

Planning Committee Report LA01/2017/1250/F	17th April 2019
PLANNING COMMITTEE	

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

<u>App No:</u>	LA01/2017/1250/F	<u>Ward:</u>	Roeside
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Lands of former Market Yard located to rear of nos. 43-79 Catherine Street and rear of nos. 24-48 Linenhall Street and bounded by the River Roe to the West Limavady.		
<u>Proposal:</u>	Retail unit with associated car parking, service yard, landscaping and retention of bank, site levelling works, access roads with entrance/egress from/to Catherine Street/Linenhall Street and associated site works.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	22.09.2017
<u>Listed Building Grade:</u>	N/A		
Applicant:	T J Morris Ltd T/A Home Bargains C/o Bennett, 82 Rodney Street, Drumahoe, Liverpool, L1 9AR		
Agent:	Inaltus Ltd, 15 Cleaver Park, Belfast, BT9 5HX		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1.0 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 reasons set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on the lands of the former Market Yard located to rear of nos. 43-79 Catherine Street and rear of nos. 24-48 Linenhall Street, Limavady. The application site is currently vacant but exhibits features of partial development having previously taken place, most likely in connection with previous planning approvals on the site. The application site can be accessed via two points, either via the existing access via Catherine Street to the immediate west of the Orange Hall and east of the Roe Road Bridge, or via the existing access point immediately adjacent and north of the Masonic Hall at the junction of Main Street and Linenhall Street. The main body of the application site is relatively flat and for the most part is hard-cored, which has been overgrown by grass. The western section of the application site falls away and sits 2-3m lower than the rest of the site. The western boundary of the application site is defined by the River Roe and the steep man-made gabion embankment, with a post and wire fence at the top. The northern boundary is defined in part by a gabion embankment to the North West corner and by a stone wall 1.5-2m in height and mature trees 12-15m in height between the site and the Loge. The eastern boundary is defined by a wall 2.53m in height to the rear of the dwellings at 28-46 Linenhall Street. The south eastern boundary of the site is comprised of the rear boundaries of the properties along Catherine Street, and comprises a mix of walls, paladin fencing and timber ranch fencing.
- 2.2 The application site is located for the most part within the settlement limit of Limavady Town as defined in the Northern Area Plan 2016. Part of the application site along the western

edge breaches the settlement limit along the top of the existing embankment along the River Roe. The application site represents a backland site which is surrounded by development to the east and south by the development along Linenhall Street and Catherine Street respectively, which are a mix of residential, commercial/retail and community/cultural buildings. The extent of the application site which is within the defined settlement limit is also within the defined Town Centre and Area of Archaeological Potential. To the west of the application site is the River Roe and Roe Bridge which signifies the entrance to the settlement. The River Roe is designated as a Special Area of Conservation and Area of Special Scientific Interest. This area immediately west of the settlement limit is also designated as Myroe/Hunter's Bend Local Landscape Policy Area (LYL03) in the Area Plan. The area of the north west of the application site is designated open space comprises playing pitches with housing to the north of the site. The area to the North East of the site in the vicinity of the junction of Linenhall Street and Main Street is designated as an Area of Townscape Character, which includes the vehicular exit from the site/link to Main Street.

3.0 RELEVANT HISTORY

3.1 B/2005/0594/F - Lands bound by Linenhall Street, Catherine Street and River Roe incorporating redundant market yard and 45-71 Catherine Street – Redevelopment of former market yard and adjoining lands to provide mixed use development comprising of commercial and residential uses - Permission Granted 15.10.2007

B/2004/0250/F - Lands bound by Linenhall Street, Catherine Street and River Roe incorporating redundant market yard and 45-71 Catherine Street, Limavady – Redevelopment of former market yard and adjoining lands to provide mixed use development, comprising commercial and residential uses - Permission Granted 09.05.2005

B/1993/0046 - Limavady Livestock Market between Catherine Street and Linenhall Street Limavady -Alterations and renovations to livestock market – Permission Granted 20.04.1993

4.0 THE APPLICATION

4.1 Full Planning Permission is sought for a proposed Retail unit with associated car parking, service yard, landscaping and retention of bank, site levelling works, access roads with entrance/egress from/to Catherine Street/Linenhall Street and associated site works.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: There are no objections to the proposal.

5.2 Internal:

DFI Roads: No objections

Environmental Health: No objections

NI Water: No objections

Loughs Agency: No objections subject to conditions

Shared Environmental Services: No objections subject to conditions

Rivers Agency: No objections

DAERA: Natural Environment Division: No objections subject to condition

DAERA: Water Management Unit: No objections subject to condition

DAERA: Land, Soil and Air: No objections subject to condition

Historic Environmental Division: Historic Monuments: No objections subject to conditions

Historic Environmental Division: Listed Buildings: No objections

6.0 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.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

A Planning Strategy for Rural Northern Ireland

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology and the Built Heritage

Addendum to PPS 6: Areas of Townscape Character

PPS 15: Planning and Flood Risk

Supplementary Planning Guidance

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The main considerations in the determination of this planning application are the principle of development, access and parking, archaeology and built heritage, design and impact on Area of Townscape Character, residential amenity and the natural environment.

Principle of Development

- 8.2 The application seeks permission for a retail unit with an approximate gross floor space of 21,829 Sq. ft. (2028 sq. m) with approximately 14000 Sq. ft. (1300 sq. m) of net retail space. The proposed end user of the site is identified as Home Bargains who seek to sell both convenience and comparison with approximately 8120 Sq. ft. (754 sq. m) for convenience good and 5880 Sq. ft. (546 sq. m) for comparison goods.
- 8.3 The SPPS seeks to encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demand. The aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.

