

ADDENDUM REPORT 3	
Development Management Officer	
Committee Meeting Date: Tuesday 24 th August 2021	
Application ID: LA04/2019/1540/F	
Proposal: Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks. 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3no. weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works.(Further Environmental Information-addendum to Environmental Statement)	Location: Lands to the northwest of existing Belfast City Council Waste Transfer Station (2a Dargan Road, Belfast, BT3 9JU).
Referral Route: Council has an estate in the application site.	
Recommendation: Approval	
Applicant Name and Address: Dargan Road Biogas Limited Energia Group 62 Newforge Lane, Belfast, BT9 5NF	Agent Name and Address: Clyde Shanks 5 Oxford Street Belfast, BT1 3LA

1.0	Background
1.1	This Addendum Report 3 should be read in conjunction with Addendum Report 2 (April 2021), Pre-Determination Report (February 2021), Addendum Report 1 (January 2021) and original Committee report (August 2020), together with associated Late Items. These reports are appended.
1.2	At the April 2021 Planning Committee, Members agreed to defer consideration of the application and asked that officers draw up planning reasons for refusal based on the following concerns: <ul style="list-style-type: none"> • That the proposed development is incompatible with adjacent land uses and is contrary to Policy WM1 of Planning Policy Statement 11, in that it is incompatible with the character of the surrounding area and adjacent land uses, namely with the adjacent film studios and its expansion and also with the GPBL proposals; and • That the film studio extension has been built in the zone which was zoned for Waste Management in the Masterplan, and that the waste management element therefore no longer existed.
1.3	The following report sets out planning refusal reasons based on the above, including consideration of those reasons and officer recommendation.

2.0	Refusal Reason 1 – incompatibility with film studios and GPBL proposals
2.1	The Planning Committee is concerned about the compatibility of the proposed CAD facility with two receptors: the film studios to the east; and the GPBL proposals for mixed use development to the north and west. The impact on each is dealt with in turn.
2.2	<p><u>Compatibility with the film studios</u></p> <p>The film studios are located to the east of the site. Phase 1 was granted planning permission in 2016 (LA04/2015/1605/F) and has since been implemented. Phase 2 was granted permission in 2020 (LA04/2020/0474/F) and has yet to be constructed. An application to vary the conditions under permission LA04/2020/0474/F was validated in May 2021 and is scheduled for the Planning Committee on 19 August 2021 (LA04/2021/1358/F).</p>
2.3	In October 2020, the applicant submitted Addendum 2 to its Environmental Statement. This dealt with the cumulative impact of the proposed CAD facility with the addition of Phase 2 of the film studios. The Environmental Statement (ES) dealt with a range of environmental considerations, both during construction and operation, including but not limited to air quality and odour; noise and vibration; and lighting. The Council's Environmental Health team assessed the ES and provided specialist advice to the Planning Service regarding the compatibility of the proposed CAD facility with adjacent land-uses, including both phases of the film studios.
2.4	<p>In addition, for the purposes of this Addendum Report 3, Environmental Health (EH) has provided an additional note on the compatibility concerns raised by Members. This note has been uploaded to the Planning Portal and is appended to this report at Annex 1.</p> <p><i>Ambient Air Quality</i></p>
2.5	Ambient air quality is considered in Chapter 6 of the ES. The ambient air quality impact assessment took account of emissions from the proposed CAD facility and associated gas generating engines.
2.6	An air quality impact assessment was undertaken by the applicant for nitrogen dioxide, sulphur dioxide and carbon monoxide ambient pollutants associated with operation of the proposed CAD facility. UK government technical guidance advises that air quality regulations require exceedances of objectives to be assessed in relation to <i>'the quality of the air at locations which are situated outside of buildings or other natural or man-made structures, above or below ground, and where members of the public are regularly present'</i> . Moreover, longer term objectives such as annual mean or 24 and 8 hour objectives typically apply only at the façades of residential properties or other places of residence such as schools, hospitals and care homes, etc. Shorter term objectives apply where members of the public might reasonably expect to spend 15 minutes or 1 hour. Such short-term objectives have, however, been established only for nitrogen dioxide and sulphur dioxide. Importantly, the government guidance further advises that air quality objectives are not relevant to places of work or to other locations where members of the public do not have regular access.
2.7	Emission factors for the various pollutants under consideration were derived using atmospheric dispersion modelling software. Vehicle movements were screened out of the air quality impact assessment as they fall below thresholds detailed within the Design Manual for Roads and Bridges and the Institute of Air Quality Management Land-Use Planning & Development Control: Planning for Air Quality guidance. A range of seven residential and commercial receptor locations were initially identified both on and off the North Foreshore site, including offices on Dargan Road, residential properties on the

	Shore Road and at Mount Vernon, the council's waste transfer station on the North Foreshore site and the closest building within the Phase 1 of the Belfast Harbour Studios.
2.8	Dispersion modelling was undertaken by way of a sensitivity test. The ES states that the modelled concentrations of nitrogen dioxide, carbon monoxide and sulphur dioxide were all predicted to be below their respective standards. Consequently, the ES concludes that proposed and existing sensitive locations will not experience a significant air quality impact as determined from the results of the air quality assessment, which predicted pollutant concentrations to be significantly lower than the appropriate guideline limits during the operational phase. As previously mentioned, the outworking of the ambient air quality assessment needs to be considered in terms of government guidance that air quality objectives are not relevant to places of work or to other locations where members of the public do not have regular access.
2.9	Addendum 2 of the ES deals with the cumulative impact of the proposed CAD facility taking into account the planning permission for Phase 2 of the film studios. The proposed target levels and method of assessment was extended with two additional receptor locations to account of Phase 2. The additional receptor locations were representative of 1) the closest external area to the application site; and 2) the closest building to the application site.
2.10	Addendum 2 of the ES states that the Phase 2 site is in a non-residential area, which is commercial in nature and has been defined within the planning application for the Phase 2 development as operating internally only with no open doors or windows. Notwithstanding this, and consistent with the conservative approach to the existing film studio complex in the original ES, the limits applicable to human health receptors were applied in a manner similar to what would have been applicable to residential receptors to ensure a worst case scenario.
2.11	An air quality impact assessment was therefore undertaken by way of dispersion modelling for the two additional receptor locations within Phase 2 of the film studios. The ES concludes that predicted ground level concentrations in each year, as well as the 5-year average were significantly below the limit values or objectives for nitrogen dioxide (NO ₂), carbon monoxide (CO) and sulphur dioxide (SO ₂). EH reiterates UK Government guidance which advises that air quality objectives are not relevant to places of work or other locations where members of the public do not have regular access.
2.12	Addendum 2 of the ES again refers to the previous transport assessment, advising that existing traffic flows were reviewed as part of the Further Environmental Information to consider the traffic attributable to the Phase 2 permitted development. The updated Transport Assessment confirms that the percentage increase of the proposed CAD facility traffic on the Giant's Park access road and on Dargan Road remain beneath the threshold of significance, primarily due to the fact that baseline traffic has increased with the Phase 2 permitted development. EH also notes that the traffic numbers also fall below the thresholds for an air quality impact assessment established in the 2017 Institute of Air Quality Management, 'Land-Use Planning & Development Control: Planning For Air Quality' publication; an increase in light duty vehicle of 500 AADT and an increase in heavy duty vehicles of more than 100 AADT.
2.13	Should Members be minded to grant permission, a planning condition is recommended to deal with dust impacts during construction through the submission of a Construction Environmental Management Plan.
2.14	Given the above assessment, it is considered that the film studios and proposed CAD facility would be compatible in terms of ambient air quality impacts.

Odour

- 2.15 The applicant's odour impact assessment took account of emissions from the odour control system for the plant. Digestate from the anaerobic digestion process was not considered as an odour source as output from the municipal solid waste fines stream are proposed to be dried and disposed of as waste at landfill and output from the source separated organic waste stream will be dried, pelletised and exported to market as a fertiliser product. These processes are to be undertaken inside a building maintained under negative pressure. Odour impacts from waste contained in HGVs was not specifically identified as an issue by the Environmental Statement. The Pollution Prevention Control Permit that the applicant would require from DAERA would require the submission of an Odour Management Plan to mitigate potential impacts.
- 2.16 The odour impact assessment was also carried out by way of dispersion modelling, having regard to the provisions of the Environment Agency, '*Additional guidance for H4 Odour Management. How to comply with your environmental permit*'. Within the H4 guidance, the Northern Ireland Environment Agency (NIEA) has advanced a series of odour benchmarks to be achieved at a site or installation boundary. The benchmark for the most offensive odours, including processes involving decaying animal or fish remains, processes involving septic effluent or sludge and biological landfill odours, is 1.5 odour units – assessed as the 98th percentile of hourly average concentrations of odour modelled over a year at the site or installation boundary.
- 2.17 The odour modelling was undertaken for the same original seven commercial and residential receptors, located on and off the North Foreshore site, as identified for the air quality impact assessment. The ES advises that the modelled odour concentrations at all sensitive receptors are below the 1.5 ouEm⁻³ when considered as individual years or as a 5-year average. In actuality, the modelling suggests maximum odour levels of 0.25 ouEm⁻³ or less at all receptors.
- 2.18 The Institute of Air Quality Management's '*Guidance on the assessment of odour for planning*' (July 2018) provides a series of suggested descriptors for assessing the magnitudes of odour effect. For the purposes of the IAQM guidance, high sensitivity receptors may include residential dwellings, hospitals, schools or places of education and tourist or cultural locations. Such locations are described as where users can reasonably expect enjoyment of a high level of amenity; and where people would reasonably be expected to be present continuously, or at least regularly for extended periods, as part of the normal pattern of use of the land. Medium sensitivity receptor locations include places of work, commercial or retail premises and playing or recreation fields – the film studios fall into this medium sensitivity receptor category.
- 2.19 Accordingly, the IAQM proposed odour effect descriptor for impacts predicted by modelling for the most offensive odours suggests that for an odour exposure level of less than 0.5 ouEm⁻³, the impact will be negligible for all receptor sensitivities; i.e. low, medium or high.
- 2.20 Additional odour modelling was carried out at the two additional receptor locations located within Phase 2 of the film studios. The resultant 98th percentiles of the hourly average concentrations of odour modelled over successive years were all found to be below the proposed 1.5ouEm⁻³ benchmark. Predicted odour concentrations at receptor R1 ranged from 0.23-0.25 ouEm⁻³ and ranged from 0.18-0.24 ouEm⁻³ at receptor R2. These values are in broad keeping with the odour concentration range of the Environmental Statement. Moreover, in referring to the Institute of Air Quality Management, '*Guidance on the assessment of odour for planning*' version 1.1 - July 2018, EHO notes that places of work can be considered as 'medium sensitivity'

	<p>receptors. Accordingly, for a medium sensitivity receptor, exposed to a 'most offensive' odour, where the impact has been predicted by modelling, the impact of an odour exposure level of less than 0.5 ouEm⁻³ would be described as 'negligible'.</p>
2.21	<p>Given the above assessment, it is considered that the film studios and proposed CAD facility would be compatible in terms of odour impacts.</p> <p><i>Noise and vibration</i></p>
2.21	<p>Noise and vibration are dealt with in Chapter 7 of the ES. The applicant undertook a noise and vibration assessment in accordance with: 'BS4142:2014: Method for Rating and Assessing Industrial and Commercial Sound' and; 'BS5228:2009 The Code of Practice for Noise and Vibration Control on Construction and Open Sites.</p>
2.22	<p>BS4142 requires that the measured rating level (LAR) is compared to the background level (LA₉₀), measured in the absence of the noise under assessment, to determine the likelihood of an adverse noise impact. The rating level of the development should not significantly exceed the existing background noise level, depending on the context.</p>
2.23	<p>A baseline noise survey was undertaken at the North Foreshore site in October 2019. The measurement position was placed in close proximity to Phase 1 of the film studios, an exposed location. Background noise levels were then derived from data collected during this survey. 54 dB LA₉₀ was chosen as the appropriate and representative background noise levels for the daytime period and 46 dB LA₉₀ was chosen as the appropriate and representative background noise levels for the night-time period. Noise modelling was undertaken to predict the noise impact of the proposed CAD facility on nearby receptors. The ES advises that noise from the proposal is principally associated with the Biogas CHP engines, various pumps, blowers/fans and agitators, as well as HGV movements to and from the site. HGV movements would be limited to daytime hours only, from 7am to 7pm, with all other plant operating 24 hours per day. Modelled daytime and night-time noise contours were provided in the ES.</p>
2.24	<p>Five noise sensitive receptors were identified both on and off the North Foreshore site, including Phase 1 of the Belfast Harbour Studios, and residential properties some 600-700m away at the Shore Road. The predicted noise levels at these receptors as a consequence of the proposal were presented for daytime and night-time. Daytime noise levels at the Belfast Harbour Studios were predicted to be around 44 dB LAeq,1hr and less than 30 dB LAeq,1hr at the residential premises at the Shore Road. Night-time noise levels at the at the Belfast Harbour Studios were also predicted to be around 44 dB LAeq,15 min and as previously, less than 30 dB LAeq,15 min at the residential premises.</p>
2.25	<p>An acoustic feature correction was applied to the predicted daytime noise level to take account of vehicle movements in accordance with the requirements of BS4142 and the data was then compared with daytime and night-time background noise levels. In comparing the data, the ES concludes that the highest predicted daytime and night-time noise impacts from the proposed development at the Belfast Harbour Studio were below their respective 'typical' background noise levels; as per BS4142 "this is an indication of the specific sound source having a low impact".</p>
2.26	<p>The noise levels associated with the proposed CAD facility were similarly predicted to be below daytime and background noise levels at residential properties located on the Shore Road. It is noted that the residential properties located on the Shore Road are separated from the North Foreshore site by the M2 Motorway and Fortwilliam Roundabout.</p>

2.27	<p>In relation to the noise impact of the proposal on Phase 1 of the film studios, the ES advises that it is important to note that BS4142:2014 assesses external noise only and its suitability for assessing impacts on internal noise environments is limited. The predicted noise levels due to the proposed development are external levels; absolute internal levels can be estimated assuming a reduction of 10 – 15dB afforded by an open window, resulting in a daytime internal sound pressure level within the film studios between 28.7 and 33.7 dB(A). The ES advises that this is a minimum of 1.3 dB below the BS8233:2014 Guidance on sound insulation and noise reduction for buildings, sleeping (daytime resting) bedroom noise level of 35 dB LAeq for residential dwellings. In addition, BS8233:2014 also provides typical noise levels for non-domestic buildings; an internal design range of 35-40 (dB LAeq,T) would normally be sought for an executive office environment where activities undertaken would include study or work requiring concentration.</p>
2.28	<p>Addendum 2 of the ES extended the previous noise impact assessment to take account of the two additional receptor points located within Phase 2 of the film studios. EH notes that as part of the noise and vibration assessment for Phase 2, the ES states that the precise activities that will occur during the operational phase of Phase 2 are not known. The ES assumes that the majority of activities will be undertaken at the proposed studios internally. As the majority of the proposed operational activities will be undertaken within the relevant buildings, it will be possible to benefit from the significant noise attenuation of the building shell, which on the assumption of there being no openable doors or windows, will be at least 20-30dB(A). The ES advises that with a distance attenuation of at least 12dB(A) and building attenuation of at least 20-30dB(A), it would take exterior noise levels of greater than 80dB(A) just to result in noise levels at the nearest commercial units similar to background noise level of approximately 54 dBA during the daytime and 46 dBA during the night time. EH further notes that an acoustician will be employed at the detailed design stage of Phase 2 to ensure that the appropriate building shell specification, roof specification, window specifications and door specifications are used to ensure that there is no operational phase noise impact from such activities.</p>
2.29	<p>Addendum 2 of the ES refers to this information in its assessment of noise for the two additional receptors located within Phase 2 of the Belfast Harbour Studios development. The noise assessment for the two additional receptors indicates that the predicted noise levels at the Phase 2 permitted development would be lower than 50dB(A) and consistent with residential standards designed for external residential amenity. The ES states that utilising the same assumptions as those submitted as part of the noise impact assessment accompanying the Phase 2 planning application, i.e. the existing background noise levels on the site are nearly 10dB higher than those relied upon in the CAD facility application; and the shell of the proposed buildings will provide at least 20-30dB of sound insulation to the sensitive areas of the site, this would mean that noise level would need to be in the region of 30-40dB higher than predicted levels to cause an impact within the Phase 2 development.</p>
2.30	<p>There would be some noise impact on the film studios during the construction phase, particularly with regard to piling. Should Members be minded to grant planning permission, a planning condition is recommended to require a Construction Noise and Vibration Management Plan so as to minimise the potential noise impacts in so far as practicable. It should be noted that the best practice guidance does not safeguard commercial uses during the construction process. However, it should be borne in mind that construction noise, including piling, would occur during the build for other development proposals for the site including logistical warehousing, which the land is zoned for in both Policy BHA 05 of dBMAP 2015 (v2014) and the adopted masterplan.</p>

2.31	<p>Given the above assessment, it is considered that the film studios and proposed CAD facility would be compatible in terms of noise impacts.</p> <p><i>Lighting</i></p>
2.32	<p>An artificial lighting assessment is provided in Appendix 15.1 of the ES. The ES highlights that the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 came into operation on 1st April 2012 and contains laws which cover many of the problems which can detract from the quality of people's day-to-day lives. The Act makes reference to artificial lighting as follows; Part 7 Statutory Nuisances 63 (1) (h) artificial light emitted from premises so as to be prejudicial to health or a nuisance. Although light is described within the Act as having the potential to cause statutory nuisance, no prescriptive limits or rules are set for assessment. However, Guidance Notes for the Reduction of Obtrusive Light produced by the Institute of Lighting Professionals are commonly adopted in the UK as being appropriate lighting assessment criteria.</p>
2.33	<p>The ES characterises the existing lighting environment of the North Foreshore area as E2 – Low District Brightness and reflective of a rural conditions; a village or relatively dark outer suburban locations. The applicant therefore recognised the importance of minimising the potential effect of lighting upon the surrounding area by minimising sky glow, glare and light spillage. Data for various luminaires to be installed at and around the site have been provided. The assessment has also considered lighting impact during the construction phase. Modelling for the operational lighting design indicated that it will achieve the E2 criteria for luminaire intensities and light intrusion into windows. The ES therefore concludes that no significant cumulative artificial lighting impacts are predicted as a consequence of the proposed CAD facility. Given this assessment, it is considered that the film studios and proposed CAD facility would be compatible in terms of lighting impacts.</p> <p><i>Pollution Prevention Control Permit</i></p>
2.34	<p>EH has advised on the environmental impacts of the proposed CAD facility both during construction and upon operation. Its operation would be subject to a Pollution Prevention Control Permit which will need to be obtained from DAERA NIEA.</p>
2.35	<p>Planning Policy Statement: Planning and Waste Management (PPS 11) sets out the Department for Infrastructure's planning policies for the development of waste management facilities. PPS 11 seeks to promote the highest environmental standards in development proposals for waste management facilities and includes guidance on the issues likely to be considered in the determination of planning applications.</p>
2.36	<p>Section 2 of PPS 11 describes the relationship between Planning and Pollution Control Regimes, highlighting that planning control focuses primarily on whether a development is an acceptable use of land rather than on the control of the processes or substances involved; and regulating the location of the development in order to avoid or minimise adverse effects on people, the use of land and the environment.</p>
2.37	<p>The Pollution Control regime is alternatively concerned with the control and regulation of proposed operations and processes of a waste activity and with the day to day operation. The objective is to ensure that the waste is disposed of or treated without endangering human health or causing harm to the environment.</p>
2.38	<p>Accordingly, the Department has advised that planning control should not duplicate other statutory controls or be used to achieve objectives relating to other legislation. The</p>

	<p>Council as Planning Authority must therefore make planning decisions on the basis that the pollution control regimes will be properly applied and enforced.</p>
2.39	<p>It is noted that in their consultation response of 15 October 2019, NIEA advises that the Pollution Prevention Control (PPC) Team within the Regulatory Unit have noted that the activities described in the planning application will require a Pollution Prevention and Control Permit issued under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 to operate, and hence must demonstrate Best Available Techniques as per the Regulations.</p> <p><u>Compatibility with the Giant's Park Belfast Limited proposals</u></p>
2.40	<p>In January 2021, Giant's Park Belfast Ltd (GPBL) submitted a Pre-Application Discussion (PAD) request and Proposal of Application Notice in respect of mixed-use proposals on the land to the north and west. The description of development is: '<i>Major mixed use leisure led development comprising indoor and outdoor leisure and recreational uses, hotels, food and beverage units, petrol filling station, and research and development hub.</i>' In June 2021, these proposals were amended to replace the proposed research and development hub and indoor leisure proposals with logistics and distribution (Use Class B4), and incubation hub (Use Class B2) to meet demand for smaller independent units. There would also be an indoor leisure element in the proposed adventure park.</p>
2.41	<p>These proposals are still at an early stage with an initial PAD meeting held in March 2021. Policy BHA 05 of dBMAP 2015 (v2014) zones the area for a variety of employment uses but these do not include many of the uses featured in the GPBL proposals, namely the zoning excludes leisure, food and beverage, hotel and petrol filling station uses. The only use which directly accords with the zoning are the proposed Use Class B2 and B4 uses. The zoning does include 'Open space and associated facilities' but not leisure.</p>
2.42	<p>The 'North Foreshore Giants Park Masterplan' (2010) was produced as a Key Site Requirement for the zoning (and pre-dates dBMAP 2015 (v2014)). In addition to employment uses, it includes 81ha (200 acre) of Public Open Space. According to the Masterplan, this would include a visitors/education centre; children's adventure play area; sports playing fields; cycle and pedestrian paths; festival and performance space; bird hides and landscaping; public artwork and pedestrian bridges.</p>
2.43	<p>EH has previously advised that they do not have in principle concerns regarding the compatibility of the proposed CAD facility with the adjacent uses zoned under Policy BHA 05 of dBMAP 2015 or the approved masterplan, in respect of land contamination, ambient air quality, odour, noise impacts or lighting. The noise assessment indicates that noise levels would be less than daytime background levels. EH advises that noise impacts would be manageable in relation to the layout and design of uses. Odour impacts would be negligible. There would be no unacceptable conflicts with regard to air quality.</p>
2.45	<p>Members' concerns about the compatibility of the proposed CAD facility with the GPBL proposals are understood to principally relate to the proposed leisure uses, food and beverage and hotel. The proposed Use Classes B2 and B4 are less sensitive receptors.</p>
2.46	<p>It is considered unreasonable for the Council to refuse planning permission on grounds of incompatibility of the CAD facility with the GPBL proposals for several reasons. Firstly, minimal weight should be afforded to these proposals given the early stage of the GPBL proposals in the planning process, which remain at the PAD stage. Secondly, that the leisure, food and beverage, hotel and petrol filling station uses are not committed nor do they form part of the zoning and Key Site Requirements under Policy BHA 05 which specifies the range of uses that may be permitted at the site. Thirdly, Environmental</p>

