

APPROVAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA03/2016/1141/F**

Date of Application: **16th December 2016**

Site of Proposed
Development:

**Lands south east of 12 Castle Road
Antrim
BT41 4NA**

Description of Proposal:

**Caravan park (110no static caravan pitches, 52 no. touring
caravan or motorhome pitches and 10no. camping cabins)
with amenity building, shower and toilet pods, associated
access (including road improvements) and landscaping**

Applicant: Blair's Caravans Ltd
Address: 60 Loguestown Road
Portrush
BT56 8PD

Agent: David Dalzell
Address: Fairview
10 Fairview Lane
Articlave
Coleraine
BT51 4JX

Drawing Ref: 01, 02/1,03/1, 04, 05, 07, 08/1, 09
Document Ref: Doc 02, Doc 09

The Council in pursuance of its powers under the above-mentioned Act hereby

GRANTS PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02/1, date stamped 08 Jan 2018 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.

3. The environmental mitigation measures contained within the Shane's Castle Caravan Park Construction Environment Management Plan (Doc 09) date stamped 01/09/2017 shall be adhered to in full unless otherwise agreed in writing with the Council prior to the commencement of development.

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg SPA and Ramsar.

4. No retained tree as indicated on Drawing No. 02/1 & 03/1, date stamped 08 Jan 2018 shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the prior written consent of the Council.

Reason: To ensure the continuity of amenity afforded by existing trees To protect the grey heron selection feature of Lough Neagh ASSI.

5. A protective barrier no less than 2m in height comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts and securely supported weldmesh panels (as illustrated and detailed on Drawing No. 09 date stamped 22 August 2017) shall be erected at least the distance away from retained trees as defined on drawing No. 08/1 date stamped 11/01/2018 prior to commencement of the development hereby approved and shall be permanently retained for the period of construction on the site. There shall be no stockpiling of materials or soil within this tree protection zone.

Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

6. The proposed landscaping indicated on Drawing No. 02/1 & 03/1, date stamped 08 Jan 2018 shall be carried out in the first planning season prior to the site becoming operational. 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 Council, 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.

7. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, shall be submitted to the Council, at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg SPA and Ramsar.

8. A suitable buffer of at least 10 metres 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 etc and the Plaskets Burn and Six Mile Water River.

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg SPA and Ramsar.

9. There shall be no storage of oil/fuel, materials or equipment within Lough Neagh and Lough Beg SPA/Lough Neagh ASSI or in areas within the 200 year floodplain.

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg SPA and Ramsar.

10. The finalised site drainage plan must be submitted to the Council prior to construction works. This Plan must be designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual – Construction Industry Research and Information Association (CIRIA) Report C753 (2015).

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg SPA and Ramsar.

11. Except as otherwise agreed in writing with the Council, construction works shall only take place during the hours of daylight. If a bat roost or evidence of a bat roost is discovered, all works must cease and the applicant/contractor must contact the NIEA Wildlife Team.

Reason: To protect the bat assemblage selection feature of Shane's Castle ASSI.

12. The Development Landscape Management Plan (as detailed within the Design and Access Statement, Section 5.2), which details the method of control and management of the Himalayan Balsam, shall be submitted to the Council prior to construction works. This should ensure that there is adequate protection of the watercourses from chemicals and dispersing seeds e.g. only non-chemical control shall be employed before flowering (i.e. in early spring).

Reason: To reduce the spread of invasive flora across the site.

13. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Council 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: To ensure the protection of environmental receptors to ensure the site is suitable for use.

14. After completing any remediation works required under Condition 13 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the 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.

15. The caravan park hereby permitted shall be used solely for holiday letting accommodation and shall not be used for permanent residences.

Reason: The site is located within the rural area where current planning policy restricts residential development and this consent is hereby granted solely because of its proposed holiday use.

16. The development hereby permitted shall not be commenced until the existing Shane's Castle estate wall has been reinstated behind the required visibility splays in accordance with Doc 02 entitled 'Shane's Castle Caravan Park, Boundary Wall reconstruction Methodology' date stamped 22/02/2018.

