



**Causeway
Coast & Glens
Borough Council**

Planning Committee Report Item D	25th May 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 D

**Lands at former linen mill,
Bleach Green Lane, Dungiven**

**LA01/2015/0363/F
Full Planning**

25th May 2016

<u>App No:</u>	LA01/2015/0363/F	<u>Ward:</u>	Feeny
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Lands at former linen mill, Bleach Green Lane, Dungiven		
<u>Proposal:</u>	Proposed scheme to provide a touring caravan park. Scheme includes renovation and redevelopment of existing linen mill buildings to provide park amenities and managers accommodation, new landscaping, roads and hard standing and ancillary development.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	1 st July 2015
<u>Listed Building Grade:</u>	N/A		
Applicant:	Ms Rachel Finch		
Agent:	Kee Architecture Ltd, 9a Clare Lane, Cookstown, BT80 8RJ 20		
Objections:	2	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 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within the rural area to the south west of Dungiven as defined in the Northern Area Plan 2016. The site is also located within the Sperrins Area of Outstanding Natural beauty and within the Dungiven Castle Local Landscape Policy Area also as defined within the Northern Area Plan 2016.
- 2.2 The site is located in a rural setting which is secluded from the built development of Dungiven and the surrounding countryside. The site is enclosed by a mature belt of trees along the north eastern side which screen views from Dungiven, and by the

River Roe on the other three sides. The River Roe is a Designated Special Area of Conservation and Area of Special Scientific Interest. The site is located in close proximity to Dungiven Priory to the east which is an Archaeological Site and Monument of State Care. The proposed A6 Dungiven By-pass is located in close proximity to the site to the north, with the road and associated works falling within the red line of the application site.

- 2.3 The application site is located at the former linen mill at Bleach Green Lane, Dungiven. The site is accessed off the main A6 Derry/ Londonderry to Belfast Road, via Bleach Green and then along a laneway in a south western direction. The site is located at the end of the laneway and contains two relatively large agricultural fields, which are dissected by a track which runs to the existing redundant mill buildings in the south eastern corner of the site. There are four buildings on the site at present, which are of an industrial appearance and scale as well as the original large red brick chimney stack. The buildings are a mix of shuttered concrete and red brick. The two larger buildings are two storey in nature, with the building to the west of the group single storey, this building is not part of this application. There is also a smaller red brick building which has the appearance of an office type building.
- 2.4 The landform falls from the east/north east. The eastern part of the site is undulating in nature, before levelling off in the western section adjacent to the River Roe.

3 RELEVANT HISTORY

B/2011/0281/F - Turbine house, water chambers, and underground pipe; to form part of hydro-electric scheme proposed under Planning NI ref: B/2010/0442/F - Lands at Bleach Green Lane, Dungiven - Approved 06.09.2012

B/2010/0442/F - Proposed Hydro-Electric Power Scheme - Lands at Bleach Green Lane, Dungiven - Approved 06.09.2012

B/2002/0624/F - Civic Amenity site - Bleach Green Lane, Dungiven, Limavady - Approved 05.12.2003

4 THE APPLICATION

- 4.1 The proposal seeks full planning permission for a proposed touring caravan park. The scheme includes 30 concrete pitches for touring caravans, the renovation and redevelopment of the existing linen mill buildings to provide a park amenity block and manager's accommodation, new landscaping, roads and hard standing and ancillary development.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** Two letters of representation were received which objected to the proposal.

Issues of concern raised in the representations can be summarised as follows,

- (i) Concern about the impact of the development on the river environment and fish in the River Roe
- (ii) Proposal fails to meet requirements of habitats directive
- (iii) Advice from NIEA is flawed
- (iv) Increase in traffic and impact on homes and pedestrian safety

Internal

- 5.2 **Transport NI:** No objection in principle

Northern Ireland Water: No objection

Environmental Health: No objection

Rivers Agency – No objection

Loughs Agency – No objection

Northern Ireland Tourist Board – No objection

Shared Environmental Services – No objection

NIEA: – No objection

DCAL Inland Fisheries – No comment as outside jurisdiction

Causeway Coast and Glens Borough Council – No objection as Public Right of Way is protected

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

Regional Development Strategy (RDS)

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 (PPS 2) Natural Heritage

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

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

Planning Policy Statement 15 (PPS 15) Planning and Flood Risk

Planning Policy Statement 16 (PPS 16) Tourism

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the Development Plan and the Impact on LLPA; Principle of Development; Natural Heritage considerations; other matters; Flooding; Archaeology and Access.
- 8.2 The site is located within the rural area, the Sperrin AONB and Dungiven Castle LLPA as set out in the Northern Area Plan 2016.
- 8.3 The principle of the proposed development must be considered having regard to the PPS policy documents specified above and the supplementary guidance.
- 8.4 A transitional period operates until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. This policy should be read in conjunction with PPS 2, 3, 6, 15, 16 and 21.

