

S26 Notice of Opinion from Department For Infrastructure – Basalt Quarry, Bridge Road, Dunloy	23 November 2016
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environments and Assets
Outcome	N/A
Lead Officer	Head of Planning
Cost: (If applicable)	N/A

PROCESS

1. The Department for Infrastructure has provided a Notice of Opinion to approve an application for an “extension to basalt quarry (part retrospective)” at lands to the West and South of 93 Bridge Road, Dunloy (Ref: D/2014/0011/F)
2. This application fell under Section 26 of the Planning Act (NI) 2011 which relates to developments that are of regional significance. Applications for extraction of minerals in a quarry are categorised as regionally significant if the area of the site exceeds 25Ha. This site relates to an area of approximately 32.5 Ha. As such, this application was processed by the Department for Infrastructure.
3. The Department has now processed this application and provided the Council with a Notice of Opinion on 01 November 2016, under Section 26 (6), to approve it subject to conditions. The Council has 28 days to respond from the date of service of the Notice. If the Council has any representations to make to the Department beyond accepting the recommendation for approval, then these will be heard at a hearing. Any hearing could be held by the Planning Appeals Commission (PAC) or another person appointed by the Department for that purpose. If such a hearing is held, the Department must take into account any report of the PAC (or other appointed person). The decision of the Department is final in such cases.

THE PROPOSAL

4. The application seeks full planning permission for a basalt quarry extension proposing 40 years of working over four working phases to the west and the south of the existing void. The application also seeks approval for retrospective working (approximately 6 hectares). It is proposed to work a single layer of basalt to a depth of approximately 12 metres by blasting at a rate of approximately 1 hectare per year yielding roughly 200 000 tonnes of rock for use in construction, road surfacing and agriculture. The application also proposes phased restoration of the site.
 5. The site is 1Km to the south of Dunloy village and falls within the Mountain Bogs SLNCI, Ballymacaldrack ASSI and Long Mountain Landscape Character Area. The site is also approximately 15 km west of Antrim Hills SPA. An environmental statement was submitted with the application and it has been established that there will be no likely effects on the designated features of Ballymacaldrack ASSI, Lough Neagh and Lough Beg SPAs, Lough Neagh ASSI and Rae's Wood and Farr's Bay SAC.
 6. The existing operation employs 8 people and is an important reserve in mid Antrim reducing haulage distances for this type of material so that they are not required from other sources.
 7. Any minerals extraction is assessed against policies regarding:
 - The need to protect and conserve the environment
 - Visual implications of the mineral extraction
 - Safety and amenity of the occupants in close proximity to mineral workings
 - Safety and convenience of road users and amenity of those living on roads close to the site
 - Restoration of the site after exhaustion of the minerals
- These issues are explored in detail within the report provided by Dfl which is attached to this paper.
8. Any issues raised by consultees have been resolved and are to be conditioned to ensure compliance with them. For example compensation required for loss of a portion of southern flush and fen habitat and any loss that occurred regarding the retrospective application is to be compensated for within the conditioned restoration scheme. Noise limits are also to be conditioned as part of any approval granted.
 9. No third parties objected to this application.
 10. In summary the Department concludes that:
 - It is considered that the proposal site is an appropriate site for the development given the current existing operation at the site;
 - The scheme has been amended to exclude a significant portion of the originally proposed extraction area following input from NIEA Natural Environment Division; this area contains flush/fen habitat areas;

- The proposal is considered to comply with relevant planning policy;
- The proposal has the potential to deliver direct and indirect socio-economic benefits to the area. The proposal will bring about the maintenance of existing jobs and investment in the local area;
- Continued operations at the site will allow progressive restoration of the site to take place. The application represents an opportunity for a full site restoration with delivery of habitat creation. Mitigation of visual implications and high quality restoration can be delivered by way of planning conditions;
- No third party representations were received in relation to the application.

11. In this instance there is an element of unauthorised development that will be regularised if this application is approved. The scheme includes restoration of this area. If such an application were not be acceptable then it is unlikely that the Council would be able to achieve such restoration through enforcement. Therefore it is through the submission of this application for the extension of the quarry that the restoration programme can be sought.

12. The Department considers that in this case the proposal (including retrospective development) represents an “exceptional circumstance in that no *acceptable restoration for this large existing quarry could be delivered without a conditional grant of permission and this represents a major benefit of the proposal*”.

RECOMMENDATION

13. That the Council accepts the Notice of Opinion to approve this proposal and resolves that the Head of Planning responds accordingly to the Department by 29 November 2016 (within 28 days of the service of the Notice of Opinion) as required by Section 26 (11) of the Planning Act (NI) 2011.

Section 26 Planning Application

Final Development Management Report

D/2014/0011/F

Proposal: **Extension to basalt quarry (part retrospective)**

Location: lands to the west and south of no. 93 Bridge Road, Dunloy, BT44 9EG

Applicant: Patrick Keenan

Strategic Projects Team
Strategic Planning Division

24 August 2016

1.0 The Proposal

- 1.1 The application seeks full planning permission for a basalt quarry extension. A further 40 years of working is proposed at the site over four working phases to the west and the south of the existing void. The application also seeks approval for retrospective working (approximately 6 hectares). It is proposed to work a single layer of basalt to a depth of approximately 12 metres by blasting at a rate of approximately 1 hectare per year yielding roughly 200 000 tonnes of rock for use in construction, road surfacing and agriculture. The application also proposes phased restoration of the site.

