



Planning Committee Report LA01/2019/1101/F	28th October 2020
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 and Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u>	LA01/2019/1101/F	<u>Ward:</u>	CLOGHMILLS
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Former sand and gravel pit. SE of 9 Boyd's Road and 75m east of 66 Anticur Road. Dunloy		
<u>Proposal:</u>	Restoration of former sand and gravel pit to bring back land into agricultural use through infilling with inert material for drainage purposes involving the use of existing access, temporary wheel wash and landscaping		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	11.10.2019
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Agent:	MBA Planning		
Applicant:	Mr Martin O Hagan		
Objections: 0	Petitions of Objection:	0	
Support: 0	Petitions of Support:	0	

EXECUTIVE SUMMARY

- **Full planning permission is sought for restoration of a disused sand and gravel pit through infilling using inert material. Application includes regrading, sowing out for use as agricultural land and landscaping.**
- **The site is located within the rural area, east of Dunloy.**
- **This is a Major application that was accompanied by a Community Consultation Report and Design and Access details.**

- **The proposal was subject to EIA screening and is not deemed to require an Environmental Statement. It is therefore not EIA development.**

- **No letters of objection have been received in relation to the application.**

- **The purpose of the proposed scheme is to restore the land to agricultural use.**
- **The proposal is considered acceptable with regard to the key issues comprising: Contamination, Natural Heritage, Amenity, Visual Impact / Character, Access / Traffic, Drainage and the adjacent Railway.**

- **These issues were considered with regard to the main relevant policies which are the Northern Area Plan 2016, the SPPS, PPS 2, PPS 3, PPS 11 and PPS 21.**
- **Approval is recommended. This is subject to specific conditions to protect natural heritage, residential amenity and road safety interests.**

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 site comprises a disused sand and gravel pit which forms just under half of the site area within the applicants ownership located to the southern side of Boyd's Road. The subject site extends to 4.4ha and is accessed off Boyds Road via a wide, stoned laneway and is set back approximately 180m from the public road. The access lane serves a large stoned parking area located to the north-eastern corner of the site. The site has been excavated to create a fairly flat pit floor with a small area of soil material stored to the northern extent of the site. A number of large commercial vehicles and a small walled compound area remain on site.
- 2.2 The north-western site boundary comprises by a raised ditch area approximately 3m in height with the boundary partially defined by a palisade security fence and partially by post and wire fencing. Beyond this part of the site is an area of agricultural land. Along the western boundary the site is defined by the pit face which comprises a steep gradient rising approximately 11m up to the adjoining agricultural land and railway line just beyond the site. A small farm-holding exists to the immediate north-west of the pit site. The site boundary to the adjoining land is defined by a post and wire fence with mature trees set atop the slope. The gradient appears to comprise fairly loose material and includes evidence of soil slip along this boundary. The gradient of this boundary and difference in levels reduces significantly to the south-western corner of the site. The existing railway line is sited within 10m of the face of the pit.

- 2.3 To the immediate south of the site is an additional area of farmland raised at a level approximately 2m above that of the pit floor rising to the west. The boundary to this agricultural land is defined by a post and wire fence. Two electricity lines traverse the southern extent of the site from west to east. The remainder of the site boundary is generally undefined and is of a similar level to the remaining land beyond, which is of fairly poor quality and includes some small access roads linking with the quarry.
- 2.4 The site is located within the rural remainder as designated by the NAP 2016. The character remains rural due to the fact that the pit is well screened from the public road. The land on the opposite side of Boyds Road from the access point forms part of a designated Site of Local Nature Conservation Importance (SLNCI) known as Boyd's Bog (designation BNC 25) and is also an Area of Special Scientific Interest (ASSI). The subject site is affected by both fluvial flooding and pluvial ponding.

3.0 RELEVANT HISTORY

D/1983/0122 – Extraction of Sand and Gravel and Installation of Washing Plant. Permission Granted 12-Jan-1984.

D/1987/0255 - Extraction of sand and gravel and installation of mobile stone crusher. Permission Granted 20-Mar-1988.

D/2005/0750/O - Outline application for three no. house plots. Permission Refused 23.06.2006.

LA01/2019/0687/PAN – Proposal of Application Notice for Restoration of former sand and gravel pit to bring land back into agricultural use through infilling with inert material for drainage purposes involving use of existing access onto Boyds Road, temporary wheel wash and landscaping. PAN Acceptable 03-Jul-2019.

4.0 THE APPLICATION

4.1 The application is described as “Restoration of former sand and gravel pit to bring back land into agricultural use through infilling with inert material for drainage purposes involving the use of existing access, temporary wheel wash and landscaping”.

Proposal of Application Notice

4.2 As this application is considered a major application it must comply with the Proposal of Application Notice and carry out community consultation at least 12 weeks prior to the submission of the application.

4.3 A Proposal of Application Notice was submitted on 18th June 2019 under LA01/2019/0687/PAN. The applicant advised that they intended to undertake the following forms of consultation:

- Press notice of the public event the Ballymoney Chronicle, Coleraine Chronical, Limavady Chronicle and Northern Constitution.
- Leaflets circulated to all residential and commercial premises within a 300m radius of the site.
- Notice served on all local Councillors representing the Ballymoney Electoral Area.

Community Consultation Report

4.4 The community consultation report (CCR) was submitted as part of the planning application, received on 11th October 2019 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.

4.5 It contains a copy of the methods of consultation carried out as above and comments / feedback from the consultation exercise in the local context. The report demonstrates that consultation was implemented as agreed in the Proposal of Application Notice.

- 4.6 A public event was held on 5th July 2019. Details of the meeting was published in four local newspapers. Flyers were delivered to all properties within a 300m radius of the proposed site.
- 4.7 No formal feedback was received which indicated that the community was generally neutral to the proposal. During the leaflet drop one resident raised concerns regarding the potential restoration height of the proposal, the impact on nesting sand martins and the potential impact on the water table as a result of further excavation.
- 4.8 The CCR demonstrates that adequate community consultation has taken place and the key issues of concern have been considered prior to the submission of the application.

Design and Access Statement

- 4.9 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is considered to be a major application.
- 4.10 The design and access details are provided within the Environmental Impact Report which provides details of the traffic and visual analysis that have been applied to the development and how issues relating to the development have been dealt with.
- 4.11 The Report date received on 11th October 2019 demonstrates that the applicant undertook detailed consideration of the proposal in terms of the proposed re-grading and the impact on the character of the immediate context.

Environmental Impact Assessment

- 4.12 This proposal was subject to an environmental impact assessment screening as highlighted by the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

- 4.13 The application was considered to fall within Schedule 2: Category 11(B) of the Regulations - The carrying out of development to provide for installations for the disposal of waste (unless included in Schedule 1) which states that the threshold is (ii) when the area of the development exceeds 0.5 hectare. The area exceeds this threshold and is 4.4 hectares.
- 4.14 Having considered the Regulations , the development proposal would not have any likely impacts of such a significance to warrant an environmental statement as determined 12th Oct 2020.

Habitat Regulations Assessment

- 4.15 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

5.0 PUBLICITY & CONSULTATIONS

External: N/A

Internal:

NI Water: No objections.

DFI Rivers: Drainage Assessment received. No objections

Environmental Health Department: Noise Impact Assessment received. No objections

DFI Roads: No objections.

Shared Environmental Services: No Objections

Translink: No Objections

DAERA :

Water Management Unit - No Objections.

Natural Environment Division – No objections.

Regulation Unit – No objections. Hydrological Risk Assessment will be required as part of application for Landfill Permit.

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
- 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

Regional development Strategy 2035.

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

A Planning Strategy for Rural Northern Ireland

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 11: Planning and Waste Management.

Planning Policy Statement 15: Planning and Flood Risk.

Planning Policy Statement 21: Sustainable Development in the Countryside

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The proposal relates to the granting of permission for the restoration of a former sand and gravel pit through infilling with inert material and landscaping. The site is to be restored to agricultural use, utilising the existing access as well as a temporary wheel wash.

8.2 The main planning considerations for this application relate to the Principle of the development, Contamination, Natural Heritage, Amenity, Visual Impact / Character, Access / Traffic, Drainage and the adjacent Railway.

Principle of Development

8.3 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. There are a range of other types of non-residential development that may be acceptable in the countryside. Proposals for such development will continue to be considered in accordance with existing published planning policies.

8.4 The principle of development must be considered having regard to the Northern Area Plan, the SPPS and PPS policy and the Planning Strategy for Rural NI. Paragraph 3.8 of the SPPS asserts a presumption in favour of development which accords with an up-to-date development plan unless the proposed

development will cause demonstrable harm to interest of acknowledged importance.

