

## Development Management Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> Tuesday 15 <sup>th</sup> December 2020	
<b>Application ID:</b> LA04/2020/0708/F	
<b>Proposal:</b> Works to allow the decommission of Boodle's Dam maintaining the existing water levels; including earthworks to reduce the existing dam embankment; re-profiling of the adjacent land; removal of existing structures (concrete wall, draw off towers, bridge); formalising the inlet and outlet arrangements; landscape improvements to allow for integration into the Ligoniel Park and all associated works.	<b>Location:</b> Lands at Boodle's Dam (including Wolfhill Mill Race and its intersection with the Ligoniel River, located off Mountainhill Road) Belfast
<b>Referral Route:</b> Major Application by Belfast City Council	
<b>Recommendation:</b>	<b>Approval subject to Conditions</b>
<b>Applicant Name and Address:</b> Belfast City Council 9 Adelaide Street Belfast	<b>Agent Name and Address:</b> Jonathan Morris AECOM 2 Clarence Street West Belfast
<b>Executive Summary:</b>  This application seeks full permission for the works to allow the decommission of Boodle's Dam maintaining the existing water levels; including earthworks to reduce the existing dam embankment; re-profiling of the adjacent land; removal of existing structures (concrete wall, draw off towers, bridge); formalising the inlet and outlet arrangements; landscape improvements to allow for integration into the Ligoniel Park and all associated works.  The key issues are: <ul style="list-style-type: none"> <li>- principle of use on the site</li> <li>- design and layout</li> <li>- impact on natural heritage</li> <li>- access, movement, parking and transportation, including road safety</li> <li>- impact on built heritage</li> <li>- flood risk</li> <li>- landscaping</li> <li>- other environmental matters</li> </ul> The application site includes lands at Boodle's Dam, following the Wolfhill Mill Race watercourse, extending to the intersection with the Ligoniel River. The site is surrounded by fencing and contains a large number of mature trees, and is mostly overgrown and inaccessible.  The site is identified as an Area of Existing Open Space, a local landscape policy area (LLPA), and site of local nature conservation importance (SLNCI), as designated within both (Draft) Belfast Metropolitan Area Plan (BMAP) 2015, and 2004. The site is identified within the Belfast Urban Area Plan 2001 (BUAP) as Lands reserved for Landscape, Amenity or Recreation use.	

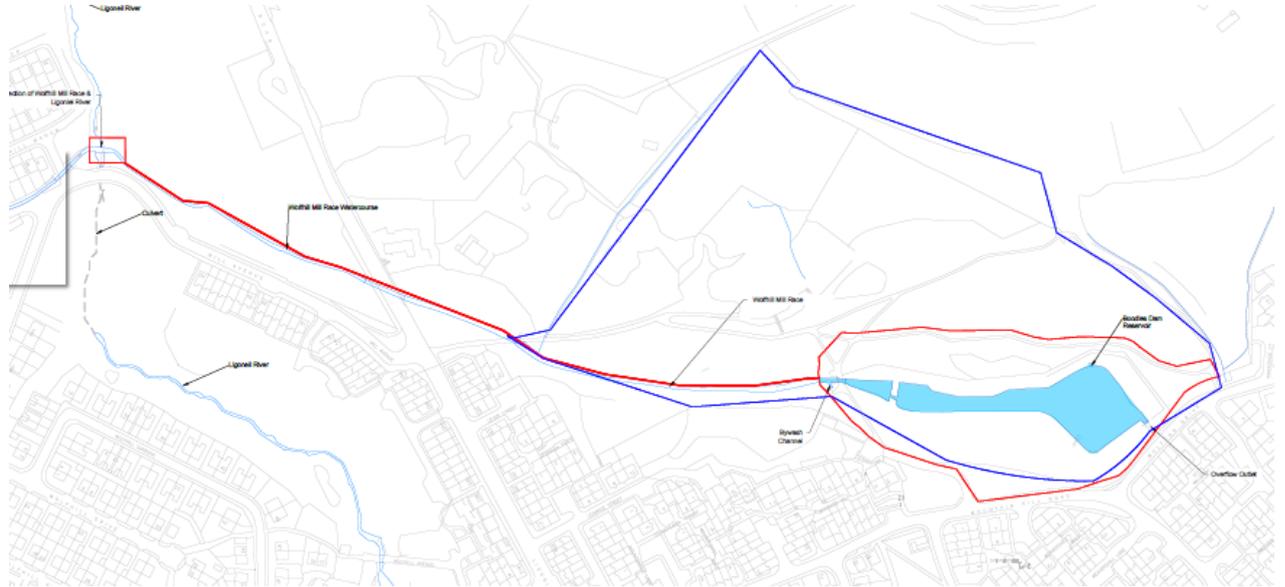
The proposal has been assessed against and is considered to comply with the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), Draft Belfast Metropolitan Area Plan 2015 (BMAP), Planning Policy Statement 2, Planning Policy Statement 3, Planning Policy Statement 6, Planning Policy Statement 8, and Planning Policy Statement 15.

