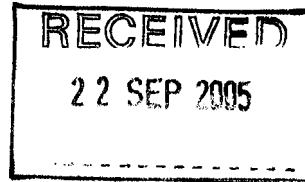




Mr Robert Mackey
 Planning Service Headquarters
 Consultation on the Draft Planning
 (Environmental Impact Assessment) Regulations
 (Northern Ireland) 2005
 3rd Floor
 Millennium House
 17-25 Great Victoria Street
 BELFAST
 BT2 7BN

Our ref : AM/LISB1030

Your ref : BY POST



21 September 2005

Dear Robert

The Draft Planning (Environmental Impact Assessment) (Amendment) Regulations (Northern Ireland) **2005**

On behalf of our client, Lisburn City Council, we submit this letter as the Council's formal response to the public consultation on The Draft Planning (Environmental Impact Assessment) (Amendment) Regulations (Northern Ireland) 2005.

In general, Council welcomes the proposals contained within the document to improve publicity surrounding EIA applications and access to information submitted in support of any applications. Furthermore, Council is pleased with the proposal to advertise the decision of EIA applications and endorses proposals which will make the planning system more transparent and accountable.

Council appreciates that the aim of the consultation paper is not to explore the terms of the Directive, as it has already been adopted. Rather the Department is keen to ascertain comments on the measures contained in the draft regulations and how best to implement the provision of the Directive into legislation for Northern Ireland. In light of this, Council feels that it is of utter most importance that new legislation introduced for Northern Ireland is appropriate to the local context and not just consistent with the approach taken across the rest of the UK.

Council in principle supports the measures proposed within the consultation paper with the strong caveat that the following comments be taken into consideration by the Department during preparation of the final regulations.

Draft Regulation Three

Whilst the Department comments that its proposal is consistent with the approach taken across the rest of the UK, Council contends that the definitions 'the public' and 'the public concerned' should be defined within the legislation and as such included within Part 1 of the 2005 regulations. The

inclusion of the terms within the legislation will serve to reduce any ambiguity which may arise in the future.

Draft Regulation Four

Council appreciates that it is essential that the planning system facilitates projects of national defence. Nonetheless, the Department should ensure that in so far as possible reasons are given as to why the Department has chosen that a proposed development is exempt from the regulations.

Draft Regulation Five

Council appreciates that the Department is trying to reduce delay in the EIA process. Nonetheless we would welcome that regulation 5 also makes provision for an extension to the 4 week time period, which would be agreed to in writing between the applicant and the Department.

Draft Regulation Seven

Council supports the Department's attempt to ensure that all relevant bodies and individuals are made aware of applications which may affect them. However, Council is concerned that the increase in consultation surrounding an Environmental Statement may delay what is already a long process. In addition any additional costs incurred as a result of the additional advertising should be borne by the Department.

Draft Regulation Eight (a)

Whilst Council endorses any attempts to speed up the ES process, we would contend that any attempts by the applicant to submit information within the three month time period should be matched by prompt action by the Department.

Draft Regulation Eight (b)

Council welcomes transparency regarding the publicising of information submitted voluntarily by an applicant in support of an ES. It does however feel that the Department should retain an element of discretion in judging what warrants publicity to avoid unnecessary consultation on very minor issues.

Please acknowledge receipt of this representation and advise on the timescale for issue of the final Planning (Environmental Impact Assessment) (Amendment) Regulations (Northern Ireland) 2005.

Yours sincerely



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cc. Ian Wilson, Lisburn City Council