

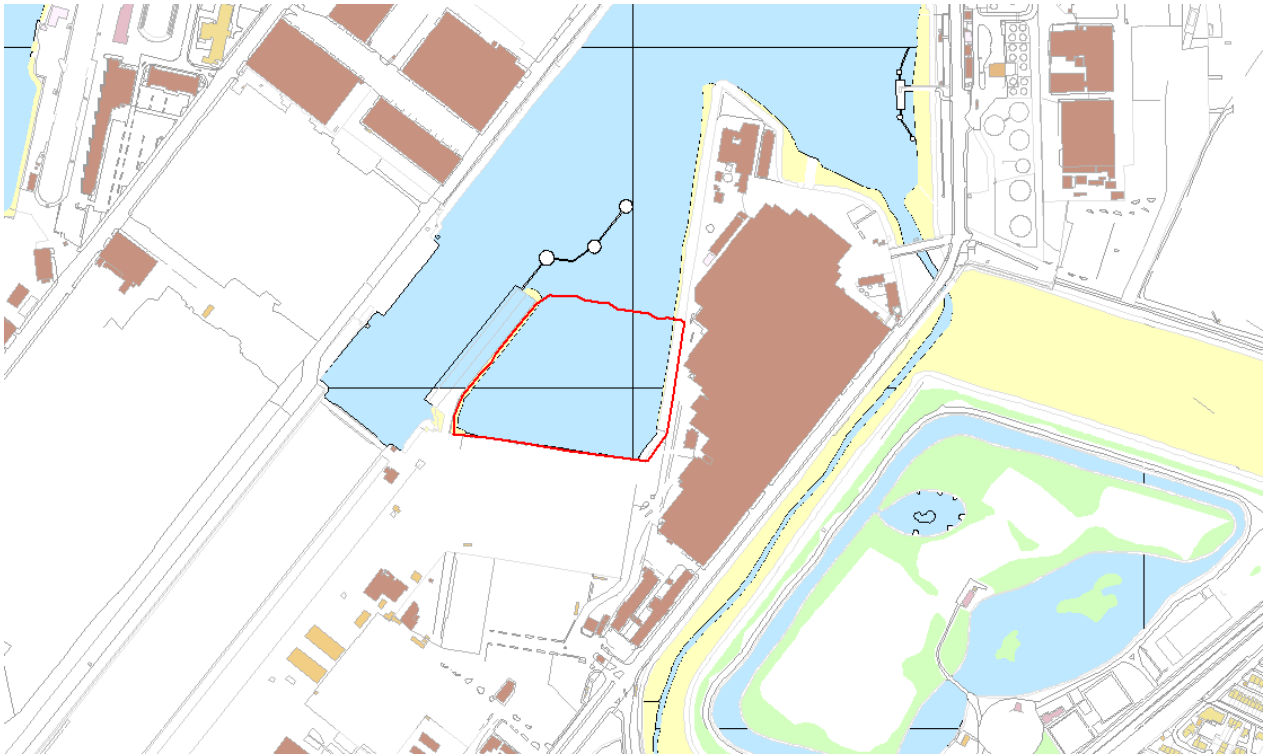
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15 December 2015	Item Number:
Application ID: LA04/2015/0190/F	Target Date:
Proposal: Construction of a containment bund using quarry rubble and rock armour for the disposal and storage of marine TBT contaminated silt (waste code 17 05 05) which is unsuitable for disposal at sea.	Location: Site located adjacent to Commissioning Quay Musgrave Channel Belfast Harbour Estate
Referral Route: Major application – site area exceeds 1 hectare	
Recommendation:	APPROVAL
Applicant Name and Address: Belfast Harbour Commissioners Harbour Office Corporation Square Belfast BT1 3AL	Agent Name and Address: Doran Consulting Ltd Norwood House 96-102 Great Victoria Street Belfast BT2 7BE
Executive Summary: Belfast Harbour Commissioners propose to undertake the construction of a containment bund as a sustainable, sacrificial site within Belfast Harbour Estate at Musgrave channel, to store marine sediment which is considered unsuitable for disposal at sea. The key issues in the assessment of the proposal are as follows: <ul style="list-style-type: none"> - The principle of the proposed uses at this site; - Impact on visual amenity / character of the area; - Impact on natural environment. The history of the site is a significant consideration in this case. There is an extant permission for a similar proposal on part of the application site. This new application is essentially seeking a larger bunded area. Environmental Health and NIEA have indicated that no adverse impacts on human health or the environment would result. Shared Environmental Services are satisfied that the proposal would not contravene the Habitats Directive. The impact on character will be negligible taking account of the industrial uses around the site and the similarity to the extant permission. Rivers Agency has no objections or concerns regarding flooding. Transport NI also has no objections. No objections have been received following the advertisement and neighbour notification process. Having regard to the policy context and other material considerations above, the proposal is	

considered acceptable and planning permission is recommended subject to conditions