	<p>Health has not raised in principle concerns about the compatibility of the proposed CAD facility with the GPBL proposals. Fourthly, even if the GPBL proposals had progressed to formal planning application stage, it is considered unreasonable to withhold planning permission or delay determination of the application for the proposal CAD facility until the GPBL application is determined given 1) the GPBL proposals do not accord with the zoning of the land; and 2) the length of time that the CAD facility application has already been in the system having been submitted to the Council in June 2019 (2 years ago).</p>
2.47	<p>Whilst the masterplan specifies a range of recreational uses associated with the Public Open Space (as described in par. 2.42 above), these are not committed and greater weight should be given to the Policy BHA 05 zoning itself as the master policy. Moreover, there is no evidence before the Council that the proposed CAD facility would be incompatible with the recreational uses included in the masterplan.</p> <p><u>Conclusion on Refusal Reason 1</u></p>
2.48	<p>A refusal reason based on Members concerns could read:</p> <p><i>'The proposed development would result in unacceptable environmental conflict with the adjacent film studios to the east (including Phases 1 and 2 of the film studios); and with the leisure, hotel, food and beverage uses contained in Giant's Park Belfast Limited's leisure-led mixed use proposals for land to the north and west. The proposed development would not be compatible with the character of the surrounding area and these adjacent land-uses and would prejudice future operations of these economic uses, contrary to paragraph 6.90 of the Strategic Planning Policy Statement for Northern Ireland (2015); Policy WM 1 of PPS 11: Planning and Waste Management; and Policies PED 8 and PED 9(a) of PPS 4: Planning and Economic Development.'</i></p>
2.49	<p>However, having regard to the assessment carried out in this and previous reports, it is considered that there are no technical reasons why the proposed CAD facility would be incompatible with either the film studios or GPBL proposals. Moreover, the GPBL proposals should be given minimal weight because of their early stage in the planning application process. In addition, many of the uses featured in the GPBL proposals do not form part of the zoning of the land in dBMAP.</p>
3.0	<p>Refusal Reason 2 – zoning of the area for waste management no longer exists</p>
3.1	<p>The site and wider lands at North Foreshore are zoned for employment uses in both the 2004 and 2014 versions of draft BMAP. Greater weight is given to the most recent 2014 version of BMAP (dBMAP 2015 (v2014)) because of the advanced stage that it had reached in the Development Plan process.</p>
3.2	<p>Policy BHA 05 of dBMAP 2015 (v2014) zones the area for a variety of uses including:</p> <ul style="list-style-type: none"> • Waste management • Port and port related land-uses • Class B1 Business, call centres and research and development • Class B2 Light industrial use • Class B3 General industrial use • Class B4 Storage and distribution use • Open space and associated facilities
3.3	<p>A Key Site Requirement is that development shall only be permitted in accordance with an overall comprehensive masterplan to be agreed with the Department. The 'North</p>

	<p>Foreshore Giants Park Masterplan' was approved by the Department in 2010. This sets out detailed proposals for the development of the site including technical commentary. In the masterplan, land to the south east of the zoning is earmarked for Arc21 waste management facilities. This is where film studios phase 1 have been built and planning permission has been granted for film studios phase 2. Members are concerned that in view of these permissions for alternative uses, waste management facilities are no longer required within the wider zoning and therefore planning permission for the proposed CAD facility should be refused.</p> <p>3.4 When the Planning Committee granted permission for the original film studios (LA04/2015/1605/F) it accepted the case officer report which advised that the proposal 'conformed in principle' with Policy BHA 05, in recognition of the broad zoning of the land for employment uses as well as the contribution that the film studios would make to the local economy, having regard to PPS 4 Planning and Economic Development. The Planning Committee did not grant permission on the basis that there was no longer a requirement for waste management facilities.</p> <p>3.5 The agreed masterplan is conceptual and it is unclear from the document how definitive the spatial configuration of uses across the zoning is. In any event, it is advised that greater weight should be afforded to the Policy BHA 05 zoning itself as the masterplan is a subordinate policy document in this regard. Moreover, masterplan is more than 10 years, does not reflect the planning permission granted for the film studios, and is arguably outdated. Furthermore, it is noteworthy that the Council's decision to grant permission for the film studios on land assigned for Arc21 waste management facilities in the masterplan establishes the principle of the Council taking a flexible approach to zoned uses under Policy BHA 05. The planning process often has to be reactive to changing circumstances on the ground.</p> <p>3.6 A refusal reason based on Members concerns could read:</p> <p><i>'Policy BHA 05 of the draft Belfast Metropolitan Area Plan 2015 (v2014) zones the area for a range of uses including waste management. The associated North Foreshore Giants Park Masterplan (2010) identifies land to the south east of the zoning for Arc21 waste management facilities. However, this land has since been redeveloped as film studios with further planning permission granted on these lands to extend the film studios operations. As a consequence, waste management uses are no longer required within the Policy BHA 05 zoning and for this reason planning permission is refused.'</i></p> <p>3.7 However, there is no evidence that the granting of planning permission for the film studios means that waste management facilities are no longer required on the wider lands zoned under Policy BHA 05. The strategic need for the proposal has been demonstrated by the applicant in that the proposal accords with the waste hierarchy, having regard to Policy WM2 (a) of PPS 11.</p> <p>4.0 Summary and recommendation</p> <p>4.1 Having regard to the Development Plan, relevant planning policy and materials considerations, the recommendation remains that planning permission should be granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p>
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4.2

Draft Conditions

A list of draft conditions is set out below.

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

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

2: Prior to commencement of development, a Detailed Remediation Strategy shall be submitted to and approved in writing by the Council. The Remediation Strategy must be based on the capping, landfill gas extraction infrastructure and building protection measures proposals contained within the RPS Group Plc reports entitled 'Remedial Strategy Report, Dargan Road Biogas Ltd, Bioenergy (AD) Plant, Giant's Park, Belfast' (dated December 2019 and referenced IBR1061 version 5) and 'Dargan Road Biogas Ltd, Gas Extraction System, Bioenergy Anaerobic Digestion (AD) Plant' (dated December 2019 and referenced IBR1061 version 8) and the letter from RPS dated 24th February 2020 and referenced 'IBR1061, Dargan Road Biogas Limited, Centralised Anaerobic Digestion (CAD) Plant - Planning Application Ref: LA04/2019/1540/F'. The Detailed Remediation Strategy must demonstrate how the identified pollutant linkages are to be demonstrably broken and that they no longer pose a potential risk to human health. In particular, this Detailed Remediation Strategy must provide final detail on:

- The capping systems to be installed.
- The gas protection measures to be installed in all buildings requiring gas protection, which must be compliant with BS 8485:2015+A1:2019 and Belfast City Council's North Foreshore Developer's Guidance Note.
- The hydrocarbon vapour protection membrane to be installed in all buildings requiring protection.
- The gas abstraction system to be installed on the development site.
- How the proposed remedial works are to be verified.

All construction thereafter must be in accordance with the approved Remediation Strategy.

The development shall not be carried out unless in accordance with the approved Remediation Strategy.

Reason: Protection of human health and environmental receptors.

3: In order to demonstrate that the required remedial measures have been incorporated within the proposal, prior to operation of the development, a Verification Report shall be submitted to and agreed in writing by the Planning Authority. The Verification Report must be in accordance with Environment Agency guidance, British Standards, CIRIA and Land Contamination: Risk Management (LCRM) guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented and have broken the relevant pollutant linkages, and that the site no longer poses a potential risk to human health.

Reason: Protection of human health and environmental receptors.

4: If during the development works, new contamination or risks are encountered which have not previously been identified, works must cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with best practice and the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In

the event of unacceptable risks being identified, a remediation strategy shall be submitted to and approved in writing by the Council, and subsequently implemented and verified to its satisfaction prior to occupation or use of the CAD facility.

Reason: Protection of human health and environmental receptors.

5: Notwithstanding the submitted details, no works (including site preparation clearance or construction works) shall commence on site unless a Final Dust Management Plan has been submitted to and approved in writing by the Planning Authority. This Plan must conform to the measures set out in the Outline Construction Environmental Management Plan [authored by RPS Group, dated June 2019 and marked on the Planning Portal as received on 5th July 2019]. It must outline the methods to be employed to minimise any dust impacts associated with site preparation and construction works, demonstrating the use of 'best practicable means'. The plan must have due regard to the IAQM Guidance on the Assessment of dust from demolition and construction 2014. All site preparation and construction works thereafter must be carried out in accordance with the approved Dust Management Plan.

Reason: Protection of human health and amenity of nearby premises.

6: Notwithstanding the submitted details, no works (including site preparation clearance or construction works) shall commence on site unless a Final Construction Noise and Vibration Management Plan has been submitted to and approved in writing by the Planning Authority. This Plan must conform to the measures set out in Chapter 7 of the Environmental Statement submitted in June 2019 and marked on the Planning Portal as received on the 4th July 2019 and those set out in Chapter 4 of the Addendum II submitted in October 2020 and marked on the Planning Portal as received on the 13th October 2020. It must outline the methods to be employed to minimise any noise and vibration impacts associated with site preparation and construction works, demonstrating the use of 'best practicable means'. The plan must have regard to BS 5228:2009+A1:2014 Parts 1 and 2 Code of practice for Noise and vibration on construction and open sites, and demonstrate that site preparatory and constructions works will achieve the BS5228 'ABC method' Category A noise threshold value for daytime and Saturdays at relevant sensitive receptors. All site preparation and construction works thereafter must be carried out in accordance with the approved Noise and Vibration Management Plan.

Reason: Protection of human health and amenity of nearby premises.

7: Notwithstanding the submitted details, no works (including site preparation clearance or construction works) shall commence on site until a final Construction Environmental Management Plan has been submitted to and approved in writing by the Council. This Plan must conform to the measures set out in the Outline Construction Environmental Management Plan [authored by RPS Group, dated June 2019 and marked on the Planning Portal as received on 5th July 2019]. All site preparation and construction works thereafter must be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: Protection of human health and the environment and amenity of nearby premises and to ensure that the appointed contractor is cognisant of all mitigation and avoidance measures required to protect all watercourses and the marine environment ensuring that there is no adverse effect on site integrity of Belfast Lough Open Water SPA, Belfast Lough SPA/Ramsar site and East Coast (Northern Ireland) Marine Proposed SPA.

8: No development should take place on-site until the method of sewage disposal has been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

9: No development shall commence on site until details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Planning Authority. The details shall also include detailed calculations for surface water drainage of the site. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

10: The development hereby permitted shall not become operational until the vehicular accesses have been constructed in accordance with the approved Drawing No. 03A 'Proposed Site Layout Plan' bearing the Belfast City Council Planning Office date stamp 20 December 2019. The access shall be constructed and marked to the satisfaction of DfI Roads.

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

11: The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing No. 03A 'Proposed Site Layout Plan' bearing the Belfast City Council Planning Office date stamp 20 December 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 than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking and manoeuvring within the site.

12: A minimum of 8 No. secure cycle parking spaces shall be provided and permanently retained within the development for use by staff and visitors to the development.

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

13: The development hereby permitted shall not operate unless in accordance with the Travel Plan contained within Appendix 4.1 of the Environmental Statement Addendum published by the Belfast City Council Planning Office on 15 January 2020. The Travel Plan will be provided to the Site Operator as a separate, stand-alone, document. The Site Operator will provide their employees with access to the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

14: The development hereby permitted shall not operate unless in accordance with the Service Management Plan contained within Appendix 4.2 of the Environmental Statement Addendum published by the Belfast City Council Planning Office on 15 January 2020. The Service Management Plan will be provided to the Site Operator as a separate, stand-alone, document.

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

15: Prior to the commencement of any works hereby approved, an Arboricultural Impact Assessment (in accordance with BS: 5837:2012) shall be submitted and agreed in writing by the Council. This will identify, evaluate and mitigate where appropriate the extent of direct and indirect impacts on existing trees that may arise as a result of any site layout proposal. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure minimal impact from the development on existing trees to be retained.

16: All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or proposed trees or planting indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Planning Authority.

Reason: In the interests of visual amenity.

17: No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread, nor shall arboricultural work or tree surgery take place or any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998, 2010. Recommendations for Tree Work.

Reason: To ensure the continuity of amenity afforded by existing trees.

18. If any retained tree is removed, uprooted or destroyed or dies, another tree or trees shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

19. Prior to any work commencing, protective barriers (fencing) and ground protection shall be erected / installed as specified in British Standard 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations' (section 6.2) on all trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site. Within the fenced area no activities associated with building operations shall take place, no storage of materials, and the ground levels within those areas shall not be altered.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

20: All soft landscaping works shall be carried out in accordance with the details on stamped approved drawing no 17A, bearing the Council's date stamp 20th December 2019. The works shall be carried out prior to the occupation of the development hereby approved or before the end of the first planting season after occupation, whatever is sooner, and shall be permanently retained thereafter. Any trees or plants indicated on the

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

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

21: The development hereby permitted shall be constructed and finished in accordance with the approved details including the annotated finished colours for buildings and tanks.

Reason: In the interests of visual amenity.

22. The feedstock hereby accepted at the facility shall be limited to MSW organic fines (EWC code 19 12 12 and the EWC (European Waste Catalogue) Codes as set out in the Environmental Statement, appendix 3.1 and no other feedstock. (Attached as information no 2 to this decision notice).

Reason: In the interests of environmental protection and public health and to ensure that there is no adverse effect on site integrity of any European designated site.

23: The development hereby approved not be permitted to accept waste from EWC code 02 01 06. No digestate from the facility shall be landspread within the site.

Reason: To ensure that there is no adverse effect on site integrity of any European designated site.

24: The Anaerobic Digester (AD) shall not exceed a maximum of 99,999 tonnes per annum, in accordance with written records which will be made available to the Council on written request.

Reason: In the interests of environmental protection and public health.

25: There shall be no external storage of waste at any time.

Reason: in the interests of environmental protection and in the interest of amenity.

Annex 1 – Additional Note from Environmental Health, BCC

LA04/2019/1540/F

LOCATION: LANDS TO THE NORTHWEST OF EXISTING BELFAST CITY COUNCIL WASTE TRANSFER STATION (2A DARGAN ROAD BELFAST BT3 9JU).

PROPOSAL: CENTRALISED ANAEROBIC DIGESTION (CAD) PLANT TO INCLUDE A BUNDED TANK FARM, (6NO. DIGESTER TANKS, 2NO. BUFFER TANKS. 1NO. STORAGE TANK AND ASSOCIATED PUMP ROOMS), BIOGAS HOLDER, BIOGAS CONDITIONING SYSTEM, TEMPERATURE CONTROL SYSTEM, WASTE-WATER TREATMENT PLANT (WWTP), MOTOR CIRCUIT CONTROL ROOM BUILDING, HOT/COLD WATER RECOVERY SYSTEM, FEEDSTOCK RECEPTION AND DIGESTATE TREATMENT BUILDING, PRODUCT STORAGE BUILDING, ODOUR CONTROL SYSTEM AND ASSOCIATED TANKS, EMERGENCY GAS FLARE, BACK-UP BOILER, ADMINISTRATION/OFFICE BUILDING, CAR PARKING, 3NO. WEIGHBRIDGES, FIRE WATER TANK AND PUMPHOUSE, PIPELINES TO EXISTING COMBINED HEAT AND POWER (CHP) PLANT ENGINES, SWITCHGEAR, EARTH BUNDING, 3NO. ACCESSES TO EXISTING GIANT'S PARK SERVICE ROAD INFRASTRUCTURE AND ANCILLARY PLANT/SITE WORKS.

This Service would note that Planning Policy Statement (PPS 11) relating to Planning and Waste Management sets out the Department for Infrastructure's planning policies for the development of waste management facilities. The Planning Policy Statement seeks to promote the highest environmental standards in development proposals for waste management facilities and includes guidance on the issues likely to be considered in the determination of planning applications.

Section 2 of the Planning Policy Statement describes the relationship between Planning and Pollution Control Regimes; highlighting that planning control focuses primarily on whether a development is an acceptable use of land rather than on the control of the processes or substances involved; and regulating the location of the development in order to avoid or minimise adverse effects on people, the use of land and the environment.

The Pollution Control regime is alternatively concerned with the control and regulation of proposed operations and processes of a waste activity and with the day to day operation. The objective is to ensure that the waste is disposed of or treated without endangering human health or causing harm to the environment.

Accordingly, the Department for Infrastructure has advised that planning control should not duplicate other statutory controls or be used to achieve objectives relating to other legislation. Planning Services must therefore make planning decisions on the basis that the pollution control regimes will be properly applied and enforced.

It is noted that the Northern Ireland Environment Agency, in their consultation response of 15th October 2019 have advised that the Pollution Prevention Control (PPC) Team within the Regulatory Unit have noted that the activities described in the planning application will require a Pollution Prevention and Control Permit issued under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 to operate, and hence must demonstrate Best Available Techniques as per said Regulations.

Context.

At the meeting of the Strategic Policy and Resources Committee of 17th August 2018, the Committee agreed that a Site Options Agreement be entered into for development of an Anaerobic Digestion facility at Giant's Park, North Foreshore, together with other related legal agreements required to facilitate generation and export of electricity, subject to detailed terms to be agreed. This decision was ratified at the Council meeting of 3rd September 2018. This Service was consulted by the Planning Service by way of Environmental Impact Assessment and Environmental Statement concerning an application to develop a Centralised Anaerobic Digestion Plant on lands at the council's North Foreshore / Giants Park site in September 2019. This Service provided a response concerning human health aspects of the proposed development on 13th September 2019. The consultation response considered information provided in the Environmental Statement concerning land contamination matters associated with development on the North Foreshore site, ambient air quality and odour, noise and vibration, artificial lighting and matters associated with construction of the proposed Centralised Anaerobic Digestion Plant.

Ambient air quality and odour.

Irwin Carr Consultants undertook an assessment of the impact of the proposed Centralised Anaerobic Digestion Plant and provided the outcome of that assessment within Chapter 6 Air Quality and Odour of the Environmental Statement. Irwin Carr advised that the ambient air quality impact assessment took account of emissions from the Centralised Anaerobic Digestion Plant and the associated gas generating engines whereas the odour impact assessment took account of emissions from the odour control system for the plant. Irwin Carr further advised that digestate from the anaerobic digestion process was not considered as an odour source as output from the municipal solid waste fines stream will be dried and disposed of as waste at landfill and output from the source separated organic waste stream will be dried, pelletised and exported to market as a fertiliser product. These processes are to be undertaken in a building maintained under negative pressure.

Ambient air quality.

From an ambient air quality perspective, Irwin Carr undertook an air quality impact assessment for nitrogen dioxide, sulphur dioxide and carbon monoxide ambient pollutants associated with operation of the Centralised Anaerobic Digestion Plant. Irwin Carr noted that the various standards for these pollutants were derived from the UK Air Quality Strategy as well as from European and national air quality legislation. For the purposes of local air quality management, UK government technical guidance advises that air quality regulations require exceedances of objectives to be assessed in relation to *'the quality of the air at locations which are situated outside of buildings or other natural or man-made structures, above or below ground, and where members of the public are regularly present'*. Moreover, longer term objectives such as annual mean or 24 and 8 hour objectives typically apply only at the façades of residential properties or other places of residence such as schools, hospitals and care homes, etc. In certain circumstances, these objectives may also apply to residential gardens. Shorter term objectives apply where members of the public might reasonably expect to spend 15 minutes or 1 hour. Such shorter term objectives have however, been established only for nitrogen dioxide and sulphur dioxide. The government guidance further advises that air quality objectives are not relevant to places of work or to other locations where members of the public do not have regular access.

Emission factors for the various pollutants under consideration were derived and assessed for the proposed Centralised Anaerobic Digestion Plant using atmospheric dispersion

modelling software. Vehicle movements were screened out of the air quality impact assessment as they fell below thresholds detailed within the Design Manual for Roads and Bridges and the Institute of Air Quality Management Land-Use Planning & Development Control: Planning for Air Quality guidance. A range of seven residential and commercial receptor locations were identified both on, and off the North Foreshore site, including offices on Dargan Road, residential properties on the Shore Road and at Mount Vernon, the council's waste transfer station on the North Foreshore site and the closest building within the Phase 1 of the Belfast Harbour Studios. Dispersion modelling was undertaken for a number of meteorological years by way of a sensitivity test.

