

<b>Planning Committee Report</b> LA01/2018/0693/F	<b>28<sup>th</sup> August 2019</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/A

<b><u>No:</u></b> LA01/2018/0693/F	<b><u>Ward:</u></b> Magilligan
<b><u>App Type:</u></b> Full Planning	
<b><u>Address:</u></b> Lands within Benone Complex site 53 Benone Avenue Limavady	
<b><u>Proposal:</u></b> Proposed development to comprise of a new Wastewater Pumping Station (WwPS) which will include 1 no. wet well, 1 no. valve chamber and 1 no. flow meter chamber (all chambers to be constructed below ground and fitted with manhole covers at ground level). Also included 1 no. control panel kiosk and 1 no. wash water kiosk, both kiosks are mounted above ground on a concrete plinth and finished in green. 1 no. 5m high site lighting column and telemetry aerial and 1 no. 5m high false lighting column to vent the WwPS. Site surfacing to be finished in concrete. New 1.8m high paladin boundary fence to be installed.	
<b><u>Con Area:</u></b> N/A	<b><u>Valid Date:</u></b> 08.06.2018
<b><u>Listed Building Grade:</u></b> N/A	
<b>Agent:</b> Doran Consulting	
<b>Applicant:</b> Northern Ireland Water	
<b>Objections:</b> 0	<b>Petitions of Objection:</b> 0
<b>Support:</b> 0	<b>Petitions of Support:</b> 0

## **1 Recommendation**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is accessed from the existing road network within Benone Tourist complex and existing mature hedges and bushes occupy the site. There is a carpark south of the site. The site comprises a rectangular shaped portion of land measuring 0.011 hectares. The topography of the site is flat. There are no watercourses in the vicinity of the site. All boundaries to the site are overgrown with vegetation. Views of the site are from Benone Tourist complex carpark to the south east of the site and the Benone Complex access road to the south west.
- 2.2 The site is located in a rural area outside any settlement limit as shown in the Northern Area Plan. The site is within Binevenagh Area of Outstanding Natural Beauty (AONB). The site is 10 metres south of Magilligan SAC / ASSI which is a coastal area with sand dunes and the Benone beach. An area of mature bushes and vegetation separates the site from the edge of the Magilligan Special Area of Conservation.

## **3 RELEVANT HISTORY**

B/1979/0143 – Ballymaclary, Benone and Umbra, Downhill – Tourist and Recreational Development – Approval Granted – 25.01.1980

B/1983/0403 – Benone Avenue / Seacoast Road, Benone – Construction of Transit caravan park, putting green, tennis courts – Approval Granted – 02.02.1984

B/1984/0170 – Benone Avenue / Seacoast Road, Benone – Construction of access roads and car park for tourist and recreational – Approval Granted – 05.10.1984

LA01/2017/0159/PAD – Multiple sites within Benone, Limavady  
– The construction of 9 new Wastewater Pumping Stations and  
the Extension of Benone Wastewater Pumping Station – PAD  
Concluded – 08.08.2017

## **4 THE APPLICATION**

- 4.1 This application seeks permission for a new Wastewater Pumping Station (WwPS) which will include 1 no. wet well, 1 no. valve chamber and 1 no. flow meter chamber (all chambers to be constructed below ground and fitted with manhole covers at ground level). Also included 1 no. control panel kiosk and 1 no. wash water kiosk, both kiosks are mounted above ground on a concrete plinth and finished in green. 1 no. 5m high site lighting column and telemetry aerial and 1 no. 5m high false lighting column to vent the WwPS. Site surfacing to be finished in concrete. New 1.8m high paladin boundary fence to be installed.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

All neighbours identified for notification within the terms of the legislation were notified on 17<sup>th</sup> July 2018. The application was advertised on 26<sup>th</sup> June 2018.

### **Internal**

- 5.2 Environmental Health: Has raised no objection to the proposal.  
Northern Ireland Water: Has raised no objection to the proposal.  
DFI Roads: Has raised no objection to the proposal.  
Loughs Agency: Has raised no objection to the proposal.  
Shared Environmental Services: Has raised no objection to the proposal.  
DAERA – Land Soil and Air: Has raised no objection to the proposal.

DAERA – Natural Environment Division: Has raised no objection to the proposal.

DAERA – Coastal Development: Has raised no objection to the proposal.

