

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 23 February 2016	
Application ID: LA04/2015/1605/F	
Proposal: Film studios complex comprising production, studio and workshop buildings, associated service yards, car parking, access to service roads under construction (Z/2014/1279/F), landscaping and ancillary works	Location: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility) adjacent to Belfast Lough Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's park with access from Dargan Road)
Referral Route: Major Application and BCC interest in the lands	
Recommendation:	Approval
Applicant Name and Address: Belfast Harbour Harbour Office Corporation Square Belfast BT1 3AL	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Executive Summary:</p> <p>Full planning permission is sought for a film studio complex comprising production, studio and workshop buildings, associated service yards, car parking, access to service roads under construction (Z/2014/1279/F), landscaping and ancillary works including 3No stand alone transformer compounds, a security hut and proposed headwall.</p> <p>The site is located within the development limits of Belfast Metropolitan Area Plan (BMAP) within Zoning BHA 05 Mixed Use Site North Foreshore. The site is adjacent to a National Designated Site (Inner Belfast Lough Area of Special Scientific Interest); 2No European Designated Sites (Belfast Lough Special Protection Area (SPA) and Belfast Lough Open SPA; and, an International Designated Site Belfast Lough Ramsar Site</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • Proposed Use at this Location; • Scale, Massing & Design; • Landscape & Visual; • Natural Heritage & Conservation; • Contaminated Land and Ground Conditions; • Habitat Regulations Assessment; • Traffic, Movement and Parking; • Amenity; • Economic Benefits; • Pre-Community Consultation; <p>It is considered that the proposal conforms in principle with Zoning BHA 05 of the development plan.</p>	

Given the overall size of the site within North Foreshore and the industrial / commercial nature of the immediate surrounding context it is considered that the design, scale and layout of the proposed scheme are considered to be acceptable.

The proposed development is consistent with the existing character of the Harbour Estate and no significant landscape impacts have been predicted.

NIEA: Natural Environment Division advise that the proposal is acceptable and any potential negative impacts can be dealt with and appropriately mitigated by using planning conditions. It is considered that the proposal therefore complies with the relevant policy requirements of PPS 2.

NIEA: Waste Management advise that the environmental site situation is understood with landfill waste and leachate underlying the site. The on-going site investigations have proven the ground conditions and natural protection mitigating the risks of vertical migration of leachate from the development area to Belfast Lough. Provided these natural and artificial barriers are not compromised by the development the potential risks to environmental receptors should be manageable. Waste Management has no objection to the development provided negation conditions and informatives are added as detailed below.

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Shared Environmental Service concluded that having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned as set out below, the proposal will not have an adverse effect on site integrity of any European site.

In relation to ground gas protection measures Environmental Services Department have recommended that the proposal incorporates gas protection measures that satisfy the requirements for Characteristic Situation 6 (CS6) as detailed within CIRIA publication C665 'Assessing Risks Posed by Hazardous Ground Gases to Buildings'. This would ensure the maximum gas protection measures for any future development on the site.

Environmental Services Department state that in the absence of a suitable quantitative risk assessment and remediation strategy and the event that Council decide to grant planning permission for the development subject to conditions.

The proposal would not have a significant impact on flood risk, drainage and the sewerage system. The proposed scheme is therefore considered acceptable in accordance with Policy FLD 3 of PPS 15 and the SPPS with respect to flood risk, drainage, sewerage and climate change.

The nearest residential properties are located approximately 750 metres from the proposed development. Environmental Service Department has offered no objection regarding amenity to the proposal subject to conditions and informative detailed below.

The project has an overall estimated value of £12-14 million. It will create and support hundreds of jobs during construction and operation phases. Having considered the contribution to the local economy that a film studio would bring it is considered on balance that such a proposal would not conflict with any relevant policy detailed in PPS 4.

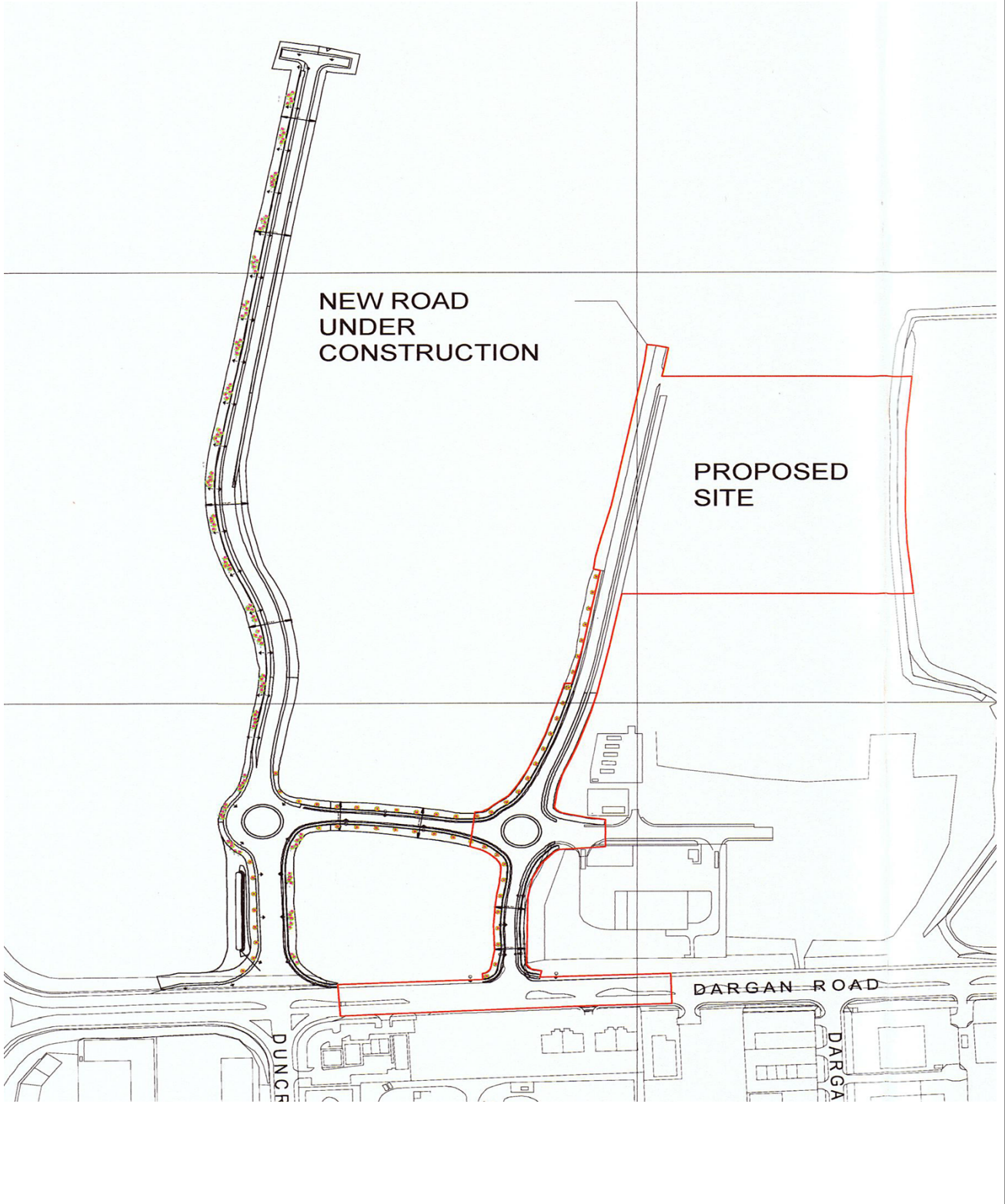
The Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to the consult the community in advance of submitting an application.

