

[REDACTED]
[REDACTED]
Shared Environmental Service
Ardeevin
80 Galgorm Road
Ballymena
BT42 1AB

NIEA
Natural Environment Division
Clare House
303 Airport Road West
Belfast
BT3 9ED

Telephone: [REDACTED]

Email: [REDACTED]

Email: [REDACTED]

13 May 2025

Dear [REDACTED]

Transboundary considerations and use of the revised Operational Protocol

I am aware that, SES commissioned legal advice which remains outstanding in relation to transboundary considerations of ammonia and air pollution and are unable to meet pending receipt.

However, following on from the meeting hosted by [REDACTED] on Monday 07 April I can confirm that:

NIEA acknowledge the need for transboundary considerations in relation to planning applications and the impact that proposals may have on European Sites in the Republic of Ireland (RoI).

The revised NIEA Operational Protocol can be used to assess ammonia and air pollution impacts on the natural environment within the RoI.

However, the purpose of the Operational Protocol is to develop an approach to address the challenging and growing problem of the impact of ammonia emissions on protected sites in Northern Ireland.

NIEA does not require the Operational Protocol to be used when considering impacts on European Sites within the RoI.

It is acknowledged that the RoI have their own planning and permitting regimes regarding the management of nutrients and air pollution impacts.



As such authorities within the RoI would be best placed to provide advice about the level of transboundary assessment required in relation to export and spread of manures in the RoI.

Should you require any further clarification please do not hesitate to contact me.

Yours sincerely,



Environmental Service will ultimately reach its own view on these matters, it is reasonable to expect that you will clearly state your position on these matters.

In light of the importance of these matters generally, and to individual applicants, I would appreciate if you could provide a substantive response within seven days.

Your position in 13 May 2025 letter and the revised Operational Protocol

In the revised Operational Protocol, which was recently subject to public consultation, the flowchart in Appendix 1 says that the first step is to consider whether there are any Nitrogen sensitive designated sites “*within the zone of influence (including Republic of Ireland)?*” (underlining added). On one reading, that can be viewed as suggesting that there is a need to consider impacts on sites located within the Republic of Ireland, including as a result of landspreading.

However, in your letter of 13 May 2025, your position is appears more equivocal.

You start by “*acknowledg[ing] the need for transboundary considerations in relation to planning applications and the impact that proposals may have on European Sites in the Republic of Ireland*”. It would be useful if you could clarify what you mean by the phrase “*need for transboundary considerations*” and, in particular, the basis of your belief that there is a “*need*” to consider these matters when assessing applications. These matters are explored further below with reference to prevailing legislative and policy requirements.

You then go on to refer to the fact that the revised Operational Protocol “*can be used to assess ammonia and air pollution impacts on the natural environment within the Rol*”, but say that this is “*not require[d]*”. If the revised Operational Protocol is not used, then what approach do you consider should be used? It is noted that you go on to say that “*the Rol have their own planning and permitting regimes regarding the management of nutrients and air pollution impacts*”. It would be helpful if you could outline your understanding of these arrangements; and, in particular, whether you are satisfied that those arrangements are capable of being relied on by decision-makers in Northern Ireland to scope out the need for any further assessment.

You conclude by observing that “*authorities within the Rol would be best placed to provide advice about the level of transboundary assessment*”, however in our experience, as set out in further detail below, competent authorities in the Republic of Ireland tend to either not respond to consultation requests or respond by noting

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Interim Chief
Executive
Valerie Watts

that the obligation under Article 6(3) of the Directive rests with competent authorities in Northern Ireland who are authorising the project in question. In such cases, what advice do you have on how applications should be assessed here?

Obligations under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995

Whilst your letter does not refer to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, those are the regulations which set out the relevant legal duties so I would benefit from your guidance on these matters.

Several stakeholders have pointed out that regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 refers to the need to assess the impacts on “European sites in Northern Ireland” (underlining added) as well as “European offshore marine sites”. The underlined portion is capable of being read as limiting the obligation under regulation 43 to assessing impacts only on those sites that are located “in Northern Ireland”. If that is the case, then do you consider that stakeholders are correct that under regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 there is no need to assess the implications of landspreading on European sites in the Republic of Ireland?

The Shared Environmental Service also observes that whilst regulation 43 refers only to “European sites in Northern Ireland” (underlining added) and “European offshore marine sites”, regulation 49(3), which applies in cases of applications for outline permission, refers more generally to “European sites”. The phrase “European site” is defined in regulation 9 and would appear to include sites which are not located specifically within Northern Ireland. Is it your understanding, therefore, that the position under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 differs when assessing an application for outline planning permission? In this respect, we would draw your attention specifically to regulation 42A(1) which governs the applicability of regulation 49(3) and regulation 43(1) in such cases.

If this is your understanding, what is the justification for the legislation treating outline applications differently than applications that fall to be dealt with under regulation 43(1)?

Similarly, the position so far as permitted development rights is concerned is, as you will know, governed by regulations 55 and 56 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995. Regulation 55(1) refers, again, to

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Executive
Valerie Watts

“European sites” generally, and does not limit itself to sites within Northern Ireland. Regulation 56(6) is the same.

We would again seek your understanding of this matter. If it is the case that permitted development applications are to be treated differently, what is the justification for this?

Taking all of that together, if it is the case that outline applications and permitted development rights applications are required to consider, more broadly, impacts on “European sites”, whereas all other applications must only consider, consistent with regulation 43(1), “European sites in Northern Ireland” (underlining added), what is the justification for this difference in treatment between different application types?

