

Planning Committee Report Item C	24th February 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 C

Rathlin Harbour Church Bay

**LA01/2015/0342/F
Full Planning**

24 February 2016

<u>No:</u>	LA01/2015/0342/F	<u>Ward:</u>	TORR HEAD and RATHLIN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Rathlin Harbour, Church Bay, Rathlin		
<u>Proposal:</u>	Proposed development for a new ferry ramp, berthing pier, car park area and associated bollards.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	24.06.2015
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	Department for Regional Development, Clarence Court,10-18 Adelaide Street, Belfast		
Agent:	Central Procurement Directorate, Clare House, 303 Airport Road West, Belfast		
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 RECOMENDATION

- 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 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The size of the site is approx. 0.25 hectares. It encompasses rock armour consisting of large boulders piled up along the shoreline forming a sea defence wall to protect the existing harbour of Rathlin Island. Lands to the north of this sea defence wall and adjacent to the Listed St Thomas Church are also included within the application site.

2.2 The landscape of Rathlin Island is characterised by basalt and chalk cliffs with the exception of the south and east shores which are gently sloping areas of maritime grassland and rocky shore. Inland there are areas of wetlands, small loughs, maritime heath and rough grazing grassland.

2.3 The application site is on the western fringe of the existing Rathlin Island Harbour. The application site is within Rathlin Island Special Area of Conservation (SAC), Special Protection Area (SPA) and Rathlin Island Coast Area of Special Scientific Interest (ASSI) which are of international and national importance. These designations are protected by The Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended) and The Environmental (NI) Order 2002. The site also falls within the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB) and Church Bay Local Landscape Policy Area (LLPA). The northern section of the site is included in the Settlement Development Limit for Church Bay.

3 RELEVANT HISTORY

E/2010/0114/F

Proposed 4No. cottages (amended design), 1No. apartment Class A1 Shop Unit (shop to incorporate ticket sales for ferry) incorporating P.S.D parking area as per planning approval E/2007/0145/F. Site 30 metres S.E. of St. Thomas' Church, Church Bay, Rathlin Island.

Granted 24.08.2010

4 THE APPLICATION

4.1 The proposed development is for a new ferry ramp, berthing pier, car park area and associated bollards. Fendering system, lighting and road re-alignment at Rathlin Island Harbour. Proposed temporary compound area for site office and storage of materials and plant.

BACKGROUND

4.2 The Department for Regional Development provides a ferry service between Ballycastle and Rathlin Island which is operated by Rathlin Island Ferry Ltd. Two ferries are used to provide this service:

- a passenger-only vessel provided by the operator

- a roll-on roll-off vessel [MV Canna] which is leased by the operator from Caledonian Maritime Assets Ltd.
- 4.3 The MV Canna built in 1975 is approaching the end of its operating life. DRD therefore have commissioned a replacement ferry which will be too large to enter into the inner harbour at Rathlin Island. As a consequence it is proposed to construct:
- A new slip-way for the loading and unloading of vehicles and passengers on to the ferry
 - A new harbour wall to enable the ferry to berth during the day and overnight.
- 4.4 The proposed scheme is located approximately 150m west of the existing slipway facility within Church Bay, alongside the harbour's western breakwater. The harbour improvements will provide a new ferry ramp, berthing pier, hardstanding area, mooring bollards, fendering system, lighting for the facility and access to the new slipway. The new ferry berth will be constructed using a combination of steel sheet piles and reinforced concrete retaining walls which will form a vertical berthing quay. The new berthing pier will be approximately 75m long and will have a reinforced concrete deck and a concrete wave wall along the left hand side of the pier deck. The new ferry ramp will be approximately 34m long x 10m wide and will be constructed from a reinforced concrete slab.
- 4.5 To facilitate the loading and unloading of passengers and vehicles from the ferry a bitmac hardstanding area is proposed. This area will incorporate ten parking spaces for users of the ferry as well as providing space for vehicles to manoeuvre on or off the ferry and adequate space for 140 foot passengers to wait to embark. A temporary compound area is proposed within the northern section of the site for an office and storage of materials and plant during construction.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** There is **one (1)** objector.

