



Planning Committee Report LA01/2015/0665/F	26th September 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>	LA01/2015/0665/F	<u>Ward:</u>	Ballykelly
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Shackleton Barracks, Walworth Road, Ballykelly.		
<u>Proposal:</u>	Construction of Integrated Constructed Wetland to treat wastewater from Ballykelly catchment. Excavations, demolition of buildings, remodelling of lands to form ponds containing plant species to treat wastewater. ICW to be surrounded by 2.4m high palisade fence and gate.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	07.04.2017
<u>Listed Building Grade:</u>	N/A		
Applicant:	Northern Ireland Water, Westland House, Old Westland Road, Belfast, BT14 6TE		
Agent:	RPS Group, Elmwood House, 74 Boucher Road, Belfast, BT12 6RZ		
Objections:	4	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

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

1.0 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 reasons set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located at the former Shackleton Army Barracks, Ballykelly, and also includes an agricultural field to the north of the existing Waste Water Treatment Works. The application site is located in the western section of the former army barracks and access is proposed via Walworth Rd, which currently serves the existing treatment plant. The application site is a considerable size at almost 38Ha, and contains a large number of derelict buildings, and associated internal road network, large areas of unmaintained grassed areas, and large belts of trees. The site boundaries to the southern and western ends of the army barrack site are defined by security fencing comprising a mix of wire mesh fencing and solid metal sheeting with barbed wire on top approximately 2.5-3m high. The eastern and northern boundaries are currently undefined running through the internal space of the barracks site, while the north western corner is defined by the railway line and a mesh security fence. The large expanse of land is relatively flat with a slight fall in a north/north western direction which is not readily noticeable on site.
- 2.2 The application site is located within the rural area, just outside the settlement limit of Ballykelly as defined in the Northern Area Plan 2016, at the north western end of the settlement. The site is not located within any designated sites but is in close proximity to Lough Foyle SPA (Special Protection Area), Ramsar and ASSI to the north of the site and is in close proximity to Walworth Bawn Local Landscape Policy Area, and Walworth Historic Park, Garden and Demesne to the south of the site, with a number of archaeological sites identified as being in close proximity to the application site to the south. The land use to the south of the site

is residential with the dwellings at Walworth Park in closest proximity; the land use to the west is agricultural in nature. The application site forms only part of the Army Barracks site which has been subject to planning applications for alternative land uses and development. A large part of the application site is within identified floodplain, being affected by both fluvial and coastal floodplain.

3.0 RELEVANT HISTORY

3.1 No relevant planning history.

4.0 THE APPLICATION

4.1 NI Water is seeking full planning permission for the development of an Integrated Constructed Wetland (ICW) to treat discharge from the existing Waste Water Treatment Works (WWTW). The existing WWTW facility requires upgrading to ensure its final effluent discharge meets the Registered Discharge Standard (RDS) as required by DAERA. When constructed in the mid-1970s the WWTW had a designed Population Equivalent (PE) of 7840. However with the closure of Shackleton Army Barracks in 2008 there has been a reduction of approximately 50% in Population Equivalent to around 3600. This has left the WWTW both biologically and hydraulically oversized to treat the wastewater arising from the existing population and is therefore failing to meet its RDS. The WWTW will continue to be at risk of non-compliance with the RDS until grading is provided.

4.2 The ICW will consist of eight large ponds covering an area of approximately 25 hectares within the 37.5 hectare site. Effluent from the existing WWTW will flow through the eight sequentially linked ponds, which will be vegetated with a range of plants species before being discharged downstream at the current discharge point for the existing WWTW. The existing WWTW will screen solids, rags and debris from the waste water prior to entering the ICW.

4.3 A number of alternative options were considered to upgrade the existing WWTW including multi-stage treatment processes and pumping away storm storage to River Roe or Limavady WWTW. These alternatives would require construction of one or more pumping stations and construction of new pipelines over a

significant distance. Many of these options were found to be both energy and cost intensive. Following discussions between NI Water and DAERA agreement was reached that an ICW would deliver the objectives for waste water treatment at the site. The ICW would meet NI Water objectives for sustainability and is the most economical option. The Construction of an ICW would ensure that the RDS is achieved and the risk of discharging improperly treated waste water to the surrounding watercourse will be removed.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: There are four letters of objections to the proposal.

Letter of Support: There are no letters of support for the proposal.

5.2 Internal:

DFI Roads: No objections.

Environmental Health: No objections.

NI Water: No Comment.

Loughs Agency: No objections.

Historic Environment Division: No objections

DAERA Natural Environment Division: No objections.

DAERA WMU: No objections.

DAERA Marine and Fisheries Division: No objections.

DAERA Land Soil and Air: No objections.

Rivers Agency: No objections.

Shared Environmental Services: No objections.

Royal Society for the Protection of Birds: No objections.

6.0 MATERIAL CONSIDERATIONS

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

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology and the Built Heritage

PPS 11: Planning and Waste Management

PPS 15: Planning and Flood Risk

PPS 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

Building on Tradition – A Sustainable Design Guide for the NI Countryside

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: Principle of development, Flooding, Access, Cultural Heritage, Air Quality, Noise, Landscape and Visual impact, Terrestrial Ecology, Water Environment, Soil, Geology, Hydrogeology and Waste Management and Material Assets.
- 8.2 Both the SPPS and Policy CTY1 within PPS21 allow for a range of types of development in the countryside and list a number of types of residential and non-residential development in the countryside. Paragraph 6.74 of the SPPS and Policy CTY 1 outline that there are a range of other types of non-residential development which may be acceptable in principle in the countryside such as certain utilities or telecommunications development, where the proposal is in accordance with other existing planning policy.

