

Item D

Existing playing pitches, Curragh Road, Dungiven adjacent to housing development along O’Cahan Place and opposite Greenhaven

LA01/2015/0354/F

Full Application

16th December 2015

<u>No:</u>	LA01/2015/0354/F	<u>Ward:</u>	Dungiven
<u>App Type:</u>	Full Application		
<u>Address:</u>	Existing Playing Pitches, Curragh Road, Dungiven adjacent to housing development along O'Cahan Place and opposite Greenhaven		
<u>Proposal:</u>	Redevelopment of existing sport and leisure facilities to provide improved formal car parking and vehicular access, 1 new 3G synthetic 55x90m soccer pitch with 3m security fencing/6m ballstop fencing/15m pitch floodlighting and a new build sports centre providing changing facilities, 4 court indoor sports hall, fitness suite, community meeting rooms and ancillary accommodation. The existing children's play park is to be retained.		
<u>Officer:</u>	Martin McErlain ext: 7182		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	29 th June 2015
<u>Listed Building Grade:</u>	NA		
<u>Agent:</u>	Kennedy Fitzgerald Architects, 3 Eglantine Place, Belfast, BT9 6EY		
<u>Applicant:</u>	Causeway Coast And Glens Borough Council		
<u>Objections:</u>	8	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

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

1 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 section 7 & 8 and resolves to Approve full planning permission.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The site is located at the existing playing fields on the Curragh Road Dungiven. The site abuts existing housing, on three sides, located at both O'Cahan Place, to the north and west, and Greenhaven to the south on the opposite side of the Curragh Road.

- 2.2 The site is approximately 2.18 Hectares, and contains a children's play park, an all-weather/gravel playing pitch with associated floodlighting, an area of hardstanding for parking, which contains a portable structure which is presumably used as changing facilities in association with the grass soccer pitch.
- 2.3 The site is elevated at the southern end to the same level as the Curragh Road, and falls towards the centre of the site/soccer pitch before being levelled off for the remainder of the site. There is also a slight fall from west to east along the front part of the site which follows the general topography of the surrounding landform.
- 2.4 The roadside boundary of the site is defined by a 1.8 metre high security metal fence with both vehicular and pedestrian gates. The eastern boundary is defined by a post and wire fence and mature hedgerows and trees which vary in size. A stream also runs along the entire length of this eastern boundary in a northern direction. The northern (rear) boundary is defined, mainly by a close boarded timber fence which defines the rear boundaries of properties within O'Cahan Place. The fence line is 1.8 metres high with sections reduced to 1.2 – 1.5m and parts of the boundary being defined by the rear walls of garages within O'Cahan Place. The western boundary is defined by a mix of 1.8m high timber fence, garages, and hedgerow, which is approximately 2-2.3 metres high with some larger sections around 4m.
- 2.5 The site is located within the defined settlement limit of Dungiven as per the Northern Area Plan 2016, with the eastern boundary abutting the settlement limit. The site is also defined as a major area of existing open space within the Area Plan.

3 RELEVANT HISTORY

B/2004/0010/F - Erection of sports pavilion and play area with alterations to existing car park - Opposite Greenhaven Junction, Curragh Road, Dungiven – Approved 07.06.2004

4 THE APPLICATION

- 4.1 The proposal is for the redevelopment of existing sport and leisure facilities to provide improved formal car parking and vehicular access, 1 new 3G synthetic 55x90m soccer pitch with

3m security fencing/6m ball-stop fencing/15m pitch floodlighting and a new build sports centre providing changing facilities, 4 court indoor sports hall, fitness suite, community meeting rooms and ancillary accommodation. The existing children's play park is to be retained.

4 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours:** To date 8 letters of objections have been received. The issues raised within the objections relate to;

- Proposal does not serve local needs
- Waste of money
- Loss of public green space which is free to use by anyone
- Already adequate facilities provided at existing Chapel Road site and Owenbeg.
- Health implications from playing surface of 3G pitches.
- Impact on privacy
- Erection of large catch nets/fencing to boundaries and rear of properties
- Goal posts to rear of properties and potential for damage to properties
- Unable to use amenity space/gardens when games/training is in progress
- Noise pollution/operating hours
- Light pollution from floodlighting/operating hours
- Additional traffic and Parking
- Drainage issues
- Infringement of human rights
- Proposal is not sympathetic to surrounding environs/detracts from natural space.
- Impact on the natural environment and wildlife using the site.

