



Ref: A090721/Client/MC/MG
Date: 12th March 2015

Ms Clare-Louise O'Neill

Strategic Planning Division
Planning Headquarters
Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG

By Email & Post

Dear Ms O'Neill,

OBJECTION TO PLANNING APPLICATION FOR: CONSTRUCTION OF AN EXPLORATORY BOREHOLE TO A DEPTH OF APPROXIMATELY 2700M INCLUDING CONVENTIONAL EXPLORATORY TESTING TO EVALUATE THE POTENTIAL HYDROCARBON RESERVE IN THE RATHLIN BASIN UNDER DETI LICENSE PL 3/10 ISSUED TO RATHLIN ENERGY LTD. SITE PREPARATION COMPRISING GROUND WORKS AND ANCILLARY OPERATIONS TO INCLUDE: ROAD WIDENING OF PART OF THE KILMAHAMOGUE ROAD; PARKING; OFFICES AND WORKSHOPS; EARTH BUNDING; FLOOD LIGHTING; WHEELWASH; STORAGE AREA; SECURITY FENCE; AND SITE RESTORATION ON LANDS AT 49 BALLINLEA ROAD, BALLYCASTLE FOR RATHLIN ENERGY LTD (DOE REF: E/2013/0093/F).

I refer to the above.

WYG Planning and Environment has been instructed by '**Protect our North Coast**' (P.O.N.C) to **object** to the above development proposal by **Rathlin Energy Ltd** and to provide comments in respect of the recently submitted Environmental Statement prepared by **RPS** in support of the proposal.

P.O.N.C is an entity formed to advance the environmental protection and improvement of the North Coast area; including to protect it from environmentally damaging activities which would have an adverse and detrimental impact on the environment and on the economic, social and cultural experience of people living in and visiting the North Coast area.

From the outset it should be stated that P.O.N.C is **completely opposed to the development proposal and is of the opinion that it must be refused.**

P.O.N.C has serious concerns regarding the process of hydrocarbon exploration and extraction, both conventional and unconventional. This application, despite being stated as being conventional, is, indisputably, both conventional **and unconventional**. It is drilling through conventional reservoirs into an unconventional shale reservoir and undertaking testing in both the conventional and unconventional reservoirs. We object to it being referred to as simply 'conventional'.

1 Locksley Business Park, Montgomery Road, Belfast, BT6 9UP
Tel: +44 (0)28 9070 6000 Fax: +44 (0)28 9070 6050 Email: belfast@wyg.com www.wyg.com

WYG Environment and Planning (Northern Ireland) Limited. Registered in Northern Ireland Number: NI050736
Registered Office: 1 Locksley Business Park, Montgomery Road, Belfast BT6 9UP



creative minds safe hands



In particular, there are major concerns that if the development were to go ahead, it will result in significant environmental impacts, pose a serious threat to human health and have a detrimental and adverse impact upon the amenity of the area and its residents and businesses.

The nature of this proposal and the various phases involved will have a number of harmful and detrimental environmental impacts through:

- the generation of noise;
- impact upon air quality (gases and fumes);
- creation of dust;
- adverse visual impact resulting from the scale and appearance of the development and the structures involved;
- impact from artificial light generation required to facilitate the development;
- impacts upon amenity and road safety from an increased amount of traffic being introduced to the existing local road system to facilitate the development; and
- the introduction of non naturally occurring substances and the creation of waste products to this rural area associated with the drilling processes involved in the development proposal.

The proposal will ultimately have a detrimental impact upon the established natural environment, character of the area and existing landscape through loss of amenity and will have a detrimental impact upon the North Coast and the ecological, heritage and tourism value of this important area of Northern Ireland.

The potential waste materials and pollutants generated by the process of hydrocarbon exploration also pose the potential for pollution of the natural environment through impacts upon watercourses and other key environmental receptors both in the immediate and wider surrounding area.

It is P.O.N.C's position that in order to prevent the adverse and significant environmental impact resulting from this planning application that it must be refused.

Whilst not part of this planning application, one of the other key concerns from P.O.N.C is that this development proposal, if approved, will only serve to open the door for future planning applications for further exploratory operations and, potentially, development of a more permanent nature at this location. Such a scenario will only exacerbate the impacts of this proposal and result in greater and more devastating impacts upon the North Coast (e.g. such as commercial hydrocarbon extraction including extraction of unconventional oil or gas).

In assisting P.O.N.C in relation to this planning application, we provide below some initial preliminary commentary on the accompanying Environmental Statement (ES). At the outset we advise that we are continuing to review the ES and reserve the right to make further submissions in addition to this letter and to comment on any further environmental information that may be submitted by the applicant and/or their agent in due course.

Planning History

It is understood that this planning application (originally submitted on **18th June 2013**) has been submitted on foot of the interpretation of results from a previous exploratory well drilling exercise undertaken by Rathlin Energy Ltd referred to as 'Ballinlea 1'. This application site is referred to as 'Ballinlea 2'.



It is understood that the Ballinlea 1 site was drilled in 2008 as an exploratory well during which it has been stated that oil was encountered. Full planning permission for the Ballinlea 1 site was obtained under **DOE Ref: E/2008/0338/F** on **27th January 2009** for:

"Completion and testing an exploratory well of 2700m depth for hydrocarbons under DETI licence issued to Connaught Energy Ltd in Feb '05. Temporary car parking, offices and rig equipment on site. Retention of stone surfaced site until decision of well status after completion/testing operations"

This is located at a field South of Ballinlea House, 68 Ballinlea Road, Ballycastle.

