



Department for

Infrastructure

An Roinn

Bonneagair

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Regional Planning Governance & Legislation

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07 August 2023

Dear [REDACTED]

DEVELOPMENT MANAGEMENT PRACTICE NOTE 9B

Thank you for your letter of 18 July 2023 seeking a position on the publication of the Development Management Practice Note (DMPN) 9B – Screening Projects for Environmental Impact Assessment (EIA).

Unfortunately, due to resource pressures and competing priorities the Department has been unable to complete its work on the DMPN within the timeframe previously indicated. As previously explained, the Environmental Governance Work Programme (EGWP) is a voluntary strategic measure undertaken by the Department and therefore other statutory functions and obligations have taken priority in recent times. Indeed, the support to councils under the EGWP will shortly be coming to an end and we intend to share the performance review report for the second two-year contract period of external support on environmental impact assessment (EIA) for information, as we did for the first two years of the programme.

The Department has recently received a final legal review from counsel on DMPN 9B and we are working towards publishing the guidance towards the end of this month, however, again this will be subject to other competing priorities within the Directorate.

I note your concern surrounding the risk that inconsistent environmental decision-making poses to environmental protection, and DMPN 9B will contain a section on considering transboundary effects in EIA screening. However, it must be emphasised that it is the

responsibility of each individual local planning authority (LPA) to meet its statutory obligations and requirements under the EIA and other related regulations.

Notwithstanding the legal requirements placed on LPAs I can advise that, aside from the development of a suite of DMPNs, the Department, as part of the EGWP, has delivered a programme of EIA training to all councils. This has included the development and delivery of two levels of bespoke training in conjunction with a contracted external EIA expert, which has been accredited by the Institute of Environmental Management and Assessment. The Advanced training has included specific reference to transboundary issues addressed by the external contractor.

With several planning staff in each LPA having completed the Advanced training, councils were asked to nominate a representative to participate in a newly established Environmental Officers Forum (EOF) - intended to facilitate discussions and the sharing of experience and good practice on EIA. Discussions at EOF meetings have provided a useful opportunity for LPAs to highlight and discuss issues relating to intensive agriculture development proposals.

Following on from the EIA training and EOF discussions, the Department arranged for the external EIA expert to run an additional workshop earlier this year which focused on EIA issues relating to intensive agriculture. This was a valuable forum through which participating LPAs were able to consider and discuss pertinent issues in development management, including transboundary considerations.

The work progressed under the EGWP, including the development of DMPNs, is intended to support well-informed, environmentally-sound decision-making by LPAs in discharging their statutory responsibilities. The detail of this work has been the subject of discussions with a number of your colleagues in OEP (to whom I am copying this letter).

When DMPN 9B is published we will advise you and send a link to the document.

I trust you find the information above helpful.

Yours sincerely

DR KATHRYN McFERRAN
(Acting) Director

CC