Recommendation

Approve subject to conditions set out in the case officer report.

Case Officer Report

Site Location Plan





Characteristics of the Site and Area

1.0 Description of Proposed Development

Full planning permission is sought for a film studio complex comprising production, studio and workshop buildings, associated service yards, car parking, access to service roads under construction (Z/2014/1279/F), landscaping and ancillary works including 3No stand alone transformer compounds, a security hut and proposed headwall.

2.0 Description of Site

The area of the site is 6.58 hectares and was formerly used as a landfill site.. The landfill site was closed in March 2007 and was subject to capping following completion of landfill operations on the area.

The site is part of the North Foreshore Giant's Park lands. The wider site has been landscaped in the interim years with land directly south of the application site developed for a Belfast City Council Waste Electrical and Electronic Equipment (WEEE) transfer station and a (landfill) gas powered electricity generating turbine complex. The site is currently under further development through the ongoing construction of the road network to enable development across the site.

The application site is on low-lying and level ground and is located immediately adjacent to Belfast Lough. The area to the north of the site is described as the northern zone of North Foreshore and is the area of most recent cessation of landfill operations. This area of land slopes upwards to the north. The area to the south and east of the subject site consists of industrial and commercial buildings that contrast to the dominant residential use west of the M2 / Shore Road. There is an established woodland strip along the western North Foreshore boundaries which provides a landscape buffer and protection from the Motorway.

Planning Assessment of Policy and Material Considerations	
3.0	<p>Planning History</p> <p>Z/2000/0051/F- Provision of essential interim capacity for disposal of controlled (including special) waste at the Dargan Road (North Foreshore) Landfill Site by revision and elevation of the surface profile to complete the planned final closure of the site- Approved 14.05.2001</p> <p>Z/2003/2694/F- Composting Facility for green waste with associated reception area, office and amenity block, parking, security fence, landscaping and access off existing road- Approved 11.08.2004</p> <p>Z/2004/1294/F- Application to infill land with excavation and demolition materials for land reclamation purposes- Approved 08.02.2005</p> <p>Z/2006/1545/F- Provision of management system for landfill gas, comprising capping, installation of gas abstraction wells and pipework (gas to be drawn off to be flared at a nearby existing facility), surface-water drainage, site access road and foul sewerage- Approved 30.08.2007</p> <p>Z/2008/2289/Q - North Foreshore Comprehensive Masterplan (CMP) - DOE Planning Service confirmed (by correspondence dated 15 January 2010) support of the principles and objectives underpinning the Comprehensive Masterplan dated September 2009. The general mix and location of proposed land uses are considered to be in conformity with the objectives are set out in the Masterplan.</p> <p>Z/2014/1279/7 - Provision of new upgrade of existing roads infrastructure and associated site capping together with associated landscaping and site works - Lands of the former Dargan Road landfill site to the north of Dargan Road, Belfast - Approved - 24 April 2015.</p> <p>LA04/2015/0739/F - Application for Variation of Condition No. 5 of Z/2014/1279/F from The development hereby approved shall not be commenced until details of the signalised junction have been submitted to and approved by the Department. These details must be in accordance with the Design Manual for Roads and Bridges to 1. The development of the proposed signalised junction onto Dargan Road shall not be commenced until details of the junction have been submitted to and approved by Belfast City Council - Lands of the former Dargan Road land fill site to the north of Dargan Road Belfast - Application under consideration</p>
4.0	Policy Framework
4.1	<p>Belfast Metropolitan Area Plan 2015</p> <p>Zoning BHA 05 - Mixed Use Site North Foreshore COU 3 - BMA Coastal Area COU9 - Area of Constraint on Mineral Development</p> <p>The application site is adjacent to National, European and International Designated Sites:</p> <p>Inner Belfast Lough ASSI which is declared under the Environment Order (Northern Ireland) 2002;</p>

	Belfast Lough SPA and Belfast Lough Open Water SPA, both of which are designed under the EC Bird Directive (79/409/EEC on the conservation of wild birds); and, Belfast Lough Ramsar Site which is designated under the Ramsar Convention.
4.2	Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2: Natural Heritage Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 3 (Clarification): Access, Movement and Parking Planning Policy Statement 4: Planning and Economic Development Planning Policy Statement 13: Transportation and Land Use Planning Policy Statement 15 (Revised): Planning and Flood Risk
5.0	Statutory Consultees
	Transport NI - No objection subject to conditions and informatives Rivers Agency - No objection subject to informatives Northern Ireland Water Ltd - No objection subject to informatives NIEA Marine Division - No objection subject to conditions and informatives NIEA Water Management Unit - No objection subject to conditions and informatives NIEA Waste Management - No objection subject to conditions and informatives NIEA Natural Heritage and Conservation Areas - No objection subject to conditions and informatives
6.0	Non-Statutory Consultees
	Shared Environment Service - No objection subject to conditions and informatives Environmental Health - No objection subject to conditions and informatives City & Neighbourhood Services - No objection Belfast City Airport – No objection
7.0	Representations
	The application has been neighbour notified and advertised in the local press. No representations have been received.
8.0	Other Material Considerations
	Local Government Waste Storage Guide for Northern Ireland DCAN 15: Vehicular Access Standards
9.0	Environmental Impact Assessment
9.1	Significantly this application was subject to a Pre-Application Discussion LA04/2015/1085/PAD. An Environmental Impact Assessment (EIA) Determination was carried out at PAD stage to determine if the proposed development would or would not be an EIA development. Informed by a number of consultees it was concluded that the environmental effects of a film studio at this location would be unlikely to be significant.
9.2	A further EIA determination was carried out following the submission of the application. This was informed by previous consultation responses at PAD stage and also in discussion with Environmental Services Department regarding the incorporation of gas protection

	<p>measures that satisfy the requirements for Characteristic Situation 6 (CS6) as detailed within CIRIA publication C665 'Assessing risks posed by hazardous ground gases to buildings'. Based on the requirement that the proposal incorporates gas measures that satisfy the requirements for a CS6 build which would ensure the maximum gas protection measures for any future development on site it was determined that the development would not be an EIA development.</p>
10.0	Assessment
10.1	<p>The site is located within the development limits of Belfast Metropolitan Area Plan (BMAP) within Zoning BHA 05 Mixed Use Site North Foreshore. The site is adjacent to a National Designated Site (Inner Belfast Lough Area of Special Scientific Interest); 2No European Designated Sites (Belfast Lough Special Protection Area (SPA) and Belfast Lough Open SPA; and, an International Designated Site Belfast Lough Ramsar Site.</p>
10.2	<p>The North Foreshore was operated as a landfill site between 1973 and 2007 and the 340 acre site was developed on areas progressively claimed from the sea northward from Dargan Road. In 1981 Belfast City Council ceased landfill operations on the southern section of the site. Waste Landfill tipping continued in the northern section of the site until March 2007. The subject site is located in the southern portion of the North Foreshore site. Given the nature of the site there are a number of environmental matters that are considered throughout the assessment of this application.</p>
10.3	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - Proposed Use at this Location; - Scale, Massing & Design; - Landscape & Visual; - Natural Heritage & Conservation; - Contaminated Land and Ground Conditions; - Habitat Regulations Assessment; - Traffic, Movement and Parking; - Amenity; - Economic Benefits; - Pre-Community Consultation;
10.4	<p>The Strategic Planning Policy Statement (SPPS) sets out five core planning principles including improving health and well-being; creating and enhancing shared space; supporting sustainable economic growth; supporting good design and positive place making; and preserving and improving the built and natural environment.</p>
10.5	<p>Given the location of the site within the development limits the presumption is therefore in favour of development subject to planning and environmental considerations detailed below.</p> <p><u>Proposed Use at this Location</u></p>
10.6	<p>The site is within Zoning BHA 05 Mixed Use Site North Foreshore. A number of key site requirements (KSR) forms part of this mixed use zoning. KSR 1 states that development at this location shall only include uses such as: waste management and recycling facilities; port and port-related land uses; class B1: business (b) call centres and (c) research and development; class B2: light industrial use; class B3: general industrial use; class B4: storage or distribution use; and open space and associated facilities. It is considered that</p>