A subsequent full planning application on the same site was submitted under **E/2010/0327/F** on **18th November 2010** and was approved on **8th April 2011** for:

"Non-compliance with conditions 2, 5, 8 and 9 of E/2008/0338/F to allow partial restoratorf site (0.7ha) with retention of borehole on the site. Borehole shaft retained below ground (fully covered) and fenced within a 5x5m surround"

Proposal

This planning application proposes:

"Construction of an Exploratory Borehole to a Depth of Approximately 2700m including Conventional Exploratory Testing to Evaluate the Potential Hydrocarbon Reserve in the Rathlin Basin under DETI License PL 3/10 issued to Rathlin Energy Ltd. Site preparation comprising Ground Works and Ancillary Operations to include: Road Widening of Part of the Kilmahamogue Road; Parking; Offices and Workshops; Earth Bunding; Flood Lighting; Wheelwash; Storage Area; Security Fence; and Site Restoration"

It is noted that this is an amended description of development from that originally submitted on **18th June 2013** and has been updated as part of the recently submitted ES and via an amended P1 planning application form dated **23rd December 2014**. The description of development has now been amended to remove reference to 'temporary works'. However, it is noted that throughout the ES the proposal is still referred to as 'temporary' on a number of occasions.

In addition to the amended description of development (noting that 'temporary' has been omitted), the revised P1 planning application form now does not indicate where the source of water supply will come from to facilitate the development (Question 13 of P1 form). The original P1 planning application form stated that the source of water would be 'other' and that: ***"water for welfare and drinking from mains. Water for drilling from tankers"***.

We request that DOE Planning seek clarification on this aspect and that the source of water is fully and appropriately detailed on the P1 form. We note that there is also no firm clarification on this matter within the ES.

Environmental Statement (ES)

DOE Planning made an EIA determination on **4th July 2014** in relation to this application as required under Regulation 10 of the EIA Regulations given the proposal falls within **Category 2(d)** of **Schedule 2** of the **Planning (EIA) Regulations (NI) 2012**. It subsequently notified the agents, RPS, by letter of same date of the requirement for an ES to accompany the application.



We note that the ES was formally received by DOE Planning Service from RPS on **23rd December 2014**.

We have set out a number of preliminary comments on the submitted ES below and again reserve the right to make further submissions as we continue to review the ES. For ease of reference the structure of this submission follows the structure of the ES.

Introduction (Chapter 1.0)

We note that this chapter is mainly factual in content. It sets out the background to the project, along with project summary, details of need for the proposal and details in respect of the structure and content of the ES.

Notwithstanding this, we note that at **Section 1.1** (Page 1/1) the ES states in relation to the application location:

"This new well location is based on the interpretation of the results of the original Ballinlea 1 well, combined with other geological and geophysical surveys conducted by Rathlin over the last few years" [our underlining emphasis].

There is no reference or detail of what the results of the original Ballinlea 1 Well showed or what these 'other geological and geophysical surveys' encompassed or what their results indicated. Indeed, they appear to only be mentioned in passing and briefly within the ES document, but are clearly indicated as a main catalyst for this planning application and proposal being pursued.

Given the onus placed upon these aspects in justifying the need for and reasoning behind this planning application, it is considered that they should have formed part of the ES (potentially within an accompanying appendix) in order to provide evidence and reasoning behind this proposal.

Inclusion of details of the outcome of these initial results and subsequent surveys would allow for a more in-depth assessment of the development proposal being considered under this application.

Project Description (Chapter 2.0)

Chapter 2.0 of the ES sets out details of the project description and identifies that it will encompass 4No. Principle phases which include: Site Preparation (Phase 1); Drilling (Phase 2); Testing (Phase 3); and Restoration (Phase 4). Chapter 2.0 goes on to provide details of the various aspects of each stage and phase of the proposal.

It is noted that both the description of development and the project description also refers to the provision of earth bunding which is to be provided as part of the site preparation (Phase 1). Paragraph 2.4.3 (Pages 2/3 and 2/4) of the ES identifies that:

"The topsoil will be removed from the proposed development area and stored in an earth bund primarily along the western boundary of the site" [our underlining emphasis].

The accompanying 'Proposed Site Layout and Sections (Phase 1 Site Preparation) Drawing No. IBM0397-PL-101 Rev.C' shows this bund to be provided along the western boundary. However, the use of the term 'primarily' would indicate that topsoil may also be stored elsewhere and in other locations in the site other than along the western boundary.



The potential for topsoil to be stored elsewhere within the site should also be dealt with as part of the ES and other areas where topsoil may be stored should be identified within the submitted drawings and ES in order that any impacts can be fully considered.

We therefore request that DOE Planning seek clarification on this matter and that details of potential other areas of topsoil storage are identified?

The description of development and project description also refers to the provision of 'wheel wash' facilities. However, we note that no details of their form or where they are to be provided are indicated within the ES or on the accompanying drawings.

We therefore request that DOE Planning seek clarification on this matter and that details and the location of any wheel wash facilities are clearly identified?

It is noted that within Phase 1 a surface conductor is required to be drilled and this is detailed at **Section 2.4.8** of the ES. It states that as part of this process "*there may be a requirement for minimal water to aid the drilling*".

We ask that DOE Planning seek clarification on the levels of water that will be required for this phase of the proposed development?

As indicated, details of water requirements and the source of water supply appear to have been omitted for the amended P1 application form. Clarification and confirmation of these aspects is required in order that a full assessment of the proposals can be made.

It is noted that a 10m high noise barrier is to be erected around the boundary of the site as part of the Phase 1 and Phase 2 operations as indicated on drawings: *Proposed Site Layout, Sections and Elevations (Phase 1 Site Preparation – Conductor Drilling) Drawing No. IBM0397-PL-102 Rev.C*; *Proposed Site Layout (Phase 2 Main Drilling Rig) Drawing No. IBM0397-PL-103 Rev.C*; and *Proposed Sections and Elevations (Phase 2 Main Drilling Rig) Drawing No. IBM0397-PL-104 Rev.C*.

This noise barrier is substantial in scale and size and will have a substantial adverse visual impact when viewed from the immediate and wider surrounding area. Similarly, the barrier does not fully encompass the site but it would appear that there are areas to the North East and South East, which are open and which would allow for the escape of noise.

We comment on this barrier along with other structural aspects of the development proposal below.

