

<b>Planning Committee Report LA01/2018/0955/F</b>	<b>17<sup>th</sup> April 2019</b>
<b>PLANNING COMMITTEE</b>	

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

<b><u>No:</u></b>	<b>LA01/2018/0955/F</b>	<b><u>Ward:</u></b>	<b>Giant's causeway</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Old Bushmills Distillery, 2 Distillery Road, Bushmills</b>		
<b><u>Proposal:</u></b>	<b>Proposed new distillery facility including boiler house, cooling equipment and barrel store.</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>27.07.2018</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>	<b>22.02/2019</b>
<b><u>Agent:</u></b>	<b>Juno Planning and Environmental Ltd.</b>		
<b><u>Applicant:</u></b>	<b>Old Bushmills Distillery</b>		
<b><u>Objections:</u></b>	<b>0</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 section 7 & 8 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 10.

## **2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA**

- 2.1 The application site consists of an area of flat vacant land behind the existing main distillery. The site is accessed via the existing distillery entrance from the public road and the internal existing tarmac access route. The site is positioned adjacent to warehouse number 17. There are multiple warehouses adjacent within the site on higher land to the east and south. These are used for the storage of barrels of the whiskey manufactured on the site. The existing distillery main processing buildings and listed buildings are located within the curtilage to the south and these have been operating for hundreds of years. There is an associated shop and museum provided for the public and walking tours within the distillery.
- 2.2 The proposed site is within an area of land which is not open for the public to enter. The site is positioned beside the current external barrel storage area which will be moved to an area of land in the south west of the new proposed distillery. A stream enters the main distillery site from the south which provides the main water element for the manufacturing of the whiskey and there is associated monitoring equipment at entry and also exit from the site. There is a mitigation dam/lagoon to the north east of the site whereby any flood waters or water needed for emergency is stored.
- 2.3 The land rises gradually to the east on which there are 17 warehouses. The land also rises beyond this to the north and north east where there is a nearby country house and estate land which is screened by long established mature trees and vegetation. To the west of the proposed site the land gently rises to nearby residential development and a church, graveyard and associated carpark which are all accessed via

the main street in the village. To the north of the distillery lands there is a long established neighbouring housing estate.

- 2.4 The land is zoned on the Northern Area Plan 2016 as BSED 01. This is a committed site under the Area Plan for the Old Bushmills Distillery extension (2.64ha). The field adjacent to the west is zoned as BSED 03 which allows for all of Use Class B under The Planning (Use Classes) Order (N.I.) 2015.
- 2.5 The site is also within an area of archaeology potential as shown on the Northern Area Plan 2016. The site is also within the village limits of Bushmills as shown on the Northern Area Plan 2016.
- 2.6 The character of the area is evident by the existing industrial use operated by the applicant 'Old Bushmills Distillery'.

### **3 RELEVANT HISTORY**

- 3.1 LA01/2015/1015/O. Old Bushmills Distillery 2 Distillery Road, Bushmills. Proposed new distillery facility including boiler house and cooling equipment. Granted 23/06/2016.
- 3.2 LA01/2015/0838/HSC. Old Bushmills Distillery 2 Distillery Road, Bushmills. Hazardous Substance Consent. Granted 23/06/2016.
- 3.3 LA01/2018/0384/PAN. Old Bushmills Distillery 2 Distillery Road, Bushmills. Proposed new distillery facility including boiler house and cooling equipment. PAN acceptable 13/04/2018.
- 3.4 LA01/2018/0547/PAD. Old Bushmills Distillery 2 Distillery Road, Bushmills. Proposed new distillery facility including boiler house & cooling equipment. PAD concluded.
- 3.5 LA01/2018/0893/DETEIA. Old Bushmills Distillery 2 Distillery Road, Bushmills. Environmental Impact Assessment Screening Request - For a proposed new Distillery Facility. Environmental Statement not required.

## 4 THE APPLICATION

- 4.1 Proposed new distillery facility including boiler house, cooling equipment and barrel store.

## 5 PUBLICITY & CONSULTATIONS

### External:

- 5.1 **Neighbours:** notified according to procedure

No objections received

### Internal:

- 5.2 **HSENI:** No objections.

