

Northern Ireland

Marine Licensing Team,
Marine and Fisheries Division,
Department of Agriculture, Environment and Rural Affairs,
1st Floor,
Klondyke Building,
Cromac Avenue,
Belfast, BT7 2JA

6th February 2020

To whom it may concern,

RE: Islandmagee Gas Storage Project Consultation (ML 28_12)

The RSPB is Europe's largest voluntary nature conservation organisation and is supported by over 1 million members, 13 000 of which reside in Northern Ireland (NI). RSPB NI welcomes the opportunity to comment on the marine licence application presented by the Department of Agriculture, Environment and Rural Affairs (DAERA) consultation.

This application lies within the East Coast (NI) Marine proposed Special Protection Area (pSPA) and the North Channel Special Area of Conservation (SAC) and is functionally linked¹ to a number of sites including the adjoining Larne Lough SPA, Ramsar and Area of Special Scientific Interest (ASSI), Portmuck ASSI, The Gobbins ASSI and the Maidens SAC. Given the number of both international and national designations around the application site, the many uncertainties associated with the potential impacts of the application, and the fact that we do not believe the impacts of this project have been properly assessed, the RSPB has serious concerns with this proposal and advocates that the precautionary principle should apply to this proposal.

As such RSPB NI objects to this marine licence application.

RSPB NI also supports the responses submitted by the Northern Ireland Marine Task Force (NIMTF), Ulster Wildlife and the National Trust.

Summary of the Position of RSPB NI

- The site that is subject to this application lies within a highly designated area, being within the East Coast (NI) Marine proposed Special Protection Area (pSPA) and the North Channel Special Area of Conservation (SAC) and is functionally linked to a number of sites including the adjoining Larne Lough SPA, Ramsar and ASSI, Portmuck ASSI, The Gobbins ASSI and the Maidens SAC.

¹ In particular, hydrological and ecological links such as prey availability and foraging ranges.

- RSPB NI believes that insufficient information (qualitative and quantitative) is contained within the Environmental Statement (ES) to make a robust and competent assessment of the potential impact of this project.
- RSPB NI believes that given the insufficient nature of the information provided in the application documents, the shadow Habitats Regulations Assessment (HRA) submitted by the applicant cannot be used to assert that there will be no significant impacts on the designated sites highlighted above.
- Thus, we consider that the proposal is contrary to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) as it has not been demonstrated that the proposed development would not adversely affect the above designated sites. Under the Habitats Directive (92/43/EEC), which underpins The Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended), the precautionary principle states that where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest. Accordingly, RSPB NI recommends that given the lack of robust surveys and inability to draw reliable conclusions from same, the precautionary principle should be adopted in the absence of scientific clarity and the application rejected.
- Our concerns and comments are outlined in more detail below but cover the following issues:
 - Fossil fuels and climate change
 - Outfall and intake pipe construction
 - Bird survey concerns
 - Impacts on tern foraging areas
 - Designated sites assessment
 - Brine discharge
 - Marine mammals
 - Proposed Environmental Monitoring Programme
 - Shadow Habitats Regulation Assessment (HRA)

Fossil Fuels and Climate Change

The RSPB believes that the challenge of climate change demands a revolution in the way we use and generate energy. We need to end our dependency on fossil fuels, massively reduce the amount of energy we use and deliver environmentally sustainable renewable energy. We want this revolution to take place in harmony with the natural environment. RSPB NI would argue that the natural environment must not be sacrificed in pursuit of wider public policy objectives.

RSPB NI notes that there is no updated justification for this project included in the documents. The original justification² is now ten years out of date and energy consumption and generation in NI has changed significantly in that time. The original ES states that over 60% of Northern Ireland's electricity is produced by

² Section 1.3 – Environmental Impact Statement. Dated March 2010.

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gas-fired power stations³ with renewable energy only accounting for 7% of NI's energy production and consumption⁴. The latest statistics report on Electricity Consumption and Renewable Energy in Northern Ireland⁵ (covering the 12-month period Oct 2018 to Sept 2019) showed that 44.9% of total electricity consumption in NI during this period was generated from renewable sources located in NI. Renewable energy generation in NI has had a generally increasing trend in NI over the last decade or so. The latest "Energy Trends" bulletin⁶ indicates that gas accounted for 43% of energy generated in NI in 2018⁷.

