

Development Management Officer Report Committee Application

| Summary | |
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| Committee Meeting Date: 14 March 2017 | |
| Application ID: Z/2014/0258/F | |
| Proposal: Demolition of existing changing rooms and replacement with new sport and community building (including handball alley, 4no changing rooms, community sports facility, education/meeting rooms and office space) resurfacing of existing playing field with 4G synthetic surface with pitch lighting, car parking and site works. | Location: 12 Milltown Row Belfast Co Antrim BT12 6EU |
| Referral Route: Major Application | |
| Recommendation: | Approval |
| Applicant Name and Address: St Gall's GAC c/o agent | Agent Name and Address: McGurk Architects 33 King Street Magherafelt BT45 6AR |
| <p>Executive Summary: Application seeks full planning approval for demolition of existing changing rooms and replacement with new sport and community building (including handball alley, 4no changing rooms, community sports facility, education/meeting rooms and office space) resurfacing of existing playing field with 4G synthetic surface with pitch lighting, car parking and site works.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> - The acceptability of proposed community building - Natural Heritage and Impact on Protected Areas - Impact on Amenity - Access, Movement and Parking - Flooding - Contaminated Land <p>The site is located within the Belfast City Centre as designated in the Belfast Metropolitan Area Plan, within an Urban Landscape Wedge (Milltown), a Site of Local Nature Conservation Importance (Bog Meadows, M1/ Falls), a Local Landscape Policy Area (Milltown/ Bog Meadows), with the playing fields located on an Area of Existing Open Space.</p> <p>The existing recreational facility is long established on site, the proposed community building and resurfaced/ floodlit pitch will enhance this facility.</p> <p>NIWater, NIEA Waste Management Unit, Natural Environment Division and Belfast City Council's Environmental Protection Unit have offered no objections to the proposal and standard conditions are to be applied, including conditions to control the floodlighting and minimise light pollution, and</p> | |

ensure an appropriately designed drainage system is put in place prior to commencement of any development on site.

In light of an outstanding consultation responses from TransportNI the Director of Planning, it is requested that Committee delegate authority to the Director of Planning and Place to draft any necessary amendments to/ additional conditions necessary.

One letter of objection has been received raising issues around legal title, access to existing rights of way and noise nuisance. The matters are dealt with in the report below.

Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be approved subject to conditions.

Case Officer Report

Site Location Plan



1.0 Description of Proposed Development
 Demolition of existing changing rooms and replacement with new sport and community building (including handball alley, 4no changing rooms, community sports facility, education/meeting rooms and office space) resurfacing of existing playing field with 4G synthetic surface with pitch lighting, car parking and site works.

The proposed clubhouse is located in the north-western portion of the site on elevated land. It is a split level building. The main entrance is at first floor level with the handball alley located at ground floor below this and set into the slope. The two storey elevation faces south over the existing playing fields with large windows in meeting and sports facility rooms.

The building has a maximum ridge height of 8m from proposed ground level with the main element having a flat roof. The main entrance is located within an element with a slight pitch and is finished in a dark brick whilst the remainder of the building (the two storey element) is a mixture of dark brick and painted grey render.

New floodlighting is proposed around the resurfaced playing field and these are approximately 18m high. 4 flood lamps are to be fixed to each of the 8 floodlighting columns.

