

Planning Committee Report LA01/2017/1161/F	26th June 2019
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	Development Management and Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u>	LA01/2017/1161/F	<u>Ward:</u>	Rasharkin
<u>App Type:</u>	Full Application		
<u>Address:</u>	Land approximately 60m North of 32 Dirraw Road, Ballymoney		
<u>Proposal:</u>	Erection of new broiler unit for up to 37,000 birds. Extension to existing concrete apron, new meal silos, drainage and associated landscaping		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	8th Sept 2017
<u>Listed Building Grade:</u>	N/A		
Agent:	R Robinson & Sons 59 High Street, Ballymoney BT53 6BG		
Applicant:	Mr & Mrs R Reid 30 Dirraw Road, Finvoy, Ballymoney.		
Objections:	14	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 section 7 and resolves to **APPROVE** planning permission subject to the conditions and informatives set out in section 10.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The application site is within the rural area, extends to 1.32 hectares and is located 88m to the North of Nos 30 and 32 Dirraw Road. The site is roadside, located to the southern side of Dirraw Road and is currently in agricultural use comprising two existing poultry units as well as additional land which currently forms the northern extent of an adjacent agricultural field.
- 2.2 The site forms part of a fairly large agricultural holding comprising two dwellings and a number of large agricultural buildings adjacent with two large existing poultry houses at the roadside adjacent to the existing access. The site is accessed via a wide tarmac laneway serving the existing farm yard and dwelling as well as a separate access to the eastern end of the site directly onto Dirraw Road. The site is elevated above the public road and comprises two existing poultry units extending to approximately 14m x 77m and 20m x 80m. The site also incorporates an additional two storey ancillary building to the north eastern extent of the existing poultry units which is approximately 24m x 12m. The northern (roadside) boundary is undefined although it is separated from the public road by a wide, sloping grass verge. The adjacent concrete yard and ancillary building are all set within a 2m palisade fence. The southern boundary is undefined. Mature trees exists to the immediate south-west of the existing access point.

3 RELEVANT HISTORY

D/2014/0041/F - Proposed new poultry unit (broilers) for up to 35,000 birds (raising overall maximum capacity of site to 61,000) together with new ancillary building adjacent silos and fencing and associated landscaping. Granted 29.07.2014.

4 THE APPLICATION

4.1 The application is for the erection of new broiler unit for up to 37,000 birds. Extension to existing concrete apron, new meal silos, drainage and associated landscaping.

Design & Access Statement

4.2 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is considered to be a major application.

4.3 The design and access statement is to provide details of the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt with.

4.4 The report demonstrates that the applicant undertook detailed consideration of the proposal in terms of the design principles and concepts in relation to the location of the buildings, the proposed design, the impact on character and context and access to facility.

5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours:** 14 objections have been received. The reasons for objecting are summarised below:

- Levels of ammonia at critical levels and the current proposal will add to these unacceptable levels.
- Moy Park Litter Utilisation Strategy (MPLUS) has been used for the decision not to undertake a full Stage 2 HRA Assessment. This is unlawful as it did not have a Strategic

Environmental Assessment (SEA) completed at the time of its approval therefore any application approved on the basis of this litter utilisation strategy is unlawful. HRA Stage 2 assessment should be completed.

- SES has screened out from further assessment even though within 7.5km of ASSI's.
- The MPLUS documentation has no factual information regarding the destination of waste produced. NIEA used an inappropriate screening policy.
- The MPLUS agreement includes export of waste to another member state. There is no evidence of export agreements in place. It has not been determined if the waste from this plant will have an adverse impact on protected sites, priority habitats and species in NI or in another member state.
- Tully Biogas plant cited as potential processing facility for the waste did not have an EIA or HRA completed at the time of planning approval and is therefore unlawful. It had not been determined if the waste from this plant will have an adverse impact on protected sites, priority habitats and species (including cumulative impact) including those hydrologically connected to Lough Neagh ASSI, SPA and RAMSAR site.
- The Habitats Assessment provided by SES is flawed provides no certainty regarding the destination of the waste produced and therefore the adverse impact on protected sites is unknown. Does not contain specific and definitive findings capable of excluding all reasonable scientific doubt as to the effects of the project on protected habitats or species / habitats outside protected areas.
- CC & G Council has not consulted with another member state regarding transboundary impact of the proposal and therefore contravenes EIA Regs.
- Tully Biogas Plant is running at full capacity and cannot accommodate additional waste.
- Investigation / Assessment of any unlawful operations must be carried out.
- The HRA failed to consider the impact of other damaging emissions beyond ammonia. Any assessment should include the impact from pathogens, antibiotic pollution (from routine use of antibiotics), fungi, bacteria, viruses,

emissions of phosphates etc). No evidence of a bio-aerosol assessment having been completed.

