April 12th, 2017

Notice Of Meeting

You are invited to attend the Strategy Policy and Resources Committee Meeting to be held on **Thursday, 13th April 2017** at **5:00 pm** in **Mourne Room, Downshire.**

The Members of the Strategy Policy and Resources Committee are:-

Chair: Councillor P Brown

Vice Chair: Councillor C Enright

Members: Councillor T Andrews Councillor N Bailie

Councillor R Burgess Councillor P Byrne

Councillor M Carr Councillor W Clarke

Councillor S Doran Councillor M Murnin

Councillor B Ó'Muirí Councillor B Quinn

Councillor M Ruane Councillor G Sharvin

Councillor W Walker

Agenda

1.0 Apologies

2.0 Declarations of Interest

3.0 Action Sheet of the Strategy, Policy and Resources Committee Meeting held on 16 March 2017 (copy attached)

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Local Development Plan

4.0 Statement of Community Involvement - Finalised Draft

SPR Committee 13/4/17 - LDP Papers

Please note re LDP item Statement of Community Involvement: Finalised Draft. - This report has now been withdrawn.

A number of late representations were received by the Planning Department on Friday (7/4/17), These will require to be fully considered and addressed, and will require changes to the report and associated papers as submitted. On initial consideration of the representations, further amendments to the SCI are being considered.

As agreed with Chief Planning Officer: Anthony McKay, to allow the Development Plan Team sufficient time to fully consider and respond to the issues raised, and further review and amend the finalised draft of the SCI as necessary, it has been decided to withdraw the report and associated papers from this month's SPR Committee. This LDP item is postponed until the next month's SPR Committee (11/5/17) - amended report and associated papers will be forwarded for inclusion on the agenda on 4/5/17.

I would appreciate if you would now remove this item from the SPR Committee agenda for this Thurs evening (13/4/17). Furthermore, with the removal of this item, and no decision required, the Planning Committee will no longer need to be invited to the SPR Committee.

5.0 Local Development Plan: Preparatory Studies - Paper 12 (Part 2): Countryside - Development Pressure Analysis (copy attached)

FOR NOTING

SPR Report re LDP Paper 12 (Part 2) - Countryside - DPA.pdf **_Page 10_**

LDP Paper 12 (Part 2) - Countryside - Development Pressure Analysis.pdf **_Page 12_**

Corporate Planning and Policy

6.0 Quarterly Policy Screening Report (copy attached)

Corporate Services - Democratic Services

7.0 Book of Condolence Policy (copy attached)

Corporate Services - Finance

8.0 Management Accounts (copy to follow)

This item is deemed to be restricted by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to the financial or business affairs of any particular person (including the council holding that information).

Policies

9.0 Anti-Fraud Policy, Fraud Response Plan and Whistleblowing Policy (copy attached)

For Noting

10.0 Scheme of Delegation

11.0 Councillor Allowances Rates & Guidance Circular (copy attached)

For noting.

Consultation Documents

12.0 Department for Infrastructure - Proposal for the roads (EIA) Regulations (NI) 2017 - Consultation Paper (copy attached)

Notices of Motion

13.0 Notice of Motion referred from March Council Meeting - WITHDRAWN

THIS NOTICE OF MOTION HAS NOW BEEN WITHDRAWN BY COUNCILLOR REILLY.

Notice of Motion received from Councillor Reilly, referred from Council Meeting of 6th March 2017.

"That this Council investigates the possibility of entering into contract hire agreements for the supply of refuse collection vehicles.
That this Council gives serious consideration to the operational benefits of contract hire for refuse collection vehicles and presents a cost benefit analysis to Council and invites contract hire suppliers to address council on how the scheme works."

Items Restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (NI) 2014

14.0 Newry Leisure Centre - Phase 2 Contract - Compensation Events (copy attached)

This item is deemed to be restricted by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to the financial or business affairs of any particular person (including the council holding that information).

Report re Newry Leisure Centre - Phase 2.pdf ***Not included***

15.0 Greenway Phase 1 Project - Newry to Weir on Middlebank (copy attached)

This item is deemed to be restricted by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to the financial or business affairs of any particular person (including the council holding that information).

Report re Greenway Phase 1.pdf ***Not included***

16.0 Newry Civic Centre Update (copy to follow)

17.0 Report on Staff Restructuring (report to be circulated at the meeting)

Invitees

Cllr Terry Andrews	terry.andrews@nmandd.org
Cllr Naomi Bailie	naomi.bailie@nmandd.org
Cllr Patrick Brown	patrick.brown@nmandd.org
Cllr Robert Burgess	robert.burgess@nmandd.org
Cllr Stephen Burns	stephen.burns@nmandd.org
Cllr Pete Byrne	pete.byrne@nmandd.org
Mr Gerard Byrne	gerard.byrne@nmandd.org
Cllr Michael Carr	michael.carr@nmandd.org
Mrs Dorinnia Carville	dorinnia.carville@nmandd.org
Cllr charlie casey	charlie.casey@nmandd.org
Cllr William Clarke	william.clarke@nmandd.org
Cllr Garth Craig	garth.craig@nmandd.org
Cllr Dermot Curran	dermot.curran@nmandd.org
Cllr Laura Devlin	laura.devlin@nmandd.org
Cllr Sean Doran	sean.doran@nmandd.org
Cllr Cadogan Enright	cadogan.enright@nmandd.org
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Cllr Valerie Harte	valerie.harte@nmandd.org
Cllr Harry Harvey	harry.harvey@nmandd.org
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Cllr David Hyland	david.hyland@nmandd.org
Cllr Liz Kimmins	liz.kimmins@nmandd.org
Cllr Mickey Larkin	micky.larkin@nmandd.org
Mr Michael Lipsett	michael.lipsett@nmandd.org
Cllr Kate Loughran	kate.loughran@nmandd.org
Cllr Jill Macauley	jill.macauley@nmandd.org
Mrs Regina Mackin	regina.mackin@nmandd.org
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Mr Johnny Mc Bride	johnny.mcbride@newryandmourne.gov.uk
Cllr Declan McAteer	declan.mcateer@nmandd.org
Cllr Oksana McMahon	oksana.mcmahon@nmandd.org
Mr Eamon McManus	eamon.mcmanus@nmandd.org
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Cllr Pol O'Gribin	pol.ogribin@nmandd.org
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Cllr John Trainor	john.trainor@nmandd.org
Cllr William Walker	william.walker@nmandd.org
Mrs Marie Ward	marie.ward@nmandd.org

ACTION SHEET – STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING (SPR) – THURSDAY 15 SEPTEMBER 2016 –

ITEMS STILL IN PROGRESS OR ON-GOING.

SPR/192/2016	Former Kindle Primary School – Business Case	Agreed - officer's recommendation to purchase the site from Department of Education in order to develop a community centre, subject to a full economic appraisal and business case being carried out on the site.	M Lipsett	On-going. Ali Robb to prepare paperwork to purchase Former Kindle Primary School.	
ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2015					
SPR/210/2016	Derelict Site- Daisy Hill, Newry	Agreed to: Declare the land as surplus. Request LPS to provide a current market valuation and a recommendation on the most appropriate way to dispose of the land.	K Scullion	On-going. Request to LPS for valuation. Planning Department to revert to LPS to discuss issues around conservation.	

ACTION SHEET – STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING (SPR) – THURSDAY 13 OCTOBER 2016 – ITEMS STILL IN PROGRESS OR ON-GOING.

ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2015					
SPR/236/2016	Right of Way Proposal at Ballyedmond, Killowen, Rostrevor	It was agreed to accept the officer's recommendations as follows: • Approval of the details of the proposed Killowen Coastal Path around the Big Moat at Ballyedmond as per the presentation at the meeting, ie. the design drawings and technical specification. • A joint application for Planning Permission will be submitted by the Ballyedmond	E McManus	On-going. Submission of joint Planning Application on hold pending outcome of discussions with Statutory consultees .	

Back to Agenda

		Estate and the Council for the creation of the proposed Coastal Path as per the approved details.			

ACTION SHEET – STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING (SPR) – THURSDAY 17 NOVEMBER 2016 – ITEMS STILL IN PROGRESS OR ON-GOING.

SPR/250/2016	Disposal of Land at Carnbane Road, Newry beside Carnbane Playing Fields	• Council to expresses an interest in the disposal of land at Carnbane Road, Newry as this land is important for the future management and development of Carnbane Playing Fields and the land is under Council control as present. The acquisition will also resolve any discrepancies in the Council boundary. • Council to seek a transfer at nominal value in the first instance. • If Council is successful in acquiring this land, the Council agree to re-imburse NIE for any costs incurred in the relocation of their equipment on this site in the event of development and also agree to enter into a Way leave Agreement with NIE for the equipment. • Easements may also be required for Transport NI, BT and NI Water.	A Robb	Questionnaire returned to LPS to formally register the Council's interest in this matter. On-going.	
SPR/251/2016	Disposal of Land at Sugar Island, Newry	Council to express an interest in the disposal of land at Sugar Island, Newry. Council to seek a transfer at nominal value in the first instance.	B Magill	Questionnaire returned to LPS to formally register the Council's interest in this matter.	
SPR/257/2016	Peace IV	Application to be submitted to Shared Spaces and Services funding call for the John Doyle Peace Centre.	S Burns/J McCabe	Completed. Stage 1 application submitted7	

SPR/280/2016	International Relations Policy & Reference Group	Reference Group to be established as a partnership between Council and external agencies to approve the Terms of Reference and Framework outlined in the report.	E Curtis/J McCabe	On-going. Awaiting nominations from party representatives.	
SPR/282/2016	Correspondence from the Department for Communities Regeneration Bill	Council to write to the Minister for Communities asking him to reconsider the decision not to progress the Regeneration Bill.	L Hannaway	To be completed once a Minister for Communities is in place.	
SPR/10/2017	Garden Area at Junction of Kilmorey Street/River Street, Newry	Council to write to the Department for Infrastructure, Transport NI to seek their agreement to renewal of lease of this land for a further five year period and at a similar rent of 5pence per year.	A Robb	On-going	
SPR/17/2017	Peace IV Capital Shared Spaces and Services Application	Council to continue to support the Camlough scheme and write to the Clanrye group advising them Council could not offer a letter of support however would assist the group in investigating other methods of funding.	M Lipsett	On-going	
SPR/18/2017	Sister Cities Programme	Officers to draw up a programme of events around business, arts, culture, sports/leisure in line with Council's International Relations Policy.	J McCabe	On-going.	

ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2015

SPR/295/2016	Tender for the Provision of Corporate Graphic Design Services	Tender for the provision of Corporate Graphic Design approved for a 6 month period, with the option to extend for a further period if required, compliant with the Council's Financial Policy and Procedures Regulations.	R Mackin	Awarded.	Y.
SPR/297/2016	Proposals to increase Permanent Headcount in the Planning Department	Decision to increase the permanent headcount in the Planning Department to be taken after the Efficiencies Working Group to be held on 22 December 2016.	C O'Rourke	Recruitment is on-going, with two staff due to be confirmed in post shortly, one more working a notice period and the fourth will be	

				subject to an external recruitment process.	
SPR/19/2017	Saintfield Community Centre	The following was approved: 1. Proceed with the development of the Saintfield Community Centre Project utilising Council's own funding secured in the 2017/18 budget. 2. It is proposed that enterprise units are included as part of the scheme to generate income, subject to the requirement of the public and in line with Saintfield Community Trust's ethos. 3. Commence a new tender process to appoint an integrated design team, followed by an integrated supply team to deliver the scheme in accordance with Council project plan. 4. Statement to be issued to press on the project, at an appropriate time. Further agreed to erect a sign at Saintfield Community Centre site detailing the proposed new scheme and the inclusion of a possible 3G pitch in Saintfield.	M Lipsett	On-going Actioned Actioned Ongoing	
SPR/21/2017	Terms of Reference for a Review of the Big Screen, Newry	Terms of Reference contained within the Officer's report, for the review of the Big Screen in Newry, approved. To be undertaken by ASM, Chartered Accountants, and for their report to be subsequently considered by the Audit Committee.	D Carville	On-going	

ACTION SHEET – STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING (SPR) – THURSDAY 16 MARCH 2017

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SPR/55/2017	Action Sheet of SPR Committee Meeting held on 16 February 2017	SPR/192/2016-Former Kindle Primary School It was agreed that Council purchase the former Kindle Primary School site at the LPS valuation of £65,000. SPR/30/2017 – Saintfield Community Centre It was agreed that Rowallane DEA Councillors and any other interested parties would also be invited to the meeting with the Trust. It was further agreed that representation on the Community Trust would be investigated.	M Lipsett M Lipsett	Details of budget within Capital Programme to be brought to SPR in April 2017. ML meet with the Saintfield Community Centre, Rowallane Cllrs and Community Trust on 27 March 2017 at 4.30pm.	
SPR/56/2017	Report of Narrow Water Stakeholder Group Meeting held on 20 February 2017	The minutes of Narrow Water Stakeholder Group Meeting held on 20 February 2017 were agreed.	Noted	Noted	Y
SPR/57/2017	Minutes of the Strategic Projects Working Group held on 28 February 2017	The minutes of the Strategic Projects Working Group held on 28 February 2017 were agreed.	P Oakes	Noted	Y
SPR/58/2017	Performance Improvement Plan 2017-18	It was agreed: • The draft performance improvement objectives 2017-18, and supporting actions and measures, including authorisation to proceed with an 8 week public consultation from 24 March-19 May 2017. • The proposed approach and timetable for publishing the Performance Improvement Plan 2017-18, by 30 June 2017. It was further agreed that a performance measure for	J McBride	Recommendation of the	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		refuse collection would be explored with the Regulatory and Technical Services Department.		SP&R Committee will be considered as part of the analysis of responses from the public consultation exercise. A final version of the Plan (including recommended changes) will be submitted for the consideration of the SP&R Committee at its meeting in June.	
SPR/62/2017	Report on Draft Irish Language Strategy 2017-2019	It was agreed that the Draft Irish Language Strategy 2017-2019 be approved.	R Mackin	Delivery of Irish Language Strategy will be on-going.	
SPR/63/2017	Updated Terms of Reference – Irish Language Strategy Cross Party Working Group	It was agreed that the issue of a member of the Alliance Party sitting on the Irish Language Cross Party Working Group separately from the representation from Independents and Smaller Parties would be further discussed at the next working group meeting. It was agreed that the updated Terms of Reference for the Irish Language Strategy Cross Party Working Group be accepted.	C Moffatt	This matter will be discussed at the next Irish Language Strategy Working Group meeting.	
SPR/64/2017	Report on Requests regarding Planting of a tree and to locate a park bench	It was agreed that requests relating to memorialising a deceased person would be dealt with in future as per Council's policy. It was agreed that the requests relating to the memorialising deceased persons contained in Officer's Report dated 16 March 2017, be refused.	D Carville	Noted	
SPR/65/2017	Report on Updated	It was agreed to approve:	R Mackin	Noted	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	Policy on Naming Facilities and Guidelines and Associated Procedure for (re) naming of facilities	• The updated policy on naming Council facilities; • The updated guidelines and associated procedure in relation to (re) naming of facilities.			
SPR/66/2017	Brexit Update	It was agreed to note Council's engagement on the impact of Brexit and agree to: • Newry, Mourne and Down DC (NMDDC) along with the East Border Region Committee (EBR) continue to lead on this work. • NMDDC work in partnership with all the Local Authorities along the Border Corridor North and South to develop a clearer understanding on Brexit and its implications for key sectors and an agreed action plan on how to address these issues. This will not preclude any Council from progressing specific initiatives for their area if they are not common to the entire region (i.e. fishing – key sector in our area but not for all the Councils on the Border Corridor). • The Group of Councils along the Border Corridor (covering each of the 3 Border networks i.e. EBR, ICBAN & NW), will organise a seminar for Elected Members & Chambers of Commerce, etc to learn more of the detail from the research and discuss possible actions. This will involve Governments on both sides of the Border.	M. Ward	Noted	
SPR/67/2017	Culloville Development Association – Supplemental Contribution Agreement	It was agreed to approve the necessary legal formalities to secure a Charge relating to the Supplemental Contribution Agreement, subject to Culloville Development Association obtaining GAA approval.	A Robb	On-going	
SPR/68/2017	Credit Card Policy	It was agreed to approve the new policy in relation to	D Carville	Noted	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		Credit Card usage within the Council.			
SPR/69/2017	Newry Civic Centre Progress Report	It was agreed to approve the following recommendations: 1. The Council approve the procurement route as set out for the delivery of the Civic Centre. 2. The Council approve the criteria for location of the Civic Centre. 3. The Council approve in principle the appointment of Deloitte through the Consultancy One Framework to ensure continuity of service and to benefit from Deloitte's experience of delivering similar projects in other major cities. This will be subject to a value for money determination working with Strategic Investment Board.	M Ward	On-going	

ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2015

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SPR/70/2017	External Works at Newry Leisure Centre	It was agreed to note the content of the Officer's Report and to approve the following recommendations as detailed in Section 3.1 of the Report: 1. To carry out works at the entrance to the Newry Leisure Centre Complex from Clanrye Avenue as per the proposals, at an estimated cost as detailed in the Report. 2. To carry out paving works at the front of the vehicular entrance on the east side of the Phase 2 building at the cost detailed in the Report. 3. To alter the position of the 6 car parking spaces at the rear of the Phase 2 building at the cost detailed in the Report. 4. To seek agreement with Transport NI on financial arrangements whereby Transport NI would carry out	E McManus	Noted	

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		a road improvement scheme in Cecil Street, Newry before Phase 2 of the Leisure Centre opens to the public – subject to the Council making a financial contribution to the scheme based on 50% of the cost; the estimated cost being as detailed in the Report. Noted budget provision has been made in the 2017/2018 Capital Rates programme for such works.			

Report to:	**Strategy, Policy and Resources Committee**
Date of Meeting:	13 April 2017
Subject:	Newry, Mourne and Down Local Development Plan Preparatory Studies Paper 12 (Part 2): Countryside – Development Pressure Analysis
Reporting Officer:	Anthony McKay, Chief Planning Officer
Contact Officer:	Andrew Hay, Principal Planning Officer

Decisions required:

Note the content of this report.

1.0	**Purpose and Background:**
1.1	A programme of preparatory work is being undertaken as part of the Local Development Plan (LDP) process. Preparatory studies are essential in providing the evidence base for preparing the Local Development Plan (LDP). A reliable and comprehensive evidence base is vital to informing and justifying the 'soundness' of the LDP documents (Plan Strategy and Local Policies Plan) and to show how planning policies and proposals help to achieve the social, economic and environmental objectives for the plan area.
1.2	The SPR Committee is responsible for the Local Development Plan. All LDP papers are reported to the SPR Committee for noting or decision. All LDP papers will also be presented to the Planning Committee for noting. Depending on the subject matter, a LDP paper will also be presented to any other relevant Council Committee for noting.
1.3	'Paper 12 (Part 2): Countryside – Development Pressure Analysis' provides members with an overview of the Development Pressure Analysis for the countryside of Newry, Mourne and Down District Council area,
1.4	The paper builds on the existing evidence base and provides information on: • the Development Pressure Analysis for the District to help identify those areas of the countryside where significant development pressure has occurred and/or where local rural character is under threat of significant change as a result of cumulative impact of development; • an analysis of the results of these findings in the context of environmental designations and the landscape character of the District.
1.5	Members are asked to note the content of this report. Any comments received will be considered. The paper will be subject to any changes considered necessary in response to any valid comments received at this or any other Committee to which it is presented.
2.0	**Key issues:**
2.1	'Paper 12 (Part 2): Countryside – Development Pressure Analysis' provides members with a report on the Development Pressure Analysis for the District. Also known as a Rural Pressure Analysis, this analysis forms an integral part of the Development Plan process and forms one of the interrelated strands of the Countryside Assessment.

2.2	Following on from the 'Landscape Character Assessment' paper, and along with the 'Environmental Assets' paper, and the on-going Settlement Appraisal exercise, it seeks to identify areas where significant development pressure has occurred and where local rural character is under threat of significant change. Analysis of this information involves assessing the distribution of rural single dwellings in the countryside. Given the high number of wind energy applications in recent years and their potential visual impacts on the countryside the paper also considers wind energy development.
2.3	One of the aims of the LDP will be to balance development in the countryside against the need to protect the Districts most vulnerable landscapes.
2.4	For single houses in the countryside, the analysis demonstrates that there are areas within the District that are under more pressure than others. The main pockets of pressure, with higher concentration of single house development, are in the southern section of The Mournes DEA, the rural southern section of the Newry DEA, and the western section and south eastern area of the Crotlieve DEA. All other DEAs have some areas of concentrated development, these generally appear to correspond with the road networks within these areas.
2.5	The paper assists members in identifying those areas of our countryside that are particularly vulnerable and sensitive to further development, and which may benefit from additional designations and a stronger rural policy approach. The paper will assist the Council in the development of the LDP, and be taken into account in the formulation of countryside policies.
2.6	This paper forms part of the Countryside Assessment for the District and is to be read in conjunction with Paper 6: Environmental Assets together with Paper 12 (Part 1): Countryside – Landscape Character Assessment and Paper 13: Settlement Appraisals which is currently under preparation.
2.7	The information gathered and the key findings will be used to inform the preparation of the LDP.
2.8	Data gathered as part of this and other preparatory studies will be used to establish the baseline of the social, economic, and environmental characteristics of the plan area and enable the Council to identify the issues which need to be addressed by the LDP. Furthermore, it will provide a sound basis on which to formulate the plan strategy, policies and proposals within the LDP that will be subject to independent public examination.
3.0	**Recommendations:**
3.1	Members are requested to note the content of this report.
4.0	**Resource implications**
4.1	N/A
5.0	**Equality and good relations implications:**
5.1	N/A
6.0	**Appendices**
	• Paper 12 (Part 2): Countryside – Development Pressure Analysis

Comhairle Ceantair
an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down
District Council

Local Development Plan
Preparatory Studies

Paper 12 (Part 2): Countryside – Development Pressure Analysis

April 2017

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Figures and Tables Content

Appendices

Figure 12: Rural Pressure Analysis DEA: Slieve Gullion

Figure 13: Rural Pressure Analysis DEA: Mournes (to be forwarded from GIS)

Development Pressure Analysis of Newry, Mourne & Down District Council

Purpose: To provide members with a Development Pressure Analysis for the countryside of Newry, Mourne and Down District. Also known as a Rural Pressure Analysis, this analysis seeks to identify those areas where significant development pressure has occurred and/or where local rural character is under threat of significant change.

The paper provides information on:-

1. The Development Pressure Analysis for Newry Mourne & Down District,
2. Areas within the District where significant development pressure has occurred due to cumulative impact of one off single dwellings in the countryside and wind energy development, and
3. An analysis of the results of these finding in the context of environmental designations and the landscape character of the area.

1.0 Introduction

1.1 The Development Pressure Analysis is one of the 4 strands of the Countryside Assessment[1]. Following on from the Landscape Character Assessment and along with the Environmental Assist Appraisal, and the on-going Settlement Appraisal exercise, it seeks to identify areas where significant development pressure has occurred and/or where local rural character is under threat of significant change. Analysis of this information involves assessing the distribution of single rural dwellings in the countryside. Given the high number of wind energy applications in recent years and their potential visual impacts on the countryside the remit of this report has been widened to include a consideration of wind energy development.

1.2 This pressure analysis aims to identify areas that are particularly vulnerable and sensitive to further development and which may benefit from additional designations and a stronger rural policy approach. It is acknowledged that other types of development including large agricultural or industrial buildings can also create adverse visual impacts on the character of the countryside. In regard to these forms of development it is considered that sufficient control is currently provided within regional policies with the Local Development Plan also facilitating the opportunity to bring forward additional or amended policies to manage these forms of development.

1.3 'The countryside' as referred to in this paper is defined as the land outside designated settlement limits as identified in the Ards & Down Area Plan 2015 (ADAP) and the Banbridge/Newry & Mourne Area Plan 2015 (BNMAP).

2.0 Data Provision

2.1 The data which has been used to inform the pressure analysis has been provided by the Department for Infrastructure (DfI). All residential planning applications in the Northern Ireland countryside with the exception of minor alterations and extension from April 2002 to September 2016 were identified and complied by DfI's Analysis, Statistics & Research Branch. The relevant information has been extracted and the results have been used to produce a series of graphs and tables detailing the distribution trends over this period.

2.2 Within this paper applications for single dwellings in the countryside have been plotted. Those on the same site are shown as one dot. The resultant information provides an indication of development pressure in the countryside (see Figure 4).

[1] The four strands of the Countryside Assessment are: Environmental Assets Appraisal, Landscape Character Assessment, Development Pressure Analysis and Settlement Appraisal.

3.0 Regional Policy Context

(a) Regional Development Strategy

3.1 The Regional Development Strategy (RDS) 2035 sets the context for the sustainable development of Northern Ireland to 2035 and acts as the spatial strategy of the Northern Irelands Executive's Programme for Government. Within the RDS it encourages sustainable and balanced development in the countryside through the spatial framework.

(b) Strategic Planning Policy Statement for Northern Ireland.

3.2 The Strategic Planning Policy Statement for Northern Ireland (SPPS) consolidated existing policy provisions, including provisions in relation to rural planning, into a shorter more concise statement of planning policy while placing sustainable development at the heart of the planning system. One of the keys aims of this document in relation to the countryside is to manage development in a manner which strikes a balance between protection of the built and natural environment from inappropriate development, while supporting and sustaining rural communities and adhering to the Northern Irelands Executives commitment to aid in protecting the regions biodiverstiy.

3.3 The SPPS directs that policy approaches to new development in the countryside should reflect differences within the region, to be sensitive to local needs and be sensitive to environmental issues including the ability of settlements and landscapes to absorb development.

3.4 To accomplish these objectives it will involve recognising areas that are both particularly sensitive to change and those areas which have lower sensitivities and therefore provide the required opportunities to accommodate sustainable development. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, including the natural topography, and to meet other planning policy and environmental considerations, including the policy approach to cluster, consolidate and group new development with existing established buildings, while therefore protecting the rural character of the area.

3.5 In preparing Local Development Plans (LDPs) Councils are required to bring forward a strategy for sustainable development in the countryside, together with appropriate policies and proposals that must reflect the aims, objectives and policy approach of the SPPS, tailored to the specific circumstances of the plan area.

3.6 As outlined above the SPPS states that the policy approach must be to cluster, consolidate and group new development with existing established buildings while also promoting the re-use of previously used buildings. While following this approach it should facilitate essential new development whilst mitigating against the potential adverse impacts on rural amenity and scenic landscapes arising from the cumulative effect of one-off, sporadic development.

3.7 Other policies which are detailed in the SPPS and are relevant to the protection of the countryside require development integrating into the landscape, respecting the rural character as well as not marring the distinction between settlements and the surrounding countryside.

3.8 The SPPS also acknowledges that some areas of the countryside exhibit exceptional landscapes such as mountains, lough shores and stretches of coast wherein the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances. Within this District the three areas listed below have been designated as Special Countryside Area's within the current BNMAP 2015.

- Mournes Special Countryside Area;
- Ring of Gullion Special Countryside Area; and
- Slieve Croob Special Countryside Area.[2]

3.9 As part of this process a further analysis will therefore be undertaken to assess whether this additional level of protection has aided in limiting sporadic unnecessary and inappropriate development as well as investigating whether other sections of the District would benefit from this additional level of control.

3.10 A further aim of the SPPS is to facilitate the siting of renewable energy developments in appropriate locations without compromising environmental assets or valuable landscapes while working towards achieving the renewable energy targets set out by Government.

3.11 The SPPS advises that particular care should be taken when considering the potential impact of all renewable proposals on the landscape. It advises that a cautious approach should be taken for such projects within designated landscapes which are of significant value such as the Districts 3 Areas of Outstanding Natural Beauty (AONB) Ring of Guillion AONB, Mourne AONB and Strangford and Lecale AONB. It is acknowledged that it can be difficult to accommodate renewable energy proposals such as wind turbines without having an impact on the regions cultural and natural heritage. Due to a significant increase in the number of wind energy applications within the District in recent years and the significant visual impact they can have on the landscape, both individually and cumulatively an assessment of their impact has been included within the remit of this paper.

(c) Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21)

3.12 PPS21 sets out policies for managing development in the countryside with one of its key themes being to conserve the landscape and natural resources of the rural area, to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution. PPS21 also outlines the four interrelated strands of the Countryside Assessment which includes the Development Pressure Analysis.

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[2] These designations do not correspond with the AONB boundaries of these designations

(d) Planning Policy Statement 18: Renewable Energy (PPS18)

3.13 The aim of PPS18 is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy.

The objectives of the Statement are:

- to ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed;
- to ensure adequate protection of the Region's built, natural, and cultural heritage features; and
- to facilitate the integration of renewable energy technology into the design, siting and layout of new development and promote greater application of the principles of Passive Solar Design.

4.0 Existing Urban and Rural Housing Provision

Prior to examining the information relating to the rural pressure analysis, the context of the distribution of urban and rural population as presented within Paper 1: (2nd Revision) Populations & Growth - Settlement Hierarchy has been summarised below.

4.1 The population of Newry, Mourne and Down District in 2011 census was 171,533 rising to 175,403 in the NISRA mid-year estimates published in June 2015. Based on census information approximately 16% of the household population of the District are living within the existing development limit of Newry city. 24% of the Districts population reside within the 7 existing towns as designated in the 2 existing Development Plans.

4.2 20% of the population live within the 28 villages as designated within the existing Development Plans while 5% of the population live within the remaining 52 small settlements. This leaves approximately 35% of the population or 59,317 people currently living within the open countryside.

Table 1: Breakdown of Population in 2011 within Newry, Mourne & Down Settlement Hierarchy

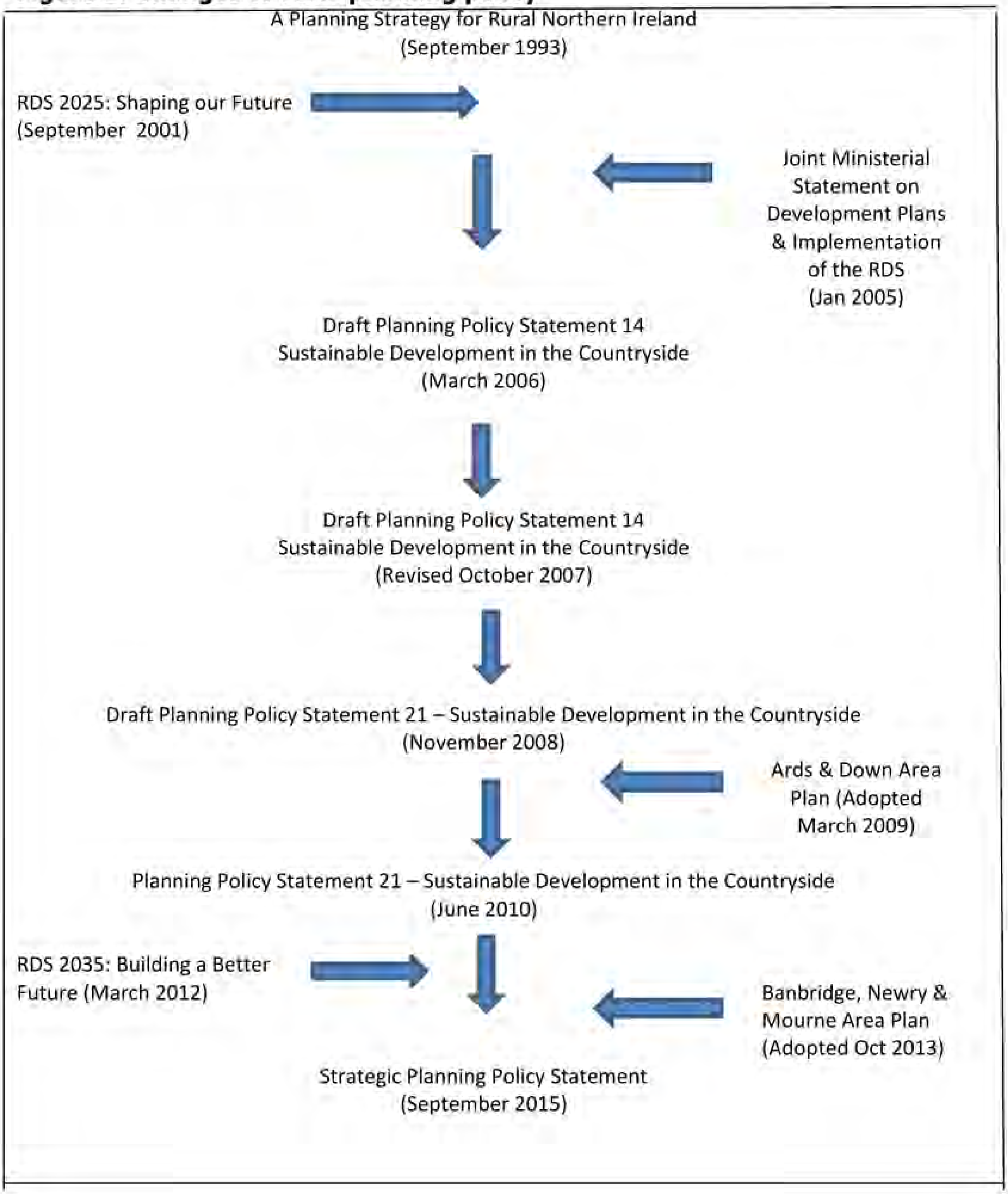
	City	Towns	Villages	Small Settlements	Open Countryside
Population of settlements	26,893	41,982	34,573	8,768	59,317
Total % of Population	15.68	24.48	20.15	5.15	34.57

Source: Headcount and Household Estimates for Settlements in Northern Ireland published 26/03/2015 http://www.nisra.gov.uk/census/2011/results/settlements.html

5.0 Changes to rural policy impacting on trends within the open countryside

During the period April 2002 to September 2016 for which this analysis has been carried out proposals for rural dwellings have been influenced by a number of planning policies which are detailed in Figure 1 below.

Figure 1: Changes to rural planning policy



Back to Agenda

5.1 Figures 2 and 3 together with Table 3 provide a summary of all rural single dwelling decisions (Outline, Full and Reserved Matters) issued between April 2002 and September 2016. The analysis shows that a total of 14,005 applications for rural dwellings have been processed in the District from 2002. Within the period April 2010 to September 2016 a total of 4619 outline, full and reserved matters applications for single rural dwellings were decided with 77% approved, 17% refused and 6% withdrawn.

5.2 Figure 3 clearly shows that after the publication of draft Planning Policy Statement 14 (dPPS14), the adoption of the ADAP 2015 and the publication of PPS21 there was identifiable peaks in the number of decisions issued due to the additional clarity these documents gave.

5.3 It can also be seen from Figure 2 that since March 2006 there has been a general downwards trend in the volume of applications made for single rural dwellings within the District. This can again be highlighted by comparing two four year periods between 2002 and 2016. Within the 4 year period 2003-2007 an average of 2013 applications were decided per year while from 2011-2015 the average figure dropped to 652 applications per year. To put this into further context the average number of applications decided in one year between 2003-2007 (2013) is more than the total number of applications processed to approval or refusal between the years 2012 and 2015 which was 1728.