2.0 Site and surrounding area

- 2.1 The site is accessed from the Bridge Road, Dunloy, and is located just over 1km to the south of the village of Dunloy on the foothills of Long Mountain. Immediately to the west of the site there is a small waterbody, Lough Naroon and 500 m to the west of this Lough is the Sheskin Burn, immediately adjacent to Craigs Wood. Long Mountain Bogs SLNCI is located to the south west of the site. Dunloy SLNCI is located to the north and south of the existing quarry site. Ballymacaldrack ASSI is located to the south of the existing quarried area and to the east of the proposed extraction. There are no designated sites within the proposed extraction area.
- 2.2 The area falls within the Long Mountain Landscape Character Area as classified by NI Landscape Character Assessment, 2000. This landscape character area comprises a long ridge of land, known as the 'Long Mountain', that runs from Ballymoney in the north to Randalstown in the south. It has been created by the relative lowering of softer bands of Lower Basalt on either side of it which are now occupied by the Lower Bann and River Main valleys to the west and east respectively. Despite variations in topography and character, the ridge reads as a single feature in the landscape and forms a distinctive skyline. In common with most of Ballymena and Antrim, this area is dominated by pasture, supported by the fertile Antrim lavas which underlie it. To the north, on the higher slopes that cross into Ballymoney, pasture gives way to patches of moorland scrub which intermixes with farmland to create a diverse land cover. The moorland is quite fragmented and substantially undermanaged.

3.0 Planning Assessment

3.1 Northern Ireland Executive Programme for Government 2011-2015 (PFG)

Commitments of the PFG include:

'Contribute to rising levels of employment by supporting the promotion of over 25000 new jobs'

It is considered that this proposal will help contribute to this PFG commitment by maintaining existing employment in the region.

It is noted that the 2016-2021 PFG is currently in draft form.

3.2 Regional Development Strategy 2035

The RDS includes the following statements in relation to rural areas:

'3.96 To sustain rural communities, new development and employment opportunities which respect local, social and environmental circumstances are required.....' (page 74).

SFG13 aims to 'sustain rural communities living in smaller settlements and the open Countryside' (page 74).

It is considered that the proposed development will help contribute to achieving these RDS aims in providing employment opportunities.

3.4 Northern Area Plan 2016

The Plan advises that Mineral extraction makes a significant contribution to the economy providing raw materials and creating employment, but it may also have some adverse effects on the environment if not properly regulated. The Plan also informs that within the Plan area there are 14 active basalt quarries between the four Council areas and 9 active sand and gravel pits. The site does not fall within any designated areas that would prevent the extraction of minerals from the site. The Plan directs us to the Rural Strategy and its minerals policies.

3.5 Strategic Planning Policy Statement for NI (SPPS)

The SPPS acknowledges the importance of minerals as a natural resource and the fact that their responsible exploitation is supported by government. The contribution of the minerals industry to our quality of life, economy and employment is also acknowledged. The SPPS adds that there are challenges arising from minerals development that require to be addressed through the planning system.

3.6 Regional strategic objectives are included in the SPPS and they include balancing the need for the mineral against the need to safeguard the environment, minimising the impact of developments on communities, the landscape, built and natural heritage and the water environment; and securing restoration or appropriate reuse of sites at the earliest opportunity. The SPPS sets out transitional arrangements which will apply until a Council adopts the Plan Strategy for its area, at which point existing policy (e.g. the PSRNI) retained under the transitional arrangements, shall cease to have effect in the district of that council. The PSRNI contains the operational policies for minerals development.

3.7 Planning Strategy for Rural NI (PSRNI)

3.8 Policy Min 1- Environmental Protection (PPS 2, 6 and 15 also)

This policy requires the need for the mineral resource to be assessed against the need to protect and conserve the environment.

3.9 The proposed site has been the subject of surface quarrying with on site processing. As a result, a large degree of disturbance has already taken place across much of the site over an area of approximately 14.5 hectares (including the static plant and administrative area). The proposal will see comprehensive restoration taking place at the site.

3.10 NIEA WMU provided comment on surface water / drainage at the site in relation to the application as proposed. The applicant has proposed to retain an undisturbed buffer along the western boundary of the ASSI. WMU have requested that this form the basis of a planning condition on any approval. WMU has also requested that proposed monitoring of boreholes (until they are destroyed by the excavation) be carried out and

this should be required by condition. There has been no known significant impact on hydrology from the retrospective working.

- 3.11** NIEA Natural Environment Division (NED) has been consulted on the application. In their initial response, NED request that the proposal be amended to remove the southern half of the site to exclude the western and southern flush and fen habitats. The area removed (approximately 9.5 hectares) needed to be large enough to sustain the hydrology on which the flush habitat depends. NED conceded that the area remaining within the development boundary will include the eastern flush, the least species diverse of three flushes on the site. NIEA advised that compensation will still be required for the loss of this area.
- 3.12** Following receipt of further information NED replied advising that having undertaken a Habitats Regulations Assessment (HRA) and an assessment of impacts on ASSI features, there will be no adverse effects on the integrity of any designated sites provided conditions are attached to any planning approval. NED also considered the impacts of the proposal on other natural heritage interests and, on the basis of the information provided, is content with the proposal subject to conditions.
- 3.13** The Habitat Management Plan (July 2015) aims to manage the areas of retained habitat and to implement an experimental habitat restoration plan for the quarry floor area and to monitor the results. NED is of the opinion that the Habitat Management Plan represents an opportunity to enhance the biodiversity of the area for habitats including Purple Moor-grass and Rush grassland, heath and alkaline flushes and species including Snipe and Newt. NED welcomes the opportunity to work with the applicant and to provide advice on the future management of the site.
- 3.14** The applicant made a further submission with regards to the retrospective extraction element of the proposal. As this area had already been worked and was therefore devoid of flora and fauna; NED were understandably unable to provide a definitive opinion as to the environmental impact of this working with regards impact on flora and fauna.
- 3.15** In terms of the retrospective area, it is accepted following discussions with NED, that this area is likely to have contained similar flora and fauna to the proposed

extraction area and would therefore be predominantly Purple Moor-grass. A worst case scenario for this area would see flush or fen habitat in the retrospective area. It should be noted that NED have conceded that one such flush area will be worked in the proposed extraction area as part of the application. NED is content with the restoration scheme as included with the application which will be conditioned.

