

## NOTICE OF OPINION

The Planning Act (Northern Ireland) 2011

Application Ref: LA04/2017/0474/F

Date of Application: 6 March 2017

Site of Proposed Development: Lands at 88 - 104 Andersonstown Road and between 36 - 42 Mooreland Park and 202 - 206 Stockman's Lane

Description of Proposal: Re-development of Casement Park to provide a new Stadium (Capacity of 34578). Development comprises: demolition of the existing facilities; construction of new pitch, boundary wall and stands, incorporating bar/restaurant & ancillary kitchen areas, conference, training, community and cultural heritage and education facilities, ancillary offices, player accommodation and welfare facilities, press/media & broadcast facilities, replacement floodlighting, stadium/event management suite, ground support facilities including new arrangements for vehicles and pedestrians, electronic display installations, storage, surface and undercroft car parking, hard and soft landscaping, new landscaped pedestrian access from Mooreland Park to Stockman's Lane. Use of the stadium for up to three outdoor music concerts in any calendar year.

Applicant    Ulster GAA  
Address      8-10 Market Street  
                  Armagh  
                  BT61 7BX

Agent:        RPS  
Address:     Elmwood House  
                  74 Boucher Road  
                  Belfast  
                  BT12 6RZ

Drawing Ref: 01 (Rev A), 02 (Rev A), 03 (Rev A), 04 (Rev A), 05 (Rev A), 06 (Rev A), 07 (Rev A), 08 (Rev A), 09 (Rev A), 10 (Rev A), 11 (Rev A), 12 (Rev A), 13 (Rev A), 14 (Rev A), 15 (Rev A), 16 (Rev A), 17 (Rev A), 18 (Rev A), 19 (Rev A), 20 (Rev A), 21 (Rev A), 22 (Rev A), 23 (Rev A), 24 (Rev A), 25 (Rev A), 26 (Rev A), 27 (Rev A), 28 (Rev A), 29 (Rev A), 30 (Rev A), 31 (Rev A), 32 (Rev A), 33 (Rev B), 34 (Rev B), 35 (Rev A), 36 (Rev A), 37 (Rev A), 38 (Rev A), 39 (Rev A), 40 (Rev A), 41 (Rev A), 42 (Rev A), 43 (Rev A), 44 (Rev A), 45 (Rev A), 46 (Rev A), 47 (Rev A), 48 (Rev A), 49 (Rev A), 50 (Rev A), 51 (Rev A), 52 (Rev A), 53 (Rev A), 54 (Rev A), 55 (Rev A), 56 (Rev A), 57 (Rev A), 58 (Rev A), 59 (Rev A), 60.

In pursuance of its power under Section 29 (7) of the above mentioned Act, the Department for Infrastructure hereby gives notice that full permission for the above mentioned development in accordance with your application **SHOULD IN ITS OPINION BE GRANTED** subject to compliance with the following conditions which are imposed for the reasons stated:

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. No site works associated with the development hereby permitted shall commence until a final Construction Environmental Management Plan (CEMP), including the designation of an Environmental Manager for the development, is submitted to and agreed in writing with the Planning Authority. The CEMP shall contain as a minimum all of the mitigation, and avoidance measures to be employed as outlined in the Environmental Statement including the details provided in informative 23. The CEMP shall also include Method of Works Statement for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999 and shall detail all necessary pollution prevention measures to protect groundwater and all other elements of the water environment. The CEMP shall be implemented as agreed upon commencement of the development hereby approved. Any further updates to the CEMP shall be agreed in writing by the Planning Authority.

The CEMP shall be submitted at least 8 weeks prior to the commencement of construction.

Reason: To avoid adverse effects on the integrity of designated or proposed SPAs and Ramsar sites in Belfast Lough and to ensure the protection of human health and environmental receptors.

