

Planning Committee Report Item 5.7	
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	Shane Mathers
Cost: (If applicable)	N/a

ITEM 5.7

**Linear infrastructure over/across:
Magheraboy; Ballydonnelly;
Lisnagaver; Culmore; Gortereghy;
Moneymore; Kilrea; Lisnagroats;
Drumane; Drumagarner; Moneysallin;
Gortmacrane; Bovedy; Killygullib
Glebe; Lismoyle; Moyletra Toy;
Lisachrin; Crossland; Craigavole;
Tamneyrankin; Ballylame;
Ballydullaghan; Laragh; Drumbane;
Dunavenny and Brockaghboy. Circa
12.9km of overhead line falls within
Causeway Coast and Glens Borough
Council and Circa 5.9km within Mid
Ulster District Council.**

Full Planning

LA01/2015/1067/F

28 September 2016

<u>No:</u>	LA01/2015/1067/F	<u>Ward:</u>	
<u>App Type:</u>	Full Planning		
<u>Address:</u>	<p>Linear infrastructure over/across: Magheraboy; Ballydonnelly; Lisnagaver; Culmore; Gortereghy; Moneymore; Kilrea; Lisnagroats; Drumane; Drumagarner; Moneysallin; Gortmacrane; Bovedy; Killygullib Glebe; Lismoyle; Moyletra Toy; Lisachrin; Crossland; Craigavole; Tamneyrankin; Ballylame; Ballydullaghan; Laragh; Drumbane; Dunavenny and Brockaghboy. Circa 12.9km of overhead line falls within Causeway Coast and Glens Borough Council and Circa 5.9km within Mid Ulster District Council.</p>		
<u>Proposal:</u>	<p>Construction of c. 17.4km of 110kv overhead electricity transmission line including associated support structures and other apparatus and two sections of connecting underground cable (c. 0.4km and c. 1.4km) linking Brockaboy Wind Farm Substation, Drumbane Road, Garvagh, Coleraine, BT51 5DR (approved under planning ref C/2007/1186/F) and NIE Networks Rasharkin Main Substation, Finvoy Road, Rasharkin, Ballymena, BT44 8SD (approved under planning ref D/2012/0276/F).</p>		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	18 Dec 2015
<u>Listed Building Grade:</u>	N/A		
Applicant:	SONI Limited		
Objections:	3	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

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

1 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 and resolves to **APPROVE** planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site stretches approximately 18.8km across a largely rural area. The line connects Brockaghboy Wind Farm, which is located south west of the town of Garvagh to the NIE network substation to the north west of the town of Rasharkin. The line passes to the south and east of the town of Kilrea. The line does not pass through any densely populated areas and avoids any designated settlements. The area is characterised by dispersed dwellings and agricultural holdings.
- 2.2 The western portion of the site is characterised by the upland landscape of the Sperrin Mountains. This part of the site falls within the Sperrin Area of Outstanding Natural Beauty. The line then drops to the east to the lowlands associated with the Bann River Valley which are characterised by gently undulating land.

3 RELEVANT HISTORY

- 3.1 C/2007/1186/F - Amended planning application for a wind farm comprising 15 wind turbines (reduced from 20) up to a maximum height 125m base to blade tip height) (hub height 80m + 90m blade diameter), associated transformers, two permanent anemometer masts (amended location due to reduction in turbine numbers), site access tracks, gates, a site control room, compound and substation (amended to reflect current NIE standards), electrical cabling, a temporary site compound, five site entrances, road improvement works at the site entrances, minor improvement works on Drumbane Road and Curraghmore Road, and all other ancillary works. Land approximately 750m South East of Dowlin's Bridge, Drumbane Road, Garvagh, Coleraine, BT 51 5DR. Approved 09.10.2014
- 3.2 D/2012/0276/F - Construction of a new 110 and 33kV substation, associated access road and 110kV and 33kV overhead lines. Approximately 300m west of no. 269 Finvoy Road, Rasharkin, Ballymena, BT44 8SD. Approved 02.05.2014
- 3.3 LA01/2015/0030/DETEIA - Propose to construct approx. 20km of overhead line. Between substation associated with Brockaghboy Wind Farm (approved under C/2007/1186/F) and NIE substation at Rasharkin (approved under D/2012/0276/F) – Environmental Statement not required 29.06.2015

