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| Title of Report: | Planning Committee Report – LA01/2023/0325/F |
| Committee Report Submitted To: | Planning Committee |
| Date of Meeting: | 23rd August 2023 |
| For Decision or For Information | For Decision – Council Interest |

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| 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 | Development Management and Enforcement Manager |

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

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| 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: |

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

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| <u>App No:</u> | LA01/2023/0325/F | <u>Ward:</u> | Giant's Causeway |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Old Bushmills Distillery Maturation Facility, Lands to the North and East of 30 Haw Road, Bushmills, BT57 8YL | | |
| <u>Proposal:</u> | Section 54 application for the removal of condition No. 4 (phasing of construction) and variation of conditions No. 5 (restoration plan), condition No. 21 (hours of operation). condition No. 13 (lighting) and condition No. 14 (planting timescale's) of planning approval LA01/2017/0280/F (Proposed development of maturation facility comprising 29 warehouses) | | |
| <u>Con Area:</u> | N/A | <u>Valid Date:</u> | 23rd March 2023 |
| <u>Listed Building Grade:</u> | | <u>Target Date:</u> | |
| Applicant: | Old Bushmills Distillery, 2 Distillery Road, Bushmills, Co. Antrim | | |
| Agent: | Turley, Hamilton House, 3 Joy Street, Belfast, BT2 8LE | | |
| Objections: | 2 | Petitions of Objection: | 0 |
| Support: | 0 | Petitions of Support: | 0 |

EXECUTIVE SUMMARY

- The application proposes to remove Condition 4 and vary Conditions 5, 13, 14 and 21 of Planning Permission LA01/2017/0280/F.
- The application is a major application under Article 2(1) of The Planning (Development Management) Regulations (NI) 2015 because the proposal meets the threshold of major development under section 1 of the associated Schedule. A PAN was submitted under LA01/2016/0750/PAN.
- The proposal will: remove the timing for the phasing of development as previously agreed under Condition 4, alter the requirements for the restoration of the site if development ceases under Condition 5, change the hours of operation of lighting to between 7am to 10pm under Condition 13, alter the implementation of the planting in a phased manner to implementation following completion of the last maturation shed under Condition 14, alter the hours of operation to 7am – 10pm Monday – Friday, 10am – 3pm Saturday and no operation on Sunday under Condition 21.
- A voluntary Environmental Statement was submitted with the application and is therefore considered EIA development.
- 2 objections have been received from 2 addresses.
- All relevant consultees have been consulted and have raised no objections.
- The proposed development is considered to be compliant with the requirements of the Northern Area Plan 2016, SPPS, PPS 2, PPS 3, PPS 4, PPS 6, PPS 15, and PPS 21 and having regard to all guidance and other material considerations.
- The application is recommended to be approved.

Drawings and additional information are available to view on the Planning Portal-

<https://planningregister.planningsystemni.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** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is 25Ha located southwest of the Straid Road and Haw Road junction, approximately 600m to the east of Bushmills. The site is partially developed with maturation warehouses with associated access road, hardstanding and landscaping. The landscaping
- 2.2 The topography of the site is varied with the northern portion dominated by a large drumlin, the land slopes away to the south with the lowest point running through the narrow central belt and along the western boundary of the southern portion of the site. The land rises from west to east across the southern portion. The site boundaries consist of post and wire fencing and hedgerows.
- 2.3 The site is located in the rural area outside of the settlement limit of Bushmills. The site does not fall within any designation as outlined in the Northern Area Plan 2016. The Causeway Coast Area of Outstanding Natural Beauty (AONB) and the Distinctive Landscape Setting of the Giants Causeway and Causeway Coast World Heritage Site cover an area of land, outwith, but to the north of the site.
- 2.4 The site is read within the context of the Bush valley in that it is positioned on the eastern edge of the valley with long range views of the site available from Ballyclough Road to the west.

3.0 RELEVANT HISTORY

LA01/2016/0750/PAN: Proposed maturation shed facility development at lands to the North and East of 30 Haw Road Bushmills, PAN Acceptable 7th October 2016

LA01/2017/0280/F: Proposed Development of Maturation Facility comprising 29 maturation warehouses; fire water retention lagoon, sprinkler pump house and tanks; landscaping; and a new access road from Haw Road – Lands to North and East of 30 Haw Road, Bushmills – Permission Granted – 23rd August 2018

LA01/2018/1176/DC – Discharge of Conditions 10, 15, 16 and 18 of application LA01/2017/0280/F – Conditions Discharged (Condition 18, partially discharged)

LA01/2019/0013/DC – Discharge of Conditions 6 and 9 of planning approval LA01/2017/0280/F – Conditions Discharged

LA01/2022/1107/DC – Discharge of Condition 18 of LA01/2017/0280/F – Lands N and E of 30 Haw Road, Bushmills – Under Consideration

4.0 THE APPLICATION

- 4.1 Planning permission is sought for the removal of Condition 4 and variation of Conditions 5, 13, 14 and 21 of planning permission LA01/2017/0280/F.
- 4.2 The development would be accessed off Haw Road with a new access 65 metres from the junction with Staid Road. The proposal also includes making improvements to the existing junction to improve access onto Straid Road.
- 4.3 The proposal falls within the Major category of development and as such the applicant entered into pre application community consultation including the submission of a Proposal of Application Notice (PAN). The applicant submitted a pre-application community consultation report with the application which details the consultation process.

Pre-Community Consultation

- 4.4 Pre-application community consultation was carried out under application LA01/2017/0280/F. No further community consultation is required in relation to this application relating to removal and variation of conditions applied to LA01/2017/0280/F. The following consultation arrangements were completed.
- 4.5 The public consultation event was held on Wednesday 14th September 2016 at OBD Visitor Centre. The event was advertised in the local press on Tuesday 6th September 2016. OBD hand delivered invitations to the event to all residential properties within 500 metres of the development site. A number of local community groups were contacted and invited to attend the Consultation Event. (Bushmills Trust, Bushmills and District Community Association, Bushmills 2020 Village Plan Group.) The event was hosted in two sessions with the first session taking place from 1:30pm to 3pm and the second session from 6pm to 8pm. Approximately 30 no. people attended the consultation event across both sessions with 20 people providing their contact details on arrival.
- 4.6 In terms of feedback, the main concerns raised included:
- Concerns about road safety and the impact on the existing roads infrastructure
 - Concerns related to the proposed location outside the settlement limit and outside a zoned industrial estate
 - The potential for light pollution to impact on the rural area
 - Concerns regarding possible noise impact during the construction phase
 - Concerns about the impact on groundwater and a private water well
 - The potential visual impact of the development on views including those from private properties
 - Potential risks associated with the storage of alcohol (hazardous substance)
 - Potential for prolonged disruption associated with the phased construction period
 - Concern that the scale of development could be disproportionate to the size of Bushmills village

- Concerns that the maturation facility will have a detrimental impact on the environment
- Concerns that the proposed development could be out of character with the surrounding area
- That the facility should be developed on a brownfield rather than a greenfield site
- Concerns that the proposed development could have a negative impact on house prices in the area
- Concerns that the proposed development could have a detrimental impact on the health of local residents.

