

Robert Mackey
Planning Service Headquarters
Consultation on Draft Planning (EIA)
(Amendment) Regs (NI) 2005
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23 August 2005 – BY EMAIL

Dear Mr Mackey

Consultation on the draft Planning (Environmental Impact Assessment) (Amendment) Regulations (NI) 2005

The RSPB welcomes this consultation paper and the commitment made by the Government to transpose the Public Participation Directive (2003/35/EC) and amended Environmental Impact Assessment Directive (Council Directive 85/227/EEC).

We strongly support the proposal for the Department to identify ‘any particular person’ likely to be affected by or have an interest in an application, especially since the definition specifically includes non-governmental organisations (NGOs) promoting environmental protection. We feel this is a reasonable approach to implementing the obligation under the amended Directives.

The environmental impact assessment (EIA) process benefits from the involvement of all interested stakeholders, since this helps ensure that the decision-making process is better informed. NGOs can often be reliable sources of local biodiversity information and are able to present legitimate views about the opportunities and threats arising from an application. The limited capacity of many local level NGOs means they may not be able to actively monitor newspapers and other sources for potential applications in which they would have an interest. Provided this new provision is interpreted broadly, it will ensure NGOs are given the fullest opportunity to participate in the EIA process where they have an interest. The additional requirement to publicise EIA applications on the local authority website (‘by local advertisement’) is welcome, since most NGOs will find this the easiest means of accessing such information.

The Department will need to decide how to provide opportunities for NGO involvement in EIA in practice. One possibility would be a central register of NGOs and their interests, including those operating at a local level and nationally. A suitable website maintained by a statutory body would provide a valuable source of information, not only for the EIA regimes but also for the other procedures affected by the Public Participation Directive (eg strategic environmental assessment (SEA) and Integrated Pollution Prevention and Control (IPPC)).

A second option that may become possible with forthcoming changes to the planning system is to utilise statutory Statements of Community Involvement (SCI), if proposed in the Planning Reform Order as they have been in the Planning and Compulsory Purchase Act 2005 in England and Wales. Consultation on the SCI would provide an opportunity for NGOs to highlight the types of applications they are interested in. The fact that a NGO was not identified in the SCI, however, should not be an excuse for not consulting them on a specific EIA if their interests are affected. Planners need to make full use of contacts available to them and should incorporate this information into their existing systems of work, such as their geographic information systems (GIS) and the developing ePIC.

We also welcome the additional changes made to the draft Regulations at this time, in particular further references to 'any particular person' and 'by local advertisement'. The requirement to consider defence projects for EIA on a case-by-case basis will go some way to ensuring that potentially damaging defence projects are assessed and their negative environmental impacts are reduced (draft Regulation 4). The addition to Schedule 1 of '*any change or extension of projects listed in this Schedule where such a change or extension in itself meets the thresholds*' is entirely logical (draft Regulation 17). We accept the proposals to give a statutory basis to the procedures already undertaken on an administrative basis by the Planning Appeal Commission (paragraphs 3.28-3.31).

Please do not hesitate to contact me should you require clarification or would like to discuss these comments.

Kind regards,

Claire Ferry
Conservation Officer (Planning)