



Planning Committee Report LA01/2017/0280/F	22nd August 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>	LA01/2017/0280/F	<u>Ward:</u>	Giant's Causeway
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Lands to North and East of 30 Haw Road, Bushmills		
<u>Proposal:</u>	Proposed Development of Maturation Facility comprising 29 maturation warehouses; fire water retention lagoon, sprinkler pump house and tanks; landscaping; and a new access road from Haw Road.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	27th February 2017
<u>Listed Building Grade:</u>		<u>Target Date:</u>	
<u>Applicant:</u>	Old Bushmills Distillery, 2 Distillery Road, Bushmills, Co. Antrim		
<u>Agent:</u>	Juno Planning & Environmental Ltd, 409 Lisburn Road, Belfast, BT9 7EW		
<u>Objections:</u>	64	<u>Petitions of Objection:</u>	0
<u>Support:</u>	2	<u>Petitions of Support:</u>	0

EXECUTIVE SUMMARY

LA01/2017/0280/F

Full Planning

This Executive Summary is prepared for planning application LA01/2017/0280/F which is for a proposed development of a maturation facility comprising 29 maturation warehouses; fire water retention lagoon, sprinkler pump house and tanks; landscaping; and a new access road from Haw Road at lands north and east of 30 Haw Road, Bushmills. This site is located in the countryside, approximately 600m east of Bushmills.

Full consideration of this proposal is set out in the Planning Committee Report.

This application is Major Application and was subject to a Pre-Application Community Consultation which took place on 14 September 2016. The application was submitted with various documents, including a pre-application community consultation report and Environmental Statement. The application was made valid on 27 February 2017. All relevant consultees and neighbours were notified and the application was advertised in the local press. As a result of the consultation process there were a total of 64 letters of objection and 2 letters of support. All consultees had no objection subject to conditions where necessary.

Several policy documents and guidance apply to this application. The main policy consideration is Planning Policy Statement 4: Planning and Economic Development which considers the principle of the development.

In assessing the application there are several matters that have been considered, including those raised within the letters of objection. Other matters of consideration include:

- The Case of Need

Details of production at the Old Bushmills Distillery are considered to demonstrate that there is a need for the proposed additional maturation sheds. This consideration has had regard to plans for expansion of the production facility at the main distillery site.

- Long-term sustainable benefits

Old Bushmills Distillery makes a significant contribution to the regional economy through production/ exports and employment, while also playing an important role in the tourism visitor experience. The proposal will enable the Distillery to continue to make a significant contribution to the regional economy. The proposal will support the continued growth of the Distillery which will sustain the long-term economic benefits on a sustainable site.

- Availability of alternative sites

An assessment has been made of alternative sites. This concludes that the application site is acceptable in terms of accessibility, cultural heritage, flood risk, ground conditions, landscape setting, natural heritage, provenance of site, proximity to existing distillery, residential amenity, size and availability of the site.

- Landscape and visual amenity

Critical public aspects surrounding the site and within the wider landscape have been considered. It is concluded that while the proposal will have a visual impact on the landscape, the impacts are not considered to be so significant and unacceptable in policy terms to carry determining weight in this case.

- Amenity of neighbouring residents

Following assessment, it is considered that the proposed development is in accordance with planning policy regarding amenity. The development would not result in unacceptable adverse effects to the amenity of neighbouring properties. This assessment has been informed through consultation with Environmental Health.

- Access and traffic impacts

Consultation with DFI Roads has established that the proposed access arrangements are satisfactory in terms of road safety and the convenience of road users.

- Environmental Considerations

Consideration has been had to both natural heritage and archaeological interests. Consultation with DAERA NIEA Natural Heritage and The DFC Historic Environment Division has confirmed that the proposal is acceptable.

- Flooding and Drainage

A drainage assessment has been provided and has been found acceptable by Rivers Agency. It has been identified that the proposal is not located in an area of flood risk and that the proposal will not cause or exacerbate flooding.

- Other Issues

Other issues, mainly raised through representations, are considered in the Planning Committee Report.

This is a significant proposal where need has been demonstrated. The proposal meets the key requirements of PPS 4 Policy PED 5 by being a major industrial proposal that makes a significant contribution to the regional economy. Specifically, it has long-term sustainable economic benefits, has entailed an assessment of alternative sites and has considered environmental and transport impacts. The proposal will not result in unacceptable effects on either visual amenity or residential amenity. An assessment has been made of environmental effects arising from the proposal and these have been found acceptable. Having regards to the Northern Area Plan 2016, the SPPS, relevant planning policy statements and other material considerations, the proposal is considered acceptable. Approval is recommended.

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 25Ha of agricultural land southwest of the Straid Road and Haw Road junction, approximately 600m to the east of Bushmills. The site is irregular in shape with a large northern portion bounded by the Haw Road and Straid Road, the site narrows in the middle as the boundary cuts in and around the curtilage of No. 30 Haw Road, before opening out to a larger southern portion.
- 2.2 The topography of the site is varied with the northern portion dominated by a large drumlin, the land slopes away to the south with the lowest point running through the narrow central belt and along the western boundary of the southern portion of the site. The land rises from west to east across the southern portion. The site boundaries consist of post and wire fencing and hedgerows.
- 2.3 The site is located in the rural area outside of the settlement limit of Bushmills. The site does not fall within any designation as outlined in the Northern Area Plan 2016. The Causeway Coast Area of Outstanding Natural Beauty (AONB) and the Distinctive Landscape Setting of the Giants Causeway and Causeway Coast World Heritage Site cover an area of land, outwith, but to the north of the site.
- 2.4 The site is read within the context of the Bush valley in that it is positioned on the eastern edge of the valley with long range views of the site available from Ballyclough Road to the west.

3.0 RELEVANT HISTORY

E/2006/0291/F: New warehouse 17 for storage of full whisky barrels, Old Bushmills Distillery, 2 Distillery Road, Bushmills.
Permission Granted 28.03.2007

E/2008/0175/F: Construction of new warehouses 18, 19 & 20 for the storage of full barrels of whiskey. Old Bushmills Distillery, 2 Distillery Road, Bushmills.
Permission Granted 23.09.2008

E/2009/0178/F: Construction of open lagoon with lined earth bank walls for (in an emergency event) the collection of firewater, stormwater or other hazardous liquid in order to prevent pollution of watercourses. Old Bushmills Distillery Site, Distillery Road, Bushmills.
Permission Granted 09.07.2010

E/2009/0408/F: Retrospective application for amendments to warehouses 18, 19 & 20 for storage of full barrels of whiskey (previous approval ref. E/2008/0175/F) Old Bushmills Distillery, 2 Distillery Road, Bushmills.
Permission Granted 26.02.2010

E/2012/0230/F: Refurbish the Entire Building (Warehouse Two) Providing New Reception Area, Public Spaces, Meeting And Office Areas With Associated Document Stores, W/C And Kitchen Facilities And New Canopy Located At Main Entrance, Old Factory Building (Warehouse Two), Old Bushmills Distillery 2 Distillery Road, Bushmills.
Permission Granted 09.04.2014

LA01/2015/1015/O: Proposed new distillery facility including boiler house and cooling equipment at 2 Distillery Road, Bushmills.
Permission Granted 23.06.2016

LA01/2016/0750/PAN: Proposed maturation shed facility development at lands to the North and East of 30 Haw Road Bushmills.
PAN Acceptable 07.10.2016

LA01/2016/1023/PAN: Proposed new distillery facility including boiler house and cooling equipment at 2 Distillery Road, Bushmills.

PAN Acceptable 07.10.2016

LA01/2018/0384/PAN: Proposed new distillery facility including boiler house and cooling equipment at 2 Distillery Road, Bushmills.

PAN Acceptable 13.04.2018

LA01/2018/0547/PAD: Proposed new distillery facility including boiler house & cooling equipment at 2 Distillery Road, Bushmills. Application now submitted.

LA01/2018/0893/DETEIA: Environmental Impact Assessment Screening Request - For a proposed new Distillery Facility at 2 Distillery Road Bushmills. Consultations Issued

LA01/2018/0955/F: Proposed new distillery facility including boiler house, cooling equipment and barrel store at 2 Distillery Road Bushmills. Application Valid.

4.0 THE APPLICATION

- 4.1 Planning permission is sought for the development of 29 maturation warehouses on a green field site to the south east of the Straid Road Haw Road junction. The warehouses are in association with the Bushmills Distillery and include a fire water retention lagoon, sprinkler pump house and water tanks. An extensive landscaping scheme is proposed to establish a woodland setting for the buildings.
- 4.2 The development would be accessed off Haw Road with a new access 65 metres from the junction with Staid Road. The proposal also includes making improvements to the existing junction to improve access onto Straid Road.
- 4.3 The proposal falls within the Major category of development and as such the applicant entered into pre application community consultation including the submission of a Proposal of Application Notice (PAN). The applicant submitted a pre-application community consultation report with the application which details the consultation process.

Pre-Community Consultation

4.4 The public consultation event was held on Wednesday 14th September 2016 at OBD Visitor Centre. The event was advertised in the local press on Tuesday 6th September 2016. OBD hand delivered invitations to the event to all residential properties within 500 metres of the development site. A number of local community groups were contacted and invited to attend the Consultation Event. (Bushmills Trust, Bushmills and District Community Association, Bushmills 2020 Village Plan Group.) The event was hosted in two sessions with the first session taking place from 1:30pm to 3pm and the second session from 6pm to 8pm. Approximately 30 no. people attended the consultation event across both sessions with 20 people providing their contact details on arrival.

- 4.5 In terms of feedback, the main concerns raised included:
- Concerns about road safety and the impact on the existing roads infrastructure;
 - Concerns related to the proposed location outside the settlement limit and outside a zoned industrial estate;
 - The potential for light pollution to impact on the rural area;
 - Concerns regarding possible noise impact during the construction phase;
 - Concerns about the impact on groundwater and a private water well;
 - The potential visual impact of the development on views including those from private properties;
 - Potential risks associated with the storage of alcohol (hazardous substance);
 - Potential for prolonged disruption associated with the phased construction period;
 - Concern that the scale of development could be disproportionate to the size of Bushmills village;
 - Concerns that the maturation facility will have a detrimental impact on the environment;
 - Concerns that the proposed development could be out of character with the surrounding area;
 - That the facility should be developed on a brownfield rather than a greenfield site;

- Concerns that the proposed development could have a negative impact on house prices in the area;
 - Concerns that the proposed development could have a detrimental impact on the health of local residents.
- 4.6 The following points were raised in support of the application:
- Welcome the development as it is considered that the development will ensure the future of OBD as both a business and tourist attraction;
 - Recognition of the positive knock-on benefits to Bushmills village arising from the development.
- 4.7 As a result of the public consultation, there were changes to the access arrangement and the landscaping proposals to reduce visual impact. Additional noise monitoring was undertaken to assess the impacts on neighbouring amenity. This informed the Construction Environmental Management Plan (CEMP) which was submitted and is considered with the application.

