

Consultation Response Form

for DARD's Public Consultation on the introduction of new Environmental Impact Assessment (Agriculture) Regulations

- Please use this form to respond to the questions listed in the consultation paper.
- Answer only the questions you wish to answer – leave the other spaces blank. Additional comments may be added at the end of the form.
- Please return by post or email **no later than Monday 4 September 2006.**

General Comments

Please give some details of your/your organisation's interest in this consultation.

The Planning Service would generally support this document which will contribute to the overall protection of the environment. A number of comments have been made in respect of the questions raised in consultation.

Chapter 1 – The EIA Directive

Please give your views on the proposed new way of setting thresholds under the EIA (Agriculture) Regulations.

Setting thresholds in this way is an important element in ensuring only those developers involved in projects which are likely to have a significant effect on targeted areas are required to prepare assessments.

Please give your views on the proposed new screening procedures.

As intended, where thresholds have not been reached but circumstances dictate significant effects would be likely then this is a valuable means of ensuring those effects can be quantified and mitigated against if necessary.

In what type of case do you feel screening notices should be used?

In the manner specified at section 23. Consideration could also be given in cases where a project could result in migration of a species/bacteria which would endanger the environment of a wider area.

What would you consider to be an appropriate enforcement sanction for someone who ignores a screening notice? Should it be lower than, or higher than, the level of fines for other offences under the regulations? How would you justify this?

The screening process is designed to deter the misuse of the threshold settings. The sanction should be sufficient to ensure that it is an effective deterrent.

Chapter 2 – New EIA rules on projects for the restructuring of rural land holdings

Please give your views on what is included in and excluded from restructuring projects.

Those mentioned at sections 28 & 29 would seem sufficient to cover DARD concerns.

Would it be reasonable to exclude beneficial restructuring projects taking place under Environmental Stewardship from the new rules?

It would be important to ensure that the environmental consequences of undertaking such work are properly considered in any decision to grant exemption.

Are the proposed new rules proportionate to the problems/risks they are designed to address?

Yes

Please give your views on the level at which thresholds should be set. Do you prefer one of the threshold options set out in Chapter 2?

The lower threshold would ensure greater environmental protection.

Please give your views on how screening notices should work in relation to restructuring projects.

As envisaged in the flow chart.

What should be included as sensitive areas? How would you justify their inclusion?

All those mentioned at paragraph 38 with the addition of a World Heritage Site.

Do you agree with the split between linear-based and area-based projects?

Yes.

Do the proposed new rural restructuring rules meet the rules of good practice summarised in Annex 1?

Yes.

Are the new rules straightforward enough for land managers to comply with? Could they be made more straightforward?

Rules appear to be straightforward although should be monitored in practice to identify effectiveness and any problems arising, which should then be addressed.

Please comment on how the new rules will relate to other legislation, e.g. planning and other EIA rules?

The provisions of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 set out the responsibility of the Planning Service in this matter. Schedule 2 part I refers to a number of projects in Agriculture and Aquaculture which fall to be considered under the terms of the regulations. The proposed regulations are not envisaged to have any impact on the statutory responsibility of the Planning Service in respect of Environmental Impact Assessment.

Chapter 3 – Review of the EIA (Uncultivated Land and Semi-Natural Areas) Regulations

Do you agree with the revised risk assessment? Why?

Yes. It would appear to take the significant issues into account.

What are your views on the performance of the existing Regulations?

Inadequate to ensure sufficient consideration is given to possible adverse effects on the environment.

Chapter 4 – Proposed Changes to the EIA (Uncultivated Land and Semi-Natural Areas) rules

Please give your views on the definitions of uncultivated land, semi-natural areas and intensive agricultural purposes.

None.

Are the proposed amendments to the EIA and UL&SNA rules proportionate to the problems/risks they are designed to address?

Yes.

Please give your views on the proposed changes to the enforcement mechanisms.

Would generally support the removal of the 24 hour compliance period

Are the proposed changes to the Regulations sufficient to address possible effects on the Agri-Environment Schemes?

Yes.

What are your views on the levels at which area thresholds should be set?

Thresholds should be set at the low-medium level which would compare favourably with other EIA rules as applied in the UK.

Please give your views on how screening notices should work in relation the revised EIA/UL&SNA rules.

As envisaged in the flow chart.

Do the proposed changes meet the rules of good practice contained in Annex 1?

Yes.

Will the new rules be straightforward for land managers to comply with?

Rules are likely to be straightforward but should be monitored in practice.

Do you have comments on how the new rules will relate to other legislation – e.g. the planning system and other EIA rules?

It is considered that these regulations are likely to be compatible with those exercised through the planning system.

Any other comments:

Please return to: eia@dardni.gov.uk or M Emerson, Room 651, Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB
no later than Monday 4 September 2006.