The objections raised the following issues:

- No need for proposal as existing harbour sufficient
- Visual impact on area
- Impact on species such as Common and Grey Seal Colonies; Eider Duck, Shell Duck, Redshank, Cloughs and Herons.
- Additional traffic & parking, road safety concerns
- Noise from increased ferry crossings. Construction noise, vibration and traffic
- Noise report carried out during low season – not reflective of high season
- Impact on local Church and Graveyard
- Negative impact on the value of properties close to the new harbour
- New development will create an area for additional rubbish
- Quality of life impacted as will be living in the confines of a working harbour
- Future measures for control and policing the harbour area
- Plans do not show Breakwater Studio in relation to the new development
- The new harbour will not improve access to Rathlin Island

Internal

5.2 **DCAL-Inland Fisheries:** (No direct impact to salmonid and inland fisheries interests)

DARD-Fisheries Division: No concerns to raise from an aquaculture aspect

RSPB: No objections - Condition

NITB: No objections

NI Water: No objections – Informatives

TransportNI: No objections – Conditions/Informatives

NIEA Historic Monuments Unit: No objections – Conditions/Informatives

NIEA Historic Buildings Unit: No objections – Condition

NIEA Water Management Unit: No objections – Conditions/Informatives

NIEA Waste Management: No objections –
Conditions/Informatives

NIEA Natural Environment Division (NED): No objections –
Informatives

NIEA Marine Environment Division (MED): No objections -
Informatives

Shared Environmental Services: No objections – Condition

Environmental Health: No objections - Informatives

6 MATERIAL CONSIDERATIONS

6.1 Section 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”

6.2 The development plan is:

- Northern Area Plan 2016

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 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

Regional Development Strategy 2035 (RDS)

Strategic Planning Policy Statement (SPPS)

Northern Area Plan 2016 (NAP)

A Planning Strategy for Rural Northern Ireland (PSRNI)

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3: (PPS 3) Access, Movement and Parking

Planning Policy Statement 6: (PPS 6) Planning, Archaeology and the Built Heritage

Planning Policy Statement 16: (PPS 16) Tourism

Rathlin Action Plan 2013-2015

The Rathlin Island Policy and Action Plan (DARD Rathlin Management Plan)

Guidance:

Antrim Coast & Glens AONB Design Guide

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of the development at this location; tourism and economic factors; archaeology and built heritage; natural environment; landscape and visual impact; noise, vibration and lighting; and, transportation, road safety & traffic.

Planning Policy

- 8.2 The site is located within the rural area of the Northern Area Plan.
- 8.3 The principle of this development proposed must be considered having regard to the PPS policy documents specified above and the supplementary guidance.

Principle of development

- 8.4 The proposal seeks to improve the access to Rathlin Harbour by the provision of a larger improved ferry.
- 8.5 The RDS reflects the strategic need for more sustainable transportation. The SPPS states successful integration of transport and land use is fundamental to the objective of furthering sustainable development. Transportation should be sustainable, safe which benefits society, the economy, and the environment and actively contributes to social inclusion and everyone's quality of life.
- 8.6 The Rathlin Island Policy was published to address the development of Rathlin Island community and to increase the involvement of islanders in the development of policies which improve conditions for all the people of the Island while protecting its environment. The Rathlin Island Action Plan was developed to address key themes: Island Linkages; Access to Services; Island Community; Island Economy; and Countryside and Environment. One of the policy priorities is to support the development of an efficient transport and infrastructure system that facilitates effective island-mainland linkages.