5.4 The number of planning applications issued peaked in 2005-2006 with a total of 2490 processed to either an approval (1346) or refusal (1144) with an additional 334 withdrawn before a decision was reached. As Figure 2 indicates this coincides with the Joint Ministerial Statement being released in January 2005. This statement gave clarity on the weight which should be afforded to policies and proposals within draft plans. In doing so the Statement expanded on the circumstances when it was considered appropriate to refuse planning permission on the grounds of prematurity. The statement also indicated that the weight to be attached to policies in the emerging plans should depend upon the stage of plan preparation and therefore as the publication of the adopted ADAP 2015 became imminent the numbers of decisions issued as refusals dropped awaiting clarity on rural policies. As the graph indicates following on from the adoption of this Plan the number of refusals issued within the District began to rise steadily over the subsequent 14 to 18 months as additional clarity had now been implemented.

5.5 Following the publication of dPPS14 in March 2006 and its re-issuing in 2007 Figure 2 shows a significant drop in the total number of applications being dealt with by the DOE. In the preceding year April 2005 to March 2006, 2824 applications were issued (2490) or withdrawn (334), while within the following 12 month period this figure dropped by almost 1000 applications to 1794 with 1703 being issued and 91 withdrawn. A number of different reasons may give some indication as to why there was such a significant downtown in the numbers of planning applications around this time. These may have included agents and applicants allowing the policy to become embedded and to analyse how individual policies were interpreted together with the economic recession which began mid to late 2007.

5.6 The high number of applications processed between 2003 and 2008 are reflective of the economic conditions that during this period.

Table 3: Planning Decisions for Single Dwellings in the Countryside (Full, Reserved Matters and Outline) in Newry, Mourne & Down District 2002-2016)

Year	Approvals (%)	Refusal (%)	Withdrawals (%)	Total
2002-2003	1444 (75.4)	171 (8.9)	300 (15.6)	1915
2003-2004	1606 (74.6)	281 (13.0)	263 (12.2)	2150
2004-2005	1464 (63.8)	511 (22.2)	319 (13.9)	2294
2005-2006	1346 (47.6)	1144 (40.5)	334 (118.)	2824
2006-2007	1021 (56.9)	682 (38.0)	91 (5.0)	1794
2007-2008	1321 (79.4)	258 (15.5)	83 (4.9)	1662
2008-2009	1164 (95.0)	22 (1.7)	39 (3.1)	1225
2009-2010	1069 (86.1)	95 (7.6)	77(6.2)	1241
2010-2011	701 (68.5)	223 (21.7)	99 (9.6)	1023
2011-2012	711 (76.3)	172 (18.4)	48 (5.1)	931
2012-2013	599 (78.1)	136 (17.7)	31(4.0)	766
2013-2014	445 (83.6)	56 (10.5)	31 (5.8)	532
2014-2015	423 (81.3)	69 (13.2)	28 (5.3)	520
2015-2016	309 (80.2)	61 (15.8)	15 (3.8)	385
2016-2017	382 (82.6)	51 (11.0)	29 (6.2)	462
Total	**14,005 (71.0)**	**3,932 (19.9)**	**1,787 (9.0%)**	**19,724**

5.7 Table 3 indicates that in the years 2008-2009 and 2009-2010 only 22 and 95 applications were issued as refusals. These low figures can be explained by the number of applications that were being held awaiting the publication of the final version of PPS21. (Published in June 2010).

5.8 Table 3 also shows that the number of decisions have declined almost steadily year on year from 2007-2008 with 1579 applications being issued until 2015-2016 when only 370 decisions were issued for one off dwellings. Within this period a notable dip in the number of approvals is evident from 2009-2010 to 2010-2011. This coincides with the publication of PPS21 in June 2010 which replaced dPPS21. The publication of PPS21 brought about a higher level of confidence to rural planning policy following a long drawn out period of uncertainty.

5.9 Under PPS21 it is clearly evident that the rate of rural housing approvals is notably reduced when compared to approvals under historical rural planning policies. Within the first 3 years of assessing applications under PPS21 (2010 -2013) when compared to the following 3 year period (2013-2016) the average number of applications issued or withdrawn dropped significantly from 906 to 479.

5.10 Within PPS21 provision is made for a range of types of development which in principle are considered to be acceptable in the countryside while contributing to the aims of sustainable development. Planning permission may therefore be granted for various types of individual dwellings including replacement dwellings, personal circumstances and farm dwellings etc.

5.11 The introduction of PPS21 sought to strike a balance between the need to protect the environment while sustaining a strong and vibrant rural community. Within PPS21 provision has been made to provide a range of different categories of residential development. The statistics made available by Dfi's Analysis, Statistics & Research Branch have therefore enabled some arbitrary analytical work to be carried out on the types and classifications of applications which have been submitted within the rural portion of the District. It appears evident that the most popular application type in the countryside from the implementation of PPS21 has been for replacement dwellings which equates to approximately 36% of all approvals issued from June 2010 followed by farm dwellings at 33%. These 2 application types appear to be the most predominant classifications however it must be taken into consideration that the way in which the applications are described can impact on the accuracy of these findings as a large percentage of applications are simply described as 'dwelling in the countryside' and can therefore manipulate the statistics. Other popular application types were found to be change of house type and substitution applications which count for approximately 15% of all applications.

Figure 2: Total Numbers of Decisions Issued Annually within the rural Newry, Mourne & Down Area from 1st April 2002 – 1st September 2016

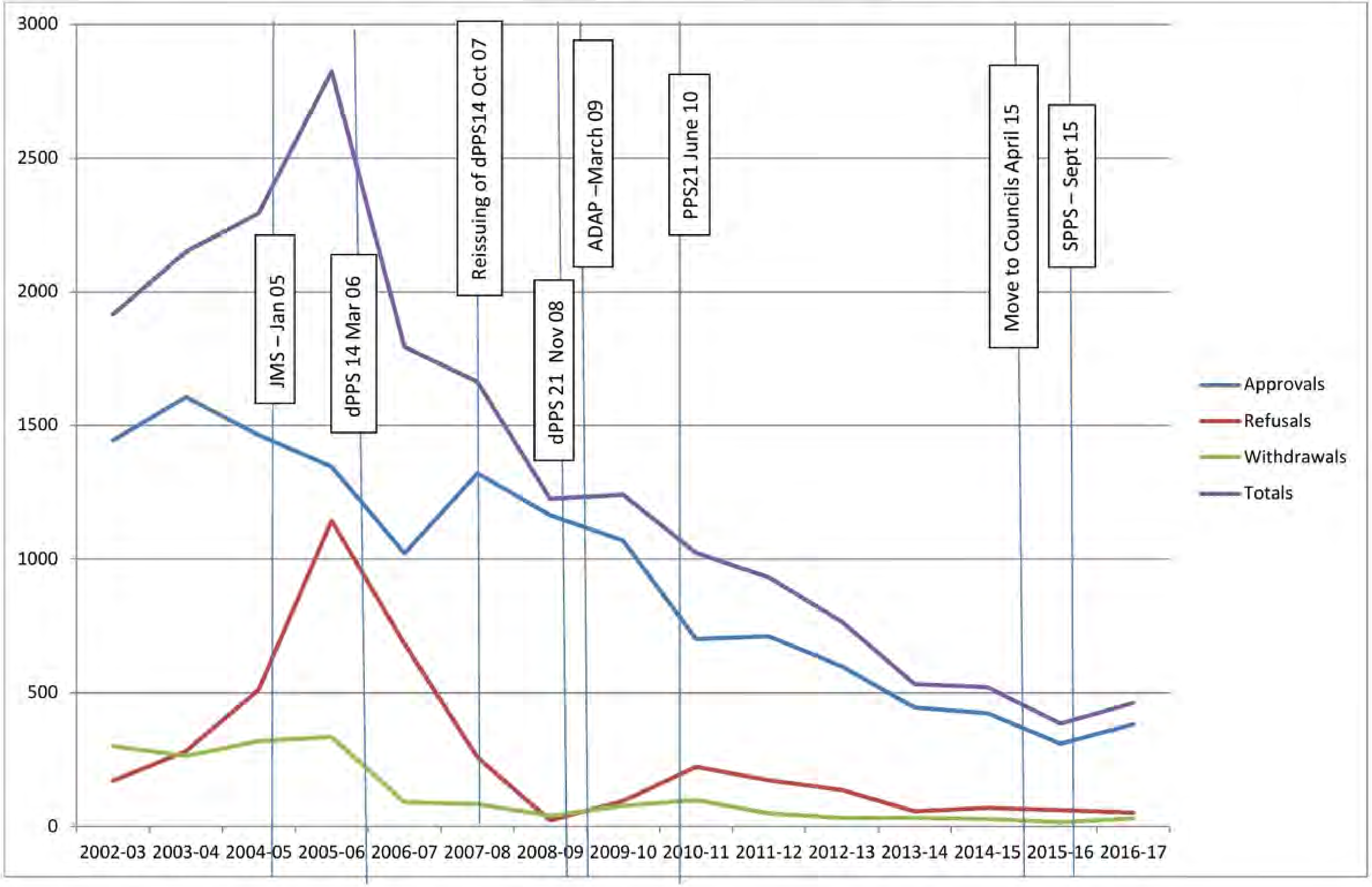
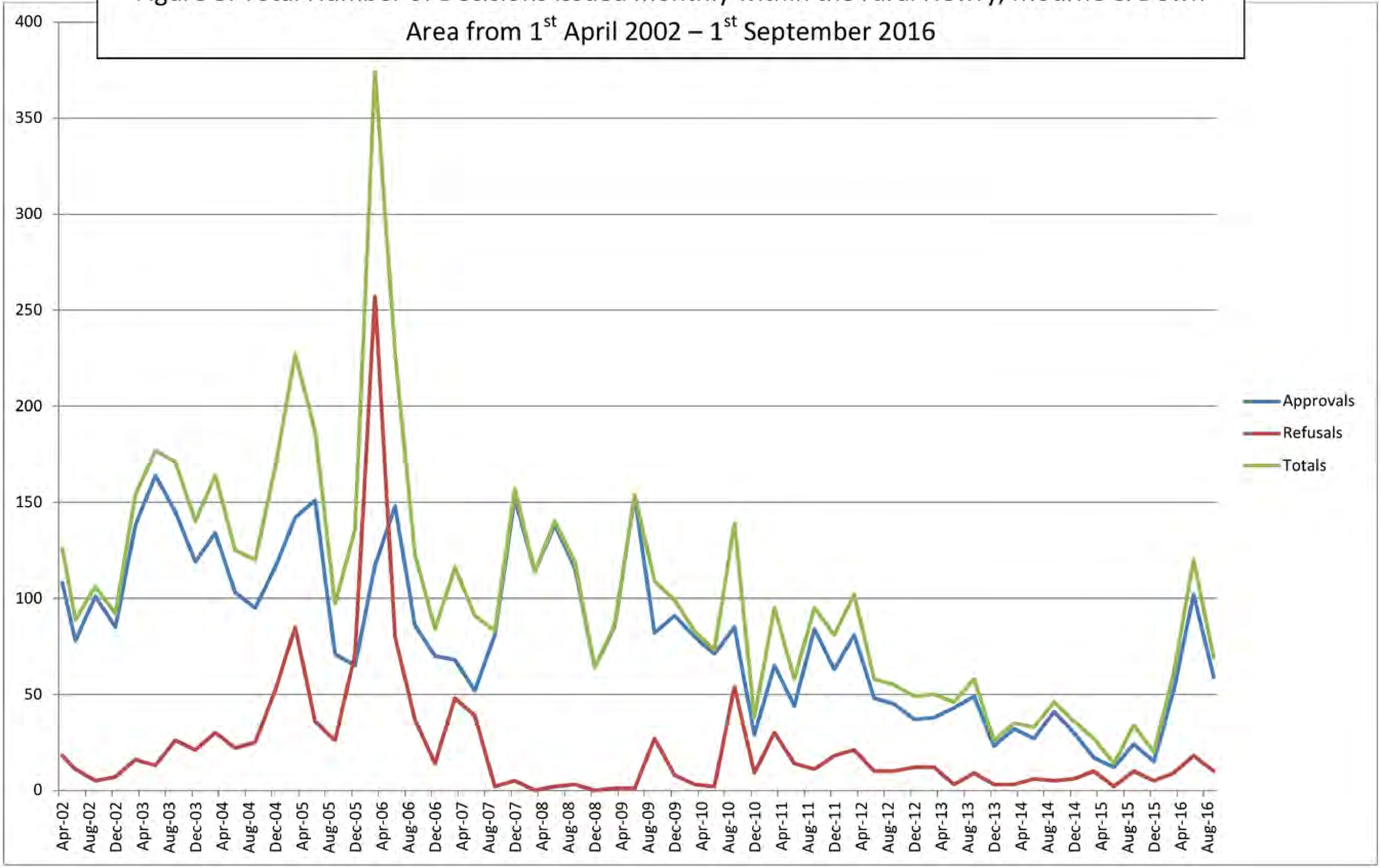


Figure 3: Total Number of Decisions issued monthly within the rural Newry, Mourne & Down Area from 1st April 2002 – 1st September 2016



6.0 Development Pressure Analysis within the District Electoral Areas

6.1 All rural single dwellings in the countryside applications i.e. approvals, refusals, withdrawals of Outline, Full and Reserved Matters applications have been identified through DfI statistics and plotted as a series of dot maps for the 7 District Electoral Areas (DEA's) which can be seen in Appendix 1. Applications which fall on the same site will show as one dot only at the scale displayed. To illustrate the impact of different policies from 2002 all applications refused have been shown as red dots, withdrawn applications as green dots, approvals prior to 2010 have been shown indicated in blue while all approvals following this date have been shown in yellow. Figure 4 is a district wide map identifying all approved single dwellings in the countryside since the implementation of PPS21 in 2010.

6.2 The statistics have been cleansed to ensure decisions issued in relation to household extensions have been removed and are not included in this analysis.

Table 4 Breakdown of dwellings in the countryside approved within each DEA from Jan 2002 to December 2009

DEA	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	Totals
Crotlieve	263	322	255	276	189	279	266	230	**2080**
Downpatrick	113	119	108	98	87	70	58	78	**731**
Newry	74	56	62	51	63	67	54	57	**484**
Rowallane	64	79	54	75	60	35	49	88	**504**
Slieve Croob	308	344	267	218	245	193	183	175	**1933**
Slieve Gullion	416	434	497	407	240	445	324	243	**3006**
The Mournes	206	252	221	221	136	232	231	198	**1697**
Totals	**1444**	**1606**	**1464**	**1346**	**1020**	**1321**	**1165**	**1069**	**10435**

Table 5 Breakdown of dwellings in the countryside approved within each DEA from January 2010 to September 2016

DEA	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	TOTALS
Crotlieve	156	139	122	85	83	63	76	**724**
Downpatrick	40	47	45	37	36	25	18	**248**
Newry	33	41	29	25	30	13	17	**188**
Rowallane	49	55	63	61	49	48	39	**364**
Slieve Croob	116	105	85	79	55	49	66	**555**
Slieve Gullion	175	203	142	77	93	59	78	**827**
The Mournes	132	121	113	81	77	52	88	**664**
Totals	**701**	**711**	**599**	**445**	**423**	**309**	**382**	**3570**

6.3 On analysing Tables 4 and 5 it appears evident that from 2002, the start of the review period, the highest percentage of rural dwellings have been located within the Slieve Gullion DEA followed by Crotlieve DEA. It is also apparent that from the implementation of PPS21 there has been a downwards trend in the number of rural dwelling applications within the District as a whole however Slieve Gullion still represents 23% of the total number of planning applications followed closely by Crotlieve with 20%.

6.4 Within the Slieve Gullion DEA a higher number of dwellings appear to be located within the central and southern sections of the DEA. This area accommodates a high number of small settlements and villages along with the town of Crossmaglen. High volumes of single dwellings are concentrated around these settlements and the inter-connecting road network. Within this DEA the area which contains the Slieve Guillion AONB also appears to have a greater concentration of rural dwellings approved than the lands to the north.

6.5 Crotlieve DEA has remained the 2nd busiest electoral area within the District over the reporting period for rural dwellings approvals. Within 2002 to 2009, 2080 applications were approved within the area while from 2010 to September 2016, 724 applications were approved. Although this marks a substantial reduction (1356) in approvals it can be seen that approximately 20% of the Districts total rural dwellings have been located consistently within this DEA from 2002. Within the DEA there appears to be a concentration of approvals through the middle section of the area, stretching across the Derrylecky and Hilltown wards with another notable cluster in the northern portion of the Mayobridge ward. The southern portion of the DEA remains the least developed which corresponds with a both a section of the Mourne AONB.

6.6 The 3rd most popular DEA for rural dwellings is The Mournes which accounts for 19%. As the overall map and the individual DEA map indicate development within this DEA is separated by the high Mournes with significant pressure being seen along both the coastal section of this DEA and the Mourne foothills to the north despite the added protection of being located within an AONB.

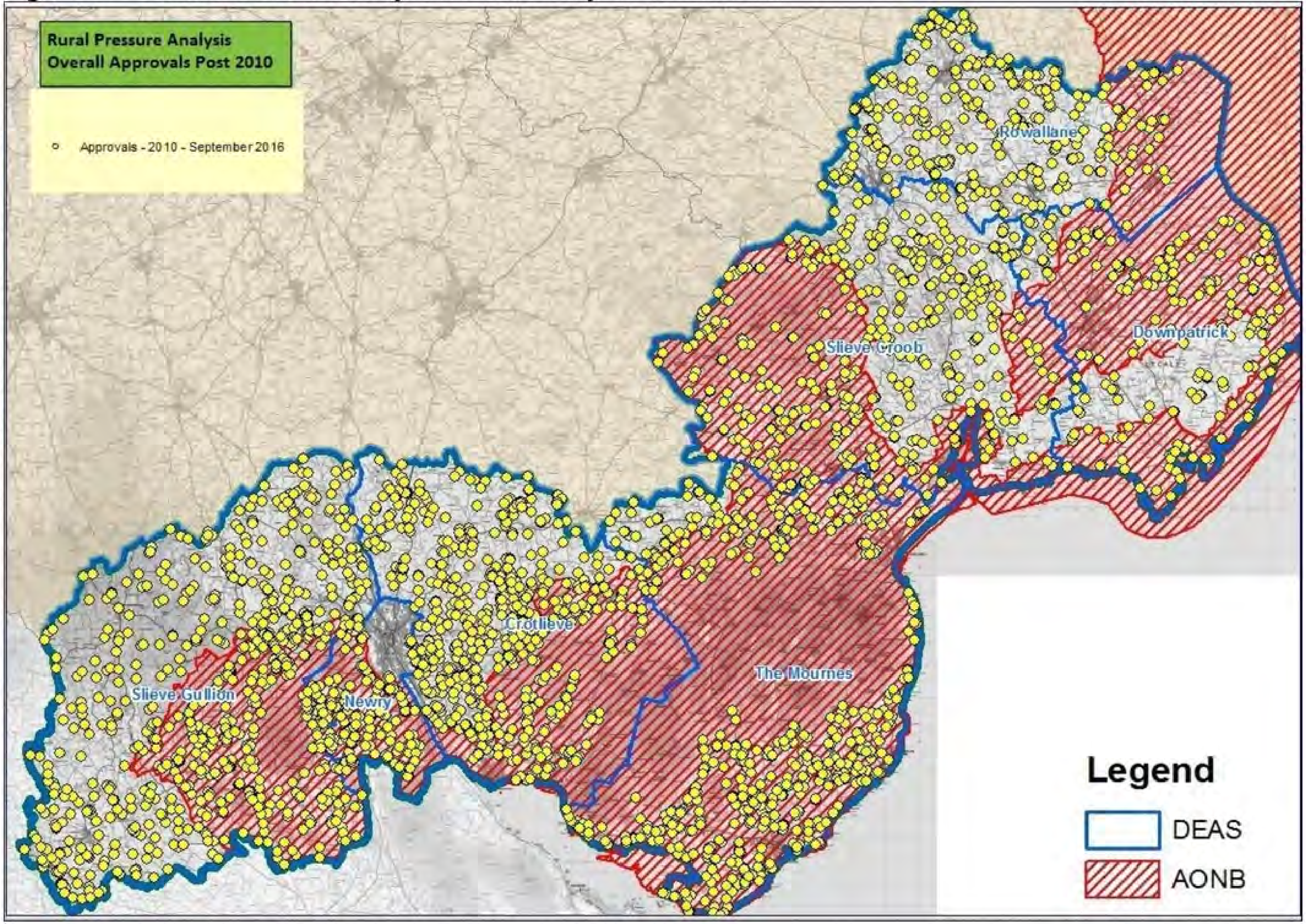
6.7 Slieve Croob DEA has seen a downwards trend in the number of rural dwelling applications being issued as approvals. Within the period 2002 to the end of 2009, 1933 applications were approved within the Slieve Croob DEA equating to approximately 29% of the Districts rural approvals with this figure reducing to 555 approvals or 16% since 2010 which makes it the 4th busiest DEA in terms of rural approvals.

6.8 Within Tables 4 & 5 it can be seen that Newry DEA has consistently had the lowest number of approvals which continues to move in a downwards trend. These tables indicate that Newry DEA equated to just under 5% of the rural dwelling approval between 2002 and 2009 having 484 rural dwelling approvals while during the period 2010 to September 2016 only 188 rural dwellings have been approved. Even when factoring in these lower approval ratings there does appear to be a clustering of dwellings approved to the south of Newry (Figure 4). These lower approval ratings within this DEA are as a consequence of a significant portion of this DEA incorporating the settlement of Newry and the smaller overall area of this DEA in comparison to the other 6 DEAs within the District.

6.9 Downpatrick DEA has experienced a sizeable reduction in the number of applications from 2002 to the present day. Within the period 2002 to 2009 this DEA approved 731 rural dwelling applications while from 2010 and the introduction PPS21 the numbers dropped to 248. As with the Newry DEA part of the reasoning for this centres around the fact that a large portion of this DEA is located within an urban setting and the overall scale of this DEA in comparison to all others within the District alongside the more rigorous policy tests applied and detailed within PPS21. This reduction in applications numbers has moved this DEA from 5th in terms of rural approvals to 6th within the District.

6.10 With regards to the Rowallane DEA although the number of rural dwelling applications has fallen from 504 to 354 within the reporting period the overall percentage of applications within this DEA has increased from just under 5% of the Districts total in 2002 – 2009 to 10% in 2010 – 2016 which has subsequently moved Rowallane DEA from 6th to 5th within the District.

Figure 4 – Rural Pressure Analysis Overall map of the District



7.0 Analysis of Wind Energy Development

7.1 Increasing the use of renewable energies was detailed as an objective within the Regional Development Strategy (RDS) for Northern Ireland 2035. The RDS refers to the Strategic Energy Framework for Northern Ireland (DETI 2010) which sets targets of 40% electricity consumption from renewable sources as well as achieving 10% penetration of renewable heat by 2020.

7.2 NISRA indicated the number of planning decisions for single wind turbines and wind farm applications issued from 2002 to 2014.

7.3 Prior to the publication of PPS18 Renewable Energy and the best practice guide entitled 'Wind Energy Development in Northern Irelands Landscapes', applications for wind energy development were primarily assessed under the Planning Strategy for Rural Northern Ireland and in-particular Policy PSU 12. However, following a change in direction in all Government policy as outlined above a more permissive renewable energy policy was introduced through PPS18. This together with a number of government subsidy schemes which were being rolled out explains the sharp increase in applications and approvals for wind energy development. It was therefore apparent that increasing numbers of renewable energy applications would be submitted, but that their approval would only be granted where they were appropriately sited to ensure they have a minimal impact on the surrounding environment.

7.4 Table 6 shows all decided wind turbine applications from 2002 to 2014. All decisions have been identified and plotted as a 'dot map' (Figure 6) with applications which fall on the same site been shown as one dot. The accompanying graph (Figure 5) indicates a sharp increase in both the number of wind turbine applications and the approval rating since the introduction of PPS 18. Decisions reached a peak in 2008 with 90 wind turbine applications being issued with 90% of these being approved. In the following years the number of proposals fluctuated but the approval ratings remained high at approximately 74% between 2009 and 2013. These percentages are however not unexpected considering the Government's aim to meet the European targets through the promotion of renewable energy.

7.5 As outlined in Paper 9: Public Utilities and Paper 12 (Part 1): Countryside Landscape Character Assessment consideration must be given as to whether specific areas within the District should be zoned specifically for turbine development which would help to eradicate the piecemeal development which is currently found in some sections of the District. A more detailed analysis of the location and numbers of wind turbine application has been provided within Paper 12 (Part 1) but the following graph, table and map give an indication into the numbers of applications submitted and the areas in which they are concentrated.

Figure 5: Planning Applications for wind energy development in Newry, Mourne & Down 2002 - 20015

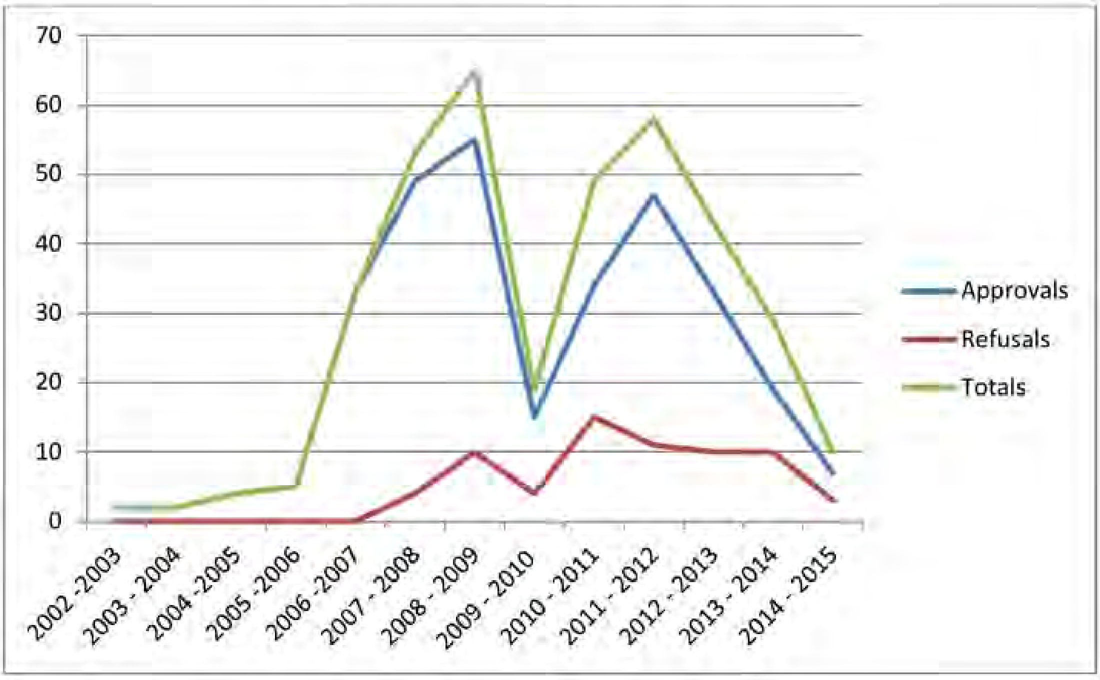
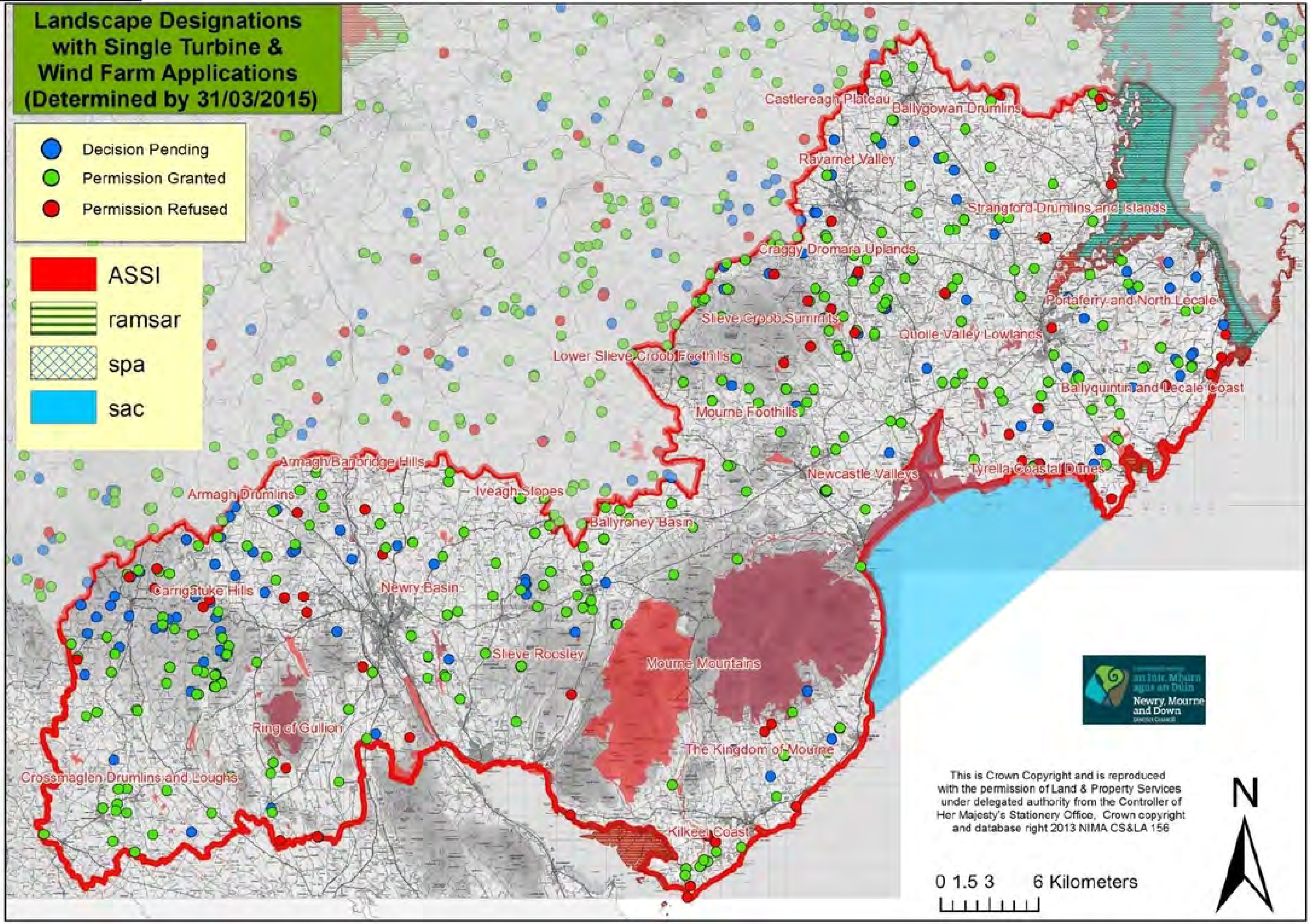


Table 6: Planning Decisions (Approvals & Refusals) for single wind turbines/wind farms in Newry, Mourne & Down District Council

Year	Approvals	Refusals	Totals
2002	2	0	2
2003	2	0	2
2004	4	0	4
2005	5	0	5
2006	33	0	33
2007	49	4	53
2008	55	10	65
2009	15	4	19
2010	34	15	49
2011	47	11	58
2012	33	10	43
2013	19	10	29
2014	7	3	10
Totals	**305**	**67**	**372**

Planning Applications for wind energy development in Newry, Mourne & Down 2002 - 2014

Figure 6


Landscape Designations with Single Turbine & Wind Farm Applications (Determined by 31/03/2015)
Decision Pending
Permission Granted
Permission Refused
ASSI
ramsar
spa
sac
Castlereagh Plateau
Ballygowan Drumlins
Ravarnet Valley
Strangford Drumlins and Islands
Craggy Dromara Uplands
Slieve Croob Summits
Quoile Valley Lowlands
Portaferry and North Lecale
Lower Slieve Croob Foothills
Ballyquintin and Lecale Coast
Mourne Foothills
Armagh/Banbridge Hills
Newcastle Valleys
Tyrella Coastal Dunes
Armagh Drumlins
Iveagh Slopes
Ballyroney Basin
Carrigatuke Hills
Newry Basin
Slieve Roosley
Mourne Mountains
Ring of Gullion
The Kingdom of Mourne
Crossmaglen Drumlins and Loughs
Kilkeel Coast
Newry, Mourne and Down
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0 1.5 3 6 Kilometers
N

8.0 Conclusions

8.1 It is evident that from the available statistics that the rate of rural housing approvals under PPS21 is notably reduced when compared to approvals under historical rural planning policies albeit with some areas of the District experiencing additional pressures to others. When assessing these figures it must also be taken into consideration the role that the economic recession resulted in a downturn in the number of applications submitted to the DOE.

8.2 In formulating any new or revised policies, the new LDP must therefore reflect the differences in the landscape across the District to enable future development, allow rural communities to remain sustainable, offer protection to our valued landscapes. Policies within the LDP must also be consistent with both the RDS and SPPS in relation to providing the majority of all development towards our city, towns, villages and small settlements to ensure that the LDP is found to be 'sound' at the Public Examination.

8.3 One of the key aims of the new LDP will therefore be to balance development while protecting the Districts most vulnerable landscapes. It is evident from the analysis carried out within this paper that with regard to one off houses in the countryside there is evidence that there is substantial pressure across lands sections of the District. This suggests that both PPS18 and PPS21 have not been wholly effective in maintaining and protecting the rural character of the District.

8.4 As the analysis and statistics suggest there are areas within the District that are under more pressure than others. Figure 4 shows pockets of additional pressure in the southern section of The Mournes DEA, the rural southern section of the Newry DEA and the western section and south eastern portion of the Crotlieve DEA. It should also be noted that all other DEAs have areas of concentrated development which generally appear to correspond with the road networks within these areas. Given that certain areas within the District have sensitive and scenic landscapes which contains a high number of environmental designations it may therefore be appropriate to introduce additional protection in certain localities.

8.5 It is also accepted that the cumulative impact of one off dwellings within other sections of the Districts landscape may have been offset by its greater capacity to absorb higher levels of development. This higher level of pressure reflects the strong vibrant rural community that exists in this District. This will be further considered as part of the LDP process.

8.6 Whilst the number of decision relating to renewal energy projects have increased over recent years there has been a general downward trend in the number of wind energy applications being received. The reduction in this type of planning application may be linked to factors outside the remit of planning and in-particular the uncertainties regarding obtaining connections to the network infrastructure, operating incentives and the costs related to installing the appropriate technology.

8.7 The process of planning and local government reform has provided an opportunity for a stronger local dimension to rural planning policy. The new LDP process has afforded Councils the responsibility of bringing forward bespoke policies that are more finely tailored to local circumstances in their area, in line with prevailing regional planning policy. This includes, managing growth to achieve sustainable development that meets the essential needs of a vibrant rural community, and facilitating the development necessary to achieve a sustainable rural economy.

8.8 This paper will be taken into account in the consideration of strategy options and the formulation of countryside policies within the LDP.