Principle of Development

- 8.3 Sustainable waste management is essential for the health and well-being of society, and our quality of life. The aim of the SPPS

in relation to waste management is to support wider government policy focused on the sustainable management of waste, and a move towards resource efficiency.

- 8.4 Both the SPPS and Policy WM2 of PPS11 – Planning and Waste Management outline that there will be a presumption in favour of waste collection and treatment facilities, and waste disposal where a need for such development is identified through the Waste Management Strategy and the relevant Waste Management Plan. In the case of Waste Water Treatment Works (WWTW's) need must be demonstrated to the satisfaction of the Department or relevant authority.
- 8.5 The proposed Integrated Constructed Wetlands is an additional component to the existing treatment facility which currently exists and which is currently failing in its operative task of adequately treating waste water to the required standard in line with EC legislation including the Urban Wastewater Treatment Directive and the Water Framework Directive. The existing WWTW is both hydraulically and biologically oversized to adequately treat the waste water given the significant reduction in population since the closure of the Army Barracks. The proposed ICW will work in association with the existing WWTW in treating the effluent/wastewater to its required Registered Discharge Standard (RDS). Given the existing WWTW is currently failing to comply with the RDS a reasonable case has been made for the need to carry out development for additional waste treatment facilities.
- 8.6 Paragraph 6.313 of the SPPS and Policy WM2 also require that waste collection and treatment facilities must meet one or more of the following locational criteria:
- it is located within an industrial or port area of a character appropriate to the development;
 - it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facilities including a land fill site;
 - it brings previously developed, derelict or contaminated land back into productive use or where existing or redundant buildings can be utilised;

- in the case of civic amenity facilities, the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or
 - it is suitably located in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Alternatively where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact.
- 8.7 The application site is located within the rural area as defined in the Northern Area Plan 2016 and is predominately located within the former Shackleton Army Barracks site. The proposed development site contains a number of existing buildings and internal road network and associated areas of parking/hardstanding, as well as larger areas of now relatively unmaintained grass areas and tree belts. The proposed site can be regarded as being previously developed land and is currently derelict since it ceased use in 2008. The development site also has some localised areas of contamination associated with the former use/activities. The reuse of this land for the proposed development would bring the land into productive use again and is appropriately sited adjacent to the existing Waste Water Treatment Works to operate as a viable addition to the treatment process. It is therefore considered that the proposed development meets the criteria set out in Paragraph 6.313 of the SPPS and Policy WM2.
- 8.8 The SPPS and Policy WM2 require that treatment facilities will not have an adverse environmental impact that cannot be prevented or appropriately controlled by mitigation measures. These issues will be discussed below in further detail

Flooding

- 8.9 The application site is located immediately adjacent and north of the existing Waste Water Treatment Works at Walworth Rd. The application site is identified as being within both the fluvial and coastal floodplain. As such the proposal must be considered against the requirements of the Flood Risk Chapter within the SPPS and Policy FLD1 of PPS15.

8.10 Paragraph 6.107 of the SPPS and Policy FLD1 of PPS15 outline that development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

8.11 Consultation with DfI Rivers has confirmed that the site is deemed as undefended as the flood defences on the adjacent watercourse have not been deemed by DfI Rivers as structurally adequate and the standard of fluvial and coastal protection is unknown. Consideration of the exceptions to development in the flood plain must therefore be assessed against criteria (b) to (g) within Policy FLD1 and Undefended Areas Criteria (Figure 1) on page 64 of the SPPS.

8.12 The exceptions specified in Figure 1 on page 64 of the SPPS are as follows;

- replacement of an existing building;
- development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located in the flood plain;
- water compatible development, such as for boating purposes, navigation and water based recreational use, which for operational reasons has to be located in the flood plain;
- the use of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings;
- the extraction of mineral deposits and necessary ancillary development.

8.13 The applicant has outlined that the proposal can be considered under the second criteria above in that the proposal is providing essential utility infrastructure adjacent to and in connection with the existing Waste Water Treatment Works, which for clarification, is also located within the identified 1 in 100 year fluvial floodplain. The applicant was asked to detail the site selection process and preferred options approach in relation to the proposed development. The applicant provided a number of alternative options which were considered to upgrade the existing WWTW including multi-stage treatment processes and

pumping away storm storage to River Roe or Limavady WWTW. These alternatives would require construction of one or more pumping stations and construction of new pipelines over a significant distance. Many of these options were found to be both energy and cost intensive, while multi-stage treatment processes should be avoided where possible. The applicant outlined that following discussion between NI Water and DAERA it was agreed that an ICW would best deliver the objectives for waste water treatment. In addition the applicant cited proximity to the existing WWTW as being a key determining factor as the proposed ICW is essentially a secondary treatment process which will run in tandem with the existing treatment works. The area required to provide the proposed development was also a key consideration in the site selection process. The availability of the significant land mass required for the construction of the proposed ICW will allow for the development to cater for the predicted population up to 2035.