Development Plan and the Impact on the LLPA

- 8.5 The site is located within the Dungiven Castle LLPA as designated within the Northern Area Plan 2016. As such the proposal is required to be considered against Strategic Policy ENV 1 which states that planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA.

- 8.6 The LLPA is extensive in size and the features or combination of features that contribute to the environmental quality, integrity or character of this LLPA area include
- i. lands adjacent to the River Roe along with the ASSI designated River Roe and its tributaries, the Environmental Park and Dungiven Priory.
 - ii. part of the designated Benady Glen SLNCI and a number of monuments and tree groups particularly within Benady Glen and is within the Sperrins AONB.
 - iii. Dungiven Castle acts as an important backdrop to the eastern end of the town.
- The text in NAP 2016 states that this LLPA will be protected from all non-essential development.
- 8.7 No evidence has been submitted to demonstrate the proposal is essential. However, as provided for by The Planning Act (NI) 2011, the determination must be in accordance with the development plan unless material consideration indicate otherwise.
- The considerations which are material to this case are as follows.
- 8.8 Firstly the statutory consultees, including NIEA Built and Natural Heritage raise no objection to this application's impact on the features identified above and the Planning Authority is satisfied that the proposal will not have any adverse impact on the key features identified in the Dungiven Castle LLPA. (refer to paragraph 8.6).
- 8.9 Secondly, in addition to the features identified in the Adopted Plan, NIEA and Landscape Architects Branch identified other key elements of this LLPA as justification to the proposed LLPA which was presented at the NAP Independent Examination. The additional features refer to the sites contribution to the former industrial heritage of the local area as a former flax mill, with its buildings, brick chimney and mill stream. The site is recorded as a flax mill site in its Industrial Heritage Record. Records indicate the site may have been used as a mill prior to the existing buildings, and the records of 1654 indicate the site may be the mill associated with Dungiven Bawn. Therefore, the site has potential historic value dating from the late 17th century onwards, and the present buildings have industrial heritage value.

- 8.10 The proposal seeks to retain and convert two of the buildings, and retain the chimney in association with the touring caravan park, using one of the main buildings (with the chimney) as the amenity block, one as the manager's dwelling and general store, and with a new building to house the new reception/office similar in size to the existing small building on the site but in a different location.
- 8.11 Although the flax mill buildings are not listed, it is clear that they are considered to be an important historic asset, as they are on the NIEA: Built Heritage's Industrial Heritage Record. The proposal seeks to retain and re-use the two largest buildings and the chimney on the site, thereby allowing a valuable and important element of Northern Ireland's industrial evolution to remain. The proposal would also allow the opportunity for small on-site interpretation of the local linen industry to be provided for visitors to develop a greater understanding of the buildings and the area's immediate history.
- 8.12 Thirdly as the proposal is for a touring caravan site, the caravans will not present a permanent presence on the site, but it is anticipated they will be seasonal in nature.
- 8.13 There is no evidence to indicate the proposal is essential at this location therefore, it is contrary to the Adopted Plan. However, the opportunity to bring the publicly recognised historically significant buildings on the site back into re-use and to which the public have access and a chance for a greater appreciation of the site's role in the local linen industry with new development limited to caravan pitches on the bleaching fields is considered to be a material consideration to which weight should be attached. The Planning Authority is therefore satisfied in this instance, that the material considerations can be given determining weight as the proposal does not cause harm to any of the key features identified in the Adopted Plan and the proposal brings historically significant buildings back into reuse.

Principle of development

- 8.14 Policy CTY 1 – Development in the Countryside of PPS 21 provides for a range of types of development which in principal are acceptable in the countryside. One type of development

considered acceptable is for tourism where the development is in accordance with tourism policies (PPS 16).