4 THE APPLICATION

- 4.1 The proposal is for the construction of approx. 17.4km 110kv overhead electricity transmission line including associated support structures and other apparatus and two sections of connecting underground cable (approx.. 0.4km and 1.4km) linking Brockaghboy Wind Farm substation and NIE networks main substation at Rasharkin. Approx. 12km of the overhead line falls within Causeway Coast and Glens Borough Council area, the remainder is within Mid Ulster District Council Area. The overhead line will consist of 3 lines and 2 earth wires with supporting structures of twin wooden H poles ranging from 12 to 21 metres in height, and steel lattice towers ranging from 12 to 20m in height. It is proposed to underground the section of cable which runs from AM 05 (just north of Bann Road) to AM 15 (west of 23 Portna Road).
- 4.2 The line will cross the townlands of Magheraboy, Ballydonnelly, Lisnagaver, Culmore, Gortereghy, Moneygran, Kilre, Lisnagroats, Drumane, Drumagarner, Moneysallin, Gortmacrane, Bovedy, Killygullib Glebe, Lismoyle, Moyletra Toy, Lisachrin, Crossland, Craigavole, Tamnyrankin, Ballylame, Ballydullaghan, Laragh, Drumbane, Dunnavenney and Brockaghboy.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 Community Consultation events were organised by SONI in line with the Pre-Application Notification LA01/2015/0673/PAN
1 letter of objection was received
54 letters of support were received

Internal:

- 5.2 **Transport NI:** No objection
Westica Communications Ltd: No objection
Ofcom: No objection
Arqiva: No objection
NATS Safeguarding: No objection
Belfast International Airport: No objection
City of Derry Airport: No objection
Defence Infrastructure Organisation: No objection
NIEA Waste Management Unit (WMU): No objection subject to conditions

NIEA Historic Environment Division (HED): No objection subject to conditions

NIEA Natural Environment Division (NED): No objection subject to conditions

Environmental Health: No objection

Shared Environmental Services (SES) – No objection subject to conditions

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 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 RELEVANT POLICIES & GUIDANCE

7.1 Planning Strategy for Rural Northern Ireland:
PSU 2 - Major Projects
PSU 11 - Overhead cables

- 7.2 Planning Policy Statement 2 (PPS2) – Natural Heritage:
NH 1 - European and Ramsar Sites - International
NH 2 – Species Protected by Law
NH 3 - Sites of Nature Conservation Importance – National
NH 5 - Habitats, Species or Features of Natural Heritage
Importance
NH 6 - Areas of Outstanding Natural Beauty

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of the proposed development; residential amenity; nature conservation / built heritage interests; visual amenity & landscape character.

Planning Policy

- 8.2 The site is located within the rural area as defined by NAP 2016.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the policy documents specified above.
- 8.4 The Planning Strategy for Rural Northern Ireland deals with major projects (PSU 2) and overhead cables (PSU 11).
- 8.5 PSU 2 requires that proposals take into account the need to protect the environment in its conception, design, implementation and use and should be assessed taking account of need, environmental effects and the availability of alternative routes.
- 8.6 The proposed development is required to connect 68.5MW of renewable generation to the transmission system in Northern Ireland in accordance with Directive 2009/28/EC and the Electricity (Northern Ireland) Order 1992. SONI state that the proposed route was chosen to avoid certain environmental and other constraints. NIEA and SES have assessed the proposal and an EIA determination and HRA screening have been carried out and there are no significant environmental effects.
- 8.7 PSU 11 requires that the siting of electricity power lines be controlled in terms of visual impact on the environment with particular reference being given to designated areas of landscape or townscape value.