- 3.16** In order to aid consideration of this matter, DfI met with NED to discuss the proposal. During discussions, NED reiterated that the Purple Moor-grass habitat covering much of the site is not of good quality with some areas over-grazed and some under-grazed. NED confirmed the potential for habitat degradation down slope (towards the quarry void) towards the area which had been retrospectively worked. It is concluded in this respect that the retrospective working is not likely to have had a significant impact in terms of flora and fauna, when considering the likely content of the area and the proposed restoration.
- 3.17** In terms of need, the extension to the existing operation at the site has been proposed in order to maintain production and employment at the site and to extend the life of the Quarry operation at this location. The environmental statement informs that the existing operation employs 8 persons and the applicants' business employs a total of 80 people (with 4 quarries located across the North). The environmental statement informs that the basalt from the site has good anti-skid properties (Polished Stone Value or PSV) and is an important reserve in mid Antrim reducing haulage distances for suitable material from other sources.
- 3.18** PPS 2, Natural Heritage, describes the statutory framework that helps to protect designated areas of earth science importance and outlines the criteria for DfI Planning Group to consider when processing applications which might affect nature conservation interests and to which developers should have regard when preparing proposals. Matters in relation to any potential effect on Natura 2000 sites and water quality matters in relation to impacts on the catchment) have been assessed by NIEA Natural Environment Division and Water Management Unit as well as DfI.
- 3.19** The findings of this assessment by NIEA and DfI are that there will be no likely significant effects on designated features of Ballymacaldrack ASSI, Lough Neagh

and Lough Beg SPAs, Lough Neagh ASSI and Rae's Wood and Farr's Bay SAC. The site is approximately 15 km west of Antrim Hills SPA. NIEA ultimately had no concerns with the proposal subject to conditions. In considering on site habitats and species, NIEA is content subject to the implementation of proposed extraction exclusion zones, phased restoration and implementation of the Habitats Management Plan.

3.20 PPS 6 sets out the Department's planning policies for the protection and conservation of archaeological remains and features of the built heritage. An assessment of impact on archaeology includes an assessment of the wider area and of the rest of the application area which has no known sites. Strategic Planning Division consulted with NIEA HMU in relation to built heritage. NIEA HMU state in their reply that given the concentration of archaeological remains in the wider landscape there is a significant potential for previously unrecorded below ground archaeological remains to exist within the development site. HMU did not advise of any known sites that will have fallen within the retrospectively worked area, although there is potential for archaeological remains to have existed within this area. Given that this area has been worked no archaeological mitigation for this area is possible. HMU has advised that the proposal will require conditions to allow for identification and recording or preservation in-situ of archaeological remains as per policy BH 4. HMU are content with the proposal subject to standard planning conditions.

3.21 PPS 15 deals with planning and flood risk. The susceptibility of all land to flooding is a material consideration in determining planning applications. In consulting the NI flood maps it is apparent that the proposal site is not likely to have an impact in terms of flood risk. Strategic Planning Division consulted with Rivers Agency who provided advice and informatives for the developer. Rivers Agency did not have any objection to the flooding aspects of the proposal. The proposal is not contrary to PPS 15.

3.22 Policy Min 2- Visual Implications

To have regard to the visual implications of mineral extraction.

3.23 Policy Min 2 acknowledges that visual intrusion is often the most significant environmental impact associated with mineral workings. The policy refers to the use of siting and conditions in order to avoid or mitigate disturbance. Particular regard will be

paid to the preservation of skylines. Whilst there will be visual impacts associated with the proposal, it is acknowledged that this has been lessened by a reduction in the area of extraction. It is acknowledged that the ridgeline or skyline will be preserved. It is also acknowledged that the quarry is a significant existing feature of the local landscape. Whilst the landscape baseline has changed for assessment of the current proposal, it is not considered that the retrospectively worked area represents a significant additional impact from what is an existing quarried area. It is considered that proposed quarry phasing and restoration along with mitigatory planting has made the reduced proposal acceptable in landscape and visual terms and in terms of Policy Min 2.

3.24 MIN 6 Safety and Amenity

To have particular regard to the safety and amenity of the occupants of development in close proximity to mineral workings.

