

ITEM A

**Lands at Clare Park
Clare Road
Ballycastle**

**E/2015/0023/F
Full Planning**

27 January 2016

<u>No:</u>	E/2015/0023/F	<u>Ward:</u>	Kinbane
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Lands at Clare Park, Clare Road, Ballycastle		
<u>Proposal:</u>	Proposed Holiday Park comprising Mobile Caravans, Site Office/Resource Centre, Landscaping and Access		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	13.02.2015
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	Atlantic View Leisure Park Ltd C/O Agent		
Agent:	Clyde Shanks, 5 Oxford Street, Belfast, BT1 3LA		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

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

1 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 site comprises a large area of approx. 8.9 hectares. It is known as Clare Park which was a 17th Century Demesne set on a cliff top location above the coast near Ballycastle. The house fell into disrepair before being demolished. The wider boundaries comprise hedgerows, stone walls, mature trees and fencing. The northern boundary is defined by a stone wall/cliffs

and coastline. The topography is relatively flat but the site rises to the west. The site is accessed from Clare Road.

- 2.2 The site is located within the countryside outside the settlement limit of Ballycastle with a number of residential properties and farm holdings along Clare Park. Silvercliffs and Hayes Caravan Park are located to the east and south east of the site. The site is located within the Causeway Coast Area of Outstanding Natural Beauty (AONB), Clare Park Local Landscape Policy Area (LLPA) and is adjacent to Castle Point Area of Special Scientific Interest (ASSI). The western strip of the site is part of Clare Park Historic Park, Garden and Demesne.

3 RELEVANT HISTORY

E/2009/0316/F

Proposal: Amendment to previous approved application Ref: E/2004/0433/F. Proposed reconfiguration of hotel building only, to provide 45 bedrooms, 29 suites, restaurant/bar and ancillary accommodation all contained within previously approved footprint and retention of 24 holiday chalets, associated access roads, parking and landscaping as previously approved.

Address: Clare Park, Clare Road, Ballycastle

Permission Granted 07.10.2013

4 THE APPLICATION

- 4.1 Planning permission is sought for Proposed Holiday Park comprising Mobile Caravans, Site Office/Resource Centre, Landscaping and Access.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** There are no objections to the proposal.

Internal

- 5.2 **Transport NI:** Has no objection to the proposal.

Environmental Health: Has no objection to the proposal.

NIEA Marine Division: No objections

NIEA Water Management Unit: No objections

Rivers Agency: Has no objection to the proposal.

NIEA Natural Environment Division: Has no objection.

NIEA Historic Buildings: No objection

NIEA Historic Monuments: No objection

Tree Officer at CC&G Borough Council: No objection

CC&G Borough Council: PROWs to be protected.

NI Water: Has no objection to the proposal.

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

Strategic Planning Policy Statement (SPPS)

Northern Area Plan 2016

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

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

Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

Planning Policy Statement 16: Tourism

Guidance:

Causeway Coast Area of Outstanding Natural Beauty.

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of the development at this location; siting design and layout; built heritage; access, and; natural heritage including the trees subject to a TPO.

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 is located within the rural area outside the settlement limit of Ballycastle. It is within the Causeway Coast AONB, Clare Park LLPA and is adjacent to Castle Point ASSI. The western section of the site is designated as Clare Park Historic Park, Garden and Demesne.
- 8.5 Policy ENV 1 of NAP is relevant and permission will only be granted for proposals that will not adversely affect those features that contribute to the environmental quality, integrity or character of a designated LLPA. This designated LLPA (BEL 08) is recognised as parkland associated with the former large residence at Clare Park with significant tree groups.
- 8.6 Policy ENV 3 requires consideration as this relates to trees and promotes their retention if they contribute to the character of the landscape or are of nature conservation value.
- 8.7 Policy OSR 1 requires assessment as this refers to Public Rights of Way and Permissive Paths and development should not have an adverse impact on these routes.
- 8.8 The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS. Tourism is a key element underpinning sustainable economic growth in NI development. It is critical to manage the provision of sustainable and high quality tourism developments in appropriate locations ensuring protection of the built and natural environment.