In terms of integration of this project with renewable energy generation, we acknowledge that storage and management of excess energy from renewable energy can potentially be an issue, for example, capturing excess energy from wind turbines at times of high generation to be used when the wind is not blowing. However, we also note that many new wind farm applications now incorporate an energy storage unit in order to mitigate this problem and there are a number of battery storage facilities in the planning system and in development currently. Regardless, the storage of energy should not be carried out at the expense of the natural environment.

We also note that the original ES states that *"The sea water and brine pumping equipment is estimated to have a peak power demand of approximately 10MW and during operation, the gas compression and heating/cooling plant may require up to 30MW. Consequently, it is likely that the Islandmagee gas storage facility will be one of biggest power consumers in Northern Ireland when running at peak operations"* (emphasis ours). As there appears to have been no updated information in this regard, it is assumed that the original energy consumption figures noted, remain correct. Thus, we would question this projects ability to support any transition to low carbon energy systems.

The RSPB recognises that the Department for the Economy is currently developing a new Energy Strategy to replace the existing Strategic Energy Framework which is currently 10 years old. The justification for this project must be set within the context of the new strategy and therefore, as presented in the documentation provided, we deem the justification to be based on an outdated framework. Against this background, it would be premature for a decision on this proposal to be made before the new NI Energy Strategy is developed. RSPB NI also note that on 3rd Feb 2020, the NI Assembly declared a climate emergency⁸.

³ Section 1.3.2 - Environmental Impact Statement. Dated March 2010.

⁴ Section 1.3.4 - Environmental Impact Statement. Dated March 2010.

⁵ Taken from <https://www.economy-ni.gov.uk/sites/default/files/publications/economy/Issue-13-Electricity-Consumption-and-Renewable-Generation-in-Northern-Ireland-October-2018-to-September-2019.pdf>

⁶ Produced by the Department for Business, Energy & Industrial Strategy – accessed at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/853609/Energy_Trends_December_2019.pdf

⁷ Chart 3 of the Special Feature Article "Electricity generation and supply figures for Scotland, Wales, Northern Ireland and England, 2015 to 2018" - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/853609/Energy_Trends_December_2019.pdf

⁸ <https://www.bbc.co.uk/news/uk-northern-ireland-51364077>

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Outfall and Intake Pipeline Construction

RSPB NI notes with **serious concern** that the design for both the brine outfall pipeline and the intake pipe as described in the Construction Method Statement⁹ (CMS) does not match that which is assessed in the Marine Environmental Conditions Update and subsequently considered within the shadow HRA.

With regards to the brine outfall pipeline, the CMS states that *“The HDD is expected to break the seabed surface at a distance of some 300-350m offshore with the remaining 100-150m of outfall laid on the seabed with rock mound protection”* whereas the Marine Environmental Conditions Update¹⁰ and the original ES¹¹, it is consistently stated that the HDD will break out at, or close to, the outfall point. The shadow HRA states that the pipe section will only be approximately 40m in length¹². With the addition of the rock mount protection (given as 3m wide in the shadow HRA¹³), this increases the direct seabed impact area¹⁴ of the outfall pipe from 120m² to up to 450m². This is a significant difference in proposals across the two documents and would strongly indicate that the proposal has not been accurately assessed by the applicant. These two methods represent both differences in direct land take but also in construction impacts as there is likely to be a difference in impact by virtue of the installation of up to 150m of pipeline and associated concrete mattresses across the seabed. Such discrepancies undermine the Competent Authority’s ability to make a robust and competent assessment in line with the Birds and Habitats Directives as well as the EIA Directive and the local legislation which transposes these.

Similarly, for the intake pipe, three different construction methods are proposed within the CMS¹⁵. Two of these are reasonably similar to what is assessed within the other documents but the third option is a notably different approach, which involves *“a section of pipe running above ground and pinned to the rocks with a pipe length on the seabed secured with concrete saddles”*, and has not been assessed for potential impacts in the documentation. This method would significantly increase the direct take footprint of the seabed and the differing construction methods have the potential to result in significantly different impacts to the marine environment than the others presented.

It may be that the methods which were assessed were the preferred options for construction, however, the applicants should have assessed all options if they are presented as possibilities in the CMS in case, for whatever reason, these methods are chosen instead. These options could have significantly greater impacts,

⁹ Section 3.3.1.3 – Attachment #7a – Construction Method Statement (Intake/Outfall) – Updated 2019 Marine Construction Licence Application.

