

Natural Heritage & Conservation Areas



Casework report Cover Sheet

Designation(s):	East Coast Marine Proposed SPA, The Maidens SAC, The Gobbins ASSI, Belfast Lough Open Water SPA, Outer Belfast Lough ASSI, Belfast Lough Ramsar, Copeland Islands ASSI/SPA, Inner Belfast Lough ASSI, Outer Ards ASSI/SPA/Ramsar, Ballymacormick Point ASSI and Larne Lough ASSI/SPA/Ramsar.
CB number:	CB 27111
File Type & Title:	Full
HP RM Reference	AE2-17-12850~8
Planning reference:	LA02/2018/1145/F
Applicant:	Cloghan Point Holdings Ltd
Brief description of proposal:	Redevelopment of the existing terminal to an import, storage and distribution facility, incorporating Class I Petrol, Class II Dual Purpose Kerosene and Class III Gas Oil and Diesel. The terminal will also incorporate the import, storage and blending of Biofuels, dyes and additives. The demolition of existing buildings, structures and chimney stack, the tiered levelling of existing ground levels, jetty head modifications and new road loading gantries, Vapour Recovery Unit and operations building. Surface water drainage will be discharged via oil interceptor(s). The new upper site will be vehicle park.
Date of Report:	18/03/2021

	Signed	Date
Case officer:		18/03/2021
HSO:		19.03.2021

NED CDP Casework team response	
Content – with/without recommendations	<input checked="" type="checkbox"/>

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Section Reference: LA02/2018/1145/F - CB 27111~3 - Cloghan Point Holdings Ltd - 18-03-2021

Summary

NED has considered the impacts of the proposal and on the basis of the information provided, is content with the proposal with recommendations outlined below.

Considerations

The application site is hydrologically connected to the following national, European and international designated sites:

- East Coast Marine Proposed SPA, The Maidens SAC, Belfast Lough Open Water SPA, Belfast Lough Ramsar, Copeland Islands SPA, Outer Ards SPA/Ramsar, and Larne Lough SPA/Ramsar, which are designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended);
- The Gobbins ASSI, Outer Belfast Lough ASSI, Copeland Islands ASSI, Inner Belfast Lough ASSI, Outer Ards ASSI, Ballymacormick Point ASSI and Larne Lough ASSI, which are declared under the Environment Order (Northern Ireland) 2002

In accordance with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), the Competent Authority should ensure an assessment is carried out to determine if the proposal, either alone or in combination, is likely to have a significant effect on a European site and the qualifying features, in line with the site conservation objectives.

NED has considered the proposal and highlights the following as potential impacts on the designated sites;

Potential Impacts	Designated site considerations
Degradation of adjacent aquatic environment from contaminated runoff resulting during demolition, construction and operational works. Spread of invasive non-native species.	NED has considered the relevant documents and drawings to date (18/03/2021) uploaded to NIPP, regarding the redevelopment of the existing terminal to an import, storage and distribution facility. Cloghan Point Oil Terminal is situated outwith any designated area but is hydrologically connected to the following designated sites within a 15km screening radius: East Coast Marine Proposed SPA, The Maidens SAC, The Gobbins ASSI, Belfast Lough Open Water SPA, Outer Belfast Lough ASSI, Belfast Lough Ramsar, Copeland Islands ASSI/SPA, Inner Belfast Lough ASSI, Outer Ards ASSI/SPA/Ramsar, Ballymacormick Point ASSI and Larne Lough ASSI/SPA/Ramsar. As per the P1 form, surface water will be routed through oil interceptors and various streams prior to release into Belfast Lough and foul sewage shall be disposed of via a sewage treatment plant. Flood Maps (NI) indicates that the

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	<p>application site is partially within both pluvial and coastal flood risk areas. Given the redevelopment works proposed within floodplains, the intention to import, store and distribute hazardous substances, along with demolition and construction works immediately adjacent to the aquatic environment, stringent pollution prevention measures should be incorporated into the proposed demolition, construction and operational phases.</p> <p>NED are content with the no residual risk determination of development within a coastal and pluvial floodplain, as per the Flood Risk and Drainage Assessment report (date published 27/12/2018), subject to surface waters passing through appropriate treatment prior to release into Belfast Lough.</p> <p>NED welcomes the submission of an Environmental Statement (Vol 1-3 date published, 19/02/2021). Chapter 6 addresses the potential pollution sources from this development, throughout the construction and operational phases of the proposal. Sections 6.4.45 through 6.4.57 discuss mitigation techniques to be employed to protect the adjacent aquatic environment from sedimentation, concrete and cement pollution, general construction activities and from the egress of contaminated surface water or from the treatment of foul sewage. Due regard should be given to all current and future consultation responses from RED Water Management Unit.</p> <p>NED note that Chapter 9 (Biodiversity) states there shall be no true in-water marine works required for jetty restoration that, as necessitated, modification or installation of structures shall be restricted to the upper side of the jetty only.</p> <p>NED acknowledge that the mitigation strategy developed in the ES will form the basis of the contractors CEMP. A final CEMP, and full site drainage plan, should be submitted by the applicant/approved contractor to the Planning Authority for agreement prior to works commencing and must contain all of the pollution prevention, mitigation and avoidance measures outlined in this Environmental Statement.</p> <p>NED have reviewed the sHRA (Appendix 9.6) which identifies water quality and habitat deterioration impacts, and the potential spread of invasive non-native species, as the likely significant effects arising during the construction and operation of the proposal. The sHRA proposes that, during the operational phase, commercial vessels berthing at the Cloghan Point Jetty shall implement the 'Biofouling Guidelines' as standardised by the International Maritime Organisation (IMO). Stage 2 of this assessment concludes that, upon application of suitable mitigation measures,</p>
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	<p>adverse effects upon the integrity of the designated sites concerned shall not occur.</p> <p>NED note that the demolition phase of this proposal has been given consideration in the oCEMP (Appendix 2.1). In relation to development on contaminated land, NED advise that due regard should be given to Regulation Unit Land and Groundwater Team's full response. Remediation Strategy Reports should include pollution prevention measures to prevent the egress of contaminants into the designated sites via the hydrological connections.</p> <p>Climate change resilience has also been incorporated into the oCEMP. The report states that climate change projections have been given consideration to within maintenance plans and drainage systems, these have been designed to protect against a return period of 100-year +20% climate change. A comprehensive document on Climate Change Risk is provided in Appendix 14.1, this report concludes that, provided mitigation measures are incorporated, no significant climate change risks to the development are considered likely.</p>
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Recommendations