Internal:

5.2 NIEA- Natural Heritage – No objection

TransportNI – No objection

NIWater – No objection

Environmental Health – No objection

Shared Environmental Services – No objection

Loughs Agency – No objection

Rivers Agency – No objection

NIEA Water Management Unit – No objection

6 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 both a new local plan strategy and local policies plan are adopted, and found to be sound, 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 RELEVANT POLICIES & GUIDANCE

PPS 3 - Access, Movement and Parking

PPS 2: Natural Heritage

PPS 8: Open Space, Sport and Outdoor Recreation

PPS 15: Planning and Flood Risk

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this full application are the objections, planning policy, the principle of development, residential amenity, provision for those with disabilities, access, parking, flooding, design and natural heritage.
- 8.2 The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements.

Principle of development

- 8.3 The site is located within the settlement limit for Dungiven and identified as a major area of open space in the Northern Area Plan 2016. The principle of the proposal is therefore in accordance with the local development plan. Policy OS 1 states that development, will not be permitted that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance. An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.
- 8.4 The proposal seeks to use the existing playing pitches and convert them into a new 3G pitch with a new purpose built leisure centre which can cater for a wider range of patrons and activities. The context and rationale for the submission of this application has been outlined within the 'Appraisal of the Proposed Investment in Community and Leisure Facilities in

Dungiven'. The driving force behind the application is that the current sports pavilion on Chapel Road is not fit for purpose due to its poor condition, its non-compliance with the 1995 Disability Discrimination Act, and the inability of local sports clubs to gain access to pitch provision due to continued high demand for them. The applicant has carried out consultation with users of the existing sports pavilion which identified dissatisfaction at the current provision in terms of changing rooms, outdoor facilities and opening times, whilst a need for additional pitches at the facility and additional space for classes such as yoga and Pilates has been identified. In addition a survey of the 11 registered sports clubs in and around Dungiven was conducted which found that clubs require access to pitches for fulfilling fixtures and training, whilst additional demand for GAA and soccer pitches was identified.

- 8.5 From the research undertaken, the applicant identified the needs of the local community and clubs and allowed them to formulate aims and objectives as to how to provide the required sport and leisure facilities. In conclusion the applicant opted to consolidate all of its facilities to the one site. It outlined a number of benefits relating to access and facility provision including addressing the Disability access issues, as well as the provision of the 3G pitch providing maximum hours of additional availability of pitch space to GAA and Association Football clubs. The proposed scheme is the most economically viable option. Thus the benefits to a wider sector of the community outweighs any objections to the loss of open space in its current form.
- 8.6 In addition, it is noted that the existing children's play park to the front of the site is being retained in-situ, which will therefore result in the maintenance of the current provision of facilities within the site. The consultation process has concluded that in order to best meet the demand for additional pitches/facilities, the site at the Curragh Road offers the best potential as, space at the existing Chapel Road site is limited, and it would not have the scope to provide the 3G pitch at that location.
- 8.7 The existing site is designated as open space within the Area Plan and whilst there is a presumption against the loss of open space, the proposal does not represent a loss of open space, but rather the redevelopment of Open Space to provide high quality sport and leisure facilities, which will allow the local

community to make maximum use of the existing site. There is also the potential within the site for further provision which would further enhance the facilities available to the community at this location in the future. The end result of this project will be the provision of a high quality sports facility which will go a long way in meeting local demand for suitable sports and recreational facilities which will result in substantial community benefits. It is on these grounds the proposal is in compliance with policy OS 1 of PPS 8.

- 8.8 PPS 8 classifies intensive sporting facilities to include leisure centres and other indoor and outdoor sports facilities that provide for a wide range of facilities. The first criteria of Policy OS4 entitled Intensive Sports Facilities requires that such facilities are located within settlements and as the site is located within the defined settlement limit of Dungiven, this criteria is satisfied.