- 8.5 Planning history exists in relation to the disused sand and gravel pit which is the subject of the current application. D/1983/0122 related to the original permission for extraction with the installation of a washing plant while D/1987/0255 included the installation of a mobile stone crusher. Both applications incorporated conditions requiring the site to be levelled and graded with topsoil within 3 -6 months of the cessation of extraction activities on site.
- 8.6 The application proposes re-grading of the majority of the identified site with inert material from the western boundary to the level of the north-eastern site corner which currently comprises a large stoned area. The highest proposed site levels relate to the western boundary and are indicated as approximately 95m which represents the original ground level adjacent. The proposed level reduce from the western boundary to the east and north-east of the site over a distance of approximately 120m -150m to an identified level of 85m. The southern extent of the site incorporates re-grading from approximately 93m to 85m although this is over a much shorter distance of approximately 60m. As a result the proposed gradient differs across the site ranging from just over 1:6 to the southern extent with the majority of the site not exceeding 1:12.
- 8.7 The north-eastern extent of the site is retained at current levels which are comparable to the surrounding landscape and road level. This area currently sites infrastructure associated with the previous use including a weighbridge, a mobile site office and a wheel wash all of which are to be removed on completion of the restoration works.
- 8.8 Planning Policy Statement 11 Planning and Waste Management generally sets out the policies for the development of waste management facilities but also includes Policy WM4 which relates to Land Improvement. Policy WM4 states that the disposal of inert waste by its deposition on land will only be permitted where it is demonstrated that it will result in land improvement and where all of the outlined criteria are met.

8.9 *“There is a local need for the development”.*

8.10 The site has previously been used as an open cast sand and gravel pit which has now ceased production but has resulted in significant scarring of the landscape and site levels. Previous planning permissions required restoration of the site on cessation of activities but has not been completed. The application proposes regrading of the site to restore it to agricultural use through the deposition of inert material which is defined within PPS11 as waste material that does not undergo any significant physical, chemical or biological transformations when deposited in landfill. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste must be insignificant and not endanger the quality of surface water or groundwater. Examples of inert waste would include clay, sand, stone, subsoil, chalk, hard-core, concrete and rubble (from uncontaminated sources).

8.11 The proposed infilling of the site will result in a number of benefits, including;

- Restoration of the landscape and mitigation of the visual impact resulting from the previous operations.
- Re-grading of the site in a manner sensitive to the surrounding levels and landscape which will not result in additional drainage / flooding issues.
- Utilisation of inert materials which will not result in any significant environmental impact.
- Stabilisation of the western boundary and landscape beyond which includes the nearby railway.
- Restoration of the site to an appropriate land use (agriculture).

8.12 As such there is a need for the proposed development and it is considered appropriate.

8.13 *“It will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures”.*

Contamination

8.14 The proposal utilises inert material which is appropriate to the location proposed works and will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment. NIEA has been consulted and raise no objections subject to conditions and Standing Advice. NIEA Waste Regulation Unit states that the site and proposal will require a permit under the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013 to operate. A landfill permit will only be issued when it is demonstrated that the landfill does not, when corrective measures are taken, pose an environmental risk. A suitable hydrogeological Risk Assessment must be submitted as part of the permit process to demonstrate that no unacceptable discharge will result.

8.15 NIEA Water Management unit (WMU) is content that the proposal will not impact on the surface water environment subject to the necessary permits and any other relevant statutory permissions. WMU has referenced the temporary wheel wash and welfare facilities as part of the proposal which does not indicate a water source for these facilities. Any proposed water abstraction or impound operations are subject to the relevant Standing Advice and will require the necessary licence.

8.16 The Council’s Environmental Health Department has been consulted and raise no issues regarding contamination subject to the necessary permits.

Natural Heritage

- 8.17 NIEA Natural Environment Division (NED) has been consulted with the Ecological Appraisal and Assessment report submitted by the applicant. This report indicates that following the re-grading works new grassland pasture will be sown creating two new agricultural field parcels to be used for livestock grazing and silage production. A restoration Plan has been submitted which indicates the sub-division of the site and location of proposed field hedgerows based on the historical field boundaries prior to the gravel and sand extraction.
- 8.18 The Ecological Appraisal and Assessment Report indicates that the site is currently dominated by bare ground with pockets of scattered scrub of low ecological value. The site is deemed to have moderate value to bats and there is little evidence of protected species on site such as badgers. Nesting birds were recorded within the face of the steep slope to the western boundary and as a result recommendations are proposed limiting the timing of the proposed works to this part of the site outside the nesting period. Nesting boxes are also proposed to compensate for the loss of existing nesting areas. The proposed works are deemed to represent a significant improvement in the ecological value of the site
- 8.19 NED advise that the proposed site would not have any significant impact on the existing Glarryford ASSI and no reference is made to any impact on the nearby SLNCI. NED has no objections to the proposal subject to a number of conditions relating to mitigation, landscaping and the protection of existing wild or protected animals.

