



Planning Committee Report LA01/2019/0975/F	23 rd September 2020
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)			
Strategic Theme	Protecting and Enhancing our Environment and Assets		
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough		
App No:	LA01/2019/0975/F	Ward:	Rasharkin
App Type:	Full		
Address:	Carnroe Weir and Navigation Lock, Vow Road, Ballymoney		
Proposal:	Rehabilitation of an existing river weir at Carnroe for the purpose of maintaining navigation on the Lower River Bann and the construction of a new fish pass integral with the weir.		
Con Area:	N/A	Valid Date:	05.09.2019
Listed Building Grade:	N/A		
Applicant:	Waterways Ireland, 2 Sligo Road, Enniskillen, BT74 7JY		
Agent:	N/A		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

Executive Summary

- Full planning permission is sought for rehabilitation of an existing weir and construction of a new fish pass.
- The site is located within the River Bann and immediate surrounding area.
- This is a Major application that was accompanied by a Community Consultation Report and a Design and Access Statement.
- The proposal was accompanied by an Environmental Statement and is therefore EIA development.
- No letters of objection have been received in relation to the application.
- The purpose of the proposed scheme is to ensure the navigation and safety of users is maintained by undertaking extensive rehabilitation works to the weir. The maintenance of water levels facilitated by the weir is essential to the retention of navigation and the protection of the existing habitat and ecology of the river and therefore Waterways Ireland has determined that there is now an urgent need to rehabilitate the weir.
- The proposal is considered acceptable with regard to the key issues comprising: visual amenity; natural/ built heritage interests; flood risk and drainage; residential amenity and access.
- These issues were considered with regard to the main relevant policies which are the Northern Area Plan 2016, the SPPS, PPS 2, PPS 3, PPS 6 and PPS 21.
- Approval is recommended. This is subject to specific conditions to protect natural and built heritage interests in addition to road safety.

Drawings and additional information are available to view on the Planning Portal- www.planningni.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 application site comprises the Lower River Bann and adjacent land. There is an existing weir, navigation lock and fish pass within this part of the river. The site is currently accessed by an existing laneway which runs from the Vow Road and leads to an existing area of hardstanding and vacant dwellings. There is agricultural land surrounding the application site.
- 2.2 The site is located in the countryside outside of any settlement limit as defined under NAP. It is not within any specific environmental designations, however may be connected to designated sites including the Bann Estuary ASSI/SAC.

3 RELEVANT HISTORY

LA01/2019/0526/PAN - The proposal involves temporary and permanent civil engineering construction to repair and rehabilitate and existing river weir at Carnroe for the purpose of maintaining navigation on the Lower River Bann and the construction of a new fish pass integral with the weir. The proposed works are as described in the "Project Description &

Works Proposals" Document and attached drawings. PAN
Acceptable 23/09/2019

LA01/2018/1355/F – Full application for improvements to an existing public amenity access lane from Vow Road including for use as a temporary construction access. Under Consideration

LA01/2018/1356/F – Full application for improvements to an existing agricultural and residential access including for use as a temporary construction access. Under Consideration.

4 THE APPLICATION

4.1 The proposed development involves the rehabilitation of an existing river weir and construction of a new fish pass. Waterways Ireland is responsible for maintaining navigable waterways across the island of Ireland. A part of this remit, Waterways Ireland has a duty to maintain infrastructure associated with the waterways.

4.2 The proposed works will be carried out in phases. The first phase involves works to permanently upgrade two existing accesses. This is subject to separate planning applications LA01/2018/1355/F & LA01/2018/1356/F. The main development under this application will comprise onshore temporary works and in-river temporary and permanent works. The repair works will include the following;

- Masonry repair to the weir structure including replacement of missing or damaged stonework
- Raking out and re-pointing of mortar joints to the weir structure
- Grouting of the weir structure
- Breaking out of the existing downstream weir apron and replacement
- Anti-erosion measures downstream
- Re-construction of revetment along the west river bank
- Repairs to the stonework of the lock chamber pier wall
- Demolition of the existing fish pass and replacement

- Upgrade of elver pass to western bank and demolition & replacement of elver pass to eastern bank.
- 4.3 On completion of the project, Carnroe Weir will be left in a structurally sound condition and will be managed as part of Waterways Ireland Asset Management System.