Additionally, irrespective of what all of these regulations say, do you consider that the position is altered in any way by regulation 3(1) or 3(3)? So far as competent authorities that are not Northern Ireland Departments are concerned, regulation 3(1) only appears to impose a duty to “secure compliance with the requirements of the Directives” when they are “exercis[ing] [...] their functions relative to nature conservation [...] in relation to the marine area”. In other cases, regulation 3(1) does not seem to apply. Is that your understanding? The Shared Environmental Services undertakes some work on behalf of Northern Ireland Departments as you will be aware. In those cases, is it your view that regulation 3(1) requires those departments to “secure compliance with the requirements of the Directives”, including, for instance article 6(3) of the Directive which does not limit the assessment process to sites that are located within the relevant member state in question?

The duty under regulation 3(3) is to “have regard to the requirements of the Directives”. Reflecting on the judgment in *R (Harris) v Environment Agency* [2022] EWHC 2264 (Admin), what do you consider is the scope of this duty on district councils in respect of the assessment of impacts of landspreading on sites designated in the Republic of Ireland?

Subject to the caveat that the regulation 3 duties set out above may bring into play obligations under the Habitats Directive, is it your position that in light of the repeal of section 4 of the European Union (Withdrawal) Act 2018 by the Retained EU Law (Revocation and Reform) Act 2023 the Habitats Directive no longer has direct effect in domestic law and the focus of the assessment should be on what domestic law

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Interim Chief
Executive
Valerie Watts

under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 requires?

These are important matters relating to the interpretation and application of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 of which the Department for Agriculture, Environment, and Rural Affairs is principally responsible for overseeing. I would be grateful for your guidance on these matters.

Additionally, I would be grateful if you could confirm your position, generally, on whether there is a legal obligation under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 or otherwise to assess the implications of landspreading for designated sites in the Republic of Ireland. I would be grateful if you could identify any such legal obligation which you rely on and confirm that it is enforceable in domestic law.

Obligations under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

The position also requires assessment under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 for those applications caught by that regime.

There is a process for transboundary consultation under those regulations which would suggest a need to ensure that transboundary effects, including any effects on designated sites within the Republic of Ireland, are properly addressed. Is that your understanding?

Specifically, I would draw your attention to references to transboundary effects, and to impacts on designated sites, under Schedule 3 Paragraphs 2(v) and 3(c) and Schedule 4 Paragraph 5. Do these obligations require, in relevant cases, that the impacts of landspreading on designated sites located within the Republic of Ireland are assessed?

Position under regional planning policy

The Northern Ireland Environment Agency in its consultation responses advises on compliance with relevant regional policy relating to the natural environment. These consultation responses are taken into consideration by the Shared Environmental

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Executive
Valerie Watts

Service in discharging its functions. It is important that we understand the scope of those responses.

Paragraphs 6.176 to 6.178 of the Strategic Planning Policy Statement say as follows.

“6.176 Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or*
- a listed or proposed Ramsar site*

6.177 Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority is required by law to carry out an appropriate assessment of the implications for the site in view of the site’s conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the planning authority agree to the development and impose appropriate mitigation measures in the form of planning conditions.

6.178 A development proposal which could adversely affect the integrity of a European or Ramsar site may only be permitted in exceptional circumstances as laid down in the relevant statutory provisions”.

In its approach to these and related parts of regional planning policy, does the Northern Ireland Environment Agency interpret “*European Site*” and “*listed or proposed Ramsar site*” in the Strategic Planning Policy Statement as including sites located in the Republic of Ireland? It would be helpful if you could confirm whether you consider that there is a requirement under regional planning policy to assess the impacts of landspreading on sites that are designated in the Republic of Ireland. I would be grateful if you could explain your position with reference to the paragraphs of regional policy set out above. You may wish to seek the views of the Department for Infrastructure on these matters given its regional planning authority role.

Other matters

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Executive
Valerie Watts

We would also seek your views on two further matters.

First, to what extent should the approach taken be informed by the obligations placed on the United Kingdom under the Convention on Environmental Impact Assessment in a Transboundary Context, which is more commonly known as the Espoo Convention?

Second, how should engagement with the Republic of Ireland take place moving forward? It is the experience of the Shared Environmental Service that authorities in the Republic of Ireland either do not respond to consultation requests on these matters or respond by informing the Shared Environmental Service that it is for the competent authority in Northern Ireland to assess impacts, usually with reference to Article 6(3) of the Habitats Directive. If that is the position taken by competent authorities in the Republic of Ireland, does it then fall to decision-makers in Northern Ireland to assess these impacts? It may be necessary for the Department for Agriculture, Environment, and Rural Affairs to engage with its counterpart in the Republic of Ireland in connection with these matters so that authorities on both sides of the border understand the extent of their assessment obligations especially if it is considered that these matters give rise to any relevant internal market concerns.

Conclusion

The Shared Environmental Service welcomes the opportunity to engage with you on these important matters and looks forward to a timely response to the issues raised.

Kind regards,

[Redacted signature block]

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Interim Chief Executive
Valerie Watts

Cc [REDACTED]

Cc [REDACTED]
[REDACTED]

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Executive
Valerie Watts

Tel: 0300 1245 000

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Northern Ireland Environment Agency
Gníomhaireacht Comhshaoil Thuaisceart Éireann
Northern Ireland Environment Agency

██████████
Principal Environmental Planning Officer

Shared Environmental Service
Ardeevin
80 Galgorm Road
Ballymena
BT42 1AB

Email: ██████████@midandeastantrim.gov.uk

13 June 2025

Dear ██████████

NIEA
Natural Environment Division
Clare House
303 Airport Road West
Belfast
BT3 9ED

Telephone: ██████████

Email: ██████████

Transboundary considerations and use of the revised Operational Protocol

Thank you for your letter dated 30 May outlining a number of questions seeking guidance on several matters relating to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, other legislation and planning policy.

