

Planning Committee Report Item- LA01/2017/1053/F 170m South-East of 45 Ballymacrea Road, Portrush	20th December 2017
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	Principal Planning Officer
Cost: (If applicable)	N/A

**170m South-East of 45
Ballymacrea Road
Portrush**

LA01/2017/1053/F

20th December 2017

No: LA01/2017/1053/F

Ward: DUNDOOAN

App Type: Full Planning Application

Address: 170m SE of 45 Ballymacrea Road, Portrush.

Proposal: Retrospective application for gas pressurised reduction system (pipework), with proposed concrete hardstanding, single-storey container and 2.6m high security fencing.

Con Area: N/A

Valid Date: 08/9/2017

Agent: MBA Planning Ltd

Applicant: Craigahulliar Energy Ltd

Objections: 0

Petitions of Objection: 0

Support: 0

Petitions of Support: 0

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

1 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** Full Planning Permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located 170m south-east of 45 Ballymacrea Road, Portrush. The site is a secure Council site, with Craigahulliar Energy Ltd who operate the landfill gas management system on behalf of the Causeway Coast and Glens Council. The gas pressured system pipework is below ground level and the site covers an area of approximately 0.5 hectares. The existing site was previously used as a quarry and the land is protected by an existing retaining wall. The existing surface of the site consists of a hardcore area. There is an existing single-storey storage

building and gas utilisation plant to the south-east of the site. There are two existing leachate tanks to the north-east of the site and part of the site is encompassed by approximately 2m high metal mesh fencing.

The site is accessed via an existing through road which services the wider landfill site. The access branches off to the application site which contains a leachate treatment system and existing electrical generator equipment. These adjacent structures are of an industrial appearance and extend to approximately 10m at the highest point (a gas flare).

- 2.2 The area is predominately rural and the site is contained within an area, which is screened by the existing topography from public viewpoints along the Ballymacrea Road and Craigahulliar Road. The site is located 284m from the nearest residential property at No. 32 Craigahulliar Road. The site is in the countryside under the Northern Area Plan 2016, and is located in close proximity to an area of special scientific interest, an archaeological site and monument, an area of constraint on abandoned mines and an area of constraint on mineral developments.
- 2.3 The scheme consists of a part retrospective application for gas pressurised reduction system (pipework) which exists underground, with proposed concrete hardstanding, single-storey container and 2.6m high security fencing. The proposed fencing will have a metal finish and will be painted olive green. The proposed storage container will have a metal finish and will be 2.6m in height and 3m in length. Two new parking bays for larger vehicles, with dimensions of 12m x 2.5m have been proposed on site.

3.0 RELEVANT HISTORY

C/2009/0044/F- Craigahulliar Landfill site, Ballymacrea, Portrush- Relocation of gas-flaring equipment and installation of electricity-generating equipment- Approved: 22.04.2010.

C/2010/0474/F- Craigahulliar Landfill site, Ballymacrea Road, Portrush- Non-compliance with Condition 3 (hours of operation

of gas flare) of previous approval C/2009/0044/F to allow 24hr operations of gas flare- Approved: 19.09.2011.

C/2011/0078/F- Craigahulliar Landfill Site, Ballymacrea Road, Portrush- Retention of a leachate treatment system incorporating a holding tank for leachate prior to treatment (Tank A), a treatment tank (Tank B), a discharge tank (Tank C), a caustic dosing tank (Tank D) and associated infrastructure. The development also includes the retention of a waste inspection building with a roof to be constructed and the construction of a 1.5m high concrete retaining wall- Approved: 21.02.2012.

4.0 The Application

- 4.1 The new development consists of a part retrospective element, consisting of underground pipework and freestanding pipework, which is then proposed to be encompassed by the single-storey outbuilding. The area of proposed hardstanding will measure 284sqm² and two new parking bay areas have been proposed on the hardstanding area. They each will measure 12m x 2.5m. The single-storey outbuilding will measure 2.6m in height, 3m in length and will house gas cylinders.
- 4.2 The proposed fencing will be located around the perimeter of the site and will be 2.6m in height. The fencing will have an olive green painted finish. The underground pipework is predominately not visible, apart from the outlet to be housed by the single-storey outbuilding which is approximately 1.8m in height. The proposed development in the context of the site is minor and will not detract from the character of the area. There is a precedent for this type of development on site and the history above demonstrates this precedent. The proposed alterations will not be visible from the main Ballymacrea Road, due to the fact that the site is located 400m away from the main road.
- 4.3 The agent has stated that the development is required for landfill gas management on behalf of the Causeway Coast and Glens Council. The landfill gas being produced at the site is not at full capacity as filling operations are yet to be completed. This means that the existing engines on site are not used efficiently. The applicants CEL has sought to address this and

ensure the longevity of the gas management system as a whole by topping up the engines with cleaned up bio-gas from an off-site supplier. This gas will be provided in cylinders which will be stored within the single-storey outbuilding. This development is therefore required to ensure efficient operation of a Council facility. The proposal will benefit, the existing use on site and will not cause any environmental damage within the immediate area. The scheme is considered not to cause any visual impact and the principle of the scheme is considered acceptable.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

No letters of objection or third party representations have been received in relation to the application.

5.2 Internal

DFI Roads: Has no objections.

NIEA: Has no objections subject to informatives

Environmental Health Services: Has no objections due to available evidence to date.

NI-Water: Has no objections subject to informatives.

