

Planning Response Team
Clare House
303 Airport Road West
Belfast
BT7 2JA
Telephone: 028 9056 9604

Date: 19 April 2024

Dear Sir/Madam,

Planning Application Ref.: T/2014/0114/F

Location: Hightown Quarry
40a Boghill Road
Ballyutoag
Co antrim and lands adjacent to the existing Boghill Road from its junction with Hyde Park Road to the west of the existing access road into Hightown Quarry.

Proposal:

Proposed development of a Residual Waste Treatment Facility incorporating a Mechanical and Biological Treatment (MBT) facility, an Energy from Waste (EfW) Thermal Treatment facility, an Incinerator Bottom Ash (IBA) Treatment facility, a Refuse Derived Fuel (RDF) Bale Storage building, an Administration/Visitor Centre and related infrastructure including widening of the Boghill Road from its junction with Hyde Park Road to west of the existing access road into Hightown Quarry site and other ancillary works (further environmental information received and amended drawings).

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Thank you for your consultation on the above which was received by the Department on 01/12/2023.

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

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Annex A

Advice Provided By:	Summary
Marine and Fisheries Division	Advice provided.
Water Management Unit	WMU would have concerns that the development could have an adverse effect with the potential for increased sedimentation, contamination and eutrophication of the Flush River & its tributaries which then flows into the Six Mile Water and ultimately into Lough Neagh.
Regulation Unit	Regulation Unit Land and Groundwater Team are content on the basis of previous submissions and have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended previously.
Industrial Pollution & Radiochemical Inspectorate	Advice provided.
Natural Environment Division	NED required the following information to confirm that the 2021 and 2022 survey reports comply with NIEA specifications.

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Marine and Fisheries Division Response
T/2014/0114/F – Rec

Marine Strategy Team

Bathing Waters

There is now a candidate bathing water at Rea's Wood in Lough Neagh, adjacent to the outflow of the Six Mile Water. Boghill Road upgrade works will pass over the Flush River and a tributary of the same watercourse. Flush River flows into Hyde Park Dam and eventually enters the designated Ballymartin Water which is one of the main tributaries of the Six Mile Water. The Rea's Wood bathing water is likely to proceed to formal identification in 2024, and there are stringent water quality targets associated with bathing waters – especially with respect to faecal indicator bacteria and conditions that allow proliferation of cyanobacteria. The assessments do not address any possible impact on faecal indicator bacteria.

Inland Fisheries

Considerations

Inland Fisheries has considered the additional information provided and our previous comments remain valid. Inland Fisheries has some concerns relating to this proposal, the main concern to fisheries interests are the river crossings on the Boghill Road.

Explanation

The nature and location of the application are noted, this proposal covers a large area incorporating two watercourses, the Flush River and an unnamed watercourse. These are in the upper catchment of the Ballymartin River which flows to the Six Mile Water, the Ballymartin has been shown, through electro-fishing surveys to maintain populations juvenile salmon, trout, eels are also present and possibly lamprey, the presence of juvenile salmon indicates that salmon are utilizing the watercourse downstream of the site for spawning and thus very important to the catchment, these species are of considerable biodiversity value. The Ballymartin has been heavily impacted by pollution events in recent years with substantial fish kill events and continuing water quality issues from the impacts of discharges from the heavily

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industrialised/urbanised of the area below the site, any further development should be carried out so as not to exacerbate this situation. The Sixmile Water is an important resource for angling and has several highly active clubs with a large membership.

Inland Fisheries main concerns relate to the proposed river crossings and their replacement, both of these should be considered from a fisheries perspective. These are two very similar designs and both incorporate diversion of the existing watercourses, this process comes with significant risks to the aquatic environment and fisheries interests. There are several potential impacts to be considered which Inland Fisheries are not content have been addressed thus far. Inland Fisheries would again inform the applicant that these works will require exemption Permits under Section 48 of the Fisheries Act (NI) 1966 as amended, to obtain these permits the applicant should apply to DAERA Inland Fisheries, more information can be found by following this link - <https://www.daera-ni.gov.uk/publications/application-permit-under-section-48-fisheries-act-ni-1966>. A CEMP has been provided in respect to water quality issues during the construction of the main plant section of the proposal. Inland The applicant should provide specific CEMPs outlining the construction process for the bridges and realignments (method statements) giving full consideration to both temporary and permanent potential impacts to fisheries interests, including,