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| 2.0 | <p>Description of Site</p> <p>Established recreational ground located on backland site and accessed off narrow laneway leading from Falls Road. The site is located at the end of Milltown Row which is off the Falls Road. The site comprises an area of hardstanding which is being used for car parking, part of a single storey unoccupied building, a playing field and mature vegetation.</p> <p>Mature planting around existing playing fields on northern, eastern and western boundaries.</p> |
| Planning Assessment of Policy and other Material Considerations | |
| 3.0 | Site History |
| 3.1 | No relevant planning history on site |
| 4.0 | Policy Framework |
| 4.1 | Belfast Metropolitan Area Plan 2015 |
| 4.2 | <p>SPPS</p> <p>Regional Development Strategy</p> <p>Strategic Planning Policy Statement for Northern Ireland</p> <p>Planning Policy Statement 2 – Planning and Natural Heritage</p> <p>Planning Policy Statement 3 - Access, Movement and Parking</p> <p>Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation</p> |
| 5.0 | <p>Statutory Consultees</p> <p>Transport NI – Clarification sought on servicing arrangements</p> <p>NIWater – No objection</p> <p>Natural Environment Division – No objections subject to conditions</p> <p>NIEA Waste Management Unit – No objections subject to condition</p> <p>Rivers Agency – Further clarification sought</p> |
| 6.0 | <p>Non-Statutory Consultees</p> <p>Environmental Health BCC – No objection</p> |
| 7.0 | <p>Representations</p> <p>One letter of objection received. The following issues were raised:</p> <ul style="list-style-type: none"> - The applicant does not own the lands that are subject of the application - Impact on existing right of way - Noise Impact |
| 8.0 | <p>Other Material Considerations</p> <p>N/A</p> |
| 9.0 | Assessment |
| 9.1 | <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - The acceptability of proposed community building - Natural Heritage and Impact on Protected Areas - Impact on Amenity - Access, Movement and Parking - Flooding - Contaminated Land |
| 9.2 | <p>Acceptability of Proposed Community Building</p> <p>The site is located within the development limits of the Belfast Metropolitan Area Plan. The presumption is therefore in favour of development subject to the assessment of all other material considerations. The planning consideration is detailed below. The</p> |