¹⁰ For example, Section 9.6 *“a small area of disturbance where they break through the surface of the seabed at the intake/ outfall points”* and similarly in 9.11.

¹¹ For example, in Section 4.1.5.2 *“below the seabed surface before angling upwards again and breaking through the surface at, or very close to, the outfall discharge point”*

¹² Section 3.3.6 – shadow Habitats Regulations Assessment Report

¹³ Section 3.3.6 – shadow Habitats Regulations Assessment Report

¹⁴ As given in Section 4.3.2 of the Shadow HRA

¹⁵ Section 3.3.1.2 - Attachment #7a – Construction Method Statement (Intake/Outfall) – Updated 2019 Marine Construction Licence Application.

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or even just differing impacts to what is assessed. Thus, we would contend that the construction impacts of the outfall and intake pipes have not been effectively assessed within the application documents.

As previously stated, these factors both individually and cumulatively have the effect of undermining the Competent Authority's ability to make a robust and competent assessment of the proposals within these European designated sites.

We also note that while blasting was included as a potential option within the original Environmental Statement¹⁶, this is now not proposed¹⁷.

Bird Survey Concerns

RSPB NI has **serious concerns** about the updated (2019) bird surveys provided by the applicant and believes that they are of extremely limited value in determining whether there are important bird foraging areas in the vicinity of the brine outfall. While we recognise that, for the most part, a standard methodology has been applied within the submitted 2019 bird surveys (i.e. vantage point surveys of 3 hours duration overlooking the brine outfall location and surrounding area), these surveys were not carried out at the appropriate time of year to obtain an accurate record of the usage of the site by foraging seabirds. Additionally, previous surveys carried out for the site are now notably out of date and cannot be considered as a basis for determining whether the proposed discharge site is of importance to foraging seabirds.

Given that the proposed brine outfall location is within the East Coast (NI) Marine proposed SPA, which has a number of bird species as qualifying features including foraging terns, and is adjoined to the Larne Lough SPA and functionally linked to Portmuck ASSI and the Gobbins ASSI which both list breeding seabirds as features, we would have expected robust bird surveys to have been carried out as part of this application. We do not believe that the information that has been submitted allows the potential impacts of this proposal on the features of the SPAs and ASSIs to be effectively assessed. We are aware that previous surveys have been carried out on the site as part of this application, however, the most recent of these was more than eight years ago and we would consider these data to be out of date at this point. The surveys carried out as part of the Compressed Air Energy Storage (CAES) proposal, which are referenced within the text, were more recent, however, these surveys are almost five years old and we would also consider these to be also out of date.

RSPB NI carries out regular monitoring on Blue Circle Island in Larne Lough, the closest tern colony to the brine outfall location. Blue Circle Island is the only location in Northern Ireland where roseate terns – an endangered species and one of the rarest seabirds in Europe - nests. This island also supports important populations of other seabirds including common terns, Sandwich terns and Mediterranean gulls. Monitoring of the tern populations on Blue Circle Island shows that the majority of adult terns and their young will have left the island by late July/early August. While there will still be individuals and groups of terns that remain in

¹⁶ For example, in Section 4.2.1.4 of the Environmental Statement, dated March 2010.

¹⁷ As stated in Section 6.2.3 of the Marine Environmental Conditions Update Report.

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the area during this time, these numbers would be greatly reduced compared to those observed during the main breeding season. Other seabirds such as common guillemots and razorbills, from, for example, Portmuck ASSI, would also have very similar breeding seasons with the majority of the breeding season being over by the end of July. Against this background, RSPB NI is therefore seriously concerned that the applicant's vantage point surveys carried out in 2019 did not begin until the 25th July and ran until the 13th September. Similarly, the boat-based transect survey was carried out on the 28th August¹⁸. Thus, by the time the surveys began, the majority of the foraging birds will have likely left the area. The applicants stated that the surveys were conducted to gather information "*of species listed as ornithological features of nearby Special Protection Areas (SPA)*". This has clearly not been done as species population trends and behaviours cannot be accurately characterised and inferred at times when the majority of the population is not present on the site. We would have expected the bird surveys to include the entirety of the breeding period from April until late July/early August to fully represent potential changes in feeding ground over the breeding season i.e. birds sitting on eggs may forage differently than when they are provisioning chicks. Therefore, we do not consider that the evidence from the surveys presented are an effective assessment of the impacts of the proposal on foraging terns and other bird populations in the area.

