

# **Magherafelt Area Plan 2015**

## **Determination as to the feasibility of carrying out an Environmental Assessment on the Magherafelt Area Plan 2015**

Planning Service is an executive Agency within the Department of the Environment for Northern Ireland. On 28 April 2004, Planning Service published for public consultation the Draft Magherafelt Area Plan 2015 (“the draft Plan”). Planning Service also 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 published for public consultation as a Technical Supplement to the Plan on 24 May 2005. At the time of carrying out the environmental assessment and the publication of 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”).

The actions of Planning Service in preparing the draft plan and carrying out the environmental assessment have been the subject of a judicial review and the High Court delivered a judgment on 7<sup>th</sup> September 2007.

Planning Service has now conducted a review of its decision to carry out an environmental assessment of the draft plan under the terms of the Directive and the 2004 Regulations in light of the recent judgment of the High Court. As a result of that review, the Department of the Environment has now determined that it was not feasible to carry out an environmental assessment of the Draft Magherafelt 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 time and resources involved in commencing the process of environmental assessment and plan preparation afresh and the possibility of environmental damage occurring in the interim period.