EIA Development

- 8.7 Under Regulation 10 of the Planning 'Environmental Impact Assessment' (EIA) Regulations (NI) 2015, the Planning Authority is required to make a determination as to whether the proposed development would or would not be deemed EIA development.
- 8.8 The proposal falls within Sensitive Areas and within Category 10 (g) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015, the carrying out of development to provide for the construction of harbours and port installations, including fishing harbours.
- 8.9 The proposal constitutes development located wholly in environmentally sensitive locations where their effects are significant. The proposal has the potential to cause significant adverse impacts during construction and operational phases so an Environmental Statement (ES) was requested and received on 16th December 2015. The Environmental Statement includes:
- Non-Technical Summary (Volume 1)

- Main Text (Volume 2)
 - Figures (Volume 3)
 - Habitats Regulations Screening Assessment
 - Construction Environmental Management Plan
- Consultation was carried out on the completed ES and the responses will be considered in the report below.

Tourism & Economic Support

- 8.10 The RDS 2035 recognises tourism as a key element underpinning sustainable economic growth. The SPPS states tourism makes a vital contribution to the economy in terms of the revenue it generates, employment opportunities and economic growth. Sustainable tourism development is brought about by balancing the needs of tourists and the tourism industry with conserving the tourism asset.
- 8.11 NITB advise Rathlin Island is a key tourist destination and should be developed and managed in such a way to enhance tourism and increase spend from visitors while conserving the area's natural heritage and cultural assets.
- 8.12 The proposal will allow Rathlin Island to be more accessible with a new harbour and ferry improving transport links. This will assist the needs of tourists but at the same time protecting Rathlin Island as a tourism asset in compliance with Policy TSM 8 of PPS 16. Improved transport links are also in compliance with the priorities of The Rathlin Island Policy, to support the development of an efficient transport and infrastructure system that facilitates effective island-mainland linkages.

Archaeology & Built Heritage

- 8.13 The site is in proximity to a number of recorded archaeological sites and monuments, including an early ecclesiastical site originating in the Early Medieval period c. 400-1100 AD, along with maritime and industrial heritage remains associated with the historic use of Rathlin Harbour.
- 8.14 NIEA: HMU has considered the impacts of the proposal and the contents of the Archaeological Impact Assessment (AIA) contained in the Cultural Heritage section of the Environmental Statement (Chapter 7) and agree with conclusions and recommendations.

The proposal will be conditional on the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation *in situ*, as per Policy BH 4 of PPS 6.

- 8.15 The application site is in proximity to St Thomas' Church which is Grade B+ listed building of special architectural and historic interest. NIEA: HBU was consulted in relation to this application and express no objections. It is considered the proposal does not affect the setting of this neighbouring Listed Church and complies with Policy BH 11 of PPS 6.

Natural Environment (Ecology and Nature Conservation)

- 8.16 Rathlin Island is renowned for its wildlife, both marine and terrestrial hence the sea, coastline and habitats are protected by significant nature conservation designations – Local, National and European.
- 8.17 The island's sea stacks and cliffs support nationally important seabird breeding populations as well as peregrine and chough. The important marine habitats, which include reefs and sea caves, are found offshore to the north and east of the island. In addition, the DOE is currently proposing to designate Rathlin as a Marine Conservation Zone for its deep seabed habitat, submerged lagoons and its population of black guillemots.
- 8.18 The seabed around Rathlin Island is known for its biodiversity, particularly for sponges. However, the harbour area in Church Bay is more sheltered than the majority of the coastline around the island and its biodiversity is lower. The terrestrial habitats in the vicinity of the scheme are primarily shingle/gravel beach and coastal grassland. The beach in the harbour area where the slipway is proposed is used by seals for hauling out. The seas around Rathlin are also used by harbour porpoise, dolphins and minke whale for foraging.
- 8.19 Significant potential impacts relate to the construction phase of this project. Potentially significant construction impacts could include: disturbance to marine mammals during construction (particularly during any piling works), effects on water quality from pollution or sedimentation, potential for introduction of invasive species and

disturbance to breeding/foraging birds. Construction impacts will be managed through a Construction Environmental Management Plan (CEMP) to minimise effects on the marine environment. Works will be undertaken under a Wildlife Licence to minimise disturbance to marine mammals with a Marine Mammal Observer on site during the construction works. Where possible, piling works will also be timed to avoid the main pupping season for harbour seals.