All consultees have raised no issues of concern subject to conditions and the proposal is considered acceptable. No representations or objections received.

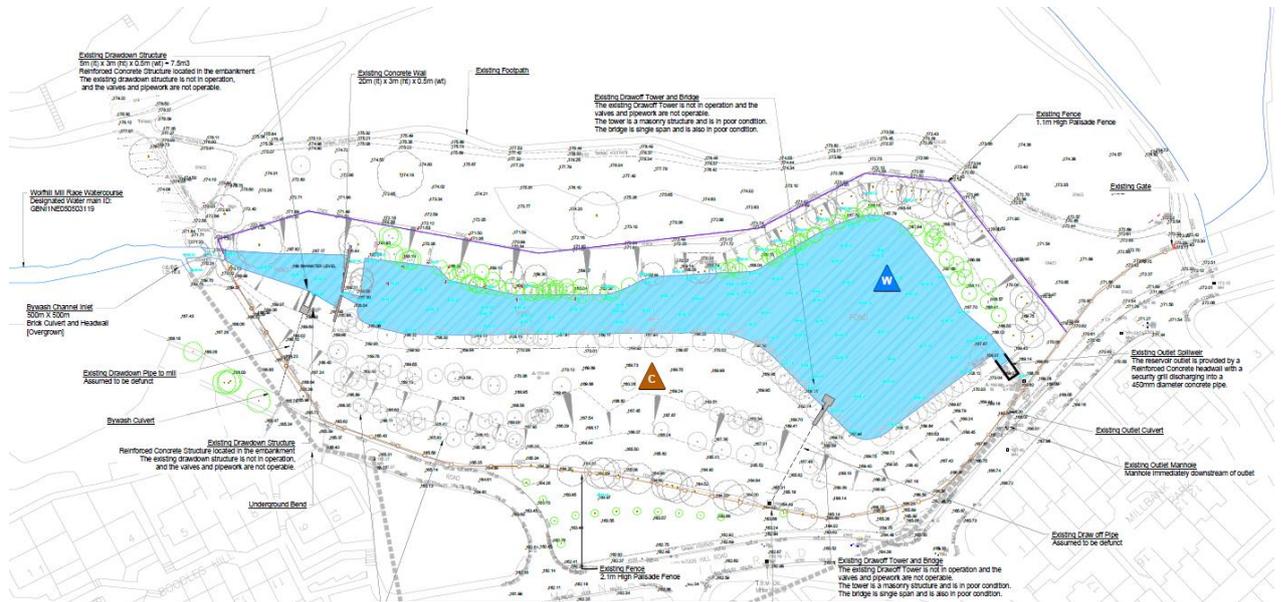
It is recommended that the proposal is approved subject to the conditions as set out in the report with delegated authority for the Director of Planning and Building Control to finalise the wording of conditions.

# Case Officer Report

## Site Location Plan



## Existing layout



## Proposed layout



### 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

### Characteristics of the Site and Area

#### 1.0 Description of Proposed Development

Works to allow the decommissioning of Boodle's Dam maintaining the existing water levels; including earthworks to reduce the existing dam embankment; re-profiling of the adjacent land; removal of existing structures (concrete wall, draw off towers, bridge); formalising the inlet and outlet arrangements; landscape improvements to allow for integration into the Ligoniel Park and all associated works.

#### 2.0 Description of Site

The application site is 2.11 ha of land, located off the Mountain Hill Road approximately 6km North West of Belfast City Centre. The application site includes lands at Boodle's Dam, following the Wolfhill Mill Race watercourse, extending to the intersection with the Ligoniel River. The site is surrounded by fencing and contains a large number of mature trees, and is mostly overgrown and inaccessible. The application site is bounded to the south by a residential area, and to the north there is a large-scale active limestone quarry and a landfill site. Boodle's Dam is currently not in use for private or public water supply and the proposed development will allow for decommission and integration into the wider Ligoniel Park area. Under the Reservoirs Act, BCC has a requirement to carry out the safety works as recommended in a recent Section 10 safety report (November 2013) carried out on the dam. The safety report identified a series of issues, including the unstable nature of the ground above the dam itself and its risk of slippage. The Section 10 report recommended as a matter in the interest of safety that the dam be decommissioned either by abandonment or discontinuance.