- 8.14 With regards to development in a floodplain Paragraph 6.19 of PPS15 acknowledged that in certain cases development or infrastructure has to be in such areas as alternative lower risk flood sites would be neither practical nor available. Having regard to the assessment of the site selection process and requirement for upgrading of the current WWTW it is accepted that in this instance it is necessary to site the proposed ICW in the proposed location as an exception to the general presumption against development in a floodplain due to the requirement to be adjacent to the existing WWTW.
- 8.15 Paragraph 6.18 outlines that any built development will cause piecemeal reduction of the flood plain and potentially remove valuable flood storage area, which may cause or exacerbate flooding elsewhere. Development also has the potential to impair the conveyance function of the flood plain and its ecological integrity. For these reasons, and also the need to limit exposure of people and property to flood risk, built development and infrastructure works, particularly on green field sites, will normally not be permitted.
- 8.16 The initial proposed development comprised the construction of eight ponds which were to be surrounded by earth bunds, formed by the spoil excavated to provide the pond. During the consultation process consultation with DFI Rivers outlined that

the Flood Risk Assessment should carry out coastal and fluvial modelling of the floodplain to consider the potential impact on flood displacement given the loss of floodwater storage as a consequence of the bunds being constructed. Discussions were held between the applicant and DFI Rivers with regards to overcoming concerns over flood water displacement and potential impacts on adjacent properties outside the floodplain. Revised plans were submitted to take account of this issue which saw the removal of the earth bunds from the scheme. The removal of the bunds from the proposal has the consequence of ensuring that there will be no change in existing ground levels and no displacement of floodwaters during a flood event. Therefore there will be no increased flood risk elsewhere as a consequence of the development. DFI Rivers were consulted on the proposal and have no longer any reason to object to the proposal on a drainage or flood risk perspective.

- 8.17 Paragraph 3.4.1 of the third Addendum to the Environmental Statement outlines that the proposed ICW is to be unmanned. As such there is likely to be no significant risk to human life as a result of the proposed development.
- 8.18 When considering the content of the Environmental Statement and subsequent Addenda with regards to the principle of siting the proposed development within the identified fluvial and coastal floodplain planning officials accept that the proposal meets one of the permissible exceptions identified within the SPPS and Policy FLD 1 within PPS15. The proposed development will not result in the loss of existing floodplain storage and will not result in the displacement of flood waters elsewhere resulting in potential harm and danger to properties and humans outside the current floodplain, or pose any significant risk to humans by virtue of the proposed use given that the proposed development is unmanned. Therefore officials find that the proposal complies with the requirements of SPPS and Policy FLD1 of PPS15.
- 8.19 While the development may not increase flood risk there are other potential issues arising from the potential flooding of the site and the proposed land use. These issues will be discussed below.

Access

8.20 Chapter 16 of the Environmental Statement deals with the issues of Traffic and Transportation. Access to the proposed development during the operational phase of the proposed development will be via Walworth Road, and it is proposed that there will be no additional traffic generated by the development, which currently consist of one daily maintenance trip. It is proposed that during the construction phase of the development that traffic will use the existing site access to the Army Barracks via Dukes Lane. The information within the Environmental Statement outlines that the proposed construction phase of the development could result in an additional forty 2-way vehicles trips in connection with earth works, removal of waste and staff. Once construction has been completed the site will not be accessible via Dukes Lane due to the perimeter fence proposed with the only access proposed via Walworth Rd. Given the indicative figures outlined it is envisaged that there will not be a significant intensification of use onto either Dukes Lane, Walworth Rd or indeed the A2. DFI Roads were consulted on the proposal and have no objections subject to condition.

Cultural Heritage

8.21 The aim of the SPPS and PPS 6 – Planning, Archaeology and the Built Heritage is to manage change in positive ways so as to safeguard that which society regards as significant whilst facilitating development that will contribute to the ongoing preservation, conservation and enhancement of these assets.

8.22 There are no recorded archaeological or cultural heritage sites within the application site. However there are a number of sites which are in close proximity to the site including Listed Buildings, Scheduled Monuments and Historic Park, Garden and Demesne. There are also a number of Defence and Industrial Heritage features in the wider landscape associated with the former barracks site, and railway line which runs along part of the north western site boundary.

8.23 Policy BH 11 of PPS 6 provides the policy guidance in relation to development affecting the setting of a listed building. Walworth House (HB02 10 002) and Cather Vault (HB02 10 001 B) are both Grade B+ listed properties. Both of these properties are located along Walworth Rd, which will serve as access to the proposed development. It is proposed that during the

construction period construction traffic will access the site via Dukes Lane, and during the operational phase of the development the site will only be accessed by maintenance staff which is likely to be 1 visit per day. Given the level of use along Walworth Rd, it is envisaged that the traffic level increase will be negligible and will not have any adverse impact on the site boundaries or vegetation which contribute to the setting of the Listed Buildings. Historic Environment Division - Historic Buildings were consulted as the competent authority and raise no objection in relation to the impact of the proposed development on the listed building.

8.24 Policy BH 6 of PPS 6 provides the policy guidance in relation to the protection of Parks, Gardens and Demesnes of Historic Interest. Walworth Historic Parks, Gardens and Demesne is designated within the Northern Area Plan under designation LHP03 and contains the listed Walworth House, Bawn and Garden. The designated site is located on the northern and eastern side of Walworth Rd along the access road to the existing WWTW. The site is surrounded by mature trees which will not be impacted upon by the proposed development. The Historic Park is physically removed from the proposed development and visually segregated by the mature northern boundary. There is no visual interaction between the site and Historic Parks, Gardens and Demesne, and therefore there will be no adverse impact on its character or setting.

8.25 Policy BH 6 of PPS 6 provides the policy guidance in relation to archaeological mitigation. The Environmental Statement outlines that an archaeological inspection was carried out in November 2016 which did not identify any new unrecorded features. The Environmental Statement outlines that while the existing army barracks site is likely to have low archaeological potential, the field to the south of the existing barrack site may have potential to contain previous unrecorded archaeology. Historic Environment Division: Historic Monuments (HED: HM) has reviewed Chapter 14 Cultural Heritage of the Environmental Impact Statement. HED: HM has considered the impacts of the proposal and is 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.