- The ecology report failed to consider native woodlands and bogs within 200m of the site or effects on priority species and habitats.
- Potential health impacts from the proposal including botulism as a result of material from anaerobic processing. Potential public health impact from the spreading / processing of waste material and the movement of such materials.
- No cumulative assessment has been carried out. The screening policy was not undertaken “in-combination” and “cumulative assessment” is flawed. The estimated Process Contribution failed to account for peak ammonia emissions during emptying and failed to include MPLUS destinations for waste generated by this project. 75% of SACS have already exceeded the critical level. 98% of SAC’s exceed critical levels of nitrogen deposition.
- Units which are not registered with IPPC permit are screened out.
- Clusters of non-regulated units have a greater impact on ammonia emissions.
- Any existing anaerobic digesters currently operating are unlawful as Planning Authorities failed to undertake appropriate assessments.
- It would be unlawful for Causeway Coast & Glens Borough Council to approve the proposal due to gaps in information.
- Information in the Press indicates that the Tully AD Plant reached full capacity in 2018 and therefore there is doubt regarding its capacity to cater for waste from this project.
- NIEA cannot confirm that capacity exists therefore SES response in relation to protected sites is uncertain.
- A Stage 1 Habitats Assessment was completed for the PPC permit in relation to Tully AD but the project was exempted unlawfully by NIEA from an appropriate assessment due to the waste being certified as a fertiliser.
- The HRA was flawed as the relevant certification only applied to the digestate from the AD plant and not the contaminated water generated by pre-treatments and disposed of by land spreading.

- The certification of waste as a fertiliser does not eliminate the risk from the output of the AD process on designated sites as it is disposed of by land spreading in the same manner as digestate which does not have PASS110 Certification. Therefore to be compliant with the Habitats Regulations and appropriate assessment should have been completed for the PPC Permit.
- The impact from the Tully AD plant on designated sites must be considered in combination and cumulatively with other projects and this has not been done.

Internal:

5.2 **DFI Roads:** No objection subject to conditions.

Environmental Health: No Objection PPC permit variation required through NIEA.

Shared Environmental Service: No objection.

NIEA: No objection.

DARDNI: Have confirmed farm business ID is active and established.

NI Water: No objection.

Rivers Agency: No objection.

DfC Historic Environment Division: No objection.

Proposal of Application Notice

5.3 As this application is considered a major application it must comply with the Proposal of Application Notice and carry out community consultation at least 12 weeks prior to the submission of the application.

5.4 A Proposal of Application Notice was submitted on 4th May 2017 under LA01/2017/0568/PAN. The applicant advised that they intended to undertake the following forms of consultation:

- Press notice of the public event in the local paper where further information could be obtained.

- Notice served on Ballymoney DEA Councillors.
- 5.5 The public event was held on 7th June 2017 in the Joey Dunlop Leisure Centre, Garryduff Road, Ballymoney.

Community Consultation Report

- 5.6 The community consultation report (CCR) was submitted as part of the planning application, received on 18th August 2017 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.
- 5.7 It contained the methods of consultation carried out and the comments and feedback from this exercise. The report demonstrates that the consultation was carried out as agreed in the Proposal of Application Notice.
- 5.8 The event was advertised in a local newspaper (Ballymoney Chronicle), no properties were identified within 400m radius of the proposed site.
- 5.9 There were no attendees at the public event and no responses were received from the public event and advertisement.
- 5.10 The CCR demonstrates that adequate community consultation has taken place.

6 MATERIAL CONSIDERATIONS

- 6.1 Article 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 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.

- 6.4 Due weight should be given to the relevant policies in the development plan.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement

PPS 2 Natural Heritage

PPS 3 Access, Movement and Parking

PPS 6 Planning, Archaeology and the Built Heritage

PPS15 Planning and Flood Risk

PPS 21 Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the submission of an Environmental Statement; the principle of the development; visual integration and impact on character; impact on natural or built heritage; impact on neighbouring residential properties and other matters.

