

Planning Committee Report LA01/2018/0508/F	27th November 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 & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u> LA01/2018/0508/F	<u>Ward:</u> ROESIDE
<u>App Type:</u> Full Planning	
<u>Address:</u> Limavady High School and St Mary's, Irish Green Street, Limavady	
<u>Proposal:</u> Front and side extensions to both schools and associated siteworks including upgrading the existing car parking provision and replacement front walls/gates to Irish Green Street. Vehicular and pedestrian entrances from Irish Green Street will be retained, and a new shared pedestrian entrance linking both school sites will be provided either side of the existing Blackburn Path (which currently divides the school sites).	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 02.05.2018
<u>Listed Building Grade:</u> n/a	
<u>Agent:</u> Hamilton Architects, 20 Queen Street, Derry	
<u>Applicant:</u> Limavady Shared Education Campus, Education Authority, 1 Hospital Road, Omagh, BT79 0AW	
<u>Objections:</u> 0	<u>Petitions of Objection:</u> 0
<u>Support:</u> 0	<u>Petitions of Support:</u> 0

Executive Summary

- The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations.
- The site is within the settlement limits of Limavady and partly within an area of archaeological potential.
- There are no adverse impacts upon archaeology, listed buildings, flooding, wastewater network and natural heritage.
- The principle of development, siting, scale, layout, design and use of materials, Access, Movement and Parking, Habitat Regulation Assessment are acceptable.
- No objections have been received in relation to this application.
- No statutory consultee have raised any concerns with this proposal.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, Policy DES 2 of Planning Strategy for Rural Northern Ireland, PPS 2, PPS 3, PPS 6, PPS 15.

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 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on Irish Green Street and comprises the Limavady High School and St Mary's Limavady. The site is fairly flat and level and is predominantly existing buildings, tarmac from the existing playground and parking areas. The proposed site has a total area of approximately 5.48 ha.
- 2.2 The western boundary for Limavady High School is defined by a 1 metre high wall with 1 metre high rail on top. The western boundary of St Mary's is defined by a 0.5 metre high wall with 1.5 metre rail above. Limavady High School Northern boundary is defined by a 2.2 metre high palisade fence. Limavady High School southern boundary and St Mary's Northern Boundary which are adjacent the Blackburn path are defined by a 2.4 metre metal palisade fence and mature hedges. Eastern boundaries of each school are also defined by existing 2.8 metre high metal palisade fencing. The southern boundary of St Mary's is defined by 2 metre high mature hedges / walls a side wall of a neighbouring domestic garage.
- 2.3 The character of the surrounding area is mixed, comprising residential, educational and religious uses. The immediate character of the area surrounding the application site is educational, set within the wider context of Limavady town. To the east of the site is public open space. To the North of the site is a Presbyterian Church which is a listed building. To the west of the site on the opposite side of Irish Green Street is a Terrace row of domestic dwellings, a Methodist Church and a Parochial House. To the south of St Mary's is Dunmore Place, Grange Park and St Mary's Close which are a mixture of terrace and semi-detached dwellings. There is one detached dwelling along this boundary which accesses Irish Green Street.

2.4 In the Northern Area Plan 2016 the site is located within the settlement of Limavady. Part of the site is within the Limavady Area of Archaeological Potential. The Old Railway Local Landscape Policy Area, Designation LYL 09, is located to the rear of the site outside the site boundary.

3 RELEVANT HISTORY

LA01/2017/1616/DETEI – Provision of a pre-application EIA screening opinion - Limavady High School and St Mary's, Limavady – ES Not required – 16.03.2018

LA01/2017/1615/PAD - This project concentrates on the provision of shared education facilities at St. Mary's, Limavady and Limavady High School with shared 6th Form/Careers/Media/Drama on the St.Mary's Limavady site and shared STEM (Science, Technology, Engineering and Mathematics) facilities on the Limavady High School site. The Project also seeks to address accommodation deficiencies at both schools through the improvement of areas of sub standard existing school accommodation. In particular, deficiencies with the existing main entrance and adjacent administration arrangements at both schools will be addressed through the provision of new/reconfigured entrance and administration accommodation. Associated site works are also proposed including upgrades to the existing car parking provision and replacement front walls/gates. - Limavady High School and St Mary's, Limavady – PAD Concluded.

