

NIE Networks' Proposed Amendments to Draft Water Environment & Ecology Conditions (*amendments suggested are in red text*). Wednesday, 07 October 2026.

6. ~~A site specific Construction Method Statement, agreed with the appointed contractor, must be submitted to and approved by the Planning Authority in advance of commencement of any underground water crossings. This shall include a schedule of works for all underground watercourse crossings to include timings, locations (grid references) and methods to be used for those crossings identified and must identify all potential risks to the watercourse and appropriate mitigation to eliminate these risks. Details of the drilling muds / fluids to be used for horizontal directional drilling and the relevant Material Safety Data Sheets shall be included. The works layout and mitigation to include appropriate areas for the storage of construction machinery, fuels/oils, refuelling areas, shall be identified on a drawing included in the Construction Method Statement. The approved Construction Method Statement shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.~~

~~**Reason:** To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and to ensure the project will not have an adverse effect on the integrity of any European site.~~

Comment: See proposed amendment to draft Condition 10

7. If during the site investigation or development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority 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>, the Planning Authority shall be informed and a full written risk assessment in line with current government guidance that details the nature of the risks and any necessary mitigation measures shall be submitted and agreed in writing with the Planning Authority. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use and to protect the health of construction workers.

Comment: It is suggested that conditions 7 & 8 should follow after condition 10.

8. After completing the remediation works under Condition 7; and prior to **energisation** of the development, a verification report shall be submitted in writing and agreed with the Planning Authority. 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/landcontamination-how-to-manage-the-risks>.

The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

9. The development hereby permitted shall not commence until a field/walkover survey of water features (including unregistered private water supplies) has been submitted and agreed in writing by the Planning Authority. If any additional water features (not discussed in the Environmental Statement) are identified, a risk assessment and potential mitigations shall be submitted and agreed in writing by the Planning Authority prior to works commencing in the vicinity of the water feature.

Reason: Protection of environmental receptors

10. No development activity, including ground preparation or vegetation clearance or intrusive ground investigations, shall take place until a final Construction and Environmental Management Plan (CEMP) **incorporating the mitigation measures set out in the ES and oCEMP**, has been **prepared by the appointed contractor and** submitted to and approved in writing by the Planning Authority. The approved CEMP ~~must be agreed with the appointed contractor~~, shall be implemented in accordance with the approved details and all works on site, including ground investigations, construction and operational maintenance, shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:
- a) Construction methodology and timings of **all works and shall specifically include a schedule of works for all underground watercourse crossings to include timings, locations (grid references) and methods to be used for those crossings identified and must identify all potential risks to the watercourse and appropriate mitigation to eliminate these risks. The approved Construction Method Statement shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority;**
 - b) Pollution Prevention Plan; **The works layout and mitigation measures shall ensure that suitable buffers are maintained at all times** between the location of all construction works, storage of excavated spoil and construction materials, ~~any refuelling, storage of oil/fuel~~, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
 - c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
 - d) Peat/Spoil Management Plan; including identification of peat/spoil storage areas, management and handling of peat/spoil and details of the reinstatement of excavated peat/spoil;
 - e) Water Quality Monitoring Plan;
 - f) Environmental Emergency Plan;
 - g) ~~Mitigation measures as detailed in the Environmental Statement and Outline Construction Environmental Management Plan;~~

- h) Details of appropriate mitigation measures to protect badgers, including an updated survey prior to works commencing and drawings to clearly show 25 metre Ecological Exclusion Zones;
- i) Details of appropriate mitigation measures to protect protected and priority species;
- j) Details of appropriate mitigation measures to prevent the spread of non-native invasive species;
- k) Details of the appointment of an Ecological Clerk of Works (ECoW) to oversee all works and the implementation of mitigation measures and their roles and responsibilities;
- ~~l) Further detail on the prevention of sediment release from haul roads;~~
- m) Monitoring of silt fencing and settlement features must be specified to ensure ongoing effective functioning;
- ~~n) A separation distance of 20m between refuelling and any watercourse;~~
- ~~o) A minimum setback distance of 20m between the launch and reception pits, stockpiled material and any watercourse;~~
- ~~p) Reference to River Foyle and Tributaries SAC;~~
- q) Details of how fish will be translocated, should they be present at open trench crossings, ~~and at culvert replacement sites where applicable;~~
- r) Details of action to be taken in response to encountering contamination, ~~including new contamination or risks which have not previously been identified~~, during intrusive ground investigation or construction ~~in accordance with the requirements of condition 7 and 8;~~
- s) measures taken to ensure that the quietest machinery is used to minimise impacts on the residents at the nearest properties;
- t) all the mitigation and avoidance measures outlined in Section 8, Dust Management of Appendix 2.2 - Outline Construction Environmental Management Plan;
- u) A programme of works and identification of any adverse noise, vibration, and dust impacts (e.g. rock breaking) arising from each phase of the ground and construction works; and
- v) Details of the noise, vibration, and dust mitigation measures necessary to protect amenity at nearby occupied properties and arrangements for community liaison and a complaints procedure.

Reason: To protect Northern Ireland priority habitats and protected and priority species, to ensure implementation of mitigation measures identified within the Environmental Statement and to prevent likely significant effects on the Owenkillew River Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI), the River Foyle and Tributaries SAC and ASSI and the Owenreagh River ASSI and to protect amenity.

11. No development activity, including ground preparation or vegetation clearance, shall take place until a Protected Species Management Plan (PSMP) has been submitted to and

approved in writing by the Planning Authority. The approved PSMP shall be implemented in accordance with the approved details, and all works on site shall conform to the approved PSMP, unless otherwise agreed in writing by the Planning Authority. The PSMP shall include the following:

- a) Details of updated surveys for protected species prior to works commencing using appropriate methodology;
- b) Details of appropriate mitigation for protected species to be implemented during the site preparation, construction and operational phases, including timing of works, wildlife corridors, buffer zones and/or fencing;
- c) Details of appropriate monitoring of impacts to protected species during construction works; and
- d) Details of appropriate measures to be followed should monitoring indicate potential impacts to protected/priority species and/or potential breaches of wildlife legislation.

Reason: To mitigate for impacts on protected/priority species using the site.

12. No development activity, including ground preparation or vegetation clearance, shall take place until a final Ecological Mitigation and Management Plan (EMMP), has been submitted to and agreed in writing with the Planning Authority (see Appendix C9 of the ES for the mine site - SLR, September 2017-Application Reference LA10/2017/1249/F). The final EMMP shall clearly show the location of the 670m² area of compensation for habitat losses associated with the powerlines which shall be in addition to the compensation proposed for habitat loss associated with the mine site (Application Reference LA10/2017/1249/F). The final EMMP shall also detail the management prescriptions, monitoring and surveillance for this additional area. The EMMP shall be carried out as agreed.

Reason: To ensure that adequate compensation measures specific to Northern Ireland priority habitat loss from the powerlines are secured and implemented.

- ~~14. No development shall commence until details of a scoping exercise undertaken along the length of the proposed development is submitted to and approved in writing by the Planning Authority. The scoping exercise shall demonstrate that no non-registered / non-monitored private water supplies will be adversely affected by the development.~~

~~—Reason: To protect private drinking water supplies.~~

ADDENDUM: ADDITIONAL DRAFT CONDITIONS FROM DFI REBUTTAL

Northern Ireland Priority Habitats (NIPH) and protected, non-aquatic species

1. There shall be no development activity, including any vegetation clearance, during the bird breeding season (1 March to 31 August inclusive) within the Craignagapple survey area or within 500m of the previously used Kestrel nest site in the Slievemore survey area.

Reason: To avoid potential disturbance to breeding Snipe, Red Grouse and Kestrel.

2. No vegetation clearance or removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird nests immediately before clearance, and provided written

confirmation that no nests are present or that birds will be harmed and there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

Designated Sites

- ~~3. DAERA NIEA Natural Environment Division: Conservation Designation and Protection (GDP), Biodiversity and Wildlife Unit (BWU) in relation to their consideration of RPS SoC, suggested a condition be considered in relation to Designated sites – see Appendix 2 NIEA – They state: NED request that the appointed contractor submits the final Construction Environmental Management Plan (CEMP) and finalised layout design including a site drainage plan for review prior to works commencing. This should reflect and detail all the mitigation, and avoidance measures to be employed as outlined in the RPS – SOC 17 – Appendix C OCEMP and Loughs Agency SoC (dated, 18/10/2024) and all additional submitted information.~~

Comment: See proposed amendment to draft Condition 10