Environmental Impact Assessment

- 4.8 The application was accompanied by a voluntary Environmental Statement and is therefore considered EIA development. At the time of submission Regulation 5 (2) (a) of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 applied.

Habitat Regulations Assessment

- 4.9 There is a watercourse which runs through the site which discharges into the sea at Portballintrae, and into the Skerries and Causeway SAC.
- 4.10 The application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens Borough Planning Authority.
- 4.11 Having considered the nature, scale, timing, duration and location of the project Shared Environmental Services concluded that provided that subject to condition of any approval, the proposal will not have an adverse effect on the site integrity of

the Skerries and Causeway SAC.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There have been 64 letters of objection and 2 letters of support.

5.2 OBJECTIONS

The objections raised matters of concern in relation to:

1. Environmental impacts from both the construction process and the proposed use on both the visual amenity of the area and on wildlife within the area including badgers, otters, bats, hares etc.
2. Environmental Issues including impact on health and safety, air quality, noise, vibration and general disturbance.
3. Insufficient case of need for the development within the rural area.
4. Detrimental impact on the World Heritage Site.
5. Detrimental impact on AONB.
6. Amenity impacts such as noise, air pollution and general disturbance resulting from the proposed use and exacerbated by the phased construction process over a 22 year period. Overlooking from CCTV systems operated at the site.
7. Inappropriate land use. The site is not within zoned economic development land.
8. Transportation issues including Increased traffic and impact on local transport infrastructure, and intensification on the local area.
9. Planning issues, including NAP 2016, precedent, COMAH site, site unsuitable for landscaping and insufficient need for the development.
10. Insufficient information within the Environmental Statement and the associated Hazardous Substance Consent.
11. Health and Safety concerns in relation to the use of the site for the storage of flammable material.
12. Contrary to Planning Policy Statement 4 and the Strategic Planning Policy Statement (SPPS).
13. Contrary to COU4 of the NAP 2016.

14. Questions are raised about the case of need including discrepancies between the stated production output and the storage requirements.
15. The use of the proposed storage space for third party products.
16. Impact on the character of the area.
17. Impact on tourism.
18. Boundary dispute.

SUPPORT

5.3 The representation made in support of the application has raised the following matters:

- highlight the contribution made by Old Bushmills Distillery to the tourism economy
- how the proposed development is required to ensure the Distillery remains viable.
- Concern at the potential delay in processing the application and reiterates the importance of the proposed development to the distillery.

5.4 **Internal**

Environmental Health: No objection to the proposal subject to condition

DFI Roads: No objection to the proposal subject to condition

NI Water: No objection to the proposal subject to condition

NIEA: No objection to the proposal subject to condition

SES: No objection to the proposal subject to condition

Historic Environment Division: No objection to the proposal subject to condition

Rivers Agency: No objection to the proposal subject to condition

Health and Safety Executive Northern Ireland: No objection to the proposal. (Consulted on the accompanying Hazardous Substance Consent)

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 (NAP)

Regional Development Strategy (RDS)

Strategic Planning Policy Statement (SPPS)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 4: Planning and Economic Development

PPS 6: Planning Archaeology and the Built Heritage

PPS15 (Revised) Planning and Flood Risk

PPS 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

Parking Standards

Northern Ireland Regional Landscape Character Assessment

Northern Ireland Landscape Character Assessment

DCAN 15: Vehicular Access Standards

Documents Submitted by Objectors

- Objection prepared by MBA Planning dated 27th July 2017
- Speed Survey prepared by Lisbane Consultants received 25th September 2017
- Objection prepared by MBA Planning dated 10th May 2018
- Otter Survey and Habitat Assessment prepared by Allen and Mellon Environmental received 10th May 2018

Documents Submitted by Juno Planning

- Environmental Statement received 27th February 2017
- Further Environmental Information Addendum received 8th August 2017
- Further Environmental Information Addendum received 12th January 2018
- Further Environmental Information Addendum received 30th March 2018

In addition to the policies and guidance highlighted above, there is further information and drawings available on the Planning Portal. All information, including email/telephone correspondence and photographs, are available on the main file.

8.0 CONSIDERATIONS & ASSESSMENT

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

1. Case of Need
2. The principle of development PPS4/SPPS
3. Landscape and Visual impact
4. The amenity of neighbouring residents
5. Access and traffic Impacts

6. Environmental impacts
7. Flooding and Drainage
8. Other Issues

Planning Policy

- 8.2 The principle of the type and scale of development proposed must be considered having regard to the Regional Development Strategy, NAP 2016, SPPS and Planning Policy Statements specified above.

Regional Development Strategy (RDS)

- 8.3 The RDS recognises that to sustain rural communities, new development and employment opportunities are required which respect local, social and environmental circumstances. Facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape.
- 8.4 RDS seeks to promote a balanced spread of opportunities across Northern Ireland through a Spatial Framework that enables strategic choices to be made in relation to development and infrastructural investment.

Northern Area Plan

- 8.5 The site is located to the east of Bushmills, approximately 600 metres from the site boundary of Bushmills Distillery and their existing maturation warehousing. The site is in the rural area and is not covered by any specific designation within the Northern Area Plan 2016. However, to the north of the site is the Causeway Coast AONB, the Distinctive Landscape Setting of the Giants Causeway and Causeway Coast World Heritage Site and there are two Local Landscape Policy Areas (LLPA) to the north and west of the site. Designation BSL 03: Distillery LLPA and BSL 04: Dundarave.
- 8.6 The Distillery LLPA includes the valley of St Columb's rill, a minor watercourse that supplies the Distillery on the southern edge of Bushmills with an open character. While the Dundarave LLPA includes the woods and copses of the historic Dundarave estate,

which dominate the eastern and northern sides of Bushmills, greatly enhancing the landscape setting of the town.

- 8.7 NAP 2016 in keeping with the RDS concentrates economic development and employment land in Coleraine town, Aghanloo near Limavady, and to a lesser extent in Ballymoney and Bushmills.
- 8.8 The economic development zonings in Bushmills all fall within the site of the Bushmills Distillery. These include BSED 01 Old Bushmills Distillery Northern Extension (2.64 ha.), BSED 02 Lands South of Old Bushmills Distillery (0.77 ha.) and BSED 03 Lands West of Old Bushmills Distillery (2.34 ha). BSED 01 and 02 are identified as committed sites, in that planning permission has been secured, while BSED 03 is uncommitted. Detailed planning permissions and proposals are set out in Section 3.0 Relevant Planning History.

Case of Need

- 8.9 The proposal is for 29 maturation warehouses for the operational needs of Old Bushmills Distillery. Should planning permission be granted these will be built over a phased period (22 years) as set out in Phased Plans drawing submitted by Carl Bayliss, Landscape Architect.
- 8.10 The need for these additional warehouses comes as a result of an outline approval for an additional distillery on the site of Old Bushmills Distillery and to deal with the current demand generated from the existing distillery on site. The need for the proposal is set out in Paragraph 2.4 of the Environmental Statement (Feb 2017) which is further supplemented and expanded on in Chapter 2 of the Further Environmental Information Addendum (ES) January 2018 (paras 2.4). Paragraph 2.3.3 of this Addendum states that the proposed maturation facility is a key component in supporting increased sales growth and will subsequently increase maturation capacity to accommodate growth. It also states that by consolidating growth proposals, this will remove ongoing uncertainty that OBD has faced, where the expansion of maturation facilities has been ad hoc, and subject to a number of separate planning applications.

8.11 An official visited the Distillery on 8th June 2018, and was taken into every storage warehouse (nos. 8-27) to show the status and current capacity within each. Within each warehouse there is a variety of casks/barrels stored based on age/year of production, to ensure that if there is a fire not all of one whisky variety or age will be lost. Out of the 19 warehouses, there was limited capacity (@25% within Warehouse 27) and Warehouse 16 was empty. Photographs to illustrate this are shown in Appendix 1. Further photographs are available to view on the file.

8.12 Although the numbering for the maturation sheds is Warehouses 8-27, the previous warehouses 1-7 are now used for other purposes incidental to the operations of Old Bushmills Distillery. The current uses of each building are set out in the table below:

Previous Building Use	Current Use
Warehouse 1	Premium Tasting Room
Warehouse 2	Planning Approval to convert to Tourist and Office Space
Warehouse 3	Vatting and Blending Area
Warehouse 3A	Bottling Line 3
Warehouse 4	Tourist Shop, Restaurant and Toilets
Warehouse 5	Visitor Tour Reception Area
Warehouse 6	Engineering Stores
Warehouse 7	Finished Cased Goods Warehouse

Table 1: Use of Warehouses 1-7.

8.13 In understanding the “need” discussion, a glossary of terms is provided below:

Term	Definition
Alcohol by volume (ABV)	This is a standard measure of how much alcohol (ethanol) is contained in a given volume of an alcoholic beverage (abbreviated as ABV).

Barrel/Cask	These terms are interchangeable and refer to the containers used to store whiskey/alcohol.
Bulk Litres	This is different to MLA and is a term used within the Hazardous Substance Consent Tables to represent maximum contents of each storage location regardless of type. For example: At 100% Alcohol can store 1000 Bulk litres; At 84.7% Alcohol can store 1180 Bulk Litres; At 63.4% Alcohol (what OBD stores its product at) can store 1577 Bulk Litres.
Cell	An industry term used for a warehouse
Hazardous Substance Consent	A separate legislative consent process which states the upper limit for the storage of hazardous substances, including alcohol. OBD has consent to store @76,000 Tonnes at the existing OBD site. A separate HSC application, LA01/2017/0760, has been submitted for consent at this location.
Million Litres of Alcohol (MLA)	An industry term used to allow consistent measurement of Alcohol by Volume (ABV) regardless of storage strength. This is pure alcohol.
OBD	Old Bushmills Distillery
Warehouse	Each Warehouse (cell) can hold up to 20,000 barrels. The warehouses are usually filled to 90% capacity to allow for operational requirements which includes the delivery and removal of whiskey casks.

8.14 OBD currently requires storage for @ 80k barrels per year which require to be stored within 4 warehouses. OBD currently empties @ 3 warehouses per year, and therefore require approx. 1 additional warehouse per year. How these figures are achieved is demonstrated in the following paragraphs 8.15 – 8.21.