Figure 7

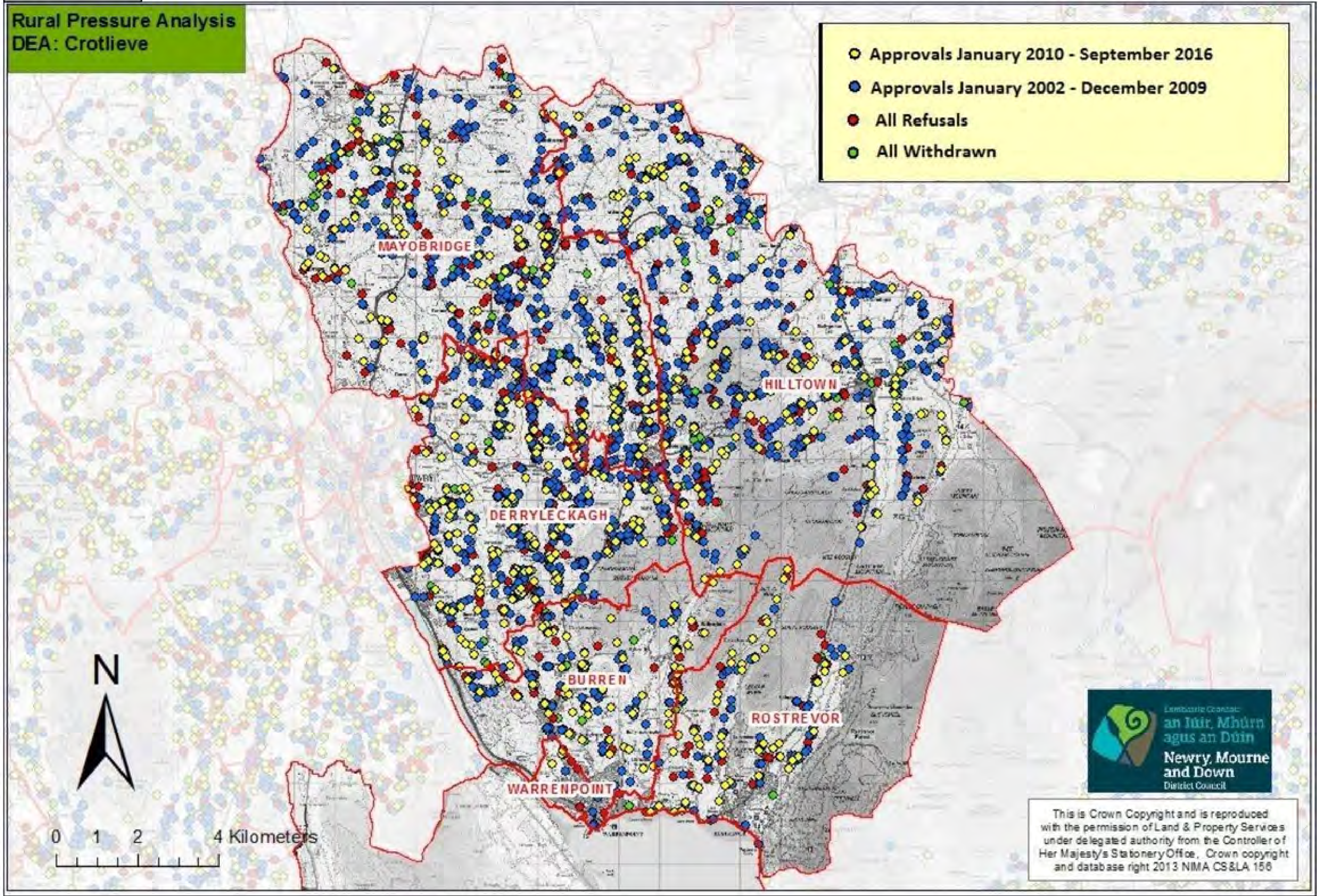
Rural Pressure Analysis
DEA: Crotlieve
Approvals January 2010 - September 2016
Approvals January 2002 - December 2009
All Refusals
All Withdrawn
MAYOBRIDGE
HILLTOWN
DERRYLECKAGH
BURREN
ROSTREVOR
WARRENPOINT
N
0 1 2 4 Kilometers
Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council
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Figure 8

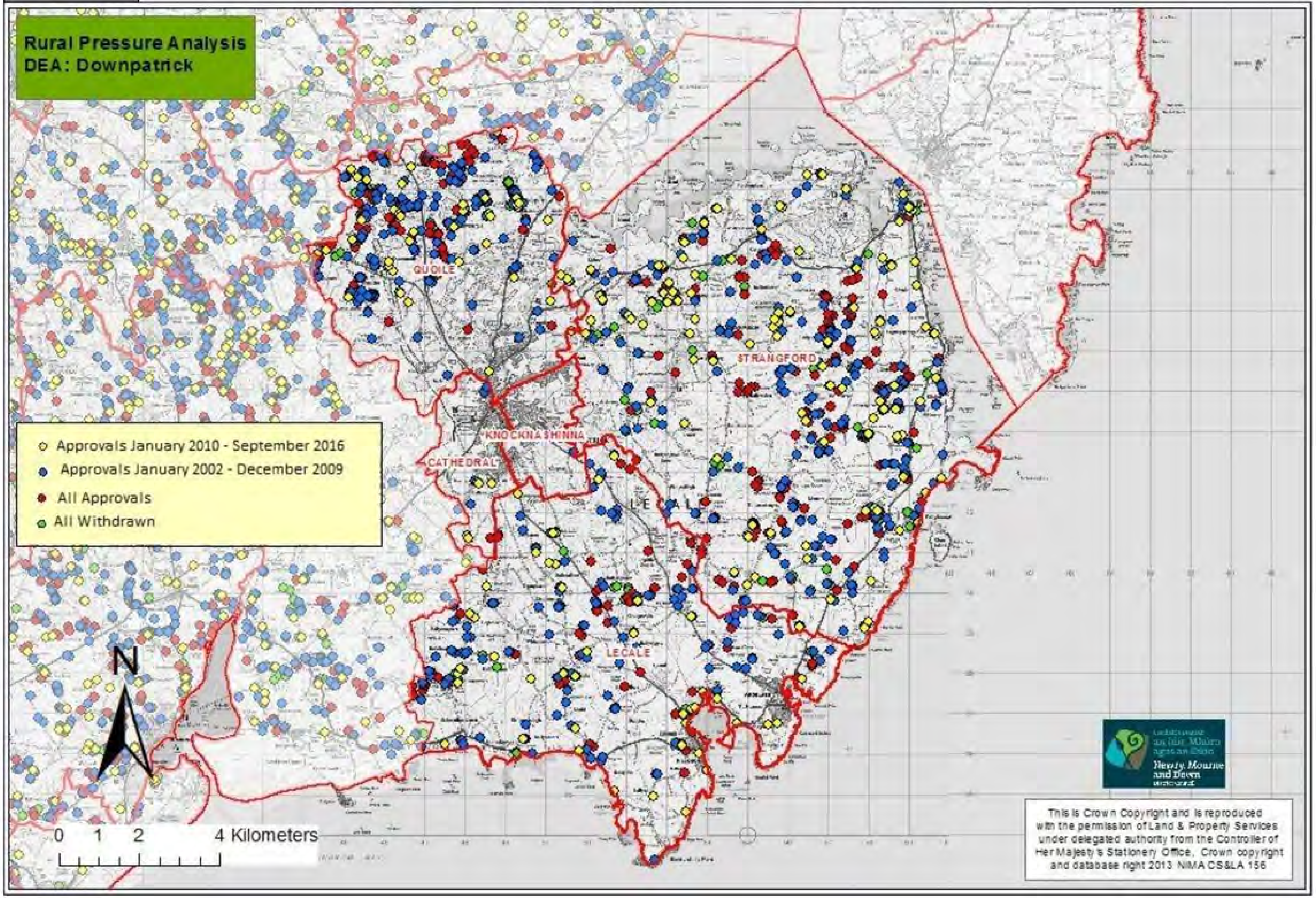
Rural Pressure Analysis
DEA: Downpatrick
Approvals January 2010 - September 2016
Approvals January 2002 - December 2009
All Approvals
All Withdrawn
QUOILE
STRANGFORD
KNOCKNASHINNA
CATHEDRAL
LECALE
N
0 1 2 4 Kilometers
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Figure 9

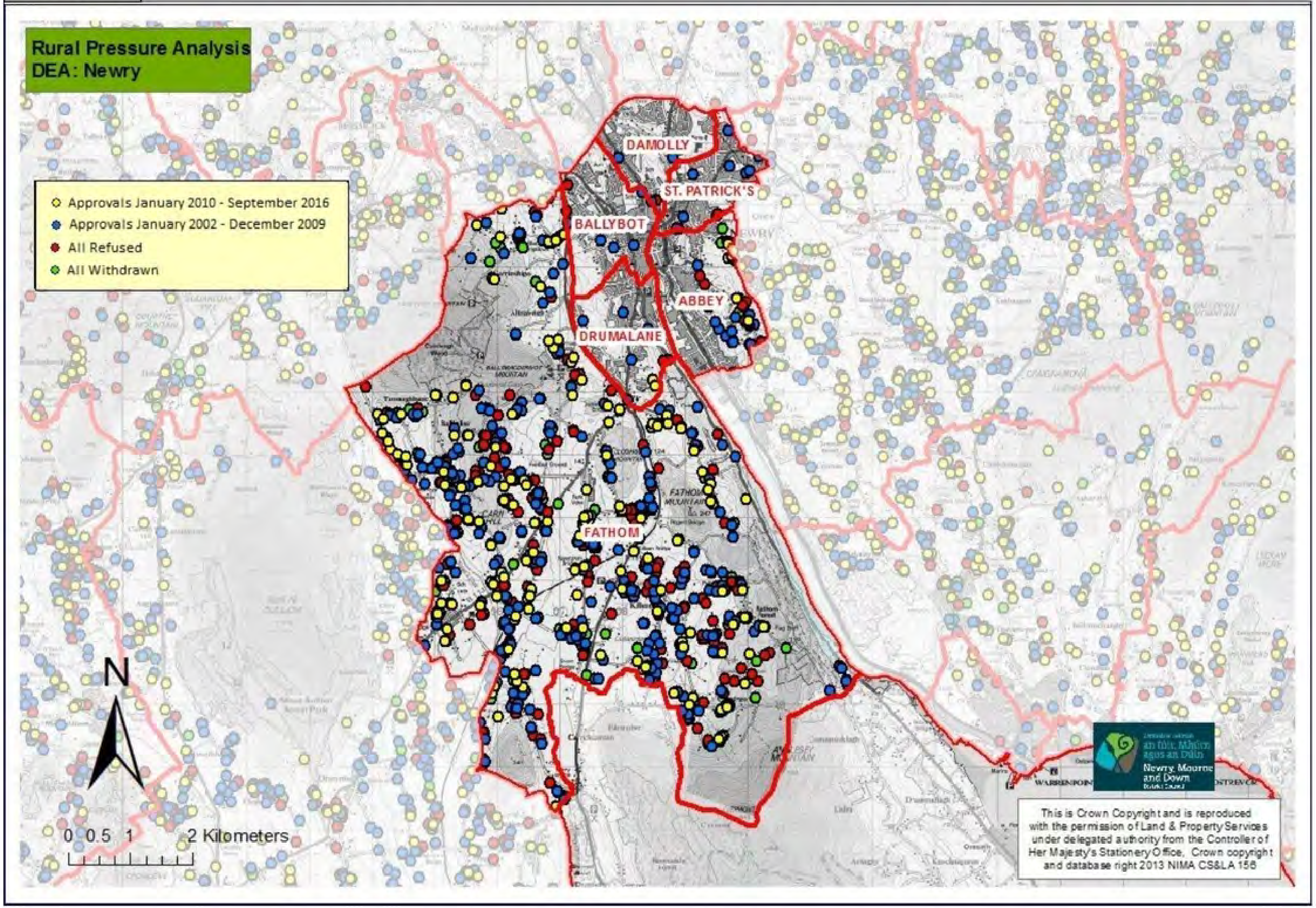
Rural Pressure Analysis
DEA: Newry
Approvals January 2010 - September 2016
Approvals January 2002 - December 2009
All Refused
All Withdrawn
DAMOLLY
ST. PATRICK'S
BALLYBOT
ABBEY
DRUMALANE
FATHOM
N
0 0.5 1 2 Kilometers
Newry, Mourne and Down
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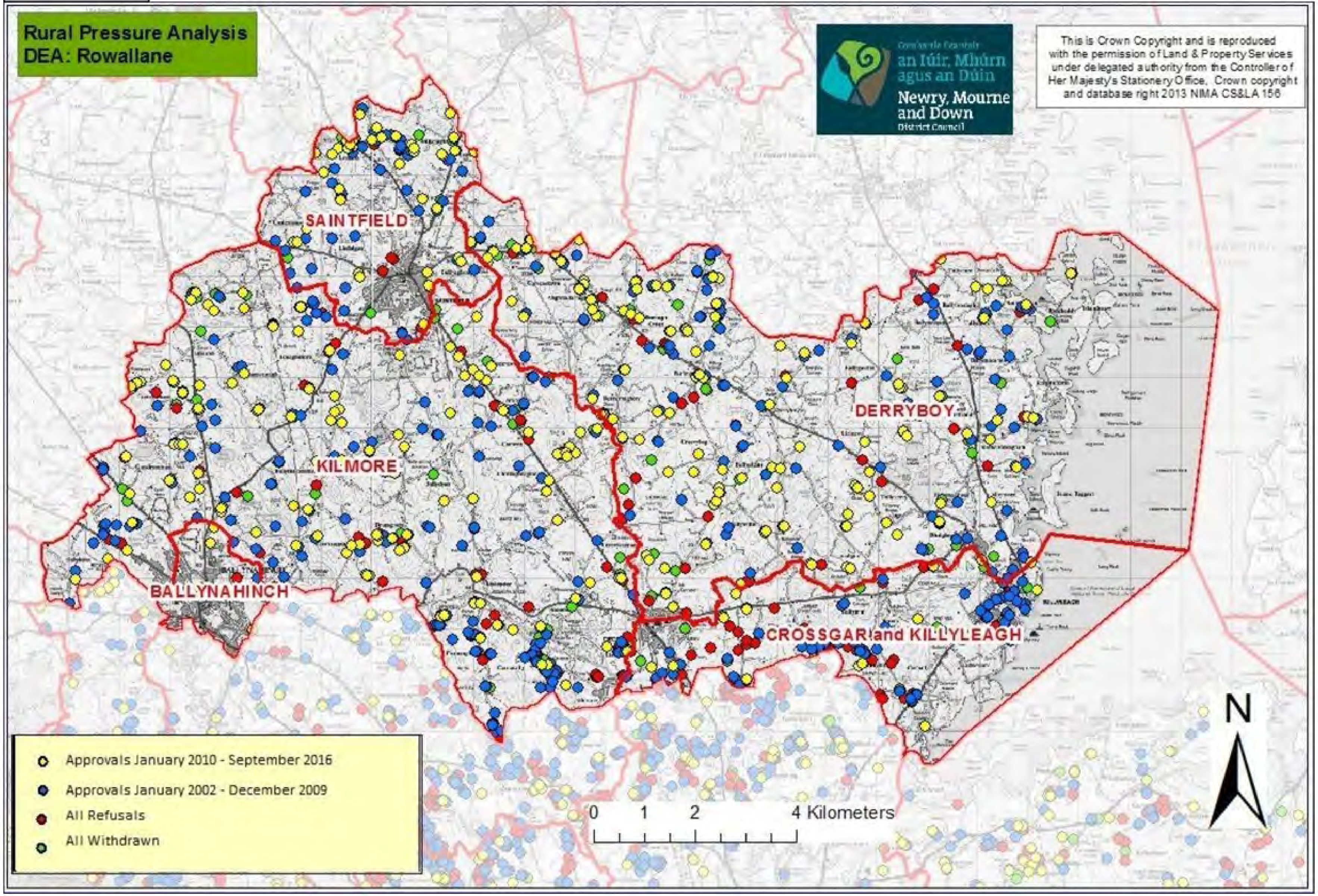
Figure 10


Rural Pressure Analysis
DEA: Rowallane
Comhairle Ceantair
an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down
District Council
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SAINTFIELD
KILMORE
DERRYBOY
BALLYNAHINCH
CROSSGAR and KILLYLEAGH
Approvals January 2010 - September 2016
Approvals January 2002 - December 2009
All Refusals
All Withdrawn
0 1 2 4 Kilometers
N

Figure 11

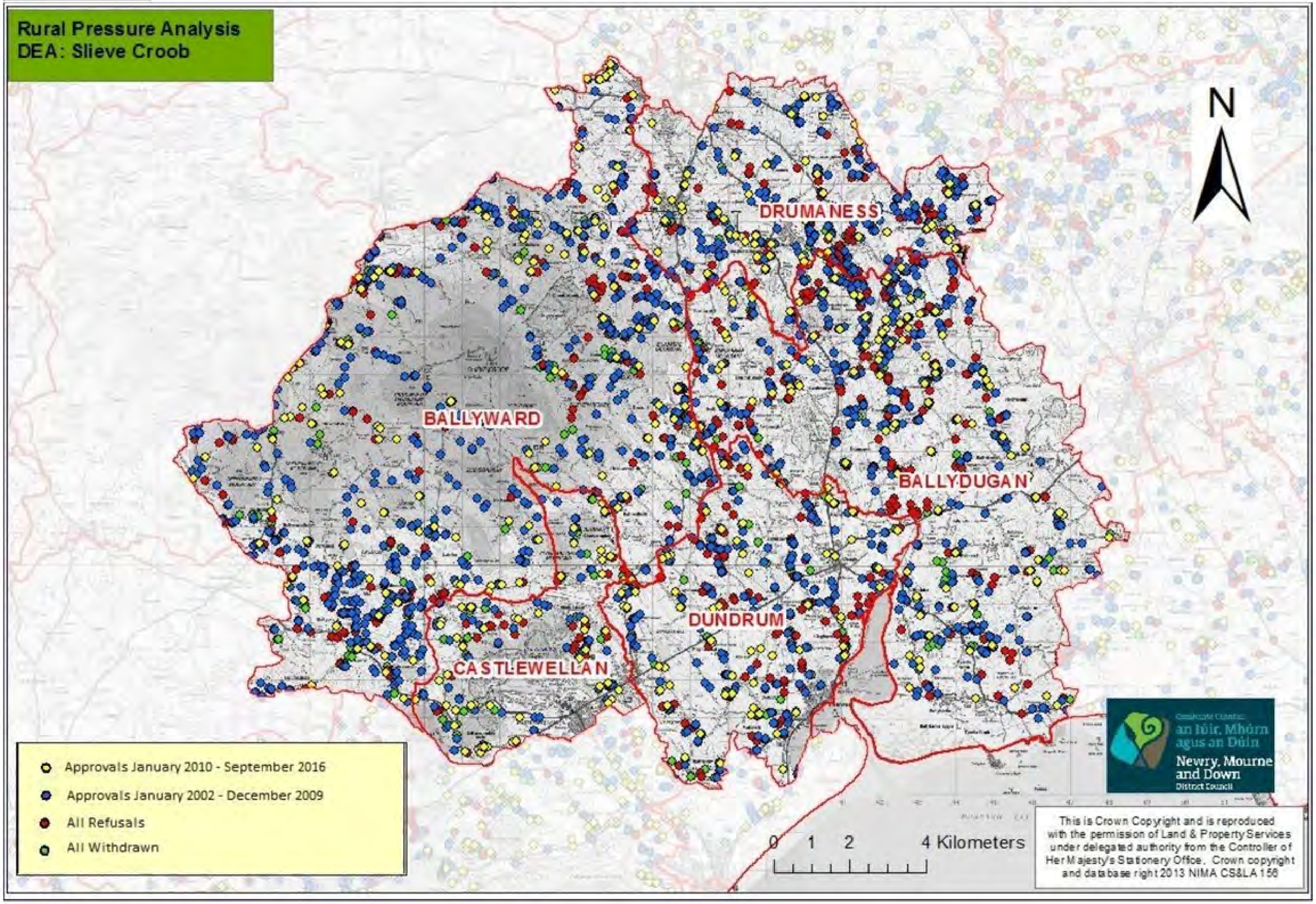
Rural Pressure Analysis
DEA: Slieve Croob
N
DRUMANESS
BALLYWARD
BALLYDUGAN
DUNDRUM
CASTLEWELLAN
Approvals January 2010 - September 2016
Approvals January 2002 - December 2009
All Refusals
All Withdrawn
0 1 2 4 Kilometers
Newry, Mourne and Down District Council
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Figure 12

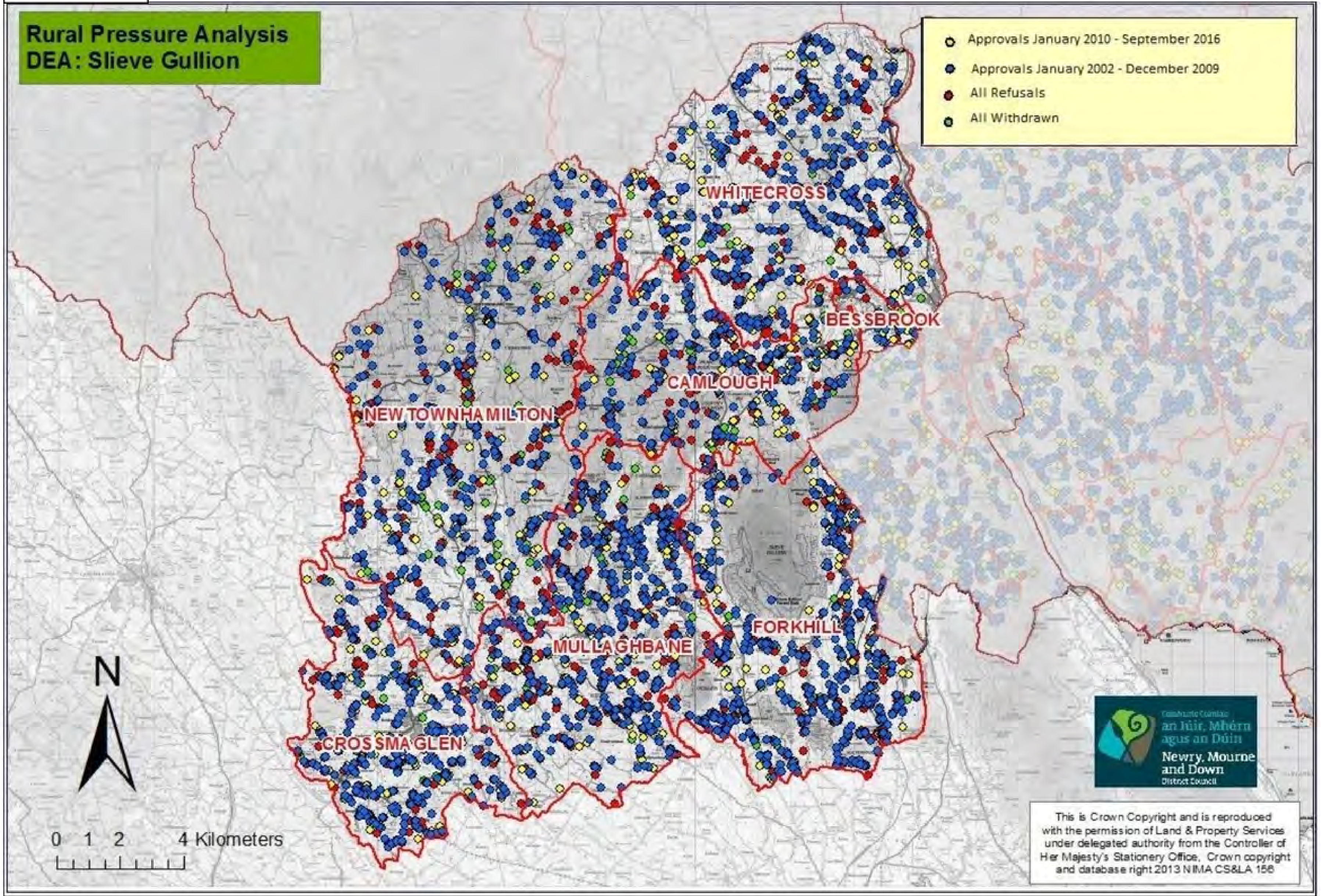
Rural Pressure Analysis
DEA : Slieve Gullion
Approvals January 2010 - September 2016
Approvals January 2002 - December 2009
All Refusals
All Withdrawn
WHITECROSS
BESSBROOK
CAMLOUGH
NEWTOWNHAMILTON
FORKHILL
MULLAGHBANE
CROSSMAGLEN
N
0 1 2 4 Kilometers
Newry, Mourne and Down
District Council
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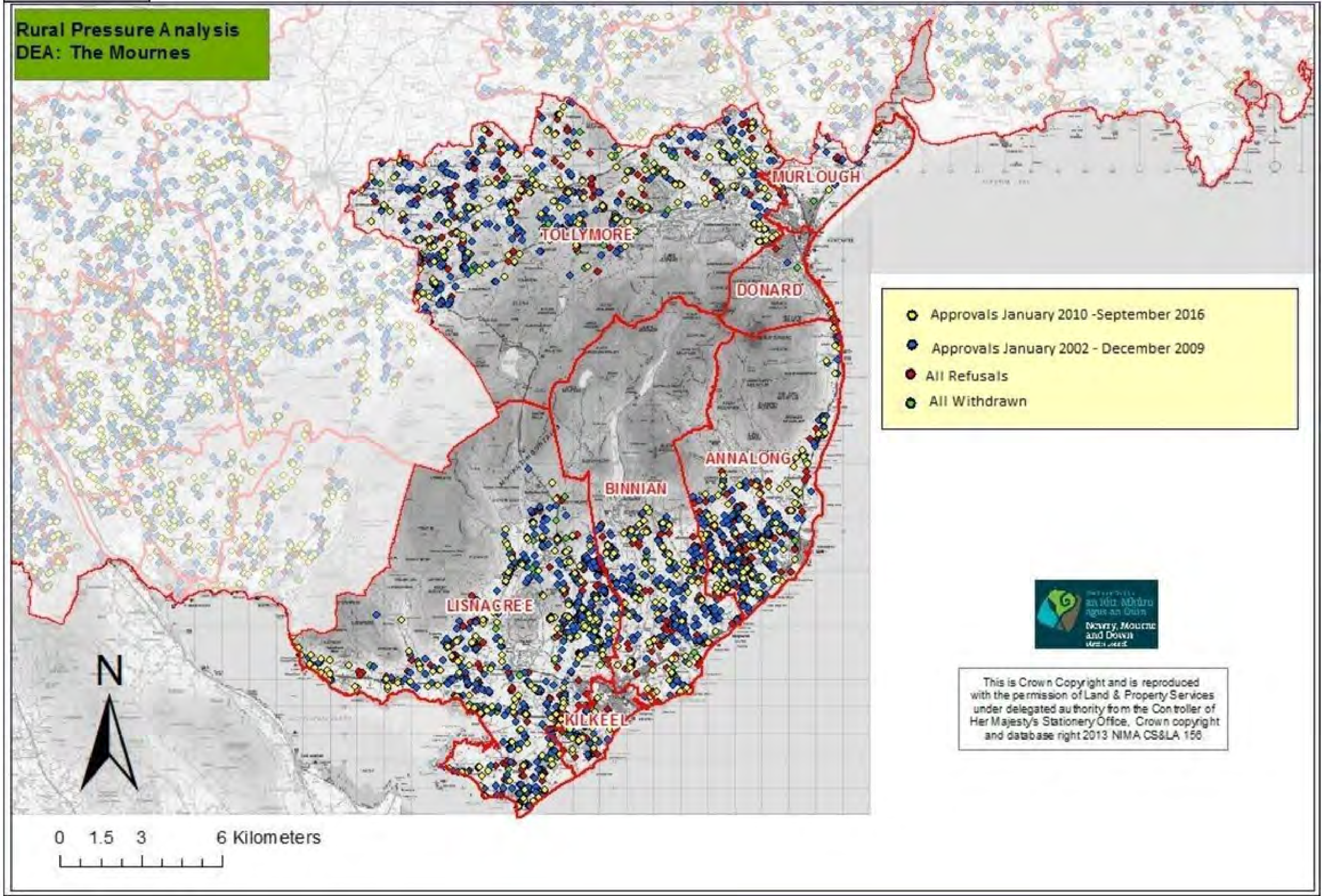
Figure 13


Rural Pressure Analysis
DEA: The Mournes
MURLOUGH
TOLLYMORE
DONARD
BINNIAN
ANNALONG
LISNACREE
KILKEEL
Approvals January 2010 -September 2016
Approvals January 2002 - December 2009
All Refusals
All Withdrawn
Newry, Mourne and Down
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N
0 1.5 3 6 Kilometers

Report to:	Strategy, Policy and Resources Committee
Date of Meeting:	13 April 2017
Subject:	Section 75 Policy Screening Report – Quarterly Report for period January – March 2017
Reporting Officer (Including Job Title):	Regina Mackin, Assistant Director Corporate Planning and Policy
Contact Officer (Including Job Title):	Colin Moffett, Head of Corporate Policy

Decisions required:	
Members are asked to note the contents of the report and to give consideration to agreement to the following: • To note the Section 75 Policy Screening Report – Quarterly Report for period January – March 2017.	
1.0	**Purpose and Background:**
1.1	In line with Council's Section 75 statutory duties and commitments within our approved Equality Scheme, policy screening reports are published quarterly. The Quarterly Report for the period January – March 2017, including screening reports, is available on Council's website www.newrymournedown.org. This information has also been forwarded to all equality consultees.
2.0	**Key issues:**
2.1	As per the Council's approved Equality Scheme: • All policies Council proposes to adopt must be equality screened, prior to implementation, to assess the likely impact of the policy on the promotion of equality of opportunity and/or good relations. • Council must publish quarterly reports on equality screening which are available on Council's website and forwarded to equality scheme consultees.
3.0	**Recommendations:**
3.1	To note the Section 75 Policy Screening Report – Quarterly Report for period January – March 2017.
4.0	**Resource implications**
4.1	No financial or resources implications are anticipated.
5.0	**Equality and good relations implications:**
5.1	No equality and good relations implications are anticipated. Publishing quarterly reports, including screening reports, making them available on Council's website www.newrymournedown.org, and forwarding this information to all equality consultees is in accordance with the commitments contained within the Council's approved Equality Scheme.
6.0	**Appendices**
	• Section 75 Policy Screening Report – Quarterly Report for period January – March 2017.

Newry, Mourne and Down District Council Section 75 Policy Screening Report
Quarterly Report January – March 2017

Policy Number	Policy	Details of policy	Screening Outcome
131	Supporting Community Events Policy	The Aim of this policy is to build on Councils civic leadership role and give appropriate consideration and recognition to community engagement and capacity building within the Newry,Mourne and Down District Council area. The policy will be implemented in the public interest to: • Empower local communities • Encourage community organisations to play a greater role in the management of events • Promote equality of opportunity, good relations and assist in supporting groups identified under Section 75 Northern Ireland Act (1998).	No EQIA considered necessary
138	Ordinary Parental Leave Policy	The policy outlines the provisions with regard to Ordinary Parental Leave for employees.	No EQIA considered necessary
139	Car Purchase Assistance Scheme	Section B of the Local Government Act (Northern Ireland) 1972 provides for a district council to make a loan to an officer for the purchase of a motor car or motor cycle, subject to such conditions as the Department of the Environment, with the approval of Department of Finance and Personnel may determine. Part 3, section 6, paragraph 6.6 on the National Agreement of	No EQIA considered necessary

		Pay and Conditions of Service (Green Book) makes provision for an authorised car user to apply for financial assistance to purchase a car. The discretionary Car Purchase Assistance Scheme provides the opportunity for eligible employees to apply for a loan from the Council for the purchase of a car to be used in connection with their duties, the loan being repaid via a salary deduction agreement.	
140	Travelling Expenses and Subsistence Policy	An employee may incur necessary additional expense on travel and subsistence in the course of their employment. The purpose of this policy is to allow employees to claim additional expenditure incurred whilst on authorised Council business.	No EQIA considered necessary
141	Tourism Strategy	Tourism has been identified by the Council as key priority within our Corporate Plan 2015-2019, and is seen as pivotal in achieving the Council's corporate vision to create opportunities for local people and local communities to thrive by supporting sustainable economic growth over time and helping them lead fulfilling lifestyles. The Council has set a goal of becoming one of the premier tourism destinations on the island of Ireland and is looking to focus on ensuring it has the cultural and tourism infrastructure in place that will attract and serve the expectations of a growing number of local and international visitors. The five-year Strategy sets out the strategic direction for the tourism industry within the District of Newry, Mourne and Down. It has been developed to support the Newry, Mourne and Down Corporate Plan 2015-2019 and the Newry, Mourne and Down Economic Regeneration & Investment Strategy 2015-2020, and	No EQIA considered necessary

		aligns with key national tourism and economic development policies.	
144	Sports Development: Recognition of Achievement (High Performance Level(s)) Procedures	Two of the key objectives identified by the Active & Healthy Communities Directorate are to; promote increased levels of activity and create a strong community base to improve empowerment and capacity within our communities. The Active and Healthy Communities Directorate therefore seeks to assist our sporting community to develop and reach their sporting goals through a structured environment and are aware that a percentage of our citizens achieve the level of 'high sports performer.' The procedure seeks to ensure a structured, strategic and co-ordinated approach by Council to financially supporting individuals and clubs selected by their governing body of sport to represent their county/country, or alternatively, have achieved the highest performance level determined by their governing body which would be deemed equivalent to any of the following three levels: 1. Provincial or Interprovincial Level(s) (Ulster or All Ireland) 2. International level (European, Commonwealth or Inter-Countries) 3. World Level (Olympic, World Championships) The aim of the procedure is to:- • Regularise the process, levels of Recognition of achievement and allocation of financial support for participation in High Performance Level(s) in sport; • Complement the Newry, Mourne and Down District Council Corporate Plan, Core ideology, and the Active & Healthy Communities Directorate Business Plan; • Promote high achievement in sport to encourage increased	No EQIA considered necessary

		participation at a local level • Empower and improve the capacity of our local communities; • Improve sports and community development opportunities for all; • Support improved Health and Wellbeing outcomes; • To enable our sporting citizens to develop and reach their sporting goals at the highest level. Applications for Recognition of Achievement (High Performance Level(s)) will only be considered in accordance with the Procedures.	
145	Policy on access to and use of NMDDC Indoor Leisure Facilities for Council employees, agency workers and Elected Members of Newry, Mourne and Down District Council (Councillors)	The aim and purpose of the policy is to set out the arrangements and protocol for providing access to and use of the following Newry Mourne and Down District Council Indoor Leisure Facilities: • Ballymote Sports and Well Being Centre • Downpatrick Leisure Centre • Kilkeel Leisure Centre • Newcastle Leisure Centre • Newcastle Tropicana • Newcastle Rock Pool • Newry Sports Centre • Newry Leisure Centre • St Colman's Sports Complex Newry This policy supersedes both legacy Newry and Mourne and Down District Councils which gave consideration to the free use of leisure facilities in order to improve the health and wellbeing of employees, to reduce levels of absenteeism and for	No EQIA considered necessary

		associated health benefits during certain periods of ill health. The policy applies to: • All employees of Newry Mourne and Down District Council; • Agency workers with 12 weeks' continuous service and who are expected to be retained for at least one month after completion of 12 weeks' continuous service. • Current serving Elected Members of Newry, Mourne and Down District Council (Councillors)	
146	Newry, Mourne and Down District Council draft Performance Improvement Objectives for 2017-18	This document sets out the recommended approach and timetable for the development and publication of a Performance Improvement Plan for 2017-18; and the following draft performance improvement objectives for 2017-18, all of which are clearly linked to the Community and Corporate Plans for the District. 1. Encourage healthy lifestyles through increased participation in leisure, sport and recreational activities 2. Improve economic growth by creating new business starts, supporting the growth of existing businesses and promoting Newry, Mourne and Down as a premier tourist destination 3. Deliver urban and rural regeneration initiatives that will create a District where people want to live, work and invest in 4. Create a cleaner, greener, more attractive District 5. Encourage and empower local communities to participate in Council engagement structures	No EQIA considered necessary
147	Credit Card Policy	The purpose of this policy is to set out a framework for the use of Credit Cards including appropriate use and reporting of expenditure. The policy aims to ensure that the operational and	No EQIA considered necessary

		administrative costs and the risks associated with credit card use are minimised, while providing cardholders with a convenient method of purchasing good and services on behalf of the Council.	

