

Public Document Pack

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

13th November, 2019

MEETING OF PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room, City Hall on Thursday, 14th November, 2019 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. **Routine Matters**
 - (a) Apologies
 - (b) Declarations of Interest
2. **(Reconsidered item) LA04/2019/0683/F - Demolition of existing industrial warehouse buildings and erection of warehouse distribution facility, associated ancillary office, van storage, yards, car parking and accesses on Lands at Kings Works, Channel Commercial Park, Queens Road Titanic Quarter (Pages 1 - 28)**
3. **Presentation - NIHE**
 - (a) NIHE's current approach to consultations on planning applications and pre-application discussions
 - (b) NIHE's assessment of need and justification of affordable housing requirements in relation to new development proposals
 - (c) Future planning policy considerations including the Belfast Local Development Plan

LA04/2019/0683/F - TQ LOGISTICS CENTRE, TITANIC QUARTER, BELFAST

Introduction

This Technical Note has been prepared by RPS to address the DfI Roads consultation response (dated 27th September 2019) which raised 5no. points, a copy of which is provided in Appendix A. Each of the 5no. points are addressed below;

1. *DfI Roads has concerns regarding the trip generation and travel profile of this site which, if unresolved, would lead to capacity issues at the major junctions carrying traffic to and from this site within Belfast Harbour Estate.*

A trip profile and traffic generation provided by the Potential Future Operator (PFO) was presented in RPS submission dated 5th July 2019 (Appendix B of 16/08/2019 submission). On 26th July 2019 RPS proposed an additional sensitivity assessment in relation to vehicle trips (Appendix C of 16/08/2019 submission) and on 29th July 2019 DfI Roads requested a further sensitivity assessment of an additional 10% generated trips on top of the RPS sensitivity (Appendix E of 16/08/2019 submission) plus a 5% increase in background traffic levels.

At a meeting on 25th July 2019 with BCC Planning DfI Roads confirmed that the arrival / departure profile provided by RPS in the 5th July 2019 submission addressed their queries in relation to this.

On the basis of the requested DfI Roads sensitivity assessment RPS provided detailed junction modelling of the Queens Road / Sydenham Road / M3 off-slip junction (Table 5 – RPS submission 16/08/2019) which clearly indicated that the junction would operate well within capacity and would therefore not result in capacity issues within the Harbour Estate.

Based on the DfI Roads sensitivity assessment the 5% threshold is not exceeded on Sydenham Road or M3 off-slip and therefore no other junctions required assessment as part of this proposal. It can be concluded that the proposed development will not result in any capacity issues at the major junctions carrying traffic to and from the site within the Belfast Harbour Estate.

2. *Specifically, DfI Roads would be particularly concerned with regard to the impacts on the Queens Road/Sydenham Road/M3 Off-Slip junction during the morning peak period, especially 0800-0900.*

As indicated in Point 1 above, detailed junction modelling of the Queens Road / Sydenham Road / M3 off-slip was provided in RPS submission 16th August 2019 (Table 5). This detailed modelling analysis indicated that the junction continues to operate well within capacity during both the AM and PM peak hour periods with the proposed development constructed and operational. The detailed junction modelling was undertaken for the DfI Roads sensitivity assessment traffic generation.

Therefore the junction has been assessed and shown to operate well within capacity during the AM and PM peak hour periods for the most onerous sensitivity assessment requested by DfI Roads.

In respect of concerns regarding the morning peak period. Information contained in Page 6 Table 5 in the previous submission (16/08/2019) is relevant and this note sets out further sensitivity testing which assumes that all 342no. small vans depart the site, during the AM Peak hour of 0800 - 0900. The information below and in Table 1 considers 88no. arrivals (based on the DfI further sensitivity assessment) and 342no. departures (assuming all vans exit during the AM peak hour) as well as the additional 5% increase in background traffic.

Considering the extant approval on the site (as set out in RPS response dated 16/08/2019 and accepted by BCC Planning and DfI Roads), this results in minus 2no. arrivals and 307no. departures during the AM Peak hour period and the junction modelling results (optimised due to the changes in traffic volumes) are presented in Table 1.

Table 1: AM Sensitivity Test (Dfl Arrivals & 342no. Departures) – LINSIG Modelling Results

Link	AM Peak	
	DOS	Q
Abercorn Cres L	29.7	1.0
Abercorn Cres A&R	81.3	8.2
Abercorn Cres R	77.7	7.8
Sydenham Road A&L	59.8	9.1
Sydenham Road A	61.6	10.2
Sydenham Road R	79.1	9.4
M3 off slip L	67.0	5.0
M3 off slip A	82.4	11.3
M3 off slip A&R	81.1	10.6
M3 off slip R	80.5	10.2
Queens Quay A&L	80.1	9.7
Queens Quay A	53.3	6.2
Queens Quay R	62.8	2.4
PRC	9.3%	

As the results in Table 1 indicate the Sydenham Road / Queens Road / M3 off-slip will continue to operate within capacity with this further sensitivity assessment under the absolute worst case scenario (which assumes all vans leave the site between 0800 – 0900 hours).

Therefore the modelling undertaken to date (as presented within the 16th August 2019 submission) and additional sensitivity assessment presented above clearly demonstrates that the proposed development can be accommodated at the Queens Road / Sydenham Road / M3 off-slip junction during the AM peak hour period without significantly impacting upon capacity.

3. *The applicant proposes that the majority of traffic to and from the site will occur before this morning peak. However the data provided from the other 142 sites run by the same operator in Europe clearly shows that the peak period for these site falls after 0800, in which case there would be traffic flow concerns and especially safety concerns for the safe exit of traffic off the M3 into the Harbour Estate.*

The information presented within the RPS submission dated 16th August 2019 Appendix C indicates the traffic generation and profile associated with the RPS sensitivity assessment. The detailed junction modelling focuses on the 0800 – 0900 peak hour, which Dfl have identified as the peak period in Point 2 above.

The detailed junction modelling presented within Table 5 of RPS submission 16/08/2019 assesses the Dfl Roads requested sensitivity assessment (additional 10% increase in generated traffic over the proposed RPS sensitivity and 5% increase in background traffic volumes) without changing cycle time or green time at the Queens Road / Sydenham Road / M3 off-slip junction and the junction continues to operate well within capacity. Therefore it can be concluded that this proposal will not compromise the safety of traffic travelling off the M3 into the Harbour Estate.

4. *Secondly, Dfl Roads would question the proposed modal split for staff travelling to the site. Although the TA references the 2011 census data for Sydenham ward this may not be regarded as appropriate for a site 2.5 km from the nearest residential area. The Department would regard the NISRA Travel to Work Survey (2016-2018) as more up to date and relevant and indicates that 80% of journeys to work are by car.*

The RPS submission dated 16th August 2019 indicated (Page 4 Point b) that the modal split for the proposed development is based on the Method of Travel to work data (from the 2011 census) for Sydenham Ward. The data indicates ~40% of persons travel to work by private car. For convenience the AM peak period is reproduced in Table 2 below.