	a film studio with associated production and workshops fall within Class B2: Light Industry and complies with identified uses considered to be suitable at this location.
10.7	KSR 2 states that development of the site shall only be permitted in accordance with an overall comprehensive masterplan to be agreed with the Department. The Comprehensive Master Plan was agreed by DOE Planning Service under reference Z/2008/2289/Q by correspondence dated 15 January 2010. This Masterplan recommended waste management facilities in the area subject to the current application. The Masterplan also promoted economic development on the site. It is considered that the proposal complies with the overall aspiration of the Masterplan to seek the regeneration and development of this site.
10.8	KSR 3 states that development proposals shall be required to provide appropriate protection of habitat biodiversity in the adjacent international and national designated natural heritage sites. A Landscape and Visual Impact Assessment; a Preliminary Ecological Assessment; a Habitats Regulations Assessment Screening Statement; and an Outline Construction Phase Environmental Management Plan have been submitted in support of the application. These matters are considered below in paragraphs 10.27 to 10.28.
10.9	KSR 4 states that access shall be from Dargan Road. The access arrangements and principal internal road network for North Foreshore have been granted planning permission (Z/2014/1279/F) and are currently under construction.
10.10	KSR 5 states that a Transport Assessment agreed with Transport NI shall be required. A Scoping Study; a Service Management Plan; a Travel Plan; a Transport Assessment Form; and a Transport Statement have all been submitted in support of this application. These matters are considered at paragraphs 10.51 to 10.58.
10.11	In addition, reference is made to the submission of a comprehensive landscaping scheme. A planting plan has been submitted as part of the planning application and is considered at paragraph 10.28.
10.12	It is considered that the proposal conforms in principle with Zoning BHA 05 of the development plan.
10.13	PPS 4: Planning and Economic Development sets out planning policies for economic development uses. It recognises that the planning system has a key role to play in achieving a vibrant economy.
10.14	Policy PED 1 states that a development proposal for a Class B1 business use will be permitted in a city or town centre and in other locations that may be specified for such use in a development plan. Zoning BHA 05 of BMAP details Class B1: Business (b) call centres and (c) research and development; Class B2: Light Industrial Use; Class B3: General Industrial Use; and Class B4: Storage or Distribution Use as suitable uses at this location. A Film Studio falls within Class B2: Light Industry.
10.15	In considering proposals for economic development the Council will seek to minimise adverse effects on the amenities of adjacent properties, particularly dwellings, and on natural and built heritage resources. Particular care will be taken to safeguard local, national and international natural heritage designations. Policy PED 9 details general criteria for economic development that will be considered throughout this report.
10.16	Having considered the contribution to the local economy that a film studio would bring it is

	<p>considered on balance that such a proposal would not conflict with any relevant policy detailed in PPS 4.</p> <p><u>Scale, Massing and Design</u></p>
10.17	<p>The schedule of accommodation is broken down as follows:</p> <p>Film Studio - 6,780 square metres Production Building - 4,500 square metres Workshop One - 1,130 square metres Workshop Two - 1,130 square metres</p>
10.18	<p>The proposal is intended to sit within the established development profile of the area, including an extension of the large format, cladding panel which is so predominant in the area. The proposed scale and massing is determined primarily as a function of the Film Production Activities within, particularly in relation to height. The buildings are essentially acoustically sealed boxes similar in scale to a warehouse type structures.</p>
10.19	<p>The built form of the development will be setback some 350 meters from Dargan Road. The largest proposed structure on the site is the main Film Studio comprising a floorspace of 6,780 square metres and a height of 22 metres. This is located along the full length of the eastern boundary of the site from north to south. The length of the film studio is some 152 metres with an approximate depth of 41 metres. The building is setback from the boundary with Belfast Lough which helps minimise the impact of the building when viewed from Belfast Lough and the opposite shoreline. The introduction of a landscape buffer along this boundary will also reduce its visual profile.</p>
10.20	<p>The production building comprises 4,500 square metres for floor space over three floors. It is located centrally in the site and provides a strong visual frontage to the scheme and is clearly legible from the North Foreshore internal road network. The length of the film studio is some 71 metres with an approximate depth of 21 metres. The height of the production building is 17 metres.</p>
10.21	<p>The 2No workshops are proposed at either end of the centrally located production building. The workshops will comprise a floorspace of 1030 square metres each. The length of the workshops is approximately 52 metres with a depth of 21 metres. The height of the workshops is proposed to be 9.1 metres to parapet.</p>
10.22	<p>A security hut will be located at the main entrance to the site with a height of 2.6 metres and area of approximately 16 square metres.</p>
10.23	<p>3No stand alone transformer units are proposed along the western boundary of the site. These comprise a floorspace of approximately 58 square metres, 58 square metres and 44 square metres. The height of these structures will be 6 metres to top of parapet.</p>
10.24	<p>Given the overall size of the site within North Foreshore and the industrial / commercial nature of the immediate surrounding context it is considered that the design, scale and layout of the proposed scheme are considered to be acceptable.</p> <p><u>Materials</u></p>
10.25	<p>The primary external cladding material is proposed as insulated aluminium composite cladding panels, which the applicant considers reflects the immediate context of this primarily commercial / industrial area.</p>

10.26	<p>It is proposed to alternate the colour of the cladding panels randomly, utilising a 3 colour palette – goosewing grey, white and anthracite. It is considered that the introduction of this design feature will break up the bulk of the buildings. The use of glazing to the frontage of the film production building will be the primary contrast within the development against the panelised cladding.</p>
	<p><u>Landscape and Visual</u></p>
10.27	<p>A Landscape and Visual Assessment was submitted in support of the application. This Assessment states that the proposed development is located within the Belfast Harbour Estate landscape character area that is defined by roadways, commercial units, cranes and traffic as key features of its character. It concludes that the proposed development is consistent with the existing character of the Harbour Estate and no significant landscape impacts have been predicted.</p>
10.28	<p>A Planting Plan was also submitted in support of the application. The planting plan shows the preservation of an 11 metre wide landscape service strip between the edge of the road (currently under construction) and the boundary of the development site. A woodland edge and proposed shrub mix is proposed along the eastern boundary of the site. The City & Neighbourhood Service Landscape Section with BCC raised no objection to the proposed planting for the scheme. The planting plan will be conditioned as detailed below.</p>
	<p><u>Natural Heritage and Conservation</u></p>
10.29	<p>As set out above, the application site is adjacent to Inner Belfast Lough ASSI, Belfast Lough SPA, Belfast Lough Open Water SPA and Belfast Lough Ramsar site which are of international and national importance and is/are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.</p>
10.30	<p>PPS2 sets out planning policies for the conservation, protection and enhancement of our natural heritage. Development proposals are restricted where they are likely to impact upon the integrity of European or Ramsar sites as these are afforded the highest protection.</p>
10.31	<p>Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and, on the basis of the information provided, has concerns however NED considers that these could be addressed by conditions.</p>
10.32	<p>From the information available to NED it is clear that the proposal is not connected with, or necessary for, the conservation management of the Inner Belfast Lough ASSI/Belfast Lough SPA/Belfast Lough Open Water SPA/Belfast Lough Ramsar site. NED has considered the proposal and highlights the following as potential impacts on the Inner Belfast Lough ASSI/Belfast Lough SPA/Belfast Lough Open Water SPA/Belfast Lough Ramsar site;</p>
	<p><u>Potential Impacts Designated Site Considerations</u> <i>Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.</i></p>
10.33	<p>Section 4, of the Water Quality Assessment (Dec 2015) lists the general water quality control measures to be implemented during construction. NED is satisfied that provided these measures are implemented there should be no adverse impact on the adjacent aquatic environment as a result of 'standard' construction and operation works. All</p>