Case Officer Report

Site Location Plan




Consultations:

Consultation Type	Consultee	Response
Statutory	DOE - Marine Division	No Objection
Statutory	NIEA	No objections
Statutory	NI Transport - Hydebank	No objections
Non Statutory	Health & Safety Executive for NI	No objections
Non Statutory	Env Health Belfast City Council	No objections
Non Statutory	Shared Environmental Services	No objections
Non Statutory	NI Water - Strategic Applications	Considered - No Comment Necessary
Non Statutory	Rivers Agency	No objections

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
Representations from Elected representatives	No representations received

Characteristics of the Site and Area

1.0	<p>Description of Proposed Development</p> <p>Belfast Harbour Commissioners propose to undertake the construction of a containment bund as a sustainable, sacrificial site within Belfast Harbour Estate at Musgrave channel, to store marine sediment which is considered unsuitable for disposal at sea. The proposed works comprise of</p> <p>1: Construction of a containment bund 2: Removal of Tributyltin (TBT) contaminated material from Musgrave Channel (on the west side of Commissioning Quay) 3: Placement and storage of TBT contaminated material behind the newly constructed containment bund (on the east side of Commissioning Quay).</p> <p>The containment bund will be constructed on the seabed from quarry rubble and rock armour. A geotextile filtration membrane will be placed within the bund to act as a filtration layer to prevent contaminated sediment leaching into adjacent waters.</p>
2.0	Description of Site
2.1	The proposed site is located within the Musgrave Channel adjacent to Commissioning Quay in Belfast Harbour Estate. The site falls within the Harland and Wolf shipyard facility. The site is surrounded by industrial uses and buildings.
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>Ref ID: Z/2012/0937/F Proposal: Construction of a containment bund using quarry rubble and rock armour for the disposal and storage of marine sediment which is unsuitable for disposal at sea Address: adjacent to Commissioning Quay, Musgrave Channel, Belfast Harbour Estate, Belfast, Decision: Approval Decision Date: 05.07.2013</p>
4.0	Policy Framework
4.1	Belfast Metropolitan Area Plan 2015
4.2	Regional Development Strategy (RDS); Strategic Planning Policy Statement (SPPS) PPS11: Planning and Waste Management; PPS3: Roads Considerations; Development Control Advice Note 15 Vehicular Access Standards
5.0	Statutory Consultee Responses
	Transport NI – no objections NIEA – no objections NI Water – no objections Rivers Agency – no objections
6.0	Non Statutory Consultee Responses
	Environmental Health – no objections Health & Safety Executive – no objections Shared Environmental Services – no objections and no adverse impact on habitats

	directives.
7.0	Representations
	The application has been neighbour notified and advertised in the local press. No representations were received.
8.0	Other Material Considerations
	None
9.0	Assessment
9.1	The key issues in the assessment of the proposal are as follows: <ul style="list-style-type: none"> - The principle of the proposed uses at this site; - Impact on visual amenity / character of the area; - Impact on natural environment.
9.2	The SPPS sets out five core planning principles of the planning system, including improving health and well being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making.
9.3	Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paras 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. The SPPS states PPS3, and 11 remain applicable under ‘transitional arrangements’.
9.4	The history of the site is a significant consideration in this case. There is an extant permission for a similar proposal on part of the application site. This new application essentially is seeking a larger bunded area. A larger contained/bunded area is now required following additional testing of dredged materials from Musgrave Channel indicated that the extent of TBT waste was greater than originally identified. In addition, a larger area is required to ensure adequate capacity of waste and associated materials. Save for the very recent introduction of the SPPS, the policy considerations are largely the same as those applicable at consideration stage of the existing approval.
9.5	An addendum to PPS11 was published on 25 November 2013 following publication of the ‘Revised Waste Management Strategy ‘Delivering Resource Efficiency’ the Department will no longer treat the Best Possible Environmental Option as a material consideration in the planning process.
9.6	BMAP 2015
9.7	The site is located within the Belfast Harbour Estates area. The area of land is adjacent to an area of land zoned for employment/industrial use within zoning BHA 08. The site lies within the BMA Coastal Area as identified on Map No. 3/001 Belfast Harbour Area and is designated under COU 3, BMA Coastal Area in Part 3, Volume 1 of the Plan. Policy for the control of development within the designated BMA Coastal Area is contained in Policy COU 4, BMA Coastal Area as contained in Part 3, Volume 1 of the Plan. This policy states that within the BMA coastal area planning permission will only be granted to development proposals which meet all of the following criteria. The proposed development is of such national or regional importance as to outweigh any potential detrimental impact on the coastal environment; it can be demonstrated that any proposal will improve the quality of the coastal landscape or improve accessibility for recreation

