

# **Major Item B**

**Land approx 71m South East of  
no. 20 Glenariff Road, Waterfoot**

**E/2014/0205/F  
Full Application**

**28<sup>th</sup> October 2015**

<b><u>No:</u></b>	<b>E/2014/0205/F</b>	<b><u>Ward:</u></b>	<b>Glenariff</b>
<b><u>App Type:</u></b>	<b>Full Application</b>		
<b><u>Address:</u></b>	<b>Land approx 71m South East of 20 Glenariff Road Waterfoot</b>		
<b><u>Proposal:</u></b>	<b>Proposed 2 no. broiler houses for up to 37,000 birds per unit, including new ancillary building, concrete apron, meal and fuel silos, plus associated landscaping scheme and site works to accommodate new entrance to service proposed development.</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>24 October 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>R. Robinson and Sons 59 High Street, Ballymoney BT53 6BG</b>		
<b><u>Applicant:</u></b>	<b>Mr Martin Cosgrove</b>		
<b><u>Objections:</u></b>	<b>4</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

**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 section 7 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 10.

## **2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA**

- 2.1 The application site is located south east of No 20 Glenariff Road, within the rural area. The site is on lower land to the road and currently in agricultural use. An agricultural lane and hedging adjoin the south boundary. Hedging to the field boundary to the east and north. An existing hedgerow also dissects the site north to south.
- 2.2 The site is located in the Antrim Coast and Glens AONB. The site is on low lying ground on the glen valley floor. The agricultural fields in the area are long and narrow with low

hedging and run east to west from the Glenariff Road to the Glen Road. The land rises up to the glen summits east and west and to the south. The settlement of Glenariff is located to the north.

### **3 RELEVANT HISTORY**

None

### **4 THE APPLICATION**

- 4.1 The application proposes to erect 2 no. poultry units for up to 74,000 broilers. The poultry units measure 86m in length and 20.5m wide, with a ridge height of 6m. The houses are mechanically ventilated with ridge fans. There is also an ancillary building proposed, as well as 5 meal bins/silos.

### **5 PUBLICITY & CONSULTATIONS**

#### **External:**

- 5.1 **Neighbours: (6) Six** Objectors to the proposal.

The points raised by the objectors include:

#### Processing of the application

- Development description misleading and incorrect
- Neighbours (No 23) not notified
- Errors in technical reports
- Re-consultation not completed on the relocation of the sheds

#### EIA process

- Proposal is Schedule 1
- Inadequate EIA
- Competent authorities did not take a precautionary approach to protecting ASSIs and European sites.
- Pre-determination consultation should have been carried out
- Stage 2 HRA should have automatically required a ES
- The location of the proposal within a sensitive area should have required a Environmental Statement
- The EIA assessment is inadequate and unreasonable
- No verification of the developers air monitoring study

### Visual Impact

- Scale and location of the development is out of proportion to the farm buildings and residential dwellings in the area.
- Removal of 'ladder' hedge
- Location of sheds on the valley floor detrimental to the AONB and general character
- Visual impact
- Out of character
- Access would open up road

### PPS 21

#### CTY 12

- Incorrect application of CTY 12.
- Proposed development not in keeping with the character and uses in the area. It is intensive commercial poultry business, entirely unprecedented in context of existing farming practices and scale of existing physical developments.
- Out of character in scale, pattern of development, unprecedented. Over development and a significant and material departure from the traditional nature and character of the farming development in the glen.
- Does not integrate with the domestic scale of the buildings.
- A 3<sup>rd</sup> party dwelling is 115m from the development. Gives rise to odour, dust, emissions, discharges, and vermin. No competent assessment undertaken. International best practice should 300m.
- The proposed building is not connected to the current use and cannot be said to be necessary to the efficient use of the land. Not suggested that the development is necessary to the financial security of the current farming operation or that it will lead to increased levels of employment.
- Potential pollution of the Glenariffe River.

### **Internal:**

5.2 **Transport NI:** Amendments to the original submission have been cleared with no objection subject to conditions.