- i) Fish migration/passage
- ii) Embedment depth of associated inverts
- iii) Low flow channels
- iv) Flow rates within invert
- v) Resting pools top and bottom
- vi) Potential for deleterious material to enter the watercourse during all aspects of construction
- vii) Replacement of habitat within the proposed new river channel
- viii) Habitat placement within the new invert

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- ix) Process for watering the new channels
- x) Suitable buffer zones for stockpiles of materials (as already outlined in CEMP provided)
- xi) Timings of works

The applicant has not provided any further information in relation to the construction methodology for these bridges or the river realignments and as such Inland Fisheries are unable to provide further comment. It is noted that the ecology appendix provided does not consider the habitats impacted by the access road improvement works and the boundary of the study area only considers the area immediately around the existing quarry. It should also be noted that rivers are considered priority habitats and that salmon, trout and eels are also priority species as listed by NIEA.

Inland Fisheries would also add that a fish rescue is likely to be required before any dewatering should occur to facilitate the proposed works and realignment, this will require permission under Section 14 of the Fisheries Act (NI) 1966 as amended.

Inland Fisheries welcomes the incorporation of SuDS principles in dealing with surface water, if these principles are adhered to in full (as outlined in the CEMP provided by the applicant) during the construction phase of the proposal we are content that this mitigation is appropriate for potential impacts to fisheries interests in the vicinity of the development. NIEA must be content that any discharges from the site during the operational phase are appropriately consented and not to the detriment of fisheries interests.

Informatives

Northern Ireland as part of the UK is a signatory to North Atlantic Salmon Conservation Organization (NASCO), under which we are legally obliged to protect, restore and enhance the habitat of the North Atlantic Salmon species.

We would like to draw the applicant's attention to Section 47 of the Fisheries Act (NI) 1966, which covers the applicant's responsibilities relating to Penalties for Pollution and the consequences of causing or permitting the release of any Deleterious materials into any waters.

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Any in-channel works should be permitted under section 48 of the Fisheries Act (NI) 1966 which is issued by DAERA

Any fish rescue must be permitted under Section 14 of the Fisheries Act (Northern Ireland) 1966 as amended, which is issued by DAERA.

Section 54 of the Act relates to the provision of adequate fish passage arrangements over impoundments including an existing impoundment which is subject to a change of use.

Water Management Unit

Section Reference: WMU/PC/ 22161-8

Considerations:

Water Management Unit has considered the additional information in the form of addendums to the original ES chapters provided for this application and have the following comments.

WMU would have concerns that the development could have an adverse effect with the potential for increased sedimentation, contamination and eutrophication of the Flush River & its tributaries which then flows into the Six Mile Water and ultimately into Lough Neagh.

At present the proposal as set out appears to combine the foul discharges with storm water. It is proposed to send foul discharges through a package treatment system to a SUDS lagoon which will also receive storm water before being discharged.

This SUDS lagoon/ attenuation basin will then discharge to existing reedbed ponds, which in turn will discharge to existing drainage ditch which is hydrologically connected to the Flush River.

Discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment. Two of the conditions of a consent to discharge are as follows:

- All surface water shall be excluded from the system
- The discharge shall consist only of sewage effluent

Based on the current arrangement a consent to discharge could not be granted. The Department would request storm water and treated sewage is piped separately to their respective discharge locations.

Additionally, as the maps provided on planning portal don't show the final discharge point to the environment, no comment can be made regarding the condition of the receiving waterway.

Water Management Unit require a full site* drainage plan before it is able to fully determine the potential impact of any proposal of this type.

The drainage plan should clearly show all surface water and foul drainage as well as the siting of any proposed interceptors, sumps and silt traps with their associated drainage channels. The destination of all drainage should be clearly stated and identified (i.e. where it is proposed

to discharge to foul sewer, combined sewer, surface water sewer, underground stratum or waterway etc.) Water Management Unit request that the drainage system be colour coded (sewage, surface water (clean and potentially contaminated) and the direction of flow indicated.

Water Management Unit would also require the drainage plan to provide clarification of the following points.

