

Title of Report:	Planning Committee Report – LA01/2022/0818/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	28th June 2023
For Decision or For Information	Council Interest

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:

Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

No: LA01/2022/0818/F **Ward:** Lurigethan

App Type: Full

Address: Red Bay Pier, Waterfoot.

Proposal: The proposed Works comprises installation of a new sheet pile wall around the head of the pier. The new wall will be 93m in length and installed approximately 1m seaward of the existing sheet pile wall. The area in between the sheet pile walls will be filled with concrete. The new wall will be anchored at the top by raking ground anchors. A reinforced concrete capping beam will be constructed to connect the heads of the piles and transfer the horizontal anchor loads. It is anticipated that a small section of rock armour revetment at the seaward outer corner of the pier will be removed and temporarily relocated on-site for reinstatement following driving of the sheet piles. Minor remedial works to the existing masonry quay wall, in the form of re-pointing will be undertaken. No operational impacts are associated with this proposed development as it essentially amounts to maintenance of the pier.

Con Area: N/A

Valid Date: 21/07/2022

Listed Building Grade: N/A

Agent: Doran Consulting, Norwood House, 96 – 102 Great Victoria Street, Belfast, BT2 7BE.

Applicant: Causeway Coast and Glens Borough Council, Riada House, 14 Charles Street, Ballymoney, BT53 6DZ.

Objections: 0

Petitions of Objection: 0

Support: 0

Petitions of Support: 0

EXECUTIVE SUMMARY

- Full planning permission is sought for a proposed extension to Red Bay Pier. The extension is to extend the existing pier seaward by 1m around the existing pier. The proposal may also include the temporary removal and on-site relocation of rock armour revetment.
- The application site is located in the countryside and within the Antrim Coast and Glens AONB, as defined in the Northern Area Plan 2016. The site is also located within a Site of Local Nature Conservation Importance, a Local Landscape Policy Area and near a listed building.
- The principle of development for an extension to the pier is considered to be acceptable.
- The proposal will not significantly impact on the marine environment, the built heritage, road safety or rural character.
- DFI Roads, Environmental Health, DFI Rivers, NI Water, NIEA, HED and SES were consulted to make comment.
- The proposal is deemed acceptable in regards to the relevant policies.
- Approval is recommended.

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningssystemni.gov.uk>

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** outline planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises of the existing Red Bay Pier and the adjacent coastal area. The site is located outside any development limits and is considered to be a rural location as identified in the Northern Area Plan 2016. The surrounding area comprises of a fuel store, agricultural land and two listed buildings (the store at Red Bay Pier and the Red Arch). The application site is identified as a site that is liable to flooding. The site is not subject to any other environmental designations. The nearest marine designated site is Red Bay SAC which is located less than 3km to the north of the site.

3 RELEVANT HISTORY

- 3.1 LA01/2021/0555/PAD – PAD concluded for Red Bay Pier comprise an original masonry structure with steel sheet piles installed around the head of the pier. The seaward outer corner of the pier is protected by rock armour. There is extensive corrosion and significant section loss noted on the sheet pile walls. The proposed development comprises installation of a new sheet pile wall around the head of the pier (approximately 93m linear length), approximately 1m seaward of the existing sheet pile wall. It is anticipated that a small section of rock armour revetment will be removed and set aside for reinstatement following the driving of the piles. The gap between the existing and new wall would be filled with mass concrete. The new wall would be supported by raking ground anchors. This PAD was concluded on 14th October 2022 following submission of this application (LA01/2022/0818/F) on the 7th July 2022.
- 3.2 LA01/2021/0561/DETEIA – Environmental Statement required for Red Bay Pier comprises installation of a new sheetpile wall around the head of the pier (approximately 93m linear length), approximately 1m

seaward of the existing sheetpile wall. It is anticipated that a small section of rock armour revetment will be removed and set aside for reinstatement following driving of the piles. A condition inspection of the existing sheetpile wall has concluded that it has reached the end of its serviceable life due to extensive corrosion and significant section loss resulting in minimal residual thickness over substantial sections of the sheet piles. Raking ground anchors are proposed to support the new sheetpile wall. Minor remedial works to the existing masonry quay wall, in the form of re-pointing with lime mortar will be undertaken. The EIA determination was made on 22nd October 2022.

- 3.3 LA01/2016/0256/F – Permission granted for the provision of facilities associated with RNLI lifeboat service: Two timber clad, pre-fabricated storage containers, steel stair from pier to beach and timber fenders fixed to the harbour wall to provide temporary berth at Red Bay Pier. The decision date for this application was 29th July 2016.