**Environmental Health:** refer to the Industrial Pollution and Radiochemical Inspectorate (IPRI) of the NIEA who as the regulator of the proposed development have issued a PPC permit to the applicant.

**DCAL Inland Fisheries:** Subject to conditions

**NIEA Natural Heritage:** No objection subject to condition

**NIEA Industrial Pollution and Radiochemical Inspectorate (IPRI)** No objection

**DARDNI:** Have confirmed farm business ID and that applicant claims single farm payments.

**NIEA WMU:** No objection subject to PPC permit

**NIEA Historic Monuments Unit:** No objection

**Share Environmental Services:** Concur with NIEA Natural Heritage

**Rivers Agency:** Raised FLD 1 and FLD 3 to be considered.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”
- 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 and local policies plan are adopted, and found to be sound, councils will apply specified retained operational policies.

- 6.4 Due weight should be given to the relevant policies in the development plan.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

PPS 2 Natural Heritage

PPS 3 Access, Movement and Parking

PPS21 Sustainable Development in the Countryside

Guidance

Antrim Coast and Glens AONB Management Plan

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: the principle of the development in this location; visual integration, impact on neighbouring residential properties and, impact on natural or built heritage.

### **Principle of development**

- 8.2 Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of the types of development is agricultural and forestry development in accordance with Policy CTY 12.
- 8.3 Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural and forestry holding where it is demonstrated that:
- a) It is necessary for the efficient use of the agricultural holding.**

8.4 DARD have confirmed that the farm business ID number has been active and established for the required period and that the business claims a single farm payment. The proposal for poultry units will continue the agricultural use of the land and farm. The objector states that the introduction of a poultry business would not be necessary for the efficient use of this agricultural holding as it is primarily sheep grazing. However, it is considered that the approval in principle of this scheme would support a continued agricultural use at this established farm holding as they change and develop meeting new markets and demands. It is also supports the wider Government Agri-Food Strategy.

**b) It is appropriate to the location in terms of character and scale.**

8.5 The proposed sheds are located to the rear of the existing farm yard and buildings. Each poultry unit is 6 m in height to the ridge, 20m wide and 85m in length. The plant room that connects them is 3m in height and gives a combined width of 48.5m. There is a concrete apron to the front. The access from the main road falls 1:10 over 80m where it turns south into the site. An ancillary building is proposed at the end of this access, 3.9m in height by 9.5m x 4.3m.

8.6 The site is located within a rural area and AONB, most of the development in the locality is roadside following the contour running along the side of the glen. Agricultural buildings are slightly set back. The farm grouping at No 11 and 13 Glenariff Road are the largest agricultural buildings in the immediate vicinity. The nearest poultry shed is at 3 Glassmullen Road which has approval for a second unit.

8.7 The area is characterised by narrow linear fields, running east to west with the applicant lands almost double in width of those on adjacent sides. The proposed sheds are also sited east to west and will retain these existing field boundaries. However, the proposed development will require partial removal of a hedge, a rung in the ladder type fields.

8.8 Objectors have raised concern in relation to the size and location of the buildings and to the immediate locality and their location within the AONB. The long linear style of the proposed units is in keeping with the field pattern. The proposed development though larger than the existing buildings in the

immediate vicinity are typical of a rural environment and an AONB and would not impact significantly on the locality and characteristics of the area. Natural Heritage have no concerns with the visual impact on the AONB.

**c) It visually integrates into the local landscape and additional landscaping is provided as necessary.**

- 8.9 The land is relatively lower than the road and referred to as the 'Glen floor' in representations. The buildings have a low profile and are afforded hedging to the boundaries to the east and west. The Poultry units are located 50m from the road and have a proposed finished floor level of 6.55, around 10m below the existing road level.
- 8.10 Due to the low lying nature of the site and existing development on the Glenariff Road, Garron Road and Glen Road there will be limited visibility of the site and proposed units from the surrounding road network.
- 8.11 The ancillary building is small in scale and is considered acceptable and will integrate with the existing grouping.
- 8.12 The access drops from the road level 10m over a distance of 34m. This requires a retaining wall which is at its highest of 4m near the entrance and between the existing outbuilding and extant housing site. A substantial planting scheme is proposed and will assist mitigate the visual impact.