	<p>construction works, in particular piling have the potential to cause preferential pathways for contaminated runoff to flow into the adjacent designated sites. Due regard should therefore be given to the comments and recommendations/conditions made by NIEA: Waste Management detailed in paragraphs 10.43 to 10.44.</p> <p><i>Piling works - percussive/vibratory piling may result in adverse impacts on SPA/ASSI features.</i></p>
10.34	<p>The HRA confirms the use of Pre-Cast Driven Piles. NED raised concerns regarding this method of piling. The agent confirmed given the former use of site, pre-cast concrete driven piles are the preferred option for the site in order to minimise the potential for creating a pathway for the migration of leachate into the underlying strata and potentially off site. Shared Environmental Services who carried out the Habitats Regulation Assessment on behalf of Belfast City Council stated that provided mitigation is conditioned as set out below, the proposal will not have an adverse effect on site integrity of any European site (see paragraphs 10.49 to 10.51).</p> <p><i>Direct loss of supporting SPA habitat and/or ASSI feature</i></p>
10.35	<p>The proposal includes the installation of a headwall within the Inner Belfast Lough ASSI and Belfast Lough SPA to facilitate the storm water outfall. Whilst NED considers that there will not be any loss of ASSI habitat or supporting SPA habitat from the installation of this headwall, it should be acknowledged in supporting documentation that works are to take place within these designations. The agent has confirmed that the proposed headwall is within the red line boundary and consequently outside the Lough designations.</p>
10.36	<p>NED has concerns that the proposal may have an adverse impact on the N2K and/or ASSI site and advises that due regard is given to the recommendations detailed below by the competent authority, Belfast City Council in undertaking the Habitats Regulations Assessment on, Belfast Lough SPA/Belfast Lough Open Water SPA. This should ensure compliance with the requirements of the Habitats Directive. Furthermore adherence to these recommendations will ensure compliance with the requirements of The Environment (Northern Ireland) Order 2002. Significantly, Shared Environmental Service who carry out the Habitats Regulation Assessment on behalf of Belfast City Council (paragraph 10.49) concluded that having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned as set out below, the proposal will not have an adverse effect on site integrity of any European site.</p>
10.37	<p>Given that NED advised appropriate mitigation measures in the form of planning conditions could be imposed it is considered that the proposal therefore complies with the relevant policy requirements of PPS 2.</p> <p><u>Contaminated Land and Ground Conditions</u></p>
10.38	<p>In considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The principle planning objective is to ensure that any risks to human health, buildings and other property and the natural and historic environment from the contaminated condition of the land are identified so that appropriate action can be taken to address those risks.</p>
10.39	<p>The assessment of the presence of contamination and the significance of the risks that may be posed requires a balanced professional judgement taking account of advice from the competent expert NIEA: Waste Management and Environmental Service Department.</p>

10.40	Given the historical waste infilling at the North Foreshore Giant's Park, landfill gas abstraction infrastructure has been installed predominantly across the northern area of the site. At present, landfill gas is recovered to a generating station for the purposes of commercial electricity generation.
10.41	On the basis of the North Foreshore historical site engineering, there exists the possibility that the land may represent a risk to human health if the development proceeds without proper consideration of these risks. Therefore, a Preliminary Risk Assessment and a Foundation Works Risk Assessment Report have been submitted as part of the application. NIEA: Waste Management and Environmental Services Department has reviewed this information.
10.42	NIEA: Waste Management advise that the environmental site situation is understood with landfill waste and leachate underlying the site. The on-going site investigations have proven the ground conditions and natural protection mitigating the risks of vertical migration of leachate from the development area to Belfast Lough. Provided these natural and artificial barriers are not compromised by the development the potential risks to environmental receptors should be manageable.
10.43	Waste Management has no objection to the development provided negation conditions and informatives are added as detailed below.
10.44	Environmental Service Department reviewed a RSK report entitled 'Belfast Harbour Commissioners. Proposed Film Studio Site, North Foreshore, Belfast. Preliminary Risk Assessment 601352-1(03) December 2015'. This report has determined that there are potentially complete human health pollutant linkages present at the proposed Film Studio development site.
10.45	The Preliminary Risk Assessment (PRA) has identified plausible pathways emanating from waste materials which were emplaced at the proposed development site between 1973 and 1981, the source having been characterised as degraded domestic wastes. Accordingly, the contaminants of concern include organic contaminants, phenols, hydrocarbons, volatile organic compounds, chlorinated solvents, heavy metals and asbestos. Ground gases have also been identified as contaminants of concern and therefore include methane, carbon dioxide and trace gases.
10.46	The Preliminary Risk Assessment report concludes within section 5.2 that a generic and / or detailed Quantitative Risk Assessment will be required for the proposed development site, which will include an intrusive site investigation. The results of this investigation will help to further inform those pollution linkages identified within the PRA in accordance with the provisions of the Environment Agency publication CLR 11 'Model Procedures for the Management of Contaminated Land', BS 8485:2015 'Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Gases for New Buildings' and CIRIA C665 (2007) 'Assessing the Risks Posed by Hazardous Ground Gases to Buildings'. The report states that upon completion of the additional risk assessment, a Remediation Strategy will be completed and submitted to the Planning Service for approval, prior to commencement of the construction phase of the proposed development.
10.47	At present, the Environmental Health Service has not been consulted upon a Quantitative Risk Assessment or Remediation Strategy for the proposed Film Studio development. This Service is therefore unable to provide a detailed response regarding the Risk Assessment and accompanying Remediation Strategy at this time. In accordance with the provisions of BS 8576:2013 'Guidance on investigations for ground gas – Permanent gases and Volatile Organic Compounds (VOCs) however, municipal landfill sites are classified as a high to

	<p>very high risk thereby necessitating a typical assessment period of 6 to 12 months in order to accurately determine what ground gas protection measures would be required.</p>
10.48	<p>In conclusion Environmental Services Department state that in the absence of a suitable quantitative risk assessment and remediation strategy and the event that Council decide to grant planning permission for the development, they would recommend conditions as detailed below.</p>
	<p><u>Habitats Regulation Assessment (HRA)</u></p>
10.49	<p>This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.</p>
10.50	<p>Shared Environmental Service concluded that having considered the nature, scale, timing, duration and location of the project it is concluded that, provided mitigation is conditioned as set out below, the proposal will not have an adverse effect on site integrity of any European site.</p>
10.51	<p>NIEA: Marine Environment Division also confirmed that the HRA which has been undertaken for these works provides appropriate mitigation to ensure that there will be no significant negative effects on the Special Protection Area site selection features of both sites. Provided these mitigation measures are implemented Marine Environment Division is content subject to conditions and informative detailed below.</p>
	<p><u>Traffic Movement and Parking</u></p>
10.52	<p>The proposal has been assessed against PPS 3 and PPS13. In assessing the proposal Transport NI considered the following documents: Transport Assessment Form; Transport Statement; Travel Plan; and a Service Management Plan.</p>
10.53	<p>The findings of the Transport Statement are as follows:</p> <ul style="list-style-type: none"> - It is proposed that vehicular access to the development will be provided via three new priority junctions, located off the proposed new upgraded roads infrastructure (approved under reference Z/2014/1279/F). - The new priority junctions will provide access to the wider car park areas with the site, with the northern priority junction providing access to the service yard to the rear of the development. - The site offers good connectivity and access to the local and wider highway network including M2 to the north and M1 to the south. It is also well located in relation to access to existing public transport facilities and nearby walking and cycle routes. - The proposed development site is served by an existing Metro public transport service. It is proposed that 24 covered cycle parking spaces will be provided for the development. - It is estimated that during the morning and evening peak hour the projected number of vehicles to/from the site will be 38 and 34 two-way vehicles respectively.

