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Date: 15 July 2020

Email: planningresponse.team@daera-ni.gov.uk

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

KnockInarvoer

Craignagapple

Lagavadder

Ballykeery

Craigatuke

Meendamp

Balix Upper

Letterbrat

Glencoppogagh (Main Portion)

Aghalane and Lisnacraight 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.

Thank you for your consultation on the above which was received by DAERA on 29/04/2020

We have reviewed the information provided and our environmental records in the vicinity of the proposed development.

Our comments are summarised below. Where provided, please also refer to additional details attached.

Coastal Development

Marine and Fisheries Division has considered the impacts of the proposal on the marine environment and on the basis of the information provided refers to standing advice.

Drainage and water

The Drinking Water Inspectorate has considered the application and notes the information contained in:
The Water Quality Screening Assessment (WQSA), (RPS, IBE 1625, December 2019) and;
Outline Construction Environmental Management Plan (OCEMP) (RPS);
and provides advice.

Water Management Unit has assessed the information presented in this proposal within the context of Water Management Unit's remit of surface water quality issues.

Water Management Unit are of the opinion that, based on the information presented, impacts on the surface water environment generated by this proposal are unlikely to be significant subject to best practice and appropriate mitigation being applied during the construction, operation and decommissioning phases.

Land, Soil and Air

This proposed development is not an activity that is regulated by Industrial Pollution and Radiochemical Inspectorate.

Regulation Unit (Land and Groundwater Team) have no comment to make on the need or otherwise for an EIA and would have no objections to the proposal provided Conditions and Informatives are placed on any planning decision notice, as recommended.

Natural Heritage and Conservation Areas

Natural Environment Division has considered the impacts of the proposal on the natural environment and on the basis of the information provides advice to the planning authority.

If you wish to discuss anything raised in our response, please do not hesitate to contact Planning Response Team (details above).

Kind regards

Planning Response Team

On behalf of DAERA

Coastal Development
LA11/2019/1000/F

Considerations

Marine and Fisheries Division has considered the impacts of the proposal on the marine environment and on the basis of the information provided refers to standing advice.

Explanatory note

Provided appropriate pollution prevention measures are implemented on site during construction, the proposal is unlikely to have a significant impact on the marine environment.

Section 47 of the Fisheries Act (NI) 1966 covers the applicant's responsibilities relating to penalties for pollution and the consequences of causing or permitting the release of any deleterious material into any waters.

Specific advice on inland fisheries should be sought from Loughs Agency.

Standing Advice

The applicant's attention is also drawn to the following links which provide advice to be considered:

- [Planning in the Coastal Area](#)
- [Standing advice for development that may have an effect on the water environment \(including groundwater and fisheries\)](#)
- [Marine Map Viewer](#)

Further advice can be sought from the Marine Conservation Advice Team, DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast, BT7 2JA. Tel: 028 90 569 757 or email: Marine.Wildlife@daera-ni.gov.uk

Drainage & Water

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

Section Reference: WMU/PC/ 31711-1

Likely significant environmental effects

Water Management Unit has assessed the information presented in this proposal within the context of Water Management Unit's remit of surface water quality issues.

Water Management Unit are of the opinion that, based on the information presented, impacts on the surface water environment generated by this proposal are unlikely to be significant subject to best practice and appropriate mitigation being applied during the construction, operation and decommissioning phases.

Water Management Unit's comments are subject to:

- The applicant complying with all the environmental authorisations granted.
- The proposal necessitates the crossing of a waterway and the applicant will be required to liaise with Water Management Unit Pollution Prevention Team to agree a method of works.
- The applicant noting and acting on the advice contained in this response under further guidance

Environmental information

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

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

Further 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) however this information is not yet available on the Department website. Water Management Unit recommends the applicant avail of the most up to date information and this can be requested from the WaterInfo@daera-ni.gov.uk inbox.

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*

*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.

- 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.

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, Hollyhill, Kennaghan, Owenreagh, Knockanbrack, Lagvittal, Knocklnarvoer, Craginagapple, Lagavadder, Ballykeery, Craigatuke, Meendamph, Balix Upper, Letterbrat, Glencoppogagh (Main Portion), Aghalane and Lisnacreatht ending at 681m NW of 24 Meenadoo Road Culvacullion Gortin.