Reason: To provide an appropriate access for the development and ensure that the listed wall is reinstated to an appropriate standard in keeping with the character and appearance of the area.

Informatives

1. Under the terms of Schedule 6 of the Drainage (NI) Order 1973, any proposals either temporary or permanent, in connection with the development which involves interference with any watercourses such as culverting, bridging, diversion, building adjacent to or discharging storm water etc requires the written consent of DfI Rivers. This should be obtained from the Eastern Regional Office at Ravarnet House, Altona Road, Largymore, Lisburn BT27 5QB.
2. The applicant/contractor should be aware that the woodland within 150m of the previously felled area contains a large heronry. The heronry located onsite must be protected under 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 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.
3. All bat species in Northern Ireland are listed on Annex IV of the EC Habitats Directive (92/43/EEC) and are protected under the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 (as amended). If there is evidence of bat activity / roosts on the site, all works must cease immediately and further advice must be sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605.

For further details on the control and management of Himalayan Balsam visit the Invasive Species Ireland website;
<http://invasivespeciesireland.com/toolkit/invasive-plant-management/terrestrialplants/himalayan-balsam/>

The applicant should refer and adhere to the precepts contained in DOE Standing advice No 4. Pollution Prevention Guidance, 5. Sustainable Drainage Systems, 11. Discharges to the Water Environment and, No 15. Bat. Standing advice notes are available at:
http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm

4. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. If there is evidence of badger on the site, all works must cease immediately and Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605.

5. 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, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 90569605.

6. 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.

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.

7. DAERA Natural Environment Division has advised that construction works should take place outside of the bird breeding season (1st March – 31st August) in order to assist in the protection of the grey heron selection feature of Lough Neagh ASSI.
8. DAERA Natural Environment Division has advised that no lighting spill shall occur on the mature boundary vegetation. To protect commuting and foraging bats.
9. Water Management Unit recommends the storm drainage of the site adheres to the precepts contained in Standing Advice Note No. 5 – Sustainable Drainage Systems.
10. Discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to Standing Advice Note No. 11: Discharges to the Water Environment.

11. 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 works phase. The applicant should refer and adhere to the precepts contained in Standing Advice Note No. 4 – Pollution Prevention Guidelines.
12. 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.
13. 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.
14. The purpose of Conditions 13 and 14 are to ensure that the site risk assessment and remediation work is undertaken to a standard that enables safe development and endues of the site 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.
15. The applicant should ensure that the management of all materials onto and off this site are 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.nibusinessinfo.co.uk/content/meet-construction-sitewaste-management-plan-swmp-obligations>.)
16. NIW has advised that no construction works should be to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, or 4m (or 1.5 times the depth whichever is greater) of watermains <350mm diameter or 8m of watermains of 350mm diameter or greater. A diversion may be necessary. Consultation with NIW is required at an early design stage.
17. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992. Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

18. Notwithstanding the terms and conditions of the 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 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 Roads Service Section Engineer whose address is 148-158 Corporation Street, Belfast, County, Antrim, BT1 3BE monetary deposit will be required to cover works on the public road.
19. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Roads Service's Street Lighting Consultancy, County Hall, Ballymena. The Applicant is advised to contact Roads Service Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.
20. It is a DRD Roads Service requirement that all structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.
21. The applicant should contact the Department for Regional Development Roads Service's Maintenance Section at 148-158 Corporation Street BELFAST County Antrim BT1 3BE in order that an agreement may be reached regarding maintenance costs and incurred expenses in consequence of any damage caused to the public road.
22. 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.
23. All construction plant and materials shall be stored within the curtilage of the site.
24. Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges. In exceptional circumstances Departures from Standard maybe necessary and shall be supported by a full technical, safety, environmental and economic justification. All details shall be submitted to Network Services through the relevant Division.
25. 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

26. The developer is required to enter into a licence agreement with the Department for Regional Development, Roads Service for the carrying out of the road works approved, prior to the commencement of any works to the public road network.
27. 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.
28. 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.

Dated: 18th September 2018

Authorised Officer 