- 8.8 The proposal meets the policy requirements as it avoids sites and areas of nature conservation or archaeological interest, it minimalizes visual intrusion by following the natural features of the landscape and where there is a build-up of houses on Portna Road, the cable is proposed to be located underground.
- 8.9 With regards to the areas of landscape sensitivity, part of the cable is proposed within the Sperrin AONB, including 15 structures, 4 of which are metal towers and 11 are wooden poles. The policy does not prohibit the erection of power lines within an AONB but seeks to reduce the impact on visual amenity. Given the extant approval for the Brockaghboy Windfarm which the power line will serve, the power line will not have a significant impact on the AONB. The windfarm has already altered the landscape in this part of the AONB and when viewed with the windfarm, the power line will not be prominent in the landscape.
- 8.10 The policy goes on to state that consideration will be given to putting services underground. This would not be an acceptable option in the Sperrin AONB given the sensitive environment of the AONB including Upland Heath and Blanket Bog which would have to be disturbed to do so.

Public Safety / Residential Amenity

- 8.11 There is currently 1 objection to the proposal. Originally Council received 14 letters of objection to the proposal. 13 objections were withdrawn as the main concern of visual amenity, impact of health, devaluation of property etc. were addressed by SONI. There are 54 letters of support from owners of land on which infrastructure will be located.
- 8.12 PSU 11 requires consideration of the potential impact on amenity. With regard to visual amenity as raised by the residents of Portna Road, SONI amended the part of the line which runs through this area. The line is now to be undergrounded where it is in proximity to the cluster of dwellings. The residents are now content with the proposal.
- 8.13 Residents were also concerned about the impact of electromagnetic fields on health. Para 6.249 of the SPPS deals specifically with telecommunications and other utilities. Proposals for the development of new power lines are required to ensure that

exposures to power line Electro Magnet Fields (EMFs) should comply with the 1998 International Commission on Non-Ionizing Radiation Protection (ICNIRP) Guidelines in line with current Government policy. SONI have submitted an ICNIRP certificate confirming that the proposal complies with the guidelines and Environmental Health have advised that they have no concerns.

- 8.14 Another health and safety risk highlighted was that the lines would pose a danger to farmers, people flying kites and to birds etc. The proposal poses no more of a risk than any other powerlines. Neither Environmental Health, NIEA nor SES had any concerns over the proposal.
- 8.15 Some residents state in their objections that they do not give consent to the support structures being placed on their land, this is a civil matter and not a planning issue. One letter suggested that there would be a requirement for the addition of red lights on top of the towers as they were comparable in height to wind turbines. Red lights are not proposed nor required and the towers proposed are at a maximum 20m whereas a modest wind turbine would be 45m, and a large one 120m, therefore this proposal is not comparable.
- 8.16 The issue of undergrounding the entire cable was raised, however, this would not be feasible in environmental terms, for example, the line passes through the AONB and an area of active bog. Undergrounding in these areas could do unforeseen damage to these designations/habitats. Moreover the Council does not consider that the detrimental visual impact on the landscape is so great that this measure would be warranted.

Biodiversity, Nature Conservation / Built Heritage Interests Environmental Impact Assessment

- 8.17 An Environmental Impact Assessment Determination was also carried out as the development falls within the scope of Schedule 2 of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015. The development falls within category 3(C) – The carrying out of development to provide for the transmission of electrical energy by overhead cables. It exceeds the threshold of 33kv and the purpose of the line is the provision of a supply to more than one customer. All the likely environmental effects were assessed and a negative determination was made as it was not considered that any of the effects were so significant,

individually or cumulatively, to merit an Environmental Statement. NIEA are content that all issues have been addressed.

