

Planning Committee Report Item 5.4	22nd June 2016
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	Shane Mathers
Cost: (If applicable)	N/a

ITEM 5.4

**Old Bushmills Distillery, 2
Distillery Road, Bushmills.**

BT57 8XH

LA01/2015/1015/O

Application

22nd June 2016

<u>No:</u>	LA01/2015/1015/F	<u>Ward:</u> Giant's Causeway
<u>App Type:</u>	Full Application	
<u>Address:</u>	Old Bushmills Distillery, 2 Distillery Road, Bushmills BT57 8XH	
<u>Proposal:</u>	Proposed new distillery facility including boiler house and cooling equipment.	
<u>Valid Date:</u>	8 December 2015	
<u>Con Area:</u>	N/A	
<u>Listed Building Grade:</u>	N/A	
Agent:	JUNO Planning & Environmental Ltd 409 Lisburn Road Belfast	
Applicant:	Old Bushmills Distillery Ltd 2 Distillery Road Bushmills	
Objections: 1	Petitions of Objection:	0
Support: 1	Petitions of Support:	0

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

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The red line site includes an area of flat cleared land within the curtilage of the Old Bushmills 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 beside warehouse number 17. There are 17 warehouses

adjacent within the site on higher land to the east and south. These are used for storage of barrels of whiskey. The existing distillery main processing buildings are located within the curtilage to the south in the older buildings which have been operating for a long time. There is a shop and museum provided for the public and walking tours within the distillery.

- 2.2 The site is positioned beside a small open watercourse. This watercourse provides the water source for the whiskey at a higher level further south. At this position of the watercourse the water is no longer entering the distillery, and is leaving the site to join the River Bush further north and then eventually go out to sea near Portballintrae. There is a monitoring station further north at the edge of the site whereby the watercourse is monitored for pollution. There is a mitigation dam/lagoon to the north east of the site whereby any flood waters or water needed for emergency is stored. The land rises to the east on which there are many warehouses. The land rises beyond this to the north where there is a nearby estate and mature trees. To the west there is an adjacent field and then west of this is the village built up area with houses. To the north there are neighbouring housing estates.
- 2.3 The character of the area is the existing industrial use by the Old Bushmills Distillery. The land is zoned in 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 any B class use set out in the Use Class Order.
- 2.4 The site is also within an area of archaeology potential as shown on the Northern Area Plan 2016. The site is also within the settlement limits of Bushmills as designated in the Northern Area Plan 2016.

3 RELEVANT HISTORY

There is a long and established planning history for Old Bushmills Distillery on the existing site with a history of recent approvals for expansion. There is also an application for Hazardous Substances Consent LA01/2015/0838/HSC which is currently under consideration.

E/2006/0291/F New warehouse 17 for storage of full whisky barrels. Approved 28.03.2007

E/2009/0178/F Construction of open lagoon with lined earth bank walls for (in an emergency event) Approved 09.07.2010

E/2012/0230/F Refurbish Entire Building (Warehouse Two) Providing New Reception Area, Public Spaces, Meeting And Office Areas With Associated Document Stores, W/C And Kitchen Facilities And New Canopy Located At Main Entrance. Approved 09.04.2014

4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for a proposed new distillery facility including boiler house and cooling equipment.
- 4.2 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site either alone or in combination with other plans and projects.
- 4.3 The Council can be satisfied (under Regulation 49(3)) that no development likely to adversely affect the integrity of a European site or a European offshore marine site could be carried out under the permission, whether before or after obtaining approval of any reserved matters.
- 4.4 An EIA determination was carried out on 19th May 2016 after consultation with the necessary consultees. It was determined that given the scale, nature and location of the proposal, that it is unlikely to have significant environmental effects and an environmental statement is not required.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

There is one objection to this proposal and one letter of support.

The letter of objection raises the following issues:

- Deficiency in information as submitted as an outline;
- Further information necessary to make robust decision;
- Confirmation of EIA determination;
- Care Home application must be determined before this (Distillery application).

The letter of support raises the following issues:

- Distillery as a world brand is significant employer & significant tourism facility.
- Bushmills needs the Distillery to be a thriving village
- Significant investment from new owners into the economy creating jobs and tourist facilities and must be supported.
- Sympathy for care home application but is not possible beside the Distillery.
- Complies with PPS 4.
- If Care Home was approved Bushmills Distillery would have to move production elsewhere in the country.
- A residential housing scheme which is required for locals may be a more appropriate response on the adjacent site, rather than a Care Home.

5.2 Internal

HSENI: Do not advise against the granting of planning permission.

NIEA Archaeology and Built Heritage: No objections.

NIEA Marine environment division: No objections

NIEA Drainage and water: No objections

Rivers Agency: No objection

NI Water: No objection

Shared Environmental Services: No objection

Transport NI: No objection subject to conditions.

Environmental Health: No objections subject to conditions.

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 both 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)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 4: Planning and Economic Development

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: impact on land zoned for economic development, hazardous substance and impact on amenity, economic benefits, impact on archaeology, impact on AONB and; other matters.

Principle of development

- 8.2 The site is located within the settlement development limit for Bushmills as defined by Northern Area Plan. The site is zoned as a committed site for Economic development BSED 01. This site lies within the Bushmills Area of Archaeological Potential and within the Causeway Coast AONB.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

Impact on land zoned for Economic Development

- 8.4 This proposal is on an area of land zoned within the Northern Area Plan (NAP) for Economic Development (para. 8.2). PPS 4 Planning and Economic Development is the main policy context for this proposal. The main specific policies relevant to this application are Policy PED 1, Policy PED 7 and PED 9.
- 8.5 Policy PED 1 provides policy guidance on Economic Development in Settlements: and in particular the section titled "Cities and Towns" as Bushmills is designated as a town under Designation SET 1 of NAP.
- 8.6 The proposed development site is within an existing large scale industrial premises and is on land designated for such a use (see para. 8.2). The Bushmills Distillery has been operating for the last 400 years and has a significant curtilage including several listed buildings, with multiple warehouses for the storage of the whiskey barrels. The distillery has been integral to the character of Bushmills and the NAP states that the historic distillery is of major employment and tourism significance for Bushmills (pg184).

- 8.7 The main distillery is housed within the long established building in the centre of the site. The scale and nature of the proposed new distillery building reflects the surrounding buildings on site. The site is located adjacent to residential housing to the north and there are fields to the west to separate the site from nearby properties. Consultations have taken place with the appropriate competent authorities, including HSENI, Environmental Health and NIEA and they all have no objections subject to certain conditions being applied for the Reserved Matters application.
- 8.8 The applicant requires Hazardous Substances consent and this has been applied for and is subject to a separate consent application LA01/2015/0838/HSC. The HSENI has been consulted in this regard and raise no objections. The distillery use is existing and the expansion complies with this policy and the existing zoning in the Northern Area Plan 2016. As the main employer and tourist asset, extending the site into this zoned land is appropriate to its location within the existing town.
- 8.9 Policy PED 7 of PPS 4 also applies which safeguards land zoned for economic development from other inappropriate or unacceptable uses such as housing or retail. The policy states that 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.
- 8.10 Policy PED 9 of PPS 4 applies to all proposals for economic development which sets out the General Criteria for Economic Development. 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 Bushmills. It is a long established whiskey business and is located on the edge of the town. The new building will be located within the existing industrial curtilage which

is on zoned land within the Northern Area Plan and complies with PED 1 (paras 8.6 TO 8.8).

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

Consultation has taken place with the relevant competent authorities, including HSENI, Environmental Health and NIEA and they have no objections. Further assessment is set out in Paras 8.11-8.16.

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

The Historic Environment Division has been consulted as the competent authority in this regard and no objections have been raised.

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

A Drainage Assessment was submitted and Rivers Agency who has been consulted as the competent authority and there is no objection.

(e)it does not create a noise nuisance;

The competent authority, Environmental Health, has been consulted and it has no objections subject to a noise assessment being submitted at Reserved Matters Stage.

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

Consultation has taken place with the competent authorities including NIEA, Environmental Health and Shared Environmental Service and they have no objections.

(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; (and)

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

Consultation has taken place with TransportNI and it has no objections to the proposal.

(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;

This is an extension to an existing economic development site on an area zoned for such a use located within the town of Bushmills. A satisfactory movement pattern currently exists and this proposal will not compromise this.

(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 planting and landscaping to the Bushmills Distillery boundary to the north and west. 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 new planting is proposed. The proposal complies with this part of policy.

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

The site is secure with a current security presence and health and safety requirement. The proposal 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.

The site is not within the countryside.