Residential Amenity

- 8.9 Policy OS4 will only permit intensive sports facilities if specific criteria are met including where *there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely.*
- 8.10 By the nature of the proposal the site is likely to experience a relatively high increase in usage/demand because the level of facilities proposed will allow for a range of clubs/patrons to visit and use the site simultaneously. Given the siting of the proposed leisure centre and 3G pitch in relatively close proximity to the surrounding housing developments there is the potential for conflict. A number of objections have been received in relation to the potential detrimental impacts that the facility will have upon residents. The main areas of concern are summarised at paragraph 5.1.
- 8.11 The issues with regards the impact of floodlighting is assessed under policy OS4 and OS7 of PPS8 because the impact of lighting will also have a knock on effect on the potential noise impact.

8.12 The floodlighting scheme includes the erection of 8 floodlights. The lighting columns are 15 metres in height and will use the Challenger 1 floodlight. The floodlighting proposed uses the narrow and medium beams to ensure that light is concentrated on the playing surface of the pitch without obtrusive light spilling out beyond the pitch.

8.13 Policy OS 7 entitled “The Floodlighting of Sports and Outdoor Recreational Facilities” permits the development of floodlighting associated with sports and outdoor recreational facilities where 3 criteria are met. Assessed as follows.

- a. In terms of impact on residential amenity, the floodlighting could increase the hours of use and level of usage of the facility, which in turn may bring about issue of noise and traffic generation. Environmental Health were consulted in relation to the specified lighting and the accompanying data sheets. Environmental Health indicated that they had no objections to the application on condition that the floodlighting does not create glare for residents living nearby. Environmental Health have also advised that post installation checks should be carried out to ensure lights are positioned correctly and a maintenance programme should be in place to ensure future lighting issues do not arise. Therefore given the response from Environmental Health the floodlighting proposed should have no significant adverse impact on the residential amenity of the neighbours living nearby if managed with appropriate conditions.

The floodlighting will inevitably increase the use of the 3G pitch because the lights will ensure that the pitch can be used all year round and late into the evening. This could increase the potential for noise from patrons to impact upon the residential amenity of the adjacent dwellings, which could extend into the later hours of the evening, causing nuisance and detrimental impact to residential amenity. Given the close proximity to the residential properties a condition restricting the operating hours of the floodlighting is necessary in this instance in order to preserve the residential amenity of the adjacent residents. There will be some degree of illumination from the pitch which would have some degree

of impact upon residential amenity, and coupled with the additional noise, should be limited to a time which does not extend past 9pm (21:00 hrs). Additionally the operating times of the floodlighting should also be restricted in the early mornings for the same reasons and should not operate prior to 08:00am. By restricting the operating hours of the floodlighting the additional impacts such as noise and traffic generation, will be reduced to a reasonable level, and whilst the floodlights are not in use outside of these specified hours, the use of the main building could continue.

- b. The site is located within the settlement limit of Dungiven and outside any landscape designation. The site is located to the south west of an industrial/commercial site which contains a number of large sheds and a wind turbine is located a short distance east of the site. The floodlighting columns are slender in form, and from beyond the site much of the columns will be concealed by the surrounding development within the town of Dungiven. Views of the floodlighting columns will be relatively limited. There are other examples of floodlighting both within the settlement and close to the settlement. The existing playing field at Garvagh Road and the facilities at Owenbeg both contain large floodlighting, which are comparable to those proposed within this application. The floodlighting will not cause significant impact on visual amenity.
- c. The impacts of the floodlighting should not have any detrimental impact on public safety. The floodlighting is located to the rear of the site away from the road network. Therefore there should be no detrimental impact on road users which could cause a risk to public safety. TransportNI have been consulted in relation to the proposal and have not raised any objections in respect of this issue.

The floodlighting proposed is acceptable under OS4 and OS7 of PPS8 subject to appropriate conditions.

- 8.14 In terms of the location of the goalposts and catch nets, it has to be noted that there are existing goal posts and catch nets on the existing grass soccer pitch albeit in different position. The existing catch nets are approximately 5.5-6 metres in height.

Therefore the new proposals do not pose a new or significantly increased detriment to residential amenity. There are some concerns that some of the fencing/catch nets may not be as constructed, however should planning approval be granted the applicant is required to comply with the conditions attached and the associated stamped approved drawings, which indicate the 6 metre high catch nets to the main goal ends and 3 metres fencing around the pitch.

- 8.15 Objections relating to loss of privacy and residents being unable to use their rear gardens during hours of use have been considered. The rear amenity space and boundaries of properties for the most are defined by 1.8m high close boarded fences and in some case garages/outbuildings or mature vegetation along the western site boundary. This level of boundary definition would be considered as common place in urban areas and should provide suitable screening/privacy for the surrounding residents.
- 8.16 The leisure centre building is located in the eastern section of the site away from residential properties within O’Cahan Place. The leisure centre is approximately 65 m away from the closest dwelling in O’Cahan Place and 75 metres from the properties along Curragh Road. The positioning of the building within the site will minimise the potential for adverse impact on residential amenity and there should be no significant issues in terms of noise, loss of light or privacy.
- 8.17 An objection raised the potential health issues arising from the composition of materials used in the construction of 3G pitches. Such issues are subject to debate with no conclusive evidence available to determine any health risks. Environmental Health as the competent authority in relation to potential harm to human health, were consulted in relation to the proposal and the objections raised. EHO have not raised any objections to the proposal.
- 8.18 Objections have been raised about not being able to use private gardens due to the noise coming from the site. However due to the level of the site in relation to surrounding development and existing boundary treatments significant impact on privacy is not anticipated. In addition noise/disturbance would not be a justifiable reason to refuse

the application due to the existing use of the site. The only significant change anticipated will be during the winter months when the use of the pitch can be extended through the use of floodlighting, at which time residents would be less likely to be using their private gardens to the same extent as in summer months.

Provision for those with disabilities

- 8.19 Policy OS4 of PPS8 requires that intensive sports facilities will take into account the needs of people with disabilities. The proposed site will provide adequate provision for the needs of disabled people. The application will provide disabled car parking spaces immediately to the front of the proposed leisure centre and will provide level access to the leisure centre, and where necessary appropriate gradients used to ensure ease of access. All internal site paths will be of adequate widths and where necessary level access and appropriate gradients. The leisure centre is designed to be a single storey building, which will ensure ease of use of all facilities for disabled people as well as appropriate changing/toilet provisions to meet all users' needs. The proposal also provides bicycle stands at the main building to cater for those wishing to travel to the site via alternative means of transport. The proposed sports centre is proposed to be used by all people within the borough and beyond, not just those from Dungiven and the surrounding area. The site is located approximately 530 metres from the closest bus stop, which is a reasonable walking distance.

Access, parking, drainage and waste disposal

- 8.20 Policy OS4 of PPS8 requires that the road network can safely handle the extra vehicular traffic and that access, parking, drainage and waste disposal are satisfactorily accommodated and Policy AMP2 of PPS3 requires that accesses will not prejudice road safety or significantly inconvenience the flow of traffic. Objections raised concerns about traffic and parking.
- 8.21 Access to the site is from the existing access along Curragh Road. The required visibility splays and road infrastructure are already in place and the additional traffic does not merit any alterations or upgrading. TransportNI have cleared the existing arrangements.

8.22 Within the site there is adequate car parking provisions with 54 parking spaces in total with provision of disabled parking at close proximity to the main entrance to the leisure centre. A number of objections have raised issues in relation to traffic generation and the problems which may arise. The P1 form indicates that there will be an average of 60 cars visiting that site daily with an average of 195 visitors. TransportNI have cleared the consultations and it is anticipated that there will be no significant detrimental impact on the area and road network as a result of the proposal.

8.23 Adequate drainage will be installed throughout the site to deal with surface water run-off with adequate pollution prevention measures incorporated into the scheme to ensure the necessary discharge to the stream along the eastern boundary. Foul sewage will be removed via connection to the existing mains sewer within O’Cahan Place. NI Water have raised no objections to the proposed drainage issues subject to the applicant applying to NI Water to requisition a foul sewer, to connect to the existing sewer. In addition NIEA Water Management Unit have no objections to the proposed drainage proposals within the site. The proposal complies with OS4 of PPS8 and adequate access arrangements satisfy policy AMP2 of PPS3.