	<p>while still protecting nature conservation value and it will not adversely affect the special interests of natural heritage significance, particularly those identified by national or international designations.</p> <p>Policy WM 1, Environmental Impact of a Waste Management Facility, of PPS 11 states proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that 12 criteria are met:</p>
9.8	<ul style="list-style-type: none"> - <i>the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment ;</i> - <i>the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;</i>
9.9	<p>Environmental Health and NIEA have indicated that no adverse impacts on human health or the environment would result. Shared Environmental Services are satisfied that the proposal would not contravene the Habitats Directive.</p> <ul style="list-style-type: none"> - <i>the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses ;</i>
9.10	<p>The impact on character will be negligible taking account of the industrial uses around the site and the similarity to the extant permission.</p> <ul style="list-style-type: none"> - <i>the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality ;</i>
9.11	<p>The impact on character will be negligible taking account of the industrial uses around the site and the similarity to the extant permission.</p> <ul style="list-style-type: none"> - <i>the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;</i> - <i>the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated ;</i> - <i>adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles;</i>
9.12	<p>Transport NI has no objections to the proposal in relation to these aspects. Environmental Health has no concerns regarding noise, dirt, or dust.</p> <ul style="list-style-type: none"> - <i>wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;</i> <p>Not considered practicable in this case due to the nature of the proposal.</p> <ul style="list-style-type: none"> - <i>The development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests.</i>
	<p>NIEA have no objections in this regard and this is considered determining in terms of these issues.</p>

9.13	<ul style="list-style-type: none"> - <i>the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere ;</i>
9.14	<p>Rivers Agency has been consulted and has no objections or concerns regarding flooding.</p> <ul style="list-style-type: none"> - <i>the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land ; and</i> - <i>in the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.</i>
9.15	<p>Not considered applicable in this case due to the nature of the proposal.</p> <p>Policy WM 4, Land Improvement, of PPS 11 is also relevant to the proposal and states that:</p>
9.16	<p>The disposal of inert waste by its deposition on land will only be permitted where it is demonstrated that it will result in land improvement and all of the following criteria are met:-</p> <ul style="list-style-type: none"> - <i>it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM 1) ;</i>
9.17	<p>Policy WM 1, Environmental Impact of a Waste Management Facility requires demonstration that a list of criteria can be met. The proposal meets the criteria listed under policy WM 1. Any potential environmental impact issues have been addressed through the consultation process where all relevant consultees have responded with no objections. There are no visual issues with the proposal. The development will not have a negative impact on the local landscape.</p> <ul style="list-style-type: none"> - <i>there is a local need for the development and it can be demonstrated that it is the BPEO;</i>
9.18	<p>Belfast Harbour Commissioners propose to undertake the construction of a containment bund as a sustainable, sacrificial site within Belfast Harbour estates at Musgrave Channel to store marine sediment which is considered unsuitable for disposal at sea. If left in the original position the TBT contaminated material could increase pollution in the channel.</p> <p>Best Practicable Environmental Option has now been removed following an addendum to the policy (as stated above).</p> <ul style="list-style-type: none"> - <i>only the minimum quantity of fill necessary to achieve the proposed improvement shall be deposited ;</i>
9.19	<p>The containment bund will be constructed on the seabed from quarry rubble and rock armour. A geotextile filtration membrane will be placed within the bund to act as a filtration layer to prevent contaminated sediment leaching into adjacent waters. The top of the bund will be constructed to a level of +5.5mCD, sloping back to the seabed on either side. The top level of the bund has been designed to aesthetically tie in with the existing structures (Commissioning Quay and Musgrave Slipways) which have a similar top level. The bund construction is broadly similar in construction terms to that previously approved although it is in a different location, accordingly this aspect is acceptable.</p> <ul style="list-style-type: none"> - <i>Detailed measures are included for the appropriate restoration and aftercare of sites that will help to enhance bio-diversity.</i>

<p>9.20</p> <p>9.21</p>	<p>A capping layer of clay is proposed; this replicates arrangements under the extant approval and is therefore acceptable.</p> <p>Consultees have no objections to the proposal subject to conditions and/or informatives. No objections have been received.</p>
<p>10.0</p>	<p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions</p>
<p>11.0</p> <p>11.1</p> <p>11.2</p> <p>11.3</p> <p>11.4</p>	<p>Conditions</p> <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: Time Limit.</p> <p>No site works of any nature or development shall take place until a fence has been erected around the Scheduled area surrounding Samson (DOW 04:505 S) and Goliath (DOW 04:504 S), on a line to be agreed with the Department's NI Environment Agency: Historic Monuments Unit. No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or rubbish, no bonfires, nor any use, turning or parking of plant or machinery. The fence shall not be removed until the site works and development have been completed.</p> <p>Reason: To prevent damage or disturbance of archaeological remains within the application site.</p> <p>Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.</p> <p>Reason: 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.</p> <p>The final levels of fill deposited shall not exceed the levels shown on the cross sectional drawings within drawing No. 03 and 04 date stamped 27th April 2015.</p> <p>Reason: In the interest of the amenity of the area.</p>

ANNEX	
Date Valid	27th April 2015
Date First Advertised	11th September 2015
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 11 Queens Road,Queen'S Island,Belfast,Down,BT3 9DT, The Owner/Occupier, 2 Airport Road,Ballymacarret Intake,Belfast,Down,BT3 9DY, The Owner/Occupier, 31,Channel Commercial Park,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT, The Owner/Occupier, Aircraft Factory Airport Road Ballymacarret Intake The Owner/Occupier, Channel Commercial Park,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT, The Owner/Occupier, Channel Commercial Park,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT, The Owner/Occupier, Channel Commercial Park,Queens Road,Queen'S Island,Belfast,Down,BT41 1AL, The Owner/Occupier, Grant Electrical Services,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT, The Owner/Occupier, Harland & Wolff Shipbuildind & Heavy Ind,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT, The Owner/Occupier, Harland & Wolff,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT, The Owner/Occupier, Harland & Wolff,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT, The Owner/Occupier, Harland & Wolff,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT, The Owner/Occupier, Queens Island Ballymacarret Intake Belfast The Owner/Occupier, Shipbuilding Works,Queens Road,Queen'S Island,Antrim,Antrim,BT3 9DT, The Owner/Occupier, Thomas Andrews House,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT, The Owner/Occupier, Thomas Andrews House,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT, The Owner/Occupier, Thomas Andrews House,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT, The Owner/Occupier, Thomas Andrews House,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT, The Owner/Occupier, Thomas Andrews House,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT, The Owner/Occupier, Thomas Andrews House,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT, The Owner/Occupier, Traffic Control Centre 1b,Airport Road,Ballymacarret Intake,Belfast,Down,BT3 9DY, The Owner/Occupier, UNIT 6-8 OAKBANK,Channel Commercial Park,Queens Road,Queen'S Island,Belfast,Down,BT3 9DT,</p>	

The Owner/Occupier, Warehouse, Musgrave Channel Road, Queen'S Island, Queen's Island, Belfast, Down, BT3 9DT, The Owner/Occupier, Works, Musgrave Channel Road, Queen'S Island, Queen's Island, Belfast, Down, BT3 9DT,	
Date of Last Neighbour Notification	2nd September 2015
Date of EIA Determination	8 th September 2015
ES Requested	No Nil Determination also completed by DOE Marine Division 30 th June 2015
Planning History	
<p>Ref ID: Z/2012/0937/F Proposal: Construction of a containment bund using quarry rubble and rock armour for the disposal and storage of marine sediment which is unsuitable for disposal at sea Address: adjacent to Commissioning Quay, Musgrave Channel, Belfast Harbour Estate, Belfast, Decision: PG Decision Date: 05.07.2013</p> <p>Ref ID: Z/2005/2158/LDE Proposal: Existing use for ship and marine structure building, repair, conversion and dismantling, general heavy engineering, manufacture, assembly and corrosion protection and design engineering Address: Harland & Wolff, Heavy Industries Ltd, Queens Island, Belfast, BT3 9DU Decision: Decision Date:</p>	
Notification to Department (if relevant)	
Date of Notification to Department: Response of Department:	
Representations from Elected Members:	
None	