Design & Access Statement

- 4.4 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is considered to be a major application.
- 4.5 The design and access statement provides details of the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt with.
- 4.6 The report date received 9th September 2019 demonstrates that the applicant undertook detailed consideration of the proposal in terms of the design principles and concepts. Proposed vehicular access and impacts on built heritage have also been considered.

ENVIRONMENTAL IMPACT ASSESSMENT

- 4.7 This proposal was subject to an environmental impact assessment screening as highlighted by, The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
- 4.8 The proposed development is considered to fall within Schedule 2 Part 10(i) of the Planning (Environmental Impact Assessment) Regulations (NI) 2019 for “Dams and other installations designed to hold water or store it on a long term basis”. Waterways Ireland considered that the location and nature of the proposed refurbishment works is such that there could likely be significant effects on the Environment and

as such determined that an EIA was required. A voluntary Environmental Statement was submitted with the application.

- 4.9 Regulation 11 of the Planning (Environmental Impact Assessment) Regulations (NI) 2019 states that an EIA application shall be accompanied by an Environmental Statement and sets out the requirements for an Environmental Statement in terms of provision of information. The submitted Environmental Statement contains the relevant information and therefore is considered to satisfy the requirements under Regulation 11.
- 4.10 The report concludes that the proposed refurbishment of the weir will have some negative environmental effects due to the work activities required to be undertaken, though it is anticipated that it is possible to mitigate these effects. It is concluded that there are no strong environmental reasons to preclude the refurbishment of the weir.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** No letters of objection or support received

Internal

- 5.2 **DAERA Fisheries Division:** No objection
DfC Historic Environment Division: No objection
DfI Rivers: No objection subject to conditions
DfI Roads: No objection subject to conditions
Environmental Health: No objection
NIEA: No objection subject to conditions
Shared Environmental Services (SES): No objection
The Honourable The Irish Society: No objection

Proposal of Application Notice

- 5.3 As this application is considered a major application it must comply with the Proposal of Application Notice and carry out community consultation at least 12 weeks prior to the submission of the application.
- 5.4 A Proposal of Application Notice was submitted on 20th May 2019 under LA01/2019/0526/PAN.
- 5.5 The applicant initially advertised a pre-application public information event to take place on 2nd July 2019 by placing an advertisement in the Coleraine and Ballymoney Times and The Chronicle. Due to a miscommunication, the advertisement was only placed in the Coleraine and Ballymoney Times, but rather than cancelling the initial event, a repeat event was scheduled for 18th July 2019. The notification was published in the Times on 10th July and The Chronicle on 9th July. In addition to the newspaper notifications, information on the proposed scheme was also published on the Waterways Ireland website on 14th June 2019.
- 5.6 The scheme currently has a direct impact on approximately 12 landowners/tenants. A letter of invitation to the public event dated 14th June 2019 was sent to each of the 12 landowners/tenants. A second letter was also issued on 5th July for the repeat event.

Community Consultation Report

- 5.7 The community consultation report (CCR) was submitted as part of the planning application, received on 9th September 2019 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.
- 5.8 It contains a copy of the methods of consultation carried out comments and feedback from the consultation exercise in the local context. The report demonstrates that consultation was implemented as agreed in the Proposal of Application Notice.
- 5.9 The initial public drop in event took place on 2nd July 2019 in Kilrea Sports Complex between 6pm and 9pm. A total of 12 people attended this event. The repeat event took place on 18th July 2019 in the same location between 6pm and 9pm. A total

of 6 people attended. On both occasions, commenting and feedback facilities were made available using Survey Monkey on handheld tablets at the event in addition to printed feedback forms. The applicant indicated that all comments received were in favour of the works with only one party asking for further information.