- 8.4 Paragraph 6.273 of the SPPS outlines that Planning Authorities must adopt a town centre first approach for retail and main town centre uses.
- 8.5 The Northern Area Plan 2016 identifies a Town Centre for Limavady Town under designation LYT 01. The Town Centre is located to the North West of the town and is generally focused around the northern end of Irish Green Street, Catherine Street, Linenhall Street, Market Street, Main Street and Connell Street, and includes the majority of the application site. The proposed retail unit is located within the defined settlement limit and town centre boundary with only the western portion of the application site outside of these areas.
- 8.6 The Northern Area Plan also designated the site as a Development Opportunity Site under designation LYT 02. Development Opportunity Sites are large, vacant or underused sites within towns, redevelopment of which will assist in meeting many of the Plan's objectives such as the promotion of vitality and viability in the town, enhancement of townscape, or replacement of unattractive features.
- 8.7 Given the location of the proposed site within the town centre and upon a development opportunity site, the proposed development is seen as an appropriate use which has the potential to improve the visual appearance of the site. It will improve the vitality and viability of the town centre through the provision of additional competition and providing additional interaction and footfall to this part of the Town Centre.
- 8.8 The proposal seeks to provide a mix of convenience and comparison retailing within the store. The Nexus report, prepared on behalf of the Council, indicates that there is no need for additional comparison retail in Limavady at present. However, given the mixed retail nature of the proposed retailer, and the town centre location, there is no policy reason as set out within the retail section of the SPPS not to accept this mixed retail proposal. The proposal is consistent with Paragraph 6.273 of the SPPS in being a town centre site for retail use.

Element of site outside Settlement limit

- 8.9 As highlighted above the majority of the planning application site is within the settlement limit of Limavady as per the Northern

Area Plan. A section of the proposed development is located outside the settlement limit at the western side of the application site, which facilitates access to the site, part of the internal road layout, retaining structures and a landscaped area. There are previous planning approvals on the site which were granted following the publication of the draft plan which outlined the settlement limit for Limavady as is currently adopted. As the planning permissions would have expired prior to the adoption of the Northern Area Plan without any certified commencement of the approvals, and given that there was no objections to the limit proposed within the draft plan there was no scope to amend the plan to accord with previous approvals. It is noted that works have taken place on the site with respect to the steep gabion embankment along the riverside. While it is not clear if these works were carried out in connection with the previous approval these works have been in place for a significant period of time and have become part of the landscape on approach to Limavady via Lisnakilly Rd to the west of the site. The river and steep embankment forms a physical boundary to the west of the settlement and given that all built development is retained within the settlement limit and it is predominately enabling works proposed outside the settlement limit, the breach is not considered to result in any adverse impact on the character or setting of Limavady by virtue of urban sprawl. Visually, all this development appears to be within the urban area of Limavady. When balancing all factors, the works are proposed to enable the development of an opportunity site with an appropriate town centre use, and the modest breach of the settlement limit is considered to be acceptable in this instance.

Access and Parking

8.10 Access to the site is proposed via Catherine Street and will involve upgrading the existing access point adjacent to and west of the existing Orange Hall. This section of road will provide two way traffic to facilitate access to the proposed development and also permit access and egress from the Orange Hall and adjacent properties (Nos. 77 and 79). Traffic within the application site will operate on a one way system with the exit located to the north eastern corner of the site to the immediate north of the Masonic Hall and junction of Main Street and Linenhall Street

- 8.11 The site provides 148 car parking spaces of which 8 are disabled parking which are located in close proximity to the store entrance, and provides for adequate lorry parking within the service yard. The provision of the above car and lorry parking is in line with the requirements of the Parking Standards Document. DFI Roads has been consulted on the proposal and has no objections to the proposed access/egress and parking arrangement for the site.
- 8.12 Policy AMP8 of PPS3 outlines that planning permission will only be granted for development providing jobs, shopping, leisure and services, including educational and community services where the needs of cyclists are taken into account. The submitted plans have outlined that provision will be made for 10 cycle stands in close proximity to the entrance lobby of the shop. The provision of 10 cycle stands is in line with the published standard and the Planning Authority consider the proposal satisfies the requirements of Policy AMP8.
- 8.13 Policy AMP9 of PPS3 requires car parks to be designed to a high standard in order to avoid adverse visual impacts. The proposed car park has been designed to incorporate a variety of finishes and a landscaping scheme which will avoid the presence of a large expanse of dead space and provide a softer and sympathetic appearance. The Planning Department consider the design of the car park to be acceptable.

Archaeology and Built Heritage

- 8.14 The application site is located within an Area of Archaeological Potential as designated in the Northern Area Plan 2016. The applicant, as part of the application, submitted an Archaeological Impact Assessment which outlined that despite modern disturbance it is possible that surface deposits may remain and that these may be impacted by the proposed development. The Archaeological Impact Assessment outlines that any impacts could be reduced by the implementation of a suitable archaeological mitigation strategy consisting of the preparation of a programme of archaeological works, excavation of test trenches and preparation of report detailing findings. Historic Environment Division – Historic Monuments were consulted in relation to the proposal and have no objections subject to the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and

record any archaeological remains in advance of new construction, or to provide for their preservation *in situ*, as per Policy BH4 of PPS 6.