4.7 The following points were raised in support of the application:

- Welcome the development as it is considered that the development will ensure the future of OBD as both a business and tourist attraction;
- Recognition of the positive knock-on benefits to Bushmills village arising from the development.

4.8 As a result of the public consultation, there were changes to the access arrangement and the landscaping proposals to reduce visual impact. Additional noise monitoring was undertaken to assess the impacts on neighbouring amenity. This informed the Construction Environmental Management Plan (CEMP) which was submitted.

Environmental Impact Assessment

4.9 Application LA01/2017/0280/F was accompanied by a voluntary Environmental Statement and was considered as EIA development. At the time of submission Regulation 5 (2) (a) of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 applied. An amended voluntary Environmental Statement was submitted under this application. The proposal is considered under The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

Habitat Regulations Assessment

4.10 There is a watercourse which runs through the site which discharges into the sea at Portballintrae, and into the Skerries and Causeway SAC.

- 4.11 The application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens Borough Planning Authority.
- 4.12 Consideration was in relation to potential impact on European designated sites from the proposed removal and variation of conditions.
- 4.13 Shared Environmental Services concluded that on review of all relevant information, the conclusions of the Appropriate Assessment (LA01/2017/0280/F) are unaffected by this Section 54 application, as no amendments are proposed to conditions relating to the Habitats Regulations Assessment.

SES advises that the Planning Authority must ensure that Conditions 15, 16 and 17 of the previous (original) planning permission LA01/2017/0280/F (to which the new planning permission is to be subject) should be re-stated in the new permission, unless these conditions have already been fully discharged.

The final response from SES under LA01/2017/0280/F required these conditions so that the proposal would not have an adverse effect on the site integrity of Skerries and Causeway SAC.

- 4.14 Application LA01/2018/1176/DC discharged Conditions 10, 15 and 16 and partially discharged Condition 18 of LA01/2017/0280/F.
- 4.15 Conditions 15 and 16 were discharged following consultation with DAERA Water Management Unit on the Contract Environmental Management Plan submitted under Application LA01/2018/1176/DC. No objection was raised on review of this document.
- 4.16 Condition 17 should be re-applied. With adherence to this condition, it is considered that there would be no adverse effects on the site integrity of Skerries and Causeway SAC or

any other European site.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There have been 2 letters of objection.

5.2 OBJECTIONS

The objections raised matters of concern in relation to:

1. Noise from construction and objection to extending the hours.
2. Noise from a ramp on Distillery Road causing sleep disturbance.
3. Lack of neighbour notification

5.3 Internal

Environmental Health: No objection to the proposal subject to condition

DFI Roads: No objection

NI Water: No objection

NIEA: No objection

SES: No objection to the proposal subject to condition

Historic Environment Division: No objection

Rivers Agency: No objection

Health and Safety Executive Northern Ireland: No objection

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 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 (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.

7.0 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016 (NAP)

Regional Development Strategy (RDS)

Strategic Planning Policy Statement (SPPS)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 4: Planning and Economic Development

PPS 6: Planning Archaeology and the Built Heritage

PPS15 (Revised) Planning and Flood Risk

PPS 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

Northern Ireland Regional Landscape Character Assessment

Northern Ireland Landscape Character Assessment

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The principle of the type and scale of development proposed must be considered having regard to the Regional Development Strategy, NAP 2016, SPPS and Planning Policy Statements specified above.
- 8.2 Planning application LA01/2017/0280/F was granted permission on 23rd August 2018. The application has been commenced with conditions discharged. Consequently, the application is extant.
- 8.3 The power to impose conditions is contained within Sections 45 and 52 of the 2011 Act. Section 54 of the 2011 Act applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. On receipt of such an application, the authority must consider only the question of the conditions subject to which planning permission should be granted. Conditions should only be imposed where they satisfy all of the following tests. Conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

Northern Area Plan 2016

- 8.4 The site is located to the east of Bushmills, approximately 600 metres from the site boundary of Bushmills Distillery and their existing maturation warehousing. The site is in the rural area and is not covered by any specific designation within the Northern Area Plan 2016. However, to the north of the site is the Causeway Coast AONB, the Distinctive Landscape Setting of the Giants Causeway and Causeway Coast World Heritage Site and there are two Local Landscape Policy Areas (LLPA) to the north and west of the site. Designation BSL 03: Distillery LLPA and BSL 04: Dundarave.
- 8.5 The Distillery LLPA includes the valley of St Columb's Rill, a minor watercourse that supplies the Distillery on the southern edge of Bushmills with an open character. While the Dundarave LLPA includes the woods and copses of the historic Dundarave estate, which dominate the eastern and northern sides of Bushmills, greatly enhancing the landscape setting of the town.
- 8.6 The economic development zonings in Bushmills all fall within the site of the Bushmills Distillery. These include BSED 01 Old

Bushmills Distillery Northern Extension (2.64 ha.), BSED 02 Lands South of Old Bushmills Distillery (0.77 ha.) and BSED 03 Lands West of Old Bushmills Distillery (2.34 ha). BSED 01 and 02 are identified as committed sites, in that planning permission has been secured, while BSED 03 is uncommitted.

- 8.7 This proposal relates to the variation and removal of conditions. The principle of development was previously considered in relation to the outlined designations under LA01/2017/0280/F and the proposal will not have any impact on these designations.

Conditions 4 to be removed and Condition 5 and 14 to be varied

- 8.8 Condition 4 of LA01/2017/0280/F states;

Phased construction of the development shall take place not exceeding that shown in the approved phasing plan Drawing 29C dated 05 March 2018 unless the Council provides variation agreement in writing.

Reason: To ensure that the development integrates into the countryside.