3. No site works associated with the development hereby permitted shall commence until all measures set out in the final CEMP in respect of the treatment and removal of Japanese Knotweed have been fully implemented. Thereafter the subject area will be monitored for regrowth of Japanese Knotweed throughout the construction period and to an agreed schedule for four years following completion of the works.

Reason: To ensure that all Japanese Knotweed is removed from the site and disposed of in an appropriate manner in line with the requirements of the Wildlife (NI) Order 1985 and the Controlled Waste (Duty of Care) Regulations (NI) 2002.

4. No development or piling work should commence on site until a piling risk assessment has been submitted to and agreed in writing with the Planning Authority.

Reason: In the interests of protection of environmental receptors to ensure the site is suitable for use.

5. Prior to the commencement of development a scheme for the remediation of any interference with domestic television reception that may be caused by the proposal shall be submitted to and approved in writing by the Planning Authority. The remediation scheme shall include:
  - an assessment of the quality of television reception prior to the commencement of works;

- a quality assessment upon completion of the development;
- remedial measures to mitigate any identified impacts that occur within 5 years of completion of the development and appropriate timeframes for correction.

Reason: To ensure that reception for existing TV equipment is not adversely affected by the development hereby approved.

6. Prior to the installation of basement and floor structures, a Verification Report shall be submitted to and approved in writing with the Planning Authority. The report shall demonstrate contaminated made ground removal and the completion of earth works in line with the RPS Report entitled 'Casement Park, Andersonstown Road, Belfast, Remedial Strategy Report, IBR0864/ES Volume III Appendix 7.3 / February 2017' and Drawing – Earthworks to Level 21 and Basement MMD-310320-C-DR-00-XX-0006 (contained within Appendix A of the GQRA) to ensure that contamination no longer poses a risk to human health.

The Verification Report shall demonstrate the successful completion of the proposed earthworks and that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with current best practice and guidance as outlined by the Environment Agency.

The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.

Reason: In the interests of protection of human health and environmental receptors to ensure the site is suitable for use.

7. 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 in writing immediately. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and agreed in writing with the Planning Authority, and subsequently implemented and verified to its satisfaction.

Reason: To avoid adverse effects on the integrity of designated or proposed SPAs and Ramsar sites in Belfast Lough and in the interests of protection of human health and environmental receptors to ensure the site is suitable for use.

8. Following completion of any remediation works required under condition 7, a Verification Report shall be submitted to and approved in writing with the Planning Authority. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: In the interests of protection of human health and environmental receptors to ensure the site is suitable for use.

9. Prior to operation of the development, a final Verification Report shall be submitted to and agreed in writing with the Planning Authority. This report must demonstrate that all imported soil is demonstrably suitable for its end use and that areas of landscaping and hard standing have been completed. This Verification Report shall be in accordance with the RPS Report entitled 'Casement Park, Andersonstown Road, Belfast, Remedial Strategy Report, IBR0864/ES Volume III Appendix 7.3 / February 2017'.

Reason: In the interests of protection of human health.

10. Demolition and construction works shall not be conducted outside the hours of 08:00hrs -18:00hrs Monday – Friday and 08:00-13:00hrs on a Saturday.

Reason: In the interests of protection of residential amenity.

11. The Landscape Management Plan shall be implemented as approved in accordance with the Landscape Management Report and drawing number 50 REV A & drawing number 51 REV A received by Dfl Planning on 11 July 2019.

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

12. The development hereby approved shall not be occupied until all foul and storm drainage works, including the installation of an oil/petrol/chemical interceptor, have been completed to the satisfaction of the Planning Authority, in general accordance with the approved drainage details.

Reason: In the interests of the proper control of storm and foul discharge from the site.

13. Prior to construction of the development hereby approved, a final verification report shall be submitted to and agreed in writing with the Planning Authority. The report must demonstrate that the drainage system will achieve the required levels of attenuation for foul sewage.

Reason: In the interests of the proper control of foul discharge from the site.