Report to:	Strategy Policy and Resources Committee
Date of Meeting:	13 April 2017
Subject:	Policy on arrangements for Books of Condolence
Reporting Officer (Including Job Title):	Liam Hannaway Chief Executive
Contact Officer (Including Job Title):	Eileen McParland Democratic Services Manager

Matters for consideration:	
To consider draft policy on arrangements for Books of Condolence.	
1.0	**Purpose and Background:**
1.1	To consider draft policy on arrangements for Books of Condolence.
2.0	**Key issues:**
2.1	On occasions Council makes available Books of Condolence in Council Offices/buildings to allow members of the public to record their respects. The attached draft policy, which has been considered at a recent meeting of the Party Representatives' Forum, aims to standardise arrangements for these Books of Condolence.
2.2	The draft policy is recommended for approval and to apply to arrangements for all Books of Condolence opened by the Council.
3.0	**Recommendations:**
3.1	Consider and agree policy and procedures included in attached draft.
4.0	**Resource implications**
4.1	Minimal as the draft policy seeks to standardise arrangements that already take place – resource implications are staff time and cost of flowers, books used.
5.0	**Equality and good relations implications:**
5.1	None
6.0	**Appendices**
	1. Draft policy which includes procedures being recommended.

Newry, Mourne and Down District Council

Policy on arrangements for Books of Condolence

Effective Date April 2017

Version 1.0

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council

Policy Control

Policy Title	Opening of Books of Condolence
Departmental Ownership	Chief Executive
Document Owner	Liam Hannaway, Chief Executive
Officer Responsible	To be determined
Date of Approval	SP&R – Council -
Date of Last update	April 2017
Updated by	Eileen McParland, Democratic Services Manager
Date of next Review	XXXXXXX
Location where document is held and referenced	Shared Drive and NMDDC Website

Contents

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council

1. Statement

In certain circumstances Council will wish to make available Books of Condolence in Council Offices to allow members of the public to record their respects. The Chairperson of Council, in consultation with the Chief Executive, shall determine those occasions when it is appropriate for Books of Condolence to be arranged.

2. Aims of this Policy

This policy aims to standardise arrangements for Books of Condolence.

3. Scope of the Policy

This policy applies to arrangements for all Books of Condolence opened by Newry, Mourne and Down District Council.

4. Related Policies

This policy should be read in conjunction with the following:
Newry, Mourne and Down District Council's Equality Scheme
N Ireland Code of Conduct for Councillors
Code of Conduct for Local Government Employees

5. General

The Chairperson, in consultation with the Chief Executive, shall determine those occasions when it is appropriate for Books of Condolence to be arranged.

Democratic Services is responsible for arrangements for Books of Condolence, in line with arrangements detailed in appendix 1. They will work with the Head of Marketing to advertise the availability of Books.

Master copies of loose leaf pages for the books are retained in the Administration Department.

Completed Books of Condolence are forwarded by Democratic Services to an address agreed by the Chairperson and Chief Executive, after time of closure.

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council

The Council reserves the right to redact any recorded comments which are not deemed to be messages of condolence and which may cause offence to either members of the public signing the book, or to those to whom the Book will be presented after it has been closed.

Closure of Books shall take place 2 weeks after they have been opened.

6. Locations for Books of Condolence

Books of Condolence shall be located at:

- Council Headquarters, Downshire Civic Centre, Ardglass Road, Downpatrick
- Council Headquarters, O'Hagan House, Monaghan Row, Newry
- Down Arts Centre, Irish Street, Downpatrick
- Newry Town Hall, Bank Parade, Newry

The Chairperson, in consultation with the Chief Executive, may determine additional places for books to be located, if particular circumstances deem this to be appropriate.

7. Emergency Contact

Circumstances leading to the need to arrange Books of Condolence can arise at short notice and can necessitate action at weekends or during holiday periods.

In such circumstances, the necessary telephone numbers can be accessed via the Council XXXXXXX

8. Policy Review Date

The policy will be reviewed in line with the Council's agreed policy review cycle i.e. every 4 years (as per Council's Equality Scheme commitment 4.31) or sooner, to ensure it remains reflective of legislative developments.

9. Equality Screening

Having screened the Books of Condolence policy the decision is that it should not be subject to an Equality Impact Assessment (EQIA) with no mitigating measures required. A copy of the equality screening is available from the Head of Corporate Policy.

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council

Appendix 1

Action required	Implemented by	Other Notes
The Chairperson will issue a statement via the Press Office, expressing the sadness of the Council and people of the District at the news of the death of………/incident in question. The statement will also appear on the home page of the Council's website and on its social media accounts. The statement will give details of the location of the Books of Condolence. It will also mention any arrangements for an e-Book of Condolence if available.	Statement to be prepared and issued by the **Press Office,** with approval to be given by the **Chairperson** and **Chief Executive**, prior to issue. **Press Office** to ensure a copy of the statement appears on the home page of the Council's website and is posted on social media.	
Email will be sent to all Councillors advising that Books of Condolence are being opened and providing details of all arrangements.	**Democratic Services Office**	
Chairperson shall be the first person to sign the Book of Condolence (at one of the venues – Chairperson to decide which). Photographer to be arranged to photograph for distribution to media with press statement. Table/chair will be positioned in each venue. Books of Condolence (loose-leaf black	**Democratic Services Office** **Marketing Office** **Democratic Services**	

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council

folders) and a supply of paper will be supplied, as will a floral arrangement and table cloths. The Books of Condolence will close two weeks after the date on which they were opened. When the Book of Condolence has been closed, Democratic Services will arrange, following discussion with the Chairperson and Chief Executive, arrangements for binding and where the final bound version is to be sent to or lodged.	**Democratic Services**	

Report to:	Strategic Policy and Resources Committee
Date of Meeting:	13 April 2017
Subject:	**Anti-Fraud Policy, Fraud Response Plan and Whistleblowing Policy**
Reporting Officer (Including Job Title):	Dorinnia Carville, Director of Corporate Services
Contact Officer (Including Job Title):	Dorinnia Carville, Director of Corporate Services

Decisions required:

Members are asked to approve the new policies on Fraud and Whistleblowing within the Council.

1.0	**Purpose and Background:**
1.1	Anti – Fraud Policy – The Council is committed to protecting the public money we look after and to make sure that the opportunity for fraud or any other financial impropriety is reduced to the lowest possible risk. We expect all employees, agency assignees, elected members, contractors, consultants, suppliers and service users to be fair and honest. Should allegations be made, we will deal with them in a firm and controlled manner. As well as being potentially criminal acts, fraud and financial impropriety can impact on the council's finances, its reputation, its staff and its stakeholders. There is a clear commitment from the Council and Senior Management that fraud will not be tolerated and the Council is committed to ensuring that opportunities for fraud are reduced to the lowest possible level of risk. Fraud Response Plan - acts as a procedural guide which must be followed in the event of a fraud, or attempted fraud, being suspected. The plan sets out how Council staff and others should report suspicions of fraud and how the Council will handle them. Adherence to this plan will ensure that timely and effective action is taken to prevent further losses, maximise recovery and minimise recurrence of losses, identify the perpetrators and maximise the likelihood of success if any disciplinary/ legal action is taken. Whistleblowing Policy - Whistleblowing is defined as "a worker raising a concern about wrongdoing, risk or malpractice with someone in authority internally or externally." The Council is committed to developing a culture where all employees are encouraged to raise concerns about poor and unacceptable practice and misconduct safely.
2.0	**Key issues:**
2.1	Once the Policies have been approved by Council we want to ensure that all staff will be briefed on the importance and use of the policies. We are currently Liaising with NIAO on developing a training / briefing session which will be compulsory for all Council Staff to attend. We are hoping that training will be delivered jointly by NIAO and Council. At least one member of SMT will introduce each training session to highlight the importance of openness and

	accountability with the Council.
3.0	**Recommendations:**
3.1	To approve the NMDDC Anti-Fraud Policy, Fraud Response Plan and Whistleblowing Policy
4.0	**Resource implications**
4.1	Training will have to be rolled out to all staff within the Council in May and June 2017 to highlight the importance of the policies above.
5.0	**Equality and good relations implications:**
5.1	None
6.0	**Appendices**
	Appendix I: Anti-Fraud Policy Appendix II: Fraud Response Plan Appendix III: Whistleblowing Policy Appendix IV: Equality Screening template – Anti Fraud Policy and Fraud Response Plan Appendix V: Equality Screening template – Whistleblowing Policy

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council

Newry, Mourne and Down District Council

Anti-Fraud Policy

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council

Effective Date: April 2017

Version 1.0

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council

Policy Control

Policy Title	Anti-Fraud Policy
Departmental Ownership	Corporate Services
Document Owner	Dorinnia Carville, Director of Corporate Services
Officer Responsible	Gerard Byrne, Audit Services Manager
Date of Approval	SMT – SP&R – Council -
Date of Last update	March 2017
Updated by	Gerard Byrne, Audit Services Manager
Date of next Review	March 2021
Location where document is held and referenced	Shared Drive and NMDDC Website

Contents

1. Statement

We are committed to protecting the public money we look after and to making sure that the opportunity for fraud or any other financial impropriety is reduced to the lowest possible risk.

We expect all employees, agency assignees, elected members, contractors, consultants, suppliers and service users to be fair and honest.

Should allegations be made, we will deal with them in a firm and controlled manner. As well as being potentially criminal acts, fraud and financial impropriety can impact on the council's finances, its reputation, its staff and its stakeholders.

There is a clear commitment from the Council and Senior Management that fraud will not be tolerated and the Council is committed to ensuring that opportunities for fraud are reduced to the lowest possible level of risk.

2. Aims

The aims of this policy and related processes are as follows:

- To reduce the risk of fraud, loss and impropriety within the council to an absolute minimum and maintain that level of risk;
- To protect the council's valuable resources by ensuring they are not lost through fraud or impropriety but are used for improving council services;
- To help create a counter-fraud culture which highlights the council's zero tolerance of fraud, which defines the role and responsibilities of stakeholders;
- To ensure that where allegations of fraud or other financial impropriety arise, there is a clear process to ensure that they can be reported, are properly investigated and appropriate action is taken.

3. Scope

This policy is concerned with:

- external fraud committed against the Council, for example by suppliers of goods and services, contractors in the course of their work or other persons;
- internal fraud committed against the Council, for example travel and subsistence fraud, theft of assets; and
- internal fraud committed against Council employees, for example theft of personal property.

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Newry, Mourne and Down District Council

4. Related Policies

This policy should be read in conjunction with the following NMDDC documents:

- Code of Conduct for Local Government employees;
- The Northern Ireland Local Government Code of Conduct for Councillors;
- Fraud Response Plan; and the
- Whistleblowing Policy.

The policy applies to employees, agency assignees, elected members, contractors, consultants, suppliers and service users.

5. What is Fraud?

The term fraud is commonly used to describe the use of deception, to deprive, disadvantage, or cause loss to another person or party. This can include theft, the misuse of funds or other resources or more complicated crimes such as false accounting and the supply of false information. The term fraud is used generically in this policy and covers criminal acts such as bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation and collusion.

The key legislation which may be used to prosecute fraud is the ***Fraud Act 2006***. The Act refers to three main offences of fraud. An individual can be prosecuted under the Fraud Act 2006, if they are in breach of any of the following:

- ***Fraud by false representation***, i.e. if he/she dishonestly makes a false representation and intends by making the representation to make a gain for themself or another, or to cause loss to another or expose another to risk of loss. A representation is false if it is untrue or misleading, and the person making it knows that it is, or might be, untrue or misleading;
- ***Fraud by failing to disclose information***, i.e. if he/she dishonestly fails to disclose to another person information which he/she is under a legal duty to disclose and intends, by failing to disclose the information, to make a gain for themself or another, or to cause loss to another or expose another to risk of loss; and
- ***Fraud by abuse of position***, i.e. if he/she occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person, and he/she dishonestly abuses that position, and intends, by means of the abuse of that position, to make a gain for themself or another, or to cause loss to another or to expose another to a risk of loss.

The Fraud Act supplements other legislation, such as the Theft Act (NI) 1969 and the Theft (NI) Order 1978. In addition, the UK Bribery Act 2010 clarifies the law in relation to bribery and corruption.

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Bribery is giving or receiving a financial or other advantage in connection with the "improper performance" of a position of trust, or a function that is expected to be performed impartially or in good faith. Bribery does not have to involve cash or an actual payment exchanging hands and can take many forms such as a gift, lavish treatment during a business trip or tickets to an event. An example is bribery in order to secure or keep a contract. The Bribery Act 2010 covers two general offences: the first covers the offering, promising or giving of an advantage (broadly, offences of bribing another person). The second deals with the requesting, agreeing to receive or accepting of an advantage (broadly, offences of being bribed). The council has a duty to ensure it has adequate procedures in place to prevent bribery. These include policies and procedures for declaring and requiring approval for potential conflicts of interests and the provision and receipt of gifts and hospitality.

In essence, fraud is a deliberate act by an individual or group of individuals and is therefore always ***intentional*** and ***dishonest***. Examples of frauds that may be perpetrated against the Council and its staff are:

- Receipt of income, i.e. retention and misappropriation of cash;
- Dishonest use of the Council credit card to pay for items;
- false claims for salaries wages and expenses;
- bribery and corruption – offering, giving, soliciting or accepting an inducement or reward that may influence the actions taken by Council or its staff;
- misuse of the purchase and payments system for personal gain;
- theft of equipment;
- false accounting, or any intentional misrepresentation of financial information;
- externally perpetrated fraud against the Council, for example in the procurement and delivery of goods;
- misuse of Council assets for personal / non-business use.

6. Anti-Fraud Culture

The Council requires all staff at all times to act honestly and with integrity and to safeguard the public resources for which they are responsible. Fraud and Corruption is an ever-present threat to these resources and hence must be the concern of all members of staff.

Council Policy is that every case of attempted, suspected or proven fraud will be thoroughly investigated and where appropriate referred to the Police Service of Northern Ireland (PSNI) at the earliest Juncture. The Council will seek to recover funds and assets lost through fraud, where possible. The Council will take civil, criminal and/or disciplinary action in all cases where it appropriate to do so.

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Newry, Mourne and Down District Council

Therefore the Council is committed to preventing fraud from occurring and to developing an anti-fraud culture. To achieve this, the Council will:

- Develop and maintain effective controls to prevent fraud;
- Ensure that if fraud occurs a vigorous and prompt investigation takes place;
- Take appropriate disciplinary and legal action in all cases, where appropriate; and
- Review systems and procedures to prevent similar frauds from occurring.

It is Council Policy that there will be consistent handling of all attempted, suspected or proven fraud cases without regard to the position held or length of service of the individual(s) involved.

See ***Appendix 4*** for a summary of the roles and responsibilities for staff, members and other bodies in relation to fraud.

7. Avenues for Reporting Suspicions of Fraud

Staff will often be the first to notice the potential for fraud or financial impropriety.

Staff who have concerns should report them as soon as possible to their immediate line manager. If there is a concern that management may be involved, the matter should be reported to the next appropriate level. If staff feel unable to raise a particular matter with their line manager, for whatever reason, they should raise the matter with the Audit Services Manager or their relevant Director.

We will take all reasonable steps to make sure that cases are treated in the strictest confidence. We are fully committed to supporting and protecting staff who raise legitimate concerns. The Council will, where requested, seek to safeguard the confidentiality of individuals who report any suspicions unless this is incompatible with a fair investigation or legal imperative. Our Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns. The route map at ***Appendix 5*** shows the relationship between the Council's policies.

If these channels have been followed and the member of staff still has concerns, or the member of staff feels that the matter is so serious that they cannot discuss it with any of the above, they should discuss it with the Chief Executive.

Details of how to report a fraud are set out in the Councils Fraud Response plan. Staff should not attempt to investigate any suspicions of fraud themselves.

If an allegation of fraud or other financial impropriety is made in good faith, but is not confirmed by the investigation, no action will be taken against the originator. If, however, the allegation is demonstrably made for an ulterior and undesirable purpose it will be deemed not to have been made in good faith and a disciplinary investigation may be undertaken with the potential for disciplinary action being taken against the individual making the allegation.

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Newry, Mourne and Down District Council

Any action to prevent the reporting of suspected fraud or any other financial impropriety or any attempts at intimidation will be treated seriously; the person involved may be subject to disciplinary action.

The Audit Services Manager is responsible for the external reporting of all discovered fraud, proven or suspected, including attempted fraud within the Council to the Local Government Auditor. Therefore it is essential that the Audit Services Manager is notified immediately of any concerns raised.

8. Fraud Response Plan

NMDDC has established guidelines on how Council staff and others should report suspicions or allegations of fraud and how the Council will handle them. A copy of the Fraud Response Plan can be found on the Internal Drive. This plan forms part of NMDDC Anti-Fraud policy.

9. Policy Review Date

The policy will be reviewed in line with the Council's agreed policy review cycle i.e. every 4 years (as per Council's Equality Scheme commitment 4.31), or sooner to ensure it remains reflective of legislative developments."

Staff wishing to receive clarification on this policy and/or suggest improvements should contact the Audit Services Manager.

10. Equality Screening

Having screened the Anti-Fraud Policy the decision is that it should not be subject to an Equality Impact Assessment (EQIA) with no mitigating measures required. A copy of the equality screening is available from the Head of Corporate Policy.

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Appendix 1

Fraud Risk Indicators

Organisational Indicators:

- Lack of Board oversight
- Crisis management coupled with a pressured business climate
- Lack of clear financial delegations
- Climate of fear or an unhealthy corporate culture
- Management frequently overriding internal controls
- Lack of established code of ethical conduct
- Lack of thorough investigations of alleged wrongdoings
- No fraud risk assessment

Operational Indicators:

- Lack of segregation of duties
- Lack of rotation of duties
- Lack of supervision
- Inadequate monitoring to ensure that controls work as intended (periodic testing and evaluation)
- Missing expenditure vouchers and unavailable official records
- Excessive staff turnover in key control areas
- Bank reconciliations are not maintained or can't be balanced
- Unauthorised changes to systems or work practices
- Excessive control of all records by one officer
- Multiple cash collection points
- Remote locations
- Subordinates bypassing managers
- Absence of controls and audit trails
- Deficient screening of new employees, including casual staff, contractors, consultants
- Large backlogs in high risk areas

- Suppliers/contractors who insist on dealing with one particular member of staff
- Duplicate payments
- Ghost employees on the payroll
- Large payments to individuals
- Documentation that is photocopied or lacking essential information
- Missing assets – unexplained differences between inventory checks and stock records
- Consistent failures to correct major weaknesses in internal control

Personal Indicators:

- Employees apparently living beyond their means
- Employees with outside business interests or other jobs
- Signs of drinking or drug abuse problems
- Employees suffering financial hardships, e.g. borrowing from fellow employees
- First to arrive in the morning, last to leave at night
- Egotistical (e.g. scornful of system controls)
- Marked character changes
- Secretiveness
- Unusual working hours on a regular basis
- Refusal to comply with normal rules and practices
- Not taking leave or working excessive overtime
- Socialising with clients – meals, drinks, holidays
- Someone disgruntled at work, a complainer

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Appendix 2

Common Methods and Types of Fraud

- Payment for work not performed
- Forged endorsements
- Altering amounts and details on documents
- Collusive bidding
- Overcharging
- Writing off recoverable assets or debts
- Unauthorised transactions
- Selling information
- Altering stock records
- Altering sales records
- Cheques made out to false persons
- False persons on payroll
- Theft of official purchasing authorities such as order books
- Unrecorded transactions
- Transactions (expenditure/receipts/deposits) recorded for incorrect sums
- Cash stolen
- Supplies not recorded at all
- False official identification used
- Damaging/destroying documentation
- Using copies of records and receipts
- Using imaging and desktop publishing technology to produce apparent original invoices
- Charging incorrect amounts with amounts stolen
- Transferring amounts between accounts frequently
- Delayed terminations from payroll
- Bribes
- Over claiming expenses
- Fraudulent use of office resources- claiming more time than incurred; use of office time for personal purposes (eg. Inappropriate Internet usage)
- Time recording- claiming more time than incurred
- Skimming odd pence and rounding
- Running a private business with official assets
- Using facsimile signatures
- False compensation and insurance claims
- Stealing of discounts
- Selling waste and scrap.

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Appendix 3

Examples of Good Management Practices Which May Assist in Combating Fraud

- All income is promptly entered in the accounting records with the immediate endorsement of all cheques
- Regulations governing contracts and the supply of goods and services are properly enforced
- Accounting records provide a reliable basis for the preparation of financial statements
- Controls operate which ensure that errors and irregularities become apparent during the processing of accounting information
- A strong internal audit presence
- Management encourages sound working practices
- All assets are properly recorded and provision is made known or expected losses
- Accounting instructions and financial regulations are available to all staff and are kept up to date
- Effective segregation of duties exists, particularly in financial, accounting and cash areas
- Close relatives do not work together, particularly in financial, accounting and cash areas
- Creation of a climate to promote ethical behaviour
- Act immediately on internal/external auditor's report to rectify control weaknesses
- Review, where possible, the financial risks of employees
- Issue accounts payable promptly and follow-up any non-payments
- Set standards of conduct for suppliers and contractors
- Maintain effective security of physical assets; accountable documents (such as cheque books, order books); information, payment and purchasing systems
- Review large and unusual payments
- Perpetrators should be suspended from duties pending investigation
- Proven perpetrators should be dismissed without a reference and prosecuted
- Query mutilation of cheque stubs or cancelled cheques
- Store cheque stubs in numerical order
- Undertake test checks and institute confirmation procedures
- Develop well defined procedures for reporting fraud, investigating fraud and dealing with perpetrators
- Maintain good physical security of all premises
- Randomly change security locks and rotate shifts at times (if feasible and economical)
- Conduct regular staff appraisals
- Review work practices open to collusion or manipulation
- Develop and routinely review and reset data processing controls
- Regularly review accounting and administrative controls
- Set achievable targets and budgets, and stringently review results
- Ensure staff takes regular leave
- Rotate staff
- Ensure all expenditure is authorised
- Conduct periodic analytical reviews to highlight variations to norms
- Take swift and decisive action on all fraud situations
- Ensure staff are fully aware of their rights and obligations in all matters concerned with fraud.

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Appendix 4

Summary of Roles and Responsibilities

Members	Leadership and approval of policy. Receipt and consideration of details of suspected fraud in line with protocol for reporting fraud to Members. Receipt and consideration of progress updates at the Audit Committee on investigations (as appropriate). Members to inform the Audit Services Manager if they suspect fraud or financial impropriety.
Chief Executive	The Chief Executive has the overall responsibility for managing the risk of fraud. Responsibilities include: • Developing a fraud risk profile and undertaking a regular review of the fraud risks; • Designing an effective control environment to prevent fraud commensurate with the fraud risk profile; • Establishing well publicised, appropriate mechanisms for staff and members of the public to report their suspicions of fraud; • Investigating all allegations of fraud; • Commence disciplinary and/or legal action where appropriate and seek to recover losses; and • Report to senior management on all aspects of fraud risk management.
Fraud Response Group	To refer cases, where necessary, to the PSNI for further investigation. The group will also provide advice and guidance to Director of Corporate Services on the reporting of investigations to Council Committee(s). The group will also provide advice and guidance to the Audit Services Manager as required.
Directors and Assistant Directors	The primary responsibility for preventing and detecting fraud and financial impropriety lies with management through: • identification of risks to which systems and procedures are exposed; • the implementation, documentation and operation of internal controls; • establishing an environment that promotes compliance with internal controls; • promoting fraud awareness among staff; and • fostering an 'anti fraud' culture. Directors and Assistant Directors must make sure that suitable levels of internal checks are included in operational procedures, particularly financial procedures. Management will be expected to brief staff on the common types of fraud perpetrated in their areas of responsibility. Management should make sure that their staff are aware of relevant policies and procedures. Management should inform the Audit Services Manager if they suspect fraud or financial impropriety.
Director of Corporate Services	Chairs the Fraud Response Group and is responsible for communicating to Members on suspected fraud in accordance with an agreed protocol. Provides advice to Audit Services Manager when required.

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Staff	Council staff must have and be seen to have, the highest ethical and personal standards and be honest and objective in their work. Every member of staff is responsible for; • Acting with propriety in the use of official resources and in the handling and use of public funds whether they are involved with cash or payment systems, receipts or dealing with contractors or suppliers; • Conducting themselves in accordance with the seven principles of public life set out in the first report of the Nolan Committee 'Standards in Public Life'. They are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership; • Being alert to the possibility that unusual events or transactions could be indicators of fraud and alerting management where they believe the opportunity of fraud exists – ***Appendix 1*** provides examples of fraud indicators. In addition, common methods and types of fraud are included in ***Appendix 2***, with examples of good management practice which may assist in combatting fraud in ***Appendix 3***; • Reporting known or suspected frauds and assisting in the investigations of a suspected fraud; and • Liaising with the PSNI or other external investigators, where required to do so.
Audit Services Manager	The Audit Services Manager has a number of responsibilities: • Will undertake or provide assistance to the council in undertaking investigations; • Will maintain this policy to ensure they remain effective and relevant to the needs of the Council and ensure it is communicated to the organisation; • Will run fraud awareness training for staff; • Will report, as appropriate, to the Fraud Response Group and the Audit Committee on investigations; • Will liaise with the PSNI during the course of investigations, where appropriate; • Will co-ordinate the council's input to the National Fraud Initiative; • Will report to the NIAO on all frauds, proven or suspected, including attempted fraud with NMDDC; • Will complete the annual fraud questionnaire for NIAO and submit this to the Chief Executive for approval.
Internal Audit	The Councils Internal Auditor is responsible for: • Assisting in the deterrence and prevention of fraud by examining and evaluating the effectiveness of controls; • Ensuring that management has reviewed its risk exposures and identified the possibility of fraud as a business risk; • Assisting management in undertaking investigations into allegations of fraud and corruption if required to do so; and • Offer advice and assistance on risk management/internal control issues, as well as advice and assistance in relation to cases of fraud or suspected fraud.
External Audit	The Local Government Auditor is the independent external auditor of the financial statements of the Council. The primary responsibility for the detection of fraud rests with management. Their role in the detection of fraud is an extension of their role in preventing fraudulent activity. The NIAO audit is designed to provide reasonable assurance that the financial statements (as a whole) are free from material misstatement, whether caused by fraud or error. NIAO are not responsible for preventing fraud or corruption, although the audit may serve to act as a deterrent.
HR	Advice on investigations / suspension / disciplinary action. Sitting on disciplinary panels and appeals where appropriate.
Legal Services	Advice on investigations / disciplinary action.

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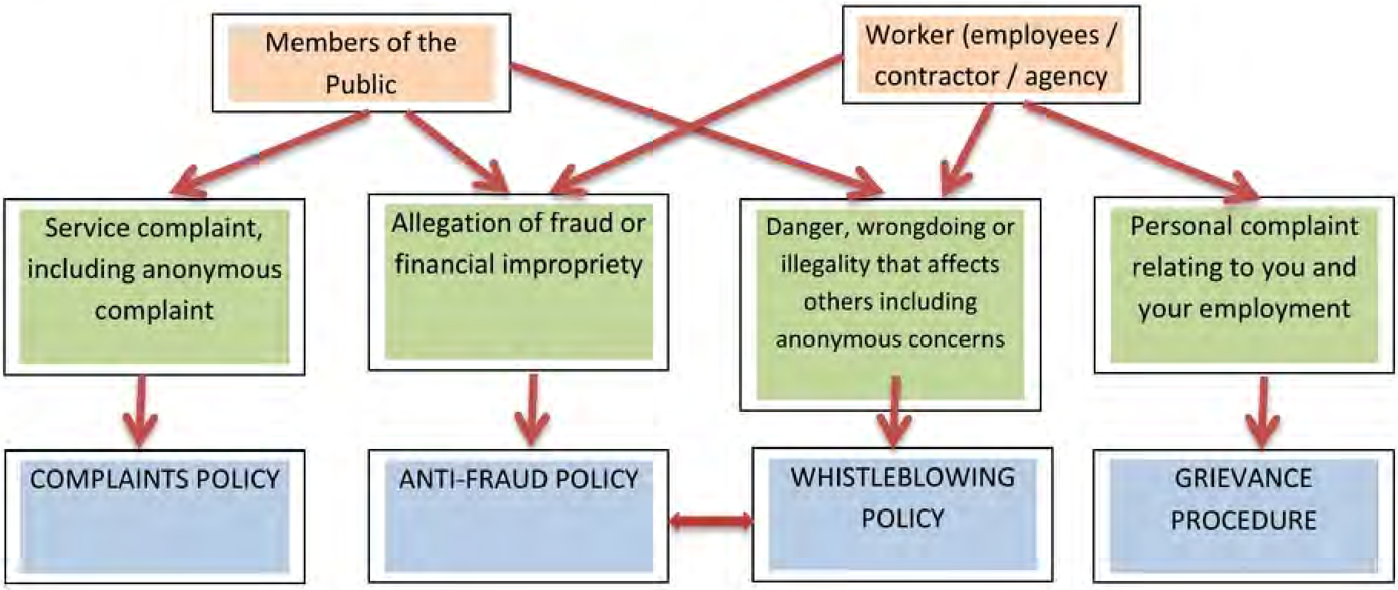
Appendix 5

Flowchart

The diagram below provides an overview of the relationship between the complaints, fraud and whistleblowing policies and the existing grievance procedure. Note that only employees and workers are protected by whistleblowing legislation. More detail is provided in each policy.



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Fraud Response Plan

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District Council

Effective Date: April 2017

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Policy Control

Policy Title	Fraud Response Plan
Departmental Ownership	Corporate Services
Document Owner	Dorinnia Carville, Director of Corporate Services
Officer Responsible	Gerard Byrne, Audit Services Manager
Date of Approval	SMT – SP&R – Council -
Date of Last update	March 2017
Updated by	Gerard Byrne, Audit Services Manager
Date of next Review	March 2021
Location where document is held and referenced	Shared Drive and NMDDC Website

Contents

1. Introduction

Newry Mourne and Down District Council (NMMDC) operates a zero tolerance attitude to fraud and is committed to developing and maintaining a culture where its staff have, and are seen to have, the highest standards of honesty, propriety and integrity in the exercise of their duties.

NMDDC Anti-Fraud Policy sets out senior management's commitment to the highest standards of openness, probity and accountability in all official business. The Council's policy is that all allegations of fraud, anonymous or otherwise, will be investigated. Within the context of the Anti-Fraud Policy, in which fraud is defined, it is necessary to set out in greater detail the procedures to be followed in the event of suspicion of fraud.

The Council has prepared this Fraud Response Plan to act as a procedural guide which must be followed in the event of a fraud, or attempted fraud, being suspected. The plan sets out how Council staff and others should report suspicions of fraud and how the Council will handle them.

Adherence to this plan will ensure that timely and effective action is taken to prevent further losses, maximise recovery and minimise recurrence of losses, identify the perpetrators and maximise the likelihood of success if any disciplinary/ legal action is taken.

Staff have a duty under the Code of Conduct for Local Government Employees to come forward and give information where they honestly believe someone may have committed or be about to commit an act of fraud or theft. This should be done without delay. The Public Interest Disclosure (NI) Order 1998 protects the rights of staff who report wrongdoing. Section 5 of the Criminal Law Act (NI) 1967 (Penalties for concealing information) also places an onus on individuals to report/ pass evidence to the police. A Whistleblowing Policy has been established to provide a framework for providing information and to afford protection to staff who supply information, provided this is done in good faith and without malice.

This Plan should be read in conjunction with the following NMDDC documents:

- Code of Conduct for Local Government Employees;
- The Northern Ireland Local Government Code of Conduct For Councillors;
- Anti- Fraud Policy;
- Whistleblowing Policy.

2. What Should An Employee Do If They Suspect Fraud or Corruption?

Line managers and staff should be alert to the possibility that unusual events or transactions could be symptoms of fraud or attempted fraud and that there may be collusion between staff and third parties in cases of fraud.

Typically there are four main ways in which a suspicion or concern about fraud/corruption may come to light:

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- A concern raised by a member of staff or an external party;
- Management carrying out their role via specific management checks;
- The National Fraud Initiative; and
- As a result of a third party compliance check or Audit.

It is NMDDC policy that there will be consistent handling of all attempted, suspected or proven fraud cases without regard to the position held or length of service of the individual(s) involved.

Staff who have concerns should report them as soon as possible to their immediate line manager. If there is a concern that management may be involved, the matter should be reported to the next appropriate level.

If staff feel unable to raise a particular matter with their line manager, for whatever reason, they should raise the matter with the Audit Services Manager or their relevant Director. Alternatively, staff may report their concerns via the NMDDC Whistleblowing Policy.

If these channels have been followed and the member of staff still has concerns, or the member of staff feels that the matter is so serious that they cannot discuss it with any of the above, they should discuss it with the Director of Corporate Services or the Chief Executive.

Additionally, management should immediately report the fraud or suspected fraud raised with them to the Audit Services Manager. The Audit Services Manager logs all frauds within the Council and provides an update to the Local Government Auditor.

An individual raising a concern must not discuss it with colleagues or friends or undertake investigative work. Line management should not undertake any preliminary enquires until any suspicion has been reported to and advice has been taken from the Audit Services Manager. It is imperative that enquires should not prejudice subsequent investigations or corrupt evidence.

3. What Should A Member Of The Public Do If They Suspect Fraud or Corruption?

A member of the public who suspects fraud involving the NMDDC, its staff or contractors is strongly encouraged to report their concerns:

- by contacting the Councils Audit Services Manager on 028 3031 3140 or by e-mailing – fraudandwhistleblowing@nmandd.org

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4. Initial Investigation

On receiving allegations of suspected fraud or other financial impropriety, the Audit Services Manager will, as appropriate, liaise with The Director of Corporate Services, HR, Legal Services and the relevant Director and/or Assistant Director and carry out some initial enquiries. This is to determine the potential validity of the allegations and to evaluate whether fuller investigation is or may be required. The Audit Services Manager will immediately notify the Local Government Auditor of the concerns raised.

Cases which do not relate to allegations of fraud will be referred directly to management to consider further investigation.

