

6. Ecology

Introduction

6.1 This ES Chapter Addendum has been prepared in response to a number of issues raised by various third parties following the submission of the original ES (March 2014), the initial Addendum to the ES (September 2014), the FEI submitted as part of the Statement of Case to the hearing before the PAC (August 2016) and Further Environmental Information (FEI) submitted in March and August 2019. These issues can be summarised as:

- i. whether a Discharge Consent for the proposals is required prior to undertaking a Habitat Regulation Assessment (HRA) or determination of the application (see objection no. 5209);
- ii. the lack of assessment of the potential effects of the proposals on the proposed East Coast (Northern Ireland) Marine Special Protection Area (SPA) (see TLT correspondence dated 25 September 2020); and
- iii. the declining reliability of assessments made on the basis of ageing species-specific survey information (see TLT correspondence dated 25 September 2020).

6.2 These issues are considered further below.

Discharge Consents

6.3 The proposals require the release of water into the River Flush and its tributaries during the construction phase and for the operation of the sewage plant and stormwater discharge. Given this hydrological connectivity, there is potential for adverse effects to arise on the Flush River and its tributaries through sedimentation, contamination and eutrophication during the construction and operational phases of the proposed development. It should also be noted that the Flush River also provides a hydrological connection to Lough Neagh and Lough Beg SPA/Ramsar site.

6.4 On this basis specific avoidance / mitigation measures are required as part of the scheme in order to mitigate any effects on the Flush River and its tributaries. Mitigation measures have been designed into the scheme and are discussed in detail in Chapters 7: The Water Environment and 8: Land Quality of the original ES (2014) and subsequent updates within the March 2019 Addendum and August 2019 Addendum (Drainage Assessment).

6.5 As part of the mitigation measures, the discharge will require Northern Ireland Environment Agency (NIEA) Discharge Consents to be issued prior to these operations taking place. Whilst a Discharge Consent itself may give comfort that an impact will not arise on the Flush River and its tributaries, it should be noted that the Discharge Consent itself is not a mitigation measure, but simply a permit to carry out the consented activity. The actual mitigation in this instance is the drainage scheme that has been designed to control environmental risks.

- 6.6 On the basis that the drainage scheme has been designed to industry standards and fit for the purpose of ensuring no significant adverse effects will arise on the Flush River and its tributaries as well as Lough Neagh and Lough Beg SPA/Ramsar, it is considered that no Discharge Consent from NIEA will need to be issued prior to undertaking a HRA or determination of the application.
- 6.7 Whilst entirely separate to any Discharge Consent required from NIEA in the future, the Schedule 6 Discharge Consent to discharge storm water from the application site was previously granted by DfI Rivers on 22 August 2019. This consent was provided as part of the FEI submission in August 2019 and has since expired due to the passage of time. A renewed Schedule 6 consent is enclosed as part of this submission for completeness - see Appendix 6.3. Importantly, the drainage proposals remain unchanged.

The proposed East Coast (Northern Ireland) Marine SPA

- 6.8 The lack of consideration of the Proposed East Coast (Northern Ireland) Marine SPA has been raised by third parties. As such this site has been given further consideration in respect of potential significant effects that may arise from the proposals.
- 6.9 Given that this site is a candidate for designation as a European site, the potential effects of the proposals on the proposed SPA have been considered within the updated shadow HRA produced by Ecology Solutions, as updated October 2020 (see Appendix 6.1). In summary, it has been scoped out from further consideration due to the distance between the application site and the proposed SPA and that no new pathways can be identified which could lead to a likely significant effect.

The Age of Species-specific Surveys

- 6.10 It has been noted that the original species-specific survey information provided as part of the original ES is now more than 4 years old. Given its age, any judgements made by way of reference to the data might suggest it is a less than robust approach.
- 6.11 In 2018 an updated walkover survey was undertaken in order to consider whether the overall habitat structure had changed significantly which might indicate whether the species-specific information was sufficiently robust to continue to draw conclusions from it. At that time it was considered that little had changed in habitat terms and that therefore, the likelihood of a significant change in species or species distribution would be unlikely and that as such the conclusions reached originally remained sufficiently robust to continue to rely upon them. However in 2020 given the species surveys were now 4 years plus in age, these surveys were repeated to ensure that an updated assessment could be made of the impacts of the proposals and also test whether the suitability of any mitigation measures remained appropriate.
- 6.12 Update surveys / assessments were conducted by Ove Arup & Partners Ltd (Arup) in respect of the following species:

- i. Smooth Newt *Lissotriton vulgaris*;

- ii. Badger *Meles meles*;
- iii. Breeding Birds;
- iv. Common Lizard *Zootoca vivipara*; and
- v. Otter *Lutra lutra*.

- 6.13 The scope, methodologies and findings of these surveys are presented at Appendix 6.2.
- 6.14 In respect of Smooth Newts, the update survey work considered that the impacts and proposed mitigation outlined within the existing ES Chapter remain robust.
- 6.15 The update Badger survey recorded a single active outlier sett located approximately 25m from the access road to the site. No impacts to the sett are considered to arise on this sett as a result of the proposals.
- 6.16 Breeding bird species recorded during the 2020 surveys were similar to those recorded in previous surveys and the impacts and proposed mitigation outlined within the existing ES Chapter remain robust.
- 6.17 No incidental records of Common Lizard were recorded during surveys undertaken in 2020. Consequently, in line with previous recommendations, no further assessment for common lizard is required.
- 6.18 No signs of Otter were recorded within the watercourses adjacent to the bridge crossings. Notable, no holts were recorded and it is therefore considered that the impacts and proposed mitigation outlined within the existing ES Chapter remain robust.

Summary

- 6.19 Detail available on the design of the drainage strategy for the proposals reliably demonstrates that no significant adverse effect will arise on the Flush River, its tributaries or connected European Sites. Therefore, it is considered that no Discharge Consents are required to be issued prior to an HRA being undertaken or the determination of the application.
- 6.20 Impacts on the Proposed East Coast (Northern Ireland) Marine SPA have been scoped out from further consideration due to the distance between the application site and the proposed SPA and that no new pathways can be identified which could lead to a likely significant effect.
- 6.21 In light of the finding of the update survey results it is considered that the ecological baseline of the application site is well understood and that the overall conclusions of the original ES together with the proposed ecological mitigation strategy is fit for purpose and remains robust.