**d) It will not have an adverse impact on the natural or built heritage.**

- 8.13 NIEA have undertaken a Habitats Regulations Assessment. The assessment concluded that there will be no likely significant effects on the selection of features of SAC/SPA or additional ASSIs, provided the proposal is limited to a capacity of broilers to 74,000.
- 8.14 A further screening and EIA determination was also carried out that determined there was no significant adverse impacts.

**e) It will not result in a detrimental impact on the amenity of residential dwellings outside the holding.**



- 8.15 The Agricultural Advisory and Development Service (AADS) which provides specialist advice on agricultural matters, states that at a distance of 400m from a unit the risk of odours at a nuisance level would be minimal. At 100m, odour is very likely to be detectable on occasion. The nearest third party residential property is approximately 150m from the site.
- 8.16 Draft Guidance prepared by the CEHOG Pollution Sub – Group “Guidance for Environmental Health on planning consultations involving agriculture and residential premises”, March 2014, recommends that for new dwellings near to intensive poultry agriculture are sited 150m away.
- 8.17 NIEA IPRI is the responsible body for the investigation of any noise or odour complaint for an application of this type and size. Following submission of “Air Quality Impact Assessment” dated 13<sup>th</sup> January 2015. IPRI have stated that the demonstrated impacts of emissions of odour, dust and ammonia on sensitive receptors are likely to be acceptable in this case.
- 8.18 The applicant is required to be in receipt of a Pollution Prevention and Control (PPC) permit prior to first operating the installation at a capacity of over 40,000 bird places. This has already been issued for the application. As the applicant holds a PPC permit, IPRI will investigate any complaint and if there is found to be a breach of the permit conditions, a notice may be served, requiring the operator to address the issues or proceedings may be instituted.

### **Proposed buildings**

- 8.19 In the case where new buildings are proposed, CTY 12 requires: that existing buildings be used; the design and material are sympathetic, and; they are sited beside existing farm or forestry buildings. There are no suitable existing buildings on the holding and the buildings are required to be a particular size and shape for this agricultural activity. The design and materials of the building are sympathetic to the locality and is located to cluster with the existing farm buildings. The poultry houses are of a simple design and buildings of this style are characteristic of the rural area.

- 8.20 The proposal meets all of the above criteria and therefore complies with Policy CTY 12.
- 8.21 Policy CTY 13 allows for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As mentioned above under point c) the proposal will visually integrate into the surrounding landscape and is an appropriate design.
- 8.22 Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Given the new poultry shed will sit to the rear of the existing farm, is not considered to be unduly prominent in the landscape and will not cause a detrimental change to the rural character of this area.
- 8.23 Policy AMP3 of PPS3 deals with access to public roads. Transport NI have been consulted and offered no objection subject to conditions.
- 8.24 Policy NH1 of PPS 2 deals with European and Ramsar sites and Policy NH 3 deals with Site of Nature Conservation Importance - National. NIEA Natural Heritage were consulted on the proposal given the proximity of the site to the Garron Plateau Special Area of Conservation (SAC) and Antrim Hills Special Protection Area (SPA), Glenariff Area of Special Scientific Interest (ASSI), Garron Point (ASSI), Glenballyemon River (ASSI) and Tievebullagh (ASSI).
- 8.25 Following submission of the Air Quality Impact Assessment NIEA were able to undertake a Habitats Regulations Assessment (HRA). This has concluded that there will be no likely significant effects. Therefore given the outcome of this assessment the proposal is in compliance with policies NH1 and NH 3 of PPS 2. Additionally, given the nature and scale of the proposal the proposal should not cause any harm to any protected species as per Policy NH 2 of PPS 2.

### **Other Matters**

- 8.26 Information about litter utilisation was submitted stating the litter will be utilised according to Moy Park's Litter Utilisation Strategy

in which they have identified renewable energy generation with EPR Fife as the nominated outlet for this material. Litter will be cleared from the site when the birds are removed and immediately transported to the relevant end user.