The Audit Services Manager may complete the initial investigation, or will appoint someone to conduct an initial but urgent fact-finding exercise. The appointee should not be conflicted in any way in relation to the matter under investigation. This discreet preliminary enquiry should be carried out as soon as possible.

The investigating officer will conduct an initial discreet enquiry, without alerting the suspect, to ascertain the facts surrounding the suspicion or discovery of fraud. The main purpose of this enquiry is to confirm or repudiate, as far as possible, the suspicions which have arisen. The preliminary enquiry should cover:

- the type of irregularity suspected or realised and the circumstances that led to it e.g. established working procedures not being adhered to, officers completing work that they are not authorised to do, etc.;
- how the fraud was realised;
- the value and type of resource lost – actual or estimated;
- the period over which the fraud may have occurred, if known; i.e. the date it was realised;
- names of staff who may be linked with the fraud;
- whether collusion with others is suspected e.g. other employees, persons contracted by the Council, persons who do not have any legitimate business interest with the Council;
- names of all officers who have been involved in the investigation so far;
- action taken by individual managers and the individual who reported the suspicion e.g. discussions, explanations sought; and
- any other information or observations that might be useful to the investigation.

All documentation relating to the enquiry will be securely held in a safe place. If, as a result of the preliminary enquiry, it is clear that fraud has not taken place the case will be closed, with a clear reason for closure recorded.

If the preliminary enquiry confirms that a fraud has been attempted or perpetrated and staff are implicated at this stage, an investigation under the Disciplinary Procedure should be initiated and if there is a potential charge of gross misconduct, suspension should be considered.

5. Detailed Investigation

Where initial enquiries indicate that fraud or other financial impropriety may have occurred the Audit Services Manager will:

- initiate a detailed confidential investigation and develop terms of reference for the investigation (including allocation of resources);
- take immediate steps to safeguard any evidence and prevent the risk of losses;
- consider recommending to the Council's Fraud Response Group (see below) immediate referral to the PSNI; and
- liaise with the Director of Corporate Services, HR, and Legal Services, as appropriate, regarding the above issues.

The Audit Services Manager will have full and unrestricted access to all necessary records and personnel. All council furniture and contents, including desks and computers are open to inspection when there is reasonable suspicion of a dishonest or fraudulent activity which makes such inspection appropriate. There is no assumption of privacy.

Depending on the conclusions reached by the detailed investigation, the following actions are all possible outcomes:

- no action, if there is insufficient evidence to support the allegations;
- recommendation to the Fraud Response Group to refer the matter to the PSNI if there is sufficient evidence that a criminal act may have occurred;
- possible action under disciplinary procedures, which may include suspension or relocation of staff pending further investigations;
- referral of the case to management to investigate under the Disciplinary Procedure;
- Formal disciplinary action may be taken in regard to staff who are found, after investigation, to have increased the likelihood of fraud as a result of a serious dereliction of duty;
- recommendations to management to improve internal controls in the area(s) affected.

6. The Fraud Response Group

The council has established a Fraud Response Group. The primary role of the Fraud Response Group will be to consider and approve the referral of cases to the PSNI. The Fraud Response Group will also consider how and when it will communicate suspected fraud to Elected Members. The membership of the Fraud Response Group is as follows:

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- Chief Executive
- Director of Corporate Services
- Assistant Director of Human Resources
- Audit Services Manager

In all cases the council will co-operate fully with the PSNI and pursue prosecutions where possible. In exceptional circumstances the Fraud Response Group may meet with the PSNI to decide who is best placed to undertake the further investigation. The Director of Corporate Services is responsible for communicating to Elected Members via the Audit Committee on suspected fraud in line with an agreed protocol.

7. Preservation of Evidence

A key consideration in any investigation must always be how to secure or preserve sufficient evidence to prove fraud.

For the purposes of criminal proceedings, the admissibility of evidence is governed by the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE). Although PACE does not apply in civil or disciplinary proceedings it should nevertheless be regarded as 'best practice'. If an individual is charged with a criminal offence (and this may not have been planned at the outset of the investigation), all investigations and relevant evidence will be open to discovery by that individual's defence. It is therefore vital that detailed and accurate records are kept from the outset, including accurate notes of when, where and from whom the evidence was obtained and by whom.

8. Physical Evidence

It is vitally important to have arrangements in place for the safe and secure storage of evidence and other investigative material. Control should be taken of evidence before the opportunity arises for it to be removed or destroyed by the suspect(s). Physical evidence may therefore have to be seized at an early stage of the investigation, before any witness statements are collected or interviews conducted. Similarly, electronic evidence must be secured.

If an investigation of an internal fraud is being conducted, the Council has a right to access its own records and may bring disciplinary action against any member of staff who tries to prevent this.

When taking control of physical evidence, original material is essential – photocopies are not acceptable. Records should be kept of the time that it was taken and the place that it was taken from. If evidence consists of several items, each one should be tagged with a reference number which corresponds with the written record. Taking photographs and/or video recordings of the scene may also prove helpful.

When conducting investigations it is essential to be mindful of the provisions of the Human Rights Act, in particular the right to privacy and to a fair trial or hearing

9. Interviews

Any decisions about interviewing suspects, including police involvement, will be taken by the Audit Services Manager and the Fraud Response Group, if appropriate. All interviews will be properly conducted in controlled conditions. Detailed notes should be kept of questions and answers.

10. Dealing with Employees Under Suspicion

If a member of staff is suspected of involvement in a fraudulent activity, the Audit Services Manager or the Fraud Response Group if appropriate, will consider the appropriate course of action. This may range from close-monitoring/ supervision to precautionary suspension, however it should be noted that suspension does not in any way imply guilt. If a decision to suspend is taken, the individual(s) will be removed from the premises and will not be allowed access to office assets or records – manual or electronic. Employees who are allowed to remain at work may be kept under constant surveillance. If necessary, an immediate search of the employee's work area and storage cabinets will be carried out.

11. Communication & Action on Conclusion of an Investigation

The following communication should be observed in all cases:

- The Audit Committee should be kept informed as appropriate; (care will be taken as to the detail that is reported so as not to prejudice any future internal or external investigations).
- A lessons-learned document should be circulated throughout the Council, if appropriate;
- This Fraud Response Plan will be reviewed to determine whether it needs to be updated in light of the findings from the investigation.
- Consideration should be given to informing other public sector organisations, e.g. other Government Departments, NIAO, Other Councils and grant paying organisations.

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The Council will seek to recover any funds or assets lost through fraud where possible. Recovery may also include any legal costs incurred during the investigation. If necessary this may be through civil action.

12. Policy Review Date

The policy will be reviewed in line with the Council's agreed policy review cycle i.e. every 4 years (as per Council's Equality Scheme commitment 4.31), or sooner to ensure it remains reflective of legislative developments." This Fraud Response Plan will be reviewed following each incident of fraud to ensure that it reflects changes which may be necessary to strengthen future responses to fraud.

Staff wishing to receive clarification on this policy and/or suggest improvements should contact the Audit Services Manager.

13. Equality Screening

The Fraud Response Plan has been screened along with the Anti-Fraud Policy. The decision is that it should not be subject to an Equality Impact Assessment (EQIA) with no mitigating measures required. A copy of the equality screening is available from the Head of Corporate Policy.

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Whistleblowing Policy

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Effective Date April 2017

Version 1.0

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Newry, Mourne and Down District Council

Policy Control

Policy Title	Whistleblowing Policy
Departmental Ownership	Corporate Services
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Date of next Review	March 2021
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Contents

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1. Statement

The Council is committed to the highest possible standards of openness, probity and accountability in the delivery of its services. Whilst the Council has put in place a wide range of rules, regulations, procedures and codes of practice to deliver its commitments, malpractice, abuse and/or wrongdoing may unfortunately still occur.

We trust that workers will feel able to voice their whistleblowing concerns openly under this policy; however, we recognise that some employees may want to raise their concerns confidentially (or anonymously). This policy document makes it clear that you can raise any concerns you have without fear of victimisation, subsequent discrimination or disadvantage. In developing this Policy the Council recognises the need for an open and honest culture where workers have clear information on how to raise concerns (both internally and externally) and are encouraged to do so in the knowledge that they will be listened to, treated with respect and without fear of reprisal.

2. Aims of this Policy

This policy aims to:

- make you feel confident to raise concerns within the Council, as soon as possible rather than overlooking a problem or blowing the whistle to the media or other external bodies;
- give you avenues to raise concerns and receive feedback on any action taken;
- inform you on how to take the matter further if you are dissatisfied with the response; and
- reassure you that you will be protected from reprisals or victimisation for whistleblowing made in good faith.

3. Scope

A whistleblowing concern is where an individual discloses information about suspected danger, wrongdoing or illegality that affects others. The individual whistleblower is usually not personally affected by the danger, wrongdoing or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of the investigation into their concern – they are simply trying to alert others. The following list illustrates the types of issues that may be raised:

- conduct which is a criminal offence, e.g. theft;
- disclosures related to miscarriages of justice;
- failure to comply with any legal (or professional) obligation (for regulatory requirements);
- health and safety risks, including risks to the public as well as other workers;
- negligence;
- breach of internal policies and procedures;
- conduct likely to damage the Council's reputation;
- unauthorised disclosure of information ;
- damage to the environment, e.g. pollution;
- the unauthorised use of public funds, e.g. expenditure for non-council purposes;
- fraud and corruption (see also the Council's Anti-Fraud policy for more details);
- any attempt to prevent disclosure of any of the above; and any other unethical conduct which gives you cause for concern.

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This policy is primarily for concerns where the interests of others or of the Council itself are at risk. Thus if an individual member of staff feels aggrieved about their personal position then they should use the Grievance Procedure.

4. Related Policies

This policy should be read in conjunction with the following Council Documents:

- Anti-Fraud policy and the Fraud Response plan;
- Grievance Policy; and
- Complaints Procedure Policy.

5. What is Whistleblowing, and why is it Needed?

The charity, Public Concern at Work (PCAW), has defined whistleblowing as "a worker raising a concern about wrongdoing, risk or malpractice with someone in authority internally or externally." The Council is committed to developing a culture where all employees are encouraged to raise concerns about poor and unacceptable practice and misconduct safely.

All organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur. Workers are often best placed to identify deficiencies and problems before any damage is done, so the importance of their role as the 'eyes and ears' of organisations cannot be overstated. Therefore, whistleblowing provides workers with an opportunity to raise serious, genuine concerns rather than overlooking the problem or blowing the whistle outside. Whistleblowing legislation offers protection to workers who disclose serious concerns and the Council is committed to ensuring that anyone who blows the whistle will not be victimised, harassed or suffer any detriment as a consequence.

The benefits of whistleblowing to the Council include:

- safeguarding the integrity of the Council;
- safeguarding the employees and the wider public; and
- identifying damage and wrongdoing as early as possible.

6. Who is Covered by the Policy?

Legislation defines a whistleblower as a "worker" that is, someone inside the organisation. The policy therefore applies to all people working for the Council. This includes full and part-time, temporary and casual staff and contractors working for the Council on Council premises (for example, agency assignees and builders). It also covers Council suppliers and those providing services under a contract with the Council in their own premises.

Generally a whistleblower has no self interest in the issue being raised. However distinctions may not always be clear cut. A simple way to establish whether an individual raising a concern is a 'whistleblower' or a 'complainant' is to consider the nature of the concern.

Concern refers to 'others' e.g. the Council, other staff, contractors, the wider public.	**Whistleblower**
Concern refers to the individual ('self') e.g. a personal grievance, about terms of employment, pay, unfair treatment.	**Complainant**

The importance of a whistleblowing policy is explicitly covered in the Code of Conduct for Local Government employees, which states that *"Employees will be expected, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service"*. Paragraph 4.14 of the Code further states that *"if an employee becomes aware of activities which he/she believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure (NI) Order 1998, and with the Council's confidential reporting procedure, or any other procedure designed for this purpose"*.

It is important to emphasise that it is not in anyone's interests if our Whistleblowing policy is used to pursue a personal complaint or grievance. The Whistleblowing Policy is intended to cover concerns that fall outside the scope of the council's complaints and grievance procedures.

Also, if you are a member of the public with concerns or information which you think we should know about or look into, you should, however, follow the Corporate Complaints process if your concern is about a particular service that we have provided to you. However, if you raise information as a witness about danger, wrongdoing or illegality that affects others, this will be investigated under the Whistleblowing Policy. However, you should be aware that the council can only extend protection to workers who identify themselves when they raise a concern. The legislation does not extend protection to members of the public who raise concerns. The flowchart at ***Appendix 1*** shows the relationship between these policies.

7. Assurance for Staff

The Public Interest Disclosure (Northern Ireland) Order, 1998 was introduced to protect workers who wish to report a wrongdoing at work. It enables workers to make a 'protected disclosure' meaning you can take your employer to an employment tribunal if you are discriminated against or are victimised in any way as a result of making a disclosure. A worker making a disclosure is protected provided they:

- are acting in good faith;
- believe on reasonable grounds that the information is accurate;
- have not made the allegation for personal gain; and
- have taken reasonable steps to raise the subject matter of the disclosure internally, by drawing it to the attention of the appropriate individual.

The Council is committed to making whistleblowing work in the public interest. If you raise a genuine concern under this policy you will not suffer detriment as a result.

Whilst the Council encourages the submission of all genuine disclosures it will nevertheless view very seriously any false and malicious allegations made under this policy. If an allegation is made purely for malicious intent or personal gain and the allegation has no foundation, the Council will regard such allegations as a serious disciplinary offence.

8. Confidentiality

The Council will treat all disclosures made through its whistleblowing policy in a confidential and sensitive manner. The identity of the individual making an allegation will be kept confidential as far as is reasonably possible and will only be disclosed with the whistleblowers consent or on direction of a Court or equivalent regulatory body. If this occurs the Council will discuss, if possible, with the individual how to proceed.

9. Anonymous Allegations

This policy encourages individual staff to put their name to the allegation whenever possible as without this it can be difficult to fully investigate a matter and to corroborate facts. Anonymity makes it impossible to clarify any ambiguous information or ask for additional information to support the allegation. Moreover, the Council will be less able to protect the individual's position or to give feedback on the outcomes of any action taken.

Concerns expressed anonymously will still be welcomed by the Council. However, we would ask anyone thinking of making an anonymous disclosure to consider the following points:

- Detailed investigations may be more difficult, or even impossible, to progress if you choose to remain anonymous and cannot be contacted for further information.
- The information and documentation you provide may not easily be understood and may need clarification or further explanation.
- There is a chance that the documents you provide might reveal your identity.
- It may not be possible to remain anonymous throughout an in-depth investigation.
- It may be difficult to demonstrate to a tribunal that any detriment you have suffered is as a result of raising a concern.

10. How to Raise a Concern

Concerns can be raised in person or in writing providing as much detail as possible. The background and history of the concern, giving names, dates and places where possible should be set out and the reason why you are particularly concerned about the situation.

Step 1:
If you want to raise the matter in confidence, you should say so at the outset in order that appropriate arrangements can be made. Also if you have any personal interest in the matter this should be advised at the outset.

Any concerns that you may have can in the first instance be raised orally or in writing with your Line Manager or Assistant Director.

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Step 2:
If the above channels have been followed/considered and:

- you still have concerns; or
- reasonably believe that you will be victimised if you raise the matter internally; or
- believe that disclosure will result in the destruction of evidence; or
- you feel that the matter is so serious that you cannot discuss it with your Line Manager or Assistant Director;

You should contact one of the following officers:

- the Director of the area in which you are employed;
- the Audit Services manager; or
- the Director of Corporate Services.

Step 3:
If these channels have been followed and you still have concerns, or feel that the matter is so serious that you cannot discuss it with anyone listed above, you should contact the Chief Executive or the Chair of the Audit Committee (contact details are obtainable from the Chief Executive's Office).

Step 4:

While the Council encourages you to raise your concerns internally, we recognise that there may be circumstances where you feel unable to do so, or have done so but feel that the matter has not been adequately addressed. In these circumstances you have the option of approaching an external organisation, known as a 'prescribed regulator'.

Public Concern at Work (PCAW) is an independent, charitable organisation that runs a free, confidential advice line. They can advise you on how to safely and effectively raise a concern. Their number is 020 7404 6609 or you can email their helpline - whistle@pcaw.org.uk

Public Interest Disclosure legislation provides a range of prescribed persons to whom disclosures can be made externally, depending on the nature of the concern. Details can be found at the following link: http://www.legislation.gov.uk/nisr/2014/48/schedule/made. For example, if you have concerns about the proper conduct of public business, value for money, fraud and corruption in district councils, Local Government Auditors are prescribed to receive such concerns. They can be contacted by emailing whistleblowing@niauditoffice.gov.uk or by calling 028 9025 1062.

11. How we will Deal with your Concerns

If you make a whistleblowing disclosure, the Council will, within 10 working days (so long as you have not submitted your concern anonymously):

- formally acknowledge receipt of your concern;

- formally notify you who will be dealing with your concern;
- offer you the opportunity of a meeting to fully discuss the issue;
- respect your confidentiality where this has been requested. Confidentiality will not be breached unless required by law, and we will consult with you prior to any action that could identify you;
- take steps to ensure that you have appropriate support and advice;
- agree a timetable for feedback. If this cannot be adhered to, we will let you know;
- provide you with as much feedback as we properly can; and
- take appropriate and timely action against anyone who victimises you as a result of your disclosures.

When you raise a concern, you may be asked how you think the matter might best be resolved. If we think your concern falls more properly within grievance, bullying or harassment procedures, we will let you know.

All cases no matter who the concern has been raised with, will be carefully logged by the Audit Services Manager to enable the investigation's progress to be monitored in a way that safeguards the identity of the whistleblower.

Appendix 3 sets out the detail of how the Council will deal with a whistleblowing concern.

12. If you are Subject to a Whistleblowing Complaint

If a whistleblowing complaint, (which could be anonymous) is received against you this will not, on its own, initiate disciplinary action being taken.

Upon receipt of such a complaint, it may be necessary for preliminary enquiries to be undertaken. Where the complaint is potentially serious in nature, the council may initially seek to validate the complaint though observation, enquiry and / or liaison with the Police Service of Northern Ireland (PSNI) and following these you will be informed of the allegations made and will be given an opportunity to provide an explanation.

If following explanation and, if necessary, further investigation there is no evidence to suggest misconduct, the matter will not be referred for disciplinary action. However, if there is evidence of potential misconduct there is a possibility that the council's disciplinary procedures may be implemented to more fully investigate the matter.

13. Working in Partnership

The Council recognises that employees may wish to seek advice and be represented by their Trade Union officers when using the provisions of this Policy, and acknowledges and endorses the role

Trade Union officers play in this area. We recognise the importance of working in partnership with Trade unions to create a culture of openness and trust.

14. Policy Review Date

The policy will be reviewed in line with the Council's agreed policy review cycle i.e. every 4 years (as per Council's Equality Scheme commitment 4.31), or sooner to ensure it remains reflective of legislative developments.

Staff wishing to receive clarification on this policy and/or suggest improvements should contact the Audit Services Manager.

15. Equality Screening

Having screened the Whistleblowing Policy the decision is that it should not be subject to an Equality Impact Assessment (EQIA) with no mitigating measures required. A copy of the equality screening is available from the Head of Corporate Policy.

Version 1.0

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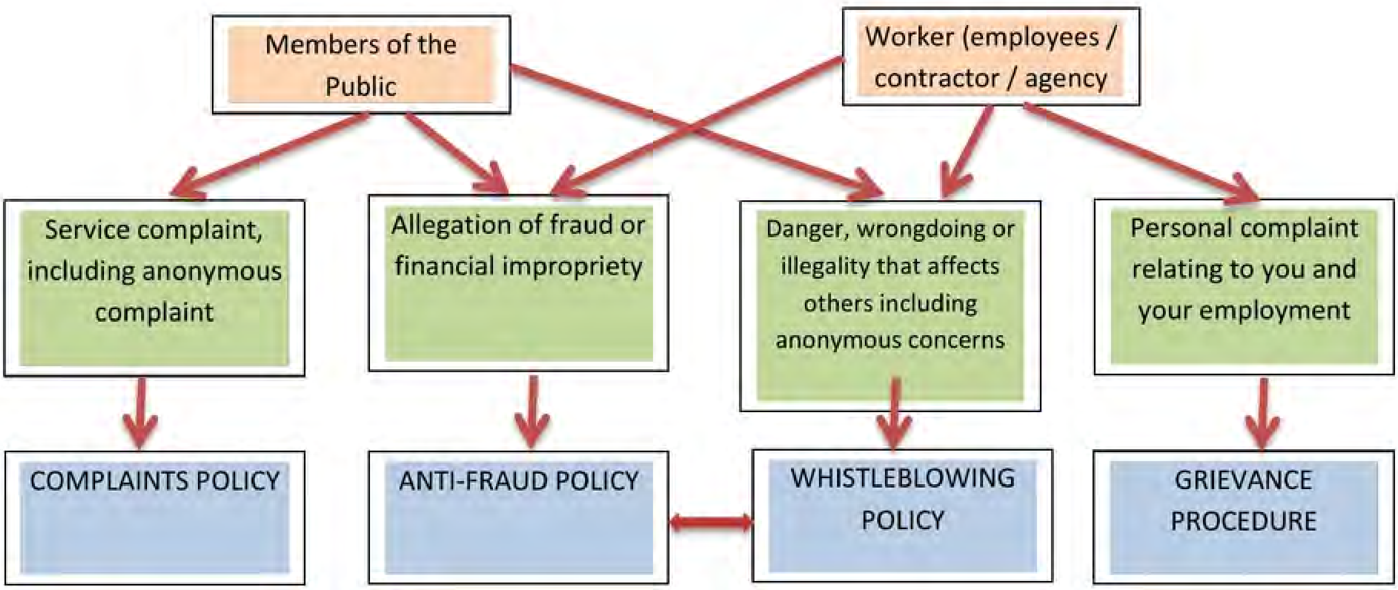
Appendix 1

Flowchart

The diagram below provides an overview of the relationship between the complaints, fraud and whistleblowing policies and the existing grievance procedure. Note that only employees and workers are protected by whistleblowing legislation. More detail is provided in each policy.



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Appendix 2

Summary of Roles and Responsibilities

Role	Responsibility
Members	Leadership, approve policy, receive and consider progress updates at the Audit Committee on Whistleblowing (as appropriate).
Chief Executive, Director of Corporate Services, Audit Services Manager	Contact point for whistleblowers to report concerns.
Director of Corporate Services	Director with responsibility for this policy and contact point for whistleblowers to report concerns.
Directors and Assistant Directors	Management should ensure that their staff are aware of relevant Council policies and procedures and ensure they are complied with. Management should be aware of what to do if they receive a whistleblowing complaint (see section 11 of this policy). Managers may be asked, where appropriate, to undertake whistleblowing investigations including; liaising with the whistleblower where possible.
Staff	Staff should ensure they comply with relevant council policies and procedures. Staff should be aware of what to do if they receive a whistleblowing complaint (see section 10 of this policy).
Audit Services Manager	The Audit Services Manager will undertake or provide advice and assistance to the council in undertaking investigations. Acknowledging, logging and monitoring of all whistleblowing cases and investigations and liaising with whistleblowers as and when it is necessary. Policy maintenance and communication, and also a contact point for whistleblowers to report concerns.
External Audit	Local government auditors have been prescribed as persons to whom protected disclosures can be made under the Public Interest Disclosure legislation.
Corporate HR and Legal Services	Provision of specialist advice on investigations as well as potential disciplinary and or criminal matters.

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Appendix 3

Dealing with a Concern

Receipt of Whistleblowing Concerns

It is essential that workers who raise concerns are supported and, as such, managers (and all staff) who receive disclosures from workers should:

- have a positive and supportive attitude towards workers raising a concern;
- record as much detail as possible about the concern being raised and agree this record with the worker;
- be aware of the process following the raising of the concern and explain this to the worker;
- make sure the worker knows what to expect, for example feedback in relation to their concern;
- assure the worker their confidentiality will be protected as far as possible, if they request it;
- make no promises and manage the expectations of the worker;
- make clear that the organisation will not tolerate harassment of anyone raising a genuine concern and ask the worker to let you know if this happens;
- refer the worker to available sources of support, for example to PCaW or a trade union;
- pass the information as quickly as possible to the Audit Services Manager who will log the case and consider the best way in which to respond (see below).

Cases will be carefully logged by Audit Services Manager to enable the investigation's progress to be monitored in a way that, where requested, safeguards the identity of the whistleblower.

Initial Enquires

In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of other existing procedures will normally be referred for consideration under these procedures. It may not be necessary to carry out a formal investigation in every case. There may be a range of possibilities, depending on the nature of each case, for example:

- Explaining the context of an issue to the person raising the concern may be enough to alleviate their concerns.
- Minor concerns may be dealt with straight away by line management.
- A review by the Audit Service Manager or Internal Auditor as part of planned audit work might be sufficient to address the issue e.g. through a change to the control environment.
- There may be a role for the NIAO in addressing the concerns raised and either providing assurance or recommending changes to working practices.

Provided you are identifiable and do not request otherwise, the council will usually respond to your concerns within ten working days of the concern being received, and will acknowledge that your concern has been received.

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The action taken by the council will depend on the nature of the concern. The matters raised may be:

- investigated internally;
- referred to the police or other statutory agencies; or
- referred to the Local Government Auditor (Northern Ireland Audit Office).

The course of action will normally be agreed by the Audit Services Manager and or the Director of Corporate Services in consultation with relevant Directors and Assistant Directors. Legal Services advice will be sought were required. The Audit Services Manager, in consultation, with officers above will sign off and endorse the approach to be taken and the appointment of officers to undertake a detailed investigation.

The initial investigation is essentially a 'fact finding' exercise, to establish whether there is a case to answer. It may need to be carried out under the strictest of confidentiality, eg. in cases of suspected fraud and or corruption.

Once this initial investigation has been completed, the investigating officer will report his or her findings and recommendations to the Audit Services Manager (or the Director of Corporate Services if the Audit Services Manager conducts the initial investigation) for further action.

Further Action

On the strength of the information provided by the investigation, the Audit Services Manager in Consultation with the Director of Corporate Servicers will decide whether further action is necessary. If the result of the initial investigation is that there is a case to be answered by any individual, the Council's Disciplinary Procedure will be used to take the matter forward. Where it is evident that statutory or legal requirements have been contravened which may result in civil or criminal action, the appropriate authorities will be informed.

Where there is no case to answer, but where the whistleblower had a genuine concern and was not acting maliciously, the Council will ensure that the whistleblower suffers no reprisals or victimisation.

Where it is established that false allegations have been made maliciously, it will be considered appropriate to act against the individual under the terms of the disciplinary procedure.

Feedback

We will give the whistleblower as much feedback as we possibly can. However, we may not be able to tell them the precise action we are taking as this could infringe on our duty of confidence owed by us to someone else.

Newry, Mourne and Down District Council Policy Screening Form

Policy Information

Name of the policy	NMDDC Anti-Fraud Policy and Fraud Response Plan
Is this an existing, revised or new policy?	Revised policy
What is it trying to achieve (aims/outcomes)	The Council are committed to protecting the public money we look after and to making sure that the opportunity for fraud or any other financial impropriety is reduced to the lowest possible risk. Should allegations be made, we will deal with them in a firm and controlled manner. As well as being potentially criminal acts, fraud and financial impropriety can impact on the council's finances, its reputation, its staff and its stakeholders. There is a clear commitment from the Council and Senior Management that fraud will not be tolerated and the Council is committed to ensuring that opportunities for fraud are reduced to the lowest possible level of risk.
Are there any Section 75 categories which might be expected to benefit from the intended policy?	None directly anticipated
If so, explain how.	n/a
Who initiated or wrote the policy?	Gerard Byrne, Audit Service Manager
Who owns and who implements the policy?	Dorinnia Carville, Director of Corporate Services

Implementation factors

	Yes	No
Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?		✓
If yes, are they Financial		
If yes, are they Legislative		
If yes, and they are Other please specify:		

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

	Yes	No
Staff	✓	
Service users	✓	
Other public sector organisations	✓	

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Voluntary/community/trade unions	✓	
Other, please specify:		

Other policies with a bearing on this policy

What are they	Whistleblowing Policy, Complaint's Policy & Grievance Policy
Who owns them	Dorinnia Carville, Director of Corporate Services

Available evidence

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for relevant Section 75 categories.

Section 75 Category	**Details of needs/experiences/priorities**
Religious belief	<table><tr><th>LGD</th><th>All usual residents</th><th>Catholic</th><th>Protestant and other Christian</th><th>Other religions</th><th>None</th></tr><tr><td>**Northern Ireland**</td><td>1,810,863</td><td>817,385 (45.14%)</td><td>875,717 (48.36%)</td><td>16,592 (0.9%)</td><td>101,169 (5.59%)</td></tr><tr><td>**Newry, Mourne & Down**</td><td>171533</td><td>113200 (65.99%)</td><td>34718 (20.34%)</td><td>752 (0.43%)</td><td>10229 (5.96%)</td></tr></table>(Source: Census Data 2011).
Political opinion	Elected political party representation is an approximate barometer of political opinion of people within the Council area. The party breakdown of the Council's elected members is as follows: Sinn Féin 14 seats SDLP 13 seats Democratic Unionist 4 seats Independents 5 seats Ulster Unionist 3 seats Alliance 1 seat TUV 1 seat
Racial group	According to the 2011 Census, 1.8% (32,400) of the usually resident population of Northern Ireland belongs to minority ethnic groups; this is more than double the proportion in 2001 (0.8%). The minority ethnic language profile within the area serves as a possible indicator of the BME community profile.

The composition of language groups in the Newry, Mourne and Down District Council area is noted by NISRA (2011) as follows:

Minority Ethnic Language Profile of the Newry, Mourne and Down LGD Area

Main language of residents in Newry, Mourne and Down District LGD	Number	Percentage %
English	156794	97.15
Polish	2100	1.18
Lithuanian	836	0.47
Irish	367	0.24
Portuguese	86	0.05
Slovak	134	0.08
Chinese	121	0.07
Tagalog/Filipino	55	0.03
Latvian	208	0.25
Russian	109	0.06
Malayalam	87	0.05
Hungarian	74	0.04
Other	755	0.46

Age

The age profile of the Newry, Mourne and Down LGD area at Census Day 2011 is as follows:

Age Profile	NI	Newry, Mourne & Down
0-4	124382	12721
5-7	67662	6876
8-9	43625	4595
10-14	119034	12287
15	24620	2599
16-17	51440	5260
18-19	50181	4570
20-24	126013	11570
25-29	124099	11805
30-34	373947	35122
45-59	347850	32556
60-64	94290	8624
65-74	145600	12817
75-84	86724	7453
85-89	21165	1849
90+	10231	829

Marital status

The table below illustrates the marital status profile of the Newry, Mourne and Down area:

Marital Status	**Newry, Mourne and Down LGD**	**NI**
All usual residents: Aged 16+ years	132455	1431540

	Single (never married or never registered a same-sex civil partnership) Aged 16+ years	47722	517393 (35.14%)
	Married: Aged 16+ years	65255	680831 (47.56%)
	In a registered same-sex civil partnership: Aged 16+ years	102	1243 (0.09%)
	Separated (but still legally married or still legally in a same-sex civil partnership): Aged 16+ years	4697	56911 (3.98%)
	Divorced or formerly in a same-sex civil partnership which is now legally dissolved	6271	78074 (5.45%)
	Widowed or surviving partner from a same-sex civil partnership: Aged 16+ years	8408	97088 (6.78%)
Sexual orientation	Analysis of the Census 2011 indicates that between 2% and 10% of the population may be lesbian, gay or bisexual. There are no official statistics in relation to the number of gay, lesbian or bisexual people in Northern Ireland. However, research conducted by the HM Treasury shows that between 5% - 7% of the UK population identify		

	themselves as gay, lesbian, bisexual or 'trans' (transsexual, transgendered and transvestite) (LGBT). This is a sizeable proportion of the population here in Northern Ireland.
Men and women generally	The gender profile for the Newry, Mourne and Down LGD is as follows:

LGD	Male	Female
Northern Ireland	887323	923540
Newry, Mourne and Down LGD	83866	85345

Disability	According to the 2011 Census 19.62% of people in the Newry, Mourne and Down District Council area have a long-term health problem or disability that limits their day-to-day activities;

LGD	All usual residents	Long-term health problem or disability: Day-to-day activities limited a lot	Long-term health problem or disability: Day-to-day activities limited a little	Long-term health problem or disability: Day-to-day activities not limited
Northern Ireland	1810863	215232 (11.89%)	159414 (8.8%)	1436217 (79.31%)
Newry, Mourne and Down	171533	19579 (11.4%)	14102 (8.22%)	135530 (79.01%)

In Northern Ireland the profile of people with a disability is cited as follows:

- More than 1 in 5 or 21% of the population in Northern Ireland has a disability The incidence of disability is higher in Northern Ireland than any other part of the UK
- 1 in 7 people in Northern Ireland have some form of hearing loss
- 5,000 sign language users who use British Sign Language (BSL) and/or Irish Sigh Language (ISL)
- In Northern Ireland there are 57,000 blind people or people with significant visual impairment
- 52,000 people with learning disabilities

(Source: Disability Action)

Dependants	Persons with dependents may be people who have personal responsibility for the care of a child (or children), a person with a disability, and / or a dependent older person. There are 61,998 households in Newry, Mourne and Down, 37.5% of which have dependents. With regard to these figures, dependents are defined as those aged 0-15 years or those aged 16-18 years who are in full-time education and living with their parents or grandparents. Similar to the regional trend, the proportion of households with dependents in the District has declined from 50% in 1981 to 37.5% in 2011.

	There are 5,466 lone parent households with dependent children in Newry, Mourne and Down which equates to almost 9% of number of total households in the District and is the fourth highest in Northern Ireland, after Belfast (17,036), Derry and Strabane (6,337) and Armagh, Banbridge and Craigavon (6,337). Half of the parents in lone parent household in Newry, Mourne and Down are unemployed, almost a quarter are in full time employment and over a quarter are in part time employment. 89% of the parents in lone parent households are female compared to 11% who are male. In 2012, the teenage conception rate was 1.02 per 1,000 mothers, which is the third lowest in N.Ireland before Lisburn and Castlereagh and Fermanagh and Omagh.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 Category	Details of needs/experiences/priorities
Religious belief	It is not envisaged that people of different religious beliefs will have specific needs / experiences / priorities in relation to this policy.
Political opinion	It is not envisaged that people of different political opinion will have specific needs / experiences / priorities in relation to this policy.
Racial group	It is not envisaged that people of different races will have specific needs / experiences / priorities in relation to this policy.
Age	It is not envisaged that people of different ages will have specific needs / experiences / priorities in relation to this policy.
Marital status	It is not envisaged that people of different marital status will have specific needs / experiences / priorities in relation to this policy.
Sexual orientation	It is not envisaged that people of different sexual orientation will have specific needs / experiences / priorities in relation to this policy.
Men and women generally	It is not envisaged that people of different gender will have specific needs / experiences / priorities in relation to this policy.
Disability	It is not envisaged that people that may or may not have a disability will have specific needs / experiences / priorities in relation to this policy.
Dependants	It is not envisaged that people with or without dependants will have specific needs / experiences / priorities in relation to this policy.

Screening Questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 grounds?