- 8.9 Condition 5 of LA01/2017/0280/F states;

In the event that phasing of the development does not progress to the stages shown in the approved phasing plan Drawing 29C dated 05 March 2018, a restoration plan shall be submitted to the Council within 6 months for agreement. Measures in the restoration plan shall be carried out within 12 months of the approval of the restoration plan.

Reason: To ensure that the development integrates into the countryside.

- 8.10 Condition 14 of LA01/2017/0280/F states;

All planting works as detailed in drawing No 27c and No 28c date stamped 5th March 2018 shall be carried out within the time frame as detailed in drawing No 29c date stamped 5th March 2018.

Reason: To minimise the impact of the proposal on the nature conservation value of the site.

8.11 The agent has proposed the following revision to the wording:

All planting works as detailed in drawing No 27c and No 28c date stamped 5th March 2018 shall be carried out no later than 6 months following practical completion of the last maturation warehouse of the development permitted under planning permission ref: LA01/2017/0280/F.

Justification

8.12 A case of need was made under LA01/2017/0280/F. Given the scale of the development it was proposed to phase the development over a number of years and with operational requirements. It was considered that given the rate of expansion that OBD had undertaken from 2006, the proposed development and the phased manner of construction proposed would appear to be consistent with their current rate of growth and future projections. The consideration highlighted the submission of a phasing plan which was outlined to be conditioned with a further condition requiring a restoration plan restoring the ground conditions should the phasing, and future development, fail to be delivered.

8.13 OBD have been building out the maturation facility with the level of development on site corresponding with Phase 1D on Drawing No. 29C.

8.14 The amended Environmental Statement submitted highlights that OBD have experienced significant levels of growth since 2016 primarily due to their increases in blended whiskies and the introduction of their new whiskey brand 'Proper 12' in 2018. When introduced it was assumed production would be 20,000 – 30,000 cases per annum. However, this was exceeded with 200,000 cases sold in the first year alone. The popularity of the brand has been outlined to continue to grow doubling to 350,000 cases sold in 2022.

8.15 A change in consumer spending patterns with increasing preference for more aged malts, limited edition brands or luxury

categories has been highlighted. A 25-30% growth in sales for exclusive/one off bottles and the increase in range from 5 to 15 brands is indicated. With the new distillery becoming operational in November 2021, forecasted operating hours were predicted to run on a 5-day production cycle in the current and new distillery. However, with increased sale projections in 2022, operational hours have increased to 24/7 cycles.

- 8.16 The maturation profile and requirements have consequently changed with blended whiskies having a maturation period of 4-5 years and more exclusive malts from 12 years upwards.
- 8.17 These matters have resulted in the requirement for the permitted maturation warehouses to be built out and operational in a shorter time period. This revision to phasing is outlined to be critical to allow OBD to continue production of their range of whiskies whilst supporting local employment and investment within the area. The 2017 application is outlined to have been driven by 2015 trends with this current application a direct reaction to current market trends and continued growth.
- 8.18 OBD is seeking to increase the build out rate of the development from 3 maturation sheds per annum to 6 maturation sheds per annum and complete the development by 2026.
- 8.19 The Environmental Statement outlines that alternatives have been considered in that the applicant could have continued the development in accordance with the phasing and operating hours as approved. However, this would not support their plans for additional growth as outlined above. It's stated that planning permission always anticipated the completion of the development and no other alternatives were considered within the assessment of the Environmental Statement in relation to the proposed variation of the planning conditions.
- 8.20 Given that the proposal relates to alterations to conditions of an existing planning approval and that any further development to facilitate additional growth is likely to be more onerous it is considered that this approach is reasonable.
- 8.21 Condition 4 of LA01/2017/0280/F is requested to be removed as the construction period is to be continuous through to completion with limited periods of downtime. A new phasing plan has been

submitted with reference to the time periods for implementation of each phase removed.

- 8.22 Given that the phasing plan has been amended, Condition 5 has been proposed to be amended to reflect the new phasing plan. The agent has proposed the following revision to the wording:

In the event that the development does not progress to the stages shown in the approved Construction Sequence Plan, a restoration plan shall be submitted to the Council within 6 months for agreement. Measures in the restoration plan shall be carried out within 12 months of the approval of the restoration plan.

- 8.23 The phasing plan 29C date stamped 5th March 2018 approved under LA01/2017/0280/F indicates four phases of development with timings for when each phase can be completed. Phase 1A is year 0 with Phase 4 works being completed after 16 years and 9 months.

- 8.24 Landscape Master Plan 27C and Planting Plan 28C both date stamped 5th March 2018 are tied to phasing plan 29C by Condition 14 meaning the timing of the implementation of the planting is tied to each phase.

- 8.25 Therefore, the removal of Condition 4 and the timings for the completion of each phase impacts on the implementation of the planting under Condition 14.

- 8.26 The agent has proposed the following revision to the wording of Condition 14:

All planting works as detailed in drawing No 27c and No 28c date stamped 5th March 2018 shall be carried out and completed no later than 6 months following practicable completion of the last maturation warehouse of the development permitted under planning permission ref: LA01/2017/0280/F.

- 8.27 Inter-relationships have been considered in relation to the requirements of Condition 4, 5 and 14 in relation to cultural heritage, air quality, hydrogeology and hydrology, transport and soils and geology.

- 8.28 The alteration of the timescale of the construction of the maturation facility was concluded to have no archaeological or cultural heritage impact. Air quality and dust impact measures would continue to be applied. The change to the phasing would cause no significant or minor adverse effect to groundwater or surface water environment as no change to the baseline environment compared to previous assessment. Transport was revisited based on revised construction works and potential impacts with analysis concluding that no significant changes to the level of traffic generated at site or concerns with ability of site access or off-site mitigation works. A betterment is outlined to potentially occur with a more compact programme over an 8 year period rather than 22 year. Mitigation measures in relation soils and geology are advised to be relevant and sufficient to reduce impact significance to a negligible level.
- 8.29 DFI Roads, Historic Environment Division, NI Water, DFI Rivers and Health and Safety Executive have offered no objection to the removal of Condition 4 and proposed amendment to Condition 5 and 14.
- 8.30 Environmental Health have advised it is not within their remit to comment on Condition 5 and 14.
- 8.31 In relation to Condition 4, Environmental Health have requested that Condition 20 and 24 be updated. These updates reflect the updated information within the Noise Impact Assessment and Air Quality and Dust sections of the Environmental Statement and are set out in section 10 of this Report.
- 8.32 These conditions are identical to that of the originally applied conditions under LA01/2017/0280/F with the exception of the updated reports referred to. The applied conditions also make reference to the February 2017 Construction Environmental Management Plan which the wording should be amended to include.
- 8.33 Environmental Health advise that the current submission does not consider /update the previous vibration impact assessment pertinent to LA01/2017/0280/F. They advise that further comment/consideration of the potential vibration impacts, management and control would be beneficial. Reference to

Condition 25 is made.

