



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 23 April 2015	Item Number: 7ii
Application ID: Z/2014/1279/F	Target Date:
Proposal: Upgrade of existing roads infrastructure and associated site capping together with associated landscaping and site works	Location: Lands of the former Dargan Road land fill site to the north of Dargan Road Belfast
Referral Route: Falls outside delegated scheme. This application is submitted by Belfast City Council on council owned land and is required to go to Planning Committee.	
Recommendation:	Approval
Applicant Name and Address: Belfast City Council Adelaide Exchange 24-26 Adelaide Street B Belfast	Agent Name and Address: URS Beechill House Beechill Road Belfast BT8 ?RP
Executive Summary: This application seeks full planning permission the provision of an upgrade of existing roads infrastructure and associated site capping together with associated landscaping and site works. The main issues to be considered in this case are: <ul style="list-style-type: none">• Conformity with BMAP 2015; and• The principle of the roads infrastructure and associated site capping. The Development Plan zones the site for mixed use. The proposal complies with the Key Site Requirements. The road layout will provide the necessary infrastructure to enable the comprehensive redevelopment of the site in line with the master plan dated September 2009. The application has the offer in place of BCC and Invest NI funding; matched by monies from the European Regional Development Fund. Notification to the Department under the Planning (Notification of Councils' Own Applications) Direction 2015 is not required, as the proposal would not be significantly contrary to the development plan (BMAP).	

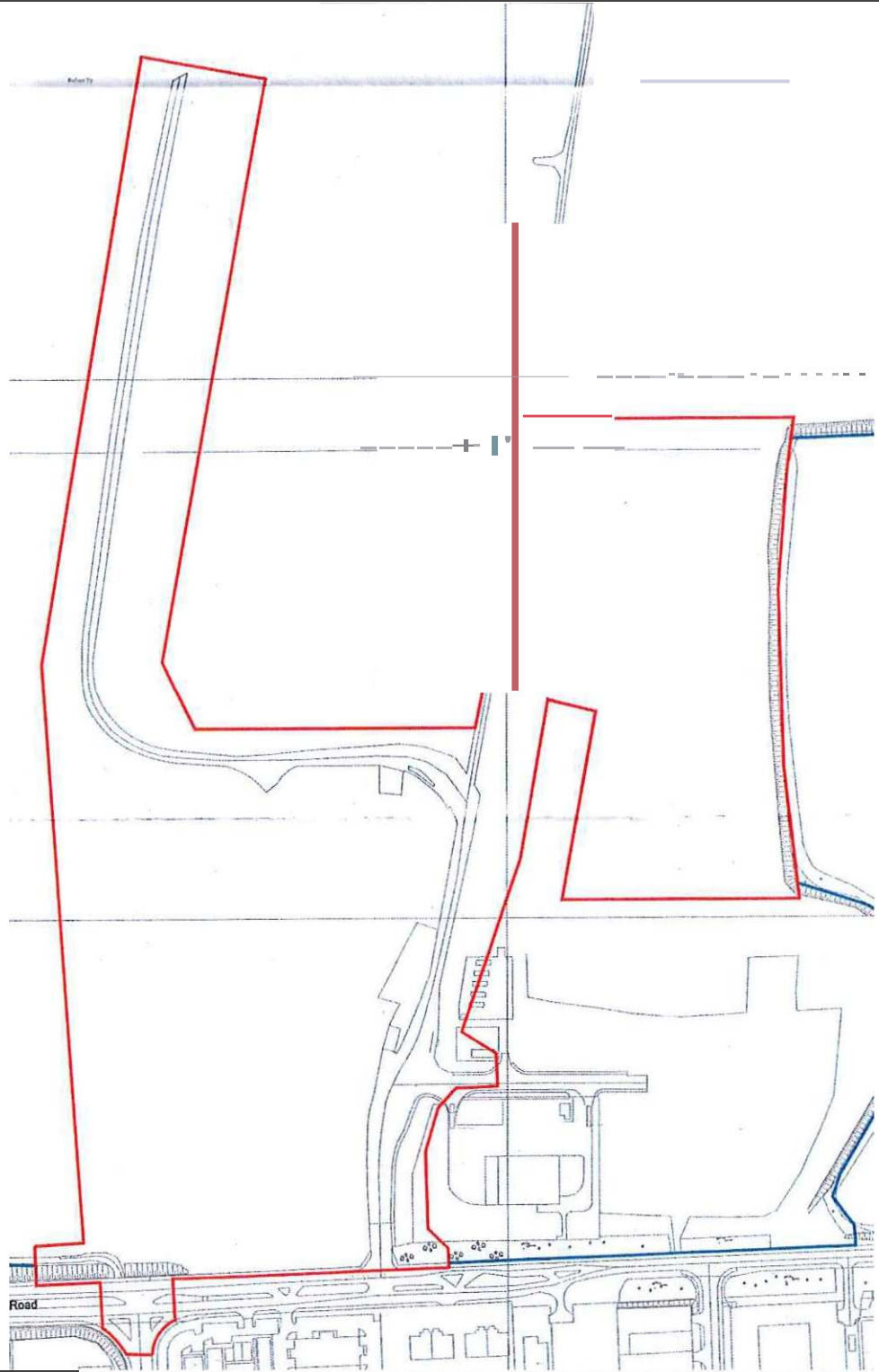
No representations were received.

