

FOI Reference Number: FOI/268/1819

Date: 25 September 2018

Request:

In regards to your stated response "Shared Environmental Service (SES) has not commenced a Habitats Regulations Assessment to date

SES responses on the planning portal (30/4/2018 & 19/4/2018 relate to the consultations under the planning (Environmental Impact Assessment Regulations (Northern Ireland) 2017)"

In your first statement "Shared Environmental Service(SES) has not commenced a Habitats Regulations Assessment to date" I would be very appreciative if you could forward me a copy of your rationale of disclosure regarding this statement and ask so under the Environmental Information Regulations and Freedom of Information act.

Response:

Thank you for your information request which Mid and East Antrim Borough Council received on 30 August 2018.

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

*As stated previously, Shared Environmental Service (SES) has not commenced a Habitats Regulations Assessment to date. This is because SES has only been consulted in respect of the planning authorities Environmental Impact Assessment (EIA) determination. SES has issued the following advice to the planning authority in respect of its EIA determination (available on the planning portal):*

*'Shared Environmental Service (SES) advises that application LA11/2018/0312/F is not located in a sensitive area within the meaning of Part 1, Regulation 2 (f) of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. Note that Shared Environmental Service has not reviewed whether this site is within another sensitive area as defined in Regulation 2 (a), (b), (c), (d), (e). The proposal is located within 7.5km of River Foyle and Tributaries; therefore, the proposal and the extent of digestate spreading will require further consideration. The proposal will need to be considered in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). If it is determined that an EIA is required SES should be consulted at the scoping stage. If an EIA is not required,*

SES should be consulted on the Northern Ireland Planning Portal to assess the proposal under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

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/268/1819 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.midandeastantrim.gov.uk/>.

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