- 3.25** In terms of impact on safety and amenity, Strategic Planning Division consulted with Causeway Coast and Glens Environmental Health. It is noted that nearest noise sensitive receptors are approximately 300 metres from the proposed quarrying. Environmental Health required additional background noise information as well as clarification of sound power level data used for plant, locations of noise sensitive receptors and whether or not a rock hammer would be used on site.
- 3.26** The environmental health office welcomed proposals such as the development of a noise management plan and the fitting of broadband type reversing alarms. With regards blasting, environmental health suggest that lower limits than the standard planning conditions limits be applied (peak particle velocity of 6.0 mm.s^{-1} has been suggested where the standard ppv applied to quarries in NI is 10 mm.s^{-1}). The lower range of between $6\text{-}10 \text{ mm.s}^{-1}$ can be applied where there are up to three blast events per day. In this case, blasting is proposed to take place on a monthly basis, therefore the lower limit in the range is not required and it is considered that the higher ppv of 10 mm.s^{-1} is appropriate.
- 3.27** Following consideration of the further information submitted in July 2015, environmental health advised that a background noise level would need to be agreed given a disparity between the noise level established by environmental health and the

applicant's noise consultant. Following clarification from the applicant, it was agreed with environmental health that 47-48 dB is the predicted noise level to account for worst case scenario. Environmental health has therefore requested a noise condition limiting noise at existing dwellings to a maximum of 48 dB.

- 3.28** No allowance was provided for a rock hammer in the additional information and this can be excluded by condition. It should be noted that environmental health does not have any record of complaints regarding noise from the existing quarry operation and proposed operations will move further away from properties. It is considered that the proposal complies with Policy Min 6. With regards impact on amenity from the retrospective working, it is again noted that there is no record of any complaints about this site.
- 3.29 MIN 7 Traffic (and PPS 3) To take account of the safety and convenience of road users and the amenity of persons living on roads close to the site of proposed operations.**
- 3.30** TransportNI was consulted on the proposal with regards to traffic impacts. Transport NI point out that due to turning movements by vehicles associated with the quarry the surface of the carriageway on Bridge Road is in a very poor state. TransportNI requested that the area at the junction with the quarry access and bridge road be resurfaced with asphalt to the satisfaction of TransportNI. It is not considered that this road resurfacing can be requested as part of this application. This application proposes to use an existing established access and does not propose any intensification of the use of the access. The repair of any damage caused to Bridge road by quarry vehicles will need to be recovered by TransportNI under the Roads Order (NI) 1993.
- 3.31** PPS 3 sets out matters pertaining to roads to be considered in determining planning applications. PPS 3 states that the potential impacts that a development may have on the efficiency of the public road network or on road safety is an important material consideration. The proposal is for an extension to a quarry maintaining current production rates and traffic levels from an existing established site access. It is considered that the proposal complies with PPS 3.
- 3.32 MIN 8 Restoration**

To require mineral workings to be restored at the earliest opportunity

- 3.33** The proposed extension to the site includes progressive restoration which will take place throughout the working life of the quarry. The application also includes a landscape restoration concept for the site and a Habitat Management Plan.
- 3.34** Restoration aims to restore the site primarily to heath habitat to include Purple Moor-grass and rush pasture with base rich flush and open water habitat. Peat translocation will be carried out using turves stored from the overburden excavation. Rock bunds will be used to impound shallow areas of water to form swales in order to encourage flush and fen habitat. Areas between swales will be semi-natural grassland and heathland habitat. The swale areas will ultimately feed into a waterbody at the east of the site. Land forming is proposed to be carried out in order to provide shallow water areas transitioning to deeper areas.
- 3.35** The Landscaping plan references a further method statement to be included in habitat management plan monitoring reports; this will be required by condition on any approval. The restoration concept includes visits by an ecological clerk of works to discuss practical issues. Consideration will be given to the need for management of areas by grazing. It should be noted that WMU in their consultation reply specify that the lake proposed as part of the restoration plan must be implemented in order to provide a head of water to feed through the basalt to the spring features in the ASSI. NED commented that the Habitat Management Plan represents an opportunity to enhance the biodiversity of the area for habitats including Purple Moor-grass, and Rush grassland, heath and alkaline flushes and species including snipe and newts. It is considered that the proposal complies with this Policy Min 8.

4.0 Conclusion

- 4.1** The Department has considered the proposal in full including the retrospective element. It is considered that the proposal meets with relevant policy criteria. From the information available, it has been concluded by the Department that on the balance of probability there has not been a significant environmental impact from quarrying in the retrospective area directly adjoining the existing quarried area. I consider that in this case the proposal (including retrospective development) represents an

exceptional circumstance in that no acceptable restoration for this large existing quarry could be delivered without a conditional grant of permission and this represents a major benefit of the proposal.

4.2 Having fully assessed the development proposal, the information submitted in support of the application, the comments of all consultees and having regard to the relevant planning policy context, the statutory development plan, and all other relevant material considerations, the following conclusions have been reached:

- It is considered that the proposal site is an appropriate site for the development given the current existing operation at the site;
- The scheme has been amended to exclude a significant portion of the originally proposed extraction area following input from NIEA Natural Environment Division; this area contains flush/fen habitat areas;
- The proposal is considered to comply with relevant planning policy;
- The proposal has the potential to deliver direct and indirect socio-economic benefits to the area. The proposal will bring about the maintenance of existing jobs and investment in the local area;
- Continued operations at the site will allow progressive restoration of the site to take place. The application represents an opportunity for a full site restoration with delivery of habitat creation. Mitigation of visual implications and high quality restoration can be delivered by way of planning conditions;
- No third party representations were received in relation to the application;

5.0 Recommendation

- 5.1** Section 26 (10) of the Planning Act (NI) 2011 empowers the Department to request that the Planning Appeals Commission hold a public local inquiry for the purposes of considering representations on the application. The alternative is to serve a Notice of Opinion on the applicant indicating the decision which the Department proposes to make on the application.
- 5.2** The Department may cause a local public inquiry to be held where it is considered that the inquiry will provide additional information to inform the Department in making a final planning decision. It is noted that consultation responses have indicated that a satisfactory level of information has been submitted to enable consultees to advise the Department on specific technical issues. A key test for the Department in deciding the process route is whether a public local inquiry is necessary to provide a forum for presentation and consideration of issues arising from the representations received and which need to be assessed to allow the Department to determine the application. In this case there are no third party representations to the proposal and therefore it is considered that a Section 26 public inquiry is not required and that a Notice of Opinion be issued.
- 5.3** The proposal has been considered having regard to the submitted information and to all the material considerations, the relevant planning policies, the views of bodies with environmental responsibilities and the views of the District Council. Having weighed all the considerations it is recommended that the application proceeds by way of a Notice of Opinion to approve planning permission.

DRAFT NOTICE OF OPINION

1. The development hereby permitted shall cease 40 years from the date of issue*** or upon notification to the Council from the operator that operations have permanently ceased or permitted reserves have exhausted, whichever is sooner.

Reason: In order to control the duration of the development.

2. No operations shall take place on the site between 1700 and 0800 hours on Monday to Friday, 0000 to 0800 hours and 1300 hours to midnight on Saturdays, or at any time on Sundays or Public holidays.

Reason: In the interests of the amenity of nearby residents.

3. Prior to any further extraction, a groundwater monitoring plan shall be submitted to the Department for approval in writing. The plan shall include a first round of monitoring to be carried out prior to any further extraction taking place. Monitoring data in accordance with this plan shall be submitted to the Council on an annual basis.

Reason: Protection of the aquatic environment.

4. Waste from extraction shall be managed and stored in accordance with the document 'Waste Management Plan for Inert Waste' date stamped received by the Department on 10th July 2015.

Reason: To ensure compliance with The Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.

5. No overburden stripping or removal shall take place between 1 March and 31 August in any year, unless a breeding bird survey has been carried out by a competent ornithologist and a report submitted to the Council and agreed in writing. Should the survey identify nesting birds within or adjacent to proposed work areas, suitable mitigation measures, including buffer zones, shall be agreed with the Council and implemented in full.

Reason: To protect breeding birds.

6. Any works on site during the bird breeding season (between 1 March and 31 August in any year), shall be monitored on a weekly basis by a competent ornithologist and detailed reports of this monitoring shall be submitted to the Council no later than 15 September in any year. Should the weekly monitoring identify nesting birds within or

adjacent to work areas, suitable mitigation measures, including buffer zones, shall be agreed with the Council and implemented in full.

Reason: To protect breeding birds.

7. Prior to any further works commencing on site, a pollution prevention plan must be submitted to and agreed in writing with the Department. All works on site shall conform to the pollution prevention plan.

Reason: In order to control pollution at the site to prevent pollution having an adverse impact on Natura 2000 site selection features.

8. Prior to any further works commencing on site, details of a spray type wheel wash facility shall be submitted to the Department for agreement in writing.

Reason: To prevent the carryover of debris onto the public road network in the interest of road safety.

9. Within three months from the written agreement of wheel wash facility details as required by condition number 08, the wheel wash shall be constructed, brought into operation and maintained in operation for the life of the permission.

Reason: To prevent the carryover of debris onto the public road network in the interest of road safety.

10. All HGVs and vehicles carrying quarry aggregate must pass through the wheel wash facility.

Reason: To prevent the carryover of debris onto the public road network in the interest of road safety.

11. In the event that the wheel wash is not operational, HGVs or vehicles carrying quarry aggregate shall not exit the quarry.

Reason: To prevent the carryover of debris onto the public road network in the interest of road safety.

12. No extraction or quarrying activities or operations including storage of materials and machinery or refuelling of vehicles shall take place within the areas denoted 'NIEA Proposed Exclusion Zone' on drawing number 01, date stamped received 10 July 2016.

Reason: In order to prevent damage to Ballymacaldrack ASSI and to NI priority habitats.

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

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

14. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Council in order 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.

15. No blasting shall take place within 100 metres of any occupied dwelling which is outside the ownership or control of the operator

Reason: To safeguard the amenity of residents in the area.

16. Each blasting charge shall be so balanced that a peak particle velocity of 10 mm/second and an air over pressure of 128 dB is not exceeded at any occupied dwelling which is outside the ownership or control of the operator.

Reason: To safeguard the amenity of residents in the area.

17. The operator shall, when requested in writing by the council, monitor levels of ground vibration and air over pressure at specified locations during blasting operations. The results of this monitoring together with any other details relating to the blast design, charge sizes, etc., shall be made available to the council. In the event that the levels specified in condition number 16 are exceeded at any blast then no further blasting shall be permitted until the planning authority is satisfied that these standards will be met in future blasting operations.

Reason: To safeguard the amenity of residents in the area.

18. Noise from the extraction and restoration hereby permitted shall not exceed 48 dB LAeq (1 hour) as stated within the Noise Impact Assessment (ENV 1473, dated 30 June 2015) at noise sensitive receptors 1-13 as shown on figure 1, page 6 of this document, except for a period of up to 8 weeks referred to in condition number 19.

Reason: In the interest of residential amenity.

19. For up to 8 weeks within any 12 month period, a day time noise limit of 70 dB LAeq, (1 hour) shall not be exceeded when measured adjacent to the curtilage of noise sensitive receptors 1-13 as shown on figure 1 of Noise Impact Assessment (ENV 1473, dated 30 June 2015). This temporary raised noise level shall only be availed of to allow for temporary operations to facilitate essential works bringing about longer-term environmental benefits to the site or its environs.