**Historic Environment Division Archaeology and Built Heritage:** No objections.

**DAERA Natural Heritage and Conservation Areas:** No objections.

**DAERA Land Soil & Air:** No objections.

**DAERA Drainage and water:** No objections.

**Rivers Agency:** No objections.

**NIwater:** No objections.

**Shared Environmental Services:** No objections.

**Transport NI:** No objection.

**Environmental Health:** No objections.

**Development Plan Section Area Plan Team:** No objections.

## 6 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 RELEVANT POLICIES & GUIDANCE**

The Northern area Plan 2016

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access Movement and Parking

Planning Policy Statement 4: Planning and Economic Development

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Planning Policy Statement 15: Planning and Flood Risk.

## **8 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; Policy PED 7 of PPS 4; Policy PED 1 of PPS 4; Extensions; Policy PED 9 of PPS 4: Hazardous Substances; and, other matters.

### **Principle of development**

- 8.2 The proposed site is zoned within the Northern Area Plan 2016. The principle of a new distillery is already established on the Old Bushmills Distillery site, please see relevant history under paragraph 3.1 above. However, as this is a full application, the full details of the proposal will now be assessed against current plan and policy.
- 8.3 Area of Outstanding Natural Beauty: The proposal is reflective of the existing character and will not have a detrimental impact on the AONB as it is sited to cluster with the existing industrial property and the critical views are restricted to within the site.
- 8.4 The NAP is zoned for Economic Development under Policy BSED 01: This is a committed site for the extension of the Old Bushmills Distillery to the northern area (2.64 ha.) Therefore as this site is committed for the extension of the Distillery, no other use may be allowed as per Policy PED 7 of PPS 4. The Northern Area Plan 2016 states on page 184 of Volume 2 under Economic Development, that any proposals on the economic site of the Old Bushmills Distillery will be assessed in line with prevailing regional planning policy, currently contained in PPS 4: Planning and Economic Development.

### **Retention of Zoned Land and Economic Development Uses (PED 7)**

- 8.5 The policy for zoned land in all locations: Development that would result in the loss of land or buildings zoned for economic development use in a development plan to other uses will not be permitted. In this instance the proposal complies with this policy test as the applicant is Bushmills Distillery and the proposal is for a distillery building and the extension of the existing business.

### **Economic Development in settlements (PED 1)**

- 8.6 Such uses as the distillery will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and it is not incompatible with any nearby residential use.

- 8.7 The proposed development site is within an existing large scale industrial premises, the Bushmills Distillery, which has been operating with licence for the last 400 years. It has a significant curtilage with several listed buildings, multiple warehouses for the storage of the whiskey barrels and associated car parking. The distillery has been integral to the character of Bushmills and provides employment and tourism infrastructure. The main distillery is housed within the long established building in the centre of the site. The proposed distillery is of large scale and although it is one building, it is split up into multiple elements with separate roof designs. The roof elements incorporate hip, flat and pitch designs and use a cladding system finish. The highest part of the building has a maximum height of approximately 16 metres above ground level.
- 8.8 The building has an industrial appearance with the main frontage finished in split faced black basalt stone with dark pointing between courses. Sand stone is also used for window and door heads and cills. There are multiple large vertical windows on the front façade. The windows will be made with black steel frames. Other than the main frontage the building walls will be finished in cladding panels coloured matt black. The scale, nature and design of the proposed new distillery building will reflect the surrounding buildings on site at the present time although they use modern materials which help to differentiate the proposal from the nearby listed buildings. Therefore the new proposal is of its own time. It involves quality materials and architectural detailing which is sympathetic and complimentary to the industrial site context. Historic Environmental Division (Built Heritage) have been consulted and offer no objection.
- 8.9 As the site is on low lying land within the surrounding context, there are limited critical views of the site due to the surrounding built form within the existing industrial site and adjacent village. A Visual Impact Assessment has been submitted. There are short critical views from adjacent land to the west and north, however the views of the new building are taken in context with the existing industrial warehouses and will not have a detrimental impact. There may be long views from surrounding countryside in particular the approach from Dunluce Road and from this vantage area the top portion of the new building may be visible but due to the surrounding existing built form and the long distance back from

the site it will not have any detrimental impact on the village setting.

- 8.10 There is sufficient separation distances from residential areas in the village. Consultations have taken place with the appropriate competent authorities, including HSENI, Environmental Health and DAERA and they all have no objections subject to certain conditions being applied. The applicant requires Hazardous Substances consent and this has been applied for under application LA01/2018/1325/HSC. HSENI are the main consultee and after consultation have no objections. The distillery use is existing and the expansion complies with this policy and the existing zoning in the Northern Area Plan 2016. The proposal is not considered to be incompatible with any nearby residential use.

