

Planning Committee Report LA01/2018/0660/F	19 <sup>th</sup> December 2018
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>No:</u></b>	LA01/2018/0660/F	<b><u>Ward:</u></b>	Garvagh
<b><u>App Type:</u></b>	Full Planning		
<b><u>Address:</u></b>	Garvagh Forest, Main Street, Garvagh		
<b><u>Proposal:</u></b>	Regional mountain bike trail centre, comprising approximately 12km of various level mountain bike trails including technical mountain bike trails (red, green and blue), skills trails and multi-use trails. The proposal also includes an associated trailhead comprising an extension to the existing car-park, a bike wash and signage.		
<b><u>Officer:</u></b>	Noel McGowan		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	29/05/2018
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>Target Date:</u></b>	
<b>Agent:</b>	Doran Consulting.		
<b>Applicant:</b>	Causeway Coast and Glens Council		
<b>Objections:</b>	3	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## 1 RECOMMENDATION

1.0 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.

## 2.0 SITE LOCATION & DESCRIPTION

2.1 The red line incorporates the existing Garvagh forest and associated car park, located outside the Garvagh settlement limits. The forest extends from the settlement of Garvagh and within the countryside to the west of the town. It consists of a large section of land with mature native and ancient trees and associated natural flora and fauna. There are some existing trails and pathways within the forest. The land generally rises up from the town to the west. The forest is bounded mostly to the north by a public road which marks the boundary.

2.2 The character is established as a large forest within the countryside and a small car park adjacent to the settlement limits. The forest is surrounded by agricultural land and isolated single detached houses and farms. Therefore the character is residential within the vicinity of the car park on the Main Street.

2.3 The site is within an LLPA as designated in the Northern Area Plan 2016.

## 3.0 RELEVANT HISTORY

3.1 LA01/2018/0095/PAN

Proposed regional trail centre comprising approximately 12km of technical mountain bike trails (red and blue), 7km of multi-use trails and various skill trails. The proposal will also include an associated trailhead comprising an extension to the existing carpark, bike wash and signage. Accepted 22.08.2017

## 4.0 THE APPLICATION

4.1 Proposed Regional mountain bike trail centre, comprising approximately 12km of various level mountain bike trails including technical mountain bike trails (red, green and blue), skills trails and multi-use trails. The proposal also includes an associated trailhead comprising an extension to the existing car-park, a bike wash and signage.

## 5.0 PUBLICITY & CONSULTATIONS

### 5.1 External:

Two (2) No. letters of support have been received.

Three (3) No. letters of objection received and the issues include:

- Trail passes through environmentally sensitive areas, specifically, planted ancient and long established woodland sites.
- Environmental Impact Assessment should have been completed.
- What plans to ensure different users respect other users of the forest?
- Concerns on impact of pyramid mound.
- Concerns of access onto public road, road safety and limited overflow in car park.
- Unsuitable for the residential area, especially car park and bike wash.
- Impact on elderly people in area due to noise, anti-social behaviour.
- Neighbour notification process inadequate.

### 5.2 Internal:

**DFI Roads:** No objections

**Environmental Health:** No objections

**Historic Environment Division Archaeology:** No objections

**DAERA Natural Environment Division: No objections**

**DAERA Drainage and water: No objections**

## **6.0 MATERIAL CONSIDERATIONS**

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

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

The Strategic Planning Policy Statement for N. Ireland

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

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

## **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the policy requirements of Policies OS 3 of PPS 8, NH 5 of PPS 2.

### **Outdoor Recreation and Amenity**

8.2 Paragraph 6.199 of the Strategic Planning Policy Statement (SPPS) states that the aim of the SPPS in relation to Outdoor Recreation is to recognise that outdoor recreation is important to society now and in the future. It supports many cultural, social, economic, health and environmental benefits. It goes further in paragraph 6.201 to state that the regional objectives for open space, sport and outdoor recreation are to facilitate appropriate outdoor recreational activities in the countryside that do not negatively impact on the amenity of existing residents; and to ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

