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23/02/2024

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**APPLICATION REF: LA01/2020/1390/F**

**ADDITIONAL OBJECTION AND CONCERNS REGARDING APPROVAL OF PLANNING APPLICATION**

Dear Denise and Zoe,

We refer to the Planning Committee Report LA01/2020/1390/F for consideration by the Planning Committee on 28<sup>th</sup> Feb 2024. We are extremely concerned as we believe that the report contains a number of discrepancies that need to be addressed before full approval should be considered.

The report states at the beginning that it is not up for discussion on the planning committee – we hope this to be an error, and if not, is there any reason why this contentious planning application has already had a decision made on it?

How-ever, if this is indeed an error, we must insist that to permit the Planning Committee to rely upon this report for guidance, given the inaccurate content of this report, will expose the Planning Office to potential litigation on the grounds of negligence.

We therefore request the report is withdrawn and Planning Committee asked not to rely upon it, and that all discrepancies are investigated further before resubmission to the said committee.

Before we outline our concerns, can we firstly highlight our complete shock at your decision to approve this application given the amount of objections verses the support? Letters of objection more that outweigh the letters of support and should be given the courtesy of due consideration. Any petitions submitted by the applicant are, in our opinion, questionable at most as many of signee's pertain to be from other counties eg. Tyrone and L'Derry, and will not be affected in any way by the building of this distillery.

Moving onto our concerns:

#### 5.1 Publicity and Consultations.

In your report you say that the applicants advertised and re-advertised their planning application in the Coleraine Chronicle.

*"Advertising: Coleraine Chronicle 04.01.2021 Re-advertisement: Coleraine Chronicle 28.03.2022 & 11.07.2022 & 07.02.2024"*

It was pointed out in Mr L McCrudden's letter of objection dated 28/01/2021 that all advertising of the planning application was extremely inadequate including the fact that the Coleraine Chronicle was **not** sold in Cushendall. Given this – and the unfortunate restrictions at the time (Covid 19) meant that any advertising made it practically impossible for local residents to be made aware of the application for planning and therefore the opportunity of more objections was severely restricted. We believe this form of advertising to be inadequate and therefore unlawful.

#### 8.14 Visual Impact and Design.

*"8.14 DES 2 of A Planning Strategy for Rural Northern Ireland 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 design, scale, and use of materials."*

We believe this to be a contradiction in terms of your point stated in 8.20 whereby a 4 metre masonry wall is proposed to be built along the northern boundary – right beside our residence – in line with the character of the area in terms of design, scale and use of materials. **We feel that a 4 metre high masonry wall will be an imposing affront to our property, will disengage us from the enjoyment of our garden and home, cut out the majority of daytime sunlight and be a complete eyesore.**

This is a very considerable concern and must be taken into consideration when the planning committee come to make their decision. We would also like them to honestly ask themselves whether all the equipment associated with the distillery, including tanks, cooling tower and other sils, which will be located approximately 4 – 17 metres from the shared boundary with our property and measure up to 7 meters in height are in line with the conditions outlined in your visual impact and design conditions. The heights of these associated equipment will range from 4 metres up to 7 metres and will therefore be clearly seen from the Coast Road by anyone travelling southward.

#### 8.14 Visual Impact and Design.

*"The land to the east of the site is occupied by a disused school."*

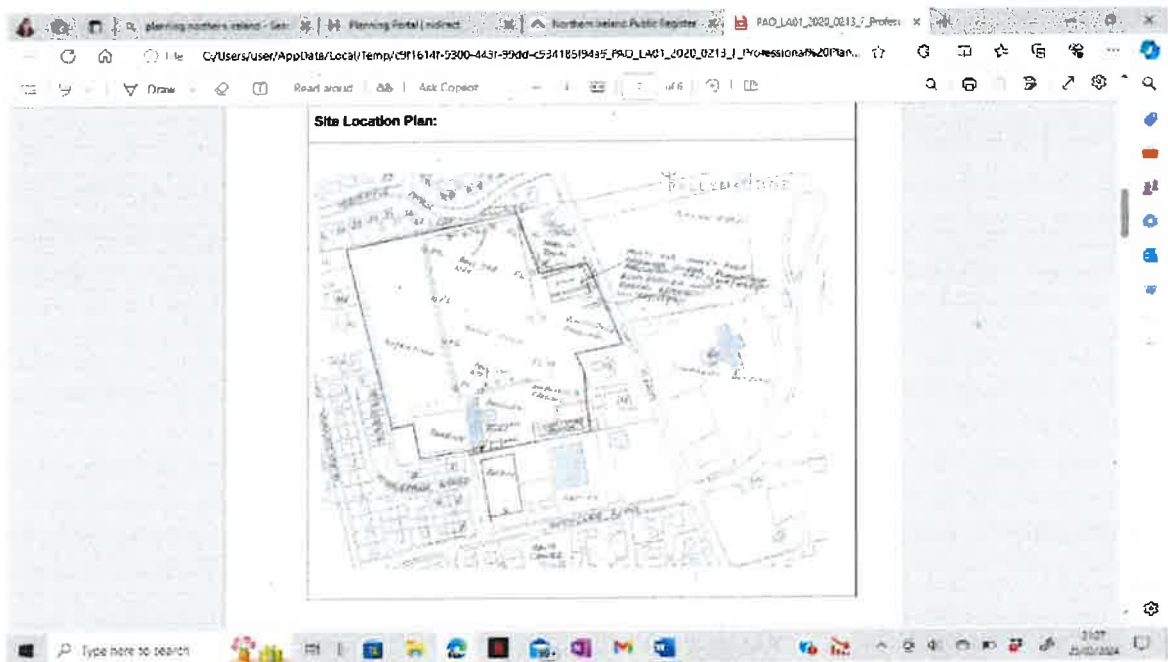
The land to the East of the site is **not** occupied by a disused school. It is occupied by the local Glens Youth Club frequently used and patronised by local children and many other local clubs.

### 8.43 Ancillary Development

*“ Parking has been provided on site with 23 car parking spaces and space for 1 coach with space indicated for turning within the site. Parking provision has been calculated in accordance with the ‘Parking Standards’ document with a total parking requirement of 58 spaces. The provision on site falls short of that required for the proposed development. However, overspill car parking is provided at the GAA Club located to the north of the site along Coast Rd on an unrestricted basis. Letters have been provided from the GAA Club confirming full access during opening hours. DFI Roads have accepted the use of the adjacent land at the GAA Club to provide additional car parking for the proposed development.”*

Where the Planning Report states that parking has been provided on initial planning site for 23 car parking spaces and space for 1 coach, this falls short of the total parking requirement of 58 spaces, a shortfall of 35 spaces in total.

We believe that the plans submitted for additional parking at the local Ruairi Og GAA Gaelic club **do not** include the updated plans and do not include the existing gym and storage unit which have been built since. The planning applicants have omitted this very important factor which restricts the parking options quite substantially.



In addition, as we are in close proximity to the GAA club, we are aware that on match days, the parking is very limited and an overflow often occurs into the council owned land where the (aforementioned) Glens Youth Club is located. This car park is also used by the local GAA club whilst training within the local 'polo fields' and can become rather congested – especially on match days. We do not believe that there is viable parking facilities available at either facility, particularly in the height of the games seasons.

It should also be noted that the gates to the current GAA Club are locked out of hours, making access non-viable.

In the instance that parking were viable – we believe that visitors to the planned distillery would have to cross the busy Coast Road from the GAA club to access a pedestrian pavement – walk a few minutes distance and again cross the busy Coast Road to gain access to the distillery. This has not been given any consideration within the report.

*“There is also a Council owned public car park on the opposite side of Coast Road with existing pedestrian crossing points in place.”*

It must be noted the **NO EXISTING PEDESTRIAN CROSSING POINTS EXIST**. We would like it to be on record that DFI Roads have made an error on this point.

#### **8.46 Ancillary Development.**

*8.46 Consultation was carried out with DAERA – Natural Environment Division (NED) on receipt of the PEA. NED have commented that given the relatively small size of the development and low ecological value of the habitats impacted, any loss caused can be mitigated for onsite by implementation the recommendations set out in the PEA. The PEA has assessed the structure on site as having a negligible bat roost potential. However, NED have recommended a condition that any additional lighting must be directed away from boundary vegetation as there is a potential for lighting to impact on foraging bats”*

We express concerns over the Preliminary Ecological Appraisal's findings and their lack of any professional screening or findings. We would recommend that the planning committee take note of the report written by Dr. James O'Neill, which we initiated and financed ourselves and which he carried out in a professional capacity on site. Caution should be noted from his findings that:

*In consequence, should the proposal be consented at the current time, the consent would breach both the Conservation (Natural Habitats) Regulations (NI) 1995 (as amended), and the Wildlife and Natural Environment Act (Northern Ireland) 2011, which, as you will be aware, places a statutory duty on all public bodies to consider biodiversity in all their functions. **As such a body, the Local Planning Authority is naturally bound by these strictures. Thus, any consent issued by the LPA in the absence of all required ecological information would naturally be subject to successful judicial review.** In addition, the proposal should be subject to EIA screening in the light of my findings to date. I can find no evidence that a thorough or competent attempt at this process has been carried out by any party. The planning file is silent in this respect.”*

### 8.53 Other Matters.

*“Several objections had raised concerns regarding the impact on health from the proposed development, namely concerns in relation to Legionella risk. This concern was raised with the agent. It is advised that *baudoinia compniacensis*, the fungus referred to, is associated with very large volumes of whiskey production and is commonly seen around distilleries on a far larger scale than that proposed.*

We find it incredulous that the planning committee are expected to believe the findings of the agent on this matter. After further investigations, it must be noted that ANY cooling tower has the capacity to spread the bacteria in question, especially if inadequately maintained.

All cooling towers create aerosols ( droplets of water in the air) that contain Legionella bacteria. The heat rejection fans in cooling towers spread the bacteria into the atmosphere - regardless of size. In a residential area, we believe, this could prove very problematic.

**Source: GetChemReady.com**

### 10. Proposed Conditions ( No. 15).

*The hours of operation of the following plant/equipment shall be restricted to daytime only (07:00 – 23:00 hours): • Cooling Tower*

After further investigation, it is **absolutely impossible for any distillery to shut down a cooling tower, and it's associated fans for 8 hours on a daily basis.** Every time a cooling tower is shut down, the following procedures are absolutely essential for correct maintenance – see source below.

1. Fans and pumps need to be turned off. This will stop the circulation of water through the cooling tower.
2. The cooling tower needs to be drained of water. This will remove any water that is left in the system as it cannot be left to remain stagnant. Caution needs to be taken as water drained from the cooling tower will be scolding hot. It must be noted that cooling tower water needs to be disposed of properly. **IT CANNOT BE DUMPED INTO SEWERS OR DRAINS.**
3. The cooling tower needs to be cleaned. This is in order to remove any dirt, debris, or scale that has accumulated on the surfaces of the cooling tower.
4. The chemical treatment system needs to be flushed. This will remove any chemicals that are left in the system.
5. The cooling tower needs to be inspected. This will help to identify any potential problems that may need to be addressed before the cooling tower is started up again.

**Source: GetChemReady.com**

**We believe that this daily procedure is implausible for any ongoing business and that the cooling tower will therefore have to operate on a 24 hour basis which is not in line with current guidance.**

Finally, we would like it known that whereby we are not object to a distillery being built within the Causeway Coast and Glens Cushendall area, we believe that this particular location – Gortaclee Road – is not conducive in the best interests of the local residential population.

We believe that another location ( previously applied for) would be a better option/location for this venture.

However, should the planning process proceed, we propose that there needs to be much more clarification on all the conditions expected from the applicant and more definite, robust and forceable conditions applied.

Finally, thank you for your consideration of this objection and we would be very grateful if you would acknowledge receipt thereof.

Yours sincerely,  
Fiona Mort and John Mort.

