



<b>Planning Committee Report</b> <b>LA01/2020/0508/F</b>	<b>16<sup>th</sup> December 2020</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/A

<b><u>App No:</u></b>	<b>LA01/2020/0508/F</b>	<b><u>Ward:</u></b>	<b>Bann</b>
<b><u>App Type:</u></b>	<b>Full</b>		
<b><u>Address:</u></b>	<b>River Bann at the Camus Picnic Area, west of the A54 Curragh Road</b>		
<b><u>Proposal:</u></b>	<b>Full application for extension to existing pontoon by installation of a new canoe pontoon to improve access to the waterway</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>	
<b><u>Applicant:</u></b>	<b>Causeway Coast &amp; Glens Borough Council, Riada House, 14 Charles Street, Ballymoney</b>		
<b><u>Agent:</u></b>	<b>Doran Consulting, Norwood House, 96-102 Great Victoria Street, Belfast, BT2 7BE</b>		
<b><u>Objections:</u></b>	<b>0</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

## Executive Summary

- Full planning permission is sought for extension to an existing pontoon by installation of a new pontoon
- The site is located within the River Bann
- No letters of objection have been received in relation to the application.
- The proposal is considered acceptable with regard to the key issues comprising: visual amenity; natural/ built heritage interests; residential amenity and access.
- These issues were considered with regard to the main relevant policies which are the Northern Area Plan 2016, the SPPS, PPS 2, PPS 3, PPS 8, PPS 15 and PPS 21.
- Approval is recommended.

**Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>**

## **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 proposal involves an extension to an existing pontoon which is located within the River Bann. The site has an area of 0.21 hectares. There is an existing access to the site from the Curragh Road. There are 3 small car parks and picnic area to the west of the pontoon. The site is surrounded by vegetation including mature trees and there are limited views from the public road.
- 2.2 The site is located in the countryside outside any settlement limit as defined within NAP. The site is not located within any specific environmental designations, however is linked to the Bann Estuary SAC/ASSI given its location within the River Bann.

## **3 RELEVANT HISTORY**

C/1977/0127/F – Canoe stage & boat jetty addition to existing picnic area. Permission Granted.

## **4 THE APPLICATION**

- 4.1 The proposed development involves the extension to an existing pontoon by installation of a canoe pontoon to improve access to the waterway.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours:** No letters of objection or support received

### Internal

- 5.2 **DfI Rivers:** No objection subject to conditions  
**DfI Roads:** No objection subject to conditions  
**Environmental Health:** No objection  
**NIEA:**  
**Water Management Unit:** No objection subject to conditions  
**Inland Fisheries:** No objection – Informatives  
**Natural Environment Division** – No objection - Conditions  
**Shared Environmental Services (SES):** No objection

## 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 development 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) 2015

Planning Policy Statement 2 (PPS2): Natural Heritage

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

Planning Policy Statement 8 (PPS 8): Open Space, Sport & Outdoor Recreation

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

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 planning policy, principle of the development, impact on amenity, flood risk and drainage, visual integration and rural character, natural heritage, Habitats Regulation Assessment and other matters.

### **Planning Policy**

- 8.2 The RDS promotes a sustainable approach to the provision of tourism infrastructure. The principle of development proposed must be considered having regard to the Northern Area Plan (NAP), the SPPS, and relevant Planning Policy Statements specified above.

- 8.3 The site is located within the countryside outside any settlement development limit as defined by the Northern Area Plan 2016. It is not located within or adjacent to a designated site, however is hydrologically linked to the Bann Estuary SAC/ASSI.
- 8.4 The Strategic Planning Policy Statement (SPPS) for Northern Ireland sets out under 'Sustainable Development in the Countryside' that other types of development in the countryside, other than those set out in the policy, should be considered as part of the development plan process in line with the other policies set out within the SPPS. These policies are considered below.

### **Principle of development**

#### **Development in the Countryside**

- 8.5 This proposal is for the extension of an existing pontoon within the River Bann.
- 8.6 Policy CTY 1 of PPS 21 states that there are a range of types of non-residential development that may be acceptable in principle in the countryside. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. Proposals for such development will be considered in accordance with existing published planning policies.
- 8.7 All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety.

#### **Development of facilities ancillary to watersports**

- 8.8 Policy OS 6 of PPS 8 states that the Department will permit the development of facilities ancillary to water sports adjacent to

inland lakes, reservoirs and waterways where all the following criteria are met;

**8.9** *(i) it is compatible with any existing use of the water, including non-recreational uses;*

The proposal is for the extension to an existing canoe pontoon which is compatible with the existing use of the water.

**8.10** *(ii) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;*

The proposed site is not within or in close proximity to an archaeological site or monument. The development involves an extension to an existing pontoon which is located within the River Bann. Natural Environment Division, Inland Fisheries and Shared Environmental Service have no objections to the proposed development.

**8.11** *(iii) there is no adverse impact on visual amenity or the character of the local landscape;*

The proposed pontoon is an extension to an existing pontoon and is located within the River Bann. There are limited views of the site from the public road given its location and surrounding vegetation. The proposed pontoon will not have an adverse impact on visual amenity or the character of the local landscape.

**8.12** *(iv) it will not result in water pollution or an unacceptable level of noise or disturbance;*

The proposal is an extension of the existing pontoon and there will be no construction within the watercourse. NIEA have no concerns in relation to water pollution. The site is in a rural area and there are no dwellings in the immediate vicinity. Environmental Health have not raised any issues regarding noise.

- 8.13 *(v) buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;*

The proposed pontoon comprises timber effect decking, an access ramp and handrail. It measures 6m x 3m which is smaller in scale than the existing pontoon. It is similar in design to the existing pontoon and is appropriate to the surrounding environment. The site is surrounded by vegetation to the west and is not visible from the Curragh Road.

- 8.14 *(vi) the proposed facility takes into account the needs of people with disabilities;*

The proposed pontoon takes into account the needs of people with disabilities as it has an access ramp and handrail to facilitate access.

- 8.15 *(vii) there is no conflict with the provisions of any local management plan;*

The proposal does not conflict with the provisions of any local management plan.

### **Flood Risk and Drainage**

- 8.16 The Flood Maps indicate that the development lies within the 1 in 100 year fluvial flood plain. Policy FLD 1 states that development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. The proposal is for an extension to an existing pontoon to improve access to the waterway. Exceptions under Policy FLD 1 include “water compatible development such as for boat mooring, navigation and water based recreational use, which for operational reasons has to be located within the flood plain”. The proposed



development would be considered an exception under this policy and therefore a Flood Risk Assessment was required.

- 8.17 Following submission of a flood risk assessment, Dfl Rivers was re-consulted. Dfl Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. They advise that the pontoon will be at risk of flooding in a 1 in 100 year event if it cannot float above the predicted 1 in 100 year flood level of 5.33m. Based on the levels provided within the Flood Risk Assessment, the deck could be circa 1.5m below the predicted flood level. It is advised that users of the pontoon should be made aware of the risk and a suitable flood management plan to be put in place to manage and mitigate flood risk.
- 8.18 Dfl Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Ballinrees Reservoir. It has not yet been demonstrated to Dfl Rivers that the condition, management and maintenance regime of Ballinrees Reservoir is appropriate to provide sufficient assurance regarding reservoir safety so as to enable the development to proceed, as required under Policy FLD 5. The reservoir manager, NI Water, has confirmed that a recent inspection has been completed and we anticipate documentation in the next few weeks that will provide the safety assurance required to enable a positive planning response to be provided.
- 8.19 An updated consultation response was received on 11/11/2020 which confirmed that Dfl Rivers is in possession of information confirming that Ballinrees Reservoir has "Responsible Reservoir Manager Status". Consequently, Dfl Rivers has no reason to object to the proposal from a reservoir flood risk perspective.

### **Impact on Fisheries & the Aquatic Environment**

- 8.20 DAERA Inland Fisheries was consulted as part of the application. The nature and location of the application are noted on the River Bann. As there is to be no construction within the watercourse and this is relating to the placing of a pontoon

extension to an existing pontoon, there should be little impact on fisheries interests in the region.

- 8.21 Inland Fisheries would like to draw the applicant's attention to Section 47 of the Fisheries Act (NI) 1966, which covers the applicant's responsibilities relating to Penalties for Pollution and the consequences of causing or permitting the release of any Deleterious materials into any waters. Any works in or on the riverbank must be permitted under section 48 of the Fisheries Act (Northern Ireland) 1966 which is issued by DAERA Inland Fisheries.

## **Natural Heritage**

### Designated Sites

- 8.22 The application site is hydrologically linked to the Bann Estuary Special Area of Conservation and Area of Special Scientific Interest.
- 8.23 Natural Environment Division acknowledge receipt of the Habitats Regulation Assessment (HRA) Screening Report. Provided any potential pollution impacts are appropriately mitigated against during the installation phase, NED is content that works are unlikely to result in significant impacts to the designated site selection features during the construction or operational phases. NED recommends a buffer of at least 10m is maintained between the location of any refuelling, storage or oil/fuel/construction materials and the River Bann.

### Priority Species/Habitats

- 8.24 Priority species such as Atlantic salmon (*Salmo salar*), brown trout (*Salmo trutta*), river lamprey (*Lampetra fluviatilis*) and European eel (*Anguilla anguilla*) are likely to be present in the river. The works are for the extension of the existing canoe pontoon within the waterway. The works are to "clip" on the new extension to the existing pontoon. No earthworks or civil engineering are required.
- 8.25 NED notes that Water Management Unit and Fisheries Division have been consulted on this application and is content to defer

to their recommendations regarding dredging. However, NED recommends that a Construction Method Statement, detailing all works proposed and appropriate pollution prevention measures, is submitted to the planning authority and agreed in writing, prior to development commencing.

- 8.26 The site is surrounded by mature trees. These trees are mainly located to the west of the site. The proposed extension is within the River and the existing access will be used, therefore there will be no removal of any existing vegetation.

### **HABITAT REGULATIONS ASSESSMENT**

- 8.27 A Habitats Regulation Assessment was completed on behalf of Causeway Coast & Glens Borough Council. Following this, a Stage 2 Appropriate Assessment was submitted which covers the proposed development and a similar development at Drumaheglis Marina, which is subject to a separate application. This assessment considers that the impacts arising from the construction and operational phase impact pathways are therefore considered to be negligible. It is considered that such impact pathways are unlikely to have any appreciable or discernible effect on designated sites. The report concludes that no further assessment is required in relation to this project when considered in isolation or in combination with any other plans or projects.
- 8.28 Shared Environmental Service was consulted in relation to the proposal. SES consider the Council has fulfilled its obligations under the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

### **ACCESS**

- 8.29 The application does not indicate intensification of use at the site and the vehicular access arrangements remain unchanged. DFI Roads has been consulted in relation to the proposal and raise no issues. The proposal is considered acceptable in terms of Policy AMP2 of PPS3.

## **9 CONCLUSION**

9.1 Having regard to the principle of the proposed development, residential amenity, access to the public road, nature conservation / built heritage interests, fluvial environment, visual integration and rural character, the proposal is acceptable. The proposal complies with planning 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: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to Water Management Unit at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

3. No development activity, including ground preparation or vegetation clearance, shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Planning Authority. The approved CMS shall be implemented in accordance with the approved details and all works on site shall conform to the approved CMS, unless otherwise agreed in writing by the Planning Authority. The CMS shall include the following:

a) Construction methodology and timings of works;

b) Details of all pollution prevention measures to protect the water quality of the River Bann, including details of dredging, any refuelling of equipment, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil.

Reason: to protect the biodiversity value of the River Bann and the Bann Estuary Area of Special Scientific Interest (ASSI) and Special Area of Conservation (SAC).

4. A suitable buffer of at least 10 metres must be maintained between the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the River Bann.

Reason: To protect the integrity of Bann Estuary SAC/ASSI.

5. A 5m maintenance strip shall be provided which must be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development. Clear access and egress should be provided at all times.

Reason: To ensure access for maintenance of the watercourse

### Informatives

1. Noise from construction activities should not exceed 65 dB  $L_{Aeq, 1hr}$  between 07.00 hours and 19.00 hours on Monday to Fridays, or 65 dB  $L_{Aeq, 1hr}$  between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation.

2. Noise from construction activities should not exceed 55 dB  $L_{Aeq, 1hr}$  between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation.

3. Noise from construction activities should 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.

4. In relation to any site enabling/construction activities which may entail vibration generation, the applicant shall ensure that the mitigation measures specified within BS5228: 2009, Part 2 are employed.

5. The applicant may wish to consider employing an environmental construction management plan, and include a complaint response system in order to expediently address any adverse impacts associated with such works.

6. 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.

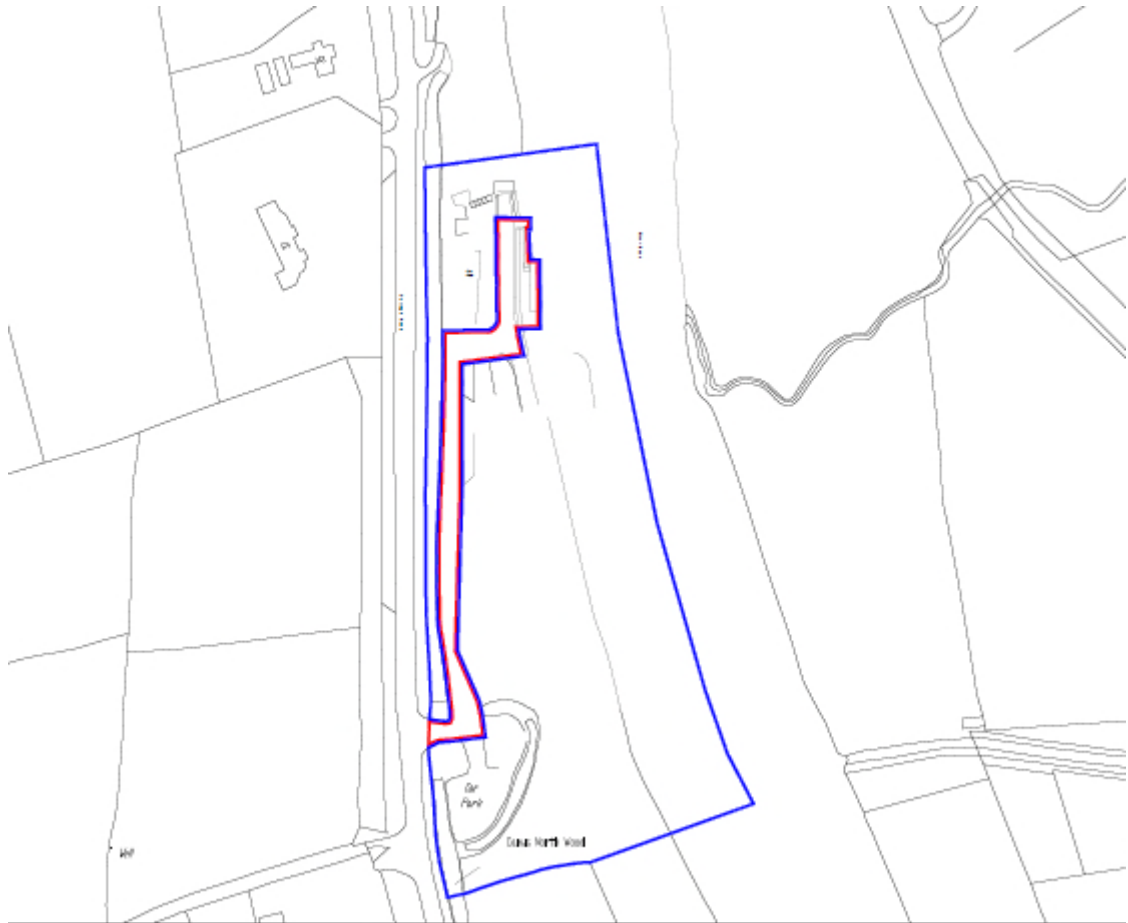
7. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

8. 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.

9. 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.

10. 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/>.

## Site Location





# Site Layout Plan