- 8.20 The implementation of mitigation measures will ensure there are no significant impacts on seabirds and marine mammals and that the conservation status of the populations is not affected. Biosecurity measures will be put in place to prevent the introduction of non-native species to the island from machinery and plant. The detailed design of the quay wall will incorporate nesting boxes for black guillemots to achieve beneficial effects for this species.
- 8.21 RSPB was consulted in relation to this application and express no objections. Nest boxes for black guillemot are proposed within the construction design. Mitigation measures detailed in the ES and CEMP will be followed. An ornithologist is to be appointed prior to the commencement of construction. This will help protect any disturbance to breeding birds given works are occurring within the sensitive bird breeding period. Measures to prevent the spread and introduction of non-native invasive species are considered satisfactory to avoid ecological threat.
- 8.22 DCAL-Inland Fisheries are satisfied that the proposal will have no direct impact to salmonid and inland fisheries interests. DARD-Fisheries Division have no issues to raise from an aquaculture aspect. However, there is an active pot fishery around Rathlin Island so to prevent any adverse impact there should be no disturbance or increased sedimentation in this area.
- 8.23 NIEA: NED has considered the impacts of the proposal with regard to designated sites and other natural heritage interests and are content. Furthermore, Shared Environmental Services (SES) have reviewed the Habitats Regulations Assessment (HRA) prepared by the developer and are satisfied.
- 8.24 NIEA: MED highlighted that Rathlin Island is a SPA, SAC and ASSI. The site is also approx. 10km from Sheep Island SPA and

15km from Skerries and Causeway SAC. Harbour Porpoise is a site selection feature of Skerries and Causeway SCI. Overall NIEA: MED is largely content with the proposed mitigation set out in the HRA (Section 3.3) relevant to marine mammals. Provided these measures are implemented there should be no significant impact on Natura 200 sites, which have marine mammals as a site selection feature. A Marine Wildlife Licence will be required for the construction works for European Protected Species. This is a separate matter to be considered by NIEA: MED.

8.25 SES concluded that having considered the nature, scale, timing, duration and location of the project and provided mitigation is conditioned, the proposal will not have an adverse effect on the site integrity of any European Site.

8.26 Objectors raised various concerns of the proposal impacting upon protected species and their habitats. NIEA were re-consulted with these objections and NED advised there are no impacts on natural heritage interests. MED advised the applicant would require a Wildlife Licence, a Marine License as well as producing a HRA. Since this consultation, an ES was received and NIEA have further responded. All key concerns have been addressed and if approval is granted the proposal will be subject to conditions and informatives.

8.27 The proposal is compliant with all the relevant policies in PPS 2 as the proposal is not likely to have a significant effect on Rathlin Island SPA, SAC, ASSI or AONB. All species and their habitats are being protected where possible and various mitigation measures are proposed where necessary. NIEA, SES and RSPB have been consulted and express no objections subject to conditions/informatives.

Landscape and Visual Impact

8.28 The RDS recognises coastal areas are of great economic importance; need to be safeguarded against loss of habitats; and that the landscape setting of features should be conserved. The aim of the SPPS is to protect the undeveloped coast from inappropriate development and to support the sensitive enhancement and regeneration of the developed coast largely within coastal settlements.