International Designations

- 8.18 Para 6.175 of the SPPS and Policy NH 1 of PPS 2 require the impact of the proposal on International designations such as European and Ramsar Sites to be considered. Development proposals are restricted where they are likely to impact upon the integrity of European (SPA, SAC and SCI) or Ramsar (listed or proposed) sites as these are afforded the highest form of statutory protection. A Habitat Regulations Assessment was carried out by Shared Environmental Services. They advised that the site is not within or hydrologically linked to any European site and concluded that the proposal will not have an adverse effect on site integrity of any European site, provided additional mitigation is conditioned in any planning approval.
- 8.19 NIEA NED have advised of any potential impacts on the designated sites but have no concerns as long as the mitigation measures included in the Environmental Report (uploaded on 19th February 2016) are implemented.

Protected Species

- 8.20 Para 6.180 of the SPPS and Policy NH 2 require the impacts of the proposal on protected species to be considered. Planning permission will only be granted for a development proposal that is not likely to harm a European protected species or any other statutorily protected species. SONI have demonstrated that no protected species will be impacted.
- 8.21 Bats are an internationally protected species. A survey carried out on behalf of SONI found that any trees likely to be impacted by the proposal had no obvious potential to support bats. NIEA NED had advised that works should stop in the event that bats are found but have no concerns.
- 8.22 Certain breeds of birds in Northern Ireland also benefit from international protection. NED is satisfied that the proposal is unlikely to have an adverse impact on bird species, provided conditions are used to ensure any breeding birds near the construction works are not impacted.

- 8.23 Badgers are a nationally protected species. SONI recorded badger activity across the project corridor, however, as works will involve only the temporary closure of a number of outlying setts, no significant negative effect is predicted on any badger family.
- 8.24 Otters are a species of international importance. SONI carried out a survey of the area where the power line spans the River Bann, other watercourses and their adjoining terrestrial habitats. No evidence of otters was found in these areas.
- 8.25 Smooth newts are a nationally protected species. No structures occur in proximity to any features marked as having smooth newt potential.
- 8.26 NIEA NED have no concerns that any protected species are likely to be impacted.

National Designations

- 8.27 Paras 6.183 to 6.188 of the SPPS and policies NH3 and NH 6 of PPS 2 require the impacts of the proposal on national designations to be considered. Policy NH 6 deals specifically with Areas of Outstanding Natural Beauty (AONB). Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity of a national designation such as an Area of Special Scientific Interest (ASSI) or an AONB.
- 8.28 The proposal is not within an Area of Special Scientific Interest (ASSI). There are a number of ASSIs within approx. 5 to 18km, however, NIEA NED has considered the impacts and has no concerns. With regard to the AONB, as discussed at para 8.9 above, given the approval for the windfarm, the proposal will not have any significant adverse impacts on the character of the AONB.
- 8.29 NIEA have not raised any concerns over any potential impacts on sensitive landscapes and an EIA determination has not raised any significant concerns.

- 8.30 Other habitats, species or features of Natural Heritage importance which must be considered under para. 6.192 of the SPPS and NH 5 of PPS 2 include priority habitats, priority species, active peatland, wetlands, trees and woodland.

8.31 NIEA NED have advised that the proposal contains Northern Ireland priority habitats, namely Upland Heathland, Blanket Bog and hedgerows. Again, NED have no concerns subject to conditions. SONI originally proposed a pole to be located within active Blanket Bog, this has now been moved outside the Bog and NIEA are content. There were no priority species recorded and NED have not raised any concerns.

8.32 Other priority habitats that will be directly or indirectly impacted include woodland, wet and dry heathland, marshy grassland and hedgerows. However, the overall impact is not considered significant because the areas of direct loss as a result of each element of the power line infrastructure are not significant, and mitigation measures will be put in place during construction works to minimise indirect impacts.

Local Natural Resources, such as air quality or water quality

8.33 The development does not appear to affect any significant designations or zonings. Due to the nature of the proposal it is unlikely to have a detrimental impact on local natural resources. The consultees were content that there would be no adverse impact on air or water quality.

