

**From:** Blockwell, Steve [REDACTED]@niwater.com]

**Sent:** 22 June 2021 15:47

**To:** Denise Dickson <Denise.Dickson@causewaycoastandglens.gov.uk>

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**Subject:** Planning Committee Meeting Wednesday 23 June - Planning Application LA01/2016/1265/RM - LM 61/18

**Importance:** High

Dear Denise,

Please find attached a letter regarding Planning Application LA01/2016/1265/RM - LM 61/18 which I'd like you to include within the papers for tomorrow's Planning Committee Meeting.

Thank you for your assistance.

Kind regards,

**Dr Stephen Blockwell**  
Head of Investment Management

Asset Delivery Directorate  
**northern ireland water**  
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FAO Denise Dickson  
Head of Planning  
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Date: 22/06/2021

Dear Denise,

**Limavady - Planning Application LA01/2016/1265/RM - LM 61/18**

NI Water wishes to communicate to members that the company has repeatedly identified that there are sewer capacity issues in Limavady and that no new connections will be permitted to that infrastructure.

A summary of the current existing issues and their impacts as well as outstanding questions that need to be addressed are provided below:

- NI Water has identified that there is already regular out of sewer flooding in the area causing environmental and amenity issues.
- The proposed development, due to its hydrological links to a number of designated sites, must be subject to a Habitats Regulation Assessment and can only proceed if it can be shown that the proposed development will not adversely affect the integrity of the designated site.
- The Council is bound by the Habitats Regulations Assessment
- The Habitats Regulation Assessment carried out by Shared Environmental Services concluded that the development can only proceed if two mitigation measures are conditioned. That mitigation includes draft condition 18.
- The Council can only lawfully grant consent if it includes the two mitigation conditions identified by Shared Environmental Services as part of the Habitats Regulation Assessment.
- If the Council grants planning permission without condition 18, that decision will be amenable to judicial review.
- The Council, when screening out the requirement for an Environmental Statement, relied on the ability to impose a condition which adequately addressed the sewer capacity issues. If the Council does not impose such a condition, the applicant must submit an Environmental Statement.

It is evident that further inputs to the system are likely to have a detrimental impact on the performance of the wastewater network, on customers and the environment.

If the Council proceeds to grant planning permission without condition 18 as presently drafted, it would be doing so in breach of both the EIA Regulations and Habitats



Regulations. The Council would be acting ultra vires, unlawfully and irrationally. Such a decision would be amenable to Judicial Review.

If the Council are minded to grant planning permission without condition 18, the Council should require the Applicant to submit an Environmental Statement and Shadow Habitats Regulation Assessment which comprehensively addresses and identifies the current "baseline" out of sewer flooding and associated environmental implications. The Applicant should then assess the environmental effects of the proposed development in cumulation with existing development, modelling a number of scenarios including where there are no upgrade works to the existing sewer network and set out any mitigation measures to address this.

On receipt of these documents and associated consultation responses the Council could then consider the application afresh and any proposed mitigation measures contained within the Environmental Statement and Shadow Habitats Regulation Assessment and either refuse or grant consent subject to conditions.

Councillors should note that NI Water has a project for the upgrading of the Limavady Wastewater Network within its PC21 Business Plan (2021/22 to 2026/27).

Please do not hesitate to contact me should any matter require further discussion or explanation.

Yours Sincerely,

S. J. Blockwell

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Asset Delivery Directorate.  
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