4 THE APPLICATION

- 4.1 This is a full application for 'The proposed Works comprises installation of a new sheet pile wall around the head of the pier. The new wall will be 93m in length and installed approximately 1m seaward of the existing sheet pile wall. The area in between the sheet pile walls will be filled with concrete. The new wall will be anchored at the top by raking ground anchors. A reinforced concrete capping beam will be constructed to connect the heads of the piles and transfer the horizontal anchor loads. It is anticipated that a small section of rock armour revetment at the seaward outer corner of the pier will be removed and temporarily relocated on-site for reinstatement following driving of the sheet piles. Minor remedial works to the existing masonry quay wall, in the form of re-pointing will be undertaken. No operational impacts are associated with this proposed development as it essentially amounts to maintenance of the pier.
- 4.2 Submitted with the application were detailed plans and reports. These reports include 'Essential Remedial Works Habitats Regulations Assessment', 'Marine Conservation Zone Assessment', 'Environmental Impact Screening Report for Proposed Remedial Works to Red Bay Pier', 'Transport Assessment' and 'Outline Construction Environmental Management Plan' and 'Industrial Heritage Impact Assessment' of Proposed Works to Red Bay Pier.

Environmental Impact Assessment

- 4.3 The proposed development falls within Category 10 (g) and (m) of Schedule 2 of The Planning (Environmental Impact Assessment) Regulations (NI) 2017 and therefore the Council is obliged under Regulation 12 (1) to make a determination as to whether the application is for EIA development.
- 4.4 The Council determined on 19th October 2022 that the proposal is not an EIA development and as such this planning application, did not need to be accompanied by an Environmental Statement.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: No objections.

5.2 Internal

NIEA: No objections

DFI Roads: No objections

NI Water: No objections

Environmental Health: No objections

DFI Rivers: No objections

SES: No objections

HED: No objections

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 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:
- The Northern Area Plan 2016 (NAP)
- 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

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6: Planning, Archaeology and The Built Heritage

Planning Policy Statement 15: Planning and Flood Risk

Planning Policy Statement 21: Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above. The main considerations in the determination of this application relate to

principle of development; impacts on residential amenity; and the impacts on the character of the surrounding area.

Planning Policy

- 8.2 The principle of the type and scale of the development proposed must be considered having regard to the SPPS and PPS policy documents specified above. The main considerations in the determination of this application relate to the principle of development, visual impact, movement and access, amenity, built heritage and natural heritage.

Principle of Development

- 8.3 The proposal is located within the countryside outside any settlement limits. It is within the Antrim Coast and Glens AONB and the Red Bay Local Landscape Policy Area (Designation CLL 04). This LLPA includes the rocky coastal open beach and slopes behind it to the north. Only modest scale, sensitively sited development essential for the efficient operation of agriculture, will be acceptable. Policy ENV 1 (LLPAs) states development proposals must not adversely affect the environmental quality, integrity or character of a designated LLPA. The policy does not preclude any extension or repair works such as that sought in this application. The works to the pier will not adversely impact the features of the LLPA identified in the policy.
- 8.4 The aim of the SPPS in relation to the Coast is to protect the undeveloped coast from inappropriate development, consistent with the RDS and to support the sensitive enhancement and regeneration of the developed coast largely within coastal settlements.
- 8.5 The proposal entails the installation of a new sheet pile wall around the head of the existing pier. This new wall will be 93m in length and will be approximately 1m seaward of the existing sheet pile wall. The area in between the sheet pile walls will be filled with concrete. It is anticipated that a small section of rock armour revetment at the seaward outer corner of the pier will be removed and temporarily relocated on-site for reinstatement following the driving of sheet piles. Minor remedial works to the existing masonry quay wall, in the form of re-pointing will also be undertaken.

- 8.6 Policy CTY 1 of PPS 21 states that ‘there are 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. Details of these are set out below. 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’. Additionally, ‘there are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies’.
- 8.7 The essential remedial works are required as the existing sheet-pile wall at the head of the pier has reached the end of its serviceable life and therefore, the construction of a new sheet pile wall seaward of the existing wall is necessary to maintain the longevity and future maintenance of the pier.
- 8.8 Policy CO 1 of PSRNI is to conserve the natural character and landscape of the undeveloped coast. Development will be permitted if there is a clear specific need. However, certain developments require a coastal location for example ports and marinas so assessment of its effect on the economy and environment is necessary.

Visual Impact

- 8.9 The application site is located within the Antrim Coast and Glens AONB. Policy NH 6 of PPS 2 states the ‘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. The proposal should not harm the visual amenity of the surrounding area as the pier is existing and the proposed works, which are largely limited to the head of the pier, will not greatly alter its appearance.

Access and Movement

- 8.10 DFI Roads were consulted in regards to this application and the submitted Transport Assessment. The Transport Assessment’s conclusions were that when completed the proposal will not generate additional traffic and will have no traffic impact on the local roads. The 24-week construction period will have no significant impact on the local highway network. DFI Roads had no objection to the proposal in relation to road safety or access.

