

Title of Report:	Planning Committee Report – LA01/2021/0177/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	24th April 2024
For Decision or For Information	For Decision – Major Item
To be discussed In Committee YES/NO	NO

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<u>No:</u>	LA01/2021/0177/F	<u>Ward:</u>	Windy Hall
<u>App Type:</u>	Full Application		
<u>Address:</u>	Lands approx 40m NW of units 8 & 10 Wattstown Business Park, Wattstown Crescent, Coleraine		
<u>Proposal:</u>	New fabrication, assembly and R&D facility, with associated offices and associated car parking, landscaping and ground work. New foul waste water treatment plant installation.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	16 February 2021
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Arcen, 3a Killycolp Road, Cookstown, BT80 9AD		
<u>Applicant:</u>	Maine Surface Finishing, Unit 5 Wattstown Business Park, Coleraine, BT52 1BS		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

Executive Summary

- Full planning permission is sought for a new fabrication, assembly and R&D facility, with associated offices and associated car parking, landscaping and ground work. New foul waste water treatment plant installation.
- The site is located within the Coleraine Settlement Development Limit as defined Northern Area Plan 2016. The site is located within an Economic Development Zoning CEED 06.
- DFI Roads, Environmental Health, NI Water, HED (Historic Monuments), NIEA, DFI Rivers and Shared Environmental Services were consulted on the application and raise no objection.
- No representations have been received on the proposal.
- The proposal is considered to be compliant with the provisions of Northern Area Plan 2016, SPPS, PPS 2, PPS 3, PPS 4, PPS 6 and PPS 21.
- Approval is recommended.

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

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 8 and resolves to **GRANT** planning permission subject to the reasons set out in section 10

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located at lands approximately 40m NW of units 8 & 10 Wattstown Business Park. The site comprises currently undeveloped land. The exception being the internal access road from the business park which runs up to the site. The section of access road to the north has currently not been constructed. The land on site is primarily flat and comprises a number of separate grassed areas defined by hedgerows and trees.
- 2.2 The proposal comprises the erection of a single factory/assembly building over two phases. This building is to be surrounded by hardstanding and to connect into the existing business park via vehicular accesses. The building is comprised of two elements, the office element which consists of three floors of accommodation and the manufacturing area which is located on ground floor only with a large internal void located above. The external materials of the building are primarily cladding. However, there are differences in design between the office and manufacturing areas. The office area differs in design given the difference in its operational purpose.
- 2.3 The site is accessed from two internal access roads within the business park. One an existing road which accesses onto a weighbridge in the middle of the site from the southeast, the second further to the north which currently does not exist and provides access into the staff and HGV parking areas.
- 2.4 The application site is located within Coleraine Settlement Development Limit as defined in the Northern Area Plan 2016.

This land is specifically zoned for the development of economic development uses within Coleraine and the business park has been laid out such as to direct any new development to the west of the existing premises. To the southwest of the site is a row of mature trees beyond which is Newbridge Road. The land to the northeast and northwest is undeveloped land associated with the business park. To the southeast is the existing internal roads serving the business park and the existing premises occupying the business park.

- 2.5 The application site partially overlaps with planning applications LA01/2021/1539/F and LA01/2022/1453/F. These applications relate to the extension of the premises Armstrong Medical located to the southeast and buildings associated with these applications have begun construction.

3 RELEVANT HISTORY

LA01/2022/1453/F - ARMSTRONG MEDICAL, WATTSTOWN BUSINESS PARK, NEWBRIDGE ROAD, COLERAINE, CO LONDONDERRY, BT52 1BS - Proposed industrial building providing warehouse and production floorspace with an adjoining ancillary single storey element providing laboratories, canteen and changing facilities. Proposed externally are two storage silos, staff carparking and a plant deck over the single storey building element – Permission Granted – 09.08.2023

LA01/2021/1539/F - Lands at and NW of Armstrong Medical Wattstown Business Park, Newbridge Road, Coleraine - Proposed expansion of existing medical manufacturing facility to provide additional manufacturing floorspace, warehousing floorspace, ancillary offices, staff parking, extended service yard, marshalling and storage yard, waste water treatment plant and associated ancillary development – Permission Granted – 27.06.2022

LA01/2020/1071/PAN - Unit 5, Wattstown Business Park, Coleraine - New fabrication, assembly and R&D facility, with associated offices and associated car parking, landscaping and ground works – PAN Accepted