8.15 OBD production process begins with 10 tonnes of barley. Each tonne of barley processed creates 415 litres of alcohol (100% ABV). Therefore each batch creates 4,150 litres of alcohol.

$$1 \text{ tonne} = 415 \text{ litres}$$

$$415 \text{ (litres)} \times 10 \text{ (10 tonnes)} = 4150 \text{ litres of alcohol}$$

8.16 This process from start to finish takes 5 hours and 5 minutes. Each batch takes 5 hours and 5 mins to produce (305 mins). There are 10,080 minutes in a week (60 (mins) x 24 x 7 = 10,080). Therefore, as the plant operates 24 hours a day 7 days a week, OBD can produce 33 batches in a week (10,080 (mins) / 305 (mins to produce a batch) = 33). However, the plant and operation is not 100% efficient, so to allow for cleaning and maintenance this means the actual production is more realistically 32 batches per week.

8.17 OBD operates 51 weeks a year as it has @ 1 week closure over the December holiday period. It is also unrealistic that any operator is so efficient that it can operate at 100% capacity. Therefore it is more realistic to assume that the plant produces for a 48 week period in a calendar year, to allow for maintenance, closures, downtime etc. OBD produce 1536 batches per year (32 (batches per week) x 48 (production weeks in a year) = 1536).

8.18 As each batch creates 4150 litres of alcohol, and there are 1536 batches, this produces @ 6.3 million litres of pure alcohol (4150 x 1536 = 6374400). At the end of the production process there is 7.5 million litres of alcohol produced as water is added during the process, and the end product produced is @ 85% ABV (7.5 million x 85% = 6.37 million).

8.19 However OBD does not store alcohol at 85% ABV but it is stored at 63% ABV. Therefore more water is added to reduce the ABV from 85% to 63%. This means the final storage required is 10 million litres as OBD stores this at 63% ABV (6.3 million litres of alcohol combined with 3.7 million litres of water).

8.20 Furthermore, OBD then bring in 4 million litres of grain whiskey at 100% ABV. To reduce this to 63% ABV water is added which results in a requirement to store a further 6.3 million litres (6.3 million x 63% = 3.97 million litres).

- 8.21 Therefore the total product that requires storage in a year for the current operations of OBD is @16.3 million litres. The average barrel size is 197 litres. Therefore there is a requirement for @81k barrels (16 million/197 (av. barrel size) = 81218). Each warehouse can hold @ 20000 barrels and therefore there is a requirement for 4 storage warehouses a year (81k barrels / 20k barrels = 4). Currently, OBD empties about 3 warehouses per year or @ equivalent of 50k barrels. This establishes the figures based on the information provided by the applicant.
- 8.22 There is an objection from MBA on behalf of objectors which questions the ability of the existing distillery to produce the 10 million litres of alcohol (MLA) per annum specified in the ES, suggesting that they produce somewhere between 3.5 MLA and 5 MLA. The submission references industry publications and websites as evidence of production levels. The report by Drinks International from June 2010 indicates that production has increased from 1.5MLA to 4MLA. The 4MLA figure then rises to 5MLA in two further reports from 2016.
- 8.23 While the evidence seems to support a steady increase in production, the issues are later clarified within the FEI submission. The distillery has the capacity to produce 6 MLA of malt whiskey, while OBD also import 4 MLA of make grain whiskey to be stored in OBD barrels for the requisite 3 years, giving a total maturation requirement of 10 MLA.
- 8.24 The proposed development is required to meet existing storage demand and increased demand following the completion of the new distillery for which outline planning permission was granted under LA01/2015/1015/O. The objection questions whether it is the intention of OBD to proceed with the planned expansion, arguing that the new distillery and the proposed maturation site are inextricably linked, when a reserved matters application will be submitted and what the construction timeframe will be?
- 8.25 In its response dated 7th August 2017, Juno Planning state that OBD are fully committed to the expansion, work on the design has been ongoing for 15 months and the budget to implement the expansion has been secured. In addition, planning permission for the new distillery remains in place and a reserved matters application can be submitted up to June 2019. A Proposal of

Application Notice LA01/2018/0384/PAN has been submitted ahead of the submission of a major application for a new distillery. An application for planning permission for a new distillery, compliant to Section 27 of the Planning Act 2011, was received on 27th July 2018 and is valid with the Planning Reference LA01/2018/0955/F.

- 8.26 The proposed development is also inextricably linked to the outline approval for new distillery and subsequent full planning application. However, the ES and figures provided in Paragraph 8.14 demonstrate that there is a need for additional maturation warehouses. The planning history outlines verifiable plans for the expansion of the distillery and should planning permission be granted, any permission would be subject to condition directly linking the site to OBD.
- 8.27 In relation to existing maturation capacity, SOCC has stated that due to the inflated production figures the maturation requirement is also overstated and that the existing 20 warehouses have the capacity to accommodate existing and proposed production following expansion. Referencing the Hazardous Substance Consent (HSC) for the distillery extension the existing warehouses (8 – 27) have capacity for 78 MLA. In response OBD confirm that this is correct, that the maximum permitted capacity under the HSC if every warehouse was full is 78 MLA if stored at 100% ABV. However, OBD stores its casks at 63.4% ABV which equates to 49.2 MLA. And that 100% storage capacity cannot be achieved due to the filling with new spirit and removal of maturing whiskey stock. OBD operate with approximately 10% vacuity giving the 45.2MLA stated in the ES.
- 8.28 There is a minimum maturation period of 3 years rising to 50 years in some cases, the long term capacity and projected figures would appear reasonable. Furthermore, a site visit was undertaken by an official which included inspecting each warehouse to verify the current capacity of each. There was additional information outlined in the addendum which has provided clarity in relation to production levels and the nature of whiskey maturation can vary significantly. The ES addendum from January 2018 states that some of the whiskey will be matured for 3 – 5 years with a significant amount also needed to be matured for longer period to address the anticipated growth in 10, 12, 16 and 21 year old product. In addition, there are blended

products where different aged whiskey is mixed together. There is also a need to have regard to any product or line an operator wishes to produce, mature, and ultimately sell. Each warehouse operates @ 90% capacity to allow for operational needs and moving of product.

8.29 When considered in the context of the rate of expansion that OBD have undertaken from 2006, the proposed development and the phased manner of construction would appear to be consistent with their current rate of growth and future projections. There is a phasing plan proposed which can be subject to a condition, ensuring the phasing is carried out, with a further condition requiring a restoration plan restoring the ground conditions should the phasing, and future development, fail to be delivered.

8.30 The need argument submitted by objectors appears to possibly be outdated as Diageo is now no longer the owner/operator of OBD having regard to the relevant dates and source of information provided in this regard. Furthermore, OBD has a track record of building additional warehouses and has a planning application submitted for an additional distillery. On balance, it is considered that the figures and requirement put forward by OBD as the operator should get greater weight than those argued by objectors. Therefore the proposed storage requirements, having regard to the current production, an outline permission for an additional distillery, the continued growth and delivery of additional warehouses, the current low level of vacant warehousing, and considering the figures set out in paragraph 8.14 of this report, that a requirement for 29 warehouses over @20 year business plan is, on balance, reasonable, and there is a need or requirement for this level of storage over the suggested period.

The principle of development PPS4/SPPS

8.31 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. In line with key strategic objectives of the Northern Ireland Executive the SPPS states that long term economic growth will be achieved by improving competitiveness and building a larger and more export driven private sector. With regard economic development in rural location, the regional strategic policy advises that the level of new

building must be restricted, however does provide exceptions including where:

“A proposal for major or regionally significant economic development, where a countryside location is necessary because of size or site specific requirements. Such proposals should be able to demonstrate a significant contribution to the regional economy and be otherwise acceptable, particularly in terms of their environmental and transport impacts. An edge of town location should normally be favoured over a location elsewhere in the rural area.”

8.32 Policy PED 2 of PPS 4 Economic Development in the Countryside, states that proposals for Major Industrial Development uses in the countryside will be permitted in accordance with the provisions of Policy PED 5

8.33 Policy PED 5 of PPS 4; Major Industrial Development in the Countryside states:

A major industrial proposal which makes a significant contribution to the regional economy will be permitted in the countryside where it is demonstrated that the proposal due to its size or site specific requirements needs a countryside location. Such proposals will be assessed taking account of:

- (a) the long-term sustainable economic benefits;
- (b) the availability of alternative sites; and
- (c) the environmental or transport impacts.

8.34 **(a) the long-term sustainable economic benefits;**

The Environmental Statement (ES) which accompanies the application makes the case that the proposed development should be considered as a major or regionally significant economic development which makes a significant contribution to the regional economy which, it is reasonable to consider Bushmills Whiskey does.

8.35 The ES and associated addenda outlines the levels of investment that Old Bushmills Distillery (OBD) have undertaken in the last 10

years. The most detailed assessment is included in section 2.0 of the July 2017 addendum which was received on 8th August 2017.

- 8.36 The socio-economic assessment outlines the significant contribution that OBD makes to the local and regional economy, both as an employer and as a significant tourism asset within Northern Ireland. This is indeed significant. Although PED 5 relates to major industrial development in the countryside which make a significant contribution to the regional economy, it should be considered that this is not a 'stand alone' proposal and forms part of the overall expansion plans of OBD and relates directly to this.
- 8.37 The proposed development is significant in scale with a total of 29 warehouses proposed. The site is an extension to an established operation. Although the proposal does not make a significant contribution in its own right (as the economic impact of the proposal is largely restricted to the cost of construction and enabling works) it will make a significant contribution when consideration is given to it facilitating expanded operation of the main site. The construction cost figures are significant and construction would be over a 20+ year period.
- 8.38 OBD is not only unique in the Borough, but also in Northern Ireland being a world recognisable brand. It makes a significant contribution to the regional economy through production/exports and employment, while also playing an important role in the tourism visitor experience. It's geographically location and its legend are critical to both. Retaining its presence within Bushmills is significant and critical to the brand and builds upon the continued expansion of Bushmills over the last 11 years.
- 8.39 The justification for this is the impact of microclimate in the maturation process. The ES states:
- "Subtle changes in ambient temperature, humidity, air quality and proximity to the sea of the maturation warehouses make significant contributions to the final taste. The proposed site's location in close proximity to the existing OBD operations and maturation warehouses is therefore particularly important in order to closely replicate the existing environmental conditions."

8.40 The addendum dated January 2018 then adds:

“However, the effect of local climate on the final taste is widely accepted as being particularly important, for example, Scottish distillers on Islay, Jura and Skye have made the local climatic conditions and the influence on their final taste, a key point of difference and selling point for their whiskey for many years. Temperature, humidity, air quality, other climatic conditions and proximity to the sea are all crucial elements that affect the maturation process. A significant effect on the taste of Bushmills is down to the location of the maturation warehouses and the prevalent climatic conditions. It is thus, of critical importance to retain the maturation of Bushmills whiskey within Bushmills.”

8.41 The proposal is unique as Bushmills whiskey is a global brand with a 400 year history within Bushmills. Its historic location is within a village, that has land zoned for economic use that is reaching capacity and as a regional and global brand there is demand for continued expansion which the zoned land cannot deliver. This site, while not in Bushmills is in proximity to existing operations and will enable to support the continued growth of Bushmills Whiskey which will sustain the long-term economic benefits on a sustainable site.