14. No fixtures or events shall take place in the development hereby permitted until the structure and function of the Event Management Group, generally in accordance with paragraph 4.7 of the Event Management Plan received by Dfl Planning on 03 February 2020, is established to the satisfaction of the Planning Authority within 2 months of the initial scheduled event or fixture.

Reason: To encourage the use of alternative modes of transport to the private car.

15. The development hereby permitted shall not become operational until access arrangements for vehicles and pedestrians are provided in accordance with drawing number 04 (Rev A) date stamped received 11 July 2019.

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

16. The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing number 04 (Rev A) date stamped received 11 July 2019 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 and cycles.

Reason: To ensure the provision of adequate parking facilities to meet the range of transport needs of the development and in the interests of road safety and the convenience of road users.

17. The development hereby permitted shall not become operational until the road works indicated on Drawing No MMD-310320-C-DR-00-XX-0021 within the Service

Management Plan received by DfI Planning on 11 July 2019 have been fully completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.

18. The development hereby permitted shall not become operational until a protocol for the operation of the DfI Roads Traffic Information and Control Centre (TICC) for events with a forecast attendance of over 3100 spectators is submitted to and agreed in writing with the Planning Authority. The protocol shall be implemented as agreed.

Reason: To ensure that the interests of road safety and the convenience of road users.

19. All hard landscape works shall be carried out in accordance with the approved details prior to the development becoming operational.

Reason: To ensure the provision of amenity afforded by appropriate landscaping design.

20. All soft landscape works shall be carried out in accordance with the approved details within the first available planting season after the development hereby permitted becomes operational. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

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

21. Prior to operation of the social club, a verification report shall be submitted to and agreed in writing with the Planning Authority demonstrating that the east façade construction materials of the social club (masonry/glazing and doors) provide a composite Sound Reduction Index (SRI) value of 50 dB Rtra in accordance with the acoustic specification outlined in Section 1.3.1 Entertainment Noise of the RPS – Casement Park Further Additional Information (FEI), Document number NI1418, date stamped received 11th July 2019 and Drawing Number 19 Rev A date stamped received 11 July 2019.

Reason: In the interests of protection of residential amenity.

22. Prior to operation of the social club, all external access doors to the social club which open directly into areas of amplified entertainment shall be of double lobby construction in accordance with Section 1.3.1 Entertainment Noise of the RPS – Casement Park Further Additional Information (FEI), Document number NI1418, date stamped received 11th July 2019. All lobby arrangement doors shall be fitted with compressible acoustic seals.

Reason: In the interests of protection of residential amenity.

23. Prior to operation of the development, a Verification Report shall be submitted to and agreed in writing with the Planning Authority, which demonstrates that the Rating Level (dB LAr) of sound from all combined plant and equipment associated with the development does not exceed the background sound level (for both daytime and night time hours) at sound sensitive residential premises when determined in accordance with the assessment methodology outlined in BS4142:2014+A1:2019 - Methods for rating and

assessing industrial and commercial sound, and in accordance with Sub-section 6.6.2.3 Plant/Equipment Noise of Section 6.6 – Mitigation Measures, Chapter 6.0 Noise and Vibration of the RPS Environmental Statement (ES) 2018. The approved Rating Level (dB LAr) shall be maintained at that level, or below, thereafter.

Reason: In the interests of protection of residential amenity.

24. Prior to operation of the development, the Voice Activated Public Address (VAPA) system shall be installed in accordance with Sub-section 6.6.2.4 Public Address System Noise of Section 6.6 – Mitigation Measures, Chapter 6.0 Noise and Vibration of the RPS Environmental Statement (ES) 2018. Upon commissioning of the VAPA system a verification report, shall be submitted to and agreed in writing with the Planning Authority. The report must demonstrate that amplified sound played through the VAPA system (and any other proposed electronic audio/visual display installations designed for spectator communication), does not cause adverse noise impact to residential receptors. The amplified communication system shall be operated at or below the sound level as approved.

Reason: In the interests of protection of residential amenity.