It is recommended that the application is approved with conditions.

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Natural Heritage	No Objections subject to conditions
Non Statutory	Roads - Highways	No Objections subject to

		condition
Non Statutory	Land and Resource Management	No Objection subject to informatives
Non Statutory	Industrial Pollution & Radio Chemical Inspectorate	Considered - No Comment Necessary
Non Statutory	Water Management Unit	No Objection subject to informatives
Non Statutory	DOE - Marine Division	No Objections subject to condition
Non Statutory	Env Health Belfast City Council	No Comment
Non Statutory	Rivers Agency	No Objections subject to informatives
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
N/A		
Characteristics of the Site and Area		
<p>The site is located off Dargan Road and contains a capped landfill site run by Belfast City Council. It consists of undulating ground with a rough dirt track network for service vehicles. To the north and east of the site is Belfast Lough.</p>		
Planning Assessment of Policy and Other Material Considerations		
<p>Relevant policy considerations include BMAP 2015, PPS 1, PPS 2, PPS 3, PPS 11, PPS 15 and other material considerations including representations and objections</p>		
Planning History		
<p>Z/2000/0051/F- Provision of essential interim capacity for disposal of controlled (including special) waste at the Dargan Road (North Foreshore) Landfill Site by revision and elevation of the surface profile to complete the planned final closure of the site- Approved 14.05.2001</p>		
<p>Z/2003/2694/F- Windrow Composting Facility for green waste with associated reception area, office and amenity block, parking, security fence, landscaping and access off existing road- Approved 11.08.2004</p>		
<p>Z/2004/1204/E Application to infill land with excavation and demolition materials for</p>		

Z/2006/1545/F- Provision of management system for landfill gas, comprising capping, installation of gas abstraction wells and pipework (gas to be drawn off to be flared at a nearby existing facility), surface-water drainage, site access road and foul sewerage-
Approved 30.08.2007

Background

A pre-application inquiry for the North Foreshore, Giant's Park Comprehensive Masterplan (CMP) was submitted under Z/2008/2289/Q. DoE confirmed that the masterplan was in conformity with BMAP.

A further pre-application discussion under planning reference Z/2014/0907/Q for the current proposal took place on 4th November 2014 involving all the relevant stakeholders. No major issues were raised through this process.

EIA Screening

On the basis of pre-application discussions with relevant consultees, it is considered that the proposal is unlikely to lead to any significant environmental effects either during construction or post completion. Accordingly, an Environmental Statement is not required (see EIA report on file).

Area Plan Designations

The site is adjacent to the following BMAP designations

Designations

COU3	BMA Coastal Area
COU9	Area of Constraint on Mineral Development

The site is adjacent to the following International Nature Conservation

Designations Ramsar Site	Belfast Lough (Belfast City) Ramsar Site
--------------------------	--

Special Protection Area	Belfast Lough Special Protection Area
-------------------------	---------------------------------------

Area of Special Scientific Interest	Inner Belfast Area of Special Scientific Interest (ASSI)
-------------------------------------	--

BMAP 2015

The site is located within Zoning BH a 05- mixed use site 1 North Foreshore

Consideration

The key issues in the assessment of the proposed development include:

- Conformity with BMAP 2015;

- Visual amenity;

The impact on the existing road network; Impact on habitat biodiversity;
 Whether the proposed development can be carried out without the risk of environmental receptors being affected by ground contamination;

- Whether the development in itself will experience surface level flooding or whether or not surface water flooding will affect adjacent lands as a result of the development.

Conformity with BMAP 2015

BHA 05 zoning in BMAP 2015 sets out a number of key site requirements. These are considered below:

A Key Site Requirement states that development of the site shall only be in accordance with an overall concept masterplan. The masterplan has been agreed by the Department of the Environment under planning ref: Z/2008/2289/Q. The DoE stated *that 'having now considered the amended information and the advice of the consultees, i can confirm that Planning Service supports the principles and general objectives underpinning the Comprehensive Masterplan dated September 2009. The general mix and location of the proposed lands uses are considered to be in conformity with the objectives set out in the Masterplan'*. It is therefore accepted that the roads layout is to facilitate the proposed development of the site and associated uses and therefore conforms to the masterplan.