8.3 The new bike trails are within the forest footprint which is covered by trees and therefore not visible to any residential areas. The only other development proposed is a minimal increase in the car park footprint and reconfiguration of the layout. A small bike wash is proposed but it is located in the south west corner and is screened by a low wall. There is not to be any noise sources such as a generator to supply a jet power wash. Therefore it will only have a water hose with no detergents and no mechanisms for power which would create noise. The car park will be screened by the roadside wall and there will be a screen fence along the northern boundary with the neighbouring property. Objections were received regarding suitability in a residential area. This Authority is satisfied that the bike wash is suitably positioned within the car park in a corner away from neighbouring houses and suitably screened and does not have

any associated noisy pumps. There is a row of existing trees along the river bank to the southern boundary of the car park. This acts as a suitable buffer between the car park and the neighbouring residential area beyond to the south and also retains the environmental quality which exists within this area. There is an existing car park which is long established with parking for vehicles and a small picnic area. Objections have been received about potential impact on elderly people in the area due to noise, anti-social behaviour. This Council have consulted with the Environmental health and they have offered no objections. It is a considered view that the proposed development will not result in a detrimental impact on the amenity of existing residents. Planning recognise that outdoor recreation is important to society now and in the future and that it supports many cultural, social, economic, health and environmental benefits.

### **Planning Policy Statement 8. Policy OS 3 Outdoor Recreation.**

- 8.4 Policy CTY 1 of PPS 21 Sustainable Development in the Countryside directs that planning permission will be granted for outdoor sport and recreational uses in accordance with Planning Policy Statement 8. Policy OS 3 Outdoor Recreation in the Countryside applies:
- 8.5 The development of proposals for outdoor recreational use in the countryside will be permitted where all the following criteria are met:
- (i) *there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;*
- 8.6 There are features of importance to conservation and to archaeology within the confines of the forest. There have been objections regarding the trail passing through environmentally sensitive areas and the potential archaeological impact. The Planning Authority have consulted the competent authority DAERA Natural Environment Division- Natural Heritage and Historic Environment Division - Monuments and they have offered no objections to the proposal. Although there will be some minimal short term disruption to parts of the forest for construction of a 1m wide trail, the benefits in long term sustainability outweigh the unauthorised trails throughout the forest and with proper management the proposal will increase the conservation value of the area. On this basis the proposal is deemed acceptable.

(ii) *there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;*

8.7 There will be no impact on agricultural activity in the area.

(iii) *there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;*

8.8 The development will be incorporated into an existing woodland without any adverse impact on visual amenity. The trails are screened from view by the long established woodland. There is an existing car park and the proposed works to it are not significant and will not be of an adverse impact visually.

(iv) *there is no unacceptable impact on the amenities of people living nearby;*

8.9 There have been objections received regarding impact on residential amenity in the area. The proposed trails are within the woodland and not within close proximity to any dwellings. There is an existing car park and the extension to it is minimal. There is a roadside wall and boundary fence to the northern boundary which satisfactorily restrict and screen the car park. There is a river to the southern boundary which acts as a buffer area between the car park and the neighbouring properties to the south. The car park is long established with parking and a picnic area and is not being significantly increased in footprint. The bike wash is positioned in a discreet corner close to the road with a low screen wall. There are no noisy equipment being proposed and Environmental Health have been consulted as a competent authority and have responded with no objections. The EHO response offer advice and guidance with regards construction and noise to be incorporated in the planning decision.

(v) *public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;*

8.10 The trails are separate from the public right of ways which are used by the walking public. Objections have been received about concerns over conflicting users of the forest. However the proposal is deemed acceptable and as the land is owned and managed by the council, with the appropriate signage and management of the site, public safety will not be prejudiced.

*(vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;*

8.11 There are no proposed ancillary buildings. There will only be a small bike wash using only water from a small hose and it will be surrounded by a low wall. Therefore this part of policy is complied with.

*(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car;*

8.12 The access into the car park and woodland trails is being widened and is from the main road through Garvagh town which is accessible by public transport and takes into account the needs of people with disabilities.