- 8.34 Impacts on residential amenity by vibration is protected through this condition which is applied to LA01/2017/0280/F. The timings tally with that of the updated conditions and it is considered that the reapplication of this condition in the event of approval will be sufficient to reduce these impacts having regard to the requirements of the Noise Impact Assessment Report, Chapter 9 (February 2017).
- 8.35 DAERA Water Management have advised they are content with the removal of Condition 4 and proposed amendment to Condition 5 and 14 subject to the applicant referring and adhering to DAERA Standing Advice.
- 8.36 DAERA Regulation Unit and Groundwater Team have advised they no amendments are proposed to conditions relating to land contamination and no additional risks have been identified. They advise they have no objections to the amended conditions proposed.
- 8.37 DAERA Natural Environment Division have advised that Conditions 4 and 5 were not recommended by NED but Condition 14 was.
- 8.38 NED advise the application to vary Condition 14 relates to when these works must be completed but does not change what the planting plan contains: planting will still be carried out as detailed in Drawings 27C and 28C, date stamped 5th March 2018. They advise they have no concerns regarding the proposed changes.
- 8.39 The removal of Condition 4 and consequently the timing of the phasing under Drawing 29C impacts on the provision of the planting under Drawings 27C and 28C. The removal of the timing of the planting also affects the acceptability of the removal of Condition 4.
- 8.40 The proposed wording by the agent results in the planting being carried out at the end of Phase 4 as opposed to gradually through each phase of development being completed. Therefore, this has the potential to have a visual impact on the landscape.

Visual impact

- 8.41 It is highlighted that the site layout, scale, massing and design of the buildings and the planting arrangements has already been approved having regard to landscape character and visual impact. However, an assessment is required to be made as to whether the implementation of the planting scheme in full at the end of the completion of the last shed would result in a significant environmental impact.
- 8.42 The Environmental Statement submitted under LA01/2017/0280/F included a landscape and visual impact assessment (LVIA). Assessment of this concluded that having regard to the critical public aspects surrounding the site and within the wider landscape that the proposal will have a visual impact on the landscape. However, it was considered that, on balance, these impacts are not so significant and unacceptable in policy terms to carry determining weight in this case and warrant withholding of planning permission. Regard was given to the SPPS, CTY13, CTY14 and CTY15 of PPS21 along with PED 5 and PED 9 (criteria j, k, & m) of PPS4. The policies within PPS21 were also given due consideration with the proposal considered to not erode rural character or reduce the landscape quality given the present character of the site. With regards landscape and visual impacts the proposed development was considered to comply with the SPPS, CTY13, CTY14 and CTY15 of PPS21 along with PED 5 and those criteria of PED 9 of PPS4 (criteria j, k and m).
- 8.43 The supporting text of PED 5 states that proposals shall be accompanied by measures to assist integration of the proposal into the landscape and help promote biodiversity, while criterion (m) of PED 9 states that proposals in the countryside are required to provide satisfactory measures to assist integration into the landscape.
- 8.44 The application site is located within the North Coast and Bush Valley Regional Landscape Character Area as defined in the Northern Ireland Regional Landscape Character Assessment, published by NIEA in 2015. This is a broad ranging designation which covers the north coast as far as Binevenagh Ridge to the west, the Antrim Plateau to the east and the lower Bann Valley to the south.

- 8.45 The site is located approximately 5 km from the coast. The NI Regional Seascape Character Assessment identifies two Seascape Character Areas to the north of the site, SCA 4: The Skerries and Dunluce Coast and SCA 5: Causeway Coast.
- 8.46 From site visit it is noted that the level of development at the site appears to be comparable with that of Phase 1D on the planting plan given the presence of the sheds constructed in this phase. It was noted that some of the planting and earthworks has been implemented. This includes the earth bunding associated with the access road which is located along Haw Road. Earthworks have also been carried out across the site in association with the maturation sheds. Planting has been carried out on the earth bunds at the site entrance, access road and across the site. The bunds are primarily grassed though there is tree planting at the site access and towards the eastern boundary of the site. The land associated with the sheds to be provided at Phase 2 has been stripped away leaving bare soil.
- 8.47 An amended Landscape and Visual Impact Assessment (LVIA) has been provided by Park Hood. This assessment included a review of the Landscape Plans and Phasing Plans and the 17 representative viewpoints and photomontages identified under the original LVIA.
- 8.48 The LVIA states that the northern, southern and eastern boundaries have been planted out with extensive belts of new native planting mixes to screen the site boundaries set on earth berms. The majority of trees were outlined to be planted at whip size (500 – 800mm) on the basis that this would allow the species to adapt to north coast weather conditions. A number of standard 2.5m trees were planted along through the mixes at key locations to provide an immediate screening value. The LVIA continues that 90% of the tree planting was completed as part of Phase 1A. The planting areas are indicated to be being maintained by ODB and an appointed landscape contractor until a closed canopy can be achieved to suppress weed growth. The LVIA highlights that the warehouse cladding coloured in Leaf Green RAL 6002 will assist in visual integration by reducing the visual impact of the buildings, blending with the surrounding vegetation.
- 8.49 An assessment of the implications of the proposed amendments on Landscape Character and Visual Amenity is made under

Section 5 of the LVIA. Appendix A then includes a series of photomontages. The LVIA concludes that as a part of the phasing 80,000 trees across 11.5 hectares (44% of the site) were planted by Spring 2020. It highlights that the conclusion of the original LVIA was that there would be significant effects to the site itself but such effects would dissipate quickly one beyond the site periphery. It continues that this has been borne out, insofar that there are very limited views of the recently constructed warehouses and where visible, the setting and carefully considered cladding colour has allowed them to blend effectively into this landscape type without causing significant or unacceptable harm though there would be a slight and short-term increase in visual impact over the next five to ten years while the recent woodland matures. The effects were concluded in the LVIA to not increase or decrease in terms of magnitude or significance over that which was assessed and found acceptable by the Planning Department for the original application.