Location, siting, size, design and layout

- 8.9 Policy TSM 6 of PPS 16 is the policy for new and extended holiday parks in the countryside.
- 8.10 A new holiday park will be granted where it is demonstrated that the proposal is a high quality and sustainable form of tourism development. The location, siting, size, design, layout and landscaping of the holiday park must respect the surrounding landscape, rural character and site context. The main thrust of this policy is visual integration and rural character.

- 8.11 The proposal entails a Holiday Park comprising static type Caravans, Site Office/Resource Centre, Landscaping and Access. The site layout shows 5 No. Caravan groupings and a Sea View Group along the northern boundary of the site (cliff edge). A total of 109 caravans are proposed and there are 3 types ranging in size with sample photographs provided.
- 8.12 As required by policy, the site layout shows an informal layout for caravans characterised by the use of small informal clusters separated by appropriate landscaping.
- 8.13 Adequate amenity areas are provided for communal open space. Policy specifies that around 15% of the site area, which in this application, is approx. 1.3 hectares given the overall size at 8.9 hectares. Amendments were received ensuring this figure was achieved. There are 4 open space zones as well as a children's play area and picnic areas.
- 8.14 Boundary treatments for the development are appropriate for the site. The southern boundary adjacent to Clare Road is defined by the existing stone wall which is being retained, trees and new hedging. Part of the stone wall will have to be removed to facilitate the new access and visibility splays but a replacement wall is proposed. The northern boundary adjacent to the cliff edge will be formed by a 7m buffer strip for ecological constraint and wire fencing 1.8m high for safety measures. The western boundary comprises existing trees and the eastern boundary will be formed by proposed trees.
- 8.15 There is an existing Tree Preservation Order on the site with a large number of mature trees protected. The trees are formed in a number of shelter belts along Clare Road and the associated laneway to the west of the site, which all help contribute to significant local landscape features. A tree survey report was submitted highlighting 42 trees to be felled, 7 of which have TPO designation. There is no objection to the felling of these trees given their poor condition. A number of trees are also to be removed along the road frontage to facilitate the visibility splays, approx. 15 of which are currently protected. This is considered acceptable on balance given the previous extant planning history on the site, which allowed similar tree removal; the retention of a significant number of trees; and proposed landscaping ensuring the visual character

of a tree belt will still be maintained. The Tree Officer has no objections given no development is within the protection zones and satisfactory amenity distances are also provided. The sections clarify no excavations or infilling will occur within the protected areas and the Arboriculturist Impact and Method Statement provides details on the proposed works and remedial action to mitigate any potential damage to the protected trees. The proposal therefore has integrated the existing trees worthy of protection into the overall design and layout of this holiday park which is also in accordance with Policies ENV 1 & 3 of NAP 2016.

- 8.16 A Resource Centre is proposed centrally within the western section of the site with approx. dimensions 12m high x 13m wide x 62m long with the gable fronting onto Clare Road. The Resource Centre includes changing and toilet facilities, shop, games room, restaurant, fitness & health suite and cinema room. The Resource Centre comprises a central 2 storey block with front lobby area and two single storey side projections. The dormer windows are only a feature added to remain sympathetic to the historic building previously on the site. No accommodation is proposed at third floor level as confirmed by the agent in an email dated 3rd December 2015.
- 8.17 The scale and massing of the resource Centre is considered acceptable in terms of location and design. It is positioned in the same location as the previously approved hotel under E/2009/0316/F and is smaller in size by approx. 3.6m in height, 12.5m in width and 6.5m in length. Proposed materials/finishes include natural slate roof, sandstone for front projections, smooth render walls and double glazed sliding sash windows which are considered acceptable.
- 8.18 The design of the holiday park is appropriate for the site and locality respecting the best local traditions of form, materials and detailing. The holiday park should visually integrate given the retention of several protected trees and proposed landscaping. It is also adjacent to the settlement limit of Ballycastle with other caravan parks located to the east and south of the site.