Amenity

- 8.20 Potential impact on residential amenity will arise during the works phase as a result of noise, vibration and dust. Five residential properties exist within 300m of the site. The applicant has submitted an Amenity Risk Assessment as well as a subsequent noise impact assessment report. Although Environmental Health Department (EHD) are unable to confirm

the accuracy of some of the data submitted, no objections have been raised subject to the imposition of conditions relating to noise levels, machinery operation and the hours of operation (although these differ slightly from those proposed in the TAF. Vibration is also controlled. In terms of dust, EHD advises that under the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013 as part of the required licence, the operator of the regulated facility will be required to control emissions to air and the Regulatory Authority should ensure the prevention/control and minimisation of air pollution through the permit conditions. With regard to any other activities which would fall outside the scope of the aforementioned Regulations, EHD has proposed a condition regarding the dust mitigation measures specified in the submitted Environmental and Planning Statement document which include such measures as limiting vehicle speeds and spraying during dry conditions as well as sweeping roads. Subject to the necessary mitigation measures and controls the proposal is unlikely to result in an unacceptable impact on residential amenity.

Visual Impact / Character.

- 8.21 The visual impact on the immediate landscape has been significant. However, the location of the site limits the majority of critical views from surrounding public vantage points due to the distance from the public road, existing vegetation screening the site and surrounding levels. As a result the existing visual impact is limited with views of the site confined to the existing railway line elevated above the site. The proposed infilling and re-grading respects the surrounding landform and when completed will utilise new hedgerow planting to define field boundaries within the site. The end-use as agricultural land will result in a site which over time will be indistinguishable from the surrounding agricultural landscape.

Access / Traffic

- 8.22 The site is currently served by an existing wide access capable of accommodating the traffic associated with the previous use. The access is in good order comprising a stoned laneway and remains unchanged to facilitate the traffic associated with the

proposal and ultimately the end-use. A Traffic Assessment Form has been submitted indicating that the proposed works will take approximately 4 years to complete with 14 vehicle movements per day including a half day on Saturdays. DFI Roads has been consulted and raise no issues.

Drainage.

- 8.23 The proposed works will significantly alter the existing site levels and potentially impact on both the site and surrounding lands in terms of drainage. The applicant has submitted a Drainage Assessment which states that the proposal will not result in an increase in impermeable surface or surface water run-off rates and that measures will be put in place to improve drainage and the quality of the land for agricultural purposes although no formal drainage infrastructure or discharge points are to be installed. The DA also states that the proposed works will not increase surface water flood risk at the site or downstream. DFI Rivers has been consulted and raise no objections to the proposal.

Railway

- 8.24 The adjacent railway line runs fairly parallel to the western site boundary, significantly elevated above the site. Evidence of soil movement exists along this boundary although it is difficult to ascertain if this has continued to any significant extent since completion of the previous site operations or if it has generally stabilised. Translink has been consulted regarding the proposed works and have no objections subject to the submission of details of the type of inert materials adjacent the tow of the railway embankment and proposed finished levels. The application includes proposed levels over the entirety of the site and the identified site does not appear to extend up to the toe of the railway embankment. However this could be conditioned to the satisfaction of Translink.

- 8.25 *“Detailed measures are included for the appropriate restoration and aftercare of sites that will help to enhance biodiversity”.*
- 8.26 The proposal incorporates the re-grading works sown out to create new grassland pasture separated into two new agricultural field parcels to be used for livestock grazing and silage production. A restoration plan has been submitted which indicates the sub-division of the site and location of proposed field hedgerows based on the historical field boundaries prior to the gravel and sand extraction.
- 8.27 *“Only the minimum quantity of fill necessary to achieve the proposed improvement shall be deposited”.*
- 8.28 Levels drop across the site significantly from the western to north-eastern boundaries. Cross-sections of the proposed re-grading across the site are provided and indicate the minimum level of deposited fill necessary to achieve an appropriate gradient across the site which is reflective of the surrounding levels and the original site levels prior to excavation.