- All areas of impermeable hardstanding.
- All areas where vehicle washing is to take place or confirmation that none is to take place on site.
- Clarification of any existing discharge consents held or to be applied for.
- Location of any existing/proposed underground structures (tanks, septic tanks etc.)

WMU require a 'site specific' Final CEMP with input from the appointed contractor at least 8 weeks prior to the commencement of any works and should contain detailed information on the following:

- Clearly identify all potential pollution pathways and provide detailed mitigation measures to prevent the escape of pollutants to the aquatic environment.
- Demonstrate adherence to good working practices as detailed in current guidance e.g. GPP's and PPG's available @ <https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/>
- Details of all proposed excavations and silt management measures (location of spoil heaps and/ or silt fencing) and creation of buffer zones to prevent any potential pollution of nearby watercourses.
- Details of all 'site specific' pollution prevention measures to be employed during construction and operational phase of the project.
- Oil storage on site, capacity & containment measures for leaks & spills - relevant OSR legislation available at <https://www.legislation.gov.uk/nisr/2010/412/contents/made>
- Location of the site compound, areas of hard standing (impermeable surfaces) plus procedures for refuelling of vehicles regular inspections of machinery onsite.
- Detailed drawing plans, demonstrating a suitable buffer (at least 10m) between location of refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drain present on site or adjacent to site.

- Construction phase & end development site drainage plan to include the site storm drainage, foul sewers, any combined drainage systems, any dirty water storage facilities, silt traps/oil interceptors and any other drainage infrastructure incorporated into the sites drainage system.
- Locations of any proposed areas designated for wheel washing, concrete mixing, cement /grout washing etc. plus details of any water treatment facilities on to be used site.
- Details of wastewater management on site and clarification on whether any 'consent to discharge' from NIEA will be required for any of these activities.
- A proposed storm drainage plan designed to the principles of Sustainable Drainage Systems (SuDS), in order to minimise the polluting effects of storm water on waterways Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA).
- Emergency spill procedures in place containing the NIEA Emergency Response Hotline number 0800 80 70 60 in the event of a pollution incident
- There are a number of improvements proposed for the Boghill Road including the installation of a number of gullies to include interceptors, the CEMP should provide detailed mitigations to prevent the release of any contaminants to the Flush River during construction.
- There are also proposals to replace 2 bridges as part of the development– Flush Bridge & Blacks Bridge. The Final CEMP should also incorporate a Construction Method Statement CMS for the installation of these new bridges and for the channel realignment currently being proposed at Blacks Bridge.

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.

Regulation Unit

Section Reference: T/2014/0114/F

Hightown Quarry, 40a Boghill Road, Ballyutoag, Co Antrim. lands adjacent to the existing Boghill Road from its junction with Hyde Park Road to the west of the existing access road into Hightown Quarry.

Considerations

Addendum Environmental Impact Assessment (EIA) reports have been provided in support of this planning application. The additional information regarding land contamination, water monitoring and associated risks have not altered the previous advice regarding land contamination risks for the development.

Regulation Unit Land and Groundwater Team are content on the basis of previous submissions and have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended previously.

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.

- 1. Prior to development all fuel storage tanks and associated infra-structure must be fully decommissioned and removed in line with current Pollution Prevention Guidance (PPG2 and PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, Conditions 2 and 3 will apply.**

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

- 2. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Department in writing, and subsequently implemented and verified to its satisfaction.**

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

- 3. After completing the remediation works under Conditions 1 and 2; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Department. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.**

Regulation Unit

The verification report should present all the remediation, waste management 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.

- 4. The groundwater abstraction borehole GW1 (Reference AIL2008/0162) must be fully decommissioned in line with SEPA's Good Practice for Decommissioning Redundant Boreholes and Wells. [Decommissioning redundant boreholes and wells \(sepa.org.uk\)](http://sepa.org.uk)**

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

Explanatory note

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

- Addendum EIA chapters 2. Geology, Soils and Agriculture; 3. The Water Environment; and 4. Land Quality.
1. The priorities of the RU Land and Groundwater Team in assessing this planning application are 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 East Antrim District Antrim and Newtownabbey Borough 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. Addendum Environmental Impact Assessment (EIA) reports have been provided in support of this planning application. The additional information regarding land contamination, water monitoring and associated risks have not altered the previous advice regarding land contamination risks for the development.
 3. Regulation Unit Land and Groundwater Team are content on the basis of previous submissions and have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended previously.
 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>
 5. The applicant should ensure compliance with the Waste Duty of Care with respect to any waste materials taken onto or taken off site. Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 imposes a duty of care on anyone who handles