- 8.29 Policy CO 1 of PSRNI is to conserve the natural character and landscape of the undeveloped coast. Development will be permitted if there is a clear specific need. However, certain developments require a coastal location for example ports and marinas so assessment of its effect on the economy and environment is necessary.
- 8.30 The application site is within Rathlin Island SAC, SPA and Rathlin Island Coast ASSI which is of international and national importance. It also falls within the Antrim Coast and Glens AONB and Church Bay LLPA.
- 8.31 Public views of the new harbour will be available from the roads surrounding Church Bay; from Church Quarter (running parallel to Church Bay at a higher level); and from south east of the site along the coast although these views are more long distance.
- 8.32 The proposal is contained within the existing harbour area of Church Bay. Surrounding the harbour is Church Bay settlement limit which comprises various dwellings, commercial units, Hotel and Public House. The proposal is regarded to be in a developed/built up area albeit in a sensitive location. The proposal can only be located within a harbour area and it is considered that it will not be out of place in this setting. Although it is a concrete pier facility it is low lying and constructed adjacent to and forms part of the existing breakwater. Construction of this project may result in visual intrusion from machinery but impacts are not considered significant given temporary and short duration.
- 8.33 While the new proposal will change the visual appearance of the existing harbour area of Church Bay, this development is necessary to provide long term access to Rathlin Island for both islanders and tourists. It meets the policy priorities of the Rathlin Island Policy and Action plan given it supports the development of an efficient transport and infrastructure system that facilitates effective island-mainland linkages. The proposal when implemented and operational should assist with economic growth from the tourism factor without adversely impacting upon the protected environment of Rathlin Island.

Noise, Vibration & Lighting

- 8.34 Noise and vibration effects of construction of the proposal and from the operational phase of the proposed facility require assessment. Construction will be restricted to daytime working hours only (7am to 7pm), Monday to Friday. Best practice methods will be employed during construction, such as turning off machinery when not in use and positioning the noisiest plant as far as possible from sensitive receptors.
- 8.35 A Noise Impact Assessment was carried out as part of the ES. This concentrated on the operational noise of the ferry with results showing that noise levels are below the WHO Guidelines for moderate annoyance and that adverse impacts are not likely at nearby receptors.
- 8.36 The lighting on the pier and slipway and in the car parking area will be designed to minimise intrusion to surrounding properties. Plans show 4 recessed wall lights along the pier and 3 lighting columns (2 of which contain CCTV) surrounding the hard surfaced car parking area. Lighting columns at a height of 4m are acceptable as they are present along the existing harbour area and Church Bay so they will not be uncharacteristic of the area.
- 8.37 Environmental Health provided comments on vibration effects during construction, hours of operation, nearest receptors, background noise level and specific/rating noise levels. Additional information dated 26th January 2016 was provided by the agent to address noise levels and Environmental Health re-consulted. Their final response advised there are no objections in relation to noise as all previous concerns have been addressed. No objections are expressed to the operating times of the ferry between 07.30 and 19.15 as long as this is not extended significantly. Proposed lighting should adhere to the Institute of Lighting Professionals to mitigate any potential impact to neighbouring amenity.

Transportation, Road Safety & Traffic

- 8.38 The RDS reflects the strategic need for more sustainable transportation. The SPPS states successful integration of transport and land use is fundamental to the objective of furthering sustainable development. Transportation should be sustainable,

safe which benefits society, the economy, and the environment and actively contributes to social inclusion and everyone's quality of life.

- 8.39 The Rathlin Island Policy was published to address the development of Rathlin Island community and to increase the involvement of islanders in the development of policies which improve conditions for all the people of the Island while protecting its environment. The Rathlin Island Action Plan was developed to address key themes: Island Linkages; Access to Services; Island Community; Island Economy; and Countryside and Environment. One of the policy priorities is to support the development of an efficient transport and infrastructure system that facilitates effective island-mainland linkages.
- 8.40 PPS 3 relates to vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It is an important consideration in terms of the integration of transport and land use planning.
- 8.41 The proposal providing a new transportation link (harbour & ferry) is development to improve the existing transport infrastructure as a means of promoting accessibility for both residents and tourists. It will also assist with the need to create more economic, social and cultural opportunities for the residents in order to promote a more sustainable population on Rathlin Island.
- 8.51 TransportNI was consulted in relation to this application and offer no objections. Objectors raised concerns in relation to additional traffic, parking and road safety. Following re-consultation with these objection letters, TransportNI is satisfied that the proposed access arrangements are acceptable both in terms of vehicles and pedestrians given the low traffic volumes (max. 6 per crossing).