8.50 From site visit an assessment was made in terms of the long and short term views of the application site in context of the viewpoints submitted within the LVIA. Assessment was made of views from Straid Road, Haw Road, Carnbore Road, Castlecat Road, Priestland Road, Dunluce Road and Ballyclogh Road.

8.51 Long distance views are possible of the maturation shed site from Ballyclogh Road heading in both directions looking east and on the approach to Bushmills along Priestland Road heading northeast. At these distances and elevations, given the nature of the planting it is unlikely that this would be developed such as to remove any views at present and with the implementation of the rest of the sheds. The colouring of the sheds does provide some integration and there is generally a backdrop to the sheds from the landform to the east.

8.52 Shorter distance views are possible from Straid Road of the sheds heading both directions and looking south. These sheds are set back off the road and separated by fields. The development of the remainder of the sheds will result in further sheds visible from this viewpoint which are closer to the road and have a greater visual impact.

8.53 Views from the eastern section of Haw Road passing the site are screened by the bunding, the rise in the land to the east and the

roadside planting and verge levels. Views are possible from the western section of Haw Road from taller vehicles but with the green finishes of the sheds these views blend into the area. With the development of the sheds at the south of the site there will be further views of the sheds along this road.

- 8.54 Travelling both directions along Castlecat Road, the site could not be identified. A LVIA was submitted from Castlecat Road over a time period of 10 years. These photographs are taken from a field gate and a static viewpoint where the site is viewable. Majority of travel on this road is via vehicle and given the direction of travel, the speeds of the road views both now and with the full implementation of the proposal are considered to be unintrusive.
- 8.55 Views along Carnbore Road were limited. Views are possible between the properties at No's 6 – 10 Carnbore Road looking north towards the site and views of the sheds developed at the south of the site would be possible.
- 8.56 Consideration of the implementation should have regard to the intention of the phasing plan for the planting to be developed through the indicative timescales such that the buildings would be better screened. The extent of screening indicated on the planting plan was deemed sufficient and the LVIA indicates that 44% of the site was planted in Spring 2020.
- 8.57 It is considered that given the need for the proposal, the extent of views possible based on earthworks and planting already implemented, the potential further views from the implementation of the remainder of the site and the requirement for further planting implementation that any visual impact and impact on landscape character would be temporary and acceptable. It is considered that there would be no significant environmental impact arising from the variation of the condition.
- 8.58 With regards landscape and visual impacts the proposed development is considered to comply with the SPPS, CTY13, CTY14 and CTY15 of PPS21 along with PED 5 and those criteria of PED 9 of PPS4 (criteria j, k and m).
- 8.59 The wording provided by the agent for the variation of Condition 14 refers to the 'practical completion of the last maturation warehouse'. Having regard to the six tests for conditions under

Development Management Practice Note 20 Use of Planning Conditions it is considered that the 'practical completion' is neither precise or enforceable given the ambiguity as to what practical completion is. It is considered that the removal of practical would be sufficient such as the planting shall be implemented before the completion of the last maturation warehouse.

8.60 It is considered that the need for the removal of the timing of the phasing of the proposal under Condition 4 has been demonstrated having regard to the change in operations of Bushmills Distillery and that it can be achieved without detriment to the environment or residential amenity having regard to the response from consultees and the content of the Environmental Statement. No significant environmental impacts are considered to result from the removal of this condition on its own merits and having regard to the amendment to Condition 14 relating to planting. It is considered that Condition 4 can be removed and the new phasing plan Drawing No. 02 date received 23rd March 2023 included as a part of this permission.

8.61 The amended phasing plan submitted would be required to be included in the wording proposed of Condition 5. There are no concerns with the change in wording proposed and no significant environmental impacts are considered to result from the variation of this condition.

Conditions 13 and 21 to be varied

8.62 Condition 13 of LA01/2017/0280/F states;

Lighting of the development hereby approved shall only be permitted between the hours of 08:00hrs and 17:00hrs or as agreed in writing with the Council. Lighting spill on the boundary vegetation shall not exceed 1 lux as shown in drawing nos 31 and 32 date stamped received 12 January 2018.

Reason: To minimise the visual impact of the proposal and to avoid impact on bats using the site.

8.63 The agent has proposed the following revision to the wording:

Lighting of the development hereby approved shall only be

permitted between the hours of 07:00hrs and 22:00hrs or as agreed in writing with the Council. Lighting spill on the boundary vegetation shall not exceed 1 lux as shown in drawing nos X and X date stamped received X February 2023.

Reason: To minimise the visual impact of the proposal and to avoid impact on bats using the site.

8.64 Condition 21 of LA01/2017/0280/F states;

The hours of operation of the development hereby approved shall be restricted as follows:

- Monday - Thursday : 08:00 - 17:00 hours*
- Friday : 08:00 - 13:00 hours*

No operation on Saturday or Sunday.

Reason: In the interest of residential amenity.

8.65 The agent has proposed the following revision to the wording:

The hours of operation of the development hereby approved shall be restricted as follows:

- Monday - Friday : 07:00 - 22:00 hours*
- Saturday : 10:00 - 15:00 hours*

No operation on Sunday.

8.66 The proposed changes involve:

- an additional hour of operation in the morning on Monday – Friday;
- an additional five hours of operation in the evening on Monday – Thursday;
- an additional nine hours of operation in the evening on Friday;
- an additional day of operations on Saturday of five hours.

8.67 The operating hours are being sought to be extended to allow additional shifts on the OBD distillery site which will provide approximately 8 additional jobs within the local economy.

8.68 A revised lighting layout plan and Lighting Impact Assessment have been submitted as part of this application to assess the potential impact of artificial lighting at the maturation facility. This

is due to the change in hours of operation. The Lighting Impact Assessment is outlined to model the whole site, with all its proposed artificial lighting in full operation on 'day 1' to accurately assess the impact of the lighting at night on the wider area.