Reason: In the interest of residential amenity.

20. Working at raised noise levels as specified in condition 20 shall not take place until the Council has been informed in writing of when working at a raised noise level of 70 dB LAeq, 1h, referred to in condition 19, will both commence and end.

Reason: To allow monitoring of periods of raised noise level working in the interest of residential amenity.

21. In the event that the council is informed that noise levels exceed that specified in conditions numbered 18 and 19, the operator shall cease all noise generating activities at the site. The operator shall undertake and submit in writing, a noise assessment to the planning authority within four weeks of being notified. The noise assessment should measure the noise impact at the identified noise sensitive property to demonstrate how noise from the site can be attenuated to comply with the limits in conditions numbered 18 and 19. The council shall be notified of the date of the noise assessment at least two working days in advance of the Noise Assessment being carried out.

Reason: In the interest of public amenity.

22. No rock hammering shall take place on site.

Reason: In the interests of amenity.

23. Plant and machinery using reversing alarms shall use broadband type alarms only.

Reason: In the interest of amenity.

24. Throughout the duration of this permission, oil, petrol, diesel oil, and lubricant storage facilities shall be surrounded by an impervious bund or enclosure able to contain a minimum of 110% of the volume of the largest tank. All filling and distribution valves, vents, and sight glasses associated with storage tanks shall be located within the bunded area.

Reason: To minimise the risk of accidental pollution.

25. The Habitat Management Plan for Dunloy Quarry stamped received by the Department on 10 July 2015 shall be implemented throughout the working life of the development. All works onsite including ground preparation, extraction and restoration shall conform to the Habitat Management Plan unless otherwise agreed in advance in writing with the planning authority.

Reason: To compensate for the loss of and damage to Northern Ireland priority habitats and to mitigate for impacts to protected species and breeding birds.

26. No works, including vegetation clearance, shall commence on phases 2, 3 or 4 of the development (as shown in drawings 03, 04 and 05, date stamped received by the Department on 10 July 2015) until a monitoring report on the implementation of the Habitat Management Plan during the previous phase has been submitted to the planning authority and agreed in writing. The monitoring report shall contain restoration methodology for the subsequent phase and this shall incorporate recommendations for any improvements proposed for the subsequent phase.

Reason: To ensure effective compensation for the loss of Northern Ireland priority habitats.

27. Within three months of the permanent cessation of the approved quarrying operations, the expiry of the time period for extraction referred to in condition number 01 or the exhaustion of permitted reserves, all quarry plant and machinery, structures, buildings, foundations, scrap metal, disused vehicles and other waste materials shall be removed from the site.

Reason: To facilitate restoration of the site.

28. The operator must notify the council within 1 month of the permanent cessation of approved quarry operations or the exhaustion of permitted reserves.

Reason: To facilitate restoration of the site.

29. Progressive reinstatement of the site shall take place in accordance with the drawings numbered 03, 04, 05, 06, 07 and 08 and in accordance with the Habitat Management Plan stamped received by the Department on 10 July 2015. In the event that agreement is not forthcoming on any issue, the planning authority shall determine the appropriate restoration measures.

Reason: To ensure the effective restoration of the site and to compensate for the impact on and damage to Northern Ireland priority habitats.

30. Final landscaping, restoration and planting of the site shall be in general conformity with drawings numbered 07 and 08 stamped received by the Department on 10 July 2015 and in accordance with the Habitats Management Plan stamped received by the Department on 10 July 2015.




Reason: In order to ensure the effective restoration of the site.

31. The restoration of the quarry must include a water body in accordance with drawings 03, 04, 05, 06, 07 (section A) and 08, all date stamped received by the Department on 10 July 2015. The water body shall have a water level ranging between 174 and 176m above Ordnance Datum.

Reason: In order to continue to provide a head of water to feed through the basalt to the spring features in the ASSI area.

32. Post-development monitoring of habitat management and restoration shall be carried out by the operator and shall take place in years 1, 3, 5 and 10 after works have ceased or from the expiry date in condition 01 or from the exhaustion of permitted reserves. A report of this monitoring by the operator shall be submitted to the planning authority for review within 6 months of the end of each monitoring year. Should the Council consider that habitat management and restoration measures from the previously agreed Habitat Management Plan are not effective then additional measures will be required to be agreed in writing with the planning authority.

Reason: To ensure effective restoration of the site.

SECTION 26 DETERMINATION	
Application No:	D/2014/0011/F
Proposal:	Extension to basalt quarry (part retrospective)
Location:	Lands to the west and south of no. 93 Bridge Road, BT44 9EG
The above application was considered at an Article 31 development control group meeting on:	
DC Group recommendation:	Notice of Opinion to Approve
Group Signatures:	<ol style="list-style-type: none"> 1.  2.  3.  <p>Date: 18/10/16</p>

APPENDIX 1 – PROCESS HISTORY

A valid full planning application with environmental statement was received on 31st January 2014.

The application proposes a 40 year extension to the life of an established basalt quarry over an area of approximately 77 hectares (area for extraction totals approximately 32.5 hectares following reduction as per addendum in July 2015). Owing to the scale and nature of the proposal, it is considered that the development is of significance to the whole or a substantial part of Northern Ireland. Article 31 of the Planning (Northern Ireland) Order 1991 was applied to the application on 28th April 2014.

Following the review of Public Administration and the introduction of The Planning Act (NI) 2011, the application became subject to the provisions of Section 26 of this legislation.