DAERA – Drainage and Water: Has raised no objection to the proposal.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local development plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3 (PPS 3) Access, Movement and Parking

Planning Policy Statement 11 (PPS 11) Planning and Waste Management

Planning Policy Statement 21 (PPS 21) Sustainable development in the countryside

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main consideration in the determination of this application relate to the principle of development, integration and impact on rural character, impact on AONB, habitats, species or features of Natural Heritage Importance, access requirements and Habitats Regulations Assessment.
- 8.2 The principle of the development proposed must be considered having regard to the Northern Area Plan and PPS policy documents specified above and the supplementary guidance.
- 8.3 The site falls within the countryside area and is located outside any Settlement Development Limit as defined by the NAP 2016. The site is within Binevenagh AONB and is 10 metres south of Magilligan SAC / ASSI.

### **Principle of Development**

- 8.4 Planning Policy Statement 21, Policy CTY1 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.
- 8.5 All proposals for development in the countryside must be sited and designed to integrate sympathetically with their

surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety.

- 8.6 There are a range of other types of non-residential development that may be acceptable in principle in the countryside, eg certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies. As the proposal is for a new WWPS it falls to be considered under PPS 11 – Planning and Waste Management.
- 8.7 Policy WM 2 Waste Collection and Treatment Facilities of PPS 11 states that proposals for the development of a waste collection or treatment facility will be permitted where 4 criteria are met. The first criteria requires there to be a need for the facility as established through the WMS and the relevant WMP, except in the case of Waste Water Treatment Works (WWTWs) where the need must be demonstrated to the Council's satisfaction; and
- 8.8 Paragraph 7.11 of the amplification of the policy advises that Waste water is not controlled waste and therefore the WMS and WMPs do not apply to proposals for waste water treatment works (WWTWs) and related facilities. In such cases the applicant must demonstrate that there is a need for the facility and that the proposal is the BPEO. There is no requirement to consider the BPEO as it is no longer a material planning consideration as discussed below.
- 8.9 The need for the proposal is driven by the requirement to upgrade the sewerage network within the Benone Catchment, which also serves the village of Downhill. The existing sewerage network at Benone consists of a vacuum pumping station and 58 vacuum valve chambers. Foul sewage collects in the vacuum valve chambers by local gravity sewers from where it is transferred to Benone Vacuum pumping station by the vacuum sewer pipelines. During the high summer season the population of Benone peaks, the existing system is overloaded which causes operational issues for NI Water to maintain service. This proposal is designed to help meet current and future demand for this sewer network.

- 8.10 NI Water as applicant require replacement and improvement works relating to the existing sewerage network in Benone. This proposal involves a new waste water pumping station which will improve the sewerage network of this Benone Catchment Area. The applicant has demonstrated a need for this facility so it complies with this criteria 'a' of WM 2 of PPS 11.
- 8.11 Criteria B requires the proposed facility to be the BPEO; Following publication of the Revised Waste Management Strategy Delivering Resource Efficiency the Department will no longer treat the BPEO as a material consideration in the planning process. A period of public consultation on the revised Waste Management Strategy (WMS) ran between 26 October 2012 and 18 January 2013 and the Strategy was published in final form on 25 October 2013. The Department considers that the statutory Strategic Environmental Assessment (SEA) which is required to be undertaken by the three Waste Management Groups as part of preparing their Waste Management Plans (WMPs) duplicates the BPEO process. It was proposed in the public consultation draft revised WMS that the Department would remove the BPEO as an absolute requirement from the waste planning process. Comments received as part of the public consultation process indicated broad support for this proposal. As a result the Council will no longer treat the BPEO as a material consideration in the planning process. Planning applications will need to be consistent with WMPs, but will not need to separately demonstrate the BPEO, the principles of which are more appropriate for consideration outside of the planning application process.
- 8.12 The third criterion requires that the proposed facility complies with one or more of the following locational criteria:
- it is located within an industrial or port area of a character appropriate to the development;
- The site is not located within an industrial or port area.
- 8.13
- it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facility including a landfill site;
- The site is located within Benone Tourist Complex Site, adjacent and north west of the main car park and not within a quarry or former waste management facility or landfill site.

