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Date: 30/01/2019

**Re: SONI Transmission Development Plan NI 2018-2027: Consultation**

Dear Rónán Davison-Kernan,

Thank-you for your email regarding the Strategic Environmental Assessment (SEA) Environmental Report & Habitats Regulations Assessment for the SONI Transmission Development Plan NI 2018-2027.

The Department of Agriculture, Environment and Rural Affairs Northern Ireland (DAERA) and the Department for Communities, Historic Environment Division (HED) has considered the consultation and associated documents and our opinions are set out below.

**Natural Environment Division (NED)**

**Transmission Development Plan**

- P48 Section 4.1.7 on Landscape. The policy should also have regard to important landscape designations including AONBs and the World Heritage Site, as well as the Northern Ireland Seascape Character Assessment.
- Section 4.1.4 on Biodiversity should also refer to National Nature Reserves. In addition, species protected under legislation should also be referred to, because not all species protected under legislation are priority species.

**Habitats Regulations Assessment**

- Regarding in combination effects, it should be noted that new local development plans are being progressed by the councils.



- P82 Disturbance to peat soils and reseedling with native species – where reference is made to possible re-seeding with native species to stabilize peat and accelerate recovery of vegetation, this should be clarified in terms of the use of species of native provenance.
- P83 Regarding species which can move outside a European site, reference should be made to flight lines for species such as Whooper Swan.

#### Strategic Environmental assessment

- Note that the number of ASSIs in Northern Ireland has increased to 394. Note also that DAERA is currently consulting on 2 additional Ramsar sites: Derryleckagh proposed Ramsar and Teal Lough proposed Ramsar
- P5 It should be noted that DAERA is the Consultation Body for SEA in N. Ireland
- Section 5.2, p33 the baseline should include the Biodiversity Strategy for Northern Ireland to 2020 and the NI State of the Environment Report 2013. It should also refer to the status of habitats and species in the relevant reports available on the JNCC website as follows: UK Article 17 report for the Habitats Directive <http://jncc.defra.gov.uk/default.aspx?page=6397> and the UK Article 12 report for the Birds Directive <http://jncc.defra.gov.uk/default.aspx?page=6526>.
- Section 3.3 p26, we welcome the use of environmental constraints modelling, however would recommend that additional priority habitat and species information available from the NIEA Natural Environment Web Viewer should be included within the model <https://www.daera-ni.gov.uk/services/natural-environment-map-viewer>

#### Marine & Fisheries Division

##### Marine Conservation and Reporting Team

##### Recommendations/ considerations

The following legislation and guidance should be a material consideration of the plan and any future project level assessments:

##### Marine Mammals

In addition to designated sites marine mammals are also protected throughout their range through the following nature conservation legislation:



- The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended); and
- The Wildlife (Northern Ireland) Order 1985 (as amended).

This includes marine mammals such as the grey seal and harbour seal, which are protected from disturbance and injury, both of which are present along the entire Northern Irish coastline. All plans/projects within or adjacent to the marine environment must therefore provide appropriate mitigation with particular attention paid to areas where there are known seal haul out and breeding areas. If there are planned piling works associated with the proposed development mitigation for marine mammals may be required and possibly a Marine Wildlife Licence.

Recent advice, relating to SACs which have seals as a site selection feature, recommends the following ranges should be used when screening for either Harbour or Grey Seals:

- all SACs within 135km of the project should be screened for Grey Seals (*Halichoerus grypus*) and
- all SACs within 50km should be screened for Harbour Seals (*Phoca vitulina*).

#### Marine European Protected Species:

The applicant's attention is drawn to regulation 34 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European Protected Species included in Schedule 2 to these Regulations. This includes all species of dolphins, porpoises and whales and the marine turtle species.

(1) It is also an offence to;

(a) deliberately disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;

(b) deliberately disturb such an animal in such a way as to be likely to;

(i) affect the local distribution or abundance of the species to which it belongs;

(ii) impair its ability to survive, breed or reproduce, or rear or care for its young; or

(iii) impair its ability to hibernate or migrate;

(c) deliberately take or destroy the eggs of such an animal;



(d) deliberately obstruct access to a breeding site or resting place of such an animal; or

(e) damage or destroy a breeding site or resting place of such an animal.

(2) It is an offence for any person;

(a) to have in his possession or control,

(b) to transport,

(c) to sell or exchange, or

(d) to offer for sale or exchange,

any live or dead animal which is taken from the wild and is of a species listed in Annex IV(a) to the Habitats Directive, or any part of, or anything derived from, such an animal.

It is the applicant's responsibility to ensure that an offence is not committed. Further advice can be sought from DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast, BT7 2JA.

Under this legislation a licence may be required for any operations which might impact on European Protected Species.

#### Marine National Protected Species

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended), under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 to the Order. This includes the common seal (*Phoca vitulina*), grey seal (*Halichoerus grypus*), basking shark (*Cetorhinus maximum*), angel shark (*Squatina squatina*), common skate (*Dipturus batis*) short snouted seahorse (*Hippocampus hippocampus*), spiny seahorse (*Hippocampus guttulatus*), spiny lobster (*Palinurus elaphus*) and fan mussel (*Atrina fragilis*).

Article 11 of the Wildlife (Northern Ireland) Order 1985 (as amended) provides that a person shall not be guilty of an offence under Article 10 (killing or injuring a species listed in Schedule 5 (as amended)) if the act was incidental to a lawful operation (i.e. activity permitted by a Marine Licence or Planning Permission) and could not reasonably be avoided. A separate marine Wildlife Licence is therefore not required for national marine protected species if a Marine Licence/Planning Permission has been granted, since adherence to the conditions of the Marine Licence should reduce the likelihood of harm to marine national protected species.



Under Article 10 it is an offence to intentionally or recklessly disturb; common seals, grey seals or basking sharks. It is also an offence under Article 10 to intentionally or recklessly damage or destroy, or obstruct access to, any structure or place which these animals (Schedule 5<sup>1</sup>) use for shelter or protection; damage or destroy anything which conceals or protects any such structure; or disturb any such animal while it is occupying a structure or place which it uses for shelter or protection.

Under Article 13 it is an offence to sell or transport any Schedule 7 animal dead or alive at any time<sup>2</sup>.

Any person who knowingly causes or permits an act which is made unlawful under Article 10 or Article 13 shall also be guilty of an offence.

It is the applicant's responsibility to ensure that an offence is not committed. Further advice can be sought from DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast BT7 2JA.

Under the Wildlife (Northern Ireland) Order 1985 (as amended) a licence may be required for any operations which might impact on protected species.

<sup>1</sup> *Common skate and angel sharks in respect to Article 10 (1) only and within 6 nautical miles of coastal water only.*

<sup>2</sup> *Schedule 7 species includes all Schedule 5 species listed in Appendix A, with the exception of the common skate and angel shark. Sea urchin is protected under Schedule 7 only.*

Further guidance on development proposals which may have an impact on the marine environment;

<https://www.daera-ni.gov.uk/sites/default/files/publications/daera/Planning%20in%20the%20Coastal%20Area%20-%20June%202017.pdf>

#### Marine Historic Environment and Heritage Assets

Thank-you for your consultation; we are grateful for the opportunity to be able to comment on this document. This response considers reference to areas offshore of Northern Ireland (e.g., some of the proposed developments which have a





potential for marine cabling and/or marine impacts) and potential impacts on the marine historic environment.

#### SEA Environmental Report – General Comments

Overall we welcome the document's inclusion of cultural, architectural and archaeological heritage as a strategic environmental objective. The SEA should consider the potential effects of activities in relation to the current understanding of submerged cultural heritage in the context of international and national protection measures, planning policy and best practice industry guidance. Where relevant this must be inclusive of boat finds and shipwrecks, prehistoric archaeological remains and aircraft losses and recognise the importance of non-designated sites as per the Marine Policy Statement (MPS 2011).

The SEA must recognise the potential for impact on marine archaeology arising from certain proposed activities covered by the plan and the fact that cultural heritage should be considered as part of any future marine cabling and/or marine impacts. Site-specific surveys may need to be undertaken to prevent any loss to the marine archaeological resource.

The report should also recognise the potential impact upon sites and features that are otherwise unrecorded and not just designated and recorded sites and features. In other words there needs to be clear recognition of the potential importance of newly discovered sites and features that may arise as a result of activities. It is an important matter to recognise that only a minority of sites on the seabed are afforded any form of statutory designation and government policy is clear that non-designated sites where significance is identifiable should be subject to the same policy principles as designated sites (MPS 2011).

#### SEA Environmental Report – Comments on Environmental Report

PDF page counter	Section/ Paragraph/ bullet point	Comments
26-27	Table 3.5	Add: Historic shipwrecks and other marine heritage assets
45	Para 1	Add: In Northern Ireland territorial waters there are c. 340 known historic wrecks and some c. 2,700 recorded marine losses. Further to this there is the potential for previously unknown archaeological material of importance to be discovered during the course of construction activities on or below the



		seabed, particularly during excavation and/or dredging.
45	Para 3	Amend: The potential impact of underground and submarine cables...
45	Para 4	Add: marine historic environment records. Note: Northern Ireland's marine heritage asset GIS data is available to view at <a href="#">Historic Environment Map Viewer</a> and <a href="#">Marine Map Viewer</a>
86	Cultural, Architectural & Archaeological Heritage	Mention is made of wrecks. Amend to: There are numerous recorded historic wrecks and marine casualties present within the study area, with clustering of historic wrecks in the vicinity of Rathlin Island, Runabay Head and Larne Lough. In Church Bay, Rathlin Island the remains of the WWI armoured cruiser, HMS Drake has been Scheduled as a historic monument. The Drake scheduled area overlaps the location of the submarine NIE electricity cable serving Rathlin Island. For information see: <a href="https://www.daera-ni.gov.uk/publications/hms-drake-scheduling-documentation">https://www.daera-ni.gov.uk/publications/hms-drake-scheduling-documentation</a>
90	Cultural, Architectural & Archaeological Heritage	In addition to the two recorded historic wrecks cited mention could be made of the potential underwater archaeological resource as reflected in the 'Marine Losses' data.
94	Cultural, Architectural & Archaeological Heritage	Mention potential underwater archaeological resource as reflected in the 'Marine Losses' data.
190	29 - Potential for loss of or damage to known and Unknown heritage features in the development of transmission infrastructure.	Under Proposed Mitigation add: Site-specific surveys may need to be undertaken to prevent any loss to the marine archaeological resource.

### Marine Plan Team

The geographical scope of the accompanying Strategic Environmental Assessment indicates that there are a number of projects in the Plan that will require marine cabling or have a marine aspect. Recognition within the SEA of the potential marine impacts in relation to these specific projects is welcomed.



As previously mentioned it is important that the Marine Act (Northern Ireland) 2013 is included within Table 6.1 as national level legislation and the draft Marine Plan for Northern Ireland as a regional level plan.

Whilst Section 10 of the Transmission Development Plan document includes marine aspects in relation to mitigation measures, further integration of marine aspects could be accommodated.

For example, it is important to ensure that the potential need for other consents, such as a Marine License (not just planning consent) are referred to in Part 3 of Section 3.4 of the Plan document.

In addition, it is important that the objectives outlined in Section 4 of the Plan take account of the marine impacts recognised in the SEA and include the relevant environmental marine considerations outlined in Chapter 2 the UK Marine Policy Statement (MPS)<sup>1</sup>. For example, the objective on landscape (4.1.17) should include reference to Seascape and the Northern Ireland Seascape Character Assessment. To further assist, your attention is drawn to Section 3.3 of the UK MPS which provides information on potential impacts and issues for consideration in relation to energy production and infrastructure development in the marine area.

Lastly, all references to DAERA Marine Environment Division should be amended to DAERA Marine and Fisheries Division across all documents.

We hope these comments will assist you in strengthening the interaction and integration of your Plan with the marine area and the planning system and in particular the UK Marine Policy Statement.

### **Climate Change Unit**

#### **SEA Comments**

Page 43 refers to United Nations Intergovernmental Panel on Climate Change (2007) quotes. More recent reports have been published since 2007 e.g. published in 2018 which may provide a more updated quote. (<http://www.un.org/en/sections/issues-depth/climate-change/index.html> see for info )

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<sup>1</sup> <https://www.gov.uk/government/publications/uk-marine-policy-statement>





Page 50 The Northern Ireland Climate Change Adaptation Programme 2014 is quoted twice. Also this programme is for the years 2014-2019. The following amendment should be made; "Insert UK Climate Change Risk Assessment 2017" and remove the term "UK Climate Change Risk Assessment Programme 2017"

Page 246 Northern Ireland Climate Change Adaption Programme, 2014 should read "Northern Ireland Climate Change Adaption, 2014-2019" as it is not a programme. Advise to remove references to programme.

Page 252 of the SEA. Comments on the UK climate Change act 2008 – states, 'requires 60% cut in UK carbon emissions by 2050'. This should be amended to 'requires 80% cut in UK GHG emissions.'

### **Drinking Water Inspectorate**

The Drinking Water Inspectorate (DWI) has considered the Consultation on Transmission development plan for NI 2018-2017 and associated SEA & HRA and notes the consultation has considered the requirement for the development not to impact on surface waters used as drinking water sources and has identified a number of potential water bodies to be assessed. The developer should, if it has not already done so, engage with Northern Ireland Water Ltd to ensure that it has identified all relevant drinking water protected areas.

The consultation also highlights the potential for the development to impact on groundwaters. The DWI would highlight there is the potential for groundwaters within the development area to be private water supplies and be used as drinking water sources or in food production. The developer should therefore ensure appropriate scoping and assessments are undertaken to ensure the development does not impact on either the sufficiency or quality of such water supplies.

Information of private water supplies registered with the DWI can be obtained by contacting at [dwi@daera-ni.gov.uk](mailto:dwi@daera-ni.gov.uk) and further information on private water supplies at <https://www.daera-ni.gov.uk/articles/private-water-supplies>. It should be noted that private water supplies to single domestic dwellings are not required to be registered with the Inspectorate and a separate scoping exercise should be undertaken to establish if any such supplies are within the development area.



### Historic Environment (HED)

HED welcome the opportunity to be able to comment on the above document. DfC HED, via DAERA, replied previously to the scoping flagging the need to consider historic environment datasets.

We welcome the document's inclusion of Cultural, Architectural and Archaeological Heritage as a strategic environmental objective throughout the document. Within the document it is important to acknowledge that the SEA allows for the identification, understanding and significance of the heritage asset and its setting to be expressed. Therefore, allowing adequate consideration of the effects of the plan on them, including a cumulative effect, to be significantly reduced, i.e. by looking at alternative solutions to avoid or to minimise adverse effects on the historic environment, with mitigation as the last resort. See our response below in relation to the SEA Environmental Report:

EAS Environment Report (pg)	Section/ Paragraph/ bullet point	Comments
45	Para 3	HED acknowledge that the construction of transmission infrastructure has potential to have limited (direct) impact on cultural heritage. However, consideration of the impact of such elements on the setting of heritage assets must also be taken into consideration.
48	Last para	HED acknowledge that the absence of the Plan is unlikely to have a significant impact on heritage assets and the historic environment. However, we disagree that with the lack of the Plan there will be neutral/no impacts (as per table 8.1, Do Nothing Scenario, pg 71) on the historic environment. We consider allowance for 'slight' to 'significant' impacts to heritage assets may occur especially if development proceeds in an ad hoc manner, rather than to a fully considered strategic plan.
195	<b>Table 9.3: Cultural, Architectural &amp; Archaeological Heritage: Possible Data and Responsible Authority (column)</b>	Edit: Omit 'DfC Heritage', add in-lieu 'DfC Historic Environment Division' and include 'DAERA', i.e. NIEA, DfC Historic Environment Division, DAERA and UNESCO data.



Please contact the SEA Team at [seateam@daera-ni.gov.uk](mailto:seateam@daera-ni.gov.uk) should you have any queries or require clarification.

Yours sincerely,



Dr Georgina Thurgate  
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Countryside, Coast and Landscape Unit  
Northern Ireland Environment Agency