Please note that NIEA do not provide a legal advisory service as part of its functions and that due to the legislative nature of most of the queries raised it would be advisable for Shared Environmental Service to obtain their own legal advice on these matters, if it has not already done so.

What is the basis for the need to consider transboundary issues?

It is highly likely that Councils are already aware of this need through previous legal advice received. If Shared Environmental Service has not seen such advice I would suggest that it engages with its colleagues within the councils to see if such previous advice exists in relation to the determination of livestock applications and / or the need for transboundary assessment. I would anticipate that any such previous advice would address most of the legal queries raised.

If the revised Operational Protocol is not used in the Republic of Ireland, then what approach do you consider should be used?

This would be a matter that Shared Environmental Service would initially need to discuss with relevant authorities in the Republic of Ireland. Such authorities would be best placed to advise about the expectations in the Republic of Ireland regarding impacts of ammonia on its designated sites, current site ammonia levels, how it assesses for ammonia impacts, what



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and Kintra Matters

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additional levels of input would be acceptable at sites, and what consenting or permitting regimes they have in place in relation to land spreading (which may or may not have already undertaken required considerations under the Habitats Directive).

Can we outline the Republic of Ireland planning and permitting regimes regarding the management of nutrients and air pollution impacts and are we as NIEA satisfied that those arrangements are capable of being relied on by decision-makers in Northern Ireland to scope out the need for any further assessment.

NIEA do not have detailed knowledge of such regimes in Republic of Ireland, these would be a matter for Republic of Ireland authorities to articulate. NIEA are not able to provide assurances that arrangements in the Republic of Ireland comply with the requirements of the Habitats Directive. Such assurances would need to be provided by Republic of Ireland authorities. However, if the Republic of Ireland authorities consider that the arrangements in the Republic of Ireland are capable of being relied on regarding assessment of impacts on Natura2000 sites within the Republic of Ireland then we consider that such declarations could be used by decision-makers in Northern Ireland to help inform transboundary considerations.

If authorities in the Republic of Ireland do not engage or respond do NIEA have any advice on how transboundary issues should be assessed?

If government authorities in the Republic of Ireland do not respond to requests from Shared Environmental Service about land spreading permitting regimes and how transboundary issues in the Republic of Ireland should be assessed, NIEA would be happy to initiate correspondence with counterparts in the Republic of Ireland on behalf of Shared Environmental Service to see if we can help find resolutions to these matters.

What are the legal transboundary requirements associated with the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017?

As you have outlined these are matters which would be best considered by the Department for Infrastructure. However as previously articulated it is highly likely that Councils are already aware of such requirements through previous legal advice.

What are the legal transboundary requirements associated with Planning Policy?

NIEA do not have responsibility for the development or adoption of regional or local planning policy. Such queries should be addressed to the Department for Infrastructure or planning authority functions within local councils. However, it is our understanding that many of the nature conservation planning policies are developed to align with statutory requirements outlined in environmental legislation.

To what extent should the approach taken be informed by the obligations placed on the United Kingdom under the Convention on Environmental Impact Assessment in a Transboundary Context, which is more commonly known as the Espoo Convention?

It is highly likely that Councils have already received legal advice about this issue.

How should engagement with the Republic of Ireland take place moving forward?



I note that it is the experience of the Shared Environmental Service that authorities in the Republic of Ireland either do not respond to consultation requests related to specific projects or inform the Shared Environmental Service that it is for the competent authority in Northern Ireland to assess impacts. It is not clear if Shared Environmental Service has engaged with the Republic of Ireland in relation to the broad principles / approach that should be taken in relation to transboundary assessment associated with land spreading arising from projects in Northern Ireland.

If Shared Environmental Service has engaged in such matters and failed to get responses or engagement from the Republic of Ireland then NIEA would be willing to engage with its counterpart in the Republic of Ireland in connection with these matters so that authorities on both sides of the border understand assessment expectations.

As always we are content to engage with you further on these matters.

Should you require any further clarification please do not hesitate to contact me.

Yours sincerely,

[Redacted signature]

[Redacted name]

Head of Natural Environment Operations
Natural Environment Division



[Redacted]

From: [Redacted]
Sent: 01 July 2025 09:46
To: [Redacted]
Cc: [Redacted]
Subject: RE: NIEA to SES re transboundary considerations of ammonia and air pollution 13 May 2025

CAUTION – This email has been received from outside the NICS network. If you have any concerns, please report for investigation.

Dear [Redacted]

Thank you for your letter of 18 June 2025 and email of 30 May 2025.

I have separately written to the National Parks and Wildlife Service today. I have copied you into that correspondence.

I would be grateful if you could contact your counterparts in the Republic of Ireland to stress the importance of their timely and full engagement with this correspondence. You will no doubt appreciate the importance of these matters. Please copy me into any correspondence issued and any reply received in due course.

I note separately in your letter of 18 June that you refer on numerous occasions to legal advice that may or may not have been obtained by district councils in connection with transboundary matters. If and insofar as you are referring to a specific legal opinion, you may wish to satisfy yourself it remains valid in light of recent legislative developments, particularly the Retained EU Law (Revocation and Reform) Act 2023.

I look forward to your continued engagement on these matters.

Kind regards,
[Redacted]

[Redacted]
Principal Environmental Planning Officer
Shared Environmental Service (SES)

 [Redacted]
 [Redacted]
 [Redacted]

From: [Redacted]
Sent: 27 June 2025 12:01
To: [Redacted]
Cc: [Redacted]; [Redacted]
Subject: RE: NIEA to SES re transboundary considerations of ammonia and air pollution 13 May 2025

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Hello [Redacted]

Have SES engaged with authorities in the Republic of Ireland to consider these matters or do you require assistance from NIEA?