- 8.14 • it brings previously developed, derelict or contaminated land back into productive use or makes use of existing or redundant buildings;  
The site is not located on previously developed, derelict or contaminated land.
- 8.15 • in the case of a civic amenity and similar neighbourhood facilities the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or  
The proposal is not a civic amenity facility.
- 8.16 • where the proposal is in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Alternatively where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact;  
The proposal is in the countryside and is a new WWPS. The majority of the proposal is underground including a wet well, a valve chamber and a flow meter chamber. There are 2 kiosks, a site lighting column, telemetry aerial, a vent (5m high false lighting column to vent the WWPS) and 1.8m high paladin boundary fence is above ground. The components above ground measures 3.7 metres long by 1.5 metres wide and is surrounded on 3 sides by mature vegetation and there is proposed planting along the front of the proposal. This is acceptable as the proposal have negligible visual impact when viewed from Benone Tourist Complex Carpark and access road. The proposal complies with criteria 'c'.
- 8.17 Criteria D requires 5 other points where relevant to be met:  
• in the case of a regional scale waste collection or treatment facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water;  
This part does not apply to the proposal because the proposal is not a regional scale waste collection or treatment facility.



- 8.18 • proposals involving the sorting and processing of waste, are carried out within a purpose built or appropriately modified existing building, unless it can be demonstrated that part or all of the proposed operation can only be carried out in the open; This part does not apply to the proposal because the proposal does not involve the sorting and processing of waste.
- 8.19 • the built development associated with the proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned;  
The proposed built development is appropriate for the transfer of waste water in this rural location and is appropriate for the nature and hazards of the waste concerned. No objections have been received by any consultee.
- 8.20 • proposals for the incineration of waste and other thermal processes, shall incorporate measures to maximise energy recovery both in the form of heat and electricity, taking account of prevailing technology, economics and characteristics of the waste stream involved; and  
This part does not apply to the proposal because the proposal does not involve incineration of waste or other thermal processes.
- 8.21 • it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM 1).  
The environmental impact is considered in the assessment of WM 1 below.
- 8.22 Policy WM 1 Environmental Impact of a Waste Management Facility of PPS 11 states that proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all of the following criteria are met:
- 8.23 • the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;

Environmental health, Shared Environmental Services, Loughs Agency, DAERA Drainage and Water, Coastal Development, Natural Environment Division, Land, Soil and Air, NI Water have been consulted and have no objections. The proposal complies with this criteria in that the proposal will not cause demonstrable harm to human health or have an adverse impact on the environment and upgrades the existing sewerage network.

- 8.24 • the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;  
The proposal is 86 metres north west of the main Benone Complex building and no issues are raised by consultees, the above ground kiosks are only 2.3m high and has planting proposed along the front boundary meaning the proposal complies with this criteria because it is compatible with the adjacent Benone Tourist Complex site.
- 8.25 • the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;  
The majority of the proposal is underground including a wet well, a valve chamber and a flow meter chamber. There are 2 kiosks, a site lighting column, telemetry aerial, a vent and 1.8m high paladin boundary fence above ground. When viewed alongside the existing Benone Tourist Complex these components above ground are acceptable as they have negligible visual impact at this location adjacent a carpark which is within the Binevenagh AONB. The proposal complies with this criteria.
- 8.26 • the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;  
DFI Roads and Environmental Health as competent authorities on such matters have been consulted and are content. The proposal complies with this criteria.
- 8.27 • the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated; DFI

Roads have been consulted and are content. The proposal complies with this criteria.

8.28 • adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles; There is parking for one vehicle which will service the site, at the front of the site the footpath is to be lowered and a drop kerb provided. The surface area is proposed to be concrete. DFI Roads have been consulted and are content. The proposal complies with this criteria.

8.29 • wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered; This criteria does not apply because of the site location adjacent a carpark with no rail or water transport nearby.

8.30 • the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests.  
The proposal is within the Binevenagh AONB and is 10 metres from Magilligan SAC / ASSI. There are no listed buildings nearby. The site is not in an area zoned for archaeology. Shared Environmental Services, Loughs Agency, DAERA Drainage and Water, Coastal Development, Natural Environment Division, Land, Soil and Air, NI Water have been consulted and have no objections. The proposal complies with this criteria in that the proposal will not cause an adverse impact on nature conservation or archaeological/built heritage interests.

8.31 • the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;  
This part does not apply to the proposal because the proposal does not dispose or treat the waste. It pumps the waste water to the existing Magilligan Waste Water Treatment Works.

8.32 • the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;  
The site is not in an area that is affected by flooding.

- 8.33 • the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;  
The site is not located on agricultural land.
- 8.34 • In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.  
This part does not apply to the proposal because the proposal does not involve landfilling.
- 8.35 The proposal complies with both policies WM1 and WM2 of PPS 11 and complies with CTY 1 of PPS 21.