Other Matters

- 8.52 The objector raised concern that the proposal would result in a negative impact on the value of properties close to the new harbour. The SPSS sets out the purpose of planning in that the planning system operates in the public interest, that it does not exist to protect the private interests of one person against the activities of another. It is not whether owners and occupiers of neighbouring properties would experience financial or other loss

from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest.

8.53 The objectors are concerned that the new development will create an area for additional rubbish. Though there are no litter bins shown on the drawings, bins are located at various points at Church Bay. Street Cleansing is a matter that can be raised with the Council if a problem arrives.

8.54 The objector is also concerned that their quality of life will be impacted on. Breakwater Studio, is the closest property to the new harbour. While their current level of amenity may be affected to some extent by the proposal, it is not considered that the impacts would be sufficient to withhold planning permission.

8.55 The objector was concerned that the plans do not show Breakwater Studio in relation to the new development. Drawing No. 07, date stamped 20th August 2015, shows the Breakwater Studio in relation to the proposed harbour development.

8.56 A further concern raised was that the new ferry will not improve access to Rathlin Island as it will be subject to the same weather conditions. While this may be correct to some extent, the new ferry will offer greater capacity to improve accessibility.

9.0 **CONCLUSION**

9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposed harbour development will not have a detrimental impact on the natural or built environment. It is located with the existing harbour breakwater and will not have a significant visual impact. Transport NI have no objection to the movement of traffic associated with the harbour. All other matters can be secured by planning condition.

10 CONDITIONS

10.1 Regulatory Conditions:

1. As required by Section 61 of 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. A suitably qualified ornithologist shall be present on site during construction works. This person should operate an appropriate stop works authority should disturbance to breeding birds be detected.

Reason: To avoid reckless disturbance to breeding birds thus upholding The Wildlife Order 1985 (as amended)

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 06 bearing the date stamp 20th July 2015, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. No site works of any nature or development shall take place until a programme of archaeological work, has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Planning Authority. 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.

6. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department of the Environment and agreed in writing with the Planning Authority 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.

7. The proposed temporary compound area for site office and storage of materials and plant shall be limited to the proposed works contract period and the area of ground returned to its present state thereafter.

Reason: To ensure the proposal will not have an adverse effect on the setting of the listed building.

8. A final Construction Environmental Management Plan must be submitted to Causeway Coast and Glens District Council by the appointed contractor at least 8 weeks prior to works commencing. This plan should reflect all the mitigation and avoidance measures (including proposed mitigation measures with regard to piling) to be employed as stated within the Construction Environmental Management Plan dated 14/12/15, and all additional submitted information.

Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and is aware of all the proposed mitigation and avoidance measures to ensure that there are no significant effects on the site features and conservation objectives of Rathlin Island SAC/SPA or any other European site.

9. A detailed Construction Method Statement (CMS) must be submitted to the Planning Authority, for consultation and agreement with NIEA: Water Management Unit, at least eight weeks prior to the commencement of construction and should include all necessary pollution prevention measures.

Reason: To protect the water environment during the development of this proposal.

10. 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.

11. After completing any remediation works required under Condition 10 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.

11 INFORMATIVES

It is an offence under Section 47 of the Fisheries Act (NI) 1966 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks.

There is an active pot fishery around Rathlin Island so to prevent an adverse impact there should be no disturbance or increased sedimentation in the area of the pot fishery.

NI Water advise the following:

Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.

There is no foul sewage discharge from this proposed development.

Applicant proposes to discharge surface water to sea.

There is an existing watermain crossing the site.

There is an existing sewer crossing the 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, or 4m (or 1.5 times the depth whichever is greater) of watermains. 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.

The applicant is advised to contact NIW through its Customer Relations Centre on 08457440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

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 Customer Relations Centre on 08458 770002.

TransportNI advise the following:

Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent

before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is: Trillick House, 49 Queen Street, Ballymoney, BT53 6JD. A monetary deposit will be required to cover works on the public road.