### **Extensions**

- 8.11 A development proposal to extend an existing economic development use or premises within settlements will be determined on its individual merits having regard to Policy PED 9 listed below.

### **General Criteria for Economic Development (PED 9)**

- 8.12 A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

The Bushmills Distillery has been operating for hundreds of years and is integral to the fabric of the Bushmills village. It is a long established whiskey business and is located on the periphery of the village. There is sufficient separation distance from surrounding uses. The new building will be located within the existing industrial curtilage which is on zoned land within the Northern Area Plan. The Planning Authority have consulted with the relevant competent authorities, including HSENI, Environmental Health and DAERA and they have all replied with no objections subject to conditions. Hazardous Substance Consent is required and HSENI have been consulted as part of that application and replied with no objections.

(b) it does not harm the amenities of nearby residents;



As part of the application a noise impact, air quality and odour assessments have been submitted. A separate hazardous substance consent application has also been submitted. The Planning Authority have consulted with the relevant competent authorities including HSENI, Environmental Health and DAERA and they have no objections subject to conditions. There is sufficient separation distance to avoid any detrimental impact.

(c) it does not adversely affect features of the natural or built heritage;

The Planning Authority have consulted with DAERA Natural Heritage and Historic Environmental Division (Built Heritage) as the competent authorities and they have both offered no objections.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

A Drainage Assessment was submitted. The Planning Authority have consulted Rivers agency and there is no objections.

(e) it does not create a noise nuisance;

A noise assessment was submitted as part of the application. The relevant competent authority Environmental Health has been consulted and they have no objections subject to conditions and informatives.

(f) it is capable of dealing satisfactorily with any emission or effluent;

A Contamination Land Risk Assessment, spillage containment proposals and an environmental report have been submitted as part of the application. The competent authorities DAERA Water Management Unit, Land Soil Air team, Environmental Health, NIwater and Shared Environmental Service have all been consulted and no objections have been offered.

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

DFI Roads has been consulted as the competent authority and they have no objections. There is an already existing network of

internal roads within this large industrial site which are capable of handling extra traffic without impinging on road safety.

(h) adequate access arrangements, parking and manoeuvring areas are provided;

The competent authority DFI Roads has been consulted and they have no objections. There is an existing access and car park on this large industrial/ commercial site.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

A satisfactory movement pattern exists on site with pavements and roadways.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

The proposal benefits from existing infrastructure, existing access and the proposed plan shows new extensive detailed planting and landscaping to the proposed site. There will be an additional Suds pond to the land west of the new building. The proposal complies with this part of policy.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;

The overall site is secure and substantial new planting is proposed. Due to the low lying nature of the land positioned internally within the existing industrial site, and with surrounding land generally rising, public views are restricted. Extensive new planting is proposed throughout the site to help screen the development. Due to the topography of the wider area, there will be longer critical views of the higher portion of the building but due to the distance involved these views will not be detrimental to the visual amenity of the area given the built up nature of the surrounding industrial site and multiple warehouses. The proposal complies with this part of policy.

(l) is designed to deter crime and promote personal safety;

The site is secure with a security presence and complies with this test of policy.

(m)in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

n/a. The site is not within the countryside.

### **Hazardous Substances**

- 8.13 In addition to planning permission some industrial developments may also require consent under the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993, as amended by The Planning (Control of Major-Accident Hazards) Regulations (Northern Ireland) 2000. This legislation allows the Planning Authority to consider whether the proposed storage or use of a significant quantity of a hazardous substance is appropriate in a particular location, having regard to the risks arising to persons in the surrounding area and the wider implications for the community. The application has been supported with a parallel application for hazardous consent (LA01/2018/1325/HSC), in which HSENI have no objections.

### **Access**

- 8.14 Access to Public Roads (Policy AMP 2) states that permission will be granted for a development involving direct access onto a public road or the intensification of the use of an existing access onto a public road where such access will not prejudice road safety or inconvenience the flow of traffic. The proposal involves the use of the existing access to the distillery. DfI Roads, as the competent authority have no objections to the proposal and no further access works are required. Therefore the proposal meets the criteria of this policy.

### **Other Matters**

- 8.15 The Old Bushmills Distillery has a large annual turnover and is a major business in the Causeway Coast and Glens Borough Council. It is a high employer in the area and provides a tourist amenity for thousands of visitors annually. With the planned expansion of the distillery additional jobs will be provided for the construction industry and also full time jobs once operational. The Northern Area Plan 2016 states that the historic Old Bushmills Distillery is of major employment and tourism significance for Bushmills.