8.15 The application site is in close proximity to a number of Listed Buildings including the following that are in closest proximity to the application site:

- HB02 12 008 The Lodge, 2 Main Street, Limavady. Grade B2
- HB02 12 029 Springhill House, Catherine Street, Limavady. Grade B2
- HB02 12 030 Roe Road Bridge, Catherine Street, Limavady. Grade B1
- HB02 12 009 A-C 7-11 Main Street, Limavady. Grade B2
- HB02 12 010 B 15 Main Street, Limavady. Grade B

8.16 Having considered the detailed proposal Historic Environment Division – Historic Buildings, and following the submission of amended plans to address their initial concerns, specifically in relation to the relationship of the entrance walls at Catherine Street with the Roe Road Bridge, have no objections to the scheme and are satisfied that the scheme will not adversely affect the setting of a listed building or structure in line with the requirements of the SPPS and Policy BH11 of PPS6.

Design and impact on Area of Townscape Character

8.17 The Northern Area Plan designates an Area of Townscape Character within the Town Centre under designation LYT 03. The town centre of Limavady is designated an Area of Townscape Character (ATC) to protect and enhance the character of this area. The Area of Townscape Character extends along Main Street from the Court House at the western end on both sides. With the exception of the site access to Linenhall Street, the site is not within the ATC. Not only does Main Street retain the scale and alignment of the original Plantation settlement, but it includes many of the Georgian buildings dating from the early part of the 19th Century. The handsome Victorian terrace in Linenhall Street is also included within the ATC. Designation LYT 03 in the Area Plan outlines a number of the key features which contribute to the special character of the area. Some of the key features highlighted in relation to the application site include the two storey terrace red

brick buildings along Linenhall Street and the brick buildings confined to the western end of Main Street. It is these features in particular which will require careful consideration of when assessing the design of the development to ensure the proposal is sympathetic to their appearance and setting and to ensure that the quality of the ATC is not undermined by the proposed development.

8.18 The proposed building is a large retail unit in excess of 2000 sq. m. The main body of the retail unit is rectangular in form with dimensions measuring 54.7m by 35.5m, with the proposed entrance lobby measuring 14m by 6.5m. The building is purpose built for its intended use and its form being function orientated. The building is 8.7m in height above floor level to the main body of the building to the top of the walls. The entrance lobby has been designed as a feature of the building projecting both forward of the main façade and above the wall height of the retail aspect to 9.8m above floor level. The building proposes the use of a modern palette of materials with varying colours. The building predominately consists of red brick and curtain walling panels to the lower level, with cladding panels used predominately on the upper levels. The predominant colour used on the upper level of the retail unit is black with some red panelling used to break up the large expanses, with light grey wall curtains and spandrel panels breaking the large solid walls proposed, given the impression of window openings. The cladding on the entrance lobby is a silver metallic colour, which provides a contrast to the retail unit and breaks up the large expansive use of similar materials and provides a focal element to the building. The use of the materials has been given careful consideration to ensure the building is reflective of its setting within the townscape, with the materials and colouring sympathetic to the red brick buildings along Main Street and Linenhall Street, which are identified as important contributing features of the Area of Townscape Character.

8.19 Views of the proposed will be predominately confined to approaches along two main points.

8.20 The principal view of the development site is on approach to the Limavady from the west along the Lisnakilly Rd, in close proximity to the Roe Road Bridge and from the junction of Baranailt Rd and Lisnakilly Rd. From here the application site sits at an elevated and prominent position at the top of the steep

embankment which itself is a notable feature in the landscape. The application site is devoid of any natural definition along the western boundary which allows clear and uninterrupted views into the site. The site is afforded enclosure and a backdrop by the existing development along Linenhall Street, by the mature vegetation to the northern boundary at the lodge and by the built development along Catherine Street. From these viewpoints the proposed building will sit against the backdrop of development without appearing as skyline development or appearing unduly prominent. The height of the retail unit is comparable to the scale of the development at the Masonic Hall and dwellings along Linenhall Street and the mature trees at 12-15m in height will lessen the visual impact of the building. In addition the recently constructed three storey hall at the southern end of the site is a large prominent building which provides a competing focus to this aspect of Limavady from the west. Given the existing natural and built features surrounding the site and the proposed landscaping along the western boundary of the site, the building can be absorbed into the urban fabric of Limavady without any significant adverse visual impact.

- 8.21 Some views of the proposal will also be attainable from Main Street. However, this will be predominately from pedestrian users given the one-way vehicular route along Linenhall Street and Main Street. When viewed from Main Street the majority of the retail building will be concealed behind the Masonic Hall and the terraced development along Linenhall Street. Only a small portion of the building will be evident from Main Street, and even then it will only be in relative close proximity to the junction of Main Street and Linenhall Street given the intervening trees planted along both sides of the street. When viewed from Main Street the proposal respects the design of the red brick buildings at the Masonic Hall, dwellings at Linenhall Street, Courthouse, Lodge Court, and other red brick buildings at the western end of Main Street, while the scale of the building will not project above or dwarf these buildings which are key features of the Area of Townscape Character. The building has attempted to blend with these features and will not detract from their character. The proposal will not adversely impact on the Area of Townscape Character designation and will sit appropriately within the settlement limit, without any significant adverse impact. Having met Policy ATC 2 of PPS 6, the proposal is similarly considered to meet Policy DES 2 regarding

townscape of the Planning Strategy by being sensitive to the character of the area surrounding the site.

Residential Amenity

- 8.22 Given the proximity of the application site to existing residential properties, particularly those to the east of the site along Linenhall Street, there is the potential for the development to impact upon residential amenity. The main source of potential impacts are likely to occur from noise generated from traffic visiting the site and other noise sources such as external air conditioning units.
- 8.23 The applicant submitted an acoustic report to assess the potential impact of the development on adjacent residential properties at Linenhall Street. The acoustic report outlines that the only external plant associated with the development will be outdoor air conditioning condenser units. These units will operate 30 minutes prior to the unit opening and for 30 minutes after closing, therefore the worst case scenario is that the units would run from 08:00 until 21:30. The assessment has considered the background noise as 48dB. The specified unit produces a sound level of 59dB at 1.5m high and 1m from source. Given the separation distance to the nearest residential properties, (32m away) the predicted rating level is 46.5dB. This level is less than the existing typical background level (48dB). In addition an existing 3m high wall will separate the unit from the houses though it is acknowledged that this will not reduce the noise level further on the upper floors of the dwellings.
- 8.24 The acoustic report outlines that it is expected that there will only be one delivery to the site per day. At a distance of 25m from the nearest houses a level of 52dB has been predicted. This is within 4dB of the existing background level.
- 8.25 Environmental Health has considered the potential impact on the proposal on the residential amenity of the adjacent properties and on the basis of the findings of the acoustic assessment has no objection to this proposal subject to a condition limiting the operating hours to those specified within the consultation response. Given the comment of the Environmental Health Department, the Planning Authority considers that there should be no significant adverse impact on residential amenity.

Natural Environment

- 8.26 The application site is within the River Roe and Tributaries SAC/ASSI a site which is of international and national importance. The site selection features of this European site are: “Water courses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche-Batrachion* vegetation”, “Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles”, Otter and Salmon.
- 8.27 Initial consultation with Shared Environmental Services and DAERA outlined that the potential impacts from the proposed development are through potential hydrological connection during the construction phase and operational phase, and potential disturbance to feature species, and highlighted that a Habitats Regulations Assessment (HRA) would be required to assess the potential impacts of the proposed development on this European site. In order to complete a proper HRA a number of surveys/reports were required to assess various elements of the proposed development.
- 8.28 DAERA Regulation Unit (RU) (Land and Groundwater Team) notes that former activities in the surrounding area may have caused the land to be affected by contamination (see attached map and table). The site has a history of potentially contaminating land uses which could have resulted in ground or groundwater contamination at the site.
- 8.29A Preliminary Risk Assessment (PRA) has been provided by O’Sullivan Macfarlane Environmental Consulting (OSM) in support of this application. OSM via the PRA conceptual site model (CSM) have identified several potential sources of historical contamination within the site and within the surrounding land. These sources of contamination primarily relate to potential contaminated soils, infill, made ground and also contaminants associated with historical use of adjacent sites.
- 8.30A Phase 2 Generic Quantitative Risk Assessment (GQRA) report has been provided OSM conclude that as a result of the

intrusive investigations no significant pollution linkages were identified at the site and that the site does not pose a significant risk to environmental receptors. Localised groundwater contamination was detected at the site; however the risks to environmental receptors according to OSM are low, provided no preferential pathways are created by the development through piling or other foundation works.

8.31 RU Land and Groundwater Team are content with the conclusions of the OSM GQRA report and have no objections to the development provided Conditions and Informatives are placed on any Planning Decision Notice, as recommended.

8.32A number of other reports were submitted to assess the potential impact of the development on the adjacent designated site. These reports include the submission of a Drainage Assessment and outline Construction Environment Management Plan. The CEMP identifies the way in which the contractor will manage site activities in order to safeguard the environment and mitigate any adverse effects of the development. DAERA Natural Environment Division has considered the Drainage Assessment and the outline CEMP and are content with the mitigation measures proposed which include the incorporation of an oil and petrol interceptor within the service yard area and emergency soakage equipment in case of spills. Any silt discharges will be limited through the attenuation system and silt traps. NED are also content that the porous paving that is to be installed will deal with any local spillages in the car parking area. Permission has been obtained from Rivers Agency via Schedule 6 Consent for discharging to a Watercourse.

8.33 The proposed development proposes a mini-treatment plant in order to dispose of foul sewage. NI Water has confirmed that the existing drainage infrastructure does not have capacity to allow for the foul water connection from the new Home Bargains site. Storm water disposal is also sought via the River Roe. Shared Environmental Services have considered the disposal of treated foul sewage and storm water to the River Roe as part of their HRA and have not objected to it in principle. Consent to discharge will be required to be obtained from DAERA Water Management Unit to ensure WFD standards are met.

- 8.34 DAERA NED outlined that the adjacent River Roe had the potential to support a number of Protected Species namely otters and Atlantic Salmon. An otter Survey was requested by NED and was subsequently submitted by the applicant. The otter survey found that there was no evidence of otter activity within the site or along the river banks, and that there was negligible potential for holts along the surveyed section and limited habitat within the site, but otters may use this section of river for commuting.
- 8.35 NED were re-consulted on the Otter Survey and are content that no otter presence has been detected within the development site or on the surrounding river banks within the survey area. NED are content that while it is possible that Otter may use the banks of the River Roe for commuting, the mitigation measures to be put in place are satisfactory. The measures include the retention of a dark river corridor and measures to prevent pollutants and substrate entering the river both during construction and on development completion has been supplied; such mitigation will limit disturbance to commuting otters.
- 8.36 NED also highlighted concerns regarding the potential impact on Atlantic Salmon. Surveys indicate the presence of Salmon habitat, which includes nursery, holding and spawning habitats, all of which are sensitive to potential contaminants from construction works, including Piling and discharges to the watercourse. NED requested a Piling Risk Assessment be carried out to identify the effects of piling activities on migrating salmon. NED also highlighted concerns over the outlet pipe discharging to the river, in that Salmon may be attracted to the fast flowing water and attempt to move up the abstraction pipe. The applicant remedied this issue by proposing a flap over the end of the pipe which would prevent fish from entering the pipe, which NED are content with.
- 8.37 A Piling Risk Assessment was submitted which outlined that the preferred method of piling to be used is Continuous Flight Auger piles which are deemed best practise over other methods to produce less vibration. The report outlines that there could be the potential to disrupt migrating and spawning salmon in the vicinity of the site and further upstream, and have acknowledged this by proposing mitigation measures to ensure no piling works be conducted during the migration period (July-October). The

report suggested a fish habitat assessment of the adjacent stretch of river to assess the potential for spawning habitat in the vicinity of the site. The outcome of this assessment would determine if piling works can take place during the spawning period (November – December). NED were consulted with the Piling Risk Assessment and are satisfied that the mitigation measures contained within the report are sufficient to prevent adverse impact on the integrity of the designated sites. The proposed fish habitat assessments should be submitted to the planning authority prior to commencement of works to enable the competent authority to undertake a robust HRA.

8.38 Given the information provided by the applicant and the mitigation measures proposed the Planning Authority is satisfied that the proposal will not have any significant adverse impact on the conservation objectives or selection features of the designated SAC/ASSI, and as such the proposal complies with the policy requirements of the SPPS and PPS2.

Policy ENV4 (Plan)

8.39 Policy ENV4 of the Northern Area Plan states that development proposals on sites adjacent to a main river will only be acceptable provided the following criteria are met:

1. a biodiversity strip of at least 10 metres from the edge of the river is provided and accompanied with an appropriate landscaping management proposal;
2. public access and recreation provision is provided where appropriate;
3. there is no significant adverse impact on nature conservation;
4. the proposal will not compromise or impact on the natural flooding regime of the main river and complies with the requirements of PPS 15 (Revised): Planning and Flood Risk; and
5. any development would not prejudice future opportunities to provide a riverside walk.

8.40 The application site, as defined by the red line runs in relatively close proximity to the river edge along its western boundary, and particularly in the northern half of the application site, with the red line being within approximately 6.5m of the river edge. However built development in association with the application is

set back from the red line of the site, with all buildings, roads car parking spaces etc. set well beyond the 10m buffer zone specified. The only development within the 10m buffer zone is a relatively short stretch of retaining structure, which is set within the landscaped wedge which incorporates the gabion embankment beyond the extent of the site. The proposed development site will not, as discussed in the section above, have any significant adverse impact on nature conservation subject to the implementation of suitable mitigation measures outlined. The application site is located adjacent the River Roe but lies outside the identified 1 in 100 year fluvial flood plain. The proposed development will not result in additional works in the immediate vicinity of the river which would encroach into or impact upon the existing flooding regime of the River. DFI Rivers were consulted on the proposal and offered no objection to the development in relation to the requirements of PPS15. Given the proposed land use it would not be appropriate to incorporate a public access/recreational aspect into the development. The application could be used indirectly as a thoroughfare between Main Street and Catherine Street/Lisnkillly Rd and any future public walkway. The Northern Area Plan identifies a peripheral walkway extension as outlined under designation LYO 02. The identified route of the pathway is along the river edge to the west of the application site. The proposed route of the path is envisaged to be along the bottom of the gabion embankment and therefore outside the application site. As such the proposed development will not prejudice the potential construction of the riverside walk at this location. When considered against the requirements of Policy ENV4 the proposal is acceptable.

LLPA – LYL03

8.41 The western section of the application site, which lies outside the development limit is within the designated Myroe/Hunter's Bend LLPA designation LYL 03. Policy ENV1 of the Northern Area Plan states that planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA. Where development is permitted, it will be required to comply with any requirements set out for individual LLPAs in the District Proposals.

8.42 Designation LYL 03 identifies the features or combination of features that contribute to the environmental quality, integrity or character of this area are listed below.

1. This LLPA includes the section of the Roe floodplain and associated slopes north of Limavady.
2. It is traversed by the bypass with fairly intrusive embankments, the impact of which will be reduced as the landscaping alongside matures.
3. This LLPA includes part of the designated Fruitfield Delta 1, 2 & 3 incorporating Tully Sand Pit and Farlow Wood SLNCI.

8.43 The application as outlined within the report above proposes only enabling/ancillary works outside the development limit and within the LLPA. The identified selection features do not relate directly to the application site and given the limited works within the LLPA the Planning Authority are content that there will be no adverse impact on the designation and does not offend the requirements of the Policy ENV1 of the Northern Area Plan.

9.0 CONCLUSION

9.1 The application proposes a new retail unit within the defined town centre of Limavady Town. The application represents a suitable land use within the town centre. The proposal will result in the re-development of a derelict site which is identified as a Development Opportunity Site within the Northern Area Plan 2016. The scale and design of the proposed retail unit is considered to be acceptable and will not result in any significant adverse visual impact on the wider landscape, streetscape, or upon the designated Area of Townscape Character or Listed Buildings. The proposal will not have any significant adverse impact on the natural environment or upon road safety. Approval is recommended.

10.0 Conditions and Informatives

10.1 Regulatory 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. No development shall take place within the approved site until the vehicular access, including visibility splays and any forward sight distance, has been provided in accordance with Drawing No. 03-4 bearing the date stamp 20th March 2019, Drawing No. 16 Rev 01 & Drawing No. 21 both dated 11th October 2018 and DC(1) Form dated 11th October 2018. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The access gradient to the development hereby permitted shall not exceed 4% (1 in 12.5) over the first 20 m outside the road boundary.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No.03-4 bearing date stamp 20th March 2019 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.

5. The parking facilities detailed in Condition No 4 above shall be open for use during all hours of business.

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

6. A Final Construction Environmental Management Plan (and finalised layout design) shall be submitted to the competent authority for agreement prior to works commencing. This should reflect all the pollution prevention and mitigation measures to be employed as identified in the outline Construction Environmental Management Plan (21/05/2018), Proposed Drainage Layout (29/11/2018), Drainage Strategy (14/06/2018), the Generic Quantitative Risk Assessment (09/04/2018) and the Piling Risk Assessment Report (December 2018).

Reason: To avoid adverse effects on the conservation objectives and qualifying features of River Roe and Tributaries SAC.

7. A clearly defined buffer of at least 10m must be maintained between the location of refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the River Roe and Tributaries SAC for the duration of the construction phase.

Reason: To avoid adverse effects on the conservation objectives and qualifying features of River Roe and Tributaries SAC.

8. Prior to discharge to the adjacent watercourse, any surface water generated during the construction and operation phases of the development shall pass through appropriate treatment, such as sediment traps and hydrocarbon interceptors.

Reason: To avoid adverse effects on the conservation objectives and qualifying features of River Roe and Tributaries SAC.

9. Construction of the outfall structure for discharge from the sewage treatment plant shall take place only in periods of low flow. A suitable barrier, such as a coffer dam, shall be erected around the outfall site prior to commencement of construction of the structure. The barrier shall be adequate to prevent egress of water from the construction site and shall be removed upon completion of all construction activities. The area within the barrier shall be de-watered prior to use of any wet concrete and all water contained thereafter shall be collected for off-site treatment. At no point shall water be discharged from the site into the River Roe and Tributaries SAC during construction phase of the outfall structure.

Reason: To avoid adverse effects on the conservation objectives and qualifying features of River Roe and Tributaries SAC.

10. No piling works shall be undertaken during July-October to avoid disturbance to Atlantic Salmon migration. Piling works may be permitted during the spawning period in November and December subject to the submission of a Fish Habitat Assessment to determine the presence or otherwise of spawning habitat adjacent the application site. The Fish Habitat Assessment shall be assessed by Causeway Coast and Glens in association with Shared Environmental Services and Loughs Agency to determine if piling works can take place during November and December. The Fish Habitat Assessment shall be submitted no less than 8 weeks prior to the spawning period for consideration. Details of the assessment requirements including the extent of the survey area should be agreed with the planning authority to the satisfaction of the Loughs Agency prior to the commencement of the assessment.

Reason: To avoid adverse effects on the conservation objectives and qualifying features of River Roe and Tributaries SAC.

11. 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 Model Procedures for the Management of Land Contamination (CLR11). 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.

Reason: To avoid adverse effects on the conservation objectives and qualifying features of River Roe and Tributaries SAC.

12. 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 NIEA 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.

13. No development shall commence until the stockpiles of waste which are located on the site are fully classified and assessed in accordance with Technical Guidance WM3 – Waste Classification: Guidance on the classification and assessment of waste (3 edition, July 2015). If new contamination or risks to the water environment are encountered which have not previously been identified, works should cease, the Planning Authority shall be notified immediately and Condition 14 will apply.

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

14. 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 Model Procedures for the Management of Land Contamination (CLR11). 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.

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

15. After completing the remediation works under Condition 14; 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 Model Procedures for the Management of Land Contamination (CLR11). 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.

16. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Causeway Coast and Glens Borough Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:
- o The identification and evaluation of archaeological remains within the site;
 - o Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
 - o Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
 - o Preparation of the digital, documentary and material archive for deposition.

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

17. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 16.

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

18. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 16. These measures shall be implemented and an archaeological report shall be submitted to Causeway Coast and Glens Borough Council within 6 months of the completion of archaeological site works, or as otherwise agreed in writing with Causeway Coast and Glens Borough Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

19. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department 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.

20. The hours of operation of the external air-conditioning unit shall be as stated:
08.30-18.00 Monday & Tuesday,
08.30 – 21.00 Wednesday to Friday,
08.30- 18.00 Saturday and
13.00 – 18.00 on Sundays.

Reason: In the interest of residential amenity.

21. Deliveries to the premises shall only take place during the following hours.

08.30-18.00 Monday & Tuesday,
08.30 – 21.00 Wednesday to Friday,
08.30- 18.00 Saturday and
13.00 – 18.00 on Sundays.

Reason: In the interest of residential amenity.

22. The existing natural screenings of the site, as indicated on approved drawing ref: 14 Rev 02, date stamped received 20th March 2019 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure the proposed works respect the character of the setting of the listed buildings

23. All planting, landscaping and boundary treatments comprised in the approved details of Drawing No. 14 Rev 02 date stamped

20th March shall be carried out during the first planting season following the retail unit becoming operational, and any trees, hedgerow or shrubs which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

24. The Roe Road Bridge (HB02/12/030) shall be protected during works.

Reason: To protect the listed bridge from any adverse impact caused by the construction works.

25. If, during the proposed development, any ground contamination is encountered then all works on the site shall cease. Causeway Coast and Glens Borough Council Environmental Health Department shall be informed and sufficient information to assess potential risks arising from the former use of the land shall be submitted to the Planning Authority in consultation with the Environmental Health Department. Any necessary mitigation / remediation measures shall be clearly specified. The above work should be undertaken by a suitably competent person/s and in accordance with current government guidance.

Reason: In the interest of public health.