Happy to discuss.

[Redacted]

[Redacted]

Natural Environment Division, Northern Ireland Environment Agency
Department of Agriculture, Environment and Rural Affairs
Clare House,
303 Airport Road West,
Belfast, BT3 9ED

Phone ([Redacted])



Northern Ireland Environment Agency
Gníomhaireacht Comhshaoil Thuaisceart Éireann
Norlin Airlan Environment Agency



From: [Redacted]

Sent: 18 June 2025 10:03

To: [Redacted]

Cc: [Redacted]

Subject: RE: NIEA to SES re transboundary considerations of ammonia and air pollution 13 May 2025

Hello [Redacted]

Please find attached a response to your queries. I assume we may have to meet to discuss next steps if you have been unable to obtain advice from authorities in the Republic of Ireland in respect of assessment expectations within the Republic of Ireland.

Regards

[Redacted]

[Redacted]

Natural Environment Division, Northern Ireland Environment Agency
Department of Agriculture, Environment and Rural Affairs
Clare House,
303 Airport Road West,
Belfast, BT3 9ED

Phone [Redacted]



Northern Ireland Environment Agency
Gníomhaireacht Comhshaoil Thuaisceart Éireann
Norlin Airlan Environment Agency



From: [REDACTED]

Sent: 30 May 2025 14:07

To: [REDACTED]

Cc: [REDACTED]

Subject: NIEA to SES re transboundary considerations of ammonia and air pollution 13 May 2025

Thanks [REDACTED]

Your letter helpfully sets out your position on this matter with respect to the revised Operational Protocol. However, the Shared Environmental Service has a number of questions about the approach set out in your letter, and respectfully seeks your guidance on these matters as the statutory nature conservation body under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995. Please find attached.

I have also included your letter for ease of reference and look forward to your response.

Regards,

[REDACTED]

[REDACTED]
Principal Environmental Planning Officer
Shared Environmental Service (SES)

Ardeevin
80 Galgorm Road
Ballymena
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From: [REDACTED]

Sent: 13 May 2025 11:00

To: [REDACTED]

Cc: [REDACTED]

Subject: NIEA to SES re transboundary considerations of ammonia and air pollution 13 May 2025

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Hello [REDACTED]

I hope all is well with you.

Please find attached a letter outlining NIEAs position in relation to the use of the revised Operational Protocol in the RoI.

Regards.

[REDACTED]

██████████
Natural Environment Division, Northern Ireland Environment Agency
Department of Agriculture, Environment and Rural Affairs
Clare House,
303 Airport Road West,
Belfast, BT3 9ED

Phone (██████████)



Northern Ireland Environment Agency
Gníomhaireacht Comhshaoil Thuaisceart Éireann
Norlin Airlan Environment Agency



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and Rural Affairs**
www.daera-ni.gov.uk

[Redacted]

Subject: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland
Attachments: APPENDIX 1.pdf; APPENDIX 2.pdf; SES letter to Roi (CoF 300625).pdf

From: [Redacted]
Sent: 01 July 2025 09:41
To: [Redacted]; minister@housing.gov.ie; mos@housing.gov.ie; manager.dau@npws.gov.ie
Cc: [Redacted]

Subject: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

CAUTION – This email has been received from outside the NICS network. If you have any concerns, please report for investigation.

Dear [Redacted],

The Shared Environmental Service seeks urgent clarification on a number of matters relevant to the discharge of obligations under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive').

The letter attached sets out three areas where the views and guidance of the National Parks and Wildlife Service is sought.

I would be much obliged if you can confirm receipt and ensure onward transmission if required.

Kind regards,

[Redacted]

[Redacted]
Principal Environmental Planning Officer
Shared Environmental Service (SES)

Ardeevin
80 Galgorm Road
Ballymena
BT42 1AB



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📠 [Redacted]
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[REDACTED]

1 July 2025

Dear Sirs and Madams,

Re. Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

I write on behalf of the Shared Environmental Service to seek clarification on a number of matters relevant to the discharge of obligations under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive').

Briefly by way of background, you will be aware that the Shared Environmental Service advises district councils in Northern Ireland on the discharge of their functions under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995. Several district councils in Northern Ireland have received applications for planning permission for agricultural development which propose to spread generated agricultural litter and / or manure on sites located in the Republic of Ireland. You will be aware that such landspreading has the potential to impact on features of conservation interest, especially through ammonia emissions and nitrogen deposition. In this context, there is the potential for sites designated under the Habitats Directive in the Republic of Ireland to be adversely affected by landspreading. The Shared Environmental Service is actively considering what its obligations are under domestic law when advising district councils on these matters.

The Shared Environmental Service wrote to the Northern Ireland Environment Agency on 30 May 2025 in connection with these matters seeking its advice (**Appendix 1**). In a response dated 18 June 2025, the Northern Ireland Environment Agency advised, amongst other things, that if there was a need to assess transboundary impacts the

precise scope of such an assessment is *“a matter that Shared Environmental Service would initially need to discuss with relevant authorities in the Republic of Ireland”* (Appendix 2).

The purpose of this letter is to seek your views and guidance on these matters.

I have set out below three areas where your views and guidance is sought.

1. Scope of any obligation to consider transboundary effects

The Shared Environmental Service would benefit from understanding what you consider the duties of competent authorities in Northern Ireland to be when assessing applications of the type described above. I would be grateful, in particular, if you could specify what you consider the obligations placed on competent authorities in Northern Ireland to be under the Habitats Directive.

