

Banbridge Newry and Mourne Area Plan 2015

Determination as to the feasibility of carrying out an Environmental Assessment on the Banbridge Newry and Mourne Area Plan 2015

Planning Service is an executive Agency within the Department of the Environment for Northern Ireland. On 22 August 2006, Planning Service published for public consultation the Draft Banbridge Newry and Mourne Area Plan 2015 (“the draft Plan”). In the course of preparing the draft plan, Planning Service carried out an assessment of the environmental effects of the policies which it proposed. The environmental assessment included the preparation of an environmental report which was also published for public consultation along with the draft plan as Technical Supplement 10. At the time of publication of the draft plan and the environmental report, Planning Service was of the view that its actions were in compliance with the requirements of Council Directive 2001/42/EC (“the Directive”) on the assessment of the effects of certain plans and programmes on the environment and also the Environmental Assessment of Plans and Programmes (Northern Ireland) Regulations 2004 (“the 2004 Regulations”).

On 7th September 2007 the High Court handed down its judgment in a judicial review challenge to the draft Northern Area Plan and draft Magherafelt Area Plan. In light of the findings in that judgment, Planning Service has now conducted a review of its decision to carry out an environmental assessment of the draft Banbridge Newry and Mourne Area Plan under the terms of the Directive and the 2004 Regulations. As a result of that review, the Minister for the Environment has now determined that it was not feasible to carry out an environmental assessment of the draft Banbridge Newry and Mourne Area Plan 2015 in accordance with the Directive and the 2004 Regulations and it hereby gives notice of that determination in accordance with Regulation 6(2) of the 2004 Regulations.

In reaching this determination, the Department for the Environment has had regard to a range of factors which included the purposes of the Directive, the advanced stage which the process of plan preparation had reached at the time of coming into force of the 2004 Regulations, the extensive level of consultation which had taken place on the content of the draft plan, the extent to which environmental considerations had been taken into account during the plan preparation process, the content of the area development plans which were in place prior to the publication of the draft Plan, together with the financial, administrative, environmental, economic and other implications of withdrawing the draft plan and commencing the process afresh.