Irwin Carr advised that modelled concentrations of nitrogen dioxide, carbon monoxide and sulphur dioxide were all predicted to be below their respective standards or objectives for all meteorological years under consideration. Consequently, Irwin Carr were able to conclude that proposed and existing sensitive locations will not experience a significant air quality impact as determined from the results of the AERMOD air quality assessment, which predicted pollutant concentrations to be significantly lower than the appropriate guideline limits during the operational phase. The outworkings of the ambient air quality assessment need to be considered in terms of government guidance that air quality objectives are not relevant to places of work or to other locations where members of the public do not have regular access.

Odour.

Irwin Carr have similarly undertaken an odour impact assessment for the proposed Centralised Anaerobic Digestion Plant by way of dispersion modelling. The odour impact assessment has been undertaken having regard to the provisions of the Environment Agency, '*Additional guidance for H4 Odour Management. How to comply with your environmental permit*'. It is noted that within the H4 guidance, the Environment Agency has advanced a series of odour benchmarks to be achieved at a site or installation boundary. The benchmark for the most offensive odours, including processes involving decaying animal or fish remains, processes involving septic effluent or sludge and biological landfill odours is 1.5 odour units, assessed as the 98th percentile of hourly average concentrations of odour modelled over a year at the site or installation boundary. 1 ouEm⁻³ is regarded as the point of detection.

The H4 guidance advises that to represent conditions for an 'average year', hourly meteorological data for a period of at least three, preferably five years should be used. Accordingly, Irwin Carr have undertaken odour modelling for the 2013-2017 meteorological years using AERMOD dispersion modelling software. The odour modelling has been undertaken for the same seven commercial and residential receptors, located on and off the North Foreshore site, as identified for the air quality impact assessment. Irwin Carr have advised that with regard to odour, an odour threshold of 3ouEm⁻³ is an appropriate limit, but further advised that the proposed plant has been designed to comply with the more stringent 1.5ouEm⁻³ limit applicable to the most offensive odours.

The outworkings for the odour impact assessment are presented in Table 6.24. Irwin Carr have advised that the modelled odour concentrations at all sensitive receptors are below the 1.5 ouEm⁻³ when considered as individual years or as a 5-year average. In actuality, the Irwin Carr modelling suggests maximum odour levels of 0.25 ouEm⁻³ or less at all receptors. Modelled odour concentrations at residential properties on the Shore road and at Mount

Vernon are predicted to be less than 0.15 ouEm⁻³ for all meteorological years under consideration.

Within Appendix 6.2, Irwin Carr have provided mapped odour concentrations for the 2013 calendar year, demonstrating the spatial extent of the 0.2 – 0.3 ouEm⁻³ odour envelope at the North Foreshore site. The highest onsite odour concentration for this meteorological year is reported to be 0.279 ouEm⁻³, with other odour concentrations falling within the odour banding 0.2 – 0.3 ouEm⁻³ across the North Foreshore site.

The July 2018 Institute of Air Quality Management, '*Guidance on the assessment of odour for planning*' provides a series of suggested descriptors for assessing the magnitudes of odour effect. For the purposes of the IAQM guidance, high sensitivity receptors may include residential dwellings, hospitals, schools or places of education and tourist or cultural locations. Such locations are described as where users can reasonably expect enjoyment of a high level of amenity; and where people would reasonably be expected to be present continuously, or at least regularly for extended periods, as part of the normal pattern of use of the land. Medium sensitivity receptor locations include places of work, commercial or retail premises and playing or recreation fields.

Accordingly, the IAQM proposed odour effect descriptor for impacts predicted by modelling for the most offensive odours suggests that for an odour exposure level of less than 0.5 ouEm⁻³, the impact will be negligible for all receptor sensitivities; i.e. low, medium or high.

Construction Phase Ambient Air Quality Impacts.

This Service has suggested conditions to be applied to any planning permission granted relating to the control of construction dust impact and to the development of a Construction Environmental Management Plan.

Noise and Vibration.

Irwin Carr Consultants undertook a noise and vibration assessment of the impact of the proposed Centralised Anaerobic Digestion Plant and provided the outcome of that assessment within Chapter 7 Noise and Vibration of the Environmental Statement.

The noise and vibration assessment was undertaken in accordance with in accordance with: 'BS4142:2014: Method for Rating and Assessing Industrial and Commercial Sound' and; 'BS5228:2009 The Code of Practice for Noise and Vibration Control on Construction and Open Sites'.

Operational Noise.

Irwin Carr have advised that the BS4142 requires that the measured rating level (L_Ar) is compared to the background level (L_A90), measured in the absence of the noise under assessment, to determine the likelihood of an adverse noise impact. Irwin Carr have further advised that typically, the rating level of the development should not significantly exceed the existing background noise level, depending on the context.

According, Irwin Carr carried out a baseline noise survey at the North Foreshore site over a 7 day period commencing from the 9th October 2019. The measurement position was placed in close proximity to Phase 1 of the Belfast Harbour Studios an exposed location. Background noise levels were then derived from data collected during this survey. 54 dB L_A90 was chosen as the appropriate and representative background noise levels for the

daytime period and 46 dB LA₉₀ was chosen as the appropriate and representative background noise levels for the night time period.

Irwin Carr then undertook noise modelling using SoundPLAN software to predict the noise impact of the proposed Centralised Anaerobic Digestion Plant on nearby receptors. Irwin Carr advised that noise from the proposed Centralised Anaerobic Digestion Plant is principally associated with the Biogas CHP engines, various pumps, blowers/fans and agitators, as well as HGV movements to and from the site. Irwin Carr noted that HGV movements will be limited to daytime hours only, from 7am to 7pm, with all other plant operating 24 hours per day. The sound power level data and silencer attenuation relied upon within the SoundPLAN noise model was provided by the manufacturer/supplier and was detailed in Table 7.7 Sound power level data – Outdoor Plant and Table 7.8 Sound power level data – Indoor Plant. Modelled daytime and night time noise contours were provided in the appendix to Chapter 7.

Five noise sensitive receptors were identified both on and of the North Foreshore site; including Phase 1 of the Belfast Harbour Studios, and residential properties some 600-700m away at the Shore Road.

The predicted noise levels at these receptors as a consequence of the proposed Centralised Anaerobic Digestion Plant were presented for daytime and night time in Table 7.10 Predicted operational noise levels – Various scenarios. Daytime noise levels at the Belfast Harbour Studios were predicted to be around 44 dB LAeq,1hr and less than 30 dB LAeq,1hr at the residential premises at the Shore Road. Night time noise levels at the at the Belfast Harbour Studios were also predicted to be around 44 dB LAeq,15 min and as previously, less than 30 dB LAeq,15 min at the residential premises.

An acoustic feature correction was applied to the predicted daytime noise level to take account of vehicle movements in accordance with the requirements of BS4142 and the data was then compared with daytime and night time background noise levels.

In comparing the data, Irwin Carr concluded that the highest predicted daytime and night-time noise impacts from the proposed development at the Belfast Harbour Studio were below their respective 'typical' background noise levels; as per BS4142 "this is an indication of the specific sound source having a low impact".

The noise levels associated with the proposed Centralised Anaerobic Digestion Plant were similarly predicted to be below daytime and background noise levels at residential properties located on the Shore Road. It is noted that the residential properties located on the Shore Road are separated from the North Foreshore site by the M2 Motorway and Fortwilliam Roundabout.

In relation to the noise impact of the proposed Centralised Anaerobic Digestion Plant on Phase 1 of the Belfast Harbour Studios, Irwin Carr advised that it is important to note that BS4142:2014 assesses external noise only and its suitability for assessing impacts on internal noise environments is limited. The predicted noise levels due to the proposed development are external levels; absolute internal levels can be estimated assuming a reduction of 10 – 15dB afforded by an open window, resulting in a daytime internal sound pressure level within the Belfast Harbour Studios of between 28.7 and 33.7 dB(A). Irwin Carr advised that this is a minimum of 1.3 dB below the BS8233: 2014 Guidance on sound insulation and noise reduction for buildings, sleeping (daytime resting) bedroom noise level

of 35 dB LAeq for residential dwellings. In addition, BS8233:2014 also provides typical noise levels for non-domestic buildings; an internal design range of 35-40 (dB LAeq,T) would normally be sought for an executive office environment where activities undertaken would include study or work requiring concentration.

Construction Noise and Vibration.

This Service has suggested conditions to be applied to any planning permission granted relating to the development of a Construction Noise and Vibration Management Plan and to the application of BS 5228:2009+A1:2014 Parts 1 and 2 Code of practice for Noise and vibration on construction and open sites. It has been recommended that site preparatory and constructions works are to achieve the BS5228 'ABC method' Category A noise threshold value for daytime and Saturdays at relevant sensitive receptors.

Artificial Lighting.

An artificial lighting assessment was provided by RPS Consultants for the proposed Centralised Anaerobic Digestion Plant within Appendix 15.1 of the Environmental Statement. RPS highlighted that the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 came into operation on 1st April 2012 and contains laws which cover many of the problems which can detract from the quality of the day-today lives of all of the people of Northern Ireland. The Act makes reference to artificial lighting as follows; Part 7 Statutory Nuisances 63 (1) (h) artificial light emitted from premises so as to be prejudicial to health or a nuisance. Although light is described within the Act as having the potential to cause statutory nuisance, no prescriptive limits or rules are set for assessment. However, Guidance Notes for the Reduction of Obtrusive Light produced by the Institute of Lighting Professionals are commonly adopted in the UK as being appropriate lighting assessment criteria.

RPS have characterised the existing lighting environment at the North Foreshore and its environs as E2 – Low District Brightness and reflective of a rural conditions; a village or relatively dark outer suburban locations.

Accordingly, RPS have identified the objective of the lighting design for the proposed Centralised Anaerobic Digestion Plant as needing to satisfy health and safety requirements at the site and to minimise the potential effect of lighting upon the surrounding area by minimising sky glow, glare and light spillage. Data for various luminaires to be installed at and around the site were provided. The assessment has also considered lighting impact during the construction phase. Modelling for the operational lighting design indicated that it will achieve the E2 criteria for luminaire intensities and light intrusion into windows. RPS therefore concluded that no significant cumulative artificial lighting impacts are predicted as a consequence of the proposed Centralised Anaerobic Digestion Plant.

Contaminated Land.

This Service has suggested conditions to be applied to any planning permission granted relating to the development of the proposed Centralised Anaerobic Digestion Plant to take account of land contamination and landfill gases present across the North Foreshore site. Accordingly, this Service has suggested conditions relating to the submission of a Detailed Remediation Strategy. This Remediation Strategy will specify the capping systems to be installed, the landfill gas protection measures to be installed in all buildings requiring gas protection, which must be compliant with BS 8485:2015+A1:2019 and Belfast City Council's North Foreshore Developer's Guidance Note, the hydrocarbon vapour protection membrane

to be installed in all buildings requiring protection, the landfill gas abstraction system to be installed on the development site and how the proposed remedial works are to be verified. This Service has also requested that prior to the bringing into operation of the Plant, a Verification Report shall be submitted demonstrating that the mitigation measures outlined within Detailed Remediation Strategy have been implemented, that they have broken the relevant pollutant linkages, and that the Centralised Anaerobic Digestion Plant site no longer poses a potential risk to human health.

The comments provided by this Service were on the basis of the environmental data and other information submitted as part of the Environmental Statement in support of the proposed Centralised Anaerobic Digestion Plant development.

Further Environmental Information – October 2020.

Further Environmental Impact Assessment consultation for the Centralised Anaerobic Digestion Plant, Lands to the northwest of existing Belfast City Council Waste Transfer Station (2a Dargan Road Belfast BT3 9JU).

This Service was consulted on 14th October 2020 by the Planning Service upon Further Environmental Information concerning the proposed Centralised Anaerobic Digestion Plant. This Service did not request or stipulate this Further Environmental Information but it is noted that the information was voluntarily provided to enable Belfast City Council to fully consider the planning application (LA04/2019/1540/F) for the proposed Centralised Anaerobic Digestion facility at Giant's Park, Dargan Road, North Foreshore at lands to the northwest of the existing Belfast City Council Waste Transfer Station (2a Dargan Road, Belfast BT3 9JU).

It was further noted that the Addendum was prepared following a formal Regulation 21 request under The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 from Belfast City Council, and it was submitted by the applicant to address the comments raised by Keystone Law on behalf of Giants Park Belfast Limited (GPBL), specifically in relation to cumulative impact. In light of the EIA Regulations requirements, the Environmental Statement Addendum II submission considers the cumulative effects, where relevant, taking into account the recently approved Phase 2 of the Belfast Harbour film studio complex, including ancillary offices, workshops, ancillary car parking, services and access from existing internal access road, landscaping and associated site works.

This Service therefore provided comments on the basis of the additionally submitted Further Environmental Information in relation to ambient air quality and noise and vibration. As previously, the environmental information and assessments concerning these matters were provided by Irwin Carr Consultants.

Chapter 3 Air Quality and Odour.

Ambient Air Quality.

Irwin Carr advised that the existing film studio complex was considered as a sensitive receptor in the original Environmental Statement via a robust and conservative basis of assessment, and it was concluded that there would be no unacceptable impact.

Irwin Carr subsequently added that the proposed target levels and method of assessment, as described in the original Environmental Statement, was extended with the addition of two additional receptor locations to account for the Phase 2 studio development. The additional

receptor locations were representative of the closest external area to the proposed Centralised Anaerobic Digestion Plant site and the other was the closest building to Centralised Anaerobic Digestion Plant site.

Irwin Carr have stated that the Phase 2 site is in a non-residential area, it is commercial in nature and has been defined within the planning application as operating internally only with no open doors or windows. Notwithstanding this, and consistent with the conservative approach to the existing film studio complex in the original Environmental Statement air quality impact assessment, the limits applicable to human health receptors were applied in a manner similar to what would have been applicable to residential receptors to ensure a worst case scenario.

An air quality impact assessment was therefore undertaken by Irwin Carr by way of dispersion modelling for the two additional receptor locations within the 2nd phase of the film studio development. As previously, Irwin Carr have concluded that predicted ground level concentrations in each year, as well as the 5-year average were significantly below the limit values or objectives for nitrogen dioxide (NO₂), carbon monoxide (CO) and sulphur dioxide (SO₂).

This Service would refer again to the Department for Environment, Food and Rural Affairs (Defra) Local Air Quality Management Technical Guidance LAQM.TG(16) which advises that the air quality objectives are not relevant to places of work or other locations where members of the public do not have regular access.

Irwin Carr referred again to their previous transport assessment, advising that existing traffic flows were reviewed as part of the Further Environmental Information to consider the traffic attributable to the Phase 2 permitted development. The updated transport assessment confirmed that the percentage increase of the proposed Centralised Anaerobic Digestion facility traffic on the Giant's Park access road and on Dargan Road remain beneath the threshold of significance as defined within the DMRB, primarily due to the fact that baseline traffic has increased with the Phase 2 permitted development. This Service would also note that the traffic numbers also fall below the thresholds for an air quality impact assessment established in the 2017 Institute of Air Quality Management, 'Land-Use Planning & Development Control: Planning For Air Quality' publication; an increase in light duty vehicle of 500 AADT and an increase in heavy duty vehicles of more than 100 AADT.

Odour.

Irwin Carr advised that odour modelling, based on the emissions from the odour control system of the Centralised Anaerobic Digestion Plant, was carried out for individual meteorological years 2013-2017 for the two additional receptor locations located within Phase 2 of the film studio development. The resultant 98th percentiles of the hourly average concentrations of odour modelled over successive years were presented in Table 3.7 and were all found to be below the proposed 1.5ouEm⁻³ benchmark when considered as individual years or as a 5-year average. Predicted odour concentrations at receptor R1 ranged from 0.23-0.25 ouEm⁻³ and ranged from 0.18-0.24 ouEm⁻³ at receptor R2. These values are in broad keeping with the odour concentration range quoted previously in Table 6.24, '98th Percentile of the Max 1-hr odour levels at nearest receptors' of the Environmental Statement. Moreover, in referring to the Institute of Air Quality Management, 'Guidance on the assessment of odour for planning' version 1.1 - July 2018, this Service would note that places of work can be considered as 'medium sensitivity' receptors. Accordingly, for a

medium sensitivity receptor, exposed to a 'most offensive' odour, where the impact has been predicted by modelling, the impact of an odour exposure level of less than 0.5 ouEm^{-3} would be described as 'negligible'.

Noise and Vibration.

As a component of the Further Environmental Information, Irwin Carr extended the previously noise impact assessment to take account of the 2 additional receptor points located within Phase 2 of the film studio development.

It is noted that as part of the Noise and Vibration Assessment for Phase 2 of the Belfast Harbour Studios, the consultant advised that in relation to the operational phase of the development, at this planning stage, it is not known the activities that will occur during the operational phase of the proposed studio development. The consultant continued that it must be assumed however that the majority of activities will be undertaken at the proposed studios internally. As the majority of the proposed operational activities will be undertaken within the relevant buildings, it will be possible to benefit from the significant noise attenuation of the building shell, which on the assumption of there being no openable doors or windows, will be at least 20-30dB(A). The consultant advised that with a distance attenuation of at least 12dB(A) and building attenuation of at least 20-30dB(A), it would take exterior noise levels of greater than 80dB(A) just to result in noise levels at the nearest commercial units similar to background noise level of approximately 59 dBA during the daytime and 48 dBA during the night time, if this is applicable. The consultant further advised that in addition, an acoustician will be employed at the detailed design stage of the Belfast Harbour Studios to ensure that the appropriate building shell specification, roof specification, window specifications and door specifications are used to ensure that there is no operational phase noise impact from such activities.

Irwin Carr have referred to this information in their assessment of noise for the two additional receptors located within Phase 2 of the Belfast Harbour Studios development. The noise assessment for the two additional receptors, undertaken in a manner comparable to that for Phase 1, indicated that the predicted noise levels at the Phase 2 permitted development would be lower than 50dB(A) and consistent with residential standards designed for external residential amenity. Irwin Carr have stated that utilising the same assumptions as those submitted as part of the Phase 2 noise impact assessment, i.e. the existing background noise levels on the site are nearly 10dB higher than those relied upon in the Centralised Anaerobic Digestion Plant application; and the shell of the proposed buildings will provide at least 20-30dB of sound insulation to the sensitive areas of the site would mean that the noise level would need to be in the region of 30-40dB higher than predicted levels to cause an impact within the Phase 2 permitted development.

In relation to noise and vibration impact during the construction phase, Irwin Carr have advised that taking into consideration the construction noise and vibration assessments presented, notwithstanding that the predicted levels are not shown to exceed the relevant limits, with the requirement to provide a final Construction Noise and Vibration Management Plan to be agreed with Belfast City Council, it is concluded that no significant impacts will result at the Phase 2 development during the construction phase of the proposed CAD facility.

Environmental Health, 7th May 2021

ADDENDUM REPORT 2	
Development Management Officer	
Committee Meeting Date: Tuesday 20 th April 2021	
Application ID: LA04/2019/1540/F	
Proposal: Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks. 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3no. weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works.(Further Environmental Information-addendum to Environmental Statement)	Location: Lands to the northwest of existing Belfast City Council Waste Transfer Station (2a Dargan Road, Belfast, BT3 9JU).
Referral Route: Council has an estate in the application site.	
Recommendation: Approval	
Applicant Name and Address: Dargan Road Biogas Limited Energia Group 62 Newforge Lane, Belfast, BT9 5NF	Agent Name and Address: Clyde Shanks 5 Oxford Street Belfast, BT1 3LA

1.0	Background
1.1	This Addendum Report 2 should be read in conjunction with the Pre-Determination Report dated 23 rd February 2021 and Addendum Report 1 to the January 2021 Planning Committee, including Late items, which also includes the original report and Late items to the August Planning Committee. These reports are appended.
1.2	This application was originally due to be considered by the Planning Committee in August 2020, however, the item was withdrawn from the agenda because of a late objection from a solicitor acting on behalf of Giants Park Belfast Ltd (GPBL). GPBL is looking to bring forward mixed-use, leisure-led proposals on the adjacent land to the north and west. In responding to this objection, the applicant produced a second addendum to the Environmental Statement, which was duly submitted and consulted on.
1.3	The application was then reported to the Planning Committee in January 2021. However, Members resolved to defer the application in order to request further information on the Habitats Regulations Assessment (HRA) carried out by Shared Environmental Services (SES), and to hold a non-mandatory Pre-Determination Hearing.
1.4	The Pre-Determination Hearing (PDH) was held on 23 rd February 2021. The purpose of the PDH was to give the applicant and interested parties who have submitted written representations on the application the opportunity to appear before and be heard by the Planning Committee before a decision on the application is made.