NED would advise the following are considered:

1. A final Construction Environmental Management Plan and finalised Site Drainage Plan shall be submitted by the applicant/approved contractor to the Planning Authority for agreement prior to works commencing. This should reflect and detail all the pollution prevention, mitigation and avoidance measures as outlined within Vol 1-3 of the ES (date published, 19/02/2021) and all additional submitted information.

Informatives

The applicant should refer and adhere to the precepts contained in the following Standing Advice documents: Invasive Alien Plant Species, Pollution Prevention Guidance, Sustainable Drainage Systems and Discharges to the Water Environment.

Standing advice notes are available at:

<https://www.daera-ni.gov.uk/articles/standing-advice-0>

THE FOLLOWING INFORMATION IS NOT TO BE UPLOADED TO PLANNING PORTAL – CDP WORKINGS.

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- As per main body of text, our previous consultation shown below.
- Content that the ES is a comprehensive study which has addressed any previous concerns.

NED has considered the proposal and highlights the following as potential impacts on the designated sites;

Potential Impacts	Designated site considerations
<p>Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.</p>	<p>Cloghan Point Oil Terminal is situated outwith any designated area but is hydrologically connected to the following designated sites within a 15km screening radius:</p> <p>East Coast Marine Proposed SPA, The Maidens SAC, The Gobbins ASSI, Belfast Lough Open Water SPA, Outer Belfast Lough ASSI, Belfast Lough Ramsar, Copeland Islands ASSI/SPA, Inner Belfast Lough ASSI, Outer Ards ASSI/SPA/Ramsar, Ballymacormick Point ASSI and Larne Lough ASSI/SPA/Ramsar.</p> <p>As per the P1 form, surface water will be routed through oil interceptors and various streams prior to release into Belfast Lough and foul sewage shall be disposed of via a sewage treatment plant. Flood Maps (NI) indicates that the application site is partially within both pluvial and coastal flood risk areas. Given the redevelopment works proposed within floodplains, the intention to import, store and distribute hazardous substances, along with demolition and construction works immediately adjacent to the aquatic environment, stringent pollution prevention measures should be incorporated into the proposed demolition, construction and operational phases.</p> <p>NED have reviewed the HRA screening report (date published 27/12/2018) which has considered the potential pollution and disturbance impacts on the features of the hydrologically connected N2K sites. As per Marine and Fisheries Division comments, clarity should be sought regarding any potential pilling or blasting works necessitated in the development in order to assess disturbance impacts on the mobile marine species, such as the grey seal for which the Maidens SAC has been designated.</p> <p>NED acknowledge receipt of the OCEMP (date stamped 13 December 2018) which details mitigation measures to be employed throughout works. NED note that the OCEMP omits information concerning the proposed jetty-head modification works. All in-water works should be included in the Final CEMP to enable a full assessment of polluting/disturbance impacts on the designated site selection features.</p> <p>NED are content with the no residual risk determination of development within a coastal and pluvial floodplain, as per</p>

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	<p>the Flood Risk and Drainage Assessment report (date published 27/12/2018), subject to surface waters passing through appropriate treatment prior to release into Belfast Lough. NED consider the submission of a full site drainage plan, as requested by RED Water Management, necessary in order to determine polluting impacts on the hydrologically connected site selection features.</p> <p>In relation to development on contaminated land, NED advise that due regard should be given to Regulation Unit Land and Groundwater Team's full response. Any future Remediation Strategy Report should include pollution prevention measures to prevent the egress of contaminants into the designated sites via the hydrological connections.</p>
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It is the view of NED that there is insufficient information for the planning authority to undertake a robust Habitats Regulations Assessment and for NIEA to undertake an assessment on any additional ASSI features.

The proposal is contrary to the Planning Policy Statement 2: Natural Heritage, Policy NH 1 and 3, in that development would, if permitted, be likely to have a significant effect on the designated sites. NED therefore objects to the proposal as required by the precautionary approach set out in Commission Guidance: Managing Natura 2000 Sites and as required by the European Court of Justice in C 127/02 (Waddenzee).

NED considers the following information should be submitted by the applicant;

1. A Site Drainage Plan should be submitted by the applicant/approved contractor to the Planning Authority. This should identify the perceived risks to the aquatic environment and mitigation measures to negate such risks. It should demonstrate a suitable closed containment system with the incorporation of Sustainable Drainage Systems (SuDS) for surface water treatment and disposal.
2. Construction Method Statements including details of pilling or blasting works necessitated, along with all in-water works required for the construction of outfall pipe(s) and jetty-head modification works, should be submitted by the applicant/approved contractor.