- 8.27 Objectors are concerned that taking into account European stocking densities that the proposed units could house up to 90,400 birds and therefore be considered Schedule 1 development of The Planning (Environmental Impact Assessment) Regulations (NI) 2012. This application is for 74,000 birds and falls within Schedule 2, Part 1(c) Intensive Livestock Installations. It is within an AONB, the proposal also exceeds the threshold of 500m<sup>2</sup>. During both the initial screening and re screen the proposal was not considered to have a significant effect on the environment to merit the preparation of an Environmental Statement.
- 8.28 Moy Park have advised that they work to a higher welfare program which demands a lower stocking density. Their standard confines this proposal to a capacity of 74,000 birds. This capacity is to be limited by planning condition. Any proposal to increase the bird stock would require a further planning application. Stocking is also controlled by the PPC permit arrangements.
- 8.29 The objectors have submitted photographs of flooding on this site and are concerned with any potential pollution to the nearby watercourses. The provision of a Drainage Assessment was not deemed necessary due to the application not being within a flood plain, the scale of the proposal and the measures in place to deal with the storm water discharges. All wastewater treatment systems and soakaways must be located in such a position that they cannot affect surface or ground waters and cannot cause a nuisance to any nearby residential properties. Such systems are controlled under the terms of the Water (NI) Order 1999 (as amended). It is an offence to pollute or endanger waterways and their stock (see Informatives No. 11 and No. 12 below).

## **9 CONCLUSION**

- 9.1 The proposed development is considered acceptable in this location having regard to the area plan and other material

considerations. The development is an appropriate use of the land and is acceptable in terms of its layout and appearance. All other matters can be secured by planning condition. Approval is recommended.

## **10 CONDITIONS/ INFORMATIVES**

### **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 existing boundary vegetation as indicated on Drawing No. 02/2 date stamped received 10th December 2014 shall be permanently retained, unless it is necessary to be removed to prevent danger to the public in which case a full explanation shall be given to the Planning Authority in writing. The proposed planting as indicated on the same drawing shall be undertaken during the first available planting season after construction of the building for its permitted use.

Reason: In the interest of visual amenity and to ensure the development integrates into the countryside.

3. If within a period of 5 years from the date of the planting of 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 Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.02 Rev 02 and 03 Rev 3 bearing the date stamp 10th December 2014, prior to the commencement of any other development hereby permitted. The area within the visibility splays

and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. No other development hereby permitted shall become operational until existing access indicated on Drawing No 02 Rev 2 bearing the date stamp 10<sup>th</sup> December 2014 has been permanently closed and the verge properly reinstated to the satisfaction of Transport NI.

Reason: In order to minimise the number of access points onto the public road in the interests of road safety

6. The access gradient to the building hereby permitted shall not exceed 4% (1 in 25) over the first 20 m outside the road boundary.

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

7. The onsite capacity shall be limited to 74,000 (broilers).

Reason: To ensure there are no adverse impacts on the selection feature of Glenariff ASSI – Garron Plateau SAC/ASSI – Antrim Hills SPA – Glenballyemon Rover – ASSI – Tievebullagh ASSI.

## 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. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Planning authority or other statutory authority.
5. 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.
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. Notwithstanding the terms and conditions of the Councils 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 TransportNI Section Engineer whose address is County Hall, Castlerock Road, Coleraine, BT51 3HS. A monetary deposit will be required to cover works on the public road.
9. The applicant should also be reminded of their responsibilities under the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (SSAFO) (Northern Ireland) 2003 and The Nitrates Action Programme (NAP) Regulations (Northern Ireland) 2010.
10. The applicant is informed that they have a legal obligation under Part II of 'The Water (Northern Ireland) Order (1999)' to obtain the consent of the DOE NIEA prior to discharging effluent into a waterway or underground stratum for commercial, industrial or

domestic premises. This includes any discharge intended to be made from the proposed drainage system as detailed in the application for planning permission.