Section 2.5.9 relates to 'Drill Stem Testing' (DST) as part of Phase 2 of the development and that a drill stem test may be undertaken to confirm the existence of petroleum and establish flow characteristics. The ES indicates that such a DST will be of a short duration, but does not expand upon this.

Details should be sought of the duration of such DSTs and this should be identified within the ES and relevant chapters and assessments.

Alternatives (Chapter 3.0)

Chapter 3.0 of the ES relates to the assessment of 'Alternatives' and identifies that in assessing these both Engineering and Technical Aspects along with Environmental Aspects have been considered for each of the alternative sites.



Section 3.5 refers specifically to Engineering and Technical Aspects and that a number of main aspects which were considered as part of the assessment included: Target; Complement; Design; Avoidance; and Topography. Of particular note are the aspects of 'Target' and 'Complement'.

With regard to 'Target' the ES identifies this as:

"Target: Being an optimum subsurface target location; A conventional oil and gas reservoir will be best evaluated by targeting the optimum, specific subsurface geological location defined on the basis of a range of geological and geophysical datasets;"

As indicated, 'Target' is defined on the basis of a range of geological and geophysical datasets; however, there is no detail provided as to what these data sets are or what has been assessed either within Chapter 3.0 or the ES as a whole. We question why the detail on these data sets has not been included to provide an evidential basis for the assessment of the alternatives in respect of 'Target'.

Clearly such information should have been provided in order to provide a complete and transparent appreciation of the assessment undertaken in respect of the consideration of alternative sites and should be sought by DOE Planning.

With regard to 'Complement' the ES identifies this as:

"Complement: Best technical location to complement the Ballinlea prospect (2008 Ballinlea exploratory well); The Ballinlea prospect is a conventional petroleum target and is target specific and the proposed Ballinlea-2 is the best technical location to evaluate the prospect with a vertical well".

We also query what information has been used to assess this aspect of 'Complement' and why Ballinlea 2 has been identified as the best technical location in respect of the 'Complement' aspect. There is no expansion on this nor has any evidential context been provided to substantiate these claims. Again, the lack of inclusion of any data or result information from the Ballinlea 1 Well also within the ES raises queries over this aspect of the Engineering and Technical Aspect assessment of the alternatives.

Such information must be sought by DOE Planning.

There is a lack of evidence to substantiate and support the rankings attributed to each of the alternatives within the Engineering and Technical site selection matrix at Table 3.1 (Page 3/4) of the ES.

Similarly it is considered that there is a lack of evidential data provided to substantiate the rankings and assessment of alternatives with regard to Environmental Aspects as per the site selection matrix at Table 3.2. Whilst there are some general mapping details in respect of proximity to properties, proximity to watercourses and proximity to main roads shown within the 'Alternatives' plan at Figure 3.1 (Page 3/1), there is a lack of further detail or expansion on these aspects. Similarly, there are no details provided in respect of negotiations on land availability or acquisition to help justify the rankings in terms of 'Availability of Land'.

It is requested that DOE Planning seek further information in respect of these assessments in order that it can be confirmed that the alternatives identified have been fully considered.



Scoping (Chapter 4.0)

Chapter 4.0 of the ES relates to scoping and sets out a factual account of the various scoping and public consultation exercises undertaken by RPS as agents and Rathlin Energy Ltd as applicants.

We note the ES refers at section 4.4 that RPS undertook a formal, written EIA scoping exercise with a wide number of consultee bodies and stakeholders who they list on page 4/2 of the ES. The ES goes on to state that: ***"Consultee responses have been collated and distributed throughout the EIA team; information contained therein has been taken into consideration in the preparation of the ES"***.

It is noted that no copies of these responses have been included within the ES.

It is considered that as best practice consultation responses from the scoping exercise should have been provided within the ES as part of an appendix to enable and ensure that the requirements of the consultees has been fully addressed as part of the ES submission.

Policies & Plans (Chapter 5.0)

The submitted ES sets out a summary of the policy and plans relevant to the consideration of the development proposal with Chapter 5.0. These include: *The RDS 2035; North East Area Plan 2002; Draft Northern Area Plan 2016; PPS1 General Principles; PPS2 – Natural Heritage; PPS3 – Access, Movement & Parking; PPS6 – Planning, Archaeology and the Built Heritage; PPS 11 – Planning and Waste Management; PPS15 – Planning and Flood Risk; PPS21 – Sustainable Development in the Countryside; and A Planning Strategy for Rural Northern Ireland (PSRNI).*

In addition, a summary table at page 5/9 and 5/10 of the ES (Table 5.2) also sets out how the proposal is compliant with the relevant plans and planning policy.

We would agree that the policy and plans referenced are those relevant to the consideration of this proposal, but provide some comments below.

RDS 2035

Page 5/3 of the ES refers to the RDS 2035 and, in particular **'RG5'** and the need to ***'Deliver a sustainable and secure energy supply'***. Whilst it is acknowledged that this is a requirement and the proposal would go some way to contributing to the delivery of a secure energy supply in line with the Government's Strategic Energy Framework (SEF), the ES fails to expand on this or acknowledge that one of the main points within **'RG5'** is the importance of increasing the contribution of renewable energy.

RG5 identifies a key aim of:

"Increase the contribution that renewable energy can make to the overall energy mix. There will need to be a significant increase in all types of renewable electricity installations and renewable heat installations, including a wide range of renewable resources for electricity generation both onshore and offshore to meet the Regions needs".

Similarly, **'RG9'** of the RDS aims to: ***"Reduce our carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality"***. It aims to do this through a reduced dependence on fossil fuels and increased dependence on renewable energies and to protect the natural environment in doing so.



It is considered that this proposal, through aiming to explore the potential exploitation of fossil fuel, is at odds with the thrust of Regional Guidance in terms of promoting sustainable and renewable forms of energy and reducing the use of hydrocarbon energy.

Unsurprisingly, there appears to have been little consideration given to this aspect of Regional Policy within the ES.

As such we draw DOE Planning's attention to this point and ask that it is given full consideration in the determination. We question how this proposal aims to assist in meeting the RDS objectives for promoting sustainable and renewable energy sources.

