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Sent: 04 October 2005 11:08
To: Robert mackey
Subject: DETI response to Consultation Paper on Draft Planning (EIA assessment)(Amendment) Regs 2005

I refer to Marianne Fleming's request of 4 August to the Permanent Secretary's office regarding the above-named consultation paper.

We canvassed officials in DETI HQ and DETI's NDPBs and have received nil returns, apart from Invest NI officials. The Invest NI response is basically advising that DOE Planning Service should provide revised explanatory material (by means of an Information leaflet) for applicants and other interested parties to ensure a full understanding of the changes.

For information, please see Invest NI's detailed response set out below.

Invest NI:

- i. Support the recommendation in the draft Regulatory Impact Assessment that Article 3 of the Directive is transposed through the Planning (Environmental Impact Assessment) (Amendment) Regulations (Northern Ireland) 2005;
- ii. Welcome the finding that the costs of the proposed changes on business will be de minimus and on the public section will not be substantial;
- iii. Recognise the benefits of making amendments to the Environmental Impact Assessment (EIA) Directive to improve public participation and access to justice provisions;
- iv. Welcome the additional changes to EIA procedures, proposed by the Department, which are designed to '*streamline the processing of EIA applications*';
- v. Note that the proposals in the Consultation Paper apply to projects falling within the planning sector and would suggest that DoE Planning Service provide revised explanatory material (by means of an Information Leaflet) for applicants and other interested parties to ensure a full understanding of the changes;
- vi. Note the new provision set out in Article 10A (relating to challenging a competent authority's handling of the public participation process) and would note the need for clear explanatory material on this subject in order to avoid frivolous, time-consuming challenges;
- vii. Note the proposed amendments to EIA procedures, including the introduction of specified timeframes, and would highlight the importance of explanatory information, which can be easily understood by applicants / investors, on the EIA procedures and timeframes. Invest NI would, in this context, note the need for Development Control Advice 10 (Revised) '*Environmental Impact Assessment*' (published by DoE August 1999) to be amended and updated.

I hope you find these comments helpful.

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