- 5.10 The CCR demonstrates that adequate community consultation has taken place and the key issues of concern have been considered prior to the submission of the application.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

Regional Development Strategy (RDS)

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

Planning Policy Statement 2 (PPS2): Natural Heritage

Planning Policy Statement 3 (PPS3): Access Movement and Parking

Planning Policy Statement 6 (PPS 6): Planning Archaeology and the Built Heritage

Revised Planning Policy Statement 15 (PPS 15): Planning and Flood Risk

Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to planning policy; principle of the development; traffic/road issues; flood risk and drainage; impact of fisheries and aquatic environment; archaeology and built heritage; natural heritage; Habitats Regulation Assessment; residential amenity and visual impact and landscape character.

Planning Policy

- 8.2 The RDS promotes a sustainable approach to the provision of tourism infrastructure. The principle of development proposed must be considered having regard to the Northern Area Plan (NAP), the SPPS, and relevant Planning Policy Statements specified above.
- 8.3 The site is located within the countryside outside any settlement development limit as defined by the Northern Area Plan 2016. It is not located within or adjacent to a designated site, however is hydrologically linked to the Bann Estuary SAC/ASSI.
- 8.4 The Strategic Planning Policy Statement (SPPS) for Northern Ireland sets out under 'Sustainable Development in the

Countryside' that other types of development in the countryside, other than those set out in the policy, should be considered as part of the development plan process in line with the other policies set out within the SPPS. These policies are considered below.

Principle of development

Development in the Countryside

- 8.5 This proposal is for the rehabilitation of an existing river weir at Carnroe for the purpose of maintaining navigation on the Lower River Bann and the construction of a new fish pass integral to the weir.
- 8.6 Policy CTY 1 of PPS 21 states that there are a range of types of non-residential development that may be acceptable in principle in the countryside. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. Proposals for such development will be considered in accordance with existing published planning policies.
- 8.7 The purpose of the proposed scheme is to ensure the navigation and safety of users is maintained by undertaking extensive rehabilitation works to the weir. The maintenance of water levels facilitated by the weir is essential to the retention of navigation and the protection of the existing habitat and ecology of the river and therefore Waterways Ireland has determined that there is now an urgent need to rehabilitate the weir. The development would be essential in this rural location.

Traffic/Road Safety

- 8.8 The site will be accessed from existing laneways to the east of the site which runs from the Vow Road and to the west of the site which runs from the Agivey Road. Both accesses require improvements and this is subject to separate planning applications LA01/2018/1355/F & LA01/2018/1356/F.
- 8.9 The access lane from the Agivey Road is an agricultural land which serves two dwellings and a farm holding. A 3.5m wide unbound access track will be constructed from the farm yard to the weir site over agricultural land. Upon completion of the scheme this temporary access route will be partially reinstated to its original condition and partially retained for future use as an agricultural access.
- 8.10 The proposed weir refurbishment works are anticipated to result in no more than 40 HGV movements and approximately 20-40 car/light goods vehicle movements per day. Existing and anticipated daily flows along the Agivey and Vow Roads respectively suggest this increase can be considered to have minor adverse effects.
- 8.11 A Construction Traffic Management Plan will be further developed and enacted by the appointed contractor in order to manage all site related traffic in a safe and effective manner with as little impact on the surrounding road network as possible.
- 8.12 DfI Roads as the competent authority was consulted and is content with the proposal subject to the approval of LA01/2018/1355/F & LA01/2018/1356/F.

Flood Risk and Drainage

- 8.13 The Strategic Flood Map (NI) indicates that the development lies within 1 in 100 year fluvial flood plain. Policy FLD 1 of PPS 15 states that the planning authority will not permit development within flood plains unless it meets the "Exceptions Test". The Planning Authority consider the rehabilitation works to the weir to be an exception under Policy FLD 1. DfI Rivers was consulted regarding the submitted Flood Risk Assessment and recommended further mitigation measures to be implemented given the nature of the works and increased flood risk.

Following submission of further information, DfI Rivers has no reason to object to the proposed development under Policy FLD 1.

- 8.14 A Drainage Assessment was requested due to the size and nature of the proposed development. DfI Rivers was consulted following submission of the Drainage Assessment and has no reason to object to the proposed development under Policy FLD 3.

Impact on Fisheries & the Aquatic Environment

- 8.15 The Environmental Statement submitted by the applicant acknowledges that the proposed repair works will cause a degree of disruption to fish and the aquatic environment in the immediate area. The ES considers the potential effects of the proposed refurbishment works on the fish stocks, their migrations and recreational interests during the construction and operational phases of the project.
- 8.16 Section 8.9 of the Environmental Statement sets out a detailed description of the proposed mitigation measures. This will include fish rescue and fish survey operations which require authorisation by DAERA. A temporary fish pass will be put in place while the construction of the proposed fish pass is ongoing. Further measures will be implemented to ensure migration of fish can take place.
- 8.17 DAERA Inland Fisheries considers that the proposed development may have impacts on fisheries interests in the area, however these can be mitigated for provided the design of the development addresses these areas of concern.
- 8.18 Inland Fisheries note the previous and ongoing consultations with Waterways Ireland. Assuming all mitigation for the issues raised in the EIA and this response relating to fisheries interests are put in place and strictly adhered to the risks involved should be reduced to an acceptable level.
- 8.19 Sea Fisheries was also consulted in relation to the proposed development and have no issues or concerns.

Archaeology and Built Heritage

- 8.20 The application site includes proposed works within the scheduled area of Lock 2: Carnroe Lock, which is a monument of regional importance scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995. Policy BH 1 of PPS 6 states that there will be a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. Development which would adversely affect such sites or the integrity of their settings will not be permitted unless there is exceptional circumstances.
- 8.21 Historic Environment Division was consulted and stated that any intrusive works within the scheduled area of the monument would require Scheduled Monument Consent. The Final Scheduled Monument Consent was submitted by the agent. HED has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 policy requirements.

Natural Heritage

Designated Sites

- 8.22 The proposed development involves works within the River Bann and immediate surrounding area. While the site does not lie within or immediately adjacent to a designated site, it is hydrologically connected to designated sites including the Bann Estuary SAC/ASSI, which is of national and international importance.
- 8.23 DAERA, Natural Environment Division (NED) has considered the impacts of the proposal on the designated sites and is content that the proposal will not have any adverse impacts on the sites provided that the proposal is carried out as described in the planning application.

European Protected Species

- 8.24 Planning permission will only be granted for a development proposal that is not likely to harm a European protected species. A number of trees with Bat Roost Potential are scheduled to be felled as part of the overall proposal but these were assessed and commented on during the process for LA01/2018/1355/F (improvements to existing public amenity access land from Vow Road including for use as a temporary construction access). Given the nature of the proposal and the minimal area of habitat loss, NED is content that the development is unlikely to have any significant impact on bats provided no additional demolition/tree removal is required.
- 8.25 NED notes that a single holed badger sett was recorded on site. The identified sett lies outside the footprint of the proposal and is to be retained. NED recommends that a 25m buffer zone surrounding the sett is implemented during the construction phase and clearly denoted using hazard tape. If works within the 25m buffer zone cannot be avoided, permission must be sought from the wildlife team and additional surveys may be required.