	<p>- Junction modelling indicates that the surrounding road network can accommodate the traffic generations associated with the proposed development site without the requirement for additional mitigation measures.</p> <p>The Transport Statement concluded that the proposed development can be accommodated upon the surrounding road network.</p>
10.54	The Transport Consultant based their calculations on the provision requirement for Class B3: General Industrial. The Film Studio falls within Class B2: Light Industrial – the car parking requirements for Class B2 are the same as Class B3 (1 space per 25m ² (up to 250m ² and additional 1 space per 50 (> 250m ²)).
10.55	The development proposes a total of 168 car parking spaces (includes 12 disabled spaces). The represents an under provision of 108 spaces based on DOE Parking Standards.
10.56	Significantly, Policy AMP7 of PP3 states that a reduction in parking provision may be accepted where it for example forms part of a package to measure to promote alternative transport modes. The overall objective of the Travel Plan submitted in support of the application seeks to encourage a shift from car based trips to more sustainable modes of transport. Within this context a reduced car parking provision is considered in these circumstances on balance to be appropriate.
10.57	Transport NI finds the information submitted in support of the application to be acceptable subject to conditions.
10.58	Having had regard to the above and comments from Transport NI it is considered that subject to conditions which are set out below the scheme is acceptable and in accordance with the relevant sections of PPS 3 and PPS13.
	<u>Flood Risk and Drainage</u>
10.59	PPS15 seeks to minimise and manage flood risk to people, property and the environment. The site is located outside the 1 in 100 year river flood plain and 1 in 200 year coastal flood plain. Given that the site area exceeds 1 hectare Policy FLD 3: Development and Surface Water Floor Risk Outside Flood Plains of PPS 15 is relevant. A Drainage Assessment has been submitted in support of the application.
10.60	It is proposed to discharge storm water runoff directly into the sea. The pipe will discharge through a headwall which forms part of this application. Rivers Agency has requested that details of the headwall should be agreed with the local area office.
10.61	As the development is within proximity of the coastal floodplain of Belfast Lough. All finished floor levels (including landscaping, gardens, driveways and paths) have been placed at a minimum of 600mm above the 1 in 200 year coastal flood plain.
10.62	Overall Rivers Agency raised no objection to the proposal subject to informatives.
10.63	Northern Ireland Water Ltd has been consulted on the proposal and confirmed that the waste water treatment works (WWTW) has available capacity to accept the additional load. Given that NIW confirmed available capacity, NIEA: Water Management Unit has no objection to the proposal subject to informative detailed below.
10.64	Having had regard to the above it is considered that the proposal would not have a significant impact on flood risk, drainage and the sewerage system. The proposed scheme

	<p>is therefore considered acceptable in accordance with Policy FLD 3 of PPS 15 and the SPPS with respect to flood risk, drainage, sewerage and climate change.</p> <p><u>Amenity</u></p>
10.65	<p>Paragraphs 4.11 and 4.12 of the SPPS states there are a wide range of environmental and amenity considerations including noise and air quality, which should be taken into account by planning authorities when managing development.</p>
10.66	<p>A Noise & Vibration report; an Air Quality Impact Assessment (AQIA); and, an Artificial Lighting Report have been submitted in support of the planning application.</p>
10.67	<p>The nearest residential properties are located approximately 750 metres from the proposed development. The Artificial Lighting Report and Landscape Visual Impact Assessment concluded that the proposed artificial lighting associated with the development will have a negligible impact on residential units and an insignificant impact on commercial premises.</p>
10.68	<p>Environmental Service Department has offered no objection to the proposal subject to conditions and informative detailed below.</p> <p><u>Economic Benefits</u></p>
10.69	<p>The SPPS states that planning authorities should take a positive approach to appropriate economic development proposals and proactively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority. The Design & Access Statement submitted in support of the application states that the studio will provide a facility for local, national and international film and television production, together with space for the preparation of sets.</p>
10.70	<p>The Statement goes onto states that given the success of Northern Ireland as a film and television production destination there is a significant demand to enhance the amount of studio space available in Belfast. Analysis by Northern Ireland Screen shows that the existing studios have been worth £120 million to the local economy.</p>
10.71	<p>The project has an overall estimated investment value of £12-14 million. It will create and support hundreds of jobs during construction and operation phases.</p> <p><u>Pre-Community Consultation</u></p>
10.72	<p>For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application.</p>
10.73	<p>Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2015/0982/PAN) was submitted to the Council on 11 September 2015.</p>
10.74	<p>Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a report known as a pre-application community consultation report to accompany the planning application.</p>

10.75	A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:
10.76	A Public Event took place on 21 October 2015 in Loughside Leisure Centre. A further Public Event took place on 18 November 2015 in Grove Wellbeing Centre.
10.77	An information leaflet to advertise the two public events we distributed in two phases to coincide with the two public events.
10.78	Information leaflets were posted on 16 October 2015 to 1284 properties within 1 km of the site (1062 residential properties and 222 commercial / non-residential properties). A second leaflet distribution was issued on 12 November 2015 to properties within an area in vicinity to the Grove Welling Centre. This encompassed 555 properties (437 residential and 118 commercial / non-residential properties).
10.79	In addition, posters were displayed in schools and community facilities across the local area.
10.80	Both Public Information Events took the form of public exhibitions with pop-up boards displaying the key elements of the proposals including site plans, site photographs and CGI imagery of the proposed Film Studio Complex. A copy of the exhibition boards were enclosed with the Pre Community Consultation Report,
10.81	Approximately 45 people attended across both Public Exhibition Events. With a total of 28 comment cards collected or returned by post. A period of two weeks was provided after the event for further response. No further comments were received.
10.82	The majority of comments recorded on the comment cards were positive. These included: an additional economic contribution to the area; additional opportunities for direct or indirect employment both during construction and operation of the film studios; and, welcome development of otherwise unused former wasteland.
10.83	Issues of concern were also raised. These included: concerns regarding traffic issues and clarification as to what benefits if any benefit there will be to the local community; concerns raised regarding the wider plan for Giants Park namely a footbridge into Loughside Park; is the building going to be sustainable – is it going to create local jobs; a train halt and offslip off M2 south bound to ease traffic on Shore Road; there should be more done for the surrounding community other than a film studio.
10.84	In response to the concerns raised by residents a full Traffic Assessment has been submitted as part of the planning application which will be assessed as part of the consultation process by Transport NI. In addition, the agent states the economic benefit to the local employment and regenerative impact of the Film Studio complex both as a standalone application and as a catalyst for Belfast City Council's plans to create a 'Cleantech Hub' on adjacent plots within the Giants Park area will provide significant benefit to the community local to the North Foreshore Area.
10.85	It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to the consult the community in advance of submitting an application.
11.0	Summary of Recommendation: Approval