## **9 CONCLUSION**

- 9.1 Having taken into account the expert advice from the consultees listed above and given the scale and location of the development on the site and the nature of the operations, it is not considered to have a significant effect on or to the relevant receptors such as soil, water, flora, fauna and the residential population. The proposed development is considered acceptable in this location having regard to the area plan and other material considerations. The development is an appropriate use of the land and is acceptable in terms of its layout and appearance. All other matters can be secured by planning condition. Recommend approval with conditions.

## **10 CONDITIONS/ INFORMATIVES**

### **10.1 Regulatory Conditions:**

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

Reason: Time Limit.

2. No development activity shall commence on site until a protection zone, clearly marked with posts joined with hazard warning tape, has been provided from the badger sett entrance as shown on Drawing No. 21/2 (date stamped by the Planning Authority 04 February 2019) at a radius of 25 metres. No works, clearance, disturbance by machinery, dumping or storage of materials shall take place within that protection zone without the consent of the Planning Authority in consultation with DAERA. The protection zone shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts.

3. No piling or blasting activity shall take place within 100m of the badger sett on site, as shown on Drawing No. 21/2 (date stamped

by the Planning Authority 04 February 2019), without the consent of the Planning Authority in consultation with DAERA.

Reason: To protect badgers and their setts.

4. The applicant / appointed contractor must adhere to the mitigation identified in Section 5 of the Construction Environmental Management Plan date stamped 14/12/2018.

Reason: To protect water quality of the Distillery Burn that leads to Skerries and Causeway SAC.

5. The applicant must adhere to the mitigation identified in the "Outline Spillage Containment Proposals" document date stamped 14/12/2018.

Reason: To protect the site selection features and conservation objectives of Skerries and Causeway SAC.

6. The development hereby permitted shall not commence until a Detailed Remediation Strategy to address all unacceptable risks identified. This strategy must be submitted in writing and agreed with the Planning Authority and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

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

7. The development hereby permitted shall not be occupied until the remediation measures as described in the Remediation Strategy submitted under Condition 6 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: Protection of environmental receptors to ensure the site is suitable for use.

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

9. After completing the remediation works under Condition 6 to 8 and prior to occupation 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: Protection of environmental receptors to ensure the site is suitable for use.

10. The cumulative rated level of noise emissions from the permitted development, measured in accordance with BS 4142:2014 "Methods of rating and assessing industrial and commercial sound", shall not exceed:

- i) Cumulative Rated Level of Noise : 42.8dB (LAeq 1 hour) (daytime)
- ii) Cumulative Rated Level of Noise : 41.5dB (LAeq 15mins) night-time)

The cumulative rated level of noise emissions shall be measured and achieved at compliance location: Irish Grid Co-ordinate Reference: 294 373 440 843.

Reason: In the interests of residential amenity.

11. The cumulative rated level of noise emissions from the permitted development, measured in accordance with BS 4142:2014 “Methods of rating and assessing industrial and commercial sound”, shall not exceed the existing background noise level ( $L_{A90T}$ ) (daytime and night-time) of 46dB by more than 0dB:

The cumulative rated level of noise emissions shall be measured and achieved at compliance location: Irish Grid Co-ordinate Reference: 294 227 440 676.

Reason: In the interests of residential amenity.

12. Within 3 months of the permitted development becoming operational (unless extended with Causeway Coast and Glens Borough Council) or within 4 weeks of the Council being notified of a reasonable noise complaint, from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the permitted development operator shall at his/her expense employ a suitably qualified and competent person to undertake a noise survey to assess the level of noise immissions from the permitted development. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels with all plant and equipment fully operating. Details of the noise monitoring survey shall be submitted to Causeway Coast and Glens Borough Council for written approval prior to any monitoring commencing, at least 2 weeks notification of the date of commencement of the survey shall be provided. The noise survey information shall be provided within 3 months of the date of a written request from the Council.

Reason: In the interests of residential amenity.

13. Emission source parameters associated with the gas fired boiler 11 MWth shall not be less than the emission source parameters as included within Table 1: Emission Source Parameters Gas Fired Boiler Plant

Parameter	11 MW <sub>th</sub> Gas Fired Boiler
Stack height (m)	24
Stack diameter (m)	0.6
Efflux Temperature (°C)	70
Efflux Velocity (m s <sup>-1</sup> )	12.3

Table 1: Emission Source Parameters Gas Fired Boiler Plant.

Reason: In the interests of residential amenity.