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| | <p>proposed building is located on the site of an established sports club, with pitches, changing rooms and car parking already existing. The principle of the proposal is acceptable in this area with the existing playing field and associated clubhouse well established on the site.</p> <p>In terms of design the new building is split level to reflect the contours of the site on an elevated portion of the site a short distance east of the existing clubhouse. The buildings focus is the playing fields and it uses the contours of the site to ensure that the main glazed areas are on the two storey eastern facing elevation allowing views across the pitches. The predominantly flat roof structure is of a contemporary design with a mix of dark brick and light grey render finish.</p> <p>Natural Heritage and Impact on Protected Areas</p> <p>9.3 Natural Environment Division notes the recommendations within the bat survey report section 7.0.3 where it states that the proposed floodlighting of the sports pitches has the potential to affect bats. The report further states that <i>a constraint on the use of the proposed floodlighting after sunset in the bat active season, particularly May to August, should be beneficial in maintaining the favourable conservation status of the local bat populations</i>. NED would advise that the bat activity season would extend from April to September, and therefore NED have requested that a condition is attached to any decision notice to limit the use of floodlighting between the months of April to September of any year. This condition is detailed below at 11.2.</p> <p>9.4 Natural Environment Division have no concerns with regard to any potential impact upon the designated/ protected areas.</p> <p>Impact on Amenity</p> <p>9.9 Environmental Services Department of Belfast City Council have noted that the proposal includes pitch lighting. To ensure that nearby residential properties do not suffer intermittent disturbance due to glare and spill from the proposed lighting they have requested that the condition detailed at 11.3 is attached to any planning permission granted.</p> <p>Access, Movement and Parking</p> <p>9.10 A parking schedule was submitted in support of the application and TransportNI are satisfied with the level of proposed parking. A total of 71 spaces are proposed, with an additional 34 available in the Bog Meadows Nature Reserve Car Park.</p> <p>9.11 TransportNI requested that visibility splays from the access onto the Falls Road should be provided in accordance with DCAN 15 and (the X and Y distances should) be fully drawn and dimensioned. A plan of access was submitted showing splays of 2.4x70m to the left hand side existing and 2.4x45 to the right hand side exiting. A TransportNI response remains outstanding however no objections are anticipated given the information on file.</p> <p>Flooding</p> <p>9.12 The playing fields lie within the fluvial flood plain of both the Ballymurphy Stream and Ballymurphy Stream Extension. The Sports and Community building however does not. The proposal is considered as an exception to Policy FLD1 of Planning Policy Statement 15 in that it involves the replacement of an existing building and the use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. Rivers Agency is against the applicant's proposal for new high profiled mesh security</p> |
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| | fencing, as indicated on page 10 of the FRA. During a flood event this type of fence will catch debris causing blockages which will lead to flooding elsewhere. |
| 9.13 | Furthermore, Rivers Agency acknowledges that the applicant has received Schedule 6 consent on the 19 September 2016 from the relevant Area Office to discharge a maximum of 16.4 l/s of storm water to the Ballymurphy Stream. However, the applicant has not submitted any detailed drainage design or method for attenuating the excess runoff. |
| 9.14 | <p>Rivers Agency have stated that in order to fully assess this Flood Risk & Drainage Assessment the following further information that demonstrates the viability of the proposals is submitted:</p> <ul style="list-style-type: none"> - Details showing that the site drainage system is designed not to flood any part of the site in a 1 in 30 year return design storm, and to ensure a free-board of 300mm - Details showing checks for exceedences for the 1 in 100 year return period. - Relevant drawings and calculations. - Suitable fence type to be located within a floodplain |
| 9.15 | The Council have been in discussions with the agent with regard to these outstanding issues. The applicant/ agent are currently working with RPS to complete the detailed drainage design for the project and will liaise with Rivers Agency to ensure that the details required are provided. Regarding the fence, the applicant has proposed that a gap is left at the bottom of the fence to ensure that no blockages will occur. A condition should be attached ensuring all relevant drainage details are submitted to and approved by the Council prior to any development hereby approved commencing on the site. This condition is detailed below at 11.8. |
| | Contaminated Land |
| 9.16 | In relation to the soil samples obtained and analysed from across the entire site, these were compared to generic assessment criteria (GAC) developed by Atkins for a playing field use. The assessment did not give adequate consideration to the proposal to redevelop part of the site as a community building. |
| 9.17 | In WYG's response, additional clarification was provided in relation to this. Soil samples were rescreened against threshold screening values for a commercial end use scenario and demonstrated no significant risk to human receptors. |
| 9.18 | In relation to the ground gas monitoring, concerns were raised that the worst case scenario had not been identified. Furthermore the assessment of the current data in line with current best practice suggested that the gas regime was Characteristic Situation 2 rather than Characteristic Situation 1 as specified in the report. In WYG's response, additional clarification of the gas regime was provided for both the worst case scenario and the classification. WYG concluded that there were no unacceptable risks to human health or the water environment from the site. |
| 9.19 | NIEA Waste Management Unit recommend surface water and groundwater quality monitoring for heavy metals in particular copper and zinc, as it is unclear if the localised zinc concentrations pose a risk to the water environment including surface water, groundwater and the adjacent bog meadows. |
| 9.20 | On the basis of this information received, Environmental Services Department of Belfast City Council and NIEA Waste Management Unit are now in a position to recommend that |

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| <p>9.21</p> <p>9.22</p> <p>9.23</p> | <p>conditions be attached to any planning permission granted for this development. These conditions are detailed below at 11.4-11.7.</p> <p>Consideration of Issues of Objection</p> <p>The planning permission would 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.</p> <p>No proposed obstruction appears apparent on the existing right of way. As stated above permission in no way infers title. Nor would the permission alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.</p> <p>The recreational use on the site is long established. Environmental Health Department of Belfast City Council have not raised any concerns with regard to potential noise/ disturbance as a result of the proposed works or development.</p> |
| <p>10.0</p> <p>10.1</p> <p>10.2</p> <p>10.3</p> | <p>Summary of Recommendation:</p> <p>Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.</p> <p>Statutory and non-statutory consultees have offered no objections to the proposal.</p> <p>Approval is recommended subject to conditions as set out.</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>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>Floodlighting shall not be used during April to September in any year.</p> <p>Reason: To minimise the impact of the proposal on a protected species - bats.</p> <p>The applicant is advised that provisions contained in Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (statutory nuisances from artificial light) apply to this development. All flood 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 light pollution may be obtained from the Institution of Lighting Engineers, Lennox House, 9 Lawford Road, Rugby, Warwickshire CV21 2DZ, available at https://www.theilp.org.uk/documents/obtrusive-light/</p> <p>Reason: In the interests of amenity.</p> <p>Prior to the occupation of the proposed development, the applicant shall provide to Planning Service, for approval, a Verification Report. This Verification Report shall demonstrate:</p> <ol style="list-style-type: none"> 1. That the floor construction of the proposed building provides protection against the ingress of ground gases by incorporating a poured concrete floor and at least a 1200 gauge membrane which is to be installed in line with relevant industry good practice as detailed in WYG Environment report titled 'Preliminary and Generic |

