

Reference Number: DAERA/26-272
Request Details:
Copy of draft Appropriate Assessment



Department of
**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department of

**Fairmin, Environment
an' Kintra Matthers**

www.daera-ni.gov.uk

Northern Ireland Environment Agency
Water Regulation and Enforcement
Division

[REDACTED]
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Water Regulation
NIEA
17 Antrim Road
Lisburn
Tonagh
BT28 3AL

By email at: [REDACTED] >

E-mail:
Wateregulationcorrespondence@daera-ni.gov.uk

13 May 2026

Dear [REDACTED]

Environmental Information Regulation 2004

I refer to your request for information received by the Department on 14 April 2026 as detailed below.

As detailed at point 9 of your letter of the 14th April:

...a copy of the draft HRA(s) referred to in NIEA's 10 February 2026 letter. If NIEA now asserts no such draft exists, NIEA must explain in writing how its 10 February statement could properly have been made.

Under Regulation 12(4)(a) the Department is excepted from the duty to disclose the information on the grounds that the information sought is not held.

The Department has previously advised that we do not hold the information requested i.e. a draft Appropriate Assessment (draft HRA):

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1. The use of the word 'publish' in our letter of the 10th February 2026 was not intended to infer that the document(s) existed nor that they were ready to share publicly. The letter outlined NIEA's then intention to do so, once they had been prepared. We apologise if this language has created any confusion regarding the status or existence of any such documents.
2. Both para 3(8) of Schedule 1 of the Water (NI) Order 1999 and regulation 17(4) of the Water Abstraction and Impoundment (Licensing) Regulations (NI) 2006 are explicit that the report of the Commission on the public local inquiry shall be considered in making any decision on the application which has been referred.
3. As we have outlined, it is NIEA's intention to prepare a full and comprehensive Appropriate Assessment in line with the requirements of para 45 of the Conservation (Natural Habitats etc) Regulations (NI) 1995 upon receipt of the report from the Commission in respect of the Public Local Inquiry.
4. NIEA consider therefore that this would be the proper juncture at which the Appropriate Assessment should be undertaken. To do so before this point would, in our view, now be premature, since the Appropriate Assessment will then be able to be informed by the Commission's report on the representations made in respect of the Abstraction and Consent applications, which now include the latest material from the applicant submitted as part of its transboundary Statement of Evidence.
5. NIEA also reserve the right to consider whether it will be appropriate to seek views from the public under para 43(4) Conservation (Natural Habitats etc) Regulations (NI) 1995 in undertaking the Appropriate Assessment.
6. The matter of whether a draft Appropriate Assessment should be before the Public Local Inquiry is a matter of debate during the proceedings and we await further advice from the Commission in this regard.
7. Finally, you are reminded that draft tests of likely significance (ToLS) (the first stage of the habitats regulation appropriate assessment process) were appended to NIEA's Statements of Case and this information is in evidence in the public inquiry and in the public domain. They can be viewed on the NIEA website at <https://www.daera-ni.gov.uk/articles/public-inquiry-dalradian-goldmine-applications-discharge-consent-and-abstraction-impoundment-licence>.

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If you require any clarification, believe that any part of your request has been overlooked, misunderstood or misinterpreted, please contact me in the first instance to see if it is a matter that can be resolved.

If you are unhappy with the manner in which your request for information has been handled or the decision to release/withhold information, you have the right to request a formal review by the Department. If you wish to do so, please contact The Review Section either by e-mailing daera.informationmanager@daera-ni.gov.uk or by post at The Department of Agriculture, Environment and Rural Affairs, Data Protection & Information Management Branch, Floor 2, Jubilee House, 111 Ballykelly Road, Ballykelly, Limavady BT49 9HP, within two months from the date of this letter.

If after such an internal review you are still unhappy with the response, you have the right to appeal to the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, CHESHIRE SK9 5AF, who will undertake an independent review of the Department's decision.

Yours sincerely,

Water Regulation Unit
Northern Ireland Environment Agency

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