

CONSULTATION

Response Document



43 Southgate Street, Winchester, Hampshire, SO23 9EH, UK
Tel: +44 (0)1962 868 626 | enquiries@cieem.net | www.cieem.net

**“Transposition of 2014 EIA Directive (2014/52/EU) in the Land Use
Planning and EPA Licencing Systems”**

“Key Issues Consultation Paper”

**Department of Housing, Planning, Community
and Local Government**

22 May 2017

Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM), the leading membership organisation supporting professional ecologists and environmental managers in Ireland, the United Kingdom and abroad, welcomes the opportunity to participate in this consultation process.

CIEEM was established in 1991, received Chartered status in 2013, and has 5,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM has developed relationships, some formally and others informally, with the following organisations in order to promote and support professionalism within ecology and environmental management at national, European and global levels:

- The Environmental Science Association of Ireland (ESAI)
- Europarc Federation
- European Network of Environmental Professionals
- IUCN – The World Conservation Union
- Professional Associations Research Network (PARN)
- Society for the Environment (SocEnv)
- United Nations Decade on Biodiversity 2011-2020 Network
- The UK All Party Parliamentary Group on Biodiversity
- The UK Environmental Policy Forum
- Countryside Management Association (CMA)
- British Ecological Society (BES)
- Freshwater Biological Association (FBA)
- Welsh Association of Countryside and Conservation Management
- Wildlife and Countryside Link
- Institute of Environmental Professionals - Sri Lanka
- EIANZ Ecology (Special Interest Section of the Environment Institute of Australia and New Zealand (EIANZ)).

CIEEM has approximately 250 members in Ireland who are drawn from across the private consultancy sector, NGOs, government and semi-state agencies, local authorities, academia and industry. They are practising ecologists and environmental managers, many of whom regularly provide input to, and advice on, environmental impact assessment.

Comments from CIEEM

CIEEM welcomes the opportunity to participate in the review of the Key Issues Consultation Paper in relation to the Transposition of 2014 EIA Directive (2014/52/EU) in the Land Use Planning and EPA Licensing Systems.

.....

RESPONSE TO SPECIFIC POINTS SET OUT IN THE PUBLIC CONSULTATION DOCUMENT

Extent of consultations (page 2):

- As the body representing professional ecologists in Ireland (North and South), it is considered that it would assist the Department if CIEEM were included on the list of stakeholder for consultations such as this, especially at an early stage in the process. Much of the workload of ecologists, particularly in the private sector, being in relation to EIA.

Exemption for Defence and Civil Emergency Projects, Proposed approach (page 6):

- It is considered that there should be at least some guidance on what does and does not constitute a 'civil emergency'. For example, water infrastructure planning requiring 'emergency' abstraction from sensitive features during times of low water availability should not constitute such since it would effectively allow the environment to carry the cost of bad planning.
- It is welcomed that the exemption from the requirements of EIA being provided for in respect of civil emergencies does not extend to exempting such projects from Appropriate Assessment (AA), where this would arise.

Joint Coordinated procedures (page 7):

- CIEEM is concerned at the lack of expertise within competent authorities when it comes to assessing ecological aspects of a development. We consider that it is essential to ensure competent authorities have sufficient resources to access relevant professional expertise in order to carry out EIA fully, including appropriate specialist ecological expertise where required. CIEEM is willing, and in a position to, assist in developing a panel of suitable ecological experts that could be drawn upon when necessary.

Joint Coordinated procedures - Proposed approach (page 9, points 23 & 24):

- It is unclear as to what this means in reality and whether there will be any change in approach to that pertaining at present

Screening Determination (page 15):

- For the most part, competent authorities (where it is the planning authority at least) have limited suitable resources to make a determination based on information provided (at least with respect to the likelihood of significant ecological effects). This raises the need for the need for appropriately trained and qualified staff to be in place, such as county ecologists.

Alternatives to the proposed development (page 18, point 55):

- Guidance in this regard is very much needed and would be welcomed. It is considered that CIEEM's input to the consultation process for any such guidance, at an early stage, would be of assistance to the Department.

Competent experts (page 22):

- The provisions under Article 5(3) are very important; and the proposed approach is welcomed, as long as it ensures that the developer and competent authority employ sufficient expertise to assess EIA.
- However, point 109 does little to allay the concerns expressed above in relation to the lack of resources and expertise. It is considered that guidance should ensure that the authority must declare that it had the resources available to employ expert assistance where needed.
- Expertise is currently largely only technical with respect to compliance with requirements, there is little or no expertise with respect to checking the validity of data, conclusions or relevance / appropriateness of mitigation (except to check that it fits with existing guidelines) – a rigorous approach is needed and also one that takes account of ecologists' expertise rather than just 'ticking boxes'.
- As practitioners, CIEEM members are acutely aware that lack of resources are currently used to explain poor planning decisions - a practice that will inevitably result in legal challenge if not addressed.

Prescribed Authorities (page 23):

- As referred to above, prescribed authorities will need the necessary resources in order to provide advice.
- It is recommended therefore, that a statement be added to this section in relation to the benefit of sufficient resources or (if applicable) any resource constraints are mandatory to be included in each response, thus alerting the competent authorities of the potential extra resources they may need to engage to fill this gap in assistance.

Monitoring (page 30):

- That Article 8a(4) will be transposed in its entirety is welcomed, particularly as the requirement for monitoring is important, though until now often missing or overlooked.

- The requirement of 'focussed' monitoring (point 146) is dependent on having personnel in the competent authority who understand what needs to be done and what is superfluous. Requiring unnecessary monitoring often undermines the relationship between developers and ecology.

Selection Criteria for Screening (pages -37):

- The proposed approach is welcomed.

General comments:

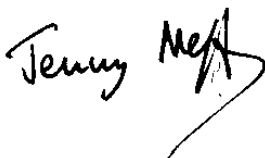
The direct transposition of Articles, where not already referred to above, is welcomed.

.....

CIEEM members are knowledgeable about the natural heritage of Ireland and, as a professional body representing practicing ecologists. Many members are practitioners for whom a large proportion of their work is EIA - related. CIEEM is therefore well placed to provide advice on specific areas relating to ecological assessment, including the relevant legislation now and in the future.

CIEEM would welcome any opportunity to discuss proposed changes in legislation and is willing to assist as appropriate – at any stage, including reviewing/commenting on any proposed amendments as they become available; and especially in the preparation of the Department’s “Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment” as they relate to ecological matters; also in relation to providing advice /assistance in developing a panel of suitable ecological experts that could be drawn upon when necessary by competent authorities including Local Authorities and An Bord Pleanála.

As CIEEM is the professional representative body of ecological practitioners who record and evaluate Irish biodiversity throughout their work, including within the context of planning and development, it is considered that it would be useful if CIEEM could provide input to documentation etc. at an early stage, prior to the public consultation stage.



Jenny Neff BSc(Hons) MSc(Ecol) CEcol CEnv FCIEEM

Vice-President (Ireland) of the Chartered Institute of Ecology and Environmental Management (CIEEM)