

<b>Planning Committee Report</b>	<b>25<sup>th</sup> January 2017</b>
<b>PLANNING COMMITTEE</b>	

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

**Coleraine Marina, Cloonavin,  
66 Portstewart Road, Coleraine  
LA01/2016/0891/F**

**25<sup>th</sup> January 2017**

<b><u>No:</u></b>	LA01/2016/0891/F	<b><u>Ward:</u></b>	UNIVERSITY
<b><u>App Type:</u></b>	Full Planning		
<b><u>Address:</u></b>	Coleraine Marina, Cloonavin, 66 Portstewart Road, Coleraine		
<b><u>Proposal:</u></b>	The existing Marina gangways, half-landing pontoon and foundations are to be replaced with a new 24m long single-run gangway and landing pontoon. Localised dredging will be required and existing water and electric services are to be upgraded to comply with current regulations.		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	25.07.2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b>Agent:</b>	Ivan Scott Associates Ltd., 15 Sandel Village Centre, Knocklynn Road, Coleraine, BT52 1WW		
<b>Applicant:</b>	Causeway Coast and Glens Borough Council, Cloonavin, 66 Portstewart Road, Coleraine, BT52 1EY		
<b>Objections:</b>	0	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The subject site extends to c. 0.6 hectares. The site comprises part of the larger existing marina site with existing floating landing stages on the River Bann and gangway access from the shore. The existing gangway operates via a half-landing which is to be removed as part of the proposal. The River Bann runs along the Western boundary of the site.

- 2.2 The surrounding area is mainly characterised by the existing Council building at Cloonavin and the River Bann. The site itself forms part of the larger existing marina site.
- 2.3 The sites are located within the settlement of Coleraine as defined within the Northern Area Plan 2016. The site abuts the University Local Landscape Policy Area, Designation CEL 04.

### **3 RELEVANT HISTORY**

There is no relevant history.

### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the replacement of the existing Marina gangways, half-landing pontoon and foundations with a new 24m long single-run gangway and landing pontoon. Localised dredging will also be required. The existing water and electric services are to be upgraded to comply with current regulations.
- 4.2 The proposal will include the removal of the existing half-landing and landing pontoons along with the two existing gangway sections.
- 4.3 This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens Borough Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. A Habitat Regulation Assessment was submitted by the applicant. Shared Environmental Service was consulted in respect of this. It is concluded that provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

## 5.0 PUBLICITY & CONSULTATIONS

### 5.1 External

There are no objections to this proposal.

### 5.2 Internal

**DAERA – Marine and Fisheries Division:** Content with the proposal, recommended informatives provided.

**DAERA – Inland Fisheries:** Content that potential impacts have been considered. Recommended informative provided.

**DAERA – Water Management Unit:** content subject to an amended Construction Method Statement.

**DAERA – Natural Environment Division:** A finalised Construction Method Statement to be submitted prior to commencement of works.

**Shared Environmental Service:** Recommended conditions – amended Construction Method to be submitted for agreement prior to works commencing.

**Rivers Agency:** No objection. Recommended informatives provided.

**DAERA – Fisheries Division:** No issues or concerns to raise.

**Causeway Coast and Glens Environmental Health:** Recommended informatives provided.

## MATERIAL CONSIDERATIONS

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as both a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 15: Planning and Flood Risk

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: the principle of development; impact on European Sites; and impact on the flood plain.

### **Principle of development**

- 8.2 The site is located within the settlement development limit for Coleraine as defined by Northern Area Plan.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) offers no specific policy guidance in relation to the

replacement of the Marina gangway. However, it has policy guidance that compliments and supports the planning policies outlined above.

### **EIA Development**

- 8.5 Under Regulation 10 of the Planning 'Environmental Impact Assessment' (EIA) Regulations (NI) 2015, the Planning Authority is required to make a determination as to whether the proposed development would or would not be deemed EIA Development.
- 8.6 The proposal falls within Category 12 (B) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015. Schedule 2: Category 12 (B) as Marinas where the area of the enclosed water surface exceeds 1,000 square metres.
- 8.7 It was determined that the proposal would not have likely impacts of such a significance to warrant an environmental statement on 23<sup>rd</sup> September 2016.

### **Impact on European Sites**

- 8.8 Policy NH 1 of PPS 2 sets out the policy guidance in relation to international European and RAMSAR sites. The site is hydrologically linked to the Bann Estuary and the Causeway and Skerries Special Areas of Conservation (SAC). The proposal complies with Policy NH 1 as the proposal is not likely to have a significant effect on the Bann Estuary or Causeway and Skerries SAC.
- 8.9 DAERA – Marine and Fisheries Division was consulted and further information in the form of a Construction Method Statement was submitted. Marine and Fisheries Division is content with the proposal, recommended informatives provided.
- 8.10 DAERA – Inland Fisheries was consulted and raised concerns in relation to the dredging element of the proposal. Additional information was submitted and a re-consultation initiated. Inland Fisheries is content that potential impacts have been considered. Recommended informative provided.

- 8.11 DAERA – Fisheries Division was consulted and has no issues or concerns to raise.
- 8.12 DAERA – Water Management Unit was consulted, further information in the form of a Construction Method Statement was requested and a further consultation was sent. WMU are content subject to an amended Construction Method Statement.
- 8.13 DAERA – Natural Environment Division was consulted and a Construction Method Statement was submitted. A further consultation was initiated. NED require a finalised Construction Method Statement to be submitted prior to commencement of works.
- 8.14 Shared Environmental Service was also consulted. The applicant submitted a Construction Method Statement and a Habitat Regulation Assessment. A further consultation was sent to SES. It is concluded that provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.
- 8.15 Rivers Agency was consulted and further information in the form of a Flood Risk Assessment was requested from the applicant. A further consultation was issued, to which Rivers Agency had no objections. Recommended informatives provided.
- 8.16 Environmental Health was consulted. Their response specified recommended informatives.

