



<b>Planning Committee Report LA01/2020/0509/F</b>	<b>16<sup>th</sup> December 2020</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 and Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>No:</u></b>	<b>LA01/2020/0509/F</b>	<b><u>Ward:</u></b>	<b>Route</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Drumaheglis Holiday Park and Marina 36 Glenstall Road, Ballymoney</b>		
<b><u>Proposal:</u></b>	<b>Extension to existing floating pontoons &amp; refurbishment of existing fixed pier jetty to improve access to the Lower River Bann. Works to floating pontoons include installation of new pontoon units to extend existing 2.4m wide pontoon by 21m, 2 no. new pontoon restraint piles, minor dredging and re-profiling of river banks to provide under keel clearance and provision of new rock armour revetment. Works to fixed pier comprises replacement of existing deck, frame and quay furniture including additional fendering.</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>13.05.2020</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>	<b>08.09.2020</b>
<b>Agent:</b>	<b>Doran Consulting</b>		
<b>Applicant:</b>	<b>Causeway Coast &amp; Glens Borough Council</b>		

## **EXECUTIVE SUMMARY**

- **Full planning permission is sought for an extension to existing floating pontoons & refurbishment of existing fixed pier jetty to improve access to the Lower River Bann. Works to floating pontoons include installation of new pontoon units to extend existing 2.4m wide pontoon by 21m, 2 no. new pontoon restraint piles, minor dredging and re-profiling of river banks to provide under keel clearance and provision of new rock armour revetment. Works to fixed pier comprises replacement of existing deck, frame and quay furniture including additional fendering.**
- **The site is located within the rural area west of Ballymoney.**
- **This is an application on behalf of Causeway Coast and Glens Borough Council.**
- **No letters of objection have been received in relation to the application.**
- **The proposal is considered acceptable with regard to the key issues comprising: Principle of Development, Flooding / Compatibility, Impact on nature Conservation, Archaeology or Built Heritage, Visual Amenity, Pollution, Noise or Disturbance, Design and Access.**
- **These issues were considered with regard to the main relevant policies which are the Northern Area Plan 2016, the SPPS, PPS 2, PPS 3, PPS 8, PPS15 and PPS 21.**
- **Approval is recommended subject to specific conditions relating to the submission of a Construction Environmental Management Plan, Archaeological and the Protection of trees / habitat,**

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

## 1.0 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 reasons set out in section 10.

## 2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises an irregular plot which forms part of Drumaheglis Marina and Caravan Park. The subject site extends to approximately 0.58 ha and is accessed off Glenstall Road via a tarmac roadway and is set back approximately 300m from the public road. The site levels fall fairly steeply from the public road. The existing access point is opposite a listed building and curtilage which also forms part of a historic park, garden and demesne. The access road is adjacent a small triangular plot of land to the north comprising a wooded area which is the subject of a tree preservation order. The site forms part of a larger complex consisting of an existing marina and camp site with hard standing pitches, glamping cabins and ancillary facilities including a café, shower/laundry facilities, outdoor areas and a nature walk. On site car parking is also provided with the remainder of the complex comprising mature landscaped and wooded areas. The subject site incorporates part of the south-western boundary which fronts onto the River Bann and includes floating pontoons / jetty's and a fixed pier extending into the river which are served by pedestrian gangways.
- 2.2 The site is located within the rural remainder as designated by the NAP 2016. The character is rural and dominated by open farmland with the River Bann to the west, mature boundaries and small woodland areas. The subject site is within an archaeological site (settlement) and is affected by both fluvial flooding and pluvial ponding. The site also falls within the DFI Rivers Reservoir inundation Area.