Section Reference:

GQ600

Summary:

The Drinking Water Inspectorate (DWI) has considered the application and notes the information contained in:

- The Water Quality Screening Assessment (WQSA), (RPS, IBE 1625, December 2019) and;
- Outline Construction Environmental Management Plan (OCEMP) (RPS)

Considerations:

1. Identification of Private Water Supplies

Whilst the applicant has indicated in the WQSA Report, (published on the planning portal on the 28th April 2020), that a desktop study has been carried out based on historical data sets to establish the existence of any registered Private Water supplies in the area, there was no reference to a date when this was carried out. Neither is there detail of the private water supplies identified in the area or any detail of a scoping survey undertaken. The applicant should consider that the situation may have changed since this initial scoping exercise was conducted and must ensure that information used in the assessment of site must be up to date.

Drainage & Water

A development must not impact on either the quality or sufficiency of a private water supply, and mitigation measures must be put in place, where required, in the protection of such drinking water supplies.

If any private water supplies have the potential to be impacted by the development appropriate mitigations must be put in place. The applicant must also consider the use of individual private supplies in the area that have not been registered by DWI, therefore a scoping exercise should be undertaken along the length of the proposed development to ensure no private water supplies will be adversely affected.

2. Public Water Supplies

The WQSA and the OCEMP indicate that there are a number of water course crossings proposed. All necessary steps must be taken to ensure that the works do not impact on the water bodies within Drinking Water Protected Areas as detailed in the WQSA Report.

Section 5.4 of The WQSA Report indicates that there are 20 known current abstractions or abstraction licence applications (all surface water abstractions) within the river water body sub basins.

The applicant should engage with NI Water in considering the locations and potential impacts on surface water sources used for abstracting the public water supply, particularly in relation to the construction phase where the water courses may be dammed on occasion. A development should not impact on the quality or sufficiency of the public water supply.

DWI will continue to engage with NI Water to provide an independent assurance on the safety of the public drinking water supply.

3: Standing Advice - The developer is directed to the following list of standing advice which should, as appropriate and relevant, be considered in relation to the scale, type, location and potential impacts the proposal may have on the water environment;

<https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>

Land, Soil & Air

Section Reference: LA11/2019/1000/F

Location: Adjoining 89 Woodend Road, Ballymagorry

Considerations

A consultation on an EIA Determination for this proposal under regulation 12 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 has been requested by the Local Planning Authority.

Regulation Unit (RU) Land and Groundwater Team have no comment to make on the need or otherwise for an EIA and would have no objections to the proposal provided Conditions and Informatives are placed on any planning decision notice, as recommended.

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)
1. The priority of RU in considering this EIA Screening request 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. 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.
 3. An Outline Construction Environmental Management Plan (OCEMP) provided by RPS includes a section on intrusive ground investigation that will take place prior to excavation and installation works commencing. RU advise that, as part of these works, full consideration should be given to the potential presence of contaminated land and measures necessary to mitigate risk to receptors.
 4. RU have no comment to make on the need or otherwise for an EIA and would have no objections to the proposal provided Conditions and Informatives are placed on any planning decision notice, as recommended.

Conditions

Wording for proposed conditions concerning the management of land contamination are provided below and should you wish to discuss or have further clarity then do not hesitate to get in touch with the Land and Groundwater Team in Regulation Unit. In addition to imposing planning conditions to address contamination and its risks, it is essential to ensure that these planning conditions are complied with and discharged.

Land, Soil & Air

1. If during the ground works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

2. After completing all remediation works under Condition 1 and prior to operation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

Informatives

1. The purpose of the Conditions 1 and 2 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.
2. All risk assessment work should be completed in accordance with Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.
3. RU recommend that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent Conditions.
4. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:
<https://www.daera-ni.gov.uk/articles/waste-management-licensing>
<https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions>
<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

Natural Heritage

Planning Reference No.: LA11/2019/1000/F & LA10/2019/1386/F

Section Reference: CB28889 & CB28890

NIEA, Natural Environment Division (NED) can provide the following information to aid the Planning Authority in making their EIA determination.