Regulation Unit

controlled waste. When waste transfers from one person to another a waste transfer note and/or hazardous waste consignment note must be completed, signed and kept by the parties involved. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 set out the requirement to complete waste transfer notes for waste movements and the Hazardous Waste Regulations (Northern Ireland) 2011 set out the requirements to complete hazardous waste consignment notes for the transfer of hazardous waste. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/duty-care>

<https://www.daerani.gov.uk/articles/hazardous-waste>

Informatives

- 1. The purpose of the Conditions 1 – 4 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 III 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. The applicant should ensure that the management of all 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.**
- 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.**

Industrial Pollution & Radiochemical Inspectorate

Section Reference: T/2014/0114/F

Hightown Quarry, 40a Boghill Road, Ballyutoag, Co Antrim. lands adjacent to the existing Boghill Road from its junction with Hydepark Road to the west of the existing access road into Hightown Quarry.

The Industrial Pollution and Radiochemical Inspectorate have made comments in consideration of proposed development in February 2020. The Industrial Pollution and Radiochemical Inspectorate completed a draft permit for the proposed development in June 2015 before the project was halted.

However subsequently the new Waste Incineration Best Available Techniques Reference Document (BREF) and subsequent BAT conclusions was published on the 3rd December 2019.

The applicant has not referred to the Waste Incinerator BREF in the latest Environmental statement and only references the IED in Section 10.24. The proposed development would need to reapply for a PPC permit and provide evidence that the proposal meets the new stringent requirements of the Waste Incineration BREF including submitting details on how the proposal meets each of the BAT conclusions in chapter 10 BAT Conclusions.

The updated Environmental Statement does not include any additional air emission modelling using the latest version of AERMOD or ADMS. The applicant should rerun the model and provide the results in a comparison table using the latest software version and taking into account any additional emission points or additional sensitive receptors that were not included in the original application.

The applicant is using outdated air emission modelling meteorological data for years 2004-2012. The applicant should rerun the modelling using updated meteorological data.

The applicant would need to apply for a new PPC permit and include the amendments above in the supporting documentation. The operator should contact the Industrial Pollution Radiochemical Inspectorate to discuss the next steps in order to achieve this.

Natural Heritage

Section Reference: CB21172-12

Planning Reference: T/2014/0114/F

Date of Response: 18 April 2024

Considerations

NED has considered the Environmental Statement Addendum, October 2023, which has been submitted in support of the application.

A site visit was carried out on 12 April 2024. The majority of the site is open quarry floors over a series of levels. The ground is mostly bare or supports a thin cover of ruderals, including extensive Pirri-pirri-bur. Piles of waste road scrapings were present in the northern section of the quarry. Ponds were present in the north-eastern corners of this area and along the western side of the access track and in the northern corner of the proposed site. Some of the ponds appear to be subject to succession. A number of buildings on site have been demolished, although some remain as semi-derelict structures. Building B1 is located outside the proposed development footprint. It is a small asbestos-roofed barn covered by ivy. The site appeared to be as described in the Environmental Statement 2014 and subsequent addenda.

Explanatory note

The ES Addendum 2023 details the updated habitat and species surveys that were undertaken in 2021 and 2022, and concludes that there have been no material changes in the ecological baseline of the site since surveys commenced in 2008.

NED notes that the 2021 and 2022 surveys were carried out more than one year ago, but because no significant ecological changes have occurred within the proposed development site, NED are content that no new surveys are currently required, but this would not preclude the need for future surveys if further changes were to occur.

