

FOI Reference Number: FOI/205/1819

Date: 26 July 2018

Request:

Under the Environmental Information Regulations 2004, please can I be provided with a copy of the Habitats Regulations Assessment (HRA) conducted by Shared Environmental Services (SES) for LA11/2017/0101/F - variation of condition 2 of planning permission A/2005/0467/F in respect of sand extraction at Gleneshane Road, Derry.

Having inspected file LA11/2017/0101/F in the Derry City & Strabane District Council offices on 20 July 2017, no HRA was available.

Please can you also advise whether SES visited the site as part of the HRA process?

Response:

Thank you for your information request which Mid and East Antrim Borough Council received on 23 July 2018.

Please find below Mid and East Antrim Borough Council's response to the information you requested in relation to a Habitats Regulation Assessment and a question about the process.

If you are dissatisfied with the handling of part of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the Chief Executive at the Braid Ballymena Town Hall, 1-29 Bridge Street, Ballymena, BT43 5EJ.

Please remember to quote the reference number FOI/205/1819 in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Please be advised that Mid and East Antrim Borough Council may release the response to this information request into the public domain via our website at <https://www.midandeantrim.gov.uk/>.

If we publish our response to your request, your personal data will be removed to protect your privacy.

Habitats Regulations Assessment

Carried out by Shared Environmental Service, adopted by Derry City and Strabane District Council.

Planning Reference: LA11/2017/0101/F

Location: 380M South of 528 Glenshane Road, Claudy

Proposal: Variation of condition No. 2 of planning permission A/2005/0467/F

Assessment stage completed (check all that apply)

- 1. Assessment resulting in exemption
- 2. Assessment resulting in elimination
- 3. Assessment demonstrating no likely significant effect
- 4. Interim Assessment to inform e.g. EIA determination, PAD
- 5. Further information requested
- 6. Further information provided
- 7. Reassessment resulting in elimination
- 8. Reassessment demonstrating no likely significant effect
- 9. Reassessment demonstrating potential likely significant effect
- 10. Draft appropriate assessment referred to SNCB
- 11. Appropriate assessment complete, no adverse effect on site integrity without conditions
- 12. Appropriate assessment complete, no adverse effect on site integrity with conditions to mitigate
- 13. Appropriate assessment complete, adverse effect on site integrity
- 14. Planner advised of outcome – e-mail
- 15. Planner advised of outcome – planning portal
- 16. Final appropriate assessment referred to planner

Summary of findings

Reason No Likely Significant Effect: The Test of Likely Significance completed on the proposal has concluded no likely significant effects given the environmental mitigation features built into the original approval that are still in place currently.

Assessed by [REDACTED] Date 15/08/2017

Reviewed by [REDACTED] Date 15/08/2017

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STAGE ONE ASSESSMENT

A. Description and potential effects of the proposal

Description		
<i>Heading</i>	<i>Short description</i>	<i>Comment</i>
Proposal	Variation of condition No. 2 of planning permission A/2005/0467/F	
Location	380M South of 528 Glenshane Road, Claudy	
Type of Development	12. Extractive Industry	Operation under A/2005/0467/F ongoing, application is to vary condition of operation time on the approval to give extra time to complete the original extraction of sand and gravel.
Size and Scale	As A/2005/0467/F	
Land-take	None in any European site	
Resource requirements (water etc.)	N/A	
Emission (disposal to land, water or air)	All surface and washing waters going to current on site settlement pond and allowed to infiltrate into the underlying strata.	Confirmed in RPS Hydrogeology Report 24/04/2007 that any discharges to watercourses if required will be subject to NIEA WMU and Rivers Agency consents.
Excavation requirements	As for the extraction of sand and gravel from the proposal site.	
Transportation requirements	By existing road network.	
Duration	Not specified	
Frequency	Not specified	
Timing	Not specified	
Other		
Considerations for Assessment		
Are sea defences proposed/required?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
Will there be in river/sea works?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
Is piling required?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
Is site within a flood plain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Checked on Rivers Agency Q100 GIS layer.
Is site within 30m of Otter SAC river bank?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Otter foraging activity but no Holts confirmed in ATEC Ecological Assessment September 2005. Site had a large bund placed along the