- 8.69 Inter-relationships have been considered in relation to the requirements of Condition 13 and 21 in relation to cultural heritage, air quality, hydrogeology and hydrology, transport and soils and geology.
- 8.70 The alteration of the timescale of the construction of the maturation facility was concluded to have no archaeological or cultural heritage impact. Air quality and dust impact measures would continue to be applied. The change to the phasing would cause no significant or minor adverse effect to groundwater or surface water environment as no change to the baseline environment compared to previous assessment. Transport was revisited based on revised construction works and potential impacts with analysis concluding that no significant changes to the level of traffic generated at site or concerns with ability of site access or off-site mitigation works. A betterment is outlined to potentially occur with a more compact programme over a 8 year period rather than 22 year. Mitigation measures in relation soils and geology are advised to be relevant and sufficient to reduce impact significance to a negligible level.
- 8.71 DFI Roads, Historic Environment Division, DAERA Water Management Unit, DAERA Regulation Unit, Land and Groundwater Team, NI Water, DFI Rivers and Health and Safety Executive have offered no objection to the proposed changes.
- 8.72 Environmental Health were consulted in relation to the change in hours of operation and lighting with regard to impacts on residential amenity.
- 8.73 Environmental Health have advised that they have no adverse comment concerning the variation of the hours of operation. They highlight the noise report submitted refers to compliance with the extant noise limit condition under LA01/2017/0280/F at Noise Monitoring Locations 1 and 2. These locations are at 194 Straid Road and 30 Haw Road. These are highlighted to be representative of the closest noise sensitive receiver locations to the site. Chapter 8 of the Environmental Statement relating to

noise highlights that the noise climate in the area of Old Bushmills Distillery maturation site is mainly influenced by traffic flows on Straid Road and Haw Road with occasional noise impact from traffic flows and operations of the maturation site.

- 8.74 Environmental Health advise that it has been stated that the proposed variation to the hours of operation will not result in any additional noise sources or intensification of the site operations, beyond which was originally assessed.
- 8.75 Environmental Health advise to consider the attachment of an operational hours restriction condition and specific noise limit condition to take account of the extended period of operation and be fully representative of the typical background noise levels (LA90 parameter) at Noise Monitoring Locations 1 and 2 during the proposed varied hours of operation.
- 8.76 The proposed hours are outlined to be restricted to Monday – Friday 7am – 10pm, Saturday 10am – 3pm and no operation on Sunday. This tallies to the hours outlined in the wording provided by the agent.
- 8.77 Condition 22 of LA01/2017/0280/F relates to the rated noise emissions from the site which are not to be exceeded. The proposed condition on background levels requested by Environmental Health would supersede this. Condition 22 specifies rated levels of noise of 42dB at Location 1 and 43dB at Location 2. These are to be revised to 39dB at Location 1 and 37dB at Location 2.
- 8.78 Two objections have been received on the proposal. They raise matters of noise from an access road ramp and noise during construction.
- 8.79 Environmental Health provided comment advising that they reiterate the previously recommended planning conditions pertaining to noise/vibration and dust pertaining to site enabling/construction phases. These conditions were previously outlined to be re-applied under the assessment of the removal of Condition 4.
- 8.80 In relation to the access ramp, Environmental Health has advised that from discussions with the agent that the applicant was

pursuing this matter with the author of the letter of objection such as to remedy the issue. Comment was sought from the agent on this matter.

8.81 Comment was provided by the agent on the objection points.

8.82 In relation to the speed ramp, the agent advised that following a site visit by the applicant it was determined that the referenced noise experienced emanated from a speed ramp on the internal access road within the maturation facility lands. As a test the speed ramp was removed on Monday 3rd July 2023. On Thursday 20th July 2023, the applicant re-visited the site and met with the objector. They advise that the objector confirmed that for the previous two weeks the excessive noise previously associated with truck movements passing over the speed ramp had gone. They advise the objector thanked the applicant for their co-operation and contact details were provided for any future issues that may arise.

8.83 In relation to the construction noise, the agent advised that the applicant visited the objector on Thursday 20th July 2023 and met their husband who explained that the objection related to noise levels experienced during previous civil engineering works associated with the construction phase rather than during operations at the maturation facility. They confirmed that the family are not currently experiencing any noise issues and it was noted that the current noise levels are more representative of future noise levels associated with the operation of the maturation facility. It was explained that they will manage the contractors in upcoming construction works to the agreed hours of 07:30 -18:00 Monday - Friday and 08:00-13:00 Saturday.

8.84 Application and adherence to Conditions 20, 24 and 25 as previously highlighted is considered to be sufficient to address construction noise.

8.85 Given the removal of the access ramp, the matter appears to have been resolved.

8.86 Residential amenity is considered having regard to the SPPS and policy PED 9 of PPS4. Residential amenity is safeguarded under criterion (b) of PED 9. The justification and amplification states: in considering proposals, the Planning Authority will seek to

minimise adverse effects on the amenities of adjacent properties, particularly dwellings. Criterion (a) of PED requires proposals to be compatible with surrounding land uses, and criterion (e) of PED 9 states that any proposal should not create a noise nuisance

8.87 The nature of the proposed use during the day to day operational phase would not detract from the residential amenity of neighbouring properties having regard to the response from Environmental Health and with adherence to the conditions proposed. It is therefore considered that the proposed variation in hours of operation is in accordance with planning policy with regards amenity and would not result in unacceptable adverse effects to the amenity of neighbouring properties, is compatible with surround land uses, will not create an unacceptable noise nuisance and not result in a significant environmental impact. This is relevant to criteria b. and e. of Policy PED 9 of PPS 4 regarding the amenity of nearby residents and noise nuisance.

8.88A Lighting Impact Assessment has been submitted to support the alteration of the operating hours condition. This report is outlined to have been prepared having regard to Institution of Lighting Professionals guidance note PLG04 “Guidance on Undertaking Environmental Lighting Impact Assessments” and “Guidance Notes for the Reduction of Obtrusive Light (GN01/2021)”

8.89 Given the later hours of operation proposed there will be a requirement for lighting later in the day.

8.90 The report outlines that the lighting on the portion of the new site already developed comprises of low level bollard units with street lighting optics along the access/entrance road, column mounted luminaires for large area lighting within the site and building mounted bulkhead and area optic fittings for access and working around the warehouse units. Lighting in the immediate surrounding area is outlined as limited to small domestic units, further afield in the town of Bushmills, the residential areas are typically lit with a variety of column mounted fittings.

8.91 The issue of light pollution is outlined to have been introduced within the Clean Neighbourhoods and Environment Act (NI) (2011) as a form of statutory notice. The impact of light pollution from the proposal is a material consideration under this

application.

8.92 Impacts from lighting are also outlined as being relevant to Habitats Regulations Assessment (HRA). Comment has already been provided by Shared Environmental Services previously in relation to impact on European Designated Sites.

8.93 The Lighting Impact Assessment report outlines the completion of a site survey with illuminance readings taken from 39 locations across the site and surrounding area.