Draft Northern Area Plan (DNAP) 2016

Chapter 5.0 also refers to the **Draft Northern Area Plan (DNAP) 2016** and, in particular, **Policy MIN2** which relates to: '**Natural Mineral Reserves – Hydrocarbon Extraction**'. The draft policy states:

"The exploitation of commercially viable reserves of natural oil and gas will be considered in the context of the short and long term suitability of the site. Development that would have a significant adverse impact on the environment will not be permitted".

The PAC report into the **DNAP 2016** has recommended that in the policy headnote of **MIN 2** the word 'exploitation' should be replaced by the word 'exploration'. Notwithstanding, it is considered that the impacts resulting from this proposal will have a significant adverse impact upon the environment through adverse visual impact and that impacts in respect of noise, air quality and impact from light have not been fully addressed as evidenced by the comments received from Moyle District Council Environmental Health Department on **20th February 2015**, which seek further clarification and information. The development proposal may also potentially act as a facilitator to allow future significant adverse impact to occur by way of future planning applications and additional development.

As such, it is not considered that the proposal is compliant with the **DNAP 2016** as alleged within the ES's policy and plan consideration at **Chapter 5.0**.

PPS1 – General Principles

The ES asserts that the development proposal will not cause demonstrable harm to any interest of acknowledged importance and therefore is in compliance with PPS1.

It is not considered this is the case due to the visual impact and demonstrable harm to rural character resulting from the proposal. There is also a lack of suitable detailed assessments of noise, lighting and air quality impacts, in order to fully confirm there will be significant adverse impact upon amenity and public health (we comment on these aspects in respect of Chapters 7.0, 8.0 and 9.0 of the ES).

As such, the development proposal is contrary to PPS1 General Principles.



PPS2 – Natural Heritage

The ES asserts that the development proposal is in compliance with the key policy considerations of PPS2.

Issues relating to PPS2 and Natural Heritage are being addressed in a detailed submission in respect of ecological matters prepared on behalf of P.O.N.C and submitted separately from this submission.

We reserve the right to comment further on this aspect in due course, as necessary.

PPS3 – Access, movement and Parking

We are currently reviewing the ES with regard to access arrangements and vehicular movements to and from the site at the various proposed phases. P.O.N.C. has a number of concerns regarding these arrangements and especially the introduction of a substantial number of vehicles to what is a rural road network. In particular, the numbers of LGVs and HGVs.

We reserve the right to comment further on this aspect in due course, as necessary.

PPS6 – Planning Archaeology and the Built Heritage

We note that NIEA Historic Monuments Unit (NIEA HMU) has responded as of **20th February 2015** in respect of the potential archaeological/historical impacts resulting from the development proposal and is content with the proposed mitigation set out within the ES subject suitable conditions. We are considering some of the statements made with regard to the stated impacts on listed buildings and scheduled monuments and will furnish further commentary under separate cover.

We reserve the right to comment further on this aspect in due course, as necessary.

We also ask DOE Planning to confirm what details of consultation(s) have occurred with NIEA Historic Buildings Unit?

PPS11 – Planning and Waste Management

The ES asserts that PPS11 has no bearing on this proposal and that a suitable Waste Management Plan has been provided to ensure any waste arising from the proposal is dealt with in a sustainable manner.

P.O.N.C has serious concerns over the waste arising in relation to this proposal and an assessment of this aspect is ongoing by WYG Environmental. This will be submitted under separate cover. We reserve the right to comment further on this aspect in due course.

PPS15 – Planning and Flood Risk

PPS15 has been referenced and considered in the main body of the ES, but it is noted that there is no consideration or assessment provided within Table 5.2. Notwithstanding, it is stated under section 5.3.3.6 of the ES that:

"The proposed development does not impact on any flood plain. The drainage arrangements associated with this proposal are addressed in detail in Chapter 10 which demonstrates that the project is fully compliant with the provisions of PPS15".

Detailed assessment of Chapter 10.0 (Water Quality, Hydrogeology, Soils and Geology) of the ES by WYG Environmental is ongoing and further submission will be made under separate cover. However, it is worth making a number of points in respect of PPS15 and this proposal.

The application site extends to a site area of 1.17Ha as indicated on the amended P1 planning application form submitted alongside the ES on **23rd December 2014**. The site area is also referenced within the ES document as having a site area of circa 1.2Ha.

Policy FLD3 of **PPS15** relates to: **'Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains'** and requires that:

"A Drainage Assessment will be required for all development proposals that exceed any of the following thresholds:

- A residential development comprising of 10 or more dwelling units***
- A development site in excess of 1 hectare***
- A change of use involving new buildings and / or hardsurfacing exceeding 1000 square metres in area".***

Given the size of the application site it is within the thresholds identified within **Policy FLD3** of **PPS15** for which a Drainage Assessment will be required. Whilst Chapter 10.0 of the ES provides commentary on Water Quality and Hydrogeology and details of how drainage will be dealt with within the site have been provided throughout the ES, there does not appear to have been a detailed Drainage Assessment carried out which fully assesses the drainage implications the development proposal may have on surrounding and adjacent lands.

As such, the proposal is at odds with the requirements of Policy FLD3 of PPS15 and a Drainage Assessment which fully considered the drainage implications from the development for the surrounding lands must be provided.

PPS21 – Sustainable Development in the Countryside

The ES states that the proposed development complies with the objectives of PPS21 given that it is in accordance with relevant MIN policies of PSRNI and thus complies with relevant policies of PPS21.

We comment in respect of the MIN policies of the PSRNI below.

A Planning Strategy for Northern Ireland (PSRNI)

The ES asserts that the development is compliant with the relevant MIN policies of the PSRNI.

Policy MIN 1 relates to: **'Environmental Protection'** and aims: ***"To assess the need for the mineral resource against the need to protect and conserve the environment"***.

Table 5.2 – Impact on Plans and Policies claims that the submitted ES has ***"...assessed potential impacts on landscape, natural and cultural heritage interests and concluded that the development will not result in unacceptable impacts on these acknowledged interests in line with the requirements of Policy MIN 1"***.