8.42 (b) the availability of alternative sites; and

In selecting the application site OBD asked their consultant to identify an appropriate location within close proximity to the existing distillery facility. The existing zoned economic development land within Bushmills, as defined in NAP 2016, is all within the existing distillery site. The OBD Masterplan outlined in Fig. 2.3 of the addendum from January 2018 identifies the extent of the completed and pending construction, while paragraph 8.6 above outlines the existing and approved planning applications within the economic development zoning. Fig 2.4 of the addendum indicates further planned expansion of the existing site with a new distillery, barrel store and visitor centre identified on the remaining zoned land.

8.43 With insufficient land within the development limit to accommodate the proposed development the identification of alternative sites has focused on greenfield sites in proximity to

Bushmills. Three sites were shortlisted, all of which are on Straid Road.

8.44 Prior to the shortlisting consideration was also given to locations on the plateau to the east of Bushmills but this was discounted as integration would have been significantly more difficult. A second option looked at the Bush Valley with a possible edge of settlement location. Again this was disregarded on account of the visual impact imposed on the settlement by the recent extensions to the distillery.

8.45 The three sites which were put forward for consideration were then assessed against the following constraints: accessibility, cultural heritage, flood risk, ground conditions, landscape setting, natural heritage, provenance of site, proximity to existing distillery, residential amenity, size and availability of the site.

8.46 The application site is described as Site 1. Site 2 is located to the north of Straid Road, 5km to the east of Bushmills. This was rendered unsuitable as the site includes peat habitat and is prone to flooding. Visual impact was also a concern as the site is within the now defunct Supportive Setting of the Giant's Causeway and is prominent when viewed from the National Cycle Network Route 93. Access and proximity to OBD are also indicated as constraints. Site 3 is approximately 13km to the east of Bushmills. Again peat habitat and flooding are sited as constraints and the distance from Bushmills raises issues of brand provenance in that the site is closer to Ballycastle than Bushmills.

8.47 It is considered, on balance, that the site is suitable having regard to the availability of other sites.

8.48 (c) *the environmental or transport impacts.*

A full consideration of the environmental and transport impacts is set out in the subsequent sections: Landscape and Visual Impact; the amenity of neighbouring residents; access and traffic impacts; environmental considerations and; flooding and drainage.

8.49 Having regard to policy requirements of the SPPS and Policy PED 5 of PPS 4, it is considered that the proposed development meets these requirements, and accords with policy.

Landscape and Visual Impact

- 8.50 The Environmental Statement submitted in February 2017 includes a landscape and visual impact assessment (LVIA) which was carried out by Carl Bayliss Landscape Architect on behalf of Juno Planning. The landscape and visual impact is assessed against the SPPS, CTY13, CTY14 and CTY 15 of PPS21 along with PED 5 and PED 9 of PPS4. The supporting text of PED 5 states that proposals shall be accompanied by measures to assist integration of the proposal into the landscape and help promote biodiversity, while criterion (m) of PED 9 states that proposals in the countryside are required to provide satisfactory measures to assist integration into the landscape.
- 8.51 The proposed site is within the North Coast and Bush Valley Regional Landscape Character Area as defined in the Northern Ireland Regional Landscape Character Assessment, published by NIEA in 2015. This is a broad ranging designation which covers the north coast as far as Binevenagh Ridge to the west, the Antrim Plateau to the east and the lower Bann Valley to the south.
- 8.52 The proposed site is located approximately 5 km from the coast. The NI Regional Seascape Character Assessment identifies two Seascape Character Areas to the north of the site, SCA 4: The Skerries and Dunluce Coast and SCA 5: Causeway Coast.
- 8.53 Section 11.4.3 of the ES (Feb 2017) considers Landscape Character Assessments. The Northern Ireland Landscape Character Assessment Series provides a localised assessment of the Northern Ireland Countryside and was published by NIEA in 1999. The proposed site is within LCA 56: Dervock Farmlands. The key characteristics of the LCA are defined as:
- Open, rolling intensive farmland crossed by numerous shallow valleys. Mixed land uses dominated by improved pastures and some arable fields.
 - Medium sized regularly shaped fields separated by neatly trimmed hedgerows, fences and some trees. Large area of plantation woodland.
 - Scattered small settlements and individual houses, bungalows and farm buildings along edges of straight lanes and up short access tracks.
 - White painted two storey traditional buildings, and large new farms with associated long horizontal barns.

8.54 The LCA goes on to say that the area is quite sensitive to change due to the long views which are available across the landscape. However, its' already varied land use and the presence of vegetation means that change could be accommodated within the more enclosed areas.

8.55 Under the Principles of Landscape Management and Principles for Accommodating New Development the LCA advises:

- Estate landscapes and their settings should be conserved and enhanced ensuring that trees are planted to replace older trees as they die out, and that woodlands are managed by thinning and replanting as required.
- Planting trees next to large barns will help to assimilate them into the landscape.
- Detailed visual analysis would be beneficial before constructing new large farm buildings, which should be screened by planting.
- The use of a variety of different building materials in new developments should be avoided; planting of broadleaved native species would help to integrate them within the landscape.

8.56 The proposed site would also be visible from parts of LCA 57: Causeway Coast and Rathlin Island. This LCA advises that the Causeway Coast is designated as an AONB reflecting its nationally important landscape status and pristine condition. It is world famous for its coastal scenery of dramatic cliffs and sandy bays. The wild, open character of the coast would benefit from minimal intervention or disturbance in order to conserve the dramatic undisturbed character and long coastal views. Given the siting of the proposed development, it is unlikely to have an unacceptable impact on LCA 57.

8.57 The proposal is for 29 maturation warehouses grouped in blocks of two and three with ridge heights of 10m. The design concept relies on the sites natural topography and extensive woodland planting to integrate the development into the landscape. In doing so it is intended to establish a visual extension of the Dundarave Estate which is located to the north of the site, by continuing the woodland setting which provides a backdrop to the northern portion of Bushmills.

- 8.58 The proposed planting consist predominantly of Oak, Hazel and Birch. Oak woodland is proposed along the northern and western sides of the site. Around the drumlin and the south eastern boundary of the site a mix of Hazel, Birch and Oak woodland is proposed. A third area of wetland planting is proposed around the fire water lagoon consisting mainly of Alder, Willow and Birch.
- 8.59 The proposed layout seeks to utilise the exiting site topography to minimise the visual impact of the initial phase of development. Extensive contouring of the ground, coupled with heavy landscaping around and throughout the site is intended to minimise the visual impact over the long term. Given the scale of the development the work will be carried out in phases. Phase 1a – 1d, 2, 3 and 4. It is proposed to carry out most of the contouring work, construct 2 sheds and to complete 90% of the tree planting within phase 1a (1 year). This would afford the planting time to establish to help integrate additional sheds which would then be added over time.
- 8.60 An overall indicative time of 22 years is outlined in the ES, while the phasing plan (Drg No. 29C 5-MAR-2018) indicates phase 4 commencing after 16 years and 9 months. The landscape assessment looks at the site over a 22 year period.
- 8.61 The submitted LVIA identifies 17 receptors which could potentially be affected by the proposal. The assessment describes the nature of each receptor, the current view and the predicted view throughout each phase of the development. It then considers the changes which would be experienced at each view point should the proposal be constructed. The assessment is then supported by visual montages from each viewpoint over a 22 year period.
- 8.62 View point 1 includes three different close range aspects from Straid Road. 1A is the most easterly at 130m from the site with 1B and 1C approximately 50m from the site. Any viewpoints from further east along the Straid Road are largely obscured by a ridge to the east of the site and roadside vegetation.
- 8.63 The views from Straid Road are the most critical close range views. Along a 150m section of Straid Road the topography allows views across a large area of the site. The land slopes down from the drumlin before rising again to the east, while the road side topography is reasonably flat. As such, No. 30 Haw

Road which is located beyond the site to the south is clearly visible. The two sheds constructed within the initial phase of construction will be visible along the 150m section of Straid Road as is shown on viewpoint 1A. 1B and 1C focus on the eastern side of the drumlin to the north of the site where construction is not scheduled until phase 3 at 14 years and 6 months. At which point it is predicted that the landscaping will have established sufficiently to integrate the development and mitigate significant visual impact.

8.64 The Oakland Woodland comprises 40% *Quercus petraea*, a fast growing variety of oak which can achieve a height and spread of 6m x 3m after 10 years - 12m x 8 m after 20 years. Based on this rate of growth it is a reasonable assumption that the landscaping will have established within the time frame identified in the landscape assessment.

8.65 Phase 1A – 1D cover a period of 7 years where it is proposed to develop the southern portion of the site. The initial construction period would have a significant visual impact largely due to the earth works and the exposed nature of the site. By developing the southern portion during phase 1 the visual impact is reduced as the buildings would be setback 300m from the Straid Road. The design of the buildings further mitigates the visual impact in that their appearance reflects agricultural buildings which are evident throughout the surrounding area.

8.66 Given the scale of the proposed development, the set back from the road and the existing topography, the proposal is largely contained within the surrounding landform. Throughout phase 1A – 1D the development will be a prominent feature when viewed from Straid Road. However, this is limited to a 150m section of the road where the field of view is transient and at right angles to the road. As the landscaping establishes views of the proposed development will be further reduced. By phase 4 the landscaping should have established sufficiently to absorb the final phase of the proposed works on the eastern side of the drumlin.

8.67 With regards the visual impact when assessed from viewpoint 1A – C, the proposal is not considered to dominate or adversely affect the landscape setting and would not detract significantly from the character and environmental quality of the area.