Priority Species/Habitats

- 8.26 The site was subjected to a dedicated Phase 1 Habitat survey, of which the only habitats which qualify as a Northern Ireland Priority Habitat on site are the existing species rich hedgerows intersecting the site, the parkland habitat on site and the River Bann itself. Sections of hedgerow are to be removed in order to facilitate the development. NED welcomes the applicant's decision to compensate their loss with additional planting as proposed within the report as well as within plans included as part of LA01/2018/1355/F & LA01/2018/1356/F.
- 8.27 It has been confirmed that otters are utilising the river and an established resting place has been discovered, however the protection of this resting place has been dealt with under LA01/2018/1355/F. An otter holt has been identified in close proximity to the weir, however is outside the footprint of the development. Given the protective status afforded to otters and their resting place under the Conservation Regulations, a 30m buffer in which no works/storage of materials can occur is required and should be appropriately denoted with hazard tape during the construction phase. Based on the information

provided, NED is content that disruption to otter foraging can be kept to a minimum as long as the proposed in-river construction works are carried out in accordance with the finalised CEMP.

- 8.28 The River Bann provided optimal habitat for kingfishers to reside and forage within. The Environmental Statement states that a nest was confirmed 100m upstream as well as a suitable nesting habitat approximately 200m downstream. While no nesting sites were confirmed on site, NED would advise that the applicant employ due diligence to ensure no new nesting sites have been created prior to the commencement of works. Provided the methodology set out in the finalised CEMP is implemented in full, NED is content that the disruption will be appropriately mitigated for.
- 8.29 NED is content that the proposal is unlikely to have any significant impact on any other protected species/habitats or any other natural heritage features worthy of concern that has not already been commented on.

HABITAT REGULATIONS ASSESSMENT

- 8.30 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.
- 8.31 The site is hydrologically linked to the Bann Estuary SAC/ASSI which is a European protected site. A formal consultation was sent to Shared Environmental Services to consider the proposed development. SES stated that having considered the nature, scale, timing, duration and location of the project it is concluded that further assessment is not required because it would not have a likely significant effect on the selection features, conservation objectives or status of any European site.
- 8.32 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.)

Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

Residential Amenity

8.33 The nearest residential receptors are located at the following properties;

- 111 Agivey Road
- 113 Agivey Road
- 111 Vow Road
- 108 Vow Road

8.34 The potential noise impacts which may result from the proposed development have been considered within the Environmental Statement. Noise is likely to arise from construction works and vehicle movements. Mitigation measures have been included within the ES.

8.35 The Environmental Health Department was consulted as the competent authority regarding noise issues. Conditions have been included within the consultation response which relate to the restriction of noise levels between 07:00 and 19:00 Monday to Friday and 08:00 and 13:00 on Saturday. No demolition or construction works shall take place outside 07:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturday and not at all on Sundays or Public Holidays. Environmental Health have also included infomatives within their response.

8.36 During construction, dust and particulate matter may be generated by dust raising matters on-site which could create annoyance at nearby receptors and/or a change in particle concentrations which could potentially affect the health of local residents. This has been considered within the Environmental

Statement. There is not expected to be any adverse effect on air quality during the operational phase.

- 8.37 The proposed development will generate additional traffic during the construction phase. The traffic will use the existing accesses from Vow Road and Agivey Road, which also serves a small number of residential dwellings.

Visual Impact & Landscape Character

- 8.38 The weir is situated on the lower River Bann in a stretch of river bounded by agricultural fields. There is vegetation along the river bank. The majority of the proposed works will be carried out within the River Bann and immediate surrounding area.
- 8.39 The site is located within the Lower Bann LCA. The scenic quality of the area is considered medium. The main features which contribute to the medium quality of the landscape are the river and the mature hedgerows and trees which bound the river and agricultural fields adjacent to the river.
- 8.40 Due to the undulating landform of the wider area, views to the weir from the wider surrounding area are typically restricted. The weir cannot be viewed from either the Vow Road or the Agivey Road due to the distance from both roads, the landform and intervening vegetation. Views of the weir from residential properties in the vicinity are restricted. Views from dwellings will mainly relate to the access works and this has been considered within planning applications LA01/2018/1355/F & LA01/2019/1356/F.
- 8.41 Given the restricted views of the site and the temporary nature of some of the construction works e.g. site compounds, the proposed development would not be considered to have an adverse impact on visual amenity.