Informatives

1. 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.
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 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.
4. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

Notwithstanding the terms and conditions of the Causeway Coast and Glens Borough Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DFI Roads, Section Engineer whose address is Causeway Coast and Glens (West), County Hall, Castlerock Road, Coleraine. A monetary deposit will be required to cover works on the public road.

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing roadside drainage is preserved and does not allow water from the road to enter the site.

5. Due to the proximity of the site to a watercourse, care will need to be taken to ensure that polluting discharges do not occur during the construction and operational phases of this development.

The applicant must refer and adhere to the relevant precepts in Standing Advice on Pollution Prevention Guidance, paying particular attention to where further information can be found regarding oil storage, incident response (dealing with spills), safe storage - drums and intermediate bulk containers, and the use of

oil separators in surface water systems (including the restrictions due to use of detergents).

Care should be taken to ensure that only clean surface water is discharged to the nearby watercourse. The applicant should refer to Standing Advice on Sustainable Drainage

Systems for advice on the use of Sustainable Drainage Systems on brownfield sites.

The applicant should note discharge consent, issued under the Water (Northern Ireland)

6. Due to the proximity of the site to a watercourse, care will need to be taken to ensure that polluting discharges do not occur during the construction and operational phases of this development.

The applicant must refer and adhere to the relevant precepts in Standing Advice on Pollution Prevention Guidance, paying particular attention to where further information can be found regarding oil storage, incident response (dealing with spills), safe storage - drums and intermediate bulk containers, and the use of oil separators in surface water systems (including the restrictions due to use of detergents). Care should be taken to ensure that only clean surface water is discharged to the nearby watercourse. The applicant should refer to Standing Advice on Sustainable Drainage Systems for advice on the use of Sustainable Drainage Systems on brownfield sites.

The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for the disposal of contaminated surface water during the construction and operational phases of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to Standing Advice on Discharges to the Water Environment.

Water Management Unit notes the development includes excavation of an underground structure (attenuation tanks). Depending on the geological setting, the potential exists for the

water table to be encountered during these works which may require dewatering to take place. Authorisation may therefore be required, under the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006. The applicant should refer to Standing Advice on Abstraction and Impoundment.

The discharge of water from a dewatering operation will require consent to discharge, under the Water (NI) Order 1999. The applicant should refer to Standing Advice on Discharges to the Water Environment.

All Standing Notes are available at: www.daera-ni.gov.uk/water-environment-standingadvice

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata.

Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

7. The applicant's attention is drawn to Article 4 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 bird; or
 - take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 - at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
 - obstruct or prevent any wild bird from using its nest; or
 - take or destroy an egg of any wild bird; or
 - disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
 - disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season including 1st March to 31st August, unless pre-clearance surveys show an absence of breeding birds.

8. Demolition/Construction Noise Impact

BS 5228: 1997 in relation to construction activities states,

“Noise and vibration can be the cause of serious disturbance and inconvenience to anyone exposed to it and in certain circumstances noise and vibration can be a hazard to health.”

Therefore, Causeway Coast and Glens Borough Council’s Environmental Health Department would request that the following informative be attached to any Planning Permission granted:

“Noise from construction activities should –

(a) not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB LAeq, 1hr between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and

(b) not exceed 65 dB LAeq, 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, and

(c) 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.”

Radon

The applicant should be aware that an updated Atlas of Radon Affected Areas in NI has been published in August 2015, via Public Health England. A radon affected area is defined as 1% probability or higher of present or future homes above the action level – 200Bq/m³ (annual average radon concentration). The applicant is strongly recommended to access the updated atlas at: <http://www.ukradon.org/information/ukmaps> and <https://www.gov.uk/government/publications/radon-indicative-atlas-for-northern-ireland>.

Further information regarding radon (How it affects you and Guidance with respect to what mitigation measures will be required to safeguard health) can be accessed from the Causeway Coast and Glens Borough Council website Health and Built Environment Department – Environmental Protection/Building Control sections accessed at: <https://www.causewaycoastandglens.gov.uk/live/health-and-built-environment/environment-health-and-well-being/environmental-protection>”.

*Building Regulations (NI) 2012 Guidance Technical Booklet C “Site Preparation and Resistance to Contaminants and Moisture, October 2012 : Section 3 provides further information on the level of protection required and directs to the Building Research Establishment (BRE Reports) which provide detailed guidance on protective measures relevant to new dwellings in NI).

Technical Booklet C can be accessed at: <http://www.buildingcontrol-ni.com/regulations/technical-booklets>
Note :The guidance in BR211 applies to all new buildings, extensions, conversions and refurbishment for domestic or non-domestic use (unless subject to local exemptions contained within the above Regulations).

The current 2015 edition of BR211 covers the whole of the UK and replaces three earlier guidance documents:

- BRE Report BR211 Radon: guidance on protective measures for new buildings – originally introduced in 1991 and amended in 1992, 1999 and 2007 covering England and Wales.
- BRE Report BR376 Radon: guidance on protective measures for new dwellings in Scotland – introduced in 1999. (Please note that whilst this guide has been superseded it is still referred to in Scottish Technical Handbook guidance.)
- BRE Report BR413 Radon: guidance on protective measures for new dwellings in Northern Ireland – introduced in 2001. (Please note that whilst this guide has been superseded it is still cited for Building Regulations purposes)

BR211 (2015) includes guidance for all building types including extensions, conversions and refurbishment. The report identifies the areas of England, Wales, Scotland and Northern Ireland where measures should be taken to provide protection against radon and offers extensive guidance on the technical solutions that are required to satisfy Building Regulations requirements.