14. Substance emissions from the 11MW<sub>th</sub> Gas Fired Boiler Plant shall not exceed the emission rates as included within Table 2: Maximum Mass Emission Rates From Stack,

Substance	Maximum Mass Emission Rate (g/s) (mg Nm <sup>-3</sup> )
	11MW <sub>th</sub> Gas Fired Boiler
Nitrogen Oxides (as NO <sub>2</sub> )	0.347 (100)
Carbon Monoxide	0.017 (5)

Table 2: Maximum Mass Emission Rate from Stack.

Reason: In the interests of residential amenity.

15. The lighting scheme for the development hereby approved shall be designed, installed, operated and maintained in accordance with the submitted Lighting Report (Document 20, date stamped 20/11/2018). Light pollution shall be obviated by ensuring adherence to the Institute of Lighting Professionals: Guidance Notes for the Reduction of Obtrusive Light GN:01:2011, the maximum Lux levels as depicted



within Drawing Number 23, date stamped 20/11/2018 shall not be exceeded, and in accordance with Table 2 Obtrusive Light Limitation for Exterior Lighting Installation applicable to Environmental Zone E3.

Reason: In the interests of residential amenity.

16. All soft and hard landscaping incorporated in the stamped approved landscape plan, Drawing No. 20/1 bearing Planning Authority date stamp 4<sup>th</sup> Feb. 2019, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice in the first available planting season following commencement of the development.

Reason: To ensure the provision of a high standard of landscape.

## **INFORMATIVES**

### **10.2 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. All construction plant and materials shall be stored within the curtilage of the site.
4. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
5. 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.

6. Water Management Unit recommends the applicant refers and adheres to the precepts contained in Standing Advice on Sustainable Drainage Systems, paying due regard to the development of contaminated land.

Discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to Standing Advice on Discharges to the Water Environment.

The development includes excavation of an underground structure (tank). Depending on the geological setting, the potential exists for the water table to be encountered during these works. The applicant should refer to Standing Advice on Abstraction and Impoundment.

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 discharge of water from a dewatering operation will require consent to discharge, under the Water (Northern Ireland) Order 1999.

If decommissioning of any underground tanks is required then, "PPG27: Installation, decommissioning and removal of underground storage tanks" should be considered. Details can be found at:

<https://www.sepa.org.uk/media/100570/ppg-27-installationdecommissioning-and-removal-of-underground-storage-tanks.pdf>

Due to the close proximity of the site to a watercourse, care will need to be taken to ensure that polluting discharges do not occur during the works phase. The applicant should refer and adhere to

the precepts contained in Standing Advice on Pollution Prevention Guidelines.

The applicant should note the definition of a 'waterway' as defined under the NI Water Order:

*"Waterway" includes any river, stream, watercourse, inland water (whether natural or artificial) or tidal waters and any channel or passage of whatever kind (whether natural or artificial) through which water flows.*

*In this Order any reference to a waterway includes a reference to the channel or bed of a waterway which is for the time being dry.*

Effective mitigation measures must be in place to protect the water environment and surrounding water bodies from any discharge into them that may damage ecological status and to ensure that the Water Framework Directive (WFD) objectives for the water body are not compromised nor the WFD objectives in other downstream water bodies in the same and other catchments.

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

7. If the finished product production capacity is greater than 300 tonnes per day or 600 tonnes per day where the installation operates for a period of no more than 90 consecutive days in any year, it will require a PPC-permit.

An updated hazardous substance consent may be required, but is dependent on the tonnage of hazardous substances stored.

A review of the safety report is required due to the proposed new distillery facility.

8. 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*). It is also an offence to intentionally or recklessly: 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 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

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 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.**

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

9. 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 Planning authority or other statutory authority.
10. 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.
11. 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.
12. 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.
13. 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.
14. Where a Designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by the Rivers Agency. Actual requirement should be determined in consultation with the Agency.