		edge of the boundary to ensure a large vegetated buffer strip was maintained between the proposal and the watercourse.
Could there be contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Potentially but all mitigation from A/2005/0467/F in place.
Has NIW confirmed capacity for stormwater/sewage to mains?	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
Potential Effects		
<i>Stage</i>	<i>Type</i>	<i>Comment</i>
Pre-construction	Not applicable	
Construction	None Choose an item.	Construction of the quarry has already taken place, therefore not relevant to this operational time variation application.
Operation	2b. Hydrological Link - Indirect Choose an item.	Construction and operation of the quarry are the same. Potential pollution issues to the nearby watercourse from operational discharges.
Decommissioning	Not applicable	
Restoration and aftercare	Not applicable	
Unintended events	Not applicable	
Mitigation measures included in proposal		
<i>Measure</i>	<i>Impact on potential effects</i>	<i>Comment</i>
Proposal operating under the mitigation described in the RPS Hydrogeology Report (24/04/2007) and ATEC Ecological Report (September 2005).	Operations working with the mitigation in place will negate any potential adverse impacts to the nearby watercourse.	Planner has sent email (15/08/2017) with confirmation statement from [REDACTED] stating that all the environmental mitigation contained within the RPS and ATEC Reports has been put in place during the construction works for A/2005/0467/F.
<i>Assumption</i>	<i>Impact on potential effects</i>	<i>Comment</i>
Click here to enter text.		
Information gaps		
<i>Information gap</i>	<i>Proposal/Pathway/Receptor (site and features)</i>	<i>Comment</i>

B. Overview of sites potentially affected

Site Selection Checklist			
Proposal type	Question 1	Question 2	Site/s
Intensive agriculture (poultry, pigs, cattle)	<input type="checkbox"/> Yes – is it within 7.5km of European site? → <input checked="" type="checkbox"/> No – go to next row	<input type="checkbox"/> Yes – assess in Section C and go to next row <input checked="" type="checkbox"/> No – go to next row	Select Site Select Site Select Site
Anaerobic Digester	<input type="checkbox"/> Yes – is it within 2km of European site? → <input checked="" type="checkbox"/> No – go to next row	<input type="checkbox"/> Yes – assess in Section C and go to next row <input checked="" type="checkbox"/> No – go to next row	Select Site Select Site Select Site
Wind turbine/s	<input type="checkbox"/> Yes – is it within NIEA consultation zone? → <input type="checkbox"/> No – go to next row	<input type="checkbox"/> Yes – assess in Section C and go to next row <input checked="" type="checkbox"/> No – go to next row	Select Site Select Site Select Site
All developments – is it hydrologically connected to a European site?	<input checked="" type="checkbox"/> Yes – could it have a conceivable impact on the site? <input type="checkbox"/> No – go to next row	<input checked="" type="checkbox"/> Yes – assess in Section C and go to next row <input type="checkbox"/> No – go to next row	71. River Faughan and Tributaries SAC Select Site Select Site
Any other potential impacts on sites?	Reason 1 None	Reason 2 None	Select Site Select Site Select Site
Site name	Relative Location of proposal	Pathway	Comment
71. River Faughan and Tributaries SAC	Approximately 1 km upstream.	Potential indirect hydrological.	
Select Site			
Select Site			
Sites considered but screened out			
Site name	Reason excluded		
Select Site			

C. Detail of sites potentially affected

Delete table below which is for illustration and this guidance text. Copy the relevant table from <G:\Shared Environmental Service\1. SES Guidance\Current HRA Assessment Template\HRA Site Assessment Generator Index.xlsm> and paste below.

River Faughan and Tributaries SAC		Pathway/s: Indirect Hydrological			
Overall Objective		To maintain (or restore where appropriate) the +B245Atlantic Salmon <i>Salmo salar</i> ▪ Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles ▪ Otter <i>Lutra lutra</i> to favourable condition.			
Feature	Grade	Feature Objective	Construction	Operation	Decommission
Qualifying Feature	C	Maintain and where feasible expand the extent of existing oak woodland but not at the expense of other SAC (ABC) features. (There are areas of degraded heath, wetland and damp grassland which have the potential to develop into Oak woodland) Maintain and enhance Oak woodland species diversity and structural diversity. Maintain the diversity and quality of habitats associated	Potential impacts		
Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles			None	No likely impacts on this site feature given the location of the proposed development.	n/a
Conservation Status			Mitigation included		
			n/a	n/a	n/a
Condition Assessment			Residual impacts (None/Not Significant/Significant)		