25. Prior to operation of the designated smoking area to the social club, a masonry block wall shall be constructed at the perimeter of the smoking area in accordance with Drawing 02 (Rev A) received on 11 July 2019. The masonry block wall shall be retained thereafter.

Reason: In the interests of protection of residential amenity.

26. Prior to operation of the development, the four cooking odour abatement systems shall be installed in accordance with the specifications contained within Sub-section 11.6.2.1, Section 11.6 Mitigation Measures, Chapter 11.0 Air Quality, Odour and Climate of the RPS Environmental Statement (ES) 2018. The odour abatement systems shall be permanently retained thereafter.

Reason: In the interests of protection of residential amenity.

27. Prior to operation of the development, the four odour abatement flue discharge points shall terminate at least 1000mm above the finished roof line of the development in accordance with the annotated detail presented in Drawing Number 56 (Rev A) and 57 (Rev A) received on 11 July 2019. The odour abatement flues shall be permanently retained thereafter.

Reason: In the interests of protection of residential amenity.

28. The combustion plant installed within the proposed development shall meet the technical specification as detailed within Appendix 11.3 and Sub-section 11.4.10 of Chapter 11.0 Air Quality, Odour and Climate of the RPS Environmental Statement (ES) 2018. A verification report shall be submitted to and agreed in writing with the Planning Authority prior to operation of the development which details the exact design of each system.

Reason: In the interests of protection of human health.

29. Prior to operation of the development, the mitigation measures outlined in Section 13.7.2 Operational Phase Mitigation Measures, Chapter 13 – Artificial Lighting, of the RPS Environmental Statement (ES) 2018, shall be implemented and retained thereafter.

Reason: In the interests of protection of residential amenity.

30. Prior to operation of the development, an Artificial Light Verification Report shall be submitted to and agreed in writing with the Planning Authority. The report shall demonstrate that all artificial lighting connected with the development is measured and confirmed to be within the vertical illuminance (Ev) lux levels for Environmental Zone 3 of 10 lux (pre-curfew, before 23:00hrs) and 2 lux (post-curfew, after 23:00hrs) at light sensitive receptors as stipulated within Table 2 of the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2011. The agreed lux levels, or lower, shall be maintained thereafter.

Reason: In the interests of protection of residential amenity.

31. The capacity of the development hereby approved shall not exceed 34,578 at any time.

Reason: In the interest of spectator safety and residential amenity.

32. The development, excluding the social club, shall not be operational between the hours of 23:00hrs - 08:00hrs.

Reason: In the interests of protection of residential amenity.

33. The development shall not be operational between the hours of 23:00hrs - 08:00hrs, except for the approved operation of the Social Club.

Reason: In the interests of protection of residential amenity.

34. The development shall operate in accordance with the Sustainable Travel Plan received by DfI Planning on 16 May 2018.

Reason: To encourage the use of alternative modes of transport to the private car.

35. The development hereby permitted shall operate generally in accordance with the Event Management Plan as detailed in the document received by DfI Planning on 03 February 2020.

Reason: In the interests of sustainability and to encourage the use of transport other than the private car.

36. A specific Event Management Plan shall be developed and implemented for every event with a forecast attendance greater than 3100 spectators. For any event with a forecast attendance greater than 14000 spectators, the Event Management Plan shall be approved by Event Management Group prior to the event taking place.

Reason: In the interests of sustainability and to encourage the use of transport other than the private car.

37. Within twelve months of the first event taking place, and annually thereafter, a report of the effectiveness of the measures implemented as part of the Event Management Plan during the preceding year and any proposed revisions and measures for improvement shall be produced by the operator, in consultation with the Event Management Group, and submitted to the Planning Authority for agreement in writing. The contents of the report and any proposed revisions and measures for improvement in the Event Management Plan shall be agreed by the Planning Authority within two months of submission. If the report is not considered to be satisfactory and has not been agreed by the Planning Authority within two months of its submission, or if the required report is not

submitted at all, there shall be no further events until such times as the Planning Authority has been provided with, and agreed to that report in writing.

