

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

Response to Consultation

Draft Regulation 3

No Comment

Draft Regulation 4

The proposal to alter this exemption is welcomed. However, concern is expressed as to how the “case by case” exemption may be applied. The importance of national security is recognised but the impact of any project on the environment and public health & safety but remain paramount.

Draft Regulation 5

No Comment

Draft Regulation 6

The importance of appropriate timescales within which submissions can be fully considered is accepted. However it remains incumbent upon the Department to ensure that an equal degree of rigidity is applied to all timescales applied throughout the process and that the applicant is advised at the earliest opportunity of all information required or outstanding.

Draft Regulation 7

No comment

Draft Regulation 8 (a)

Once again the proposed regulations are imposing time constraints on applicants without adequate time restrictions being placed upon the Department. Inclusion of statutory time constraints throughout the process is essential if the wider economy is not to be further hampered through delays that are viewed as the “Department dragging its feet”. It may be argued that resource constraints may adversely impact response times, however, it is a matter for the Department to ensure that the necessary resources are planned for in the interests of the Department’s efficiency targets and protection and promotion of the Northern Ireland economy.

Draft Regulation 8 (b)

In the interests of transparency and accountability, this additional requirement is welcomed.

Draft Regulation 9

As stated above, any alteration to the regulations that improves the transparency and accountability of the process is welcomed. It is essential that members of the public are informed of their rights and how best their concerns may be addressed. Article 10A of the Directive stipulates that “any such procedure shall be fair, equitable, timely and not prohibitively expensive” Reliance upon the existing judicial review

process is not within the spirit of the Directive due to the expense involved and the Department are requested to reconsider this point.

Draft Regulation 10

No comment

Draft Regulation 11

No comment

Draft Regulation 12

No comment

Draft Regulation 13

No comment

Draft Regulation 14

No comment

Draft Regulation 15

No comment

Draft Regulation 16

See comment under Draft Regulation 9.

Draft Regulation 17

No comment

Draft Regulation 18

No comment

Planning Appeals Commission

It is suggested that further information on the Department's intent to extend authority for a procedure enabling EIA determinations in appeal cases is made available to consultees prior to inclusion within regulations. This process is invaluable to the entire planning process but there is already widespread concern that the existing appeals process is biased in favour of appellants and that a process of third party appeals should be provided for. This certainly would be in the spirit of the Directive and unfortunately is missing from all aspects of the current planning process.

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