2. Guidance on the undertaking of any assessment

Assuming that competent authorities in Northern Ireland are under a duty to consider effects on designated sites in Northern Ireland arising from landspreading in the Republic of Ireland, the Shared Environmental Service would benefit from your guidance on how such an assessment should be undertaken. In its letter of 18 June 2025, the Northern Ireland Environment Agency advised that authorities in the Republic of Ireland would be *“best placed to advise about the expectations in the Republic of Ireland regarding impacts of ammonia on its designated sites, current site ammonia levels, how it assesses ammonia impacts, what additional Levels of input would be acceptable at sites, and what consenting or permitting regimes they have in place in relation to land spreading (which may or may not have already undertaken required considerations under the Habitats Directive)”*.

Your assistance on these matters is sought.

Please note that in the experience of the Shared Environmental Service when it consults competent authorities in the Republic of Ireland on specific applications they are unable to provide specific advice on these matters and instead provide high level generic advice around the need to comply with the Habitats Directive.

Whilst the Shared Environmental Service is aware of advice from the statutory nature conservation body in Northern Ireland about how impacts on designated

sites in Northern Ireland should be assessed, it is not aware of any comparable guidance in the Republic of Ireland. I would be grateful if you could refer us to any applicable advice in the Republic of Ireland concerning these matters and to clarify which body or bodies the Shared Environmental Service should consult.

3. Whether adequate arrangements are already in place to address these matters

In its letter of 18 June 2025, the Northern Ireland Environment Agency stated as follows.

“If the Republic of Ireland authorities consider that the arrangements in the Republic of Ireland are capable of being relied on regarding assessment of impacts on Natura 2000 sites within the Republic of Ireland then we consider that such declarations could be used by decision-makers in Northern Ireland to help inform transboundary considerations”.

The Shared Environmental Service would benefit from clarification on whether you consider that arrangements in the Republic of Ireland are, without the need for individual analysis in each case, capable of being relied on to rule out the possibility of any adverse effects arising through landspreading. If this is the case, please briefly explain what such arrangements are and how you can be satisfied of this.

Please note that similar arguments have been made by some in this jurisdiction.

In the context of application reference LA09/2022/0264/F, agents acting on behalf of the applicant for planning permission have argued as follows.

“Approach in the Republic of Ireland (Rol)

Irwin Carr are not currently aware of any policy requirement in Rol that requires the emissions of spreading poultry litter to be included as part of an Air Quality Impact Assessment (AOIA).

Furthermore, it is noted in Article 4 of the Nitrates Regulations 2017 and the 'Code of Good Practice for End-Users of Poultry Litter' that poultry litter is also defined as an organic fertiliser, and not as a 'waste' or 'emission'.

The Nitrates Regulations provide Guidance as to when the organic fertiliser can be applied to land and the associated application rates. These Regulations are enforced by the Department of Agriculture, Food and the Marine (DAFM), as well as the Local Council.

Compliance with the Regulations detailed above will ensure that there will be no significant adverse ammonia impact”.

Your assessment of the above would be appreciated—in particular, is it correct to say that “*compliance with the regulations detailed above will ensure that there will be no significant adverse ammonia impact*”, especially through aerial emissions? Is it the case that the Shared Environmental Service can rule out the possibility of adverse effects in reliance on the legislative and regulatory regime which is in place and enforced by relevant authorities in the Republic of Ireland?

If this is not correct, I would be grateful if you could explain precisely what falls to be assessed by competent authorities in Northern Ireland which is not addressed by the legislative and regulatory regime in the Republic of Ireland.

Conclusion

These are important matters relating to transboundary matters of interest which authorities in Northern Ireland wish to ensure are receiving adequate attention.

You will be aware of relevant international agreements on transboundary matters.

I would appreciate if you could provide me with a response by 14 July 2025 as there are applications in Northern Ireland requiring processing which raise these matters. If you require a further period of time to respond, I would be grateful if you could indicate when you expect to be in a position to respond.

Please note I am copying this letter to officials in the Department for Agriculture, Environment, and Rural Affairs, the Northern Ireland Environment Agency, and the Department of Housing, Local Government and Heritage given the significance of these matters and the need to ensure that they receive adequate attention.

Yours sincerely

[Redacted signature]

[Redacted name]

[Redacted title]

[Redacted contact information]

Please reply to:

□ **Head Office**
The Braid
1-29 Bridge Street
Ballymena BT43 5EJ

□ **Ballymena Office**
Ardeevin
80 Galgorm Road
Ballymena BT42 1AB

□ **Carrickfergus Office**
Museum & Civic Centre
11 Antrim Street
Carrickfergus BT38 7DG

□ **Larne Office**
Smiley Buildings
Victoria Road
Larne BT40 1RU

□ **Planning Office**
Silverwood Business Park
190 Raceview Road
Ballymena, BT42 4HZ

Interim Chief
Executive
Valerie Watts

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland
Date: 08 July 2025 11:29:43
Attachments: [image006.jpg](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

Hello [REDACTED] et al.

Thank-you for your consideration of this matter which as [REDACTED] has articulated is urgent and relates to several live applications. I concur with his desire to have a swift response as soon as is possible.

If you need to discuss any issues arising with the Northern Ireland Environment Agency (an agency within the Department of Agriculture Environment and Rural Affairs) would you please engage with myself, and I would be happy to facilitate.

Regards

[REDACTED]

[REDACTED]
Natural Environment Division, Northern Ireland Environment Agency
Department of Agriculture, Environment and Rural Affairs
Clare House,
303 Airport Road West,
Belfast, BT3 9ED

Phone [REDACTED]



From: [REDACTED] <[REDACTED]@midandeantrim.gov.uk>
Sent: 02 July 2025 12:25
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

CAUTION – This email has been received from outside the NICS network. If you have any concerns, please report for investigation.