Section 75 category	**Details of policy impact**	**Level of impact? Major/minor/none**
Religious belief		None
Political opinion		None
Racial group		None
Age		None
Marital status		None
Sexual orientation		None
Men and women generally		None
Disability		None
Dependants		None

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

Section 75 category	If **Yes**, provide details	If **No**, provide details
Religious belief		No, there are no anticipated adverse impacts for this S75 category.
Political opinion		No, there are no anticipated adverse impacts for this S75 category.
Racial group		No, there are no anticipated adverse impacts for this S75 category.
Age		No, there are no anticipated adverse impacts for this S75 category.
Marital status		No, there are no anticipated adverse impacts for this S75 category.
Sexual orientation		No, there are no anticipated adverse impacts for this S75 category.
Men and women generally		No, there are no anticipated adverse impacts for this S75 category.
Disability		No, there are no anticipated adverse impacts for this S75 category.
Dependants		No, there are no anticipated adverse impacts for this S75 category.

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?

Good relations category	**Details of policy impact**	**Level of impact? Major/minor/none**
Religious belief	There is nothing to suggest that the policy and associated implementation	None

	procedure will adversely impact upon good relations.	
Political opinion	There is nothing to suggest that the policy and associated implementation procedure will adversely impact upon good relations.	None
Racial group	There is nothing to suggest that the policy and associated implementation procedure will adversely impact upon good relations.	None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	If **Yes,** provide details	If **No,** provide details
Religious belief		There is nothing to suggest that the policy and associated implementation procedure will promote good relations between people of different religious belief, political opinion or racial group.
Political opinion		There is nothing to suggest that the policy and associated implementation procedure will promote good relations between people of different religious belief, political opinion or racial group.
Racial group		There is nothing to suggest that the policy and associated implementation procedure will promote good relations between people of different religious belief, political opinion or racial group.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? (For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

None

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

Screening Decision

In light of your answers to the previous questions, do you feel that the policy should (please underline one):

1. **Not be subject to an EQIA (with no mitigating measures required)**
2. Not be subject to an EQIA (with mitigating measures /alternative policies)
3. Not be subject to an EQIA at this time
4. Be subject to an EQIA

If 1. or 2. (i.e. not be subject to an EQIA), please provide details of the reasons why:

Having screened the Anti Fraud Policy and the Fraud Response Plan the decision is that it should not be subject to an EQIA (with no mitigating measures required).

The Council is committed to developing a culture where all employees are encouraged to raise concerns about poor and unacceptable practice and misconduct safely.

The policy has no impact on Section 75 categories

If 2. (i.e. not be subject to an EQIA), in what ways can identified adverse impacts attaching to the policy be mitigated or an alternative policy be introduced?

n/a

In light of these revisions, is there a need to re-screen the revised/alternative policy? Yes / No. If No, please explain why

n/a

If 3. or 4. (i.e. to conduct an EQIA), please provide details of the reasons:

n/a

Timetabling and prioritising EQIA

If 3. or 4, is the policy affected by timetables established by other relevant public authorities? N/A
If YES, please provide details:

Please answer the following questions to determine priority for timetabling the EQIA. On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for EQIA.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for EQIA. This list of priorities will assist you in timetabling the EQIA. Details of your EQIA timetable should be included in the quarterly Section 75 report.

Proposed date for commencing EQIA: ___________________________

Monitoring

Effective monitoring will help identify any future adverse impacts arising from the policy which may lead you to conduct an EQIA, as well as help with future planning and policy development.

Please detail proposed monitoring arrangements below:

In addition to outlining proposed monitoring arrangements on how the impact of the policy's implementation will be assessed, the following comment should be included:

"The policy will be reviewed in line with the Council's agreed policy review cycle i.e. every four years (as per Council's Equality Scheme commitment 4.31), or sooner as necessary, to ensure that it remains up-to-date with legislative advancements etc."

We will review the Whistleblowing Policy annually to ensure there are no legislative changes.

Approval and Authorisation

Screened by:	Position/Job Title	Date
Gerard Byrne	Audit Services Manager	6/4/17
Approved by:		

Note: The completed policy screening template, signed off by the appropriate policy lead within the Council, and approved by the senior manager responsible for the policy, should be forwarded to the Equality Officer who will arrange for it to be included in the Council's Quarterly Report on Screening and made available on the Council's website.

Newry, Mourne and Down District Council Policy Screening Form

Policy Information

Name of the policy	NMDDC Whistleblowing Policy
Is this an existing, revised or new policy?	Revised policy
What is it trying to achieve (aims/outcomes)	The charity, Public Concern at Work (PCAW), has defined whistleblowing as "a worker raising a concern about wrongdoing, risk or malpractice with someone in authority internally or externally." The Council is committed to developing a culture where all employees are encouraged to raise concerns about poor and unacceptable practice and misconduct safely. All organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur. Workers are often best placed to identify deficiencies and problems before any damage is done, so the importance of their role as the 'eyes and ears' of organisations cannot be overstated. Therefore, whistleblowing provides workers with an opportunity to raise serious, genuine concerns rather than overlooking the problem or blowing the whistle outside. Whistleblowing legislation offers protection to workers who disclose serious concerns and the Council is committed to ensuring that anyone who blows the whistle will not be victimised, harassed or suffer any detriment as a consequence. The benefits of whistleblowing to the Council include: ○ safeguarding the integrity of the Council; ○ safeguarding the employees and the wider public; and ○ identifying damage and wrongdoing as early as possible.
Are there any Section 75 categories which might be expected to benefit from the intended policy?	None directly anticipated
If so, explain how.	n/a
Who initiated or wrote the policy?	Gerard Byrne, Audit Service Manager
Who owns and who implements the policy?	Dorinnia Carville, Director of Corporate Services

Implementation factors

	Yes	No
Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?		✓
If yes, are they Financial		
If yes, are they Legislative		
If yes, and they are Other please specify:		

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

	Yes	No
Staff	✓	
Service users	✓	
Other public sector organisations	✓	
Voluntary/community/trade unions	✓	
Other, please specify:		

Other policies with a bearing on this policy

What are they	Anti-Fraud and Corruption Policy, Fraud Response plan, Complaint's Policy & Grievance Policy
Who owns them	Dorinnia Carville, Director of Corporate Services

Available evidence

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for relevant Section 75 categories.

Section 75 Category	**Details of needs/experiences/priorities**
Religious belief	(see table below) (Source: Census Data 2011).

LGD	**All usual residents**	**Catholic**	**Protestant and other Christian**	**Other religions**	**None**
Northern Ireland	1,810,863	817,385 (45.14%)	875,717 (48.36%)	16,592 (0.9%)	101,169 (5.59%)
Newry, Mourne & Down	171533	113200 (65.99%)	34718 (20.34%)	752 (0.43%)	10229 (5.96%)

(Source: Census Data 2011).

Political opinion	Elected political party representation is an approximate barometer of political opinion of people within the Council area. The party breakdown of the Council's elected members is as follows: Sinn Féin 14 seats SDLP 13 seats Democratic Unionist 4 seats Independents 5 seats Ulster Unionist 3 seats Alliance 1 seat TUV 1 seat
Racial group	According to the 2011 Census, 1.8% (32,400) of the usually resident population of Northern Ireland belongs to minority ethnic groups; this is more than double the proportion in 2001 (0.8%). The minority ethnic language profile within the area serves as a possible indicator of the BME community profile. The composition of language groups in the Newry, Mourne and Down District Council area is noted by NISRA (2011) as follows: **Minority Ethnic Language Profile of the Newry, Mourne and Down LGD Area**

Main language of residents in Newry, Mourne and Down District LGD	Number	Percentage %
English	156794	97.15
Polish	2100	1.18
Lithuanian	836	0.47
Irish	367	0.24
Portuguese	86	0.05
Slovak	134	0.08
Chinese	121	0.07
Tagalog/Filipino	55	0.03
Latvian	208	0.25
Russian	109	0.06
Malayalam	87	0.05
Hungarian	74	0.04
Other	755	0.46

Age	The age profile of the Newry, Mourne and Down LGD area at Census Day 2011 is as follows:

Age Profile	NI	Newry, Mourne & Down
0-4	124382	12721
5-7	67662	6876
8-9	43625	4595
10-14	119034	12287
15	24620	2599
16-17	51440	5260
18-19	50181	4570
20-24	126013	11570

	<table><tr><td>25-29</td><td>124099</td><td>11805</td></tr><tr><td>30-34</td><td>373947</td><td>35122</td></tr><tr><td>45-59</td><td>347850</td><td>32556</td></tr><tr><td>60-64</td><td>94290</td><td>8624</td></tr><tr><td>65-74</td><td>145600</td><td>12817</td></tr><tr><td>75-84</td><td>86724</td><td>7453</td></tr><tr><td>85-89</td><td>21165</td><td>1849</td></tr><tr><td>90+</td><td>10231</td><td>829</td></tr></table>
Marital status	The table below illustrates the marital status profile of the Newry, Mourne and Down area: <table><tr><th>Marital Status</th><th>Newry, Mourne and Down LGD</th><th>NI</th></tr><tr><td>All usual residents: Aged 16+ years</td><td>132455</td><td>1431540</td></tr><tr><td>Single (never married or never registered a same-sex civil partnership) Aged 16+ years</td><td>47722</td><td>517393 (35.14%)</td></tr><tr><td>Married: Aged 16+ years</td><td>65255</td><td>680831 (47.56%)</td></tr><tr><td>In a registered same-sex civil partnership: Aged 16+ years</td><td>102</td><td>1243 (0.09%)</td></tr><tr><td>Separated (but still legally married or still legally in a same-sex civil partnership): Aged 16+ years</td><td>4697</td><td>56911 (3.98%)</td></tr><tr><td>Divorced or formerly in a same-sex civil partnership</td><td>6271</td><td>78074 (5.45%)</td></tr></table>

<table>
<tr><td></td><td>
<table>
<tr><td>which is now legally dissolved</td><td></td><td></td></tr>
<tr><td>Widowed or surviving partner from a same-sex civil partnership: Aged 16+ years</td><td>8408</td><td>97088 (6.78%)</td></tr>
</table>
</td></tr>
<tr><td>Sexual orientation</td><td>Analysis of the Census 2011 indicates that between 2% and 10% of the population may be lesbian, gay or bisexual.

There are no official statistics in relation to the number of gay, lesbian or bisexual people in Northern Ireland. However, research conducted by the HM Treasury shows that between 5% - 7% of the UK population identify themselves as gay, lesbian, bisexual or ´trans´ (transsexual, transgendered and transvestite) (LGBT). This is a sizeable proportion of the population here in Northern Ireland.</td></tr>
<tr><td>Men and women generally</td><td>The gender profile for the Newry, Mourne and Down LGD is as follows:
<table>
<tr><td>LGD</td><td>Male</td><td>Female</td></tr>
<tr><td>Northern Ireland</td><td>887323</td><td>923540</td></tr>
<tr><td>Newry, Mourne and Down LGD</td><td>83866</td><td>85345</td></tr>
</table>
</td></tr>
<tr><td>Disability</td><td>According to the 2011 Census 19.62% of people in the Newry, Mourne and Down District Council area have a long-term health problem or disability that limits their day-to-day activities;
<table>
<tr><td>LGD</td><td>All usual residents</td><td>Long-term health problem or disability: Day-to-day activities limited a lot</td><td>Long-term health problem or disability: Day-to-day activities limited a little</td><td>Long-term health problem or disability: Day-to-day activities not limited</td></tr>
<tr><td>Northern Ireland</td><td>1810863</td><td>215232 (11.89%)</td><td>159414 (8.8%)</td><td>1436217 (79.31%)</td></tr>
<tr><td>Newry, Mourne and Down</td><td>171533</td><td>19579 (11.4%)</td><td>14102 (8.22%)</td><td>135530 (79.01%)</td></tr>
</table>
In Northern Ireland the profile of people with a disability is cited as follows:

More than 1 in 5 or 21% of the population in Northern Ireland has a disability The incidence of disability is higher in Northern Ireland than any other part of the UK
1 in 7 people in Northern Ireland have some form of hearing loss

</td></tr>
</table>

	• 5,000 sign language users who use British Sign Language (BSL) and/or Irish Sigh Language (ISL) • In Northern Ireland there are 57,000 blind people or people with significant visual impairment • 52,000 people with learning disabilities (Source: Disability Action)
Dependants	Persons with dependents may be people who have personal responsibility for the care of a child (or children), a person with a disability, and / or a dependent older person. There are 61,998 households in Newry, Mourne and Down, 37.5% of which have dependents. With regard to these figures, dependents are defined as those aged 0-15 years or those aged 16-18 years who are in full-time education and living with their parents or grandparents. Similar to the regional trend, the proportion of households with dependents in the District has declined from 50% in 1981 to 37.5% in 2011. There are 5,466 lone parent households with dependent children in Newry, Mourne and Down which equates to almost 9% of number of total households in the District and is the fourth highest in Northern Ireland, after Belfast (17,036), Derry and Strabane (6,337) and Armagh, Banbridge and Craigavon (6,337). Half of the parents in lone parent household in Newry, Mourne and Down are unemployed, almost a quarter are in full time employment and over a quarter are in part time employment. 89% of the parents in lone parent households are female compared to 11% who are male. In 2012, the teenage conception rate was 1.02 per 1,000 mothers, which is the third lowest in N.Ireland before Lisburn and Castlereagh and Fermanagh and Omagh.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 Category	**Details of needs/experiences/priorities**
Religious belief	It is not envisaged that people of different religious beliefs will have specific needs / experiences / priorities in relation to this policy.
Political opinion	It is not envisaged that people of different political opinion will have specific needs / experiences / priorities in relation to this policy.
Racial group	It is not envisaged that people of different races will have specific needs / experiences / priorities in relation to this policy.
Age	It is not envisaged that people of different ages will have specific needs / experiences / priorities in relation to this policy.
Marital status	It is not envisaged that people of different marital status will have

	specific needs / experiences / priorities in relation to this policy.
Sexual orientation	It is not envisaged that people of different sexual orientation will have specific needs / experiences / priorities in relation to this policy.
Men and women generally	It is not envisaged that people of different gender will have specific needs / experiences / priorities in relation to this policy.
Disability	It is not envisaged that people that may or may not have a disability will have specific needs / experiences / priorities in relation to this policy.
Dependants	It is not envisaged that people with or without dependants will have specific needs / experiences / priorities in relation to this policy.

Screening Questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 grounds?

Section 75 category	**Details of policy impact**	**Level of impact? Major/minor/none**
Religious belief		None
Political opinion		None
Racial group		None
Age		None
Marital status		None
Sexual orientation		None
Men and women generally		None
Disability		None
Dependants		None

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

Section 75 category	If **Yes,** provide details	If **No**, provide details
Religious belief		No, there are no anticipated adverse impacts for this S75 category.
Political opinion		No, there are no anticipated adverse impacts for this S75 category.
Racial group		No, there are no anticipated adverse impacts for this S75 category.
Age		No, there are no anticipated adverse impacts for this S75 category.
Marital status		No, there are no anticipated adverse impacts for this S75 category.
Sexual orientation		No, there are no anticipated adverse impacts for this S75

		category.
Men and women generally		No, there are no anticipated adverse impacts for this S75 category.
Disability		No, there are no anticipated adverse impacts for this S75 category.
Dependants		No, there are no anticipated adverse impacts for this S75 category.

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?

Good relations category	**Details of policy impact**	**Level of impact? Major/minor/none**
Religious belief	There is nothing to suggest that the policy and associated implementation procedure will adversely impact upon good relations.	None
Political opinion	There is nothing to suggest that the policy and associated implementation procedure will adversely impact upon good relations.	None
Racial group	There is nothing to suggest that the policy and associated implementation procedure will adversely impact upon good relations.	None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	If **Yes,** provide details	If **No,** provide details
Religious belief		There is nothing to suggest that the policy and associated implementation procedure will promote good relations between people of different religious belief, political opinion or racial group.
Political opinion		There is nothing to suggest that the policy and associated implementation procedure will promote good relations between people of different religious belief, political opinion or racial group.
Racial group		There is nothing to suggest that the policy and

		associated implementation procedure will promote good relations between people of different religious belief, political opinion or racial group.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? (For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

None

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

Screening Decision

In light of your answers to the previous questions, do you feel that the policy should (please underline one):

1. **Not be subject to an EQIA (with no mitigating measures required)**
2. Not be subject to an EQIA (with mitigating measures /alternative policies)
3. Not be subject to an EQIA at this time
4. Be subject to an EQIA

If 1. or 2. (i.e. not be subject to an EQIA), please provide details of the reasons why:

Having screened the Whistleblowing Policy the decision is that it should not be subject to an EQIA (with no mitigating measures required).

The Council is committed to developing a culture where all employees are encouraged to raise concerns about poor and unacceptable practice and misconduct safely.

The policy has no impact on Section 75 categories

If 2. (i.e. not be subject to an EQIA), in what ways can identified adverse impacts attaching to the policy be mitigated or an alternative policy be introduced?

n/a

In light of these revisions, is there a need to re-screen the revised/alternative policy? Yes / No. If No, please explain why

n/a

If 3. or 4. (i.e. to conduct an EQIA), please provide details of the reasons:

n/a

Timetabling and prioritising EQIA

If 3. or 4, is the policy affected by timetables established by other relevant public authorities? N/A
If YES, please provide details:

Please answer the following questions to determine priority for timetabling the EQIA. On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for EQIA.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for EQIA. This list of priorities will assist you in timetabling the EQIA. Details of your EQIA timetable should be included in the quarterly Section 75 report.

Proposed date for commencing EQIA: ______________________

Monitoring

Effective monitoring will help identify any future adverse impacts arising from the policy which may lead you to conduct an EQIA, as well as help with future planning and policy development.

Please detail proposed monitoring arrangements below:

In addition to outlining proposed monitoring arrangements on how the impact of the policy's implementation will be assessed, the following comment should be included:

"The policy will be reviewed in line with the Council's agreed policy review cycle i.e. every four years (as per Council's Equality Scheme commitment 4.31), or sooner as necessary, to ensure that it remains up-to-date with legislative advancements etc."

We will review the Whistleblowing Policy annually to ensure there are no legislative changes.

Approval and Authorisation

Screened by:	**Position/Job Title**	**Date**
Gerard Byrne	Audit Services Manager	09/02/2017
Approved by:		

Note: The completed policy screening template, signed off by the appropriate policy lead within the Council, and approved by the senior manager responsible for the policy, should be forwarded to the Equality Officer who will arrange for it to be included in the Council's Quarterly Report on Screening and made available on the Council's website.

Report to:	Strategy Policy and Resources Committee
Date of Meeting:	13 April 2017
Subject:	Scheme of Delegation
Reporting Officer (Including Job Title):	Liam Hannaway, Chief Executive
Contact Officer (Including Job Title):	Liam Hannaway, Chief Executive

Decisions required:	
1.0	**Purpose and Background:**
1.1	Attached is the Schedule of delegated Decision and Authorisations under Categories 1 and 6 of Newry, Mourne and Down District Council's Scheme of Delegation for the period October 2016 to April 2017.
2.0	**Key issues:** To inform Members.
2.1	
3.0	**Recommendations:** To note the report.
3.1	
4.0	**Resource implications** None
4.1	
5.0	**Equality and good relations implications:** None

Category 1.

Engaging consultancy assistance below the designated level of £2,000

Purpose of Engagement	Name of Consultancy	Cost ex VAT
Prepare and submit an application for Scheduled Monument Consent to NIEA to extend the Greenway from Canal Gates across the Car Park and grass area to the Southern boundary of the scheduled area at Victoria Lock	R Robinson & Sons Ltd	£1,781.25 plus VAT
Compensation Event – Build up edges along Greenway Phase 1	R Robinson & Sons Ltd	£2395.36
Compensation Event – tidy up area at end of Fishing stands/start Middlebank – Victoria Lock		£1,562.70
Compensation Event at the Greenway – supply 2 seats along the Greenway	R Robinson & Sons Ltd	£4067.62
Carlingford Greenway - draft Letter of Offer with number of pre conditions which need to be sent to SEUPB before they will issue the final Loo (split between NMDCC and Louth CC)	PKF-FPM	1750 euros
External Facilitator for CPP Away Day on 14/12/16 (Regina Mackin)	Neil Mitchell, Focused Partnerships	£850 plus VAT
Additional Work on Greenway Phase 1 Project – Ref CE 111	R Robinson & Sons Ltd	£815.57
CE 109-- Provision of extra 4 Metre wide gate in new Paladin fenceline opposite large shed in Middlebank – Greenway Phase 1Cost	R Robinson & Sons Ltd	£1801.26

CE 110--Cutting of tops of 8 No Steel Piles in Canal Bank along Fishing Stands	R Robinsons & Sons Ltd	£604.21
Newry Leisure Centre – Phase 2 – provision of Trafic Barrier at East of the site	KFA	£17,037.51
Newry Leisure Centre Phase 2 – provision of Fire Suppression system for Canopy over Cooker in Kitchen at Café	KFA	£9714.33

Category 6

Any other decisions such as those with political, media or industrial relations implications that Directors consider Members should be aware of.

1. Request from Meadow and Armagh Road Community Association to use half of the Car Park on Clanrye Avenue on 10 November 2016 from 7.00 am to 4.30 pm to facilitate the Action Cancer Big Bus – approved.

2. Request from Lurgan Coarse Angling Club to use Albert Basin for Angling Events on 22 October 2016 and 5 November 2016 – approved.

3. Request by Newry Coarse Fish Angling club to use middle bank at Albert Basin for Angling events on 20 November 2016, 18 December 2016 & 23 April 2017 – approved.

4. Kilkeel Development Association in partnership with Kilkeel Chamber Commerce to use Lower Square on 26 November 2016 for the Christmas Lights Switch On - approved

5. Request from Shane Kearney, The Authentic Food Company to temporary use Middlebank – request approved from January 2017 on a licence basis

6. Funding from Roland Moore for two projects for Parkrun in Kilbroney Park (£500) and Newry Festival of Water (£2500) - approved

7. Request for Circus Vegas to use the site at Albert Basin in 27, 28 & 29 January 2017 – they will pay £200 per day – approved.

8. Request to use Newry Canal to host the CANI Annual Turkey Recreation Paddle on 27 December 2016 – approved.

9. Request from Yvonne Maginn to have sleep out to raise awareness of Homeless Crisis in Upper Square, Castlewellan from 23/12/16 at 8.00 pm to 8.00 am on 24/12/16 - approved

10. Request from Duffys Circus to use Albert Basin from 30 June 2017 – approved.

11. Request to access St Christopher's Park from 4 to 6 August 2017 for the 8th Mourne Truck Run – approved.

Department for
Communities
www.communities-ni.gov.uk

Local Government Policy Division
Level 4
Causeway Exchange
1-7 Bedford Street
BELFAST
BT2 7EG
Phone: 028 9082 3375
email: jeff.glass@communities-ni.gov.uk

Chief Executive of each District Council
Finance Officer of each District Council
Other Interested Parties

Our ref: CO1/17/195028
4 April 2017

Dear Sir/Madam

COUNCILLOR ALLOWANCES RATES & GUIDANCE CIRCULAR

This letter advises of proposed changes to the guidance on councillor allowances currently provided in LG Circular 3/2017. The revised guidance will be issued once the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2017 are made. Currently the process to make the regulations is delayed as there are no Departmental Committees and no Northern Ireland Executive due to discussions that are currently ongoing. As discussed and agreed by the Finance Working Group, for ease of reference, the new guidance will include the rates of councillor allowances.

The purpose of this letter is to draw your attention to proposed changes in the guidance and the regulations:

- Site visits for council planning purposes may be considered by councils to be a councillor duty; this retrospectively applies from 1 April 2015.
- Schedules 1 and 2 of the 2012 Regulations have been incorporated into the guidance.
- The amount claimed for subsistence should be inclusive of VAT.
- The amount claimed for subsistence should not include any alcohol.
- Each council's scheme of allowances must state that where a councillor is suspended from carrying out the duties of a councillor, in accordance with section 59(5) of the Local Government Act (NI) 2014, the part of basic allowance, special responsibility allowance, or Chairperson / Vice Chairperson allowance payable to the councillor in respect of the period for which the councillor is suspended, must be withheld.

If you wish to make a comment, or have any queries, on these proposals please contact Jeff Glass on 028 9082 3375, jeff.glass@communities-ni.gov.uk or Lizanne Kennedy on 028 9082 3378, lizanne.kennedy@communities-ni.gov.uk

Yours faithfully

J Glass

JEFF GLASS
Local Government Policy Division

INVESTORS IN PEOPLE

SPR April 2017 - for noting

Department for
Infrastructure
www.infrastructure-ni.gov.uk

To All Consultees

Transport Projects Division
Lands branch
2nd Floor Rm 2.01
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Telephone: (028) 9054 7882

Email:
Anne-Marie.Rogers@infrastructure-ni.gov.uk

Your reference:

Date 13 March 2017

Dear Consultee

PROPOSAL FOR THE ROADS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS (NORTHERN IRELAND) 2017 - A CONSULTATION PAPER

The Department for Infrastructure proposes to introduce legislation to transpose the requirements of European Council Directive 2014/52/EU in relation to the assessment of the effects of certain public and private projects on the environment. These Regulations apply to Roads projects.

If you consider that this is a matter which would be of any interest to you then the Department would welcome any comments you may care to make on the proposed legislation, with particular regard to the potential impact it may have on equality of opportunity, human rights issues, rural impact and implementation costs. If you consider that this consultation should be copied to other interested parties, with whom we have not consulted, please contact me as soon as possible and I will ensure their inclusion.

The Department tries to make its consultation procedure as thorough and open as possible. Following the end of the consultation we may publish details of the responses received. Information you provide in your response, including **personal information,** may be published or disclosed in accordance with access to information legislation: these are chiefly the Freedom of Information Act 2000 (FOIA); the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR). If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

For further information about the confidentiality of responses please contact the Information Commissioner's Office or email ni@ico.gsi.gov.uk or see web site at: www.ico.org.uk.

An electronic copy of the Consultation Paper can be viewed on line at www.infrastructure-ni.gov.uk. This document is available in a range of formats, so please contact us with your requirements.

Comments, on the proposed Order should be made in writing and may be forwarded electronically via e-mail to me at annemarie.rogers@infrastructure-ni.gov.co.uk or, alternatively, via post to Mrs Anne-Marie Rogers, Department for Infrastructure, Transport Projects Division, Lands Branch, Room 2.01, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB.

The closing date for receipt of all responses is 4.00pm, Monday 21st April 2017.

Yours faithfully

Anne-Marie Rogers
Transport Projects Division
Lands Branch

① Council Meeting April 2017.
c/o S Taggart → C Taylor

② M Lipsett / E Devlin
attention – please arrange
for a consultation response
+ be prepared for Council Mtg.
April 2017.

Department for
Infrastructure
An Roinn
Bonneagair
www.infrastructure-ni.gov.uk

The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2017
EIA Amendment Directive Consultation Paper
March 2017

CONTENTS

1. RESPONDING TO THIS CONSULTATION DOCUMENT

You are invited to send your views on this consultation document. Comments should reflect the structure of the document as far as possible with references to question numbers and paragraph numbers where relevant.

All responses should be made in writing and submitted to the Department no later than 4pm on Friday 21st April 2017

An electronic copy of the Consultation Paper is available on the Department's Internet site at https://www.infrastructure-ni.gov.uk/consultations and copies can also be made available in alternative formats, if so required.

Comments on the proposed regulations should be made in writing and may be forwarded via e-mail to annemarie.rogers@infrastructure-ni.gov.uk or una.kearney@infrastructure-ni.gov.uk, alternatively, via post to Anne-Marie Rogers/Una Kearney, Department for Infrastructure, Lands Branch, Transport Projects Division, Room 2-01, Clarence Court, 10–18 Adelaide Street, Belfast BT2 8GB.

The Department tries to make its consultation procedure as thorough and open as possible. Following the end of this consultation we shall publish details of the responses received. Information you provide in your response, including **personal information** could be published or disclosed under the Freedom of Information Act 2000 (FOIA). Under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals with obligations of confidence. If you want the information that you provide to be treated as confidential it would be helpful if you could explain why. Although we will take full account of your explanation we cannot give an assurance that confidentiality can be maintained in all circumstances. Any automatic confidentiality disclaimer generated by your IT system will not be regarded as binding on the Department.

For further information about the confidentiality of responses please contact the Information Commissioner's Office or see their website at: www.ico.gov.uk.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should be directed to the postal or e-mail addresses above.

2. IMPACT ASSESSMENTS

Government bodies are required to screen the impact of new policies and legislation against a wide range of criteria, including equality and human rights.
Preliminary Regulatory Impact Assessment and an Equality Impact Assessment Screening have been undertaken and are set out at Annexes 4 and 5 to this consultation paper.

The Department invites your views on the potential impact, if any, you consider that the proposed legislation might have on equality of opportunity, human rights issues and rural impact.

Back to Agenda

3. INTRODUCTION

The Department for Infrastructure "the Department" is inviting comments on the enclosed consultation which sets out proposals for implementing the European Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (known as the Environmental Impact Assessment or EIA Directive).

The EIA Directive's main aim is to provide a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation of projects with a view to reduce their impact on the environment.

The requirements of the EIA Directive form part of European law and the Department is responsible for the proper transposition of Directive 2014/52/EU into Roads legislation. The Department therefore proposes to further amend the Roads (Northern Ireland) Order 1993 with the Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

In many cases, the requirements of the EIA Directive are mandatory. Member States have to implement the requirements set out in the Directive, but the method or process for doing so is at the discretion of the Member State. The purpose of this consultation is to seek comments on the approach we have taken and whether this appropriately implements these mandatory requirements.

4. BACKGROUND

The EIA Directive (85/337/EEC), which has been in force since 1985, has been amended several times; the most recent amendments were made by the 2011/92/EU Directive which consolidated the changes that came before it. Following a report on the application and effectiveness of the Directive and a wide public consultation, an amended EU Directive (2014/52/EU) came into force on 15 May 2014 and must be implemented by Member States by 16 May 2017.

The EIA Directive requires the assessment of the effects of certain public and private projects on the environment before a decision is taken to give consent to proceed with a project. Its main aim is to ensure that the Department when making its decision whether or not to proceed with a project is in the full knowledge of any likely significant effects on the environment.

The European Commission website[1] states that the newly amended EIA Directive was introduced primarily to simplify the rules for assessing the potential effects of projects on the environment. It is intended to lighten unnecessary administrative burdens, reinforce the quality of decision-making, improve current levels of environmental protection and introduce a more harmonised regulatory framework, with a view to making business decisions on public and private investments more sound, more predictable and sustainable in the longer term.

Its aims are to correct the shortcomings of the previous regime, reflect on-going environmental and socio-economic changes and challenges, and align it with the

[1] http://ec.europa.eu/environment/eia/review.htm

principles of smart regulation. In addition, emerging challenges that are important to the EU as a whole in areas such as resource efficiency, climate change, biodiversity and disaster prevention are now reflected in the assessment process.

The EIA Directive's requirements are for the most part procedurally based and must be followed by Member States for certain types of projects before a decision to give consent to proceed with a project is taken. It helps to ensure that the potential effects of development on the environment and human health, and the scope for reducing them, are properly understood by the public and the relevant competent authority before it makes its decision.

The Department for Infrastructure makes decisions about the future development of the Roads network. It considers where development projects should take place, taking proper account of the potential impact of such projects on their surroundings. Through a number of Strategic Road Plans the Department ensures the roads network is used and developed in a way that creates a high quality, sustainable infrastructure network. One of the aims is to balance the need for development and economic growth while ensuring the environment remains well protected. For the majority of small projects an EIA would not be required, however, for those projects greater than 1 hectare or in a sensitive area, Part V of the Roads Order, provides a means of assessing the environmental effects of the proposal through the EIA process.

4.1 The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

This consultation paper sets out the key changes to the EIA Directive that impact on Part V of the Roads Order 1993 as amended and which the Department proposes to transpose through the 2017 EIA Regulations, a draft of which is attached at Annex 1. Some key changes to the EIA Directive include the following:

- Administrative burdens will be reduced and processes streamlined through the introduction of joint and/or coordinated procedures when a project also requires assessment under the Habitats/Wild Birds Directive.
- The environmental factors to be considered in the assessment have been refined and broadened to reflect emerging challenges that are important to the EU as a whole in areas such as resource efficiency, climate change, biodiversity and disaster prevention.
- The screening procedure, determining whether an EIA is required, is strengthened through new information requirements and a revision of the selection criteria to be considered when making decisions. The Directive also clarifies that only those developments with significant environmental effects should be subject to an assessment.
- The information to be contained within the Environmental Statement has been revised and clarified to improve their quality and content.
- Environmental Statements are to be prepared by competent experts and the Department is to have access to sufficient expertise to examine and assess the statements.
- The grounds for deciding to proceed or not with a project must be clear and considered and reasons for determinations and decisions must be provided and shared with the public. In addition, the Department needs to prove their objectivity to avoid conflicts of interest.

• Monitoring, proportionate to the nature, location and size of the project, will be required for projects which appear to have significant negative effects on the environment. Existing monitoring arrangements may be used to avoid duplication of monitoring and unnecessary costs.

5. ASSESSMENT PROCESS

5.1 Definition of Environmental Impact Assessment Process

For the first time, the Directive includes a definition of the EIA process, which outlines each step in the process from the submission of the Environmental Impact Assessment Report by competent experts to the integration of the competent authority's reasoned conclusion into the decisions made on the project under consideration.
While adjustments and improvements have been introduced to these various steps, the overall process has not changed from before. However, what this definition does is to further clarify what the EIA process entails and that all steps must be concluded or the environmental impact assessment will be incomplete.
Please note the EIA Directive refers to an "Environmental Impact Assessment Report". In the 2017 EIA Regulations and this consultation document, this report is called the **"Environmental Statement"**, therefore any references to the Environmental Impact Assessment Report in the Directive equate to Environmental in the Regulations.
The actual wording of the Directive is as follows:
Article 1(2)(g)
"environmental impact assessment" means a process consisting of:
• the preparation of an environmental impact assessment report by the developer...
• the carrying out of consultations ...;
• the examination by the competent authority of the information presented in the environmental impact assessment report and any supplementary information provided, where necessary, by the developer ...
• and any relevant information received through the consultations...;
• the reasoned conclusion by the competent authority on the significant effects of the project on the environment, taking into account the results of the examination referred to in Article 1(2)(g)(iii) and, where appropriate, its own supplementary examination; and
• the integration of the competent authority's reasoned conclusion into any of the decisions ....

This article is mandatory and has been transposed by the inclusion of relevant definitions in paragraph 2 (2) (a) in the 2017 EIA Regulations.

5.2 Exemptions – Defence/Civil Emergencies /National Law

The Directive allows for some projects to be made exempt from the requirements of the Directive e.g. projects serving national defence purposes.
These exemptions have been extended and now also apply to projects which are solely in response to civil emergencies.
The actual wording of the Directive is as follows:
Article 1(3)
Member States may decide, on a case-by-case basis and if so provided under national law, not to apply this Directive to projects, or parts of projects, having defence as their sole purpose, or to projects having the response to civil

emergencies as their sole purpose, if they deem that such application would have an adverse effect on those purposes.