15. Tonal noise disturbance arising from the movement and operation of vehicles and forklift trucks shall be suitably mitigated, specifically where such operations occur in proximity to sensitive receptors. Reversing alarms “beepers” in such areas should be restricted, with the fitting of white noise (broad spectrum) reversing alarms.
16. No construction to be made, trees planted or other obstruction made Within 3m (or 1.5 times the depth whichever is greater) of sewers, OR 4m (or 1.5 times the depth whichever is greater) of watermains <350mm diameter or 8m of watermains of 350mm diameter or greater. A diversion may be necessary. Consultation with NIW is required at an early design stage, to prevent disturbance/ damage to existing sewers /watermains and in the interest of public safety.
17. The applicant is advised to contact NIW Waterline on 03457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.
18. 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.
19. Connection to public water supply is not required. Foul sewer within 20m of your proposal, the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect. Applicant proposes to discharge surface water to existing private drainage network & proposed sustainable drainage pond. Trade effluent discharge, the Developer must contact NIW Trade Effluent team to agree discharge conditions and parameters. Existing sewer crossing site; No construction to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers. A diversion may be necessary. Consultation with NIW is required at an early design stage.

20. Development shall not be occupied until surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority, to safeguard the site and adjacent land against flooding and standing water.
21. 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.
22. 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](mailto:waterline@niwater.com) if they have any queries.
23. Planning Policy Statement 15, D18 bullet point 3 states, *'It is the responsibility of the developer to satisfy the appropriate authorities that the internal site drainage complies with the appropriate legislation and includes for exceedence (refer to CIRIA document C635).'* DfI Rivers recommends that this and the attenuation of stormwater to a rate of 28.8/s is made part of this planning consent.
24. The purpose of the Conditions 6 to 9 is to ensure that any 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.
25. Regulation Unit (RU) recommends that the applicant consult 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. Further information can be obtained from: <https://www.daera-ni.gov.uk/articles/regulating-water-discharges>



26. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/waste-management-licensing>

<https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions>

<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

27. The applicant should ensure to comply with the Waste Duty of Care with respect to any waste materials taken onto or taken off site. Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 imposes a duty of care on anyone who handles controlled waste. When waste transfers from one person to another a waste transfer note and/or hazardous waste consignment note must be completed, signed and kept by the parties involved. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 set out the requirement to complete waste transfer notes for waste movements and the Hazardous Waste Regulations (Northern Ireland) 2011 set out the requirements to complete hazardous waste consignment notes for the transfer of hazardous waste. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/duty-care>

<https://www.daerani.gov.uk/articles/hazardous-waste>

28. In accordance with Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 a Waste Management Duty of Care Code of Practice for Northern Ireland June 2016 required by law exists. This code of practice provides practical guidance to everyone subject to the Waste Duty of Care. In Northern Ireland the primary responsibility for duty of care sits with the waste producer and therefore they should ensure they make the appropriate checks as set out in the Code of Practice for Northern Ireland in relation to waste produced. Further information can be obtained from:

<https://www.daerani.gov.uk/publications/waste-management-duty-care-code-practice>

29. Any contaminated soils and soil type materials require its hazardous properties to be firstly classified and assessed in accordance with Technical Guidance WM3 – Waste Classification: Guidance on the classification and assessment of waste (1st edition v1.1,

May 2018). Classifying a waste correctly is a legal requirement that helps to ensure that the waste is managed appropriately. NIEA therefore expects businesses to be able to demonstrate that any waste classifications based on sample results are reliable and as such conducted in line with Appendix D: Waste Sampling of Technical Guidance WM3. Further information can be obtained from:  
<https://www.gov.uk/government/publications/waste-classification-technical-guidance>

30. Regulation 17 of the Waste Regulations (Northern Ireland) 2011 imposes a duty on waste operators to comply with the European Waste Hierarchy. After a hazardous waste assessment is completed then the options for managing this waste should be further considered taking into account the European Waste Hierarchy. The applicant should be reminded that Landfill Waste Acceptance Criteria (WAC) are not relevant to a hazardous waste classification. A WAC test will not identify whether a waste is hazardous or nonhazardous. Before a waste can be disposed of, it must be classified as being either hazardous or non-hazardous, using the characterisation assessment and analysis described by the WM3 Technical Guidance. Then, if a waste hierarchy assessment determines that disposal to landfill is the appropriate disposal option for the waste, chemical WAC testing must be undertaken for wastes destined for inert, stable nonreactive hazardous or hazardous classes of landfill. Further information can be obtained from:  
<https://www.gov.uk/government/publications/waste-classification-technical-guidance>

31. Should the materials be classified as hazardous waste then this material will need to be consigned off site as hazardous waste. NIEA should receive the waste consignment notices 72 hours in advance of any movements off site and waste materials moved off site only by a registered carrier (i.e. ROC permitted). Further information can be obtained from:  
<https://www.daera-ni.gov.uk/articles/hazardous-waste#toc-3>  
<https://www.daera-ni.gov.uk/publications/guide-consigning-hazardous-waste>