*(viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.*

8.13 The access will be widened and there is a minimal increase in footprint of the car park. Objections have been received with regards road safety issues. DFI Roads have been consulted as the competent authority. DFI Roads have responded stating no objections. Therefore the proposal meets this policy test. Under justification of Policy OS 3 in paragraph 5.27 it is stated that it may be possible to meet the demand for outdoor recreation use so far as this is consistent with the conservation or enhancement of the interest for which the site or area is designated. Although the site is



not designated, there are interests of importance, namely ancient woodland.

### **Natural Heritage**

- 8.14 In relation to Natural Heritage the aims of the SPPS are stated within paragraph 6.192 whereby it states that planning permission should only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known natural heritage features worthy of protection, including trees and woodland. In such cases appropriate mitigation will be required.
- 8.15 Planning Policy Statement 2: Natural Heritage is also applicable policy. It is stated within PPS 2 and under the relevant policy NH 5 – habitats, species or features of natural heritage importance: that permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known ancient and long established woodland. A development proposal may only be permitted where the benefits of the proposed development outweigh the value of the habitat and features.
- 8.16 There are areas of ancient woodland within the proposed site. The site incorporates a large forest and has ancient woodland within. The applicant submitted a Preliminary Ecological Appraisal Report (PEA). NED noted that the Extended Phase 1 Survey that was undertaken along the route of the proposed paths identified a number of priority habitats, including Mixed Ashwood, Oakwood and Rivers. Although no protected species were identified along the path routes, the site has potential to support a number of species. The area is considered to be of high to moderate suitability for foraging bats, badgers are known to be active in the forest, suitable newt habitat exists in forest drains and deep ruts along the routes, and areas of scrub and plantation woodland provide potential breeding bird habitat.
- 8.17 The PEA recommends mitigation measures to minimise impacts to any protected species likely to be present along or near the proposed paths, including the development and implementation of a Protected Species Management Plan. Given the scale of the works through this forest and the potential for protected species to be impacted by the construction or operation of the path network a condition of any approval has been provided by NED as set out in section 10 of this report.

8.18 It is a considered view that the new sporting facility is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity. In the case of the proposed revised car park layout, a tree survey was submitted and consultation was carried out with the Planning Tree Officer. They are satisfied subject to the attached conditions in section 10 of the Planning Committee Report.

### **Access**

8.19 Access matters have already been addressed above under paragraph 8.13. The council have consulted with the competent authority DFI Roads and they have offered no objections. It is this Council's view that the proposal meets the criteria of Policy AMP 3 of Planning Policy Statement 3 (PPS 3) Access, Movement and Parking. The proposed car park site is positioned just outside the settlement limits of Garvagh as zoned in the Northern Area Plan. Therefore within Policy AMP 3 it states under part (d) that permission will only be granted for intensification of the use of the existing access if the access cannot be reasonably obtained from an adjacent minor road. In this instance it is not possible to obtain access from an adjacent minor road as this is the only access and a river abuts the site to the south. Therefore it is not reasonable to require another access point other than the existing access. On this basis the proposal meets the criteria of Policy AMP 3.

8.20 The proposal also meets policy AMP 2 of PPS 3 whereby it states that intensification of the use of an existing access must (a) not prejudice road safety or significantly inconvenience the flow of traffic and (b) not conflict with Policy AMP 3 Access to Protected Routes. As stated above, the competent authority DFI Roads have not offered any objections in terms of road safety and Policy AMP 3 has been addressed above and therefore the proposal meets the criteria of Policy AMP 2.

### **Northern Area Plan**

8.21 The proposed development is located on land outside the settlement limits of Garvagh. It is zoned as countryside within the Northern Area Plan. It is also zoned as being within the Local Landscape Policy Area GH1 03. This is known as Garvagh Forest LLPA. The LLPA has features that contribute to the environment quality, integrity or character of this area and are listed as being Located to the west of the town and extending to the state owned

and managed Garvagh Forest lands on the south bank of the Agivey River. The LLPA also includes landscaped grounds of Garvagh High School however the site only includes the forest and adjacent car park. The site is in public ownership and is a major environmental and amenity asset for the town. The proposal involves minimal disruption to the setting of the LLPA and incorporates a re-configuration of the car park with the loss of minimal trees and the widening of the access. Overall the proposal offers an enhanced sporting facility and improved amenity to the public without any detrimental impact on the LLPA.