	<p>Pre-Determination Hearing</p> <p>1.5 At the PDH a range of issues were discussed including:</p> <ul style="list-style-type: none"> • Scope of the adopted Masterplan for the wider lands and potential deviation from it; • The need for the proposed CAD facility in real terms as well as policy context; • Where waste would be coming from and issues around transport sustainability; • Similarly where by product waste would be taken; • Scope of the Transport Assessment; • Traffic management; • Whether account was taken of the economic impact of the proposal on the GPBL proposals and adjacent Film Studios; • Impact of the proposal on air quality including nitrogen and ammonia levels; • Habitats Regulations Assessment carried out by SES; • Noise impacts on the Film Studios; • Whether the proposal is of regional significance; • Foul drainage; • Status of current waste contracts and long-term viability of the proposal. <p>Further information from the Applicant dated 12th March 2021</p> <p>1.6 Following the PDH, the applicant has provided further information and clarification in relation to a number of the substantive points raised at the hearing. This information has been shared with objectors and is available for viewing on the Planning Portal. The information is summarised below.</p> <p><u>Source of household waste</u></p> <p>1.7 The applicant states that as feedstock contracts have yet to be settled, they cannot confirm where the waste is expected to come from geographically. However, the applicant points out that:</p> <ul style="list-style-type: none"> • The site is centrally located within Belfast Port to an abundance of available feedstock sources (not limited to household waste). This will limit the distance which waste needs to be transported from Belfast to other locations in NI, reducing the impact on the environment and also reducing the costs associated with transporting the waste; • There is potential to accept waste from visiting cruise ships and from operations within the Giant's Park site; • The waste market will influence the distances at which it is economical to transport waste; • The site is centrally located within the Arc21 region with Belfast City Council being the largest generator of municipal waste (168,515 tonnes in 2019/20); and • Any MSW organic fines cannot be imported to Northern Ireland from ROI or GB under existing waste legislation. <p><u>Processing of Landfill By-Product</u></p> <p>1.8 The applicant confirms that an estimated 5,000-8,000 tonnes per annum of MSW digestate will be sent to landfill following energy recovery for use as a capping layer (i.e. 5% – 8% of imported waste).</p> <p>1.9 The digestate fraction of the MSW process line will go to an appropriately licensed facility that is able to accept the relevant European Waste Catalogue (EWC) code (19 12 12).</p>
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1.10	<p><u>Need</u></p> <p>The applicant states that the issue of “need” is addressed under the relevant policy in the context of the Waste Management Strategy (WMS) and Waste Management Plan (WMP). They state that the vast majority of organic waste from Local Council collections is not sent to AD at present. There are a limited number of operational AD plants that are licensed to accept the relevant EWC codes and are of a smaller ‘on-farm’ based scale i.e. up to a throughput of c. 20,000 tons per annum. However, there are examples of these plants utilising locally available food waste at this scale, for example in Mid Ulster District Council, Derry City and Strabane and Lisburn and Castlereagh City Council.</p>
1.11	<p>In terms of the planning policy position regarding need, the applicant refers to previous correspondence to the Council on this issue and summarises as follows.</p> <ul style="list-style-type: none"> • The Waste Management Strategy (WMS) specifically refers to anaerobic digestion (AD), not only in the context of providing energy from waste but recognises the important role that AD can play in relation to treating food waste: <p style="margin-left: 40px;"><i>‘The plans for waste infrastructure in Northern Ireland need to be flexible enough to adapt to changing feedstock over time. As more waste is recycled we need to understand how to adapt to recover the best value from what is left, while delivering the best environmental outcomes. Innovation and the <u>appropriate use of new technologies need to be encouraged</u> where they provide that flexibility. <u>Given the proposed introduction of a ban* on the landfilling of separately collected food waste there is scope for the development of alternative technologies including anaerobic digestion (AD) and in-vessel composting (IVC) to complement these changed circumstances in the future.</u>’ [applicant’s emphasis]</i></p> <p style="margin-left: 40px;"><i>*Note that the proposed ban referred to above has been implemented and that further reinforces the requirement to complement the changed circumstances referred to.</i></p> • <i>arc21 WMP</i> – the <i>arc21 WMP</i> specifically refers to AD in a number of contexts including treatment of farm slurries, quality protocols and incentives. Consistent with the policy objective in PPS11, it recognises that the guidance produced by the DoE on the Best Practical Environmental Option (BPEO), when it was applicable, identified that BPEO is identified through the use of a mix of waste technologies to include AD (page 121 para 7.35).
1.12	<p>The proposed CAD facility fulfils the aims of the waste hierarchy because it will:</p> <ul style="list-style-type: none"> ➤ divert organic waste from disposal i.e. landfill; ➤ screen further recyclable material from the organic waste not suitable for AD (metals, plastic packaging); ➤ recover energy from organic waste in the form of heat/electricity; and ➤ produce a fertiliser product in accordance with quality protocols from the SSO waste stream.
1.13	<p>The applicant also makes reference to emerging and future waste policy and how the proposal will contribute to realising future waste policy targets.</p> <p><u>Current land-fill of household waste in NI and extent to which this could be diverted to the application site</u></p>
1.14	<p>The applicant has liaised with DAERA and advises that the most recent annual report for 2019/20 indicates the following:</p>

	<ul style="list-style-type: none"> • Northern Ireland’s councils collected 998,985 tonnes of waste during 2019/20 (this was 0.9 per cent higher than that collected in 2018/19); • During 2019/20, 51.1 per cent of waste collected by councils was sent for recycling; • The landfill rate for waste collected by councils recorded a new annual low of 24% in 2019/20; • There were 126,286 tonnes of biodegradable waste sent to landfill during 2019/20; and • 245,884 tonnes of collected municipal waste was sent for composting in 2019/20.
1.15	<p>In relation to the latest quarterly figures for the period July to September 2020 and published on 28 January 2021, the 12-month rolling provisional statistics to September 2020 indicate the following:</p> <ul style="list-style-type: none"> • LAC Municipal Waste arising – 984,986 tonnes; • Landfill rate for waste collected by councils – 22.8%; and • Reported Biodegradable LAC Municipal Waste sent to landfill – 118,677 tonnes.
1.16	<p>The applicant states that according to these statistics there remains a significant volume of biodegradable household waste being sent to landfill for disposal. (These figures only address LAC waste and do not account for private waste.) While the landfill rate is decreasing, it remains at 22.8%. Future waste targets require all Councils to ensure that by 2030 all waste suitable for recycling or recovery is not sent to landfill; and by 2035, less than 10% of municipal waste generated is sent to landfill.</p>
1.17	<p>The applicant has highlighted that these targets will be increasingly difficult to meet, particularly if infrastructure such as the proposed CAD facility do not proceed.</p>
	<p><u>Length of waste contracts in the Belfast</u></p>
1.18	<p>The applicant understands that the organic waste contract for Belfast City Council is with a composting company until 2029 with waste being transported to Glenside (in outer Belfast) and Keady (in County Armagh). Other contracts for MSW waste are currently on one-year rolling contracts.</p>
	<p><u>Transport sustainability – how far waste will travel to and from the site</u></p>
1.19	<p>As previously stated, the applicant says that feedstock contracts have yet to be reached and they cannot confirm where the waste is expected to come from geographically. The applicant goes onto confirm the low traffic impact on Dargan Road, estimated at 0.6% compared to threshold for significance of between 5-10%. DfI Roads has consistently confirmed no objection to the proposal.</p>
1.20	<p>Officers advise that the relevant waste management policy – Policy WM 2 of PPS 11: Planning and Waste Management – does not specifically require regard to be had to transport sustainability in terms of locational criteria. The proposal does satisfy the locational criteria required under Policy WM 2 c) in that:</p> <ul style="list-style-type: none"> • it is located within an industrial or port area of a character appropriate to the development; and • it brings previously developed, derelict or contaminated land back into productive use or makes use of existing or redundant buildings
1.21	<p>Moreover, it complies with the locational criterion in Policy WM 2 d) in that for a regional scale waste collection or treatment facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the</p>

	<p>alternative transport modes of rail and water. The site is adjacent the M2 motorway, immediately adjacent Belfast Harbour and port facilities, and has very strong transport links.</p>
1.22	<p>DFI Roads have been asked to specifically comment on the issue of transport sustainability. They have advised that '<i>...at this time there is no policy under which DfI Roads can assess and comment on the sustainability of a proposal at the regional level... An additional limitation is that there is, at this time, no generally agreed methodology under which the department could assess the regional sustainability of a development in these terms. Under current policy sustainability is mainly focused on moving away from the used of the private car and the enhancement of public transport use and infrastructure. In this, this application has proposed a Travel Plan to encourage sustainable travel by staff and DfI Roads regards the Travel Plan as acceptable if implemented in accordance with the proposed condition.</i>'</p>
1.23	<p><u>Clarification around the source of the meteorological data for air quality</u> The applicant states that the approach to air quality is as set out in Local Air Quality Management Technical Guidance LAQM.TG09 and NIEA Standing Advice, which requires air quality assessments carried out in NI to rely upon Aldergrove meteorological data. This includes wind speed, wind direction, cloud cover, relative humidity and rainfall. The data from Aldergrove has been identified as being representative of the typical weather conditions throughout NI. As clarified at the PDH, the modelling is based on the topography of the individual site and receptor locations (not Aldergrove). Statutory consultees have no objection to the methodology or its conclusions.</p>
1.24	<p><u>Foul drainage</u> The applicant states that the impact on foul drainage will be associated with increased flow and load arising from sanitary facilities provided for construction personnel. No connection will be made to the foul network for the construction personnel, with foul instead removed off site. Foul discharges during the construction phase will be removed from the site by a licensed water carrier to a designated Wastewater Treatment Works (WwTW). The amount of foul water likely to be generated and method of disposal is not dissimilar to any other construction site.</p>
1.25	<p><u>Other matters</u> The applicant notes that at the PDH it was suggested that the amount of renewable energy to be generated by the proposed CAD facility was similar to that of a large single wind turbine. They state that this is plainly incorrect. A wind turbine has a capacity factor of approximately 30% and this equates to 10.7GWh annually. This is in comparison to 70-85% capacity factor for the AD plant, depending on quality/quantum/type of waste fuel, and this equates to 25-30 GWh/annum.</p>
1.26	<p>Further objection from Giants Park Belfast Ltd (GPBL) received 13th April 2021 A further objection has been received from GPBL. Essentially, it responds to the additional information provided by the applicant as summarised above. A copy of the objection has been uploaded to the Planning Portal. The objection is summarised below.</p>
1.27	<p><u>Source of household waste</u> The objector continues to question the need for the proposal and the source of waste. The source of "organic fines" (residue from black bin waste) is not a readily available waste stream as it needs to be processed. The applicant will be reliant on this processing by a third party. It is unclear as to what the market is for this waste and where this waste will come from. The volume of "source segregated organics" is also small – there was only 10,000 tonnes across the whole of NI in 2020. Based on DAERA data, there was only 37,000 tonnes of household food waste produced in Northern Ireland in 2020. None</p>

	<p>of this material currently goes to landfill and is already very successfully recycled – the proposed CAD facility will offer no new advantages. Government policy is likely to reduce the amount of food waste created by households over the coming years.</p>
1.27	<p>The whole of the Belfast City Council region produced 5,000 tonnes of food waste in 2020. Therefore, the objector questions the role that Belfast Port will have in achieving the [99,000 tonnes pa] capacity of the proposed CAD facility. What data is available to demonstrate the supply of waste from cruise ships? Waste would have to be imported from outside the city and Northern Ireland.</p>
1.28	<p><u>Land-fill by-product</u></p> <p>The applicant fails to address the question of where the by-product of the remaining 49,999.5 tonnes of source separated organics will go. How much liquid digestate will the plant produce and where will it be disposed of? What is the “Mass Balance” of the proposed facility? Environmental concerns if not managed properly. Further information around these issues should be provided to the Council. The objector cites technical reasons why the applicant’s Environmental Statement is deficient. Disposal of trade effluent has not been dealt with properly.</p>
1.29	<p><u>Land-fill destination and transport sustainability</u></p> <p>There is insufficient information on the location of the source of the waste and the destination for by-products for the Environmental Statement to properly deal with the issue of transport movements.</p>
1.30	<p>The applicant fails to deal with the issue of transport sustainability. It is appropriate for the Planning Committee to consider these issues in the context of climate change.</p>
1.31	<p><u>Household waste capacity</u></p> <p>There is already in the region of 593,000 tonnes pa household waste capacity in Northern Ireland.</p>
1.32	<p><u>Diversion of land-fill to the proposed development</u></p> <p>The applicant’s business case is to import source segregated organics to the site from existing operators rather than land-fill. It is extremely unlikely that the applicant will divert any waste from land-fill. There is already capacity in the local market.</p>
1.33	<p><u>Length of waste contracts</u></p> <p>The need for the proposal is based on diverting waste from existing successful companies, thus potentially making them redundant. There is no reference to contracts for “organic fines” waste streams.</p>
1.34	<p><u>Need</u></p> <p>There is no proven need for the proposal. With regard to the WMS and WMP, planning decisions should not be driven by outdated plans and strategies which do not take account of the current situation and need for the facility. This is especially important when the proposal will blight one of the most important opportunity sites for the city.</p>
1.35	<p><u>Disposal of foul drainage</u></p> <p>The applicant’s response places too much emphasis on foul drainage during construction and not enough on drainage during operation – more information is needed.</p>
1.36	<p><u>Compatibility with the GPBL mixed use proposals on the adjacent land</u></p> <p>The Granville Eco Park in Dungannon has been subject to 97 separate noise and odour complaints. The example sites cited by the applicant are not comparable with the application site.</p>

1.37	<p><u>Officer response to GPBL objection</u></p> <p>The planning process is concerned with land-use and in this case the suitability of the proposed CAD facility in land-use planning terms. Issues around the commercial viability of the proposal are not planning policy considerations.</p>
1.38	<p>The applicant has demonstrated a need for the proposal in accordance with the Waste Management Strategy and Waste Management Plan and requirements of PPS 11: Planning and Waste Management.</p>
1.39	<p>Regarding the technical environmental concerns that the objector has raised, the application and Environmental Statement have been assessed by statutory consultees including DAERA Northern Ireland Environment Agency (NIEA) and the Council's own Environmental Health team, a non-statutory consultee. No technical objections have been raised. The facility will also be regulated and licensed under a separate regime.</p>
1.40	<p>Summary and recommendation</p> <p>This Addendum Report should be read in conjunction with the previous reports, which have been appended.</p>
1.41	<p>Having regard to the Development Plan, relevant planning policy and materials considerations, the recommendation remains that planning permission should be granted subject to conditions (draft conditions below). Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p>
	<p>Draft Conditions</p> <p>1: The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2: Prior to commencement of development, a Detailed Remediation Strategy shall be submitted to and approved in writing by the Council. The Remediation Strategy must be based on the capping, landfill gas extraction infrastructure and building protection measures proposals contained within the RPS Group Plc reports entitled 'Remedial Strategy Report, Dargan Road Biogas Ltd, Bioenergy (AD) Plant, Giant's Park, Belfast' (dated December 2019 and referenced IBR1061 version 5) and 'Dargan Road Biogas Ltd, Gas Extraction System, Bioenergy Anaerobic Digestion (AD) Plant' (dated December 2019 and referenced IBR1061 version 8) and the letter from RPS dated 24th February 2020 and referenced 'IBR1061, Dargan Road Biogas Limited, Centralised Anaerobic Digestion (CAD) Plant - Planning Application Ref: LA04/2019/1540/F'. The Detailed Remediation Strategy must demonstrate how the identified pollutant linkages are to be demonstrably broken and that they no longer pose a potential risk to human health. In particular, this Detailed Remediation Strategy must provide final detail on:</p> <ul style="list-style-type: none"> - The capping systems to be installed. - The gas protection measures to be installed in all buildings requiring gas protection, which must be compliant with BS 8485:2015+A1:2019 and Belfast City Council's North Foreshore Developer's Guidance Note. - The hydrocarbon vapour protection membrane to be installed in all buildings requiring protection. - The gas abstraction system to be installed on the development site. - How the proposed remedial works are to be verified. <p>All construction thereafter must be in accordance with the approved Remediation Strategy.</p>

The development shall not be carried out unless in accordance with the approved Remediation Strategy.

Reason: Protection of human health and environmental receptors.

3: In order to demonstrate that the required remedial measures have been incorporated within the proposal, prior to operation of the development, a Verification Report shall be submitted to and agreed in writing by the Planning Authority. The Verification Report must be in accordance with Environment Agency guidance, British Standards, CIRIA and Land Contamination: Risk Management (LCRM) guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented and have broken the relevant pollutant linkages, and that the site no longer poses a potential risk to human health.

Reason: Protection of human health and environmental receptors.

4: If during the development works, new contamination or risks are encountered which have not previously been identified, works must cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with best practice and the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and approved in writing by the Council, and subsequently implemented and verified to its satisfaction prior to occupation or use of the CAD facility.

Reason: Protection of human health and environmental receptors.

5: Notwithstanding the submitted details, no works (including site preparation clearance or construction works) shall commence on site unless a Final Dust Management Plan has been submitted to and approved in writing by the Planning Authority. This Plan must conform to the measures set out in the Outline Construction Environmental Management Plan [authored by RPS Group, dated June 2019 and marked on the Planning Portal as received on 5th July 2019]. It must outline the methods to be employed to minimise any dust impacts associated with site preparation and construction works, demonstrating the use of 'best practicable means'. The plan must have due regard to the IAQM Guidance on the Assessment of dust from demolition and construction 2014. All site preparation and construction works thereafter must be carried out in accordance with the approved Dust Management Plan.

Reason: Protection of human health and amenity of nearby premises.

6: Notwithstanding the submitted details, no works (including site preparation clearance or construction works) shall commence on site unless a Final Construction Noise and Vibration Management Plan has been submitted to and approved in writing by the Planning Authority. This Plan must conform to the measures set out in Chapter 7 of the Environmental Statement submitted in June 2019 and marked on the Planning Portal as received on the 4th July 2019 and those set out in Chapter 4 of the Addendum II submitted in October 2020 and marked on the Planning Portal as received on the 13th October 2020. It must outline the methods to be employed to minimise any noise and vibration impacts associated with site preparation and construction works, demonstrating the use of 'best practicable means'. The plan must have regard to BS 5228:2009+A1:2014 Parts 1 and 2 Code of practice for Noise and vibration on construction and open sites, and demonstrate that site preparatory and constructions works will achieve the BS5228 'ABC method' Category A noise threshold value for daytime and Saturdays at relevant sensitive receptors. All site preparation and

construction works thereafter must be carried out in accordance with the approved Noise and Vibration Management Plan.

Reason: Protection of human health and amenity of nearby premises.

7: Notwithstanding the submitted details, no works (including site preparation clearance or construction works) shall commence on site until a final Construction Environmental Management Plan has been submitted to and approved in writing by the Council. This Plan must conform to the measures set out in the Outline Construction Environmental Management Plan [authored by RPS Group, dated June 2019 and marked on the Planning Portal as received on 5th July 2019]. All site preparation and construction works thereafter must be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: Protection of human health and the environment and amenity of nearby premises and to ensure that the appointed contractor is cognisant of all mitigation and avoidance measures required to protect all watercourses and the marine environment ensuring that there is no adverse effect on site integrity of Belfast Lough Open Water SPA, Belfast Lough SPA/Ramsar site and East Coast (Northern Ireland) Marine Proposed SPA.

8: No development should take place on-site until the method of sewage disposal has been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

9: No development shall commence on site until details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Planning Authority. The details shall also include detailed calculations for surface water drainage of the site. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

10: The development hereby permitted shall not become operational until the vehicular accesses have been constructed in accordance with the approved Drawing No. 03A 'Proposed Site Layout Plan' bearing the Belfast City Council Planning Office date stamp 20 December 2019. The access shall be constructed and marked to the satisfaction of DfI Roads.

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

11: The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing No. 03A 'Proposed Site Layout Plan' bearing the Belfast City Council Planning Office date stamp 20 December 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 than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking and manoeuvring within the site.

12: A minimum of 8 No. secure cycle parking spaces shall be provided and permanently retained within the development for use by staff and visitors to the development.

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

13: The development hereby permitted shall not operate unless in accordance with the Travel Plan contained within Appendix 4.1 of the Environmental Statement Addendum published by the Belfast City Council Planning Office on 15 January 2020. The Travel Plan will be provided to the Site Operator as a separate, stand-alone, document. The Site Operator will provide their employees with access to the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

14: The development hereby permitted shall not operate unless in accordance with the Service Management Plan contained within Appendix 4.2 of the Environmental Statement Addendum published by the Belfast City Council Planning Office on 15 January 2020. The Service Management Plan will be provided to the Site Operator as a separate, stand-alone, document.

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

15: Prior to the commencement of any works hereby approved, an Arboricultural Impact Assessment (in accordance with BS: 5837:2012) shall be submitted and agreed in writing by the Council. This will identify, evaluate and mitigate where appropriate the extent of direct and indirect impacts on existing trees that may arise as a result of any site layout proposal. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure minimal impact from the development on existing trees to be retained.

16: All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or proposed trees or planting indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Planning Authority.

Reason: In the interests of visual amenity.

17: No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread, nor shall arboricultural work or tree surgery take place or any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998, 2010. Recommendations for Tree Work.

Reason: To ensure the continuity of amenity afforded by existing trees.

18. If any retained tree is removed, uprooted or destroyed or dies, another tree or trees shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

19. Prior to any work commencing, protective barriers (fencing) and ground protection shall be erected / installed as specified in British Standard 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations' (section 6.2) on all trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site. Within the fenced area no activities associated with building operations shall take place, no storage of materials, and the ground levels within those areas shall not be altered.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

20: All soft landscaping works shall be carried out in accordance with the details on stamped approved drawing no 17A, bearing the Council's date stamp 20th December 2019. The works shall be carried out prior to the occupation of the development hereby approved or before the end of the first planting season after occupation, whatever is sooner, and shall be permanently retained thereafter. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a similar species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

21: The development hereby permitted shall be constructed and finished in accordance with the approved details including the annotated finished colours for buildings and tanks.

Reason: In the interests of visual amenity.

22. The feedstock hereby accepted at the facility shall be limited to MSW organic fines (EWC code 19 12 12 and the EWC (European Waste Catalogue) Codes as set out in the Environmental Statement, appendix 3.1 and no other feedstock. (Attached as information no 2 to this decision notice).

Reason: In the interests of environmental protection and public health and to ensure that there is no adverse effect on site integrity of any European designated site.

23: The development hereby approved not be permitted to accept waste from EWC code 02 01 06. No digestate from the facility shall be landspread within the site.

Reason: To ensure that there is no adverse effect on site integrity of any European designated site.

24: The Anaerobic Digester (AD) shall not exceed a maximum of 99,999 tonnes per annum, in accordance with written records which will be made available to the Council on written request.

Reason: In the interests of environmental protection and public health.

25: There shall be no external storage of waste at any time.

Reason: in the interests of environmental protection and in the interest of amenity.

