

### Regulatory Impact Assessment

#### 1. Title of proposal

The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

#### 2. Purpose and intended effect

##### Objective

To implement the EIA Directive 2011/92/EU as amended by 2014/52/EU ensuring that it is operational in Roads legislation by 16<sup>th</sup> May 2017

##### Background

Following a report on the application and effectiveness of Directive 2011/92/EU and a wide public consultation, an amended EIA Directive (2014/52/EU) came into force on 15 May 2014 and it is the responsibility of the Department for Infrastructure to transpose this amending EIA Directive into legislation. Its aims are to correct the shortcomings of the previous regime, reflect on-going environmental and socio-economic changes and challenges, and align it with the principles of smart regulation. In addition, emerging challenges that are important to the EU as a whole in areas such as resource efficiency, climate change, biodiversity and disaster prevention are now reflected in the assessment process.

##### Rationale for government intervention

With the introduction of the amended EIA Directive which was developed to strengthen and enhance the EIA process, it is incumbent upon the Department for Infrastructure as part of the Member State to transpose as appropriate the amended EIA Directive into Roads legislation to prevent the possibility of infraction proceedings and to ensure the EIA process continues to operate effectively.

#### 3. Consultation

Public consultation

#### 4. Options

The amended Directive 2014/52/EU was developed to strengthen the EIA process within Member States. The options in relation to this matter were to either transpose the amending EIA Directive as appropriate or to do nothing. To do nothing was not a realistic option as the amended EIA Directive would have to be implemented to prevent the potential for infraction proceedings being carried out by the EU. The Department therefore had limited scope in putting into Roads legislation the requirements as set out in the amended EIA Directive.

#### 5. Costs and benefits

##### Sectors and groups affected

Co-ordination of assessments.

While this cannot be assessed in purely financial terms it is a lightening of the regulatory burden on business. The amending EIA Directive is intended to lighten unnecessary administrative burdens, reinforce the quality of decision-making, improve current levels of environmental protection and introduce a more harmonised regulatory framework, with a view to making decisions on public investments more sound, more predictable and

sustainable in the longer term in relation to decisions on the appropriateness of Roads projects for which EIAs are required.

### **Benefits**

As above this cannot be calculated as it is dependent upon the number, nature, scale and location of future development proposals.

Clarity on the environmental information required for EIA development proposals and source of information from key consultees/stakeholders.

### **Costs**

As the amended EIA Directive streamlines the already established requirements in relation to EIA it is considered by the Department for Infrastructure that this will not have any negative cost implications for businesses and may reduce costs as necessary. Environmental information will be more readily available and amendments will support greater predictability in decision-making.

## **6. Small Firms Impact Test**

It is anticipated that the direct costs to business will be unchanged with the introduction of the amended EIA Directive into the Roads legislation. The EIA process is currently in place and well established with both the Department and interested parties aware of their responsibilities and requirements regarding EIA.

The introduction of the amended EIA Directive will not have any impact on other assessments to be carried out in relation to the making of this legislation.

## **7. Competition assessment** **N/A**

## **8. Enforcement, sanctions and monitoring**

The amending EIA Directive states that the decision to give consent to proceed with a project should set out any monitoring to be required and that this should be proportionate to the nature, location and size of the project and its significant effects on the environment, this may have an additional impact in the EIA process. Although monitoring should not be used as a general means of gathering environmental information and should not duplicate any monitoring required for other reasons.

## **Sections 9-12**

Sections 9-12 should be completed after consultation and included in the full RIA.

## **9. Implementation and delivery plan**

## **10. Post-implementation review**

## **11. Summary and recommendation**

### **Summary costs and benefits table**

<b>Option</b>	<b>Total benefit per annum: economic, environmental, social</b>	<b>Total cost per annum: - economic, environmental, social - policy and administrative</b>
1		

2		
3		
4		

**12. Declaration and publication**

*I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs*

**Signed** .....

**Date**

**Minister's name, title, department**

**Contact point for enquiries and comments: name, address, telephone number and email address.**