- 8.68 View point 2 is taken from further west along the Straid Road at the junction with Haw Road. Here the proposed development is screened by the drumlin with the only impact limited to the proposed access works. Although the immediate ground works and re-contouring would have an impact, once completed the impact would be minimal and would be mitigated by the proposed planting.
- 8.69 The existing boundary at the junction is to be removed with the low level fence reinstated 3m further back. The access is then to be located on Haw Road, 60m from the junction with Straid Road. The proposed access is 12m wide at the road side and includes a 1.3m timber fence with a further boom gate set 12m further back. A 2.4m paladin gate and fence is proposed around the maturation sheds within the internal perimeter of the site for security. This is restricted to the footprint of development and would have no visual impact.
- 8.70 The visual impact from viewpoint 2 and along the Haw Road is limited to the appearance of the roadside access and associated gates and fence. The LVIA does not include alternative viewpoints along Haw Road. However, it is considered that due to the rising topography along the western side of the site there is no visual impact from the Haw Road.
- 8.71 Viewpoints 3, 4 and 5 are taken from Ballyclogh Road which is approximately 3km to the west across the Bush Valley. It is a narrow rural road over elevated ground and affords long range views across the valley to the proposed site. This is the only vista where the site is read in the context of the wider Causeway Coast, with the Causeway plateau to the north and Knocklayd and the Antrim Hills to the east.
- 8.72 Ballyclogh Road is a minor rural road which sees a higher than expected volume of traffic due to a popular garden centre which has an associated restaurant. The elevated topography along the northern portion of Ballyclogh Road is such that the proposed site is clearly visible. Phase 1A – D would see the construction of the southern portion of the site. The sheds will be clearly visible from all three viewpoints albeit the view is intermittent due to roadside vegetation. The photomontages in the LVIA are overly sympathetic in their assessment. The conditions on the day appear to have been particularly hazy, conditions which have not

been replicated over a series of inspections. Notwithstanding, views of the site from Ballyclogh Road are long range and intermittent. The scale of the landform is very broad and the proposed development would not appear overly incongruous from this perspective. The land rises to the west affording a backdrop to the site, while the drumlin and ground works would help to integrate the proposed buildings into the landform. As the proposed landscaping establishes this would further help to soften any impact.

8.73 The Ballyclogh Road begins to slope downwards into the Bush Valley. Along the road views are intermittent and transient with established road side vegetation screening most of the views. Viewpoint 5 is taken from the car park of the Creative Gardens Garden Centre. From this perspective the site is largely screened by roadside vegetation and mature trees on farmland to the east, with only intermittent views available.

8.74 Multiple representations raised concerns about the impact of the proposed development on both the AONB and the Distinctive Landscape Setting of the Giant's Causeway and Causeway Coast World Heritage Site. The site does not fall within either designation and although it is close to the boundary of the designations the relevant policies cannot be applied.

8.75 Given the broad range of the landscape when viewed from Ballyclogh Road the proposal is viewed within the context of the designations. However, the proposed works would not be inter-visible with the more sensitive northern elements of the Causeway Coast and would not detract from either the AONB or the Distinctive Landscape Setting. The visual impact is considered acceptable and would not detract from the landscape quality or character of the area.

8.76 The Castlecat Road (B66) is an arterial route to the south of Bushmills. The Road runs north to south along the eastern side of the Bush Valley. The proposed site is located approximately 1.7km to the north east of the Castlecat Road and will be intermittently visible over a 1.5km section of the road on approach to the town. Viewpoint 6 is taken from the centre point of the critical section of Castlecat Road.

8.77 The LVIA describes the impact through phase 1A – 1D as slight

to moderate and moderate through phases 2 – 4. Phase 1 would see the construction of sheds on the highest portion of ground across the proposed site and the upper portion of the sheds will be evident on the skyline. This is likely to be the greatest impact over the long term as the ground level immediately west of the southern portion of the site slopes downwards allowing long range views into the site.

- 8.78 Given the transient speeds on the B66, and the angle and elevation of the site relative to the road it is not considered that the visual impact would be so severe as to detract from the character and landscape quality of the area. While the proposed sheds would be evident on the skyline, their appearance would reflect a large agricultural unit and would not be overly incongruous. The impact would also diminish over time as the proposed landscaping establishes and helps the development to sit naturally within the landscape.
- 8.79 Viewpoint 7 and 8 are taken from the Causeway Coastal path overlooking the World Heritage site and AONB which is a significant view in this consideration. However, the visuals demonstrate there is no visual association of the site with either aspect and, as such, the LVIA records no impact in both cases.
- 8.80 There are no views of the site from either the Causeway Road or the Whitepark Road (A2) which are the two main routes running through the AONB and the Distinctive Landscape Setting of the Giant's Causeway and Causeway Coast World Heritage Site to the north of the site. The Castlenagree Road links the Whitepark Road to the Straid Road, Haw Road junction approaching the site from the north. The roadside vegetation and the surrounding topography obscure any views of the proposed site.
- 8.81 The Dunluce Road (A2) is the main route linking Bushmills to Portrush. On approach to Bushmills the proposed site is largely obscured by the roadside topography with only intermittent views of the drumlin within the northern portion. The Ballaghmore Road links Bushmills with Portballintrae. There is potential for a slight long glimpses of the site however, this would be limited and of little impact.
- 8.82 The Priestland Road approaches Bushmills from the south west through a relatively open and exposed landscape. Similar to

Castlecat Road there will be intermittent views of the site over a 1km section of the Priestland Road from just past the junction with the Ballyclogh Road on approach to the town. Again the sheds will be evident on the skyline, however the views are intermittent and transient and at a distance of approximately 3km, would not detract from the quality of the landscape.

8.83 The Carnbore Road is a rural road 400m to the south of the site which runs parallel to the southern boundary before veering off to the south east. Due to the topography of the surrounding land and the roadside vegetation views of the proposed site are limited with only intermittent transient views available from the section of the road which runs south east.

8.84 Viewpoints 9 – 13 of the LVIA are from residential properties adjacent to the site. Views 9 and 10 are from the grounds of No. 30 Haw Road which is bounded on three sides by the proposed development. Throughout the initial works it is likely that the impact on visual and residential amenity is likely to be significant however, the impact of the construction phase is not in itself a material consideration. It is proposed to plant areas of woodland along all three boundaries that the dwelling shares with the proposed site enclosing the dwelling within a woodland setting.

8.85 Given initial concerns that the proposed works, in particular the creation of the fire water lagoon, would detract from the visual and residential amenity afforded to the dwelling, officials requested additional planting along the boundary.

8.86 No objection has been received from the residents of No. 30 and although the proposed development significantly alters the landscape surrounding the dwelling it is not to its visual detriment. The transition to a woodland setting would be gradual however, the use of heavy standard trees to the east of the dwelling would help to screen the initial phases of construction while the maturing woodland would protect against long term amenity impacts such as noise.

8.87 Viewpoint 11 is taken from 194 Straid Road, the rear boundary of which abuts the northern boundary of the proposed site. The existing boundary treatment consists of a low level wall with juvenile coniferous trees and semi-mature deciduous trees on the far side of the wall. A large gap within the vegetation offers a

view onto the drumlin feature within the northern portion of the site.

8.88 The proposed development would see the drumlin heavily planted with oak woodland throughout phase 1. There will be a degree of disruption resulting from the earth works and access construction but the construction of sheds within the northern portion of the site is not scheduled until phase 4 (16 years 9 months). By this stage the woodland will be well established and views of the site will be obscured. Again the proposed development will alter the nature of the aspect afforded to the dwelling as the woodland setting establishes over time however, it would not result in detrimental harm to the environmental amenity currently afforded to the dwelling.

8.89 Viewpoint 12 is taken from No. 30 Carnbore Road which is located 200m south east of the site. The dwelling is accessed via a private laneway and is approximately 400m to the north of Carnbore Road. The principle aspect of the dwelling faces south. The dwelling is slightly elevated relative to the site and views down and across the site are available. The initial visual impact will be significant as phases 1 - 3 of construction will be across the southern portion of the site. As the proposed woodland begins to establish the visual impact will begin to diminish.

8.90 The visual impact is limited due to the south facing aspect of the dwelling. From the rear of the property views of the site are also limited due to the outbuildings to the rear and the orientation of the dwelling relative to the site. The principle amenity area is also to the front of the property where views are not available. Views of the site from the laneway are restricted by the vegetation along the laneway and the boundary vegetation of the adjacent fields.

8.91 While there will be an initial visual impact observed from the property it would not be so significant as to detract from the visual amenity afforded to the dwelling.

8.92 Viewpoint 13 is from no. 195 and 197 Straid Road to the north of the site. Access was denied at the time of the survey so photomontages from the dwellings are not provided. When viewed from the public road the roof tops of the dwellings are just visible set within a group of mature trees. Views of the site would not be achievable from within or around the residential curtilage

and as such no visual impact can be recorded from this aspect.

8.93 Viewpoints 14, 15, 16 and 17 are taken from archaeological and built heritage features with the surrounding landscape. These include Dunluce Presbyterian Church, Billy Parish Church, Ballyclough House and a standing stone at Flower Hill. The proposed site is not visible from any of these locations and there is no resulting visual impact.

8.94 With regards the impact of the development throughout the year there is likely to be partial views of the site when the trees are not in leaf. Concern was also raised that lighting of the site would result in significant visual impact throughout the winter months. The light plan submitted under section 3.0 of the ES addendum from January 2018 restricts the use of light to operational hours from Monday to Friday between 08.00hrs and 17:00hrs.

8.95 In considering this application, having regard to the assessment of the visual impact assessment against the characteristics, landscapes, and principles established under LCA 56, on balance, this proposal is considered acceptable.

8.96 CTY 15 of PPS 21 sets out policy regarding the setting of settlements. It states planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. Landscapes around settlements have a special role to play in maintaining the distinction between town and country, in preventing coalescence between adjacent built-up areas and in providing a rural setting to the built up area. This proposal will not result in the coalescence between built up areas, given the intervening topography and distance, so will retain the setting of the existing settlement limit. Furthermore this proposal will not mar the distinction between town and country due to the sites distance from the existing settlement limit and will not create urban sprawl. It is therefore considered that the proposal does not conflict with CTY 15.

8.97 Representations received have raised concern in relation to the visual impact of proposed development and have suggested that an edge of town location would be preferential or that a series of sites around the town could also provide additional storage. PED 5 of PPS 4 states that where a development proposal is

acceptable in principle in the countryside an edge of town location will be favoured over a location elsewhere in the rural area.

- 8.98 The policy does not define an edge of town location. At the closest point the proposed site is approximately 600m from the settlement development limit. Notwithstanding, it is the intent of the policy to limit the visual impact associated with the proposed development.
- 8.99 The recent expansion of the distillery has had a significant visual impact on the setting of Bushmills, with the new maturation sheds dominating the townscape to the east. Bushmills and the surrounding lands are largely within the AONB or designated LLPA, most of the town is within the Conservation Area and the area to the north of the town is within the Distinctive Landscape Setting of the Giant's Causeway and Causeway Coast World Heritage Site.
- 8.100 When considering the spirit and intent of the planning policy, an alternative site on the physical edge of the settlement would cause demonstrable harm to the character and environmental quality of the area. The use of multiple sites around the settlement would also erode the character of the area, and is likely undermine the setting of the settlement. Furthermore, it would create a series of sites which would be subject the Control of Major Accident Hazards (COMAH) regulations (NI) 2015, potentially restricting future development opportunities within the town.
- 8.101 The visual impact associated with the proposed site is considerably lesser than a physical edge of town location and would not result in demonstrable harm to a landscape setting of acknowledged importance.
- 8.102 The visual impact has been assessed having regard to the LVIA submitted as part of the ES. Critical public aspects surrounding the site and within the wider landscape have also been considered and it is concluded that the proposal will have a visual impact on the landscape. However, it is considered that, on balance, these impacts are not so significant and unacceptable in policy terms to carry determining weight in this case and warrant withholding of planning permission. Regard has

been given to the SPPS, CTY13, CTY14 and CTY15 of PPS21 along with PED 5 and PED 9 (criteria j, k, & m) of PPS4. The above policies within PPS21 were given due consideration because the site is within the countryside. It is not considered to erode rural character or reduce the landscape quality given the present character of the site. With regards landscape and visual impacts the proposed development is considered to comply with the SPPS, CTY13, CTY14 and CTY15 of PPS21 along with PED 5 and those criteria of PED 9 of PPS4 (criteria j, k and m).