9 CONCLUSION

9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. Having regard to the principle of the proposed development, residential amenity, access to the public road, nature conservation / built heritage interests, fluvial environment, visual integration and rural character, the proposal is acceptable. The proposal complies with planning policy. Approval is recommended.

Conditions

10.1 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. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or as described in the Land Contamination: Risk Management (LCRM) guidance, as applicable. 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.

3. After completing all remediation works under Condition 1 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the

Model Procedures for the Management of Land Contamination (CLR11) and/or as described in the Land Contamination: Risk Management (LCRM) guidance, as applicable. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

4. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:

- a) Construction methodology and timings of works;
- b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
- c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d) Peat/Spoil Management Plan; including identification of peat/spoil storage areas, management and handling of peat/spoil and details of the reinstatement of excavated peat/soil;
- e) Water Quality Monitoring Plan;
- f) Environmental Emergency Plan;
- g) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

Reason: To protect Northern Ireland priority habitats and species, to ensure implementation of mitigation measures identified within the Environmental Statement and to prevent likely significant effects on the name of designated site.

5. No development activity shall take place until a Landscaping and Planting Plan has been submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:

- a) The retention of mature trees and hedgerows on the site;
- b) Details of the protection of retained trees and hedgerows by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations;
- c) Planting Schedule to include appropriate numbers of native species of trees/shrub (further information regarding native planting can be found at <https://www.daera-ni.gov.uk/publications/native-species-planting-guidance>);
- d) Details of the aftercare of all planting on the site.

Reason: to compensate for the removal of trees/shrubs/hedgerows/to minimise the impact of the proposal on the biodiversity of the site.

6. No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone(s), clearly marked with posts joined with hazard warning tape, has been provided around each otter (*Lutra lutra*) holt entrance at a radius of 30 metres. No works, clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone(s), except under the terms of an appropriate Wildlife Licence from the Northern Ireland Environment Agency. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect otters and their holts

7. All buildings (with the exception of the structure scheduled to be demolished) shall be retained as they currently stand, as per Drawing 04 (date stamped 30/08/2019 by the Causeway Coast & Glens Borough Council). In the event where any further demolition is required in order to

facilitate the development, written permission must be sought from the planning authority prior to any works commencing.

Reason: To protect bats and their roosts

8. No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone, clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25 metres

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

9. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone without the consent of the Planning Authority/unless an appropriate Wildlife Licence has been obtained from NIEA. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

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

10. No vegetation clearance/removal of hedgerows, trees or shrubs/demolition of buildings or structures shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds

11. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated

in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or as described in the Land Contamination: Risk Management (LCRM) guidance, as applicable. 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.

12. After completing all remediation works under Condition 1 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or as described in the Land Contamination: Risk Management (LCRM) guidance, as applicable. 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.

13. Noise from construction activities shall not exceed 65 dB $L_{Aeq, 1hr}$ between 07.00 hours and 19.00 hours on Monday to Fridays, or 65 dB $L_{Aeq, 1hr}$ between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation.

Reason: To protect the amenity of occupants of nearby residential dwellings.