### **3.0 RELEVANT HISTORY**

D/2011/0219/F - Proposed Multi-Purpose Building Incorporating Changing Facilities. Permission Granted 30.08.2012

D/2012/0138/F - Replacement of Ex. Warden's Office with new Activity Centre incorporating Catering facilities and small commercial units together with the provision of 5 new camping pods and interpretative panels. Permission Granted 29.08.2012

### **4.0 THE APPLICATION**

- 4.1 The application is described as “Extension to existing floating pontoons & refurbishment of existing fixed pier jetty to improve access to the Lower River Bann. Works to floating pontoons include installation of new pontoon units to extend existing 2.4m wide pontoon by 21m, 2 no. new pontoon restraint piles, minor dredging and re-profiling of river banks to provide under keel clearance and provision of new rock armour revetment. Works to the fixed pier comprises replacement of existing deck, frame and quay furniture including additional fendering”.

#### **Habitat Regulations Assessment**

- 4.2 Shared Environmental Service (SES) has reviewed the Habitats Regulations Assessment documents (Doc 02 and Doc 04), undertaken by WYG on behalf of Causeway Coast and Glens Borough Council, the competent authority under the Regulations. SES also notes the comments of NIEA (the Statutory Nature Conservation Body for NI) in respect of the HRA. While not being responsible for the HRA, SES has confirmed that they have no reason to disagree with its logic and conclusions and recommends that the council implement the proposed mitigation in full by way of planning conditions.
- 4.3 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 of any European site.

## **5.0 PUBLICITY & CONSULTATIONS**

**External:** N/A

**Internal:**

**Environmental Health Department:** No objections

**NI Water:** No objections.

**DFI Roads:** No objections.

**Historic Environment Division:**

HBU- No Objections

HMU – No Objections subject to conditions

**Shared Environmental Services:** No Objections subject to mitigation.

**DFI Rivers:** Flood Risk Assessment received. No objections

**DAERA :**

Marine and Fisheries – No Objections.

Natural Environment Division – No objections.

## **6.0 MATERIAL CONSIDERATIONS**

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local 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.

## **7.0 RELEVANT POLICIES & GUIDANCE**

Regional development Strategy 2035.

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6: Archaeology and the Built Heritage

Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation.

Planning Policy Statement 15: Planning and Flood Risk.

Planning Policy Statement 21: Sustainable Development in the Countryside

## **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The proposal relates to the granting of permission for the refurbishment of the existing fixed pier, realignment of existing floating pontoon and the provision of 2 no. new floating pontoon units with new guide piles requiring river bed dredging / excavation localised to the site and re-profiling of the river bank.

8.2 The proposed works to the fixed pier comprise:

- Removal of existing quay furniture including ladders, handrails, fendering and moor cleats as well as timber decking joists and cross beams.
- Retention of existing steel anchors and cutting of existing precast piles to facilitate new deck levels.
- Installation of structural steel framework and replacement access ramp and composite timber decking. Installation of new quay furniture including handrails, ladders, fencing, mooring cleats, life buoys as well as installation of electrical cabling.

8.3 The proposed works to the pontoons comprise:

- Removal of existing pontoon and guide piles. Existing pontoons cleaned and refurbished.
- Minor dredging works and re-profiling of the river banks undertaken to provide adequate berthing depth along the pontoon and clearance below. Works to river bank include installation of rock armour revetment at slope 1:3.
- Installation of new guide piles.
- Installation of refurbishment and new pontoon units connected together and attached to guide piles.
- Installation and commissioning of pontoon services (water, electric and safety equipment).

- 8.4 The main planning considerations for this application relate to the Principle of the development, Flooding / impact on watercourse, Natural Heritage issues, Amenity, Visual Impact / Character, Access / Traffic.

