

Planning Response Team  
NIEA Lisburn  
17 Antrim Road  
Tonagh  
Lisburn BT28 3AL  
Telephone: 028 9056 9604

Date: 17 October 2024

Dear Sir/Madam,

**Planning Application Ref.:** LA04/2022/2103/F  
**Location:** 1 and 2 Duncrue Pass  
Belfast  
BT3 9BS.

**Proposal:**

Proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works.

Thank you for your consultation on the above which was received by the Department on 23/09/2024.

This letter provides a single combined response for your consultation request across all of DAERA's area of environmental responsibility. Summary comments in relation to the reason for consultation are provided in the table below at Annex A, and, where appropriate, more detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on DAERA's position with regard to other environmental matters. It is the responsibility of the planning authority to ensure that all risks to the environment and requirements under environmental legislation and planning policy have been considered.

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This advice and guidance will enable you to identify and consider if there are other potential risks to the environment due to impacts from the construction and operation of the proposed development and also its location.

In addition, we would also refer you to DAERA's published advice and guidance on development proposals where there is potential for effects on the natural and marine environments and fisheries interests, available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planning>.

As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

**Planning Response Team**

**On behalf of DAERA**

**Email: [planningresponse.team@daera-ni.gov.uk](mailto:planningresponse.team@daera-ni.gov.uk)**

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## Annex A

Advice Provided By:	Summary
<b>Natural Environment Division</b>	NED have taken account of the potential risk associated with the effects from air pollution on designated sites. The Air Pollution Advisory Framework has been followed and indicates that the proposal represents a low risk to the qualifying features for which the sites have been designated.

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**Section Reference:** CB3374-5

**Planning Reference:** LA04/2022/2103/F

### **Summary statement**

Following the [Call for Evidence](#) on the 'Future Operational Protocol to Assess the Impacts of Air Pollution on the Natural Environment' (2023), a new assessment approach has been developed.

This approach is based on the concepts detailed within the [Decision Making Threshold \(DMT\) project](#), commissioned by the Joint Nature Conservation Committee (JNCC).<sup>1</sup> This recommends thresholds based on the best available scientific information and modelling.

NED have taken account of the potential risk associated with the effects from air pollution on designated sites. The Air Pollution Advisory Framework has been followed and indicates that the proposal represents a low risk to the qualifying features for which the sites have been designated.

### **Considerations**

The application site is within 7.5km (NH<sub>3</sub>) and 8km (NO<sub>x</sub>) to the following nationally, European and internationally designated sites:

- Belfast Lough Ramsar, which is designated under the Convention on Wetlands of International Importance, Ramsar 2.2.1971 (as amended);
- Belfast Lough SPA and Belfast Lough Open Water SPA, which are designated under the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora);
- Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, Belvoir ASSI, Bellevue ASSI and Craigtantlet Woods ASSI, which are declared under the Environment Order (Northern Ireland) 2002

#### National Site Network considerations

In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), the Competent Authority must assess how these works, either alone or in combination, are likely to have a significant effect on the National site network sites and their selection features.

### **Explanatory note**

NED has considered the proposal and highlights the following as potential impacts on the designated sites;

#### Designated Site Considerations

In line with DAERA's advisory framework, NED will consider and provide advice on the potential impact of proposals both alone which are assessed against the *De-minimis* Threshold (DMT) and Site Relevant Threshold (SRT) and if required, in combination with other relevant plans and projects on the designated site network.

The applicant has submitted a Technical Memorandum (dated 13/09/2024) which addresses NED's previous consultation response. Tables 1, 2 and 6 detail the modelled ammonia concentration, NO<sub>x</sub>

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<sup>1</sup> [Guidance on Decision-making Thresholds for Air Pollution | JNCC Resource Hub](#)

## Natural Heritage & Conservation Areas

concentration and nitrogen deposition, i.e. the Process Contribution (PC), from the proposal at the designated sites which are within 7.5 km of the proposal.

For each of these sites the PCs do not exceed the Site Relevant Threshold (SRT) for NH<sub>3</sub> concentration. Although the PCs for Inner Belfast Lough ASSI and Belfast Lough SPA/Ramsar exceed the SRT for Critical Load (CL), both PCs do not exceed the Test of Likely Significance threshold (ToLS) for CLs when considered in-combination with other plans/projects. Annex 1 below provides the results of the Air Pollution Decision and Advisory Framework Assessment on all sites within 7.5km of the proposal for NH<sub>3</sub> concentration and Nitrogen Deposition.

The PCs for Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, Belfast Lough SPA/Ramsar and Belfast lough Open Water SPA exceed the ToLS threshold for NO<sub>x</sub> concentration on their own. However, the background NO<sub>x</sub> concentration does not exceed the NO<sub>x</sub> Critical Level (CL<sub>e</sub>) at the nearest receptor location for each of these designated sites. The Predicted Environmental Concentrations (PECs) for each of these sites were <70% and therefore meet the thresholds within the advisory framework. The rest of the designated sites have PCs which do not exceed the SRT for NO<sub>x</sub> concentration.

