

Title of Report:	Planning Committee Report – LA01/2023/0460/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd November 2023
For Decision or For Information	For Decision – Major item
To be discussed In Committee YES/NO	NO

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

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

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

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:

<u>No:</u>	LA01/2023/0460/F	<u>Ward:</u>	Dundooan
<u>App Type:</u>	Full Application		
<u>Address:</u>	Lands at 18 Creamery Road and lands c.60m South-East of 75 Creamery Road, Cloyfin, Coleraine		
<u>Proposal:</u>	Proposed installation of a new pumping station and c.1km underground pipeline to connect to a new water treatment and recycling plant, associated access, site works and landscaping		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	28th April 2023
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Gravis Planning, 1 Pavilions Office Park, Kinnegar Drive, Hollywood, BT18 9JQ		
<u>Applicant:</u>	LacPatrick Dairies (NI) Ltd		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	1	<u>Petitions of Support:</u>	0

Executive Summary

- The application proposes to install a new pumping station and c.1km underground pipeline to connect to a new water treatment and recycling plant, associated access, site works and landscaping.
- 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 4 of the associated Schedule. A PAN was submitted under LA01/2022/1570/PAN.
- The Planning Authority is obliged under Regulation 10 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 to determine whether the planning application should be accompanied by an Environmental Statement. The proposed development falls within category 7C of Schedule 2 of the 2017 Regulations and does not meet the thresholds to constitute EIA development.
- The site is located both within Ballyrashane Settlement Development and open countryside as designated within the Northern Area Plan 2016. Designations on the site include Local Landscape Policy Area Designation BHL 01 Ballyrashane LLPA.
- No concerns have been raised by any consultee.
- No representations have been received in respect of this application.
- The proposal is considered to comply with the provisions of the Northern Area Plan 2016, SPPS, PPS 2, PPS 3, PPS 6, PPS 11, PPS 15 and PPS 21.
- The application is recommended for approval.

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

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 section 7 and 8 and resolves to **GRANT** planning permission subject to the reasons set out in section 10

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on Creamery Road and constitutes the existing road and two separate sites associated with LacPatrick Creamery.
- 2.2 The application site comprises areas to the front and rear of the main Creamery site, the public road extending from the main site to the north towards an AD plant associated with the Creamery, an access road associated with an AD plant site and land to the east and rear of the AD plant comprising a field.
- 2.3 The application site at the main Creamery site comprises an area of the existing yard of hardstanding and where an existing tank is located. The area at the rear comprises an existing sewage tank with associated infrastructure and hardstanding. Both areas are visible from the public road with varying degrees of views based on distance and are viewed in context of the existing Creamery facility comprising large industrial buildings, silos and other plants and machinery. The yard and existing tank are clearly visible from Creamery Road travelling in both directions. The rear of the site comprising the existing sewage tank is viewable further to the north of the site and travelling south along Creamery Road.
- 2.4 At the countryside location of the existing AD Plant, the proposed site sits higher than the AD plant to the west and is viewed in context of it. As with the Creamery site the AD plant

site comprises of a mixture of industrial buildings, silos and plants and machinery surrounded with hardstanding. The site is bound at its northeastern side by earth bunding which creates a backdrop and to the southeastern side at the access which creates a degree of enclosure.

- 2.5 The location of the proposed water treatment and recycling plant site comprises an existing field with existing hedgerows located along its northwest and southeast boundaries. This field sits higher than the AD plant site. Access to this field is further to the south via an existing field gate.
- 2.6 The proposed application comprises replacement of the existing tank at the main creamery site and creation of a pumping station at the rear. The main site is to be connected to a new wastewater treatment facility and recycling plant adjoining the AD plant site to the north by a pipeline which will run under Creamery Road. The intention is that the existing sewage treatment tanks at the main creamery site will be decommissioned with the operation of the proposal.
- 2.7 The application site is located within the rural area and within the Ballyrashane settlement limit as defined in the Northern Area Plan 2016. The site includes Creamery Road which falls within Local Landscape Policy Area Designation BHL 01. There are no other designations on the site.

3 RELEVANT HISTORY

LA01/2022/1570/PAN - 75 Creamery Road, Coleraine, BT52 2NE - Installation of a new pumping station and 1km underground pipeline to connect to a waste water treatment plant – PAN Acceptable – 4th January 2023

C/2015/0005/F - Ballyrashane Co-op Agric and Dairy Society (1990) Ltd, 60m South of 75 Creamery Road, Cloyfin, Coleraine, BT52 2NE - Extension to Clamp Storage Area and Provision of New Maintenance Workshop – Permission Granted – 22nd June 2015

C/2014/0066/F - 60m South of 75 Creamery Road and along Creamery Road to Ballyrashane Creamery, Articrunaght North,

Cloyfin, Coleraine, BT42 2NE - Approx 1km of underground gas pipeline and security floodlighting (4 x 8m high columns each with 4 no lamps and 13 no wall lights). Retrospective application – Permission Granted – 29th August 2014

C/2011/0131/F - 60m South of 75 Creamery Road, Cloyfin, Coleraine, BT52 2NE - Proposed anaerobic digestion bio-gas facility including storage tanks & silage/maize clamps & associated CHP plant including underground medium pressure gas pipeline and effluent pipes to/from existing creamery – Permission Granted – 9th August 2011

4 THE APPLICATION

- 4.1 The application proposes to install a new pumping station and a c.1kilometre pipeline connecting the pumping station to a new water treatment and recycling plant site located further to the north and adjoining an existing AD plant site. The proposal includes associated access arrangements, site works and landscaping.
- 4.2 The application falls under Category 7C of Schedule 2 of the 2017 EIA Regulations and does not meet the thresholds to constitute EIA development.

Pre-Community Consultation

- 4.3 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 8 of the associated Schedule. A PAN was required under Section 27 of the 2011 Planning Act and submitted under LA01/2022/1570/PAN. Details of Pre-application Community Consultation are submitted under the Pre-Application Community Consultation report. A Design and Access Statement has been submitted with the application.
- 4.4 The public consultation event was held on Wednesday 1st February 2023 between 12-2pm and 4-7pm in The Lodge Hotel, Coleraine. The event was advertised in the Coleraine Chronicle on Thursday the 19th January 2023. A leaflet containing details of the public event and how to provide feedback was designed and issued to properties within a 100m

radius of the site. Social media activity was taken forward with details of the public event advertised on the twitter account of the planning consultant Gravis Planning, in line with the PAN form. Nine people attended the consultation event consisting of residents, elective representatives and individuals connected to the creamery.