The impacts of the inappropriate timing of the surveys can clearly be seen in the low number of tern species that are present in the survey area over the period surveyed i.e. 70 Sandwich terns and only one common tern. Compare this to the vantage point surveys carried out for the nearby Compressed Air Energy Storage facility proposal in 2015 (application reference LA02/2016/0006/F) which covered a very similar area to the surveys carried out for this proposal. These surveys did not begin until late May, so they may also be underestimates but evidence a significant number of both tern species within the study area. These surveys recorded 571 Sandwich terns and 166 common terns within the survey area which is a significant portion of the local population of both species¹⁹. As noted above, we would consider these surveys to also be out of date in terms of assessing any impacts, but they can be used to provide context to our concern regarding the impacts of the timing of the surveys on the results provided for the 2019 surveys.

In addition to our concerns with the 2019 surveys, we note that within the results provided, the section with by far the greatest number of birds recorded (45%) and the greatest number of birds foraging (38%) and loafing (75%) are all within the sector that appears to be where the brine discharge pipeline is proposed to be located (Note: the exact location of the brine outfall is not provided in the figure showing the survey area²⁰).

¹⁸ Section 3.1 and 3.2 of Appendix E – Ecological Survey for Birds (2019)

¹⁹ Table 3.1 - Appendix 8A.7 Vantage Point Survey. Compressed Air Energy Storage Environmental Statement. Accessed on the 4th February 2019 at

<http://epicpublic.planningni.gov.uk/publicaccess/applicationDetails.do?activeTab=externalDocuments&keyVal=00FOUISV30000>.

²⁰ Figure 2.0 – Appendix E – Ecological Survey for Birds

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As there is no full breakdown by species provided, we are also unable to determine which bird species were observed to be foraging in this area. We also note that the raw survey results were not provided with the application documents²¹ which also limits our ability to provide meaningful comments.

Impacts on Tern Foraging Areas

The applicant has stated within their application documents that tern species tend to “avoid” the proposed brine discharge location²². The applicant has used the results of their surveys as well as the Wilson *et al.* (2014)²³ report to support this assertion.

As we have detailed above, the updated surveys that the applicant has presented are not capable of showing tern foraging areas and behaviour in the vicinity of the proposed discharge area, so this cannot support the applicant’s assertion of avoidance. We also note again that the surveys submitted as part of the CAES application previously showed levels of usage of the area around the proposed discharge site by tern species.

We would also argue that the Wilson *et al.* (2014) report does not support this assertion either. The models for predicted usage for Sandwich and common terns around Larne Lough SPA have been reproduced below (*Figure 1*). Both models show that the areas of highest predicted usage are within Larne Lough and the waters along the east coast of Islandmagee, including the area of proposed discharge.

Thus, we do not consider that the tern species avoid this area and we have serious concerns that the impact of the brine discharge on these species has not been fully assessed.

²¹ Appendix E – Ecological Survey for Birds

²² Stated within section 7.3.7.7 and 7.3.7.9 of the Marine Environmental Conditions Update Report

²³ Wilson L. J., Black J., Brewer, M. J., Potts, J. M., Kuepfer, A., Win I., Kober K., Bingham C., Mavor R. & Webb A. 2014. Quantifying usage of the marine environment by terns *Sterna* sp. around their breeding colony SPAs. JNCC Report No. 500