Flooding and drainage

8.24 Initial consultation with Rivers Agency identified that areas within the site were affected by the 1 in 100 year floodplain. Rivers Agency advised that the applicant should undertake a Flood Risk Assessment to allow for the 1 in 100 year floodplain to be definitively plotted to identify those parts of the site suitable for development. The conclusions of the FRA formulated from the hydraulic assessment of the watercourse, concluded that the site is at low risk of flooding from all sources. The watercourse flows are estimated to stay within the bank during the 1% AEP- Annual Exceedance Probability, event. Sensitivity Analyses of Climate Change and Bridge Blockage indicate negligible effects on flows at the site location. Recommendations within the report out line that development should remain outside the floodplain (top of left bank along the eastern boundary), finished floor levels should be a minimum 600mm above the quoted 1% AEP event flood levels. Rivers

Agency have considered the content and recommendations of this report and accepts the conclusions and recommendations within it. The proposal complies with policy FLD 1 in that it has been demonstrated that the site is not affected by flooding.

8.25 Given the size of the site and proposed development the thresholds identified in Policy FLD 3 have been exceeded therefore the applicant was required to carry out a Drainage Assessment. Chapter 5 of the Flood Risk Assessment and Drainage Assessment identifies that the development will drain to the undesignated watercourse to the eastern boundary of the site and have obtained the necessary Schedule 6 approval, which Rivers Agency has granted. The Drainage Assessment indicates that drainage will be limited to equivalent greenfield run-off of 10l/s/ha through the use of a flow control device and storage facility. The internal site drainage will be designed to appropriate standards to utilise a flow control device and storage facility to ensure run-off is limited with no flood risk to the proposed development. The drainage will also ensure the watercourse is adequately protected from scour at the drainage outfall. Based on the report it is considered that the overall drainage regime in the area will be improved through appropriate post development storm run-off control. This will pose no increase but most likely a reduction in the risk of flooding from the site. Rivers Agency have raised no objections or concerns.

8.26 The drainage layout plan shows how the site is to be drained, with drains proposed. In terms of the objections which raised concerns regarding the existing drainage issues of neighbouring residential properties, it is anticipated that the level of drainage indicated on the plan will help to drain the site in an appropriate manner which may alleviate some of the drainage issues outlined in the objections and, as outlined in the report will not increase flood risk. The proposal is in compliance with PPS15.

Design

8.27 Policy OS4 of PPS8 requires that buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment.

The proposed building is located to the eastern part of the site set back by approximately 55 metres in order to minimise visual impact. The ground level falls from the Curragh Road in an eastern direction as well as falling towards the rear of the site, which results in the building being located on the lower-lying part of the site, further reducing the visual impact of the building. The building is comprised primarily of three blocks; the entrance/reception block, the changing/fitness suite and the sports hall. The proposed sports centre has been designed to reflect a modern contemporary design based on traditional vernacular building forms. The building makes use of painted render, barrel roof design, metal cladding and brick on the external walls. The entrance block will be finished in grey/blue facing brick with large areas of glass to allow views of the adjacent amenities and Sperrin Mountains beyond, it will be finished with a flat roof. The changing block will be finished in painted render with appropriate windows openings to the specific areas whilst the roof is a barrel shaped roof finished in standing seam metal sheeting. The main sports hall block will be finished in a painted render base with the remainder of the walls finished in a metal sheeting, which will project beyond the ridge to allow for a parapet which will conceal the rooftop air handling units and other associated plant, thus aesthetically improving the appearance of the building and site as a whole. The scale of the building is broken up suitably by the various blocks and set back projections and differing roof levels. The main element of the building which will be the most noticeable and dominant feature is the sports hall block of 11.3 metres in height necessary for its function. Given the set back of the building and the existing and proposed levels of the site and surrounding development the proposed building should not appear as overly dominant. The existing topographical survey and proposed finished floor levels and ridge height have indicated that the ridge level of the sports hall will be comparable to those of residential properties in O’Cahan Place. Therefore when approaching the site along Curragh Road and from other locations within Dungiven, the scale and massing of the building should allow it to suitably integrate with its surroundings and not appear as a dominant building, whilst on approach from the north east along Curragh Road, the existing mature vegetation along the eastern boundary will screen a large part of the building and allow it to suitably integrate. The

design of the building is of a high quality and relates to the setting on the edge of the settlement.

