

Attached is a copy of the Shared Environment Service comment in respect of planning application LA05/2022/0033/F dated 23.04.24 provided for ease of referencing.

This is a Habitats Regulations Assessment (HRA) a process which determines whether development plans could negatively impact local plans on a recognised protected European site beyond reasonable scientific doubt.

It is distinct from and separate from an Environmental Impact Assessment (EIA).

An HRA can only consider the likely effects of the proposed development on the site in terms of selected features/or species of a European site, that is, a Special Protection Area (SPA) which is designated to protect birds, or a Special Area of Conservation (SAC) which covers flora and fauna.

In this case the HRA appears to mean that there are no European sites anywhere near the proposed development site consequently there would be no adverse effect on the protected wildlife/or habitats in and around SPAs or SACs.

An EIA screening must, however, take a wider look at likely effects on the environment generally and/ or locally.

The previous EIA screening conducted in January 2024 is meaningless, fundamentally flawed and in breach of UN Decision VII/8s, a decision issued against the U.K. in October 2021 which found that not making reports available on the planning portal in a timely manner, which a Planning Authority is legally obliged to produce, is a breach of Article 5 of the Aarhus Convention (https://unece.org/sites/default/files/2022-01/Decision_VII.8s_eng.pdf). Also attached. The decision is reproduced at Appendix 1.

Given our concerns about the need for a robust EIA we would be grateful for a response detailing when we can expect to receive access to a properly conducted EIA.

Yours sincerely,

Quarterlands Group