- 8.19 Archaeology and Built Heritage features are considered in detail under PPS 6 and Natural Habitats within the site are considered under PPS 2.
- 8.20 The proposal conforms to the identified criteria in Policy TSM 6 as assessed above and meets the requirements of Appendix 4 – Landscape Design considerations for holiday parks.

Policy TSM 7 – Criteria for Tourism Development

- 8.21 A proposal for tourism use must also meet the criteria below:
- a) A movement pattern is not considered necessary for this development given the site location adjacent to Ballycastle Settlement and the tourism use. The layout is appropriate in terms of access to each of the proposed caravans.
 - b) The site layout, building design, infrastructure and landscaping arrangements are of a high quality and promote sustainability and biodiversity which have already been considered under Policy TSM 6.
 - c) Boundary treatments for the development have been identified under Policy TSM 6 and are acceptable. There are no outside storage areas however a service yard in connection with the resource centre is proposed but this is to the rear of the unit with limited public views.
 - d) Drainage and surface water run-off in connection with this development is considered adequate and NI Water and NIEA:WMU have no objections.
 - e) Crime and personal safety are not perceived to be an issue.
 - f) No public art is proposed.
 - g) The proposal is for a new holiday park which is compatible with surrounding land uses. The proposal will not detract from the landscape quality and character of the surrounding area as the proposed design, layout and scale is acceptable in terms of visual amenity.
 - h) The proposal does not harm the amenities of nearby residents. Other caravan parks are located east and south of the site with residential properties located south of Clare Road. There are good separation distances and no objections have been received from occupiers of nearby dwellings.
 - i) It does not adversely affect features of the natural or built heritage. The site falls within the Causeway Coast AONB, Clare Park LLPA and is adjacent to Castle Point ASSI. The western section of the site is designated as Clare Park Historic

Park, Garden and Demesne. The proposal has been considered in detail under PPS 6 in relation to historic parks and archaeology and NIEA:HMU have no objections. The proposal protects the landscape quality and character of the surrounding area and therefore does not offend the AONB or LLPA status.

j) It is capable of dealing satisfactorily with any emission or effluent. Surface water and foul sewage is being disposed of by the Mains. NIEA:WMU have no objections. The upgrade to the WWTW for Ballycastle has been approved with funding secured. Upgraded works is due for completion December 2017 with a beneficial use date August 2017. NI Water have no objections given the beneficial use date is within 2 years.

k) Adequate access arrangements, parking and manoeuvring areas are provided and TransportNI have no objections.

l) Access to the public road will not prejudice road safety or inconvenience the flow of traffic and TransportNI have no objections.

m) The existing road network can cope with this development. TransportNI was consulted and have no objections.

n) The development proposes a new access onto Clare Road but TransportNI have no objections.

o) Moyle District Council advised there are public rights of way (PROW) within the site although the council have not asserted these rights. In following up this query, the agent amended plans to show the PROW within the site. These are located along the eastern boundary and part of the northern boundary. Development does not obstruct these PROW so access is not restricted in accordance with this criteria and Policy OSR 1 of NAP 2016.

8.22 The proposal meets all the requirements of TSM 7.

Built Heritage

8.23 Policy BH 2 – The Protection of Archaeological Remains of Local Importance and their Settings, Policy BH 3 – Archaeological Assessment and Evaluation, Policy BH 4 – Archaeological Mitigation and Policy BH 6 – The Protection of Parks, Gardens and Demesnes of Special Historic Interest of PPS 6 are applicable.

- 8.24 The application site is located in an archaeologically sensitive coastal landscape at Ballycastle so consultation occurred with NIEA: Historic Monuments Unit. A number of archaeological sites and monuments are located in the surrounding local area. These include a scheduled rath (AD 600-1100), a souterrain and the Neolithic artefacts along the shore. The site is also within the remains of Clare Park, a historic park, garden and demesne.
- 8.25 HMU advised that part of the site was archaeologically evaluated under E/2008/0371/O and nothing of archaeological significance was revealed but this only reflects a small part of the development proposal. HMU is content that the applicant is prepared to accept any potential risk by undertaking the requested archaeological evaluation as negative conditions.