In respect to the other Key Site Requirements, the applicant has successfully demonstrated through the submission and agreement of a Habitat Regulations Assessment that appropriate protection will be put in place to ensure habitat biodiversity on the site is maintained. This has been endorsed by NIEA- Natural Heritage. Additionally access to the site is via Dargan Road and has been agreed by Transport NI. A Transport Assessment has also been endorsed by Transport NI. The proposal therefore satisfies all the key site requirements of Zoning BHA 05.

Visual amenity

The proposed works involve minor cutting in and infilling to facilitate the laying of the road network. Critical views of the site are distant and given the nature of the works proposed are unlikely to result in a loss of visual amenity.

Impact on the existing Road Network

Planning Policy Statement 3: Access, Movement and Parking sets out specific policies which are of relevance. In the assessment of this case Policies AMP 2- Access to public roads and AMP 6 Transport Assessment are applicable. It is noted that a key site requirement of BMAP 2015 requires the submission of a Transport Assessment. Following consideration of the TA it has been concluded by Transport NI that the scheme is acceptable subject to the imposition of a planning condition on any approval relating to the details of a signalised junction being submitted prior to commencement of any works. I am therefore satisfied that the proposal complies with PPS 3 and existing road network can cope with the increase in traffic volume without adverse effect on road and pedestrian safety.

Impact on Habitat Biodiversity

Planning Policy Statement 2: Natural Heritage is relevant.

The site is bordered immediately to the East by Inner Belfast Lough Area of Special Scientific Interest (ASSI) and Belfast Lough Special Protection Area (SPA). Consequently Policy NH 3- Sites of Nature Conservation Importance - National and Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance are applicable in the assessment of this case. Both policies clearly state that any proposal that results in adverse impact to habitats or species and features will not be permitted.

A key site requirement under BHA 05 zoning of BMAP is the submission of a Habitat Regulation Assessment. It was also noted by NIEA- Natural Heritage following initial consultation that the proposal is subject to the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (As amended). NIEA responded seeking additional information to carry out a robust Habitats Regulations Assessment. Following the submission of further information including a drainage assessment, a construction method statement and clarification on landscape planting, NIEA- Natural Heritage have concluded that the proposed development will not affect the integrity of the designated sites or undermine the conservation objectives of these sites and have furnished Belfast City Council with conditions in the event of planning permission being granted. I am therefore satisfied that the impact on habitat biodiversity is minimal and that the proposal complies fully with PPS 2.

Contaminated land and impact upon environmental receptors

NIEA- Water Management Unit and Waste Management Unit state that the impact on environmental receptors can be mitigated through the imposition of conditions as well as adhering to best practice when carrying out the works. Given the comments from the relevant authorities, I consider that there will be minimal impact and the proposal will not result in demonstrable harm to the environmental receptors.

Potential impact from flooding

Planning Policy Statement 15: Planning and Flood Risk (Revised) is relevant. The site is affected by a watercourse flowing along the North Eastern boundary known as Low Wood Stream and Downview Ditch and is located adjacent to the Q200 coastal Flood plain. It is also noted that there are small areas of surface water flooding on the site and due to the size (over 1 Hectare), and nature of the proposal and the potential risk of flooding, a drainage assessment is required as set out under Policy FLD 3: Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains. The drainage assessment was submitted by the applicant on 20th February 2015. Rivers Agency reviewed the submitted Drainage Assessment and accepted its conclusions. However it is noted that it lacked a letter of consent for storm discharge from the local Rivers Agency office under Schedule 6 of the Drainage Order 1973. This can be added as an informative should approval be granted and can be resolved through consultation with Rivers Agency prior to commencement of

Neighbour Notification Checked**Yes**

Summary of Recommendation:

After careful consideration of the specific details of the proposal and having regard to the development plan, planning policy and other material considerations, I conclude that the proposal, as detailed above, is fully compliant and consequently in line with the overarching Planning Policy Statement 1: General Principles in that it will not cause demonstrable harm to the interests of acknowledged importance and therefore can be recommended for approval.

Conditions

1. As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. A final Construction Environmental Management plan and finalised layout design shall be submitted to and approved by Belfast City Council prior to works commencing. This should reflect all the mitigation, and avoidance measures to be employed as outlined in the Draft Environmental Management Plan, (February 2015), the Draft HRA (March 2015) and the Drainage Assessment (9 February 2015) as prepared by URSon behalf of the applicant. The works shall be carried out in accordance with the approved Environmental Management Plan.

Reason: This will ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal, is aware of the proposed mitigation measures as outlined in the Draft Environmental Management Plan, (February 2015), the Draft HRA (March 2015) and the Drainage Assessment (9 February 2015) as prepared by URSon behalf of the applicant, and will ensure that the final CEMP has Belfast City Council approval prior to works commencing.