Late Items Planning Committee – April 2021

Agenda Item	Application	Issues Raised	Action
6a	<p>(Reconsidered item) LA04/2019/1540/F Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks. 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3no. Weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. Accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works on lands to the northwest of existing Belfast City Council Waste Transfer Station (2a Dargan Road)</p>	<p>A joint objection has been received from John Finucane MP, Gerry Kelly MLA and Carál Ní Chuilín MLA. A copy of the objection has been uploaded to the Planning Portal. The objection is summarised below.</p> <p>Viability and sustainability</p> <ul style="list-style-type: none"> Existing Council contracts in place for waste disposal for next 10 years. Questions regarding demand, need and feasibility. <p>Impact on potential future neighbouring uses</p> <ul style="list-style-type: none"> Potential detrimental effects that this application could have on GPBL mixed use proposal and wider social and economic impact on Belfast. Alleged noise and odour issues associated with Granville Ecopark, Dungannon. Questioned type of material entering the proposed AD. Highlights that Belfast City Council needs to rethink and re-plan its waste management strategy and invest in more creative solutions. 	<p>Issues around the commercial need for the proposal and viability are dealt with in the case officer report.</p> <p>Issues around the compatibility of the proposed development with the GPBL proposals are dealt with in the case officer report.</p> <p>The Council as Planning Authority can only consider the proposal before it based on the information provided by the applicant and technical advice from consultees</p>

Agenda Item	Application	Issues Raised	Action
6a	<p>Reconsidered item) LA04/2019/1540/F Centralised Anaerobic Digestion (CAD) plant at Dargan Road</p>	<p>Letter from the applicant in response to the matters raised by GPBL in its objection of 12 April 2021. A copy of the applicant’s letter has been uploaded to the Planning Portal. The points raised by the applicant summarised as follows:</p> <p>Need for the Facility The comments offered by GPBL in relation to the waste market, availability of waste and capacity are irrelevant to the Council’s consideration of need in line with planning policy.</p> <ul style="list-style-type: none"> • The assertion that the level of private waste available is “extremely small” is unfounded. This facility has been designed to accept all brown bin waste, including garden waste. • An existing capacity figure of greater than 593,000 tonnes provided by AD plants quoted is misleading as the vast majority of the plants listed are limited to agricultural type feedstock and have not been designed to accept the type of waste proposed (SSO/MSW organic fines). • Applicants highlights how their proposal was different from the River 	For notation.

Agenda Item	Application	Issues Raised	Action
		<p>Ridge AD Plant and Granville AD in terms of waste accepted, site specific human health mitigation measures.</p> <p>Digestate and Digestate Treatment</p> <ul style="list-style-type: none"> • The GBPL objection fails to acknowledge that 75% of the liquid digestate produced is recycled in the AD process to minimise water consumption and that no land spreading of digestate is to occur. • The liquid fraction of the digestate is passed through a Waste Water Treatment Plant (WWTP) which includes screening, chemical treatment and biological treatment to remove contaminants. • The treated water that is not recycled in the AD process will be discharged to the existing foul pumping station under discharge consent. • The NI Water consultation response makes clear that the public foul sewer has sufficient capacity to facilitate the proposed development and as standard practice, should a Trade Effluent discharge consent be required, the applicant is recommended to liaise directly with NI Water regarding this. 	

Agenda Item	Application	Issues Raised	Action
		<p>Foul Drainage</p> <ul style="list-style-type: none"> The ES sets out that foul drainage from welfare facilities will be discharged to the existing foul sewer. <p>IPPC Permit-relevant pollution control regime</p> <ul style="list-style-type: none"> Subject to planning permission, an application for a Pollution Prevention and Control (Industrial Emissions) (PPC (IE)) permit will be applied for directly to NIEA who will be responsible for regulating the site. PPS11 makes clear that that planning control should not duplicate other statutory controls or be used to achieve objectives relating to other legislation. The Council must make its planning decisions on the basis that the pollution control regimes will be properly applied and enforced (para 2.4). Waste acceptance procedures as set out in the PPC (IE) permit will be required to be adhered to. This will restrict the type of waste to be accepted and require quarterly waste returns to be provided to NIEA which detail the quantity and type of waste accepted at the site. 	

Agenda Item	Application	Issues Raised	Action
		<ul style="list-style-type: none"> • The site will have to adhere to a Site Specific Management Plan. (This will encompass monitoring and management procedures for odour, noise and vibration, dusts and particulates and birds, vermin and insects.) • Point source emissions to surface water, air and sewer will be required to be regularly monitored and these records made available to NIEA. <p>Regular site visits are also carried out by the NIEA to ensure that the conditions of the PPC (IE) permit are being met.</p>	

Pre-Determination Hearing Report

PDH Date: 23 rd February 2020	Application ID: LA04/2019/1540/F
Proposal: Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks. 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3no. Weighbridges, fire water tank and pumphouse, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works.(Further Environmental Information-addendum to Environmental Statement)	Location: Lands to the northwest of existing Belfast City Council Waste Transfer Station (2a Dargan Road, Belfast, BT3 9JU).
Applicant Name and Address: Dargan Road Biogas Limited Energia Group 62 Newforge Lane Belfast BT9 5NF	Agent name and Address: Clyde Shanks 5 Oxford Street Belfast BT1 3LA
<p><u>Background</u></p> <p>This Pre Determination Hearing report should be read in conjunction with the Addendum Report to the January 2021 Planning Committee, including Late items, which also includes the original report and Late items to the August Planning Committee. These reports are appended.</p> <p>This application was due to be considered by the Planning Committee on 19th January 2021. However, Members resolved to:</p> <ol style="list-style-type: none"> 1. defer consideration of the item to request further information on the Habitats Regulations Assessment (HRA) which had been carried out by Shared Environmental Services (SES), and; 2. hold a non-mandatory Pre-Determination Hearing in respect of the application in due course. <p>SES completed the HRA in December 2020 although they did not submit the HRA Appropriate Assessment to the Council until just before the January Planning Committee meeting. The HRA Appropriate Assessment concludes that, provided the mitigation measures detailed in the assessment are conditioned in any planning approval, there will be no adverse effects on site integrity of Belfast Lough Open Water SPA, Belfast Lough SPA/Ramsar site and East Coast (Northern Ireland) Marine Proposed SPA. A copy of the HRA Appropriate Assessment is available to view on the Planning Portal.</p>	

Under Section 30(4) of the Planning Act (Northern Ireland) 2011, the Council may choose to hold a non-mandatory Pre-Determination Hearing (PDH). The purpose of the PDH is to give the applicant and interested parties who have submitted written representations on the application the opportunity to appear before and be heard by the Planning Committee before a decision on the application is made.

No decision will be made on the planning application at the Pre-Determination Hearing. Rather the application will be considered and determined by the Planning Committee at a later date.

Further information since the January Planning Committee meeting

Following the January Planning Committee, the applicant has provided additional information relating to the 'need' for the proposal with particular regard to regional policies set out in Planning Policy Statement 11 (PPS11) and the Strategic Planning Policy Statement (SPPS). The applicant has also provided a response to the further objection from GPBL (as reported to the January Planning Committee in the Late items report). This information has been uploaded to the Planning Portal and a copy sent to the objectors.

Need for the facility

The applicant states that the proposed CAD facility is consistent with the objective of regional policy of promoting such proposals.

They refer to regional policy, which states that the need is identified in the Waste Management Strategy/Waste Management Plan. They believe that the proposal is consistent with those documents, overarching waste policy and the future direction of travel in diverting organic waste from landfill.

Their statement highlights that the need for renewable energy proposals will not diminish in the future context of energy targets set out for Northern Ireland (likely to be a minimum of 70% by 2030).

The applicant comments that the need to identify the source of the feedstock that will supply the CAD facility is beyond the requirements of planning policy and that ongoing discussions in relation to potential sources are commercially sensitive. They state that the plant has been designed with flexibility in mind for all available household and commercial organic waste streams. Further progress with feedstock contracts cannot be advanced until planning permission has been granted.

ADDENDUM REPORT 1
Development Management Officer
January 2021

1.0	Background
1.1	This application was due to be considered by the Planning Committee on 18 th August 2020. However, in the light of a late objection and having taken advice from the Council's solicitor, the application was removed from the agenda so that the issues could be examined in detail and addressed as appropriate. Notwithstanding, Members agreed that a Planning Committee site visit should take place. The Planning Committee site visit occurred on 9 th September 2020. Following the site meeting, Councillors Groogan sought clarification across a number of points relating to the proposal. A response to these points is contained within this report.
1.2	This Addendum Report considers the late objection received just before the August Planning Committee as well as subsequent additional representations.
1.3	In response to the issues raised in the late objection, the applicant commissioned a further addendum to the Environmental Statement. This primarily considers the additional cumulative impact resulting from the planning permission for Phase 2 of the adjacent Film Studios development. This Addendum Report therefore also considers the further addendum Environmental Statement (Addendum II).
1.4	Two further representations have been received. The total number of objectors for this application is two (GPBL and Belfast Harbour). This includes letters of objection from Carlin Planning Ltd and Keystone Law made on behalf of GPBL and Turleys on behalf of Belfast Harbour. Tughan's has made legal representations on behalf of the applicant in response to the objection from Keystone Law. These representations are available to view on the NI Planning Portal and are summarised in this report. Any further representations will be reported to Members via the Late Items pack.
1.5	This Addendum Report should be read in conjunction with the previous case officer report and Late Items reports to the 18 th August 2020 Planning Committee, copies of which are appended.
2.0	Updated Consultation Responses
2.1	Updated Statutory Consultee Responses DFI Roads – No objection NI Water – No objection Rivers Agency – No objection NIEA-Marine and Fisheries Division – No objection NIEA Water Management Unit – No objection NIEA Land, Soil, and Air – No objection NIEA Natural Environment Division – No objection Shared Environmental Services – No objection Belfast City Airport – No objection
2.2	Updated Non-Statutory Consultee Responses Environmental Health BCC – No objection Tree Officer BCC – No objection City and Neighbourhood Landscape Team BCC – No objection

	Economic Development Team BCC – No objection to the methodologies used by the applicant in assessing the economic impacts of the proposal
3.0	Additional Representations
3.1	The Addendum II Environmental Statement was neighbour notified and advertised in the local press. Prior to the August Planning Committee, a representation was submitted on 18 th August 2020 by Keystone Law on behalf of their client Giants Park Belfast Limited. Tughan’s solicitors subsequently submitted correspondence on the 9 th October 2020 on behalf of the applicant responding to the points raised by Keystone Law. These representations are summarised below along with officers’ advice on each of the main points.
3.2	<p>‘Keystone Law act on behalf of their client Giants Park Belfast Limited (“GPBL”). GPBL say that they are the preferred bidder for the development of 250 acres of land at North Foreshore. This will be a major leisure-led mixed use development involving significant investment of around £170m and will be a major tourism destination. The Giant’s Park proposal will include the following phases:</p> <ul style="list-style-type: none"> • Phase 1 – hotel; petrol filling station; and fast food • Phase 2 – indoor leisure; golf entertainment facility; food and beverage; and hotel • Phase 3 – 200 acre active entertainment park • Phase 4 – R&D park
3.3	The site is immediately adjacent the proposed CAD facility to the north and west. GPBL have significant concerns that the proposed CAD facility could impact on deliverability and success of a leisure-based development. They feel that the proposal is contrary to planning policies and should be refused.
3.4	The structure of the following section of this report sets out the Keystone Law objection points followed by a rebuttal by Tughan’s on behalf of the applicant. Officers then provide advice at the end of each point.
3.5	<p>Weight to be attached to GPBL scheme</p> <p><u>Keystone Law:</u> <i>(1) Advice that the GPBL scheme at Dargan Road “can” be given only “minimal consideration” is a matter for the judgement of the Council, and not for any Officer to dictate, the statement in the Case Officer Report is a misdirection and invites the Council unlawfully to fetter its discretion.</i></p> <p><u>Tughan’s:</u> <i>It is not unlawful or a misdirection by the Case Officer to suggest that the alleged risks of delivery of the GBPL aspirations for future development can be given minimal weight. The Planning Committee is entitled to come to a decision contrary to officer recommendations.</i></p> <p><u>Officer advice:</u> It is the role of planning officers to advise the Planning Committee on the consideration of the planning applications including material considerations and the weight that should be attached to them. It is then the role of the Planning Committee to decide the application having regard to the advice given by officers. The engagement between the Council as landowner and GPBL relate to commercial discussions which do not form part of the planning process. Officers advise that the weight that should be afforded to the GPBL’s proposals should be limited.</p>

3.6

Whether GPBL has entered the planning process

Keystone Law:

It is incorrect for the Officer to advise that GPBL has not entered the planning process, given the granting of preferred developer status to GPBL by the Council under the Development Brief, GPBL's engagement in pre-application discussions with the Council, and the current, protracted negotiation of the Development Agreement for the GPBL scheme, in the course of all of which our client has expended some £400,000 in professional fees and expenses.

Tughan's:

*No formal Pre-Application Discussion (PAD) process has been initiated;
No Proposal of Application Notice (PAN) has been submitted to the Council providing the 12-week notice period required for a 'major' planning application;
No pre-application community consultation has been commenced; and
No planning application has been received. GPBL's representatives conflate a commercial negotiation process and the planning process. Equating the two separate processes would be unlawful and "Wednesbury" unreasonable.*

Officer response:

As stated previously, the engagement between the Council as landowner and GPBL relate to commercial discussions which do not form part of the planning process. The Giant's Park leisure-led proposals are not subject to a Pre Application Discussion (PAD), Proposal of Application Notice (PAN) or planning application and are not considered to have entered the planning process. Officers advise that the weight that should be afforded to the GPBL's proposals should be limited.

3.7

Prejudice to the GPBL scheme

Keystone Law:

Any approval of the CAD proposal would undermine all that the Council has done to progress the GPBL scheme, to the prejudice of the public interest and to the prejudice of GPBL's interests.

Tughan's:

The appointment of GPBL as a "preferred developer" in a commercial negotiation process confers no special planning status. Nor does it create any presumption in favour of that proposed development, whatever that development may be when and if it is applied for. If the Council equated the appointment of a preferred developer through a commercial process with the grant of a special planning status for that proposed development, it would be acting unlawfully and in a "Wednesbury" unreasonable manner.

GPBL has not submitted a planning application; it has not entered a lease for the lands; and is at a very early stage of formulation. These are relevant facts when determining the weight to be given to the GPBL objections.

The GPBL scheme is not identified as an acceptable use in the draft BMAP zoning BHA 05 nor has the masterplan agreed for the Giant's Park site been based on the GPBL scheme. GPBL and its professional advisors have not provided any evidence to support the assertion that the CAD development will risk the delivery of GPBL's proposals.

The ES which accompanies this application demonstrates that the construction and operation of the CAD facility will not prejudice future developments on adjoining lands. It specifically considers consented developments and prospective future development of the wider site. It has used receptors in close proximity to the development proposal site,

and in so doing the Council is entitled to give weight to the prospect of even less impact for those proposals (however speculative) further removed.

Officer response:

The objector is confusing two separate processes: the commercial engagement between the objector and Council, and the planning process. It is a matter for the Council as Planning Authority to decide what weight it attaches to the objector's proposals, which as officers have advised, has not entered the planning process and should be limited.

3.8

Assessment of economic benefits

Keystone Law:

No independent economic appraisal of the CAD proposal which addresses both the suggested economic benefits and economic dis-benefits, and in particular has not assessed displacement of the economic benefits from the GPBL scheme. The asserted economic benefits of the CAD proposal have been accepted at face value which is something that no reasonable planning authority properly directing itself could lawfully do, and would be both Wednesbury unreasonable and a failure in its duty of inquiry.

Tughan's:

The Case Officer concludes that there will no unacceptable environmental impact. As set out in Policy RE1 of PPS18, the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted – notably, reference to 'significant' weight has now been replaced in the SPPS by 'appropriate'.

The Justification and Amplification section of PPS18 states that the decision maker will support renewable energy proposals unless they would have unacceptable adverse effects which are not outweighed by the wider environmental, economic and social benefits of the development. There are no unacceptable adverse effects to be outweighed by the wider environmental, economic and social benefits of the development and the Council therefore does not have to afford determining weight to the economic benefits.

The economic benefits as stated in the applicant's ES cannot be disputed – these include the construction cost of the proposal and the number of jobs to be created during both the construction and operational phases. This information was prepared by a firm with extensive experience in the preparation of both Socio-Economic and Population and Human Health.

GPBL have not provided any evidence to the contrary, instead relying on unfounded assertions that the CAD facility will undermine the viability of the future GPBL scheme.

Officer response:

It is considered entirely reasonable to conclude that the proposal will have economic benefits including investment, job creation or supporting existing jobs both during construction and on operation. Nevertheless, the Planning Service has subsequently engaged with the Council's Economic Development Unit (EDU) around these issues. EDU advises that the approach and methodology applied by the applicant in determining the employment and economic impact of the proposal are robust. EDU highlights that the applicant's approach consists of models and well recognised tools used to determine the value of the economic output (Gross Value Added) and employment.

In any event, the proposal is considered acceptable with regards to its environmental impacts (for the reasons set out in this report) and the degree to which the proposal would

have a positive economic impact is not considered crucial to the overall officer recommendation or acceptability of the scheme.

It is considered unreasonable and unnecessary to carry out an assessment of the economic impact of the proposal on the GPBL's proposal given that they are not yet in the planning process nor in at advanced stage in that process.

Conditions do not reflect statutory consultee responses

3.9

Keystone Law:

The conditions do not adequately reflect those recommended by Shared Environmental Services to protect the integrity of the two proximate European designated sites. Furthermore, there has been no cumulative assessment of the effects of the CAD proposal with other planned and reasonably foreseeable development on the integrity of the European sites (as to which see further below).

Tughan's:

The applicant confirmed to the Council by way of correspondence dated 20 December 2019 that it had no objection to the imposition of a condition requiring that no digestate from the facility would be landspread. The cumulative effects of the CAD proposal with other committed development i.e. the Phase 2 film studios on the integrity of the European sites has been considered as part of the recently submitted Further Environmental Information (FEI) accompanying this submission.

Officer response:

Since the objection was received, further consultation has been carried out in relation to Addendum II of the Environmental Statement. Neither DAERA Natural Environmental Division nor Shared Environmental Services (which undertakes Habitats Directive screening on behalf of the Council) object to the proposal. The conditions advised by both are recommended. As is normal practice, delegated authority is sought to finalise appropriate conditions. It is not considered necessary or reasonable to require the applicant to carry out a cumulative assessment to include the objector's proposals given that they are not subject to a planning application or planning permission.

Impermissible postponing proper assessment of the environmental impacts to post consent stage

3.10

Keystone Law:

It is apparent from proposed conditions 2, 5, 6, 9, 10 and 17 that the Environmental Statement impermissibly postpones proper assessment of the likely significant environmental impacts and identification of their mitigation and the residual effects, leaving those matters to the post-consent stage.

Tughan's:

Conditions 2, 5, 6, 9, 10 and 17 relating to contamination, dust, construction noise and vibration, sewage disposal, drainage and trees do not postpone proper assessment of the likely significant environmental impacts and mitigation required to post-consent stage for the reasons set out below.

A detailed assessment including site investigation has been provided as part of the ES and ES Addendum for the consideration of NIEA and Environmental Health. The Detailed Remediation Strategy provided sets out the capping, landfill gas extraction infrastructure and building protection measures proposed. A condition could be attached stating that the final plan to be agreed with the Council shall contain as a minimum the mitigation measures identified in the ES and the draft plans.

Detailed assessments have been undertaken as part of the ES in relation to construction dust, noise and vibration and a condition could be attached stating that the final plan to be agreed with the Council shall contain as a minimum the mitigation measures identified in the ES and the draft plans.

In relation to sewage disposal, foul and surface water drainage, arrangements have already been provided and considered as part of the applicant's ES and annotated on the accompanying application drawings.

An Arboricultural Impact Assessment was not identified in the ES as mitigation but rather has been considered necessary by Belfast City Council as recently planted trees will be removed to facilitate the proposed site access. Any trees to be lost are currently not afforded any protection and therefore it is not considered an AIA is required in this instance, however, the applicant has no objection to the condition.

Officer response:

Conditions 2, 5, 6, 9, 10 and 17 of the original case officer report to the August 2020 Planning Committee relate to land contamination; dust, noise and vibration impacts during construction; method of sewerage disposal; foul and surface water drainage; and an assessment of impacts on trees, respectively. The likely significant effects in relation to land contamination; dust, noise and vibration during construction are considered to have been appropriately addressed in the ES. There have been no objections to the ES or proposal from statutory technical consultees. This also applies to issues concerning sewerage disposal and drainage. The impact on trees is not considered to be a significant environmental effect which warrants full assessment in the Environmental Statement but can be addressed through condition. The conditions complement the Environmental Statement in that they seek to safeguard or mitigate the environmental impacts resulting from the proposal.

Keystone Law:

The assessment relies on the Outline Construction Environmental Management Plan ("OCEMP"), to be followed up, post-consent, by a Final Construction Environmental Management Plan ("FCEMP"). The role of an OCEMP is to outline the mitigation to be applied to reduce etc. environmental effects, and to frame and constrain the mitigation to be later detailed by the FCEMP, so as to allow proper assessment of likely significant environmental effects with mitigation at the consent stage. However, in this case it is apparent from proposed condition 7 that the OCEMP does not perform that role. Rather, proposed condition 7 requires the FCEMP to "outline" proposed mitigation, which is something that must be done pre-consent by the OCEMP and not post-consent by the FCEMP. That approach wholly undermines proper assessment of the likely significant environmental effects, and represents a breach of EIA requirements. In addition, proposed condition 7 does not require the FCEMP to be in conformity with the OCEMP, which it must do to ensure that the proposed mitigation is known and duly assessed before any permission is granted.