However, NED notes that the 2021 and 2022 survey reports do not contain the required information to demonstrate that they comply with NIEA specifications:

- No details of the qualifications and experience of all surveyors who undertook the habitat, bat, badger, otter, smooth newt and common lizard surveys
- No maps showing the locations of the bat Potential Roost Feature in Building B1, the locations of the surveyors who undertook the emergence/re-entry surveys and the locations of the four paired static bat detectors
- No maps of the areas surveyed for badgers and otters
- No map showing the location of the sett and entrances
- No annotated map showing the pond locations
- No details of mitigation measures to protect badgers or common lizards
- No dates for the badger survey and no details of dates, times and weather conditions for the otter, smooth newt and common lizard surveys
- No maps showing potential lizard basking spots and refugia locations

Please note that water voles do not occur in Northern Ireland.

Natural Heritage

Designated sites

The application site is hydrologically connected to Lough Neagh and Lough Beg Special Protection Area (SPA) and Lough Neagh Area of Special Scientific Interest (ASSI). Belfast Lough SPA and Belfast Lough Open Water SPA are located approximately 5.5km to the east of the site. These sites 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.

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.

The proposed development has the potential to have an adverse impact on Lough Neagh through pollution from contaminated run-off and sediment entering the water courses which are hydrologically connected to the lough. Mitigation is proposed in the Environmental Statement 2014 to minimise the risk of pollution during construction and operation of the site entering watercourses, and therefore having an adverse impact on Lough Neagh.

The proposed development has the potential to have an adverse impact on the Belfast Lough designated sites through deposition of nitrogen oxides, ammonia and sulphur dioxide during operation of the site. In the absence of mitigation, the minor increase (0.06%) in nitrogen deposition (enrichment) within the Belfast Lough SPAs is within the critical load and hence is considered to be not significant (de minimus). Nitrogen enrichment could lead to an increase in the invertebrate food supply for Redshank as well as other birds of interest. The feature species and their habitats are not sensitive to nitrogen and sulphur-derived acid deposition and therefore impacts from combined acid deposition would also be not significant (de minimus). NED notes that no mitigation is therefore required in respect to the Belfast Lough SPAs.

Priority Habitats

NED notes that the updated habitat survey that was undertaken in June 2021 did not identify any new habitat types when compared to previous habitat survey results. However, it was noted that the extent and quality of some habitats had changed:

- Grass species and a more diverse range of herb species, sedges and rushes are starting to colonise the second quarry level, while scrub is beginning to colonise the third level.
- Succession of pioneer scrub into dense stands of mixed and gorse-dominated scrub in parts of the site, particularly the north-eastern corner.
- Further development of areas of Soft Rush, most likely as a result of the removal of cattle grazing from the fields.

The successional changes in habitats have resulted in a decrease in species diversity and loss of species-rich habitats, for example, through scrub encroachment by hawthorn and gorse, which is replacing grassland habitats that have greater species diversity.

The ES Addendum 2023 states that there has been variation of critical loads for sulphur CLmaxS for dwarf shrub heath habitat and nitrogen at a number of SLNCIs in the wider area. NED notes that the modelled deposition remains below the environmental action level in all cases and has no concerns.

Natural Heritage

NED notes that the 2021 habitat survey report states that the mitigation measures for acid grassland, marshy grassland, broadleaved woodland, dwarf scrub/heath, ponds and streams, and the compensation measures for hedgerows which are set out in the Environmental Statement 2014 remain appropriate to minimise potential adverse impacts to Northern Ireland Priority Habitats on the site.

Bats

The 2021 bat surveys comprised bat roost assessments of all buildings and trees within the application site, emergence surveys of Building B1, bat activity surveys and static surveys.

The habitats on site (grassland, ponds and linear features) provide opportunities for foraging and commuting bats. However, in view of the activity levels recorded and the habitats present across the wider environment, it is not considered that bat populations are dependent upon the habitats present within the site.

NED notes that the 2021 bat survey report states that the mitigation measures including the habitat management and the compensation measures for hedgerows which are set out in the ES Addendum 2023 remain appropriate to minimise potential adverse impacts to bat populations.

Birds

NED notes that specific breeding bird surveys were carried out following the Common Bird Census (CBC) technique in 2021. The hedgerows, treelines, grassland, scrub and rock faces within the application site offers opportunities for nesting birds. A total of 38 species were recorded, including Wren, Wood Pigeon, Dunnock, Swallow, Linnet, Song Thrush, Carrion Crow, Willow Warbler, Great Tit, Goldfinch, Blackcap, Reed Warbler, Starling, Jackdaw, Robin, Bullfinch, Blue Tit, Magpie, Hooded Crow, Blackbird, Peregrine, Meadow Pipit, Whitethroat, Stonechat, Raven, House Martin, Chaffinch, Reed Bunting, Goldcrest, Rock Pipit, Rook, Sedge Warbler, Cuckoo, Ringed Plover, Grasshopper Warbler, Grey Wagtail, Willow Tit and Lesser Black-backed Gull.