14. Demolition or construction works shall not take place outside the following hours:-

07:00 to 19:00 Mondays – Fridays

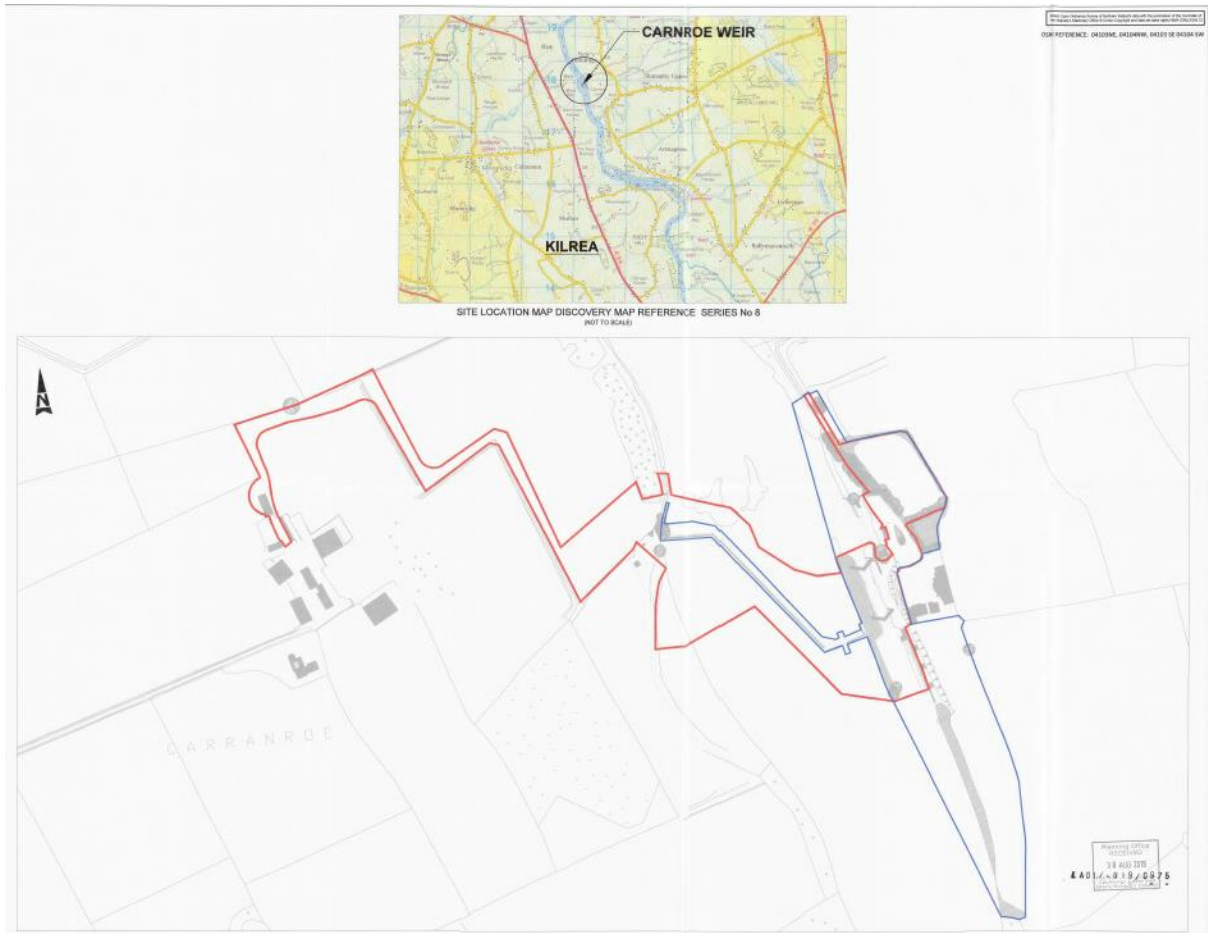
07:00 to 13:00 Saturdays and not at all on Sundays or Public Holidays

Reason: To protect the amenity of occupants of nearby residential dwellings.

15. The appointed contractor must submit a Final Construction Environmental Management Plan (CEMP) for approval by Causeway Coast and Glens Borough Council Planning before commencement of any works on site. This final plan should contain all Staff emergency contact details and environmental mitigation as described in the Outline CEMP completed by Atkins, dated August 2019.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase to prevent adverse impacts on the connected Bann Estuary SAC.

Site Location



Site Layout Plan