Access

- 8.26 PPS 3, this planning policy 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. TransportNI was consulted in relation to this application and a Private Streets Determination was necessary. TransportNI offer no objections in terms of the access and car parking layout for the proposed caravans.

Natural Heritage

- 8.27 Policy NH 2 – Species Protected by Law, Policy NH 5 – Habitats, Species or Features of Natural Heritage Importance and Policy NH 6 – Areas of Outstanding Natural Beauty of PPS 2 apply.
- 8.28 There are Protected Species within the confines of the application site so amendments and surveys were required to ensure their protection. NIEA have no objections to this proposal subject to conditions to protect from harm any protected species or their habitats. In addition, the proposal should not have any significant impact on the Tempo River ASSI.

8.29 The proposal involves the removal of a number of trees that are subject to a TPO. As outlined above in Paragraph 8.15, the Tree Officer is satisfied with the proposal.

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 location, siting, size, design, layout and landscaping of the holiday park is considered acceptable. The holiday park should visually integrate given the retention of several protected trees and proposed landscaping. All other matters can be secured by planning condition.

10 CONDITIONS

10.1 Regulatory Conditions:

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

Reason: Time Limit.

2. The holiday park hereby permitted shall only be used for holiday accommodation and shall not be used for permanent residential accommodation.

Reason: The site is located within the countryside where development is restricted and this approval is granted solely at this location because of its holiday use/tourist purpose.

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No's 12 and 13 bearing the date stamp 15th May 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 development hereby permitted shall not exceed 4% (1 in 25) over the first 20 m outside the road boundary. Where the vehicular access crosses a 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. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Planning Authority hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 13 bearing the date stamp 15th May 2015.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

6. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 13 bearing the date stamp 15th May 2015. The Planning Authority hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

7. If during development works, new contamination and risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. A no development area will be agreed and 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 and to ensure no likely significant impact on Castle Point ASSI.

8. After completing all remediation works under Condition 7 and prior to the occupation of the development, a verification report needs to be submitted in writing and agreed with the 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 risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use and to ensure no likely significant impact on Castle Point ASSI.

9. The lands granted Planning Permission are affected by a Tree Preservation Order (TPO). No protected tree, other than those required for the purpose of carrying out development and indicated in Document 6 REV A (Arboricultural Impact and Method Statement) and Drawings 02/3 & 03/3 received 14th October 2015, shall be, cut down, uprooted or destroyed, or have its roots within the crown spread damaged or subject to any soil level changes, or be subject to any form of tree surgery, without the prior written consent of the Planning Authority. Development will be taken to include the main development, any associated buildings, access and service provision.

Reason: To ensure the retention of trees protected by the TPO and to ensure continuity of the landscape amenity afforded by these trees.

10. The lands granted Planning Permission are affected by a Tree Preservation Order (TPO). All arboricultural work shall be implemented in accordance with the Tree Survey Report received 10th February 2015 and Arboricultural Impact and Method Statement by Dr Philp Blackstock received 4th December 2015. All works shall be carried out in accordance with these approved details in accordance with BS5837 (2012) 'Trees in Relation to Construction' by a competent Tree Surgeon, preferably an Arboricultural Association approved contractor.

Reason: To ensure the continuity of amenity afforded by existing trees and provision of a professional standard of workmanship.

11. The lands granted Planning Permission are affected by a Tree Preservation Order (TPO). All site works affecting retained trees covered by a TPO including the construction of the proposed footpath and replacement stone wall shall be undertaken in accordance with Document 6 REV A (Arboricultural Impact and Method Statement) received 4th December 2015 and BS5837 (2012) 'Trees in Relation to Construction'. The fencing must be in place before any equipment, machinery or materials are brought on to the site for the purposes of the approved development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition. The ground levels within the fenced off

areas shall not be altered, nor shall any excavation be made or any other works carried out, materials stored or fires lit.

Reason: To ensure the retention of trees protected by the TPO and to ensure the continuity of the landscape amenity afforded by these trees.

12. All hard and soft landscape works shall be carried out in accordance with the details shown on Drawing Nos 02/3 and 03/3 received 14th October 2015 and the appropriate British Standard. The existing planting shall be permanently retained and the proposed planting (trees, grass areas, open space areas, hedgerows) shall be undertaken during the first available planting season following commencement of development.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and to protect potential bat roosting sites.

13. Should any retained or newly planted tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Planning Authority seriously damaged or defective within 5 years, another tree, shrub or hedge of the same species as the originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

14. A Construction Environmental Management Plan must be submitted by the appointed contractor for Planning Authority approval prior to works commencing. This should include a final Construction Method Statement for the entire project, earth works plan and all pollution prevention measures to be employed.

Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal, is aware of the proposed Planning Authority mitigation measures and, will ensure that the final CEMP has departmental approval prior to works commencing.

15. A 10m buffer from the northern red line boundary must be clearly demarked by appropriate fencing, prior to works commencing. There must be no storage of construction materials including spoil, fuel etc or refuelling of construction machinery within this buffer zone.

Reason: To ensure that there are no adverse impacts on Castle Point ASSI from contaminated run-off during the construction phase.

16. No development activity shall commence on site until a protection zone, clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25 metres (setts as shown on figure 8, Non-avian Ecology Report). No works, clearance, disturbance by machinery, dumping or storage of materials shall take place within that protection zone without the consent of the Planning Authority. The protection zone shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts on the site.

17. Any works within 25m of the northern cliff edge shall be undertaken outside the bird breeding season.

Reason: To protect the resident breeding Peregrine Falcon site.

18. The band of scrub along the cliff edge shall be retained. The cliff-top path shall not encroach within 10m of the cliff edge and shall be fenced on its seaward side.

Reason: To protect the resident breeding Peregrine Falcon site.

19. 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.

20. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by 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.

Informatives

Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 2015. Their size, construction, content and siting should be approved by the Planning Authority BEFORE any such signs are erected.

DOE Marine Division advise the following:

The applicant must be made aware that all construction or deposition works below the Mean High Water Spring Tide (MHWST) mark are subject to licensing under the Marine and Coastal Access Act 2009. If any elements of the construction in this proposal, may cross the intertidal area below the MHWST mark, contact must be made with the Marine Licensing Team, DOE Marine Division, Level 6, Causeway Exchange, 1-7 Bedford Street, Belfast, BT2 7EG, Tel: 028 90823583 to apply for a Marine Construction Licence.

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

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: *Caretta caretta*, *Chelonia mydas*, *Lepidochelys kempii*, *Eretmochelys imbricata* and *Dermochelys coriacea*.

(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.

Any person who knowingly causes or permits an act which is made unlawful under any of these provisions shall also be guilty of an offence.

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 Division, level 6, Causeway exchange, 1-7 Bedford Street, Belfast BT2 7EG. Telephone: 028 90823367.

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

Schedule 5 Species – Wildlife Order -

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended), under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 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 sea horse (*Hippocampus hippocampus*), spiny seahorse (*Hippocampus guttulatus*), spiny lobster (*Palinurus elaphus*) and fan mussel (*Atrina fragilis*).

Under this regulation it is an offence to intentionally or recklessly disturb; common seals, grey seals or basking sharks.

It is also an offence to intentionally or recklessly damage or destroy, or obstruct access to, any structure or place which these animals (Schedule 5*) 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 of the Wildlife (Northern Ireland) Order 1985 (as amended) it is an offence to sell or transport any Schedule 7 animal dead or alive at any time **.

Any person who knowingly causes or permits an act which is made unlawful under any of these provisions 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 Division, level 6, Causeway exchange, 1-7 Bedford Street, Belfast BT2 7EG. Telephone: 028 90823367.

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

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

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

NIEA: Water Management Unit advise the following:

In order to decrease the risk of the incorrect diversion of 'foul' sewage to drains carrying rain/surface water each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may

be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system should also be designed to minimize the risk of wrongly connecting the 'foul' sewage system to the rain-water drainage system, once the buildings are occupied.

The buildings associated with this planning application should not be occupied unless the necessary sewerage infrastructure is in place to transfer foul sewage to a NIW sewer in an acceptable manner.

Should a sewage pumping station be required for this development then the applicant must apply to NIEA WMU for a Water Order (1999) consent for an 'emergency overflow'.

Where appropriate, the storm drainage of the site serving both the construction and operational phases, should be designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways.

Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C697. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.

The applicant should comply with all the relevant Pollution Prevention Guidelines (PPGs) in order to minimise the impact of the project on the environment, paying particular attention to:

PPG 01 - General guide to pollution prevention

PPG 02 - Above ground oil storage

PPG 05 - Works in, near or liable to affect watercourses

PPG 06 - Working at demolition and construction sites

These PPGs can be accessed by visiting the NetRegs website at:

http://www.netregs.org.uk/library_of_topics/pollution_prevention_guides/all_ppgs.aspx

NIEA WMU request that notification is given to the DOE Marine Environment Division, Causeway Exchange, 1-7 Bedford Street, Town Parks, Belfast, BT2 7EG, of all proposed works that will occur within 50 metres of the Mean High Water Spring tide mark, including pipe outfalls

that terminate within this zone. This notification is necessary in order to determine if a Marine Licence is required.

The contractors responsible for the construction phase will be required to comply with the Control Of Pollution (Oil Storage) Regulations (NI) 2010. A key requirement of the Regulations is that oil storage containers (including temporary storage) must have a secondary containment system (a bund, which is an outer wall or enclosure designed to contain the contents of an inner tank, or a drip tray) to ensure that any leaking oil is contained and does not enter the aquatic environment. Guidance on how the Regulations will apply to your development can be found at: www.netregs.org.uk

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

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

NIEA: Waste Management advise the following:

The purpose of Conditions X – X is to ensure that the risk assessment and any remediation work are 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 waste are suitably authorized 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.netregs.gov.uk>)

It is recommended that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent conditions.

Environmental Health advise the following:

“Noise from construction activities should –

- (a) not exceed 75 dB $L_{Aeq, 1hr}$ between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB $L_{Aeq, 1hr}$ between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and
- (b) not exceed 65 dB $L_{Aeq, 1hr}$ between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and
- (c) not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.”

All plant and equipment including vehicles used in connection with the development should be so situated, operated and maintained to prevent the transmission of noise and vibration to nearby residential properties.

If during demolition and excavation, any ground contamination is encountered then all works on the site should cease. The Environmental Health Section of the Causeway Coast and Glens Borough Council should be informed and sufficient information to assess potential risks arising from the former use of the land should be submitted. Any necessary mitigation/remediation measures should be clearly specified. The above work should be undertaken by a suitably competent person/s and in accordance with current government guidance. A copy of "Council Guidance for interested Parties on Development on Land which might be affected by Contamination" (Final Version March 2006) can be obtained if required.

The proposal includes caravans which require a licence under the Caravans Act. The applicant is advised to contact Causeway Coast & Glens Borough Council Environmental Health Department before any such items are placed on site.

TransportNI advise the following:

The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Planning Authority to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

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.

NIEA: Natural Environment Division advise the following:

The applicant's attention is drawn to the fact that the boundary of the proposal is immediately adjacent to Castle Point ASSI and precautions should be taken to ensure its integrity is not damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter.

The applicant is informed that they have a legal obligation under Part II of 'The Water (Northern Ireland) Order (1999)' to obtain the consent of the Department prior to discharging effluent into a waterway or underground stratum for commercial, industrial or domestic premises. This includes any discharge intended to be made from the proposed drainage system as detailed in the application for planning permission.

The applicant is informed that it is an offence under Part II, Article 7 of 'The Water (Northern Ireland) Order (1999)' to knowingly or otherwise discharge or deposit any poisonous, noxious or polluting matter so that it enters a waterway or water contained in any underground strata. The penalty if found guilty of an offence under this Article is imprisonment for a term not exceeding 2 years or to a fine or to both.

For further information relating to water issues please contact Northern Ireland Environment Agency –Water Management Unit (Telephone: 028 9262 3100).

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Melesmeles*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on the site, all works must cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to;
 - (i) affect the local distribution or abundance of the species to which it belongs;
 - (ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - (iii) Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

The applicant should be aware that Peregrine falcon is present and known to be breeding on the site. This species is listed on Schedule 1 of the Wildlife Order and any offences in respect of this bird shall be liable to a special penalty.

The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations

(Northern Ireland) 1995 (as amended), under which it is an offence:

a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes the otter (*Lutra lutra*);

b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;

c) Deliberately to disturb such an animal in such a way as to be likely to;

(i) affect the local distribution or abundance of the species to which it belongs;

(ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or

(iii) Impair its ability to hibernate or migrate;

d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or

e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of otter activity on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke

Building, Cromac Avenue, Gasworks Business Park, Belfast
BT72JA. Tel. 028 905 69605

The applicant's attention is drawn to Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence for any person to plant or otherwise cause to grow in the wild any plant which is included in Part II of Schedule 9 of the Order, which includes (Japanese knotweed). This highly invasive plant species has been recorded on site and control measures must be taken to ensure that any works do not cause it to spread either on or off the site.

Any soil, containing (Japanese knotweed) plant or seed material, which is removed off site, is classified as controlled waste under the Controlled Waste Regulations (Northern Ireland) 2002. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 places a duty of care on 'anyone who produces, imports, stores, transports, treats, recycles or disposes of waste to take the necessary steps to keep it safe and to prevent it from causing harm, especially to the environment or to human health'. In the case of (Japanese knotweed) it is the duty of the waste producer to inform the licensed waste carrier and licensed landfill site that the controlled waste material contains (Japanese knotweed) as part of the waste transfer process.

Please see the following link for Best Practice Guidance:

<http://invasivespeciesireland.com/toolkit/best-practice-management/>

Further advice can be sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel: 028 90569605

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.

No Foul sewer within 20m of your proposal, you may wish to apply to NIW to requisition a foul sewer to serve your proposal if it will serve more than 1 property.

The use of a Septic Tank, (on the basis of one for each dwelling) is subject to the written consent being obtained from Northern Ireland Environment Agency and the approval of the local District Council Environmental Health section. Where approval to use a septic tank disposal system is granted and the applicant wishes NIW to provide a periodic desludging service the applicant must complete the necessary 'Form of Agreement' and adhere to the construction conditions contained therein. Further information is available on www.niwater.com or call 08457 440088.

No surface water sewer within 20m of your proposal, you may wish to apply to NIW to requisition a surface water sewer to serve your proposal if it will serve more than 1 property to discharge roof drainage.

Waste Water Treatment and/or sewerage system capacity is now available for the proposed development. The upgrade of Ballycastle WWTW has now been approved with funding secured. The upgraded works is due for completion December 2017 with a beneficial use date on August 2017.

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.

This development requires the installation of a grease trap.

Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to determine how your proposal may be served.

All services within the development should be laid underground in the interests of visual amenity.

No caravan unit shall be occupied until the sewage disposal/drainage works have been completed in the interest of public health.

No caravan unit shall be occupied until works for the disposal of sewage have been provided on the site to serve the development in the interests of public health.

Development shall not begin until drainage works have been carried out to safeguard the site and adjacent land against flooding and standing water.

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 St Belfast, BT2 7EG

Tel: 02890 823270

Quote reference: SM11/1 Ant 004:067

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

Historic Environment Division – Historic Monuments Unit

Causeway Exchange

1–7 Bedford St

Belfast,

BT2 7EG

Location Plan