### **Principle of Development**

- 8.5 The principle of development must be considered having regard to the Northern Area Plan, the SPPS and PPS policy and the Planning Strategy for Rural NI. Paragraph 3.8 of the SPPS asserts a presumption in favour of development which accords with an up-to-date development plan unless the proposed development will cause demonstrable harm to interest of acknowledged importance
- 8.6 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. 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. One of the types of development considered acceptable in principle is outdoor sport and recreational uses in accordance with PPS8.
- 8.7 PPS8 : Open Space, Sport and Outdoor Recreation includes a number of main objectives one of which is to facilitate outdoor recreational activities in the countryside.
- 8.8 Policy OS6 of PPS8 specifically relates to the development of facilities ancillary to water sports ad states that such facilities adjacent to inland lakes, reservoirs and waterways will be permitted where all of the outline criteria are met. The principle of development is therefore considered acceptable subject to the following criteria.



## **Flooding and Compatibility with Existing Use of the Water.**

- 8.9 The application relates to an established marina and recreational facility / use on site which was the subject of two previous planning permissions for a proposed multi-purpose building and for a new Activity Centre incorporating Catering facilities, small commercial units and 5 new camping pods. The current application proposes the refurbishment / extension of existing river access facilities ancillary to the existing use on site and does not incorporate an extension to the existing site area.
- 8.10 The proposed works are sited within the River Bann which is mainly used for recreational purposes within this locality. Flood maps indicate that the development lies within the 1 in 100 year fluvial flood plain. Policy FLD1 of PPS 15 states that the planning authority will not permit development within flood plains unless it meets the 'Exceptions Test' as outlined. Policy FLD1 requires that if the planning authority deems the proposal to be an exception under policy FLD 1 the applicant is required to submit a flood risk assessment to demonstrate that all sources of flood risk to and from the proposed development have been identified and there are adequate measures to manage and mitigate any increase in flood risk arising from the development.
- 8.11 The exceptions to Policy FLD1 within undefended areas include a number of forms of development including criterion e) - water compatible development such as for boat mooring, navigation and water based recreational use, which for operational reasons has to be located within the floodplain. The current proposal relates to an existing recreational facility and to water compatible development as defined, therefore it is considered an exception to Policy FLD1 and represents acceptable development within the flood plain and requires the submission of a Flood Risk Assessment in line with Policy FLD1.
- 8.12 A Flood Risk Assessment (FRA) has been submitted and Rivers Agency advise that while not being responsible for the

preparation of the FRA, they accept its logic and have no reason to disagree with its conclusions. Consequently, DfI Rivers has no objection to the proposed development from a drainage or flood risk perspective.

- 8.13 DFI Rivers points out that the fixed pier / jetty will be at risk of flooding in a 1 in 100 year event and could be submerged approximately 2m below the predicted 1 in 100 year flood level. The submitted FRA states that this structure is designed for flood events and to be periodically submerged therefore it is not at risk from flood events. The additional works, including dredging and re-grading of the bank will only nominally increase the cross section of the river and will not increase the potential for flooding elsewhere. Access to the fixed pier is also via a security gate with electronic coded gate lock controlling access on site. The FRA indicates that the pontoon extensions are fixed to restraint piles, will rise and fall with the river level and are therefore not at risk from flooding.
- 8.14 The subject site also falls within a potential area of inundation emanating from Ballinrees Reservoir. Policy FLD 5 states that new development within the potential flood inundation area of a controlled reservoir will only be permitted where three criteria are met.
- Where the applicant can demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety so as to enable the development to proceed.
  - The application is accompanied by a FRA which demonstrates assessment of the downstream flood risk.
  - There are suitable measures to manage and mitigate the identified flood risk.
- 8.15 The submitted FRA indicates that in the event of a reservoir flooding event the extent of flooding would not exceed that of a 1 in 100 year fluvial flood and therefore poses no greater risk to the proposed works. DfI Rivers has confirmed that they have the required information to indicate that the relevant reservoir (Ballinrees Reservoir) has 'Responsible Reservoir Manager Status' which indicates that it is well maintained. Consequently

DFI Rivers has stated that they have no reason to object to the proposal from a reservoir flood risk perspective.

- 8.16 In terms of mitigation measures the site is controlled via an electronic gate within the complex and includes safety equipment. Operational Protocols have also been submitted relating to the management and operation of the facilities. Overall the proposal is deemed acceptable development within the river and compatible with the existing use of the river.