### **Integration and Impact on rural character**

- 8.36 Paragraph 6.70 of the SPPS requires that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed. The majority of the proposal is underground including a wet well, a valve chamber and a flow meter chamber. There are 2 kiosks, a site lighting column, telemetry aerial, a vent (5m high false lighting column to vent the WWPS) and 1.8m high paladin boundary fence is above ground. The kiosks above ground measure 3.7 metres long by 1.5 metres wide and is surrounded on 3 sides by mature vegetation and there is proposed planting along the front of the proposal. These components above ground are acceptable as they have negligible visual impact when viewed alongside the existing Benone Tourist Complex. The proposal will visually integrate and would not be unduly prominent and would not have a detrimental impact on rural character and it therefore complies with paragraph 6.70 of the SPPS.

### **Impact on AONB**

- 8.37 Policy NH6 of PPS 2 and paragraph 6.187 of SPPS requires that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- 8.38 a) the siting and scale of the proposal is sympathetic to the special character of the Outstanding Natural Beauty in general and in particular locality;  
The majority of the proposal is underground however 2 kiosks, a site lighting column, telemetry aerial, a vent and 1.8m high paladin boundary fence are above ground. The site is surrounded on 3 sides by mature vegetation and new planting is proposed at the front of the site. The components above ground are acceptable as they have negligible visual impact when viewed alongside the existing development. The proposal complies with criteria 'a'.
- 8.39 b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape;  
The proposal is within the Binevenagh AONB, it is not within the consultation zone for archaeology and is 10 metres from Magilligan SAC / ASSI. There are no listed buildings nearby. Shared Environmental Services, Loughs Agency, DAERA Drainage and Water, Coastal Development, Natural Environment Division, Land, Soil and Air, NI Water have been consulted and have no objections. The proposal complies with this criteria 'b' in that the proposal will not cause an adverse impact on nature conservation or archaeological/built heritage interests.
- 8.40 c) the proposal respects:  
- local architectural styles and patterns;  
- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and  
- local materials, design and colour  
The proposal does not involve the erection of a building. The proposal has overgrown vegetation on 3 boundaries, as mitigation for the loss of any existing vegetation new planting is proposed along the front boundary. The proposal complies with criteria 'c'.
- 8.41 The proposal complies with Policy NH6 – Areas of Outstanding Natural Beauty and Paragraph 6.187 of the Strategic Planning Policy Statement in that the design , size and scale is appropriate for this location.

## **Habitats, Species or Features of Natural Heritage Importance**

8.42 Policy NH5 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known: Priority habitats, priority species, active peatland, ancient and long-established woodland, features of earth science conservation importance, features of the landscape which are of major importance for wild flora and fauna, rare or threatened native species, wetlands, other natural heritage features worthy of protection. The applicant submitted a Preliminary Ecological Appraisal which identified dense scrub on the site that may provide nesting habitat for birds as well as foraging and commuting habitat to bats. As mitigation the applicant has proposed planting at the front of the site of native, berry-producing species which NED are content with. As Natural Environment Division are content the proposal complies with NH 5 of PPS 2.

## **Access requirements**

8.43 Policy AMP 2 of PPS 3 Access, Movement and Parking applies: Access to Public Roads states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

8.44 DFI Roads have been consulted and on 16th July 2018 they offer no objection to this development proposal. The applicant has been able to show that the proposal will not prejudice road safety or inconvenience the flow of traffic. This access road that the proposal is located beside is not a protected route. The proposal therefore complies with Policy AMP 2 of PPS 3.

## **Habitats Regulation Assessment**

8.45 The potential impact of this proposal on Special Areas of conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

## **9 CONCLUSION**

9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan and other material considerations, including the SPPS and Planning Policy Statements 2, 3, 11 and 21. Consultee responses have been considered. The proposal serves to upgrade the sewage network in Benone and it is not a dominant feature in the landscape and integrates into the surrounding landscape and would not result in a detrimental change to the rural character of the countryside. As the proposal is acceptable, approval is recommended.

## **10 CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

2. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Department in writing, and subsequently implemented and verified to its satisfaction.

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

3. After completing any remediation works required under condition 2 and prior to occupation of the development, a

verification report needs to be submitted in writing and agreed with Department. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

4. There shall be no direct discharge of untreated surface water run-off during the construction and operational phases into Magilligan ASSI/SAC.

Reason: To safeguard the integrity of Magilligan ASSI / SAC.

5. A suitable buffer of at least 10m must be maintained between the location of refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the boundary of Magilligan ASSI/SAC.

Reason: To safeguard the integrity of Magilligan ASSI/SAC.