Despite inclusion of a Landscape and Visual Impact Assessment (LVIA) within the ES at Chapter 6.0, visual impacts upon the existing landscape have not been fully addressed and the development proposal will have a significant impact upon the landscape character of the surrounding and wider area. The development proposal will introduce a number of unduly prominent and visually intrusive elements into the surrounding landscape which will result in significant demonstrable harm to the established rural character of the area and a have a significant detrimental impact upon landscape amenity.

Similarly, it is considered that impacts in respect of noise, air quality and impact from light have not been fully addressed as evidenced by the comments received from Moyle District Council Environmental Health Department as of **20th February 2015**, which seek further clarification/information. As such, it is not considered that the requirements of **Policy MIN 1** have been fully addressed.

Policy MIN 2 relates to: '*Visual Implications*' and aims: "*To have regard to the visual implications of mineral extraction*". The policy states: "*Visual intrusion is often the most significant environmental impact associated with mineral workings*". It goes on to state: "*To minimise their visual impact in the landscape workings should, where possible, be located to take advantage of existing landforms and features*".

The ES states: "*The project complies with Policy MIN 2 in that it has been subject to a systematic Landscape & Visual Impact Assessment (LVIA) (Chapter 6) which has assessed potential visual impacts and concluded that the development will not result in unacceptable impacts on these acknowledged interests*".

Again, as indicated in respect of **Policy MIN 1**, the development proposal will have a significant impact upon the landscape character of the surrounding and wider area. This will occur through the introduction of a number of unduly prominent and visually intrusive elements into the surrounding landscape which will result in significant demonstrable harm to the established rural character of the area and have a significant detrimental impact upon landscape amenity during the lifetime of the proposal.

The application site is itself open and highly visible from a number of key viewpoints and does not benefit from natural landforms or features which could assist integration and soften the visual impact of the proposal as required by **Policy MIN 2**. The development proposal is therefore not in compliance with **Policy MIN 2**. Further commentary on this aspect is provided below in relation to the Landscape and Visual Chapter of the ES.

Policy MIN 4 relates to Valuable Minerals and states: "*Applications to exploit minerals, limited in occurrence and with some uncommon or valuable property, will be considered on their merits*". The ES claims: "*The proposal is in accordance with Policy MIN 4 which permits exploitation where it is demonstrated that the merits of the application outweigh the environmental effects*".

It is not considered the ES or the assessments within have fully demonstrated that this proposal outweighs the environmental impacts associated with the proposal, particularly those resulting from visual impact and from noise, light and air quality impact given clarification is still being sought on a number of elements from Environmental Health (see following sections of this submission). Nor does there appear to be any substantial justification or arguments of need put forward for the proposal which could possibly be argued to outweigh these impacts.

As such, the proposal is not in accordance with **Policy MIN 4** as asserted.



Policy MIN 6 relates to: '*Safety and Amenity*' and requires: "*To have particular regard to the safety and amenity of the occupants of developments in close proximity to mineral workings*".

The policy goes on to state: "*Permission will not normally be granted for mineral workings and other developments to be in close proximity where potential sources of nuisance are judged to be incompatible with standards of amenity acceptable to the Department and other relevant authorities*".

The development proposal is in close proximity to a number of residential properties both on the Ballinlea Road and the Straid Road and impacts in relation to noise, air quality and lighting from the proposal have not been fully addressed as part of the submitted ES given the current Environmental Health response (as of **20th February 2015**) seeking clarification and further information (see following sections of this submission).

As such, it is considered the proposal will result in a number of amenity impacts upon residential occupants in the immediate surrounding area and therefore cannot be deemed to be in compliance with **Policy MIN 6**.

Policy MIN 7 relates to: '*Traffic*' and aims: "*To take account of the safety and convenience of road users and the amenity of persons living on roads close to the site of proposed operations*". The policy identifies: "*Where traffic from such a development would prejudice the safety and convenience of road users planning permission will normally be refused unless the roads can be satisfactorily improved*".

The ES states: "*The access to the site is designed in accordance with accepted Departmental standards, as published in Development Control Advice Note (DCAN) 15 – Vehicular Access Standards. The traffic generated by the proposal including the traffic characteristics associated with each phase and potential impacts on the identified haul routes has been assessed as detailed in Chapter 13 of this ES. That assessment demonstrates that the proposed development is going to result in an insignificant impact upon the surrounding highway network and is therefore compliant with Policy MIN 7*".

Whilst we note the development proposal aims to upgrade parts of the Kilmahamogue Road to facilitate the increase in traffic that will be generated, we question the compatibility of the development proposal in terms of **Policy MIN 7**.

The development proposal will result in the introduction a substantial increase in traffic volume onto what is a rural road network. In particular, it is noted that the main mode of traffic generated will be that of LGVs and HGVs on a daily and regular basis throughout the various phases. The introduction of such vehicles and in such vast numbers (as indicated within the ES) to this area will clearly have a significant adverse impact upon the surrounding road network and will potentially prejudice the safety of pedestrians and other road users. It is considered that this cannot be deemed to be an 'insignificant impact', as alleged but will be significant compared to the normal levels of traffic found in this area.

Policy MIN 7 also indicates: "*Where appropriate, conditions will be applied to prevent dirt on the wheels of vehicles being deposited on the public road*".

As previously highlighted, the description of development refers to the provision of a wheel wash; however, it is noted that details of this do not appear to have been provided or indicated on any of the submitted drawings.

DOE Planning must request this information from the applicant.



As such, it is considered that given the above concerns, the development proposal cannot be deemed to comply with **Policy MIN 7**.

It is noted that a detailed restoration scheme has been provided as part of the development proposal and therefore it is compliant with **Policy MIN 8 – Restoration**.

In light of the above it is considered that the development proposal is not fully compliant with or in accordance with the relevant MIN Policies of the PSRNI and as a result is also at odds with **PPS21 – Sustainable Development in the Countryside**.