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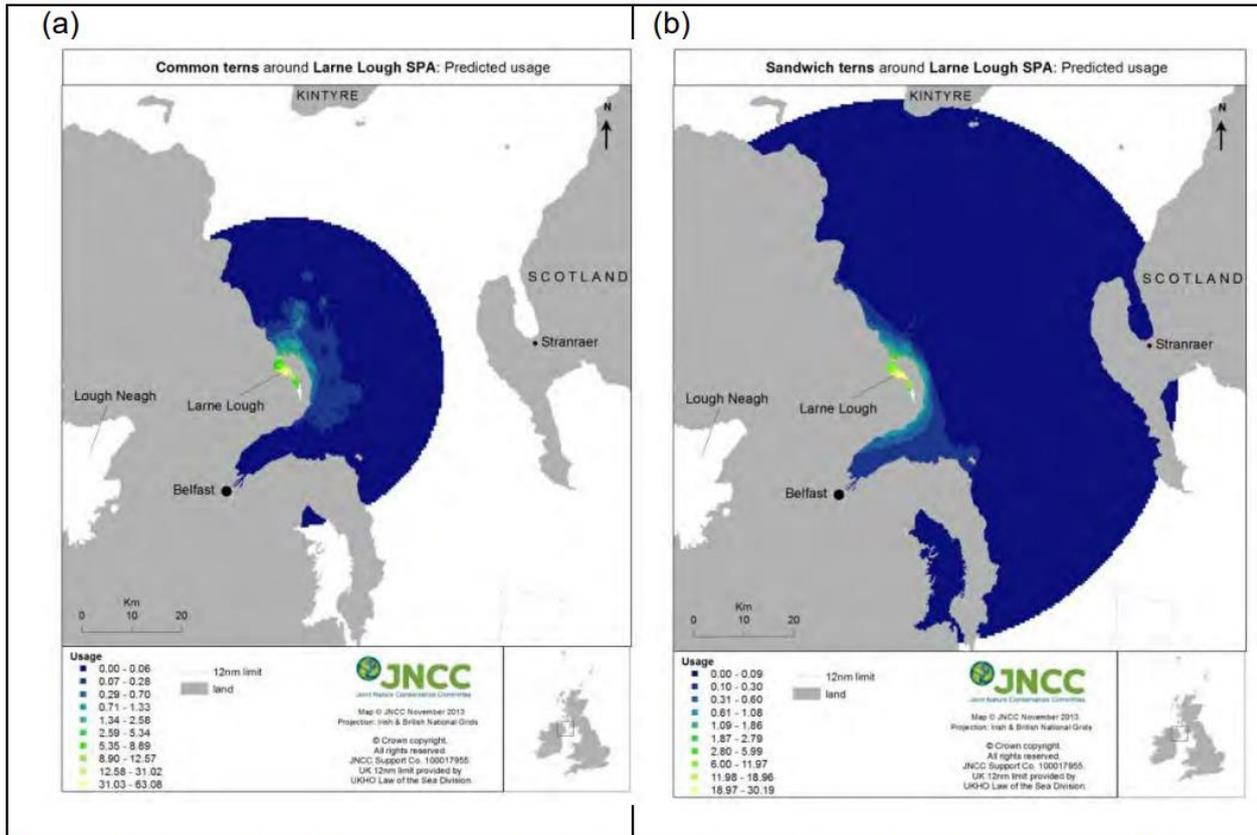


Figure 22. Predicted relative usage of the waters around Larne Lough for (a) common and (b) Sandwich terns. Usage values are relative and binned using natural groupings inherent in the data (natural jenks, which reduce the variance within classes and maximize the variance between classes, determined within ArcMap v10.1).

Figure 1 – Reproduced from Wilson et al. (2014)

Designated Sites Assessment

We note with concern that the applicant has not included Portmuck ASSI or The Gobbins ASSI into their assessment on impacts to designated sites²⁴. Both of these sites list breeding seabirds within their qualifying features and include razorbill, guillemot and kittiwake among others. Given the fact that both sites are functionally linked to the proposed discharge area, we would consider this to be a major omission.

²⁴ Table 7-9 of the Marine Environmental Conditions Update Report

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Brine discharge

RSPB NI has serious concerns about the impact of the brine discharge especially given the sensitive location of the brine discharge point, namely within the East Coast (NI) Marine proposed SPA and the North Channel SAC, as well as functionally linked to a number of sites including Larne Lough SPA, Ramsar and ASSI, Portmuck ASSI, The Gobbins ASSI and the Maidens SAC.

We acknowledge that the modelling indicates that the area of greatest impact of the brine discharge is the area directly surrounding the outfall pipe. However, we are concerned about the impacts of such a wide scale change in salinity, albeit at lower levels than at the immediate outfall. While this may represent a relatively small change in terms of PSU, it is modelled to be consistently applied over a wide area for an extended period of time. For example, the modelling for the maximum salinity during a spring neap tidal cycle (1000m³/hour discharge) shows a change in salinity across an area that is at least 10km long²⁵. As the applicants have discussed in some detail, marine organisms respond in a wide variety of ways to changes in salinity with some doing well, some with no impact and some doing poorly. Thus, it cannot be ruled out that small scale changes in salinity over an extensive area might have wide scale changes in ecosystem composition within the marine environment.