From: [REDACTED] <[REDACTED]@npws.gov.ie>
Sent: 01 July 2025 16:59
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

Caution: This email originated from outside our organisation. Do not click links, open attachments, or enter any details unless you recognise the sender and know the content is safe.

Good evening [REDACTED].

I am confirming receipt of your correspondence here within the Development Applications Unit (DAU).

I have engaged with relevant professional staff within NPWS whom are considering your letter.

NPWS request that an extension to the response timeframe is given to 31st of July 2025.

Kind regards,

[REDACTED]

From: [REDACTED] <[REDACTED]@midandeantrim.gov.uk>
Sent: Tuesday 1 July 2025 09:41
To: [REDACTED]
Subject: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

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Dear [REDACTED],

The Shared Environmental Service seeks urgent clarification on a number of matters relevant to the discharge of obligations under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ("the Habitats Directive").

The letter attached sets out three areas where the views and guidance of the National Parks and Wildlife Service is sought.

I would be much obliged if you can confirm receipt and ensure onward transmission if required.

Kind regards,

[REDACTED]

[REDACTED]
Principal Environmental Planning Officer
Shared Environmental Service (SES)



Ardeevin
80 Galgorm Road
Ballymena
BT42 1AB

[REDACTED]
[REDACTED]
[REDACTED] @midandeantrim.gov.uk
www.midandeantrim.gov.uk

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1

[Redacted]

Subject: FW: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

From: [Redacted]
Sent: 14 October 2025 10:13
To: [Redacted]

Subject: RE: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

CAUTION – This email has been received from outside the NICS network. If you have any concerns, please report for investigation.

[Redacted]

We have received nothing substantive to date.

Kind regards,

[Redacted]

[Redacted]
Principal Environmental Planning Officer
Shared Environmental Service (SES)

 [Redacted]
 [Redacted]
 [Redacted]

From: [Redacted]
Sent: 09 October 2025 13:27
To: [Redacted]

Subject: RE: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

Caution: This email originated from outside our organisation. Do not click links, open attachments, or enter any details unless you recognise the sender and know the content is safe.

Hello [Redacted]
Have you received a response from NPWS yet?
[Redacted]

[Redacted]
Natural Environment Division, Northern Ireland Environment Agency
Department of Agriculture, Environment and Rural Affairs
Clare House,
303 Airport Road West,
Belfast, BT3 9ED

[Redacted]



From: [Redacted]
Sent: 01 September 2025 13:29
To: [Redacted]
Cc: [Redacted]

Subject: RE: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

[Redacted]

I write further to your email of 11 August.

I would appreciate if you could provide me with an update on when you expect a response to be issued.

We are receiving a number of requests about the progress of this matter.

Kind regards,

[Redacted]

[Redacted]
Principal Environmental Planning Officer
Shared Environmental Service (SES)

[Redacted]
[Redacted]
[Redacted]

From: [Redacted]
Sent: 11 August 2025 15:09
To: [Redacted]
Cc: [Redacted]

Subject: RE: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

[Redacted]

Thank you. I would be grateful if you could keep me updated on progress.

Kind regards,

[REDACTED]
Principal Environmental Planning Officer
Shared Environmental Service (SES)



From: [REDACTED]

Sent: 11 August 2025 14:15

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

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[REDACTED]

I reviewed your request last week and noted that since several of your questions relate to providing interpretations of legal responsibilities in NI and Ireland and secondly relate to expressing opinions as to the adequacy of our own assessment processes, I need to discuss our response with colleagues in our legal advisory team.

The timing of your query has coincided with periods of staff leave so it has been difficult to get everyone in the same room, as it were.

I appreciate that there are a number of live applications in this jurisdiction and will get back to you as soon as I can. I appreciate your patience in this matter.

[REDACTED] **CEcol, CEnv**
Head of Ecological Guidance and Advisory Unit

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreacht
An tSeirbhís Páirceanna Náisiúnta agus Fiadhúlra
Department of Housing, Local Government and Heritage
National Parks and Wildlife Service
90 Sráid an Rí Thuaidh, Margadh na Feirme, Baile Átha Cliath 7, D07 N7CV
90 North King Street, Smithfield, Dublin 7, D07 N7CV

[REDACTED]

www.housing.gov.ie



From: [REDACTED]

Sent: Monday 11 August 2025 13:40

To: [REDACTED] Housing Minister <MINISTER@housing.gov.ie>; Housing Mos <MOS@housing.gov.ie>

Cc: [REDACTED]

Subject: RE: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

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Dear [REDACTED],

Thank you for your recent email where I note that you hoped to be in a position to respond to my letter by the end of last week.

I would be grateful if you could provide an update on when a response is expected to be issued.

You will appreciate as previously indicated that the issues raised are relevant to the determination of a number of live applications in this jurisdiction.

Kind regards,

[REDACTED]

[REDACTED]
Principal Environmental Planning Officer
Shared Environmental Service (SES)

 [REDACTED]
 [REDACTED]
 [REDACTED]

From: [REDACTED]

Sent: 04 August 2025 09:47

To: Housing Manager DAU <Manager.DAU@npws.gov.ie>; [REDACTED]; Housing Minister <MINISTER@housing.gov.ie>; Housing Mos <MOS@housing.gov.ie>

Cc: [REDACTED]
[REDACTED]

Subject: RE: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

Dear [REDACTED],

I trust you are well.

I refer to my letter to you of 1 July and your reply of the same date indicating that a substantive response would be provided by 31 July.

I would be grateful if you could provide me with an update on when a substantive response will be issued. Whilst I appreciate that these matters are complex, they raise issues relating to live applications which require timely consideration by the relevant authorities in this jurisdiction.

