

Addendum

LA01/2018/0955/F

Update

The following conditions and informatives are in addition to the existing conditions and informatives in paragraph 10:

CONDITIONS

1. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

2. 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.

3. All construction activity shall be confined within site boundaries, and the boundary of the designated areas shall not be disturbed in any way without written consent from the Department.

Reason: To protect the integrity of Runkerry ASSI and the Skerries and Causeway SAC, and to avoid damage by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring within the designated site but outside the red line planning application boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended).

4. All waste water shall be directed away from the Bush River, the Skerries and Causeway SAC and Runkerry ASSI designated areas.

Reason: To prevent pollution of the sea water of the designated sites.

5. The Dust Management Plan and associated Dust mitigation measures shall be implemented in accordance with Documents: (Air Quality and Odour Impact Assessment, Report Reference –Rp 002 2016135 Document 5, date stamped 27th July 2018 and Construction Environmental Management Plan, Document 14, date stamped 12th September 2018) during site preparation/enabling and construction phases to minimise the generation and movement of airborne particulate matter emissions from the development hereby approved to sensitive receptors.

Reason: In the interests of neighbouring amenity.

6. Site preparation/enabling and construction works shall be implemented in accordance with the Construction Environmental Management Plan, (Document 14, 12th September 2018). Noise impacts shall be minimised/controlled by employment of best practice and mitigation measures in accordance with BS 5228, Part

1, 2009, "Code of Practice for Noise and Vibration Control on Construction and Open Sites". Noise emissions shall not exceed the limits as stipulated within the Noise Impact Assessment Report (Document 6, 27th July 2018). Such works shall not take place outside of the following hours, without the prior approval of the Planning Department:

- 07:00 - 19:00 hours Monday - Friday
- 07:00 - 13:00 hours Saturdays
- No working on Sundays or Bank Holidays
- No working outside of these hours shall be permitted without prior notification and the approval of the Planning Authority in consultation with the Environmental Health Services Department and shall be restricted to process fit out and commissioning works which will be subject to prior approval

Reason: In the interests of neighbouring amenity.

7. Vibration impact assessment shall be undertaken in accordance with the terms of the vibration mitigation measures stipulated within the Construction Environmental Management Plan (Document 14, 12th September 2018). Vibration impacts shall be minimised by implementation of the measures detailed, such that vibration limits/criteria as prescribed within BS 5228: 2009 Part 2 "Code of Practice for Noise and Vibration Control on Construction and Open Sites" are not exceeded. Piling works shall not take place outside of the following hours, without the prior approval of the Planning Department in consultation with the Environmental Health Services Department:

- 08:00 - 17:00 hours Monday - Friday
- No working on Saturdays, Sundays or Bank Holidays"

Reason: In the interest of neighbouring amenity.

8. During site enabling and construction phases, light pollution and adverse amenity impacts shall be obviated by adherence to the design measures as stipulated within the Construction Environmental Management Plan (Document 14 12th September 2018).

Reason: In the interests of neighbouring amenity.

9. The development hereby approved shall not be occupied until the remediation strategy as detailed within Report Reference “Contaminated Land Risk Assessment (M01751-01_DG01: Document 2 Date Stamped 27th July 2018) has been fully implemented. A verification report shall be submitted to demonstrate that remediation works have been fully implemented in accordance with Document 2, verification of ground gas measures shall be in accordance with CIRIA Guidance C735 “Testing and Verification of Protection Systems for Buildings against Hazardous Ground Gases”.. All documentation shall be submitted for approval by the Planning Department of Causeway Coast and Glens Borough Council, prior to occupation of the development.

Reason: In order to avoid land contamination.

10. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Department of Causeway Coast and Glens Borough Council shall be notified immediately. The new contamination shall be fully investigated in accordance with the Model Procedures for the management of Land Contamination (CLR 11). In the event of unacceptable risk being identified, a remediation strategy shall be submitted for agreement with the Planning Department and subsequently implemented and verified to its satisfaction. The verification report shall be submitted to demonstrate that all remediation works have been implemented, prior to occupation.

Reason: In order to avoid land contamination.

INFORMATIVES

1. Historic Monuments

For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least 4 weeks before work is due to begin, contact:

Historic Environment Division – Historic Monuments
Causeway Exchange
1–7 Bedford Street
Belfast,
BT2 7EG
Tel: 02890 823100

Quote reference: SM11/1 AN-026 Dundarave, IHR03776 and LA01/2018/0955/F

Application for the excavation licence, required under the *Historic Monuments and Archaeological Objects (NI) Order 1995*, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible for the project, to:

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

2. Coastal development

Marine National Protected Species The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended), under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 to the Order. This includes the common seal (*Phoca vitulina*), grey seal (*Halichoerus grypus*), basking shark (*Cetorhinus maximum*), angel shark (*Squatina squatina*), common skate (*Dipturus batis*) short snouted seahorse (*Hippocampus hippocampus*), spiny seahorse (*Hippocampus guttulatus*), spiny lobster (*Palinurus elaphus*) and fan mussel (*Atrina fragilis*).

Article 11 of the Wildlife (Northern Ireland) Order 1985 (as amended) provides that a person shall not be guilty of an offence under Article 10 (killing or injuring a species listed in Schedule 5 (as amended)) if the act was incidental to a lawful operation (i.e. activity permitted by a Marine Licence or Planning Permission) and could not reasonably be avoided. A separate marine Wildlife Licence is therefore not required for national marine protected species if a Marine Licence/Planning Permission has been granted, since adherence to the conditions of the Marine Licence should reduce the likelihood of harm to marine national protected species.

Under Article 10 it is an offence to intentionally or recklessly disturb; common seals, grey seals or basking sharks. It is also an offence under Article 10 to intentionally or recklessly damage or destroy, or obstruct access to, any structure or place which these animals (Schedule 5¹) use for shelter or protection; damage or destroy anything which conceals or protects any such structure; or disturb any such animal while it is occupying a structure or place which it uses for shelter or protection. Under Article 13 it is an offence to sell or transport any Schedule 7 animal dead or alive at any time².

Any person who knowingly causes or permits an act which is made unlawful under Article 10 or Article 13 shall also be guilty of an offence.

It is the applicant's responsibility to ensure that an offence is not committed. Further advice can be sought from DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast BT7 2JA.

Under the Wildlife (Northern Ireland) Order 1985 (as amended) a licence may be required for any operations which might impact on protected species.

¹ Common skate and angel sharks in respect to Article 10 (1) only and within 6 nautical miles of coastal water only. ² Schedule 7 species includes all Schedule 5 species listed in Appendix A, with the exception of the common skate and angel shark. Sea urchin is protected under Schedule 7 only.

Marine European Protected Species

The applicant's attention is drawn to regulation 34 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as

amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European Protected Species included in Schedule 2 to these Regulations. This includes all species of dolphins, porpoises and whales and the marine turtle species.

(1) It is also an offence to;

(a) deliberately disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;

(b) deliberately 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;

(c) deliberately take or destroy the eggs of such an animal;

(d) deliberately obstruct access to a breeding site or resting place of such an animal;

or

(e) damage or destroy a breeding site or resting place of such an animal.

(2) It is an offence for any person;

(a) to have in his possession or control,

(b) to transport,

(c) to sell or exchange, or

(d) to offer for sale or exchange,

any live or dead animal which is taken from the wild and is of a species listed in Annex IV(a) to the Habitats Directive, or any part of, or anything derived from, such an animal.

It is the applicant's responsibility to ensure that an offence is not committed. Further advice can be sought from DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast, BT7 2JA.

Under this legislation a licence may be required for any operations which might impact on European Protected Species.

¹ Following two European Court of Justice cases (C-103/00 and C-221/04) "deliberate actions are to be understood as actions by a person who knows, in the light of the relevant legislation that applies to the species involved, and the general information delivered to the public, that his action will most likely lead to an offence against a species, but intends this offence or, if not, consciously accepts the foreseeable results of his action"

http://jncc.defra.gov.uk/PDF/consultation_epsGuidanceDisturbance_all.pdf

Further Guidance

The applicant's attention is also drawn to the following links which provide advice to be considered:

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/developers_guides.htm

https://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_4_pollution_prevention.pdf

3. Environmental Health

Land Contamination

Full regard shall be given to all relevant and current guidance and standards during the remediation and verification processes. Such detail shall be incorporated within any reports required to be submitted for prior approval by the Planning Department.

The applicant is advised that Guidance is available on the Causeway Coast and Glens Borough Council website, which provides further information concerning requirements/content of Contaminated Land submissions (remediation and verification stages) , this may be accessed at:

https://www.causewaycoastandglens.gov.uk/uploads/general/Guidance_-_Development_of_land_affected_by_contamination.pdf

Building control approval is required to confirm, that given the ground conditions, they are satisfied that all necessary precautions have been taken to protect the occupants and properties from contamination/ and or ground stability risks.

Care should be exercised in the removal of contaminated sources from the site, to ensure that the existing contamination load within soil and ground water is not increased. All contaminated/hazardous waste shall be appropriately classified in accordance with Waste Management Legislative Requirements, and removal and reuse on site shall be suitably demonstrated to the satisfaction of the Planning Department in consultation with the NIEA/DAERA NI.

Whilst Causeway Coast and Glens Borough Council Environmental Health Department has assessed the information provided in the current state of knowledge, it ultimately is the responsibility of the developer, to ensure the site is made safe and suitable for the purpose for which it is intended and that any unacceptable risks from contamination will be successfully addressed through remediation. He/she should recognise the importance of ensuring thorough and competent professional assistance supported by professional indemnity insurance.

Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to **Approve**, as set out in paragraph 9.1 of the Planning Committee Report.