Environmental Statement

- 8.2 The proposed development falls within category 17(a) of Schedule 1 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The application was submitted with an Environmental Statement due to the cumulative impact with the existing two broiler houses (comprising a capacity of 61,000 birds).
- 8.3 The Environmental Statement included sections to aid the assessment of noise, air quality and odour, ecology, water

environment, transport, socio-economic impact and poultry litter disposal. The Environmental Statement was advertised, neighbours were notified and consultees were consulted on the content of the Environmental Statement. The Environmental Statement informed the assessment of the application.

Principle of development

- 8.4 The application site is located in the rural area as defined by the Northern Area Plan 2016.
- 8.5 The SPPS states that sustainable development shall be permitted having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Paragraph 6.73 provides a context for agriculture and forestry development: provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise. New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise.

- 8.6 Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of the types of development is agricultural and forestry development in accordance with Policy CTY 12.
- 8.7 Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural and forestry holding where it is demonstrated that:

a) It is necessary for the efficient use of the agricultural holding.

- 8.8 DARD have confirmed that the farm business ID number has been active and established for the required period and that the business claims a single farm payment.

b) It is appropriate to the location in terms of character and scale.

- 8.9 The proposed shed is located immediately adjacent (to the rear) of the existing poultry sheds. The proposed poultry unit is 5.4 m in height to the ridge, 20.1m wide and 86m in length. The additional meal silos (2 in total) are 2.4m in diameter and 7.4m high. There is a new concrete apron to the north-eastern end with access taken from the existing vehicular access onto Dirraw Road.
- 8.10 The site is located within a rural area, most of the development in the locality is roadside comprising small agricultural holdings and individual dwellings. The existing poultry units are roadside and currently dominate the existing character within the immediate vicinity.
- 8.11 Although the site is slightly elevated above the level of the public road, the general area is characterised mostly by fairly low lying agricultural land to the north and south of Dirraw Road comprising a variety of field sizes and shapes. The proposed shed is orientated north-east / south-west as are the existing buildings and is located within a portion of a large agricultural field immediately adjacent the existing buildings and yard. The proposal does not require any hedge removal.

c) It visually integrates into the local landscape and additional landscaping is provided as necessary.

- 8.12 The site is immediately adjacent the existing poultry houses and fronts gable onto the existing laneway / yard. The existing units are set above the level of the public road and are dominant within the locality. The proposed unit is set to the rear of the existing poultry sheds relative to the public road and re-grading of part of the existing agricultural field is proposed to ensure the proposed unit is sited at the same level as those which exist.
- 8.13 The design and materials are sympathetic to the locality and are characteristic of the rural area, given that this proposal is for the

expansion of a large poultry farm and the new poultry house is grouped within those existing.

- 8.14 Ancillary development such as feed bins and the biomass building are appropriate in scale and in keeping with the existing use and structures on site.
- 8.15 Views from the public road are limited as the dominant elevation of the proposed unit being generally screened from the public road by the existing units with the south-western elevation also screened by existing mature trees. The critical (north-eastern) elevation is read against the backdrop of these existing trees. The application proposes additional planting to the south-east of the site to further aid integration. The existing poultry units are quite dominant and therefore the increased visual impact from the proposed poultry unit and ancillary development will be limited from public vantage points.

d) It will not have an adverse impact on the natural or built heritage.

- 8.16 The proposal takes the number of birds that the installation can facilitate above the threshold defined in Section 17 of Schedule 1 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. As such the application was accompanied by an Environmental Statement.
- 8.17 Shared Environmental Services has undertaken a Habitats Regulations Assessment. The assessment concluded that the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

8.18 SES has been consulted in relation to objections received and confirm a number of points:

- The HRA relates only to European and Ramsar sites (not ASSI's or SLNCI's).
- SES confirm that they consider sufficient information has been submitted to undertake a robust HRA.
- SES confirm that while there is a hydrological connection with Lough Neagh and Lough Beg SPA / Ramsar, the proposal lies downstream of Lough Neagh.
- Litter will be processed via Tully Biogas Plant which is regulated under PPC Permit and NIEA undertook a HRA when determining the original permit application in April 2015. Moy Park has indicated that there is sufficient processing capacity available via its contract with Tully Biogas Plant. This matter is confirmed in correspondence from Moy Park dated 30/07/18.