Air Quality

8.26 As part of the Environmental Statement an Air Quality Assessment was carried out.

The air quality assessment focused primarily on the following items:

- The potential local air quality impact associated with construction activities from the proposed development;
- The potential local air quality issues associated with the operational phase of the proposed development;
- The potential of fugitive odour impacts during the operation of the proposed development.

8.27 The main air quality impacts that may arise during demolition and construction activities are:

- Dust deposition resulting in the soiling of surfaces;
- Visible dust plumes, which are evidence of dust emissions;
- Elevated PM10 concentrations from site activities and construction traffic.

8.28 Demolition, earthworks, construction and track out are the four sources of dust emission that have been assessed in relation to the proposed development. A number of sensitive receptors were identified which have the potential to be impacted by fugitive dust. With mitigation measures in place, controls on fugitive dust and exhaust emission will reduce the 'medium – low' risk of impact to 'negligible'. These mitigation measures are outlined in chapter 7.4 of the Environmental Statement.

8.29 With regard to local air quality, emissions of combustion related pollutants from the construction plant machinery and vehicles are expected to be negligible and no mitigation measures are required. The ICW will not generate any emissions during operation.

8.30 Odour levels are anticipated to be minimal, as experience to date shows that ICWs have generally much lower odour levels than conventional wastewater treatment systems. Odour associated with this type of proposal is not considered to be significant.

8.31 Environmental Health were consulted on the above issues as the competent authority and have concluded that it is not anticipated that there will be any residual impacts of the proposal in relation to air quality impact, subject to the proposed mitigation as outlined in chapter 7.4 of the Environmental Statement being conditioned on any approval.

Noise

8.32 Chapter 8 of the Environmental Statement assesses the potential noise impact of the proposed development. This chapter includes a Noise Impact Assessment which focuses on the potential noise and vibration impact associated with the construction activities and the noise impact associated with increased traffic levels.

8.33 The Noise Assessment identified eleven sensitive locations in the vicinity of the site where properties may be impacted upon by noise. The Noise Impact Assessment calculated the worst case scenario for construction activities at each of the sensitive locations and it was found that the construction noise levels would fall below the appropriate daytime noise level threshold of 65dB and that there will be no significant noise impact from noise activities at the nearest noise sensitive properties. The Noise Assessment also proposes mitigation measures to further reduce the potential impact on nearby receptors. The details of these mitigation measures are outlined in Chapter 8.5 of the Environmental Statement.

8.34 With regards to the noise impact associated with construction traffic The Design Manual for Roads and Bridges (DMRB, Volume 11, Section 3, Part 7) states that it takes a 25% increase in traffic flows in order to get a 1dB(A) increase in traffic noise levels. Construction phase traffic flows will be substantially less than 25% of the existing flows along the existing road network in the vicinity of the proposed ICW. Therefore, the worst-case traffic flow increases as a result of the proposed development will result in substantially less than a 1dB(A) increase in traffic noise levels on all significant roads in the vicinity of the proposed development. On this basis, the traffic noise level increases associated with the construction phase for the proposed development will be imperceptible at the nearest noise sensitive properties.

- 8.35 The proposed development will not contain any noise generating equipment or activities during the operational phase of development. Therefore there will be no noise impacts from the operation of the development.
- 8.36 Environmental Health were consulted on the above issues as the competent authority and have no objections, subject to the proposed mitigation as outlined in chapter 8.5 of the Environmental Statement being conditioned on any approval.

Landscape and Visual Impact

- 8.37 Paragraph 6.70 of the SPPS and Policies CTY13 and CTY14 of PPS21 outline that all development proposals in the countryside must be sited and designed to integrate sympathetically with their surroundings and must not have an adverse impact on the rural character. Given the proposed scale and nature of the proposal, the development has the potential to have an impact on existing landscape features such as landscaping/vegetation and buildings.
- 8.38 The proposed development will see the removal of a number of derelict buildings, access roads, areas of hardstanding, lighting columns and security fencing from the application site as well as the removal of some mature vegetation where necessary to accommodate the proposed ponds. These features are to be replaced with more appropriate security fencing, which aesthetically is more appealing than that currently around the army barrack site. The proposal will see the replacement of the man-made features and engineered site replaced with a more natural environment consisting primarily of vegetated ponds. From this perspective officials consider that the long term impact on the landscape is likely to be a positive one.
- 8.39 In respect of the visual impact of the proposed development the proposal must be considered when viewed from the surrounding landscape and road network as well as from the urban area of Ballykelly. The main views of the application site will be achieved from the A2 Road to the west of Ballykelly. From here there are transient views of the site which sits at a lower level and between a large expanse of agricultural land and Lough Foyle. Some existing buildings within the application site are visible from here but are partially screened by intervening vegetation and buildings. From here the proposed development will have no adverse visual impacts given the

removal of all large man-made structures within the application site and the construction of a relatively flat vegetated site, which will more sympathetically blend with the adjacent agricultural lands. From Station Rd to the west of the application site, views are more low lying and in line with the site levels of the application site. From here views are somewhat limited by the existing flood defences along the Ballykelly River and intervening vegetation. From the viewpoints along this road the proposed development will have a negligible impact, as again, any structures within the application site will be removed resulting in a lesser visual impact. Views from Spallan Rd to the east of the application site are long range and again views of the site are screened by intervening vegetation and other built development within the Shackelton Barracks site. From here there will be no critical views of the proposed development.

- 8.40 Views within Ballykelly Town will be limited due to the urban build-up of development and the existence of the security perimeter fence of the barracks site which still exists. Therefore views from within the town, especially those residential areas on the northern side of the road will be negligible. Views from Walworth Park, which is the closest residential development to the proposed site will be screened by the mature band of trees along the northern boundary of the development.
- 8.41 When viewed from both the localised and wider viewpoints the proposed development will not have any significant adverse visual impact. The proposed development will result in a positive visual impact given the removal of the derelict buildings and structures that currently occupy the site and replacement with a natural ecological development which will blend sympathetically with the adjacent land uses. The proposal therefore meets the requirements of the SPPS and Policies CTY13 and CTY14 within PPS21.