The environmental statement contains the following sections:

- Project Description
- Planning Policy Framework
- Landscape Assessment
- Geology
- Water Environment
- Noise
- Air Quality
- Blasting
- Ecology
- Archaeology
- Management of Wastes
- Traffic
- Interactions

Following consultation an addendum to the environmental statement was requested on 17 November 2014; and was received by the Department on 10 July 2015 following a request for an extension of time to submit this further environmental information. The additional information concerned the following areas:

- Amended extraction area (reduced)
- Landscape and Visual
- Hydrogeology
- Ecology
- Noise
- Extractive Waste Management document

Further clarification was then submitted on the retrospective element of the proposal on 2 February 2016.

Advertising and publicity- Both the environmental statement and the addendum were advertised in the Ballymena Guardian, the Coleraine Chronicle and the Ballymena times in March 2014, July 2015 and in February 2016. Neighbour notification was carried out in accordance with established practice and four neighbouring properties were notified of the proposal. No third party representations have been received in relation to this application. As the application has been advertised, it is considered that the public have had an opportunity to form and advance their views.

I am satisfied that the application has been processed in accordance with the relevant legislative and procedural requirements.

APPENDIX 2- PLANNING HISTORY

D/1974/0217/F

Proposal- Quarry

Location- Dunloy Quarry, Ballymacaldrach, Co Antrim

Decision- approved 6 February 1976

D/1986/0127/F

Proposal- Extension to quarry and installation of plant and rock crushing equipment and erection of office and weighbridge.

Location- 93 Bridge Road, Ballymacaldrick, Dunloy

Decision- approved 7 October 1986

D/1990/0061/F

Proposal- Installation of plant and equipment and erection of radio mast to serve existing quarry (retrospective application).

Location- Quarry, Bridge Road, Dunloy

Decision- approved 25 March 1991

D/1991/0323/F

Proposal- Erection of conveyor and storage bin.

Location- Dunloy Quarry, Dunloy, Co Antrim

Decision- withdrawn

D/1993/0018/F

Proposal- Erection of stone crushing plant, conveyors, plant control station and storage

Location- Quarry, 93 Bridge Road, Dunloy

Decision- approved 19 August 1993

APPENDIX 3 – CONSULTATION RESPONSES

The following bodies were consulted:

NIEA HMU- Require conditions to be attached to any approval regarding archaeological recording and potential preservation in-situ of any remains via a developer funded programme of archaeological works.

NIEA Water Management Unit- Ground water matters now dealt with by the waste management team. WMU considered the application in terms of the impacts on surface water and are content.

NIEA Waste Management Unit (Land and Groundwater Team)- Content subject to conditions

NIEA Natural Environment Division- NED is content that the ecological survey and habitat mapping included in the environmental statement represents an accurate description of the area. The survey identifies that the site comprises an intricate mix of habitats including purple Moor-grass and Rush Pasture, wet and dry Upland Heath, cut over and active bog and calcareous flushes. The calcareous flushes correspond to the Northern Ireland Priority Habitat of Fen and the Annex 1 habitat of Alkaline fens. Narrow leaved Marsh-orchid has also been identified on the site and is protected under the Wildlife (NI) Order 1985 (a licence is required for works which damage or destroy any of these plants).

NED advised that the eastern edge of the site is partly within the Ballymacaldrack ASSI. The proposal has the potential to affect Purple Moor-grass and rush pasture on the upper slopes of the ASSI as a result of changes to surface water hydrology. NED required further information regarding the potential impacts on the hydrology of the ASSI.

NED were ultimately content subject to conditions. NED required further information and required significant amendments to the proposal in the form of large exclusion areas in which quarrying activities would not take place in order to protect European Annex 1 habitats. This requirement significantly reduced the proposed area for extraction. NED was ultimately content with the proposed site restoration which includes habitat management.

NIEA Landscape Architects- Strategic Planning Division consulted with NIEA Landscape Section who advised that the development would have a major detrimental impact on the landscape character of the site. Landscape Section commented that the environmental statement tends to downplay the sensitivity of receptors. Landscape Section agreed with the environmental statement finding that close range views towards the site from the east are generally obscured by existing vegetation and topography. Landscape Section recommended that the environmental statement should include a range of images taken from areas to the east where there are open views of the site, in order to fully demonstrate the impact of the development on the local environment.

Further environmental information submitted on 10 July 2015 included additional Landscape and Visual Assessment information. It should be noted that the FEI submission also represented a significant reduction in the proposed area of extraction (from 42 hectares to 32.5 hectares). This submission has also introduced a

phased approach to the development with restoration and remediation taking place during the life of the quarry. The amended information also sees an increase in the amount of advance landscaping as part of phase one which includes hazel woodland for screening of phases three and four. Mitigation also includes the retention of existing hedgerows. Five further views from the east are included as part of the FEI. All 5 viewpoints have been rated as medium sensitivity in the FEI assessment. It would appear from the photomontages that most impact will be from viewpoint 4, Bellaghy Road with increased visibility of the quarry face as well as viewpoint 6, the Glenbuck Road, from closer views. Impact from these views will be lessened by the reduction in the extraction area and will be mitigated in part by proposed woodland planting.

Causeway Coast and Glens Environmental Health- Ultimately content subject to conditions regarding noise limits, blasting, working hours, reversing alarms and use of rock hammer on site in order to protect amenity.

Health and Safety Executive for Northern Ireland- No objection to the development.

Geological Survey of Northern Ireland- GSNI has no specific requirements for an EIA to be carried out for this application.