Designations

- 8.28 The SPPS, Policies NH1 and NH3 of PPS 2 and policy OS4 of PPS8 set out the planning policies for the conservation, protection and enhancement of our natural heritage, archaeology and built heritage.
- 8.29 The existing watercourse which runs along the eastern boundary of the site is a hydrological link to the River Roe which is a European designated Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI).
- 8.30 The SPPS and PPS2 state that planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:
a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or
a listed or proposed Ramsar Site.
- 8.31 The main area of concern is the potential for degradation of the aquatic environment of the designated site resulting from contaminated surface water run-off during construction and operational activities.
Consultation was carried out with both NIEA and Shared Environmental Services in order to determine the likely impact of the development on the River Roe. Both consultees initially responded seeking additional information regarding the construction composition of the 3G pitch along with the maintenance/treatment plans, proposed drainage plans, pollution prevention measures, and a Construction Method Statement for each element of the proposal with pollution prevention measures employed.
- 8.32 Shared Environmental Services are responsible for assisting the council in carrying out the Habitats Regulations Assessment to determine the impact of the proposal on European designated sites. The applicant has provided details

regarding the make-up of the 3G pitch as well as treatment/maintenance of the surface post installation. Reference was made within the consultation response to the fact that it was common place to treat the surface with chemicals, which has the potential to seep into the watercourse via surface water run-off. The applicant has stated that no chemical treatment is proposed on the pitch and has made no reference to any such form of maintenance post construction. Upon re-consideration of this information Shared Environmental Services have not raised any objections, but have outlined by method of informative that if applying pesticides/herbicides, the applicant should refer to standing advice published by NIEA and 'Pesticides – Code of Practice for using Plant Protection Products'

- 8.33 A drainage plan was submitted which shows the surface water drainage layout for the site. The plan shows the points of discharge to the watercourse and has shown that surface water from the car parking areas will pass through a petrol interceptor prior to discharging to eliminate pollutants such as petrol/diesel/oils etc. The water from the land drains for the pitch and surrounding area will pass through a storm cell storage which will filter the water removing silts/grits etc. Shared Environmental Services have not raised any issues/concerns in regards to the drainage aspect of the proposal following submission of this plan.
- 8.34 In terms of the construction method statement the applicant has informed the Planning Authority that it is not currently in a position to provide one, as a contractor for the project has not been appointed as yet. Shared Environmental Services have concluded that the proposal is not likely to have an adverse effect on the integrity of the River Roe and Tributaries SAC or any other European site, and therefore a construction method statement can be dealt with via a condition on approval prior to the commencement of development on site. The Construction Method Statement shall include appropriate pollution mitigation measures as outlined in Shared Environmental Services' consultation. The proposal will not have any adverse impact on the SAC and ASSI designated River Roe and is therefore in accordance with Policies NH 1 and NH 3 of PPS 2 and SPPS.

8.35 The site is not located within any designated area of importance for nature conservation. The existing natural vegetation which is located along the boundaries of the site are to be retained which will preserve the natural features within the site and assist with integration. In terms of archaeology and built heritage the proposed site is located outside the designated Area of Archaeological Potential as identified within the Northern Area Plan 2016. A search of the application site has not identified any features of known archaeological importance nor does it fall within the consultation zone for archaeological features. Therefore there will be no adverse impact on features of importance to nature conservation, archaeology or built heritage.