11. The applicant is informed that it is an offence under Part II, Article 7 of 'The Water (Northern Ireland) Order (1999)' to knowingly or otherwise discharge or deposit any poisonous, noxious or polluting matter so that it enters a waterway or water contained in any underground strata. The penalty if found guilty of an offence under this Article is imprisonment for a term not exceeding 2 years or to a fine or to both.
12. The applicant is informed that it is an offence under section 47 of the Fisheries (NI) Act 1966 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks and that they may be liable to criminal and civil court action for the cost of restocking/rehabilitating a watercourse should a fish kill occur.
13. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 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 or destroy an egg of 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.
14. Tree and hedge loss should be kept to a minimum and removal should not be carried out during the bird building season between 1<sup>st</sup> March and 31<sup>st</sup> August.
15. The applicant will be required to be in receipt of a Pollution prevention and Control (PPC) permit prior to first operating the installation at a capacity over 40,000 bird places.
16. Prior to any land spreading NIEA WMU require a detailed Nutrient Management Plan.
17. NIEA WMU would like to highlight the following to the applicant under the SAFFO and NAP Regulations:

- It is noted that a tank will be installed to collect washings from the poultry house. For washings to be considered as dirty water and therefore, subject to the measures relating to dirty water under the NAP Regulations, the applicant must ensure the following:
  - The washings must have a Biochemical Oxygen Demand (BOD) no greater than 2000 mg/litre, total nitrogen concentration less than 0.3 kg/m<sup>3</sup> and less than 1% dry matter (as specified in the NAP Regulations).
  - If the farm unit is subject to an IPPC permit, it will need to be demonstrated that wash water collection and storage facilities qualify as “best available techniques” (BAT). Construction of storage tanks to the British Standard BS5502 would qualify as BAT – other techniques are not excluded, but it will need to be demonstrated that they qualify as BAT i.e. that they provide a similar or better specification.
- If these conditions cannot be met, the washings would be considered as slurry under the above Regulations. The tank installed for collection of washings would then have to comply with the SSAFO Regulations and any disposal of the collected washings comply with the measures relating to slurry in the NAP Regulations.
- Any construction (or substantial alteration) of silage, slurry or agricultural fuel oil storage, completed after 1 December 2003, must comply with the SSAFO Regulations. As well as design, construction and storage capacity standards, the SSAFO Regulations require that any new (or substantially altered) silage, slurry and agricultural fuel oil stores are located at least 10m from any waterway.
- It should also be noted that under the SSAFO Regulations (Regulation 11) NIEA WMU (Agricultural Regulations Team) must be notified of new (or substantially altered) silage, slurry and agricultural fuel oil stores, at least 28 days before they are brought into use. When NIEA WMU has been notified, an inspection may be carried out.
- The applicant should be fully aware that if, subsequently, it is found that silage, slurry or agricultural fuel oil is being stored in facilities (built after 1 December 2003) that do not comply with the SSAFO Regulations, enforcement action may be taken.



- The applicant should be aware of the requirements of the NAP Regulations, which are now operational and cover all of Northern Ireland.
- In particular the applicant must demonstrate provision of sufficient storage capacity for the poultry manure produced on the holding to meet the requirements of the NAP Regulations.
- Should a diverter for the yard be installed it should be fitted prior to the tank to ensure effluent from the tank is not washed through the diverter and to the waterway.
- Prior to the use of a tank diverter being directed to the waterway the tank should be fully power-washed clean and the effluent spread to land. It is not sufficient to empty a tank of dirty water/slurry and divert the effluent to a waterway. Failure to manage a diverter system may lead to NIEA WMU requesting removal of the diverter.
- Under the NAP Regulations any run-off meeting the definition of slurry must be collected in a slurry tank. Run-off meeting the definition of dirty water as described above must be collected with the slurry or in a separate dirty water tank. Only clean water should be disposed of to a soakaway or waterway.
- We would also advise that adequate roof guttering to direct clean roof water to storm drainage, would help minimise the volume of dirty water produced at the site.