C/2008/0871/F - Lands at Wattstown Business Park, Newbridge, Coleraine - Proposed extensions to existing access road with associated street lighting to service industrial lands within wattstown business park – Permission Granted - 15.06.2009

C/2004/0989/F - Wattstown Industrial Estate, Coleraine - Construction of extension to existing service road within the industrial estate – Permission Granted – 13.05.2005

4 THE APPLICATION

- 4.1 The application proposes a new fabrication, assembly and R&D facility, with associated offices and associated car parking, landscaping and ground works with new foul waste water treatment plant installation.
- 4.2 The application is a major application under Article 2(1) of The Planning (Development Management) Regulations (NI) 2015 because the proposal meets the threshold of major development under Category 8: Business, Industry (Light and General), Storage and Distribution under the associated Schedule as the development exceeds 5000 square metres of gross floor space.

Pre-Community Consultation

- 4.3 A PAN was required under Section 27 of the 2011 Planning Act and was submitted on 26th October 2020 under application LA01/2020/1071/PAN for a new fabrication, assembly and R&D facility with associated offices and associated car parking, landscaping and ground works.
- 4.4 The public consultation was in the form of a digital consultation involving online digital engagement with leafleting estimated to commence on the week of 30th November 2020. This was to be in the form of a stand-alone website designed to host all exhibition boards with feedback options. The proposal was to be published in the Coleraine Times and Coleraine Chronicle on the week commencing 23rd November 2020. Properties within 100 metres of the site were to be leafleted with an A4 copy of proposed plans and summary of proposal with details on how to

make representations and engage in the consultation process including a feedback form with pre-paid envelope. Electronic copies were to be issued to the DEA Councillors, constituency MP & MLA's with information provided including the website and contact number for further information.

- 4.5 The community consultation measures were found to be sufficient under Section 27 of the 2011 Planning Act and the Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 on 2nd November 2020.
- 4.6 The current application was received on 10th February 2021 which is over 12 weeks after the receipt of the PAN. A Pre-Application Community Consultation Report and Design and Access Statement were submitted with the proposal.
- 4.7 The application site was reduced from that submitted under the PAN following identification of the site within the pluvial floodplain.
- 4.8 The Pre-Application Community Consultation Report outlines the public notice as advertised in the Coleraine Times and Coleraine Chronicle on the 26th November 2020 with the digital public consultation event running from 30th November 2020 until 21st December 2020. The website is indicated to have been left live until mid-January 2021. An information leaflet was distributed to residential and commercial properties within 100 metres of the site boundary on 26th November 2020. A map is included within the report which indicates three premises received leaflets. Copies of the public notice, information leaflet and extracts from the website are included within the report.
- 4.9 The website is indicated to have hit around 40 hits during the consultation period with only one feedback form completed via online consultation. No feedback forms were received from hard copy. Comments received indicated that they were very supportive of the plans, that the proposal would hopefully create much needed employment for the area and that the consultation was useful. No comments were made in relation to the question relating to concerns about the plans. No public opposition is outlined to the proposed plans with the low level of community engagement similar to that of superseded PAN

LA01/2020/0067/PAN. No responses were indicated to be received from elective representatives with a request to be kept informed and an offer of support when needed.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours:** No objections have been received. Four premises were notified.

Internal:

- 5.2 **Historic Environment Division:** No objection

NI Water: No objection

DFI Roads: No objection

DFI Rivers: No objection

Shared Environmental Services: No objection

NIEA – Water Management Unit: No objection

NIEA - Natural Environment Division: No objection

NIEA – Regulation Unit: No Objection

Environmental Health: 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 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 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement

PPS 2 Natural Heritage

PPS 3 Access, Movement and Parking

PPS 4 Planning and Economic Development

PPS 15 Planning and Flood Risk

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of the development; visual integration and impact on character; impact on natural or built heritage; access arrangements; impact on neighbouring residential properties and representations.

Principle of development

- 8.2 The application site is located within the Coleraine Settlement Development defined by the Northern Area Plan 2016. The site is located within Economic Development Zoning CEED 06 which has the following key site requirements:

1. The access shall be from the existing Wattstown Roundabout on to Newbridge Road. No other access shall be permitted on to Newbridge Road.
 2. This site is suitable for all B Use Classes.
- 8.3 As the proposal is located within Coleraine Settlement Development Limit it falls to be considered under Policy PED 1 of PPS 4 relating to economic development in settlements.
- 8.4 The proposal relates to the erection of a new fabrication, assembly and R&D facility with associated offices, car parking, landscaping, ground works and wastewater treatment plant. The proposal is indicated to be undertaken in two phases. Phase 1 relates to a new factory complex to provide space for metal fabrication and research and development. Phase 2 relates to product assembly.
- 8.5 The Design and Access Statement outlines that Maine Surface Finishing have identified an opportunity for further growth in the company and an economic need to develop the site. It is outlined that the company seeks to relocate and expand their existing manufacturing and warehouse facility.
- 8.6 The proposal indicated to include a new factory complex to provide spaces for metal fabrication, product assembly/finishing and research and development, a new ancillary office block with associated staff welfare and amenity facilities, a car park and vehicular circulation and storage space, hard and soft landscaping and associated ground work.
- 8.7 The development is indicated to be sub-divided into two phases which will be constructed over a 1-3 year period to allow the development to proceed concurrently, subject to demand.
- 8.8 The proposal is indicated to represent a direct c.£10 million investment including purchasing of state of the art equipment, the development of the proposal and the introduction of a new ICT system to effectively manage projected growth.
- 8.9 Given the nature of the development, the proposal falls into a B3: General Industrial use given that it cannot be carried out without detriment to amenity as required by use class B2 with

the offices as an ancillary element of the proposal.

8.10 Policy PED 1 states the following in relation to B2 and B3 use classes:

A development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location. Elsewhere in cities and towns such proposals will be determined on their individual merits.

8.11 The nature of the proposal is compatible with the Economic Development Zoning comprising a B2 use class. The operations are in keeping with this use class and surrounding development within the business park.

8.12 The proposed development comprises a factory building surrounded by hardstanding and with the curtilage defined by existing and proposed planting.

8.13 The proposed building has a massing suitable for the application site and the scale of development proposed is acceptable in context of the site area and size of building proposed. Full consideration of design is outlined in the design section below.

8.14 Access to serve the proposal will be via existing and proposed business park service roads. The area of road providing direct access is to be constructed but is connected to the Wattstown Business Park Roundabout and Newbridge Road. This means of access is acceptable in context of the zoning requirement. Full consideration of access is outlined in the access and parking section below.

8.15 The principle of development is considered to be acceptable under Policy PED 1 of PPS 4 and the proposal is considered to meet the zoning requirements under Designation CEED 06 of the Northern Area Plan 2016.

Design

- 8.16 The proposal consists of a factory building with ancillary office element located to the front. The building is sited with an area of concrete surfacing. The building is to be constructed in two phases and consequently has two sets of elevations.
- 8.17 The office element is three storey and located in a staggered position at the front. The office building is flat roofed with windows and doors at the front and sides. The workshop element has a cuboidal form with a series of shallow pitched roofs. The workshop has limited windows and is predominately pedestrian and roller doors. The flat roof of the office building connects into the eaves of the workshop building at a height of 13.3 metres. The ridge height of the workshop roofs is 14.3 metres. The building including both elements is 150 metres in length along the front elevation. The length of the side elevation at Phase 1 is 74.3 metres. At Phase 2 the length of the side elevation is 120 metres.
- 8.18 The office and workshop scale, massing and design is considered to be acceptable in context of its location within the business park and having regard to the scale and massing of existing and approved buildings. The proposed materials and finishes are in keeping with existing buildings in the area for which the building is visually associated.
- 8.19 The site has car parking areas to the front office car park and HGV parking (northeast) and side factory workers car park (northwest) each with separate vehicular accesses. The northeast car parking area is finished in 14mm hot rolled asphalt with embedded black chips with 10mm asphalt concrete islands and pedestrian manoeuvring areas. This 10mm asphalt concrete separates the office car parking from the HGV car parking area. The factory staff car park is finished with 10mm stone blinding.
- 8.20 The site is bounded by a 2.4 metre high weldmesh security fence and access gates. The fencing gates has a PPC finish in green.
- 8.21 There is an existing landscaping area comprising mature trees which is located along the site boundary with Newbridge Road.

These trees are existing.

- 8.22 Hedge planting is proposed along the northwest and northeastern boundaries. These hedges are indicated to be a mix of species hawthorn, hazel, holly, alder, willow, oak, rowan and blackthorn with 5 plants per metre in 2 rows spaced at 450mm centres. Tree planting is proposed along the northern boundary comprising oak, birch and beech planting. There is a proposed regraded grass shrubbery area located in the southeast corner of the site. The existing and proposed landscaping should be conditioned to be retained/provided.
- 8.23 The site is bound by Newbridge Road to the southwest. The vehicular access to the site is to be via existing and proposed service roads located to the northeast and southeast.
- 8.24 The rear of the site is the northwest for which the site adjoins an existing wooded strip which separates the site from Newbridge Road. A gas tank storage area and skip area are denoted in this location and are screened from public view. The front of the site comprises the car parking areas which will be screened by the new fencing and hedgerow planting. There will be views from the southeast service road where only fencing is proposed. However, given the extent of development in this area there are no concerns about any visual impact. The storage areas are considered to be adequately screened from view.
- 8.25 The site layout, building and landscaping is considered to be of high quality and would assist the promotion of sustainability and biodiversity.

Access and Parking

- 8.26 Policy AMP3 of PPS3 deals with access to public roads. The proposed access arrangements comprise the provision of three vehicular access points to an undeveloped area of service road to the northeast of the site. A further access gate is proposed onto an area of existing service road to the southeast of the site.
- 8.27 Planning application C/2008/0871/F relates to the proposed extensions to existing access road with associated street lighting to service industrial lands within Wattstown Business

Park and was approved on 15th June 2009.

- 8.28 Development under C/2008/0871/F has been commenced and remains extant. The proposal is reliant on access to an approved and undeveloped part of the service road which forms a part of C/2008/0871/F. A private streets determination was previously carried out under this reference.
- 8.29 DFI Roads were consulted as a part of the proposal and have requested the application of conditions and informatives. Consequently there are no concerns with the proposed access arrangements and the proposal is considered to comply with PPS 3 in this respect.
- 8.30 The access and manoeuvring areas are considered to be adequate, the existing road network is able to handle any extra vehicular traffic generated by the proposal. The proposal requires the construction of a section of the service road which benefits from extant planning and these developer led improvements will provide access to the development.
- 8.31 The proposal involves a partial removal of a section of the existing service road to facilitate the development of the factory.
- 8.32 The application site has two car parking areas for factory workers. The northwest area has 218 spaces and the northeast area has 114 spaces for a total of 332 spaces. The office car park has 26 spaces. There are a further 12 spaces for HGV car parking.
- 8.33 A Service Management Plan has been submitted that outlines refuse collection is to be from a designated refuse collection area with bins collected by Council. All deliveries are to be via main access routes for each section of the development. The Service Management Plan outlines that there are sufficient parking spaces within the boundary of the facility to allow delivery vehicles to safely park and unload. All deliveries are to be coordinated by the Site Management staff and the supplier.
- 8.34 A Transport Assessment Form has been completed. The TAF outlines that there will be low numbers of walking and cycling with 5 staff each, 125 car drivers, 14 car passengers, 5 staff each travelling by taxi and public transport and 5 HGV journeys

from lorries and vans.

- 8.35 The TAF outlines that peak times for traffic will be Monday to Friday between 7am and 9am and 3pm and 5pm from commuting to and from work.
- 8.36 The proposal has a total of 332 spaces which is sufficient for its car parking requirements. There is a shortfall of 9 HGV spaces. However, the space provision has been based on the operational requirements of the premises. The TAF outlines that there will be no parking on the street and the anticipated journeys outlined is 5 per day. There is space within the site to facilitate other HGVs and there is no objection on the HGV space provision. There are adequate parking areas provided for the proposal.
- 8.37 Access to the site is via three vehicular accesses onto the service roads. The business park supports walking and cycling via the footpaths and service road within it which the proposal accesses. The proposal meets the needs of people whose mobility is impaired. The proposal respects existing public rights of way and provides adequate and convenient access to public transport which is located within walking distance.

Impact on Built Heritage

- 8.38 A number of archaeological investigations have been carried out in close proximity to the site and an Archaeological Impact Assessment has been submitted in support of the application.
- 8.39 Historic Monuments were consulted in relation to the proposal and advised that on the basis of the information provided that they are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- 8.40 Having regard to the response from HED, the proposal is considered to satisfy the requirements of PPS 6.

Impact on Natural Heritage

- 8.41 Policy NH1 of PPS 2 relates to the assessment of the impact of development proposals European and Ramsar sites. It states that planning permission will only be granted for a development proposal that either individually or in combination with existing and/or proposed plans or projects is not likely to have a significant effect on a European Site (SPA, SAC or SCI) or a listed or proposed Ramsar site.
- 8.42 Policy NH 3 of PPS 2 relates to national sites of nature conservation importance. It states that planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network or special interests of an Area of Special Scientific Interest (ASSI). It continues that a development proposal which could adversely affect a site of national importance will only be permitted where the benefits of the proposed development clearly outweigh the value of the site. In such cases, appropriate mitigation and/or compensatory measures will be required.
- 8.43 NIEA Natural Environment Division advised that the site is hydrologically connected to Bann Estuary Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI) which are of international and national importance and are protected by the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002 (as amended).
- 8.44 NED state that an undesignated watercourse traverses through the application site, and the western red line boundary is situated c. 16m east of the Wattstown Drain. This watercourse discharges into the designated sites c. 5km downstream.
- 8.45 NED advise that they note the applicant's intention to discharge surface water, from the development extension, into the undesignated watercourse and to divert the onsite undesignated watercourse into the Wattstown Drain. They highlight Appendix G of the Drainage Assessment which shows the proximity of works to the pluvial/fluvial floodplains and details the intention to install a culvert into the undesignated

watercourse, just north of the application site. NED advises they note the large number of parking spaces proposed to the west of the application site.

- 8.46 NED requested an Outline Construction Environmental Management Plan (OCEMP) is submitted in order to undertake a full assessment of impacts on the designated sites and determine whether the proposal would have a likely significant effect on a protected site.
- 8.47 Following receipt and review of an Outline CEMP and an environmental drainage plan, they advise that with mitigation implemented that there will be no likely significant impact on the designated site.
- 8.48 Shared Environmental Services have an advisory role to the Council on the completion of the Habitats Regulation Assessment. Shared Environmental Services were consulted on the proposal and have advised following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. SES advise that in reaching this conclusion that they have assessed the manner in which the project is to be carried out including any mitigation and their conclusion is subject to mitigation measures through conditions. These conditions include submission of a final CEMP and agreement of method of sewage disposal with NI Water or consent to discharge for private treatment plans with NIEA Water Management Unit.
- 8.49 The Planning Department in its role as the competent Authority under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) agrees with the appropriate assessment provided by SES and considers the proposal to comply with Regulation 43 of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 as amended and to meet the policies of NH1 of PPS2.
- 8.50 Given the hydrological link to Bann Estuary ASSI and having regard to the response from NED it is considered that the

proposal would be unlikely to have an adverse effect on the integrity, value of the site to the habitat network or special interest of Bann Estuary ASSI. The proposal is considered to meet the requirements of Policies NH 3 of PPS 2.

- 8.51 Policy NH 5 of PPS 2 relates to habitats, species or features of natural heritage importance. A Biodiversity Checklist, Preliminary Ecological Appraisal, Badger Survey and Endoscope Survey were submitted in support of the application.
- 8.52 NIEA Natural Environment Division acknowledged the receipt of these documents. They advised that the site is likely to be used by bats, a European protected species under the Habitats Regulations. They advised the site is used by badgers and that badgers and their setts are protected under the Wildlife (NI) Order 1985 (as amended). They advise the site contains a stream and hedgerows which are Northern Ireland priority habitats.
- 8.53 The submitted PEA noted two semi-mature ash trees within the site which were assessed as having moderate bat roost potential and that additional surveys were recommended. NED advises that these trees are proposed to be felled to facilitate the proposal and that as European protected species under the Habitats Regulation they are subject to a strict level of protection.
- 8.54 NED note the endoscope survey of the trees assessed as having moderate bat roost potential under licence. The report concluded that no evidence of roosting bats was noted during the endoscope survey and roosting potential assessment of the trees has been updated to low. NED advised they are content with the findings, no further survey work is required but they recommend as good practice to check for bats immediately prior to removal of the trees with low bat roost potential and that the trees are soft felled.
- 8.55 NED advise they note the contents of the PEA which advises that habitats are considered optimal for commuting and foraging bats due to the open grassland, scrub and hedgerows. NED advise they note the retention of the woodland to the south but that the scrub and 350m of hedgerows are proposed to be

removed.

- 8.56 NED recommend that any new planting links in with existing woodland and hedgerows within and adjacent to the site to provide continuous habitat connectivity for bats.
- 8.57 Following review of an amended site plan and cover letter from the agent, NED advise that there is now some 766m of additional native hedgerow proposed, including the proposed new wildlife corridor to the western boundary line. NED advise they are content that there is sufficient compensatory planting proposed in order to maintain and enhance the biodiversity of the site.
- 8.58 NED advise that the proposal is likely to require lighting and that bats are a nocturnal species that are highly sensitive to artificial lighting in their environments. Following receipt and review of a lighting plan, NED advise they are content that light spill on boundary vegetation, including the proposed wildlife corridor and area of woodland is less than 1lux and are content that the proposal will not have a significant impact on bats.
- 8.59 NED note from the PEA that no evidence of otter was recorded within the site and that the watercourses within the site were deemed sub-optimal for otter. However, they advise that the stream corridor along the railway line to the north was deemed suitable for commuting and foraging otters. NED advise that otters are a European protected species under the Habitats regulation.
- 8.60 NED advise that any significant impacts on otters and their habitat can be mitigated through the implementation of appropriate measures to protect the river and that the PEA has also recommended additional measures such as no site operations must be undertaken during periods of darkness. Details on all appropriate measures to protect otters are indicated to be included in an Outline CEMP.
- 8.61 NED advise that the submitted badger survey report notes that no badger setts were identified within the site but an outlier badger sett was identified in close proximity to the site. Plans were sought seeking amendments to the boundary fences to allow gaps for commuting badgers. NED advise that the

proposed compensatory planting lies within the security fence and will act as a wildlife corridor. NED advise this reduces the risk of badgers coming into contact with humans and heavy machinery on site. NED advise they are content that as there is a sufficient buffer of more than 25 metres between the sett and boundary of the site and that provided the wildlife corridor is implemented as indicated on the plans that the proposal will not have a significant impact on badgers.

8.62 NED advise that the Outline CEMP includes details of the mitigation measures to protect badgers and otters and are content that provided the Outline CEMP is implemented that the proposal is unlikely to have a significant impact on protected species and habitats.

8.63 Having regard to the requirements of NIEA: Natural Environment Division it is considered that the proposal complies with Policy NH 2 of PPS 2 in that it has been demonstrated that the siting and design proposal is not likely to harm bats, otters and their habitats.

8.64 NED highlight Policy FLD 4 relating to modification of watercourses and that they are only permitted in exceptional circumstances such as to provide access to a site because of its impacts on flood risk and biodiversity.

8.65 NED advise they are content that provided the Outline CEMP is implemented that the proposal is unlikely to have a significant impact on protected species and habitats. Conditions have been requested requiring compliance with the Outline CEMP and proposed lighting plan and controlling the implementation and removal of planting.

8.66 Having regard to the requirements of NIEA: Natural Environment Division and Shared Environmental Services it is considered that the proposal is compliant with Policies NH 1, 2, 3 and 5 of PPS 2.

Drainage and Flood Risk

8.67 A Drainage Assessment Report has been submitted in support of the application. This report outlines that there is a designated watercourse to the west of the site and an undesignated

watercourse on site. The proposal seeks the abandonment of the undesignated watercourse crossing the site with the watercourse diverted into a new stormwater pipe discharging into the designated watercourse to the west.

- 8.68 DFI Rivers were consulted on the proposal and advised that the proposal does not lie within the 1 in 100 year fluvial floodplain.
- 8.69 DFI Rivers advise that the undesignated watercourse is to be diverted and confirmed in their response of 6th April 2022 that a Schedule 6 consent had been given for the diversion of this watercourse via 600mm concrete pipes into designated Wattstown Drain. DFI Rivers advised in their response of 13th April 2023 that the applicant's Schedule 6 consent has now expired. They advise that a 5 metre working strip is required for access for maintenance and that the Planning Authority may wish to consider paragraphs 6.51 and 6.54 of PPS 15.
- 8.70 DAERA Water Management Unit advises that there is an intention to culvert/divert a section of watercourse and the construction of new culverts should be avoided unless no practicable alternative exists.
- 8.71 Paragraph 6.54 of PPS 15 outlines that culverting of short lengths of the watercourse (usually less than 10m) is acceptable to enable access to and from the development as required. The site design should aim to keep the number of crossings to a minimum.
- 8.72 In this instance, the proposal seeks the infilling of an undesignated watercourse and its diversion along the boundary of the site. As outlined under Paragraph 6.51 this watercourse should be integrated into the development. The watercourse is approximately 260 metres long, narrow with grass banks and occasional planting. The diverted watercourse via the culvert is approximately 330 metres long. The site is located within an Economic Development Zoning and the undesignated watercourse is a constraint on development on the site. The proposal involves the loss of an existing area of the service road which is located in the middle of the site with the undesignated watercourse flowing along its edge.

- 8.73 Policy FLD 4 requires it be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there is no reasonable or practicable alternative courses of action.
- 8.74 NIEA Water Management Unit have advised that the construction of new culverts should be avoided unless no practicable alternative exists.
- 8.75 It is considered that to achieve orderly development of the land, on the basis of the land available and as no environmental concerns have been raised by NIEA NED and SES it is considered that the culverting is acceptable.
- 8.76 The watercourse under the access road to the northeast is indicated to be culverted. This falls outside the application site and this road has previous permission under C/2008/0871/F which is extant.
- 8.77 DFI Rivers have reviewed the Drainage Assessment and advised that runoff will be controlled by a stormwater attenuation system and safely disposed of at a rate of 80.7l/s. DFI Rivers advised that they accept the logic of the Drainage Assessment and have no reason to disagree with its conclusions.
- 8.78 Having regard to the response from DFI Rivers it is considered that the proposal satisfies Policy FLD 3 of PPS 15.
- 8.79 The proposal is not located in an area of flood risk and having regard to the above consideration is not considered to cause or exacerbate flooding.
- 8.80 The site plan shows the proposal utilising a Klargester Waste Water treatment plant with discharge to the designated watercourse to the northwest after treatment. Surface water drainage is to be captured by a network of gullies which drains to an attenuation pond where it will then pass through a Class 1 Full Retention Separator with Alarm before being discharged to the designated watercourse.
- 8.81 DAERA Water Management Unit advise that they have considered the impacts of the proposal on the surface water

environment and, on the basis of the information provided, is content with the proposal subject to Conditions, the applicant noting the advice contained in the Explanatory Note, the applicant referring and adhering to Standing Advice, and any relevant statutory permissions being obtained.

- 8.82 A condition has been requested requiring the submission of a CEMP. The response from DAERA Natural Environment Division requires compliance with the CEMP and a condition shall be applied requiring the submission of a full CEMP.
- 8.83 NI Water were consulted on the proposal and advised that the proposal be approved with standard planning conditions. NI Water advise that a public water main is available within 20 metres to serve the proposal.
- 8.84 The proposal is considered to be capable of dealing satisfactorily with any emission or effluent having regard to the responses from NI Water and DAERA Water Management Unit.

Amenity

- 8.85 The application site is located within Wattstown Business Park. The immediate area surrounding the application site comprises undeveloped land to the north-east through northwest with industrial development located to the southeast associated with the industrial estate. Further to the southwest is Newbridge Road. Further to the southwest of this road and southeast of the business park are residential receptors.
- 8.86 The Design and Access Statement states that the nearest residential properties are over 60 metres to the south of the site separated from the site by a large bank of dense woodland on the southern boundary and the intervening A26 and field boundaries on the other side of the road. It is outlined that this proposal will not harm the amenities of nearby residential properties and does not cause noise nuisance in that the proposed factory will operate within existing background noise levels and is capable of dealing satisfactorily with emissions or effluent as activities take place internally and will not create unacceptable adverse emissions.

- 8.87 The factory is indicated to deal with fabrication with raw materials delivered to the site by HGV trailers and stored on racking. The materials are cut to length/shaped using lasers and band saws then secondary processing takes place involving the welding of component parts into product. Movement of parts and the final product is indicated to be cranes and forklift trucks. The sub-assemblies are transported to an external coating facility and then return to the factory for final assembly.
- 8.88 A Noise Impact Assessment was submitted which indicates that the proposed factory will operate a normal day shift pattern with occasional back shifts operating during evening hours to midnight as and when required.
- 8.89 Environmental Health were consulted and advised that a background noise assessment was carried out between 2nd and 5th December 2020 with the daytime background level, L90 found to be 53dB and the night-time level, 43dB. Modelling is indicated to have been used to model impacts in terms of all noise generating sources which includes mobile and static plant and equipment.
- 8.90 Environmental Health advise that operating noise levels have been considered in combination and it is determined that the combined level with all equipment in use at the same time will be 88.8dB but it is stressed that not all plant and equipment will be in use at the same time due to power consumption restrictions and what is modelled is worst case.
- 8.91 Environmental Health advise that consideration has been given to the resultant indoor noise level is 77dB considering directivity and the only external noise sources will be from forklift trucks.
- 8.92 The fabric of the proposed building is indicated to consist of 2.4m wall of precast concrete with the roof and external façade made from Kingspan 1000RW/40 insulated steel lined cladding which has been modelled to provide a noise reduction of 40-46dB. Electronic roller doors are indicated to be closed at all times except with movement of stock and deliveries.
- 8.93 Environmental Health outline that modelled results suggest the resultant noise level at receptor 1 (15 Newbridge Road, the

closest receptor) will be 26.8dB which is significantly less than background levels during the day and at night.