Rivers Agency- The site is not located within a flood plain nor is there any record of flooding for this site. The Agency has no objections from a flooding aspect. Rivers Agency has also included a requirement for planning informatives to be attached to any decision notice.

Northern Ireland Electricity- NIE point out the presence of high voltage lines in close proximity to the site and state that these lines are presently required to remain. NIE draw attention to safety clearance documents, a HSE guidance note and good practice with regards clearance from NIE equipment. NIE add that the development should take into account the scope for interference with NIE radio telecommunication equipment.

NI Water- Advised that a public water supply is available within 20 metres

TransportNI- Required resurfacing of part of the carriageway on Bridge Road. This should be sought via the Roads Order.

APPENDIX 4 – PLANNING POLICY CONTEXT

The planning policy context for the proposed development is as follows:-

- Northern Ireland Executive Programme for Government 2011-2015 (PFG)
- Regional Development Strategy (NI) 2035 (RDS)
- Northern Area Plan 2016
- Strategic Planning Policy Statement for NI (SPPS)
- A Planning Strategy for Rural NI- Minerals Policies 1, 2, 6, 7 and 8
- PPS1 General Principles
- PPS2 Natural Heritage
- PPS3 Access, Movement and Parking
- PPS3 (Clarification): Clarification of Policy AMP3
- PPS 6 Planning, Archaeology and the Built Environment
- PPS 15 Planning and Flood Risk
- PPS21 Sustainable Development in the Countryside

APPENDIX 5 - HABITATS REGULATIONS ASSESSMENT

NIEA has advised in their response of 21 August 2015 that it has carried out a Habitats Regulations Assessment (HRA) to Stage 2 Appropriate Assessment on N2K features as well as an assessment of impacts to Area of Special Scientific Interest (ASSI) features. The Stage 2 HRA determined that with the inclusion of pollution prevention measures and site restoration as proposed, there was no likelihood of adverse effects upon the conservation objectives, structure and functioning of this or any other Natura 2000 sites around and beyond the North.

The site is adjacent to Ballymacaldrack ASSI and 50 km upstream of Lough Neagh and Lough Beg SPAs, Lough Neagh ASSI and Rae's Wood and Farr's Bay SAC. The site is approximately 15 km west of Antrim Hills SPA. NED adds that no works will take place in the Ballymacaldrack ASSI provided the development avoids the exclusion zones as shown; this will retain an undisturbed area between the ASSI and the extraction area. Also, the environmental statement advises that long term water inflow to the ASSI can be achieved by managing water inflows to the quarry void.

The quarry extension will increase the amount of water captured and therefore requiring to be managed prior to being discharged towards the River Main and on to Lough Neagh. Settlement ponds will be used to catch surface water run-off and to trap sediment prior to discharge and fuel / chemical storage will be bunded. The site is far enough from the Antrim Hills so as not to cause disturbance to the feature species of breeding Hen Harrier and Merlin.

A precautionary approach has been adopted to the HRA process, as required by EU law, and account has been taken of the view of the Court of Justice of the European Union, that where a HRA is required, consent for the scheme should only be granted if it is certain that the scheme would not, alone or in combination with other projects, have an adverse effect on the integrity of a SPA or SAC or prevent it from meeting its conservation objectives (unless in specific and exceptional circumstances HRA stage 3 & 4 are invoked).

Accordingly, in light of the HRA process undertaken and the information presented within the HRA and the ES, DfI (as the Competent Authority) is content that the construction and operation of the proposed quarry would not, by itself or in combination with other known plans or projects, adversely affect the integrity of the designated sites of national or international importance (Lough Neagh & Lough Beg SPA, Lough Neagh ASSI, Rae's Wood and Farr's Bay SAC, Antrim Hills SPA) or its ability to meet the conservation objectives. The HRA undertaken by NIEA has been fully considered by DfI.

APPENDIX 6 – MINE WASTE

The applicant has provided a Waste Management Plan for Inert Waste. Extractive waste has been identified as waste crushed rock from processing and stripped peat overburden. It has been projected that there is 208 000 m³ of overburden material to be stripped. 150 300 m³ will be used immediately in restoration and the remaining 57 700 m³ kept in storage in a tip until final restoration is complete.

The Mine Waste document does not identify any waste facilities but does highlight two solid waste tips (EW 1 & EW 2). It is not considered that either facility poses a serious danger to human health or loss of life or to the environment. The site will not contain any hazardous waste of dangerous substances. The site has not been identified as a Category A site.

Waste management processes are considered for the site, these include placement of extractive waste back in the extracted void and the reuse of materials on site as topsoil (both included as part of the restoration proposal). Risks to the environment are considered by way of the environmental statement accompanying the planning application. The applicant has confirmed that facility meets the requirements of Regulation 9 of The Planning (Management of Waste from Extractive Industries) Regulations (NI) 2015, relating to construction and management of a new waste facility or modification of an existing facility.

Surface water at the site (originating from the rock face) drains from the west and is directed to 3 artificial settlement ponds before draining onwards to the north east. Surface water originating from above the rock face and is directed along with other small flows to a settlement pond on the eastern side of the quarry. Drainage from the plant and stockpiles area is directed to a settlement pond system south west of the site office adjacent to the quarry entrance lane. The construction and safe operation of lagoons is controlled under the Quarries Regulations (Northern Ireland) 2006.

Pollution of surface or groundwater in the North is controlled by The Water NI Order 1999. NIEA Water Management and the Land and Groundwater team were consulted with the application and had no objections.