- 4.5 Online consultation ran between Monday 30th January 2023 and Friday 24th February 2023 on the Gravis Planning website (www.gravisplanning.com/current/live-projects). This webpage provided residents and stakeholders with an opportunity to view the consultation boards, while also providing details of how to get in touch with members of the project team to request consultation materials and provide feedback on the plans before the planning application was submitted. During the four-week online consultation period the project webpage received 63 views.
- 4.6 Direct invites to view and discuss the proposals were issued to all elected representatives for the area, prior to the consultation period commencing. Engagement has been carried out with elected representatives at all levels including MPs, Assembly Members, and local Councillors in the East Londonderry Constituency and Causeway District Electoral Area of Causeway Coast and Glens Borough Council through provision of the PAN form.
- 4.7 A programme of remote consultation was designed for those without access to the internet or who wished to view the relevant information by other means rather than online.
- 4.8 In terms of feedback, the issues raised included:
 - Residents asking to be kept informed with the construction programme and any road closures when the development commences.
 - Maintaining access to residents properties during construction.
 - All buried services (electricity etc.) are located in advance of construction.
- 4.9 The following points were raised in support of the application:

- View that the Creamery was a good neighbour and part of the local community.
- Welcomed that the Creamery was investing at this site to retain jobs in the area.

4.10 The feedback submitted was indicated to have been reviewed and that while general feedback was received, no design changes or amendments were suggested throughout the PACC process and therefore the proposal being submitted was unchanged from that which was consulted on.

4.11 The community consultation arrangements were carried out in accordance with that as agreed under proposal of application notice LA01/2022/1570/PAD.

5 PUBLICITY & CONSULTATIONS

5.1 **Neighbours:** 16 addresses were notified and no objections were received. One letter of support was received. The letter of support pledges support for the proposal.

Internal:

5.2 **DFI Roads:** No objection.

Environmental Health: No objection with conditions.

NI Water: No objection.

NIE: No objection.

Historic Environment Division Historic Monuments: No objection.

Rivers Agency: No objection with conditions.

Shared Environmental Service: No objection .

NIEA - NED: has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns.

NIEA - Regulation Unit (RU) Land and Groundwater Team
No objection with conditions.

NIEA – Water Management Unit: content with the proposal strictly subject to the proposal complies with Planning Policy Statement 15: Planning and Flood Risk Policy FLD 4. And subject to Conditions, the applicant referring and adhering to DAERA Standing advice and any relevant statutory permissions being obtained.

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:
- 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

Northern Area Plan 2016

Strategic Planning Policy Statement

PPS 2 Natural Heritage

PPS 3 Access, Movement and Parking

PPS 6 Planning, Archaeology and the Built Heritage

PPS 11 Planning and Waste Management

PPS 15 (Revised) – Planning and Flood Risk.

PPS 21 Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the development; visual integration and impact on rural character; impact on natural and built heritage; flooding and drainage; access arrangements and impact on neighbouring residential properties.

Principle of development

- 8.2 The application site is located both within the rural area and the Ballyrashane settlement development limit as defined by the Northern Area Plan 2016.
- 8.3 As the proposal relates to an expansion of an economic development use to facilitate off site works it falls to be considered under both Policy PED 1 Economic Development in Settlements and Policy PED 3 Expansion of an Established Economic Development Use in the Countryside.
- 8.4 The proposal within the settlement development limit relates to the replacement of the existing tank with a new recycled water holding tank, development of the treatment plant, decommissioning of the existing treatment plant and a section of the proposed pipeline.
- 8.5 Extensions under Policy PED 1 are considered on their individual merits having regard to Policy PED 9 which relates to the general criteria applying to all economic development. These matters are considered throughout this report.
- 8.6 The area outside the settlement development relates to the majority of the proposed pipeline and the water treatment and

recycling plant site.

- 8.7 Policy WM 2 of PPS 11 relates to the development of waste collection and treatment facilities and requires a need to be demonstrated through a Waste Management Strategy and relevant Waste Management Plan except in the case of Waste Water Treatment Works where the need must be demonstrated to the satisfaction of the authority.
- 8.8 The Design and Access Statement outlines that the existing treatment facility is approaching the end of its useful lifetime and there is growing pressure to meet the current factory production demands. The proposed transfer station will be located at the existing main factory site and the water treatment and recycling plant, in the background of the existing AD site. The process equipment design uses the best available technologies and will provide a state-of-the-art water treatment and recycling facility. The purpose of this project is to replace the existing treatment plant that services the current needs of the factory and to pioneer a more sustainable operation through the inclusion of a water treatment and recycling plant, therefore the proposed development is both essential and required in this location, given that the proposal responds to a site-specific issue. The need for the facility is therefore clear.
- 8.9 It is considered that a need has been justified for the proposal on the basis of the age of the currently waste treatment facilities on site and the requirement for a more sustainable operation. Upon site visit it was explained by the applicant that there are increasing environmental standards from the creamery outputs and that the proposal was a requirement in addressing this. The policy requirement for the facility to be the best practicable environmental option is no longer required.
- 8.10 Policy WM 2 outlines a number of locational criteria for which one must be satisfied. This proposal is located both within Ballyrashane settlement development limit in case of the main factory site and in the rural area in the case of the proposed water treatment and recycling site.
- 8.11 Given that the main location of the facility is outside the settlement development limits it is considered that the locational

criteria for the countryside would cover the proposal.

- 8.12 The locational criteria states that where the proposal is in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. It continues that where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact.
- 8.13 The proposal is located in a field immediately adjoining an AD plant site owned and operated by the applicant which contains buildings and silos. Assessment of the visual and environmental impacts are under the relevant headings in this report.
- 8.14 Policy PED 3 requires that proposals for expansion are normally be expected to be accommodated through the reuse or extension of existing buildings on site and where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development.
- 8.15 Policy WM 2 requires that proposals involving the processing of waste are carried out within a purpose built or appropriately modified existing building, unless it can be demonstrated that part or all of the proposed operation can be carried out in the open. Policy WM 2 also requires that the built development associated with the proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the wastes concerned.
- 8.16 Given the nature of this proposal it cannot be located inside existing buildings and the infrastructure required on the waste water treatment and recycling site is larger than the area of the existing plant to be decommissioned. Furthermore, the Design and Access Statement outlines that the fuel for the existing AD plant comes from the sites dairy waste. The existing waste treatment on the facility site is currently located in the open and the nature of a waste water treatment plant requires a number of different buildings/structures for its operation. These buildings/structures appear to be appropriate for the handling, storage, treatment and processing of the waste concerned. For operational reasons it is justifiable to have the waste treated adjoining the AD plant which is located off the main creamery

site.

- 8.17 Policy PED 3 requires that any extension or new building should respect the scale, design and materials of the original buildings on site and any historic or architectural interest the original property may have and there is no major increase in the site area of the enterprise.
- 8.18 The proposed water treatment and recycling plant site is located directly adjacent to an existing AD plant site which is within the ownership of the creamery. The site area for the proposal is less than the AD plant site and comparably it is considered not to result in a major increase in site area. The pipeline is located under the public road and is not considered to constitute an increase in the site area of the development.
- 8.19 Planning permission for the AD plant site was gained in August 2011 and none of the development on the site is of historic or architectural interest. The buildings and structures on this site comprise silos with some buildings which are single storey.
- 8.20 Buildings and structures on the proposed water treatment and recycling site comprise a back pulse tank, balance tanks, chemical storage area, clear water holding tank, control kiosk building, DAF plant building, MBR plant, recycled water holding tank, pumping station, RO plant building, sludge holding tank, aeration tanks and blowers and lighting columns. The highest structure on the site is the balance tanks which have a height of 8.5 metres. The tanks are the highest structures on the site with the buildings sitting at single storey height. The scale of the buildings and structures proposed are considered to be in proportion to the existing buildings on site and respect their scale. Consideration of the visual integration and impact on character of the proposal are considered later in this report.
- 8.21 The design of the buildings and structures have an industrial design and are comparable to that located on the AD plant site. The finishes are a mixture of glass reinforced plastic in green RAL 6002 for the tanks and control kiosk and insulated cladding panel/composite panel in green RAL 6003 and concrete for the buildings. These materials and finishes are in keeping with that of the buildings and structures on the AD plant site.

- 8.22 The policy requirements associated with regional scale waste collection or treatment facilities and incineration of waste and other thermal processes is not relevant to this proposal.
- 8.23 Policy WM 1 outlines that the proposal should as far as practicable avoid the loss of the best and most versatile agricultural land. The Design and Access Statement outlines that the lands are not considered to be of high quality and that the need for the proposal outweighs this.
- 8.24 The proposed water treatment and recycling site are located on the southwest section of an agricultural field with the remainder of the field remaining for agricultural use. This field is within control of the creamery and agricultural use will be limited. It is considered that on balance weighing up the need for the proposal that this would outweigh the loss of this agricultural land.
- 8.25 Policy WM 1 outlines in the case of landfilling that the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site. This proposal does not relate to landfilling.
- 8.26 The proposal is considered to satisfy the requirements of Policies PED 1 and PED 3 of PPS 4 and Policy WM 2 of PPS 11 with respect to need and the design of the proposal.

Visual Integration and Impact on Character

- 8.27 The proposal is separated into three separate elements. The development at the main factory site, the proposed pipeline and the proposed water treatment and recycling site.
- 8.28 The main factory site and a section of the pipeline are located within the Ballyrashane settlement development limit and urban area. Whereas the proposed water treatment and recycling site and a section of the pipeline is located in the rural area.
- 8.29 The policy consideration of visual integration and impact on character differs between the urban and rural locations of the proposal and also includes general criteria applying to both locations. Consideration is as follows:

Urban Location

- 8.30 Policy PED 9 outlines that the site layout, building design, associated infrastructure and landscaping arrangements are to be of high quality and assist the promotion of sustainability and biodiversity. Appropriate boundary treatments and means of enclosure to be provided with any areas of outside storage proposed adequately screened from public view.
- 8.31 Policy WM 1 of PPS 11 requires that the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses and that the visual impact of the waste management facility , including the final landform of landfilling or land raising operations is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality.
- 8.32 Local Landscape Policy Area Policy BHL 01 Ballyrashane LLPA is located on the site. The key features associated with this designation include:
1. There is built heritage interest around St John's Church of Ireland, a locally significant building at the site of a medieval parish church, along with associated planting and former glebe lands.
 2. The area of visual interest extends to include prominent roadside vegetation and Ballyrashane Presbyterian Church and Manse.
- 8.33 Policy ENV 1 of the Northern Area Plan 2016 outlines that planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA.
- 8.34 The proposed development at the main creamery site comprises the erection of a replacement recycled water tank to the front of the existing buildings on site and the treatment plant located to the rear of the existing buildings and adjoining the

existing plant to be decommissioned.

- 8.35 The replacement tank is 8.2 metres in height and finished in glass reinforced plastic in green RAL 6002.
- 8.36 The treatment plant is a pitched roof building with a maximum height of 4.25 metres. This building is set into the landform resulting in it reading as different heights on each elevation. The building is proposed with external cladding comprising insulated cladding panel/composite panels in green RAL 6003. New hardstanding is proposed in the form of a road to the south side of the building to provide access to the building.
- 8.37 Views of the replacement recycled water tank are in context of the backdrop of the existing creamery building and surrounding associated structures travelling north and south along Creamery Road and looking west. The materials and finishes are in keeping with the existing building. The visual impact from this element of the proposal is considered to be acceptable with limited impact on the character of the area.
- 8.38 The treatment plant is set into the landform as the land in this section of the site rises sharply from the west to the east. Views of the treatment plant from Creamery are screened from the east by the existing creamery buildings and structures.
- 8.39 There are distant views of this area of the site from a layby adjoining No. 40 Creamery Road. These views are in context of the existing buildings on the creamery site and landscaping in the foreground. Given the scale of the building proposed relative to the backdrop provided by the buildings there are no concerns in relation to visual impact or impact on character of the area from this element of the proposal.
- 8.40 No external storage areas are indicated for this part of the proposal. However, any outdoor storage in this area is not considered to be of detriment to the character of the area and would be relatively well screened by surrounding development and planting.
- 8.41 The proposed pipeline is located under the ground and consequently there is no harm to character or appearance of

the area.

- 8.42 The site is located within LLPA Policy BHL 01. However, there is no development proposed which is located within the designation. The development is located further to the west of the designation. The closest development is that of the pipeline which crosses an access onto Creamery Road slightly to the north of the designation. There is no roadside vegetation in this location and both churches are located further to the east and south. Policy ENV 1 of the Northern Area Plan 2016 is satisfied.

Rural Location

- 8.43 Policy CTY 1 of PPS 21 outlines that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings.
- 8.44 Policy CTY 13 of PPS 21 relates to the integration and design of buildings in the countryside and requires buildings to be visually integrated into the surrounding landscape and be of appropriate design.
- 8.45 Policy CTY 14 of PPS 21 relates to rural character and outlines that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area.
- 8.46 Policy PED 9 applies as previously outlined applies with further requirements for proposals in the countryside ensuring that there are satisfactory measures to assist integration into the landscape.
- 8.47 Policy PED 3 of PPS 4 outlines that the scale and nature of the proposal does not harm the rural character or appearance of the local area.
- 8.48 Policy WM 1 applies as previously outlined and applications in the countryside Policy WM 2 of PPS 11 outlines that new buildings/plant must have an acceptable visual and environmental impact.
- 8.49 The proposed water treatment and recycling plant site is located directly adjacent to an existing AD plant site which is within the

ownership of the creamery.

- 8.50 There is existing landscaping at the AD plant site which comprises a grassed banks located on the northeastern boundary of the site. The southeastern boundary along the access road also consists of an existing earth bank with shrubs and trees.
- 8.51 The proposed water treatment and recycling site is located adjoining the northeast of the site. The proposal seeks to construct a laneway located off the existing AD plant site laneway to provide access to the site.
- 8.52 Further planting is proposed on the grass banks on the northeastern boundary of the AD plant and southwestern boundary of the proposal. This planting comprises shrub and tree planting.
- 8.53 Planting is proposed at each boundary of the water treatment and recycling plant site. The inside southwestern boundary planting comprises shrub planting. The northwestern boundary of the site comprises an existing thorn hedge. Planting is proposed in the form of shrubs and trees inside this boundary. Along the northeastern boundary comprises a new thorn hedge with 2 metre paladin fence to the inside and shrub, tree and hedge shrubs planted along the inside of the fence. The southeastern boundary has an existing hedgerow which is proposed to be upgraded and infilled where gaps exist. Shrubs, trees and hedge shrubs are proposed to be planted on the inside of this boundary. Shubs are to be planted along the eastern extent of the proposed access road comprising a new thorn hedge with paladin fence to the inside. Hedge shrubs are indicated to be planted at the inside of the fence.
- 8.54 Critical views of the proposed water treatment and recycling site are travelling northwest and southeast along Creamery Road on approach to the site. The land where the proposal is located sits higher than the AD plant site. North of the site on the southern approach, the land to the eastern side of Creamery Road rises from the road. The landform along the road to the north of the site assists in the screening of the proposal. The vegetation located in the front garden of No. 75 Creamery Road also assists in restricting views of the site and is in control of the

applicant. Given the heights of up to 8.5 metres of some of the plant proposed on the site there will be views of some of the elements of the site. However, it is considered that these views would not be of detriment to rural character and that the proposal would integrate appropriately on this approach. The proposal will not be prominent when viewed travelling south along Creamery Road and the proposal is not reliant on new landscaping for integration.

- 8.55 On passing the site, given the scale of the tanks at the front of the site relating to the AD plant views will be limited towards the site.
- 8.56 Views travelling northwest along Creamery Road are in context of the earth bank with dense planting located on the southeastern boundary of the AD plant site. The site is set back further to the northwest from this bank. At No's 62 – 68 Creamery Road around 200 metres from the site the views of the site are in context of this bank though the taller structures may be visible. The views of the site are further to the south of Creamery Road on approach at the bend in the road which is in excess of 400 metres. Views are between 200 and 400 metres from the proposal and generally along the southeastern boundary. These views are of an existing hedgerow which is proposed to be retained and upgraded with the development behind. The tallest structures at 8.5 metres are located further to the northwest of the site which will reduce the visual impact from these elements of the proposal. The sludge and water tanks at a height of 6.8 metres are located towards the southeastern boundary. Given the heights of some of the tanks, views will be possible regardless of any screening proposed. The site layout has been designed to factor in critical views in terms of its siting in the field and the design, materials and finishes of the buildings/structures have been consciously selected to give the appearance of agricultural buildings and to blend in with the green coloured finish. The views of the site from the southern approach and impact on rural character are not considered to be unacceptable.
- 8.57 There will be views of the proposed road extension to meet the site as it rises but given the views in context of existing planting and the distance of which the views are possible, there are no concerns with integration or impact on rural character from the

rad or any other ancillary works.

- 8.58 The proposed landscaping will assist integration but given the distance of the views and the existing landscaping on site, the proposal is not reliant on the proposed planting. The site benefits from the enclosure provided by existing planting, the rising topography to the eastern side of Creamery Road and the presence of the built form of the AD plant immediately adjoining the site.
- 8.59 The design of the buildings and structures are industrial in appearance. However, refusal is not sustained on this given that the site adjoins buildings of comparable nature at the AD plant site.
- 8.60 Given the extent of views possible it is considered that the water treatment and recycling plant does not result in a suburban style build up of development when viewed cumulatively with the AD plant and would not be of detriment to the traditional pattern of settlement exhibited in the area given the layout of the AD plant.
- 8.61 The proposed layout does not create or add to a ribbon of development.
- 8.62 The proposed pipeline is located under the ground and consequently there is no harm to rural character or appearance of the area.
- 8.63 The proposal is considered to be acceptable with regard to visual integration and rural character. There will be views of tanks which cannot be screened out by existing and proposed vegetation. There is visual impact from the proposal but it is considered to be acceptable in the landscape having regard to its context. The requirements of Policies CTY 1, 13 and 14 of PPS 21, PED 3 and 9 of PPS 4 and WM 1 and 2 of PPS 11.

Amenity

- 8.64 The main factory site, pipeline and proposed water treatment and recycling site are located in close proximity to a number of residential receptors. There are residential properties located to the north and east of the main factory site, along the east and

western sides of Creamery Road in the case of the pipeline route and to the northwest and south of the water treatment and recycling site.

- 8.65 A Noise Impact Assessment and an Odour Impact Assessment were submitted in support of the proposal.
- 8.66 Environmental Health were consulted on the proposal and have recommended the inclusion of a condition in the event of a substantiated complaint arising from noise or odour from the operation of the development requiring a suitably qualified and competent person to undertake an assessment and recommend any mitigation measures as necessary within one month. This condition will be included in any approval.
- 8.67 Having regard to this response, there are no concerns in relation to the impact on the residential amenity of receptors and the proposal will not create a noise nuisance with adherence to this condition and on the basis of the Environmental Health response.
- 8.68 Informatives have been provided in relation to noise/vibration and dust generation from the proposal which will be highlighted through a general informative for viewing as a part of their consultation response.
- 8.69 No objection has been raised by Environmental Health in relation to noise, dirt or dust generation from road users.
- 8.70 The surrounding uses are primarily residential and agricultural with some community uses. The proposal is located on an existing factory site. The location of the works on the main factory site are replacing or in context of existing development. The pipeline is located under an existing road which will have existing utilities associated with it. The water treatment and recycling site is located adjacent to an existing AD plant site. The proposal is considered to be compatible with surrounding land uses in this respect.

Contamination and Waste Disposal

- 8.71 A Construction Environmental Management Plan, Preliminary Risk Assessment and Generic Qualitative Risk Assessment

were submitted in support of the proposal.

- 8.72 Environmental Health were consulted on the proposal and have requested conditions in relation to contamination. With adherence to these conditions there are no concerns in relation to harm to human health.
- 8.73 DAERA Regulation Unit were consulted on the Preliminary Risk Assessment and requested a Generic Qualitative Risk Assessment as moderate risks to the water environment were outlined. Waste Management Licensing queried if the proposal was linked to the existing AD plant.
- 8.74 DAERA Regulation Unit were re-consulted on the Generic Qualitative Risk Assessment. Comment on existing licensing was made under this document. DAERA Regulation unit advised that they were content with conditions. With adherence to these conditions it is considered that the proposal would not result in an unacceptable adverse impact on the environment.
- 8.75 The waste disposal from the proposal is outlined within the Design and Access Statement to be managed by the Noise Impact Assessment, Odour Assessment, Drainage Assessment and Preliminary Risk Assessment in terms of mitigating risk to air, water or soil resources.
- 8.76 This proposal relates to a water treatment and recycling plant. Waste water is outlined to not be controlled waste under paragraph 7.11 under Policy WM 2 of PPS 11.
- 8.77 A Construction Environmental Management Plan was submitted on the proposal.
- 8.78 DAERA Water Management Unit advised that they were content subject to the proposal satisfying Policy FLD 4 of PPS 15 and with Conditions, the applicant referring and adhering to DAERA Standing advice and any relevant statutory permissions being obtained.
- 8.79 A condition has been requested for a final CEMP and the requirements for this CEMP listed in the Water Management Unit consultation response. This condition will be applied in the

instance of any approval.

- 8.80 Having regard to the responses from Environmental Health and DAERA, it is considered that the types of waste to be treated and the proposed treatment will not pose a serious environmental risk to the air, water or soil resources and that this can be mitigated through condition and other statutory requirements including waste licensing.
- 8.81 The proposal is considered to be capable of dealing satisfactorily with any emission or effluent generated having regard to the nature of the proposal and the consultation responses outlined.

Impact on Natural Heritage

- 8.82 A Biodiversity Checklist and Preliminary Ecological Appraisal have been submitted in support of the proposal.
- 8.83 Natural Environment Division advised they have reviewed this documentation. They advise that the smaller southern portion of the application site is entirely within an existing industrial unit consisting almost completely of hardstanding and that a small, channelled watercourse is present for a short distance along the roadside of the factory which was not covered by the Biodiversity Checklist or the Preliminary Ecological Appraisal, however, due to the prevalence of tarmac and concrete hardstanding, NED do not consider significant impacts on natural heritage features likely.
- 8.84 They advise that the northern portion of the site consists of mainly improved agricultural grassland bound to the north and south by low cut hedgerow, open grassland to the east and a steep bank of semi-improved neutral grassland with some bramble and occasional semi-mature ash and willow Trees. A semi-mature broadleaved plantation is present adjacent to the southern roadside access area of the red line boundary. Further improved agricultural grassland exist beyond the north, east and south boundaries. An existing anaerobic digester plant is present beyond the banked western boundary.
- 8.85 From the Preliminary Ecological Appraisal and site plans NED advise they are content that while a small section of the bank

and existing hedgerow are to be cleared for a roadway access, native species hedgerow and tree planting in excess of what will be lost will more than compensate, providing a net biodiversity gain for the site.

- 8.86 NED advise they are content that removal of this section of hedgerow may offer nesting potential for small birds and vegetation clearance taking place outside of breeding bird nesting season (1st March – 31st August) will minimise potential disturbances of active nests.
- 8.87 From the Preliminary Ecological Appraisal NED advise they are content that there are no habitats within the site suitable for hosting roosting bats and that site vegetation is 'low' potential for foraging and commuting bats. They are also content that there is no standing water or other habitats suitable for hosting smooth newts were observed on site.
- 8.88 From Appendix 1 of the Preliminary Ecological Appraisal NED note that a main and annex badger setts were detected close to the site red line boundary during a search by the ecologist and are content that the setts are at least 40m from the site and do not consider the setts to be within the Zone of Influence for impacts from the development. NED outline that no construction related activities should take place within 30m of the sett entrances and agree with the ecologist's recommendation for soil ramps within any areas of excavation to allow badgers foraging within the area of the site to allow a means for escape. NED advise that the development is unlikely to impact badger foraging and commuting as it is an area of improved grassland within the open countryside.
- 8.89 NED advise they are content that no invasive plant species, as listed on schedule 9 of the Wildlife Order 1985, were identified.
- 8.90 Overall NED advise they are content with the proposal and draw attention to informatives.
- 8.91 DAERA Natural Environment Division advised they have no comment to make on the submitted Construction Environmental Management Plan.

- 8.92 Shared Environmental Services were consulted on the proposal and advised that having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.
- 8.93 Shared Environmental Services continue that the HRA Stage 1 assessment of all the supplied information and Statutory Agency advice has found no viable environmental pathway to any European Site or feature from the proposal. Therefore, no conceivable effects to any feature of a European Site concluded from the proposal at both construction and operational phases.
- 8.94 It is considered that on review that the Habitats Regulation Assessment provided by Shared Environmental Services should be adopted.
- 8.95 Having regard to the responses from both DAERA Natural Environment Division and Shared Environmental Services the proposal will not result in an unacceptable adverse on the environment or nature conservation interests including protected habitats and species or any designated site. The proposal is considered to satisfy the requirements of PPS 2, Policy PED 9 of PPS 4 and Policy WM 1 of PPS 11 in this respect.

Impact on Built Heritage

- 8.96 The site is located in proximity to a scheduled monument to the northwest of the water treatment and recycling site and a listed building at Brook Hall, 11 Creamery Road located to the east of the main creamery site. There are also a number of industrial heritage records located to the north and northeast of the main creamery site.
- 8.97 There is no intervisibility between the listed building and the main creamery site given the dense vegetation and yard area located to the front of the listed building. The development proposed in proximity to this building is a replacement tank and an underground pipe. Consequently, there is no harm to the setting of this building.

- 8.98 Historic Environment Division: Historic Monuments were consulted on the proposal and advised that they have assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- 8.99 Having regard to the response from Historic Environment Division, the proposal is considered to satisfy the requirements of PPS 6 and would not have an unacceptable adverse impact on archaeological/built heritage interests.

Access arrangements

- 8.100 Policy AMP3 of PPS3 relates to access to public roads. Access for both sites are via an existing access to the public road. The laneway at the AD plant is to be extended to meet the water treatment and recycling site. The Design and Access Statement outlines that the new underground pipes will increase the efficiency of how water is transferred at the Creamery for treatment, significantly reducing the current need for agricultural vehicles (e.g. tractors & tankers) travelling between the two sites locations. Therefore, no intensification of access is anticipated in the operational phase. From entering the water treatment and recycling site a one-way system is indicated to be in operation, HGV's will travel clockwise round the site and exit via the weighbridges where they entered.
- 8.101 DFI Roads were consulted on the proposal and advised that they have no issues of concern with the application as presented.
- 8.102 As the access arrangements are as per existing arrangements the proposal will not prejudice the safety and convenience of road users.
- 8.103 The Design and Access Statement indicates that the proposal will result in a reduction in traffic generation from the site with the pipes transferring the water between the sites reducing the need for traffic generation.
- 8.104 The existing road network is considered to be able to safely handle any extra vehicular traffic from the proposal.

- 8.105 There is sufficient space within the site for circulation of vehicles, parking and servicing on the water treatment and recycling site and the main factory site will have parking, servicing and circulation arrangements as existing.
- 8.106 Alternative transport forms including rail and water are not considered to be feasible for this proposal given its location beyond any nearby railway lines and significant watercourses.
- 8.107 A movement pattern is provided insofar as possible. The proposal relates to development on an existing factory site and adjoining an existing AD plant. Journeys to the proposal will be similar to that as to these existing sites. Public transport links are available within the Ballyrashane settlement development limit which are in walking distance of the main factory site. The water treatment and recycling site is located in the countryside and there are limited walking links along the road which is characteristic of a rural site. Cycling is possible to both sites associated with the proposal via the public road. The proposal respects existing public rights of ways and the layout and location of the development is considered to meet the needs of people whose mobility is impaired.
- 8.108 Informatives have been highlighted by DFI Roads in relation to the prevention of mud and other debris being deposited on the road.
- 8.109 The proposal is considered to satisfy the requirements of Policy AMP 2 of PPS 3, Policy PED 9 of PPS 4 and Policy WM 1 of PPS 11 in this respect.

Drainage, and Flood Risk

- 8.110 DFI Rivers were consulted on the proposal and advised that the proposal does not lie within the 1 in 100 year fluvial floodplain.
- 8.111 DFI Rivers have advised that there are no designated watercourses within this site but that the proposal. They advise that there are no undesignated watercourses within or bounding the water treatment and recycling site but the main creamery site is affected by two watercourses. One located along the

northern boundary and the other is located along the eastern boundary adjacent to Creamery Road.

- 8.112 An updated site plan for the main factory site was submitted indicating a 5 metre maintenance strip from the watercourse on the northern boundary. There is no development proposed within this 5 metre strip.
- 8.113 DFI Rivers have highlighted the proposed pipe route as indicated on Drawing No. 20 and that it is indicated to cross the watercourse. They have advised that artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons.
- 8.114 The watercourse crosses Creamery Road from the west before following the western edge of the road past the Creamery site and heading northwest. For the pipe to follow the road a culvert is required either as indicated or under the road as the watercourse surrounds the site to the north.
- 8.115 It is considered that as the watercourse has already been culverted under the road and that the pipe needs to follow this route for practicality reasons that an engineering reason for this solution is justifiable to provide access for the pipe infrastructure to the site.
- 8.116 A Drainage Assessment was submitted with the application. On review DFI Rivers requested further information.
- 8.117 On receipt DFI Rivers were re-consulted on the calculations and Schedule 6 consent received who advised that the Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible, However, they advise that this is a preliminary drainage design and request that the planning authority includes a condition demonstrating the safe management of any out of sewer flooding emanating from the surface water drainage network, in a 1 in 100 year event with an additional allowance for climate change (10%) if permission is granted. This condition will be applied on any approval.

8.118 DFI Rivers advise that Policy FLD 5 does not apply to the site.

8.119 Having regard to the above consideration it is considered that the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere. Policies FLD 1, 2, 3 and 4 of PPS 15, Policy PED 9 of PPS 4 and Policy WM 1 of PPS 11 are considered to be satisfied in this respect.

Infrastructure

8.120 NI Water have recommended approval advising that water supply connections are available.

8.121 NIE Networks advise that there is existing High Voltage (HV) overhead equipment within the area for development and note that a 3m clearance is required from this equipment. They advise they have no objection to the proposal on the basis of the information submitted.

9 CONCLUSION

9.1 The proposed development is acceptable in this location having regard to the area plan and other material considerations. A need for the proposal is considered to have been justified. There are limited views of the proposal at the main creamery site and along Creamery Road. There will be views of the elements of the water treatment and recycling site given the scale of some of the structures proposed. These structures are unlikely to be screened out. However, given the extent of these views and views in context the visual impact is considered to be acceptable. There have been concerns raised on any environmental impact associated with the development of the proposal or its operation. The proposal is considered to comply with the provisions of the Northern Area Plan 2016, SPPS, PPS 2, PPS 3, PPS 6, PPS 11, PPS 15 and PPS 21. Approval is recommended.

10 Conditions

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

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

2. Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, in a 1 in 100 year event with an additional allowance for climate change (10%).

Reason – To safeguard against flood risk to the development and from the development to elsewhere.

3. In the event that previously unknown contamination is discovered falling outside the scheme of the submitted Land Contamination Risk Assessment, development on the site shall cease pending submission and agreement of a written report, detailing the proposed investigation, risk assessment and remediation scheme, by the Planning Authority in consultation with Causeway Coast and Glens Borough Council and the Northern Ireland Environment Agency.

Development works shall not resume until the approved written report has been fully implemented to the satisfaction of the Planning Authority in consultation with Causeway Coast and Glens Borough Council and the Northern Ireland Environment Agency

Reason: In the interests of human health.

4. Within 4 weeks of the Council being notified of a reasonable noise or odour complaint, from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the permitted development operator shall at his/her expense employ a suitably qualified and competent person to undertake a noise/odour survey to assess the level of noise/odour emissions from the permitted development. The duration of such monitoring shall be sufficient to provide comprehensive information on noise/odour levels with all plant and equipment fully operating. Details of the noise/odour monitoring survey shall be submitted to

Causeway Coast and Glens Borough Council for written approval prior to any monitoring commencing, at least 2 weeks notification of the date of commencement of the survey shall be provided. The noise/ odour survey information shall be provided within 3 months of the date of a written request from the Council. The survey shall recommend any mitigation measures as necessary.

Reason: In the interests of residential amenity

5. Once a contractor has been appointed, a final Construction Environmental Management Plan (CEMP) should be submitted to the Council for consultation and agreement with NIEA Water Management Unit, at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

6. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease, and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

7. After completing all remediation works, and prior to operation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and in achieving the remedial objectives.

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

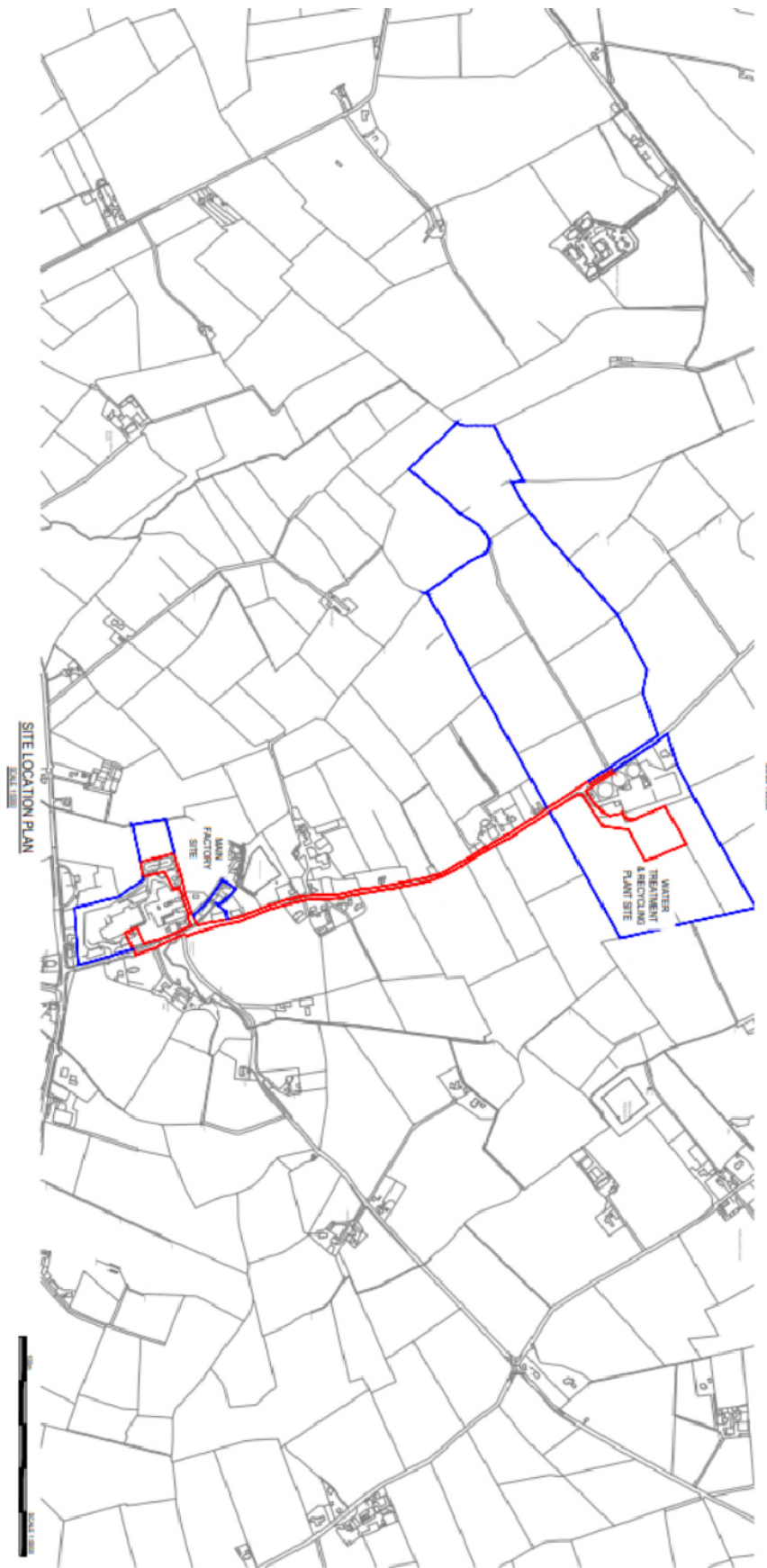
8. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: This condition is both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. The applicant should note this also includes the purchase of any waste water treatment system.

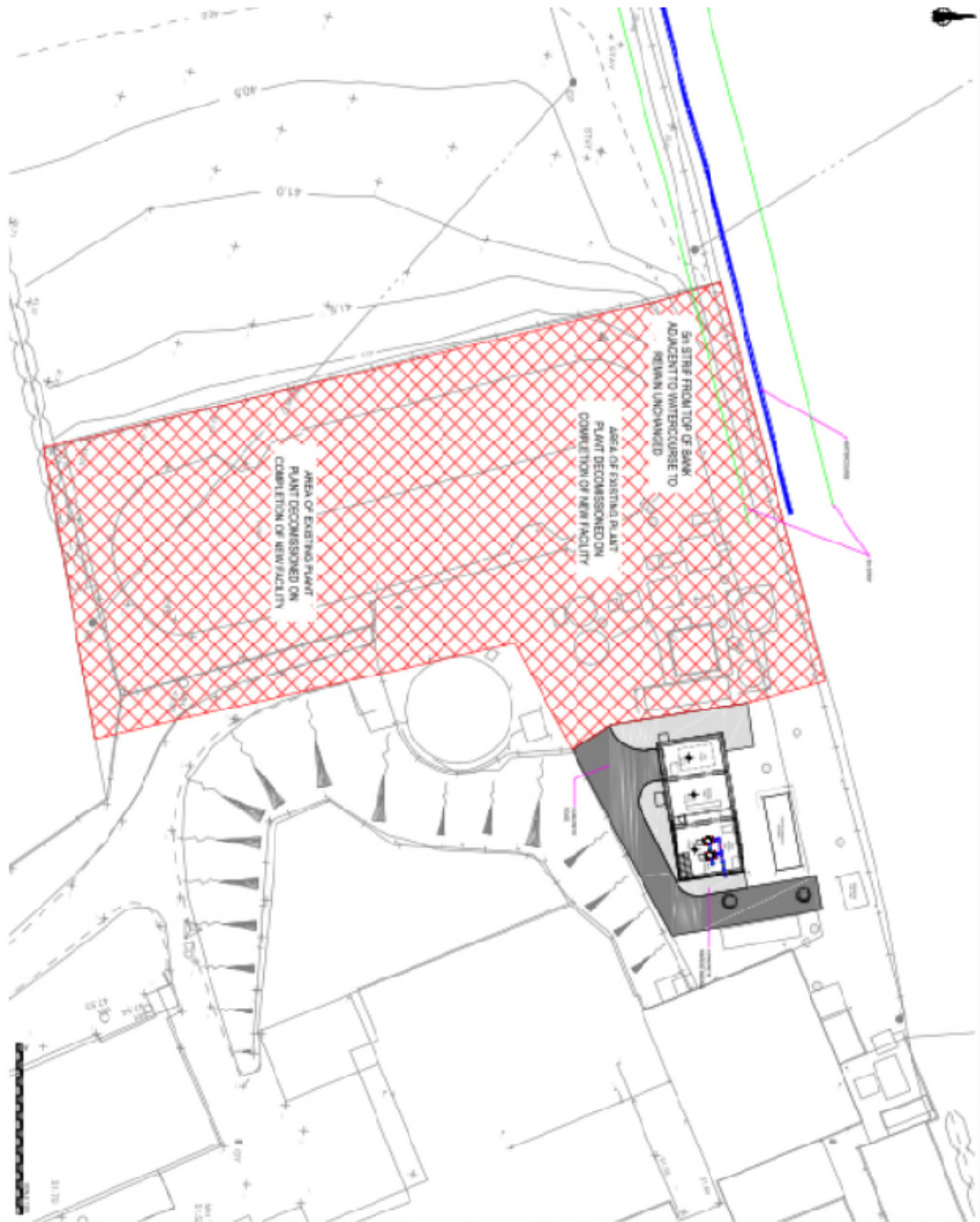
9. All soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out in the first available planting season following commencement of development unless otherwise agreed in writing by the Planning Authority. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