We also note with concern that Table 7-21²⁶ shows “*minor (adverse)*” impacts from brine discharge on a broad range of species including fish, plankton, shellfish and benthic subtidal habitat with no mitigation proposed for any of these. While these impacts are considered to be minor, the fact remains that this application will have adverse impacts on a huge range of species within two designated sites.

RSPB NI also notes with concern that the impacts of brine discharge are not just limited to the approximate four years that are assessed within the application documents. It is unknown how long the seabed will take to recover from this impact, and this could take any number of years. This will effectively increase the amount of time that the seabed is affected by an unknown amount. In addition to this, the applicants mention that maintenance discharges are likely to be required throughout the lifetime of the project due to geological “shrinkage” which will require further leaching of the caverns and further discharges. The original Environmental Impact Statement (dated March 2010) stated that they anticipate future maintenance will be at approximately 10-15 year intervals²⁷. As there appears to be very little mention of this in the updated documents, this figure must remain relevant. The level of discharge, or what duration it will take for these maintenance discharges is not given. While it is unlikely to be at the same level as the initial discharge, it remains that there will be brine discharges to the area for the lifetime of the project (potentially 30-40 years). Thus, any recovery that may occur in the area of the outfall pipe once the original discharge has ceased, will be only temporary as there will be repeated discharges over the lifetime of the project. As the applicant does not give details of how often this maintenance will be likely to take place or what levels of discharge will take place when it does, an accurate assessment of the overall impact of the brine discharge to

²⁵ Figure 7-16 of the Marine Environmental Conditions Update Report

²⁶ Table 7-21 of the Marine Environmental Conditions Update Report

²⁷ Section 6.8.5.3 of the Environmental Statement dated March 2010.

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the marine environment and designated sites over the lifetime of the project cannot be made based on the information presented. The applicants should have provided this information as part of this process as the total effects of the proposal need to be assessed as part of the HRA process. The HRA process must account for the fact that the brine discharge does not represent a short term, temporary impact but repeated impacts over a 30-40 year period. Such impacts could have serious implications on the site integrity of designated sites if they are not functioning as they should over a prolonged period of time. Therefore, the information required to assess this should have been provided as part of the application.

We do not have expertise in the area of brine modelling and so cannot comment in detail on many specific aspects of the modelling that was presented. However, we have some comments that we believe should be considered by the Department during their assessment:

- We would have expected the applicant to have presented descriptive statistics to evidence the levels of confidence in the modelling data e.g. confidence intervals for the data presented.
- The model does not include wind or storm conditions which may affect the outcome of the modelling²⁸. This is concerning as the applicant also put forward data indicating that the site is expected to experience harsh storm conditions and that there is a trend for increasing storm wave heights²⁹.
- We note that Figure 3-3 and Figure 3-5 are exactly the same, likewise for Figure 3-4 and 3-6, despite the fact that they represent two different scenarios with two ports instead of one and 1000m³/hr instead of 500m³/hr. While we understand that 500m³/hr is coming from each port in the two port scenario which may account for some of this, we would have expected there to be some interaction between the two brine plumes which would present different results.
- We also note with serious concern that the modelling shown in Figures 4.8-4.24³⁰ have the lowest level of salinity given as “below 35.0” PSU. Given that the background salinity of the study area used within the report is 34.2 PSU we would have expected a further two scale increments (namely “34.0-34.5” and “34.5-35.0”) to appropriately represent any changes in salinity over a wider area.

Marine Mammals

RSPB NI has limited expertise to comment in detail on potential impacts to marine mammals, but we have provided some comments which should be considered.