3. Works are only permitted within the area to be capped between 28th February and 31st August in any given year.

Reason: To ensure there is no disturbance to the overwintering SPA features.

4. All drainage conveyance channels must be lined in a suitable impervious material to prevent the egress of contaminated leachate into site surface water run-off.

Reason: To prevent any adverse impacts on the selection features of Belfast Lough SPA/Belfast Lough Open Water SPA/Inner Belfast Lough ASSI.

5. The development hereby approved shall not be commenced until details of the signalised junction have been submitted to and approved by the Belfast City Council. These details must be in accordance with the Design Manual for Roads and Bridges.

Reason: In the interests of road safety and convenience of road users.

6. All hard and soft landscape works shall be carried out drawing 10 date stamped 26th September 2014 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the completion of the laying of the road layout and associated site capping.

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

7. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of Belfast City Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless Belfast City Council gives its written consent to any variation.

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

Informatives

1. The applicant should comply with all relevant Pollution Prevention Guidelines (PPGs) to minimise the impact of the project on the environment. Particular attention should be paid to: PPG 01 – General guide to the prevention of pollution

PPG 02 -Above ground oil storage

PPG 05- Works and maintenance in or near water

PPG 06 -Working at construction and demolition

sites PPG 21 -Pollution Incident response planning

PPG 26 -Safe storage - drums and intermediate bulk containers

PPGs may be accessed by visiting the NetRegs website below. Hard copies are available from NIEA WMU upon request. <http://www.netregs.gov.uk/netregs/links/107968.aspx>

2. The applicant is informed that they have a legal obligation under Part II of 'The Water (Northern Ireland) Order (1999)' to obtain the consent of the Department prior to discharging effluent into a waterway or underground stratum for commercial, industrial or domestic premises.

This includes any discharge intended to be made from the proposed drainage system as detailed

in the application for planning permission.

3. The applicant is informed that it is an offence under Part II, Article 7 of The Water (Northern Ireland) Order (1999)' to knowingly or otherwise discharge or deposit any poisonous, noxious or polluting matter so that it enters a waterway or water contained in any underground strata. The penalty if found guilty of an offence under this Article is imprisonment for a term not exceeding 2 years or to a fine or to both. For further information relating to water issues please contact Northern Ireland Environment Agency- Water Management Unit (Telephone: 028 9262 3100).

4. Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges. In exceptional circumstances Departures from Standard maybe necessary and shall be supported by a full technical, safety, environmental and economic justification. All details shall be submitted to Network Services through the relevant Division.

5. Geotechnical activities which require Geotechnical Certification shall be submitted to Engineering Policy and Parking Services through the relevant Division. Geotechnical Certification shall be in accordance with the Department for Regional Development's Geotechnical Certification procedures as laid down in the current version of HD 22 Managing Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges.

6. The developer is required to enter into a licence agreement with the Department for Regional Development, Roads Service for the carrying out of the road works approved, prior to the commencement/occupation/operation of any works to the public road network. The licence agreement shall be issued through the Development Control Officer, Network Planning Section, TransportNI- Eastern Division, 4 Hospital Road Hydebank Belfast BT8 8JL 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, Mr Alan McKinst, telephone no. 028 90 253109, TransportNI Design and

Consultancy Services at 4 Hospital Road Hydebank Belfast BT8 8JL.

7. The applicant should be made aware that 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 of the roads infrastructure, site capping or landscaping in this proposal will be below the HWMST mark, contact must be made with the Marine Licensing Team, DOE Marine Division, Level 6, Causeway Exchange, 1-7 Bedford

Street, Belfast, BT2 7EG, Tel: 028 90823583 to determine if a Marine Licence is required. In order to assess any licensing requirement, the applicant must supply the following information in writing to the above address or by email to MarinelicensingTeam@doeni.gov.uk :-

Location of the works

Nature/Purpose of the works

Description of the material being deposited below Mean High Water Spring Tide (MHWST) and

Timescale for the works.

8. The existing landfill gas pipelines and associated valves and knock out pots will have to be protected from damage both during and following completion of works.

9. If services are to be carried in sub-surface conduits consideration must be given to the possibility of landfill gas accumulation within the conduits and transmission of landfill gas along conduits.

10. Consideration must be given to installing an impermeable gas membrane with associated gas collection/venting infrastructure beneath the hardcore fill.

11. If any excavation is to be undertaken then plans must be developed to deal with the implications of unearthing / exposing previously deposited waste.

12. The applicant should be advised that no piling works are permitted within the site without the Written consent of NIEA.

13. Should any material be excavated during the construction works it must be removed from the site immediately and disposed of at a licensed landfill site.

14. 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.

15. 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.

16. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he 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.

17. Where a Designated watercourse flows through or adjacent to a development site, it is

considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by the Rivers Agency. Actual requirement should be determined in consultation with the Agency.

18. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)

) Date:

