



Subject:	Consultation on changes to the Environmental Impact Assessment Regulations
Date:	14 February 2017
Reporting Officer:	Phil Williams, Director of Planning and Place
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Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of report or summary of main issues
1.1	The purpose of this report is to establish Belfast City Council's response to a consultation on proposed changes to the Environmental Impact Assessment Regulations.
2.0	Recommendations
2.1	That the Planning Committee supports the recommended response to the consultation as set out at Appendix 1 .
3.0	Main report
3.1	<u>Background</u> The Environmental Impact Assessment Regulations were introduced a number of years ago to provide a framework for assessing "significant environmental effects" resulting from certain development proposals. The Environmental Impact Assessment Regulations stem from a European Union Directive and are currently enshrined in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015. The Environmental Impact Regulations generally apply to schemes whose impacts are more than local in nature. For example, they may apply to regional significant proposals or smaller developments that may raise critical issues that extend beyond the site. "Significant

	<p>environmental effects” may be environmental, economic or social impacts. Both positive and negative significant effects must be considered. Where a proposal is likely to result in “significant environmental effects”, the planning application must be accompanied by an Environmental Statement. The purpose of the Environmental Statement is to set out what the significant environmental effects are and how these are to be managed or mitigated through the development process. Applications requiring an Environmental Statement are subject to additional requirements around the length of determination and consultation.</p> <p>The Environmental Impact Assessment Regulations stipulate two categories of development: Schedule 1 and Schedule 2. Schedule 1 developments include major infrastructure projects such as power stations, harbours and oil refineries. An Environmental Statement is automatically required for any development falling within Schedule 1. Schedule 2 sets out a range of development types with thresholds. If the proposal exceeds the threshold, or if the site is within a sensitive area, the determining authority must decide whether the proposal would likely result in “significant environmental effects”. This process is called “screening”. If the answer is affirmative then the application must be supported by an Environmental Statement. The applicant may request that the determining authority advises them what should be included in the Environmental Statement. This process is called “scoping”.</p>
3.2	<p><u>Purpose of the consultation</u></p> <p>The Department of Infrastructure (DFI) is consulting on changes to the Environmental Impact Regulations, as a consequence of a new European Union Directive on EIA (2014/52/EU). The new Directive is intended to simplify the rules for assessing the potential effects of projects on the environment. If adopted, the new Regulations will be enshrined in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.</p> <p>Some of the key changes to the EIA Regulations are:</p> <ul style="list-style-type: none"> • Reducing administrative burdens and processes streamlined through a joint/coordinated procedure when a development also requires an assessment under the Habitats/Wild Birds Directive; • The environmental factors to be considered in the assessment have been refined and broadened to reflect emerging challenges that are important to the EU; • Strengthening of the screening procedure through new information requirements

	<p>and a revision of the selection criteria;</p> <ul style="list-style-type: none"> • The information to be contained in an Environmental Statement has been revised and clarified to improve their quality and content; • Environmental Statement are to be prepared by competent experts and Councils are to have access to sufficient expertise to examine and assess the statements • The grounds for planning permission decisions must be clear and reasons for determinations and decisions must be provided and shared with the public. Councils must demonstrate their objectivity to avoid conflicts of interest; • Proportionate monitoring will be required for developments which appear to have significant negative effects on the environment. Existing monitoring arrangements may be used to avoid duplication of monitoring and unnecessary costs; • Penalties may be introduced for breaches of the requirements of the Directive.
3.3	The consultation sets out 14 questions around the proposed changes to the EIA Regulations. It is recommended that Belfast City Council responds to these questions as set out at Appendix 1 .
3.13	<p><u>Financial & Resource Implications</u></p> <p>The proposed requirements for the Council to have access to expert advice to inform the EIA process and to ensure monitoring of developments that are likely to have significant effects, may have financial resources for the Council.</p>
3.14	<p><u>Equality or Good Relations Implications</u></p> <p>None identified.</p>
4.0	References
4.1	<p>The consultation can be viewed in full at the following web link:</p> <p>https://www.infrastructure-ni.gov.uk/consultations/consultation-planning-environmental-impact-assessment-regulations-northern-ireland-2017</p>
5.0	Appendices – Documents Attached
5.1	Appendix 1 – recommended response to the EIA consultation