We note that the applicant has not carried out any updated dedicated surveys for marine mammals in the area of the proposed discharge. The applicants have provided the details of data received from the Centre for Environmental Data and Recording (CEDaR) for the period 1992 to 2019 for marine mammals but do not

²⁸ Section 1.1 of Appendix B: Brine Dispersion Modelling Report

²⁹ Section 9.2 of the Marine Environmental Conditions Update Report

³⁰ Of Appendix B: Brine Dispersion Modelling Report

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present this data visually, only providing an excel sheet with the raw data. The applicants presentation of data from SCANS III³¹ is useful for an overview of population data in the wider Celtic and Irish Sea region, however it does not provide any value in determining the specific impacts of this project on cetaceans in the local area due to the inappropriate (elevated) scale of the information. RSPB NI has produced a simple map using the data acquired by the applicant from CEDaR (*Figure 2*). Please note that dots only represent sightings not numbers and so can represent more than one animal present. As can be seen from the map, there is a large number of cetacean sightings within the area of the proposed discharge site. Sightings are notably concentrated around Portmuck though this is likely due to the presence of more people in this area and the ease of access as a vantage point. As far as we are aware, there is no public walkway between Skernaghan Point and McIlroys Point which could account for the lower number of sightings in this area as there would be less people in the area. Thus, while the sightings data provides some context to cetacean activity in the area, it is limited in terms of this specific project area and we would have expected the applicant to have carried out a dedicated cetacean survey as part of their application in order to get accurate data for the area in question, especially given the location within the North Channel SAC in which the qualifying feature is harbour porpoise.

³¹ Figure 7.9: Marine Environmental Conditions Update

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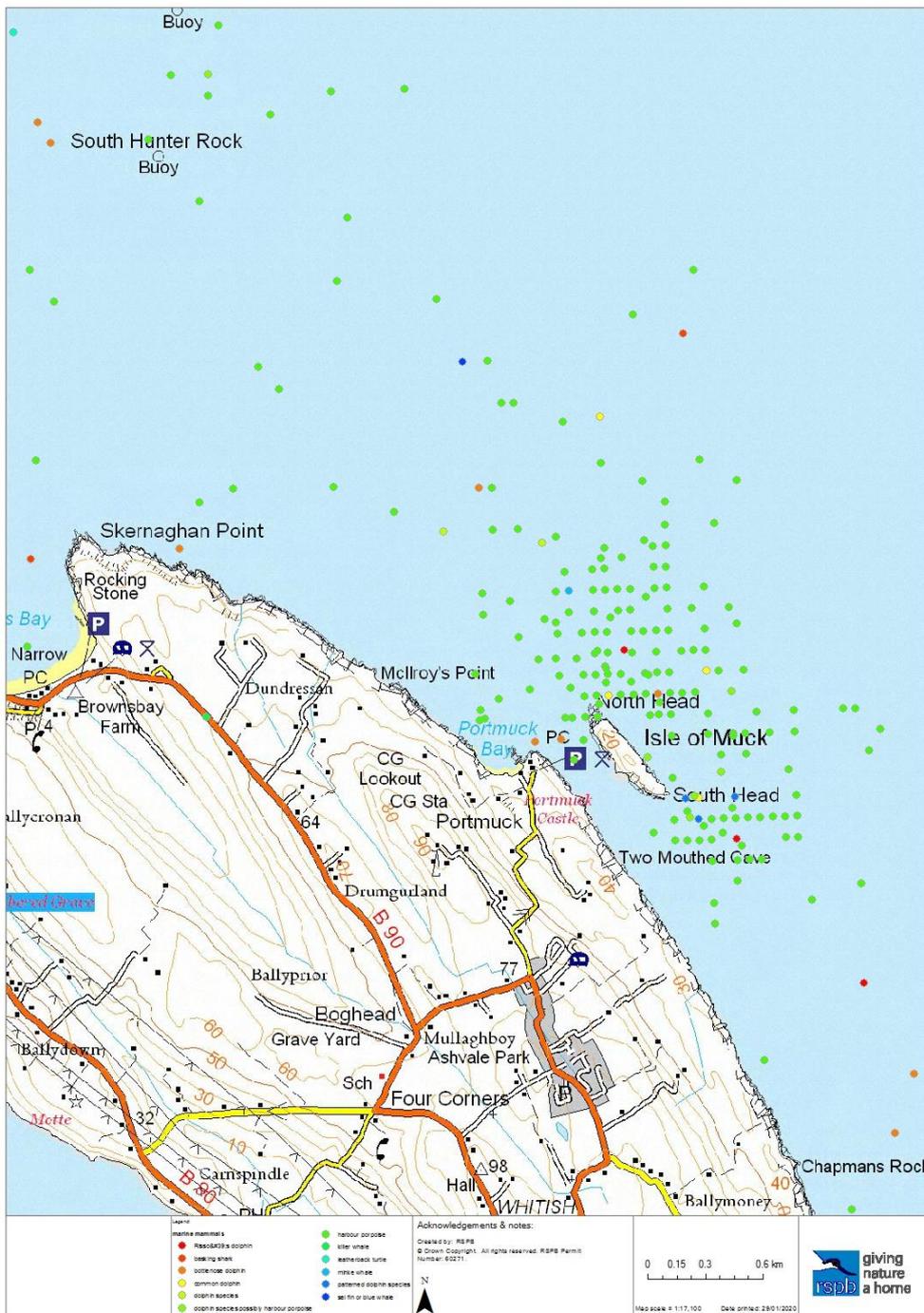