Reason: In the interests of sustainability and to encourage the use of transport other than the private car.

38. The development shall operate in accordance with the Service Management Plan received by DfI Planning on 11 July 2019.

Reason: To ensure the development is adequately serviced in the interests of road safety and traffic progression.

39. The Voice Activated Public Address (VAPA) system and amplified sound associated with audio-visual display installations shall not be operational between the hours of 23:00hrs - 08:00hrs.

Reason: In the interests of protection of residential amenity.

40. There shall be no commercial deliveries/collections associated with the development or with permitted outdoor concert events between the hours of 23:00hrs-07:00hrs on any weekday.

Reason: In the interests of protection of residential amenity.

41. All windows to the social club façade shall be fixed and of a non-opening design and construction.

Reason: In the interests of protection of residential amenity.

42. There shall be no customer seating or tables located within the designated smoking area associated with the social club.

Reason: In the interests of protection of residential amenity.

43. There shall be no more than three outdoor music concerts in any calendar year.

Reason: In the interests of protection of residential amenity.

44. Amplified sound associated with outdoor concert events held within the development shall cease by 23:00hrs.

Reason: In the interests of protection of residential amenity.

45. During the outdoor concert event production phase, including staging set-up and staging take-down periods, Heavy Goods Vehicles (HGVs) entering and leaving the development shall be managed in accordance with *Sub-section 6.6.2.5 – Entertainment Noise of Section 6.6 – Mitigation Measures, Chapter 6.0 Noise and Vibration of the RPS Environmental Statement (ES) 2018*. HGV movements shall be limited to no more than 6 movements per hour on Mooreland Park/Drive and to no more than 6 HGV movements per hour on Owenvarragh Park entrance roads to the development.

Reason: In the interests of protection of residential amenity.

46. During the production of outdoor concert events, Heavy Goods Vehicles (HGVs) shall not enter or leave the development onto Mooreland Park/Drive or Owenvarragh Park between the hours of 23:00hrs – 07:00hrs in accordance with *Sub-section 6.6.2.5 - Entertainment*



*Noise of Section 6.6 – Mitigation Measures, Chapter 6.0 Noise and Vibration of the RPS Environmental Statement (ES) 2018.*

Reason: In the interests of protection of residential amenity.

47. All external artificial lighting associated with outdoor concerts/events held within the development, including the production phase, shall be switched off by a 23:00hrs curfew in accordance with Section 4.0 of the RPS – *Casement Park Redevelopment - Technical Clarifications*, dated 18<sup>th</sup> December 2018 (except for boundary/security lighting previously approved).

Reason: In the interests of protection of residential amenity.

## **Informatives**

1. The planning permission hereby granted is also subject to the applicants entering into a legal agreement under Section 76 of the Planning Act (NI) 2011. A copy of the Section 76 Planning Agreement is available with the applicant's Solicitor.
2. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Planning Authority or other statutory authorities.
3. No connection should be made to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.
4. All services within the development should be laid underground.
5. Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants should contact NI Water's Water Fittings Regulations team via [waterline@niwater.com](mailto:waterline@niwater.com) if they have any queries.
6. Public water supply within 20m of your proposal - the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect.
7. Foul sewer within 20m of your proposal - the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect.
8. No surface water sewer within 20m of your proposal - developer is required to consult with NIW and may wish to requisition a surface water sewer to serve the proposed development and / or obtain approval from Rivers Agency for discharge to a watercourse.
9. The applicant is advised to contact NIW Waterline on 03457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this decision to discuss any areas of concern. Application forms and guidance are also available via these means.
10. If during the course of developing 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 Waterline on 03458 770002.

11. The applicant must ensure that the kitchen(s) associated with this development has suitable properly maintained grease traps on the effluent.
12. Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced.
13. Under the terms of Schedule 6 of the Drainage (NI) Order 1973, any proposals either temporary or permanent, in connection with the development which involves interference with any watercourses such as culverting, bridging, diversion, building adjacent to or discharging storm water etc. requires the written consent of DfI Rivers. This should be obtained from the Eastern Regional Office at Ravarnet House, Altona Road, Largymore, Lisburn BT27 5QB.
14. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult DfI Rivers accordingly on any related matters.
15. 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 DfI Rivers. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage (Northern Ireland) Order 1973 which may lead to prosecution or statutory action as provided for.

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 DfI Rivers. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage (Northern Ireland) Order 1973 which may lead to prosecution or statutory action as provided for.

If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the DfI Rivers local Area 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.

16. The purpose of the conditions 6-8 is to ensure 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.

In respect of condition 7, any new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

17. Regulation Unit Land and Groundwater Team 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.

18. In respect of condition 4, 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>.
19. The applicant should be aware that it is an offence under section 47 of the Fisheries Act (Northern Ireland) 1966 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks.
20. The applicant must refer and adhere to all the relevant precepts contained in:
  - Standing Advice Note No. 23 – Commercial and Industrial Developments.
  - Standing Advice Note No.4 – Pollution Prevention Guidance.
  - Standing Advice Note No. 11 – Discharges to the Water Environment.
  - Standing Advice Note No. 18 – Abstractions and Impoundments.
  - Standing Advice Note No. 25 – Vehicle Washing
  - Standing Advice Note No. 5 – Sustainable Drainage Systems.
21. No medicines having a deleterious effect on sewage treatment processes should be disposed of to the sewage system.
22. 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.

The applicant should note the definition of a 'waterway' as defined under the NI Water Order:

"Waterway" includes any river, stream, watercourse, inland water (whether natural or artificial) or tidal waters and any channel or passage of whatever kind (whether natural or artificial) through which water flows

In this Order any reference to a waterway includes a reference to the channel or bed of a waterway which is for the time being dry.

23. In accordance with condition 2 the CEMP should reflect all of the mitigation, and avoidance measures to be employed as outlined in the Environmental Statement, including the following:
  - A Construction Site Traffic Management Plan.
  - A Noise Management Plan and Vibration Management Plan. The noise and vibration mitigation measures detailed within the *Draft Construction Environmental Management Plan (Draft Noise Management Plan, Appendix 2 of Volume III Appendix 2.1 and Draft Vibration Management Plan, Appendix 3 of Volume III Appendix 2.1)* shall be adopted within the final Noise and Vibration Management Plans. The Noise Management Plan and Vibration Management Plan shall pay regard to the recommendations outlined in *Sub-section 6.6.1 - Construction Phase of Section 6.6 – Mitigation Measures, Chapter 6.0 Noise and Vibration of the RPS Environmental Statement (ES) 2018* and Parts 1 and 2 of BS 5228:2009+A1:2014 Noise and Vibration Control on Construction and Open sites.

- A Dust Management Plan. The dust management shall be in accordance with Sub-section 11.4.6 and Section 11.6 of Chapter 11.0 Air Quality, Odour and Climate of the RPS Environmental Statement (ES) 2018. The dust mitigation measures detailed within the Draft Construction Environmental Management Plan (Draft Dust Management Plan, Appendix 4 of Volume III Appendix 2.1) shall be adopted within the final Dust Management Plan.
- A Japanese Knotweed Management Plan. The management measures detailed within the Draft Construction Environmental Management Plan (Japanese Management Plan, Appendix 9 of Volume III Appendix 2.1) shall be adopted within the final CEMP.
- Identification and details of the perceived risks to a waterway e.g. from cement, concrete, grout, fuels/ oil/ hydrocarbons and suspended solids.
- Identification and details of potential pollution sources and pathways.
- Details of all pollution prevention measures/mitigating measures to address the environmental impacts on the aquatic environment and minimise the risk of pollution to any waterway (as defined by the Water (NI) Order 1999) during the development of this proposal as detailed in the Environmental Statement and preliminary CEMP. Examples of mitigation measures employed to minimise the risk of pollution to any waterway (as defined by the Water (NI) Order 1999) include;
  - Safe refuelling, handling and storage practices for earth stockpiles and secondary containment for chemicals, oil, fuels etc.
  - Emergency spill procedures should be addressed and should include the NIEA pollution hotline 0800 80 70 60 and the associated time frames for contact in event of a spill / pollution.
  - NIEA Water Management Unit notes the Outline Emergency Spill Response Plan features the pollution hotline number but requires a timeframe. For example “any spillages / pollution incidents should be reported to the NIEA water pollution hotline within 30 minutes of the incident occurring unless it is not safe to do so”.