- 8.15 Policy TSM 6 and TSM 7 of PPS 16 are the relevant policies under which to assess this proposal. Policy TSM 6 supports a new holiday park 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. TSM 6 and 7 are subject to specific criteria, each of which will be addressed as follows.
- 8.16 The proposed site is located in a somewhat secluded site to the south of Dungiven Town. The primary means of access is currently a hard cored track which serves surrounding agricultural land. To the north and north east of the site there is a mature plantation of trees which are in excess of 15 metres in height, which screen views of the site from Dungiven and from approach along the access laneway. There is a public right of way which runs through the site which links the Dungiven Priory and Dungiven Castle and Environmental Park. Again views from this public pathway are generally confined to within the immediate vicinity of the application site, given the mature vegetation along the River corridor between the Priory and the site.
- 8.17 The main visual aspect of the site are the existing industrial buildings which it is proposed to refurbish and reuse to provide the amenity facilities and managers accommodation. The remainder of the development focuses on the provision of the internal road layout and pitches for the caravans. This will have some visual impact but this will be limited to within and close to the site and will not have a detrimental visual impact in the wider landscape. The fact that the proposal is to serve touring caravans will ensure that the visual impact associated with this type of development is of a less permanent degree than what static caravans would have. By its nature touring caravans are likely to be somewhat seasonal.
- 8.18 The existing setting of the site provides for a high level of enclosure and screening from public views beyond the application site, given the separation distance from Dungiven Town and the high level of tree planting to the north/ north eastern sides of the site. Views of the site are generally limited, with only some fleeting views of the site from Teeavan through the breaks in the roadside

vegetation from beyond the site and in the wider context. From Teeavan Rd the site will appear low in relation to the surrounding landform. The rising land to the north and mature tree plantation provide a strong backdrop for the site from here and additional trees on the south western side of the Roe River enclose the site. Given the current natural features within the site and in the wider landscape, the proposed site would appear to integrate into the landscape.

- 8.19 The site is partially affected by the proposed A6 By-pass, which will see a large portion of the tree belt to the north removed and provision of an over-pass for the River Roe and access lane. There may be some views achieved from the proposed new road, when/if constructed, but again these views will be limited to a short distance on approach with remedial works such as the acoustic barrier to be provided along this stretch of road providing visual screening. At present the proposal would allow for a well enclosed and integrated development which would not have any significant detrimental impact on the visual amenity or rural character of the area. The proposal respects and conserves the existing buildings and vegetation within the site and provides a sustainable form of development. Indeed the proposed new A6 by-pass will have much more of a significant visual impact on the surrounding area, should construction begin, which will be a significant visual impact on the surrounding landscape. The proposed development is suitably sited and integrated within the proposed site.
- 8.20 Consideration must also be given to public vantage points from along the proposed A6 By-pass road. The proposed road will be elevated above the site which would allow for views into the site. However, views from the road will be relatively limited and confined to a short distance on approach from the west, when passing the line of No. 93 Teeavan Rd, until past the site. However, as part of the construction of the road, TransportNI have agreed to erect a 1.5m high acoustic barrier along and close to the southern roadside verge. This barrier will stretch a minimum of 280m either side of the property at No. 93. This screen will provide screening on approach to and passing the site along the new road and ensure that views of the site are limited. In addition the proposed route of the proposed site will necessitate the definition of a new boundary within the site. The new boundary is proposed to be planted with trees and hedgerow and is to be a minimum 5 metres thick. This natural boundary proposed to the site will add

further screening to the site which will soften the visual impact of the proposal. The proposed site will appear to integrate into the landscape.

- 8.21 Adequate provision has been made within the layout for communal open space including play and recreation areas as an integral part of the development.
- 8.22 The proposal includes the renovation and reuse of existing mill buildings to provide a manager's dwelling with storage, an amenity block and a reception/office building. The manager's dwelling/store is a large two storey building with a pitched roof. The footprint of the building measures 27.1m by 8.9. The building will be finished in a grey render finish with the roof finished in a grey metal cladding. The amenity block will be refurbished to provide toilets, showers, washroom, laundry and storage. The building measures 21.2m by 10.9m and is flat roofed. The proposed building will be refurbished with minor alterations to the external façade to provide access to the toilet/shower block. The finishes of the building will not be altered. Given the reuse of these buildings their scale and appearance are considered to be appropriate to the area. The proposal seeks to build a small reception/office building to be finished in red brick and natural slate. This building is reflective of the scale and appearance of the existing dilapidated building which currently exists on site which it will replace. Policy CTY4 of PPS21 supports the conversion and reuse of the existing buildings for a variety of uses including use as a single dwelling. The proposal is in accordance with the criteria outlined in CTY4.
- 8.23 The proposed road layout within the site is informal in nature, made up of small groupings of caravans within two circular nodes broken up by landscaping. The access road will be finished in gravel up to the complex. The road network within the site will be finished in tarmac with the pitches finished in concrete. While not reflective of the rural area, the need for hard wearing surfaces within the caravan park has been kept to a minimum by virtue of the gravel access road which is in keeping with the existing rural character. No walls of fencing are proposed on the submitted plans with the park being defined by new native species hedgerow.