The amenity of neighbouring residents

8.103 Residential amenity is considered having regard to the SPPS and policy PED 9 of PPS4. Residential amenity is safeguarded under criterion (b) of PED 9. The justification and amplification states: in considering proposals, the Planning Authority will seek to minimise adverse effects on the amenities of adjacent properties, particularly dwellings. Criterion (a) of PED requires proposals to be compatible with surrounding land uses, and criterion (e) of PED 9 states that any proposal should not create a noise nuisance

8.104 Many of the representation received have raised concerns in relation to amenity impacts such as noise, air pollution, general disturbance and overlooking from CCTV systems operated at the site. Construction impacts are also raised, exacerbated by the phased construction process over a 22 year period. Concern is also expressed that the use of the site represents a health and safety risk through the storage of hazardous substances.

8.105 In considering such impacts, officials have consulted with Environmental Health as the competent authority. The Environment Health Department has considered the following sections of the Environmental Statement submitted in February 2017:

- Chapter 5: Air Quality Impact Assessment
- Chapter 9: Noise Impact Assessment Report
- Appendices 2.1: External Lighting Design Strategy
- Appendices 6.5: Construction Environmental Management Plan

8.106 In its response it states: *The Air Quality Assessment undertaken considers the site enabling/construction and operational phases.*

The Institute of Air Quality Management guidance and the dust impact assessment approach and screening methodology has been employed with regard to site enabling and construction phases. In relation to the assessment methodology employed, it is confirmed that the approach in general appears satisfactory.

8.107 In considering noise impacts associated with the proposed development the Environmental Health Department has stated:

“The impact of the commercial and industrial sound from the operational phase/s of the proposed development has been assessed using the methodology described in BS 4142: 2014, comparing the Rating level with the existing background sound level.

In relation to the assessment methodology employed, it is confirmed that the Environmental Health Department concurs with the use of BS 4142. It has been stated that the development will be constructed in 4 phases with predicted noise impacts derived tailored to each phase.

Based on the current noise source data and operational assumptions, the conclusions appear to indicate no adverse effect due to noise (based on a comparison of the rated Level of noise and the Background Sound Level (194 Straid Road) and a low impact at 30 Haw Road (+ 2.8dB) above the background Sound Level.”

8.108 With regards vibration through the construction process the Environmental Health Department has advised the following:

“It is noted that vibration impacts have been considered specifically in relation to any piling works which may be required to be undertaken.

This Environmental Health Department considers the approach outlined within the Noise Impact Assessment and Construction Environmental Management Plan to be in accordance with the relevant British Standard BS 5228 (Part 2, 2009 " Code of Practice for Noise and Vibration Control on Construction and Open Sites").

In relation to potential ground borne vibration this may arise due to construction - traffic, machinery and civil engineering works particularly piling.

The Environmental Health Department notes the incorporation of community liaison/communications where vibration generating activities are proposed and in advance of any piling operations. The inclusion of the complaint response measures and vibration monitoring programme is a robust approach and provides added safeguards to protect amenity, given the potential significant impacts which may arise from such operations and given the scale of this development.

In terms of piling works it is noted that vibration monitoring will be conducted in order to ensure that impacts are within acceptable limits as prescribed within the Noise Impact Assessment report and that where necessary mitigation measures will be employed.”

- 8.109 Officials are satisfied with these conclusions and no additional information contrary to this has been provided. Having regard to this, it is unlikely the development would result in any adverse or unacceptable detrimental impacts on residential amenity.
- 8.110 The issue of overlooking has been addressed in the ES addendum received in January 2018. Section 2.7 describes the use of ‘Privacy Masking’ as per British Security Industry Association guidelines. This is where areas of potential overlooking are digitally masked on the CCTV system. The software is used within their existing Distillery, where given the urban context there is significantly increased potential for overlooking.
- 8.111 Given the separation distances to neighbouring dwellings, the degree of proposed planting to the boundary of the site, and the use of the masking on the CCTV system, the proposed development would not give rise to issues of overlooking.
- 8.112 Initial concerns that the proposed development would detract from the amenity of no. 30 Haw Road were raised with the agent. Although no objection was received, the visual impact of the proposed works were raised with the design team. In response to the Council’s concerns additional screen planting was proposed

along the proposed sites western boundary onto no. 30. This is outlined in the ES addendum received in August 2017.

8.113 The Council's concerns related to the visual impact associated with the proposed fire water lagoon, which is located to the east of the dwelling. The principal elevation of the dwelling faces south and the proposed planting of a hawthorn hedge and heavy standard trees would effectively screen any views of lagoon area from windows within the side elevation or within the curtilage of the property.

8.114 Concern has been expressed about the creation of a COMAH site in proximity to residential properties due to the storage of hazardous substances in the form of alcohol at the premises.

8.115 Paragraph 5.14 of PPS 4 makes reference to Hazardous Substances and the need for consent under separate legislation for the storage of hazardous substances. Hazardous Substance Consent (HSC) is required to operate this site and a separate application has been submitted for consent under LA01/2017/0760/HSC. NIEA Industrial Pollution and Radiochemical Inspectorate (IPRI), The Health and Safety Executive and the Fire Authority are the competent authorities who advise in relation to HSC. They have been consulted on the HSC application and have no objection to granting consent.

8.116 Objectors requested that the Safety Report which is a requirement under Regulation 7 of the COMAH Regulations be made available. The safety report is not a requirement of the planning process and it would not generally be prepared ahead of the grant of consent. However, in response to concerns, Chapter 2 of the ES addendum dated January 2018 provides additional information on the requirements of the COMAH Regulations and outlines the scope of the safety report.

8.117 In considering concerns in relation to health and safety the officials are satisfied with the conclusions of the competent authority. However, when considered in the context of operating a COMAH site within an urban context as per the existing distillery, there are clear advantages to locating within a remote location where the number of surrounding residents is significantly reduced. This is relevant to criterion a. of Policy PED 9 of PPS 4 regarding compatibility with surrounding land uses.

- 8.118 It is accepted that amenity issues resulting solely from the construction process are a material consideration of limited weight in the planning process. Notwithstanding this, Environmental Health has considered the impact of construction and is satisfied with the proposed works and mitigation measures in relation to air quality and noise impacts.
- 8.119 The initial construction phase will have an impact on those living within the surrounding area. The ground works will result in increased vehicular movements to and from the site. However, the indicative construction programme indicates that more severe impacts such as piling are limited to 4 x 1 month periods across the projected 22 year total for construction. The construction of warehouses is then spread out with intervals of 1 – 2 years between each build.
- 8.120 The nature of the proposed use during the day to day operational phase would not detract from the residential amenity of neighbouring properties. Once operation the site will attract vehicle movements in the range of 12 – 40 per day while operations within the site will not give rise to significant noise. It is therefore considered that the proposed development is in accordance with planning policy with regards amenity and would not result in unacceptable adverse effects to the amenity of neighbouring properties, is compatible with surround land uses and will not create an unacceptable noise nuisance. This is relevant to criteria b. and e. of Policy PED 9 of PPS 4 regarding the amenity of nearby residents and noise nuisance.

Access and Traffic Impacts

- 8.121 DfI Roads has been consulted, as necessary, throughout the processing of the application. Transportation issues for the proposed development are set out in Chapter 8 of the ES which was received in February 2017 and includes a transport assessment, collision history for the Straid Road, Haw Road and Castlenagree Junction and a traffic speed survey. The access arrangement has been amended within each of the subsequent addenda. The access and traffic movements are considered in the context of Planning Policy Statement 3 – Access movement and Parking, Development Management Practice Note 12 –

Design and Access Statements and Development Control Advice
Note – 15 Vehicular Access Standards.

- 8.122 The proposed access is onto Haw Road, 60m from the junction with Straid Road. The proposed access is 12m wide at the road side and includes a 1.3m timber fence with a further boom gate set 12m further back. The visibility splay will be 4.5m x 70m and it is also proposed to upgrade the access the junction onto Haw Road.
- 8.123 Many of the representations raised concern in relation to the intensification of traffic, resulting in detrimental impacts to public safety and residential amenity. The accuracy and legitimacy of the speed survey was also questioned resulting in the objectors submitting their own speed survey prepared by Lisbane Consultants. As outlined above noise impacts (including those arising from traffic) have been considered by the competent authority who are satisfied with the proposed development and suggested mitigation. DfI Roads has considered the relevant sections of the ES and associated addenda and are content with the proposal subject to conditions.
- 8.124 While it is acknowledged that the construction phase will have a degree of impact on neighbouring amenity this will be limited to the first phase or enabling works and earth works, with further increases during the different phases of warehouse construction. At their peak, enabling works will result in 210 vehicular movements per day. The speed survey submitted by the objectors indicates that daily two way traffic volumes on the Straid Road are considered to be over 3000 vehicles per day (vpd).
- 8.125 When considered in the context of 3000vpd the increased number of 210vpd cannot be considered as an unacceptable intensification. The day to day operational figures for the site are given as 12vpd at phase 1 rising to 40 by phase 4, which would be considered insignificant in the context of the total trips per day.
- 8.126 With regards public safety, DfI Roads has considered both speed surveys and is satisfied that the proposed access arrangement is in accordance with published guidance.
- 8.127 DfI Roads has been consulted as the competent authority on road matters. It has considered the applicant and objectors'

submissions and raises no objection in this regard. Officials are satisfied this proposal complies with PPS3 and the other guidance.

8.128 It is considered the proposal also meets the policy requirements of criteria (g), (h), and (i) of PED 9 of PPS 4 which relate to traffic and transportation matters.

Environmental Considerations

8.129 The site does not fall within any specific environmental designation and there are no features of acknowledged importance within or in the area immediately surrounding the proposed site. In considering the impact of the proposed development on the natural and historic environment, there has been consultation with the relevant competent authorities. The main policy documents are PPS 2 and PPS 6.

8.130 Countryside, Coast and Landscape Protected Landscape Team is a department within NIEA – Natural Environment Division. It was asked to comment due to the proximity of the proposed site to the AONB and the Distinctive Landscape Setting of the Giants Causeway and Causeway Coast World Heritage Site. However, as the application site lies outside both these designations, it has no comment to make and therefore policies COU 3 & 4 of the Northern Area Plan do not apply. Furthermore, the proposal does not offend policy NH 6 of PPS 2.