Kind regards,

[REDACTED]

[REDACTED]
Principal Environmental Planning Officer
Shared Environmental Service (SES)

 [REDACTED]
 [REDACTED]
 [REDACTED]

From: [REDACTED]
Sent: 02 July 2025 12:25
To: Housing Manager DAU <Manager.DAU@npws.gov.ie>; [REDACTED]; Housing Minister <MINISTER@housing.gov.ie>; Housing Mos <MOS@housing.gov.ie>
Cc: [REDACTED]
Subject: RE: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

Dear [REDACTED],

Thank you for your email and your timely consideration of this important matter.

You will be aware from my letter that these matters have arisen in the context of a number of live applications for planning permission and carry with them a degree of urgency as a result.

Several individuals, including applicants and elected representatives, have asked the Shared Environmental Service to ensure that these matters are dealt with as swiftly as possible.

I appreciate, however, the complexity of these matters and note that you may not be in a position to respond until 31 July 2025. If a reply could be issued before then I would of course be ever grateful but await a reply by no later than 31 July 2025 if that does not prove possible.

Kind regards,

[REDACTED]

[REDACTED]
Principal Environmental Planning Officer
Shared Environmental Service (SES)

 [REDACTED]
 [REDACTED]
 [REDACTED]

From: Housing Manager DAU [REDACTED]
Sent: 01 July 2025 16:59
To: [REDACTED] Housing Minister <MINISTER@housing.gov.ie>; Housing Mos <MOS@housing.gov.ie>; Housing Manager DAU <Manager.DAU@npws.gov.ie>
Cc: [REDACTED]
Subject: RE: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

Caution: This email originated from outside our organisation. Do not click links, open attachments, or enter any details unless you recognise the sender and know the content is safe.

Good evening [REDACTED]

I am confirming receipt of your correspondence here within the Development Applications Unit (DAU).

I have engaged with relevant professional staff within NPWS whom are considering your letter.

NPWS request that an extension to the response timeframe is given to 31st of July 2025.

Kind regards,

[REDACTED]

From: [REDACTED] >

Sent: Tuesday 1 July 2025 09:41

To: [REDACTED]; Housing Minister <MINISTER@housing.gov.ie>; Housing Mos <MOS@housing.gov.ie>; Housing Manager DAU <Manager.DAU@npws.gov.ie>

Cc: [REDACTED]

Subject: Transboundary considerations concerning the impact of the spreading of agricultural litter and manure on designated sites in the Republic of Ireland

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Dear [REDACTED],

The Shared Environmental Service seeks urgent clarification on a number of matters relevant to the discharge of obligations under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive').

The letter attached sets out three areas where the views and guidance of the National Parks and Wildlife Service is sought.

I would be much obliged if you can confirm receipt and ensure onward transmission if required.

Kind regards,

[REDACTED]

Principal Environmental Planning Officer
Shared Environmental Service (SES)

Ardeevin
80 Galgorm Road
Ballymena
BT42 1AB



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**Mid & East
Antrim**
Borough Council

[Redacted]

[Redacted]

Northern Ireland Environment Agency
17 Antrim Road
Tonagh, Lisburn
Antrim BT28 3AL

([Redacted])

[Redacted]

[Redacted]

Department of Agriculture, Environment and Rural Affairs
Clare House
303 Airport Road West
Belfast BT3 9ED

([Redacted])

[Redacted]

[Redacted]

Department for Infrastructure
James House
2 - 4 Cromac Avenue
Belfast BT7 2JA

([Redacted])

13 November 2025

Dear all,

Re. Delay in the progression of advice on the consideration of transboundary advice in connection with the assessment of environmental implications of landspreading in the Republic of Ireland

I write on behalf of the Shared Environmental Service which, you will be aware, advises district councils in Northern Ireland on the discharge of their functions under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 of which you will have an interest. I write in order to provide you with an update on important matters of transboundary environmental importance which are having an impact on the progression of planning applications and require your attention.

Briefly by way of background, several district councils in Northern Ireland have received applications for planning permission for agricultural development which propose to spread generated agricultural litter and / or manure on sites located in the Republic of Ireland. You will be aware that such landspreading has the potential to impact on features of conservation interest, especially through ammonia emissions and nitrogen deposition. In this context, there is the potential for sites designated under the Habitats Directive in the Republic of Ireland to be adversely affected by landspreading. The Shared Environmental Service is actively considering what its obligations are under domestic law when advising district councils on these matters and has taken, and continues to take, legal advice from [REDACTED]

Notably, a letter was sent to the Northern Ireland Environment Agency, in its capacity as statutory nature conservation body, on 30 May 2025 seeking its views on a number of key issues (Appendix 1). In a response dated 18 June 2025, the Northern Ireland Environment Agency advised, amongst other things, that some of the matters raised were ones that *“the Shared Environmental Service would initially need to discuss with relevant authorities in the Republic of Ireland”* (Appendix 2). Following on from this advice, a letter was sent to authorities in the Republic of Ireland on 1 July 2025, seeking their views on relevant matters (Appendix 3). Despite multiple chasers having been sent, no substantive reply has issued by authorities in the Republic of Ireland. The questions are unanswered.

The absence of a response on these important issues is delaying the progression of a large number of applications for planning permission. I have reason to believe that a large number of agri-food applications, which will likely be of significant value to the regional economy, are likely to be made in the near future and if these matters are not resolved, these applications will also likely be held up.

The Shared Environmental Service has received, and continues to regularly receive, requests for updates from elected officials, including MLAs and MPs. You will be aware of the criticisms levelled by several bodies of delays in the planning system.

The matters raised by the Shared Environmental Service are important ones that raise transboundary matters of interest. They require very careful examination.

You will, of course, be aware of relevant agreements which are in place to ensure that transboundary consultations of this nature are responded to in a timely manner, including, most notably, the Espoo Convention on Environmental Assessment in a Transboundary Context (25 February 1991).