Landscape & Visual (Chapter 6.0)

A detailed Landscape and Visual Impact Assessment has been provided at Chapter 6.0 of the ES, the methodology of which has been stated to have been derived from the *Guidelines for Landscape and Visual Impact Assessment, Third Edition* (The Landscape Institute and Institute of Environmental Management & Assessment, 2013) (GLVIA3). This accords with the consultation response from NIEA Landscape Architects Branch of **3rd October 2014**, which indicated that this guidance should be followed.

The conclusions to Chapter 6.0 state that whilst there will be some changes to the landscape as a result of the various phases of the development, some aspects of which will be prominent, the temporary nature of the proposal will mean that these changes are not anticipated to be significant.

A number of mitigation measures have also been identified within the LVIA at section 6.11.1 (Page 6/46) which identify:

"EIA Regulations require consideration of measures which will avoid, prevent, reduce and where possible offset any adverse effects, assessed to be significant. Whilst it is considered that the proposed development is temporary in duration and mitigation measures would largely be redundant, design evolution has incorporated the following;

- Noise barrier locations modified during Phase 2, Phase 3 and start of Phase 4 operations to reduce visual and noise impacts to close residential receptors;***
- Noise barrier coloured to aid 'blending' with surrounding landscape context;***
- Security fencing painted to aid 'blending' and to reduce visibility within the wider landscape;***
- Location of onsite facilities adjacent to noise barriers to reduce visual intrusion; and***
- Deconstruction and removal from site of large scale vertical elements when not required to reduce longevity of visual intrusion".***

It is acknowledged that as there are a number of phases of the proposed development that the visual impacts will change and develop over time, dependent on which phase of development is being pursued. Similarly, it is acknowledged that the development proposal is packaged as one of a temporary nature.

However, it is still considered that the various phases of development and the nature of the proposal will have a substantial detrimental impact upon the landscape at this location despite the proposed mitigation measures by virtue of the scale and nature of the structures involved during the lifetime of the development proposal.



Indeed, the key elements subject of the development proposal for each phase and their scale, materials, finishes, etc., such as the proposed access gate and boundary fencing (2.5m in height and which will surround the entirety of the site boundary and which is of a solid high boarded fence, 10m high noise barrier, various drilling rigs (at up to 50m in height) and the various on site compounds and buildings (involving 2No. and 3No. storeys) which will be required are not characteristic of, nor are they in-keeping with, the rural character of the area. These elements will mark a substantial change to the rural character and landscape of this area and have a significant visual impact during the life time of the development proposal.

This is clearly evident in the provided viewpoints/montages at Figure 6.6 to 6.33 of the ES which show that the proposal at all stages will be a very prominent feature within the landscape. Indeed, the various components of the various phases of the development proposal are wholly inappropriate for the surrounding context and are in no way comparable to any existing structures or development in this rural area. The area associated with and surrounding the application site is of a strongly defined agricultural character of hedgerows and post and wire fences and agricultural fields.

The application will result in the introduction of a number of alien features in the landscape at this location which are not appropriate to the established rural character of the area. They will clearly have a significant adverse impact upon the amenity of nearby residential properties given they are clearly visible from a number of private and public view points. Similarly, they are unduly prominent and visually intrusive in the surrounding landscape and will result in demonstrable harm to the established rural character of the area and landscape amenity.

As such, the proposals are considered to be contrary to PPS1 General Principles, paragraphs 52 and 59 in that they will result in impact upon amenity and demonstrable harm to rural character and also contrary to a number of the relevant policies contained within the PSRNI including Policy MIN1 and Policy MIN2 of the PSRNI.

With regard to the visual viewpoints/montages at Figures 6.6 to 6.33 it is noted that there does not appear to be any detail of the Phase 1 stage of the development proposal provided, only Phases 2 and 3. Whilst it is acknowledged that Phase 1 of the development proposal relates to site preparation, there are a number of structures proposed including the provision of the 2.5m high boarded fence, 2.5m high boarded steel framed gate, earth bunding, noise barrier and provision of drilling apparatus.

These aspects need to be fully considered within the visual viewpoints/montages alongside the various structures of Phases 2 and 3 and that updated information should be requested by DOE Planning to address this omission. Phase 1 stages are considered within the main body of the LVIA at Chapter 6 and the corresponding figures should be updated to reflect this.

In addition, it is noted that the LVIA also takes into consideration potential cumulative landscape and visual impacts and has identified a number of planning applications/planning permissions for similar vertical proposals (mainly wind turbine development) within 5km of the application site.

A total of 12no. applications/permissions applications for wind turbines are detailed at Table 6.6: Cumulative Developments within 5km (Page 6/10). However, we note from our own searches of similar permissions/applications within a 5km distance of the application site that an approval under DOE Ref: **E/2010/0210/F** for a Proposed ACSA A29/225kW wind turbine with 30m hub height does not appear to have been considered as part of the cumulative assessment. Similarly, it is noted that the location of these identified applications/permissions do not appear to have been presented in a visual format.

Again it is considered that these omissions need to be taken into consideration and the LVIA at Chapter 6 and the corresponding figures should be updated to reflect this.



Air Quality & Climate (Chapter 7.0)

An assessment of air quality and climate has been provided within the ES at Chapter 7.0.

It is noted that Moyle District Council Environmental Health Department was previously consulted and responded on **8th May 2014** in respect of the proposal and the potential Environmental Statement. Within their response they indicated that they had considered a previous: "*Air quality impact assessment – Rathlin Energy Ballinlea Petroleum Exploration*" dated **13th March 2014**. Comments in respect of this **13th March 2014** Air Quality assessment included (in summary):

- MDCEHD would wish the applicant to confirm that the drilling rig will either not be in place during the gas flaring operations or the drilling rig would not have any measureable impact on dispersion of flare discharges.
- It is unclear where within the air quality impact assessment that a 'relevant threshold limit' has been suggested for VOCs.
- No evidence is provided as to the appropriateness of presenting predicted VOC levels as an annual mean.
- Clarification would also be welcomed with respect to the prediction methodology. Was the gas flare only assumed to be operating over a one week period and then averaged out over the whole year? Or was the gas flare assumed to be operating over the whole year continuously to provide a worst case prediction?

