



Questionnaire on the Environmental Impact Assessment of Reserved Matters Applications

Instructions on how to complete this Questionnaire:

1. This questionnaire can be completed on your computer and emailed to reservedmatters@doeni.gov.uk or printed and sent to the postal address below:

Robert Mackey
Planning Service Headquarters
3rd Floor
Millennium House
17-25 Great Victoria Street
Belfast
BT2 7BN

2. Completed questionnaires may also be sent by fax to (028) 9041 6960.
3. Completed questionnaires should be received by the Department no later than **11th February 2008**.

Respondent Information

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Mitigation Measures in approving a multi-stage consent

Q1A Do you agree with the Department's view that it should be possible at reserved matters stage to impose conditions relating to the project as a whole?

Yes

No

Q1B Please comment on your response to Q1A

Comments: Because during the interval between the issuing of Outline Permission and the consultation on Reserved Matters, issues relevant to the decision may have changed:

1. Further information may become available
2. Ecology of the site may be changed
3. The site may have been designated as an ASSI under the Environment Order 2002 between the outline approval and submission of the reserved matters application

Q2A Do you consider there is a risk that imposing such conditions could result in outline planning permission being revoked or modified as a consequence of significant environmental issues being identified at the reserved matters stage?

Yes

No

Q2B Please comment on your response to Q2A

Comments: Circumstances described in the answer to Q1 may mean that should the proposal go ahead there may be an unacceptable adverse impact on biodiversity. This may even contravene nature conservation legislation.

Proposed Amendments to the EIA Regulations

Q3 Do you have any comments on the proposed amendments to regulation 2(2) of the 1999 EIA Regulations?

Comments: EHS; Natural Heritage welcomes the amendments for the reasons stated.

Q4A Do you consider that the draft Planning (Environmental Impact Assessment) (Amendment) Regulations (Northern Ireland) 2008 as set out in this consultation paper implement appropriately the ECJ rulings of 4 May 2006 in the Barker case and in Commission v UK?

Yes

No

Q4B Please comment on your response to Q4A

Comment:

Q5 Do you have any other comments on the draft regulations?

Comments: EHS: Natural Heritage feels that an opportunity has been missed to amend other aspects of the EIA regulations 1999 with regard to sensitive sites.

1. The current regulations cite that ASSIs are 'land so declared under Article 24 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985'. However all ASSIs are now designated under the Environment (Northern Ireland) Order 2002. Thereby making any determinations on newly designated sites possibly illegal.
2. The regulations only include within a sensitive site and should include 'within or likely to impact on' a sensitive.
3. The list of sensitive sites is currently very restrictive when determining if a proposal requires an EIA. The UK government has signed up to reduce biodiversity loss by 2010 and to halt biodiversity loss by 2016. EIA development by its nature can result in significant biodiversity loss and is more likely to be of economic importance. If priority habitats and species, including European priority habitats and species, were added to the list of sensitive sites, the biodiversity could be considered and mitigated more successfully within the process of an EIA. As the thresholds and criterion are set out by member states, this is an opportunity for Northern Ireland to more successfully safeguard our biodiversity for the future.

EHS: Natural Heritage requests that there is an addition to article 2(2a) to include, 'or under Article 28 of the Environment (Northern Ireland) Order 2002.'

EHS: Natural Heritage requests that the definition of sensitive sites is increased to

include European priority habitats as detailed within Annex 1 of the Habitats Directive 1995 and Northern Ireland priority habitats as identified in the Northern Ireland Biodiversity Strategy.

We also request that DCAN10 is amended to include these regulations and that we are consulted to advise on these.

Partial Regulatory Impact Assessment (Annex 5)

Q6 Do you have any comments on the compliance costs outlined in Annex 5?

Comments:

Q7A Which option do you think should be implemented? (Please tick one box)

- Option 1: Do nothing
- Option 2: Amend Regulations

Q7B Please provide a reason for your choice of option at Q7A

Comments: The amendments are required to comply with recent caselaw and to ensure cross compliance with nature conservation legislation..

Q8 Do you have any other comments on the Partial Regulatory Impact Assessment?

Comments: