

Planning Response Team  
Klondyke Building  
Cromac Avenue  
Gasworks Business Park  
Lower Ormeau Road  
Belfast BT7 2JA  
Telephone: 028 9056 9604

Date: 01 March 2021

Dear Sir/Madam,

**Planning Application Ref.:** LA11/2019/1000/F

**Location:** Adjoining 89 Woodend Road Ballymagorry  
through townlands of Ballymagorry  
Woodend  
Milltown  
Ballee  
Holly-hill  
Kennaghan  
Owenreagh  
Knockanbrack  
Lagvittal  
Knocklnarvoer  
Craignagapple  
Lagavadder  
Ballykeery  
Craigatuke  
Meendamph  
Balix Upper  
Letterbrat  
Glencoppogagh (Main Portion)  
Aghalane and Lisnacreaght ending at 681m NW of 24  
Meenadoo Road Culvacullion Gortin.

**Proposal:**

33kV power line involving both construction of above ground 33kV overhead line supported by wooden poles and underground 33kV cable laid below ground level in ducts, to serve Curraghinalt mine (currently under consideration planning application LA10/2017/1249/F). 33kV connection is c37.9 km in length, comprising of c26.9 km of overhead line supported by single and double wooden pole sets and c11 km of underground cabling.

c 22.8 km of the powerline is within the Derry City & Strabane District Council area comprising of c 18.7km of overhead line supported by single and double wooden pole sets and c 4.1 km of underground cabling.

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If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



Thank you for your consultation on the above which was received by the Department on 08/01/2021.

This letter provides a single combined response for your consultation request across all of DAERA's area of environmental responsibility. Summary comments in relation to the reason for consultation are provided in the table below at Annex A, and, where appropriate, more detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on DAERA's position with regard to other environmental matters. It is the responsibility of the planning authority to ensure that all risks to the environment and requirements under environmental legislation and planning policy have been considered.

This advice and guidance will enable you to identify and consider if there are other potential risks to the environment due to impacts from the construction and operation of the proposed development and also its location.

In addition, we would also refer you to DAERA's published advice and guidance on development proposals where there is potential for effects on the natural and marine environments and fisheries interests, available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planning>.

As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

## **Planning Response Team**

**On behalf of DAERA**

**Email: [planningresponse.team@daera-ni.gov.uk](mailto:planningresponse.team@daera-ni.gov.uk)**

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## Annex A

<b>Advice Provided By:</b>	<b>Summary</b>
<b>Marine and Fisheries Division</b>	Marine and Fisheries Division refers to previous advice on this application and has no further comment to make.
<b>Water Management Unit and Inland Fisheries</b>	Water Management Unit notes the Planning Case Officers reason for consultation and would provide the following advice.
<b>Drinking Water Inspectorate</b>	Previous response remains valid.
<b>Regulation Unit</b>	A request for information has been received to inform an Environmental Statement to be prepared in support of this application. Regulation Unit (RU) Land and Groundwater Team note that the planned works may encounter areas of contaminated land. A Contaminated Land Risk Assessment should be completed for this application to inform necessary mitigating measures.
<b>Industrial Pollution &amp; Radiochemical Inspectorate</b>	This is not a development that is regulated by IPRI.
<b>Natural Environment Division</b>	NED provides the following information to assist NIE Networks in preparing an Environmental Statement for the two Dalradian connection powerline sections which are located within the Derry City & Strabane District Council and Fermanagh & Omagh District Council areas.

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## **Drainage & Water**

### **Planning Reference No.:**

**LA11/2019/1000/F**

33kV power line involving both construction of above ground 33kV overhead line supported by wooden poles and underground 33kV cable laid below ground level in ducts, to serve Curraghinalt mine (currently under consideration planning application LA10/2017/1249/F). 33kV connection is c37.9 km in length, comprising of c26.9 km of overhead line supported by single and double wooden pole sets and c11 km of underground cabling. c 22.8 km of the powerline is within the Derry City & Strabane District Council area comprising of c 18.7km of overhead line supported by single and double wooden pole sets and c 4.1 km of underground cabling. Adjoining 89 Woodend Road Ballymagorry through townlands of Ballymagorry Woodend Milltown Ballee Holly-hill Kennaghan Owenreagh Knockanbrack Lagvittal Knock Inarvoer Craignagapple Lagavadder Ballykeery Craigatuke Meendamp Balix Upper Letterbrat Glencoppogagh (Main Portion)Aghalane and Lisnacreaght ending at 681m NW of 24 Meenadoo Road Culvacullion Gortin.

### **Section Reference:**

**GQ727**

### **Summary:**

A development must not impact on either the quality or sufficiency of a private water supply. The Drinking Water Inspectorate (DWI) has assessed the information provided in relation to this application and is content that our previous response remains valid.

## **Coastal Development**

### **Considerations**

Marine and Fisheries Division refers to previous advice on this application and has no further comment to make.

## **Water Management Unit & Inland Fisheries**

**Planning Reference No.:** LA11/2019/1000/F

**Section Reference:** WMU/PC/ 31711-2

Water Management Unit notes the Planning Case Officers reason for consultation and would provide the following advice.

### **Baseline environmental information**

Water quality baseline information can be obtained by sending a specific request to the following address: [waterinfo@daera-ni.gov.uk](mailto:waterinfo@daera-ni.gov.uk)

Water Management Unit would direct the attention of the applicant / agent to all the Agency's Standing Advice guidance documents.

**All standing advice referred to in this response unless otherwise stated can be found at the following link [www.daera-ni.gov.uk/water-environment-standingadvice](http://www.daera-ni.gov.uk/water-environment-standingadvice)**

The following DAERA Standing Advice in relation to the aquatic environment will be particularly relevant to this application:

- DAERA Standing Advice Pollution Prevention Guidance
- DAERA Standing Advice Discharges to the Water Environment
- DAERA Standing Advice Abstractions and Impoundments.
- DAERA Standing Advice Sustainable Drainage Systems

### **General Scoping Guidance**

It is imperative that all potential impacts are adequately identified, assessed and appropriately mitigated.

Best practice and appropriate mitigation must be applied in accordance with NIEA's published pollution prevention guidance.

Potential impacts on the water environment can specifically be defined as:

- Impacts on Groundwater;
- Impacts on Surface water;
- Impacts on Hydromorphology.

More information on these potential impacts is given below, however this list should not be considered as exhaustive **or applicable to every project.** Each project should be scoped on a **case by case basis.**

## **Impacts on Groundwater**

NIEA Water Management Unit would like to advise that groundwater matters are now dealt with through Land and Groundwater Team of Regulation Unit of the Northern Ireland Environment Agency. All issues relating to groundwater for this application will fall under their remit.

In accordance with the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 (as amended) it is a mandatory requirement that upon the abstraction and/or diversion and/or impoundment of water from the natural river channel/lake, coastal or groundwater sources, an abstraction/impoundment licence should be obtained unless the operations specified are Permitted Controlled Activities. The applicant should refer and adhere to DAERA Standing Advice Abstraction and Impoundment.

The discharge of water from a dewatering operation will require consent to discharge, under the Water (Northern Ireland) Order 1999. The applicant should refer and adhere to DAERA Standing Advice Discharges to the Water Environment.

## **Impacts on Surface Water**

The following potential surface water impacts should be considered:

- The mobilisation of sediments due to storm water runoff from excavated/cleared areas or soil stockpiles;
- Spillages of oils/fuels/cement/chemicals or other pollutants;
- Landslide/bog burst due to works on steep slopes;
- Discharge of contaminated groundwater into surface waters;
- Discharge of effluent containing potentially polluting substances or at an inappropriate temperature;
- Unregulated surface water abstractions or discharges;
- Any works within / near water;
- The disposal of sewage from the site both during the construction and operational phases;
- The disposal of storm water from the site both during the construction and operational phases;

Water Management Unit recommends the applicant refers and (where appropriate) adheres to the precepts contained in DAERA Standing Advice Sustainable Drainage Systems.

The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Discharges to the Water Environment.

## **Impacts on Hydromorphology**

- The following potential hydromorphological impacts should be considered:
- The permanent or temporary diversion of watercourses;
- New, or alterations to existing, crossing structures such as culverts and bridges;
- New or altered structures impacting on a waterway .e.g. Jetties, piers, outfall structures, bank reinforcements;
- Loss of river continuity;
- Dredging or any physical modifications of a waterway;

A hydromorphology guidance booklet can be downloaded from the following webpage which the applicant may find useful.

<https://www.daera-ni.gov.uk/publications/surface-water-alterations-handbook>

Where culverting is proposed as part of the development the applicant should refer and adhere to the precepts contained in DAERA Standing Advice Culverting.

## **Pollution Prevention**

Any 'waterway' as defined by the 'Water (NI) Order 1999' poses a constraint to any construction project. The perceived risks to any waterway during the pre-construction, construction and operational phases are mainly from suspended solids, concrete, cement/grout and oil or fuel. Mitigation measures should be in place to prevent generation or entry of any pollutants (particularly those listed above) to any waterway as defined by the Water (NI) Order.

Consideration must be given at preliminary planning and design stages to ensure that impact on the receiving water environment during construction phase are minimised. The perceived risks identified and associated mitigation measures should be addressed.

NIEA Water Management Unit **MUST BE** consulted about any work to be conducted in, near or liable to affect any waterway in order to agree a method statement with the contractors prior to the commencement of any works.

Consideration should be given to the provision of an Outline Construction Method Statement / Method of Works Statements, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999. (See Further Proposal Specific Guidance below).

Provision of the Outline Construction Method Statement / Method of Works Statements, for works in, near or liable to affect any waterway, must demonstrate that best practice and appropriate mitigation will be applied during the construction, deconstruction and operational phases of the application. This should include pollution prevention measures to protect groundwater and other waterways.

Best practice and appropriate mitigation must be applied in accordance with NIEA's published pollution prevention guidance.

Construction Method Statements / Method of Works Statements should:

- Identify the perceived risks to a waterway e.g. from cement, concrete, grout, fuels/ oil/ hydrocarbons and suspended solids,
- Identify potential pollution pathways,
- Identify the mitigation measures employed to minimise the risk of pollution to any waterway (as defined by the Water (NI) Order 1999) e.g.
- Safe refuelling, handling and storage practices for earth stockpiles and secondary containment for chemicals, oil, fuels etc.
- Emergency spill procedures should be addressed and should include the NIEA pollution hotline 0800 80 70 60 and the associated time frames for contact in event of a spill / pollution. For example "any spillages / pollution incidents should be reported to the NIEA water pollution hotline within 30 minutes of the incident occurring unless it is not safe to do so"

Construction Method Statements / Method of Works Statements must demonstrate adherence of working practices to the precepts contained in relevant Pollution Prevention Guidelines (PPG's). e.g. PPG5 Works in, near or liable to affect watercourses and PPG6 Working at Demolition and Construction sites.

The applicant should note it is best practice that all works are carried out in the dry. To that end any works should be constructed 'off-line' to stop the need for any 'in water' works.

The applicant should note the definition of a 'waterway' as defined under the NI Water Order:

*"Waterway" includes any river, stream, watercourse, inland water (whether natural or artificial) or tidal waters and any channel or passage of whatever kind (whether natural or artificial) through which water flows*

*In this Order any reference to a waterway includes a reference to the channel or bed of a waterway which is for the time being dry.*

The applicant should refer and adhere to all the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance.

Water Management Unit's Pollution Prevention Team will be happy to advise on Construction Method Statements / Method of Work Statements or to provide any other pollution prevention advice the applicant requires. [nieapollutionprevention@daera-ni.gov.uk](mailto:nieapollutionprevention@daera-ni.gov.uk)

**Water Framework Directive**

Water quality baseline information can be obtained from NIEA's online information request web viewer:

<https://www.daera-ni.gov.uk/articles/information-requests>

The Water Framework Directive (WFD) requires us to protect the status of water bodies from deterioration, and where necessary and practicable, to restore water bodies to good status/good ecological potential. This may involve habitat enhancement work for any area requiring in river work.

We would like to ensure that any emissions from the construction and associated surface level works do not cause any deterioration or affect the possibility of achieving Good Status, or High Status for individual elements where appropriate, in the river water body and any other receiving water bodies downstream.

Mitigation measures must be in place to protect the water body and surrounding water bodies from any discharge into them that may damage ecological status. Measures must be in place to ensure that the WFD objectives for the water body are not compromised nor the WFD objectives in other downstream water bodies in the same and other catchments. Potential threats include increases in sedimentation, pollution from drainage and surface water runoff from storage / treatment areas and surrounding access roads.

Further information can be found at:

<https://www.daera-ni.gov.uk/topics/water/river-basin-management>

### **Further Proposal Specific Guidance**

Water Management Unit notes the Outline construction Environment Management Plan (OCEMP) and would make the following comments.

Water Management Unit notes this an outline CEMP and welcomes the commitment that a final CEMP will be required and will need to be agreed with NIEA.

River crossing methods both overhead and underground needs to be fully detailed including method statements for both HDD and the use of open cut employing coffer dams.

Stockpiles – best practice management must be applied and stockpiles should be at least 10 meters from any watercourse. (Any mitigation methods used to prevent pollution from suspended solids from surface water runoff must be maintained after drilling until such times as there is no longer a threat to the aquatic environment (e.g. re-vegetation has taken place).

Vegetative buffer zones mentioned as a measure for pollution of prevention of the watercourses on site need to be a min of 10 meters. The applicant will need to take into account conditions on the ground including typography and ensure that any buffer zone is suitable for the task in hand.

Contingency plan/mitigation – States that a method statement outlining a procedure for conducting any emergency “clean-up” operation in Appendix G however there is only a flow chart for Environmental Incident Reporting Process is present. Water Management Unit are not clear if this Appendix is incomplete. Mitigation should be detailed in a contingency plan.

All environmental incidents regardless of time of day must be reported to the NIEA Water Pollution Hotline (0800 80 70 60) within 30 minutes of the incident occurring unless it is not safe to do so. The water pollution hotline is a 24hour 365 day service

Water Management Unit notes the Water Quality Screening Assessment and would make the following comments.

The applicant has identified the five waterbodies in which this proposal is to be located along with their associated Water Framework Directive (WFD) status. The status quoted is the 2015 status. The applicant should note that the most up to date status is 2018 (and the status for two waterbodies has changed) this can be viewed at <https://gis.daera-ni.gov.uk/arcgis/apps/webappviewer/index.html?id=7e234827aa7a405d990359aa92c7c287>

Water Management Unit would request that any future consultation clearly has demonstrated / considered the following:

- How surface water will be dealt with at the site during the construction phase. The destination of all site drainage must clearly identified. (It should be noted that any mitigation methods used to prevent pollution from suspended solids from surface water runoff must be maintained after all works until such times as there is no longer a threat to the aquatic environment (e.g. re-vegetation has taken place)).
- Clear details of all proposed works in, near or liable to affect a watercourse
- Table 2.1: Location of Specific Underground Cable Construction Methodologies in the Water Screening Assessment gives details of watercourses that are to be crossed underground using various locations. Water Management Unit requests that six figure Irish Grid References are given for each of 14 proposed locations. It would also be helpful if drawings could be supplied with the waterways to be crossed shown in colour. Water Management Unit would request that similar details are also supplied for the proposed crossings over the Owenkillew River and Glennelly that are to be completed by drone.
- Has demonstrated compliance with all the relevant precepts contained in Standing Advice Pollution Prevention Guidance, and that best practice and appropriate mitigation is to be applied during the construction, operation and decommissioning phases.

- Has considered if any of the works particularly excavations will require dewatering and how any resultant waters will be disposed of.
- If available at this stage, the type of any drilling muds / fluids to be used and disposed of including the relevant Material Safety Data Sheets for same. The applicant must ensure that all drill operatives are aware of, and that they adhere to, all the relevant precepts contained in GPP 26: Safe storage of Drums and Intermediate Bulk Containers (IBCs)
- Clarification of the source of any water used in the preparation of the drilling muds / fluids.
- Details of the mud recycling system to be used. (Water Management Unit would encourage the use of a closed loop system for drilling fluids. The operator will need to ensure sufficient mitigation measures are in place to ensure there are no unregulated discharges to the aquatic environment. The applicant must ensure that all aspects of the close loop system are subject to a regular inspection and maintenance regime. All containers/equipment etc. must be stored in an area that allows regular inspection and the early detection of any leaks or spills).
- Full details of all the mitigation methodologies to be used to prevent the escape of muds / fluids at the drilling sites.
- Drawing showing approximate dimensions and the relative position to each other of all structures / equipment to be used during the HDD including tunnel entry and exit points, launch and receiver pits etc.
- An outline method statement for HDD activities
- An outline method statement to include details of the coffer dams including construction and details of how and to where any waters will be removed.
- Consideration should also be given to
  1. The direct removal from site of any spoil from the formation of any pits or other excavations that would be in excess of that needed for any restoration.
  2. Transmission and reception pits to be located more than 10m from the river banks.
  3. Transmission and reception pits to be of sufficient size to hold excess amount of water/drilling fluids to prevent run off during drilling, if necessary these may be bunded or sand bagged.
  4. Sump holes in each pit for the dewatering of pits, water to be pumped to vegetated area opposed to hard standing ground. Liaison with landowner for

confirmation on location of land drains – avoid pumping directly into drainage which will be carried directly to water course without being filtered through the ground.

5. Should a breakthrough occur and any evidence of “bubbling up”, excavator on standby to create a channel in the bank to divert any pollutant and minimise the impact downstream.

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

**The following is the response of Inland Fisheries of the Department for Agriculture, Environment and Rural Affairs (DAERA) to this application.**

### **Considerations**

The location of the site is noted. The Loughs Agency is the lead body for provision of advice regarding impacts to salmonid and inland fisheries interests within the catchments of Lough Foyle and Carlingford Lough. Consequently, said agency should be consulted in relation to this application. DAERA will continue to provide fisheries advice for those areas outside of the catchments of Foyle and Carlingford Loughs.

## Regulation Unit

**Section Reference:** LA11/2019/1000/F

**Location:** Adjoining 89 Woodend Road, Ballymagorry through townlands of Ballymagorry, Woodend, Milltown, Ballee, Holly-hill, Kennaghan, Owenreagh, Knockanbrack, Lagvittal, Craignagapple, Lagavadder, Ballykeery, Craigatuke, Meendamph, Balix Upper, Letterbrat, Glencoppogagh (Main Portion), Aghalane and Lisnacraight ending at 681m NW of 24 Meenadoo Road, Culvacullion, Gortin.

### Considerations

A request for information has been received to inform an Environmental Statement to be prepared in support of this application.

Regulation Unit (RU) Land and Groundwater Team note that the planned works may encounter areas of contaminated land. A Contaminated Land Risk Assessment should be completed for this application to inform necessary mitigating measures.

### Explanatory note

The comments below are not exhaustive but serve to capture key points in support of the Regulation Unit (RU) Land and Groundwater Team position outlined above. These comments are made on consideration of:

- RPS Outline Construction Environmental Management Plan (OCEMP) – Curraghinahilt 33KV Connection
1. The priority of RU in considering this request for information is to consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water. It should be noted that Derry City and Strabane District Council is the authoritative body with respect to environmental health matters and we would ask that you ensure they have an opportunity to comment on all relevant information.
  2. RU responded previously (15<sup>th</sup> July 2020) to the Planning Authority in consideration of an EIA Determination Screening Consultation on this application. In this response RU offered no comment on the requirement for an EIA and advised no objection subject to conditions. A re-consultation request for information has been received to inform an Environmental Statement to be prepared in support of this application.
  3. Regulation Unit (RU) Land and Groundwater Team note that the proposal is for the construction of an above and below ground power cable and most of the below ground cable will be located within existing public roadways.
  4. RU note that there is potential for planned works to encounter areas of contaminated land. A Contaminated Land Risk Assessment should be completed for this application to inform measures necessary to mitigate potential environmental impact.
  5. A Preliminary Contaminated Land Risk Assessment (PRA) should be provided, as a minimum, as part of the Environmental Statement to further identify land contamination issues for the application site. RU advise that all required information, including intrusive investigation and remedial measures if necessary, is submitted in writing for agreement as part of the Environmental Statement.

## Regulation Unit

6. An Outline Construction Environmental Management Plan (OCEMP) provided by RPS in support of the application includes a section on intrusive ground investigation that will take place prior to excavation and installation works commencing. It is recommended that all risk assessment and risk management work follows the technical framework as described in the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.
7. Site investigation should proceed according to BS10175:2011+A2:2017 – Investigation of Potentially Contaminated Sites. Code of Practice.
8. In the event that fluid filled cables are used, the applicant should be aware that these can be a source of land and groundwater contamination if leakage occurs.

## Natural Environment Division

**Section Reference:** LA11/2019/1000/F & LA10/2019/1386/F

**Planning Reference:** CB28889-2 & CB28890-2

**Date of NED response:** 26 February 2020

### Considerations

NIEA Natural Environment Division (NED) provides the following information to assist NIE Networks in preparing an Environmental Statement for the two Dalradian connection powerline sections which are located within the Derry City & Strabane District Council and Fermanagh & Omagh District Council areas.

Please note that this proposal is subject to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations).

The application site is in close proximity to Owenkillew River SAC/ASSI, Owenreagh River ASSI and River Foyle and Tributaries ASSI/SAC, which are of national/international importance and are protected by the Environment (NI) Order 2002 and the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

The application site supports protected species including bats, badgers, otters, newts, lizard and nesting birds, and other natural heritage features worthy of protection.

### Designated Sites

NED has considered the impacts of the proposal on the Owenkillew River SAC/ASSI, the Owenreagh River ASSI and the River Foyle and Tributaries ASSI/SAC (hereafter referred to as designated sites), and advises that due regard is given by the competent authority, DfI Strategic Planning, to the comments below.

Potential Impacts	Designated site considerations
Degradation of adjacent aquatic environment and consequently the designated site from contaminated runoff resulting from construction, works.  Mortality of salmon due to vibration/noise, release of sediment, contaminated runoff or effluent resulting in smothering of gills or infilling of interstitial spaces used and reduced oxygen flow across spawning beds.  Direct/indirect impact through destruction of otter holt or disturbance during construction works or reduction in fish prey species.	The proposed powerline spans from Strabane main substation to the proposed Curraghinalt mine and comprises c. 18.7km of overhead line (OHL) and c. 4.1km of underground cabling (UGC).  Various RPS maps supplied as part of this scheme, such as the Strategic Flood Extent map (date received 11/03/2020), pose installation of the UGC predominantly within public carriageway, or in land adjacent to the public carriageway, and with the final c. 2km of UGC tracking up Crockanboy Hill away from any road network. NED note that the proposal is positioned outwith the Owenreagh River and Broughderg Burn Margaritifera River Basins. Therefore, NED are content that provided the proposal does not interfere with the host fish population, required during the parasitic stage of freshwater pearl mussel's lifecycle, that impacts to this designated site selection feature are unlikely to be significant.  NED, however, would highlight Loughs Agency concerns with the Fisheries and Aquatic Screening Assessment (date received 11/03/2020), particularly the representation of wild brown trout habitat within the stream crossing points. Freshwater pearl mussels were judged to be in unfavourable condition in the most recent Owenreagh River ASSI and Owenkillew River ASSI/SAC condition assessment reports. As brown trout act as a host species for the freshwater pearl mussel and as lack of recruitment of mussel (possibly as a result of

lack of host fish available during the glochida stage) has been partially attributed to the continuous decline of the site selection feature, NED consider the proposal may be capable of having significant impact on the populations within the designated sites.

Before the UGC joins Crockanboy Road, the proposed route passes under an unnamed watercourse which discharges into Owenreagh River c. 1.5km downstream. The Owenreagh River is hydrologically connected to the Owenkillev River which subsequently becomes the River Foyle and Tributaries ASSI/SAC at the confluence of the Strule and Owenkillev Rivers. These watercourses all contain sensitive salmonid habitat which supports the Atlantic Salmon selection feature of the Owenkillev River ASSI/SAC and River Foyle and Tributaries SAC/ASSI. Several other watercourse crossings are required within the carriageway routes proposed which are hydrologically connected to the designated sites.

NED acknowledge receipt of the Outline Construction Environmental Management Plan (date received 11/03/2020) which states that works will be carried out between 1st May and 30th September to avoid the more critical salmonid spawning season. NED note that both open cut and horizontal direction drilling (HDD) methodologies have been discussed for use in river crossings.

Due to the sensitivities of the hydrologically connected designated sites, both in terms of Atlantic salmon populations along with host species to the freshwater pearl mussels, NED recommend that HDD be used in preference to open cut techniques for installation of UGC at watercourse crossings. However, NED recognise that open-cut approaches will be taken when on-site management is deemed to pose a risk of rupture or drilling mud run-off, as detailed in the Fisheries and Aquatic Screening Assessment.

Spatial buffers and sediment traps have been proposed to protect sensitive waterways where HDD is undertaken. Drilling fluid leakage and bankside disturbance shall be prevented by ensuring that the drill launch and receiver pits are sufficiently distant from the banks and removal and disposal of the drilling slurry shall be managed through safe methods such as a vacuum lorry. Particular care and attention should be sustained to ensure there is no direct discharge of untreated surface run-off into any hydrologically connected watercourses/drains and watercourse spatial buffer strips should be maintained, except at the identified water crossing points.

NED acknowledge that the OHL portion of the scheme traverses several watercourses which are within or hydrologically connected to Owenkillev River SAC/ASSI, Owenreagh River ASSI and River Foyle and Tributaries ASSI/SAC. Most pole placement shall be carried out at least 10m from any of these watercourses/hydrologically connected watercourses but there are 10 locations where the pole shall be fixed within this 10m buffer strip. NED note that for these locations silt fencing will be installed between the active working area and watercourse.

A clear fell strip of 10m will also be required for the purposes of construction, with all vegetation clear felled to ground level, cut to 1.5m or completely removed. Vegetation removal should be avoided within the riparian zone of watercourses hydrologically connected to designated sites in order to protect rivers from bank destabilisation and the release of sediments. NED acknowledge that, as stated in the

## Natural Environment Division

	<p>Ecological Impact Assessment (date received 11/03/2020), vegetation clearance required 5m either side of the proposed OHL route shall be carried out using hand-operated equipment. The OCEMP then details that OHL pole installation will incorporate the excavation of the works area followed by positioning and backfilling the pole. No imported backfill or concrete will be required for OHL pole placement.</p> <p>NED note that water bodies within the vicinity of the proposed site compounds shall be protected by a combination of vegetated buffers and silt fencing to ensure silt laden surface runoff from the compound does not discharge directly to a watercourse. All of the above pollution prevention measures should be designed/approved and regularly inspected by the appointed ECoW to ensure full functionality at all stages of the construction process.</p>
Potential damage to otter holts/resting places or otter foraging/commuting disturbance during the construction phase of the development.	<p>The Ecological Impact Assessment determined that no otter underground holts or above ground couches were present within the 100m survey corridor along the route of the proposed development. The survey did, however, identify otter activity within close proximity to various pole installation locations. The ECoW must implement pre-commencement surveys and ensure construction practices are designed to allow free passage of foraging/commuting otters outside of working hours, NED consider the potential adverse impacts encountered during the construction phase preventable.</p>

### Designated sites Informative

The applicant's attention is drawn to the following link for standing advice on protection of the water environment:

- [Standing advice for development that may have an effect on the water environment](#)

### Other Natural Heritage Interests

NED acknowledges receipt of the Ecological Impact Assessment (EclA) which was received by the Planning Authority on 11/03/2020.

NED notes that an Extended Phase 1 Habitat Survey of the powerlines routes and the surrounding corridor was undertaken between March and October 2019. This survey included species surveys for potential bat roosts, Marsh Fritillary habitat, badgers, otters, pine martens, red squirrels, breeding waders and smooth newts. NED notes a number of protected/priority species and NI priority habitats have been identified on the route and some will be impacted by the proposal.

NED recommends that a future Environmental Statement includes an updated Extended Phase 1 Habitat Survey, to identify changes in habitats and the presence of protected species within the survey corridor. All ecological surveys must comply with NIEA survey specifications: these can be found at: <https://www.daera-ni.gov.uk/articles/site-surveys>

The Extended Phase 1 Habitat Survey has identified a number of NI priority habitats that will directly impacted by the proposed powerlines. These areas should be avoided if possible but, where they are impacted, adequate compensation will be required. NED will require full details of compensatory measures, including maps and objectives. Areas of compensation should be like-for-like, and exceed the area lost. All planting should be of native species. Details on native species planting can be found at <https://www.daerani.gov.uk/publications/native-species-planting->

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[guidance](#). NED would expect monitoring reports detailing the progress and outcomes of compensatory works.

A number of trees that will be removed or impacted have been identified as having Bat Roosting Potential (BRP). While NED advises that these should be avoided as much as possible: those that cannot be avoided and have been identified as moderate or above BRP will require full emergence/re-entry surveys or endoscope surveys under licence prior to any decision on the application. Pre-checks by the ECoW will be required on other trees on the route with BRP.

NED notes that the survey identified the potential for Lizard to be present along the route, but it is not clear if specific surveys have been carried out: this information should be provided, and potential lizard habitat that will be impacted should be subject to specific surveys.

NED welcomes the employment of an Ecological Clerk of Works (ECoW) to oversee the ecological aspects of the project and any proposed mitigation/compensation. Compensation/mitigation measures should be shown on plans, where appropriate.

## Ornithology

The proposed project has a total length of 37.9km. Of this, 22.8km lies within the remit of the Derry City and Strabane District Council and is covered by the above application. The greater part of the line in the application area (18.7km) will be supported on wooden poles, with the remainder underground.

In preliminary discussions with the developer, NED identified three areas within the total extent of the powerline which had previous records of breeding waders. Surveys were requested in these areas which are identified as Craignagapple, Slievemore and Mullydoo in the developer's survey report (RPS 2019). Only Craignagapple and Slievemore are covered by this application. It was also requested that, during breeding wader surveys, records should be kept of any other sensitive bird species of conservation concern, particularly breeding raptors and Red Grouse (Red-listed species of conservation concern in Ireland).

Habitats within the Craignagapple and Slievemore survey areas are similar, consisting of an extensive central area of upland heath and rough pasture bordered to the east and west by a mosaic of improved, semi-improved grassland and, in the case of Slievemore, cut-over bog. Both areas contain blocks of coniferous plantation but these comprise only a small percentage of the total area and are not crossed by the powerline route. The Mullydoo survey area consists largely of small fields semi-natural grassland bordered by hedgerows, bordered to the north east by an extensive area of upland heath.

Breeding bird surveys were carried out in 2018 and 2019 using methods derived from Brown and Shepherd (1993), adapted for a transect-based approach. Three visits to each survey area were made between March and June in each year and covered an area extending 800m on either side of the proposed powerline route in each of the three areas.

Snipe (Amber-listed) were recorded in all three survey areas. In all cases, numbers were greatest on the first visit with peak counts of 9, 8 and 13 individuals being recorded in Craignagapple, Slievemore and Mullydoo respectively. Numbers fell sharply on subsequent visits with no snipe being detected on visits 2 and 3 in Slievemore and Mullydoo in both years. This strongly suggests that the majority of Snipe present early in the season were wintering birds. Only two instances of Snipe displaying territorial behaviour were recorded, one in each year. Both of these territories

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were within Craignagapple and were located approximately 400m and 150m respectively from the powerline route.

The only other wader species recorded were three wintering/passage Woodcock (Amber-listed) and a passage flock of 64 Golden Plover (Red-listed) in Slievemore during 2018.

Five species of raptor (Hen Harrier, Buzzard, Sparrowhawk, Kestrel and Merlin) were recorded during the surveys but numbers were low and evidence of breeding within the survey areas was found only for Kestrel. A single Hen Harrier (EU Birds Directive: Annex 1) was observed in Craignagapple during the early season visit in 2018, but not subsequently. All other species were recorded in both Craignagapple and Slievemore over the two years but no raptors were seen in Mullydoo. In the case of Sparrowhawk (Amber-listed) and Merlin (EU Birds Directive: Annex 1), single birds were observed once in each season. The maximum number of Buzzards and Kestrels recorded in any site visit was two and three respectively.

A pair of Kestrels probably nested within the Slievemore survey area in both years. The likely nest location is approximately 200m from the proposed powerline route and birds using this site are unlikely to be disturbed by any construction work during the breeding season. The collision risk to this species is also assessed as low.

Evidence of the presence of Red Grouse was found in all three survey areas but densities appear to be very low. A maximum of three birds was recorded in Craignagapple, only droppings were detected in Slievemore and a single bird was seen in Mullydoo. Only in Craignagapple was this species observed in close proximity to the powerline route.

NED is not aware of any areas used regularly by wintering Whooper Swans (EU Birds Directive: Annex 1) or other migratory waterfowl for foraging or roosting within 5km of the proposed powerline. There is also no evidence that the route is crossed by any important migratory or commuting flyways for the above species. It is therefore considered unlikely that the project would present a significant collision risk to these species.

A number of passerine species were recorded during the surveys but are not listed in the report. Bird communities along the route are likely to be typical of upland farmland and moorland edge. As collision risk for these species is assessed as very low and direct habitat loss will be on a very small scale, it is highly unlikely that this project would result in any significant, long-term adverse impact on any passerine species at the regional population level if appropriate mitigation is implemented.

NED is satisfied that the proposed development will have no significant adverse impact upon local bird populations. We do, however, recommend that the following measures are taken to maintain the availability of nest sites:

1. Construction within the Craignagapple survey area should be undertaken outside the bird breeding season, which runs from 1 March to 31 August, to avoid potential disturbance to breeding Snipe and Red Grouse.
2. Removal of trees, scrub and other vegetation should be minimised.
3. Any unavoidable vegetation removal or management should be undertaken outside the bird breeding season (as defined above). If it is considered essential that vegetation removal is carried out during the breeding season, the affected area should be checked thoroughly for

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nesting activity by an experienced ornithologist prior to works commencing and appropriate buffer zones established around any active nests found until the chicks have fledged or breeding activity has ceased.

4. All works should be carried out within the red-line boundary, as shown in the original drawings.

## Protected Landscapes

The remit of NIEA's Protected Landscapes Team is to comment on regionally significant proposals within AONBs and/or the WHS and its Distinctive Setting. There are a series of best practice methodologies and guidance which should be applied to any development of significant scale such as outlined in power connection proposals. Broadly it is imperative that any development should be as visually integrated as possible within the surrounding landscape and due cognizance should be demonstrated of the landscape character of the area, both in a local and regional sense.

A proportionately detailed 'Landscape & Visual Impact Assessment' should be carried out in all cases, using the GLVIA 3rd Edition methodology (see below).

The following DAERA published advice and guidance refers as the proposal lies within and could potentially impact on the Sperrin AONB:

1. A number of best practice guidelines should be considered as recommended on the DAERA website under the heading ' Topics ' - ' Environmental Advice for Planners ' – ' Information Required for planning consultations ' – ' Key environmental considerations for planning consultations ' - ' Development of land that may affect Natural Heritage Interests including Landscape '. A short-cut is provided as follows to the appropriate link:-

<https://www.daera-ni.gov.uk/articles/development-land-may-affect-naturalheritage-interests-including-landscape>

This outlines key considerations which should be taken into account.

2. NI Landscape Character Assessments, at both regional scale LCA (NIRLCA) and local scale (NILCA) – details can be found at the following link: <https://www.daera-ni.gov.uk/topics/land-and-landscapes/landscapes>

In terms of NED's Protected Landscapes remit, we would also recommend the following best practice publications should be considered and guidelines followed:

- Landscape Institute Advice Note 01/11 - Photography and Photomontage guidance (September 2019)
- An Approach to Landscape Character Assessment, Natural England, Oct 2014.
- Guidelines for Landscape and Visual Impact Assessment 3rd Edition 2013 – best practice guidance published by the Landscape Institute and the Institute of Environmental Management and Assessment.

## Additional Standing Advice

Please note that NIEA have developed a range of standing advice that would assist with the consideration of potential impacts of planning proposals on natural heritage interests: this can be found at:

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<https://www.daera-ni.gov.uk/publications/standing-advice-development-land-may-affect-natural-heritage-interests>

We would also refer to the BS 10175:2011 Code of practice for planning and biodiversity (British Standard Institute publication). Additional sources of information:

1. The DAERA website <https://www.daera-ni.gov.uk/> includes:
  - Details of all regional, national and international designated sites in Northern Ireland
  - Northern Ireland Biodiversity Strategy
  - Northern Ireland Habitat and Species Action Plans
  - Areas of Outstanding Natural Beauty
  - Landscape Character Areas
  - Environmental Legislation
2. Useful information on planning and natural heritage, including survey specifications, can be found on the DAERA website at <https://www.daera-ni.gov.uk/topics/land-andlandscapes/development-management>
3. Information on the flora, fauna and geology of Northern Ireland can be obtained from the Habitats website: <http://www.habitats.org.uk/>
4. Site specific environmental data (e.g. species records) can be obtained from the Centre for Environmental Data and Recording (CEDaR). These can be accessed by contacting CEDaR, National Museums NI, 153 Bangor Road, Cultra, Holywood, BT18 0EU. Website: <http://www.nmni.com/cedar>
5. NED promotes the submission of biodiversity data to CEDaR, and recommends that species records generated as part of the EIA process are submitted to CEDaR: <http://nmni.com/CEDaR/Submit-records>