



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

Your reference:

Our reference: AE2-24-151086

Department of Infrastructure Planning Group
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19 November 2024

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Dear DfI,

DAERA NIEA Acknowledgement of Save Our Sperrins Rebuttal of Curraghinalt Project Statement of Case for Minerals Planning Application LA10/2017/1249/F October 2024 and Save Our Sperrins Rebuttal of Curraghinalt 33kV Connection Project Statement of Case

I refer to the issuing of the recent Statement of Cases with regards to the above.

We are pleased to provide comments and advice on the key environmental considerations for the Northern Ireland Environment Agency (NIEA) within DAERA.

For your convenience we have provided our comments under the following topic headings:

- Natural Environment Division - Countryside, Coast & Landscapes
- Natural Environment Division – Conservation Designation and Protection & Biodiversity and Wildlife Units

Yours sincerely,

Planning Response Team

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DAERA NIEA Natural Environment Division (NED) - Countryside, Coast & Landscapes (CC&L)

CC&L Acknowledgement of Save Our Sperrins - Dalradian Gold Mine Statement of Case

Statement Number:	79 – Save our Sperrins
Date of Acknowledgement:	15/11/2024
Acknowledgement Author:	CC&L
SME Input:	N/A

1. NED acknowledge receipt of Statement of Case, reference number 79 Save our Sperrins in relation to Curraghinalt Project (Dalradian) planning application LA10/2017/1249/F.
2. Supporting evidence in relation to NIEA NED Countryside, Coast and Landscape Planning Branch and NIEA NED Connecting People to Nature Team, is provided in NIEA Statement of Case input for Department of Infrastructure (DfI) to the planning process for applications LA10/2017/1249/F and rebuttal to the applicant's SOC.

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CC&L Acknowledgement of Save Our Sperrins – Powerlines - Statement of Case

Statement Number:	PL 9 – Save our Sperrins
Date of Acknowledgement:	15/11/2024
Acknowledgement Author:	CC&L
SME Input:	N/A

1. NED acknowledge receipt of Statement of Case, reference number PL 9 Save our Sperrins in relation to Curraghinalt Project (Dalradian) planning applications LA10/2019/1386/F and LA11/2019/1000/F.
2. Supporting evidence in relation to NIEA NED Countryside, Coast and Landscape Planning Branch and NIEA NED Connecting People to Nature Team, is provided in NIEA Statement of Case input for Department of Infrastructure (DfI) to the planning process for applications LA10/2019/1386/F and LA11/2019/1000/F and rebuttal to the applicant's SOC.

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DAERA Natural Environment Division (NED) – Conservation Designation and Protection (CDP) & Biodiversity and Wildlife Units (BWU)

CDP / BWU Acknowledgement of Save Our Sperrins - Dalradian Gold Mine Statement of Case

Statement Number:	79 - Save Our Sperrins SoC
Date of Rebuttal:	18/11/2024
Rebuttal Author:	Conservation Designation and Protection (CDP), Biodiversity and Wildlife Unit (BWU)
Issues Identified:	<i>Concerns regarding the department's role as a statutory consultee and not applying/adhering to relevant policies/regulations</i> <i>Impacts on designated sites and/or qualifying features (Freshwater Pearl Mussel, Atlantic Salmon and Otter)</i>
SME Input:	

1. Statement 1: Concerns regarding the department's role as a statutory consultee and not applying/adhering to relevant policies/regulations

1.1 SoC 79 raises concerns regarding the department's role as a statutory consultee and not applying/adhering to relevant policies/regulations.

1.2 NED CDP/BWU dispute these claims and refer to our previous planning responses and NIEA SoC input for Department of Infrastructure (DfI) to the planning process regarding planning application LA10/2017/1249/F (Section 2). NIEA are of the opinion that in their role as a statutory consultee, providing advice that protects designated sites and their qualifying features, they have been fully compliant with the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora) and the Environment Order (Northern Ireland) 2002 in the assessment of this proposal.

1.3 NED also refer to NIEA Rebuttal to Dalradian Gold Ltd SoC for the main mine (LA10/2017/1249/F) & powerlines (LA10/2019/1386/F & LA11/2019/1000/F) which sets out CDP's position following updated ecological information.

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2. Statement 2: Impacts on designated sites and/or qualifying features (Freshwater Pearl Mussel, Atlantic Salmon and Otter)

2.1 SoC 79 queries impacts on designated sites and/or qualifying features (Freshwater Pearl Mussel, Atlantic Salmon and Otter).

2.2 NED refer to NIEA SoC input for DfI to the planning process for planning application LA10/2017/1249/F (Section 2). NED also refer to NIEA Rebuttal to Dalradian Gold Ltd SoC for the main mine (LA10/2017/1249/F) and powerlines (LA10/2019/1386/F and LA11/2019/1000/F) which clearly sets out the CDP/BWU maintained position following receipt of updated ecological information submitted on behalf of the applicant.

2.3 NED have concerns with the proposal with regard to the protection of Freshwater Pearl Mussel (qualifying feature of Owenkillew River SAC/ASSI and Owenreagh ASSI) and Atlantic Salmon (qualifying feature of Owenkillew River SAC/ASSI and River Foyle and Tributaries SAC/ASSI).

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CDP / BWU Acknowledgement of Save Our Sperrins – Powerlines - Statement of Case

Statement Ref:	Save our Sperrins SoC Powerlines (PL9)
Date of Rebuttal:	18/11/2024
Rebuttal Author:	Conservation Designation and Protection (CDP), Biodiversity and Wildlife Unit (BWU)
Issues Identified:	Designated Sites (including site selection features and functional linkages)
SME Input:	N/A

Designated Sites (including site selection features and functional linkages)

- 1.1 NED Acknowledge receipt of the Statements of Case (SoC) submitted by Save our Sperrins for the Powerlines (LA10/2019/1386/F & LA11/2019/1000/F).
- 1.2 In principle, NED are content with the mitigation measures proposed within the Outline Construction Environmental Management Plan (oCEMP), however, Conservation Designation and Protection (CDP), Biodiversity and Wildlife Unit (BWU) have requested the additional measures i.e. covering of stockpiles, incorporation of additional silt fencing/curtains, pre-commencement surveys, watercourse specific construction methodology and mitigation outlined in the SoC provided by Lough Agency (dated, 18/10/2024) are incorporated and should inform the Final Construction Environmental Management Plan (CEMP).
- 1.3 NED refer to NIEA Statement of Case input for Department of Infrastructure (DfI) to the planning process for applications LA10/2019/1386/F and LA11/2019/1000/F, Section 2 which sets out the NED CDP/BWU position in relation to impacts on designated sites. NED CDP/BWU are content given the short-term nature of construction that potential impacts to designated site and site selection features including Freshwater Pearl Mussel and Atlantic Salmon can be addressed with appropriate mitigation, including a CEMP to be agreed with both NIEA and Loughs Agency.
- 1.4 NED however draw attention to NIEA Statement of Case input for Department of Infrastructure (DfI) to the planning process for application LA10/2017/1249/F, Section 2 pages 23-28 where concerns regarding the long-term impacts of the main mine are addressed.
- 1.5 NED also refer to NIEA Rebuttal to Dalradian Gold Ltd SoC for the main mine (LA10/2017/1249/F) & powerlines (LA10/2019/1386/F & LA11/2019/1000/F) which sets out the CDP/BWU position following updated ecological information.

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