**Adverse Impact on Features of Importance to Nature Conservation, Archaeology or Built Heritage.**

- 8.17 The overall site is affected by a number of designations. The existing access point is opposite a listed building and curtilage which also forms part of a historic park, garden and demesne. The access road is adjacent a small triangular plot of land to the north comprising a wooded area which is the subject of a tree preservation order (TPO). The site is also within the consultation area of known archaeology (settlement).
- 8.18 In relation to the TPO, no works are proposed to the existing access arrangements as noted on the submitted application form and therefore the TPO remains unaffected by the proposed works which are approximately 300m away.
- 8.19 Although also separated from the listed building and curtilage such proposals can affect the settings of listed building and are restricted under Policy BH11 of PPS6 – Planning, Archaeology and the Built Heritage. Historic Environment Division has been consulted in relation to the potential impact on the listed building and curtilage as well as the impact on the historic park, garden and demesne and the archaeological site.
- 8.20 Historic Buildings Unit (HBU) considers the proposal is sufficiently removed from the listed building that its detailed design would have no greater demonstrable harm on its setting when considered against the policy requirements of the SPPS and PPS6.
- 8.21 Historic Monuments Unit (HMU) has considered the impacts of the proposal and are content that the proposal satisfies PPS 6

policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

- 8.22 Although the site does not fall within any specific designations it comprises part of the river corridor of the River Bann and includes mature trees and the potential to impact on protected species. The habitats, species and features of river corridors are protected under Policy NH5 of PPS 2 – Natural Heritage. It is also hydrologically connected to a number of designated sites including the Bann Estuary Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI) and is within 5.1km of the Garry Bog (Ramsar site, SAC and ASSI).
- 8.23 In support of the application an Ecological Appraisal and Otter survey has been submitted which includes an extended Phase 1 habitat survey and assessment of potential constraints / opportunities relating to ecological receptors on and directly adjacent the site. The survey indicated that the subject site includes, the river corridor, amenity grassland, semi-natural, broad leaved plantation woodland, scrub and individual trees. The survey indicates the site as being of high suitability for commuting and foraging bats with some suitability for common lizards, potential otter trails and suitable habitat for breeding birds and waders. No evidence was found relating to badgers and the River Bann itself is likely to support a wide range of aquatic life.
- 8.24 The application has the potential to impact on habitat and species both during construction works including tree loss and impact on river bed bank and longer term as a result of lighting etc. The use on site exists as does artificial lighting etc and subject to suitable controls should not adversely affect natural heritage.
- 8.25 As part of the proposal no trees are to be removed and a root protection area will be included around those trees identified as being of high suitability for bats. The application includes a construction method statement indicated how works will be carried out and the Ecological appraisal recommends that any

artificial lighting should not shine on any habitat features or dark corridors, light spill is to be avoided where possible and the use of low lighting with hoods and timers is recommended. Artificial lighting exists on site (particularly around the marina) and no additional lighting is indicated as part of the current proposal.

- 8.26 In relation to the potential impact from the proposal on existing natural heritage DAERA has been consulted. Increased use of boats along the River Bann as a result of the proposed development at Drumaheglis Marina is considered unlikely to result in any significant effects. The Marine and Fisheries Team raise no objections provided there are appropriate pollution prevention measures implemented during construction and operation. Natural Environment Division (NED) reference the submitted HRA Screening Report which recommends an appropriate assessment for polluting events and the spread of invasive species during construction and mitigation against during the installation phase. NED are content that works are unlikely to result in significant impacts to designated sites. NED are also content that the proposal will not result in any unacceptable impact on existing habitat or species subject to appropriate conditions. The CEMP designed for the application site will take into consideration the requirements of the qualifying features relevant to Bann Estuary SAC to mitigate adverse effects and make sure they do not occur during the construction phase of the proposed development. The CEMP will be reviewed and approved prior to any works commencing on-site.