6. Only the existing access lane to the south of the application site shall be utilised for the transport of vehicles/machinery to the site at anytime.

Reason: To protect the integrity of Magilligan ASSI/SAC.

### **Informatives**

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent sites for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.



3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.
6. The purpose of Conditions 2 and 3 are to ensure that the site risk assessment and remediation work is undertaken to a standard that enables safe development and end use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/waste-management-licensing>

<https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions>

<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

The applicant shall consult with the Water Management Unit within the NIEA regarding any potential dewatering that may

be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent Conditions.

The applicant shall consider the production of a Site Waste Management Plan (SWMP) for this proposed development. SWMPs are promoted as an example of best practice in the construction industry and a SWMP is a document that describes, in detail, the amount and type of waste from a construction project and how it will be reused, recycled or disposed of. Following the SWMP procedure could help to reduce the amount of waste produced and will help manage waste more effectively. Further information can be obtained from:

[http://www.netregs.org.uk/environmental-](http://www.netregs.org.uk/environmental-topics/waste/storage-handling-and-transport-of-waste/site-waste-management-plans/site-waste-management-plans-swmp/)

[topics/waste/storage-handling-and-transport-of-waste/site-waste-management-plans/site-waste-management-plans-swmp/](http://www.netregs.org.uk/environmental-topics/waste/storage-handling-and-transport-of-waste/site-waste-management-plans/site-waste-management-plans-swmp/)

<https://www.nibusinessinfo.co.uk/content/what-site-waste-management-plan-should-contain>

The applicant should adhere to Marine and Fisheries Division's most recent (and any future) consultation(s), in relation to the proposal's potential impacts upon coastal processes, mobile marine species, and the designated sites with a hydrological connection to the application site.

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);

- damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;

- damage or destroy anything which conceals or protects any such structure;

- disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

The applicant should refer and adhere to the precepts contained in Standing Advice for Pollution Prevention Guidance, Sustainable Drainage Systems, Wild Birds and Discharges to the Water Environment.

Standing advice notes are available at: <https://www.daera-ni.gov.uk/articles/standing-advice-0>

#### Marine National Protected Species

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended), under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 to the Order. This includes the common seal (*Phoca vitulina*), grey seal (*Halichoerus grypus*), basking shark (*Cetorhinus maximum*), angel shark (*Squatina squatina*), common skate (*Dipturus batis*) short snouted seahorse (*Hippocampus hippocampus*), spiny seahorse (*Hippocampus guttulatus*), spiny lobster (*Palinurus elaphus*) and fan mussel (*Atrina fragilis*).

Article 11 of the Wildlife (Northern Ireland) Order 1985 (as amended) provides that a person shall not be guilty of an offence under Article 10 (killing or injuring a species listed in Schedule 5 (as amended)) if the act was incidental to a lawful operation (i.e. activity permitted by a Marine Licence or Planning Permission) and could not reasonably be avoided. A separate marine Wildlife Licence is therefore not required for national marine protected species if a Marine Licence/Planning Permission has been granted, since adherence to the conditions of the Marine Licence should reduce the likelihood of harm to marine national protected species.

Under Article 10 it is an offence to intentionally or recklessly disturb; common seals, grey seals or basking sharks. It is also an offence under Article 10 to intentionally or recklessly damage or destroy, or obstruct access to, any structure or place which these animals (Schedule 5<sup>1</sup>) use for shelter or protection; damage or destroy anything which conceals or protects any such structure; or disturb any such animal while it is occupying a structure or place which it uses for shelter or protection.

Under Article 13 it is an offence to sell or transport any Schedule 7 animal dead or alive at any time.

Any person who knowingly causes or permits an act which is made unlawful under Article 10 or Article 13 shall also be guilty of an offence.

It is the applicant's responsibility to ensure that an offence is not committed. Further advice can be sought from DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast BT7 2JA.

Under the Wildlife (Northern Ireland) Order 1985 (as amended) a licence may be required for any operations which might impact on protected species.

#### Marine European Protected Species

The applicant's attention is drawn to regulation 34 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European Protected Species included in Schedule 2 to these Regulations. This includes all species of dolphins, porpoises and whales and the marine turtle species.

(1) It is also an offence to;

(a) deliberately disturb such an animal while it is occupying structure or place which it uses for shelter or protection;  
(b) deliberately disturb such an animal in such a way as to be likely to;

(i) affect the local distribution or abundance of the species to which it belongs;

(ii) impair its ability to survive, breed or reproduce, or rear or care for its young; or

(iii) impair its ability to hibernate or migrate;

(c) deliberately take or destroy the eggs of such an animal;

(d) deliberately obstruct access to a breeding site or resting place of such an animal;

or

(e) damage or destroy a breeding site or resting place of such an animal.