The 2020 bird surveys recorded a total of 42 species. Of these, 8 priority species were recorded as possibly or probably breeding within the site including Dunnock, Linnet, Meadow Pipit, Reed Bunting, Ringed Plover, Song Thrush, Common Starling and Common Swift. The findings of the 2021 survey remain consistent with these results.

NED does not require new bird surveys, but would recommend that the mitigation measures listed in Section 9.309 of the Environmental Statement 2014 are fully implemented. In particular, it is essential that the quarry face is checked by an experienced ornithologist for nesting activity by Peregrines and other species prior to any enabling works during the breeding season. The developer should consult the Northern Ireland Raptor Study Group regarding the recent status of the species at the site. The quarry floor should also be checked for the presence of territorial Ringed Plover prior to any construction work between 1 March and 31 August. Should a buffer zone be required, NED recommends a radius of 25m for Ringed Plover. Removal of hedgerow vegetation and trees and removal or infilling of natural features such as earth banks and ditches should be minimised and all works should be restricted to the project footprint as shown on the original drawings.

Natural Heritage

Badger

The 2021 badger survey recorded a single badger sett on site. This sett had a single entrance and is considered to be an outlier sett. No other evidence of badgers was identified within the site except for an observation of a badger during the June bat activity survey.

NED notes that the ES Addendum 2023 concludes that the mitigation measures for badgers set out in the Environmental Statement 2014 remain appropriate. However, because no evidence of badgers was found on site during the 2012 surveys, no mitigation or compensations measures were proposed in the Environmental Statement 2014. NED requires submission of suitable mitigation and/or compensation measures for the badgers on site.

Otters

The assessment of the suitability of the watercourses downstream and upstream of bridges A and B to support Otter and Water Vole was undertaken in August 2021. A single Otter spraint was recorded approximately 20m north of the road bridge on top of a prominent rock within the stream. No other evidence of Otters was identified during the survey.

NED notes that the 2021 otter survey report states that the mitigation measures which are set out in the ES Addendum 2023 remain appropriate to minimise potential adverse impacts to otters.

No evidence of Water Vole was found but, as this species does not occur in Northern Ireland, this is to be expected.

Smooth Newt

The 2021 licensed newt survey covered thirteen waterbodies across the application site. Smooth Newt were recorded in eight of the ponds.

NED notes that the 2021 smooth newt survey report states that the mitigation measures which are set out in the ES Addendum 2023 remain appropriate to minimise potential adverse impacts to otters.

Common Lizard

Lizard surveys were undertaken in 2022. Habitat suitable to support lizards is present across the site, but the surveys did not record any lizards.

NED notes that the ES Addendum 2023 concludes that the mitigation measures for common lizard set out in the Environmental Statement 2014 remain appropriate. However, because no evidence of lizards was found on site during the 2012 surveys, no mitigation or compensations measures were proposed in the Environmental Statement 2014. Because the site contains habitat suitable for lizards, NED requires submission of suitable mitigation measures for any lizards that may be present on site.

Further information

NED required the following information to confirm that the 2021 and 2022 survey reports comply with NIEA specifications:

Natural Heritage

- Details of the qualifications and experience of all surveyors who undertook the habitat, bat, badger, otter, smooth newt and common lizard surveys
- Maps showing the locations of the bat Potential Roost Feature in Building B1, the locations of the surveyors who undertook the emergence/re-entry surveys and the locations of the four paired static bat detectors
- An explanation of why the trees and buildings on the site are considered to have negligible opportunities for roosting bats
- Maps of the areas surveyed for badgers and otters
- Map showing the location of the badger sett and entrances
- Annotated map showing the pond locations
- Details of mitigation measures to protect badgers or common lizards
- Dates of the badger survey and dates, times and weather conditions for the otter, smooth newt and common lizard surveys
- Maps showing potential lizard basking spots and refugia locations