8.131 However, there is a policy within PPS 6, BH 5 The Protection of World Heritage Sites. BH 5 states that there is currently only one World Heritage Site in Northern Ireland, the Giant's Causeway, and that the setting has not yet been formally identified, with a 4km radius identified as an interim measure. As NAP is now an adopted plan, greater weight is given to the relevant plan policies as more recent policy relative to Policy BH 5 of PPS 6. The proposal lies outside the Distinctive Setting designation and is not considered to adversely affect the WHS or the integrity of its settings. The proposal accords with the requirements of Policy BH 5 of PPS 6.

8.132 Paragraphs 11.4.5- 11.4.8 of the ES (2017) cover environmental designations, including Sites of International Conservation, RAMSAR Sites, Special Protection Areas, Special Areas of

Conservation. Consideration of these designations is assessed against Policy NH 1 of PPS 2. The identified RAMSAR and SPA sites are significantly removed from the proposed development and, as any potential impacts on these designations is limited, the proposal meets the policy requirements of NH 1 are met with regards to RAMSAR and SPA designations.

8.133 The site is hydrologically linked to the Causeway Coast and Skerries SAC. A full Habitats Regulations Assessment was undertaken by Shared Environmental Service in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). Having considered the nature, scale, timing, duration and location of the project Shared Environmental Services concluded that subject to condition of any approval, the proposal will not have an adverse effect on the site integrity of the Skerries and Causeway SAC. Having regard to comments from Shared Environmental Services and NIEA – Natural Environment Division, and considering Policy NH1, the proposal is considered to meet this policy requirement.

8.134 Paragraphs 11.4.9 – 11.4.11 of the ES (February 2017) considers Sites of National Nature Conservation Importance, Areas of Special Scientific Interest and National Nature Reserves. Having regard to consultation responses from Shared Environmental Services and NIEA – Natural Environment Division, against the policy requirements of Policy NH 3 of PPS 2, it is considered that the proposal is unlikely to adversely affect a site of national nature conservation and therefore complies with Policy NH 3.

8.135 Policy NH 4 of PPS 2 states that development proposal which could have a significant adverse impact on a site of local importance may only be permitted where the benefits of the proposed development outweigh the value of the site. It is considered this proposal will not have a significant adverse impact on a site of local importance and therefore meets this policy.

8.136 Policy NH 3 of PPS 2 relates to Species Protected by Law. It states “Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.” Furthermore the policy states that “Planning permission will only be granted for a development proposal that is

not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.”

8.137 Policy NH 5 sets out the policy requirements for Habitats, Species or Features of Natural Heritage Importance and it states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on any of these habitats, species or features and provides a list of these.

8.138 NIEA – Natural Environment Division has been consulted as the competent authority on habitats, species and features. It has considered the impacts of the proposal on designated sites and other natural heritage concerns. Having considered the content of the ES and associated addendum as well as additional information submitted by objectors in relation to bats, badger, hares and otters, it raises no objection to the proposed development. NED are content with the proposal subject to conditions and informatives. Having regard to these responses and considering Policies NH 3 & NH 5, the proposal is considered to comply with both policies.

8.139 NIEA – Water Management Unit has considered the impacts of the proposed development on the surface water environment and on the basis of the information provided are content with the proposal.

8.140 NIEA Land Soil and Air consist of the Waste Management, Regulation Unit and Land and Ground Water Team. Their main focus in assessing the application is to consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including ground water and surface water. As the competent authority in this regard, it has not raised any concern. When asked to comment on a representation which raised specific concerns in relation to contamination of ground water, they noted that no current or historical contaminating activities have been identified at the site and that they were satisfied subject to the implementation of best practice and the mitigation measures outlined. It is considered the proposal is capable of dealing satisfactorily with any emission or effluent in compliance with criterion (f) of PED 9 of PPS 4.

8.141 Historic Environment Division are the competent authority with regards Listed Buildings, Archaeology and Built Heritage. There are no listed buildings within the site or within the immediate vicinity of the site. As such, HED – Historic Buildings Unit were not consulted on the application.

8.142 Given the potential for archaeological remains on the site HED - Historic Monuments has reviewed the ES and addenda and are content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

8.143 It is also considered that the proposal complies with PED 9 criterion (c) of PPS 4 as the proposal does not adversely affect features of the natural or built heritage.

Flooding and Drainage

8.144 Issues relating to flooding and drainage have been considered by Rivers Agency in the context of PPS 15. Having considered the relevant chapters of the ES and the addenda submitted in August 2017 Rivers Agency has concluded that, while they were not responsible for the preparation of the drainage assessment they accept its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason for objecting of this proposed development from a drainage or flood risk perspective.

8.145 In considering the requirements of FLD 5 of PPS15 and the Reservoirs Act (NI) 2015, officials sought further clarification from Rivers Agency who confirmed that the fire water lagoon did not exceed the threshold of 10,000m³ and that FLD 5 did not apply.

8.146 The impact of the proposed development has been assessed having regard to the consultation responses of the relevant competent authorities. Additional information has been sought throughout the processing of the application to ensure that impacts are within acceptable levels and appropriately mitigated. It is considered that, impacts are not so significant and unacceptable in policy terms to carry determining weight in this case and warrant withholding of planning permission. It is considered the proposal meets the requirements of PPS 15 and criteria (d) of PED 9 of PPS 4 as the site is not located in an area

at flood risk and the proposal will not cause or exacerbate flooding.

8.147 Regard has been given to the SPPS, PPS 2, PPS4, PPS 6 and PPS15. When considered in the context of planning policy and the environmental information submitted from both the applicants and the objectors the proposed development is considered to comply with the relevant policy.

Other Issues

8.148 PED 9 of PPS 4 sets out a number of criteria that all proposals for Economic Development should comply with including that the proposal is designed to deter crime and promote personal safety. Having regard to the proposed development it is considered that this criterion of PED 9 is met.

8.149 There are 64 letters of objection to the proposed development. An initial representation from the group, Save our Causeway Coast (SOCC) was submitted on 10th April 2017 and subsequently resubmitted on 24th April 2017. This raised concerns in relation to the shortcomings of the ES particularly in regard to socio-economic considerations, environmental impacts and the storage of hazardous substances.

8.150 A challenge to land ownership from a third party along the south west boundary was received on 10th May 2017. In response to the challenge the red line of the application was amended in revisions submitted on 8th August 2017. Officials are satisfied that the correct certificate has been completed.

8.151 Multiple objections were received which included a copy of a detailed representation prepared by MBA Planning dated 27th July 2017 on behalf of SOCC. This raises concerns about:

- The adequacy of information in the ES
- The existing and proposed distilling capacity
- No certainty the distillery expansion will proceed
- There is current capacity within the existing sheds to cope with output
- Available land within existing economic development zoning
- The case of need is not justified

- The scheme is contrary to planning policy
- No significant economic benefit

8.152 The objection from MBA Planning reiterates concerns about the adequacy of information submitted in the ES, specifically in relation to the storage of hazardous substances on the site. Officials requested additional information, and further environmental information (FEI) was submitted as an addendum to the ES on 8th August 2017. These matters are addressed and considered within this report and do not carry sufficient weight to warrant refusal as it has been demonstrated there is a need for the proposal and demand for the additional warehousing having regard to existing distilling and future distilling operations.

8.153 MBA Planning assert that economic development land within the OBD site has not been exhausted, with two further approved sheds (Warehouse 28 – 29) available for further storage. It is further argued that the proposal contradicts plans outline by OBD in a supporting statement to a 2011 planning application where an edge of settlement location was the sustainable and convenient option. OBD state that HSC was secured for warehouse 28 and 29 but that planning permission was not and that the land is required for other operation purposes. The 2011 permission was secured under the previous owner, Diageo, and it is not unreasonable for a new owner to have an alternative investment strategy. In any case this would only deliver 2 additional warehouses and further warehousing would be required.

8.154 Under Need and Planning Policy the MBA objection states that the proposal is contrary to the SPPS, PPS 4 and PPS 21 as there is no need for the development and:

- There is no specific requirement to locate in the countryside
- There is no significant contribution to the regional economy
- It will cause harmful visual impact to rural amenity
- It will cause a harmful impact to residential amenity
- It is unsustainable as outlined in the 2011 application
- It will cause traffic impacts as outlined in the 2011 application
- It will cause operational difficulty as outlined in 2011 application
- The distance from the settlement limit (500m) is not consistent with the definition of an edge of town location

- 8.155 It is argued that the economic benefits of the application will not make a significant to sustainable economic growth in that the majority of the investment and employment related to the proposal is within the construction phase.
- 8.156 One objection dated 27th July 17 states the proposed development would affect the viability of their farm, that piling would contaminate natural springs upon which the farm relies and that the noise would distress farm animals. This claim is not substantiated and NIEA Regulation Unit (RU) Land and Ground Water Team, as the competent authority in this regard has not raised any concern. When asked to comment on the representation they noted that no current or historical contaminating activities have been identified at the site and that all relevant pollution prevention guidelines, best practice and mitigation identified in the ES and Construction Environmental Management Plan be strictly adhered. With regards the impact on animals, the construction noise would be over a limited period and would not give rise to a persistent noise nuisance.
- 8.157 Following the submission of the addendum to the ES on 8th August 2017, further representations were received acknowledging the changes to the application while reiterating their objection that there was no need for the development with others adding that the development constitutes a violation of human rights in relation to the peacefully enjoyment of their property. It is argued that the phased construction will result in unacceptable amenity impacts over a prolonged period of time.
- 8.158 While there will be a degree of impact throughout the construction process this is not drawn out over the full development time line. The initial phase will be the most significant as it is proposed to carry out the bulk of ground works at this stage. However, the later construction phases will be sporadic. Construction impacts are in general not a material consideration given substantive weight. As outlined above under amenity considerations, the use of the site will not result in unacceptable harm to residential amenity.

Conclusion

- 9.0** This is a significant proposal where need has been demonstrated. The proposal meets the key requirements of PPS 4 Policy PED 5 by being a major industrial proposal makes a significant contribution to the regional economy. Specifically, it has long-term sustainable economic benefits, has entailed an assessment of alternative sites and has considered environmental and transport impacts. The proposal will not result in unacceptable effects on either visual amenity or residential amenity. An assessment has been made of environmental effects arising from the proposal and these have been found acceptable. Having regards to the Northern Area Plan 2016, the SPPS, relevant planning policy statements and other material considerations, the proposal is considered acceptable. Approval is recommended.

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. The development hereby approved, is limited to the sole use of the existing whiskey distillery located at 2 Distillery Road, Bushmills, for the storage and distribution of its operations only and for no other use.