### **Adverse Impact on Visual Amenity or the Character of the Local Landscape.**

- 8.27 The proposed works do not require the loss of any existing trees / landscaping and incorporate replacement of the existing fixed pier and the extension of the existing pontoons. The site is set over 300m back from the public road and the potential visual impact is limited to within Drumaheglis site and River Bann. The existing water access facilities have a fairly limited visual impact even within Drumaheglis site which is dominated by the marina and existing buildings which do not form part of the current proposal. The works are set just beyond the river bank which

incorporates mature trees which overhang the river and provide significant screening and softening of any visual impact even taking into consideration the quite industrial design of the existing and proposed works. Re-grading of the river bank is over a short distance and will have a very limited visual impact with views extremely limited. The overall character of the local landscape and visual amenity of the area will not be adversely effected.

### **Potential Pollution or Noise / Disturbance.**

- 8.28 The construction phase of the proposed development carries the risk of degradation of the water quality within the designated sites from a major pollution event entering the watercourse, either through surface water or groundwater. Potential for pollution during construction applies only to the Bann Estuary SAC (qualifying habitats).
- 8.29 The distance downstream from any potential pollution events during construction, the amount of dilution afforded by the downstream watercourse, and the fact that the Bann Estuary habitats are within the tidal reaches of the River Bann subject to constant tidal flows, turbulence and mixing, leads to the conclusion that the Bann Estuary SAC qualifying features would only be subject to a likely significant effects as a result of a major pollution event.
- 8.30 An outline Construction Environmental Management Plan (CEMP) has been submitted to be read in conjunction with the Ecological Appraisal and Otter Survey Report and HRA documents. The CEMP specifies the minimum requirements to be carried out by the appointed contractor to ensure safe and secure construction with the minimum possible environmental harm and includes the undertaking of a Risk Assessment and Method Statement, ecological precautionary working method statements and training of contracted staff regarding the prevention and control of any environmental incidents. Fuels, oils and other hazardous materials will be stored on site and are to be sited within a defined bunded area to prevent leaks and spills affecting drains or the watercourse.

- 8.31 In terms of noise, the development is likely to result in limited noise impact on completion of works. The proposal will not result in a significant intensification of use at the site and will not create significant noise or disturbance. During the construction phase noise and disturbance could result from general site noise as well as from the piling process required to install the guide piles. The Outline CEMP proposes that a “soft start” approach to the piling process could be employed to reduce the immediate noise from the piling process gradually increasing to full operational power. This acts to reduce the impact within the locality both in terms of patrons and wildlife and would form part of the final CEMP. The local Environmental Health Department has been consulted and propose measures to control any potential impact from unacceptable noise or disturbance including from lighting. No objections have been raised.

## **Design**

- 8.32 Existing floating pontoons are proposed to be refurbished and repositioned with additional pontoons sited adjacent and attached. The pontoons comprise narrow floating platforms attached to guide piles, are accessed via an existing gangway which is to be retained and have a limited visual impact. The fixed pier comprises a larger split level structure to accommodate varying river levels with ladders, rails and security fencing /gates. Although quite industrial in appearance the proposal is in keeping with existing facilities on site. The proposal is required to accommodate periodic submersion and the design and use of materials reflect this. The design is appropriate to the use and context and is of a scale appropriate to the existing site facilities.

## **Disability Access**

- 8.33 Both the fixed pier and floating pontoons are accessed via ramps. Although the lower level of the fixed pier is accessed via steps floating pontoons have unfettered access to the ramp and provide disabled access.

### **Conflict with any Local Management Plan.**

- 8.34 The proposal does not conflict with any local management plan.

### **Access**

- 8.35 The application does not indicate intensification of use at the site and the vehicular access arrangements remain unchanged. An increase in vehicular movements will occur as a result of construction works, however this is temporary. DFI Roads has been consulted in relation to the proposal and raise no issues. The proposal is considered acceptable in terms of Policy AMP2 of PPS3.