9.0 CONCLUSION

- 9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The previous planning permission incorporated conditions in relation to restoration works and the infill material is inert waste suitable for the site. No significant issues have been identified. The proposal is considered acceptable in terms of natural heritage, residential amenity, visual impact, access, drainage and the operation of the adjacent railway. The scheme meets current planning policy as outlined above. Approval is recommended

10.0 Conditions.

10.1 As required by Section 61 the Planning Act (Northern Ireland) 2011 the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

10.2 No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with Drawing No. 09 bearing the date stamp 11th October 2019. 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.

10.3 The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m 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 user.

10.4 The development hereby permitted shall not become operational until effective vehicle wheel washing facilities have been installed and brought into operation for the lifetime of the development approved.

Reason: To prevent the carry-over of mud or debris onto the public road in the interests of road safety and convenience.

10.5 Prior to the commencement of the development an Article 11 application for the haulage routes and any associated traffic management proposals shall be submitted to and agreed in writing with DFI Roads.

Reason: In the interests of road safety and the convenience of road users.

10.6 Prior to the commencement of construction on site, the applicant/agent shall carry out a condition survey of all haul routes and shall at the applicants expense carry out and provide video details of the condition of the existing public roads being considered as haul routes.

Reason: In the interests of road safety and the convenience of road users.

10.7 During construction works, the applicant shall carry out and record weekly inspections of all haul routes and submit this information to DFI Roads on a monthly basis.

Reason: In the interests of road safety and the convenience of road users.

- 10.8 The combined rated level of noise from the site shall not exceed the values set out in Table 1 within the curtilage of the receptors. If access to any of the stated properties is not forthcoming or measurement is not feasible, a measurement location and concomitant noise level shall be agreed with the Environmental Health Department.

Table 1: Predicted 1 hour noise levels (LAr - Daytime at noise sensitive receptors).

Noise sensitive location (X,Y)	Site operations (north-western extent)	Site operations (south-western extent)
304090, 417894	43.4 dB(A)	36.7 dB(A)
304028, 417680	36.8 dB(A)	38.1 dB(A)
304086, 417572	35.3 dB(A)	40.1 dB(A)

Reason: In the interest of residential amenity.

- 10.9 No activities or site operations, including the operation of any equipment or machinery shall take place outside of the following hours:

07:00 to 19:00 hours Monday to Friday

07:00 to 13:00 hours on Saturdays

There shall be no activities or site operations, including the operation of any equipment or machinery at any time on Sundays or Public Holidays.

Reason: In the interest of residential amenity.

- 10.10 Within 6 weeks of a written request by Causeway Coast and Glens Borough Council, following a noise or vibration complaint from the occupant of a sensitive receptor, and/or at the discretion of the Council, the operator shall, at their expense employ a suitably qualified consultant to assess the level of noise/vibration from the development and within this

period submit the details of the noise/vibration monitoring survey within a written report to the Council. The survey information shall include details of any noise/vibration limit/breaches, recommendation of acoustic mitigation required, confirmation of implementation of mitigation measures and evidence of noise/vibration limit/s conformance.

Reason: In the interest of residential amenity.

- 10.11 All dust mitigation measures as specified in the Environmental and Planning Statement date stamped 11th October 2019, shall be instigated to minimise the generation and movement of dust from the proposed development to surrounding residential dwellings. All dust mitigation measures or complaint investigations shall be in accordance with any current guidance from the Institute of Air Quality Management.

Reason: In the interest of residential amenity.

- 10.12 All infill material used as part of this development shall be strictly inert material.

Reason: To prevent any unacceptable risk to human health or environmental receptors.

- 10.13 Mitigation measures as outlined in the Ecological Appraisal & Assessment received on 11-OCT-2019 in relation to the protection of Sand Martins shall be implemented and adhered to.

Reason: To protect wild birds and their nesting habitat.

10.14 No works shall take place within the bird breeding season (March and September) in the area of the Sand Martin nesting sites as identified within the Ecological Appraisal and Assessment received on 11-OCT-2019. All levelling/ground works affecting this area shall be done undertaken outside of the bird breeding season.

Reason: To minimise impacts from the development on breeding/nesting birds.

10.15 There shall be no direct discharge of untreated water run-off from the proposed wheel wash during the construction and operational phase of the development in to the priority habitat immediately adjacent to the application site.