- 8.24 There is a proposed refuse area as part of the proposal. However, this is to be screened from surrounding viewpoints by a detailed landscaping scheme.
- 8.25 The proposal should not have any significant detrimental impact on residential amenity. The proposed caravan park is sited approximately 90 metres away from the nearest dwelling at No. 93 Teeavan Rd. The dwelling at No. 93 will be screened by existing vegetation along the river corridor which will provide both a visual and acoustic screen between both properties. Environmental Health have raised no concerns in relation to potential impact on residential amenity and no objection has been received from this property. It is not anticipated that the proposal will result in the creation of a significant level of noise/nuisance. The use of the park, whilst potentially being used all year is likely to be predominately a seasonal use which will limit the impact on residential amenity, and the facilities provided at the park are not likely to create excessive levels of noise.
- 8.26 Issues relating to archaeology, natural heritage and other landscape features have been discussed separately below.
- 8.27 Mains water supply is available to the site. However, there is no mains sewage disposal available at the site. It is proposed to dispose of sewage via a package treatment plant with the treated effluent disposed via soakaways within the application site. Issues regarding the disposal of effluent are covered under the section referring to natural heritage. The proposal uses the SuDS systems to dispose of storm and waste water from the site. Drainage and surface water run-off in connection with this development is considered adequate and NI Water and NIEA: WMU have no objections.
- 8.28 Causeway Coast and Glens Borough Council advised there is a public right of way (PROW) within the site although the council have not asserted these rights. This is located along the existing laneway which runs through the centre of the site and connects Dungiven Priory to the Dungiven Castle Environment Park. Development does not obstruct this PROW so access is not restricted in accordance with this criteria and Policy OSR 1 of NAP 2016. The proposal is located in relatively close proximity to public Transport, with Bus stops located directly opposite the junction of

the Chapel Rd and Bleach Green Lane, as well as a short distance west of the junction at Dungiven Castle.

Natural Heritage considerations

- 8.29 The RDS, SPPS and Planning Policy Statement 2, set out the strategic and planning policies for the conservation, protection and enhancement of our natural heritage. The natural heritage features of concern in this instance are the River Roe, Sperrin AONB and protected species. Policies NH1, NH2, NH3, NH5 and NH6 of PPS2 are the relevant policy context for considering such issues. An objection relating to the River Roe has been dealt with separately at paragraph 8.36.
- 8.30 The application site is located immediately adjacent to the River Roe which is designated as a Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI), which is of both international and national importance and protected by the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 and the Environment (NI) Order 2002.
- 8.31 Consultation was carried out with NIEA who initially raised concern regarding the direct discharge of effluent to the River Roe as well as the potential contamination present on the site to be discharged to the SAC/ASSI. Subsequent to this initial response from NIEA revisions were made to the disposal of foul sewage which directed discharge away from the watercourse via soakaways and provided an assessment of the existing buildings and working practices when the site was operational, as well as a preliminary Construction Environmental Management Plan. This information addressed the concerns of NIEA and allowed for Shared Environmental Services to undertake a Habitats Regulation Assessment as the competent authority on behalf of the Planning Authority under Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).
- 8.32 Having considered the nature, scale, timing, duration and location of the project it is concluded that, providing the mitigation measures as outlined in the consultation responses are conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

- 8.33 NIEA Natural Environment Division identified that the proposed development had the potential to impact upon a number of priority species and habitats, and referred the planning authority to the NI Biodiversity Checklist to assess the potential impact on these features. The species referred to include both European and National Protected Species and are subject to a strict level of protection.
- 8.34 NIEA Natural Environment Division were consulted with a completed NI Biodiversity Checklist, photographs of the site and existing buildings and an e-mail regarding the ecology potential on the site, which advised that the proposal should not have any significant detrimental impact on any species or habitats. NIEA NED advised that they were satisfied that there was low potential for bat roosting, and outlined that if badger setts or otter holts were found within close proximity to the site then surveys would be required. No evidence of such features were found upon site inspection therefore, the Planning Authority is satisfied that there should be no unacceptable adverse impact on priority or protected species or habitats.
- 8.35 The site is located within the Sperrins AONB as designated within the Northern Area Plan 2016. Refer to paragraphs 8.16 to 8.20 for a detailed description of the site, views to and from the site and the impact of the proposal on the AONB. The Planning Authority is satisfied that the proposal would allow for a well enclosed and integrated development which would not have any significant detrimental impact on the AONB. The proposal respects and conserves the existing buildings and vegetation within the site and provides a sustainable form of development. The proposal complies with PPS2.

Objections

- 8.36 An objection was received from the Ulster Angling Federation which highlighted concerns regarding the proposal and the potential impact on the river environment and fisheries. The objection highlights that the proposal fails to comply with the requirements of the Habitats Directive and advises that the advice received from NIEA is flawed. No evidence has been provided to counter the advice given by NIEA, and the Habitats Regulations Assessment carried out by Shared Environmental Services, having

regard to the advice and guidance of NIEA, has shown that the proposed form of development is acceptable with no detrimental impact on the River Roe anticipated. See earlier paragraphs for detail.

- 8.37 The second objection raised concerns regarding the increase in traffic and the impact on the safety of homes and pedestrians /children. The access point from the main A6 road onto Bleach Green which is shared with that of the housing development at Bleach Green but the access to the application site continues down the existing lane whereas the housing is accessed separately from their own housing road. No traffic from the proposed caravan park would need to access into the housing development or have any interaction with the dwellings other than on the first portion of the shared road. Therefore, impact of increased traffic is minimal. There is no evidence that 'strangers' visiting the site would cause mess or potentially cause any danger to the residents within Bleach Green.

Access

- 8.38 Access is proposed via Bleach Green Lane and along the existing laneway which serves the site and adjacent agricultural lands. The laneway and Bleach Green Lane join the main A6 road, which is a protected route within the settlement of Dungiven. The existing laneway is approximately 3 metres in width. However, as part of the proposal the access will be upgraded to allow for passing bays at various points along the access route. The proposed Dungiven By-pass will span the adjacent River Roe and the access laneway via an overpass, which will allow for adequate clearance to allow for caravans to pass safely below and access the proposed caravan park.
- 8.39 Policy AMP2 of PPS3 states that planning permission will only be granted for development involving direct access, or the intensification of the use of an existing access, onto a public road in two circumstances either where such an access will not prejudice road safety or significantly inconvenience the flow of traffic or where the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

8.40 The Planning Authority consulted TransportNI and on receipt of revised plans to indicate adequate passing bays along the laneway, TransportNI have confirmed that they have no objection. The proposal complies with PPS3 and Policy TSM7 of PPS16 in so far as it deals with access arrangements.

Archaeology

8.41 The RDS, SPPS and PPS6 set out the planning policies for the protection and conservation of archaeological remains and features of the built heritage. Policy BH 1, 2 and 4 of PPS6 are specifically applicable to this application.

8.42 The site is in close proximity to the Dungiven priory (LDY 031:015), a monument which is scheduled for protection under the *Historic Monuments and Archaeological Objects (NI) Order 1995*. The application site is also located close to the mill site of LDY 030:048 and the industrial heritage site of 01985. Part of the access laneway also falls within the designated Area of Archaeological Potential.

8.43 Given the proximity of the proposal to the above mentioned sites, consultation was carried out with NIEA Historic Monuments Unit (HMU). HMU advise that with regards to LDY 030:048 HED:HMU is content with the proposal, conditional on the agreement and implementation of a developer-funded programme of archaeological works, including an industrial archaeology survey. This is to identify and record any industrial archaeological remains in advance of new construction, or to provide for their preservation *in situ*, as per Policy BH 4 of PPS 6, which would be required to be submitted to and approved by the Planning Authority prior to any works commencing on site. The proposal complies with PPS6.

Flooding

8.44 As the River Roe marks two of the boundaries of the site, consultation was conducted with DARD Rivers Agency to ascertain the potential risk of flooding to the site. Rivers Agency have confirmed that the Strategic Flood Map for NI indicates that the proposed development is not located or affected by the estimated Q100 floodplain and Rivers Agency holds no record of historic flooding at this location. The proposal therefore complies with PPS 15: Planning and Flood Risk.

9 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, PPS2, 3, 6, 15, 16 and 21. The proposal meets the policy requirements for a holiday park, will integrate satisfactorily into the landscape and will not have a significant adverse impact on amenity, natural or built heritage. Approval is recommended.

10 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 only, 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. A Final Construction Environmental Management Plan must be submitted to the planning authority at least 8 weeks prior to works commencing. This must include all the mitigation measures detailed in the Construction Environmental Management Plan and Drainage Assessment dated 26 August 2015 and all subsequently updated information relating to the location of the Package Treatment plant and referencing drawing number 09 Revision 02. The approved Construction Method Statement shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the council. Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the River Roe and Tributaries SAC.

4. 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: To ensure there are no adverse impacts on the River Roe and Tributaries SAC.
5. After completing any remediation works under Condition 1; 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.
6. No development shall commence until the vehicular passing bays are provided in accordance with Drawing No. 01 Rev 01 dated 21st August 2015. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
7. The access gradient to the development hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
8. 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.

9. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Planning Authority to observe the operations and carry out archaeological recording. Reason: to ensure the identification, evaluation and appropriate recording of any archaeological remains which are exposed by the operations.
10. All hard and soft landscape works shall be carried out in accordance with the details shown on Drawing Nos 03 Revision 03 received 6th May 2016 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.
11. 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.
12. A 10 metre buffer zone shall be retained between the River Roe within which no construction shall take place. The buffer zone shall 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 prevent introduction of contaminants to the adjacent watercourse and thus prevent any adverse impacts on the site features and conservation objectives of River Roe and Tributaries SAC through degradation of water quality.

11 Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. 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.
4. The purpose of the Conditions 3, 4 & 5 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and endues 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.
5. The applicant should ensure that the management of all materials onto and off this site are suitably authorized through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999.
6. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

7. 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 Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

8. 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 including 1st March to 31st August, unless pre-clearance surveys show an absence of breeding birds.

9. 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*) and 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 and/or otter activity on the site, all works should cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9605.

10. 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, Giant hogweed and Himalayan balsam). 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, Giant hogweed and Himalayan balsam) 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, Giant hogweed and Himalayan balsam) 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, Giant hogweed and Himalayan balsam) as part of the waste transfer process.

For guidance on the preparation of the industrial archaeology survey, contact:

Historic Environment Division – Historic Monuments Unit
Causeway Exchange
1–7 Bedford St
Belfast,
BT2 7EG

Quote reference: SM11/1 LDY 31:15

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

11. All caravan parks must have appropriate planning permission before the owner can apply to the District Council for a Caravan Site Licence under the Caravans Act (Northern Ireland) 1963. Any licence issued by the Council will usually contain all the conditions listed in the Model Licence Conditions for Caravan Sites 1992 which is published by the Department of the Environment
12. 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.
13. Notwithstanding the terms and conditions of the Department of Environment'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 TransportNI Section Engineer whose address is County Hall, Castlerock Road, Coleraine, BT51 3HS. A monetary deposit will be required to cover works on the public road.

14. All construction plant and materials shall be stored within the curtilage of the site.
15. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
16. No public water supply within 20m of your proposal, you may wish to apply to NIW to requisition a watermain to serve your proposal if it will serve more than 1 property.
17. Applicant proposes to discharge foul sewage to a private package treatment plant.
18. 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.
19. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
20. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
21. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of

the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

22. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.
23. Where a Designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by the Rivers Agency. Actual requirement should be determined in consultation with the Agency.
24. Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.
25. The applicant should also be aware that it is an offence under section 41 of the Foyle Fisheries Act (1952) to cause pollution which is detrimental to fisheries interests.
26. Due to the close proximity to a watercourse care will need to be taken to ensure that polluting discharges do not occur during the works phase. The applicant must refer to and adhere to the precepts contained in DOE Standing Advice Note No. 4 – Pollution Prevention Guidelines (April 2015).
27. Water Management Unit recommends the applicant refers to and adheres to the precepts contained in DOE Standing Advice Note No.5 – Sustainable Drainage Systems (April 2015). Discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent

applications. The applicant should refer to in DOE Standing Advice Note No. 11 – Discharges to the Water Environment (April 2015).

28. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.
29. 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.