The Shared Environmental Service considers that, at this stage, it has exhausted the avenues open to it to receive a timely response from authorities in the Republic of Ireland on these matters. I am, accordingly, writing to each of you for assistance in raising these matters with the relevant ministers and officials to enable them to progress to a conclusion. Specifically, I am requesting that:

- (1) [REDACTED] write to their counterparts in the Republic of Ireland flagging this issue and requesting that a timely response is issued to the letter sent by the Shared Environmental Service on 1 July 2025.
- (2) In the absence of, or in addition to, step (1), relevant officials engage with counterparts in the Republic of Ireland on the same basis.

The Shared Environmental Service is concerned about the ongoing delay in resolving these matters and considers that they are matters which call for regional attention.

I stand ready to meet with or assist any of you in your response to this matter and look forward to hearing from you at your earliest convenience.

I have copied relevant officials into this correspondence.

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

Shared Environmental Service

Please reply to:

□ **Head Office**
The Braid
1-29 Bridge Street
Ballymena BT43 5EJ

□ **Ballymena Office**
Ardeevin
80 Galgorm Road
Ballymena BT42 1AB

□ **Carrickfergus Office**
Museum & Civic Centre
11 Antrim Street
Carrickfergus BT38 7DG

□ **Larne Office**
Smiley Buildings
Victoria Road
Larne BT40 1RU

□ **Planning Office**
Silverwood Business Park
190 Raceview Road
Ballymena, BT42 4HZ

Interim Chief
Executive
Valerie Watts

Tel: 0300 1245 000

www.midandeantrim.gov.uk

Your Reference:

Our Reference: [REDACTED]

Chief Executive's Office

NIEA Lisburn

17 Antrim Road

Tonagh

Lisburn

BT28 3AL

11 December 2025

Telephone: [REDACTED]

Email: [REDACTED]

Dear [REDACTED]

**DELAY IN THE PROGRESSION OF ADVICE ON THE CONSIDERATION OF
TRANSBOUNDARY ADVICE IN CONNECTION WITH THE ASSESSMENT OF
ENVIRONMENTAL IMPLICATIONS OF LANDSPRAEDING IN THE REPUBLIC OF
IRELAND.**

Thank you for your letter of 13 November outlining the background to this issue and noting that Shared Environmental Service considers that it has exhausted the avenues open to it to receive a timely response from authorities in the Republic of Ireland (RoI) on this matter. I note the concern about associated delays, concerns which are shared by the Department. The delays are having an impact on a number of farming families in Northern Ireland.

On the basis that authorities in Ireland cannot be compelled to respond to the SES consultation that has taken place, and a response has not been received, NIEA believes planning authorities could make a determination on current cases based on the available information.

To progress this issue without further delay SES could proceed to complete its Habitat Regulations Assessments and consider associated transboundary impacts based on the information it has. If authorities in the RoI do not respond to any associated consultation issued by local planning authorities or SES, the local planning authority could proceed to make a determination, taking into account the Habitat Regulations Assessment undertaken by SES.



Officials will continue to engage with Rol counterparts about these matters and will update you on any significant matters arising.

Yours sincerely,

[Redacted signature]

[Redacted name]

[Redacted title]

CC.

[Redacted name]

[Redacted name]

DAERA

[Redacted name]

[Redacted name]

Governance and Legislation

Department for Infrastructure



From: DAERA NIEA Coordination <NIEACoordination@daera-ni.gov.uk>

Sent: 11 December 2025 13:05

To: [REDACTED]@midandeastantrim.gov.uk

Cc: [REDACTED]@daera-ni.gov.uk>; [REDACTED]
[REDACTED]@infrastructure-ni.gov.uk>

Subject: FW: Delay in the progression of advice on the consideration of transboundary advice in connection with the assessment of environmental implications of landspreading in the Republic of Ireland - CEQ 153-25.

[REDACTED]

Please find attached a response from [REDACTED], NIEA Chief Executive, to the email below.

The reference for this is CEQ 153 – 25.

Kind regards,

[REDACTED]

NIEA Coordination Team

Chief Executive's Office

NIEA Northern Ireland Environment Agency
Gníomhaireacht Comhshaoil Thuaisceart Éireann
www.daera-ni.gov.uk | Norlin Airlan Environment Agency

 An Agency within the Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk

Gníomhaireacht de chuid na Roinne
**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

An Agency w/in the Department o
**Fairmin, Environment
an' Kintra Matters**

From: [REDACTED]@midandeastantrim.gov.uk

Sent: 13 November 2025 09:37

To: [REDACTED] (NIEA) >; [REDACTED] (DAERA) < >; [REDACTED] < >
Cc: DFI Perm Sec < >; [REDACTED] (Housing < >; Housing Minister < >; Housing Mos
<MOS@housing.gov.ie>; [REDACTED] (Housing) < >; [REDACTED]
(DAERA – Perm Sec) [REDACTED]
[REDACTED]; DAERA Planning Response Team <PlanningResponse.Team@daera-
ni.gov.uk> [REDACTED]
[REDACTED]

Subject: Delay in the progression of advice on the consideration of transboundary advice in connection with the assessment of environmental implications of landspreading in the Republic of Ireland

Dear [REDACTED],

Please find attached an update on important matters of transboundary environmental importance which are having an impact on the progression of planning applications and require your attention.

Kind regards,

[REDACTED]

Principal Environmental Planning
Officer

Shared Environmental Service (SE
S)

Ardeevin
80 Galgorm Road

Ballymena
BT42 1AB



[REDACTED]
[REDACTED]

✉ [REDACTED]@midand
eastantrim.gov.uk

🌐 www.midandeastantrim.gov.uk

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