8.19 Having considered the Environmental Statement NIEA are satisfied that the proposal is unlikely to impact the Craigs ASSI and Ballymacaldrack ASSI subject to conditions. NIEA are also content on the impact on the McCollum's Hill South Site of Local Nature Conservation Importance.

8.20 NIEA has also been consulted in relation to the objections received and make the following comments:

8.21 Regulation Unit

- The Environmental Statement indicates that litter will be dealt with in line with Moy Park's updated Litter Utilisation Strategy. Additional correspondence from Moy Park to the Planning Authority confirms as part of the application process that the poultry litter produced at this site will be utilised through Tully Biogas plant which is regulated by the applicant's IPPC permit and that Moypark is contracted to this facility for 20 years.

- The Tully AD plant has an existing PPC Permit and a HRA was conducted when determining the original permit application in 2015.
- Tully AD has a capacity of 40,000 tonnes per year and is currently accepting approximately 37,000 tonnes. Additional waste handling is a contractual matter between the owner of Tully AD and waste supplier.
- The applicant will be required to apply for a PPC permit variation prior to stocking. The PPC permit will be required to demonstrate a) that the proposal will have an acceptable environmental impact including impacts from odour, ammonia and dust emissions on sensitive local receptors, and b) the utilisation of manures produced from the proposed installation.

8.22 Natural Environment Division (NED)

- NED has considered the impacts of the proposal on the designated sites outlined and is content that the proposal is in keeping with operational policy on nitrogen emissions. Conditions are proposed in relation to livestock numbers and mixing of slurry from this application and other existing farm holdings.
- NED has considered the impacts of the proposal on other natural heritage interests and has no concerns.
- Outside designated sites the current position is to allow for up to 50% of the critical level for a priority habitat which NED must apply.
- NED advises that the representation letters received make a number of general observations regarding the assessment for these types of proposals and that DAERA continues to consider emerging evidence and case law when providing its substantive response to planning.

e) It will not result in a detrimental impact on the amenity of residential dwellings outside the holding.

8.23 The applicants address is No 30 Dirraw Road which is located approximately 55m from the proposed poultry shed. The nearest unrelated residential property to the proposal is located approximately 360m away. The submitted Air Quality Impact

Assessment indicates that pollutants from the proposed poultry farm will not cause significant ground level concentrations at any residential property within the vicinity of the site. NIEA – Land Air and Soil at the time of initial consultation were awaiting the submission of an application to vary the existing PPC permit to take account of the current proposal and existing poultry operations. Industrial Pollution and Radiochemical Inspectorate (IPRI) is the competent authority for the investigation of any noise or odour complaint for an application of this type and size.

Proposed Buildings

8.24 In the case where new buildings are proposed, CTY 12 requires: that existing buildings be used unless there are no suitable existing buildings; the design and materials are sympathetic, and they are sited beside existing farm or forestry buildings. Having regard to the specific nature of the development, there are no suitable existing buildings at this location and the buildings need to be a particular size and shape. The design and materials of the building are necessary and appropriate to the locality being clustered with the existing poultry sheds. The poultry house is of a simple design and buildings of this style are characteristic of the rural area.

The proposal meets all of the above criteria and therefore complies with Policy CTY 12.

Visual Integration and Impact on Character

8.25 Policy CTY 13 allows for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

As mentioned above under point c) the existing units are fairly dominant and the current proposal will visually integrate into the surrounding landscape and is of an appropriate design.

8.26 Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Given the new poultry shed will sit to the rear of the existing poultry sheds it will not cause a detrimental change to the rural character of this area.

Other matters

8.27 Policy NH1 of PPS 2 deals with European and Ramsar sites. As outlined above SES have completed the appropriate assessment in this regard and have concluded that the development would not have a significant effect on the features of any European site.

8.28 Policy AMP3 of PPS3 deals with access to public roads. DFI Roads have been consulted and offered no objection subject to conditions.

8.29 As the competent authority DAERA Regulation Unit do not raise public health concerns arising from the development. Spreading of waste is not proposed in this case.