Visual Amenity & Landscape Character

8.34 Part of the proposed line is within the Sperrin AONB, including 15 structures, 4 of which are metal towers and 11 are wooden poles.

8.35 The SPPS at para 6.250 states that proposals should avoid areas of landscape sensitivity, including AONBs. PSU 11 of a Planning Strategy for Rural Northern Ireland also seeks to reduce the impact of proposals on the visual amenity of the AONB. Neither policy prohibits the erection of power lines within an AONB but require careful consideration to be given.

8.36 The landscape of the AONB is currently undisturbed, however, the proposed line will be viewed in the context of the approved Brockaghboy Windfarm which the power line will serve. The windfarm is currently under construction and will alter the landscape of this part of the AONB.

8.37 The cable and its support structures will be viewed along with the much larger turbines of the windfarm which will have a greater impact. When viewed in this context, the proposal will not be

prominent in the landscape and will not have a significant impact on the visual amenity of the AONB.

- 8.38 PSU 11 goes on to state that consideration will be given to putting services underground. This would not be an acceptable option given the sensitive environment of the AONB including Upland Heath and Blanket Bog. Undergrounding in this area could do more damage to the environment.
- 8.39 NIEA have not raised any concerns over any potential impacts on sensitive landscapes and an EIA determination has not raised any significant concerns.
- 8.40 NH 6 of PPS 2 requires that the proposal, in terms of its siting, scale and materials, is sympathetic to the special character of the AONB in general and of the particular locality. As discussed above, the character of the AONB at this location has already been altered by the windfarm. The proposal, therefore, will have no significant impact and will not change the character further.
- 8.41 With regard to the remaining part of the line, it has been visually assessed on site and with the aid of photomontages supplied by the applicant. The proposal will not have a significant impact on the landscape. The line follows the natural contours of the landscape for the most part, choosing the lowest areas possible so as to not appear prominent in the landscape. Part of the line, where it is in proximity to a cluster of dwellings, is to be undergrounded which will reduce the visual impact in that area.

9 CONCLUSION

- 9.1 This proposal is considered acceptable in this location having regard to the Area Plan and other material considerations.

10 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. Subject to the above conditions, the development shall be carried out in accordance with the stamped approved Drawing Nos 04, 05, 06, 07, 08, 09, 10 and 12 bearing the date stamp 18 December 2015 and Drawing Nos 01Rev1, 02Rev1, 03Rev1, 11Rev1, 13Rev1, 14Rev1, 15Rev1, 16Rev1, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 bearing the date stamp 18 July 2016.

Reason: To ensure the development is carried out in accordance with the approved plans.

3. The development shall not be commenced until a Certificate issued by a Chartered Structural Engineer certifying that the structures (i.e. any poles/masts which are within the height of the structure + 10% metres of a public road) have been designed in accordance with the relevant standards and guidance, has been submitted to and accepted by the Council. The certificate should state:

“I/We certify all reasonable professional skill and care has been used in the design & check of the above named structure in accordance with the following design standards and advice notes”.

Reason: In the interests of road safety.

4. Prior to the commencement of any works an Article 11 application for the haulage routes, construction accesses and any associated traffic management proposals shall be submitted to and agreed with the Council.

Reason: In the interests of road safety and traffic management.

5. Prior to the commencement of any works, the applicant shall submit an assessment under the Road Restraint Risk Assessment Process (RRRAP) in accordance with TD19/06 for all proposed structures within 6.0 metres of the public road boundary.

Reason: In the interests of road safety and traffic management.

6. Any construction access gradients to the development hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m 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 users.

7. A suitably qualified ornithologist shall review the Ballydullaghan, Annaghvoggy and Drummerick Hill Snipe breeding sites (Ornithology Report, Section 9.8.3.1) before and during construction phase. If these breeding sites are active, then no activities should take place within 400 metres of the sites during the breeding season.