2.1 The site is identified as an Area of Existing Open Space, a local landscape policy area (LLPA), and site of local nature conservation importance (SLNCI), as designated within both (Draft) Belfast Metropolitan Area Plan (BMAP) 2015, and 2004. The site is identified within the Belfast Urban Area Plan 2001 (BUAP) as Lands reserved for Landscape, Amenity or Recreation use.

## **Planning Assessment of Policy and Other Material Considerations**

### **3.0 Site History**

There is no relevant planning history on the site. Since this proposal falls under the category of Major Development however, Pre Application Community Consultation was carried out under the planning reference LA04/2019/2301/PAN. Feedback given was positive from the public with 100% of responses stating they were supportive of the proposal.

### **4.0 Policy Framework**

4.1 (Draft) Belfast Metropolitan Area Plan (BMAP) 2015 and Belfast Urban Area Plan 2001 (BUAP)

4.2 Strategic Planning Policy Statement (SPPS)

4.3 Planning Policy Statement (PPS) 2: Natural Heritage

4.4 Planning Policy Statement (PPS) 3: Access, Movement and Parking

4.5 Planning Policy Statement (PPS) 6: Planning, Archaeology and the Built Heritage

4.6 Planning Policy Statement (PPS) 8: Open Space, Sport and Recreation

4.7 Planning Policy Statement (PPS) 15: Planning and Flood Risk

### **5.0 Statutory Consultees Responses**

5.1 DFI Roads Service – No objection subject to conditions

5.2 NI Water – No objection

5.3 HED Historic Monuments – No objection subject to conditions

5.4 DAERA Environment, Marine & Fisheries Division – No objection

5.5 DAERA Water Management & Inland Fisheries – No objection

5.6 DAERA Drinking Water Inspectorate – No objection

5.7 DAERA Regulation Unit – No objection subject to conditions

5.8 DAERA Natural Environment Division – No objection subject to conditions

5.9 DFI Rivers Agency – No objection

### **6.0 Non Statutory Consultees Responses**

6.1 Belfast City Council (BCC) Environmental Health - No objection subject to conditions

6.2 Belfast City Council (BCC) Tree Officers - No objection subject to conditions

6.3 Belfast City Council (BCC) Landscape and Recreation - No objection

6.4 Shared Environmental Services – No objection

6.5 Defence Infrastructure Organisation – No objection

### **7.0 Representations**

7.1 The application has been neighbour notified and advertised in the local press. No comments have been received.

### **8.0 Other Material Considerations**

8.1 Parking Standards

### **9.0 Assessment**

9.1 Following the Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given

the advanced stage at which Draft BMAP had reached it is considered to hold significant weight (save for policies around Sprucefield which remain contentious). The site is identified as an Area of Existing Open Space, a Local Landscape Policy Area (LLPA), and Site of Local Nature Conservation Importance (SLNCI), as designated within both (Draft) Belfast Metropolitan Area Plan (BMAP) 2015, and 2004. The site is identified within the Belfast Urban Area Plan 2001 (BUAP) as lands reserved for Landscape, Amenity or Recreation use. The site is in the vicinity of archaeological monuments (ANT060: 057; ANT056: 039 and ANT056: 023) and also is within Ligoniel Park (AN-170).

9.2 The proposed development is for works to allow the decommission of Boodle's Dam maintaining the existing water levels; including earthworks to reduce the existing dam embankment; re-profiling of the adjacent land; removal of existing structures (concrete wall, draw off towers, bridge); formalising the inlet and outlet arrangements; landscape improvements to allow for integration into the Ligoniel Park and all associated works. The proposal when submitted originally included an intersection weir, but due to concerns raised by DAERA Water Management and Inland Fisheries it was omitted from the scheme.

9.3 The key issues are:

- principle of use on the site
- design and layout
- impact on natural heritage
- access, movement, parking and transportation, including road safety
- impact on built heritage
- flood risk
- landscaping
- other environmental matters

#### 9.4 Principle of use on the site

The site is within the development limits of Belfast in BUAP, Draft BMAP and the version of BMAP purported to be adopted. As stated previously the site is identified as an area of existing open space and OS 1 of PPS 8 states there is a general presumption against the loss of open space to competing land uses. Annex A of PPS 8 defines 'open space' and a range of uses that are of public value and offer important opportunities for sport and outdoor recreation. The existing use of the site falls within A2 (vi) of Annex A as natural and semi natural urban green space, open water. The proposed development does not represent a change of use, especially since the dam is currently not in use. It is considered that the proposal will represent a more productive use of the site, fulfilling a need in the area integrating it into Ligoniel Park, promoting health and well-being in the area subject to the consideration and resolution of planning and environmental matters.

#### 9.5 Design and layout

The proposal includes discontinuing the reservoir and dam structure, and reintegrating the pond and open space back into Ligoniel Park. The pond area itself will be opened up with pathways along the south of the site, allowing safe access to the pond area. The pathway which will include two benches and access to a viewing platform. A comprehensive landscaping scheme is proposed, as well as wetland planting, acting as a water edge deterrent and increasing bank stability. A bird roost (2m by 1m) is proposed of the centre of the pond, which will provide additional habitat for birds and wildlife, complementing the application site's SLNCI designation encouraging biodiversity.

9.6 The capacity of the existing dam will be greatly reduced to 4422 cubic metres, fulfilling the required safety objective. Reduction of the embankment requires the removal of material, which will then be reused during landscaping and re-profiling.

### **9.7 Impact on natural heritage**

A Preliminary Ecological Appraisal (PEA), Landscape Management and Maintenance Plan, a Tree Potential Roost Feature (PRF) Inspection for bats, and Tree Survey were submitted and assessed. DAERA, Natural Environment Division (NED) were consulted regarding any potential impact the proposal could cause on any natural heritage features on or surrounding the site. NED initially raised a concern regarding a lack of plans showing retention and restoration of habitats ensuring no net loss of biodiversity for the site. The Agent submitted the requested additional information and NED confirmed they were satisfied that the additional information addressed their concerns. NED has no objection subject to conditions should approval be granted.

9.8 DAERA, Environment, Marine and Fisheries Group were also consulted and responded on 6<sup>th</sup> August 2020 confirming they had no objections to the proposal, as did Shared Environmental Services on 25<sup>th</sup> August 2020.

### **9.9 Access, movement, parking and transportation, including road safety**

The proposal includes two RADAR pedestrian self-closing 'kissing gates' (RADAR stands for the Royal Association for Disability and Rehabilitation) which also allow access for bicycles, and some path maintenance equipment. One is to the East of the site and the other is to the West. The design inhibits access for motorcycles or scramblers however. There are no vehicular accesses proposed for the site, with the exception of a temporary one for the period of construction off Mountain Hill Road. No parking has been proposed and it is considered that there will be no greater number of visitors to the site than that of Ligoniel Park already. A Transport Assessment Form was submitted and assessed by DfI Roads and they have no objections subject to conditions.

### **9.10 Impact on Built Heritage**

The application site is located within 1km of three recorded archaeological sites, (ANT060: 057 as the closest; ANT056: 039 and ANT056: 023). The site is located within a historic park also, Ligoniel Park (AN-170). HED Historic Monuments were consulted with an Archaeological Impact Assessment. HED have no objections subject to conditions.

### **9.11 Flood Risk**

Policies FLD 1, FLD 3 and FLD 4 of PPS 15 apply to this proposal. A Flood Risk Assessment and Drainage Assessment were submitted with the application and DfI Rivers Agency was consulted. Rivers Agency responded confirming they had no objections to the proposal in relation to Policies FLD 1 and 3 of PPS 15. Since the proposed development works are designed to reduce the capacity of Boodle's Dam it therefore removes the site from being subject to The Reservoirs Act (NI) 2015, and FLD 5 of PPS15 does not apply.

9.12 The proposed development includes the installation of a short length of culvert to provide a supply of water to the remaining pond in low flow conditions from the Ligoniel River. This culvert will serve as a flow control device. Since FLD 4 states an artificial modification of a watercourse will only be permitted in exceptional circumstances "where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action." DfI Rivers Agency raised concern regarding this aspect of the proposal. The Agent submitted additional information and whilst DfI Rivers Agency acknowledged that it provided justification for the proposed works and concluded that the culverting meets the exception circumstances, they emphasised the determination of such lay outside their remit.

9.13 Evidence was submitted showing the existing bypass culvert unsecured and overgrown, currently posing a Health and Safety risk. It is considered therefore, the proposed culverting works are necessary to provide a safety provision to resolve existing issues at the bypass channel and to provide suitable access for maintenance and clearing of debris for the new

headwall. To conclude there are no other reasonable or practicable alternatives to provide a means of flow control in this instance, and therefore the exception circumstances have been met. The proposal is therefore considered acceptable and complies with Policy FLD4 of PPS15.