Reason: The development is solely approved on the basis of need for this manufacturing operation.

3. All development shall be demolished/ dismantled and removed from the site if the specific approved use of the site for the distillery operation ceases for a period in excess of 12 months (unless further consent has been granted). The land shall be restored in accordance with an agreed scheme to be submitted to the Council at least one year prior to the commencement of the decommissioning works. This scheme shall include details of all works and measures to restore the site, the timeframe within which the works shall be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

Reason: The development is solely approved on the basis of need for the specified manufacturing operation and to ensure the development is decommissioned in a manner that protects the amenity of site beyond the lifespan of the development.

4. Phased construction of the development shall take place not exceeding that shown in the approved phasing plan Drawing 29C dated 05 March 2018 unless the Council provides variation agreement in writing.

Reason: To ensure that the development integrates into the countryside.

5. In the event that phasing of the development does not progress to the stages shown in the approved phasing plan Drawing 29C

dated 05 March 2018, a restoration plan shall be submitted to the Council within 6 months for agreement. Measures in the restoration plan shall be carried out within 12 months of the approval of the restoration plan.

Reason: To ensure that the development integrates into the countryside.

6. No development shall take place until the vehicular access, including visibility splays and any forward sight distance are provided in accordance with Drawing No. 34B bearing the date stamp 8th May 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.

7. The gradient of the access to the development hereby permitted shall not exceed 4% (1 in 25) over the first 20 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.

8. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 34B bearing the date stamp 8th May 2018.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

9. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 34B bearing the date stamp 8th May 2018.

The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

10. No site works or development shall commence on site until a suitably experienced ecologist has been appointed as Ecological Clerk of Works (ECoW) and the roles and responsibilities of the ECoW submitted to, and agreed in writing by the Council.

Reason: To minimise the impact on protected species.

11. No pilling shall be carried out within 100m of any badger sett entrance. The 100m badger protection zone as shown in drawing 38 shall be maintained during all pilling activities.

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

12. No site works of any nature or development shall commence on site until protection zones, clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25 metres equating to the 25m badger buffer zone shown on drawing 38 date stamped 30 March 2018. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within those protection zones without the consent of the Council. The protection zones shall be retained and maintained until all construction activity has been completed on site.

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

13. Lighting of the development hereby approved shall only be permitted between the hours of 08:00hrs and 17:00hrs or as agreed in writing with the Council. Lighting spill on the boundary

vegetation shall not exceed 1 lux as shown in drawing nos 31 and 32 date stamped received 12 January 2018.

Reason: To minimise the visual impact of the proposal and to avoid impact on bats using the site.

14. All planting works as detailed in drawing No 27c and No 28c date stamped 5th March 2018 shall be carried out within the time frame as detailed in drawing No 29c date stamped 5th March 2018.

Reason: To minimise the impact of the proposal on the nature conservation value of the site.

15. Construction Method Statements (CMS) for all works in, near, or liable to affect the water environment must be submitted by the appointed contractor to the Council, for consultation with NIEA Water Management Unit (WMU) at least 8 weeks prior to the commencement of construction. Method statements must include a description of the works phase; a description of the SuDS principles employed; a description of how exposed ground and earthworks are to be managed in accordance with BS6031:2009 '*Code of Practice for Earthworks*'. Each CMS must be supported by detailed plans indicating: the location and extent of physical mitigation measures to protect the water environment (as described in the CMS); the location of refuelling and concrete batching/washing areas.

Reason: To ensure no adverse effects on the site integrity of the Skerries and Causeway SAC.

16. Prior to works commencing, baseline water quality monitoring shall be undertaken downstream of the site. The monitoring programme, including actions to be taken in the event of exceedances during the construction phase, must be agreed in writing with the Council, in consultation with NIEA WMU.

Reason: To ensure no adverse effects on the site integrity of the Skerries and Causeway SAC.

17. No development shall take place until fencing is erected to establish a 10m buffer to watercourses not subject to construction activities.

Reason: To ensure no adverse effects on the site integrity of the Skerries and Causeway SAC.

18. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

19. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

20. Dust mitigation measures in accordance with Documents: (Air Quality Impact Assessment, Chapter 5, dated February 2017 and Construction Environmental Management Plan, dated February 2017) shall be implemented during site preparation/enabling and construction works to minimise the generation and movement of airborne particulate matter emissions from the development hereby approved to sensitive receptors.

Reason: In the interests of health and safety and residential amenity.

21. The hours of operation of the development hereby approved shall be restricted as follows:

- Monday - Thursday : 08:00 - 17:00 hours
- Friday : 08:00 - 13:00 hours

No operation on Saturday or Sunday.

Reason: In the interest of residential amenity.

22. The rated level of noise emitted from the site shall not exceed the noise levels as stated within Table 1 " Noise Limits" when measured at Irish Grid References detailed within Table 1 " Noise Limits All measurements shall be in accordance with BS 4142:2014

Table 1 "Noise Limits"

Noise Monitoring Location (Irish Grid Reference)	Rated Level of Noise Daytime - L _{Aeq} (1 hour)
Location 1 295 438 440 439	42 dB
Location 2 295 446 440 085	43 dB

Reason: In the interests of health and safety and residential amenity.

23. All plant/forklifts shall be fitted with wide broadband spectrum reversing alarms.

Reason: In the interest of health and safety.

24. Site preparation, enabling and construction works shall be implemented in accordance with the Construction Environmental Management Plan, (February 2017). Noise impacts shall be minimised/controlled by employment of best practice and mitigation measures in accordance with BS 5228, Part 1, 2009, "Code of Practice for Noise and Vibration Control on Construction and Open Sites". Noise emissions shall not exceed the limits as stipulated within the Noise Impact Assessment Report (Chapter 9, (February 2017). Such works shall not take place outside of the following hours, without the prior approval of the Planning Department:

- 07:30 - 18:00 hours Monday - Friday
- 08:00 - 13:00 hours Saturdays
- No working on Sundays or Bank Holidays

Reason: In the interests of health and safety and residential amenity.

25. Vibration monitoring shall be undertaken in accordance with the terms of the vibration monitoring programme stipulated within the Noise Impact Assessment Report, Chapter 9 (February 2017). Vibration impacts shall be mitigated in accordance with the measures detailed, as required, such that vibration limits/criteria as prescribed within Section 9.13 of the Noise Impact Assessment are not exceeded.

Piling works shall not take place outside of the following hours, without the prior approval of the Council:

- 08:00 - 17:00 hours Monday - Friday
- No working on Saturdays, Sundays or Bank Holidays"

Reason: In the interests of health and safety and residential amenity.

26. A Detailed Construction Environment Management Plan (CEMP) must be submitted by the contractors to the Council, for consultation with NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction.

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

27. Method of Works Statements for all works in / near / or liable to affect the Water Environment must be submitted by the contractors to the Department, for consultation with NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction.

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

28. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being

identified, a remediation strategy shall be agreed with the Department in writing, and subsequently implemented and verified to its satisfaction.

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

29. After completing any remediation works required under condition and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

Informatives

1. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992. Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewer
2. The Applicant is advised that developers are also now responsible for the cost of supervision of the construction of streets determined under The Private Streets Order. A fee of

£1,000 plus 2% of the total Bond value will be paid directly to DfI Roads before the Bond Agreement is completed

3. Precautions should 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.

All construction plant and materials should 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

The applicant is advised to contact DFI Roads Traffic Section at County Hall, Coleraine regarding road markings and alterations to signs.

4. **BATS** <http://www.bats.org.uk>

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 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;
 - iv. Deliberately to obstruct access to a breeding site or resting place of such an animal; or
 - v. To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke

Building, Cromac Avenue, Gasworks Business Park, Belfast
BT72JA. Tel. 028 905 69605

5. **OTTER** <http://www.habitas.org.uk/nimars/>

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; 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 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, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605.

6. **BADGER** <http://www.badgerland.co.uk/animals/introduction.html>

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 of this Order, which includes the badger (*Meles meles*).
- damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- 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, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

When a licence may be required:

Any works within 25 metres of a badger sett will require a wildlife licence to be obtained from NIEA. Licence applications should be made to the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

7. ALL BIRDS

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:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- 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, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

9. SMOOTH NEWT

http://www.herpconstrust.org.uk/animals/smooth_newt.htm

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 of this Order, which includes the

smooth or common newt (*Lissotriton vulgaris*, formerly *Triturus vulgaris*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which newts use for shelter or protection; damage or destroy anything which conceals or protects any such structure; 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 must cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

10. The applicant is advised to contact NIW Waterline on 03457 440088 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.
11. 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 Waterline on 03458 770002.
12. No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.
13. Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants should contact NI Water's Water Fittings Regulations team via waterline@niwater.com if they have any queries.
14. It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the Drainage

Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors (refer to Section 5.1 of PPS 15).

15. 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.
16. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
17. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
18. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
19. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.
20. The Rivers Agency has no record of flooding occurring at the site. However, visual inspection indicates that it may be subject to

marginal flooding originating from the watercourse(s) which traverse/bound the site, and developers would be advised to obtain advice from competent, suitably qualified persons to assist them in determining appropriate site and finished floor levels.

21. Visual inspection of the site indicated areas which appear liable to waterlogging. The developer is advised to obtain advice from suitably qualified, competent persons in respect of internal drainage requirements, site levels, finished floor levels etc.
22. Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.
23. There will be a general presumption against the erection of buildings or other structures over the line of culverted watercourses. Any proposal for such requires the written consent/approval of the Rivers Agency. Failure to obtain such approval is an offence under the Drainage Order which may lead to prosecution or other statutory action as provided for.
24. The undesignated watercourse which (lies within / bounds) the development site, requires improvement works to (facilitate increased storm runoff / to enhance protection against flooding) and such works will be undertaken at the developer's expense.
25. The applicant must refer and adhere to all the relevant precepts contained in Standing Advice Note No. 23 – Commercial and Industrial Developments. The applicant must refer and adhere to all the relevant precepts contained in Standing Advice Note No.4 – Pollution Prevention Guidance. The applicant must refer and adhere to the relevant precepts in Standing Advice Note No. 11 – Discharges to the Water Environment.
26. 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.

27. The purpose of Conditions 28 and 29 are to ensure that the site risk assessment and remediation work is undertaken to a standard that enables safe development and end use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.
28. The applicant should ensure that the management of all materials onto and off this site are suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste Management Plan (see <http://www.nibusinessinfo.co.uk/content/meet-construction-sitewaste-management-plan-swmp-obligations.>)
29. WM recommends that the applicant consults with the Water Management Unit in NIEA regarding any potential dewatering that may be required during the development including the need for a discharge consent. Discharged waters should meet appropriate discharge consent conditions.

Appendix 1



Photo 1: Spare Capacity within Warehouse 27



Photo 2: Warehouse 16: The only empty Warehouse