24. CEMP / Method of Works Statement must demonstrate adherence of working practices to the precepts contained in relevant PPG's. e.g. PPG5 Works in, near or liable to affect watercourses and PPG6 Working at Demolition and Construction sites.

25. The applicant's attention is drawn to Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence for any person to plant or otherwise cause to grow in the wild any plant which is included in Part II of Schedule 9 of the Order, which includes Japanese Knotweed.

Any soil, containing Japanese Knotweed plant or seed material, which is removed off site, is classified as controlled waste under the Controlled Waste Regulations (Northern Ireland) 2002. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 places a duty of care on 'anyone who produces, imports, stores, transports, treats, recycles or disposes of waste to take the necessary steps to keep it safe and to prevent it from causing harm, especially to the environment or to human health'. In the case of Japanese Knotweed it is the duty of the waste producer to inform the licensed waste

carrier and licensed landfill site that the controlled waste material contains Japanese Knotweed as part of the waste transfer process.

Please see the following link for Best Practice Guidance:

<http://invasivespeciesireland.com/toolkit/>

Further advice can be sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel: 028 905 69605

26. NIEA Water Management Unit's Pollution Prevention Team will be happy to advise on CEMP / Method of Works Statement or to provide any other pollution prevention advice the applicant requires. They can be contacted on 028 9263 3478.

The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during both the construction and operational phases. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer and adhere to relevant precepts contained in Standing Advice Note No. 11 – Discharges to the Water Environment.

27. The applicant should consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the development works including the need for discharge consent. Discharged waters should meet appropriate discharge consent conditions. (Please refer to the Standing Advice Note 11 – Discharges to the Water Environment.

28. Water Management Unit notes the potential exists for the water table to be encountered during these works.

In accordance with the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 (as amended) it is a mandatory requirement that upon the abstraction and/or diversion and/or impoundment of water from the natural river channel/lake, coastal or groundwater sources, an abstraction/impoundment licence should be obtained unless the operations specified are Permitted Controlled Activities.

The applicant should refer and adhere to all the relevant precepts contained in Standing Advice Note No. 18 – Abstractions and Impoundments.

Given the above points Water Management Unit strongly recommends the applicant contact the local consenting officer (028 9262 3056) and licensing officer (028 9263 3462) at their earliest convenience to discuss the statutory permissions required for this proposal.

29. Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C753. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.

30. The applicant must comply with the Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010.

31. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird. Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season including 1st March to 31st August, unless pre-clearance surveys show an absence of breeding birds.

32. The applicant and future users are advised that the proposed development is located adjacent to an area declared as an Air Quality Management Area (AQMA) under the Environment (NI) Order 2002. Levels of nitrogen dioxide within the AQMA are predicted to exceed the annual mean concentrations as prescribed by the Government through the National Air Quality Strategy.

The Council along with relevant partners have developed a 2015-2020 Air Quality Action Plan that stipulates how they propose to implement measures that are designed to improve air quality within AQMAs.

The applicant and future users should be aware that the area may be subject to mitigation and control measures as part of the air quality management process.