8.94 Sky glow is outlined as being the brightening of the night sky and has been assessed for the area using satellite measurements. The measurements show the amount of measured upward lighting in area. The data is indicated to show the location is towards the darker end of the scale.

8.95 Other obtrusive lighting effects are defined including:
Light spill – the spilling of light beyond the boundary of the area being lit.

Light intrusion – nuisance light, levels of light above defined values into residential properties

Glare – the uncomfortable brightness of light source against a dark background which results in dazzling the observer, which may cause nuisance to residents and a hazard to road users.

Upward reflected light – the reflected upward spill of light into the sky, from surfaces below the light sources. A contributor to sky glow.

8.96 The conclusion reached is that lighting on the new maturation site is generally well controlled, however, many of the wall mounted bulkhead units do have a portion of direct upward lighting, the spill lighting off the site is minor as evidenced by the values recorded at the boundary. The area outside the site is described as being Environmental Zone Classification E1 with residential areas E2 zones. Zone E1 is described as natural and dark, relatively uninhabited rural areas whereas Zone E2 is described as Rural and low district brightness, sparsely inhabited rural areas, village or relatively dark outer suburban areas. The report outlines using professional judgement, light meter readings

collected in and around the site along with sky glow data that the site is Environmental Zone Classification E3, suburban, medium district brightness, well inhabited rural and urban settlements, small town centres of suburban locations. The existing Bushmills Distillery site is also classified as E3.

- 8.97 Modelling was carried out for the site based on the worst-case scenario, that all relevant exterior lighting within the new development will be in operation and all light fittings at day 1 maximum output. It's outlined that as per standard industry practice that existing and proposed planting/trees have not been included in the assessment. However, topography of the site has been included. In this case it is noted that around the site the development and lighting is well screened from view because of natural features.
- 8.98 In relation to light spill, 39 locations were surveyed but from this study 17 were calculated and assessed as the other locations were on the site or too far away. The resultant illumination was calculated in Tables 17.4 and 17.5 with one position experiencing moderate adverse change in illumination from baseline condition arising from artificial lighting within the designed scheme. It's outlined that this location does not represent a residential or ecological receptor and while the percentage change shows a moderate adverse value it is still relatively low for the area. It is also highlighted that this is worst case scenario, vegetation and fence features are not included but topography is.
- 8.99 In an assessment of adjacent residential properties in tables 17.5 and 17.6, all residential vertical measurements are indicated to have passed both pre- and post-curfew illuminance and glare guidance for their current E1 zone classification as set out in ILP guidance.
- 8.100 The lighting scheme is indicated to pass within guidelines for Zone E3. The addition of artificial lighting on site for safe operation and access is indicated to change the zone within the site boundary from E1 to E3. It is indicated that majority of the lighting is contained within the site boundary and there is a relatively small element of spill light at the access point to the development. Spill light from the site is indicated to be within the limits recommended by ILP.

- 8.101 The report concludes that it demonstrates the lighting design of the development can comply with ILP guidelines for obtrusive light.
- 8.102 DAERA Natural Environment Division advised they recommended the inclusion of the second part of Condition 13 in the planning approval for LA01/2017/0280/F in order to minimise impacts of the proposed development on bats using the site. NED note the ecological chapter within the Environmental Statement stating that the original assessment for foraging bats is still valid in relation to the variation of Condition 13 and that no new site assessments will be required.
- 8.103 NED continue that the ecological report concludes that varying Condition 13 to extend the lighting hours will not have significant effects on bats because they hibernate in the late autumn and winter when artificial light will be required for longer operational hours. During summer months when bats are most active, longer natural light hours means there will be no requirement for artificial lighting to be used between the proposed hours from 07:00 to 22:00 and so there is no potential for disturbance to bat species foraging in the area during these times. NED highlight that the mitigation required by the original condition will be included in the amended Condition 13: lux levels will not exceed 1 and light spillage will be directed away from features of interest.
- 8.104 NED advise they have no concerns regarding the proposed changes to Condition 13.
- 8.105 Environmental Health advised that they did not stipulate a time period for lighting as defined within the condition: between the hours of 08:00 and 17:00 hours and that the remainder of Condition 13 appears to refer to the avoidance of impacts to bats which does not fall within their remit.
- 8.106 In relation to negative impacts due to artificial light they refer to the Institute of Lighting Professionals Guidance GN 01/21 “Guidance Notes for the Reduction of Obtrusive Light”.
- 8.107 Environmental Health advise they note the Light Impact Assessment submitted and this includes light (measured levels) and modelled design (subsequent resultant illuminance) post

development. They advise their remit is to consider impacts on light sensitive receptors/human receptors.

8.108 With reference to results within Section 17.0, Table 17.6 of the report which presents the calculated vertical illuminance levels, which purport levels for both pre and post curfew hours below the guidelines they advise that they would not wish to raise any adverse comment to the proposed variation of the condition in which the proposed hours are proposed between 07:00 – 22:00 hours subject to a condition.

8.109 The proposed condition states as follows:

" The lighting scheme for the development hereby approved shall be designed, installed, operated and maintained to achieve the Lighting Standards at residential receptors, as stipulated within the "Lighting Impact Assessment – Report Reference 16-17347, dated 1st March 2023"

8.110 The visual impact has been assessed having regard to the LVIA submitted as part of the ES. Critical public aspects surrounding the site and within the wider landscape have also been considered and it is concluded that the proposal will have a visual impact on the landscape. However, it is considered that, on balance, these impacts are not so significant and unacceptable in policy terms to carry determining weight in this case and warrant withholding of planning permission. Regard has been given to the SPPS, CTY13, CTY14 and CTY15 of PPS21 along with PED 5 and PED 9 (criteria j, k, & m) of PPS4. The above policies within PPS21 were given due consideration because the site is within the countryside. It is not considered to erode rural character or reduce the landscape quality given the present character of the site. With regards landscape and visual impacts the proposed development is considered to comply with the SPPS, CTY13, CTY14 and CTY15 of PPS21 along with PED 5 and those criteria of PED 9 of PPS4 (criteria j, k and m).

Other Issues

8.111 An objection has raised the lack of notification on the proposal.

8.112 Neighbour notification on a planning application is sent to identified occupiers on neighbouring land. This only includes

properties who adjoin the application site.