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.

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

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

NIEA: Historic Monuments Unit advise the following:

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

Historic Environment Division – Historic Monuments Unit

Causeway Exchange

1-7 Bedford Street

Belfast

BT2 7EG

Tel: 028 90823270

Quote reference: SM11/1/ANT 1:23

Application for the excavation licence, required under the Historic Monuments and Archaeological Objects(NI) Order 1995, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible for the project, to Historic Environment Division – Historic Monuments Unit, Causeway Exchange, 1-7 Bedford Street, Belfast, BT2 7EG.

NIEA: Water Management Unit advise the following:

Upon review of the Construction Environmental Management Plan (CEMP) the following points should be addressed:

-Section 4.2.8 of the CEMP needs modified; any pollution of a waterway is significant and must be reported to the NIEA Water Pollution Hotline as soon as is reasonably possible. There should be some direction in the CEMP such as “in the event of a water pollution incident contact the NIEA water pollution hotline on 0800 80 70 60 within 30 minutes unless it is not safe to do so”.

-Water Management Unit notes the intended use of a clay bund and would like to point out that clay itself is a pollutant. There will need to be more detail about how this will be constructed and deconstructed in the Construction Method Statement that is to be agreed before construction begins.

The applicant has identified the need for consent to discharge under the terms of the Water (Northern Ireland) Order 1999. Applications for discharge consent take a minimum of four months to determine.

NIEA: Waste Management advise the following:

The purpose of Conditions 10 and 11 are to ensure that the site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

The applicant should ensure that the management of all materials onto and off this site are suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste

Management Plan (see <http://www.nibusinessinfo.co.uk/content/meet-construction-sitewaste-management-plan-swmp-obligations>.)

NIEA: Natural Environment Division advise the following:

The applicant's attention is drawn to the fact that the part of the application site is within Rathlin Island Coast Area of Special Scientific Interest (ASSI) and any works occurring outside the red line planning application boundary are subject to the Environment (Northern

Ireland) Order 2002 (as amended) precautions should be taken to ensure its integrity will not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter., which makes it an offence to carry out operations likely to damage an ASSI without prior permission from the Northern Ireland

Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building,

Gasworks Business Park, Belfast BT7 2JA. The maximum penalty for offences is £20,000. In addition to a fine, offenders may be liable for the costs of restoring the damaged area to its original condition.

NIEA: Marine Environment Division advise the following:

Marine Licence

A marine licence application and supporting documentation has been received by Marine Environment Division for the construction of a new ferry ramp and supporting infrastructure, at Rathlin Island Harbour, Church Bay, Rathlin Island. As this proposal was considered by planning to be an EIA development, it will be subject to a 42 day

consultation period before a decision is reached on the marine licence application. Marine Environment Division will keep Causeway Coast and Glens Council informed of any issues that may arise through the marine licence consultation.

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 maximus*), 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.

¹ Common skate and angel sharks in respect to Article 10 (1) only and within 6 nautical miles of coastal water only.

² Schedule 7 species includes all Schedule 5 species listed in Appendix A, with the exception of the common skate and angel shark. Sea urchin is protected under Schedule 7 only.

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 on

European Protected Species.