Protected species

8.36 Initial consultation with NIEA raised concerns that the proposal had the potential to have a detrimental impact on protected species which may use the site, namely bats, badgers and otters. The SPPS and Policy NH 2 of PPS 2 deal with the protection of species protected by law and outline that planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

8.37 The applicant carried out a Protected Species Survey, with regards to these specific species. A survey of potential usage of the site and 50m each side of the site for usage by badgers and otters concluded that there was no evidence of these species using the site. Therefore it has been concluded that that there will be no likely harm caused to these species by the proposed development

8.38 In relation to bats it was not possible to carry out a bat activity survey to the full standards as per NIEA guidance due to the time of year however a site assessment was made by the agent who broke the boundaries into the following and concluded as follows

B1 – southern/roadside

B2 – western/O’Cahan Place

B3 – northern/O’Cahan Place

B4 – eastern/stream

- 8.39 The results of the survey found that boundaries B1, B2 and B3 had low potential for foraging and bats roosts, given the lack of vegetation, boundary B4 had a high potential of foraging and commuting, given the likely abundance of insects and good structure to boundary and a moderate potential for roosting given the quality of vegetation and lack of ivy covering. The report also highlighted that a low level of bat activity was noted during the site visit. Given the potential for bat foraging and commuting along boundary B4 the report concluded that a precautionary approach be adopted with mitigation measures incorporated into the development scheme which ensures an appropriate buffer between the boundary/vegetation and that floodlighting should be directed away from the boundary and should be used for a limited time. The time limit discussed above in relation to residential amenity would also bring about some benefits with respect to bat activity as limiting the operating times of the floodlighting will ensure that the bats are not significantly deterred from foraging along the boundary and their feeding potential disrupted to an unacceptable level.
- 8.40 NIEA Natural Environment Division were consulted in relation to the findings of the report, to which they outlined that based on the information provided they were of the opinion that the recommendations for bats can be reasonably and objectively accepted and that a precautionary approach should be adopted and mitigation measures to minimize potential impacts on foraging and commuting bats should be employed. These mitigations measures as, highlighted in the summary of findings and mitigation section of the report, and should be conditioned as appropriate. It has been concluded that the proposal should not have any significant detrimental impact on bats, subject to the necessary mitigation measures being incorporated into the development and therefore the proposal is in accordance with the provisions of the SPPS and Policy NH 2 of PPS 2.

9 CONCLUSION

- 9.1 On balance, the proposal complies with current planning policy for the reasons stated and will provide an extended and upgraded facility for a wider sector of patrons in Dungiven and the surrounding area and the Planning Authority recommends approval subject to the following conditions.

10 Conditions

10.1 Regulatory Conditions:

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.

2. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

3. The development hereby approved shall not become operational until adequate parking facilities have been provided in accordance with drawing No. 16 Revision 02.

Reason: To ensure there is adequate parking facilities clear of the public road.

4. The 3G Pitch and associated floodlighting shall only be used between the hours of 08:00 and 21:00.

Reason: In the interest of residential amenity

5. Within 6 months of becoming operational post-installation checks should be carried out to ensure that the lights are correctly positioned and a maintenance programme should be submitted to and approved by the Planning Authority to ensure future lighting issues do not arise

Reason: In the interest of residential amenity

6. A Construction Method Statement must be submitted to and approved by the Planning Authority at least 6 weeks prior to the commencement of the works. The Construction Method Statement should include detailed construction methods for each element of the proposed development, with particular reference to the construction of the proposed berm, retention tanks and headwall. This should also include appropriate pollution prevention measures to be employed to prevent contamination of groundwater and the adjacent watercourse during the construction and operational phases of the proposal, including any maintenance requirements.

Reason: To ensure that the appointed contractor is aware of the mitigation measures required during the construction and operational phases of the proposed development, and thus prevent any adverse impacts on the site features and conservation objectives of River Roe and Tributaries SAC through degradation of water quality within the adjacent watercourse.

7. A suitable 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 etc. and the watercourse to the eastern edge of the red line boundary.

Reason: To prevent introduction of contaminants to the adjacent watercourse and thus prevent any adverse impacts on the site features and conservation objectives of River Roe and Tributaries SAC through degradation of water quality.

8. Construction of the new headwall must take place only in periods of low flow. A suitable barrier, such as a coffer dam, shall be erected around the headwall site prior to commencement of construction of the structure.

Reason: To prevent introduction of contaminants to the adjacent watercourse and thus prevent any adverse impacts on the site features and conservation objectives of River Roe and Tributaries SAC through degradation of water quality.