Terrestrial Ecology

- 8.42 The application site is located in close proximity to Lough Foyle Special Protection Area (SPA), Ramsar Site and Area of Special Scientific Interest, and is hydrologically linked to the designated site via a drainage ditch and the Burnfoot River. The SPA qualifies under Article 4.1 of the Birds Directive (79/409/EEC) and is a wetland of international importance supporting at least 20,000 internationally important wintering

waterfowl. The site also qualifies under the Ramsar Convention by being a good example of a wetland complex including intertidal sand and mudflats with extensive seagrass beds, saltmarsh, estuaries and associated brackish ditches. It is a wetland, which plays a substantial hydrological, biological and ecological system role in the natural functioning of a major river basin which is located in a trans-border position. The site supports a range of notable fish species and also supports a diverse assemblage of wintering waterfowl and wader species.

- 8.43 In order to inform the Environmental Statement submission an Ecological Impact Assessment was completed on the terrestrial ecology features of the proposed development following a range of habitat, flora and fauna surveys undertaken by competent ecologists between June 2015 and March 2017. Potential effects upon sites designated for their nature conservation value were considered, with consideration given to the construction effects of earthworks leading to the pollution of watercourses.
- 8.44 The probability of increased suspended sediment or contaminants entering the watercourse as a result of poor construction, earthworks or haulage practice and resulting in a significant effect upon the waders and wildfowl, intertidal and subtidal habitats of the Lough Foyle nationally designated and European sites downstream was found to be unlikely.
- 8.45 A Habitats Regulations Report has been prepared in tandem with the preparation of the ES to identify whether or not significant effects on European sites is likely (Appendix 10.3). That analysis could not rule out the possibility of likely significant effects in the absence of mitigation. Mitigation was applied, and the report concludes that the proposed development will not result in an adverse effect on the integrity of any European site.
- 8.46 Given that the proposal has a direct hydrological link to international and national designated sites, consultation was carried out with Shared Environmental Services and DAERA. Shared Environmental Services carried out the Habitats Regulations Assessment having considered the nature, scale, duration and location of the project, concluded that provided appropriate mitigation was provided for by way of condition the proposal would not have an adverse impact on the effect or

integrity of the designated European site. DAERA Coastal Development Section and Natural Environment Division were also consulted on the proposal and have no concerns regarding the impact of the development on the aquatic environment including the saline lagoon close to the Burnfoot River. Planning officials are therefore satisfied that given the implementation of appropriate mitigation such as Construction Environment Management Plan and Remedial Strategy there should be no adverse impact on either the designated sites or the site selection features. The proposal therefore satisfies the natural heritage policies within the SPPS and PPS 2 in relation to designated sites and protected species. It should be noted that the provision of the ICW will also provide additional ecological grounds for birds within the site and is welcomed by the DAERA (ornithological team) and the Royal Society for the Protection of Birds.

8.47 65 species of bird were recorded at the site including 39 species of conservation concern in Northern Ireland. Of these 39 species, six were confirmed as breeding within the project footprint. Site clearance and demolition works will require the removal of vegetation and buildings within the site of proposed development. This will result in the loss of habitat containing breeding territories of wild birds, including species of conservation concern. These birds will be displaced by construction activities if vegetation clearance is carried out during the bird breeding season (1st March - 31st August). The site of a kestrel nest is being retained. The wild bird population of the site of proposed development has been evaluated as being a resident population containing bird species of conservation concern. This population is considered to be of local ecological value (refer to Table 10.2). The impact of the loss of breeding bird habitats will result in a short term impact of minor adverse magnitude. The creation of the ICW and its associated mosaic of habitats will result in a long term impact of minor beneficial magnitude.

8.48 As part of the Environmental Statement an ecological survey for bats was carried out in 2015 and 2016. Bats are a European Protected Species as listed on Annex IV of the Habitats Directive.

8.49 Both the SPPS and Policy NH2 – Species Protected by Law within PPS2 outline that planning permission will only be

granted for a development proposal that is not likely to harm a European Protected Species. Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors are also taken into account.

- 8.50 The findings of the surveys indicate that there are up to six species of bat using the site. Preliminary Roost Assessment and Bat Activity Surveys were carried out as part of the investigations. No confirmed bat roosts were recorded during the 2015 and 2016 emergence/re-entry surveys. The buildings were generally found to be of low suitability of bat roosting with only four of the buildings to be demolished indicating roost potential. 3 mature willow trees were identified as having moderate roosting potential.
- 8.51 The findings of the surveys indicate that the presence of bats on the site are of local ecological value with no evidence to support a population of regional significance at this site. Bats use this site primarily for commuting and foraging. It is proposed that the construction of the ICW will result in a mosaic of shallow wetland ponds, open grassland, surface water channels, hedgerows and trees that will comprise habitats of value and benefit to the local bat population.
- 8.52 DAERA Natural Environment Division were consulted on the proposal. Natural Environment Division had initially some concerns in relation to the information provided by the applicant and had some concerns regarding the timing of the surveys relevant to the submission of the information for consideration. It was felt that the information may be outdated and that circumstances on site may have changed in the interim period. A site visit was conducted by Natural Environment Division on 24th April 2018. The buildings on site were assessed and have been classified as having negligible roosting potential. Natural Environment Division have no further concerns in relation to the proposal and do not require any further bat surveys to be carried out.
- 8.53 No badger Setts or otter Holts were recorded which will be directly impacted upon by the development. The creation of the ICW will be of benefit to Hedgehog and Irish hare in the long term.

