

## APPROVAL OF PLANNING PERMISSION

### Planning Act (Northern Ireland) 2011

Application No: **LA04/2017/1388/F**

Date of Application: **16th June 2017**

Site of Proposed  
Development:

**Lands: To The East Of The Westlink (A12); South Of (Nos.127-9) And Including Grosvenor Road; At Intersection Of Grosvenor Road And Stanley Street; At The Intersection Of Durham Street And Grosvenor Road; At The Intersection Of Fisherwick Place And Howard Street; At Great Victoria Street (between Nos. 1-3 To 27-45); At Glengall Street (between Nos. 3-21); At The Junction Of Hope Street, Bruce Street And Great Victoria Street; At The Junction Of Durham Street, Linfield Road, Sandy Row And Hope Street; At Sandy Row From 2 Hurst Park To 85-87 Sandy Row, Gilpins Site; To North Of Former Whitehall Tobacco Works At Linfield Road, Weavers Court Business Park/ Linfield Industrial Estate, Blythefield Primary School And Charter Youth Club; At Weavers Court Business Park And Railway Track Lands Surrounding Arellian Nursery And Bounded By Utility Street/Bentham Drive/Egnot Gardens/ Felt Street (to North); Prince Andrew Park And Abingdon Drive (to South); Beit Street, Roosevelt Rise, Roosevelt Square & Inverna Close (to west); Donegall Road (to south and east); lands to south of Utility Street, north of railway line and west of Donegall Road; and BMXTrack/Open space at lands to south of Westlink, west of railway line and east of Inverna Close, Belfast.**

Description of Proposal:

**New integrated public transport interchange comprising; station concourse, 26 bus stands, 8 railway platforms, bus maintenance and parking, track and signalling enhancements, bus access bridge, cycle and taxi provision, car parking, new public square, public realm improvements, highway improvements, infrastructure improvements, temporary structures for bus operations during construction and temporary site construction compounds.**



**Applicant:** NITHCO  
**Address:** 22 Great Victoria Street  
Belfast  
BT2 7LX

**Agent:** Juno Planning and Environmental  
**Address:** Ltd  
409 Lisburn Road  
Belfast  
BT9 7EW

Drawing Ref: 01 Rev B, 02-08, 09 Rev B, 10 – 41 Rev A, 42-45, 46 -58 Rev B, 59 - 60 Rev A, 61 Rev B, 62 – 65 Rev A, 66 Rev B, 67 - 74 Rev A, 76, 78 – 81 Rev B, 82 Rev A, 83 – 88 Rev B, 89 Rev A, 90 – 96 Rev B, 97, 98 – 100 Rev B, 101, 102, 103 Rev A, 104 Rev A, 105, 106 – 108 Rev A, 109 -115, 116 Rev A, 117, 118 Rev A, 119 Rev B, 120 Rev B, 121 – 123 Rev A, 124 – 126, 127 – 136 Rev A, 138 - 143

The Department for Infrastructure 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. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. Within 6 months of full operation of the development, the Station Square and all public realm works shall be fully implemented in accordance with the approved details.

Reason: To ensure the public realm works are carried out.

3. The buildings for a temporary bus wash refuel facility and a temporary staff mess and training facility hereby permitted, shall be removed and the land restored in accordance with the approved details within 5 weeks of the date of occupation of the permanent facilities.

Reason: This type of temporary accommodation is such that its permanent retention



would harm the amenity of the area.

4. Within 6 months of completion of construction works in the Blythefield Park area, the allotments temporarily lost during construction shall be reinstated.

Reason: In the interests of amenity.

5. There shall be no more than 8 daily Belfast to Dublin train services each way into the approved development (16 in total).

Reason: In the interest of residential amenity.

6. No development to the public highway within each construction phase (as detailed in the Construction Programme in Section 2 of the Further Environmental Information (FEI) 2 Submission dated April 2018) of the development hereby permitted shall be commenced until drawings have been submitted to and approved in writing by the Planning Authority of a detailed design for the road works in accordance with the Design Manual for Roads and Bridges (DMRB), including Road Safety Audit, as generally indicated on the approved drawings.

Reason: To ensure the road works deemed necessary for the development to provide a proper and safe public road and site access are completed.

7. The development hereby permitted, will be undertaken in line with the approved Construction Phase Sustainable Travel Plan. Prior to commencement of construction of each phase of the development (as detailed in the Construction Programme in Section 2 of the FEI 2 Submission dated April 2018), an updated Construction Phase Sustainable Travel Plan shall be submitted to and agreed in writing by the Planning Authority. The Construction Phase Sustainable Travel Plan shall also be reviewed on a 6-monthly basis. The development shall proceed in accordance with the most recently agreed plan.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

8. The development to the public highway on Durham Street hereby permitted shall not be commenced until network modelling and analysis, to include the provision of alternative modes of transport, has been completed, which demonstrates that the resultant impact will not adversely affect the road network through the provision of traffic mitigation measures to be submitted to and agreed in writing with the Planning Authority. The traffic mitigation measures shall be fully implemented before any works to Durham Street are commenced.



**Reason:** To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

9. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.  
The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Nos. 90 (Rev B) through 96 (Rev B) and 130 (Rev A) through 136 (Rev A) and 138 through 140 received by the Department on 02 May 2018.  
The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

**Reason:** To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

10. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.  
No other development hereby permitted shall become operational until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Nos. 90 (Rev B) through 96 (Rev B) and 130 (Rev A) through 136 (Rev A) and 138 through 140 received by the Department on 02 May 2018. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

**Reason:** To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

11. No part of the development hereby permitted (excluding any temporary facilities) shall become operational until a Travel Plan has been submitted and approved in writing by the Planning Authority in accordance with the approved Travel Plan framework.

**Reason:** To facilitate access to the site by means other than the private car and the servicing of the site in the interests of road safety and traffic progression.

12. The development hereby permitted (excluding any temporary facilities) shall not become fully operational until 200 cycle parking stands are provided and thereafter retained and an Active Travel Centre have been provided at a location within the existing station.

**Reason:** To facilitate access to the site by means other than the private car and the servicing of the site in the interests of road safety and traffic progression.



13. The development hereby permitted (excluding any temporary facilities) shall not become operational until 223 car parking spaces have been provided as detailed in Table 2 of the Environmental Statement, Volume 1, Chapter 15 and as indicated on the approved drawings.

Reason: To ensure the provision of adequate parking facilities in the interests of road safety and the convenience of road users.

14. An Air Quality monitoring survey shall be conducted within the concourse area adjacent to the Grosvenor Road entrance to the station in accordance with the government's Local Air Quality Management Technical Guidance LAQM.TG(16) for the period of one year immediately after opening in order to demonstrate compliance with the hourly mean limit value for NO<sub>2</sub> concentrations. On completion of the air quality monitoring survey, the air quality monitoring results shall be submitted to the Planning Authority for review and the results must be approved in writing. In the event that the monitored NO<sub>2</sub> levels exceeds the 1 hour limit value, the applicant shall submit a mitigation plan to the Planning Authority in order to reduce NO<sub>2</sub> levels below the limit value. This Plan must be agreed in writing with the Planning Authority and implemented as agreed.

Reason: Protection of human health.

15. Prior to commencement of each phase of the construction/demolition process (as detailed in the Construction Programme in Section 2 of the FEI 2 Submission dated April 2018), and in accordance with Appendix A/A3 of Belfast Transport Hub, Environmental Statement, Vol II, dated June 2017, the applicant shall submit a Dust Management Plan in accordance with IAQM guidance to the Planning Authority for review. The Plan must be approved in writing and shall be implemented as agreed.

Reason: Protection of human health.

16. Prior to the operation of any part of the staff canteen or the Enterprise food preparation area kitchen, the odour abatement technology employed to suppress and disperse cooking odours from these areas shall be installed in accordance with the design recommendations contained within Chapter 9 - Air Quality Vol I - Sections 8.5.45-8.5.51 of the Environmental Statement, dated June 2017. The odour abatement technology shall be retained thereafter and the extraction and ventilation system shall be cleaned and maintained in accordance with the manufacturer's instructions.

Reason: In the interests of amenity.



17. Prior to commencement of each phase of construction/demolition activity (as detailed in the Construction Programme in Section 2 of the FEI 2 Submission dated April 2018) and in accordance with the submitted Environmental Statement, dated June 2017, Chapter 9, Mitigation Measures, Section 9.6.6 and Appendix A/A4 of Belfast Transport Hub, Environmental Statement, Vol II, dated June 2017 and FEI documentation, the applicant shall submit a Construction Noise Management Plan (CNMP) to the Planning Authority for review and written approval. Each CNMP shall outline the methods to be employed to minimise any noise and vibration impact in accordance with current guidance and include a detailed programme for the demolition/construction phase, the proposed noise and vibration monitoring methods, noise mitigation methods and community liaison. The Plan shall be implemented as agreed.

Reason: In the interest of residential amenity.

18. Prior to commencement of the relevant construction phase (as detailed in the Construction Programme in Section 2 of the FEI 2 Submission dated April 2018), temporary noise barriers shall be erected at Abingdon Drive and Bentham Drive locations in accordance with the Environmental Statement, dated June 2017, Chapter 9, Section 9.6.2 and Vol III Figures: Figure 14 - Location of temporary noise barriers for construction.

Reason: In the interest of residential amenity.

19. Prior to the commencement of the Main Construction Contract Phase 1-3 (as detailed in the Construction Programme in Section 2 of the FEI 2 Submission dated April 2018), a Verification Report shall be submitted to the Planning Authority for review and approval in writing. The report shall demonstrate that the Rating Level (dB LAr) of sound from all combined plant and equipment associated with the development is 5dB(A) below the typical background sound level (for both daytime and night time) at sound sensitive residential premises as determined through calculation in accordance with assessment methodology outlined in BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound, as specified in the Environmental Statement, dated June 2017, Chapter 9, Mitigation Measures, Section 9.6.11. Once the development becomes operational, the approved Rating Level (dB LAr) from all combined plant and equipment shall be maintained at that level (or lower) thereafter.

Reason: In the interest of residential amenity.

20. Prior to commencement of the development and in accordance with the Environmental Statement, dated June 2017, Section 10.6 Mitigation, (Section 10.6.6), a Contaminated Land Remediation Strategy and Remediation Implementation and Verification Plan (RIVP) shall be submitted to the Planning Authority for review and approval in writing.



The Remediation Strategy must outline the measures to be undertaken to ensure that the identified pollutant linkages are demonstrably broken and no longer pose a potential risk to human health. In particular, the Strategy shall detail the:

- proposed gas protection measures to be installed throughout all buildings of the development in line with BS 8485:2015 as informed by the monitoring results contained within Appendix E6 and additional gas monitoring at specific gas installations as specified in 10.6.16 of Chapter 10 and Appendix E E6.7.
- proposed capping system to be installed within all landscaped areas
- decommissioning of underground tanks and associated pipework in accordance with Pollution Prevention Guidelines (PPG 27)
- method of removal of contaminated soils associated with the historical underground tanks

**Reason:** Protection of human health.

21. No development shall commence until the Planning Authority has received a groundwater and surface water monitoring plan for the development to include:
- specified sampling points,
  - substances to be monitored including petroleum hydrocarbon fractions in solution,
  - detection limits for laboratory analyses,
  - water level monitoring to metres above datum (local or ordnance).
- These works are required to ensure the necessary monitoring is in place to anticipate any potential discharges to the water environment. The monitoring schedule shall include all development works and post development rebound of groundwater levels. The monitoring plan shall be implemented throughout the remediation phase and the results submitted for approval in writing as part of the Verification Report.

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

22. Prior to the operation of the development, the applicant shall provide to the Planning Authority, for approval in writing, a Contaminated Land Verification Report. This report must demonstrate that the remediation measures outlined in the agreed contaminated land Remediation Strategy have been implemented.
- The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for the proposed end-use. It must demonstrate that any identified significant pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency.

**Reason:** Protection of human health, to protect the European Sites in Belfast Lough from adverse impacts during the construction phase and to protect environmental receptors to ensure the site is suitable for use.



23. A final Construction Environmental Management Plan for each construction phase (as detailed in the Construction Programme in Section 2 of the FEI 2 Submission dated April 2018) shall be submitted to and agreed in writing with the Planning Authority prior to any works commencing on that phase. This Plan shall reflect all the mitigation, and avoidance measures to be employed as outlined in the Environmental Statement (ES Vol I, June 2017), Outline Construction Environmental Management Plan (ES Vol II, Appendix A1, 13th June 2017), Water Environment (ES Vol II, Appendix H, 9th June 2017), Invasive Species Management Plan (ES Vol II, Appendix A1, 13th June 2017) and all additional submitted information. The approved CEMP shall be adhered to and implemented throughout that phase of construction strictly in accordance with the approved details.

Reason: To protect the European Sites in Belfast Lough from adverse impacts during the construction phase.

24. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works shall cease and the Planning Authority 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 Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: To protect the European Sites in Belfast Lough from adverse impacts during the construction phase and to protect environmental receptors to ensure the site is suitable for use.

25. The development hereby permitted shall not be occupied until the remediation measures as described in the Remediation Strategy and Remediation Options Appraisal Issue 01 (June 2017) have been implemented to the satisfaction of the Planning Authority. The Planning Authority shall be given 2 weeks written notification prior to the commencement of remediation work.

Reason: To protect the European Sites in Belfast Lough from adverse impacts during the construction phase and to protect environmental receptors to ensure the site is suitable for use.

26. All fuel storage tanks (and associated infrastructure) shall be fully decommissioned and removed in line with current Pollution Prevention Guidance (PPG2, PPG27) and the quality of surrounding soils and groundwater verified in writing with the Planning Authority.

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



27. No piling work shall commence on each phase until a piling risk assessment for that phase has been submitted in writing and agreed with the Planning Authority. The piling risk assessments shall 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://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

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

28. A suitable buffer of at least 10m shall be maintained between the location of refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil and the Blackstaff River and Pound Burn River which traverse the site.

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

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

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

30. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities - Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

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

31. No part of the development shall become operational until full details of all proposed tree and shrub planting and a programme of works, have been submitted to and approved by the Planning Authority in writing, and all tree and shrub planting shall be carried out in accordance with those details.

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

32. Prior to the commencement of Construction Phases 4-5 (as detailed in the Construction Programme in Section 2 of the FEI 2 Submission dated April



2018), full details of the proposed replacement planting in the Blythefield Park area, including all trackside trees which were removed, shall be submitted and approved by the Planning Authority in writing. The planting in this area shall be carried out during the first available planting season following the completion of works to the adjoining railway lines.

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

33. All hard and soft landscape works shall be carried out in general accordance with the appropriate British Standard or other recognised Codes of Practice. With the exception of the planting in the Blythefield Park area, the remaining works shall be carried out during the first available planting season following full operation of the development.

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

34. If within a period of 5 years from the date of the planting of any tree, shrub, hedge, climber or ornamental grass, the aforementioned is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub, hedge climber or ornamental grass of the same species and size as that originally planted shall be planted at the same place.

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

35. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the root protection area in accordance with best practice guidance as recommended in BS5837: 2012 'Trees in Relation to Design Demolition and Construction' nor shall arboricultural or tree surgery take place or any retained tree be topped or lopped other than in accordance with the approved plans and particulars without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998: 2010 'Tree Work Recommendations'.

**Reason:** To ensure the continuity of amenity afforded by existing trees.

36. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of completion of the development, another tree or trees shall be planted at the same place and that / those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Planning Authority.



Reason: To ensure the continuity of amenity afforded by existing trees.

#### Informatives

1. When making this decision the Department has taken into consideration environmental information within the terms of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.
2. Reference to the 'Environmental Statement' relates to the Environmental Statement which was submitted in June 2017 and to the additional information received by the Department in October 2017, May 2018 and August 2018.
3. This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises. Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 2015. Their size, construction, content and siting should be approved BEFORE any such signs are erected.
4. This permission does not alter or extinguish or otherwise effect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
5. This permission does not confer title. It is the responsibility of the developer to ensure that they control all the lands necessary to carry out the proposed development.
6. The applicant is advised that the internal layout of the proposal should make adequate provision for the needs of people with disabilities.
7. The developer is required to enter into a licence agreement with the Department for Infrastructure, Roads for the carrying out of the road works approved, prior to the commencement of any works to the public road network. The licence agreement shall be issued through the Development Control Officer, Network Planning Section, DfI Roads, Eastern Division, Annexe 6, Castle Buildings, Stormont Estate, BT4 3SQ and the developer should allow up to three months for completion of the licence. Accordingly the developer is advised to make an early personal application for the issue of the licence. He should also initiate early discussions for the satisfactory programming of the road works with the Private Streets Engineer, telephone no. 028 90 526276 at Stormont.
8. Notwithstanding the terms and conditions of the Department's approval set out above, you are required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in a street. The Street Works Licence is available on personal application to the Department for Infrastructure Roads Service Section Engineer whose



address is 148-158 Corporation Street, Belfast. BT1 3DH.

9. 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 Network Lighting, (Eastern Division, Annexe 7, Castle Buildings, Stormont Estate, BT4 3SQ ). The Applicant is advised to contact Roads Network 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.  
Please advise the agent accordingly.
10. For any element of road works, a detailed Temporary Traffic Management Plan for any required / associated traffic management proposals shall be submitted to and agreed by DfI Roads in writing under Article 7 of The Road Traffic Regulation (NI) Order 1997.
11. 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.
12. 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.
13. All construction plant and materials should be stored within the curtilage of the site.
14. Separate approval must be received from DfI Roads in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.
15. The applicant must apply to the Department for the appropriate legislation applicable to the phase or stage of works to be carried out as detailed in the phasing plan. The applicant should contact DfI Roads Network Traffic, Eastern Division, Annexe 7, Castle Buildings, Stormont Estate, BT4 3SQ and the developer should allow up to eighteen months, subject to objections, for completion of the legislative process.
16. The development hereby permitted shall not be adopted until any highway structure or retaining wall or culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1:



**Design Manual for Roads and Bridges.**

17. The applicant is advised that the proposed commencement of Part III of the Waste and Contaminated Land (NI) Order 1997 may introduce retrospective environmental liabilities to the applicant following the development of this site. The comments provided by Belfast City Council are without prejudice to any future statutory control which may be required under Part III or any other future environmental legislation. Failure to provide a satisfactory Verification Report will lead to the assumption that the site still poses a risk to human health and it may be subject to further action under forthcoming legislation.
18. Clean Neighbourhood and Environment (Northern Ireland) Act 2011 - Artificial lighting should be optically controlled and directed in such a manner as to minimise light pollution from glare and spill. Guidance notes for the reduction of obtrusive light may be obtained from the Institution of Lighting Engineers, Lennox House, 9 Lawford Road, Rugby, Warwickshire CV21 2DZ, available at <http://www.britastro.org/dark-skies/pdfs/ile.pdf>.
19. The applicant is advised that they may be required to revisit the requirements under the Environmental Noise Regulations (NI) 2006/END in relation to noise mapping and Local Action Plans.
20. In order to reduce the impact of possible odours and noise generated by any proposed extraction and ventilation system, the applicant should consult relevant industry guidance, such as: 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA in January 2005. (DEFRA/NETCEN Guidance <http://www.defra.gov.uk/environment/noise/research/kitchenexhaust.pdf>)
21. The Smoking (NI) Order 2006 - The applicant is advised to consult with Belfast City Council's Tobacco Control Officer to ensure that the smoking area design is compliant with the regulations. The applicant is advised to ensure that any designated smoking area is suitably managed and controlled to prevent noise, litter, anti-social behaviour and loss of amenity to nearby premises
22. For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least 4 weeks before work is due to begin, contact: Historic Environment Division, Historic Monuments, Causeway Exchange, 1-7 Bedford Street, Belfast, BT2 7EG  
Tel: 02890 823100  
Quote reference: SM11/1 ANT 060:505 and LA04/2017/1388/F
23. Application for the excavation licence, required under the Historic Monuments and Archaeological Objects (NI) Order 1995, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible



for the project, to: Historic Environment Division – Historic Monuments Unit, Causeway Exchange, 1-7 Bedford Street, Belfast, BT2 7EG.

24. The applicant should be made aware that all construction or deposition works within tidal reaches of rivers are subject to licensing under the Marine and Coastal Access Act 2009. If any elements of the construction in this proposal involve works to the Lagan, Black staff or Farset rivers within their tidal limits, contact must be made with the Marine Strategy & Licensing Team, DAERA Marine & Fisheries Division, 1st Floor, Klondyke Building, Gasworks Business Park, Cromac Avenue, Belfast BT7 2JA, Tel: 028 90569247 to apply for a Marine Construction Licence.
25. As the aforementioned rivers are hydraulically connected to Belfast Harbour and Belfast Lough any works which may result in chemical contaminants, or increased sediment loading, entering the hydrological system must be detailed. Further consultation may be required with DAERA should such potential occurrences be identified. 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 & Fisheries Division. Conviction of such an offence may incur a fine of up to £50,000 and/or two years imprisonment.
26. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice on Vehicle Washing.
27. DAERA Water Management Unit notes the intension to divert two existing culverted watercourses. The construction of new culverts should be avoided unless no practicable alternative exists. Water Management Unit recommends that the applicant adheres to the advice detailed in DAERA Standing Advice Note on Culverting.
28. The applicant should refer to DAERA Standing Advice Note on Sustainable Drainage Systems for advice on the use of Sustainable Drainage Systems on contaminated land.
29. DAERA Water Management Unit notes the development includes the installation of an oil interceptor to prevent oil from on-site activities leaving the site. Water Management Unit recommends the installation an oil interceptor to prevent oil from the car park area leaving the site. The applicant should consult Pollution Prevention Guideline (PPG) 03 - Use and design of oil separators in surface water drainage systems, for further advice regarding the installation and maintenance of oil interceptors/separators which can be found at the link given below.  
[http://www.netregs.org.uk/library\\_of\\_topics/pollution\\_prevention\\_guides/all\\_ppgs.aspx](http://www.netregs.org.uk/library_of_topics/pollution_prevention_guides/all_ppgs.aspx)
30. 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 DAERA Standing Advice Note on Discharges to the Water Environment.

31. Due to the close proximity of the site to various watercourses, 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 DAERA Standing Advice Note on Pollution Prevention Guidelines.
32. Should the development include excavation of any underground structures (tanks) and depending on the geological setting, the potential exists for the water table to be encountered during these works. The applicant should refer to DAERA Standing Advice Note on Abstraction and Impoundment.
33. In accordance with the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 (as amended), it is a mandatory requirement that upon the abstraction and/or diversion and/or impoundment of water from the natural river channel/lake, coastal or groundwater sources, an abstraction/impoundment licence should be obtained unless the operations specified are Permitted Controlled Activities.
34. The discharge of water from a dewatering operation will require consent to discharge, under the Water (Northern Ireland) Order 1999.
35. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.
36. The applicant should be made aware that it is an offence under section 47 of the Fisheries Act (Northern Ireland) 1966 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks.
37. The purpose of the Conditions 21-22 and 24-26 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use 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.
38. 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.

39. Regulation Unit within the Northern Ireland Environment Agency (NIEA) recommend that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent Conditions.
40. 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 <https://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>
41. The following measures should be undertaken to minimise threats to breeding birds and maintain the availability of nest sites:
- Removal of any hedgerow vegetation or trees for access purposes and removal or infilling of natural features such as earth banks and ditches should be avoided.
  - Any unavoidable hedgerow or tree removal should be carried out outside of the bird breeding season, which runs from 1st March to 31st August. Where site clearance during this period cannot be avoided, a suitably qualified ornithologist must be appointed to undertake preclearance surveys for nesting sites. If there is a threat under Article 4 Part 2, construction activities must halt.
  - All works should remain within the access and construction footprint as shown on the original drawings.
42. NIEA Natural Environment Division support the mitigation and enhancement measures as detailed within the Breeding Bird Survey (AECOM, September 2015), Section 5.2. These should be implemented, where possible. The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Pollution Prevention Guidance, Sustainable Drainage Systems, Invasive Alien Species, Discharges to the Water Environment and Culverting. Standing advice notes are available at: <https://www.daera-ni.gov.uk/articles/standing-advice-0>
43. 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 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 activity / roosts 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 BT72JA. Tel. 028 90569605.

44. 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.

45. The applicant's attention is drawn to Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence for any person to plant or otherwise cause to grow in the wild any plant which is included in Part II of Schedule 9 of the Order, which includes Japanese knotweed & Himalayan balsam. Any soil, containing Japanese knotweed & Himalayan balsam plant or seed material, which is removed off site, is classified as controlled waste under the Controlled Waste Regulations (Northern Ireland) 2002. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 places a duty of care on 'anyone who produces, imports, stores, transports, treats, recycles or disposes of waste to take the necessary steps to keep it safe and to prevent it from causing harm, especially to the environment or to human health'. In the case of Japanese knotweed & Himalayan balsam it is the duty of the waste producer to inform the licensed waste carrier and licensed landfill site that the controlled waste material contains Japanese knotweed & Himalayan balsam as part of the waste transfer process.



Please see the following link for Best Practice Guidance:  
<http://invasivespeciesireland.com/toolkit/>

Further advice can be sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel: 028905 69605

46. DfI Rivers has reviewed "Annex E - Flood Risk Assessment and Drainage Assessment - Approval 3 - 11th October 2017" & "Flood Risk Assessment and Drainage Assessment [for Phase 2 Completed Culvert Diversions] - Approval 2 - 11th October 2017" and, while not being responsible for its preparation, accepts its logic and has no reason to disagree with the conclusions from a flood risk perspective. The responsibility for the accuracy of the report and acceptance of the appropriate flood risk rests with the client and their professional advisors.
47. DfI Rivers note that, under the 1973 Drainage (NI) Order, the applicant has applied for and, in a letter dated 1st September 2017, has been given consent by the Department to carry out the associated watercourse diversionary works and has been given consent to discharge storm-water at a rate of 1051 litres/sec.
48. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
49. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
50. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
51. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, they should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

Dated: 29th March 2019

Authorised Officer 

Application No. LA04/2017/1388/F

LA12

