

## Natural Heritage & Conservation Areas



### Casework report Cover Sheet

<b>Site name and designation:</b>	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.
<b>File number</b>	CB 27111
<b>File Type &amp; Title:</b>	Full
<b>Planning reference:</b>	LA02/2018/1145/F
<b>Applicant details:</b>	Cloghan Point Holdings Ltd
<b>Brief description of proposal</b>	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.
<b>Location of report</b>	AE2-17-12850~5
<b>Date Application received by CDP:</b>	07/01/2019
<b>Date of Report:</b>	06/03/2019

	<b>Signed</b>	<b>Date</b>
<b>Case officer:</b> [REDACTED]		
<b>HSO:</b>		

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<b>SSO or equivalent (optional):</b>		
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<b>NED CDP response</b>	
No comment	<input type="checkbox"/>
Content - No concerns	<input type="checkbox"/>
Content – No concerns with recommendations.	<input type="checkbox"/>
Advice - Object – Adverse impact	<input type="checkbox"/>
Advice - Object – Further information.	<input checked="" type="checkbox"/>
PAD	<input type="checkbox"/>

### Natural Environment Division – Conservation Designations and Protection (NED CDP)

**Section Reference:** LA02/2018/1145/F – CB 27111 – Cloghan Point Holdings Ltd – 06-03-2019

**Response type:** Object – Further information.

#### Summary statement/Position

Due to the lack of information to date (06/03/2019), NIEA, as the statutory nature conservation body, objects to the proposal. NED advises that further information is requested by the Mid and East Antrim Borough Council to enable a determination of the potential impacts on the designated sites.

#### Considerations

The application site is hydrologically connected to 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. (hereafter referred to as designated sites) which are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.

Please note that this is a desk based response.

#### Explanatory note

From the information available to NED it is clear that the proposal is not connected with, or necessary for, the conservation management of the designated sites.

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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 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</p>

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	<p>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.

If NED is to be reconsulted following the submission of this information, the assessment undertaken by the planning authority should be included.

### 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>

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

Summary of Potential Effects on additional ASSI/Non-Natura features.

ASSI Feature: (Mention all features).	Describe any likely direct or indirect effects to the ASSI features arising as a result of: <ul style="list-style-type: none"> <li>• loss;</li> <li>• reduction of habitat area;</li> <li>• disturbance;</li> <li>• habitat or species fragmentation;</li> <li>• reduction in species density;</li> <li>• changes in key indicators of conservation value (e.g. water quality, climate change).</li> </ul>	<u>Effect Significant/Not Significant? Why?</u>
<b>The Gobbins ASSI</b>		
<b>Habitat:</b> Intertidal Rock	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Earth Science:</b> Jurassic stratigraphy	As above.	As above.
<b>Species:</b> Breeding Kittiwake	Degradation of adjacent aquatic environment as a result of construction and operational works.	<p>Cloghan Point Oil Terminal is situated outwith any designated area but is hydrologically connected to the following designated sites within a 15km 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 the Irish Sea and foul sewage shall be disposed of via a sewage treatment plant. Flood Maps (NI) indicates that the application site is partially within both fluvial 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</p>

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		<p>incorporated into the proposed demolition, construction and operational phases.</p> <p>NED acknowledge receipt of the OCEMP (date stamped 13 December 2018) which details mitigation measures to be employed throughout works;</p> <ul style="list-style-type: none"> <li>• Hazardous substances will be stored in leak-proof containers within impermeable, bunded, secure areas, with impervious walls and floor to remove the risk of migration to groundwater or a nearby watercourse.</li> <li>• The main contractor will ensure that any water that has come in contact with hazardous materials will be stored, tested, classified and appropriately disposed of in accordance with relevant legislation.</li> <li>• Plant checks will be conducted daily on all mobile plant and equipment.</li> <li>• Concrete washout area will be designated.</li> <li>• Batching and mixing activities will be carried out well away from watercourses and drains,</li> <li>• Bulk and bagged cement will be stored as least 10m away from watercourses, gullies and drains.</li> <li>• All oil storage areas will be inspected and checked for signs of damage, corrosion, bulging, leaks or unauthorised use and interference.</li> <li>• The capacity of the containment system will either be 110% of the largest drum or 25% of the total volume stored (whichever is greater).</li> <li>• Water containing silt, or other contaminating material will not be released directly to a watercourse. Treatment facilities, such as sediment traps and settlement lagoons will be used as appropriate.</li> <li>• A drainage plan will be made available.</li> <li>• Environmental Incident Response Plan which accounts for potential fuel spills.</li> </ul> <p>OCEMP omits information concerning the proposed jetty-head modification works.</p>
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		<p>Pollution prevention measures to employed during 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 have reviewed the HRA screening report which has considered the impacts of pollution and disturbance 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>
<b>Habitat:</b> Maritime Cliff and Slopes	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Earth Science:</b> Mineralogy	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Species:</b> Breeding Razorbill	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	Pollution concerns discussed above.
<b>Outer Belfast Lough ASSI</b>		
<b>Species:</b> Black-tailed Godwit (Winter)	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	As above.
<b>Earth Science:</b> Carboniferous stratigraphy	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Species:</b> Curlew (Winter)	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	Pollution concerns discussed above.
<b>Species:</b> Dunlin (Winter)	As above.	As above.
<b>Species:</b> Eider (Winter)	As above.	As above.

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<b>Species:</b> Goldeneye (Winter)	As above.	As above.
<b>Species:</b> Great Cormorant (Winter)	As above.	As above.
<b>Species:</b> Great Crested Grebe (Winter)	As above.	As above.
<b>Species:</b> Knot (Winter)	As above.	As above.
<b>Species:</b> Lapwing (Winter)	As above.	As above.
<b>Species:</b> Mallard (Winter)	As above.	As above.
<b>Habitat:</b> Maritime cliff and slopes	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Earth Science:</b> Ordovician stratigraphy	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Species:</b> Oystercatcher (Winter)	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	Pollution concerns discussed above.
<b>Earth Science:</b> Permian stratigraphy	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Species:</b> Red-breasted Merganser (Winter)	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	Pollution concerns discussed above.
<b>Species:</b> Redshank (Winter)	As above.	As above.
<b>Species:</b> Ringed Plover (Winter)	As above.	As above.
<b>Species:</b> Scaup (Winter)	As above.	As above.
<b>Species:</b> Shelduck (Winter)	As above.	As above.
<b>Species:</b> Turnstone (Winter)	As above.	As above.
<b>Species:</b> Bar-tailed Godwit (Winter)	As above.	As above.

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<b>Copeland Islands ASSI</b>		
<b>Species:</b> Arctic Tern (Breeding)	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	Pollution concerns discussed above.
<b>Species:</b> Common Gull (Breeding)	As above.	As above.
<b>Species:</b> Eider (Breeding)	As above.	As above.
<b>Species:</b> Eider (Winter)	As above.	As above.
<b>Species:</b> Manx Shearwater (Breeding)	As above.	As above.
<b>Species:</b> Bryophyte assemblage	As above.	As above.
<b>Inner Belfast Lough ASSI</b>		
<b>Species:</b> Black-tailed Godwit (Winter)	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	Pollution concerns discussed above.
<b>Species:</b> Curlew (Winter)	As above.	As above.
<b>Species:</b> Dunlin (Winter)	As above.	As above.
<b>Species:</b> Eider (Winter)	As above.	As above.
<b>Species:</b> Goldeneye (Winter)	As above.	As above.
<b>Species:</b> Great Cormorant (Winter)	As above.	As above.
<b>Species:</b> Great Crested Grebe (Winter)	As above.	As above.
<b>Species:</b> Invertebrate assemblage	As above.	As above.
<b>Species:</b> Knot (Winter)	As above.	As above.
<b>Species:</b> Lapwing (Winter)	As above.	As above.

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<b>Species:</b> Mallard (Winter)	As above.	As above.
<b>Species:</b> Oystercatcher (Winter)	As above.	As above.
<b>Species:</b> Red-breasted Merganser (Winter)	As above.	As above.
<b>Species:</b> Arctic Tern (Breeding)	As above.	As above.
<b>Species:</b> Common Tern (Breeding)	As above.	As above.
<b>Species:</b> Redshank (Winter)	As above.	As above.
<b>Species:</b> Ringed Plover (Winter)	As above.	As above.
<b>Species:</b> Scaup (Winter)	As above.	As above.
<b>Species:</b> Shelduck (Winter)	As above.	As above.
<b>Species:</b> Turnstone (Winter)	As above.	As above.
<b>Species:</b> Bar-tailed Godwit (Winter)	As above.	As above.
<b>Outer Ards ASSI</b>		
<b>Species:</b> Arctic Tern (Breeding)	As above.	As above.
<b>Habitat:</b> Caledonian igneous	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Habitat:</b> Caledonian igneous	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Habitat:</b> Coastal saltmarsh	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Habitat:</b> Coastal sand dunes	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Species:</b> Curlew (Winter)	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	Pollution concerns discussed above.

