



Planning Committee Report Item- LA01/2017/0969/F	28th March 2018
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
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/A

<u>No:</u> LA01/2017/0969/F	<u>Ward:</u> PORTRUSH and DUNLUCE
<u>App Type:</u> Full Planning Application	
<u>Address:</u> North Pier, Portrush Harbour, Portrush.	
<u>Proposal:</u> Full application for refurbishment of existing sea defences to the seaward face of North Pier, Portrush. Works to include local concrete repairs to existing stone pitched revetment with concrete overlay, in-situ concrete beam, relocation of existing rock armour and provision of new rock armour units. NB All rock required for the project shall be brought to site by sea.	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 10-07-2017
Agent: Doran Consulting	
Applicant: Causeway Coast & Glens Borough Council	
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

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** Full Planning Permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at the North Pier, Portrush Harbour, Portrush. The site is open to the public and is within the control of the Council. The North Pier consists of a car parking area and the access into the site is controlled by a security barrier. The access is currently one way from the entrance of Kerr Street. To the north of the site is an existing concrete wall and single-storey building, which has a viewing platform that provides views of the sea. There is an existing service area on the pier and existing rock armour to the north, which is in a state of disrepair. The Pier is used as an area for boat loading and has a slipway. In total the site covers an area of 0.92Ha
- 2.2 There is an existing revetment on site and the public can access the site via a bridge which runs across the Portrush Harbour. There is an existing jetty to the south of the site and existing rock armour to the west. The North Pier provides a number of vantage points for members of the public and is a tourist asset for the Portrush area.
- 2.3 The area is predominately urban and is located within Portrush Harbour. The site is a key tourist asset within the local area and the site is within the development limit of Portrush. The site is in close proximity to Portrush town centre. The site is in close proximity to the Skerries and Causeway Special Area of Conservation (SAC) and the Ramore Head and Skerries Area of Special Scientific Interest (ASSI). The site is within the Ramore Head local landscape policy area.
- 2.4 The scheme consists of the refurbishment of the existing sea defences to the seaward face of North Pier, Portrush. This

includes local concrete repairs to existing stone pitched revetment with concrete overlay, in-situ concrete beam, relocation of existing rock armour and provision of new rock armour units. All the rock required for the project shall be brought to site by sea. The proposed works are needed to maintain the harbour. The proposal involves repair work as opposed to any extensions or new buildings.

3.0 RELEVANT HISTORY

C/1987/0586- North Pier the Harbour Portrush- Development incorporating public toilets, fishermen's facilities, 1 shop unit and a viewing and sunbathing terrace over- Approval: 19.10.1987.

C/2014/0071/F- 114 metres South West of Portrush Yacht Club, Harbour Road, Portrush, Co. Antrim, BT56 8DF- Installation of four Steel Temporary Storage Containers, for use when conducting Decontamination Works to four Existing Storage Areas. (Required for One Years)- Approval: 19.05.2014.

C/2014/0494/F- Portrush Harbour, Portrush, Co. Antrim, BT56 8DF- Remove the existing pontoons and gangway in the harbour and replace with new, longer pontoons, and a new gangway. Existing sloping H-iron will be removed and replaced with new vertical H-irons- Approval: 04.12.2015

4.0 The Application

- 4.1 The new development consists of the refurbishment of the existing sea defences to the seaward face of North Pier, Portrush. This includes local concrete repairs to the existing stone pitched revetment with concrete overlay, in-situ concrete beam, relocation of existing rock armour and provision of new rock armour units. All the rock required for the project shall be brought to site by sea. The proposed works are needed to maintain the harbour. The proposal involves repair work as opposed to any extensions or new buildings. The works in their totality would involve three parts of land. A small portion of the existing car park and service area of the harbour. The existing pitched concrete revetment and rock armour, and the area for the proposed extension of the rock armour. The scale of the works are limited as they relate to repair of existing structures

albeit the rock armour is extended further than previously defined.

- 4.2 The proposed rock armour will cover a distance of 245m from the west to the east of the site. The agent has stated that the development is required as the existing pier will deteriorate and the current and future use of the harbour may be impacted, if the said works are not completed. Due to the nature of the work and the proximity of the development to protected European designated sites the agent has carried out a Habitats Regulation assessment, a transport assessment, archaeological surveys and under water surveys for the proposed development. This development is therefore required to ensure efficient operation and continued operation of the North Pier. The proposal will benefit the existing use on site and will not cause any environmental damage within the immediate area. The scheme is considered not to cause any visual impact and the principle of the scheme is considered acceptable as the scheme is repair work and refurbishment of the pier.