	<p><i>with the Oak woodland, e.g. fen, swamp, grasslands, scrub, especially where these exhibit natural transition to Oak woodland</i></p> <p><i>Seek nature conservation</i></p>	<p><i>None</i></p>	<p><i>Not significant</i></p>	<p><i>N/A</i></p>
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		<p><i>management over adjacent forested areas outside the ASSI where there may be potential for woodland rehabilitation.</i></p> <p><i>Seek nature conservation management over suitable areas immediately outside the ASSI where there may be potential for woodland expansion.</i></p>				
Qualifying Feature	B	<p><i>Maintain and if possible expand existing population numbers and distribution (preferably through natural recruitment), and improve age structure of population. Maintain and if possible enhance the extent and quality of suitable Salmon habitat - particularly the chemical and biological quality of the water and the condition of the river channel and substrate.</i></p>	Potential impacts			
<i>Salmo salar</i>			None	<p><i>Watercourse present about 20 metres from the southern boundary which is hydrologically connected to SAC approximately 1km downstream.</i></p> <p><i>Thus, potential for contaminated run-off to enter watercourse during operational activities, and potential for degradation of water quality which is contrary to the conservation objectives for this site feature.</i></p>	n/a	
Conservation Status			Mitigation included			
			<p><i>Environmental mitigation for construction put in place during A/2005/0467/F approval.</i></p>	<p><i>Environmental mitigation for operational phase put in place during A/2005/0467/F approval. This included settlement pond and hydrogeological solutions within the quarry and protective bund surrounding southern boundary of</i></p>	n/a	

Condition Assessment				<i>proposal site with 20 metres of vegetated land buffer after towards the watercourse.</i>	
	Residual impacts (None/Not Significant/Significant)				
			<i>None</i>	<i>Not Significant – the operational mitigation on site is ongoing and approval of a time extension variation for the operation of the quarry will not have any significant effects on this feature.</i>	<i>n/a</i>
Qualifying Feature	C	<i>Maintain and if possible increase population numbers and distribution. Maintain the extent and quality of suitable Otter habitat, in particular the chemical and biological quality of the water and all associated wetland habitats</i>	Potential impacts		
<i>Lutra lutra</i>			<i>None</i>	<i>Watercourse present about 20 metres from the southern boundary which is hydrologically connected to SAC approximately 1km downstream. Thus, potential for contaminated run-off to enter watercourse during operational activities, and potential for degradation of water quality</i>	<i>n/a</i>

Conservation Status			<i>which is contrary to the conservation objectives for this site feature.</i>
	Mitigation included		
Condition Assessment	<i>Environmental mitigation for construction put in place during A/2005/0467/F approval.</i>	<i>Environmental mitigation for operational phase put in place during A/2005/0467/F approval. This included settlement pond and hydrogeological solutions within the quarry and protective bund surrounding southern boundary of proposal site with 20 metres of vegetated land buffer after towards the watercourse.</i>	<i>n/a</i>
	Residual impacts (None/Not Significant/Significant)		
	<i>None</i>	<i>Not Significant – the operational mitigation on site is ongoing and approval of a time extension variation for the operation of the quarry will not have any significant effects on this feature.</i>	<i>n/a</i>

D. Assessment of in combination effects

Do in combination effects need to be assessed?	Comment
<input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> No	No effects to be assessed.

Additional projects to be considered

Project reference	Location	Proposal	Detail	Comment

E. Evidence used to inform assessment

Title	Date	Source	Comment
Application Documents	11/01/2017	NI Planning Portal	Plus supplied Ecological and Hydrogeological Reports from 2005 and 2007 in support of the original application A/2005/0467/F
Conservation Objectives	01/04/2015	NIEA Website	
ArcView Spatial Information	15/08/2017	Spatial NI and NIEA	
Representations	Click here to enter a date.	NI Planning Portal	