9 CONCLUSION

9.1 The proposed development is considered acceptable in this location having regard to the Northern Area Plan and other material considerations. The proposed development is an appropriate use in the countryside, it is sited adjacent to other existing farm buildings on an active and established farm. The proposal is acceptable in terms of its layout and appearance. All environmental information including that relevant to natural heritage has been considered and all consultees have accepted the proposal subject to the attached conditions. Approval is recommended.

10 CONDITIONS / INFORMATIVES

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 existing boundary vegetation as indicated on Drawing No. 02B date stamped received 26-JAN-2018 shall be permanently retained, unless it is necessary to be removed to prevent danger to the public in which case a full explanation shall be given to the Planning Authority in writing. The proposed planting as indicated on the same drawing shall be undertaken during the first available planting season after construction of the building for its permitted use.

Reason: In the interest of visual amenity and to ensure the development integrates into the countryside.

3. The total number of livestock associated with this development shall be limited to 37,000 broilers.

Reason: To ensure there are no adverse impacts on the selection features of Craigs ASSI and Ballymacaldrack ASSI.

4. There shall be no mixing of litter produced from this application and the slurries generated from existing farm holdings that the applicant may own or have access to.

Reason: To ensure there are no adverse impacts on the selection features of Craigs ASSI and Ballymacaldrack ASSI.

5. No development shall commence until the vehicular access, including visibility splays and any forward sight distance, are provided in accordance with Drawing No. 02B and the Department's DC(1) form attached, both bearing the date stamp 26th January 2018. 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.

6. The access gradient to the dwelling 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.

7. The applicant must adhere to all mitigation and disposal methods for poultry litter generated by this proposal as detailed in Moy Park's updated Litter Utilisation Strategy as agreed with the Northern Ireland Environment Agency (NIEA) but with disposal only to Tully Biogas Plant unless otherwise agreed in writing with the Council.

Reason: To ensure that the poultry litter arising from this proposal will be utilised in a sustainable manner and in compliance with legislative requirements, therefore providing protection of the aquatic environment.

8. The proposed development must be to the design specified and stocked at a capacity no greater than that assumed in the report "*Air Quality Impact Assessment – Reid Poultry Farm Rp001 2017007*" dated 25-January-2017".

Reason: To mitigate potential adverse odour impacts on sensitive third party receptors.

INFORMATIVES

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the boundary whether or not defined.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. The applicant is advised that they will be required to obtain a Pollution Prevention and Control (PPC) permit variation prior to first operating the expanded installation.
6. The applicant is reminded of their responsibilities under the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (SSAFO) (Northern Ireland) 2003 and The Nitrates Action Programme (NAP) Regulations (Northern Ireland) 2014.
7. The applicant should refer and adhere to the precepts contained in Standing Advice Notes No. 4. Pollution Prevention Guidance, No 5. Sustainable Drainage Systems, No 11. Discharges to the Water Environment, No 12 Agricultural Developments, No 18. Abstractions and Impoundments, No 19. Livestock Installations and Ammonia and No 23 Commercial and Industrial Developments. Standing advice notes are available to view on public access.
8. 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.
9. Notwithstanding the terms and conditions of the Causeway Coast and Glens Borough Council'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 Infrastructures 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 DFI Roads Section Engineer whose address is Trillick House, 49 Queen Street,

Ballymoney. A monetary deposit will be required to cover works on the public road.

10. All construction plant and materials shall be stored within the curtilage of the site. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
11. Noise from construction activities should –
 - (a) not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB LAeq, 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 LAeq, 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.”
12. It is the responsibility of the applicant to ensure the accuracy and acceptance of the Drainage Assessment. Implementation of the proposed flood risk rests with the developer and their professional advisors.
13. 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.

14. 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.
15. Consent to discharge additional storm run-off to the watercourse(s) serving the site may need to be deferred pending completion of proposed drainage infrastructural improvements necessary to provide adequate capacity for increased flows. The Rivers Agency should be consulted about proposed timing of development at the earliest possible time.
16. Rivers Agency advises that visual inspection of the site indicates that it is unaffected by any watercourse(s);- open or culverted.
17. 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.
18. The applicant should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.
19. The applicant is advised 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.
20. The applicant is advised to contact NIW Waterline on 03457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. 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.

21. No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.
22. 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.
23. 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.