Figure 2 – Visualisation of the CEDaR data provided in Appendix G. Data presented shows points for cetaceans in the vicinity of the brine discharge site. Data points can represent more than one animal.

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We also note with concern that the Environmental Monitoring Programme³² proposes the use of C-PODS to establish a baseline for cetaceans. It is proposed to download the data from these devices four times a year to provide a baseline. We would have expected any baseline for cetaceans to be established as part of the Environmental Impact Assessment process before any decisions are made and any works take place as the baseline should be used to inform the decision. We are unclear why the baseline obtained using this method was not carried out already in order to inform assessment of the impact of this proposal.

The points raised here are particularly concerning given that the site is located within the North Channel SAC which is designated for harbour porpoise.

Proposed Environmental Monitoring Programme

Without prejudice to our objection to this project, should the Department be minded to approve the application, RSPB NI has some comments regarding the environmental monitoring program proposed as part of this proposal.

The applicant proposes installing three real-time monitoring buoys for the duration of the brine discharge, with two located close to the outfall pipe and the third acting as a control site³³. The two buoys near the outfall pipe are located 100m northwest and southeast of the discharge point. We would strongly recommend that a fourth real-time monitoring buoy is also included as part of these proposals located 100m northeast of the discharge point, i.e. perpendicular (offshore) to the existing array. As the dispersion modelling, for the most part, appears to show the brine plume moving perpendicular away from the shore as opposed to parallel³⁴, having another buoy in this location would be more useful for accurate monitoring of the brine plume.

Additional brine tracking surveys are also proposed³⁵ to cover the first year of operation of the brine outfall. We would recommend that these are carried out for the full period of brine discharge.

Similarly, breeding bird surveys are only proposed during the marine construction phase of the proposed works³⁶. We would expect these to be carried out, as per the other proposed surveys, during pre-construction works, annually during the brine discharge and annually for 2 years post the brine discharge. We would also expect any surveys to be carried out at appropriate times of the year.

We would also recommend that monitoring reports are submitted annually to the Department.

Future maintenance brine discharges should also be subject to the full monitoring programme.

³² Section 9.7 of the Marine Environmental Conditions Update Report

³³ Section 9.2 – Marine Environmental Condition Update Report

³⁴ For example, Figure 4-8 and 4-9 in Appendix B – Brine Dispersion Modelling Report.

³⁵ Section 9.5 of the Marine Environmental Conditions Update Report

³⁶ 9.14 of the Marine Environmental Conditions Update Report

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Shadow HRA

The shadow HRA produced by the applicant is based mainly on the information contained within the Updated 2019 Marine Construction Licence Application and the Marine Environmental Conditions Update Report. As we have outlined in the sections above, we do not believe that the information contained within these reports was robust enough to determine whether this application will have a significant impact on designated sites. Thus, we do not agree with the conclusions of the shadow HRA.

In addition to our concerns noted throughout this response, we also note that underwater noise impacts on prey species for seabirds and harbour porpoises were not considered within the shadow HRA despite the information within the application indicating that there was a large number of potential moderate/high impacts on these species, including impacts on behaviour and masking impairments, from underwater noise as per Table 7-18 in the Marine Environmental Conditions Update document. Similarly, the cumulative impact on prey species from the combination of underwater noise, brine discharge and seawater abstraction is not assessed. The cumulative impacts of these three factors could have a significant impact on the availability of prey within the East Coast (NI) pSPA and North Channel SAC.

We expect the Department, who are the competent authority and are responsible for carrying out the HRA for this application, consider our response when making their determination.

Please do not hesitate to contact the Conservation Officer with any related queries.

Yours sincerely

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