Reason: To protect breeding Snipe, a criteria 4 species of Lough Neagh and Lough Beg Ramsar.

8. All mitigation measures included in the Environmental Report (uploaded on 19th February 2016) should be implemented to prevent adverse impacts on the aquatic environment and ornithological features of any designated sites protected by Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.

Reason: To protect the aquatic and ornithological features of designated sites.

9. A suitably qualified ornithologist shall review the Ballydullaghan, Annaghvoggy and Drummerick Hill snipe breeding sites (Ornithological Report, Section 9.8.3.1) before and during construction and, if active, no activity should take place in 400m of these during the breeding season.

Reason: To protect breeding snipe, an assemblage species of Lough Neagh ASSI.

10. A buffer of at least 10m must 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 and all watercourses.

Reason: To prevent the contamination of watercourses.

11. All works, including construction and ground preparation, taking place between 1 March and 31 August in any year shall be monitored on a weekly basis by a suitably qualified and experienced ornithologist. The location of any active nests or breeding activity shall be recorded and appropriate mitigation measures, including buffer zones (curlew 800m, snipe 400m and appropriate buffers to other species to be agreed with NIEA NED), shall be implemented to prevent disturbance to breeding birds. All monitoring, findings and mitigation measures shall be detailed in reports which shall be submitted in writing to the Council no later than mid-June and mid-September in any year.

Reason: To protect breeding birds.

12. All construction works must comply with the mitigations described in Brockaghboy 110kV Renewables Connection Project Environmental Report Chapters 8.0 Ecology and 9.0 Ornithology.

Reason: To minimise impacts to breeding birds, protected species and Northern Ireland priority habitats.

13. No development activity shall commence on site until an Ecological Clerk of Works (ECoW) has been appointed and the roles of the responsibilities of the ECoW submitted to, and agreed in writing by, the Council.

Reason: To ensure effective implementation of the mitigations in Brockaghboy 110kV Renewables Connection Project Environmental Report Chapter 8.0 Ecology.

14. A detailed Construction Method Statement (CMS) must be submitted to the Planning Authority, for consultation and agreement with NIEA Water Management Unit, at least six weeks prior to the commencement of construction. The CMS should include all necessary pollution prevention measures to protect the water environment during the development of this proposal. The CMS should demonstrate that work methods will adhere to all the relevant the Pollution Prevention Guidelines and provide pollution mitigation detail regarding construction methodology.

Reason: To protect the water environment.

15. No site works of any nature or development shall take place until a fence has been erected around monument ANT 026:009, on a line to be agreed with the Historic Environment Division: Historic Monuments. No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or rubbish, no bonfires, nor any use, turning or parking of plant or machinery. The fence shall not be removed until the site works and development have been completed.

Reason: To prevent damage or disturbance of archaeological remains within the application site.

16. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

17. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Council to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

18. If during the development works, new contamination and risks are encountered which has not previously been identified, works should cease and the Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council

in writing, and subsequently implemented and verified to its satisfaction.

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

19. After completing the remediation works under Condition 1; and prior to operation of the development, a verification report needs to be submitted in writing and agreed with Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

Informatives

1. The applicant is advised that under Article 11 of the Roads Order (Northern Ireland) Order 1993, the Department for Infrastructure 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.
2. The applicant should contact the relevant Department for Infrastructure TransportNI Maintenance Section in order that an agreement may be reached regarding maintenance costs and incurred expenses in consequence of any damage caused to the public road.
3. 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.
4. Notwithstanding the terms and conditions of the Causeway Coast and Glens Borough Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order

1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the relevant TransportNI Section Engineers whose addresses are:

Causeway Coast and Glens (East) - Trillick House, 49 Queen Street, Ballymoney, BT53 6JD.

Causeway Coast and Glens (West) – County Hall, Castlerock Road, Coleraine BT51 3HS.

Mid-Ulster Council (TNI Western) – Molesworth Plaza, Molesworth Street, Cookstown.

A monetary deposit will be required to cover works on the public road.

5. Notwithstanding the terms and conditions of the Department's approval set out above, you are required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in a street. The Street Works Licence is available on personal application to the relevant Department for Infrastructure TransportNI Section Engineer.
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:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes the otter (*Lutra lutra*) and 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 and/or otter activity on the site, all works should cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Belfast BT7 2JA. Tel. 028 905 69605.

9. 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.

Any works within 25 metres of a badger sett will require a wildlife licence to be obtained from NIEA. Licence applications should be made to the Wildlife Inspector, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Belfast BT7 2JA. Tel. 028 905 69605

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 smooth or common newt (*Lissotriton vulgaris*, formerly *Triturus vulgaris*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which newts use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a newt 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 newts on the site, all works must cease immediately and further advice sought from the Wildlife Officer's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Belfast BT7 2JA. Tel. 028 905 69605

11. 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 marsh fritillary butterfly (*Euphydryas aurinia*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which marsh fritillary use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a marsh fritillary 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 any evidence of a marsh fritillary colony 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, Belfast BT7 2JA. Tel: 028 905 69605

12. 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:
- a) kill, injure or take any wild bird; or
 - b) take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 - c) at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
 - d) obstruct or prevent any wild bird from using its nest; or
 - e) take or destroy an egg of any wild bird; or
 - f) disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
 - g) disturb dependent young of such a bird.

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

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

13. Removal of any hedgerow vegetation or trees for access purposes and removal or infilling of natural features such as earth banks and ditches should be avoided.
14. Any unavoidable hedgerow or tree removal should be carried out outside of the bird breeding season, which runs from 1 March to 31 August.
15. All works should remain within the access and construction footprint as shown in the original drawings.
16. The applicant should refer and adhere to the precepts contained in DOE Standing Advice Note No.4. Pollution Prevention Guidance and 11. Discharges to the Water Environment. Standing advice notes are available at:
http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm

17. The applicant should refer and adhere to all the relevant precepts contained in:
DOE Standing Advice Note No. 4 - Pollution Prevention Guidance (April 2015)
http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_4_pollution_prevention_guidance.pdf
(Advice Note No. 4 contains guidance on Construction Method Statements)

DOE Standing Advice Note No. 5 – Sustainable Drainage Systems (April 2015)

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_5_sustainable_drainage_systems.pdf

The applicant should note that since the publication of this standing advice the SuDS Manual has been updated and is now CIRIA C753 (2015) The SuDS Manual.

DOE Standing Advice Note No. 11 – Discharges to the Water Environment (April 2015)

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_11__discharges_to_the_water_environment.pdf

DOE Standing Advice Note No.18 – Abstractions & Impoundments (May 2015)

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_18__abstractions_and_impoundments_issue_01_may_2015-2.pdf

DOE Standing Advice Note No. 22 - Culverting (September 2015)

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_22_-_culverting_-_issue_01_september_2015.pdf

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.

18. 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.

19. 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.
20. 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.
21. For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least 4 weeks before work is due to begin, contact:

Historic Environment Division – Historic Monuments Unit
Causeway Exchange
1–7 Bedford St
Belfast,
BT2 7EG

Quote reference: SM11/1 LDY 026:074,114

22. Application for the excavation licence, required under the Historic Monuments and Archaeological Objects (NI) Order 1995, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible for the project, to:

Historic Environment Division – Historic Monuments Unit
Causeway Exchange
1–7 Bedford St
Belfast,
BT2 7EG

23. The purpose of Conditions 1 and 2 is to ensure that risk assessment and any remediation work is undertaken to a standard that enables safe development and that the site is suitable for use such that it would not be determined as contaminated land under

the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks. Comments provided by NIEA in regards to this application area are without prejudice to any further statutory control which may be required under Part III or any other future environmental legislation.

24. The applicant should ensure that the management of all waste is suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste Management Plan (see <http://www.netregs.gov.uk>).