Bellevue ASSI has been designated for its earth science features. It is considered, due to the nature of these features, that it is unlikely to be affected by nitrogen emissions from the proposal.

NED note that an incorrect CL<sub>e</sub> of 3µg/m<sup>3</sup> has been applied to Belvoir ASSI (should be 1µg/m<sup>3</sup>). NED also note that Belfast Lough SPA/Ramsar overlaps with Inner Belfast Lough ASSI at the nearest location to the proposal. NED has therefore applied the PCs for Inner Belfast Lough ASSI to Belfast Lough SPA/Ramsar.

NED advises that under the Air Pollution Decision and Advisory Framework, there are no air quality concerns with the proposal.

There is no significant hydrological connection to any designated site, however NED refer to the standing advice for the water environment below for consideration.

The Planning Authority should note that NED's response is based on the implementation of mitigation measures. It is the role of the competent authority to test the efficacy of these measures through Appropriate Assessment, as set out in the CJEU Ruling on the use of mitigation measures in HRA (Case C-323/17).

### Other Natural Heritage Concerns

NED has no further comment to make on the impacts to the natural heritage features not already associated with the designated sites.

Please see last consultation response (dated 3 May 2024) regarding NEDs position.

### **Informative**

The applicant is referred to standing advice to protect hydrological connections to designated sites from pollution: [Standing advice for the water environment](#)

Note, revised Standing Advice to inform the assessment of air quality impacts on the natural environment will be finalised and uploaded onto the DAERA website as soon as possible.

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Annex 1 - Air Pollution Decision and Advisory Framework Assessment (NH<sub>3</sub> and Critical Loads)

Designated Site	PC for NH <sub>3</sub> CLe (µg/m <sup>3</sup> )	PC for CL (Kg/ha/yr)	NH <sub>3</sub> PC (CLe) (%)	<i>De-minimis</i> Threshold				Site Relevant Threshold		In combination Assessment	
				DMT of CLe (%)	DMT of CL 0.0093 kg N/ha/yr OR 0.013kg N/ha/yr	Exceeds DMT for NH <sub>3</sub> CLe of 0.08% ?	Exceeds DMT of CL 0.0093 kg N/ha/yr OR 0.013kg N/ha/yr?	Exceeds SRT for NH <sub>3</sub> CLe 0.75% ?	Exceeds SRT for CL 0.088kg N/ha/yr OR 0.13kg N/ha/yr?	≥ ToLS threshold of 1% NH <sub>3</sub> CLe?	≥ ToLS threshold for CL of 0.12kg N/ha/yr OR 0.17kg N/ha/yr?
Outer Belfast Lough ASSI	0.0135	0.086	0.45%	0.08%	0.0093	Yes	Yes	No	No	N/A	N/A
Belfast Lough Open Water SPA	0.0135	0.086	0.45%		0.0093	Yes	Yes	No	No	N/A	N/A
Belfast Lough SPA/Ramsar	0.0155	0.099	0.517%		0.0093	Yes	Yes	No	Yes	N/A	No
Inner Belfast Lough ASSI	0.0155	0.099	0.517%		0.0093	Yes	Yes	No	Yes	N/A	No
Belvoir ASSI	0.0009	0.01	0.09%		0.013	Yes	No	No	No	N/A	N/A
Bellevue ASSI	0.0032	N/A	0.107%		0.0093	Yes	N/A	No	N/A	N/A	N/A
Craigantlet Woods ASSI	0.0011	0.01	0.037%		0.013	No	No	No	No	N/A	N/A

**Acronym or Term**

NH<sub>3</sub> – Ammonia  
 NO<sub>x</sub> – Nitrogen oxides  
 PC – Process Contribution  
 CLe – Critical Level  
 CL – Critical Load  
 µg/m<sup>3</sup> – micrograms of pollutant per cubic metre  
 Kg N/ha/yr – Kilograms of Nitrogen per Hecter per Year

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DMT – *De-minimis* Threshold  
 SRT – Site Relevant Threshold  
 ≥ - Greater than or equal to  
 ToLS – Test of Likely Significance  
 N/A - Not Applicable i.e. no Air Pollution Information System (APIS) data available or assessment against threshold not required