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 may contain species protected such as bats, badgers, otters, newts, lizard and nesting birds protected by law and other natural heritage features worthy of protection.

Likely significant environmental effects

We acknowledge receipt of the Ecological Impact Assessment, confidential Badger Survey, and oCEMP (including Invasive Species Management Plans). These have not been assessed in full for the purposes of this EIA determination.

Please note that NIEA have developed a range of standing advice and have included additional information at the end of this letter that would assist with the consideration of potential impacts of planning proposals on natural heritage interests:

<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).

This information would assist the planning authority to determine whether the potential impacts meet the selection criteria in Schedule 3 of the EIA Regulations or if NIEA's further advice is required.

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

Natural Heritage

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-and-landscapes/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 by going to: <http://nmni.com/CEDaR/Submit-records>

Environmental information required

We acknowledge receipt of the Ecological Impact Assessment, confidential Badger Survey, and oCEMP (including Invasive Species Management Plans). These have not been assessed in full for the purposes of this EIA determination.

The EclA appears to cover the surveys NED would require and we note a number of dedicated surveys have been carried out, we remind the applicant however that these have not been assessed in detail. We note a number of protected/priority species and NI priority habitats have been identified on the route and some will be impacted by the proposal.

A few points the applicant should note are:

A number of trees to be removed/impacted have been identified as having Bat Roosting Potential. While we advise that these are 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.

We note that potential has been identified for Lizard however 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.

We advise that the applicant ensures all surveys comply with NIEA survey specifications. Details on NIEA survey specifications can be found at: <https://www.daera-ni.gov.uk/articles/site-surveys>.

We note the application will directly impact and cause the loss of a number of NI priority habitats, we advise that these areas should be avoided, if this is not possible then adequate compensation will be required and the full details including location of compensation and species lists should be provided. The applicant should note areas of compensation should be like for like and exceed that lost. All planting should be of native species. Details on native species planting can be found at: <https://www.daera-ni.gov.uk/publications/native-species-planting-guidance>.

Natural Heritage

We welcome the employment of an ECoW to oversee the ecological aspects of the project and any proposed mitigation/compensation. We remind the applicant that the proposed mitigation/compensation has not been assessed for the purpose of this EIA determination. Compensation/mitigation should also be shown on plans where appropriate.

Designated Sites

Considerations

With specific reference to international and nationally designated sites, NIEA NED has the following comments to make.

Considerations

NED has considered the impacts of the proposal on Owenkillew River SAC/ASSI, Owenreagh River ASSI and 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.	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).
Mortality of salmon due to vibration/noise, release of sediment, contaminated run-off or effluent resulting in smothering of gills or infilling of interstitial spaces used and reduced oxygen flow across spawning beds.	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.
Direct/indirect impact through	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

Natural Heritage

destruction of otter holt or disturbance during construction works or reduction in fish prey species.

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 Owenkillow River which subsequently becomes the River Foyle and Tributaries ASSI/SAC at the confluence of the Strule and Owenkillow Rivers. These watercourses all contain sensitive salmonid habitat which supports the Atlantic Salmon selection feature of the Owenkillow 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

Natural Heritage

	<p>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.</p> <p>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 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. 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.	The Ecological Impact Assessment determined 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.

Explanatory Note

Informatives

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](#)

Natural Heritage

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, CS 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 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

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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 root 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.

CS 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.

CS 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 1st March to 31st 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 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.

Other Natural Heritage Interests

Should the planning authority determine that a development proposal is EIA development, NIEA should be consulted as appropriate to advise further on the scope of the environmental information required to support this application.

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Please note that should natural heritage issues set out in Schedule 3 of the Planning (General Development Procedure Order) Northern Ireland 2015 (GDPO) be identified, NIEA advises that information to assess potential impacts on the natural heritage can be submitted either via suitable environmental reports as part of a standard consultation process, or as part of an environmental statement.

Protected Landscapes

Protected Landscapes Team's remit 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 advice and guidance refers as the proposal lies within and could potentially impact on the Sperrin AONB.:-

DAERA published advice:

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-natural-heritage-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>

Other Best Practice Advice:

In terms of our specific 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.

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- 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;