8.54 It has been demonstrated through the submission of the Environmental Statement and consultation with DAERA Natural Environment Division that the proposal will not result in a detrimental impact on a European Protected Species, or any other protected species within the application site or those which utilise the nearby Lough Foyle designated sites, by way of impact on the habitat. The proposal is likely to provide further ecological habitats for species in the medium to long term and is therefore in compliance with the SPPS and PPS2.

Water Environment, Soil, Geology, Hydrogeology and Waste Management

- 8.55 The construction of the ICW presents a risk of contamination to the surrounding water bodies via sediment release, spillage or discharge of fuels, oils or other chemicals, washing out of concrete and cement and sewage discharge. In addition site investigations have found traces of pollutants from metals and fuels/oils as being present in the ground water from sources such as fuel stores.
- 8.56 Chapters 11 and 13 of the Environmental Statement outline the range of mitigation measures proposed in order to minimise the potential impact of the proposal on the water environment by improving the quality of effluent being discharged. These measures include good design principles, good working practice, and careful control of substances near waterbodies. An Emergency Response Plan is to be prepared and shall detail the actions to be taken in the event of an accidental spillage of fuel, chemicals or other hazardous substances.
- 8.57 A Remediation Strategy was produced as part of the Environmental Statement which outlines measures to address the impact of contaminants in the soil leaching into the ground water. The objectives of the Remediation Strategy is to eradicate existing pollutants by removing the contamination sources and breaking the linkage between pollutant source and receptor, which will include amongst others, removal of fuel storage tanks and excavation and removal of contaminated sub soils. A full range of mitigation measures is outlined in Chapter 13.5 of the Environmental Statement.
- 8.58 The construction phase of the development will result in the production of waste. This waste will generally be generated from site clearance works and the construction of the ponds. The

waste generated by these works will include brick/block, concrete, bitumen, wood, metal, asbestos and deleterious wastes. Some of the waste has the potential to be hazardous. The proposed mitigation measures outlined within Chapter 15 of the Environmental Statement outline that materials will be recycled and reused where practical to form internal paths etc. and to provide the contours for the ponds. Where waste is to be removed from the site this will be disposed of in an appropriate manner to be either recycled or reused elsewhere, or where the waste is unsuitable for use it will be disposed of to an appropriate end source such as licenced landfill.

- 8.59 DAERA Land, Soil and Air and Environmental Health were both consulted on the potential impacts that contaminated land use may have on the environment. Both consultees offer no objection to the proposal subject to conditions.
- 8.60 One of the main risks to the water environment from the proposed construction and operation of the ICW is the potential for pollution to occur from the overflow of effluent from the ponds during a flood event. Such an event would have the potential to cause leaching of pollutants into the ground and also infiltrate existing watercourses, resulting in direct transportation to the nearby Lough Foyle designated SPA, Ramsar and ASSI site. The risk of this event occurring was raised given the removal of the earth bunds around the ponds, which would have provided some protection from flooding, to overcome the flood risk issues detailed above. These concerns were raised with the applicant, who submitted additional information in the form of an addendum to the Environmental Statement, received 15th May 2018.
- 8.61 Within the addendum it is acknowledged that the site may experience a flood event. However it is suggested that the dilution effect of the floodwaters should be taken into consideration. Table 1 within the Addendum outlines the dilution impact on the ponds during a flood event, which shows the pollutant strength to be negligible and would have no adverse impacts. DAERA Natural Environment Division and Water Management Unit were consulted on this information, as were Shared Environmental Services. Natural Environment Division had no concerns subject to appropriate mitigation being implemented. Water Management Unit reviewed the data provided and found it to be incorrect. Having carried out their

own calculations on the figures provided it found pollutant strengths to be 1000 times greater than that indicated within the Environmental Statement. However despite this, the estimated pollutant strengths still fall below those consented and the fact that all solids, rags and debris are removed from the treatment process prior to entering the ICW WMU are content that should flooding occur the impact on the surface water environment would not be significant. Shared Environmental Services have concluded that subject to the implementation of all appropriate mitigation measures and subject to condition the proposal would not have an adverse impact on the integrity of the European designated site.

Material Assets

- 8.62 The Environmental Statement has examined the potential impact of the proposed development on infrastructure assets including water, wastewater and electricity. Presently there is a mains water supply to the site which enters the site from Dukes Lane. The water supply infrastructure within the site will be removed, however this will not interfere with the water supply to the remainder of the former barracks site.
- 8.63 Within the proposed site there is existing foul wastewater infrastructure which served the buildings that exist on the site. This consists of a series of gravity and pumped flows which pumped flows to the Ballykelly WWTW. As all buildings within the application site will be demolished and all infrastructure removed, there is no further requirement for foul infrastructure. The removal of the wastewater infrastructure within the site will not have any negative physical or environmental impacts.
- 8.64 The former barracks site receives its power supply via a main NIE Cable to a main Intake Sub-Station. From here it is distributed around the site via an 11kV Ring Main. One of the terms of the sale of the MoD site was that the Ring Main would not be disrupted. In order to allow power supply around the full Ring Main, the pond locations within the ICW will be positioned to ensure the Ring Main and Interconnector line will not be removed, disrupted or damaged in any way.
- 8.65 The proposed works to the existing services infrastructure will not result in any adverse impact on the continued service provision to the remainder of the barracks site or the surrounding Ballykelly catchment area.