- (2) It is an offence for any person;
- (a) to have in his possession or control,
  - (b) to transport,
  - (c) to sell or exchange, or
  - (d) to offer for sale or exchange, any live or dead animal which is taken from the wild and is of a species listed in Annex IV(a) to the Habitats Directive, or any part of, or anything derived from, such an animal.

It is the applicant's responsibility to ensure that an offence is not committed. Further advice can be sought from DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast, BT7 2JA.

Under this legislation a licence may be required for any operations which might impact on European Protected Species.

#### Further information

The applicant's attention is also drawn to the following links which provide advice to be considered:

[http://www.planningni.gov.uk/index/advice/northern\\_ireland\\_environment\\_agency\\_guidance/developers\\_guides.htm](http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/developers_guides.htm)

[https://www.planningni.gov.uk/index/advice/northern\\_ireland\\_environment\\_agency\\_guidance/standing\\_advice\\_4\\_pollution\\_prevention.pdf](https://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_4_pollution_prevention.pdf)

3. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing roadside drainage is preserved and does not allow water from the road to enter the site.

4. The applicant should demonstrate best environmental practice when working close to watercourses. The potential for deleterious matter to enter a watercourse is of primary concern. Impacts on the aquatic environment such as a decrease in water quality can cause a significant impact upon various life history stages of fish species.

The applicant should also be aware that it is an offence under section 41 of the Foyle Fisheries Act (1952) to cause pollution which is detrimental to fisheries interests.

5. The applicant is advised to contact NIW Waterline on 03457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Waterline on 03458 770002.

No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.

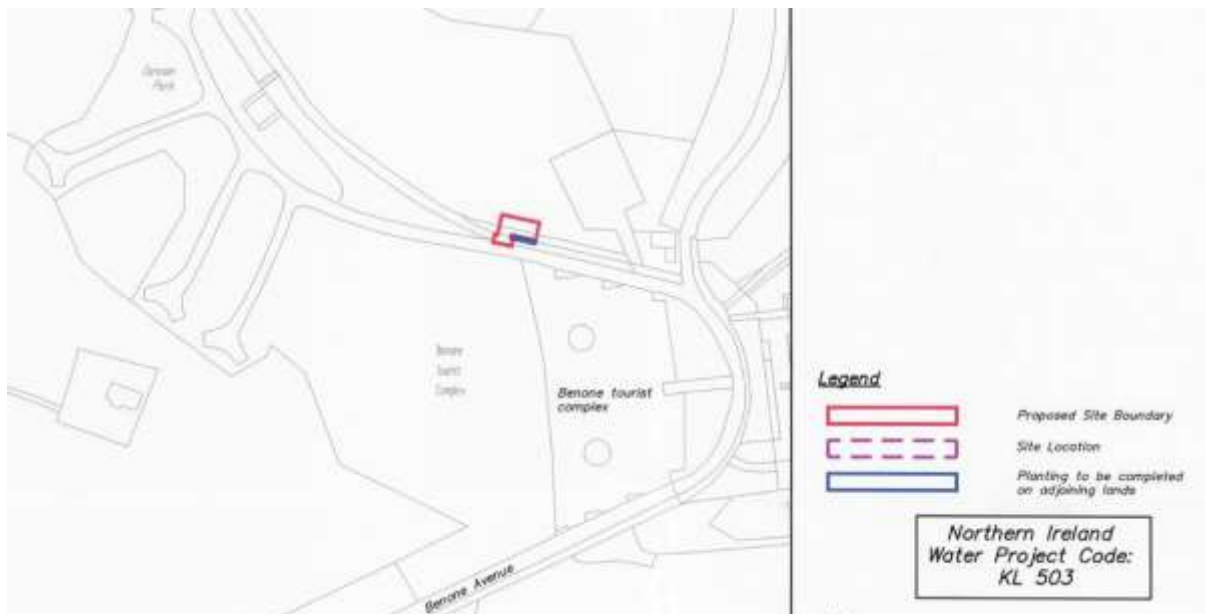
All services within the development should be laid underground.

Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

Development shall not be occupied until surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants should contact NI Water's Water Fittings Regulations team via [waterline@niwater.com](mailto:waterline@niwater.com) if they have any queries.

## Site Location







Block plan