Tughan's:

They suggest amended wording to Condition 7 relating to the provision of a Final Construction Environmental Management Plan:

No site preparation or construction works shall commence on site until a final Construction Environmental Management Plan and site drainage plan has been submitted to and approved in writing by the Planning Authority. This Plan must include as a minimum the mitigation measures as set out in the Outline Construction Environmental Management. All site preparation and construction works thereafter must be carried out in accordance with the approved Construction Environmental Management Plan.

Officer response:

Officers advise that the condition should be re-worded. See amended condition 7 at section 6 of this report.

3.11

Unlawful project splitting for Environmental Statement purposes

Keystone Law:

Approval would represent unlawful 'project-splitting', because the ES does not assess the overall North Foreshore project, but only the CAD proposal. Alternatively, if the CAD proposal does not form part of the overall project the ES fails to assess the cumulative effects of the CAD proposal with other planned and reasonably foreseeable development at the North Foreshore, namely the GPBL scheme and the Harbour Commissioners' film studio development. There is no Northern Ireland guidance on how cumulative impact assessment should be conducted. England & Wales Planning Inspectorate's Advice Note Nine directs applicants to have regard existing development and/or approved development. It also states that the assessment should include projects identified in the relevant Development Plan (and emerging Development Plans - with appropriate weight being given as they move closer to adoption) recognising that there will be limited information available on the relevant proposals.

The Harbour Commissioners' film studio scheme was recently granted permission. Draft BMAP zones BHA 05 specifically states that "development of the site shall only be permitted in accordance with an overall comprehensive masterplan" which was agreed with the Department of the Environment in January 2010. The GPBL scheme is therefore plainly a project identified in an emerging plan which is at an advanced stage.

Tughan's:

The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 state that an ES must take into account the accumulation of effects with or existing and/or approved development. The EIA regulations do not refer to 'reasonably foreseeable development'.

At the time of the ES submission (June 2019) and subsequent ES Addendum (December 2019) there was no other approved/not yet built development required to be considered as part of a cumulative assessment. The Phase 2 film studios application (determined nil-EIA) submitted in February 2020 and later approved in August 2020 has now been taken into consideration as part of the accompanying Further Environmental Information submission.

The guidance referred to by the objector relates to "Nationally Significant Infrastructure Projects" (NSIPs). It is not applicable to Northern Ireland or the specific project under consideration.

The addendum reports make clear that sensitive receptors that have been used for the basis of assessment are situated close to the application site. It has been concluded that those closest receptors will suffer no unacceptable adverse effect and the Council is entitled to have regard to that evidence in assessing speculative proposals further afield.

The GPBL scheme (comprising a welcome hub, leisure and sports innovation hub, adventure hub and theme park hub) is not identified as an acceptable use in the draft BMAP zoning BHA 05 nor has the masterplan agreed for the Giant's Park site been based on the GPBL scheme. Therefore it is considered inappropriate that the GPBL proposals be considered as part of any cumulative assessment premised on a development plan zoning that does not foresee this type of development being brought forward.

Officer response:

Schedule 4 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 ('the Regulations') relates to matters which should be included in an Environmental Statement. Section 5 (e) states that it must include 'A description of the likely significant effects of the development resulting from, inter alia... the accumulation of effects with other existing and/or approved development, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources.' The mixed use proposals in the mixed use zoning of the site and wider land are not existing or approved. Moreover, the objector's proposals are neither existing nor approved. They have not yet entered the planning process nor are they advanced in that process.

It is considered unreasonable to require the applicant to carry out a cumulative assessment to include the objector's proposals. However, as previously set out, the applicant has updated the Environmental Statement (Addendum II) to consider the cumulative impacts of Phase 2 of the adjacent Film Studios complex which now has planning permission.

The objector refers to the Planning Inspectorate's 'Advice Note 17: Cumulative Effects Assessment'. This applies to GB and not Northern Ireland. It also relates to "nationally significant infrastructure projects" and the proposal does not fall within this category. In the absence of any guidance specific to Northern Ireland, there may be an argument that cumulative impact should also be taken into account where, for example, there are a number of Major planning applications which are clearly interdependent or connected and follow on from one another in form an overall tangible project. That is plainly not the case in this instance, nor is it considered that the draft BMAP zoning or masterplan make all development at this site inter-dependent.

3.12

Proposal in contrary to BMAP

Keystone Law:

Zoning BHA 05 in draft BMAP states that "development of the site shall only be permitted in accordance with an overall comprehensive masterplan to be agreed with the Department [of the Environment]" (emphasis added), which creates a strong policy presumption against approval of any proposal which is not in accordance with the masterplan. The CAD proposal is not in accordance with that agreed masterplan. Rather, it is in breach of the agreed masterplan, because the site of the CAD proposal was identified in the agreed masterplan for logistical warehousing, and not waste management. The CAD proposal is incompatible with the other identified uses in the masterplan, and so will undermine the development of the North Foreshore site pursuant to that masterplan. The Case Officer Report at paragraphs 10.3 and 10.10 gives a misleading impression of compliance with the masterplan.

Tughan's:

This criticism ignores regional policy, and further ignores that the GPBL proposals do not feature in the masterplan and that the existing and approved film studios is shown in the masterplan as an area allocated for waste management facilities.

The masterplan must be read in its wider context which focuses on delivering an Environmental Resource Recovery Park 'where the ethos will be that one firm's waste is another's raw material'. The CAD proposal delivers exactly what was intended by the masterplan in providing a sustainable waste management solution that will in turn deliver renewable energy (electricity/heat) for other users in the site. The Case Officer report correctly states that proposal complies with the overall aspiration of the Masterplan.

Officer response:

Policy BHA 05 of dBMAP 2015 zones the site and wider land for a variety of uses including waste management and recycling facilities. The proposal is considered a form of waste management.

One of the requirements of the zoning is that: *'Development of the site shall only be permitted in accordance with an overall comprehensive masterplan to be agreed with the Department. The masterplan shall outline the design concept, objectives and priorities for the site, an appropriate mix of the permitted uses including open space and the transition from built development to open space. The masterplan shall outline the proposed phasing of the development, the appropriate scale and massing of building blocks and appropriate landscaping.'*

A masterplan for the site as agreed by the former DoE Planning Service in January 2010 (reference Z/2008/2289/Q). The Masterplan recommended waste management facilities in the area. 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 and wider North Foreshore land.

Policy BHA 05 is a material consideration and it is considered that the proposal would not prejudice the overall zoning. Officers advise that there is no significant strategic conflicts. Moreover, the proposals accord with regional policy which promote sustainable renewable energy. The proposal would be subject to appropriate environmental controls. The Council's Environmental Health team have no in principle concerns regarding the compatibility of the proposed with proposed adjacent uses under Policy BHA 05 or the approved masterplan. Having regard to these considerations, and advice set out in this wider report, the proposed use is considered acceptable.

3.13 **Representation from Elected Representative**

Councillor Groogan emailed Planning Officers on the 14th September 2020 with a number of queries about the proposal following the Planning Committee site visit on the 9th September 2020. The queries read as follows (*in italic text*):

The Air Quality report states that as the additional impact of this AD would be <1% of background levels it is acceptable but we are well past the critical load thresholds at these sites (sometimes by 100/200%) based on DAERA's operational protocol on Nitrogen emissions.

Regulation 43 of the Habitats Regulations doesn't permit a competent authority to grant permission to a project unless it is satisfied beyond reasonable scientific doubt that the development will not adversely affect the integrity of a European site. Given the critical load at these sites, it is very difficult to see how this is met in this instance or indeed how the Minister's recent decision on the operating protocol is lawful given the impact on the sites.

3.14 These queries were forwarded to the applicant who has advised as follows:

- Airborne nitrogen emissions do not fall to be considered against the same DAERA working policy as ammonia. The impact of nitrogen is assessed in line with the Environment Act 1995 and the less than 1% contribution is not considered significant;
- The two ecological designations within 7.5km of the application site are the Belfast Lough SPA and Belfast Lough Open Water SPA. The existing background levels at these sites are less than 70% of the applicable limit on this site;

3.15	<ul style="list-style-type: none"> • It should also be noted that both Belfast Lough SPAs are not ‘ammonia sensitive’ as it is designated for Marine features; • The policy has not been subject to any challenge and therefore cannot be stated as unlawful; • Notwithstanding, SES who have undertaken the HRA for this application are not bound by the DAERA operational protocol. They have determined that the proposal will not have an adverse effect on site integrity of any European site; and • Any decision made by Belfast City Council on this application would therefore not be based on a policy that has been determined to be unlawful. <p>Officers concur with the response provided by the applicant. It is also noted that DAERA, SES and Environmental Health have not objected to the proposal on air quality, ammonia grounds or other environmental and ecological grounds. They have been asked to attend the Planning Committee meeting to answer any technical queries that Members may have about the proposal.</p>
4.0	Assessment of Addendum II of the ES and additional comments
4.1	<p>Cumulative Impact Planning application (LA04/2019/1540/F) for the proposed CAD facility was submitted on 26 June 2019 accompanied by an ES. A full planning application for a proposed extension (Phase 2) to the existing film studio complex (LA04/2020/0474/F) was submitted in February 2020 and subsequently approved by the Council on 14 August 2020.</p>
4.2	<p>In light of the EIA regulations, the Addendum II ES considers the cumulative effects where relevant taking into account this recently approved development.</p>
4.3	<p>An updated assessment of the proposal having regard to the Addendum II ES is provided below and relates to the following issues. The assessment in relation to other issues remains as set out in the report to the August Planning Committee (appended).</p> <ul style="list-style-type: none"> • Economic Principles and impacts of the proposal; • Landscape and Visual Impact; • Impact on amenity; • Environmental impacts (Noise, Vibration, Air Quality, Odour, Artificial lighting and Land Contamination); • Access, parking and transport; • Flood risk, Drainage and Infrastructure capacity; • Natural Heritage and Conservation – Impact on ecology; • Habitats Regulation Assessment; • Impact on material assets; • Renewable Energy Policy and; • Waste Planning Policy.
4.4	<p>Economic Principles and impacts of the proposal As it is considered that the proposed CAD facility would not harm the film studio operations (confirmed by way of the updated noise and air quality impact assessments), the employment and economic output effects of the two schemes would be cumulative and would not result in any economic dis-benefits to either development.</p>
4.5	<p>The Council’s Economic Development (EDU) has provided advice on the approach and methodology applied by the applicant’s consultants in determining the employment and</p>

	<p>economic impact of the proposal. EDU highlights that the applicant's approach consists of models and well recognised tools used to determine the value of the economic output (Gross Value Added) and employments.</p>
4.6	<p>The forecasting models include the Construction Industry Training Board (CITB) and the Labour Forecasting Tool (LFT). Both are widely recognised and used throughout the construction sector, as well as by employability and skills practitioners to calculate employment creation for construction. The models are calculated using a UK wide methodology, and are viewed as being comparable to the Northern Ireland context. The CITB approach and benchmarks has become one of the leading tools to assess employment requirements for a development and credited with being built on advanced specialist knowledge of the construction industry.</p>
4.7	<p>The level of indirect employment supported over the construction phase has been generated utilising the NI Supply Use Tables Multipliers 2015 provided by Northern Ireland Statistics and Research Agency. These measures are region specific and are well recognised tools to determine GVA and indirect employments.</p>
	<p>Landscape and Visual Impact</p>
4.8	<p>Addendum II contains updated photomontages which illustrate what the proposed CAD facility would look like in the context of the existing film studios and the approved Phase 2 development. Viewpoint selection remains the same as the original Landscape and Visual Impact Assessment (LVIA) and have been updated to reflect the combined effects of the adjacent consented development.</p>
4.9	<p>The Council's Landscape Team is satisfied that the LVIA captures an accurate description of the collective effects as measured against the landscape and visual situation that pertains at present. They have highlighted that the approved development does not increase the significance or magnitude of the landscape or visual impact for the proposed CAD facility. The Landscape Team concurs with the conclusion of Addendum II that the proposal is effectively absorbed to a degree into the existing landscape setting without resulting in a significant adverse landscape or visual effect.</p>
	<p>Impact on amenity</p>
4.10	<p>Paragraphs 4.11 and 4.12 of the SPPS state that 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. Assessments of wider human health effects on the nearby population during both the construction and operational phases of the development have been considered in Addendum II. The development has taken wider health considerations into account through the design process and the effects on wider human health are therefore anticipated to be negligible.</p>
4.11	<p>The nearest residential properties are located more than 500 metres from the application site in the Fortwilliam area to the west. The existing adjacent film studio is approximately 178 metres from the closest building on the proposed site. The recently approved Phase 2 film studio is approximately 149m away (closest building to building). Due to separation distances of at least 149m there is unlikely to be any issues with overshadowing with existing neighbouring uses including the adjacent existing Film studio and the Phase 2 Film studio. It is considered unnecessary to require a shadow analysis or sunlight report.</p>
	<p>Environmental impacts (Land Contamination)</p>
4.12	<p>In relation to land contamination matters, addressed in Chapter 9 of the Environmental Statement (ES), no further cumulative assessment has been considered necessary as part of Addendum II. All development sites within Giant's Park are required to adhere to</p>

	<p>the relevant guidance to manage gas emissions and contamination. There is no objection to the Addendum II ES or the application itself from the Environmental Health team subject to conditions.</p>
4.13	<p>Environmental impact (Air Quality and Odour)</p> <p>In relation to ambient air quality and odour impact, two additional receptor locations (the film studio building and amenity area), have been considered as part of an updated air quality impact assessment. The Phase 2 film studio site is in a non-residential area and commercial in nature and has been defined within their planning application as operating internally only with no open doors or windows. Based upon a review of Addendum II, the Environmental Health team is content with the applicant's updated assessment of air quality and odour from the operational phase. These demonstrate that the additional receptor locations (to reflect the Phase 2 development) will be below the relevant limits applicable to human receptors. No exceedances of air quality objectives or relevant odour benchmarks are predicted.</p>
4.14	<p>It also remains the case that no detailed air quality impact assessment is required to consider traffic as the updated transport assessment provided as part of Addendum II confirms that the percentage increase in usage of the proposed CAD facility on the Giant's Park access and Dargan Road remain beneath the threshold of significance as defined with the Design Manual for Roads and Bridges (DMRB).</p>
4.15	<p>Environmental impact (Noise and vibration)</p> <p>Using the same additional receptor locations that were considered for the purposes of air quality and odour, an updated noise impact assessment has been submitted. To ensure a "worst case scenario", the Phase 2 film studio development was considered to be similar to a residential property in terms of its sensitivity to noise during both construction and operation of the proposed CAD facility. The updated assessment confirms that the predicted noise levels at the Phase 2 development as a result of the proposed CAD facility will remain below the relevant limits applicable. The Environmental Health team highlights that external noise levels at Phase 2 are predicted to be less than those normally applicable to external residential amenity space. They comment that that no additional construction related noise and vibration mitigation is required as a result of the approved Phase 2 development as necessary mitigation is to be captured in the final Construction Noise and Vibration Management Plan.</p>
4.16	<p>In summary, there remain no harmful effects in relation to amenity and human health as a result of the proposed CAD facility taking into account the Phase 2 development.</p>
4.17	<p>Access, parking and transport</p> <p>An updated transport assessment is provided that considers the impact of the additional traffic generated by the proposed CAD facility taking into consideration that baseline conditions reflecting the now committed Phase 2 development. The predicted traffic increase (%) on Dargan Road and on the Giant's Park access are now lower than those previously indicated given the increase in baseline traffic associated with Phase 2. The predicted increase on the public road remains negligible and below significant traffic thresholds. The junction modelling undertaken as part of the Phase 2 application has been reviewed and it is noted that from its findings that there is substantial spare capacity for additional traffic using the current site access. DFI Roads continue to offer no objection to the proposal subject to conditions.</p>
4.18	<p>Flood risk, Drainage and Infrastructure capacity</p> <p>The applicant states that there is no requirement for detailed cumulative assessment in relation to drainage matters. The Phase 2 development proposes to utilise its own drainage network and therefore will not connect into the same private sewer network as</p>

	<p>proposed to be utilised by the CAD facility. Rivers Agency were consulted on Addendum II ES and reiterated their stance of no objection to the proposal.</p>
4.19	<p>Habitats Regulation Assessment (HRA)</p> <p>The proposal has been assessed by SES on behalf of the Council in relation to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). SES has considered the updated shadow Habitats Regulation Assessment which forms part of Addendum II. They conclude that having considered the nature, scale, timing, duration and location of the project, provided mitigation is conditioned, the proposal will not have an adverse effect on site integrity of any European site.</p>
4.20	<p>NIEA Marine and Fisheries Division has considered the impacts of the proposal and on the basis of the information provided is content with the proposal for the reasons set out in the August 2020 Committee report when they commented that provided appropriate air, land and water pollution prevention measures are implemented during construction and operation, the proposal is unlikely to have a significant impact on marine protected areas.</p>
4.21	<p>Natural Heritage and Conservation – Impact on ecology</p> <p>Natural Environment Division (NIEA: NED), Marine and Fisheries Division (NIEA: MFD, Water Management Unit (NIEA:WMU), Land, Soil and Air Pollution Prevention and Control team Regulation Unit NIEA and Shared Environmental Services (SES) have considered the cumulative impacts of the proposal on designated sites and Addendum II.</p>
4.22	<p>Further ecological site surveys and assessments including an updated Shadow Habitats Regulations Assessment were carried out in September 2020 and formed part of the Addendum II submission. The surveys have identified no significant changes in respect of the ecological baseline since the submission of the original Environmental Statement. The construction of the Phase 2 development (located immediately adjacent to the designated sites and deemed by the supporting environmental information to have no impact upon them) will provide increased visual and acoustic screening for species using proximal designated sites and lead to a reduction in the (already non-significant) impacts associated with the CAD proposal. No cumulative effects will arise from either the construction or operation of the CAD proposal on the basis that the Phase 2 development is not predicted to result in any significant impacts upon the designated sites.</p>
4.23	<p>Natural Environment Division (NED) has considered the impacts of the proposal on the designated sites and ecological species and on the basis of the information provided has no objection. Given the responses from NED and SES, it is considered that there will be no unacceptable ecological impacts and the proposal complies with the relevant policy requirements of PPS 2.</p>
4.24	<p>NIEA: WMU, Marine and Fisheries have considered the additional information and are content with the information that has been provided. Their position remains unchanged from their previous response as set out in the August 2020 Planning Committee report and offer no objection to the proposal.</p>
4.25	<p>NIEA Regulation Unit commented that a revised Remedial Strategy has been provided by the applicant. The Regulation Unit Land and Groundwater Team recommended conditions in its previous response. Revised conditions are recommended on the basis of the revised remedial strategy. NIEA have requested a planning condition stating that no digestate from the facility is to be landspread and the condition is recommended.</p>
4.26	<p>SES have considered the additional information and concluded that they have no objections to the proposal subject to conditions. These conditions are recommended.</p>

4.27	In summary, it is considered that the proposal would not have any unacceptable ecological impacts and, subject to conditions, is acceptable having regard to PPS 2.
	Impact on material assets
4.28	NI Water and Belfast City airport were consulted on Addendum II. There is no change in their position and they continue to offer no objection to the proposal.
	Assessment against PPS 18: Renewable Energy Planning Policy
4.29	Planning Policy Statement 18 (PPS 18) is a material consideration. Policy RE1 of PPS 18 seeks to ensure that the proposed development will not result in an unacceptable adverse impact on: <ul style="list-style-type: none"> a. public safety, human health, or residential amenity; b. visual amenity and landscape character; c. biodiversity, nature conservation or built heritage interests; d. local natural resources, such as air quality or water quality; and e. public access to the countryside.
4.30	Addendum II makes reference to the cumulative impact of the proposal including Phase 2 of the film studios. The closest existing film studio building is approximately 178m from the nearest building of the application site. The closest Phase 2 film studio building will be 149m from the closest building on the proposed site.
4.31	Taking into account the comments from consultees, including the Environmental Health team, Landscape Team, DAERA and SES, it is considered that the proposal will not have a harmful environmental impact and complies with Policy RE 1 of PPS 18.
	Waste Assessment against PPS 11: Planning and Waste Management
4.32	The granting of planning permission for the Phase 2 film studio located approximately 149m to the east of the closest building of the proposal is not considered to alter the conclusions on this issue as set out in the report to the August 2020 Planning Committee. The proposal is still considered to comply with the criteria set out within Policy WM2 of PPS 11.
4.33	Phase 2 is an extension of an existing film studio. As such the proposal remains compatible with the same type of land use (film studio) as set out on the August 2020 report. Responses from consultees highlight that the cumulative impact of the proposal with the Phase 2 studio would not be harmful on environmental health, road traffic, nature conservation, built and archaeological heritage, landscape character, drainage, air, water and soil. The proposal therefore also satisfies the criteria of Policy WM1.
5.0	Recommendation
5.1	Having regard to the additional assessment carried out in this Addendum Report, together with the analysis set out in the original report to the August Planning Committee, the recommendation remains that planning permission should be granted subject to conditions. The conditions include the additional conditions recommended in the Late Items report to the August Planning Committee.
5.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.
6.0	Draft Conditions
	1: The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

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

2: Prior to commencement of development, a Detailed Remediation Strategy shall be submitted to and approved in writing by the Council. The Remediation Strategy must be based on the capping, landfill gas extraction infrastructure and building protection measures proposals contained within the RPS Group Plc reports entitled 'Remedial Strategy Report, Dargan Road Biogas Ltd, Bioenergy (AD) Plant, Giant's Park, Belfast' (dated December 2019 and referenced IBR1061 version 5) and 'Dargan Road Biogas Ltd, Gas Extraction System, Bioenergy Anaerobic Digestion (AD) Plant' (dated December 2019 and referenced IBR1061 version 8) and the letter from RPS dated 24th February 2020 and referenced 'IBR1061, Dargan Road Biogas Limited, Centralised Anaerobic Digestion (CAD) Plant - Planning Application Ref: LA04/2019/1540/F'. The Detailed Remediation Strategy must demonstrate how the identified pollutant linkages are to be demonstrably broken and that they no longer pose a potential risk to human health. In particular, this Detailed Remediation Strategy must provide final detail on:

- The capping systems to be installed.
- The gas protection measures to be installed in all buildings requiring gas protection, which must be compliant with BS 8485:2015+A1:2019 and Belfast City Council's North Foreshore Developer's Guidance Note.
- The hydrocarbon vapour protection membrane to be installed in all buildings requiring protection.
- The gas abstraction system to be installed on the development site.
- How the proposed remedial works are to be verified.