Table 2: AM Peak Period – RPS Schedule 26th July 2019 – Appendix C of 16/08/19 Submission

AM Peak Period Analysis						
Vehicle movements	Arriving / Departing	0600 - 0700	0700 - 0800	0800 - 0900	0900 - 1000	Totals
Employees	Arriving	27	38	24	0	89
	Departing	36*	0	0	0	36
RPS Sensitivity	Arriving	36	50	31	0	117
	Departing	29	0	0	0	29
Small Vans	Arriving	13	39	25	0	77
	Departing	0	81	122	36	239
Totals	Arriving	76	127	80	0	283
	Departing	65	81	122	36	304

* - 36no. vehicles exiting the site from the 10pm shift previous evening.

Therefore, based on the information presented above, the original number of employee vehicles arriving during the morning period was 89no, based on ~40% modal split (from census data). The RPS Sensitivity Assessment (Appendix C of submission 16/08/19) added an additional 117no. employee vehicles arriving to the site, a total of 206no (89 + 117). This equates to a modal split, based on the addition of the RPS Sensitivity Assessment of 92.6% car based trips to the site, calculated as follows;

- $(89/40)*100 = 223$ $206 / 223 = 92.6\%$.

In addition to the information presented above, DfI Roads requested that the applicant consider a further 10% generated traffic on top of the sensitivity analysis, which took the vehicular modal shift to ~100%, DfI also requested a 5% increase in background traffic levels, which (based on the AM Peak Hour) equates to an additional 63no. vehicles on Queens Road on top of this again.

On the basis of the information presented in Table 2 above and the additional sensitivity analysis requested by DfI Roads (on 29/07/2019), detailed junction modelling of the Sydenham Road / Queens Road / M3 off-slip junction was provided in the response dated 16th August 2019 and indicated that the junction operated within capacity (based on existing timings with no optimisation of the green times). The model had a Practical Reserved Capacity (PRC) of 7.7% and 12.6% during the AM and PM peak hour periods respectively.

It can be concluded that the travel profile of the site and associated trip generations has, in the information submitted during the course of the application, been considered to a worst case scenario with more than an 80% car modal split assessed.

5. *DfI Roads therefore requires that the applicant reviews the modal split and arrival and departure peaks and updates the Transport Assessment accordingly.*

The information presented above in Points 1 – 4 addresses in detail the aspects of DfI Roads concerns and demonstrates that the detailed analysis has been provided by both junction analysis and modal split considerations. A Transport Assessment does not form part of the application documentation, however, this technical submission and that of 16th August 2019 can be read in conjunction with the original Transport Statement dated 5th March 2019.

Summary

In summary, the information already submitted by RPS (submission dated 16/08/2019) has assessed both the modal split as identified by the Potential Future Occupier (PFO), and provided an additional sensitivity assessment which considered a car based modal split of 92.6% in the AM peak period. In addition to these

previous assessments RPS has also considered the DfI Roads sensitivity assessment, which represented a further 10% development traffic, and resulted in a car based modal split of ~100% during the AM peak periods respectively. Therefore it can be concluded that the information already submitted (16/08/2019) has assessed a greater modal split analysis than that requested by DfI Roads in their most recent consultation response of 27th September 2019.

As further consideration to the points raised by DfI Roads, RPS has considered the impact of all 342no. vans leaving the site in the AM peak hour and LINSIG modelling has indicated that the junction will continue to operate well within capacity.

RPS trust that this will allow a positive consultation response with a recommendation to approve to be forwarded to Belfast City Council Planning to allow this proposal to go forward to the October Planning Committee meeting.



Appendix A

DFI Roads Consultation Response (27/09/2019)



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

**Network Planning
Eastern Division**

Belfast City Council
Belfast Planning Service
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

Annex 6
Castle Buildings
Stormont Estate
Belfast
BT4 3SQ

Tel: 0300 200 7893

Planning Authority Case Officer: Charles Dickinson
Planning Application Ref: LA04/2019/0683/F
Date consultation received: 21/08/2019
Date of Reply: 27/09/2019

Proposal: Demolition of existing industrial warehouse buildings and erection of warehouse distribution facility, associated ancillary office, van storage, yards, car parking and accesses.

Location: Lands at Kings Works, Channel Commercial Park, Queens Road, Titanic Quarter, Belfast.

DfI Roads considers this application unacceptable as submitted. Should Planning Service be minded to progress the application towards an approval then DfI Roads require the following points to be addressed.

1. DfI Roads has concerns regarding the trip generation and travel profile of this site which, if unresolved, would lead to capacity issues at the major junctions carrying traffic to and from this site within Belfast Harbour Estate.
2. Specifically, DfI Roads would be particularly concerned with regard to the impacts on the Queens Road/Sydenham Road/M3 Off-Slip junction during the morning peak period, especially 0800-0900.
3. The applicant proposes that the majority of traffic to and from the site will occur before this morning peak. However the data provided from the other 142 sites run by the same operator in Europe clearly shows that the peak period for these site falls after 0800, in which case there would be traffic flow concerns and especially safety concerns for the safe exit of traffic off the M3 into the Harbour Estate.
4. Secondly, DfI Roads would question the proposed modal split for staff travelling to the site. Although the TA references the 2011 census data for Sydenham ward this may not be regarded as appropriate for a site 2.5 km from the nearest residential area. The Department would regard the NISRA Travel to Work Survey (2016-2018) as more up to date and relevant and indicates that 80% of journeys to work are by car.
5. DfI Roads therefore requires that the applicant reviews the modal split and arrival and departure peaks and updates the Transport Assessment accordingly.

Please advise the agent accordingly.