- 8.22 Within the Northern Area Plan, Policy ENV 1: Local Landscape Policy Areas also applies. Permission will only be granted where there would be no adverse affect on features, environmental quality, integrity or character of a designated LLPA. This includes archaeological sites and monuments, listed buildings, river banks and public access, attractive vistas and other areas of local amenity importance, and areas of local nature conservation importance, including woodland and important tree groups. River corridors must also be kept free of development to maintain their importance as features within the LLPA. In this instance, the proposal is adjacent to the river bank, the trees along the river bank will be retained and the existing car park hard surface boundary will be retained and not increased within the river bank buffer area. In terms of archaeological sites, objections had been received. The competent authority DAERA Historic Environment Division – Archaeology were consulted and offered no objections. With regards the woodland there were also objections about impact on ancient woodland within. DAERA Natural Environment Division are the competent authority and were consulted. They have offered no objections to the proposal.

### **Other Matters**

- 8.23 Objections have been addressed where possible under the consideration above. The other matters include the objections regarding:

*Environmental Impact Assessment should have been completed.*

The proposal does not meet any of the description of development under Schedule 1 and Schedule 2 of the Environmental Impact Assessment under the Planning (Environmental Impact

Assessment) Regulations (Northern Ireland) 2017. The car park element does not meet with the threshold set out in Column 2 of Schedule 2. The proposal does not require an Environmental Impact Assessment.

*Neighbour notification process inadequate.*

All relevant neighbours were notified under the Planning Authority's Neighbour notification procedure.

## **9.0 CONCLUSION**

9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposed development is an appropriate use of the land and is acceptable in terms of its layout and appearance. No significant harm would be caused to the woodland natural habitat. There will not be a detrimental impact on neighbouring amenity and the proposal is acceptable in terms of road safety. Approval is recommended.

## **10.0 CONDITIONS**

### 10.1 Regulatory Conditions:

1. As required by Section 61 the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with Drawing No. 02/2 date stamp received 16<sup>th</sup> Nov. 2018. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The access gradient to the proposal hereby permitted shall not exceed 4% (1 in 25) over the first 10 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in

40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. The bicycle washing must take place in the designated area where the surface is impermeable with dedicated drainage leading to a Northern Ireland Water (NIW) foul /combined sewer which terminates at Garvagh Waste Water Treatment Works.

Reason: To protect the nearby water course.

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

- a) Details of updated surveys for species prior to works commencing using appropriate methodology

- b) Details of appropriate mitigation for species to be implemented during the site preparation, construction and operational phases, including wildlife corridors, buffer zones and/or fencing

- c) Details of any mitigatory/compensatory habitat creation

- d) Details of appropriate monitoring of impacts to species during works by a suitably qualified and experienced ECoW/ecologist with the power to halt works.

- e) Details of appropriate procedures/measures to be followed should monitoring indicate potential impacts to species and/or potential breaches of wildlife legislation.

Reason: To mitigate for impacts to protected species using the site.

6. All Arboricultural work shall be implemented in accordance with the submitted Arboriculturist Tree Survey Report by Dr Philip Blackstock dated September 2018 and the details of Drawing No 09, received 16-NOV-2018 and shall be carried out in accordance with

BS5837 (2012) 'Trees in Relation to Construction'. Any remedial works to be carried out by a competent Tree Surgeon, preferably an Arboricultural Association approved contractor.

Reason: To ensure the continuity of amenity afforded by existing trees and provision of a professional standard of workmanship.

7. Prior to any development on site, all trees identified to be retained must have their roots protected, as per the measures detailed in the Tree Protection Plan Drawing No 09 received 16-NOV-2018 and associated Arboricultural Method Statement Document received 16-NOV-2018. The erection of fencing required for the protection of retained trees shall be undertaken in accordance with BS5837 (2012) 'Trees in Relation to Construction'. The fencing must be in place before any equipment, machinery or materials are brought on to the site for the purposes of the approved development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition. The ground levels within the fenced off areas shall not be altered, nor shall any excavation be made or any other works carried out, materials stored or fires lit.