Article 2(4) and (5)

Without prejudice to Article 7, Member States may, in exceptional cases, exempt a specific project from the provisions laid down in this Directive, where the application of those provisions would result in adversely affecting the purpose of the project, provided the objectives of this Directive are met

Without prejudice to Article 7, in cases where a project is adopted by a specific act of national legislation, Member States may exempt that project from the provisions relating to public consultation laid down in this Directive, provided the objectives of this Directive are met.

Defence is a reserved matter therefore provisions concerning defence are covered in the relevant UK legislation. The exemption for civil emergencies and in respect of National Laws has been transposed in paragraph 2 (2) (b) in the 2017 EIA Regulations.

5.3 Coordinated Procedures

The newly amended EIA Directive aims to reduce administrative burdens and align the process with the principles of smart regulation while improving environmental protection and so introduces the concept of streamlining environmental assessments.

In the case of projects for which there is an obligation to carry out an assessment under the EIA Directive and also under the Habitats and/or Birds Directives, the EIA Directive requires that either a **coordinated procedure** or a **joint procedure** should be used. The coordinated procedure is undertaken by designating a lead authority to coordinate the individual assessments, whereas the joint procedure requires a single assessment.

We feel that a coordinated procedure offers the most effective method of delivering smart regulation, providing greatest flexibility around the phasing and timing of EIA and any assessment required under the Habitats and/or Birds Directives. This is consistent with the approach adopted in all other UK Member State jurisdictions.

The actual wording of the Directive is as follows:

Article 2(3)

In the case of projects for which the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and from Council Directive 92/43/EEC and/or Directive 2009/147/EC of the European Parliament and the Council, Member States shall, where appropriate, ensure that coordinated and/or joint procedures fulfilling the requirements of that Union legislation are provided for.

In the case of projects for which the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and Union legislation other than the Directives listed in the first subparagraph, Member States may provide for coordinated and/or joint procedures.

Under the coordinated procedure referred to in the first and second subparagraphs, Member States shall endeavour to coordinate the various individual assessments of the environmental impact of a particular project, required by the relevant Union legislation, by designating an authority for this purpose, without prejudice to any provisions to the contrary contained in other relevant Union legislation.

Under the joint procedure referred to in the first and second subparagraphs, Member States shall endeavour to provide for a single assessment of the environmental impact of a particular project required by the relevant Union legislation, without prejudice to any provisions to the contrary contained in other relevant Union legislation.

This article is mandatory and has been transposed by the inclusion of relevant definitions in paragraph 2 (2)(a) and paragraph 2 (2)(d) in the 2017 EIA Regulations.

Question 1. Do you agree with proposals to provide for a coordinated rather than joint procedure?
Question 2. Do you have any comments in relation to the possible practical issues arising from the proposed approach to co-ordination?
Question 3. Do you consider that our approach to the transposition of Article 1 and 2 as set out in the draft Regulations appropriately implements the requirements of the Directive?

6. INFORMATION TO BE ASSESSED

6.1 Environmental Impact Assessment Information

Through the EIA process the impact of the project on a range of environmental factors is considered. These environmental factors have been amended and clarified in the new Directive. The Directive also clarifies that the EIA should only be assessing **significant** effects of the project on the environment.
The actual wording of the Directive is as follows:
Article 3(1)
The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of a project on the following factors:
(a) population and human health;
(b)biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
(c) land, soil, water, air and climate;
(d) material assets, cultural heritage and the landscape;
(e) the interaction between the factors referred to in points (a) to (d).
This article is mandatory and has been transposed by the inclusion of Annex IV from the Directive and in paragraph 2 (2)(d) in the 2017 EIA Regulations.

6.2 Assessing the Risk of Major Accidents

In addition to the amended environmental factors listed above, the Directive introduces a new requirement – consideration of the vulnerability of the project to risks of major accidents and/or disasters.
The actual wording of the Directive is as follows:
Article 3(2)
The effects referred to in Article 3(1) on the factors set out therein shall include the expected effects deriving from the vulnerability of the project to risks of major accidents and/or disasters that are relevant to the project concerned.
This article is mandatory and has been transposed by the inclusion of Annexes III and IV from the Directive and reference to this in paragraph 2 (2) (b) and (d) in the 2017 EIA Regulations.

Question 4. Do you consider that our approach to transposition of information to be assessed appropriately implements the requirements of the Directive?

7. SCREENING

7.1 Information to be Provided for Screening

Screening is the process whereby the Department determines whether the proposed project should be subject to an environmental impact assessment. The Department has set out in previous Regulations via its definition of a relevant project the criteria to be met to establish if an EIA is required and this has now been enhanced. Specific criteria to be considered by the Department when deciding if an EIA is required is detailed in Annex III of the Directive. When reviewing this information the Department needs to take account of the available results of other relevant assessments of the effects on the environment carried out under other EU legislation.

The Directive also clarifies that the Department may provide a description of any features and mitigation measures of the project envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment. This could negate the need to carry out an EIA and has the potential to reduce the number of EIAs. The actual wording of the Directive is as follows:
Article 4(4)
Where Member States decide to require a determination for projects listed in Annex II, the developer shall provide information on the characteristics of the project and its likely significant effects on the environment. The detailed list of information to be provided is specified in Annex IIA. The developer shall take into account, where relevant, the available results of other relevant assessments of the effects on the environment carried out pursuant to Union legislation other than this Directive. The developer may also provide a description of any features of the project and/or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.
This article is mandatory and has been transposed by the inclusion of Annex III and IV from the Directive and reference to this in paragraph 2 (2) (b) in the 2017 EIA Regulations.

7.2 Screening Determination

Decisions on whether or not to proceed, both positive and negative, must be based on information reviewed by the Department and any preliminary verification or assessment of the effects on the environment carried out under other EU legislation. Previously negative decisions were only made available to the public on request but now, in all cases, the determination must be published with reasons justifying any decision.
The actual wording of the Directive is as follows:
Article 4(5)
The competent authority shall make its determination, on the basis of the information provided by the developer...taking into account, where relevant, the results of preliminary verifications or assessments of the effects on the environment carried out pursuant to Union legislation other than this Directive. The determination shall be made available to the public and:
(a) where it is decided that an environmental impact assessment is required, state the main reasons for requiring such assessment with reference to the relevant criteria listed in Annex III; or
b) where it is decided that an environmental impact assessment is not required, state the main reasons for not requiring such assessment with reference to the relevant criteria listed in Annex III, and, where proposed by the developer, state

any features of the project and/or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.
This article is mandatory and has been transposed in paragraph 2 (2) (b) in the 2017 EIA Regulations.

7.3 Maximum Timeframe for a Screening Determination

The Directive introduces a maximum timeframe for the competent authority to provide a screening determination. This determination must be made as soon as possible and within a period not exceeding 90 days from the date on which the developer has submitted all the information required.
However in the Department for Infrastructure scenario the 90 day requirement is not applicable as the Department is the developer and this stage is a fully internal process. It is in the Departments interest not to delay proceedings in establishing whether or not an EIA is required.
The actual wording of the Directive is as follows:
Article 4(6)
Member States shall ensure that the competent authority makes its determination as soon as possible and within a period of time not exceeding 90 days from the date on which the developer has submitted all the information required...
In exceptional cases, for instance relating to the nature, complexity, location or size of the project, the competent authority may extend that deadline to make its determination; in that event, the competent authority shall inform the developer in writing of the reasons justifying the extension and of the date when its determination is ex0pected.

This article is mandatory however it is not possible to transpose it within the 2017 EIA Regulations.

Question 5. Do you consider that our approach to transposition of screening appropriately implements the requirements of the Directive?

8. ENVIRONMENTAL STATEMENT

8.1 Information to be provided in an Environmental Statement

The information to be included in the Environmental Statement has been refined and clarified. In addition, a new provision has been introduced requiring that where a scoping opinion is requested the Environmental Statement must be "based on" that opinion.
However in the Department for Infrastructure scenario where the Department is the developer and has appointed competent experts to provide it with an EIA this scoping opinion is not relevant.
The actual wording of the Directive is as follows:
Article 5(1)
Where an environmental impact assessment is required, the developer shall prepare and submit an environmental impact assessment report[2]. The information to be provided by the developer shall include at least:
(a) a description of the project comprising information on the site, design, size and other relevant features of the project;

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[2] As stated in section 5.1 above the Draft 2017 EIA Regulations refer to an Environmental Statement which equates to the Environmental Impact Assessment Report in the EIA Directive.

(b) a description of the likely significant effects of the project on the environment;
(c) a description of the features of the project and/or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;
(e) a non-technical summary of the information referred to in points (a) to (d); and
(f) any additional information ... relevant to the specific characteristics of a particular project or type of project and to the environmental features likely to be affected.
Where an opinion is issued... the environmental impact assessment report shall be based on that opinion, and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. The developer shall, with a view to avoiding duplication of assessments, take into account the available results of other relevant assessments under Union or national legislation, in preparing the environmental impact assessment report.
This article is mandatory and has been considered transposed by referencing Annex IV from the Directive, detailing information to be included in the Environmental Statement, and by the inclusion of relevant definitions in paragraph 2 (2) (d) and (e) of 2017 EIA Regulations.

Question 6. Do you consider that our approach to transposition of requirements concerning the content of the Environmental Statement appropriately implements the Directive?

9. ASSESSMENT QUALITY AND EXPERTISE

9.1 Competent Experts

To improve the quality of the environmental impact assessment process, the Directive requires that experts involved in the preparation of Environmental Statements should be qualified and competent. Furthermore the Directive stipulates that the competent authority shall ensure that it has, or has access as necessary to, sufficient expertise to examine the Statement.
Given the diverse range of EIA topics and different areas of specialist expertise, we do not propose to define in legislation any particular route to or procedures for accreditation in this respect. The assessment of relevant expertise will be a matter for the Department relating to the particular circumstances of the projects proposals. However the Department will set up an independent scrutiny panel of suitably qualified person(s) to examine the EIA.
The actual wording of the Directive is as follows:
Article 5(3)
In order to ensure the completeness and quality of the environmental impact assessment report:
(a) the developer shall ensure that the environmental impact assessment report is prepared by competent experts;

(b) the competent authority shall ensure that it has, or has access as necessary to, sufficient expertise to examine the environmental impact assessment report; and
(c) where necessary, the competent authority shall seek from the developer supplementary information... which is directly relevant to reaching the reasoned conclusion on the significant effects of the project on the environment.

This article is mandatory and has been transposed by the inclusion of the relevant definitions in paragraph 2 (2) (a) in the 2017 EIA Regulations.

Question 7. Do you consider that our approach to transposition of assessment quality and expertise appropriately implements the requirements of the Directive?

10. CONSULTATION AND PUBLICITY

10.1 Timeframes for Consulting the Public

The Directive sets a new minimum timeframe for public consultations on the Environmental Statement, which should be no shorter than 30 days.
The existing timescale of 6 weeks for public consultation will remain
The actual wording of the Directive is as follows:
Article 6(7)
The time-frames for consulting the public concerned on the environmental impact assessment report referred to in Article 5(1) shall not be shorter than 30 days.

This article is mandatory however as the current legislative position exceeds that required by the Directive this has not been amended in the 2017 EIA Regulations.

Question 8. Do you consider the current 6 week timeframes appropriately implement the requirements of Directive?

11. DECISIONS

11.1 Up-to-date Reasoned Conclusion

The EIA process includes the requirement for the competent authority to make a reasoned conclusion on the significant effects of the development on the environment. This reasoned conclusion is already an integral part of the process but the Directive now clarifies that this conclusion must be still "up-to-date" when the final decision whether to give consent to proceed with the project is made.
The actual wording of the Directive is as follows:
Article 8a(6)
The competent authority shall be satisfied that the reasoned conclusion ..., or any of the decisions ..., is still up to date when taking a decision to grant development consent. To that effect, Member States may set time-frames for the validity of the reasoned conclusion...
This article is mandatory and has been transposed in paragraph 2 (2) (e) in the 2017 EIA Regulations.

11.2 Information to be Included in a Decision

The Directive clarifies the information to be included in a decision to give consent to proceed with a project. The first part reflects the requirement in Article 1(2)(g)(v) that the Department's reasoned conclusion must be integrated into any decision.
The second requirement sets out that, in addition to any environmental conditions attached to the decision, competent authorities must also ensure that any mitigation measures and appropriate procedures regarding the monitoring of significant adverse effects on the environment resulting from the construction and operation of a project are identified and clearly set out in its Notice to Proceed.
The actual wording of the Directive is as follows:
Article 8a(1)
The decision to grant development consent shall incorporate at least the following information:
(a) the reasoned conclusion ...;
(b) any environmental conditions attached to the decision, a description of any features of the project and/or measures envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment as well as, where appropriate, monitoring measures.
This article is mandatory and has been transposed by the inclusion of relevant definitions in paragraph 2 (2) (a) and paragraphs 2 (2) (e) and 2 (3) (d) in the 2017 EIA Regulations.

11.3 Informing the Public of the Decision

The Directive introduces additional information, including results of the consultations undertaken, which must be included in the decision. There is also a requirement that the competent authorities must promptly inform the public once a decision whether to give consent to proceed with a project has been made.
The actual wording of the Directive is as follows:
Article 9(1)
When a decision to grant or refuse development consent has been taken, the competent authority or authorities shall promptly inform the public and the authorities ... thereof, in accordance with the national procedures, and shall ensure that the following information is available to the public and to the authorities ...,
(a) the content of the decision and any conditions attached thereto ...
(b) the main reasons and considerations on which the decision is based, including information about the public participation process. This also includes the summary of the results of the consultations and the information gathered ... and how those results have been incorporated or otherwise addressed, in particular the comments received from the affected Member State ....
This article is mandatory and has been transposed in paragraph 3 (d) in the 2017 EIA Regulations.

Question 9. Do you consider that our approach to transposition for decisions appropriately implements the requirements of the Directive?

12. MONITORING

12.1 Monitoring Requirements

The Directive requires that the decision to give consent to proceed with a project should include, where appropriate, monitoring measures for projects which appear to have significant negative effects on the environment. The factors to be monitored and the duration of the monitoring should be proportionate to the nature, location and size of the development.

Monitoring should not be used as a general means of gathering environmental information and should not duplicate any monitoring required for other reasons. Existing monitoring arrangements can be used if appropriate.

The actual wording of the Directive is as follows:

Article 8a(4)

Member States shall ensure that the features of the project and/or measures envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment are implemented by the developer, and shall determine the procedures regarding the monitoring of significant adverse effects on the environment.

The type of parameters to be monitored and the duration of the monitoring shall be proportionate to the nature, location and size of the project and the significance of its effects on the environment.

Existing monitoring arrangements resulting from Union legislation other than this Directive and from national legislation may be used if appropriate, with a view to avoiding duplication of monitoring.

This article is mandatory and has been transposed by paragraphs 2 (2)(d) and (3)(d) in the 2017 EIA Regulations.

Question 10. Do you consider that our approach to transposition of monitoring appropriately implements the requirements of the Directive?

13. CONFLICT OF INTERESTS

13.1 Objectivity

The Directive introduces a new article dealing with a conflict of interest and stipulates that in cases where an organisation is both the developer and the competent authority, there must be an appropriate separation between functions. While there is already some separation of functions the 2017 EIA Regulations now include express provision for this. To reinforce this position the Department proposes to establish an independent scrutiny panel, of suitably qualified person(s), separated from the project so as not to have any conflict of interest when performing the duties arising from this Directive.

The actual wording of the Directive is as follows:

Article 9a

Member States shall ensure that the competent authority or authorities perform the duties arising from this Directive in an objective manner and do not find themselves in a situation giving rise to a conflict of interest.

Where the competent authority is also the developer, Member States shall at least implement, within their organisation of administrative competences, an appropriate separation between conflicting functions when performing the duties arising from this Directive.

This article is mandatory and has been transposed by the inclusion of relevant definitions in paragraph 2 (2) (a) in the 2017 EIA Regulations.

Question 11. Do you consider that our approach to transposition of conflict of interest appropriately implements the requirements of the Directive?

14. PENALTIES

14.1 Rules on Penalties

The Directive now expressly requires effective, proportionate and dissuasive penalties to be introduced for breaches of the requirements of the Directive.
Ultimately it will be a matter for the courts to determine whether any breach of EIA provisions has occurred, with the ultimate sanction that an existing consent or proposed project could be halted.
Given the Department for Infrastructure scenario where the Department is the developer we consider that the existing procedures provide an appropriate penalty system in that the plans of the Department can be halted by the results of public consultation and by judicial review. To reinforce this position we propose placing an explicit duty on the Department to consider if the requirements and objectives of the EIA Directive have been met when considering making a decision to give consent to proceed with a project.
The actual wording of the Directive is as follows:
Article 10a
Member States shall lay down rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive. The penalties thus provided for shall be effective, proportionate and dissuasive.

This article is mandatory and has been considered transposed in paragragh 2 (2) (e) of the 2017 EIA Regulations.

Question 12 . Do you consider that our approach to transposition of penalties appropriately implements the requirements of the Directive?

CONSULTATION QUESTIONS

Question 1. Do you agree with proposals to provide for a coordinated rather than joint procedure?

Q1. YES/NO Comment:

Question 2. Do you have any comments in relation to the possible practical issues arising from the proposed approach to co-ordination?

Q2. YES/NO Comment:

Question 3. Do you consider that our approach to the transposition of Article 1 and 2 as set out in the draft Regulations appropriately implements the requirements of the Directive?

Q3. YES/NO Comment:

Question 4. Do you consider that our approach to transposition of information to be assessed appropriately implements the requirements of the Directive?

Q4. YES/NO Comment:

Question 5. Do you consider that our approach to transposition of screening appropriately implements the requirements of the Directive?

Q2. YES/NO Comment:

Question 6. Do you consider that our approach to transposition of requirements concerning the content of the Environmental Statement appropriately implements the Directive?

Q2. YES/NO Comment:

Question 7. Do you consider that our approach to transposition of assessment quality and expertise appropriately implements the requirements of the Directive?

Q2. YES/NO Comment:

Question 8. Do you consider the current 6 week timeframes appropriately implement the requirements of Directive?

Q2. YES/NO Comment:

Question 9. Do you consider that our approach to transposition for decisions appropriately implements the requirements of the Directive?

Q2. YES/NO Comment:

Question 10. Do you consider that our approach to transposition of monitoring appropriately implements the requirements of the Directive?

Q2. YES/NO Comment:

Question 11. Do you consider that our approach to transposition of conflict of interest appropriately implements the requirements of the Directive?

Q2. YES/NO Comment:

Question 12. Do you consider that our approach to transposition of penalties appropriately implements the requirements of the Directive?

Q2. YES/NO Comment:

ANNEX 1

STATUTORY RULES OF NORTHERN IRELAND

2017 No. XXX

EUROPEAN COMMUNITIES

ROADS

The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

Made	*xx 2017*
Coming into operation	*xx 2017*

The Department for Infrastructure makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1) and section 56(1) and (5) of the Finance Act 1973(**2**).

The Department for Infrastructure is a department designated(3) for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment.

These Regulations are made with the consent of the Department of Finance in accordance with section 56(1) and (5) of the Finance Act 1973:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and shall come into operation on xx March 2017.

(2) The Interpretation Act (Northern Ireland) 1954(5) shall apply to these regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Roads (Northern Ireland) Order 1993

2.—(1) The Roads (Northern Ireland) Order 1993(6) shall be amended in accordance with this regulation.

—(2) In Article 67—

(a) in paragraph (1)— omit the definition of "the Directive"; and insert "the Directive" means Council Directive No. 2011/92/EU (as amended by 2014/52/EU) of the European Parliament and Council;

"competent authority" as defined in the Directive in this Part means the Department

"competent expert" in this Part means person(s) appointed by the Department who have sufficient expertise to ensure completeness and quality when producing an Environmental Impact Assessment

"Habitats Regulation Assessment" means an assessment under regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended.

"independent scrutiny panel" means suitably qualified person(s) appointed by the Department, appropriately separated from the project so as not to have any conflict of interest when performing the duties arising from the Directive.

"environmental impact assessment" means a process consisting of:

(i) the preparation of an environmental statement by competent experts on behalf of the Department, as referred to in Article 67 (5) and (6) taking into account other environmental assessments with a view to avoiding duplication of assessment;

(ii) the carrying out of consultations as referred to in Article 67A and, where relevant, Article 67B;

(iii) the examination by the independent scrutiny panel of the information presented in the environmental statement and any supplementary information provided, where necessary, and any relevant information received through the consultations under 67A and, where relevant, Article 67B;

(iv) the reasoned conclusion by the independent scrutiny panel on the significant effects of the project on the environment, taking into account the results of the examination referred to in point (iii) and, where appropriate, its own supplementary examination; and

(v) the integration of the independent scrutiny panel's reasoned conclusion into any of the decisions referred to in Article 67A (7) and (8) (a)-(d).

'public concerned' means the public affected or likely to be affected by, or having an interest in, the environmental decision-making procedures referred to in this Part. For the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest;

(b) substitute paragraphs (4) with —

(4)The Department may direct if it considers that—

(a) in accordance with Article 2.4 of the Directive (but without prejudice to Article 67B) that a specific project is exempted from the Directive where the application of the Directive would result in adversely affecting the purpose of the project, provided the objectives of the Directive are met; or

(b) these Regulations do not apply in relation to a proposed project having the response to civil emergencies as its sole purpose and where the application of the Directive would result in adversely affecting the purpose of the project;

The Department shall only make a direction under paragraph (4)(a) or (b) in an exceptional case and where it does so, it shall—

(c) make available to the public by general and local advertisement the information considered in making the direction and the reasons for making the direction;

(d) consider whether in that case another form of assessment of the environmental effects of the proposed works or scheme in question would be appropriate;

(e) make available to the public the information obtained under that other form of assessment, if appropriate information relating to the making of the direction and the reasons for making it.

(4A) The Department may direct in accordance with Article 2.5 of the Directive, but without prejudice to Article 67B, in cases where a project is adopted by a specific act of national legislation, that the project may be exempted from the provisions relating to public consultation as detailed in this Part, provided the objectives of this Directive are met. Where it so directs the Department must send a copy of any such decision to the Commission every two years from 16 May 2017.

(4B) Without prejudice to paragraph (4) or (4A) if the Department—

(a) considers that the project falls within Annex I; or

(b) considers that the project is a relevant project falling within Annex II and determines, having regard to the selection criteria contained in Annex III, that the project should be made subject to an environmental impact assessment in accordance with the Directive.

It must, not later than the date when details of the project are published, prepare an environmental statement and publish notice of it in accordance with paragraphs (3), (3A) and (9) of Article 67A and Article 67B as appropriate.

(4C) The determination referred to above in (4B) (b) shall be informed by the information outlined in Annex IIA and shall be verified by the independent scrutiny panel.

(4D) If the Department, having regard to the definition of a relevant project, the criteria set out in Annex III and if appropriate the available results of other environmental assessments required under EU legislation (other than legislation implementing the requirements of the Directive), considers that the proposed project is not likely to have significant effects on the environment, it shall, publish as detailed in 67A (9)a)-(c) —

(a) that it proposes to carry out the works in question;

(b) describe briefly the nature, size and location of the proposed works;

(c) state that it does not propose to prepare an environmental statement in respect of the works, and the main reasons why with reference to the relevant project definition and criteria in Annex III;

(d) state any features of the project and/or measures envisaged to avoid or prevent any significant adverse effects on the environment;

(e) state that any person may make representations to the Department in writing in relation to the likely environmental effects of the proposed works at an address specified in the notice within 30 days of the date of the publication of the notice in the Belfast Gazette; and

(f) describe what other information relating to the environmental effects of the proposed works is available and give details of where it can be obtained.

(4E) If the Department considers that the proposed project is likely to have significant effects on the environment, it shall, publish on the project website the main reasons for requiring such assessment with reference to the relevant criteria listed in Annex III;

(d) at the end of paragraph (5) substitute "Annex IV" with " paragraph (6)" with —

(6) That information to be included in the environmental statement must include at least—

(a)a description of the project (comprising information on the site, design and size of the project);

(b) a description of the likely significant effects of the project on the environment;

(c) a description of the features of the project and/or measures envisaged in order to avoid, reduce and, if possible, offset likely significant adverse effects on the Environment;

(d)a description of the reasonable alternatives studied which are relevant to the project and its specific characteristics and an indication of the main reasons for the option choice taking into account the environmental effects;

(e)a non-technical summary of the information mentioned in sub-paragraphs (a) to (d); and

(f) any additional information specified in Annex IV relevant to the specific characteristics of a particular project or type of project and to the environmental features likely to be affected.

(7) Where the Department considers it appropriate to impose monitoring of any significant adverse effects on the environment of the proposed project ("monitoring conditions"). The Department must consider—

(a) whether monitoring measures are proportionate to the nature, location and size of the proposed project and the significance of its effects on the environment having regard in particular to the types of parameters to be monitored and the duration of the monitoring;

(b) in order to avoid duplication of monitoring, whether monitoring arrangements required under EU legislation (other than legislation implementing the requirements of the Directive) or other legislation applicable in Northern Ireland are more appropriate than imposing a monitoring condition; and

(c) if monitoring conditions are to be required, whether provision should be made to require appropriate remedial action.

Where mitigation measures or monitoring conditions are required the Department must take steps to ensure that those measures and conditions are implemented.

(8) Without prejudice to the requirement of paragraph (4B) for an environmental impact assessment to be carried out, if there is also a requirement to carry out a Habitats Regulation Assessment, the Department must where appropriate ensure that the Habitats Regulation Assessment and the environmental impact assessment are coordinated.

(9) The Department shall be satisfied that the independent scrutiny panel reasoned conclusion is up to date when any consent decision is given.

(10) The Department shall be satisfied that the requirements and objectives of the Directive have been met when any consent decision is given.

(11) The Department shall maintain statistics on projects for which it deemed an environmental impact assessment was required detailing the carrying out of development to provide any of the following:—

(a) the number of projects referred to in Annexes I and II made subject to an environmental impact assessment

(b) the breakdown of environmental impact assessments according to the project categories set out in Annexes I and II;

(c) the number of projects made subject to a determination in accordance with the relevant project definition;

(d) the average duration of the environmental impact assessment process and

(e) general estimates on the average direct costs of environmental impact assessments, including the impact from the application of this Directive to SMEs.

The Department shall inform the Commission of these statistics every 6 years from 16 May 2017

(12) Without prejudice to the other provisions of Articles 67, 67A or 67B as appropriate, where the Department consider that the disclosure of information would adversely affect confidentiality of commercial, industrial information or intellectual property rights the Department may withhold such information.

-(3) In Article 67A—

(a) in paragraph (1) after Directive insert "as soon as information can reasonably be provided"

(b) in paragraph (3) after "Notice of the environmental statement must be published" insert ", detailed in (9)(a)-(c),"

(c) in paragraph (3A) –

(i) substitute (h)—

(h) that a copy of the environmental statement and non-technical summary may be inspected on the project website used by the Department for the publication of information during the period specified under sub-paragraph (i);

(ii) in (j) after representations delete "so"

(d) in paragraph (3B) (c)- substituted "and" for "or"

(e) in paragraph (7)(a) after "the environmental statement" add "including the independent scrutiny panel's reasoned conclusion"

(f) in paragraph 8-—

(i) after "When the Department has decided whether" insert "or not"

(ii) for sub-paragraph (a) substitute –

(a) the content of the decision, including the "reasoned conclusion" of the independent scrutiny panel and any conditions attached to it;

(iii) for sub-paragraph (c) substitute –

(c) any conditions attached to the decision including a description of any measures to avoid, reduce and, if possible, offset the major adverse effects of the project, as well as, where appropriate, any monitoring measures; and

(g) In paragraph (9) (c) substitute —

(c) on the Departmental project website for the publication of information about projects that are subject to the procedure required by this Part

(h) in paragraph (10) (b) after "by reason of their specific environmental responsibilities" insert "or local and regional competences".

-(4) In Article 67B—

(a) in paragraph (5) substitute paragraph (5), (5) (a) and (5) (b) with —

(5) The Department must ensure that those authorities and members of the public who are likely to be concerned have a reasonable opportunity to give the Department their views before it decides whether to give consent to proceed with the project to which the environmental impact assessment relates.

-(5) In Article 67BA—

(a) in paragraph (1)(b) after "decision;" substitute "they" for "he"

3. These Regulations shall not apply to projects where an environmental statement or the details of the project were published before the coming into operation of these regulations.

Sealed with the Official Seal of the Department for Infrastructure on XX XXXXXXX 2017.

L.S.

XXXXXXXX

A senior officer of the

Department for Infrastructure

The Department of Finance hereby consents to the making of these regulations.

Sealed with the Official Seal of the Department of Finance on XX XXXXXX 2017.

L.S.

W. A. N. Arbuthnot

A senior officer of the

Department of Finance

ANNEX 2

Environmental impact assessment N.I.

67.—(1) In this Part—

"Annex" means an Annex to the Directive;

"the Directive" means Council Directive No. 2011/92/EU (as amended by 2014/52/EU) of the European Parliament and Council;

"competent authority" means that authority responsible for performing the duties arising from the Directive which in this Part is the Department.

"competent expert" in this Part means person(s) appointed by the Department who have sufficent expertise to ensure completeness and quality when producing an Enviromental Impact Assessment

"Habitats Regulation Assessment" means an assessment under regulation 43 of the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 as amended.

"independent scrutiny panel" means suitably qualified person(s) appointed by the Department, appropriately separated from the project so as not to have any conflict of interest when performing the duties arising from the Directive.

"environmental impact assessment" means a process consisting of:

(i) the preparation of an environmental statement by competent experts on behalf of the Department, as referred to in Article 67 (5) and (6), taking into account other environmental assessments with a view to avoiding duplication of assessment;

(ii) the carrying out of consultations as referred to in Article 67A and, where relevant, Article 67B;

(iii) the examination by the independent scrutiny panel of the information presented in the environmental statement and any supplementary information provided, where necessary, and any relevant information received through the consultations under 67A and, where relevant, Article 67B;

(iv) the reasoned conclusion by the independent scrutiny panel on the significant effects of the project on the environment, taking into account the results of the examination referred to in point (iii) and, where appropriate, its own supplementary examination; and

(v) the integration of the independent scrutiny panel's reasoned conclusion into any of the decisions referred to in Article 67A (7) and (8) (a)-(d).

'public concerned' means the public affected or likely to be affected by, or having an interest in, the environmental decision-making procedures referred to in this Part. For the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest;

"EEA State" means a Member State, Norway, Iceland or Liechtenstein;

"member of the public" includes any body of persons;

"relevant project" means a project for constructing or improving a road where the area of the proposed works—

(a) exceeds 1 hectare; or

(b) is situated in whole or in part in a sensitive area.

—(2) In paragraph (1) in the definition of "relevant project"

"area of the proposed works" includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation; and

"sensitive area" means any of the following—

(a) an area of special scientific interest, that is to say, land so declared under Article 24 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

(b)an area of outstanding natural beauty, that is to say, an area so designated under Article 14(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

(c)a National Park, that is to say, an area so designated under Article 12(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

(d) a World Heritage Site;

(e) a scheduled monument within the meaning of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995;

(f) a European site within the meaning of regulation 9 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995.

(3) If the Department is considering a project for constructing or improving a road the Department must, before details of the project are published, determine whether or not the project falls within points (4) (a)and (b) and if not falls within Annex I or II.

(4) The Department may direct if it considers that—

(a) in accordance with Article 2.4 of the Directive (but without prejudice to Article 67B) that a specific project is exempted from the Directive where the application of the Directive would result in adversely affecting the purpose of the project, provided the objectives of the Directive are met; or

(b) these Regulations do not apply in relation to a proposed project having the response to civil emergencies as its sole purpose and where the application of the Directive would result in adversely affecting the purpose of the project;

The Department shall only make a direction under paragraph (4)(a) or (b) in an exceptional case and where it does so, it shall—

(c) make available to the public by general and local advertisement the information considered in making the direction and the reasons for making the direction;

(d) consider whether in that case another form of assessment of the environmental effects of the proposed works or scheme in question would be appropriate;

(e) make available to the public the information obtained under that other form of assessment, information relating to the making of the direction and the reasons for making it.

(4A) The Department may direct in accordance with Article 2.5 of the Directive, but without prejudice to Article 67B, in cases where a project is adopted by a specific act of national legislation, that the project may be exempted from the provisions relating to public consultation as detailed in this Part, provided the objectives of this Directive are met. Where it so directs the Department must send a copy of any such decision to the Commission every two years from 16 May 2017.

(4B) Without prejudice to paragraph (4) or (4A) if the Department—

(a)considers that the project falls within Annex I; or

(b) considers that the project is a relevant project falling within Annex II and determines, having regard to the selection criteria contained in Annex III, that the project should be made subject to an environmental impact assessment in accordance with the Directive.

It must, not later than the date when details of the project are published, prepare an environmental statement publish notice of it in accordance with paragraphs (3), (3A) and (9) of Article 67A and Article 67B as appropriate.

(4C) The determination referred to above in (4B) (b) shall be informed by the information outlined in Annex IIA and shall be verified by the independent scrutiny panel

(4D) If the Department, having regard to the definition of a relevant project, the criteria set out in Annex III and if appropriate the available results of other environmental assessments required under EU legislation (other than legislation implementing the requirements of the Directive), considers that the proposed project is not likely to have significant effects on the environment, it shall, publish as detailed in 67A (9)a)-(c) —

(a)that it proposes to carry out the works in question;

(b) describe briefly the nature, size and location of the proposed works;

(c) state that it does not propose to prepare an environmental statement in respect of the works, and the main reasons why with reference to the relevant project definition and criteria in Annex III;

(d) state any features of the project and/or measures envisaged to avoid or prevent any significant adverse effects on the environment;

(e) state that any person may make representations to the Department in writing in relation to the likely environmental effects of the proposed works at an address specified in the notice within 30 days of the date of the publication of the notice in the Belfast Gazette; and

(f) describe what other information relating to the environmental effects of the proposed works is available and give details of where it can be obtained.

(4E) If the Department considers that the proposed project is likely to have significant effects on the environment, it shall, publish on the project website the main reasons for requiring such assessment with reference to the relevant criteria listed in Annex III;

(5) To the extent to which the Department considers—

(a)that it is relevant to the specific characteristics of the project and of the environmental features likely to be affected by it; and

(b)that the information may reasonably be gathered (having regard among other matters to current knowledge and methods of assessment),

the environmental statement must contain the information referred to in paragraph (6).

(6) That information to be included in the environmental statement must include at least—

(a)a description of the project (comprising information on the site, design and size of the project);

(b) a description of the likely significant effects of the project on the environment;

(c) a description of the features of the project and/or measures envisaged in order to avoid, reduce and, if possible, offset likely significant adverse effects on the Environment;

(d)a decription of the reasonable alternatives studied which are relevant to the project and its specific characteristics and an indication of the main reasons for the option choice taking into account the environmental effects;

(e)a non-technical summary of the information mentioned in sub-paragraphs (a) to (d); and

(f) any additional information specified in Annex IV relevant to the specific characteristics of a particular project or type of project and to the environmental features likely to be affected.