Conclusion

- 9.0 This is a significant proposal where need has been demonstrated. The proposal meets the key requirements of PPS 4 Policy PED 5 by being a major industrial proposal makes a significant contribution to the regional economy. Specifically, it has long-term sustainable economic benefits, has entailed an assessment of alternative sites and has considered environmental and transport impacts. The proposal will not result in unacceptable effects on either visual amenity or residential amenity. An assessment has been made of environmental effects arising from the proposal and these have been found acceptable. Having regards to the Northern Area Plan 2016, the SPPS, relevant planning policy statements and other material considerations, the proposal is considered acceptable. Approval is recommended.

10.0 Conditions

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 the Planning Act (Northern Ireland) 2011.

2. The development hereby approved, is limited to the sole use of the existing whiskey distillery located at 2 Distillery Road, Bushmills, for the storage and distribution associated with its maturation operations only and for no other use.

Reason: The development is solely approved on the basis of need for this operation.

3. All development hereby approved shall be demolished/ dismantled and removed from the site if the distillery operation located at 2 Distillery Road, Bushmills ceases for a period in excess of 12 months. The land shall be restored in accordance with an agreed scheme to be submitted to the Council within 18 months of the ceasing of distillation. This scheme shall include details of all works and measures to restore the site, the timeframe within which the works shall be carried out along with

proposals for aftercare for a period of 3 years after completion of the restoration works.

Reason: The development is solely approved on the basis of need for the specified operation and to ensure the development is decommissioned in a manner that protects the amenity of site beyond the lifespan of the development.

4. Condition removed.

5. In the event that the development does not progress to the stages shown in the approved Construction Sequence Plan Drawing 02 dated 23rd March 2023, a restoration plan shall be submitted to the Council within 6 months for agreement. Measures in the restoration plan shall be carried out within 12 months of the approval of the restoration plan.

Reason: To ensure that the development integrates into the countryside.

6. No development shall take place until the vehicular access, including visibility splays and any forward sight distance are provided in accordance with Drawing No. 34B bearing the date stamp 8th May 2018. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

7. The gradient of the access to the development hereby permitted shall not exceed 4% (1 in 25) over the first 20 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

8. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 34B bearing the date stamp 8th May 2018.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

9. This condition is discharged.
10. This condition is discharged.
11. No pilling shall be carried out within 100m of any badger sett entrance. The 100m badger protection zone as shown in drawing 38 shall be maintained during all pilling activities.

Reason: To protect badgers and their setts on the site.

12. No site works of any nature or development shall commence on site until protection zones, clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25 metres equating to the 25m badger buffer zone shown on drawing 38 date stamped 30 March 2018. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within those protection zones without the consent of the Council. The protection zones shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts on the site.

13. Lighting of the development hereby approved shall only be permitted between the hours of 07:00hrs and 22:00hrs and shall be designed, installed, operated and maintained to achieve the Lighting Standards at residential receptors, as stipulated within the "Lighting Impact Assessment – Report Reference 16-17347, dated 1st March 2023". Lighting spill on the boundary vegetation shall not exceed 1 lux as shown in drawing Nos 31 and 32 date stamped received 12 January 2018.

Reason: To minimise the visual impact of the proposal and to avoid impact on bats using the site.

14. All planting works as detailed in drawing No 27c and No 28c date stamped 5th March 2018 shall be carried out prior to the commencement of Phase 4 of the development permitted under planning permission ref: LA01/2017/0280/F.

Reason: To minimise the impact of the proposal on the nature conservation value of the site.

15. This condition is discharged.

16. This condition is discharged.

17. No development shall take place until fencing is erected to establish a 10m buffer to watercourses not subject to construction activities.

Reason: To ensure no adverse effects on the site integrity of the Skerries and Causeway SAC.

18. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

19. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

20. "Dust mitigation measures in accordance with Chapter 4: (Air Quality and Dust, March 2023) and Construction Environmental Management Plan, dated February 2017) shall be implemented during site preparation/enabling and construction works to minimise the generation and movement of airborne particulate matter emissions from the development hereby approved to sensitive receptors".

Reason: In the interests of health and safety and residential amenity.

21. The hours of operation of the development hereby approved shall be restricted as follows:
- Monday - Friday : 07:00 - 22:00 hours
 - Saturday : 10:00 - 15:00 hours

No operation on Sunday.

Reason: In the interest of residential amenity.

22. The rated level of noise emitted from the site shall not exceed the noise levels as stated within Table 1 " Noise Limits" when measured at Irish Grid References detailed within Table 1 " Noise Limits All measurements shall be in accordance with BS 4142:2014

Table 1 "Noise Limits"

| Noise Monitoring Location (Irish Grid Reference) | Rated Level of Noise Daytime - L _{Aeq} (1 hour) |
|---|---|
| Location 1 295 438 440 439 | 39 dB |
| Location 2 295 446 440 085 | 37 dB |

Reason: In the interests of health and safety and residential amenity.

23. All plant/forklifts shall be fitted with wide broadband spectrum reversing alarms.

Reason: In the interest of health and safety.

24. Site preparation/enabling and construction works shall be implemented in accordance with Construction Environmental Management Plan, (February 2017) and Chapter 8 Noise Impact Assessment (March 2023). Noise impacts shall be minimised/controlled by employment of best practice and mitigation measures in accordance with BS 5228, Part 1, 2009, "Code of Practice for Noise and Vibration Control on Construction and Open Sites". Noise emissions shall not exceed the limits as stipulated within the Noise Impact Assessment Report (Chapter 8, (March 2023). Such works shall not take place outside of the following hours, without the prior approval of the Planning Department:

- 07:30 - 18:00 hours Monday – Friday
- 08:00 - 13:00 hours Saturdays
- No working on Sundays or Bank Holidays”

Reason: In the interests of health and safety and residential amenity.

25. Vibration monitoring shall be undertaken in accordance with the terms of the vibration monitoring programme stipulated within the Noise Impact Assessment Report, Chapter 9 (February 2017).

Vibration impacts shall be mitigated in accordance with the measures detailed, as required, such that vibration limits/criteria as prescribed within Section 9.13 of the Noise Impact Assessment are not exceeded.

Piling works shall not take place outside of the following hours, without the prior approval of the Council:

- 08:00 - 17:00 hours Monday - Friday
- No working on Saturdays, Sundays or Bank Holidays”

Reason: In the interests of health and safety and residential amenity.

26. If during the development works, new contamination or risks 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.

27. After completing any remediation works required under condition and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. 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.

Informatives

1. 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.
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 <https://planningregister.planningssystemni.gov.uk/>

Site Location