LA01/2017/1180/F - Sports facility incorporating Main 4 court sports hall, office, gym, classroom, changing rooms, associated toilets, plant rooms and storage - Limavady High School, Irish Green Street, Limavady – Permission Granted – 29.03.2018

LA01/2017/0703/PAN - Sports Facility incorporating: Main 4 Court Sports Hall, Office, Gym, Classroom, Changing Rooms, associated Toilets, Plant Rooms and Storage – Limavady High School, Irish Green Street, Limavady – Proposal of application notice acceptable – 12.06.2017

LA01/2017/0368/PAN - This project concentrates on the provision of shared education facilities at St. Mary's Limavady and Limavady High School, with shared 6th Form/Careers/Media/Drama on the St. Mary's Limavady site and shared STEM (Science, Technology, Engineering & Mathematics) facilities on the Limavady High School site. The project also seeks to address accommodation deficiencies at both schools

through the improvement of areas of substandard existing school accommodation. In particular, deficiencies with the existing main entrance and adjacent administration arrangements at both schools will be addressed through the provision of new/reconfigured entrance and administration accommodation. Associated site works are also proposed including upgrades to the existing car parking provision and replacement front walls/gates. - Limavady High School and St Mary's, Limavady – Proposal of application notice is acceptable – 31.03.2017

LA01/2016/0783/PAD – Shared Education facilities - Limavady High School and St Mary's High School, Limavady – PAD Concluded – 08.02.2017

LA01/2015/0394/PAD – Shared education facilities – Limavady High School and St Mary's High School, Limavady – PAD Concluded – 11.12.2015

B/2012/0010/F - Creation of a new 8m x 2.4m Vehicular gate to the car park, to enable a one way traffic system into the school through the existing gates and exiting through the new gates to improve pupil safety - Rear entrance to Limavady High School, Irish Green Street, Limavady, Leading onto Connell Street, directly opposite 88 Connell Street. Permission Granted - 27/09/2012

B/2011/0127/F - Stand alone technology block located in the grass area to front of existing school with connecting link. Limavady High School, Irish Green Street, Limavady - Permission Granted - 04/11/2011

4 THE APPLICATION

- 4.1 Full Planning Permission is sought for “Front and side extensions to both schools and associated site works including upgrading the existing car parking provision and replacement front walls/gates to Irish Green Street. Vehicular and pedestrian entrances from Irish Green Street will be retained, and a new shared pedestrian entrance linking both school sites will be provided either side of the existing Blackburn Path (which currently divides the school sites).

5 PUBLICITY & CONSULTATIONS

5.1 External

All neighbours identified for notification within the terms of the legislation were notified on 10th May 2018 and 13th February 2019. The application was advertised on 16th May 2018.

5.2 Internal

Environmental Health Department: No objections

DFI Rivers: No objections

Shared Environmental Services: No objections

DAERA – Drainage and Water: No objections.

DAERA – Natural Environment Division: No objections

DAERA – Land, Soil and Air: No objections

Historic Environment Division – Historic Buildings: No objections

Historic Environment Division – Historic Monuments: No objections

NI Water: No objections

Loughs Agency: No objections

DFI Roads: No objections

Proposal of Application Notice

- 5.3 The proposal falls within the Major category of development and as such the applicant entered into pre-application community consultation including the submission of a Proposal of Application Notice (PAN) under application LA01/2017/0368/PAN. The applicant organised and facilitated a public event, with appropriate community notification and advertisement. The applicant submitted a pre-application community consultation report with the application and there were no written public comments from members of the public in reference to the proposed development.

- 5.4 The applicant advertised a pre-application public information event for the application by placing an advertisement in the Limavady Chronicle and Northern Constitution which were published week commencing 3rd April 2017. The applicant also put an invitation in the Shared Education Newsletter which was distributed by Royal Mail to 9000 properties, sent text messages to all parents of pupils and posted on the schools facebook page. The consultation event took place on 11th April 2017 at Roe Valley Arts and Cultural Centre, 24 Main Street, Limavady. The event was held between 4pm and 7pm and was hosted by the agent. Nobody signed the attendance sheet but photographs of the event are provided. Attendees were invited to provide comments on the proposed development by way of a comment card.
- 5.5 The applicant indicated 6 feedback comments from members of the public attending the event that are positive.
- 5.6 Results from the PAN are highlighted under the pre-application community consultation report dated May 2017. It contains a copy of the newspaper advertisements, the invitation in Shared Education Newsletter and Facebook, the feedback pro-forma, attendance register, photographs of the public event and exhibition drawings.

Community Consultation Report

- 5.7 The community consultation report (CCR) was submitted as part of the planning application, received on 20th April 2018 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.
- 5.8 It contains a copy of the methods of consultation carried out, comments and feedback from the consultation exercise in the local context. The report demonstrates that consultation was implemented as agreed in the Proposal of Application Notice.

Environmental Impact Screening Opinion

- 5.9 The applicant submitted a pre-application EIA screening opinion under reference LA01/2017/1616/DETEIA. The Council determined on 16th March 2018 that the proposal is not an EIA development and as such this planning application, did not need to be accompanied by an Environmental Statement.

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 (NAP)
- 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.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Strategy for Rural Northern Ireland

Planning Policy Statement 2 (PPS 2) Natural Heritage

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

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: principle of development, siting, scale, layout, design and use of materials, Creating and Enhancing Shared Space, Impact on Listed Buildings, Archaeology, Flooding, Wastewater Network, Access, Movement and Parking, Natural Heritage, Habitat Regulation Assessment and representations.

Principle of Development

8.2 The application site is located within the settlement of Limavady and is situated in the grounds of the existing Limavady High School and St Mary's Limavady. The proposal relates to extensions to both schools upgrading of existing car park provision and a new shared pedestrian entrance linking both schools from the existing Blackburn Path.

8.3 Policy DES 2 sets out current planning policy for development proposals affecting townscape and requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of siting, scale, layout, design and use of materials.

8.4 As the site is located within a settlement and is for the extension of educational infrastructure within the grounds of two existing schools the principle of the development is considered acceptable. The proposed use relates to the existing use and would not introduce a form of development likely to alter the existing balance of uses.

Siting, scale, layout, design and use of materials

8.5 The proposals are to the front and side of the existing schools which is acceptable in terms of siting within the existing footprint of the existing school premises. The extensions are adequately separated from existing dwellings on Irish Green Street to minimise any impacts in terms of overlooking or overshadow. The scale, layout and design respects the existing school buildings and the proposal respects the

character of the area. The extensions reflect the scale and massing of the existing school buildings. The proposed buildings retain a vertical emphasis and use high quality materials, allowing the proposal to respect the immediate context of the existing schools and surrounding context.

- 8.6 The proposed finishes and materials reflect those used on the existing school buildings whilst using modern materials such as facing brick and aluminium cladding. This allows the new extensions to integrate within the site. The shared pedestrian entrances encourage pedestrian movement between the two schools which contributes to a shared learning environment. The proposed parking layout and planting is considered to be acceptable as it upgrades and enhances the existing layout . The proposal complies with Policy DES 2 of the PSRNI.

Creating and Enhancing Shared Space

- 8.7 The Executive through its “Together: Building a United Community” strategy is committed to addressing all barriers that prevent or interfere with the creation and maintenance of shared space, and ensuring that all individuals can live, learn, work and play wherever they choose. Shared spaces are places where there is a sense of belonging for everyone, where relationships between people from different backgrounds are most likely to be positive, and where differences are valued and respected. This proposal for shared educational facilities shall benefit from maximising shared space and will create a more diverse, enriched environment which is in accordance with paragraphs 4.13 and 4.14 of the SPPS.

Impact on Listed Buildings

- 8.8 There are three listed buildings in the vicinity of the proposal. The Limavady Presbyterian Church, St Mary’s Church and 57 Irish Green Street. HED – Historic Buildings where consulted and have no objections therefore the proposal complies with paragraph 6.12 of the SPPS and Policy BH 11 of PPS 6 as the proposal will not adversely affect the setting of any listed buildings.

Archaeology

- 8.9 The site is located within the Limavady area of archaeological potential. Historic Monuments were consulted and have no objections subject to conditions. As HED are content the proposal complies with paragraph 6.11 of the SPPS and policy BH 4 of PPS 6.

Flooding

- 8.10 Policy FLD 3 of PPS 15 ; Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains is a material consideration and states that a Drainage Assessment is required in this instance due to the size and nature of the development which exceeds 1000 square metres in floor space. DFI Rivers have considered the DA and have indicated they had no objections. The proposal complies with policy FLD 3 of PPS 15.

Wastewater Network

- 8.11 Paragraph 4.12 of the SPPS relates to safeguarding residential and work environs. Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.
- 8.12 NI Water originally stated in the consultation response dated 16th May 2018 that the Wastewater Network is at capacity and therefore it can not approve connections. The agent provided new information including calculations. NI Water responded on 4th September 2019 and are now content that the proposal can connect to the existing network because the calculations have demonstrated reduced hydraulic loading. On this basis the proposal complies with paragraph 4.12 of the SPPS.

Access Movement and Parking

8.13 Policy AMP 2 of PPS 3 Access, Movement and Parking applies and states planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

DFI Roads have been consulted and on 9th October 2018 and have confirmed that they had no objections. As DFI Roads are content the proposal complies with Policy AMP 2 of PPS 3 – Access, Movement and Parking.

8.14 Policy AMP 3 of PPS 3 Access, Movement and Parking applies because the Irish Green Street is a Protected Route so the Protected Route Policy for other protected routes within settlements shall be considered. The policy states that DFI Roads will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes within settlements as follows: Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of the existing access;

(a) where access cannot reasonably be taken from an adjacent minor road; or

(b) in the case of proposals involving residential development, it is demonstrated to DFI Roads satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in unacceptable proliferation of access points.

8.15 Access cannot be reasonably taken from another adjacent minor road and DFI Roads have confirmed they have no objection therefore the proposal complies with Policy AMP 3 of PPS 3 – Access, Movement and Parking.

Natural Heritage

8.16 Policy NH 2 - Species Protected by Law European states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species. In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:-

- there are no alternative solutions;
- it is required for imperative reasons of overriding public interest;
- there is no detriment to the maintenance of the population of the species at a favourable conservation status;
- compensatory measures are agreed and fully secured.

8.17 Natural Environment Division considered the outline construction management plan, preliminary ecological Assessment and Bat emergence survey and have no objections subject to conditions. On this basis the proposal complies with NH2 of PPS2.

8.18 Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance is a material consideration and states planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

8.19 A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development

outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

8.20 Natural Environment Division have commented that the proposal requires the removal of a number of immature trees and a section of hedgerow, the ecological implications of this can be mitigated for provided there is no vegetation clearance or tree removal carried out during the bird breeding season. On this basis subject to condition the proposal complies with NH5 of PPS2.

Habitats Regulations Assessment

8.21 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas 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, conservation objectives or status of any of these sites. The site is hydrologically linked to the River Roe and Tributaries SAC however the submitted Outline Construction Environmental Management Plan and the submission of a final CEMP to be conditioned as part of any approval will provide details of pollution prevention measures to be employed during construction and operation, demonstrating how contamination of waterways linked to the development site will be avoided.

Representations

8.22 There is one non-committal representation made on the file. The representation queried if the proposal would result in access to a driveway being blocked. This application does not propose any changes to the existing one way traffic system onto Connell Street. The representation has been considered.

9.0 CONCLUSION

9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The principle of the use is acceptable on this established school site. The

design and layout is appropriate for the location. All natural heritage, flooding and roads issues have been considered. The proposal complies with policy. Approval is recommended.

10 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

2. A Final Construction Environmental Management Plan shall be submitted by the applicant / approved contractor to Causeway Coast and Glens Borough Council for agreement prior to works commencing. This should reflect and detail all the pollution prevention, mitigation and avoidance measures as outlined within the Outline Construction Environment Management Plan (dated 28.01.2019) and all additional submitted information.

Reason: To prevent likely significant effects on the designated sites.

3. All hard and soft landscape works shall be carried out in accordance with the approved drawing No. 05 REV 01 received 4th October 2018 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the proposed extensions.

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

4. The scheme of planting as shown in drawing No. 05 REV 01 received 4th October 2018 shall be carried out during the first planting season after the occupation of the proposed extensions. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

5. No development shall take place until the vehicular and pedestrian access has been constructed in accordance with Drawing No. 05 REV 01 bearing the date stamp 4th October 2018.

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

6. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

7. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

8. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 7.

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

9. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 7. These measures shall be implemented and an archaeological report shall be submitted to the Council within 6 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

10. The development hereby permitted shall not commence until a Detailed Remediation Strategy to address all unacceptable risks to environmental receptors. This strategy must be submitted in writing and agreed with the Planning Authority and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

Reason: Protection of environmental receptors to ensure the site is suitable for use.

11. The development hereby permitted shall not commence until the Planning Authority receive in writing for agreement a groundwater monitoring programme. This programme shall detail the monitoring points, sampling and analytical programme, monitoring frequency and programme pre, during and post development. This monitoring programme will complete when there are demonstrable no impact to water receptors.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

12. No development or piling work should commence on this site until a Piling Risk Assessment has been submitted in writing and agreed with the Planning Authority. This Condition only applies if a piling foundation is being used at the site. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Regulation Unit (RU) Pollution Prevention" available at <http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

Reason: Protection of environmental receptors to ensure the site is suitable for use.

13. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be

agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

14. After completing the remediation works under Conditions 10 to 13 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.

Informatives

1. 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 party wall or boundary whether or not defined.

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 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.

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. You 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/>.

6. 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.

7. 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.

8. 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.

9. 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.

10. The archaeological report required to discharge condition 9 shall, prior to submission to the Council be classified as a Final report by Historic Environment Division, Department for Communities, as per the requirements of the archaeological excavation licence issued under Article 41 of the Historic Monuments and Archaeological Objects (NI) Order 1995.

11. 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 BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

12. 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 or hedgerow 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.

13. The purpose of the Conditions 10 and 14 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

14. The applicant should consult with the Water Management Unit in NIEA regarding any potential dewatering that may be required during the development including the need for a discharge consent. Discharged

waters should meet appropriate discharge consent conditions. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

15. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/waste-management-licensing>

<https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions>

<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

16. The applicant should ensure to comply with the Waste Duty of Care with respect to any waste materials taken onto or taken off site. Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 imposes a duty of care on anyone who handles controlled waste. When waste transfers from one person to another a waste transfer note and/or hazardous waste consignment note must be completed, signed and kept by the parties involved. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 set out the requirement to complete waste transfer notes for waste movements and the Hazardous Waste Regulations (Northern Ireland) 2011 set out the requirements to complete hazardous waste consignment notes for the transfer of hazardous waste. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/duty-care>

<https://www.daerani.gov.uk/articles/hazardous-waste>

17. In accordance with Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 a Waste Management Duty of Care Code of Practice for Northern Ireland June 2016 required by law exists. This code of practice provides practical guidance to everyone subject to the Waste Duty of Care. In Northern Ireland the primary responsibility for duty of care sits with the waste producer and therefore they should ensure they make the appropriate checks as set out in the Code of Practice for Northern Ireland in relation to waste produced. Further information can be obtained from:

<https://www.daerani.gov.uk/publications/waste-management-duty-care-code-practice>

18. Any contaminated soils and soil type materials require its hazardous properties to be firstly classified and assessed in accordance with Technical Guidance WM3 – Waste Classification: Guidance on the classification and assessment of waste (1st edition v1.1, May 2018). Classifying a waste correctly is a legal requirement that helps to ensure that the waste is managed appropriately. NIEA therefore expects businesses to be able to demonstrate that any waste classifications based on sample results are reliable and as such conducted in line with Appendix D: Waste Sampling of Technical Guidance WM3. Further information can be obtained from: <https://www.gov.uk/government/publications/waste-classification-technical-guidance>

19. Regulation 17 of the Waste Regulations (Northern Ireland) 2011 imposes a duty on waste operators to comply with the European Waste Hierarchy. After a hazardous waste assessment is completed then the options for managing this waste should be further considered taking into account the European Waste Hierarchy. The applicant should be reminded that Landfill Waste Acceptance Criteria (WAC) are not relevant to a hazardous waste classification. A WAC test will not identify whether a waste is hazardous or non-hazardous. Before a waste can be disposed of, it must be classified as being either hazardous or non-hazardous, using the characterisation assessment and analysis described by the WM3 Technical Guidance. Then, if a waste hierarchy assessment determines that disposal to landfill is the appropriate disposal option for the waste, chemical WAC testing must be undertaken for wastes destined for inert, stable nonreactive hazardous or hazardous classes of landfill. Further information can be obtained from: <https://www.gov.uk/government/publications/waste-classification-technical-guidance>

20. Should the materials be classified as hazardous waste then this material will need to be consigned off site as hazardous waste. NIEA should receive the waste consignment notices 72 hours in advance of any movements off site and waste materials moved off site only by a registered carrier (i.e. ROC permitted). Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/hazardous-waste#toc-3>

<https://www.daera-ni.gov.uk/publications/guide-consigning-hazardous-waste>

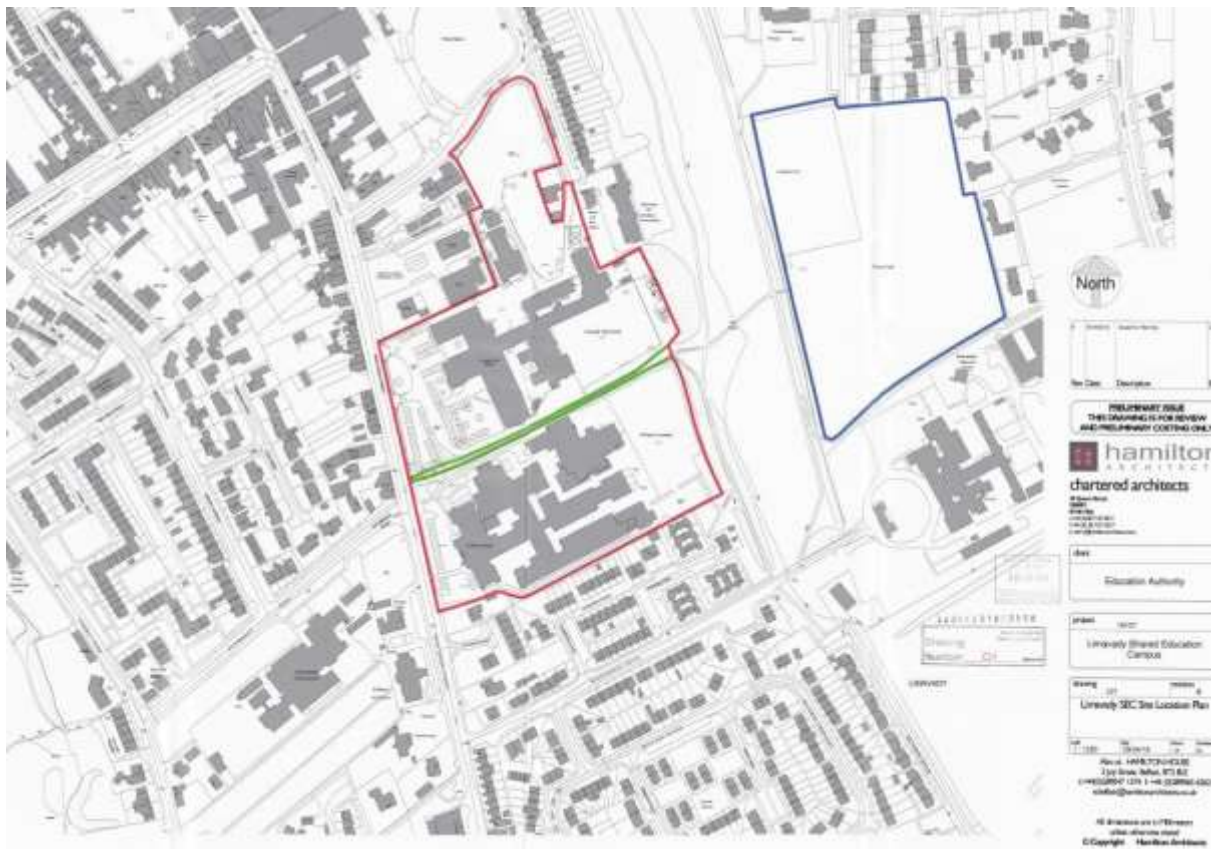
21. The applicant should consider the production of a Site Waste Management Plan (SWMP) for this proposed development. SWMPs are promoted as an example of best practice in the construction industry and a SWMP is a document that describes, in detail, the amount and type of waste from a construction project and how it will be reused, recycled or

disposed of. Following the SWMP procedure could help to reduce the amount of waste produced and will help manage waste more effectively. Further information can be obtained from:

<http://www.netregs.org.uk/environmental-topics/waste/more-storage-handling-transportof-waste/site-waste-management-plans/site-waste-management-plans-swmp/>

<https://www.nibusinessinfo.co.uk/content/what-site-waste-management-plan-shouldcontain>

Site Location Map



Block Plan