All construction thereafter must be in accordance with the approved Remediation Strategy.

The development shall not be carried out unless in accordance with the approved Remediation Strategy.

Reason: Protection of human health and environmental receptors.

3: In order to demonstrate that the required remedial measures have been incorporated within the proposal, prior to operation of the development, a Verification Report shall be submitted to and agreed in writing by the Planning Authority. The Verification Report must be in accordance with Environment Agency guidance, British Standards, CIRIA and Land Contamination: Risk Management (LCRM) guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented and have broken the relevant pollutant linkages, and that the site no longer poses a potential risk to human health.

Reason: Protection of human health and environmental receptors.

4: If during the development works, new contamination or risks are encountered which have not previously been identified, works must cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with best practice and the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and approved in writing by the Council, and subsequently implemented and verified to its satisfaction prior to occupation or use of the CAD facility.

Reason: Protection of human health and environmental receptors.

5: Notwithstanding the submitted details, no works (including site preparation clearance or construction works) shall commence on site unless a Final Dust Management Plan has been submitted to and approved in writing by the Planning Authority. This Plan must conform to the measures set out in the Outline Construction Environmental Management Plan [authored by RPS Group, dated June 2019 and marked on the Planning Portal as received on 5th July 2019]. It must outline the methods to be employed to minimise any dust impacts associated with site preparation and construction works, demonstrating the use of 'best practicable means'. The plan must have due regard to the IAQM Guidance on the Assessment of dust from demolition and construction 2014. All site preparation and construction works thereafter must be carried out in accordance with the approved Dust Management Plan.

Reason: Protection of human health and amenity of nearby premises.

6: Notwithstanding the submitted details, no works (including site preparation clearance or construction works) shall commence on site unless a Final Construction Noise and Vibration Management Plan has been submitted to and approved in writing by the Planning Authority. This Plan must conform to the measures set out in Chapter 7 of the Environmental Statement submitted in June 2019 and marked on the Planning Portal as received on the 4th July 2019 and those set out in Chapter 4 of the Addendum II submitted in October 2020 and marked on the Planning Portal as received on the 13th October 2020. It must outline the methods to be employed to minimise any noise and vibration impacts associated with site preparation and construction works, demonstrating the use of 'best practicable means'. The plan must have regard to BS 5228:2009+A1:2014 Parts 1 and 2 Code of practice for Noise and vibration on construction and open sites, and demonstrate that site preparatory and constructions works will achieve the BS5228 'ABC method' Category A noise threshold value for daytime and Saturdays at relevant sensitive receptors. All site preparation and construction works thereafter must be carried out in accordance with the approved Noise and Vibration Management Plan.

Reason: Protection of human health and amenity of nearby premises.

7: Notwithstanding the submitted details, no works (including site preparation clearance or construction works) shall commence on site until a final Construction Environmental Management Plan has been submitted to and approved in writing by the Council. This Plan must conform to the measures set out in the Outline Construction Environmental Management Plan [authored by RPS Group, dated June 2019 and marked on the Planning Portal as received on 5th July 2019]. All site preparation and construction works thereafter must be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: Protection of human health and the environment and amenity of nearby premises and to ensure that the appointed contractor is cognisant of all mitigation and avoidance measures required to protect all watercourses and the marine environment ensuring that there is no adverse effect on site integrity of Belfast Lough Open Water SPA, Belfast Lough SPA/Ramsar site and East Coast (Northern Ireland) Marine Proposed SPA.

8: No development should take place on-site until the method of sewage disposal has been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

9: No development shall commence on site until details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Planning Authority. The details shall also include detailed calculations for surface water drainage of the site. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

10: The development hereby permitted shall not become operational until the vehicular accesses have been constructed in accordance with the approved Drawing No. 03A 'Proposed Site Layout Plan' bearing the Belfast City Council Planning Office date stamp 20 December 2019. The access shall be constructed and marked to the satisfaction of DfI Roads.

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

11: The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing No. 03A 'Proposed Site Layout Plan' bearing the Belfast City Council Planning Office date stamp 20 December 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 than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking and manoeuvring within the site.

12: A minimum of 8 No. secure cycle parking spaces shall be provided and permanently retained within the development for use by staff and visitors to the development.

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

13: The development hereby permitted shall not operate unless in accordance with the Travel Plan contained within Appendix 4.1 of the Environmental Statement Addendum published by the Belfast City Council Planning Office on 15 January 2020. The Travel Plan will be provided to the Site Operator as a separate, stand-alone, document. The Site Operator will provide their employees with access to the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

14: The development hereby permitted shall not operate unless in accordance with the Service Management Plan contained within Appendix 4.2 of the Environmental Statement Addendum published by the Belfast City Council Planning Office on 15 January 2020. The Service Management Plan will be provided to the Site Operator as a separate, stand-alone, document.

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

15: Prior to the commencement of any works hereby approved, an Arboricultural Impact Assessment (in accordance with BS: 5837:2012) shall be submitted and agreed in writing

by the Council. This will identify, evaluate and mitigate where appropriate the extent of direct and indirect impacts on existing trees that may arise as a result of any site layout proposal. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure minimal impact from the development on existing trees to be retained.

16: All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or proposed trees or planting indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Planning Authority.

Reason: In the interests of visual amenity.

17: No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread, nor shall arboricultural work or tree surgery take place or any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998, 2010. Recommendations for Tree Work.

Reason: To ensure the continuity of amenity afforded by existing trees.

18. If any retained tree is removed, uprooted or destroyed or dies, another tree or trees shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

19. Prior to any work commencing, protective barriers (fencing) and ground protection shall be erected / installed as specified in British Standard 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations' (section 6.2) on all trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site. Within the fenced area no activities associated with building operations shall take place, no storage of materials, and the ground levels within those areas shall not be altered.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

20: All soft landscaping works shall be carried out in accordance with the details on stamped approved drawing no 17A, bearing the Council's date stamp 20th December 2019. The works shall be carried out prior to the occupation of the development hereby approved or before the end of the first planting season after occupation, whatever is sooner, and shall be permanently retained thereafter. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a similar species and size, details of which shall have first been submitted to and approved in writing by the Council.

	<p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>21: The development hereby permitted shall be constructed and finished in accordance with the approved details including the annotated finished colours for buildings and tanks.</p> <p>Reason: In the interests of visual amenity.</p> <p>22. The feedstock hereby accepted at the facility shall be limited to MSW organic fines (EWC code 19 12 12 and the EWC (European Waste Catalogue) Codes as set out in the Environmental Statement, appendix 3.1 and no other feedstock. (Attached as information no 2 to this decision notice).</p> <p>Reason: In the interests of environmental protection and public health and to ensure that there is no adverse effect on site integrity of any European designated site.</p> <p>23: The development hereby approved not be permitted to accept waste from EWC code 02 01 06. No digestate from the facility shall be landspread within the site.</p> <p>Reason: To ensure that there is no adverse effect on site integrity of any European designated site.</p> <p>24: The Anaerobic Digester (AD) shall not exceed a maximum of 99,999 tonnes per annum, in accordance with written records which will be made available to the Council on written request.</p> <p>Reason: In the interests of environmental protection and public health.</p> <p>25: There shall be no external storage of waste at any time.</p> <p>Reason: in the interests of environmental protection and in the interest of amenity.</p>
Neighbour Notification Checked: Yes	
Notification to Department: N/A	
Representations from Elected members: Councillor Groogan	

ANNEX	
Date Valid	26-6-19
Date First Advertised	2-8-19
Date Last Advertised	30-10-20

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
1 Dargan Road,Belfast,Antrim,BT3 9LZ

The Owner/Occupier,
1 Gullivers Road,Belfast,Antrim,BT3 9JU

The Owner/Occupier,
11 Dargan Road,Belfast,Antrim,BT3 9LZ

The Owner/Occupier,
13 Dargan Road,Belfast,Antrim,BT3 9LZ

The Owner/Occupier,
15 Dargan Road,Belfast,Antrim,BT3 9LS

28 Rochester Building, 1st Floor, Adelaide Street, Belfast, Antrim, Northern Ireland, BT2 8GD

The Owner/Occupier,
3 Dargan Road,Belfast,Antrim,BT3 9JZ

The Owner/Occupier,
42-44 ,Duncrue Crescent,Belfast,Antrim,BT3 9BW

The Owner/Occupier,
5 Dargan Road,Belfast,Antrim,BT3 9LZ

The Owner/Occupier,
7 Dargan Road,Belfast,Antrim,BT3 9LZ

The Owner/Occupier,
9 Dargan Road,Belfast,Antrim,BT3 9LZ

The Owner/Occupier,
9 Gullivers Drive,Belfast,Antrim,BT3 9HW

The Owner/Occupier,
Dargan Road,Belfast,Antrim,
Forsyth House, Cormac Square,Belfast,BT2 8LA

The Owner/Occupier,
Unit 1,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW

The Owner/Occupier,
Unit 2 ,Dargan Road,Belfast,Antrim,BT3 9LZ

The Owner/Occupier,
Unit 2 ,Dargan Road,Belfast,Antrim,BT3 9LZ

The Owner/Occupier,
Unit 2,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW

The Owner/Occupier,
Unit 3 ,Dargan Road,Belfast,Antrim,BT3 9LZ

The Owner/Occupier,
Unit 3,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW

The Owner/Occupier,
Unit 4,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW

The Owner/Occupier,
Unit 5,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW

Date of Last Neighbour Notification	21-10-20
Date of EIA Determination	N/A
ES Requested	Yes

Planning Committee: Tuesday 19 January 2021

Late Items

Agenda Item	Application	Issues Raised	Action
7c	LA04/2019/1540/F Centralised Anaerobic Digestion (CAD) plant on lands to the north west of existing Belfast City Council Waste Transfer Station, Dargan Road	Both a Proposal of Application Notice (PAN) and Pre Application Discussion request (PAD) have been submitted by Giants Park Belfast Limited (GPBL), objector to the planning application. The description of development is: 'Major mixed use leisure led development comprising indoor and outdoor leisure and recreational uses, hotels, food and beverage units, petrol filling station, and research and development hub.'	<p>The applicant's submission of a PAN puts the Council on notice of its intention to submit a planning application for the GPBL proposals. The purpose of the PAN is to set out the applicant's proposed community consultation in line with legislation and provides opportunity for the Council to identify any additional notification and/or consultation as deemed appropriate. The planning application cannot be submitted until after 12 weeks have passed following submission of the PAN. The PAD provides opportunity for the applicant to discuss the proposals with and obtain advice from Planning Officers to inform the form and content of the planning application.</p> <p>The GPBL proposals are now considered to be in the planning process. However, given the very early stage it is at it is considered that only limited weight should be given to those proposals. The CAD facility application was submitted in June 2019 and it is</p>

Agenda Item	Application	Issues Raised	Action
			considered unreasonable to delay it further pending evolution of the GPBL proposals, which will be dependent upon pre application consultation and submission of a formal planning application, with its determination likely to be at least several months away.
7c	<p>LA04/2019/1540/F Centralised Anaerobic Digestion (CAD) plant on lands to the north west of existing Belfast City Council Waste Transfer Station, Dargan Road</p>	<p>A further letter of objection has been received from Giant’s Park Belfast Limited (GPBL). Issues raised are:</p> <ul style="list-style-type: none"> • Questions the need for the proposed CAD facility. Where will the waste come from? • The proposal seriously places at risk the GPBL leisure-led development on 250 acres of the former landfill site. • The proposal ‘smack bang in the middle’ of a site envisaged as having parkland and leisure facilities is ill conceived and needs to be urgently reviewed. • The benefits of the proposal in terms of turning organic household waste into methane gas, and then electricity is totally undermined by this location. • There will be no disguising the convoys of waste trucks. • When enough food and organic waste runs out how will the CAD facility be fed – livestock manure, slaughterhouse waste, farm mortality and sewage waste? • Concerns about visual harm. 	<p>The majority of the issues raised by the objector are addressed in the Committee reports. Additional commentary is provided below.</p> <ul style="list-style-type: none"> • The applicant states that the proposal is consistent with the wider aims of the waste management policy insofar as AD moves waste up the hierarchy from disposal to recycling and recovery, diverting organic waste from landfill. The need for the proposal is accepted. • Condition 23 limits the type of waste that can be processed at the site and prohibits processing of inappropriate waste

Agenda Item	Application	Issues Raised	Action
		<ul style="list-style-type: none"> • The objector is not against 'clean tech' solutions, but specifically against an anaerobic digester. • The proposal clashes with the vision set out in the Council's Development Brief to tenderers and threatens the viability of that vision. No mention was made of an anaerobic digester when the tender papers were issued. • The proposal threatens the GPBL proposals and risks 2,000 jobs. • Is it worth sacrificing the GPBL proposals? • Questions the location of the proposal in North Belfast where the community has put up with the eyesore and stench of municipal landfill for generations. This is the wrong processing plant in the wrong place. • What message would the proposal sent to visitors to Belfast and the Giants Park, Belfast scheme? • Should there have been a detailed process of engagement for any development that is not completely in accordance with the masterplan? • Consideration should be given to those closest to Giant's Park, their environmental amenity and employment prospects and for the city and its wider economic recovery. • Key benefits of the GPBL proposal includes: <ul style="list-style-type: none"> - delivery of the Council's vision for a world class visitor attraction - £180m investment following COVID-19 - 200 construction jobs pa (10 year programme) 	<ul style="list-style-type: none"> • The tender papers relate to commercial matters and are not relevant to planning • The application is not for Major development and there is no requirement for the applicant to have carried out community consultation prior to submitting the application

Agenda Item	Application	Issues Raised	Action
		<ul style="list-style-type: none"> - 150 apprenticeships during construction and 80 apprenticeships during operation - 2,400 full time jobs once operational - £9m tourism spend per year - £100,000 community development fund - Significant annual income for the Council through commercial rates - Creation of wild life bird sanctuary that will protect the future of the European designated coastline and lagoons - Transformation of this waste-fill site into a major community asset with new walkways/cycleways with access to coastline, children's adventure park and a variety of indoor activities. 	
7c	<p>LA04/2019/1540/F Centralised Anaerobic Digestion (CAD) plant on lands to the north west of existing Belfast City Council Waste Transfer Station, Dargan Road</p>	<p>Shared Environmental Services (SES) have completed the Habitats Regulations Assessment on behalf of the Council. SES advises that: <i>'The assessment, originally completed on 03 March 2020, has been reviewed and updated in light of the submission of additional information, representations and consultee responses. The outcome and recommendations of the original assessment still stand. The appropriate assessment has concluded that, providing the mitigation measures detailed in the assessment are conditioned in any planning approval, there will be no adverse effects on site integrity of Belfast Lough Open Water SPA, Belfast Lough SPA/Ramsar site and East Coast (Northern Ireland) Marine Proposed SPA.'</i></p>	For notation.

Appendix A: Case Officer Report to Planning Committee August 2020

ORIGINAL COMMITTEE REPORT Development Management Officer August 2020	
Committee Meeting Date: Tuesday 18 th August 2020	
Application ID: LA04/2019/1540/F	
Proposal: Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks. 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3no. Weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. Accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works.	Location: Lands to the northwest of existing Belfast City Council Waste Transfer Station (2a Dargan Road Belfast BT3 9JU).
Referral Route: Council has an estate in the application site.	
Recommendation:	Approval
Applicant Name and Address: Dargan Road Biogas Limited Energia Group 62 Newforge Lane Belfast BT9 5NF	Agent Name and Address: Clyde Shanks 5 Oxford Street Belfast BT1 3LA
Executive Summary: This application seeks the erection of a Centralised Anaerobic Digestion (CAD) plant and associated works. The site is un-zoned "white land" within the Belfast Area Urban Plan (BUAP) 2001. It is located within the development limits of Belfast in the draft Belfast Metropolitan Area Plan 2015 (dBMAP 2015) with a number of relevant zonings: <ul style="list-style-type: none"> • Within BHA 05 Mixed Use Site North Foreshore • Within close proximity to a National Designated Site (Inner Belfast Lough Area of Special Scientific Interest); • Within close proximity to two European Designated Sites – Belfast Lough Special Protection Area (SPA) and Belfast Lough Open SPA; • Within close proximity to an International Designated Site Belfast Lough Ramsar Site The main issues to be considered in this case are: <ul style="list-style-type: none"> • The principle of the proposed use at this location; 	

- Renewable energy and environmental sustainability;
- Economic impact;
- Design and layout;
- Landscape and visual assessment;
- Landscaping;
- Amenity;
- Environmental Health (Noise, vibration, air quality, odour, artificial light, and land contamination);
- Traffic, access and parking;
- Drainage, Flooding and Infrastructure Capacity;
- Natural Heritage and Conservation;
- Renewable Energy Policy; and
- Waste policy.

DfI Roads, BCC Environmental Health, NIEA, Shared Environmental Services, Rivers Agency, NI Water, Belfast City Airport, were all consulted in addition to the Council's Tree Officer, City and Neighbourhood Services Landscape team and Environmental Health. Their responses are detailed in the main body of the report. There were no objections from consultees.

Two representations have been received. Issues raised include concerns about traffic and access, visual impact, noise and odour, compatibility with existing and potential future uses, and nuisance from vermin and birds.

An Environmental Statement (ES) was submitted as part of the application in line with the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. This has assessed the environmental impacts of the proposal and has been taken into account in the consideration of the application.

The application has also been 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 Services 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.

Consultees confirm that the proposal will not harm visual landscape, amenity, human health, traffic or the adjacent protected areas.

The proposed development is estimated to represent an investment of £40m, generate in excess of 350 construction jobs and 22 operational jobs. It comprises waste recycling which will help generate renewable energy in line with sustainability objectives.

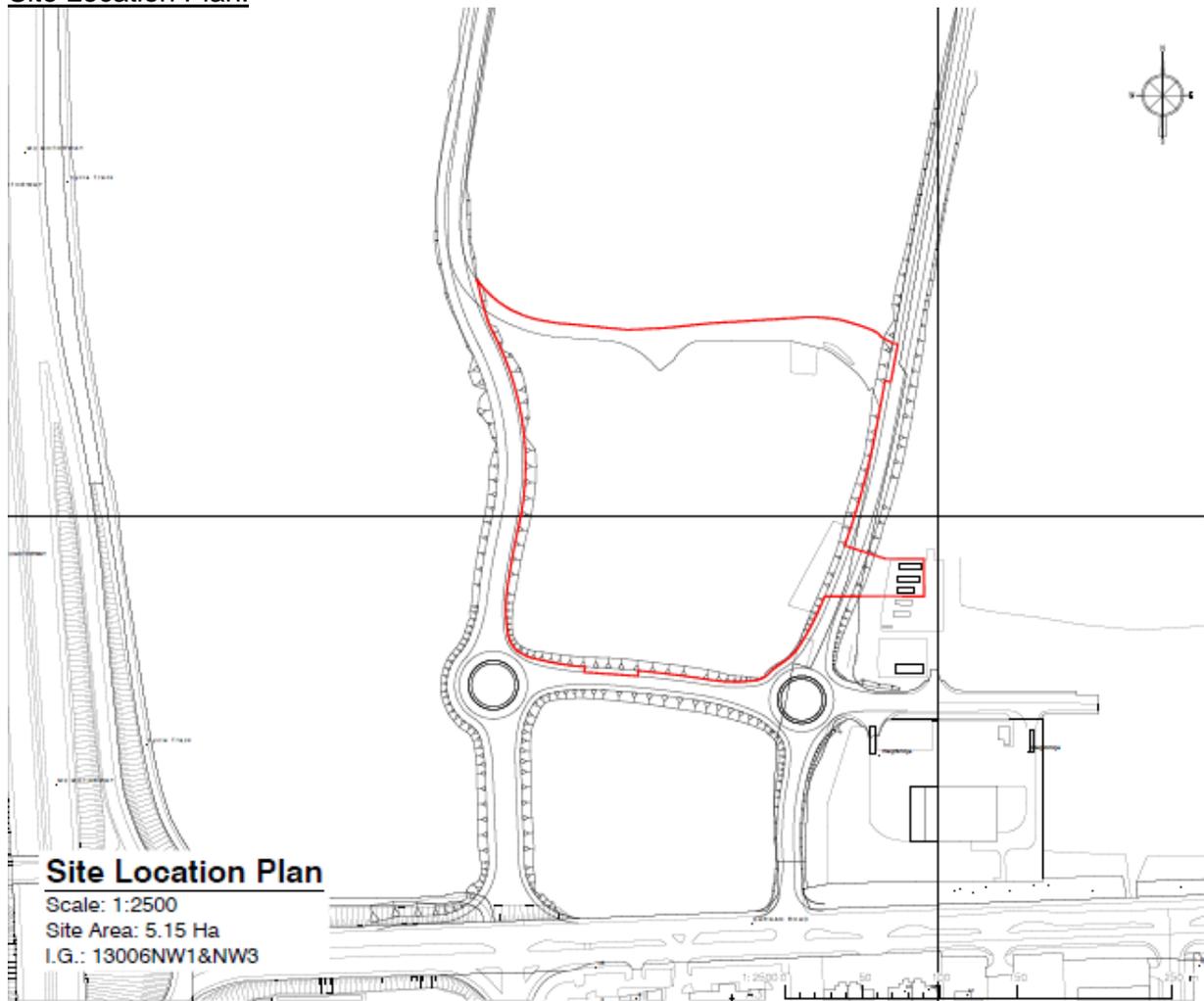
Given the overall size of the site within North Foreshore and the industrial / commercial nature of the immediate surrounding context it is considered that the design, scale and layout of the proposed scheme are considered to be acceptable. The proposed development is consistent with the existing character of the Harbour Estate and no significant landscape impacts have been identified.