### **Impact on Flood Plain**

- 8.17 Policy FLD 1 of PPS 15 sets out the policy guidance in relation to development in fluvial (river) and coastal flood plains. The site lies within the fluvial flood plain and the coastal flood plain. The proposal is deemed an exception under category (e) of FLD 1:
- e) Water compatible development such as for boat mooring, navigation and water based recreational use, which for operational reasons has to be located within the flood plain
- 8.18 The principle of the proposed development is considered acceptable as the new 24m long single-run gangway and landing pontoon will replace the existing 2 no. 12m long

gangways, half-landing and lower landing pontoon. This will provide access to the landing stages for existing and visiting Marina users.

8.19 A Flood Risk Assessment was submitted and Rivers Agency was re-consulted in respect of this. There were no objections.

## **9.0 CONCLUSION**

9.1 This proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. Although the site is hydrologically linked to the Bann Estuary and the Skerries and Causeway Special Areas of Conservation, the proposed nature and scale of the proposal is considered acceptable having regard to the policy guidance set out in PPS 2 and PPS 15. Approval is recommended.

## **10 CONDITIONS**

### **10.1 Regulatory Conditions:**

1. As required by Section 61 of 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. A Construction Method Statement (CMS), for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to the Planning Authority, for consultation with NIEA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase. The CMS should include all necessary pollution prevention measures to protect the water environment during the development of this proposal.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

3. A final Construction Method Statement and finalised layout design including a site drainage plan must be submitted to

Causeway Coast and Glens Borough Council Planning for agreement prior to any works commencing. This to reflect all the mitigation, and avoidance measures to be employed as outlined in the Construction Method Statement (November 2016) and all additional submitted information.

Reason: To protect the integrity of Bann Estuary SAC.

4. A suitable buffer of at least 10 metres must be maintained between the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the River Bann. This location must be outside the floodplain of the River Bann.

Reason: To protect the integrity of Bann Estuary SAC.

## 10.2 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. Demolition/Construction Noise Impact  
BS 5228: 1997 in relation to construction activities states,

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

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

“Noise from construction activities should –

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

- (b) not exceed 65 dB  $L_{Aeq, 1hr}$  between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and
- (c) not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.”

#### Noise from Plant & Equipment

The applicant shall ensure that all plant and equipment used in connection with the proposal are so situated, operated and maintained as to prevent the transmission of noise and odour to surrounding sensitive receptors.

4. It is an offence under Article 47 of the Fisheries Act (NI) 1966 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks.

The applicant should note that in river works will require authorisation under section 48 of the Fisheries Act (Northern Ireland) 1966.

5. 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 for Infrastructure accordingly on any related matters.

6. 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.

7. 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.

8. 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.

9. 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.

10. The undesignated watercourse which (lies within / bounds) the development site, requires improvement works to (facilitate increased storm runoff / to enhance protection against flooding) and such works will be undertaken at the developer's expense.

11. The applicant must be made aware that all construction or deposition works below the Mean High Water Spring Tide (MHWST) mark are subject to licensing under the Marine and Coastal Access Act 2009. As elements of the construction in this proposal, for example the construction/alterations of slipways/pontoons/jetties/marinas and also dredging works will cross the intertidal area below the MHWST mark, contact must be made with the Marine Licensing Team, DAERA Marine and Fisheries Division, 2nd Floor, Klondyke Building, Gasworks Business Park, Cromac Avenue, Belfast BT7 2JA, Tel: 028 90569247 to apply for a Marine Construction Licence. In order to assess any licensing requirement, the applicant must supply the following information in writing to the above address or by email to [MarineLicensingTeam@daera-ni.gov.uk](mailto:MarineLicensingTeam@daera-ni.gov.uk) :-

- Location of the works;
- Nature/Purpose of the works;
- Description of the material being deposited below Mean High Water Spring Tide (MHWST); and
- Timescale for the works

The applicant should be aware that it is an offence under the Marine and Coastal Access Act 2009 to carry out a licensable marine activity except in accordance with a marine licence granted by the DAERA Marine and Fisheries Division. Conviction of such an offence may incur a fine of up to £50,000 and/or two years imprisonment.

The applicant has approached the Marine and Fisheries' Marine Licensing team regarding this proposal and on 8th July 2016 was made aware of the requirements for both a Marine Construction and a Marine Dredging licence for this proposal.

12. The applicant will be required to adhere to the guidance detailed in:

Standing Advice Note No.4 - Pollution Prevention Guidance

Standing Advice Note No. 5 - Sustainable Drainage Systems

Standing Advice Note No. 11 - Discharges to the Water Environment

Standing Advice Note No. 23 - Commercial and Industrial Developments

[http://www.planningni.gov.uk/index/advice/northern\\_ireland\\_environment\\_agency\\_guidance/standing\\_advice.htm](http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm)

Standing Advice Notes are available on the NI Planning Portal under Advice / NIEA Guidance / Standing Advice. The above address can also be copied and pasted to a web browser.

Effective mitigation measures must be in place to protect the water environment and surrounding water bodies from any discharge into them that may damage ecological status and to ensure that the Water Framework Directive (WFD) objectives for the water body are not compromised nor the WFD objectives in other downstream water bodies in the same and other catchments.

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.