Reason: To minimise impacts from the development on priority habitat (Peatland/Raised Bog).

10.16 No existing tree along the western and northern boundaries of the site shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

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

10.17 A suitable buffer of at least 10m shall be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the priority habitat to the east of the application site.

Reason: To minimise impacts from the development on priority habitat (Peatland/Raised Bog).

- 10.18 Details of any works / infilling adjacent the railway embankment on the western site boundary including levels and materials shall be provided to, and agreed with Translink prior to the commencement of such works.

Reason: In the interest of safety.

- 10.19 All planting comprised in the approved details of drawing No 05 date stamped 11-OCT-2019 shall be carried out during the first planting season following the completion of re-grading works and any 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 provision, establishment and maintenance of a high standard of landscape.

Informatives

- 11.1 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.
- 11.2 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.
- 11.3 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.

- 11.4 This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
- 11.5 The applicant is advised to take account of the position of any NIE equipment in the area to ensure safety. The developer should maintain statutory clearance from NIE equipment during the construction works in accordance with HSE Guidance Note GS6. Any infringement of the clearances to NIE equipment may require mitigation work. Any costs associated with this work may be charged to the customer.
- 11.6 The applicant is advised that under Article 11 of the Roads Order (Northern Ireland) Order 1993, the Department for Infrastructure Roads, is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road as a result of extraordinary traffic generated by the proposed development.
- 11.7 The applicant should contact the Department for Infrastructure Roads Maintenance Section at Causeway Coast and Glens (East), 37-45 John St, Ballymoney BT53 6DT in order that an agreement may be reached regarding maintenance costs and incurred expenses in consequence of any damage caused to the public road.
- 11.8 A video record of road conditions shall be taken by DfI Roads staff in conjunction with a representative of the applicant / contractor immediately prior to the commencement of operations and copies lodged with the Section Engineer, Causeway Coast and Glens (East), 37-45 John St, Ballymoney BT53 6DT and the applicant.
- 11.9 All necessary reinstatement works required to return the public roads to their condition prior to commencement of

haulage of construction materials shall be undertaken as soon as possible following those operations

- 11.10 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.
- 11.11 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 Roads 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 (East), 37-45 John St, Ballymoney BT53 6DT. A monetary deposit will be required to cover works on the public road.
- 11.12 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 road side drainage is preserved and does not allow water from the road to enter the site.
- 11.13 The maintenance strip as indicated in the Drainage Assessment received on 27-JAN-2020 should be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development. Clear access and egress should be provided at all times

- 11.14 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.
- 11.15 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.
- 11.16 All vehicles operating within the development site should be fitted with white noise (full spectrum) reversing alarms or variable loudness reversing alarms.
- 11.17 In accordance with the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 (as amended) it is a mandatory requirement that upon the abstraction and/or diversion and/or impoundment of water from the natural river channel/lake, coastal or groundwater sources, an abstraction/impoundment licence should be obtained unless the operations specified are Permitted Controlled Activities.
- 11.18 Water Management Unit recommends that water from the wheel wash should be recycled and a silt trap be fitted to prevent suspended solids entering a soakaway. The silt trap should be properly maintained and cleaned to ensure it functions effectively.
- 11.19 Discharge consent, issued under the Water (NI) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks, will also require a separate discharge consent application. The applicant should refer to DAERA

Standing Advice on Discharges to the Water Environment.

- 11.20 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.
- 11.21 The site as indicated will require a permit issued under The Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013 in order to operate. The applicant will be required to apply to obtain a permit demonstrating full compliance with the Landfill Regulations 2003 and the Groundwater Regulations 2003. A Hydrogeological Risk Assessment (HRA) including baseline groundwater and surface water monitoring will be required as part of the permit application under The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013. The HRA should demonstrate consideration of the risk to groundwater / surface water. Consideration must also be given to the impact on sensitive receptors. The applicant must present proposals on how the impact on sensitive receptors will be prevented / minimised.
- 11.22 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 or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

11.23 The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

a) Deliberately to capture, injure or kill a wild animal of a European protected species,

which includes all species of bat;

b) Deliberately to disturb such an animal while it is occupying a structure or place

which it uses for shelter or protection;

c) Deliberately to 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;

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

or

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

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 0289056 9558 or 028 9056 9557.

- 11.24 If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 0289056 9558 or 028 9056 9557.