11.1	Impacts of acknowledged importance such as sustainability, amenity, drainage and flood risk, contamination, nature conservation and impact on the road network are all considered acceptable subject to appropriate conditions detailed below.
11.2	It is also considered that the proposal would result in wider economic benefit and job creation opportunities and that these factors lend substantial weight in favour of the proposal.
11.3	The proposal is in accordance with Belfast Metropolitan Area Plan and in respect of all other relevant planning policy, consultation responses and all other material considerations, it is considered that the proposals are acceptable.
12.0	Conditions & Informatives
<p><u>Conditions</u></p> <ol style="list-style-type: none"> 1. 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. Reason: Time Limit 2. The vehicular access, shall be provided in general accordance with drawing number 2356-SL-0-004 (Planning Service drawing 02 bearing date stamp 14 December 2015), prior to the operation of any works or other development hereby permitted. The development access shall utilise the existing priority junction onto Dargan Road, which is to be upgraded under planning approval Z/2014/1279/F. Reason: To ensure there is a satisfactory means of access in the interests of road safety and convenience of road users. 3. The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with approved drawing number 2356-SL-0-001 (Planning Service drawing 03 bearing date stamp 14 December 2015), to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles. Reason: To ensure adequate provision has been made for parking, servicing and traffic circulation within the site. 4. The development hereby permitted shall not become operational until a minimum of 1 space per 25 spaces of the total parking provision has been provided close to the entrance and permanently retained for people with a disability and shall be clearly marked for that purpose. Reason: To ensure the provision of adequate parking facilities to meet the needs of people with disabilities. 5. The development hereby permitted shall not become operational until covered cycle parking facilities (to accommodate a minimum of 24 cycles) has been provided as generally indicated on drawing number 2356-SL-0-001 (Planning Service drawing 03 bearing date 	

stamp 14 December 2015).

Reason: To encourage the use of alternative modes of transport for development users.

6. The development hereby permitted shall operate in accordance with the 'Travel Plan' (December 2015), bearing Belfast Planning Service date stamp 15 December 2015.

Reason: To encourage the use of alternative modes of transport for development users.

7. The development hereby permitted shall operate in accordance with the 'Service Management Plan' (December 2015), bearing Belfast Planning Service date stamp 15 December 2015.

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

8. All construction activity (including Construction compound) will be confined to within the red line boundary of the site as shown on drawing no. 01 date stamped 14 December 2015. The adjoining special protected designated sites shall not be disturbed in any way without the prior written consent from the Department of the Environment.

Reason: To protect the integrity of the adjoining SPA

9. A Final Construction Environmental Management Plan (CEMP) must be submitted to Belfast City Council by the appointed contractor prior to works commencing. This should reflect all the mitigation, and avoidance measures to be employed as outlined in the outline Construction Environmental Management Plan (December 2015), the Preliminary Ecological Appraisal (December 2015) and all additional submitted information. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect the integrity of the adjoining SPA

10. All construction works shall take place outside of the wintering period for SPA features (1st September to 31st March).

Reason: To protect the integrity of the adjoining SPA

11. If during development works new contamination, source or risks are encountered which have not been previously identified works shall cease and the Council notified immediately. This new contamination will be fully investigated in accordance with the Model Procedures for the Management of Land Contamination.

Reason: To protect the integrity of the adjoining SPA

12. Prior to commencement of works a detailed Construction Method Statement for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to NIEA Water Management Unit for agreement, and should include pollution prevention measures to protect groundwater and other waterways for the construction, deconstruction and operational phases of the application.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment

13. No development shall commence until the Planning Authority has received in writing and agreed that suitable risk assessments and supporting site data have been provided which

identify all unacceptable risks to health and the water environment. The investigations should include but not be restricted to:

- identifying all potential contaminant sources within the planning boundary,
- site investigations and groundwater monitoring to be designed and
- implemented in accordance with British Standard BS 10175:2011 Code of practice for investigation of potentially contaminated land sites to identify the contamination risks associated with the potentially contaminating activities which took place at the site,
- provide risk assessment(s) in accordance with the guidance on Model Procedures for the Management of Land Contamination (CLR11) to identify all unacceptable risks to health and the water environment and provide remedial criteria to be met through the remedial strategy.

Reason: These works are required ensure the land will be in a condition suitable for the proposed development.

14. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at

<http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

15. The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified from Conditions 13 and 14 has been submitted in writing and agreed with the Planning Authority. This strategy should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

16. The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy submitted under Condition 14 have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.

17. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

18. After completing the remediation works under Conditions 15, 16 and 17; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. 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.

19. Prior to development all redundant site investigation and geotechnical boreholes must be

fully decommissioned and in line with SEPA guidance document Good practice for decommissioning redundant boreholes and wells (UK Groundwater Forum). Evidence for the decommissioning can be provided in the verification report required for Condition 18 or as a separate verification report.

20. Prior to commencement of onsite construction works, the applicant shall submit to the Planning Service for approval a generic and / or detailed Quantitative Risk Assessment for the proposed Film Studio site. The Quantitative Risk Assessment (often referred to as a Phase II) shall be conducted in accordance with the provisions of the Department for Environment, Food and Rural Affairs (Defra) and Environment Agency publication CLR11 entitled 'Model Procedures for the Management of Land Contamination'. It must incorporate:
- A detailed site investigation in accordance with the provisions of British Standard BS 10175:2011+A1:2013 'Investigation of potentially contaminated sites. Code of practice'. Ground gas investigations shall be conducted in line with the provisions of BS 8485:2015 'Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings' and BS 8576:2013 'Guidance on investigations for ground gas – Permanent gases and Volatile Organic Compounds (VOCs)'.
 - A satisfactory assessment of the risks (including a Revised Conceptual Site Model) associated with any contamination present, conducted in line with current Defra and Environment Agency guidance. In addition, risks associated with ground gases should be assessed in accordance with the methodologies outlined within CIRIA publication C665 'Assessing risks posed by hazardous ground gases to buildings'. Guidance on the production of a suitably robust contaminated land risk assessment can be found on the Department of the Environment for Northern Ireland website via the following web link: <https://www.doeni.gov.uk/articles/planning-and-land-contamination>.
 - Based upon the outcome of this risk assessment and if found to be necessary, the applicant shall submit to the Planning Service for approval a Remediation Strategy (often referred to as a Phase III). This Remediation Strategy must demonstrate how the identified pollutant linkages are to be demonstrably broken and how they no longer pose a potential risk to human health.
 - In relation to ground gas protection measures, the Remediation Strategy shall demonstrate that:
 - The proposed buildings as shown on layout drawing No 03 date stamped 14 December 2015 incorporates gas protection measures that satisfy the requirements for Characteristic Situation 6 as detailed within CIRIA publication C665, 'Assessing risks posed by hazardous ground gases to buildings'. Where necessary, protection measures shall also provide protection from volatile organic compounds. Piling penetrations through gas resistant membranes shall be sealed in order to prevent gas ingress into buildings.
 - Ground gas protection measures employed at the Film Studio development will be integrated into Belfast City Council's ground gas protection and management measures for the wider North Foreshore Giant's Park in order to meet the requirements of the Waste Management Closure Licence (LN/08/46/C) for the site and the provisions of the Landfill Regulations (Northern Ireland) 2003.
 - Where areas of the proposed Film Studio development site are to be landscaped or incorporate green planting, such areas shall incorporate a capping layer of suitable depth, composed of tested and verified imported clean soils suitable for a commercial end use.

Reason: Protection of human health and the environment.

21. Prior to bringing the Film Studio into operation and in order to demonstrate that any identified remedial measures have been incorporated into the proposed development, the

applicant shall submit to the Planning Service for approval a Verification Report.

- This Verification Report must be in accordance with current Environment Agency guidance and demonstrate that the mitigation measures have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health. Building protection systems should be verified in accordance with the provisions of CIRIA publication C735, 'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases'.
- The Verification Report must demonstrate that the ground gas protection measures employed at the Film Studio development have been integrated into Belfast City Council's ground gas protection and management measures for the wider North Foreshore Giant's Park in order to meet the requirements of the Waste Management Closure Licence (LN/08/46/C) for the site and the provisions of the Landfill Regulations (Northern Ireland) 2003.

Reason: Protection of human health and the environment.

22. Prior to commencement of onsite construction works, the applicant shall submit to the Planning Service for agreement a Construction Phase Noise Management Plan (NMP) as recommended within Section 5.1 of the Noise and Vibration Assessment document NI1642/N/01/01, prepared by RPS and dated 11/12/15. This plan should include:

- Details of all mitigation measures to be employed to reduce noise impacts from construction phase activities to acceptable levels at the nearest noise sensitive properties.
- Details of the timing and mode of construction activities at the boundary of the proposed site.
- Details of the construction, location and acoustic performance of the recommended temporary hoarding.

Reason: Protection of amenity

23. Prior to operation of the development, the applicant shall submit to the Planning Service for approval a Noise Verification Report. The verification report must demonstrate that:

- External plant and equipment do not exceed 60dB LAeq (16hr) at 1m as recommended within section 4.2.2 of the Noise and Vibration Assessment document NI1642/N/01/01 prepared by RPS and dated 11/12/15.

Reason: Protection of amenity

24. All hard and soft landscape works shall be completed in accordance with the approved drawing no 18A date stamped received 3rd August 2015, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS no later than the end of the before the planting season following occupation of each of the dwellings hereby approved.

All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.

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

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
3. Notwithstanding the terms and conditions of the Belfast City Council approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DRD TransportNI Section Engineer whose address is Belfast North Section Office, 148-158 Corporation Street, Belfast. A monetary deposit will be required to cover works on the public road.
4. All construction plant and materials shall be stored within the development site / lands.
5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
6. Pedestrian Crossing Points to be provided at all road junctions in accordance with the DETR / Scottish Office publication 'Guidance on the use of Tactile Paving Surfaces' (development access onto Dargan Road and all new internal access roads / junctions)
7. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
8. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site: - such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
9. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
10. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.
11. The developer is advised that all storm water should be discharged directly to the sea. Details of the head wall should be agreed with the local area office.
12. Public water and foul sewer within 20 metres of your proposal, consultation with NIW is

required to determine how your proposal can be served.

13. No surface water sewer within 20 metres of your proposal, you may wish to apply to NIW to requisition a surface water sewer to serve your proposal if it will serve more than 1 property to discharge roof drainage.
14. The developer is advised to consult NIW at an early design stage by means of a Predevelopment Enquiry to determine how this proposal may be served.
15. If during the course of development the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.
16. All services within the development should be laid underground.
17. The purpose of the Conditions 13 – 19 is to ensure that any site risk assessment and remediation work is 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
18. 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.
19. 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.

Marine Licensing:

20. The applicant should be made aware that all construction or deposition works below the Mean High Water Spring Tide (MHWST) mark are subject to licensing under the Marine and Coastal Access Act 2009. As elements of the construction in this proposal, for example the construction of the drainage headwall associated with site drainage crosses the intertidal area below the MHWST mark; a Marine construction Licence is required.
21. Contact must be made with the Marine Licensing Team, DoE Marine Environment Division, 2nd Floor, Klondyke Building, Gasworks Business Park, Cromac Avenue, Belfast BT7 2JA, Tel: 028 9056 9247 to apply for a Marine Construction Licence. In order to assess any licensing requirement, the applicant must supply the following information in writing to the above address or by email to MarineLicensingTeam@doeni.gov.uk :-
 - Location of the works;
 - Nature/Purpose of the works;
 - Description of the material being deposited below Mean High Water Spring Tide (MHWST); and
 - Timescale for the works

The applicant should be aware that it is an offence under the Marine and Coastal Access

Act 2009 to carry out a licensable marine activity except in accordance with a marine licence granted by the DoE Marine Environment Division. Conviction of such an offence may incur a fine of up to £50,000 and/or two years imprisonment.

Marine National Protected Species:

22. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended), under which it is an offence to intentionally or recklessly kill, injury or take any wild animal included in Schedule 5 to the Order. This includes the common seal (*Phoca vitulina*), grey seal (*Halichoerus grypus*), basking shark (*Cetorhinus maximus*), angel shark (*Squatina squatina*), common skate (*Dipturus batis*) short snouted seahorse (*Hippocampus hippocampus*), spiny seahorse (*Hippocampus guttulatus*), spiny lobster (*Palinurus elaphus*) and fan mussel (*Atrina fragilis*).
23. Article 11 of the Wildlife (Northern Ireland) Order 1985 (as amended) provides that a person shall not be guilty of an offence under Article 10 (killing or injuring a species listed in Schedule 5 (as amended)) if the act was incidental to a lawful operation (i.e. activity permitted by a Marine Licence or Planning Permission) and could not reasonably be avoided. A separate marine Wildlife Licence is therefore not required for national marine protected species if a Marine Licence/Planning Permission has been granted, since adherence to the conditions of the Marine Licence should reduce the likelihood of harm to national marine protected species.
24. Under Article 10 it is an offence to intentionally or recklessly disturb; common seals, grey seals or basking sharks. It is also an offence under Article 10 to intentionally or recklessly damage or destroy, or obstruct access to, any structure or place which these animals (Schedule 5¹) use for shelter or protection; damage or destroy anything which conceals or protects any such structure; or disturb any such animal while it is occupying a structure or place which it uses for shelter or protection.

Under Article 13 it is an offence to sell or transport any Schedule 7 animal dead or alive at any time².

Any person who knowingly causes or permits an act which is made unlawful under Article 10 or Article 13 shall also be guilty of an offence.

If there is evidence of Schedule 5 animals listed above at the site, all works must cease immediately and further advice must be sought from DoE Marine Environment Division Klondyke Building, Cromac Avenue, Belfast BT7 2JA.

Under the Wildlife (Northern Ireland) Order 1985 (as amended) a licence may be required for any operations which might impact on protected species.

¹ Common skate and angel sharks in respect to Article 10 (1) only and within 6 nautical miles of coastal water only.

² Schedule 7 species includes all Schedule 5 species listed in Appendix A, with the exception of the common skate and angel shark. Sea urchin is protected under Schedule 7 only.

Marine European Protected Species:

25. The applicant's attention is drawn to regulation 34 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European Protected Species included in Schedule 2 to these Regulations. This includes all species of dolphins, porpoises and whales and the marine turtle species.
- (1) It is also an offence to;

- (a) deliberately disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - (b) 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;
 - (c) deliberately take or destroy the eggs of such an animal;
 - (d) deliberately obstruct access to a breeding site or resting place of such an animal;
- or
- (e) damage or destroy a breeding site or resting place of such an animal.

(2) It is an offence for any person;

- (a) to have in his possession or control,
- (b) to transport,
- (c) to sell or exchange, or
- (d) to offer for sale or exchange,

any live or dead animal which is taken from the wild and is of a species listed in Annex IV

(a) to the Habitats Directive, or any part of, or anything derived from, such an animal.

If there is evidence of Schedule 2 animals listed above at the site, all works must cease immediately and further advice must be sought from DoE Marine Environment Division Klondyke Building, Cromac Avenue, Belfast, BT7 2JA.

Under this legislation a licence may be required for any operations which might impact on European Protected Species.