Reason: To protect the sensitive roots of the trees to be retained and ensure their future health and vitality.

## **10.2 Informatives:**

1. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

Notwithstanding the terms and conditions of the Causeway Coast and Glens Borough Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructures consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway

bounding the site. The consent is available on personal application to the DFI Roads Section Engineer whose address is County Hall, Castlerock Road, Coleraine, BT51 3HS. A monetary deposit will be required to cover works on the public road.

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

## 2. Environmental Health

### Bike Wash

Annotated drawings indicate that the bike wash is to be a rubber hose pipe connected to a cold water mains pressure supply with no soaps or detergents. There is not to be any noise sources such as a generator to supply a jet power wash. Consent to discharge may be required and NIEA have been consulted.

The applicant shall ensure that all plant and equipment used in connection with the proposal are so situated, operated and maintained as to prevent the transmission of noise to surrounding sensitive receptors.

### Construction/Demolition Noise

BS 5228:2009 in relation to construction activities states,

“Noise and vibration can be the cause of serious disturbance and inconvenience to anyone exposed to it and in certain circumstances noise and vibration can be a hazard to health.”

In relation to any preparatory/construction works on site (demolition, ground works, excavation and construction), it is advised that the applicant should minimise disturbance to noise sensitive receptors, by restricting noise emissions at source, employing quiet plant and equipment, restricting hours of working and ensuring noise emissions are within the following limits.

*“Noise from construction activities should –*

*(a) not exceed 75 dB  $L_{Aeq, 1hr}$  between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB  $L_{Aeq, 1hr}$  between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and*

*(b) not exceed 65 dB  $L_{Aeq, 1hr}$  between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and*

*(c) not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.”*

#### Site Preparation/Construction – Vibration

BS 5228: 2009 (Part 2) makes provision for the mitigation of vibration and provides good practice guidance where vibration activities may be undertaken associated with site preparation/construction activities.

Vibration (Human Perception – minimising amenity impacts) –

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

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

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

Vibration levels shall not exceed the Peak Particle Velocity (Guideline Effect Levels) within Table B.1 of BS 5228: 2009 aimed



at ensuring that vibration does not give rise to complaints/adverse impacts. The hours of working should be limited and vibration impacts restricted to as short a duration as possible.

### Construction/ site preparation noise

There is a need to ensure that residents and businesses are protected from noise disturbance during construction/site preparation works. This advice note has been prepared to help developers and their contractors ensure that they undertake their works in the most considerate manner, in order to reduce the impact of the work on local communities.

#### How to avoid Noise/ Vibration complaints

Some construction/site preparation work is unavoidably noisy but many complaints can be avoided by carrying out work in a considerate manner. The time of day when noisy work is carried out and the methods used can make a big difference. There are many general measures that can reduce noise levels at source such as:

Noisy plant or equipment should be situated as far as possible from noise sensitive buildings. Barriers (e.g. Site huts, acoustic sheds or partitions) to reduce noise reaching noise sensitive buildings should be employed where practicable;

Avoid unnecessary revving of engines and switch off equipment when not required;

internal haul routes well maintained and avoid steep gradients;

Minimize drop height of materials;

Start up plant and vehicles sequentially rather than altogether;

Use alternative reversing warning systems (white noise broadband reversing alarms); when reversing, mobile plant and vehicles should travel away from noise sensitive premises;

Choose quietest available plant and equipment (Refer to BS 5228 noise data information);

Vehicles and mechanical plant used for the purpose of the works should be fitted with effective exhaust silencers, maintained in good and efficient working order and operated in such a manner as to minimize noise emissions;

Compressors should be fitted with properly lined and sealed acoustic covers which should be kept closed whenever in use.

Pneumatic percussive tools should be fitted with mufflers or silencers of the type recommended by the manufacturers;

Where practicable, equipment powered by mains electricity shall be used in preference to use of generators;

Generators shall be suitably positioned (furthest from sensitive receptors), and specified to ensure the quietest plant is employed and where required, to ensure no adverse impacts, acoustically screened/fully enclosed.