Objections

8.66 Four letters of objection from two properties have been received to date in relation to the proposal. These objection letters have raised the following issues

The impact the proposed security perimeter fence will have on access

- 8.67 The objections related to the positioning of the perimeter fence around the proposed development and the implications it may have on access to the lands and to vehicles which currently use Walworth Rd. The objectors outline that lorries such as bin lorries use the road and turning area adjacent to the existing WWTW.
- 8.68 The application boundary currently runs along the southern boundary of the field to the immediate north of the existing WWTW, and runs across the existing laneway which serves as an access to the barracks site, and then northwards along the western side of the laneway to meet the existing barracks site. The applicant has indicated all lands owned in blue outside of the application site and has indicated that the certificate in relation to land ownership within the P1 form has been correctly signed. In respect of land ownership and access to lands this is a civil matter which should be clarified between the relevant parties outside of the planning process.
- 8.69 Photographs were submitted with an objector outlining markings on the road which seemingly refer to the positioning of gates. The applicant was asked to clarify this matter. The applicant responded to indicate that this is a private matter currently being dealt with via the applicant and resident but did not relate to this planning proposal. It is also noted that the position of these markings do not correlate with the position of the perimeter fence on the submitted plans.
- 8.70 It is clarified through the application that construction traffic will access the site via Dukes Lane and not Walworth Rd. The applicant clarified that works to the existing WWTW were carried out in early 2018 with lorries using Walworth Rd as this is the only means of access to the current WWTW. With regards to the issues of bin lorries requiring access to the turning area at the existing WWTW, it is noted that this area is described as being owned by NI Water who may or not be aware of this issue of their land being used for this purpose. It is noted that there is a

junction onto Walworth Rd from the properties at Nos. 10 and 12 which may be able to facilitate the turning of vehicles.

- 8.71 Given the issues raised planning officials are content that the necessary steps have been taken to identify the correct extent of ownership/control of lands and issues surrounding access are a civil matter beyond the remit of this application. In terms of the requirement of the security fence it is noted that the site is not open to public access. It is therefore considered reasonable for the applicant to secure their site in the manner proposed, which is considered to be of an acceptable design. DFI Roads were consulted on the proposal and have no objections subject to condition

Odour from the proposed ponds

- 8.72 The issue of odour was discussed within the report above and within Chapter 7 of the Environmental Statement. The Environmental Statement outlines that odour levels are anticipated to be minimal, as experience to date shows that ICWs have generally much lower odour levels than conventional wastewater treatment systems. Environmental Health were consulted on the above issues as the competent authority and did not raise any concerns in relation to this issue. Given the separation distance between the objectors' property and the proposed development there should be no adverse impact on residential amenity arising from odour.

Objection to the principle of wetlands/ponding system

- 8.73 An objection was received from a neighbouring property highlighting that there has been ponding of raw sewage in their garden on many instances. Based on this the objector feels that the proposed treatment of waste by ponding is an unsatisfactory method. The principle of treating waste water by this method has been established elsewhere within Northern Ireland and throughout Europe, as a natural and effective way of waste treatment. As waste will firstly pass through the existing WWTW all solid waste and other debris will be removed and only waste water will enter the ICW, ensuring there will be no debris waste scattered throughout the proposed ponds which would have an adverse environmental impact. The issues of sewage ponding within the objector's garden is a matter between both parties outside the remit of planning.

9.0 CONCLUSION

- 9.1 Having regard to the Northern Area Plan 2016 and other material considerations the proposal is considered acceptable. The need for the proposed upgrading of the existing WWTW has been demonstrated to the satisfaction of the Planning Department. The proposed development, despite being located within the floodplain, will not result in any increased flood risk beyond the existing floodplain. It has also been demonstrated to the satisfaction of the Planning Department and consultees that the proposed development will not have any significant adverse impacts on the natural environment including designated sites and protected species, even if a flood event was to occur. The proposal has proposed a suite of mitigation measures which will, if implemented, ensure a safe and environmentally friendly development. The proposal will result in the provision of an environmentally and economically sustainable development which will achieve the overall aim of providing adequate waste water treatment facilities to serve the Ballykelly catchment.

10.0 Conditions

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

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

2. No construction traffic associated with the proposed development shall access and exit the development site via Walworth Road. Operational traffic shall use the existing access onto Walworth Road.

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

3. Prior to the commencement of the development hereby permitted effective vehicle wheel washing facilities shall be installed and operational during the lifetime of the construction of development approved at a location to be agreed with the

Planning Authority.

Reason: To prevent the carry-over of mud or debris onto the public road in the interests of road safety and convenience.

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

Reason: In the interest of Residential Amenity

5. A site specific Construction Environmental Management Plan (CEMP) must be submitted to NIEA Water Management Unit for approval, in consultation with the Planning Authority, at least 8 weeks prior to works commencing onsite. The CEMP, in light of the detailed design phase, must include all mitigation and avoidance measures previously set out in the Outline Construction Environmental Management Plan, Habitat Regulation Report, Outline Water Monitoring Plan and Outline Emergency report. The agreed CEMP must be implemented in full by the approved contractor.

Reason: To ensure protection of the water environment and to avoid any adverse impacts on European designated sites.

6. There must be no discharges from the welfare or sewage facilities (on site during construction works) or associated soakaways towards any watercourse; a buffer of 10 metres must be maintained between the welfare and sewage facilities and associated soakaways, and all watercourses.

Reason: To ensure protection of the water environment and to avoid any adverse impacts on European designated sites.

7. A suitable buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc., and all watercourses.

Reason: To ensure protection of the water environment and to avoid any adverse impacts on European designated sites.

8. The development hereby permitted shall not become operational until the remediation measures as described in the RPS Remedial Strategy Report, Northern Ireland Water, Ballykelly ICW, Ref IBR0936/March 2017, have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.

