



## Belfast District Council (Shadow)

<b>Report to:</b>	Shadow Planning Committee
<b>Subject:</b>	Response to Consultation on Conservation of Habitats and Species Regulations (Northern Ireland) 2015
<b>Date:</b>	22 January 2015
<b>Reporting Officer:</b>	Rose Crozier, Assistant Director of Parks and Leisure
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<b>1</b>	<b>Relevant Background Information</b>
	<p>The Department of Environment Northern Ireland (DoENI) has circulated its draft Conservation of Habitats and Species Regulations (Northern Ireland) 2015 and has invited comments from the Council on these. A short summary of the provisions is provided in Appendix 1.</p> <p>The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 ('the Habitats Regulations') transpose the requirements of the EC 'Habitats' Directive and aspects of the 'Wild Birds' Directive. Since they were originally made in 1995, the Habitats Regulations have been subject to amendment on 6 separate occasions.</p> <p>In order to make better regulation and to improve transparency and legal clarity the Department has decided to undertake this 'consolidation' exercise in order to bring the original set of Regulations and the subsequent amendments together into one comprehensive statute.</p> <p>The proposed Regulations comprise a consolidation of existing policy, an alignment with other nature conservation legislation and technical amendments to reflect the revised allocation of planning responsibility to Councils.</p>
<b>2</b>	<b>Key Issues</b>
	<p>Following consideration by relevant officers across the Council, a response has been completed in draft form for approval by Members. This is provided at Appendix 2.</p> <p>Belfast City Council is already deemed a Competent Authority within the existing Regulations and therefore the Council is required to consider the effect on a</p>

	<p>European site before granting a consent or authorisation for any plan or project.</p> <p>However, under Local Government Reform responsibility for certain planning decisions will be assumed by councils and the principle implication of this revised legislation is that these assessment provisions apply those planning decisions which will now fall to councils, including the review of any existing consents that may affect identified sites.</p> <p>Our response highlights that NIEA has a crucial role to play within the assessment process required under this legislation.</p> <p>The Council believe that it is important that the DoENI continues to act as an independent advisor, providing expertise on the natural environment to all decision-making bodies, including councils and other Competent Authorities.</p> <p>It is critical that the DoENI is sufficiently resourced to ensure that they have the intellectual capital and experience to undertake this role.</p> <p>Consideration needs to be given to capacity building in all Competent Authorities, including councils, around implementation and compliance with these Regulations.</p> <p>The Council considers there is a need for an overarching framework and associated procedures in order to be able to assess more precisely the likely impacts on a European site, including cumulative impacts, the impact of plans and projects outside the Council's boundary and impacts on potential European sites or extensions to existing sites.</p> <p>Without such a framework capable of capturing data NI wide for all Competent Authorities and data sharing provisions there will be potential delays in decision making, legal challenges and possible fines from the European Union.</p> <p>The deadline for submission of the final response is the 30th of January 2015. As this is after the February Shadow Council meeting it is proposed that the attached consultation response, subject to any amendments proposed by this Committee, is submitted to DoENI with the caveat that it has not yet been ratified by the Shadow Council and may be subject to further amendment.</p>
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<b>3</b>	<p><b>Resource Implications</b></p> <p><u>Financial</u></p> <p>None at present</p> <p><u>Human Resources</u></p> <p>There are no human resource implications at present.</p> <p><u>Asset and Other Implications</u></p> <p>None at present</p>
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<b>4</b>	<p><b>Equality and Good Relations Considerations</b></p> <p>4.1 DoENI has completed an Equality Impact Assessment screening exercise in order to identify if any of the proposals included in this consultation will have an</p>
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	impact on the Section 75 groups and has concluded that no adverse differential impact is likely.
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<b>5</b>	<b>Call In</b>
5.1	This decision is subject to Call In.

<b>6</b>	<b>Recommendations</b>
	Members are asked to: (i) Note the contents of this report; and (ii) Approve submission of a final response to DoENI, subject to any comments or amendment provided, by the deadline of 30 January 2015.

<b>7</b>	<b>Decision Tracking</b>
	The Biodiversity Officer will submit the consultation response to DoENI by the deadline.

<b>8</b>	<b>Key to Abbreviations</b>
	NIEA – Northern Ireland Environment Agency DoENI – Department of the Environment Northern Ireland

<b>9</b>	<b>Documents Attached</b>
	Appendix 1 – Summary of the provisions within the proposed Conservation of Habitats and Species Regulations (Northern Ireland) 2015 Appendix 2 – Draft consultation response