4) third sentence	Developer must take other assessments into account in preparing information for a screening decision.	Schedule 2A paragraph 6(b)
4(4) fourth sentence	Developer may also provide a description of features envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.	Schedule 2A paragraph 4
4(5) first sentence	Screening decision of competent authority.	Regulation 8(1) and (1A)
4(5) second sentence	Screening decision to be made public.	Regulation 8(4)(b)
4(6)	Screening decision must be made within 90 days.	Regulation 8(5) and (5A)
5(1) first sentence	Developer must prepare and submit an EIA report.	Regulation 12(1)

5(1) second sentence including (a) to (f)	EIA report must include certain information.	Regulation 2(1) definition of “environmental statement” paragraph (a) and Schedule 3 Part 1
5(1) third sentence	Environmental statement must be based on a scoping opinion by the Department regarding the contents of the report.	Regulation 2(1) definition of “environmental statement” paragraph (b) and (c)
5(1) fourth sentence	Developer to take into account other relevant assessments in preparing the statement.	Regulation 2(1) definition of “environmental statement” paragraph (d)
5(2)	Facility for scoping opinion by the Department.	Regulation 10
5(3)(a)	Developer must ensure environmental statement prepared by competent experts.	Regulation 2(1) definition of “environmental statement” opening sentence and paragraph (e)
5(3)(b)	Authority must ensure it has sufficient expertise to consider environmental impact assessment report.	Regulation 15A(1) words in brackets in opening words
5(3)(c)	Facility for supplementary information to be provided which is relevant to the Department’s conclusion about environmental impact.	Regulation 13
6(1)	Departments with specific environmental responsibilities are to be consulted.	Regulation 2(1) definition of “consultation bodies” and regulations 12(4)(a) and 13(2)(b)
6(2) and (5)	Informing the public electronically of requests for consent and of availability of environmental impact reports.	Regulations 12(5) and 13(3)
6(6) and (7)	Timeframe for consulting the public on an environmental impact assessment report must not be less than 30 days.	Regulations 11(20)(b), 12(4)(b), 13(2)(b) and 16(3)(b)
7(3)(a)	Where another member state’s environment is affected, information must be sent to authorities in that member state.	Regulation 14(5)(a)
8a(1)	Decision to grant consent must incorporate the reasoned conclusion, any environmental conditions and, where appropriate, monitoring measures.	Regulation 16(1)(a) and (b)

8a(2)	Any decision to refuse consent must detail reasons.	Regulation 16(1)(a)
8a(4)	Member State must ensure environmental conditions are implemented by a developer and determine procedures regarding monitoring significant adverse effects.	Regulation 18(1)
8a(5)	Decision whether to grant consent must be made within a reasonable time.	Regulation 16(5)
8a(6)	Authority's conclusion on environmental impact must be up to date when deciding whether to grant consent.	Regulation 16(3)
9(1)	Informing the public.	Regulation 19(b)
9a	Authority must be objective and not in a situation which gives rise to a conflict of interests.	Within normal DAERA procedures
10a	Member State must set out penalties for infringements.	Regulations 21 to 29
Annex IIA	Information to be provided by developer on projects listed in Annex II for screening decision.	Schedule 2A paragraphs 2, 3, 5 and 6(a)
Annex III	Criteria to determine whether projects listed in Annex II should be subject to environmental impact assessment.	Schedule 2
Annex IV	Information for the EIA report.	Schedule 3 Part 2