DfI Roads Case Officer:

Charles Dickinson, Network Planning

Issued on behalf of the Divisional Manager

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 15 November 2019	
Application ID: LA04/2019/0683/F	
Proposal: Demolition of existing industrial warehouse buildings and erection of warehouse distribution facility, associated ancillary office, van storage, yards, car parking and accesses.	Location: Lands at Kings Works Channel Commercial Park Queens Road Titanic Quarter Belfast.
Referral Route: Major Application	
Recommendation:	Approval
Applicant Name and Address: Titanic Quarter Ltd Titanic House 6 Queens Road Belfast BT3 9DT	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Executive Summary: The application seeks full planning permission for demolition of the existing industrial warehouse buildings and erection of warehouse distribution facility, associated ancillary office, van storage, yards, car parking and accesses.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - Acceptability of a storage and distribution facility on the site; - Scale, Massing and Design; - Impact on Built and Archaeological Heritage; - Contaminated Land; - Impact on Protected Sites; - Traffic and Parking - Flooding and Drainage - Impact on amenity; - Pre-application Community Consultation. <p>The site is located within an established industrial/commercial area within the wider Titanic Quarter. It forms part of the mixed use Titanic Quarter zoning. The proposed storage and distribution use is appropriate to the character of this established industrial/ commercial developed area. The main distribution building is smaller than the existing industrial building on the site by approximately 3,000 square metres and approximately 1m in height and will subsequently have no greater impact on the setting of nearby listed structures and monuments. Given the scale of the existing building on the site and its potential to accommodate an industrial use, together with consideration of the applicant's Transport Assessment, it is considered that on balance there would be not harmful impact on existing road infrastructure.</p> <p><u>Consultees & Environmental Matters</u> DAERA – No objection DFI Roads – No objection. Rivers Agency – No objection NI Water – No objection</p>	

Health and Safety Executive – No objection
Belfast Harbour Commissioners – Await response
Environmental Health – Await Response

No objections or third party representations have been received.

The proposal will not have an impact on the nearby protected sites within and around Belfast Lough. Conditions will ensure that development is carried out in a sympathetic manner to ensure any potential disruption to these sites is mitigated.

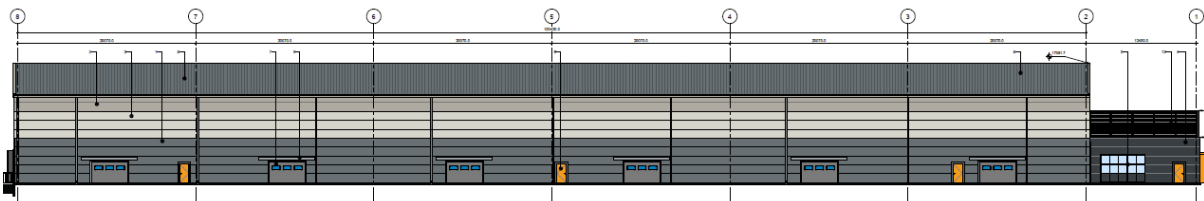
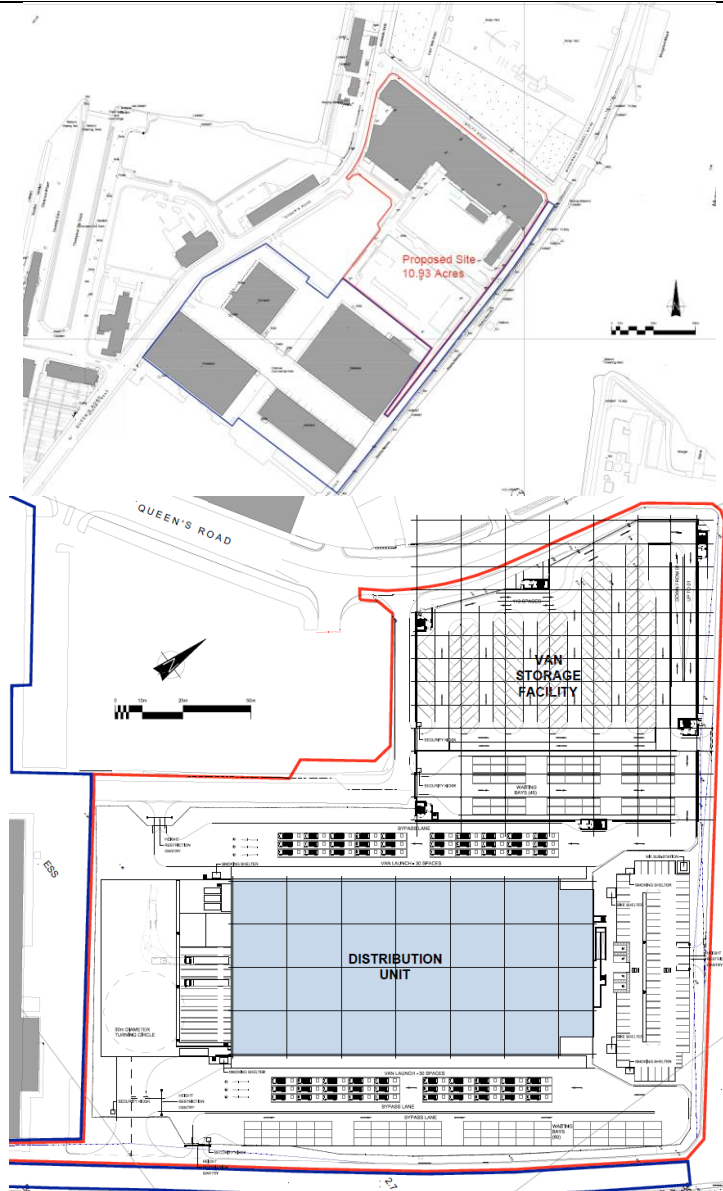
Recommendation

Having had regard to the extant development plan, the draft development plan, relevant planning policies, planning approvals in the area, economic benefits and other material considerations the proposed development is considered on balance acceptable.

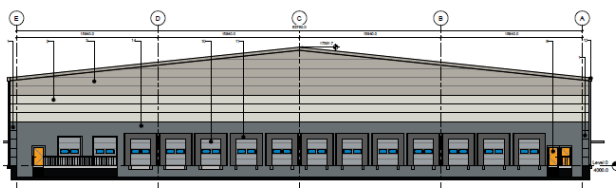
It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission with conditions subject to resolving any outstanding issues in relation to archaeology and built heritage on the site and providing the necessary remediation for ground gases within the site.

Case Officer Report

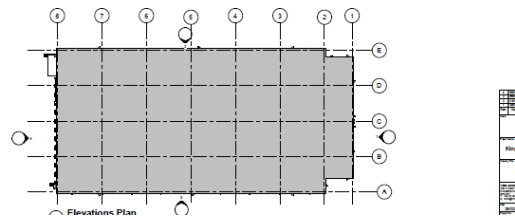
Site Location Plan



South East Elevation



South West Elevation



Elevation Plan

<p>1.0</p>	<p>Description of Proposed Development</p> <p>The proposal is for demolition of the existing industrial warehouse buildings and erection of warehouse distribution facility, associated ancillary office, van storage, yards, car parking and accesses.</p> <p>The proposal comprises an 8,000 square metre distribution warehouse, 650 square metres of ancillary office space and a 'van storage facility' accommodating 479 spaces. The main distribution unit is located in the north-eastern corner of the site and has a maximum ridge height of approximately 13.5m.</p> <p>The van storage facility is located in the north-western corner of the site. It is a three tiered open sided structure with a maximum height of 12m.</p> <p>A total of 560 parking spaces are proposed across the site. 81 of these spaces will be dedicated to staff and visitors, 161 for driver car parking with 318 spaces specifically for delivery vans.</p> <p>Accesses are proposed onto Queens Road, Wolff Road and Musgrave Channel Road.</p>
<p>2.0</p>	<p>Description of Site</p> <p>The application relate to an expansive brownfield site, with an area of approximately 4ha.</p> <p>There are four existing buildings on the site:</p> <ul style="list-style-type: none"> - a large industrial building with a floor area of approximately 11,000 square metres and a height of approximately 14.7m with two smaller two storey office buildings. - two storey modular office building approximately 900 square metres with a height of 7m. - two storey storage building of approximately 250 square metres and a height of approximately 9m. - single storey storage building of approximately 80 square metres. <p>The site is bound on three sides by Queens Road, Wolff Road and Musgrave Channel Road.</p>
<p>Planning Assessment of Policy and other Material Considerations</p>	
<p>3.0 3.1</p>	<p>Relevant Planning History</p> <p>Ref ID: Z/2000/0196/F Proposal: Proposed workshop extension located within existing covered parking area. Address: Unit 1, Phase 3, Channel Commercial Park, Queens Road, Belfast. Decision: Approval Decision Date: 08.04.2000</p>
<p>3.2</p>	<p>Ref ID: Z/2000/1185/F Proposal: Alterations to industrial fabrication workshop with associated service yard and erection of ancillary office accommodation (with associated minor works). Address: Wolff Road, Queens Island, Belfast. Decision: Approval Decision Date: 19.02.2001</p>

4.0	Policy Framework
4.1	Draft Belfast Metropolitan Area Plan 2015 Draft Belfast Metropolitan Area Plan 2004
4.2	Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2 - Natural Heritage Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 4 - Planning and Economic Development Planning Policy Statement 6 - Planning, Archaeology and the Built Environment Planning Policy Statement 15 - Planning and Flood Risk
5.0	Statutory Consultees DfI Roads – No objection DAERA Waste Management Unit – No objection DAERA Water Management Unit – No objection DAERA Natural Environment Division – No objection DfI Rivers Agency – No objection Belfast City Airport – No objection Health and Safety Executive NI – No objection Rivers Agency – No objection
6.0	Non-Statutory Consultees Environmental Health BCC – Await Response Belfast Harbour Commissioners – Awaiting response
7.0	Representations None received
8.0	Other Material Considerations N/A
9.0	Assessment The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> - Acceptability of a storage and distribution facility on the site; - Scale, Massing and Design; - Impact on Built and Archaeological Heritage; - Contaminated Land; - Impact on Protected Sites; - Traffic and Parking - Flooding and Drainage - Impact on amenity; - Pre-application Community Consultation.
9.1	Acceptability of a storage and distribution facility on the site Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
9.2	In the Belfast Urban Area Plan the site is located within the development limits of Belfast and within the Draft Belfast Metropolitan Area Plan (2004 and 2015 versions) within the Titanic Quarter zoning. The presumption is therefore in favour of development subject to the planning considerations detailed below.
9.3	A number of key site requirements are set out for development in the zoning BHA01. One of these requirements is that development of the site shall only be permitted in accordance with an overall development framework.

9.4	A development framework was prepared for the entire Titanic Quarter in 2003 and agreed by the Department of the Environment in 2008 and later amended in 2010. However this sites falls outside the area covered by the Masterplan.
9.5	A number of uses are identified in BMAP as being acceptable in the Titanic quarter. These include light industrial, cultural/ heritage and recreation/ leisure uses. Although the proposed storage and distribution use does not fall within the list, it would provide a substantial employment provider in what is an established commercial/ industrial mixed use area. The principle of the use is considered appropriate subject to further consideration of the following.
9.6	The proposal has been assessed against Policy PED of PPS4.
9.7	<p>A proposal for economic development use, in addition to the other policy provisions of PPS4, will be required to meet all the following criteria:</p> <ul style="list-style-type: none"> - <i>it is compatible with surrounding land uses;</i> The proposal is within an established industrial/ commercial area within the Titanic Quarter. The proposed storage and distribution facility will not have any significant impact on adjacent land uses or properties. - <i>it does not harm the amenities of nearby residents;</i> There are no residential properties within the vicinity of the site. This is discussed further below at 9.25. A response from Environmental Health is awaited. - <i>it does not adversely affect features of the natural or built heritage;</i> The site is not located within any National, European or Internationally designated sites, but is located within close proximity to a number of protected sites (detailed below at 9.14). Shared Environmental Services have offered no objections to the proposal as long as the necessary mitigation measures are conditioned as detailed at 11.5-11.7. Given a separation distance of approximately 350m to the listed Pump House, west of the site, and intervening development between, the proposal will not have any detrimental impact on the setting of the building. There is also a structure present on the site, with a greater footprint than the building proposed. There will be no greater impact on the setting of the listed Pump House and Thompson Graving Dock. - <i>it is not located in an area at flood risk and will not cause or exacerbate flooding;</i> The area is not within a designated flood plain or an area that has been identified as being prone to flooding. There is no objection from Rivers Agency. - <i>it does not create a noise nuisance;</i> The proposed use is not likely to cause significant noise levels that would impact on amenity of nearby properties. There are no residential receptors within the vicinity of the site. A response from Environmental Health is awaited. This will be discussed further below at 9.26. - <i>it is capable of dealing satisfactorily with any emission or effluent;</i> No emissions, other than from traffic movements, would be directly associated with the proposed use. - <i>the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;</i> DFI Roads have offered no objections to the proposal. This will be discussed further below at 9.19.

- *adequate access arrangements, parking and manoeuvring areas are provided;*
A total of 560 parking spaces are proposed. 81 of these spaces will be dedicated to staff and visitors, 161 for driver car parking with 318 spaces specifically for delivery vans.
- *a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;*
Three proposed access points provide access/ egress onto Queens Road, Wolff Road and Musgrave Channel Road. Opportunities to encourage more sustainable transport will be secured through the travel plan.
- *the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;*
The building is a modern warehouse building a will replace a substantial derelict and long established industrial building on the site. Design and finishes are very much in keeping with the industrial character of the area, with the scale and massing reflective of the existing buildings on the site.
- *appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;*
No boundary treatment is proposed however given this industrial area this is not essential.
- *is designed to deter crime and promote personal safety; and*
The access to and from the site will be controlled and will have a manned security kiosk.

Scale, Massing and Design

9.8 The proposal has been assessed against paragraphs 4.23-4.29 of the SPPS. The functional structure is in keeping with its surroundings and similar in terms of its form and design to many of the established industrial/ commercial style buildings in the area. Therefore, in terms of overall visual impact, the proposal will not undermine or erode the character of the area.

Impact on Archaeological and Built Heritage

9.9 The proposal has been assessed against Policy BH 11 of Planning Policy Statement 6. It is considered that the proposal will not compromise the setting of the Pump House (a Grade B1 listed building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011) on Queens Road over and above the existing situation. Regard is had to the separation distance between the site and the building of over 350 metres, and significant development between the site and the listed structure.

9.10 Historic Environment Division (HED) was not consulted on the application, however in a very late response to the Pre Application Discussion process they stated that the proposed development site is within the vicinity of Thompson Graving Dock (DOW004:502), an industrial heritage site of regional importance and international significance which is scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995 and protected under the provisions of Policy BH 1 of PPS 6. Additionally, the majority of the application site appears to have been first developed by Harland & Wolff shipyard in the early 1940s and some structures that remain on the site are likely to have been in use for defence manufacturing during this period. HED: HM, in the belated PAD response, was of the opinion that an Archaeological Impact Assessment (AIA) should be submitted, which should include consideration of the setting of the Thompson Graving Dock. However officers are of the opinion that given the separation distance between the site and Thompson Graving Dock, with intervening development of a significant scale between, along with the fact there significant

	buildings on the site at present, that the proposal is unlikely to prejudice the setting of the scheduled monument. The issue of the recording of industrial heritage through an archaeological impact assessment is something which remains outstanding and delegated authority is sought to resolve these issues in consultation with Historic Environment Division.
9.11	<p>Contaminated Land</p> <p>Belfast City Council's Environmental Protection Unit has noted that the Preliminary Risk Assessment submitted with the application highlights the potential contamination sources, pathways and receptors which are likely to be present on site. An intrusive site investigation and quantitative risk assessment were recommended in accordance with CLR11 to ascertain if the source pathway-receptor linkages are present. Following a ground investigation carried out between December 2018 and January 2019, a generic quantitative risk assessment and conceptual site model has been produced by RPS.</p>
9.12	RPS have characterised the site as Characteristic Situation (CS) 5 meaning significant gas protection measures will be required. From review of the information submitted it is noted that deep boreholes BH01, BH02 and BH04 were flooded and shallow boreholes BH06 and BH11 were partially flooded during monitoring. The flooding of the boreholes may have resulted in exaggerated gas levels. Environmental Health has therefore sought further information to clarify ground gas levels. Notwithstanding this uncertainty, RPS has applied a worst case scenario approach and characterised the site as CS5, proposing a high level of remediation. A negative condition can thereby be attached to the planning permission, to ensure a remediation strategy to address CS5 gas levels is agreed in writing prior to commencement of development (excluding demolition). These remediation measures should then be implemented prior to the occupation of the scheme. Should further investigations show that the characterisation is less than CS5 then the remediation strategy can be revised to ensure the appropriate mitigation measures are agreed and implemented prior to occupation. This condition is detailed below at 11.13.
9.10	The report recommends that oil tank decommissioning should be followed by validation of soil and ground water quality. This has informed a condition detailed below at 11.10.
9.11	DAERA has noted that following intrusive investigations in relation to groundwater RPS identify in their report that exceedances of the relevant screening values for metals and phenol in the shallow and metals, phenol and TPH fractions in the deep were identified from the samples obtained. RPS conclude that the exceedances in the deep groundwater have the potential to pose a risk to environmental receptors (Musgrave Channel) for which remediation measures have been presented.
9.12	The Land & Groundwater Team within DAERA has no objections to the development provided Conditions are attached to any planning permission granted, as detailed below at 11.9-11.14.
9.13	<p>Impact on Protected Sites</p> <p>The proposal has been assessed against Policies NH1 (European and RAMSAR Sites), NH2 (Species Protected by Law), NH 3 (Sites of Nature Conservation Importance – National), and NH 5 (Habitats, Species or Features of Natural Heritage Importance) of PPS2.</p>
9.14	The application site is in proximity to the following national, European and international designated sites and has the potential to have a significant impact on the following protected species:
9.15	<p><i>Designated Sites</i></p> <ul style="list-style-type: none"> - North Channel and the Maidens SAC, which is designated under the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora); - Belfast Lough Open Water, Belfast Lough and East Coast Marine SPA, which are

	<p>designated under the EC Birds Directive (79/409/EEC on the conservation of wild birds),</p> <ul style="list-style-type: none"> - Belfast Lough Ramsar site, which is designated under the Ramsar Convention, - Outer Belfast Lough MCZ which is designated under the Marine Act (Northern Ireland) 2013 - Inner Belfast Lough ASSI, which is declared under the Environment Order (Northern Ireland) 2002
9.16	Shared Environmental Services has considered the proposal in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.
9.17	Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site. The mitigation measures are detailed below at conditions 11.6 and 11.7.
9.18	The proposed development is over 1km from the nearest designated site, Inner Belfast Lough ASSI and over 1km from the nearest seal haul out site within Belfast Harbour. Due to the distance this proposal is from the marine environment, NIEA Marine and Fisheries Division are content that the proposal will not have any impact on marine features.
	Traffic and Parking
9.19	The proposal has been assessed against PPS3, TRAN 1 and policy CC025 of draft BMAP and is considered acceptable. A total of 81 spaces are provided off Wolff Road for visitors and staff, with 322 spaces for vans and 161 spaces for driver car parking located in the multi-storey van storage facility accessed off Queens Road.
9.20	DFI Roads initially sought clarification in terms of the general operating procedures of the development, including expected turnover times for vans, number of return trips per weekday and details of the arrival/ departure profile. In assessing the acceptability of the scheme DFI Roads looked at the existing industrial buildings on the site, which albeit vacant, could be brought back into an industrial use without planning permission and could attract a certain level of traffic and daily trips.
9.21	The future operator has based the arrival/ departure profile on analysis of 142 sites based across Europe and the 2011 Census – ‘Northern Ireland Method of Travel to Work for the Sydenham Ward’, which 46% of persons drive to work and 54% use other modes of transport.
9.22	In terms of the operation of the facility, the 479 spaces within the van storage area are for overnight storage of vans with 161 of these spaces for van drivers who drive to the site in their own car. The 318 van storage spaces remain empty during the times the vans are out for delivery. These spaces will not be available for staff car parking for those that work within the distribution centre. The areas of van storage and driver parking are deliberately separated to ensure parking is controlled on the site. This will be secured via a condition ensuring an parking operating statement is agreed for the site prior to operation. The condition is detailed below at 11.15.
9.23	The supporting information highlighted the peak hour arrival/ departure trips to be a total of 202 AM and 147 PM. This data has been compared to the vehicular movements associated with the ‘existing’ industrial use on the site. This gives a nett increase of 77 movements in the peak hour morning period and 1 movement in the peak hour pm period.

	Based on the supporting information provided and DfI Roads has offered no objections to the proposal and has requested that conditions are attached to the decision notice as detailed below at 11.2-11.5.
	Flooding and Drainage
9.24	The proposal has been assessed against FLD1 and 3 – DfI Rivers has reviewed the Flood Risk Assessment and Drainage Assessments, dated March 2019, and while not being responsible for the preparation of the Assessment accepts its logic and has no reason to disagree with its conclusions. No objections have been raised in terms of drainage or flooding.
	Impact on amenity
9.25	There are no residential properties within the vicinity of the site. No objection has been offered from Environmental Health in relation to noise/ disturbance on residential properties.
	<i>Noise</i>
9.26	The submitted Noise Impact Assessment includes daytime and night time baseline noise monitoring survey undertaken within the site boundary and adjacent to the nearest receptor locations.
9.27	The report includes an assessment with respect to the plant and equipment proposed. It is noted that the nearest residential receptor identified in the report is approximately 1.1km from the proposed development and therefore there will no impact from external plant and equipment.
9.28	The report advises that if noise threshold limits are adhered to there will be no plant/equipment noise impacts from the proposed development at the nearest noise sensitive properties.
9.29	With respect to the impact of traffic noise, the report refers to the <i>Design Manual for Road and Bridges</i> (DMBR) which states that it takes a 25% increase in traffic flows in order to get a 1dB (A) increase in traffic noise levels and state that it is generally accepted that it takes an approximate 3dB (A) increase in noise levels to be perceptible by the average person. The report advises that the traffic flow increases associated with the development will be significantly less than 25% and therefore traffic noise increases will be imperceptible at the nearest noise sensitive property from the proposed development.
	<i>Construction Noise</i>
9.30	The noise assessment includes an assessment of the predicted worst case construction noise levels at residential properties. The report demonstrates that there is unlikely to be potential for significant noise impacts during the construction phase.
9.31	Furthermore an outline construction environmental management plan (CEMP) has been submitted and details the environmental monitoring and mitigation measures that are to be implemented during construction works to minimise the effects of the site operations on receptors. It is noted this document will be used by the appointed contractor and will be adopted and employed as a CEMP.
9.32	Based on the information submitted Environmental Health have requested that consideration is given to attaching the condition detailed below at 11.6 should planning permission be granted.
	Pre-application Community Consultation
9.33	For applications that fall within the Major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.

9.34	Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A Proposal of Application Notice (PAN) LA04/2018/1510/PAN was submitted to the Council on 11 th June 2019.
9.35	Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.
9.36	A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:
9.37	The Public Consultation Event took place in the Titanic Hotel, Queens Road, on 15 th August 2018. This event was advertised in the Belfast Telegraph on 7 th August 2018
9.38	Information leaflets were issued to properties within the Titanic Quarter. This included details of the public event at Titanic Hotel.
9.39	The PAN was circulated to a number of local Councillors and MLAs, as well as the Short Strand Community Forum.
9.40	15 people attended the event with 11 responses received. There was general support for the scheme and investment in the area, with concerns raised about the pressures on the existing roads infrastructure, noise and pollution. In terms of the pollution and traffic issues the planning agent has pointed to the existing 'lawful' use on the site and has argued that this would generate a similar level of traffic to the proposed facility and any additional impact would be negligible.
9.41	Given the peripheral location within the Titanic Quarter and distance to the nearest residential property it is not envisaged that any resultant noise from the proposed storage and distribution facility would be unduly significant, particularly given the industrial nature of the area.
9.42	It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
10.0 10.1	<p>Summary of Recommendation: Approval</p> <p>Having regard to the policy context and other material considerations above, including planning history and previous use on the site, the proposal is considered acceptable and planning permission should be approved for the following reasons. Visually the proposed warehouse and van storage facility are in keeping with the character of this established industrial area. The proposal is compatible with adjacent land uses and will not have a significant impact on the existing roads infrastructure when considered against the substantial industrial building on the site at present.</p> <p>It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission with conditions subject to resolving any outstanding issues in relation to archaeology and built heritage on the site and providing the necessary remediation for ground gases within the site.</p>
11.0	RECOMMENDED CONDITIONS (PROVISIONAL)
11.1	<p>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.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
11.2	No part of the development hereby permitted shall become operational until the vehicular access, including visibility splays and any forward sight distance are provided in accordance

	<p>with Drawing No. 04 'Proposed Overall Layout', published by Belfast City Council Planning Office on 28 March 2019, have been implemented and provided. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
11.3	<p>The development hereby permitted shall not become operational until hard surfaced parking area have been constructed in accordance with the approved layout Drawing No. 05 'Proposed Site Plan', Drawing No. 06 'Van Storage Facility Level 0', Drawing No. 07 'Van Storage Facility Level 1' and Drawing No. 08 'Van Storage Facility Level 0', all published by Belfast City Council Planning Office on 28 March 2019 to provide 4 No. disabled parking spaces, 318 No. spaces reserved for operator vans, 242 No. staff and public parking spaces and adequate facilities for servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.</p> <p>Reason: To ensure that adequate provision has been made for parking and servicing.</p>
11.4	<p>A minimum of 24 No. secure covered cycle parking stands shall be provided and permanently retained close to the accesses to the proposed development for use by staff and visitors to the development.</p> <p>Reason: to encourage the use of alternative modes of transport for development users.</p>
11.5	<p>The development hereby permitted shall operate in accordance with the approved Travel Plan published by the Belfast City Council Planning Office on 02 April 2019. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads. This Travel Plan will be issued as a standalone document and the measures contained within will be monitored and assessed from the inception of the Plan on a minimum of an annual basis to ensure the Plan's effectiveness.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.</p>
11.6	<p>Prior to the commencement of the construction phase a detailed Construction Environmental Management Plan (CEMP) must be submitted to, and approved by Belfast City Council. This final CEMP to include the site specific avoidance and mitigation methodologies as highlighted in the NIEA responses dated 15 May 2019 and those detailed in the Outline CEMP by RPS dated February 2019. The development shall not be carried out unless in accordance with the approved CEMP.</p> <p>Reason: To protect adjacent European Sites and to ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.</p>
11.7	<p>Prior to commencement of development (including demolition), a Construction Noise, vibration and dust Management Plan shall be submitted to, and approved in writing by, Belfast City Council. It shall outline the methods to be employed to minimise any noise and vibration and dust impact of construction operations demonstrating 'best practicable means. The plan should pay due regard to BS 5228:2009+A1:2014 Code of practice for Noise and vibration on construction and open sites, and IAQM Guidance on the Assessment of dust from demolition and construction 2014, the dust risk assessment and recommendations detailed by the consultant within chapter 5 of the Air Quality Impact Assessment, RPS (February 2019), and the section 8.3 and 8.4 of the</p>

	<p>Outline Construction Environmental management Plan, RPS February 2019, and section 4 and 5 of the Noise Impact assessment RPS 5th March 2019.</p> <p>Reason: Protection of neighbouring amenity.</p>
11.8	<p>No development or piling work should commence on this site until a piling risk assessment has been submitted to and approved in writing by the Planning Authority.</p> <p>This Condition only applies if a piling foundation is being used at the site. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention” available at http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf</p>
11.9	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>The development hereby permitted shall not be occupied until the remediation measures and groundwater monitoring plan as described in the RPS Remediation Strategy (dated March 2019 reference IBR1140/Final/March2019) have been implemented to the satisfaction of the Planning Authority. A Verification Report will be submitted to, and approved in writing by Belfast City Council, demonstrating that the remediation works have been carried out in accordance with the approved details. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.</p> <p>Reason: To protect the adjacent European Sites and mobile marine mammal species from any adverse effects at construction phase.</p>
11.10	<p>All fuel storage tanks (and associated infra-structure) shall be fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the quality of surrounding soils and groundwater verified. Should any additional contamination be identified during this process, Conditions 11 and 12 will apply.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
11.11	<p>If during the development works, new contamination or risks 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 prior to commencement (excluding demolition works), and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
11.12	<p>After completing the remediation works and groundwater monitoring plan under Conditions 9, 10 and 11 and prior to occupation of the development, a Verification Report needs to be submitted to and agreed in writing by the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).</p> <p>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.</p>

	<p>The Verification Report must fully verify works to address contamination, including waste assessment and classification (in line with Technical Guidance WM3), waste transfer notes and/or hazardous waste consignment notes and verification of appropriate waste disposal (in line with Waste Duty of Care).</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>11.13 Prior to the commencement of any part of the development hereby approved, with the exception of any site clearance works, a Detailed Remediation Strategy shall be submitted to and agreed in writing by the Planning Authority. This Detailed Remediation Strategy must consider the information presented in the following RPS Ireland Ltd reports for the TQ Kings Works Redevelopment; Preliminary Risk Assessment, Generic Quantitative Risk Assessment and Remedial Strategy (referenced IBR1140).</p> <p>In particular, the Detailed Remediation Strategy must demonstrate that the gas protection measures to be incorporated within the development are commensurate with the Characterisation Situation 5 (CS5) classification of the site and in line with the requirements of BS 8485:2015+A1:2019. It must also detail the vapour protection measures that are to be incorporated within the proposed development.</p> <p>Alternatively, should the applicant wish to submit an updated risk assessment and Detailed Remediation Strategy for the proposed development, they must be submitted to and approved in writing by the Planning Authority prior to the commencement of any part of the development hereby approved, with the exception of any site clearance works. Any updated risk assessment will need to consider the ground gas and vapour data presented within the RPS Ireland Ltd reports and be based on a detailed site investigation in line with BS 10175:2011+A2:2017. All ground gas considerations must comply with BS 8576:2013, BS 8485:2015+A1:2019 and CIRIA C665. Any updated risk assessment must incorporate a satisfactory assessment of the human health risks (including a Revised Conceptual Site Model), conducted in line with Environment Agency guidance.</p> <p>The Detailed Remediation Strategy must demonstrate how the identified pollutant linkages are to be demonstrably broken and that they no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified. All construction thereafter must be in accordance with the approved Detailed Remediation Strategy.</p> <p>Reason: Protection of human health.</p>
<p>11.14</p>	<p>Prior to occupation of the development, in line with the agreed Detailed Remediation Strategy and in order to demonstrate that any required remedial measures have been incorporated within the development, a Verification Report shall be submitted to and agreed in writing by the Planning Authority. The Verification Report must be in accordance with Environment Agency, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Detailed Remediation Strategy have been implemented, have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health.</p> <p>Reason: Protection of human health.</p>
<p>11.15</p>	<p>There shall be no occupation of the building hereby approved unless an Operational Parking Statement has been submitted to and approved in writing by the Council. This Statement will clearly demonstrate how the parking is to be controlled on the site for vans, van drivers, visitors and staff parking. The development shall not operate unless in accordance with the approved Statement.</p> <p>Reason: To ensure the appropriate and controlled use of parking provision on the site.</p>

Informatives

The applicant's attention is drawn to the fact that the site is in proximity to the boundary of North Channel and the Maidens SAC, Belfast Lough Open Water, Belfast Lough and East Coast Marine SPAs and precautions should be taken to ensure its integrity will not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring within the designated site but outside the red line planning application boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and require consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA.

For Further information please see;

<https://www.daera-ni.gov.uk/articles/special-areas-conservation>

Marine Conservation Zones

<http://www.legislation.gov.uk/nia/2013/10/section/33>

The applicant's attention is drawn to the fact that the site is in proximity to the boundary of Outer Belfast Lough Marine Conservation Zone (MCZ) and precautions should be taken to ensure its integrity and the animals residing within, will not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring outside the red line planning application boundary are subject to the Marine Act (Northern Ireland), which makes it an offence to

- a) intentionally or recklessly kills or injures any animal in an MCZ which is a protected feature of that MCZ,
- b) intentionally picks or collects, or intentionally or recklessly cuts, uproots or destroys, any plant in an MCZ which is a protected feature of that MCZ,
- c) intentionally or recklessly takes anything from an MCZ which is, or forms part of, a protected feature of that MCZ, or
- d) intentionally or recklessly destroys or damages any habitat or feature which is a protected feature of an MCZ

For Further information please see;

<https://www.daera-ni.gov.uk/articles/marine-conservation-zones>

The applicant's attention is drawn to the fact that the site is in proximity to the boundary of Inner Belfast Lough Area of Special Scientific Interest (ASSI) and precautions should be taken to ensure its integrity will not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring outside the red line planning application boundary are subject to the Environment (Northern Ireland) Order 2002 (as amended), which makes it an offence to carry out operations likely to damage an ASSI without prior permission from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA. The maximum penalty for offences is £20,000. In addition to a fine, offenders may be liable for the costs of restoring the damaged area to its original condition

For Further information please see;

<https://www.daera-ni.gov.uk/topics/land-and-landscapes/areas-special-scientific-interest>

RAMSAR Convention on Wetlands

The applicant's attention is drawn to the fact that the is in proximity to the boundary of Belfast Lough RAMSAR site and precautions should be taken to ensure its integrity should not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter.

For Further information please see;

<https://www.daera-ni.gov.uk/topics/land-and-landscapes/ramsar-sites>

The applicant's attention is drawn to Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence if any person releases or allows to escape into the wild any animal which—

- a) is of a kind which is not ordinarily resident in and is not a regular visitor to Northern Ireland in a wild (or is a hybrid of any animal of that kind), or
- b) is included in Part I of Schedule 9 (or is a hybrid of any animal included in that Part), he shall be guilty of an offence.

