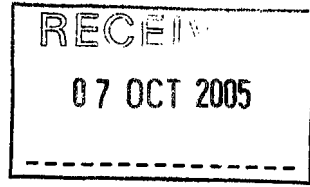




Our Ref: AUKS



23 September 2005

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

Dear Sir

Re. Draft EIA Resolutions

Further to the above, please find enclosed Council's response to the above paper

In general, Council endorses the proposals contained within the paper which will enhance and promote public participation and clarity within the process. Together with the proposals to formalise the role of the Planning Appeals Commission, these measures will contribute to a more transparent process, which is to be welcomed.

Thank you for the opportunity to comment on this document. If there are any queries arising from this matter, please do not hesitate to contact us.

Yours faithfully


ALASTAIR LAW
Planning Officer

Enc

**THE DRAFT PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2005.**

ANTRIM BOROUGH COUNCIL – AUGUST 2005

DRAFT CONSULTATION RESPONSE

Background and Summary:

Council has been asked to comment on a Consultation Paper that relates primarily to a proposed revision of existing regulations in respect of the environmental impact assessment process, and which is triggered by major development proposals that are likely to have significant environmental implications.

It is only in exceptional circumstances that local authorities will be undertaking a project likely to require an EIA, and therefore we assume that the Directive is unlikely to have a significant impact upon Antrim Borough Council at this juncture.

Briefly, the Paper proposes changes to the 'EIA Directive' (85/337/EEC) by introducing amendments courtesy of the 'Public Participation Directive' (2003/35/EC). In simple terms, the amendments seek to promote public participation in those development proposals that may potentially affect the wider environment.

The Consultation Paper states that, "the proposals apply to the implementation of the amended EIA Directive insofar as projects falling within the planning sector are concerned. Responsibility for amendments to current EIA regulations in other sectors such as transport and forestry as a result of the Public Participation Directive rests with the Department concerned. Consultees should therefore be aware that similar changes are being made to other sets of regulations to ensure full implementation of the Directive."

The changes are aimed at improving the transparency of the process by getting more public participation, and especially from non-governmental organisations (NGOs) promoting environmental protection. Anything that encourages transparency and more public buy-in should be welcomed. The current EIA regulations already contain a number of provisions aimed at securing effective public participation, and the proposed amendments will strengthen these.

Failure to implement changes to an EU Directive will lead to infraction proceedings. This is the responsibility of the Department of the Environment, but individual Member States will be responsible for implementing the Directive at a local level. The changes, as proposed by this Consultation Paper, are the first step in this process.

Under the new proposals, there is a tightening of the timescales to provide further information to expedite the planning process, which is to be welcomed. For instance, draft regulation 6 amends regulation 10 of the 1999 Regulations to further clarify the events which need to occur before the date when an EIA application was 'received' is set for processing purposes. As a result, the 16-week period for determination of the application will not begin until that information is received.

In addition to this, draft regulation 8 (a) will impose a requirement for applicants to provide additional information within a fixed 3-month limit, or as specified by agreement with the Department.

The Department has also taken the opportunity in this Consultation Paper to solicit views on the possible role of the Planning Appeals Commission (PAC) as a statutory authority for overseeing the EIA procedure. This will enable the Commission to make an independent EIA determination in appeal cases, and part of this function will include an obligation to consult with local authorities. If an applicant wishes to request a hearing into the determination by the Department that an Environmental Statement is required, they will have to notify the Commission of this intent within a specific timeframe, or as agreed with the Department. This will keep the Commission informed at an early stage, and which will help accelerate the period of determination.

In summary, many of the amended draft regulations simply update and clarify definitions. The Consultation Paper considers that the costs on business will be minimal, and those on the public sector will not be substantial. As it will only be in exceptional circumstances that Council will be undertaking any activities in the future that will require an EIA, any associated costs will be limited. Accordingly, the recommendation that Art 3 of Directive 2003/35/EC, in respect of projects falling within the planning system being transposed through the Planning (Environmental Impact Assessment) (Amendment) Regulations (NI) 2005, should be endorsed.

RESPONSE DATE: 30TH SEPTEMBER 2005

Paper prepared by Alastair Law (Planning Officer) and Michael Laverty (Environment Manager), Antrim Borough Council (August 2005).