## **9.0 CONCLUSION**

- 9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The application relates to ancillary development to the existing use on site, incorporates refurbishment / replacement and a limited extension to existing river access facilities. No significant issues have been identified. The proposal meets current planning policy as outlined above. Approval is recommended



## 10.0 Conditions.

<p><b>10.1</b></p>	<p>As required by Section 61 the Planning Act (Northern Ireland) 2011 the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: Time Limit.</p>
<p><b>10.2</b></p>	<p>Prior to the commencement of development a final Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The approved CEMP shall include all necessary mitigation measures as described in the Outline CEMP completed by Doran Consulting dated September 2020 and the Appropriate Assessment (Report to inform a Habitats Regulations Assessment) completed by WYG dated June 2020, and shall be implemented in accordance with the approved details. All works on site shall conform to the approved CEMP unless otherwise agreed in writing by the Planning Authority.</p> <p>Reason: To ensure implementation of appropriate environmental mitigation during the construction phase to prevent adverse impacts on the connected Bann Estuary SAC and priority habitats and species.</p>
<p><b>10.3</b></p>	<p>Prior to the commencement of development a Risk Assessment and Method Statement (RAMS) shall be submitted and shall include identified environmental risks and appropriate mitigation measures.</p> <p>Reason: To protect the natural environment</p>

<p><b>10.4</b></p>	<p>No existing tree as identified on drawing 03A which was received on 07-SEP-2020 shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread, nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with the relevant standards.</p> <p>Reason: To ensure the continuity of amenity, biodiversity and habitat afforded by existing trees.</p>
<p><b>10.5</b></p>	<p>That area of semi-natural broad-leaved woodland as identified on drawing No 06A which was received on 07-SEP-20 shall be protected during the construction phase of the development.</p> <p>Reason: To ensure the continuity of amenity, biodiversity and habitat afforded by existing trees.</p>
<p><b>10.6</b></p>	<p>No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities.</p> <p>The POW shall provide for:</p> <ul style="list-style-type: none"> <li>• The identification and evaluation of archaeological remains within the site;</li> <li>• Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;</li> <li>• Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and</li> <li>• Preparation of the digital, documentary and material archive for deposition.</li> </ul>

	Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.
<b>10.7</b>	<p>No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 6.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p>
<b>10.8</b>	<p>A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 6. These measures shall be implemented and a final archaeological report shall be submitted to The Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with The Council.</p> <p>Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.</p>

## Informatives

- 11.1 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.

- 11.2 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.
- 11.3 This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
- 11.4 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.
- 11.5 The applicant is advised to refer to the HED guidance document Development and Archaeology: Guidance on Archaeological Works in the Planning Process which contains advice on how to fulfil the requirements of the archaeological conditions attached to your planning approval.
- 11.6 The applicant is advised to allow sufficient time in advance of the commencement of site works for the agreement of the programme of archaeological work document with the planning authority and for your archaeological consultant to obtain an archaeological excavation licence. For guidance on the preparation of the programme of archaeological work please contact:

Historic Environment Division – Heritage Development & Change Branch

Ground Floor

9 Lanyon Place, Belfast

BT1 3LP

Tel: 02890 823100

Email: [HEDPlanning.General@communities-ni.gov.uk](mailto:HEDPlanning.General@communities-ni.gov.uk)

- 11.7 it is advised that the applicant should minimise disturbance to noise sensitive receptors, by:
- Restricting noise emissions at source
  - Employing quiet plant and equipment
  - Restricting hours of working

- Ensuring noise emission levels are within acceptable thresholds as detailed within the Table below:

Table E.1 Example threshold of significant effect at dwellings

Assessment category and threshold value period ( $L_{Aeq}$ )	Threshold value, in decibels (dB)		
	Category A <sup>A)</sup>	Category B <sup>B)</sup>	Category C <sup>C)</sup>
Night-time (23.00–07.00)	45	50	55
Evenings and weekends <sup>D)</sup>	55	60	65
Daytime (07.00–19.00) and Saturdays (07.00–13.00)	65	70	75

**NOTE 1** A significant effect has been deemed to occur if the total  $L_{Aeq}$  noise level, including construction, exceeds the threshold level for the Category appropriate to the ambient noise level.

**NOTE 2** If the ambient noise level exceeds the threshold values given in the table (i.e. the ambient noise level is higher than the above values), then a significant effect is deemed to occur if the total  $L_{Aeq}$  noise level for the period increases by more than 3 dB due to construction activity.

**NOTE 3** Applied to residential receptors only.

<sup>A)</sup> Category A: threshold values to use when ambient noise levels (when rounded to the nearest 5 dB) are less than these values.

<sup>B)</sup> Category B: threshold values to use when ambient noise levels (when rounded to the nearest 5 dB) are the same as category A values.

<sup>C)</sup> Category C: threshold values to use when ambient noise levels (when rounded to the nearest 5 dB) are higher than category A values.

<sup>D)</sup> 19.00–23.00 weekdays, 13.00–23.00 Saturdays and 07.00–23.00 Sundays.

## 11.8 “Noise from construction activities should –

1. not exceed 65 dB  $L_{Aeq, 1hr}$  between 07.00 hours and 19.00 hours on Monday to Fridays, or 65 dB  $L_{Aeq, 1hr}$  between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and
2. not exceed 55 dB  $L_{Aeq, 1hr}$  between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and
3. not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A).

*This will not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.”*

4. *In relation to any site enabling/construction activities which may entail vibration generation, the applicant shall ensure that the mitigation measures specified within BS5228: 2009, Part 2 are employed.*
5. *The applicant may wish to consider employing an environmental construction management plan, and include a complaint response system in order to expediently address any adverse impacts associated with such works (Please refer to the Construction Advice Note for further information).*

- 11.9 A precautionary approach, should be employed where any vibration generating activities are proposed. Best Practicable Means should be employed to ensure vibration generating activities (if required to be undertaken on site) minimise adverse impacts to receptors in proximity to the development.

Vibration impacts shall be considered specifically in relation to piling works, in the event that ground conditions require piling operations to be undertaken on site.

This Department would advocate a community liaison/communications policy where vibration generating activities are proposed and in advance of any piling operations, which should include a contact number for dealing with queries/complaints.

Vibration levels shall not exceed the Peak Particle Velocity (Guideline Effect Levels) within Table B.1 of BS 5228: 2009 aimed at ensuring that vibration does not give rise to complaints/adverse impacts. The hours of working should be limited and vibration impacts restricted to as short a duration as possible.

- 11.10 Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
- 11.11 Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
- 11.12 Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
- 11.13 If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.
- 11.14 Where a Designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by the Rivers Agency. Actual requirement should be determined in consultation with the Agency.
- 11.15 The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes the otter (*Lutra lutra*) and all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to 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;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

11.16 If there is evidence of bat and/or otter activity 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 0289056 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.

- 11.17 It is 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 (e.g. between 1<sup>st</sup> March and 31<sup>st</sup> August). No works should be carried out on any buildings or structures containing bird's nests unless an appropriate survey has been carried out prior to works commencing and it is confirmed that no active nests are present.
- 11.18 The applicant should refer to standing advice available to view online regarding development which may have an effect on the water environment. The applicant should also refer to those links relating to;
- Planning in the Coastal Area
  - Marine Biosecurity Planning Guidance
  - Marine Map Viewer
- 11.19 The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata.
- Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.
- 11.20 The applicant is advised to contact NIW Waterline on 03457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this decision to discuss any areas of concern. Application forms and guidance are also available via these means.
- 11.21 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.

- 11.22 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/>.

# Site Location Plan



# Site Layout Plan