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| | <p>Quantitative Risk Assessment, St Galls GAC, Falls Road, Belfast' for McGurk Architects, dated August 2014 and referenced A088124. The Verification Report must be in accordance with current best practice and guidance as outlined by the Environment Agency.</p> <p>Reason: Protection of human health.</p> <p>11.5 No construction work shall commence until the Department has received in writing a further update of the risk assessment to environmental receptors including surface water, ground water and the adjacent bog meadows for written agreement. The revised assessment shall include:</p> <p>a) Surface water and groundwater quality monitoring and sampling of boreholes BH1 and BH10 and the surface watercourse up and downstream of the site to inform further assessment of risks to environmental receptors. The boreholes should be developed prior to the monitoring and the monitoring conducted in accordance with British Standard BS 10175:2011 Code of practice for investigation of potentially contaminated sites. The analyses should include zinc, copper and hardness.</p> <p>b) A revised quantitative risk assessment(s) in accordance with CLR11, including consideration of the groundwater and surface water monitoring analysis required for a).</p> <p>c) In the event of unacceptable risks being identified, then a remediation strategy should be prepared and submitted in support of the proposed development.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>11.6 After completing all remediation works required under Conditions 4 and 5 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Department. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>11.7 In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Planning Service for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.</p> <p>Reason: Protection of human health.</p> <p>11.8 No development hereby approved shall commence until the following details have been submitted to and approved by the Council, in consultation with Rivers Agency:</p> <ul style="list-style-type: none"> - Details showing that the site drainage system is designed not to flood any part of the site in a 1 in 30 year return design storm, and to ensure a free-board of 300mm - Details showing checks for exceedences for the 1 in 100 year return period. - Relevant drawings and calculations. - Details showing a suitable fence type to be located within a floodplain <p>Reason: In the interests of environmental protection and public amenity.</p> |
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Informatives

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. 028 905 69605

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.

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. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks. Failure to provide a satisfactory Verification Report may 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.

The applicant is advised to ensure that all plant and equipment associated with the proposal is so situated, operated and maintained as to prevent the transmission of noise to nearby residential properties.

The purpose of Conditions 4 to 7 are to ensure that the site risk assessment and

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| | <p>remediation work are 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.</p> <p>2. The applicant should ensure that the management of all materials onto and off this site are suitably authorized through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste Management Plan (see http://www.nibusinessinfo.co.uk/content/meet-construction-site-waste-management-plan-swmp-obligations)</p> <p>3. WM 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.</p> |
| 12.0 | Notification to Department (if relevant) N/A |
| 13.0 | Representations from elected members: None |
| Neighbour Notification Checked Yes | |
| Signature(s) | |
| Date: | |

| ANNEX | |
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| Date Valid | 24th February 2014 |
| Date First Advertised | 14th March 2014 |
| Date Last Advertised | |
| <p>Details of Neighbour Notification (all addresses) 1,508A Falls Road,Ballymurphy,Belfast,Antrim,BT12 6EP, 10 Boucher Way,Ballymurphy,Belfast,Antrim,BT12 6RE, 11 Boucher Crescent,Ballymurphy,Belfast,Antrim,BT12 6HU, 12 Boucher Way,Ballymurphy,Belfast,Antrim,BT12 6RE, 12 Milltown Row,Ballymurphy,Belfast,Antrim,BT12 6EU, 14 Boucher Way,Ballymurphy,Belfast,Antrim,BT12 6RE, 14 Milltown Row,Ballymurphy,Belfast,Antrim,BT12 6EU, 16 Boucher Way,Ballymurphy,Belfast,Antrim,BT12 6RE, 16 Milltown Row,Ballymurphy,Belfast,Antrim,BT12 6EU, 18 Boucher Way,Ballymurphy,Belfast,Antrim,BT12 6RE, 18-22,Milltown Row,Ballymurphy,Belfast,Antrim,BT12 6EW, 19 Boucher Crescent,Ballymurphy,Belfast,Antrim,BT12 6HU,</p> | |