- 8.94 Given that back shifts may occasionally be utilised to midnight and given control of the noise levels through condition it is considered that conditioning hours of operation would not be necessary.
- 8.95 A lighting plan has been submitted which indicates the containment of the illumination within the site. Considering the distance to both approved and existing residential receptors there are no concerns in relation to impact on their amenity.
- 8.96 Having regard to the recommendations by Environmental Health, it is considered that these matters should be conditioned so as to protect residential amenity from the proposal. With adherence to these conditions there would be no concern in relation to harm to amenities of nearby residents and the proposal is not considered to create a noise nuisance.

Contaminated Land

- 8.97 DAERA Regulation Unit (RU) Land and Groundwater Team advise that there are no significant records of previous potentially contaminating land uses on this application site or in the adjacent or surrounding area. They advise that the proposed development is therefore considered to be a low risk to the water environment and would have no objection to any planning application subject to conditions and informatives.
- 8.98 Environmental Health advises that land contamination is a material planning consideration and the onus to consider land contamination risks rests with the developer. As part of the due diligence process the applicant should consider the potential for on-site contaminative sources and ensure that any unacceptable risks to human health and the environment have been appropriately considered and if necessary, a scheme of remediation submitted.
- 8.99 The conditions requested by DAERA Regulation Unit are considered to be sufficient to allow identification of any contamination on the site and completion of any remediation works to address this contamination.

Other Matters

- 8.100 The proposal includes fencing at all new boundaries and a layout which allows oversight of the entire site. The proposal has been designed to deter crime and promote personal safety in this respect.

9 CONCLUSION

- 9.1 The proposed development is acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The site is located within an Industrial Estate and Economic Development Zoning and is an acceptable use for this location. The proposed layout and design is acceptable in context. The proposal will not harm features of natural heritage and is considered to be acceptable in terms of potential emissions, effluents and flood risk. The proposal is recommended for approval.

10 Conditions

1. The development hereby permitted must be begun within five years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge for private treatment plants associated with the development have been granted under the terms of the Water (NI) Order 1999 by NIEA WMU.

To ensure a practical solution to sewage disposal is possible at this site that will protect features of Bann Estuary SAC from adverse effects.

3. No operation in or from any approval hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No 02C to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at

any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

4. The appointed contractor must submit a final Construction Environmental Management Plan (CEMP) for approval by Causeway Coast and Glens Borough Council Planning before commencement of any works on site. This plan should contain all the appropriate pollution prevention mitigation as contained in the Outline CEMP by O'Sullivan MacFarlane (24/10/2022) and as advised by NIEA WMU and NED in their consultation responses. The final CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise approved in writing by the Planning Authority

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase that will prevent adverse effects on features of the hydrologically connected Bann Estuary SAC.

5. 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 Land Contamination: Risk Management (LCRM) guidance. 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. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.

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

6. After completing the remediation works under Condition 5 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 Land Contamination: Risk Management (LCRM) guidance. 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.

7. Once operational, noise rating levels generated by the use of the proposed development shall not exceed background noise levels of 53dB(A) (daytime, 0700-2300) and 43dB(A) (night-time, 0000 – 0700).

Reason: In the interests of the amenity of surrounding receptors.

8. Roller doors must be kept closed at all times with the exception of times when stock is being moved or when deliveries are being made to the proposed development.

Reason: In the interests of the amenity of surrounding receptors.

9. All forklift trucks must be fitted with broadband reversing alarms.

Reason: In the interests of the amenity of surrounding receptors.

10. The proposed lighting plan (Drawing 07) shall be implemented in accordance with the approved details and all works on site shall conform to the approved lighting plan, unless otherwise approved in writing by the Planning Authority.

Reason: to protect bats and other wildlife

11. The landscaping and compensatory planting plans shall be carried out in accordance with the approved details as clearly shown in Drawing 02C. Including the provision of the wildlife corridor along the western boundary.

Reason: to enhance the biodiversity value of the site

12. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction- Recommendations.

Reason: To ensure continuity of the biodiversity value afforded by existing trees

13. No vegetation clearance shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

14. No development shall commence until a Schedule 6 Consent is agreed in writing with DFI Rivers for the proposed drainage and diversion of a watercourse.

Reason: Schedule 6 has expired for discharge to and diversion of a watercourse.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent properties for the removal of or building on the party wall 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:
<https://planningregister.planningsystemni.gov.uk/simple-search>
6. This application does not require a determination under The Private Streets Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992 as the street was previously determined under Application Reference C/2008/0871/F.