EIA Screening

- 4.3 This proposal is relatively small scale and located in an environmentally sensitive location where it would effect a small part of the selection feature of the SAC. However given the scale and nature of the proposed development the environmental impact is not likely to be significant. This proposal is considered to fall within Category 10 (G) of Schedule 2- Infrastructure projects, construction of harbours and port installations, including fishing harbours.
- 4.4 As part of the process to determine whether an Environmental Statement was required, consultations were carried out with the competent authorities. Having considered The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and taking into account the above information and selection criteria as set out in DCAN 10, it is considered that the proposed development is not EIA development and would not require the preparation of an Environmental Statement. This determination was made on 26/09/2017.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

No letters of objection or third party representations have been received in relation to the application.

5.2 Internal

DFI Roads: Has no objections subject to conditions.

NIEA: Has no objections subject to conditions and informatives.

Environmental Health Services: Has no objections to the development subject to informatives.

Shared Environmental Services: Has no objections to the scheme subject to conditions.

Historic Environment Division- Protecting Historic Monuments: Has 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 (NAP)

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

6.5 Due weight should be given to the relevant policies in the development plan.

- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS) 2015

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6 Planning, Archaeology and The Built Heritage

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

Planning Policy Statement 16 Tourism

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of the application relate to; the principle of the development; heritage and protected species impacts; access; amenity; Ramore Head LLPA; archaeology and the built heritage and; tourism. The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

Principle of development

- 8.2 The Strategic Planning Policy Statement (SPPS) 2015 paragraphs 6.31-6.51 apply to this scheme. The policy states that, the coast is of great economic importance to NI. Coastal areas need to be protected from coastal squeeze, to safeguard against loss of distinctive habitats, and to help adaptation to climate change. Important landscape features such as the North Pier should be conserved. The two main objectives of the policy in relation to coastal development under the SPPS are as follows:

- Conserve the natural character and landscape of the undeveloped coast and to protect it from excessive, inappropriate or obtrusive development; and
- Facilitate appropriate development in coastal settlements and other parts of the developed coastline (subject to all other relevant planning policies) that contributes to a sustainable economy and which is sensitive to its coastal location.

8.3 The proposed development proposes excavation of 8500m³ of existing rock armour to facilitate the placement of proposed rock armour. The existing rock armour will be relocated to the toe beam of the existing structure over a length of approximately 160m. A new concrete toe beam of 140m in length, will be merged against the existing rough concrete toe beam. Concrete repairs to the existing stone pitched revetment concrete overlay will be implemented in accordance with British standards. The proposed rock armour will comprise armour stone of 10-15 tonne armour units. The armour units will be transported via a seafaring barge and placed at the site using a floating plant. The proposed development is in compliance with the policy criteria as outlined under the SPPS and comprises work, which will help to protect the Portrush North Pier which is a local tourist attraction.

Potential impacts of the development on heritage and protected species

- 8.4 Due to the nature and location of the proposed development in close proximity to protected sites and habitats it is relevant to consider potential impacts on natural heritage and protected species as outlined under Planning Policy Statement 2 Natural Heritage. Consultation with NIEA has indicated that the proposal is unlikely to have an adverse effect on heritage issues in the Ramore Head and Skerries Area of Special Scientific Interest (ASSI) and the Skerries and Causeway Special Area of Conservation (SAC). One of the selection features of the SAC is the Harbour Porpoise which are marine mammals.
- 8.5 Given the size of the sensitive area (SAC) in comparison to the scale of the application site, the magnitude and spatial extent of the impact of this proposal is considered minor as the works relate to repair and maintenance as opposed to new

development. The impact would not extend outside the application site. The development will not have a negative impact on the visual character of the area nor will the development have any ecological impacts and this was confirmed by NIEA. The proposed development will have no impact on the existing community, nor will it affect conservation features or the built heritage. These issues are addressed in the planning informatives in section 10.

- 8.6 After consideration of the Habitat Regulations the potential impact of this proposal on areas of conservation, special protected areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the conservation (Natural Habitats) Regulations (NI) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Access

- 8.7 Planning Policy Statement 3- Access, Movement and car parking applies to this proposal. The proposed development will make use of the existing access, which will be used as an exit to the east of the site and the scheme will provide a new proposed automated barrier to access the site. The development will not alter parking facilities on site. There is enough turning space provided on site for vehicles and this has been demonstrated via the most recent transport assessment which was received on 30/1/18. DFI Roads was consulted in relation to the scheme and offered no concerns regarding public safety, parking concerns or access arrangements. The proposed development complies with the policy as outlined under Planning Policy Statement 3.

Amenity

- 8.8 The proposed scheme is required to improve and retain the North Pier. Environmental Health Services has stated that based upon information currently available, the potential for adverse impacts due to noise appear to be low, given the context of this development at this location. EHO has no further adverse comment. They suggested planning informatives regarding construction noise.
- 8.9 There is no harm to local natural resources as a result of the development as there are no impacts on visual amenity and this

has been indicated from information presented to the Planning Department. Due to the nature of the proposal and the fact that adjacent neighbours are some distance away from the proposed development, the scheme will not have a negative impact on residential or public amenity. The scheme is acceptable from an amenity perspective.

Ramore Head LLPA- DESIGNATION PHL 01

- 8.10 The site is within the Ramore Head Local Landscape Policy Area. Under the Northern Area Plan 2016, the policy states that any potential development must not have a negative impact on the Ramore Head LLPA. Those features or combination of features that contribute to the environmental quality, integrity or character of this area are as follows:
- This prominent dolerite headland is one of the outstanding natural features of the North Coast.
 - It is an area of great geological and landscape interest as well as being in the Ramore Head and the Skerries ASSI.
 - The area is almost entirely in public ownership, with most of the headland used for passive recreation with a network of paths. It includes an area of recreation grounds provided by the Borough Council and the NIEA Portrush Countryside Centre.
- 8.11 The development will not have a negative impact on the Ramore Head LLPA and will contribute to the landscape and environmental quality of the area. The scheme is designed to retain the existing natural features of the Portrush Harbour and will protect the historic nature of the locality. The scheme is in compliance with the policy guidance as outlined under the Northern Area Plan in reference to the Ramore Head LLPA.

Archaeology and the Built Heritage

- 8.12 The Historic Environment Division at the Department for Communities provided the following comments in relation to the impact of the proposal on the old harbour which is a Scheduled Monument and the impact on nearby listed buildings:

Historic Environment Division: Historic Monuments has reviewed the Archaeological Impact Assessment and 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. There are no issues in relation to archaeology and the built heritage.

Tourism

- 8.13 The North Pier is considered to be a tourism asset and the proposed concept of the development relates to the protection of an existing tourism asset. The scheme is therefore assessed against Planning Policy Statement 16, policy, TSM 8 Safeguarding of Tourism Assets. The policy states that planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset such as to significantly compromise its tourism value. The proposed development will not compromise the tourism value of the North Pier and will in fact improve and enhance the pier for future generations. The development will ensure that the pier will not succumb to coastal erosion. The proposed scheme complies with policy TSM 8.

9.0 CONCLUSION

- 9.1 Having regard to the development plan and other relevant material considerations, the proposal is acceptable in principle. It complies with policy requirements for coastal development as outlined under the SPPS. The proposal is acceptable in terms of access, amenity, archaeology and the built heritage. The scheme will cause no harm to tourism and no harm will be caused to natural heritage interests. Approval is recommended.

10.0 CONDITIONS/INFORMATIVES

10.1 Regulatory Conditions:

1. As required by Section 61 of 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. The proposed vehicular access shall be provided in accordance with Drg. No. 04 bearing the date stamp 10th July 2017, within three months of the commencement of any other development hereby permitted.

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

3. The proposed Haulage Route shall be as indicated in the Transport Statement bearing the date stamp 30th January 2018.

Reason: To ensure that there is adequate traffic management for the duration of the works.

4. A Construction Method Statement (CMS) must be submitted to Causeway Coast and Glens Borough Council Planning by the appointed contractor for agreement prior to works commencing. This should reflect all the mitigation and avoidance measures to be employed as outlined in section 5 of Doran Consulting Habitats Regulations Appraisal (HRA) – Appropriate Assessment (AA) July 2017 and updated HRA_AA December 2017.

Reason: To protect the adjacent Skerries and Causeway SAC from any adverse impacts during construction.

5. No works or storage of materials/machinery should take place within the Ramore Head and Skerries ASSI.

Reason: To protect the integrity of the geological features of Ramore Head and Skerries ASSI.

Informatives

10.2 1. 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 Infrastructure's 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 DFI Roads, Northern Division, Causeway Coast and Glens (West), County Hall, Castlerock Road, Coleraine, BT51 3HS. A monetary deposit will be required to cover works on the public road.

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

3. 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.

4. 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

5. 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 kill, injure or take any wild animal included in Schedule 5 to the Order. This includes the common seal (*Phoca vitulina*), grey seal (*Halichoerus grypus*), basking shark (*Cetorhinus maximum*), angel shark (*Squatina squatina*), common skate (*Dipturus batis*) short snouted seahorse (*Hippocampus hippocampus*), spiny seahorse (*Hippocampus guttulatus*), spiny lobster (*Palinurus elaphus*) and fan mussel (*Atrina fragilis*). Article 11 of the Wildlife (Northern Ireland) Order 1985 (as amended) provides that a person shall not be guilty of an offence under Article 10 (killing or injuring a species listed in Schedule 5 (as amended)) if the act was incidental to a lawful operation (i.e. activity permitted by a Marine Licence or Planning Permission) and could not reasonably be avoided. A separate marine Wildlife Licence is therefore not required for national marine protected species if a Marine Licence/Planning Permission has been granted, since adherence to the conditions of the Marine Licence should reduce the likelihood of harm to marine national protected species. Under Article 10 it is an offence to intentionally or recklessly disturb; common seals, grey seals or basking sharks. It is also an offence under Article 10 to intentionally or recklessly damage or destroy, or obstruct access to, any structure or place which these animals (Schedule 5¹) use for shelter or protection; damage or destroy anything which conceals or protects any such structure; or disturb any such animal while it is occupying a structure or place which it uses for shelter or protection. Under Article 13 it is an offence to sell or transport any Schedule 7 animal dead or alive at any time². Any person who knowingly causes or permits an act which is made unlawful under Article 10 or Article 13