Waste Disposal

The applicant should consider their means of waste disposal and the location of any bins. Care should be taken to ensure that the chosen location does not impact upon neighbouring properties with regard to odour, flies etc

Food Hygiene/Health and Safety legislation

The applicant should consult with this department's Commercial Team with regard to food hygiene and health and safety requirements as applicable.

Lighting

Many retail units install lighting for health and safety and security reasons. If such lighting is proposed for this unit the applicant must consider its impact on surrounding residential properties. Any lighting schemes proposed should be assessed to ensure that residents living nearby are not affected by light nuisance. The applicants attention is drawn to the Strategic Planning Policy Statements with regard to lighting, the National Planning

Policy Framework: National Planning Guidance and the Institute of Lighting Professionals: Guidance Notes for the reduction of obtrusive light GN01:2011

9. The potential for deleterious matter to enter a watercourse is of primary concern. Impacts on the aquatic environment such as a decrease in water quality can cause a significant impact upon various life history stages of fish species. Accordingly, the applicant must demonstrate best environmental practice when working near watercourses.

The applicant should also be aware that it is an offence under section 41 of the Foyle Fisheries Act (1952) to cause pollution which is detrimental to fisheries interests.

10. Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to DfI Rivers, for its consent for any proposal to carry out works which might affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc. Failure to obtain such consent prior to carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.
11. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
12. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
13. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to

permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

14. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

15. 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 St
Belfast,
BT2 7EG
Tel: 028 9082 3100
Quote reference: SM11/1 LDY009:031

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 St
Belfast,
BT2 7EG

16. The archaeological report required to discharge condition 18 shall, prior to submission to Causeway Coast and Glens Borough Council, be classified as a Final report by Historic Environment Division, Department for Communities, as per the requirements of the archaeological excavation licence issued under Article 41 of the Historic Monuments and Archaeological Objects (NI) Order 1995.

17. Public water supply within 20m of your proposal, the Developer is required to consult with

NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect.

Foul sewer within 20m of your proposal, the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect.

Surface water sewer within 20m of your proposal, the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect.

The Limavady public sewerage network is currently operating above capacity and NI Water is not approving new connections to the public sewerage network.

18. The purpose of the Conditions 13 to 15 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

RU recommends that the applicant consult with the Water Management Unit in NIEA regarding any potential dewatering that may be required during the development including the need for a discharge consent. Discharged waters should meet appropriate discharge consent conditions.

The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern

Ireland) 2003 and the Water Order (Northern Ireland) 1999.

Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/waste-management-licensing>

<https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions>

<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

The applicant should ensure to comply with the Waste Duty of Care with respect to any waste materials taken onto or taken off site. Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 imposes a duty of care on anyone who handles controlled waste. When waste transfers from one person to another a waste transfer note and/or hazardous waste consignment note must be completed, signed and kept by the parties involved. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 set out the requirement to complete waste transfer notes for waste movements and the Hazardous Waste Regulations (Northern Ireland) 2011 set out the requirements to complete hazardous waste consignment notes for the transfer of hazardous waste.

Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/duty-care>

<https://www.daerani.gov.uk/articles/hazardous-waste>

In accordance with Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 a Waste Management Duty of Care Code of Practice for Northern Ireland June 2016 required by law exists. This code of practice provides practical guidance to everyone subject to the Waste Duty of Care. In Northern Ireland the primary responsibility for duty of care sits with the waste producer and therefore they should ensure they make the appropriate checks as set out in the Code of Practice for Northern Ireland in relation to waste produced. Further information can be obtained from:

<https://www.daera-ni.gov.uk/publications/waste-management-duty-care-code-practice>

Any contaminated soils and soil type materials require its hazardous properties to be firstly classified and assessed in accordance with Technical Guidance WM3 – Waste Classification: Guidance on the classification and assessment of waste (3 edition, July 2015). Classifying a waste correctly is a

legal requirement that helps to ensure that the waste is managed appropriately. NIEA therefore expects businesses to be able to demonstrate that any waste classifications based on sample results are reliable and as such conducted in line with Appendix D: Waste Sampling of Technical Guidance WM3.

Further information can be obtained from:
<https://www.gov.uk/government/publications/waste-classification-technical-guidance>

Regulation 17 of the Waste Regulations (Northern Ireland) 2011 imposes a duty on waste operators to comply with the European Waste Hierarchy. After a hazardous waste assessment is completed then the options for managing this waste should be further considered taking into account the European Waste Hierarchy. The applicant should be reminded that Landfill Waste Acceptance Criteria (WAC) are not relevant to a hazardous waste classification. A WAC test will not identify whether a waste is hazardous or non-hazardous. Before a waste can be disposed of, it must be classified as being either hazardous or non-hazardous, using the characterisation assessment and analysis described by the WM3 Technical Guidance. Then, if a waste hierarchy assessment determines that disposal to landfill is the appropriate disposal option for the waste, chemical WAC testing must be undertaken for wastes destined for inert, stable nonreactive hazardous or hazardous classes of landfill. Further information can be obtained from:
<https://www.gov.uk/government/publications/waste-classification-technical-guidance>

Should the materials be classified as hazardous waste then this material will need to be consigned off site as hazardous waste. NIEA should receive the waste consignment notices 72 hours in advance of any movements off site and waste materials moved off site only by a registered carrier (i.e. ROC permitted). Further information can be obtained from:
<https://www.daera-ni.gov.uk/articles/hazardous-waste#toc-3>
<https://www.daera-ni.gov.uk/publications/guide-consigning-hazardous-waste>

19. 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.

Site Location Map