9. The existing natural screening along the eastern boundary/watercourse, shall be retained unless necessary to

prevent danger to the public in which case a full explanation shall be given to the Planning Authority in writing.

Reason: To ensure the maintenance of screening to the site and to protect and maintain a key foraging and commuting feature for Bats which are a Protected Species.

10. If within a period of 5 years from the date of this approval any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

Reason: To ensure the maintenance of screening to the site and to protect and maintain a key foraging and commuting feature for Bats which are a Protected Species.

11. A buffer of 20 metres shall be maintained between the closest floodlights and the eastern boundary. In addition lighting shall be directed away from the eastern boundary and onto the 3G pitch.

Reason: To minimise the impacts on foraging and commuting along this boundary by Bats which are a Protected Species.

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. The applicant is advised that the internal layout of the proposal should make adequate provision for the needs of people with disabilities. Further advice is set out in Development Control Advice Note ""Access for People with Disabilities"" available from Local Planning Offices.
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.
5. Notwithstanding the terms and conditions of the Planning Authority'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 Regional Development'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 Transport NI Section Engineer whose address is Limavady and Coleraine Section Engineer, County Hall, Castlerock Road, Coleraine, BT51 3HS. A monetary deposit will be required to cover works on the public road.
6. All construction plant and materials shall be stored within the curtilage of the site.
7. 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.
8. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:
Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;

Deliberately to disturb such an animal in such a way as to be likely to;
affect the local distribution or abundance of the species to which it belongs;
Impair its ability to survive, breed or reproduce, or rear or care for its young; or
Impair its ability to hibernate or migrate;
Deliberately to obstruct access to a breeding site or resting place of such an animal;
or
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 BT72JA. Tel. 028 90569605

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

Deliberately to capture, injure or kill a wild animal of a European protected species, which includes the otter (*Lutra lutra*);
Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
Deliberately to disturb such an animal in such a way as to be likely to;
affect the local distribution or abundance of the species to which it belongs;
Impair its ability to survive, breed or reproduce, or rear or care for its young; or
Impair its ability to hibernate or migrate;
Deliberately to obstruct access to a breeding site or resting place of such an animal; or
To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of otter activity 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 BT72JA. Tel. 028 90569605

10. 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*). It is also an offence to intentionally or recklessly: 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 must cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 90569605

11. 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. It is also an offence to intentionally or recklessly: take, damage or destroy the nest of any wild bird while that nest is in use or being built; or take or destroy an egg of any wild bird. If any person intentionally or recklessly disturbs any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or disturbs dependent young of such a bird they shall be guilty of an offence.

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 tree and hedge loss should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

12. Where the use of herbicides/pesticides is proposed, the applicant should refer to "Pesticides – Code of Practice for using Plant Protection Products" published by the Department of Agriculture and Rural Development. This document is available at the following address:

<https://www.dardni.gov.uk/publications/code-practice-using-plant-protection-products>

13. The guidance recommended in the following standing advice notes should be adhered to:
 - DOE Standing Advice Note No.4 – Pollution Prevention Guidance (April 2015)
 - DOE Standing Advice Note No.5 – Sustainable Drainage Systems (April 2015)
 - DOE Standing Advice Note No.11 – Discharges to the Water Environment (April 2015)
14. If it is not possible to adequately manage construction phase site drainage using SuDS features, consent to discharge under the terms of the Water (Northern Ireland) Order 1999 will then be required.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.

20. 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.
21. 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.
22. Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.
23. Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.
24. No Foul sewer within 20m of your proposal, you may wish to apply to NIW to requisition a foul sewer to serve your proposal if it will serve more than 1 property. The use of a Septic Tank is subject to the written consent being obtained from Northern Ireland Environment Agency and the approval of the local District Council Environmental Health section. Where approval to use a septic tank disposal system is granted and the applicant wishes NIW to provide a periodic desludging service the applicant must complete the necessary 'Form of Agreement' and adhere to the construction conditions contained therein. Further information is available on www.niwater.com or call 08457 440088

25. Surface water sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served. Application to NIW is required to obtain approval to connect.

26. 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 Planning Authority or other statutory authority.