### 33. THE SMOKING (NI) ORDER 2006

The applicant is advised to ensure that the designated smoking area is suitably managed and controlled to prevent noise, litter, anti-social behaviour and loss of amenity to nearby residents. The applicant is advised to consult with Belfast City Council's Tobacco Control Officer to ensure that the smoking area design is compliant with the regulations.

34. Any additional smoking areas to that approved under this permission will require the express consent of the Planning Authority.

35. The four cooking odour abatement systems should comply with industry guidance EMAQ+ 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' issued September 2018.

36. The operator of the development is advised that the four cooking odour abatement systems installed within the development should be cleaned and maintained in accordance with the manufacturer's instructions.

### 37. THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985

For entertainment events such as outdoor concerts it will be necessary for the applicant to apply to Belfast City Council for an Outdoor Entertainment Licence. Indoor entertainment associated with the social club, will also require an Entertainment Licence.

The granting of an Entertainment Licence is subject to approval by Belfast City Council's Licensing Committee. Guidance is available on the following link: <http://www.belfastcity.gov.uk/buildingcontrol-environment/licences-permits/entertainmentlicence.aspx>

38. Noise management arrangements for outdoor concert events using sound amplification equipment should be in line with the recommended noise control procedure as detailed in the Noise Council, 'Code of Practice on Control of Noise at Concerts' (1995) or updated equivalent good practice guidance.

#### 39. THE POLLUTION CONTROL AND LOCAL GOVERNMENT (NI) ORDER 1978

Due to the proximity of commercial and residential accommodation to the proposed development site, the applicant is advised of the following good practice documents for noise and vibration control during the demolition/construction phase of the development:

- Belfast City Council's Noise Control Advice Note for Construction and Demolition Sites (available at <http://www.belfastcity.gov.uk/buildingcontrolenvironment/noisecontrol/typesofnoise.aspx>.)
- British Standard 5228:2009 +A1:2014 – Code of practice for noise and vibration control on construction and open sites – Part 1: Noise and Part 2: Vibration.

#### 40. SAFETY OF SPORTS GROUNDS (NORTHERN IRELAND) ORDER 2006

Under the Safety of Sports Grounds (Northern Ireland) Order 2006, district councils are responsible for issuing and enforcing a safety certificate in respect of sports grounds designated by the Department for Communities (previously known as DCAL) and stands that have been regulated. These are sports grounds that, in the opinion of the Department, have the potential to accommodate more than 5,000 spectators, and stands that have the potential to accommodate more than 500 spectators at smaller venues.

The safety certificate contains those terms and conditions that the district council considers necessary or expedient to secure the reasonable safety of spectators at the sports ground, when it is being used for the activities specified in the certificate. The most important condition in a safety certificate sets the maximum number of spectators that may be accommodated at the ground.

41. The applicant should ensure that machinery, such as cranes, do not block the line of sight for telecom links within the area, when stationary or moving.
42. This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.

Signs may require separate approval under The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015. Their size, construction, content and siting should be approved by the Planning Authority before any such signs are erected.

43. The applicant's attention is drawn to:
- i. the relevant provisions of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and
  - ii. the Code of Practice for Access for the Disabled to buildings.
44. Notwithstanding the terms and conditions of the Department for Infrastructure's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure'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 DfI Roads Section Engineer whose address is Belfast South Section Office, 1A Airport Road, Belfast BT3 9DY. A monetary deposit will be required to cover works on the public road.

45. It is a DfI Roads requirement that all structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.
46. This permission does not alter or extinguish or otherwise effect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
47. 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.
48. When making this decision the Department for Infrastructure has taken into consideration environmental information within the terms of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.
49. Reference to the 'Environmental Statement' relates to the Environmental Statement which was submitted on 19 April 2017 and to the Further Environmental Information (FEI) received on 16 May 2018, 18 December 2018, 11 July 2019 and 3 February 2020.

Dated: 18 November 2020

Signed: \_\_\_\_\_  
Authorised Officer

for Strategic Planning Directorate