The applicant should view the following link containing SSAFO information and a Notification form: [http://www.ni-environment.gov.uk/waterhome/agri\\_regs/agri\\_regs\\_ssafo.htm](http://www.ni-environment.gov.uk/waterhome/agri_regs/agri_regs_ssafo.htm)

18. Under the terms of the Water (NI) Order 1999 (as amended) will be required for the discharge of sewage effluent from the proposed development. However the applicant should be aware that there is no guarantee that discharge consent will be granted, as a number of site specific factors need to be taken into account in assessing the suitability of the proposed means of sewage effluent disposal.

An application form for consent to discharge sewage effluent under the Water (NI) Order 1999 (as amended) can be obtained by contacting NIEA WMU at the above address, or by visiting our web site at:-

[http://www.ni-environment.gov.uk/water-home/regulation\\_of\\_discharges\\_industrial/industrial\\_and\\_private\\_sewage\\_2.htm](http://www.ni-environment.gov.uk/water-home/regulation_of_discharges_industrial/industrial_and_private_sewage_2.htm)

19. All wastewater treatment systems and soakaways must be located in such a position that they cannot affect surface or ground waters and cannot cause a nuisance to any nearby residential properties.
20. NIEA WMU recommends that no development should take place on-site until the method of sewage disposal has been either agreed in writing with Northern Ireland Water or a consent to discharge has been granted.
21. Care will need to be taken to ensure that polluting discharges do not occur during the works phase. The applicant and contractors involved in the development of this proposal should ensure only clean surface water is discharged to the water environment.
22. NIEA WMU would encourage the use of SUDS (Sustainable Drainage System) techniques during the construction phase to deal with site drainage. If it is not possible to adequately manage construction phase site drainage using SUDS features, consent to discharge under the terms of the Water (NI) Order 1999 (as amended) will then be required.

An application form for consent to discharge site drainage under the Water (NI) Order 1999 (as amended) can be obtained by contacting NIEA WMU at the above address, or by visiting our web site at:

[http://www.ni-environment.gov.uk/water-home/regulation\\_of\\_discharges\\_industrial/industrial\\_and\\_private\\_sewage\\_2.htm](http://www.ni-environment.gov.uk/water-home/regulation_of_discharges_industrial/industrial_and_private_sewage_2.htm)

23. The applicant should comply with all the relevant Pollution Prevention Guidelines (PPGs) in order to minimise the impact of the project on the environment, paying particular attention to:
  - PPG 01 - General guide to pollution prevention
  - PPG 02 - Above ground oil storage
  - PPG 04 - Disposal of sewage where no foul sewer is available
  - PPG 05 - Works in, near or liable to affect watercourses
  - PPG 06 - Working at demolition and construction sites

These PPGs can be accessed by visiting the NetRegs website at:

<http://search.netregs.org.uk/search?w=pollution%20prevention%20guidelines>

Any 'waterway' as defined by the 'Water (NI) Order 1999 (as amended)' will pose a constraint to the construction project. Consideration must be given at preliminary planning and design stages to ensure that impact on the receiving water environment during any testing, construction and operational phases are minimised.

Mitigation measures to address water quality concerns have not been covered at this stage. NIEA WMU has made comments below relating to considerations which should be made. The perceived risks to any waterway during the construction and operational phase are from oil, hydrocarbons, fuel, suspended solids, concrete, cement and grout.

24. NIEA WMU Pollution Prevention Team must be consulted about any work to be conducted in; near or liable to affect any waterway in order to agree a method statement with the contractors prior to the commencement of any works. This should reflect all mitigation measures identified to prevent pollution of the water environment during the construction operational / maintenance phase of the project. Such measures must be in place prior to the commencement of any works and should be incorporated in method statements.
25. The appointed contractors will be required to comply with the Control Of Pollution (Oil Storage) Regulations (NI) 2010 (as amended). A key requirement of the Regulations is that oil storage containers (including temporary storage) must have a secondary containment system (a bund, which is an outer wall or enclosure designed to contain the contents of an inner tank, or a drip tray) to ensure that any leaking oil is contained and does not enter the aquatic environment. Guidance on how the Regulations will apply to your development can be found at: [www.netregs.org.uk](http://www.netregs.org.uk)

The applicant should be informed that it is an offence under the Water (NI) Order 1999 (as amended) 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.