2 Boucher Way, Ballymurphy, Belfast, Antrim, BT12 6RE,
 22 Boucher Way, Ballymurphy, Belfast, Antrim, BT12 6RE,
 25 Milltown Row, Ballymurphy, Belfast, Antrim, BT12 6EU,
 25A Milltown Row, Ballymurphy, Belfast, Antrim, BT12 6EU,
 27 Milltown Row, Ballymurphy, Belfast, Antrim, BT12 6EU,
 31 Milltown Row, Ballymurphy, Belfast, Antrim, BT12 6EU,
 A Travers B.C.L
 40 Rathfriland Street Ballyvally Banbridge
 464 Falls Road, Ballymurphy, Belfast, Antrim, BT12 6EN,
 504-506, Falls Road, Ballymurphy, Belfast, Antrim, BT12 6EP,
 508 Falls Road, Ballymurphy, Belfast, Antrim, BT12 6EP,
 510 Falls Road, Ballymurphy, Belfast, Antrim, BT12 6EP,
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 524 Falls Road, Ballymurphy, Belfast, Antrim, BT12 6EP,
 8 Milltown Row, Ballymurphy, Belfast, Antrim, BT12 6EU,
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 Flat 11, 500-502 Mill Court, Falls Road, Ballymurphy, Belfast, Antrim, BT12 6EP,
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| Flat 37,500-502 Mill Court,Falls Road,Ballymurphy,Belfast,Antrim,BT12 6EP, Flat 38,500-502 Mill Court,Falls Road,Ballymurphy,Belfast,Antrim,BT12 6EP, Flat 39,500-502 Mill Court,Falls Road,Ballymurphy,Belfast,Antrim,BT12 6EP, Flat 4,500-502 Mill Court,Falls Road,Ballymurphy,Belfast,Antrim,BT12 6EP, Flat 40,500-502 Mill Court,Falls Road,Ballymurphy,Belfast,Antrim,BT12 6EP, Flat 41,500-502 Mill Court,Falls Road,Ballymurphy,Belfast,Antrim,BT12 6EP, Flat 42,500-502 Mill Court,Falls Road,Ballymurphy,Belfast,Antrim,BT12 6EP, Flat 5,500-502 Mill Court,Falls Road,Ballymurphy,Belfast,Antrim,BT12 6EP, Flat 6,500-502 Mill Court,Falls Road,Ballymurphy,Belfast,Antrim,BT12 6EP, Flat 7,500-502 Mill Court,Falls Road,Ballymurphy,Belfast,Antrim,BT12 6EP, Flat 8,500-502 Mill Court,Falls Road,Ballymurphy,Belfast,Antrim,BT12 6EP, Flat 9,500-502 Mill Court,Falls Road,Ballymurphy,Belfast,Antrim,BT12 6EP, Milltown Row,Ballymurphy,Belfast,Antrim,BT12 6EU, St Johns Pre-School Play Group,Falls Road,Ballymurphy,Belfast,Antrim,, St Louises Comprehensive, 468 Falls Road,Ballymurphy,Belfast,Antrim,BT12 6EN, Unit 10,Boucher Crescent,Ballymurphy,Belfast,Antrim,BT12 6HU, | |
| Date of Last Neighbour Notification | 25th January 2017 |
| Date of EIA Determination | |
| ES Requested | Yes /No |
| Summary of Consultee Responses | |
| Drawing Numbers and Title | |
| Notification to Department (if relevant) | |
| Date of Notification to Department: Response of Department: | |