Moyle District Council Environmental Health Department has now provided a response dated **20th February 2015** in which they comment on the Air Quality Assessment included within the ES and in which they still raise concerns.

The main concern stated in terms of 'Macro Air Quality Impacts' states: "***It is unclear whether or not potential downwash from the 10m high noise barrier surrounding the two gas flare systems, as described within section 8.11.3 of the ES has been incorporated into the air quality impact modelling assessment***".

As such, there are shortcomings in the air quality section of the submitted ES and it does not fully confirm that the development proposal is suitable or will not have a detrimental impact upon public health or residential amenity.

We reserve the right to provide further commentary on this chapter and to provide commentary on any additional environmental information that may be submitted by the applicant and or agent in respect of this matter.

Noise & Vibration (Chapter 8.0)

An assessment of noise and vibration has been provided within the ES at Chapter 8.0.

Moyle District Council Environmental Health Department was previously consulted and responded on **8th May 2014** in respect of the proposal and the potential for a future ES. Within their response they



indicated that they had considered a response to noise queries issued **13th March 2014**. Comments in respect of this **13th March 2014** submission included (in summary):

- The applicant has not specified the potential means of mitigating noise from the proposed gas flare nor the effectiveness of such mitigation in achieving the required attenuation (maximum attenuation necessary is 7.5 dB at No. 53 Ballinlea Road St Mary's Parochial House).
- Given the height of the gas flare stack and the limited site area, MDCEHD are concerned that typical mitigation measures (e.g. acoustic barriers or moving the noise source further from neighbouring residences) is not a viable option for the applicant.
- There are also potential cumulative impacts with other machinery operating during the testing phase. The applicant is requested to confirm what other machinery may be operating during the testing phase and include this within any future clarifications.
- In terms of night time impact noise, MDCEHD still have reservations with the potential for impact noise during the drilling activities as a result of movement of the drill pipes and attachment of the drill pipe pieces.

In its response dated **20th February 2015** Moyle District Council Environmental Health Department has now provided comment on the Noise Impact Assessment included within the ES. Within the response it highlights a number of issues and shortcomings which include:

- ***"Saturday afternoon - It is noted that the predicted noise impacts as a result of site preparation exceeds the Saturday 13:00 onwards threshold of 55 dB(A) at 6 neighbouring properties. The applicant is therefore requested to either provide further mitigation with respect to the site preparation phase or not to undertake site works on a Saturday post 13:00 hours"***
- ***"Assessment locations - It is noted that the presented predicted noise levels relate to façade levels as opposed to outdoor living spaces. In the absence of N. Ireland specific planning guidance/policy on noise, reference is made to the 'National Planning Practice Guidance – Noise - Enforcement action against a statutory nuisance' which in providing direction on statutory nuisance states, "Noise can constitute a statutory nuisance and is subject to the provisions of the Environmental Protection Act 1990 and other relevant law. This includes noise affecting balconies and gardens."***
- ***"Whilst some residents may have extensive gardens, it is those areas within the garden typically used for relaxation and resting purposes (e.g. patio areas or garden areas within 20m of a property) that should be considered within any assessments. Garden areas are only required to be assessed with respect to the daytime and evening thresholds as it would be expected that residents would be indoors at night"***
- ***"Night-time Impact Noise - Previous correspondence from MDCEHD highlighted the potential for sleep disturbance as a result of impact noises during the night-time period. Paragraph 8.2.1.3 of the ES in making reference to the WHO 1999 guidelines states, "...if the noise is not continuous, then the internal level required to prevent negative effects on sleep is a L_{Amax,fast} of 45dB. Therefore, for sleep disturbance, the continuous level as well as the number of noisy events should be considered."***
- ***"It is noted that the ES provides no comment with respect to likely night-time L_{Amax} levels from the proposed development, most notably impact noise during the drilling"***



activities as a result of movement of the drill pipes and attachment of the drill pipe pieces”.

As with the Air Quality and Climate chapter of the ES, there are shortcomings in the Noise Impact Assessment section of the submitted ES and that it does not fully confirm that the development proposal is suitable or will not have a detrimental impact upon public health or residential amenity.

Again, we reserve the right to provide further commentary on this chapter and to provide commentary on any additional environmental information that may be submitted by the applicant and or agent in respect of this matter.

Ecology (Chapter 9.0) and Fisheries Assessment (Chapter 16.0)

P.O.N.C has serious concerns regarding the impacts on the local ecology and the impact on local fisheries. Matters relating to ecology and fisheries are being addressed in a detailed submission in respect of ecological matters prepared on behalf of P.O.N.C and submitted separately from this submission.

We reserve the right to comment further on this aspect in due course, as necessary.

However, we preliminary note that there appears to be no indication of 2014 salmon and trout levels, as per Figures 16.3 and 16.4. These show only the years 2011 through 2013. **DOE Planning must request more up to date information from the applicant.** We further note that Figures 16.3 and 16.4 do not have any map base that is readily discernible. They are therefore difficult to interpret. **As such, DOE Planning must request plans showing the location context.**

Water Quality and Hydrology (Chapter 10.0) & Waste Material (Chapter 11.0)

P.O.N.C has serious concerns over the water quality and hydrology in relation to this proposal and an assessment of this aspect is ongoing. This will be submitted under separate cover by WYG Environmental. We reserve the right to comment further on this aspect in due course.

Lighting (Chapter 12.0)

An assessment of lighting has been provided within the ES at Chapter 12.0.