List of Part I, Schedule 9 species

<https://www.legislation.gov.uk/nisi/1985/171/schedule/9>

Article 15 of the Wildlife (Northern Ireland) Order 1985

<https://www.legislation.gov.uk/nisi/1985/171/article/15>

Please see the following link for Best Practice Guidance:

[Marine Biosecurity Planning Guidance](#)

Further advice can be sought from the Wildlife Team, DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast, BT7 2JA. Tel:028 90 569 262.
Marine European Protected Species

The applicant's attention is drawn to regulation 34 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European Protected Species included in Schedule 2 to these Regulations. This includes all species of dolphins, porpoises and whales and the marine turtle species.

It is also an offence to;

- (a) deliberately disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - (b) deliberately 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;
 - (c) deliberately take or destroy the eggs of such an animal;
 - (d) deliberately obstruct access to a breeding site or resting place of such an animal; or
 - (e) damage or destroy a breeding site or resting place of such an animal.
- (2) It is an offence for any person;
- (a) to have in his possession or control,
 - (b) to transport,
 - (c) to sell or exchange, or
 - (d) to offer for sale or exchange, any live or dead animal which is taken from the wild and is of a species listed in Annex IV (a) to the Habitats Directive, or any part of, or anything derived from, such an animal.

Under this legislation a licence may be required for any operations which might impact on European Protected Species.

For more information please see;

<https://www.daera-ni.gov.uk/articles/marine-wildlife-licensing#toc-2>

If there is evidence of Schedule 2 animals listed above at or in close vicinity to the site, all works must cease immediately and further advice must be sought from DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast, BT7 2JA. Tel:028 90 569 262.

For more information on marine wildlife disturbance please see;

<https://www.daera-ni.gov.uk/publications/watch-out-wildlife-crime-marine-wildlife-disturbance>

Marine National Protected Species

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 deliberately capture, injure or kill a wild animal included in Schedule 5 of this Order. This includes the common seal (*Phoca vitulina*), grey seal (*Halichoerus grypus*), basking shark (*Cetorhinus maximus*), ¹angel shark (*Squatina squatina*), ¹common skate (*Dipturus batis*) short snouted seahorse (*Hippocampus hippocampus*), spiny seahorse (*Hippocampus guttulatus*), spiny lobster (*Palinurus elaphus*) and fan mussel (*Atrina fragilis*).all species of dolphins, porpoises and whales and the marine turtle species.

It is also an offence to;

- intentionally or recklessly disturbs any wild animal included in Schedule 5 as—

(a) a common seal (phoca vitulina),

(b) a grey seal (halichoerus grypus), or

(c) a basking shark (cetorhinus maximus),

- disturb, damage or destroy, or obstruct access to, any structure or place which the animal uses for shelter or protection;

- damage or destroy anything which conceals or protects any such structure used by such an animal

Under Article 13 it is an offence to sell or transport any Schedule 7 animal dead or alive at any time².

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.

¹ Common skate and angel sharks in respect to Article 10 (1) only and within 6 nautical miles of coastal water only.

² Schedule 7 species includes all Schedule 5 species listed in Appendix A, with the exception of the common skate and angel shark. Sea urchin is protected under Schedule 7 only.

Under this legislation a licence may be required for any operations which might impact on National Protected Species.

For more information please see;

<https://www.daera-ni.gov.uk/articles/marine-wildlife-licensing#toc-2>

If there is evidence of Schedule 5 animals listed above at or in close vicinity to the site, all works must cease immediately and further advice must be sought from DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast, BT7 2JA. Tel:028 90 569 262.

All construction or deposition works below the Mean High Water Spring Tide (MHWST) mark are subject to licensing under the Marine and Coastal Access Act 2009. If any elements of the construction in this proposal cross the intertidal area below the MHWST mark, contact must be made with the Marine Licensing Team, DAERA Marine and Fisheries Division, 1st Floor, Klondyke Building, Gasworks Business Park, Cromac Avenue, Belfast BT7 2JA, Tel: 028 90569247 to apply for a Marine Construction Licence.

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

Medium Combustion Plant (Air Quality)

Environmental Health advise that the medium combustion plant will require authorisation under the Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2018.

	This Legislation will be enforced by Northern Ireland Environment Agency and Local Authorities. The relevant statutory body for this plant will contact the applicant with details of the authorisation process in due course.	
12.0	Notification to Department (if relevant) N/A	
13.0	Representation from elected member None	
	Neighbour Notification Checked	Yes
	Signature(s)	

ANNEX	
Date Valid	7th March 2019
Date First Advertised	12th April 2019
Date Last Advertised	12 th April 2019
Details of Neighbour Notification (all addresses) 1 East Twin Road,Belfast,Down,BT3 9EN 1a ,East Twin Road,Belfast,Down,BT3 9EN New Sirocco Works,Musgrave Channel Road,Queen'S Island,Belfast,Down,BT3 9DT Pyeroy(Northern Ireland)Ltd,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT Unit 1,Elmbank,Queens Road,Channel Commercial Park,Belfast,Down,BT3 9DT Unit 1,Oakbank,Queens Road,Channel Commercial Park,Belfast,Down,BT3 9DT Unit 1,The Legacy Building,22 Queens Road,Queen'S Island,Belfast,Down,BT3 9DT Unit 17,Elmbank,Queens Road,Channel Commercial Park,Belfast,Down,BT3 9DT Unit 1a,Oakbank,Queens Road,Channel Commercial Park,Belfast,Down,BT3 9DT Unit 2,Elmbank,Queens Road,Channel Commercial Park,Belfast,Down,BT3 9DT Unit 2,Oakbank,Queens Road,Channel Commercial Park,Belfast,Down,BT3 9DT Unit 3,Elmbank,Queens Road,Channel Commercial Park,Belfast,Down,BT3 9DT Unit 3,Oakbank,Queens Road,Channel Commercial Park,Belfast,Down,BT3 9DT Unit 3,The Legacy Building,22 Queens Road,Queen'S Island,Belfast,Down,BT3 9DT Unit 3a,Elmbank,Queens Road,Channel Commercial Park,Belfast,Down,BT3 9DT Unit 4,Elmbank,Queens Road,Channel Commercial Park,Belfast,Down,BT3 9DT Unit 4,Oakbank,Queens Road,Channel Commercial Park,Belfast,Down,BT3 9DT Unit 4,The Legacy Building,22 Queens Road,Queen'S Island,Belfast,Down,BT3 9DT Unit 5,Elmbank,Queens Road,Channel Commercial Park,Belfast,Down,BT3 9DT Unit 6,Oakbank,Queens Road,Channel Commercial Park,Belfast,Down,BT3 9DT Unit 9,Oakbank,Queens Road,Channel Commercial Park,Belfast,Down,BT3 9DT	
Date of Last Neighbour Notification	15th April 2019
Date of EIA Determination	22 nd February 2019 (pre app screening request)
ES Requested	No

Drawing Numbers and Title

01 - 19

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

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