Consultation with SCNB	
Was the SNCB consulted by SES to inform this assessment?	<input type="checkbox"/> Yes – provide date and advice below <input checked="" type="checkbox"/> No – state reason
Was account taken of other SNCB input?	<input checked="" type="checkbox"/> Yes – provide date and advice below
Reason SNCB not consulted	<input checked="" type="checkbox"/> Not necessary NIEA replied on Planning Portal <input type="checkbox"/> Not necessary as all required information available <input checked="" type="checkbox"/> Not necessary as Stage 1 found no likely significant effect <input type="checkbox"/> Not necessary due to standing advice <input type="checkbox"/> Not necessary other reason
Other reason - comment	
Date	Advice
27/03/2017	<p>This application is unlikely to have been subject to a Habitats Regulations Assessment (HRA) at the time of the original decision. One shall now need to be undertaken under article 45 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Review of Old Mineral Permissions (ROMPs) No details have been provided on the nature of the activity on site, nor on the mitigation measures to be employed. Although it appears that there is a sufficient buffer between the red line boundary and the watercourse to the east of the proposed development site, no details have been provided on the nature of the activity on site, nor on the mitigation measures to be employed. There is insufficient information provided to enable a robust HRA to be undertaken.</p> <p>It is the view of NED that there is insufficient information for the planning authority to undertake a robust Habitats Regulations Assessment and for NIEA to undertake an assessment on any additional ASSI features</p> <p>NED considers the following information should be submitted by the applicant to allow the planning authority to undertake its assessment: 1. An outline Construction Environmental Management Plan submitted by the applicant. Such measures should be incorporated in method statements which should identify the perceived risks to the aquatic environment, identify potential</p>

	<p>pollution pathways, and the mitigation measures to be employed which will negate the risk to any aquatic environment. For example; - Details of all proposed excavations and construction. - Details of all areas to be used for the storage of substrate/spoil including a suitable buffer between location for storage of excavated spoil and construction materials and any watercourses or surface drain present on site or adjacent to site. - Details of the pollution prevention measures to be employed during construction and operation. - Detailed drawing plans, demonstrating a suitable buffer between location of refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drain present on site or adjacent to site (at least 10m) - A proposed storm drainage plan designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753 (2015). - Regular inspections of machinery onsite. - Emergency spill procedures in place.</p> <p>This list is not exhaustive but should merely be used as a starting point for considerations to be made.</p> <p>If NED is to be reconsulted following the submission of this information, the assessment undertaken by the planning authority should be included.</p>
<p>Click here to enter a date.</p>	
<p>Does the HRA outcome fully reflect this advice?</p>	<p>Yes... The original Hydrogeological and Ecological Reports with recommended mitigation for approval A/2005/0467/F have been supplied by Planning (14/08/2017). SES has been advised and had confirmation from Planning (Email 15/08/2017) that all the mitigation including the protective bund with 20 metre vegetated land buffer and quarry settlement pond with associated infrastructure is in place at the current operational site.</p>
<p>If no provide justification for why it was not followed.</p>	

F. Outcome Stage One

Proposal exempt	
Is the entire project directly connected with or necessary to the management of all the European site(s) potentially affected and listed above?	<input type="checkbox"/> Yes – project exempt <input checked="" type="checkbox"/> No – further consideration
If 'Yes' justify	Not applicable
Proposal eliminated	
Can any conceivable effect on any European site be objectively ruled out?	<input type="checkbox"/> Yes – project eliminated <input checked="" type="checkbox"/> No – further consideration
If 'Yes' justify why eliminated	Not applicable
Likely Significant Effect	
Could there be a likely significant effect (LSE) on one or more site selection features of any site?	<input checked="" type="checkbox"/> No – assessment completed <input type="checkbox"/> Yes – further consideration
If 'No' justify why no LSE	The Test of Likely Significance completed on the proposal has concluded no likely significant effects given the environmental mitigation features built into the original approval that are still in place currently.
If 'Yes' and further information is required specify what is needed	None
Conditions to ensure proposals followed	
Are any conditions required to ensure that the proposal and mitigation identified is adhered to?	<input type="checkbox"/> Yes – add comment and condition/s <input type="checkbox"/> No – assessment complete
Comment	

Planning Reference: LA11/2017/0101/F

Location: 380M South of 528 Glenshane Road, Claudy

Proposal: Variation of condition No. 2 of planning permission A/2005/0467/F

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Derry City and Strabane District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having considered the nature, scale, timing, duration and location of the project it is concluded that further assessment is not required because it would not have a likely significant effect on the selection features, conservation objectives or status of any European site.

The following may be included in the planning report. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

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