Hazardous Substance and Impact on Amenity

- 8.11 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. Consent is also required where a hazardous substance is introduced onto a site, or used differently within it, without there being any associated development requiring planning permission. Detailed guidance on these matters is currently contained in Development Control Advice Note 12 – Planning Controls for Hazardous Substances, published by the Department in May 2000.
- 8.12 The distillery site is classified as a Top Tier establishment under the Control of Major-Accident Hazards (COMAH) regulations. The applicant has carried out a Safety Report which demonstrates the major accident hazards and possible major accident scenarios which have been identified and that the necessary measures have been taken to prevent such accidents and to limit any consequences should such an accident occur.
- 8.13 The greatest quantity of hazardous material handled on site is ethanol, which can be stored and handled as ethanol/water mixtures at various strengths, the safety report takes account of both the human health and the environment to ensure that any consequences as a result of an accident are limited. This includes impact on all environmentally designated sites including its impact on the River Bush which is a premier salmon river as is hydrologically connected to the site by the Distillery Burn. This also creates a hydrological link to the North Antrim Special Area of Conservation which any impact being assessed and shown under Para. 4.2.
- 8.14 The applicant therefore requires a Hazardous Substances consent as developing a new distillery on site affects the COMAH area. This has been applied for under consent application LA01/2015/0838/HSC and HSENI has been

consulted as the competent authority and raises no objections. The increase in area is not so significant as to withhold any consent to increase the COMAH area. There is planning application E/2015/0056/F for a care home which the HSE advises against should the distillery expansion be granted.

8.15 The distillery site has an internal emergency plan and has supplied this information to the Health and Safety Executive enabling the development of a formal Off Site Emergency Plan which has been tested outside of the planning process.

8.16 TransportNI, NIEA, HSE, HED and Environmental Health have all been consulted as competent authorities with no, in principle, objections being raised.

Economic Impacts

8.17 Old Bushmills Distillery is not only a major employer and tourism attraction locally, but also in Northern Ireland with potentially greater appeal with Old Bushmills now recognised as a global brand.

8.18 The Old Bushmills Distillery has an annual turnover of £40 million and is a major business in the Causeway Coast and Glens Borough Council. 150 full time staff are employed with a wage bill of £3 million per year. 160,000 visitors visited the distillery in 2015, an annual increase of 22% (Visitor Attraction Survey 2015 additional tables 26th May 2016).

8.19 There is planned capital expenditure of £3 m per year over the next 10-15 years with £30m of capital expenditure of on the new distillery facility. This will create 15-20 jobs with a 10-15% rise in the annual wages bill.

Impact on Archaeology

8.20 The site is located within Bushmills Area of Archaeological Potential and the Historic Environment Division has been consulted as the competent authority who raise no objection in this regard.

Impact on AONB

8.21 The site is within the Causeway Coast Area of Outstanding Natural Beauty and policy NH6 of PPS 2 applies. The proposal is within the settlement limit of the town of Bushmills and 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 existing industrial property and the critical views are restricted to within the site and adjacent property.

Assessment in context of other application

8.22 The planning application for the care home (Ref: E/2015/0056/F) was submitted on 27 March 2015 before the submission date of the subject application. Considering the response from HSENI as the competent authority, the two proposals cannot proceed together. In determining which of the proposals are acceptable, notwithstanding the earlier submission date of the care home application, the subject application is given precedence. The reasons for this are: the existing distillery business is long established at this location (relative to the care home which at this stage is proposed); the zoning in the Area Plan of the site as a committed economic development site associated with the distillery and; the provisions of Policy PED 8 of PPS 4 and the SPPS Para 6.90 which seek to protect existing economic development uses from incompatible uses.

9.0 CONCLUSION

9.1 This proposal is considered acceptable in this location having regard to the Area Plan on land which is zoned to accommodate the expansion of the distillery, and having regard to other material considerations. 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 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. Approval is recommended.

10 CONDITIONS/ INFORMATIVES

10.1 Regulatory Conditions:

1. As required by Section 62 the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Planning Authority within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

i. the expiration of 5 years from the date of this permission; or

ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Planning Authority, in writing, before any development is commenced.

Reason: To enable the Planning Authority to consider in detail the proposed development of the site.

3. A Marine dispersion modelling assessment shall be submitted at Reserved Matters stage.

Reason: To assess the potential impacts of the proposed development on the water environment.

4. The applicant shall carry out a noise survey prior to the commencement of any development of the existing and proposed noise climate (day and night/should operations run 24 hours) within the area likely to be affected by noise produced by the proposed development. The survey should identify all residential properties likely to be affected by such noise.

Reason: In the interests of residential amenity.

5. An Air Quality Impact Assessment for the proposed boiler (biomass plant) shall be submitted at Reserved Matters Stage.

Reason: In the interests of residential amenity.

6. An Odour Impact Assessment for the proposed development shall be submitted at Reserved Matters Stage.

Reason: In the interests of residential amenity.

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. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.

9. Marine Licensing

The applicant should be made aware that all construction or deposition works below the Mean High Water Spring Tide (MHWST) mark are subject to licensing under the Marine and Coastal Access Act 2009.

If any elements of the construction in this proposal, for example, the construction of a new long sea outfall to replace the existing sea outfall (at 55 13.207 N 006 33.566 E, off the north coast at Portballintrae), may cross the intertidal area below the MHWST mark, contact must be made with the Marine Licensing Team, DOE Marine Environment Division, 2nd Floor, Klondyke Building, Gasworks Business Park, Cromac Avenue, Belfast BT7 2JA, Tel: 028 9056 9247 to apply for a Marine Construction Licence.

The applicant should be aware that it is an offence under the Marine and Coastal Access Act 2009 to carry out a licensable marine activity except in accordance with a marine licence granted by the DOE Marine Environment Division. Conviction of such an offence may incur a fine of up to £50,000 and/or two years imprisonment.

Marine National Protected Species

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, injury or take any wild animal included in Schedule 5 to the Order. This includes the common seal (*Phoca vitulina*), grey seal (*Halichoerus grypus*), basking shark (*Cetorhinus maximum*), angel shark (*Squatina squatina*), common skate (*Dipturus batis*) short snouted seahorse (*Hippocampus hippocampus*), spiny seahorse (*Hippocampus guttulatus*), spiny lobster (*Palinurus elaphus*) and fan mussel (*Atrina fragilis*).

Article 11 of the Wildlife (Northern Ireland) Order 1985 (as amended) provides that a person shall not be guilty of an offence under Article 10 (killing or injuring a species listed in Schedule 5 (as amended)) if the act was incidental to a lawful operation (i.e. activity permitted by a Marine Licence or Planning Permission) and could not reasonably be avoided. A separate marine Wildlife Licence is therefore not required for national marine protected species if a Marine Licence/Planning Permission has been granted, since adherence to the conditions of the Marine Licence should reduce the likelihood of harm to national marine protected species.

Under Article 10 it is an offence to intentionally or recklessly disturb; common seals, grey seals or basking sharks. It is also an offence under Article 10 to intentionally or recklessly damage or destroy, or obstruct access to, any structure or place which these animals (Schedule 5¹) use for shelter or protection; damage or destroy anything which conceals or protects any such structure; or disturb any such animal while it is occupying a structure or place which it uses for shelter or protection.

Under Article 13 it is an offence to sell or transport any Schedule 7 animal dead or alive at any time².

Any person who knowingly causes or permits an act which is made unlawful under Article 10 or Article 13 shall also be guilty of an offence.

If there is evidence of Schedule 5 animals listed above at the site, all works must cease immediately and further advice must be sought from DOE Marine Environment Division, Klondyke Building, Cromac Avenue, Belfast BT7 2JA.

Under the Wildlife (Northern Ireland) Order 1985 (as amended) a licence may be required for any operations which might impact on protected species.

Marine European Protected Species

The applicant's attention is drawn to regulation 34 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European Protected Species included in Schedule 2 to these Regulations. This includes all species of dolphins, porpoises and whales and the marine turtle species.

- (1) It is also an offence to;
 - (a) deliberately disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - (b) deliberately 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 take or destroy the eggs of such an animal;
 - (d) deliberately obstruct access to a breeding site or resting place of such an animal;
- or
- (e) damage or destroy a breeding site or resting place of such an animal.

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

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

Under this legislation a licence may be required for any operations which might impact.

10. The applicant will be required to adhere to all appropriate advice detailed in:

DOE Standing Advice Note No.4 – Pollution Prevention Guidance (April 2015)

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_4_pollution_prevention_guidance.pdf

DOE Standing Advice Note No.11 – Discharges to the Water Environment (April 2015)

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_11_discharges_to_the_water_environment.pdf

DOE Standing Advice Note No.18 – Abstractions & Impoundments (May 2015)

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_18_abstractions_and_impoundments_issue_01_may_2015-2.pdf

DOE Standing Advice Note No. 23 Commercial or Industrial Developments (September 2015)

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_23_-_commercial_and_industrial_developments_-_issue_01_september_2015.pdf

Standing Advice Notes are available on the NI Planning Portal under Advice / NIEA Guidance / Standing Advice. The above address can also be copied and pasted to a web browser.

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.

11. Noise and vibration can be the cause of serious disturbance and inconvenience to anyone exposed to it and in certain circumstances noise and vibration can be a hazard to health.

In relation to any preparatory/construction works on site (ground works, excavation and construction), it is advised that the applicant should minimise disturbance to noise sensitive receptors, by restricting noise emissions at source, employing quiet plant and equipment, restricting hours of working and ensuring noise emissions are within the following limits.

“Noise from construction activities should –

- (a) not exceed 75 dB $L_{Aeq, 1hr}$ between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB $L_{Aeq, 1hr}$ between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and*
- (b) not exceed 65 dB $L_{Aeq, 1hr}$ between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and*

(c) not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.”