#### **9.14 Landscaping**

There a large number of trees throughout the site of various height, health and species which appear to be unmaintained. A Tree Survey, landscaping plan, as well as Landscape Maintenance and Management Plan were submitted. The mature tree cover sited to the northern and southern boundary of the site is considered the most significant in terms of character and visual amenity, are to be protected and retained as part of the process. There are 17 extra heavy standard hazel tree to be planted to compensate for the removal of a group of willow trees in the middle of the site, adjacent to the reservoir itself. Willow is not considered an ideal species for public parks since it requires regular maintenance. Having consulted with BCC landscape officers and BCC Parks and Recreation Team they have no objections subject to standard conditions. They advise that the new planting will ensure visibility throughout the park is maintained and 'hidden areas' are not created where anti-social behaviour could occur.

#### **9.15 Other Environmental Matters**

As part of the original submission a Construction Environmental Management Plan (CEMP) was submitted. DAERA Water Management Unit and Inland Fisheries expressed concern regarding a number of elements. This included the proposed method of oil/fuel storage on site; proposed works related to the culverting of the river; and reporting of environmental incidents. Inland Fisheries expressed fundamental concern relating to the originally proposed intersection weir, and the effect the Abstraction Impoundment associated with its construction could have on the fish population. These concerns were addressed through the submission of an updated outline Construction Environmental Management Plan (oCEMP) and an accompanying statement from the Agent dated 18<sup>th</sup> September 2020, but also the omission of the proposed intersection weir. Upon reviewing the amended information DAERA Water Management Unit and Inland Fisheries offered no objections to the proposal subject to conditions.

9.16 There are no known historical potential sources of on-site contamination determined by the EIA Screening Document, evidence of localised fires (anti-social behaviour related) were detected during a site walkover which 'may present localised sources of contamination'. Having reviewed this, as well as the oCEMP both BCC Environmental Health and DAERA Regulation Unit had no objections relating to the risk of contaminated land subject to conditions.

9.17 DAERA Drinking Water Inspectorate were content that the relevant scoping exercise, in order to establish if there are any Private Water supplies in the vicinity, was carried out as per the oCEMP, Planning Statement and Agent's response. They were content that the development is unlikely to have a significant impact on private water supplies, and offered no objections.

#### **10.0 Conclusion**

10.1 Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended for approval subject to conditions. The approved development will allow for more diverse recreational uses, promoting health and well-being to the surrounding area and enhancing the amenity of the dam and park. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.

**Neighbour Notification Checked:** Yes

**Summary of Recommendation:** Approval subject to conditions

## Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

3. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under Condition 2.

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

4. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 2. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing by the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

5. The access gradient shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

6. Following completion of the works, the access to the site from the public road shall be permanently closed off and the road reinstated to the satisfaction of the Department for Infrastructure.

Reason: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.

7. The development hereby permitted shall not commence until effective vehicle wheel washing facilities have been installed and brought into operation to the satisfaction of DfI Roads.

Reason: To prevent the carry-over of mud or debris onto the public road in the interests of road safety and convenience.

8. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Council in writing, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: Protection of human health.

9. Prior to the demolition/construction phase of the proposed development, a Construction Noise Management Plan and Construction Air Quality Management Plan (included within the Final Construction Environmental Management Plan) shall be submitted and agreed in writing by the Council. The Plans carried out in accordance with the agreed details during construction of the development.

Reason: The protection of residential amenity.

10. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.

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

11. After completing the remediation works under Condition 10 and prior to operation of the development, a Verification Report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. 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.

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

12. No tree felling or vegetation clearance, shall take place between the 1st of March and 31st of August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests in the trees/vegetation, immediately before works commence and provided written confirmation that no nests are present/birds will be harmed and there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

Reason: To protect breeding birds.

13. All soft landscaping works shall be carried out in accordance with the approved details on Landscaping Plan, Drawing Number xx, received on xx xx xx. The works shall be carried out prior to the completion of the proposal unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the

date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

Reason: In the interests of the character and appearance of the area.

14. Prior to any work commencing all protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified within the submitted Tree Survey and Report and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site. Please notify council once fencing is erected for inspection prior to any site works commencing.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.

15. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by Belfast City Council.

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

16. If roots are accidentally damaged the tree council must be notified and given the opportunity to inspect the damage before it is covered over.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees.

17. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction within the RPA of existing trees to be retained.