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 of this Order, which includes the badger (*Meles meles*);

damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;

damage or destroy anything which conceals or protects any such structure;

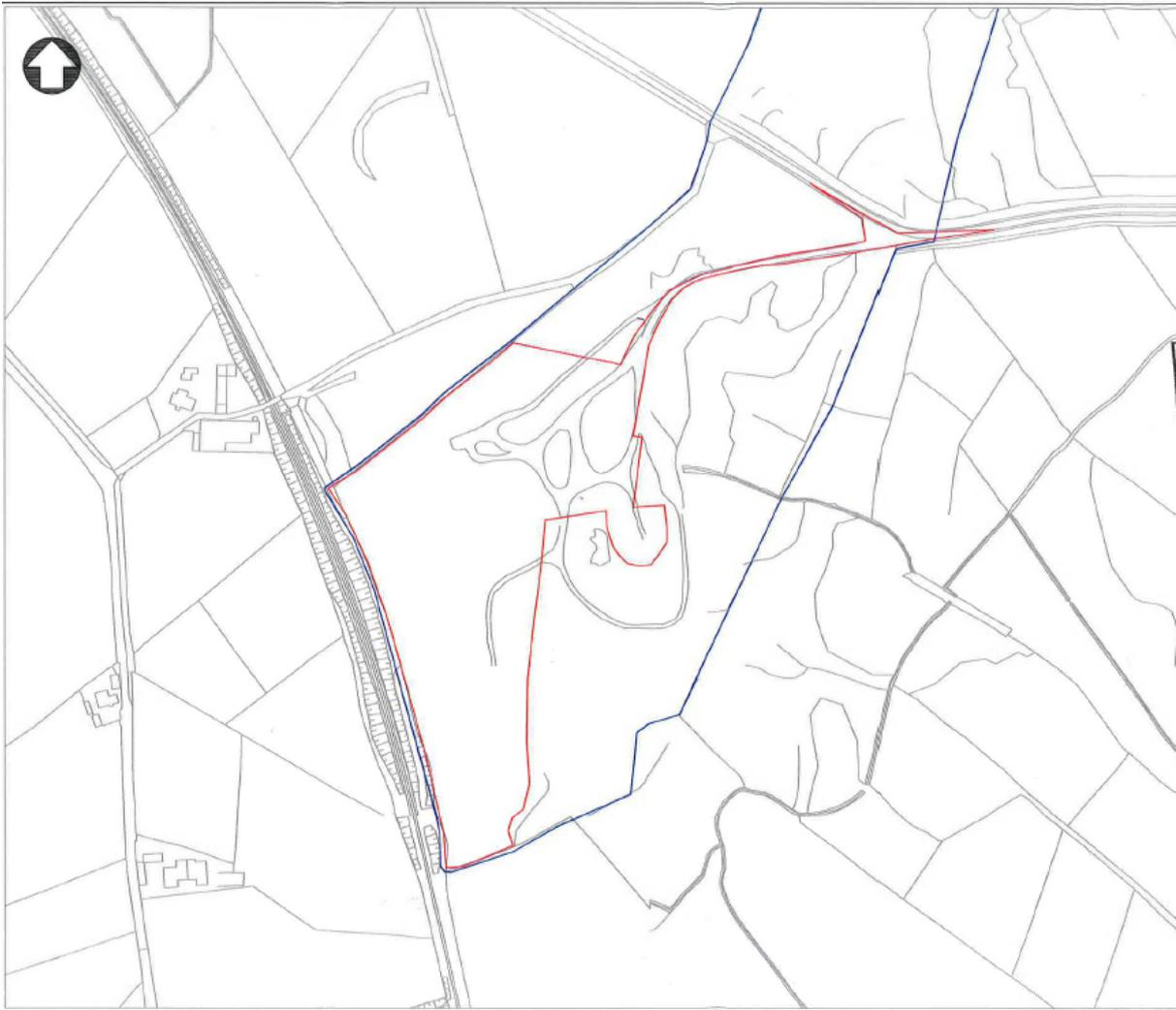
Disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

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.

If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

- 11.25 The applicant is advised to contact NIW Waterline on 03457 440088 or orwaterline@niwater.com, upon receipt of this decision to discuss any areas of concern. Application forms and guidance are also available via these means.
- 11.26 If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Waterline on 03458 770002.
- 11.27 You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.

Site Location Plan



Site Layout Plan