(7) Where the Department considers it appropriate to impose monitoring of any significant adverse effects on the environment ("monitoring conditions"). The Department must consider—

(a) whether monitoring measures are proportionate to the nature, location and size of the proposed project and the significance of its effects on the environment having regard in particular to the types of parameters to be monitored and the duration of the monitoring;

(b) in order to avoid duplication of monitoring, whether monitoring arrangements required under EU legislation (other than legislation implementing the requirements of the Directive) or other legislation applicable in Northern Ireland are more appropriate than imposing a monitoring condition; and

(c) if monitoring conditions are to be required, whether provision should be made to require appropriate remedial action.

Where mitigation measures or monitoring conditions are required the Department must take steps to ensure that those measures and conditions are implemented.

(8) Without prejudice to the requirement of paragraphs (4B) for an environmental impact assessment to be carried out, if there is also a requirement to carry out a Habitats Regulation Assessment, the Department must where appropriate ensure that the Habitats Regulation Assessment and the environmental impact assessment are coordinated.

(9) The Department shall be satisfied that the independent scrutiny panel'sreasoned conclusion is up to date when any consent decision is given.

(10) The Department shall be satisfied that the requirements and objectives of the Directive have been met when any consent decision is given.

(11) The Department shall maintain statistics on projects for which it deemed an environmental impact assessment was required detailing the carrying out of development to provide any of the following:

(a) the number of projects referred to in Annexes I and II made subject to an environmental impact assessment

(b) the breakdown of environmental impact assessments according to the project categories set out in Annexes I and II;

(c) the number of projects made subject to a determination in accordance with the relevant project definition;

(d) the average duration of the environmental impact assessment process and

(e) general estimates on the average direct costs of environmental impact assessments, including the impact from the application of this Directive to SMEs.

The Department shall inform the Commission of these statistics every 6 years from 16 May 2017

(12) Without prejudice to the other provisions of Articles 67, 67A or 67B as appropriate, where the Department consider that the disclosure of information would adversely affect confidentiality of commercial, industrial information or intellectual property rights the Department may withhold such information.

ProcedureN.I.

67A.—(1) The Department must publish any determination made by it as to whether or not a relevant project should be made subject to an environmental impact assessment in accordance with the Directive,. as soon as information can reasonably be provided.

(3) Notice of the environmental statement must be published, detailed in (9)(a)-(c), so as to ensure that members of the public who are likely to be concerned are given a reasonable opportunity to express their opinion before the Department decides whether to proceed with the construction or improvement to which the assessment relates.

(3A) The notice must state—

(a)that the Department is considering implementing the project;

(b)the proposed location and nature of the project;

(c)that the project is subject to the environmental impact assessment procedure required by this Part and, where relevant, that Article 67B applies;

(d)that a copy of the environmental statement may be inspected at an address in the area in which the project is proposed to be situated during the period specified under sub-paragraph (i);

(e)the times at which the copy of the environmental statement may be so inspected;

(f)an address from which copies of the environmental statement may be obtained and from which further information about the project may be requested during the period specified under sub-paragraph (i);

(g)if a charge is to be made for a copy of the environmental statement, the amount of the charge;

(h) that a copy of the environmental statement and non-technical summary may be inspected on the project website used by the Department for the publication of information during the period specified under sub-paragraph (i);

(i)that any person wishing to make any representations about the project and the environmental statement may do so in writing to the Department at a specified address within a specified period, being not less than 6 weeks from the date of publication of the notice; and

(j)that the Department will take into consideration any representations ~~so~~ made before deciding whether or not to proceed with the project with or without modifications.

(3B) The Department shall ensure that during the period specified under sub-paragraph (3A)(i)—

(a)copies of the environmental statement are available for inspection by any person free of charge at all reasonable hours at the address specified in sub-paragraph (3A)(d);

(b)copies of the environmental statement are available to be obtained by any person from the address specified in sub-paragraph (3A)(f); and

(c)where under sub-paragraph (3A)(h), the notice states the address of a website, that a copy of the environmental statement and non-technical summary is available for inspection, by any person, on that website.

(3C) A reasonable charge reflecting the costs of printing, copying and distribution may be made by the Department for the supply of a copy of the environmental statement—

(a)to a person, other than a consultation body; or

(b)to a consultation body to which one copy has already been supplied free of charge.

(4) The Department must ensure that the consultation bodies are given an opportunity to express an opinion on the project and the environmental statement before the Department decides whether to proceed with the construction or improvement to which the assessment relates.

(5) After considering any opinions which have been expressed in relation to the statement the Department shall cause a local inquiry to be held if it appears to the Department to be necessary to do so.

(6) Where a local inquiry is held any interested person shall be permitted to appear in person or by a representative and to be heard at the inquiry.

(7) Before deciding whether to proceed with the construction or improvement in relation to which an environmental impact assessment has been made, the Department must take into consideration—

(a)the environmental statement including the independent scrutiny panel's reasoned conclusion;

(b)any opinion on that statement or the project which is expressed in writing by—

(i)any of the consultation bodies; or

(ii)any other person;

and is received by the Department within any period specified for the purpose;

(bb)where Article 67B applies, and the EEA State has indicated in accordance with paragraph (4) of that Article that it wishes to participate in the procedure required by this Part, any opinion on that statement or the project which is expressed in writing by—

(i)the EEA State;

(ii)a member of the public in the EEA State; or

(iii)an authority having environmental responsibilities designated by the EEA State to be consulted about the project under Article 6(1) of the Directive;

and is received by the Department within the period specified under sub-paragraph (3A)(i);

(c) where a local inquiry is held, the report of the person who held the inquiry.

(8) When the Department has decided whether or not to proceed with the construction or improvement for which an environmental impact assessment has been made, it must publish its decision together with a statement confirming that it has complied with paragraph (7), and describing the right under Article 67BA(1) to challenge the validity of the decision, and must make available to the public documents containing -

(a)the content of the decision, including the reasoned conclusion of the independent scrutiny panel and any conditions attached to it;

(b)the main reasons and considerations on which the decision is based;

(c)any conditions attached to the decision including a description of any measures to avoid, reduce and, if possible, offset the major adverse effects of the project, as well as, where appropriate, any monitoring measures; and

(d)information about the consultation carried out in compliance with this Article and Article 67B, the representations received on consultation, and any changes made as a result of those representations.

(9) Publication by the Department in accordance with paragraphs (1), (3) and (8) shall be—

(a)in the Belfast Gazette;

(b)in at least one local newspaper circulating in the area in which the project for the construction or improvement of the road is proposed to be situated; and

(c)on the Departmental project website ~~used~~ for the publication of information about projects that are subject to the procedure required by this Part.

(10) In this Article "the consultation bodies" means—

(a)any district council for the area in which the project for the construction or improvement of the road is situated; and

(b)other authorities likely to be concerned by the project by reason of their specific environmental responsibilities or local and regional competences.

Other Member StatesN.I.

67B.—(1) This Article applies if—

(a)it appears to the Department that a project to which Article 67(4) applies is likely to have a significant effect on the environment in another EEA State; or

(b) an EEA State the environment of which is likely to be significantly affected by such a project asks the Department for information about the project.

(2) The Department must give the EEA State—

(a)a description of the project, together with any information available to the Department which suggests that the project may have a significant effect on the environment in the EEA State;

(b)any information which the Department has as to the nature of the decision which may be taken on the project;

(c)such information about the procedure required by this Part as the Department considers appropriate; and

(d)a reasonable period within which to indicate whether the EEA State wishes to participate in that procedure.

(3) Paragraph (2)(a) and (b) must be complied with no later than the date of publication referred to in Article 67A(1).

(4) If the EEA State indicates that it wishes to participate in the procedure required by this Part, the Department must give to the EEA State—

(a)a copy of the environmental statement for the project (if it has not already done so);

(b)the information required by Article 67A(3A) to be included in the notice under Article 67A(3); and

(c)any information about the procedure required by this Part which it considers appropriate to give and which has not already been given to the EEA State.

(5) The Department must ensure that those authorities and members of the public who are likely to be concerned have a reasonable opportunity to give the Department their views before it decides whether to give consent to proceed with the project to which the environmental impact assessment relates.

(6) The Department must, in accordance with Article 7(4) of the Directive -

(a)enter into consultations with the EEA State concerned regarding, among other matters, the potential significant effects of the project on the environment of that EEA State and the measures envisaged to reduce or eliminate those effects; and

(b)agree with that EEA State a reasonable period for those consultations.

(7) Where an EEA State has been consulted in accordance with paragraph (6) the Department must, after deciding whether to proceed with the project to which the environmental statement relates, inform the EEA State of the decision and give it documents containing the matters referred to in section 67A(8).

Validity of decisions N.I.

67BA.—(1) If a person aggrieved by a decision of the Department to proceed with the construction or improvement for which an environmental statement has been made desires to question the validity of the decision on the ground that—

(a)it is not within the powers of this Order; or

(b)any requirement of this Part has not been complied with in relation to the decision;

they may, within 6 weeks from the date on which the decision is first published under Article 67A(8), make an application for the purpose to the High Court.

(2) On any such application, the Court—

(a)may, by interim order, suspend the operation of the decision, or any aspect of it, either generally or insofar as it affects any property of the applicant, until the final determination of the proceedings; and

(b)if satisfied that the decision is not within the powers of this Order, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any requirement of this Part, may quash the decision, or any aspect of it, either generally or insofar as it affects any property of the applicant.

(3) Subject to paragraph (2), a decision to which paragraph (1) applies shall not be questioned in any legal proceedings whatever.

Application N.I.

67C. This Part shall not apply to projects where an environmental statement or the details of the project were published before the coming into operation of the Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999.

ANNEX 3

Annex I

PROJECTS REFERRED TO IN ARTICLE 4(1)

1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.

2. (a) Thermal power stations and other combustion installations with a heat output of 300 megawatts or more;

(b) Nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors(1) (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).

3. (a) Installations for the reprocessing of irradiated nuclear fuel;

(b) Installations designed:

(i) for the production or enrichment of nuclear fuel;

(ii) for the processing of irradiated nuclear fuel or high-level radioactive waste;

(iii) for the final disposal of irradiated nuclear fuel;

(iv) solely for the final disposal of radioactive waste;

(v) solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.

4. (a) Integrated works for the initial smelting of cast iron and steel;

(b) Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.

5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20 000 tonnes of finished products, for friction material, with an annual production of more than 50 tonnes of finished products, and for other uses of asbestos, utilisation of more than 200 tonnes per year.

6. Integrated chemical installations, i.e. those installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are:

(a) for the production of basic organic chemicals;

(b) for the production of basic inorganic chemicals;

1 Nuclear power stations and other nuclear reactors cease to be such an installation when all nuclear fuel and other
radioactively contaminated elements have been removed permanently from the installation site.
(c) for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers);

(d) for the production of basic plant health products and of biocides;

(e) for the production of basic pharmaceutical products using a chemical or biological process;

(f) for the production of explosives.

7. (a) Construction of lines for long-distance railway traffic and of airports(**1**) with a basic runway length of 2 100 m or more;

(b) Construction of motorways and express roads(**2**);

(c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road or realigned and/or widened section of road would be 10 km or more in a continuous length.

8. (a) Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1 350 tonnes;

(b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1 350 tonnes.

9. Waste disposal installations for the incineration, chemical treatment as defined in Annex I to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste under heading D9, or landfill of hazardous waste, as defined in point 2 of Article 3 of that Directive.

10. Waste disposal installations for the incineration or chemical treatment as defined in Annex I to Directive 2008/98/EC under heading D9 of non-hazardous waste with a capacity exceeding 100 tonnes per day.

11. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.

12. (a) Works for the transfer of water resources between river basins where that transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres/year;

(b) In all other cases, works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds 2 000 million cubic metres/year and where the amount of water transferred exceeds 5 % of that flow.

In both cases transfers of piped drinking water are excluded.

1 For the purposes of this Directive, 'airport' means an airport which complies with the definition in the 1944 Chicago
Convention setting up the International Civil Aviation Organisation (Annex 14).
2 For the purposes of this Directive, 'express road' means a road which complies with the definition in the European
Agreement on Main International Traffic Arteries of 15 November 1975.

13. Waste water treatment plants with a capacity exceeding 150 000 population equivalent as defined in point 6 of Article 2 of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment**1**.

14. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes/day in the case of petroleum and 500 000 cubic metres/day in the case of gas.

15. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.

16. Pipelines with a diameter of more than 800 mm and a length of more than 40 km:

(a) for the transport of gas, oil, chemicals;

(b) for the transport of carbon dioxide (CO_2) streams for the purposes of geological storage, including associated booster stations.

17. Installations for the intensive rearing of poultry or pigs with more than:

(a) 85 000 places for broilers, 60 000 places for hens;

(b) 3 000 places for production pigs (over 30 kg); or

(c) 900 places for sows.

18. Industrial plants for the production of:

(a) pulp from timber or similar fibrous materials;

(b) paper and board with a production capacity exceeding 200 tonnes per day.

19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction, where the surface of the site exceeds 150 hectares.

20. Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km.

21. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 200 000 tonnes or more.

22. Storage sites pursuant to Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide**2**.

23. Installations for the capture of CO_2 streams for the purposes of geological storage pursuant to Directive 2009/31/EC from installations covered by this Annex, or where the total yearly capture

of CO_2 is 1,5 megatonnes or more.

24. Any change to or extension of projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex.

1 OJ L 135, 30.5.1991, p. 40.
2 OJ L 140, 5.6.2009, p. 114.

Annex II

PROJECTS REFERRED TO IN ARTICLE 4(2)

1. AGRICULTURE, SILVICULTURE AND AQUACULTURE

(a) Projects for the restructuring of rural land holdings;

(b) Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes;

(c) Water management projects for agriculture, including irrigation and land drainage projects;

(d) Initial afforestation and deforestation for the purposes of conversion to another type of land use;
(e) Intensive livestock installations (projects not included in Annex I);

(f) Intensive fish farming;

(g) Reclamation of land from the sea.

2. EXTRACTIVE INDUSTRY

(a) Quarries, open-cast mining and peat extraction (projects not included in Annex I);

(b) Underground mining;

(c) Extraction of minerals by marine or fluvial dredging;

(d) Deep drillings, in particular:
   (i) geothermal drilling;

   (ii) drilling for the storage of nuclear waste material;

   (iii) drilling for water supplies;

with the exception of drillings for investigating the stability of the soil;

(e) Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale.

3. ENERGY INDUSTRY
(a) Industrial installations for the production of electricity, steam and hot water (projects not included in Annex I);

(b) Industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables (projects not included in Annex I);

(c) Surface storage of natural gas;

(d) Underground storage of combustible gases;

(e) Surface storage of fossil fuels;
(f) Industrial briquetting of coal and lignite;

(g) Installations for the processing and storage of radioactive waste (unless included in Annex I);

(h) Installations for hydroelectric energy production;

(i) Installations for the harnessing of wind power for energy production (wind farms);

(j) Installations for the capture of CO2 streams for the purposes of geological storage pursuant to Directive 2009/31/EC from installations not covered by Annex I to this Directive.

4. PRODUCTION AND PROCESSING OF METALS

(a) Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting;

(b) Installations for the processing of ferrous metals:
- (i) hot-rolling mills;
- (ii) smitheries with hammers;
- (iii) application of protective fused metal coats;

(c) Ferrous metal foundries;

(d) Installations for the smelting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining, foundry casting, etc.);

(e) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process;

(f) Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines;

(g) Shipyards;

(h) Installations for the construction and repair of aircraft;

(i) Manufacture of railway equipment;

(j) Swaging by explosives;

(k) Installations for the roasting and sintering of metallic ores.

5. MINERAL INDUSTRY
(a) Coke ovens (dry coal distillation);

(b) Installations for the manufacture of cement;

(c) Installations for the production of asbestos and the manufacture of asbestos products (projects not included in Annex I);

(d) Installations for the manufacture of glass including glass fibre;

(e) Installations for smelting mineral substances including the production of mineral fibres;
(f) Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.

6. CHEMICAL INDUSTRY (PROJECTS NOT INCLUDED IN ANNEX I)

(a) Treatment of intermediate products and production of chemicals;

(b) Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides;

(c) Storage facilities for petroleum, petrochemical and chemical products.

7. FOOD INDUSTRY

(a) Manufacture of vegetable and animal oils and fats;

(b) Packing and canning of animal and vegetable products;

(c) Manufacture of dairy products;

(d) Brewing and malting;

(e) Confectionery and syrup manufacture;

(f) Installations for the slaughter of animals;

(g) Industrial starch manufacturing installations;

(h) Fish-meal and fish-oil factories;

(i) Sugar factories.

8. TEXTILE, LEATHER, WOOD AND PAPER INDUSTRIES

(a) Industrial plants for the production of paper and board (projects not included in Annex I);
(b) Plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles;
(c) Plants for the tanning of hides and skins;
(d) Cellulose-processing and production installations.

9. RUBBER INDUSTRY

Manufacture and treatment of elastomer-based products.

10. INFRASTRUCTURE PROJECTS

(a) Industrial estate development projects;
(b) Urban development projects, including the construction of shopping centres and car parks;
(c) Construction of railways and intermodal transhipment facilities, and of intermodal terminals (projects not included in Annex I);

(d) Construction of airfields (projects not included in Annex I);

(e) Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I);

(f) Inland-waterway construction not included in Annex I, canalisation and flood-relief works;

(g) Dams and other installations designed to hold water or store it on a long-term basis (projects not included in Annex I);

(h) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport;

(i) Oil and gas pipeline installations and pipelines for the transport of CO2 streams for the purposes of geological storage (projects not included in Annex I);

(j) Installations of long-distance aqueducts;

(k) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works;

(l) Groundwater abstraction and artificial groundwater recharge schemes not included in Annex I;

(m) Works for the transfer of water resources between river basins not included in Annex I.

11. OTHER PROJECTS

(a) Permanent racing and test tracks for motorised vehicles;
(b) Installations for the disposal of waste (projects not included in Annex I);
(c) Waste-water treatment plants (projects not included in Annex I);
(d) Sludge-deposition sites;
(e) Storage of scrap iron, including scrap vehicles;
(f) Test benches for engines, turbines or reactors;
(g) Installations for the manufacture of artificial mineral fibres;
(h) Installations for the recovery or destruction of explosive substances;
(i) Knackers' yards.

12. TOURISM AND LEISURE

(a) Ski runs, ski lifts and cable cars and associated developments;

(b) Marinas;

(c) Holiday villages and hotel complexes outside urban areas and associated developments;

(d) Permanent campsites and caravan sites;

(e) Theme parks.

13. (a) Any change or extension of projects listed in Annex I or this Annex, already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I);

(b) Projects in Annex I, undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than two years.

Annex II A

INFORMATION REFERRED TO IN ARTICLE 4(4)

(INFORMATION TO BE PROVIDED BY THE DEVELOPER ON THE PROJECTS LISTED IN ANNEX II)

1. A description of the project, including in particular:

(a) a description of the physical characteristics of the whole project and, where relevant, of demolition works;

(b) a description of the location of the project, with particular regard to the environmental sensitivity of geographical areas likely to be affected.

2. A description of the aspects of the environment likely to be significantly affected by the project.

3. A description of any likely significant effects, to the extent of the information available on such effects, of the project on the environment resulting from:

(a) the expected residues and emissions and the production of waste, where relevant;

(b) the use of natural resources, in particular soil, land, water and biodiversity.

The criteria of Annex III shall be taken into account, where relevant, when compiling the information in accordance with points 1 to 3.

ANNEX III

SELECTION CRITERIA REFERRED TO IN ARTICLE 4(3)

(CRITERIA TO DETERMINE WHETHER THE PROJECTS LISTED IN ANNEX II SHOULD BE SUBJECT TO AN ENVIRONMENTAL IMPACT ASSESSMENT)

1. **Characteristics of projects**

The characteristics of projects must be considered, with particular regard to:

(a) the size and design of the whole project;

(b) cumulation with other existing and/or approved projects;

(c) the use of natural resources, in particular land, soil, water and biodiversity;

(d) the production of waste;

(e) pollution and nuisances;

(f) the risk of major accidents and/ or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;

(g) the risks to human health (for example due to water contamination or air pollution).

2. **Location of projects**

The environmental sensitivity of geographical areas likely to be affected by projects must be considered, with particular regard to:

(a) the existing and approved land use;

(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;

(c) the absorption capacity of the natural environment, paying particular attention to the following areas:

(i) wetlands, riparian areas, river mouths;
(ii) coastal zones and the marine environment;
(iii) mountain and forest areas;
(iv) nature reserves and parks;
(v) areas classified or protected under national legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC;
(vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
(vii) densely populated areas;
(viii) landscapes and sites of historical, cultural or archaeological significance.

3. Type and characteristics of the potential impact

The likely significant effects of projects on the environment must be considered in relation to criteria set out in points 1 and 2 of this Annex, with regard to the impact of the project on the factors specified in Article 3(1), taking into account:

(a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);

(b) the nature of the impact;

(c) the transboundary nature of the impact;

(d) the intensity and complexity of the impact;

(e) the probability of the impact;

(f) the expected onset, duration, frequency and reversibility of the impact;

(g) the cumulation of the impact with the impact of other existing and/or approved projects;

(h) the possibility of effectively reducing the impact.

ANNEX IV

INFORMATION REFERRED TO IN ARTICLE 5(1)

(INFORMATION FOR THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT)

1. A Description of the project, including in particular:

(a) a description of the location of the project;

(b) a description of the physical characteristics of the whole project, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;

(c) a description of the main characteristics of the operational phase of the project (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;

(d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases.

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the project as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

4. A description of the factors specified in Article 3(1) likely to be significantly affected by the project: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.

5. A description of the likely significant effects of the project on the environment resulting from, inter alia:

(a) the construction and existence of the project, including, where relevant, demolition works;

(b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;

(c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;

(d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);

(e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;

(f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;

(g) the technologies and the substances used.

The description of the likely significant effects on the factors specified in Article 3(1) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project.

6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.

8. A description of the expected significant adverse effects of the project on the environment deriving from the vulnerability of the project to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to nationallegislation may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

9. A non-technical summary of the information provided under points 1 to 8.

10. A reference list detailing the sources used for the descriptions and assessments included in the report.

Annex 4

Regulatory Impact Assessment

1. **Title of proposal**

   The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

2. **Purpose and intended effect**

   Objective
   To implement the EIA Directive 2011/92/EU as amended by 2014/52/EU ensuring that it is operational in Roads legislation by 16th May 2017

   Background
   Following a report on the application and effectiveness of Directive 2011/92/EU and a wide public consultation, an amended EIA Directive (2014/52/EU) came into force on 15 May 2014 and it is the responsibility of the Department for Infrastructure to transpose this amending EIA Directive into legislation. Its aims are to correct the shortcomings of the previous regime, reflect on-going environmental and socio-economic changes and challenges, and align it with the principles of smart regulation. In addition, emerging challenges that are important to the EU as a whole in areas such as resource efficiency, climate change, biodiversity and disaster prevention are now reflected in the assessment process.

   Rationale for government intervention
   With the introduction of the amended EIA Directive which was developed to strengthen and enhance the EIA process, it is incumbent upon the Department for Infrastructure as part of the Member State to transpose as appropriate the amended EIA Directive into Roads legislation to prevent the possibility of infraction proceedings and to ensure the EIA process continues to operate effectively.

3. **Consultation**
   Public consultation

4. **Options**

   The amended Directive 2014/52/EU was developed to strengthen the EIA process within Member States. The options in relation to this matter were to either transpose the amending EIA Directive as appropriate or to do nothing. To do nothing was not a realistic option as the amended EIA Directive would have to be implemented to prevent the potential for infraction proceedings being carried out by the EU. The Department therefore had limited scope in putting into Roads legislation the requirements as set out in the amended EIA Directive.

5. **Costs and benefits**

   Sectors and groups affected
   Co-ordination of assessments.
   While this cannot be assessed in purely financial terms it is a lightening of the regulatory burden on business. The amending EIA Directive is intended to lighten unnecessary administrative burdens, reinforce the quality of decision-making, improve current levels of environmental protection and introduce a more harmonised regulatory framework, with a view to making decisions on public investments more sound, more predictable and

sustainable in the longer term in relation to decisions on the appropriateness of Roads projects for which EIAs are required.

Benefits
As above this cannot be calculated as it is dependent upon the number, nature, scale and location of future development proposals.

Clarity on the environmental information required for EIA development proposals and source of information from key consultees/stakeholders.

Costs
As the amended EIA Directive streamlines the already established requirements in relation to EIA it is considered by the Department for Infrastructure that this will not have any negative cost implications for businesses and may reduce costs as necessary. Eenvironmental information will be more readily available and amendments will support greater predictability in decision- making.

6. **Small Firms Impact Test**

It is anticipated that the direct costs to business will be unchanged with the introduction of the amended EIA Directive into the Roads legislation. The EIA process is currently in place and well established with both the Department and interested parties aware of their responsibilities and requirements regarding EIA.

The introduction of the amended EIA Directive will not have any impact on other assessments to be carried out in relation to the making of this legislation.

7. **Competition assessment**
N/A

8. **Enforcement, sanctions and monitoring**

The amending EIA Directive states that the decision to give consent to proceed with a project should set out any monitoring to be required and that this should be proportionate to the nature, location and size of the project and its significant effects on the environment, this may have an additional impact in the EIA process. Although monitoring should not be used as a general means of gathering environmental information and should not duplicate any monitoring required for other reasons.

Sections 9-12

Sections 9-12 should be completed after consultation and included in the full RIA.

9. **Implementation and delivery plan**

10. **Post-implementation review**

11. **Summary and recommendation**

Summary costs and benefits table

Option	Total benefit per annum: economic, environmental, social	Total cost per annum: - economic, environmental, social - policy and administrative
1		

2		
3		
4		

12. **Declaration and publication**

I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs

Signed ....

Date

Minister's name, title, department

Contact point for enquiries and comments: name, address, telephone number and email address.

ANNEX 5

DEPARTMENT FOR INFRASTRUCTURE

SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

The purpose of this form is to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for quarterly consultation on the outcome of the screening exercise, and will be referenced in the biannual review of progress made to the Minister and in the Annual Report to the Equality Commission.

Further advice on completion of this form and the screening process including relevant contact information can be accessed via the Department for Infrastructure (DfI) Intranet site.

HUMAN RIGHTS ACT

When considering the impact of this policy you should also consider if there would be any Human Rights implications. Guidance is at:

- https://www.executiveoffice-ni.gov.uk/articles/human-rights-and-public-authorities

Should this be appropriate you will need to complete a Human Rights Impact Assessment. A template is at:

- https://www.executiveoffice-ni.gov.uk/publications/human-rights-impact-assessment-proforma

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy Amended Environmental Impact Assessment Directive 2014/52/EU
Is this an existing, revised or a new policy? An amendment to an existing policy
What is it trying to achieve? (intended aims/outcomes) The EIA Directive's objective is to strengthen and enhance the EIA process by providing a high level of protection to the environment while contributing to the integration of environmental considerations into the preparation of projects to reduce their impact on the environment.
Are there any Section 75 categories which might be expected to benefit from the intended policy? No **If so, explain how.**
Who initiated or wrote the policy? The policy was initiated by amended EIA Directive 2014/52/EU and further developed by TransportNI, Department for Infrastructure.
Who owns and who implements the policy? Department for Infrastructure
Background The EIA Directive (85/337/EEC), which has been in force since 1985, has been amended several times, the most recent amendments were made by the 2011/92/EU directive which consolidated the changes that came before it. Following a report on the application and effectiveness of the Directive and a wide public consultation, an amended EU Directive (2014/52/EU) came into force on 15/5/2014 and the Department for Infrastructure is responsible for the proper transposition and implementation into legislation for Northern Ireland as

part of the UK Member State by 16/5/2017.
The amendment will strengthen and enhance the EIA process by providing a high level of protection to the environment which includes the requirement to make the Environmental Statement of a higher quality and content through the introduction of a competent expert to both prepare and assess environmental reports. This measure along with others will contribute to the integration of all environmental considerations into the preparation of projects to reduce their impact on the environment.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they

☐ financial

☐ legislative

☐ other, please specify ______________________________

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

☒ staff

☒ service users

☒ other public sector organisations

☒ voluntary/community/trade unions

☐ other, please specify

Other policies with a bearing on this policy

- what are they?

No policies of direct significance

- who owns them?

N/A

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Details of evidence/ information
Religious belief	There is no evidence of higher or lower uptake of this section 75 group. As part of the statutory procedure, the screening form will be included in the Department's quarterly consultation exercise with section 75 consultees. Any issues identified at this stage relating to section 75 groups will be fully considered.
Political opinion	As above
Racial group	As above
Age	As above
Marital status	As above
Sexual orientation	As above
Men and women generally	As above
Disability	As above
Dependants	As above

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
Religious belief	There are no specific needs identified for this group
Political opinion	As above
Racial group	As above
Age	As above
Marital status	As above
Sexual orientation	As above
Men and women generally	As above
Disability	As above
Dependants	As above

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

a) The policy is significant in terms of its strategic importance;

b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;

c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;

d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

e) The policy is likely to be challenged by way of judicial review;

f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;

b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;

c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;

d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

a) The policy has no relevance to equality of opportunity or good relations.

b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	The proposed amendment does not impact on equality of opportunity within this category.	None
Political opinion	As above	None
Racial group	As above	None
Age	As above	None
Marital status	As above	None
Sexual orientation	As above	None
Men and women generally	As above	None
Disability	As above	None
Dependants	As above	None

2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If **Yes**, provide details	If **No**, provide reasons
Religious belief		There is no opportunity to better promote equality of opportunity for any section 75 group
Political opinion		As above
Racial group		As above
Age		As above
Marital status		As above
Sexual orientation		As above
Men and women generally		As above
Disability		As above
Dependants		As above

3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none		
Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	No evidence of possible impacts on good relations	None
Political opinion	As above	As above
Racial group	As above	As above

4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If **Yes**, provide details	If **No**, provide reasons
Religious belief		There are no identified opportunities to promote good relations between persons in this category.
Political opinion		As above
Racial group		As above

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? (*For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).*

No

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

There is no evidence that the policy has any impact on people with multiple identities.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The Department does not envisage or consider that there are likely to be any specific negative impacts associated with this policy. There is no evidence that existing or amended Roads EIA legislation will have any impact in terms of equality of opportunity or good relations. The policy will be subject to public consultation and any S75 issues raised will be considered. As part of the statutory process this screened form will also be circulated to Section 75 bodies. Any issues identified relating to any Section 75 group will be fully considered.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced.

As above

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

N/A

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

N/A

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been **'screened in'** for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

If yes, please provide details

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5 - Approval and authorisation

Screened by:	**Position/Job Title:**	**Date:**
Anne-Marie Rogers	DP	3/3/2017
Approved by:		
David Millar	Grade 7	3/3/2017

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.

For Equality Team Completion:

Date received:	
Amendments requested?	
Date returned to Business Area:	
Date final version received:	
Date placed on S75 Screening Webpage:	

ANNEX 6

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ANNEX 6

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Anne-Marie.Rogers@infrastructure-ni.gov.uk

Your reference:

Date 15 March 2017

To All Consultees

Dear Consultee

PROPOSAL FOR THE ROADS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS (NORTHERN IRELAND) 2017 - A CONSULTATION PAPER

I refer to my previous letter of 13 March 2017 in relation to the consultation process for the proposed Regulations.

Please note that the closing date for receipt of all responses is 4.00pm, Friday 21st April 2017 and not Monday the 21st as stated in my previous letter.

Yours faithfully

Anne-Marie Rogers
Transport Projects Division
Lands Branch

Agenda Item:	***Proposal for the roads (EIA) Regulations (NI) 2017 - Consultation paper`***
Report to:	Full Council
Date of Meeting:	3rd April 2017
Subject:	EIA Directive Consultation response
Reporting Officer (Including Job Title):	Michael Lipsett Director of Active and Healthy Communities
Contact Officer (Including Job Title):	Danielle Begley, Biodiversity Officer

Decisions required:

Members are asked to approve the attached consultation response for submission to the Department of Infrastructure.

1.0	**Purpose and Background:**
1.1	The Department for Infrastructure is inviting comments on a consultation which sets out proposals for implementing the European Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (known as the Environmental Impact Assessment or EIA Directive). The EIA Directive's main aim is to provide a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation of projects with a view to reduce their impact on the environment. The requirements of the EIA Directive form part of European law and the Department is responsible for the proper transposition of Directive 2014/52/EU into Roads legislation. The Department therefore proposes to further amend the Roads (Northern Ireland) Order 1993 with the Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
2.0	**Key issues:**
2.1	In many cases, the requirements of the EIA Directive are mandatory. Member States have to implement the requirements set out in the Directive, but the method or process for doing so is at the discretion of the Member State. The purpose of this consultation is to seek comments on the approach the department have taken and whether this appropriately implements these mandatory requirements. The approach taken seems to be a reasonable one that includes all of the most important aspects of the Directive.

3.0	**Recommendations:**
3.1	It is recommended Council approve the attached consultation response, to be sent to the Department of Infrastructure no later than 4pm on Friday 21st April 2017.
4.0	**Resource implications**
4.1	None
5.0	**Equality and good relations implications:**
5.1	None
6.0	**Appendices**
	Appendix I: EIA Directive Consultation Response

CONSULTATION QUESTIONS

Question 1. Do you agree with proposals to provide for a coordinated rather than joint procedure?

Q1. YES/NO
Comment:

It makes sense to have a co-ordinated approach because when assessing whether or not a project will impact the environment, the outcome will most likely address issues regarding habitats and species (birds). This will reduce duplication.

Question 2. Do you have any comments in relation to the possible practical issues arising from the proposed approach to co-ordination?

Q2. YES/NO
Comment:

How will the lead/competent authority be decided on?

Question 3. Do you consider that our approach to the transposition of Article 1 and 2 as set out in the draft Regulations appropriately implements the requirements of the Directive?

Q3. YES/NO
Comment:

All of the main steps have been transposed.

Question 4. Do you consider that our approach to transposition of information to be assessed appropriately implements the requirements of the Directive?

Q4. YES/NO
Comment:

All of the main environmental factors have been considered and included.

Question 5. Do you consider that our approach to transposition of screening appropriately implements the requirements of the Directive?

Q2. YES/NO
Comment:

Transparency of decisions when determining if an EIA is required is a positive step.

Question 6. Do you consider that our approach to transposition of requirements concerning the content of the Environmental Statement appropriately implements the Directive?

Q2. YES/NO Comment: All of the most important information regarding the project have been included.

Question 7. Do you consider that our approach to transposition of assessment quality and expertise appropriately implements the requirements of the Directive?

Q2. YES/NO Comment:

Question 8. Do you consider the current 6 week timeframes appropriately implement the requirements of Directive?

Q2. YES/NO Comment: 6 weeks is a considerable period for public consultation.

Question 9. Do you consider that our approach to transposition for decisions appropriately implements the requirements of the Directive?

Q2. YES/NO Comment: Conclusions must be 'up to date'. Will there be a time frame set? Or will this change depending on each individual project?

Question 10. Do you consider that our approach to transposition of monitoring appropriately implements the requirements of the Directive?

Q2. YES/NO Comment:

Monitoring is extremely important as certain factors may change during the course of the project.

Question 11. Do you consider that our approach to transposition of conflict of interest appropriately implements the requirements of the Directive?

Q2. YES/NO
Comment:

Question 12. Do you consider that our approach to transposition of penalties appropriately implements the requirements of the Directive?

Q2. YES/NO
Comment: