

EXPLANATORY MEMORANDUM TO

The Offshore Electricity Development (Environmental Impact Assessment) (Revocation) Regulations (Northern Ireland) 2018

2018 No. 5

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for the Economy to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations revoke the Offshore Electricity Development (Environmental Impact Assessment) Regulations (Northern Ireland) 2008 (“2008 Regulations”).

3. Background

- 3.1. The 2008 Regulations impose procedural requirements in connection with the consideration of applications for consents under Article 39 or 40 of the Electricity (Northern Ireland) Order 1992 (“the 1992 Order”) (together referred to as relevant consents) insofar as they relate to offshore developments to ensure that those developments have environmental statements either where they are described in Schedule 1, or are described in Schedule 2 and are likely to have a significant effect on the environment by virtue of factors such as their nature, size and location.
- 3.2. The 2008 Regulations are concerned with the implementation in Northern Ireland of Council Directive 2011/92/EEC as amended by Council Directive 2014/52/EC of the European parliament and the Council on the assessment of the effects of certain public and private developments on the environment (“the Directive”).
- 3.3. The Directive is implemented in relation to relevant consents, insofar as they relate to offshore developments, by the Marine Works (Environmental Impact Assessment) Regulations 2007, as amended by the Marine Works (Environmental Impact Assessment) (amendment) Regulations 2011 which extended the regulated activity covered by those Regulations to include activities requiring the relevant consents in question. The 2008 Regulations are therefore no longer necessary to implement the Directive in relation to such activities.

4. Consultation

- 4.1. No consultation was undertaken on these Regulations on the basis that: -
 - (i) their removal is addressing an unnecessary duplication;
 - (ii) there would be no prejudicial impact on current projects in the

consenting pipeline; and,

(iii) there would be no breach in expectations.

5. Equality Impact

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on these legislative proposals and has concluded that the proposals do not have significant implications for equality of opportunity. In light of this, the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1. These Regulations do not require a Regulatory Impact Assessment as they do not impose a cost on business, charities or voluntary bodies.

7. Financial Implications

7.1. Not applicable

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Regulation: -

(a) is not incompatible with any of the Convention rights;

(b) is not incompatible with Community law;

(c) does not discriminate against a person or class of person on the ground of religious belief or political opinion; and

(d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1. A transposition note is not required in this instance since the Regulations are removing duplicatory legislation based on an EU Directive rather than transposing a Directive.

10. Parity or Replicatory Measure

10.1. Not applicable

11. Additional Information

11.1. Not applicable