Reason: To ensure the protection of environmental receptors and to ensure the site is suitable for use.

9. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: To ensure the protection of environmental receptors and to ensure the site is suitable for use.

10. After completing the remediation works under Conditions 7 and 8; and prior to operation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. 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: To ensure the protection of environmental receptors and to ensure the site is suitable for use.

11. Evidence must be presented in the Verification Report that all fuel storage tanks (and associated infra-structure) have been fully decommissioned and removed in line with current Pollution Prevention Guidance (PPG2, PPG27) and the quality of surrounding soils and groundwater has been verified. Should

contamination be identified during this process, Condition 8 will apply.

Reason: To ensure the protection of environmental receptors and to ensure the site is suitable for use.

12. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Causeway Coast and Glens Borough Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

13. 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.

14. Construction activities shall only take place during the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. There shall be no construction activities on Sundays or Bank Holidays

Reason: In the interest of Residential Amenity

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

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

4. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European protected species included in Schedule II of these Regulations, which includes all species of bat. It is also an offence;
 - (a) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - (b) 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;
 - (c) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
 - (d) 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 must cease immediately and further advice must be sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605

5. 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.

6. 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 must cease immediately and further advice must be sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605. There is no provision within the legislation to issue licences to kill otters for the purpose of development.

7. The applicant should refer and adhere to the precepts contained in Standing Advice Note 4. Pollution Prevention Guidance, 5. Sustainable Drainage Systems, 11. Discharges to the Water Environment, and 23. Commercial and Industrial Developments. Standing advice notes are available at:
http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm
8. 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.
9. 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.
10. With regard to Water (Northern Ireland) Order 1999 consent to discharge from the Constructed Wetlands, the consent conditions agreed between Water Management Unit and Northern Ireland Water must be adhered to.

11. Water Management Unit recommends the use of Sustainable Drainage Systems (SuDS) during both the construction and the operational phases to deal with site drainage. Where possible any drainage design should include the use of temporary SuDS during the construction phase as pollution prevention measures for silt management and to prevent erosion.
12. Should the Water Table be intercepted during these works, in accordance with the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 (as amended) it is a mandatory requirement that upon the abstraction and/or diversion and/or impoundment of water from the natural river channel/lake, coastal or groundwater sources, an abstraction/impoundment licence should be obtained unless the operations specified are Permitted Controlled Activities. The applicant should refer and adhere to all the relevant precepts contained in Standing Advice Note No. 18 – Abstractions and Impoundments.
13. The discharge of water from a dewatering operation will require consent to discharge, under the Water (Northern Ireland) Order 1999. The applicant should refer and adhere to Standing Advice Note No. 11 – Discharges to the Water Environment.
14. Effective mitigation measures must be implemented to protect the water environment and surrounding water bodies from any discharge into them that may damage ecological status and to ensure that the Water Framework Directive (WFD) objectives for the water body are not compromised nor the WFD objectives in other downstream water bodies.
15. The applicant should ensure that the management of all materials onto and off this site are suitably authorized through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999.
16. Regulation Unit Land and Groundwater Team recommend that the applicant consult with the Water Management Unit within the DAERA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent Conditions.

17. The applicant should also be aware that it is an offence under section 41 of the Foyle Fisheries Act (1952) to cause pollution which is detrimental to fisheries interests.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.

23. For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least 4 weeks before work is due to begin, contact:

Historic Environment Division – Historic Monuments
Causeway Exchange
1–7 Bedford St
Belfast,
BT2 7EG
Tel: 02890 823100
Quote reference: SM11/1 LDY009:002 and LA01/2105/0665/F

24. Application for the excavation licence, required under the *Historic Monuments and Archaeological Objects (NI) Order 1995*, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible for the project, to:

Historic Environment Division – Historic Monuments Unit
Causeway Exchange
1–7 Bedford St
Belfast,
BT2 7EG

25. The following mitigation measures shall be carried out by the appointed contractor to avoid significant impacts from dust emissions during construction
- A daily site walk-over to inspect the main site entrance and check for dust deposition close to the edge of the site and road.
 - Where necessary, vehicles should be cleaned prior to exit from the construction site. Large earth works machinery will be kept on-site until the duration of the required activities have ceased.
 - Turning off engines when not in use for more than five minutes. This restriction will be enforced strictly unless the idle function is necessary for security or functionality reasons.
 - Regular maintenance of plant and equipment.
 - Material handling systems and site stockpiling of materials shall be designed and laid out to minimise exposure to wind;
 - Water misting or sprays shall be used as required if particularly dusty activities are necessary during dry or windy periods.

26. The following mitigation measures shall be carried out by the appointed contractor to avoid significant impacts from noise during construction
- Mechanical plant and equipment used for the purpose of the works shall be fitted with effective exhaust silencers and are maintained in good working order;
 - Careful selection of quiet plant and machinery to undertake the required work where available;
 - All major compressors will be 'sound reduced' models fitted with properly lined and sealed acoustic covers which will be kept closed whenever the machines are in use;
 - Any ancillary pneumatic percussive tools will be fitted with mufflers or silencers of the type recommended by the manufacturers;
 - Machines in intermittent use will be shut down in the intervening periods between work;
 - Ancillary plant such as generators, compressors and pumps will be placed behind existing physical barriers, and the direction of noise emissions from plant including exhausts or engines will be placed away from sensitive locations, in order to cause minimum noise disturbance. Where possible, in potentially sensitive areas, acoustic barriers or enclosures will be utilised around noisy plant and equipment.
 - Handling of all materials will take place in a manner which minimises noise emissions;
 - Audible warning systems will be switched to the minimum setting required by the Health & Safety Executive.
27. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

Site Location Map