Moyle District Council Environmental Health Department was previously consulted and responded on **8th May 2014** in respect of the proposal and the potential for a future ES. In this response they provided comments in relation to light impact queries which were issued in March 2014. Within the 8th May 2014 response they indicated in terms of light impact assessment that:

"The applicant has submitted a qualitative as opposed to a quantitative light impact assessment. Section 4.2 of the light impact assessment states, "A quantitative assessment based upon the details of this guidance may be considered relevant and would be completed if conditioned by planning permission". It is MDCEHD's understanding that if Planning (NI) wished to impose a negative condition with respect to undertaking a quantitative light impact assessment post permission, Planning (NI) would need confidence in the likelihood of the quantitative assessment providing a positive outcome. Given:

- *the intrinsically dark nature of the locality,*
- *the need for sufficient lighting for health and safety purposes*
- *the need for a 24hr gas flare during the testing stages*
- *the close proximity of neighbouring residences*

MDCEHD are unable to confirm with confidence that a quantitative light impact assessment would result in a positive outcome".

In its response dated **20th February 2015** Moyle District Council Environmental Health Department has now provided comment on the lighting assessment provided as part of the ES. Its response states:

"Previous information submitted by the applicant related to a qualitative light impact assessment as opposed to a quantitative assessment as requested by MDCEHD. Specifically, MDCEHD requested,

- *Measure the existing/background light levels experienced at neighbouring properties at times when the proposed floodlighting would be operational.*
- *Predict the vertical light levels (1m AGL) experienced at neighbouring properties at times when the proposed floodlighting will be operational.*
- *Compare the predicted light levels against guidelines contained within the Institution of Lighting Professionals – Guidance notes for the reduction of obtrusive light.*
- *Provide comment with respect to any direct line of sight from neighbouring residents windows and the light source (e.g. consider issues with respect to potential glare)*
- *Suggest suitable mitigation measures, if necessary (e.g. cowls, shields, angling, double asymmetric luminaire etc.)*

It is noted that the applicant has not provided any measured background light levels but a commentary on existing lighting structures in the locality. The applicant concludes that the locality would be classed as Environmental Zone E2 – Rural – Low district brightness – Village or relatively dark outer suburban locations. Measurements undertaken by MDCEHD in the locality note that artificial light levels are very low, which concur with the applicants chosen Environmental Zone designation.

The Institution of Lighting Professionals – Guidance notes for the reduction of obtrusive light GN01:2011 provides within Table 2 "Obtrusive light limitations for exterior lighting installations – General Observers". Specifically columns 2 and 3 suggest limitations on Light Intrusion (into windows) E_v lux, for both pre and post curfew. E_v is defined as, "Vertical Illuminance in Lux – measured flat on the glazing at the centre of the window."

Of particular note is reference to the 'vertical' plane as opposed to 'horizontal' plane. Computer modelling presented by the applicant relates to horizontal illuminance as opposed to vertical illuminance and hence cannot be directly compared against the ILP Guidance.

In addition, it would appear from the computer model input parameters (Appendix 12.4) that only mobile tower lights have been assessed. However, photographs included within Appendix 12.3 present numerous lights on the drill rig itself as well as references to drill rig lighting within paragraph 12.5 of the ES.

MDCEHD therefore request that the applicant review the light impact computer modelling to ensure that outputs are presented in the vertical plane, as well as including all lighting sources visible to local residents".



The Environmental Health response indicates that there remain issues and shortcomings in respect of the lighting assessment which has been provided as part of the ES. It is P.O.N.C's position that the lighting assessment associated with this proposal is inadequate. The proposed lighting will be wholly detrimental to the amenity of the surrounding area.

We reserve the right to provide further commentary on this chapter and to provide commentary on any additional environmental information that may be submitted by the applicant and or agent in respect of this matter.

Traffic & Transport (Chapter 13.0)

As stated above, we are currently reviewing the ES with regard to access arrangements and vehicular movements to and from the site at the various proposed phases. P.O.N.C. has a number of serious concerns regarding these arrangements and especially the introduction of a substantial number of vehicles to what is a rural road network. In particular, the numbers of LGVs and HGVs.

We reserve the right to comment further on this aspect in due course, as necessary.

Public Health (Chapter 14.0)

We note that the ES Chapter 14.0 in relation to Public Health states within its conclusions that: ***"Given that no detrimental health effects are predicted no health monitoring scheme is warranted if the proposed development goes ahead"***.

The lack of sign off from Environmental Health in respect of noise impact, air quality and lighting impact show that health impacts clearly remain an issue in respect of the development proposal and that they have not been fully considered as part of the ES. Indeed, the fact that these areas have not been adequately addressed and further information is being sought clearly indicates that it cannot be stated that there will be no significant adverse impacts upon human health or amenity.

In light of these inadequacies and given the nature of the development it is considered that a health monitoring scheme must be required as part of this proposal. It is clearly not an acceptable approach to state that one is not warranted as is the case in the ES.

Given the various phases involved in the development proposal and the changing nature of the processes within each phase and various impacts that will result, a best practice approach is clearly for a health monitoring scheme to be proposed.

We reserve the right to comment further on this aspect in due course, as necessary.

Archaeology and Cultural Heritage (Chapter 15.0)

We note that **NIEA Historic Monuments Unit (NIEA HMU)** has responded as of **20th February 2015** confirming that it is content with the proposed mitigation set out within the ES subject to suitable conditions.

As such, we have no comments to make at this stage in respect of Archaeology and Cultural Heritage.



It is P.O.N.C's position that this planning application must be refused.

The ES has quite a number of shortcomings and deficiencies and further information must be requested from the applicant.

Please note that there are a number of aspects of this planning application and its ES that are still in the process of being assessed by P.O.N.C and that further submissions will follow on foot of this submission.

As stated throughout this objection, we reserve the right to comment further on all aspects of this planning application and its ES in due course, as necessary.

I would be obliged if you could provide a written receipt of this objection (email will suffice).

If you have any queries on the above, please feel free to contact me.

Kind regards.

Yours sincerely,

[Email version unsigned]

Matthew Crothers MRTPI

Senior Planner

For and on behalf of WYG

cc: PONC

Mr Michael Graham MRTPI, Director, WYG Planning
Mr Conor Lydon, Principal Hydrogeologist WYG Environmental
Dr Cecilia Macleod, Director, WYG Environmental