

Comment numberCOM07
Name John Ford, NIEA – Natural Environment Division
Date submitted..... 05 March 2015
NIMVO plot numberN/A

TransportNI has considered the correspondence in the above communication and responds as follows:

1. **I refer to the Environmental Statement (ES) which was received in this office on 28 January 2015.**

Having considered the content of the Environmental Impact Assessment consultation submitted by URS in support of this proposal, NIEA would make the following comments.

We are pleased to note from submitted documents the proposed mitigation for bats and breeding birds on the development site and are of the opinion that should these be followed, the site may become of greater value for biodiversity.

Bat and breeding bird mitigation

- a) TransportNI welcomes your support of the proposed mitigation measures in relation to bats and breeding birds, as noted in sub-section 10.7.6 and 10.7.8 in Volume 1 of the Environmental Statement (ES).
2. **We remind Transport NI that Under Article 1 of the Wildlife and Natural Environment Act (Northern Ireland) 2011 it is the duty of every public body, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.**

Conserving biodiversity includes:

- a) **In relation to any species of flora or fauna, restoring or enhancing a population of that species;**
- b) **In relation to any type of habitat, restoring or enhancing the habitat.**

Conservation of biodiversity

- a) TransportNI confirms that it is aware of its duty to further the conservation of biodiversity in accordance with the requirements of Article 1 of The Wildlife and Natural Environment Act (Northern Ireland) 2011, as noted in sub-section 10.4 in Volume 1 of the ES.
3. **We note that two stands of Japanese knotweed (*Fallopia japonica*) were discovered on the development site. We remind the applicant of their responsibility under Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to plant or otherwise cause to grow in the wild any plant included under Part II of Schedule 9 of the Order, which includes Japanese knotweed. This highly invasive plant species has been recorded on site and control measures must be taken to ensure that any works do not cause it to spread either on or off the site. We would expect best practice to be followed at all times when dealing with Japanese knotweed.**

Invasive species

a) TransportNI confirms that it is aware of its responsibility under Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) in relation to invasive species, as noted in sub-section 10.5.2.2 in Volume 1 of the ES. In this regard, appropriate mitigation measures are proposed to deal with the Japanese knotweed issue, as noted in sub-section 10.7.5 in Volume 1 of the ES.

4. The submitted documents have identified the following perceived risks as a result of the proposed development:

- 1. The drainage velocity of storm water from the scheme entering Belfast Harbour has the potential to disturb and re-suspend contaminants from pervious industrially contaminated lands on the bed of Belfast Harbour;**
- 2. Disturbance of contaminated ground/contaminated groundwater within the construction footprint has potential to indirectly introduce the contaminants to Belfast Lough SPA/Belfast Lough Open Water SPA via new pathways or groundwater mobilisation;**
- 3. The effect of the proposed scheme in-combination to other plans or projects in the area.**

The impact of the proposal on the Natura 2000 sites has been assessed and it has been determined that adherence to a series of strict protocols and mitigation measures should alleviate any adverse impact. Mitigation measures include adherence to relevant PPG's and environmental legislation as well as specific measures such as sediment traps, emergency pollution control cut-off valves, bunding and utilising the existing drainage system.

NIEA is content that URS on behalf of Transport NI have identified the potential adverse effects on both Belfast Lough SPA & Belfast Lough Open Water SPA from this proposal and presented appropriate mitigation measures. Due to the scale and nature of the proposed development a Construction Environmental Management Plan (CEMP) should be submitted by the appointed contractor to ensure they are aware of the potential risks at each stage of the development and the mitigation measures to be employed to ensure there are no significant impacts on the designated sites from this proposal.

Natura 2000 sites

a) TransportNI confirms that it has fully considered the potential impacts and perceived risks on the Natura 2000 sites in proximity to the scheme, in both the ES and the Statement to Inform the Appropriate Assessment, and has identified appropriate mitigation measures, which would be implemented as part of the construction contract.

Construction Environmental Management Plan

b) TransportNI confirms that construction-related impacts and overall buildability issues are given very careful consideration by TransportNI. Section 4.7 in Volume 1 of the ES details the proposed construction sequence and construction programme. Construction-related impacts are also assessed and mitigation proposed in each of the technical chapters (Chapters 8 to 17) in Volume 1 of the ES. Moreover, in line with the guidance contained within Interim Advice

Note 183/14, an Environmental Management Plan (EMP) has been prepared for the Proposed Scheme and is contained within Appendix 4 in Volume 2 of the ES. The EMP forms an outline plan and is closely aligned with the design and assessment process contained within Part II of the ES (Chapters 8 to 17). The EMP would be further refined and expanded upon by the appointed Contractor into a Construction Environmental Management Plan (CEMP) as more information becomes available and there is more certainty in terms of the proposed layout, construction methods, programme, and the likely environmental effects.

- c) TransportNI confirms that the CEMP would be submitted to Natural Environment Division by the appointed contractor.

- d) We would thank you for your interest in this scheme.

DRD TransportNI
Eastern Division
02 October 2015