

Formal Comments on "the draft environmental assessment of plans and programmes regulations 2004"

Questions raised by the consultation draft

1. **Are there other environmental authorities that you think should be designated under Regulation 4, who should be consulted either (i) in respect of all plans and programmes to which the regulations apply, or (ii) in respect of certain types of plans and programmes?**

Q1 Response:

- a. The Committee may wish to add the following comment – 'and any other authority or body deemed appropriate and necessary to contribute to the effective assessment of the plan or programme being assessed' as the objective of this directive is "...a view to promoting sustainable development,..."

2. **Since Article 3 of the Directive permits screening by specifying types of plans and programmes as well as on a case by case basis, are there any types of plans or programmes which you think should (i) require an assessment under these regulations in every case, or (b) not require an assessment in every case?**

Q2 Response:

- a. Article 3 is quite explicit in what plans or programmes require assessment, and the wording on the regulation 9 currently as drafted is sufficiently clear in what is required by a determination.

3. **Do you consider it suitable to have a general requirement as provided in Regulation 11, whereby it is left to responsible authorities to decide the detail of how determinations under Regulation 9 are made available to the public? Are there particular means of making determinations available which should be specified in the regulation? If so, would they apply in all or only some case?**

Q3 Response:

- a. It is considered that publication of all determinations are linked to the **e-government strategy** in addition to, the physical planning registry available to the public at responsible authorities main offices.

4. **In Regulation 12, should a time limit be specified for consultation bodies to advise on the scope and level of detail to be included in an environmental report. If so, what should the time frame be?**

Q4 Response:

- a. The 5 week time limit is acceptable and must remain in order to protect the management of the project.

5. **Is it appropriate for Regulation 13 to specify a minimum period of 28 days for consulting on the draft plan or programme and environmental report, whilst leaving the upper time limit to be determined by responsible authorities according to the circumstances of each case?**

Q5 Response:

- a. The minimum time of 28 days is acceptable.

6. Do you agree that views expressed by any member of the public, whether or not specifically identified as having an interest or likely to be affected by the implementation of the plan or programme concerned, should be taken into account by the responsible authority during the preparation of the plan or programme?

Q6 Response:

- a. There does appear to be some ambiguity in the regulation and this could be removed by using the wording of Article 6 – it is important to emphasise that the SEA process looks at significant effects.

7. Regulation 16 imposes a general obligation on responsible authorities to bring details of an adopted plan or programme to the attention of the public. Do you consider a general requirement to be appropriate? Are there specific ways the information could be made available which you think should be included in the regulation?

Q7 Response:

- a. The general requirements are appropriate and information being available at Council main offices and online as per usual will suffice.

8. Regulation 17 Article 10 monitoring

Q8 Response:

- a. The obligation for monitoring to be placed on responsible authorities is acceptable. However, the obligation on the collection and supply of the data should be explicitly required from the promoter of the significant impact.