

Laura Crawford

From: olga harper;
Sent: 21 March 2022 02:41
To: Planning
Subject: Re: LA01/2019/0890/F OBJECTION
Attachments: Rigged Hill 20 March 2.docx

Please find appended my objection to the above application

Yours sincerely

Olga Harper

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20 March 2022

Planning Service
Causeway Coast and Glens Council

Re: LA01/219/0890/F Rigged Hill Application OBJECTION

Further to my objection of 21/11/21 and having considered the HRA dated 08/03/2022, I find it unacceptable for the Planning Authority to approve this project. The HRA is significantly flawed and thus it would be unlawful to recommend approval to Planning Committee.

The SES Appropriate Assessment rests on post- planning consent by planners of a Final Construction Environmental Managing Plan and also a Decommissioning Construction Environmental Management Plan.

The outcome depends on post- planning consent of applications for Discharge Consents for discharges to waterbodies during construction, operation and decommissioning for Foul Sewage, Drainage and use of coagulation and Flocculants. Separate post- planning approval Discharge Consents are also required for septic tanks and wash facilities discharging into waterways.

I refer you to ECJ Ruling C142/16 Paras. 37-45 which requires definitive data at time of authorisation. The requisite Planning Consent Documents have not been assessed by SES for this approval.

I refer you also to ECJ C-127/02 Para 42 which requires these assessments to be made by the authority prior to decision . The document states “ An appropriate Assessment of the implications of the site concerned must **precede its approval and take into account the cumulative effects**”.

The SES assessment noted that ‘ all construction works associated with removal ... and erection ... are all over 30m from any watercourse’. Yet NIEA advise that they could be located within 50m and 20m exclusion zones from waterbodies.]02/03/2022]. If exact locations have not been identified , how can SES accurately assess their impact?

It appears also that SES are unaware of the location and type of water management measures to be implemented. They state ‘ The principle contractor will decide...’ How then can SES determine any possible adverse the effects if they don't have the relevant data?

I refer you to NIEA response of 02/03/2022 “ It is the responsibility of the Planning Authority to **ensure** that all risks to the environment... requirements under environmental legislation... planning policy have been considered.” They assert that principles are not enough; they require further details and discharge consents.

They (NIEA) require (25/05.2921) ‘ detailed avoidance and mitigation measures .. proposed and provided for any impacts identified’. If SES has not assessed the various Discharge Consents of potentially polluting chemicals , how can they conclude ‘ there will be no adverse effects to any designated European sites’. Since they patently do not have the requisite information they are in contravention of ECJ c 304/05 Para 115 which requires ‘ complete, precise and definitive findings and conclusions **capable of removing all reasonable scientific doubt**’

NIEA (23/09/2020) states ‘ No collision risk modelling...for Whooper Swans or Greyling Goose’ and ‘ No adequate pre- construction baseline exists for.. original development’ SES is contra to ECJ C- 43/10 Para 115 which required ‘information and reliable updated data concerning the habitats and Species in the site’. If these are ‘lacking’ the the assessment undertaken is deemed ;inappropriate’.

It is clear the potential impacts on Whooper swans etc. is significantly flawed. Since no transboundary EIA consultation has taken place, the Appropriate assessment violates the EIA Directive and the ESOO convention. It is known that Whooper swans move widely through Antrim Derry and Donegal and the question of collision risk has not been fully assessed, What is the cumulative effect of all planning permissions in Roe Valley on bats as well as avian species. Do permissions create a .wall of disruption’ Swans avoid the existing windfarm site but have to navigate Dunbeg, Keady, Smudgedon, Craiggore etc. None of these have been assessed by SES when considering the cumulative impact for this planning application on Rigg Hill.

There are now, when we consider the full picture, no flight corridors free from Wind Farm development and **none of these have had a cumulative assessment completed for Planning Approval, as required by law.**

In terms of hydrological hazards and risks , there has been **no cumulative assessment** of impacts from all the relevant windfarm development on **River Roe and Tributaries SAC**

Has there ben a cumulative assessment of Discharge Consents within the SAC catchment? No.

Has a drainage plan with discharges to waterways been assessed by SES? No.

Has the Environmental Statement , showing recent flooding, taken in the effects of climate change and used up- to- date flood maps showing recent local flooding? No.

The River Roe and Tributaries are important spawning grounds for Atlantic salmon. SES concluded ' fisheries interests were at 2km distance'. Yet NIEA (23/09/20) considers that ' all five streams ... contain juvenile salmon with good abundance , and brown trout with moderate abundance'- a clear divergence on scientific ' fact' !

Bats are a protected species , and NIEA considers that the proposed development ' a high risk to Leisler's bats' Has a cumulative assessment been undertaken by SES on the impact of all windfarm development/ proposals? No.

There is also the question of noise/ disturbance of species as covered in ECJ 404/09. The bat survey does not deal comprehensively on the effect of the project on bat populations.

The value of bogland in diluting climate change is recognised in law. NIEA identified (23/09/20) that ' the construction of the existing windfarm significantly affected the quality of blanket bog and upland heathland' This project covers a priority habitat site of 188 acres destroying protected bog, yet SES has failed to undertake a cumulative assessment of the irreversible loss of habitat and species therein.

It appears that NED has concerns that the proposal is contrary to Strategic Policy Statement for N Ireland and Natural Heritage's PPS. Yet SES has failed to consider the significant effects of this proposal on priority habitats including active peatland.

The introduction of construction materials and potentially toxic chemicals in what is classified as a ' sensitive habitat' , the impact of overhead grid connections contrary to case law, NIEA's advice and EU's advice on wind Energy development at Natura 2000 site have not been considered by SES.

The NIEA position is quite clear, that the proposal is one overall project and cannot lawfully be separated for the purposes of an EIA. A total assessment must be made of all the elements involved, the cumulative effects of other development , the trans-frontier electricity interconnections, the transboundary environmental impact. That clearly has not happened.

ECJ ruling C127/02 states' Where doubt remains as to the absence of adverse effects on the integrity of the site linked to a plan or project being considered , the competent authority will have to refuse authorisation'.

The SES Appropriate Assessment is patently incomplete and Planners cannot recommend approval to Planning Committee while there is absence of detail required for full assessment.

On the evidence available at this time, I continue to object to this application.

(Signed) Olga Harper