Built Heritage

- 8.11 The site is located in close proximity to two listed buildings, Red Arch (Grade B) and the store at Red Bay Pier. The submitted Industrial Heritage report concluded that the physical impact on the pier's other components will be negligible and there will be no diminution of the pier's overall heritage merit. Historic Environment Division: Historic Buildings were consulted and offered no objection to the proposal, as they noted that the proposal works are similar in detail and materiality to that of the existing pier structure and are a distance from the listed buildings.
- 8.12 The site is also located near several historic sites / monuments. To this, Historic Environment Division: Historic Monuments offered no objection to the proposal as it would not have any detrimental impact on the 19th Century pier or other features that contribute to the historic fabric.

Natural Heritage

- 8.13 The proposed remedial works are in close proximity to two Marine Protection Areas, Red Bay SAC (approximately 3.08km) and Waterfoot MCZ (approximately 0.1km). The proposal has the potential to impact on reefs (marine habitat), harbour seals, grey seals, cetaceans – whales, dolphins, porpoise (marine mammals), knotted wrack, slender sea pen, European plaice, maerl, stalked jellyfish, horse mussel, circular crab, spider crab, purple sun star, sea monkfish, common skate, whiting, Atlantic cod and mackerel (marine species).
- 8.14 The proposal also has the potential to spread invasive non-native species such as the oyster thief, spionid worm, bonnemaison's hook weed and red seaweed. These have all been recorded within 5km of the application site.
- 8.15 Given the nature of the proposal an Environmental Impact Screening Report (EISR), an Essential Remedial Works Habitats Regulations Assessment and a Marine Conservation Zone Assessment were submitted.

- 8.16 Policies NH 1, NH2, NH 5 of PPS 2 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on European sites, protected species, priority habitats, priority species or other natural heritage features worthy of protection. A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, protected sites, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.
- 8.17 NIEA: Marine Conservation Advice were consulted and considered the impact of the proposal and are content that there should be no adverse impacts on marine conservation, provided standing advice for development that may have an effect on the water environment (including groundwater and fisheries) and conditions are adhered to.
- 8.18 Shared Environment Services were also consulted in regards to the submitted Habitats Regulation Assessment and NIEA's consultation response. In requesting a Final CEMP by the appointed contractor, full adherence to Marine Licence and preferred methodology prior to development will negate any potential effects.

Amenity

- 8.19 Environmental Health were consulted in regards to the impact of the proposal on amenity. The EISR has considered potential pollution due to noise, vibration, light and air pollutants. Also considered is the construction period and the hours of operation. An outline Construction Environmental Management Plan (CEMP) has also been submitted. Environmental Health request that a condition is attached requiring the submission of a finalised CEMP prior to the commencement of works, detailing the proposed hours of working, detailed methodology and mitigation measures that will be used during the works in order to control noise, vibration and air quality.

Flooding

- 8.20 The site is located within the 1 in 200 year coastal flood plain. Considering the nature of the proposal, for pier maintenance, DFI Rivers were consulted and accept that the proposed development will not cause an increase in flood risk elsewhere. Therefore, a Flood Risk Assessment is not required. DFI Rivers have no objections to the proposed works.

Habitats Regulations Assessment

- 8.21 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 to be acceptable in this location having regards to the Northern Area Plan 2016, the relevant planning policies, guidance and other material considerations, including the SPPS. The proposed development does not present demonstrable harm to the natural or built environment and shall have no detrimental impacts on the character of the rural area. Approval is recommended.

10 Conditions

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

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

- 10.2 Prior to the commencement of works the appointed contractor shall submit for prior approval a finalised Construction Environmental Management Plan that will detail the proposed hours of working, detailed methodology and mitigation measures that will be used during the works in order to control noise, vibration and air quality impacts to protect residential amenity in accordance with sections 5.5 'Air Quality' and 5.6 'Noise and Vibration' of the outline Construction Environmental Management Plan (May 2022).

Reason: In the interest of residential amenity and to protect the marine environment.

- 10.3 The methodology provided in the Outline Construction Environmental Management Plan (CEMP), Doc 04, March 2022 must be adhered to at all times.

Reason: To protect the marine environment.

- 10.4 Invasive species biosecurity measures are to be in place for all stages of the remedial works as outlined in the Outline Construction Environmental Management Plan (CEMP), Doc. 04, March 2022.

Reason: To protect the marine environment.

- 10.5 The proposed mitigation in relation to marine mammals, as outlined in the Outline Construction Management Plan (CEMP), Doc 04, March 2022, shall be adhered to at all times. The Marine Mammal Observer (MMO) shall be agreed with DAERA and should be 'Dedicated' or Experienced as defined in the 'Joint Nature Conservation Committee' (JNCC) guidance.

Reason: To protect the marine environment.

Site Location Map