¹ Following two European Court of Justice cases (C-103/00 and C-221/04) “deliberate actions are to be understood as actions by a person who knows, in the light of the relevant legislation that applies to the species involved, and the general information delivered to the public, that his action will most likely lead to an offence against a species, but intends this offence or, if not, consciously accepts the foreseeable results of his action”

http://jncc.defra.gov.uk/PDF/consultation_epsGuidanceDisturbance_all.pdf

26. Dewatering may be required during the construction and excavation phase of this proposal, depending on the geological settings of these works. If water is encountered, an appropriate abstraction/impoundment licence and consent for discharge may be required from the Water Management Unit of Northern Ireland Environment Agency. The applicant should refer to DOE Standing Advice Note No. 18 – Abstraction and Impoundment (June 2015).
27. The applicant should refer to DOE Standing Advice Note No. 5 – Sustainable Drainage Systems (April 2015) for advice on the use of Sustainable Drainage Systems on contaminated land.
28. Due to the close proximity of the site to a watercourse (Belfast Lough), care will need to be taken to ensure that polluting discharges do not occur during the works phase. The applicant should refer and adhere to the precepts contained in DOE Standing Advice Note No. 4 – Pollution Prevention Guidelines (April 2015).
29. Water Management Unit notes the development includes the installation of an oil interceptor to prevent oil from on site activities leaving the site. The applicant should consult Pollution Prevention Guideline (PPG) 03 - Use and design of oil separators in surface water drainage systems, for further advice regarding the installation and maintenance of oil interceptors/separators which can be found at the link given below.

http://www.netregs.org.uk/library_of_topics/pollution_prevention_guides/all_ppgs.aspx

30. Effective mitigation measures must be in place to protect the water environment and surrounding water bodies from any discharge into them that may damage ecological status and to ensure that the Water Framework Directive (WFD) objectives for the water body are not compromised nor the WFD objectives in other downstream water bodies in the same and other catchments.
31. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.
32. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.
33. The applicant's attention is drawn to the fact that the site is adjacent to the boundary of Inner Belfast Lough SPA and Belfast Lough ASSI and precautions should be taken to ensure its integrity will not be damaged by construction vehicles, deposited materials, contaminated runoff, or any other activity during the construction period or thereafter. Any works occurring within the designated site but outside the red line planning application boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and Environment (Northern Ireland) Order 2002 (as amended) and require consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA.
34. 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 the otter (*Lutra lutra*);
 - 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 otter activity 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
35. The developer is advised that a discharge consent under the Water (Northern Ireland) Order 1999 will be required for an emergency overflow from the pumping station. An application should be made to NIEA Water Management Unit Water Utility Regulator Group – guidance is detailed on the following link: www.doeni.gov.uk/articles/regulating-sewage-discharges

Signature (s)

Date:

ANNEX	
Date Valid	18th December 2015
Date First Advertised	31st December 2015
Date Last Advertised	29th January 2016
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9LZ, The Owner/Occupier, 11 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9LZ, The Owner/Occupier, 13 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9LZ, The Owner/Occupier, 13 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9LZ, The Owner/Occupier, 15 Dargan Road,Low-Wood Intake,Belfast,Antrim,, The Owner/Occupier, 15 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9LS, The Owner/Occupier, 2A Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9JU, The Owner/Occupier, 3 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9JZ, The Owner/Occupier, 33 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9LZ, The Owner/Occupier, 35 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9LZ, The Owner/Occupier, 35 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9LZ, The Owner/Occupier, 37 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9LZ, The Owner/Occupier, 37 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9LZ,</p>	

The Owner/Occupier,
 39 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9JU,
 The Owner/Occupier,
 39 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9LZ,
 The Owner/Occupier,
 41 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9JU,
 The Owner/Occupier,
 42 Dargan Road Belfast BT3 9JP
 The Owner/Occupier,
 42-44 Duncrue Crescent Belfast BT3 9JP
 The Owner/Occupier,
 43 Dargan Road Belfast BT3 9JP
 The Owner/Occupier,
 44 Dargan Road Belfast
 The Owner/Occupier,
 45 Dargan Road Belfast BT3 9JP
 The Owner/Occupier,
 47 Dargan Road Belfast BT3 9JP
 The Owner/Occupier,
 49 Dargan Road Belfast BT3 9JP
 The Owner/Occupier,
 5 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9LZ,
 The Owner/Occupier,
 51 Dargan Road Belfast BT3 9JP
 The Owner/Occupier,
 7 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9LZ,
 The Owner/Occupier,
 9 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9LZ,
 The Owner/Occupier,
 92-94 Dargan Road Belfast
 The Owner/Occupier,
 Alpha Interiors Alpha Office 53 Dargan Road Belfast BT3 9JU
 The Owner/Occupier,
 CMS Ireland, Unit 4, Fortwilliam Business Park, Dargan Road, Belfast BT3 9LZ
 The Owner/Occupier,
 DSV 65 Dargan Road Belfast
 The Owner/Occupier,
 Low Dens Building Supply 42-44 Duncrue Crescent Belfast
 The Owner/Occupier,
 NI Electricity Network 57 Dargan Road Belfast
 The Owner/Occupier,
 Northgate 108-114 Dargan Crescent Belfast
 The Owner/Occupier,
 Retail Systems Technology Ltd Unit 1 Fortwilliam Business Park, Dargan Road, Belfast
 BT3 PLZ
 The Owner/Occupier,
 Unit 11 28-36 Duncrue Crescent Belfast BT3 9JP
 The Owner/Occupier,
 Unit 2,37 Dargan Road,Low-Wood Intake,Belfast,Antrim,BT3 9JU,
 The Owner/Occupier,

Unit 3, Fortwilliam Business Park, Dargan Road, Belfast, BT3 9LZ The Owner/Occupier, Unit 6 28-36 Duncrue Crescent Belfast BT3 9JP The Owner/Occupier, Unit 7 28-36 Duncrue Crescent Belfast BT3 9JP The Owner/Occupier, Unit3-4 28-36 Duncrue Crescent Belfast BT3 9JP	
Date of Last Neighbour Notification	10th February 2016
Date of EIA Determination	12 th January 2016
ES Requested	No

Drawing Numbers and Title

- 01 – Site Location Plan
- 03 – Proposed Site Plan
- 04 – Proposed Ground Floor Plan – Sheet 1
- 05 – Proposed Ground Floor Plan – Sheet
- 06 – Proposed Roof Plan
- 07 – Proposed Elevations – Sheet 1
- 08 – Proposed Elevations – Sheet 2
- 09 – Proposed Elevations – Sheet 3
- 10 – Proposed Sections – Sheet 1
- 11 – Workshops – Proposed Floor Plan & Roof Plan
- 12 – Workshops – Proposed Elevations
- 13 – Workshops – Proposed Sections – Sheet 1
- 14 – Stand alone Transformer Compounds Plans, Elevation and Section
- 15 – Building 1 – Proposed Ground Floor Plan
- 16 – Building 1 – Proposed First Floor Plan
- 17 – Building 1 – Proposed Second Floor Plan
- 18 – Building 1 – Proposed Roof Plan
- 19 – Building 1 – Proposed Elevations
- 20 – Production Building P1 – Proposed Elevations
- 21 - Building 1 – Proposed Section A-A
- 22 – Production Building Proposed Section B-B
- 23A – Proposed Site Sections Sheet 1
- 26 – Proposed Site Sections Sheet 2
- 27 – Proposed Layout
- 28 – Proposed General Arrangement
- 29 – Proposed Site Levels
- 30 – Proposed Construction Makeup
- 31 – Proposed Storm and Foul Drainage
- 32 – Proposed Section Locations
- 33 – Proposed Site Sections
- 34 – Service Yard Auto Tracking
- 35 – Proposed Construction Details – Pavement
- 36 – Proposed Headwall Construction Details
- 37 – Proposed Construction Details – Drainage
- 38A – Planting Plan
- 39 – Proposed Security Hut
- 40 – Construction Details – Tree Planting

Notification to Department (if relevant): N/A

Date of Notification to Department:
 Response of Department:

Representations from Elected members: None