shall also be guilty of an offence. If there is evidence of Schedule 5 animals listed above at the site, all works must cease immediately and further advice must be sought from DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast BT7 2JA. Under the Wildlife (Northern Ireland) Order 1985 (as amended) a licence may be required for any operations which might impact on protected species. ¹ Common skate and angel sharks in respect to Article 10 (1) only and within 6 nautical miles of coastal water only. ² Schedule 7 species includes all Schedule 5 species listed in Appendix A, with the exception of the common skate and angel shark. Sea urchin is protected under Schedule 7 only. Marine European Protected Species. The applicant's attention is drawn to regulation 34 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European Protected Species included in Schedule 2 to these Regulations. This includes all species of dolphins, porpoises and whales and the marine turtle species.

(1) It is also an offence to;

(a) deliberately disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;

(b) deliberately 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;

(c) deliberately take or destroy the eggs of such an animal;

(d) deliberately obstruct access to a breeding site or resting place of such an animal;

or

(e) damage or destroy a breeding site or resting place of such an animal.

(2) It is an offence for any person;

- (a) to have in his possession or control,
- (b) to transport,
- (c) to sell or exchange, or
- (d) to offer for sale or exchange, any live or dead animal which is taken from the wild and is of a species listed in Annex IV(a) to the Habitats Directive, or any part of, or anything derived from, such an animal.

If there is evidence of Schedule 2 animals listed above at the site, all works must cease immediately and further advice must be sought from DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast, BT7 2JA.

Under this legislation a licence may be required for any operations which might impact on European Protected Species.

¹ Following two European Court of Justice cases (C-103/00 and C-221/04) “deliberate actions are to be understood as actions by a person who knows, in the light of the relevant legislation that applies to the species involved, and the general information delivered to the public, that his action will most likely lead to an offence against a species, but intends this offence or, if not, consciously accepts the foreseeable results of his action”

http://jncc.defra.gov.uk/PDF/consultation_epsGuidanceDisturbance_all.pdf.

Bathing Waters

The application site is adjacent to Portrush Mill Bathing Water, which is an identified Bathing Water under Directive 2006/7/EC (“The Bathing Water Directive”) and a Protected Area under Directive 2000/60/EC (“The Water Framework Directive”). This must be taken into account when assessing any plan/project adjacent to an identified Bathing Water.

6. The priority reef habitat within the red area shown in Figure 4.1: Distribution of habitats at Portrush Pier, 14th October 2017 of the Marine Benthic Study (AQUAFAC International Services Ltd) should not be disturbed or impacted by construction works. The applicant's attention is drawn to regulation 34 of The Conservation (Natural Habitats, etc.)

Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European Protected Species included in Schedule 2 to these Regulations. This includes all species of dolphins, porpoises and whales and the marine turtle species.

(1) It is also an offence to;

(a) deliberately disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;

(b) deliberately 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;

(c) deliberately take or destroy the eggs of such an animal;

(d) deliberately obstruct access to a breeding site or resting place of such an animal; or

(e) damage or destroy a breeding site or resting place of such an animal.

(2) It is an offence for any person;

(a) to have in his possession or control,

(b) to transport,

(c) to sell or exchange, or

(d) to offer for sale or exchange, any live or dead animal which is taken from the wild and is of a species listed in Annex IV(a) to the Habitats Directive, or any part of, or anything derived from, such an animal.

If there is evidence of Schedule 2 animals listed above at the site, all works must cease immediately and further advice must be sought from DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast, BT7 2JA. Under

this legislation a licence may be required for any operations which might impact on European

Protected Species.

¹ Following two European Court of Justice cases (C-103/00 and C-221/04) “deliberate actions are to be understood as actions by a person who knows, in the light of the relevant legislation that applies to the species involved, and the general information delivered to the public, that his action will most likely lead to an offence against a species, but intends this offence or, if not, consciously accepts the foreseeable results of his action”

http://jncc.defra.gov.uk/PDF/consultation_epsGuidanceDisturbance_all.pdf.

7. “Noise from construction activities should –

(a) not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB LAeq, 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 LAeq, 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.”

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 and odour to surrounding sensitive receptors.

8. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Site Location Plan