**Applications/PPCs used to determine SRT**

Planning Application ID/Agricultural IPRI site PPC Name and number	Between 2017-2023, below DMT of 0.08% (NH <sub>3</sub> concentration)
LA04/2022/2103/F – This application	N/A
LA04/2017/0878/F	No
P0310/09A N I Water Ltd	No
P0485/15A MacWill Services	No
P0307/09A Renewable Power Systems (Dargan Road) Ltd	No
P0434/13A Coastal Clear Water Limited	No
PPC0002/08B PUMA ENERGY BELFAST LTD	No
P0565/17A Belfast Power Ltd.	No
P0446/14A Full Circle Generation Ltd.	No
PPC0019/08B Charles Tennant & Co (NI) Ltd	No
P0139/06A Clinty Regen Ltd	No
P0135/06A Bombardier Aerospace	No
PPC0006/08B NuStar Terminals Ltd	No
P0483/15A Clearway Disposals Ltd	No
P0001/03A Harland & Wolff	No
P0465/14B Euro Aggregates Ltd.	No
P0081/05A Veolia Water Outsourcing Limited	No
P0405/12B Larsen Building Products	No
P0102/05A United Feeds Limited	No
P0100/05A John Thompson and Sons Ltd	No
P0161/07A Irish Waste Services Ltd	No
P0124/06A Tennants Textile Colours Limited	No
P0084/05A The Royal Group of Hospitals	No

**Applications/PPCs considered for in-combination**

Planning Application ID/Agricultural IPRI site PPC Name and number	Applications above SRT, below ToLS and after January 2021
<b>In-combination assessment for Inner Belfast Lough ASSI and Belfast Lough SPA/Ramsar CLs</b>	
LA04/2022/2103/F – This application	Yes
LA04/2017/0878/F	No
T/2014/0114/F	No
P0156/06A Anderson Haulage Ltd	No
P0063/04A Diageo Baileys Global Supply - Belfast	No
P0460/14A Indaver (NI) Ltd	No
P0345/10A Anderson Haulage Ltd	No
PPC0168/08B AFBI - Veterinary Science Division	No
P0098/05A Diageo Global Supply IBC Group	No
P0239/07A N I Water Ltd	No
P0310/09A N I Water Ltd	No
P0485/15A MacWill Services	No
P0307/09A Renewable Power Systems (Dargan Road) Ltd	No

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P0434/13A Coastal Clear Water Limited	No
PPC0002/08B PUMA ENERGY BELFAST LTD	No
P0565/17A Belfast Power Ltd.	No
P0446/14A Full Circle Generation Ltd.	No
PPC0019/08B Charles Tennant & Co (NI) Ltd	No
P0139/06A Clinty Regen Ltd	No
P0135/06A Bombardier Aerospace	No
PPC0006/08B NuStar Terminals Ltd	No
P0483/15A Clearway Disposals Ltd	No
P0001/03A Harland & Wolff	No
P0465/14B Euro Aggregates Ltd.	No
P0081/05A Veolia Water Outsourcing Limited	No
P0405/12B Larsen Building Products	No
P0102/05A United Feeds Limited	No
P0100/05A John Thompson and Sons Ltd	No
P0161/07A Irish Waste Services Ltd	No
P0124/06A Tennants Textile Colours Limited	No
P0084/05A The Royal Group of Hospitals	No

Annex 2 - Air Pollution Decision and Advisory Framework Assessment (NO<sub>x</sub>)

Designated Site	PC for NO <sub>x</sub> CLe (µg/m <sup>3</sup> )	NO <sub>x</sub> PC (CLe) (%)	De-minimis Threshold		Site Relevant Threshold	In-combination Assessment
			DMT of CLe (%)	Exceeds DMT for NO <sub>x</sub> CLe of 0.05%?		
Outer Belfast Lough ASSI	0.16	0.533%	0.05%	Yes	Yes	Yes
Belfast Lough Open Water SPA	0.16	0.533%		Yes	Yes	Yes
Belfast Lough SPA/Ramsar	0.19	0.633%		Yes	Yes	Yes
Inner Belfast Lough ASSI	0.19	0.633%		Yes	Yes	Yes
Belvoir ASSI	0.01	0.033%		No	No	N/A
Bellevue ASSI	0.04	0.133%		Yes	No	N/A
Craigantlet Woods ASSI	0.01	0.033%		No	No	N/A
<b>Acronym or Term</b> NH <sub>3</sub> – Ammonia NO <sub>x</sub> – Nitrogen oxides PC – Process Contribution CLe – Critical Level CL – Critical Load						



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$\mu\text{g}/\text{m}^3$  – micrograms of pollutant per cubic metre

Kg N/ha/yr – Kilograms of Nitrogen per Hecter per Year

DMT – *De-minimis* Threshold

SRT – Site Relevant Threshold

$\geq$  - Greater than or equal to

ToLS – Test of Likely Significance

N/A - Not Applicable i.e. no Air Pollution Information System (APIS) data available or assessment against threshold not required

### **Applications/PPCs considered for in-combination**

<b>Planning Application ID/Agricultural IPRI site PPC Name and number</b>	<b>Applications above SRT, below ToLS and after January 2021</b>
In-combination assessment for Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, Belfast Lough SPA/Ramsar and Inner Belfast Lough Open Water SPA NO <sub>x</sub> CLes	
LA04/2022/2103/F – This application	Yes – exceeds ToLS on its own