

Planning Committee Report B/2014/0185/F	19th December 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>App No:</u>	B/2014/0185/F	<u>Ward:</u>	Magilligan
<u>App Type:</u>	Full Planning Permission		
<u>Address:</u>	Site directly SE of and adjacent to Roe Estuary Nature Reserve Car Park Carrowclare Road, Myroe, Limavady, BT49 9EB		
<u>Proposal:</u>	Bird-watching observatory and education centre incorporating exhibition area, conference room, viewing areas and kitchenette with septic tank and reed bed system.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	28th July 2014
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
<u>Applicant:</u>	Brian McNicholl, 47 Main Street, Limavady		
<u>Agent:</u>	Lid Architecture 278 Woodstock Road, Belfast, BT6 9DN		
<u>Objections:</u>	17	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	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** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises the northern portion of an agricultural field on Carrowclare Road, Limavady. The site overlooks the River Roe Estuary Nature Reserve. The field is reasonably flat, the roadside boundary is defined by a post and wire fence with a Hawthorne hedge. The northern boundary consists of a 1m high earth bund, fence and hedgerow, which raises the ground level above that of the adjacent estuary; the remaining boundaries are largely undefined.
- 2.2 The area is rural in character, there are a number of single dwellings in the surrounding area and the site is accessed via a small rural road. The site overlooks the Roe Estuary Nature Reserve and falls just outside the Binevenagh Area of Outstanding Natural Beauty (AONB), with the northern site boundary abutting the AONB as defined in the Northern Area Plan 2016.
- 2.3 The site is adjacent to the River Roe which is a designated SAC/ASSI, the estuary is a National Nature Reserve and feeds into the Lough Foyle SPA/Ramsar/ASSI. The river is also designated in accordance with the Drainage (Northern Ireland) Order 1973.

3.0 RELEVANT HISTORY

- 3.1 B/2007/0576/F: Bird watching observatory & education centre incorporating exhibition area, conference room, viewing areas & kitchenette; with septic tank and reed bed system.

Site directly SE of and adjacent to Roe Estuary Nature Reserve Car Park, Carrowclare Road, Myrone, Limavady.

Permission Granted: 30th October 2009.

This permission lapsed on 30th October 2014. The current application was received on 28th July 2014.

4.0 THE APPLICATION

4.1 Planning permission is sought for a bird-watching observatory and education centre incorporating exhibition area, conference room, viewing areas and kitchenette. The building is a two storey design with a linear footprint. The building has a low profile with a ridge height of 6 metres and is to be clad with a mixture of natural coloured cladding, a green roof of Sedum or similar and organic screens. The site is accessed from Carrowclare Road and there is provision for 13 car parking spaces and 3 buses. Waste water will be dealt with by a combination of septic tank and reed bed system.

4.2 In accordance with Regulation 12 of The Planning (Environmental Impact Assessment) Regulation (NI) 2017, an EIA determination was carried out under Schedule 2 category 12 (C). The Planning Authority concluded that the proposed development did not merit the submission of an Environmental Statement.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are 17 objections to this proposal.

The objections raised matters of concern in relation to:

- Impact on the existing road network, insufficient space for passing – what measures are proposed to upgrade the road network?
- Safety concerns in relation to the access arrangement.
- Road network could be blocked during construction and operation.
- Proposed development at odds with the predominantly residential character of the area.
- Impact on Roe Estuary Nature Reserve.

- Insufficient number of bird watchers to justify such an operation.
- Over commercialisation of the area – Money would be better spent on essential services.
- Planning permission previously refused for similar development.
- Drainage of septic tank is difficult, therefore it is unlikely septic tank could accommodate commercial enterprise.
- Located in ASSI and tidal area.

5.2 Internal

Environmental Health: has no objection subject to condition

NIEA: has no objection subject to condition

Shared Environmental Service: has no objection subject to condition

Rivers Agency: have no objection subject to condition

Northern Ireland Water: have no objection subject to condition

DFI Roads: have no objection subject to condition

RSPB: have no objection subject to condition

6.0 MATERIAL CONSIDERATIONS

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local development plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

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

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

- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 - Planning and Nature

Conservation

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 8 - Open Space, Sport and Outdoor

Recreation

Planning Policy Statement 15 - Planning and Flood Risk

Planning Policy Statement 16 – Tourism

Planning Policy Statement 21 - Sustainable Development in the Countryside

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to:

- Principle of Development
- Flooding and Drainage
- Impact on Designated Sites
- Integration
- Rural Character
- Development on Non-mains Sewage
- Consideration of Representations

Planning Policy

- 8.2 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

- 8.3 The SPPS promotes sustainable development throughout the planning system. The guiding principle for planning authorities, as stated in paragraph 3.8, is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS does not conflict with the relevant retained policy.
- 8.4 The proposed development was previously approved under B/2007/0576/F and is a material consideration as the permission was live at the time of submission of the current application.
- 8.5 Policy CTY 1 of PPS21 states that planning permission will be granted for non-residential development in the countryside in the following cases: - outdoor sport and recreational uses in accordance with PPS 8; tourism development in accordance with the TOU Policies of PSRNI (Now superseded by PPS16).
- 8.6 Policy OS 3 of PPS8 states that the Planning Authority will permit proposals for outdoor recreational use in the countryside subject to criteria.
- 8.7 The proposed development is in general conformity with these criteria in that: It would not have an adverse impact on natural or built heritage features. The Planning Authority have consulted with NIEA who are the competent authority on natural and built heritage features and they are satisfied that the proposed development is acceptable. While it would result in the loss of agricultural land, the area in question is relatively small and linear, and is situated in the corner of the agricultural field. As such the permanent loss of agricultural land is limited and the ability to work the remaining lands is not diminished.
- 8.8 The topography of the site offers little opportunity for integration, however, there are low level trees and hedgerows to the roadside boundaries which restrict public views of the site. The building is of high quality design and incorporates a high degree of landscaping to the building fabric in the form a green walls and roofs.

- 8.9 The visual impact of the building is further reduced by setting the building into the earth bund which defines the northern boundary of the site. The low profile design of the building and the linear footprint follows the established field boundary and helps to integrate the building into the landscape. As such the building will not detract from the environmental quality of the landscape.
- 8.10 There is no unacceptable impact on neighbouring amenity, public safety is not prejudiced and the development is compatible with the surrounding uses in the countryside. As outlined above the siting and design of the building is to a high standard and the building is accessible to all. The facility will help to promote activity by providing a high quality facility to support and promote outdoor recreation. DFI Roads have not raised any objection and have accepted the proposed development subject to standard conditions.
- 8.11 Policy TSM 2 of Planning Policy Statement 16 – Tourism states that planning permission will be granted for a tourist amenity in the countryside where the type of tourist activity in itself requires a countryside location.
- 8.12 The proposed use is specific to the location in that it seeks to develop the potential of the nature reserve as a facility for recreation and to establish a tourism amenity to complement the existing offering in the area.
- 8.13 The supporting text to TSM2 states that a visitor centre may have a specific functional need to be located in close proximity to the particular countryside attraction it is intended to serve. Given the nature of the proposed use and the proximity to the Roe Estuary Nature Reserve, which is an established bird watching site, the proposed development satisfies the policy test in this regard.
- 8.14 The supporting text goes on to say that the impact of proposals on rural character, landscape and natural / built heritage is an important consideration in their assessment, particularly within areas designated for their landscape, natural or cultural heritage qualities.

- 8.15 The visual impact of the development is limited due to a combination of the existing field boundaries, the low profile design, the use of materials and site topography. Although the site is not within the AONB it is visually associated with the area.
- 8.16 The design is sympathetic to the landscape, following the existing field boundaries and using the site topography to absorb the building into the landscape. Soft landscaping is incorporated into the fabric of the building which also helps to integrate the building. Ariel views of the site are also available from Binevenagh. From this aspect the use of the green roof and grasscrete paving to the access road and parking areas will further reduce the visual impact of the development.
- 8.17 TSM2 has a further policy test for tourist amenities of significant scale. In considering the overall scale of the proposed project the Planning Authority have considered the size and scale of the proposed building, associated infrastructure, the number of visitors that the site could potentially generate and the nature of the proposed use.
- 8.18 It is not considered that the proposed development would be of regional importance or significant in terms of the extent of new build to merit consideration under this further policy test. Therefore it is not considered necessary to demonstrate how the proposed development would make a substantial benefit to regional tourism economy as well as sustainable benefits to the locality.
- 8.19 The justification and amplification for TSM2 states: A tourist amenity is defined by the Tourism (NI) Order 1992 as an amenity, facility or service provided primarily for tourists but does not include tourist accommodation. The proposed development incorporates a number of bunk beds within the building. The bunks are incidental to the overall footprint of development and their use is considered ancillary to the function of the bird watching activity. As such the bunks could not be considered as tourist accommodation. The development seeks to establish a bird watching facility which will serve the established demand and to complement the tourism offering with the area.

Flooding and Drainage Impacts

- 8.20 The site is adjacent to the River Roe which is a designated SAC/ASSI, the estuary is a National Nature Reserve and feeds into the Lough Foyle SPA/Ramsar/ASSI. The river is also designated in accordance with the Drainage (Northern Ireland) Order 1973.
- 8.21 In considering the potential for flooding and drainage impacts the Planning Authority have consulted with DfI Rivers who are the competent authority.
- 8.22 Flood Maps (NI) indicate that the development lies adjacent to but not within the 1 in 100 year fluvial flood plain. The predicted 1 in 100 year flood level at this location is 2.03mOD Belfast.
- 8.23 Flood Maps (NI) indicate that part of the site lies within the 1 in 200 year coastal flood plain. In accordance with PPS 15, FLD 1, development will not be permitted within the 1 in 200 year coastal flood plain unless deemed an exception by the Planning Authority.
- 8.24 FLD1 makes provision for exceptions within defended and undefended areas. The site would be considered to be within an undefended area as the estuary and river banks are not protected by a defensive structure.
- 8.25 Given the nature of the proposed use and site specific requirements, the development would qualify as an exception to the policy under criterion (f): The use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings.
- 8.26 As an exception the applicant is still required to submit a Flood Risk Assessment (FRA). The FRA was submitted on 22-DEC-2017 and further consultation was undertaken with DfI Rivers. In their response they have indicated that they accept the logic of the FRA and have no reason to disagree with its conclusion and therefore cannot sustain a reason to object to the proposed development from a drainage and flooding perspective.

Impact on Designated Sites

- 8.27 In considering the impact on designated sites the Planning Authority have consulted with NIEA and Shared Environmental Service who are the competent authorities.
- 8.28 The site is adjacent to a number of European Designations and 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 Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.
- 8.29 SES reviewed the submitted outline Environmental Management Plan and having considered the nature, scale, timing, duration and location of the project, concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

Integration

- 8.30 The SPPS stipulates that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, including the natural topography. CTY13 of PPS21 echoes this and provides criteria under which a new building will be unacceptable.
- 8.31 When considered in the context of the defined criteria the proposed development is considered acceptable and would not be unduly prominent within the landscape. Although the topography of the site offers little opportunity for integration, the trees and hedgerows which define the boundaries of the site provide a suitable degree of enclosure and the vegetation to the roadside boundary restrict public views of the site. The building is of high quality design and incorporates a high degree of landscaping to the building fabric in the form a green walls and roofs. In addition, areas of native woodland are proposed to the southern and western boundaries to aid integration and biodiversity.
- 8.32 The visual impact of the building is further reduced by setting the building into the earth bund which defines the northern boundary

of the site. The low profile design of the building and the linear footprint follows the established field boundary and helps to integrate the building into the landscape. As such the building will not detract from the environmental quality of the landscape.

Rural Character

8.33 Policy CTY 14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to the, or further erode the character of the rural area.

8.34 As outlined above, the low profile design of the building, coupled with the landscaping will ensure that the building is not unduly prominent. The building is not visually linked with other buildings in the area and would not result in suburban style build-up.

8.35 However, the building is not read in isolation and there are similar patterns of development within the surrounding area. There are a number of roadside dwellings further along the Carrowclare Road and a number of commercial uses are also located within the wider area.

8.36 The impact of the ancillary infrastructure is reduced with the use of sympathetic design details. The use of grasscrete to the access and parking areas helps to soften the overall appearance and the use of a reed bed filtration system reduces the need for heavier infrastructure.

Development Relying on Non-Mains Sewerage

8.37 Policy CTY 16 of PPS21 states that development will be permitted where it is demonstrated that it will not create or add to a pollution problem.

8.38 In considering the impact on designated sites the Planning Authority have consulted with NIEA who are the competent authority.

8.39 NIEA - Water Management Unit have considered the impacts of the proposal on the surface water environment and on the basis of the information provided are content with the proposal, subject to standard conditions, as such the proposed development satisfies the criteria defined under CTY16.

Consideration of Objections

8.40 In considering these concerns the Planning Authority have undertaken consultation with the competent authorities and are satisfied that the issues have been appropriately assessed.

8.41 In relation to issues of access and impacts on the local road network DfI Roads Service were asked to consider the issues raised in the objections. In their response dated 1st October 2018 they have stated:

“DFI Roads would advise that a similar type of proposal was approved on this site on 30th October 2009.

The proposed development of a Bird Watching Observatory and Educational Centre is expected to be staffed by 3 employees and have estimated visitors of 30 per day.

The existing car parking area at the end of Carrowclare Road is unaffected by this proposal.

The proposal provides 13 car parking spaces and has space for the parking of up to 3 buses. The entrance road is 6m wide.

The existing access onto Carrowclare Road is to be improved to provide a 6m wide access, 10m entry/exit radii and a widening of the existing road, at the entrance of the development, to 6m for 15 m in a southerly direction.

As there are a number of natural passing bays along the Carrowclare Road and given that the volume of traffic (existing and proposed by the development) is low DFI Roads considered that other than the improvements at the entrance to the site no further passing bays were requested.”

8.42 DFI Roads have no objection to the safety of the access or the parking and servicing arrangements of the proposed development. In relation to the road network being blocked during construction; while some disruption may occur during the construction process this would not be considered a material consideration as the impact would be limited to the construction period. Notwithstanding, the construction of the access would by condition of planning permission be a requirement at the outset of construction. This allows for construction works to be carried out from a safe and serviceable site.

- 8.43 In considering the character of the area it is clear that the site is rural in nature and while there is residential development within the wider area there are also sport and recreation uses located nearby. The proposed development would not detract from or be incompatible with the predominant land use within the area.
- 8.44 In considering the impact on the Roe Estuary Nature Reserve and the wider environmental impacts the Planning Authority have consulted with the Northern Ireland Environment Agency, Shared Environmental Service (SES), The Royal Society for the Protection of Birds (RSPB), Rivers Agency, Environmental Health and Northern Ireland Water. A full Habitats Regulations Assessment has been carried out by SES and all agencies are satisfied that the proposed development is acceptable subject to conditions.
- 8.45 In relation to the justification for the proposal it is clear that the site is used for bird watching. The proposal falls to be determined under policy OS3 of PPS8 and TSM2 of PPS 16 which does not require demonstration of need for the development. As a private venture it is unlikely that the proposed development would be sought without an anticipated demand.
- 8.46 With regards the over commercialisation of the area while it is acknowledged that there are other recreation uses within the area each application is assessed on merit and against the relevant policy consideration. The Planning Authority can only assess the applications that come forward and cannot request that the project be redirected to facilitate essential services.
- 8.47 It is also suggested that planning permission previously refused for similar development, however, the previous application was approved under B/2007/0576/F and lapsed on 30th October 2014 as highlighted in paragraph 3.1.
- 8.48 A detailed objection on behalf of the Lough Foyle Wildfowlers Association (LFWA) has also been submitted. LFWA are in ownership of the lands to the north of the site which make up the Roe estuary. The group have raised the following concerns.

1. That the use of the proposed building would pose a threat to the lawful activity of wildfowling on their lands and to their member's ability to access these lands.
2. That LFWA will not tolerate any attempt to curtail their associated activities.
3. That the Planning Authority have failed to notify neighbours.
4. That the Planning Authority have failed to consider a neighbouring right of way
5. That the existing car park is causing disturbance to local residents.
6. Have Roads Service been consulted and the access arrangement appropriately assessed.
7. Has a full Environmental Impact Assessment been requested or completed.
8. Has the impact on protected species been appropriately assessed.
9. Has consultation been undertaken with NIEA and neighbouring landowners specifically in relation to the proposed reed bed system.

8.49 In considering these points, there is no justification as to why the proposed use would be incompatible. The site is located on private land and there is a buffer of 55m to the lands owned by the LFWA. The area is a well-established site for bird watching and the two uses have operated together in the past. It has not been demonstrated how a building which formalises the established bird watching activities would impinge upon the LFWA activities. In addition there is no aspect of the proposed development that would restrict access to the land.

8.50 With regards neighbour notification, the site is located in the northern portion of an agricultural field and the site boundaries as defined in red abut only agricultural lands. Neighbour notification was not carried out as the neighbouring properties are not eligible for notification under current guidance.

8.51 The objection indicates that a right of way exists to the right of an existing informal car park. The area described falls outside the red line of the site and there is no proposal to amend or otherwise impact on the right of way.

8.52 It is claimed that the use of the existing car park is causing disturbance to local residents. Again the existing car park is

not part of the application site and the proposed development includes in-curtilage car parking. DfI Roads have been consulted in relation the proposed development and are satisfied with the parking and access arrangements.

8.53 Concern is also expressed that the proposed development would have a detrimental impact on wildlife within the area including protected birds, and question whether the development would require the submission of an Environmental Statement. In considering these issues consultation was undertaken with NIEA – Natural Environment Division and Shared Environmental Service and an EIA determination was carried out. Having considered The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 it was considered that the proposed development is not EIA development and would not require the preparation of an Environmental Statement. The RSPB were also consulted and have no objection subject to condition.

8.54 The objection also asks if NIEA and neighbours were consulted in relation to the proposed reed bed system. Other objections also raised concern with regards the operation of septic tanks within the area.

8.55 The use of a reed bed system is a sustainable alternative to the use of a septic tank. The proposed development employs both methods. Shared Environmental Service and NIEA have considered the environmental impact of the proposed development on designated sites and have no objection subject to condition.

8.56 NIEA - Water Management Unit are the competent authority in relation to development which relies on non-mains sewerage. They were asked to consider the concerns raised in the objection letters, they advise as follows: Water Management Unit regulates septic tanks by issuing a discharge consent under the terms of the Water (Northern Ireland) Order 1999. When regulating the discharge consent Water Management Unit's interest is that the septic tank and associated soakaways conform to certain standards to prevent pollution of surface or ground water. When assessing soakaways the main criteria is whether the percolation rate of the ground is suitable. This can only be determined when the necessary documentation has

been submitted along with an application for discharge consent.

8.57 Northern Ireland Water and Environmental Health have also been consulted and are satisfied subject to the grant of consent to discharge being obtained from NIEA as is required under the Water (NI) Order 1999. In addition, there is no requirement under current planning legislation to undertake consultation with neighbouring landowners in relation to septic tanks and as outlined above the control of discharge requires separate consent secured under the provision of the Water Order 1999.

9.0 CONCLUSION

9.1 This proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. The proposed development is in accordance with the policy criteria defined under PPS8 and PPS 16 in that the development by its nature is required to be located within a rural location but that the detailed design and associated infrastructure would not cause demonstrable harm to features of acknowledged importance. The proposed development is in accordance the Northern Area Plan 2016 and the relevant planning policy, guidance and other material considerations, including the SPPS.

9.2 The proposed development does not present demonstrable harm to the amenity of neighbouring residents and would not detract from the character and environmental quality of the surrounding area. Issues relating to the built and natural environment have been fully considered, appropriate assessment has been undertaken with regards protected habitats and drainage. Approval is recommended.

10.0 Conditions

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

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

2. No development shall take place within the approved site until the vehicular access, including visibility splays and any forward sight distance, has been provided in accordance with Drawing No.

02C bearing the date stamp 15 JAN 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 development hereby permitted shall not exceed 4% (1 in 25) over the first 10` m outside the road boundary.

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

4. The applicant shall submit a final Construction Environmental Management Plan and finalised layout design, including a site drainage plan, to Causeway Coast and Glens Borough Council for agreement prior to works commencing. The Plan shall reflect all the mitigation and avoidance measures to be employed as outlined in the Outline Construction Environmental Management Plan (May, 2017) and all additional submitted information.

Reason: to protect the site selection features and conservation objectives of Lough Foyle SPA/Ramsar and River Roe SPA.

5. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.

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

6. A landscaping management plan shall be submitted to the Council before any works begin on site for comment by relevant consultees.

Reason: To ensure local biodiversity and site integrity are protected.

7. No construction works during the core winter months i.e. from October to March.

Reason: To avoid disturbance to wintering and passage birds associated with designated sites.

8. No hedgerow or scrub removal from March to August.

Reason: To avoid disturbance to breeding birds and their young.

9. Screening shall be erected around the site throughout the construction phase.

Reason: To avoid pollution (noise, visual, contamination) of adjacent designated sites.

10. All construction activity shall be confined within site boundaries and the boundary of the designated area shall not be disturbed in any way without written consent from the Department.

Reason: To protect the integrity of Lough Foyle SPA and Lough Foyle ASSI designated sites, and to avoid any encroachment therein.

11. All waste water during the construction phase shall be directed away from Lough Foyle SPA/Ramsar.

Reason: to protect the site selection features and conservation objectives of Lough Foyle SPA/Ramsar and River Roe SPA.

Informatives

1. Due to the close proximity of the site to a watercourse, 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 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 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.

2. Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to DfI Rivers, for its consent for any proposal to carry out works which might affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc. Failure to obtain such consent prior to carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.
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.

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 TransportNI Section Engineer whose address is Causeway Coast and Glens (West), County Hall, Castlerock Road, Coleraine. 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.

4. Septic tank emptying; The applicant must provide an all weather hard standing area with a 3.5m wide access capable of supporting the weight of the sludge tanker within 30m of the septic tank.

The applicant is advised to contact NIW through its Customer Relations Centre on 08457440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.

5. NED recommends that the following measures are taken to minimise threats to breeding birds and maintain the availability of nest sites:
 - Removal of any hedgerow vegetation or trees for access purposes and removal or infilling of natural features such as earth banks and ditches should be avoided.
 - Any unavoidable hedgerow or tree removal should be carried out outside of the bird breeding season, which runs from 1st March to 31st August.
 - All works should remain within the access and construction footprint as shown on the original drawings.

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*);
- 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;

- (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 otter activity on the site, all works must cease immediately and further advice must be sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605.

There is no provision within the legislation to issue licences to kill otters for the purpose of development.

The applicant should refer and adhere to the precepts contained in DOE Standing Advice Note No. 4. Pollution Prevention Guidance, 5. Sustainable Drainage Systems (April 2015) (The applicant should note that since the publication of this standing advice the SuDS Manual has been updated and is now CIRIA C753 (2015) The SuDS Manual), 11. Discharges to the Water Environment Standing advice notes are available at:

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm

6. The applicant/agent should satisfy themselves that the proposed development can be provided with an effective means of foul effluent treatment, and disposed of final effluent to a watercourse or underground stratum and secure a consent to discharge sewage effluent from the NI Environment Agency as required by the Water (Northern Ireland) Order 1999.