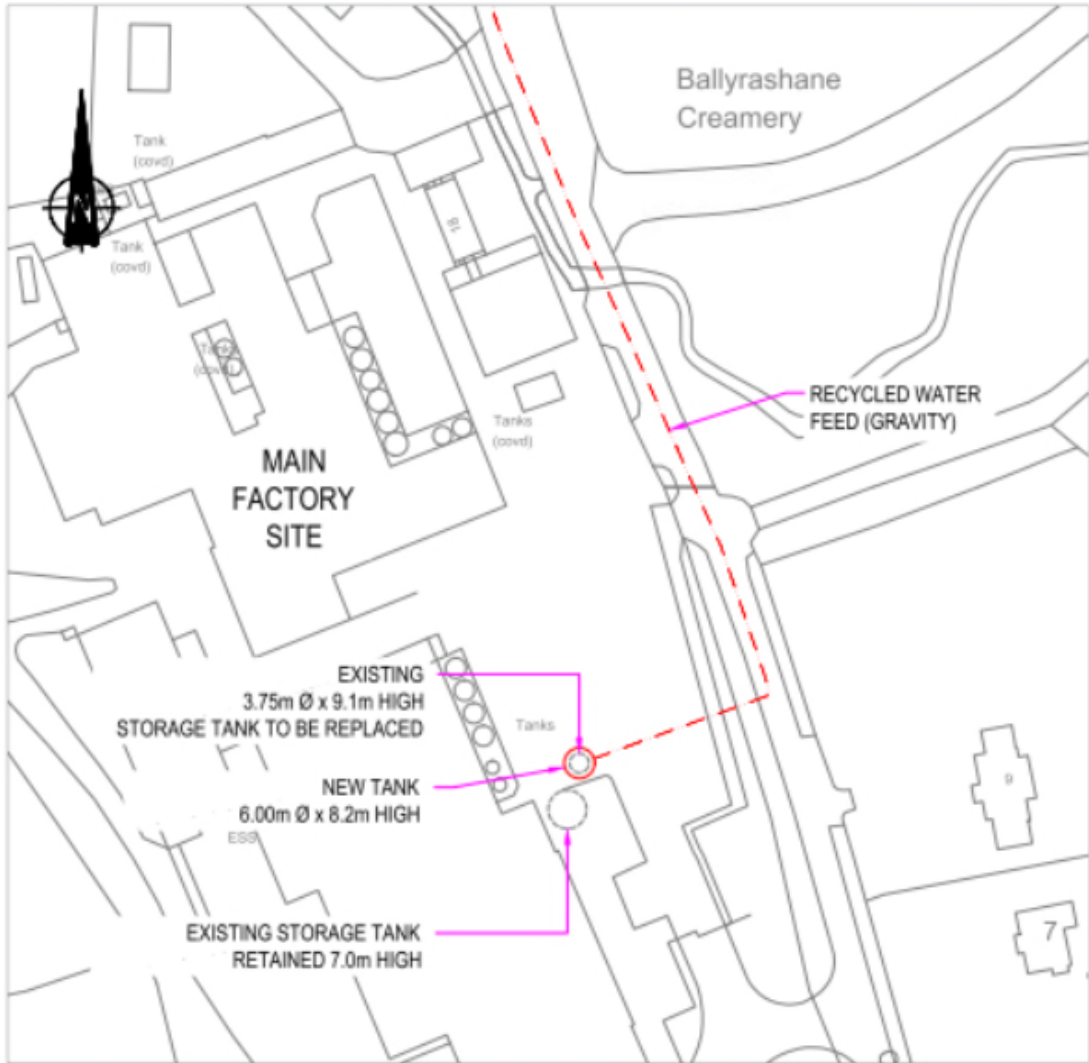
Reason: In the interests of the character and appearance of the area.

Location Map



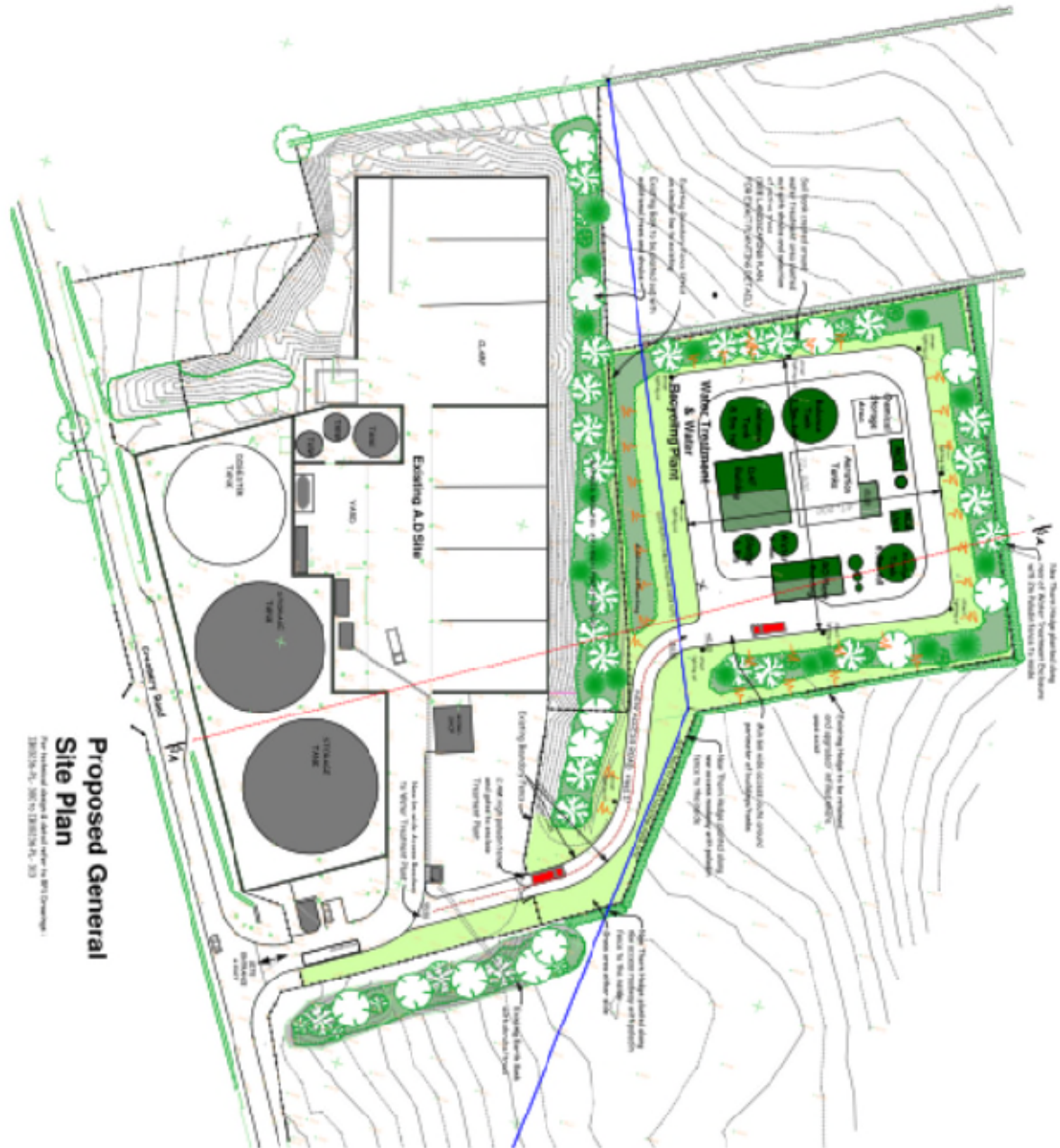
Site Plans





LOCATION OF REPLACEMENT TANK

SCALE 1:1250



Proposed General Site Plan
 Project: [Project Name]
 Date: [Date]

3 M Architects Architects/Engineers 1000 [Address] [City, State, Zip]
Project Name: [Project Name] Client: [Client Name] Project No.: [Project No.]
Scale: [Scale] Date: [Date]
Sheet No.: [Sheet No.]