Plant shall be maintained in good working order so that extraneous noise from mechanical vibration, creaking and squeaking is kept to a minimum;

Noise emitting plant / machinery which is required to run continuously should be housed in acoustic enclosure wherever practicable.

Vibration levels shall not exceed the guidelines as prescribed within BS 5228: Part 2/Annex B

## **Light**

There is no indication on the application as to the provision of artificial lighting. Light associated with the development will be required to be optically controlled and directed in such a manner as to minimise adverse impacts. Should artificial lighting be installed the applicant shall have full regard to guidance notes for the reduction of light pollution devised by the Institute of Lighting Engineers.

Guidance may be accessed at [www.ile.org.uk](http://www.ile.org.uk)

### **3. Water and Drainage**

The applicant must refer and adhere to all the relevant precepts contained in Standing Advice Vehicle Washing. Water Management Unit's comments are on the basis that wash effluent infrastructure from the development connects to the main Northern Ireland Water combined sewer which terminates at Garvagh Waste Water Treatment works.

Water Management Unit notes there is an intension to install x5 water crossings. The construction of new culverts should be avoided unless no practicable alternative exists.

Water Management Unit recommends that the applicant adheres to the advice detailed in Standing Advice on Culverting.

Due to the close proximity of the site to various watercourses, care will need to be taken to ensure that polluting discharges do not

occur during the works phase. The applicant should refer and adhere to the precepts contained in Standing Advice on Pollution Prevention Guidelines.

Water Management Unit would request that once a contractor has been appointed, a Construction Method Statement should be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. This can be sent directly to Water Management Unit Pollution Prevention Team ([nieapollutionprevention@daera-ni.gov.uk](mailto:nieapollutionprevention@daera-ni.gov.uk)) who will be happy to advise. Water Management Unit recommends the storm drainage of the site adheres to the precepts contained in Standing Advice on Sustainable Drainage Systems. Discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to Standing Advice on Discharges to the Water Environment. The applicant should note the definition of a 'waterway' as defined under the NI Water Order:

*Waterway" includes any river, stream, watercourse, inland water (whether natural or artificial) or tidal waters and any channel or passage of whatever kind (whether natural or artificial) through which water flows. In this Order any reference to a waterway includes a reference to the channel or bed of a waterway which is for the time being dry.*

Effective mitigation measures must be implemented to protect the water environment and surrounding water bodies from any discharge into them that may damage ecological status and to ensure that the Water Framework Directive (WFD) objectives for the water body are not compromised nor the WFD objectives in other downstream water bodies in the same and other catchments. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata.

Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

#### 4. Natural Heritage

The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes the otter (*Lutra lutra*) and all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to:
  - i. affect the local distribution or abundance of the species to which it belongs;
  - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
  - iii. Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat and/or otter activity on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557. □

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- a) kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);

- b) damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
- c) damage or destroy anything which conceals or protects any such structure;
- d) disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- a) kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the smooth or common newt (*Lissotriton vulgaris*, formerly *Triturus vulgaris*);
- b) damage or destroy, or obstruct access to, any structure or place which newts use for shelter or protection;
- c) damage or destroy anything which conceals or protects any such structure;
- d) disturb a newt while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. If there is evidence of newts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- a) kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the red squirrel (*Sciurus vulgaris*);
- b) damage or destroy, or obstruct access to, any structure or place which red squirrels use for shelter or protection;
- c) damage or destroy anything which conceals or protects any such structure;
- d) disturb a red squirrel while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. If there is evidence of red squirrel on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- a) kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the pine marten (*Martes martes*);
- b) damage or destroy, or obstruct access to, any structure or place which pine martens use for shelter or protection;
- c) damage or destroy anything which conceals or protects any such structure;
- d) disturb a pine marten while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. If there is evidence of pine marten on the site, all works should cease immediately and further advice sought from

the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

□ The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- a) kill, injure or take any wild bird; or
- b) take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- c) at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- d) obstruct or prevent any wild bird from using its nest; or
- e) take or destroy an egg of any wild bird; or
- f) disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs  
or young; or
- g) disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1 March and 31 August.