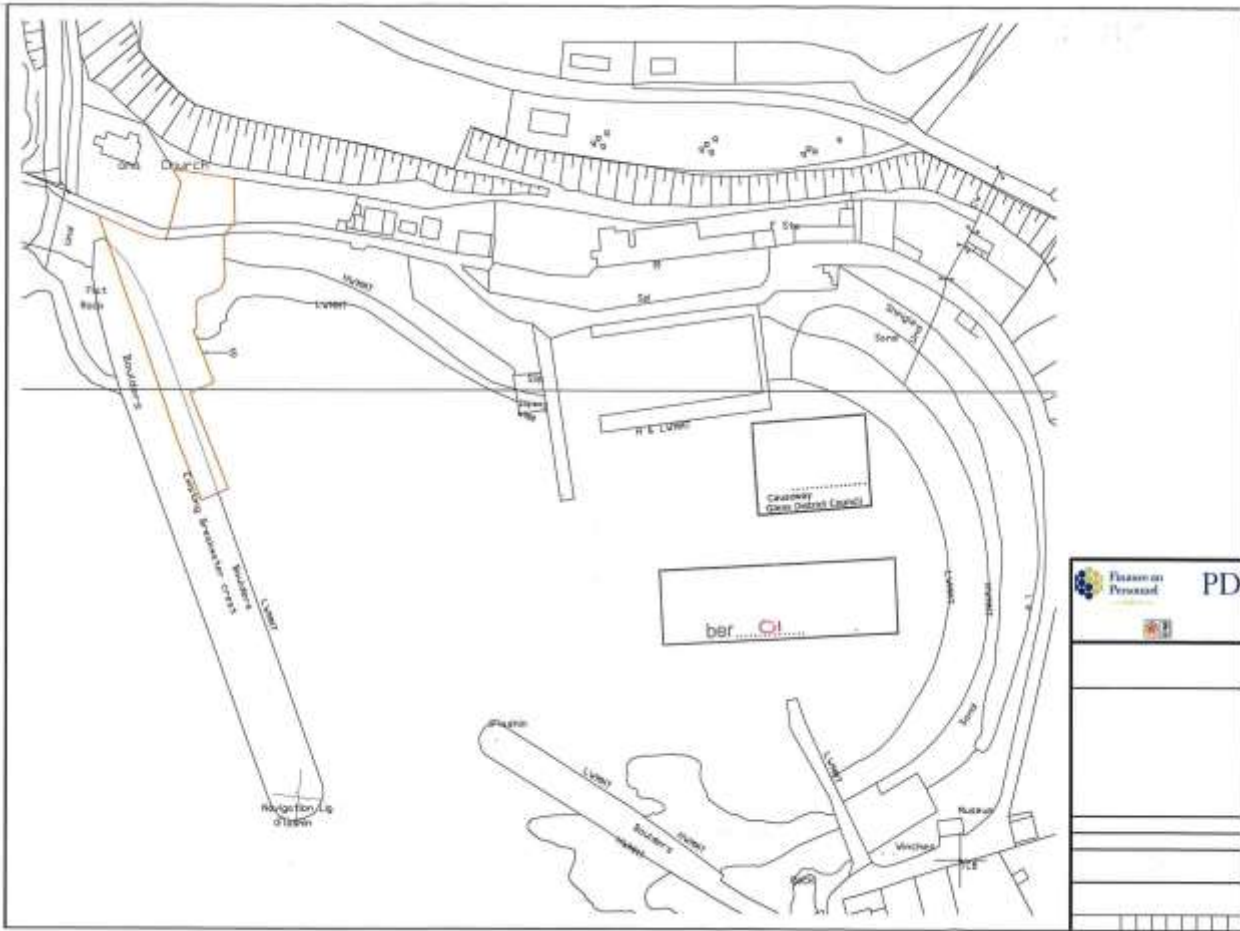
¹ Following two European Court of Justice cases (C-103/00 and C-221/04) “deliberate actions are to be understood as actions by a person who knows, in the light of the relevant legislation that applies to the species involved, and the general information delivered to the public, that his action will most likely lead to an offence against a species, but intends this offence or, if not, consciously accepts the foreseeable results of his action”

http://jncc.defra.gov.uk/PDF/consultation_epsGuidanceDisturbance_all.pdf

Environmental Health advise the following:

The ferry operates between the hours of 07.30 and 19.15 which should not be extended significantly.

The applicant is requested to give due consideration to the location, scale and direction of the proposed luminaries as per the Institute of Lighting Professionals – Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and specifically ensuring compliance with “Table 2 – Obtrusive Light Limitations for Exterior Lighting Installations – General Observers”.



Division of Personnel PD



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