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<b>Species:</b> Dunlin (Winter)	As above.	As above.
<b>Species:</b> Eider (Winter)	As above.	As above.
<b>Species:</b> Fungi assemblage	As above.	As above.
<b>Species:</b> Golden Plover (Winter)	As above.	As above.
<b>Species:</b> Great Cormorant (Winter)	As above.	As above.
<b>Species:</b> Great Crested Grebe (Winter)	As above.	As above.
<b>Species:</b> Higher plant assemblage	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Habitat:</b> Intertidal rock	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Species:</b> Lapwing (Winter)	As above.	As above.
<b>Species:</b> Light-bellied Brent Goose (Winter)	As above.	As above.
<b>Habitat:</b> Maritime cliff and slopes	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Habitat:</b> Mudflats	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Habitat:</b> Ordovician stratigraphy	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Species:</b> Oystercatcher (Winter)	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	Pollution concerns discussed above.
<b>Species:</b> Purple Sandpiper (Winter)	As above.	As above.
<b>Species:</b> Redshank (Winter)	As above.	As above.
<b>Species:</b> Ringed Plover (Winter)	As above.	As above.
<b>Habitat:</b> Structural geology	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Habitat:</b> Structural geology	Impacts considered unlikely.	Habitat not present within vicinity of works.

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<b>Habitat:</b> Structural geology	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Habitat:</b> Structural geology	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Species:</b> Turnstone (Winter)	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	Pollution concerns discussed above.
<b>Ballymacormick Point ASSI</b>		
<b>Species:</b> Arctic Tern (Breeding)	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	Pollution concerns discussed above.
<b>Species:</b> Invertebrate assemblage	As above.	As above.
<b>Habitat:</b> Maritime cliff and slopes	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Larne Lough ASSI</b>		
<b>Habitat:</b> Coastal saltmarsh	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Species:</b> Common Tern (Breeding)	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	Pollution concerns discussed above.
<b>Species:</b> Goldeneye (Winter)	As above.	As above.
<b>Species:</b> Great Crested Grebe (Winter)	As above.	As above.
<b>Species:</b> Invertebrate assemblage	As above.	As above.
<b>Species:</b> Light-bellied Brent Goose (Winter)	As above.	As above.
<b>Species:</b> Red-breasted Merganser (Winter)	As above.	As above.
<b>Species:</b> Redshank (Winter)	As above.	As above.

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<b>Species:</b> Roseate Tern (Breeding)	As above.	As above.
<b>Habitat:</b> Saline lagoons	As above.	As above.
<b>Species:</b> Sandwich Tern (Breeding)	As above.	As above.
<b>Species:</b> Shelduck (Winter)	As above.	As above.
<b>Species:</b> Mediterranean Gull	As above.	As above.

### Summary of Potential Effects on N2K/Ramsar Features

<b>N2K Feature: Mention all features</b>	<b>Describe any likely direct or indirect effects to the N2K features arising as a result of:</b>	<b><u>*Effect Significant/Not Significant? Why?</u></b>
	<ul style="list-style-type: none"> <li>• loss;</li> <li>• reduction of habitat area;</li> <li>• disturbance;</li> <li>• habitat or species fragmentation;</li> <li>• reduction in species density;</li> <li>• changes in key indicators of conservation value (e.g. water quality, climate change).</li> </ul>	
<b>East Coast Marine Proposed SPA</b>		
<b>Species:</b> Great Crested Grebe	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	Pollution concerns discussed above.
<b>Species:</b> Red-throated Diver	As above.	As above.
<b>Species:</b> Sandwich Tern	As above.	As above.
<b>Species:</b> Common Tern	As above.	As above.
<b>Species:</b> Arctic Tern	As above.	As above.
<b>Species:</b> Manx Shearwater	As above.	As above.
<b>Species:</b> Eider Duck	As above.	As above.
<b>Belfast Lough Open Water SPA</b>		

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<b>Species:</b> Wintering Great Crested Grebe	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	Pollution concerns discussed above.
<b>Copeland Islands SPA</b>		
<b>Species:</b> Breeding Manx Shearwater	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	Pollution concerns discussed above.
<b>Species:</b> Arctic Tern	As above.	As above.
<b>Larne Lough SPA</b>		
<b>Species:</b> Wintering Light-bellied Brent Goose	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.	Pollution concerns discussed above.
<b>Species:</b> Breeding Roseate Tern	As above.	As above.
<b>Species:</b> Breeding Sandwich Tern	As above.	As above.
<b>The Maidens SAC</b>		
<b>Habitat:</b> Sandbanks which are slightly covered by sea water all the time.	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Habitat:</b> Reefs	Impacts considered unlikely.	Habitat not present within vicinity of works.
<b>Species:</b> Grey Seal	Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.  Disturbance impacts as a result of increased shipping activity and noise concerns during construction works.	Pollution concerns discussed above.