
STATUTORY INSTRUMENTS

2019 No. 377

**The Roads (Environmental Impact Assessment)
(Amendment) (Northern Ireland) (EU Exit) Regulations 2019**

Amendment of the Roads (Northern Ireland) Order 1993

2.—(1) Part V of the Roads (Northern Ireland) Order 1993(1) is amended as follows.

(2) In Article 67(2) (environmental impact assessment)—

(a) in paragraph (1)—

(i) for the definition of “EEA State” substitute—

““EEA State” has the meaning given in Schedule 1 to the Interpretation Act 1978(3);”;

(ii) after the definition of “environmental information” insert—

““the Habitats Directive” means Council Directive 92/43/EEC(4) on the conservation of natural habitats and of wild fauna and flora, as last amended by Council Directive 2013/17/EU;”;

(iii) omit the definition of “Union legislation”;

(b) after paragraph (2) insert—

“(2A) For the purposes of this Part, Annex III and Annex IV are to be read with the following modifications—

(a) in Annex III—

(i) in point 2(c)(v), for the words from “Natura 2000” to the end, there were substituted “areas forming part of Natura 2000 (as defined in regulation 2(2) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995(5));

(ii) in point 2(c)(vi), the reference to Union legislation were a reference to retained EU law;

(b) in Annex IV—

(i) in point 4, the reference to Article 3(1) were a reference to Article 67(8) of this Order;

(ii) in point 5, in the text following paragraph (g)—

(aa) the reference to Article 3(1) were a reference to Article 67(8) of this Order;

(1) S.I. 1993/3160 (N.I. 15), as amended by S.R. 1999 No. 89, S.R. 2007 No. 346 and S.R. 2017 No. 87; there are other amendments which are not relevant.

(2) Article 67 was substituted by S.R. 1999 No. 89 and amended by S.R. 2007 No. 346 and S.R. 2017 No. 87.

(3) 1978 c. 30.

(4) OJNo. L 206, 22.7.1992, p. 7; amended by Directive 97/62/EC, Regulation (EC) No. 1882/2003, Directive 2006/105/EC and Directive 2013/17/EU.

(5) S.R. 1995 No. 380, to which there are amendments not relevant to these Regulations.

- (bb) the words “established at Union or Member State level” were omitted;
- (iii) in point 8, for the second sentence, there were substituted—
- “Relevant information available and obtained through risk assessments pursuant to retained EU law (having the same meaning as in the European Union (Withdrawal) Act 2018), such as any law which implemented [Directive 2012/18/EU](#) of the European Parliament and of the Council or Council Directive 2009/71/Euratom, or relevant assessments undertaken under other domestic legislation may be used for this purpose provided that the requirements of any law which implemented this Directive in Northern Ireland are met.”;
- (c) in paragraph (3), for “falls within Annex I or II” substitute “is of a type specified in Annex I or Annex II”;
- (d) for paragraph (4)(a) (but not the “or” at the end), substitute—
- “(a) if the circumstances are exceptional and the Department considers that—
- (i) compliance with this Part would have an adverse effect on the fulfilment of the purpose of the project;
- (ii) the objectives of the Directive will be met even though an environmental impact assessment is not carried out; and
- (iii) the project is unlikely to have significant effects on the environment in an EEA State;”
- (e) in paragraph (4A), omit sub-paragraph (d);
- (f) in paragraph (4B)—
- (i) in sub-paragraph (a), for “falls within” substitute “is of a type specified in”;
- (ii) in sub-paragraph (b), for “falling within” substitute “of a type specified in”;
- (g) in paragraph (4C)—
- (i) in the words before sub-paragraph (a), for “falling within” substitute “of a type specified in”;
- (ii) in sub-paragraph (c), for “Union legislation” substitute “retained EU law”;
- (h) in paragraph (6)(d), for “Union legislation” substitute “retained EU law”;
- (i) in paragraph (8)(b), for the words from “species and habitats” to the end, substitute—
- “(i) species of naturally occurring birds in the wild state specified in Annex 1 to [Directive 2009/147/EC\(6\)](#) of the European Parliament and of the Council on the conservation of wild birds, as amended by Council [Directive 2013/17/EU](#);
- (ii) natural habitat types listed in Annex I to the Habitats Directive;
- (iii) animal and plant species listed in Annex II or Annex IV to the Habitats Directive;”.
- (3) In Article 67A(7) (procedure), in paragraph (7C)(b), for “Union legislation” substitute “retained EU law”.
- (4) In Article 67B(8) (other EEA States)—

(6) OJ No. L 20, 26.1.2010, p. 7; amended by [Directive 2013/17/EU](#).

(7) Article 67A was inserted by [S.R. 1999 No. 89](#) and amended by [S.R. 2007 No. 346](#) and [S.R. 2017 No. 87](#).

(8) Article 67B was inserted by [S.R. 1999 No. 89](#) and amended by [S.R. 2007 No. 346](#) and [S.R. 2017 No. 87](#).

- (a) for the heading, substitute “Projects likely to have significant effects on the environment in an EEA State”;
 - (b) in paragraph (1)(a), for “another EEA State” substitute “an EEA State”;
 - (c) in paragraph (5), for the words from “designated to be consulted” to the end, substitute “which the EEA State has designated to be consulted about the project and of the public concerned in that State.”;
 - (d) in paragraph (6), omit “, in accordance with Article 7(4) of the Directive”.
- (5) In Article 67BZA(9) (projects in another EEA State likely to have significant transboundary effects)—
- (a) in the heading, for “another EEA State” substitute “an EEA State”;
 - (b) in paragraph (1)—
 - (i) for “another EEA State pursuant to Article 7(1) or 7(2) of the Directive” substitute “an EEA State”;
 - (ii) in sub-paragraph (b), for the words from “to the competent authority” to the end, substitute “representations to the authority in that EEA State which the EEA State has designated as responsible for performing the duties arising from the Directive”;
 - (c) in paragraph (2)(c), omit “in order to comply with Article 9(2) of the Directive”.