Health and Safety Executive NI: Has no objections to the scheme following the receipt of additional information.

Historic Environment Division- Protecting Historic Monuments: Has no objections.

6.0 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

6.5 Due weight should be given to the relevant policies in the development plan.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 4: Planning and Economic Development

Planning Policy Statement 21: Sustainable Development in the Countryside

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of the application relate to; the principle of the development; expansion of an established use, access; amenity and heritage interests. The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

Principle of development

- 8.2 Planning Policy Statement 21- Sustainable Development in the Countryside- Policy CTY1- Development in the Countryside applies to this proposal. The policy states there are a range of types of development which in principle are considered to be acceptable in the countryside. The policy states that such proposals will be considered in accordance with existing published planning policies.
- 8.3 All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Council's published guidance.

Expansion of an Established Use

- 8.4 As the existing use on site is operated by a private company on behalf of the Council, the scheme is assessed against Planning Policy Statement 4- Policy PED 3- Expansion of an Established Economic Development Use in the Countryside. The policy states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.
- 8.5 Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing buildings and will integrate as part of the overall development. Any extension of the use on site should respect the scale, design and materials of the original buildings on the site and any historic or architectural interest the original site may have.
- 8.6 The proposed development will not harm the character of the area and there is no major increase in the site area in terms of

the land use. The development will upgrade the existing gas system on site and will ensure that it will be more efficient and this has the potential to save public money as the site is owned by the Council. The proposed development in the context of the site, respects the existing structures and buildings, in terms of design, scale and materials. The proposed scheme is considered to comply with Policy PED 3.

Access

- 8.7 Planning Policy Statement 3- Access, Movement and car parking applies to this proposal. The proposed development will make use of the existing access to the north of the site. The development will not alter any existing access arrangements which exist on site and will provide adequate parking facilities on site, by providing two large parking bays for larger vehicles. There is enough turning space provided on site and there is pedestrian access on the site for maintenance purposes. DFI Roads was consulted in relation to the scheme and offered no concerns regarding public safety, parking concerns or access arrangements. The proposed development complies with the policy as outlined under Planning Policy Statement 3.

Amenity

- 8.8 The proposed scheme is required to improve Council facilities at the site. Environmental Health Services has stated that based upon information currently available, the potential for adverse impacts due to noise appear to be low, given the context of this development within the extant landfill operations. EHO has no further adverse comment.
- 8.9 There is no harm to local natural resources as a result of the development as there are no emissions to air quality as indication from information presented to the Planning Department. It has been indicated by the applicant that the gas will be stored appropriately and in line with British standards, within sealed containers. There will be no contamination of waters or soils on site.

Heritage Interests

- 8.10 Consultation with DAERA and HED has indicated that the proposal is unlikely to have an adverse effect on heritage issues in the Craigahulliar ASSI, newts and the water environment. The development will not have a negative impact on the visual

character of the area nor will the development have any ecological impacts and this was confirmed by NIEA. The proposed development will have no impact on the existing community, nor will it affect conservation features or the built heritage. These issues are addressed in the planning informatives in section 10.

9.0 CONCLUSION

9.1 Having regard to the development plan and other relevant material considerations, the proposal is acceptable in principle. It complies with policy requirements for expansion of an established economic development use in the countryside. The proposal is acceptable in terms of access and amenity. No harm will be caused to heritage interests. Approval is recommended.

10.0 CONDITIONS

10.1 Regulatory Conditions:

1. This approval in part for the retention of gas pressurised system (pipework) is effective from the date of this decision notice and is issued under Section 55 of the Planning Act (Northern Ireland) 2011.

Reason: Part retrospective permission.

2. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted which, consists of proposed concrete hardstanding, single-storey container and 2.6m high security fencing, shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

Informatives

10.2 1. The applicant is advised to contact NIW Waterline on 03457440088 or orwaterline@niwater.com, upon receipt of this

consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

2. If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Waterline on 03458 770002.

3. No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.

4. Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants should contact NI Water's Water Fittings Regulations team via waterline@niwater.com if they have any queries.

5. The applicant will be required to comply with the Control of Pollution (Oil Storage) Regulations (NI) 2010. Please refer to the informatives contained in Standing Advice Note No. 23 – Commercial or Industrial Developments. (Standing Advice Notes are available on the NI Planning Portal www.planningni.gov.uk under Advice/NIEA Guidance.)

6. Due to the close proximity of the site to a watercourse, care will need to be taken to ensure that polluting discharges do not occur during the operational phase. The applicant should refer and adhere to the precepts contained in Standing Advice Note No. 4 – Pollution Prevention Guidelines.

7. Effective mitigation measures must be in place to protect the nearby watercourse 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.

8. There should be no storage of oil/fuel/machinery/spoil, concrete mixing, refuelling, or movement/washing of vehicles within the ASSI boundaries. To protect the integrity of the geological feature of Craighulliar ASSI.

9. NED would like to draw attention to the nearby waterbody adjacent to the proposal which has the potential to support a newt population. NED are content that an adequate buffer exists, due regard should be given by the applicant and the contractor towards the possibility of newts. 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, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605.

10. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or

- take, damage or destroy the nest of any wild bird while that nest is in use or

being built; or

- at any other time take, damage or destroy the nest of any wild bird included in

Schedule A1; or

- obstruct or prevent any wild bird from using its nest; or

- take or destroy an egg of any wild bird; or

- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or

- disturb dependent young of such a bird.

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

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

12. 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.

Site Location Plan