Recommendation:

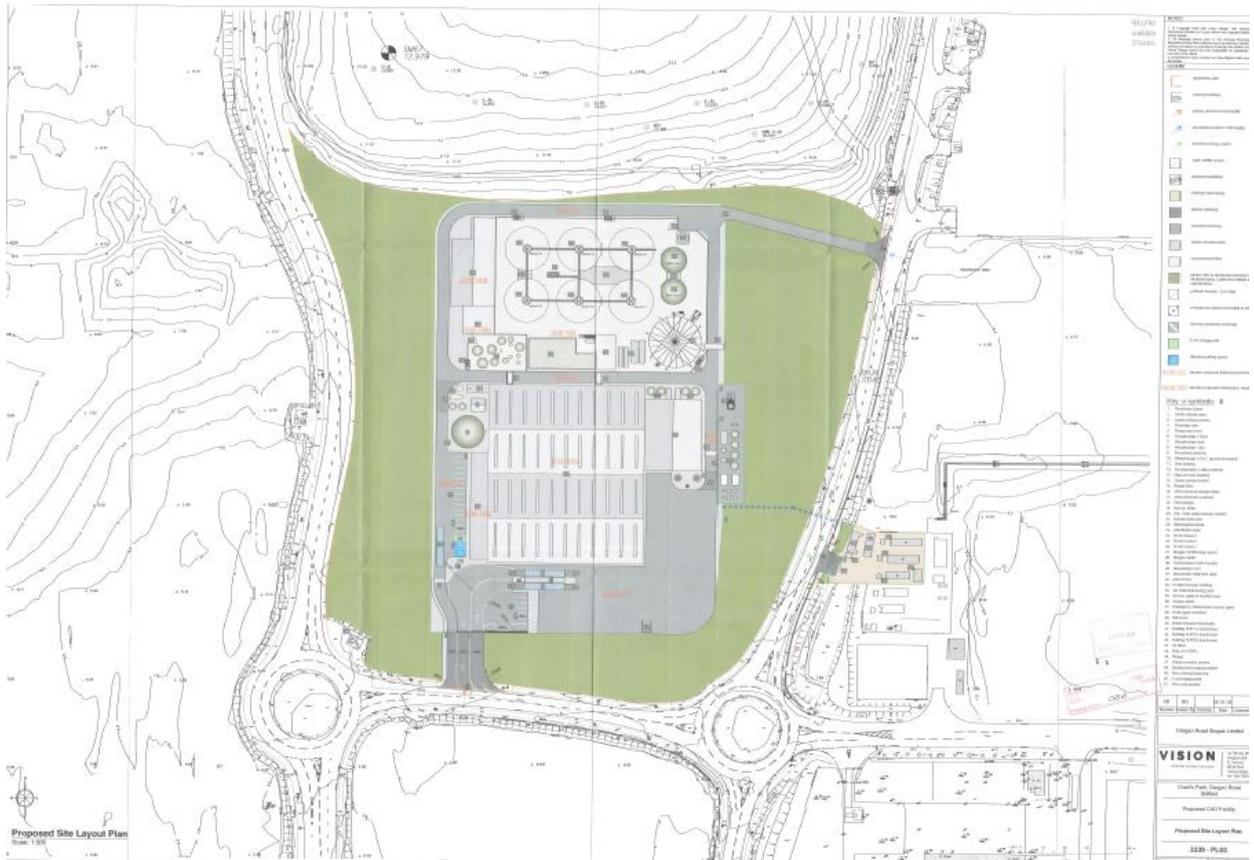
Having regard to the Development Plan and other material considerations, including consideration of the issues raised through representations, the proposal is considered acceptable. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

Site Location Plan:



Site Layout:



1.0 Description of Proposed Development

- 1.1 The proposal is for a Centralised Anaerobic Digestion (CAD) plant to include a bundled tank farm, (6no. digester tanks, 2no. buffer tanks, 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, wastewater treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3no. Weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. Accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works.
- 1.2 The proposed CAD facility has been designed to generate up to 4.1MW per annum of renewable electricity (the installed capacity of the existing three CHP engines) from up to 99,999 tonnes per annum of organic feedstock. The facility has been primarily designed to process two main feedstock types: 1. Organic fine fraction of Municipal Solid Waste (MSW) i.e. food waste; and 2. Source Separated Organic (SSO) Waste i.e. brown bin (food/garden) waste. In order to meet the Quality Protocol standards and to fulfil the requirements of the Animal By Products Regulations (ABPR), the facility is designed to process each feedstock type in two physically separated process lines to ensure no cross-contamination can occur between MSW and SSO waste streams. The plant will accept up

	<p>to 49,999.5 tonnes per annum per process line. It is expected that each process line will produce between 5-8,000 tonnes per annum of output (i.e. digestate). This volume will vary depending on the quality of the input feedstock. The volume of output is significantly reduced by way of pre-treatment (screening out of unsuitable materials) and drying post the AD process. Following the completion of digestate treatment, the output from the MSW organic fines process line will be disposed of as waste, for example in landfill. The output from the SSO process line will be recycled as a marketable fertiliser product. The proposed CAD will accept the EWC (European Waste Catalogue) Codes: as set out in the Environmental Statement, appendix 3.1 and MSW organic fines (EWC code 19 12 12).</p>
2.0	Characteristics of the Site and Area
2.1	<p>The application site is located to the north of Dargan Road on reclaimed lands that are part of the North Foreshore of Belfast, otherwise referred to as 'Giant's Park'. The site was a former landfill site accepting domestic, industrial, commercial, construction, demolition and hazardous waste. Belfast City Council commenced operations in 1958 and this continued until March 2007 when the site was capped and landscaped as part of a wider restorative and remedial works. Giant's Park is now the largest regeneration site in Belfast comprising 138 hectares (340 acres).</p>
2.2	<p>With £9m overall investment to-date from this programme, Invest Northern Ireland and the European Regional Development Fund (ERDF), the internal road network of the site, installation of services, street lighting and landscaping works have been instigated. A landfill gas collection system has also been installed across the northern portion of the Giant's Park site. To the northeast of the application site, Belfast Harbour Film Studios opened in 2017 comprising the following development: two film studios and sound stages of approximately 3,065sqm (33,000 sq.) each; two workshop buildings of approximately 1,021sqm (11,000 sq.) each; and a three-storey 3,437sqm (37,000sq.ft.) office and production building. The Planning Committee recently resolved to grant planning permission for the second phase of the development of the film studio site.</p>
2.3	<p>As a landowner, Belfast City Council has agreed initial proposals to regenerate part of the wider site into a major visitor attraction for the city. The planned investment by Giant's Park Belfast Limited (GPBL), which has not yet entered the planning process and is proposed to be located to the north and west of the proposed site, will create four development 'hubs' – a welcome hub, leisure and sports innovation hub, adventure hub and theme park hub. In September 2018, Belfast City Council also approved the lease of two sites within Giant's Park one of which being the proposed application site, the other a £27m investment to develop a data centre to support the digital economy.</p>
2.4	<p>The application site, circa 5.11ha, is located on low-lying ground adjacent to Belfast Lough with levels of approximately +6m to +8m and the core of the site having a very flat and open character. Levels rise to the north where the landscape has a more undulating profile across the wider North Foreshore lands.</p>
2.5	<p>While not located within any environmental or landscape designations, the application site is adjacent to a number of important national, European and international designated sites as follows: Inner Belfast Lough ASSI which is declared under the Environment Order (Northern Ireland) 2002; Belfast Lough SPA and Belfast Lough Open Water SPA, both of which are designated under the EC Birds Directive (79/409/EEC on the conservation of wild birds); and Belfast Lough Ramsar Site which is designated under the Ramsar Convention.</p>
2.6	<p>As described above, Belfast Harbour Film Studios is located to the northeast of the site. Dargan Road Waste Transfer Station located to the southeast of the site is licensed to accept up to 165,000 tonnes per annum of non-hazardous waste. To the north of the</p>

2.7	<p>Waste Transfer Station, is an existing CHP engine compound installed as part of a landfill gas management system. This landfill gas management system originally comprised five CHP engines. Over time as the supply of landfill gas has depleted only two CHP engines are now used to generate electricity from the remaining landfill gas. The landfill gas collected by the application site will remain the property of Belfast City Council for combustion in the remaining two CHP engines. The three engines acquired by DRBL in 2017 will be utilised to generate heat and electricity from the biogas generated by the proposed CAD facility. Dargan Road to the south provides access to several commercial and industrial facilities.</p> <p>The road is the main access to Belfast Port and connects to the M2 at the Fortwilliam Roundabout (Junction 1). It was upgraded in 2009 to a 4-lane / dual-carriageway as part of the road improvement works related to the new VT4 terminal at the end of West Bank Road within the Belfast Harbour Estate. The nearest residential areas or properties are located >500 metres from the application site in the Fortwilliam area to the west with the NI Railway line and M2 Motorway located in the intervening landscape. The centre of Belfast City (the City Hall), is located 3.9km to the south of the site.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Full details of all historical applications are provided at Annex A. Of particular relevance to this site are the following:
3.2	<p>Ref ID: LA04/2019/0433/DETEI (EIA determination) Proposal: Proposed centralised anaerobic digestion (CAD) plant to power existing combined and heat power (CHP) engines and to utilise existing service road infrastructure. Address: Lands at Giant's Park, Dargan Road, North Foreshore, Belfast, Decision: Environmental Statement required Decision Date: 7th March 2019</p>
3.3	<p>Ref ID: LA04/2018/2166/DETEI (EIA determination) Proposal: Proposed centralised anaerobic digestion (CAD) plant to power existing combined and heat power (CHP) engines and to utilise existing service road infrastructure. Address: Lands at, Giants Park, Dargan Road, North Foreshore, Belfast. Decision: Responded under LA04/2019/0433/DETEIA letter (Screening and Scoping response) Decision Date: 7th March 2019</p>
3.4	<p>Ref ID: LA04/2020/0474/F Proposal: Construction of film studios complex including ancillary offices, workshops, ancillary car parking, services and access from existing internal access road, landscaping and associated site works (Phase 2). Address: Lands immediately north and south of existing film studios north of Dargan Road Belfast (within wider Belfast City Council lands known as North Foreshore/Giants Park). Decision: Planning Committee resolved to grant permission in July 2020</p>
3.5	<p>Ref 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 including 3 No stand-alone transformer compounds, security hut and proposed headwall (amended description) (Phase 1) Address: 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 Decision: Permission Granted</p>

3.6	<p>Decision Date: 25.02.2016</p> <p>Ref ID: Z/2014/1279/F</p> <p>Proposal: Provision of new upgrade of existing roads infrastructure and associated site capping together with associated landscaping and site works</p> <p>Address: Lands of the former Dargan Road land fill site, to the north of Dargan Road, Belfast.</p> <p>Decision: Permission Granted</p> <p>Decision Date: 24.04.2015</p>
4.0	Policy Framework
4.1	<p>Belfast Urban Area Plan 2001 (BUAP)</p> <p>Draft Belfast Metropolitan Area Plan 2015 (Draft BMAP 2015)</p> <p>Draft Belfast Metropolitan Plan 2004</p> <p>Belfast Harbour Local Plan 1990 – 2005</p>
4.2	<p>Regional Development Strategy 2035 (RDS)</p> <p>Strategic Planning Policy Statement for N. Ireland (SPSS)</p> <p>Planning Policy Statement 2 (PPS 2) – Planning and Nature Conservation</p> <p>Planning Policy Statement 3 (PPS 3) - Access, Movement and Parking</p> <p>Planning Policy Statement 4 (PPS 4) – Planning and Economic Development</p> <p>Planning Policy Statement 11: Planning and Waste Management</p> <p>Planning Policy Statement 13: Transportation and Land Use</p> <p>Planning Policy Statement 15 (Revised) (PPS 15) - Planning and Flood Risk</p> <p>Planning Policy Statement 18: Renewable Energy</p>
4.3	<p>Other material considerations</p> <p>Supplementary Planning Guidance on Anaerobic Digesters Anaerobic Digesters - Planning Guidance Note: Northern Ireland Environment Agency (2012)</p>
5.0	<p>Statutory Consultee Responses</p> <p>DFI Roads – No objection</p> <p>NI Water – No objection</p> <p>Rivers Agency – No objection</p> <p>NIEA-Marine and Fisheries Division – No objection</p> <p>NIEA Water Management Unit – No objection</p> <p>NIEA Land, Soil, and Air – No objection</p> <p>NIEA Natural Environment Division – No objection</p> <p>Shared Environmental Services – No objection</p> <p>Belfast City Airport – No objection</p>
6.0	<p>Non-Statutory Consultee Responses</p> <p>Environmental Health BCC – No objection subject to conditions and informatives</p> <p>Tree Officer BCC – content that the landscaping proposals are appropriate subject to condition</p> <p>City and Neighbourhood Landscape Team BCC – No objection</p>
7.0	<p>Representations</p> <p>7.1 The application has been neighbour notified and advertised in the local press. Two objections to the proposal have been received from Carlin Planning Ltd on behalf of Giants Park Belfast Limited (GPBL) and from Turleys on behalf of Belfast Harbour. These representations are summarised below with an officer commentary on each of the main points. The substantive issues raised by objectors are also dealt with in the main assessment section of this Committee report.</p>

	<p><u>GPBL</u></p> <p>7.2 GPBL say that they are the preferred bidder for the development of 250 acres of land at North Foreshore. This will be a major leisure-led mixed use development involving significant investment of around £170m and will be a major tourism destination. The Giant's Park proposal will include the following phases:</p> <ul style="list-style-type: none"> • Phase 1 – hotel; petrol filling station; and fast food • Phase 2 – indoor leisure; golf entertainment facility; food and beverage; and hotel • Phase 3 – 200 acre active entertainment park • Phase 4 – R&D park <p>7.3 The site is immediately adjacent the proposed CAD facility. GPBL have significant concerns that the proposed CAD facility could impact on deliverability and success of a leisure-based development. The proposal is contrary to planning policies and should be refused. The specific concerns are summarised below.</p> <p>7.4 Risk to the delivery of GPBL's proposals – the proposal would create a serious risk to delivery of the future major leisure and tourism proposal. The Environmental Statement should consider the GPBL scheme as a sensitive receptor. The leisure park proposals would result in considerable environmental and economic benefits. There is also a risk that the proposed CAD facility would be incompatible with proposed adjacent employment land.</p> <p><i>Officer response:</i> the GPBL proposals have not entered the planning process and there are no live planning applications for the scheme. Accordingly, Members are advised that minimal consideration can be given to this issue at this time.</p> <p>7.5 Access and HGV traffic movements – the proposed access to the CAD facility is within 30m of the access to the leisure park. HGVs present the risk of odour, noise, pests (vermin and birds), dirt and dust. The HGVs will also have an adverse visual impact. It will be difficult to enforce HGVs use of the second spine road access. The proposed access should be moved to the east instead. The proposal will prejudice safety and the convenience of road users contrary to policy.</p> <p><i>Officer response:</i> Members are advised that they must determine the application before it. DFI Roads have considered the application and have no objections to the proposal. There is no objection to the proposal from the Council's Environmental Health team.</p> <p>7.6 Visual impact – the proposal would have an overbearing visual impact. The site is the most prominent part of the North Foreshore site. The proposed AD tanks are similar in height to a 7 storey building. The proposal is not visually compatible with a leisure and tourism scheme.</p> <p><i>Officer response:</i> the Council's Landscaping team have assessed the application, including the accompanying Landscape Impact Visual Assessment, and have no objection.</p> <p>7.7 Noise and odour – the Environmental Statement fails to assess the impact of the proposal on the proposed leisure park. Noise can be generated by the building plant and vehicle movements. Concerns about odour from HGVs carrying bio-gradable waste.</p>
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7.8	<p><i>Officer response:</i> the Environmental Statement is not required to consider proposals which are speculative and have not entered the planning process. The Council's Environmental Health team offer no objection to the proposal in relation to noise or odour impacts.</p> <p>Nuisance: vermin and birds – there is risk of leakage from HGVs which may attract vermin and birds. The Environmental Statement does not adequately deal with these issues. Whilst these issues can be mitigated, they cannot be totally eradicated. It is crucial to protect the nearby European and Nationally designated sites.</p> <p><i>Officer response:</i> the ecological impacts of the proposal have been considered by NIEA and SES who offer no objection to the proposal.</p> <p><u>Belfast Harbour</u></p>
7.9	<p>Belfast Harbour is the owner of the adjacent Film Studios complex which is located within the North Foreshore, immediately to the east of the application site. They refer to the significant level of investment of approximately £45m and job creation for Phase 2 of the film studios, including 250 jobs during construction and 1,000 creative jobs when occupied.</p>
7.10	<p>Belfast Harbour is concerned that the proposed CAD facility would be incompatible with the film studios. The existing complex is an economic generator with the potential for further economic contribution.</p>
7.11	<p>Noise – the applicant's Noise Assessment considers the impact on the film studios. It concludes that the majority of noise nuisance will be during construction and noise will be perceptible over short term and temporary duration. Concerns about the impact of noise including on filming. The unique characteristics of the site should be reconsidered. Construction is expected to last around 20 months. The application does not specifically address noise from piling.</p> <p><i>Officer response:</i> The Council's Environmental Health team offer no objection to the proposal in relation to noise or other environmental impacts.</p>
7.12	<p>Environmental and ecological impacts – given that the proposal is EIA development, the Council should be satisfied that it is appropriate to condition mitigation in the form of a final Construction Environmental Management Plan and Site Drainage Plan.</p> <p><i>Officer response:</i> the environmental and ecological impacts of the proposal have been considered by NIEA, SES and other consultees who offer no objection to the proposal. It is considered appropriate to deal with these matters by condition.</p>
7.13	<p>Future expansion of the film studios – concerns about compatibility.</p> <p><i>Officer response:</i> there are no technical objections from consultees and the uses are considered compatible.</p>
7.14	<p>Process – the Environmental Statement does not address issues relating to archaeology, overshadowing, daylight, sunlight and wind despite it being requested as part of the Council's EIA scoping. It would have been expected that additional ground gas and land contamination information should have been dealt with in an Environmental Statement Addendum. The Addendum makes no reference to a third party representation dated 01 October or the environmental issues raised in it. The Environmental Statement Addendum was not accompanied by a Non-Technical Summary.</p>

	<p><i>Officer response:</i> it is considered that the Environmental Statement and Environmental Statement Addendum satisfactorily deal with the likely environmental effects of the proposed development. The third party representation was from GPBL; as stated earlier, the GPBL proposals have not entered the planning process and there are no live planning applications for the scheme. Accordingly, there is no requirement for the Environmental Statement to deal with specific impacts on those proposals. The Environmental Statement was accompanied by a Non-Technical Summary as required by the Regulations.</p>
<p>8.0</p>	<p><u>Environmental Impact Assessment</u></p>
<p>8.1</p>	<p>An Environmental Statement (ES) was submitted as part of the application in line with the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. This assessed the environmental impacts of the proposal. The submission of the ES followed screening and scoping decisions by Belfast City Council dated 07 March 2019 confirming that any future planning application for a proposal of this nature required an accompanying ES as the proposal would likely have significant environmental effects on protected sites in the area. The screening and scoping for this proposal was assessed under LA04/2018/2166/DETEIA & LA04/2019/0433/DETEIA.</p>
<p>9.0</p>	<p><u>Assessment</u></p>
<p>9.0</p>	<p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> • Development Plan Context; • The principle of the proposal at this location; • General overview of the development; • Renewable energy and environmental sustainability • The Economic Principles and impacts of the proposal; • Design and layout; • Landscape and Visual Impact; • Landscaping; • Impact on amenity; • Impact on Environmental Health (Noise, Vibration, Air Quality, Odour, Artificial lighting and Land Contamination); • Access, parking and transport; • Flood risk, Drainage and Infrastructure capacity; • Natural Heritage and Conservation -Impact on ecology; • Impact on material assets; • Renewable Energy Policy; and • Waste Planning Policy.
<p>9.1</p>	<p><u>Development Plan Context</u></p>
<p>9.2</p>	<p>Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.</p>
<p>9.3</p>	<p>Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.</p>

9.4	Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), BMAP 2015 is considered to hold significant weight.
9.5	The site is un-zoned “white land” within the Belfast Area Urban Plan (BUAP) 2001. Within draft BMAP 2004 the site falls within zoning BHA 07 Employment/Industry North Foreshore. Following the publication of the Planning Appeals Commission’s (PAC) report (independent examination) it was recommended that Zoning BHA07 and Zoning BHA19 be deleted from the Plan and replaced by a new mixed use site zoning BHA05. This was then incorporated under Zoning BHA 05 of draft BMAP 2015. The Key Site Requirements (KSR’s) are broadly similar to those as set out in dBMAP 2004. The KSR for both plans are referred to under Sections 10.2 to 10.11.
9.6	The site is within close proximity 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.
9.7	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 application site is located in the central southern portion of the North Foreshore site. The land is currently not in use however it is immediately adjacent to the existing film studios complex known as Phase I.
10.0	<u>The principle of the proposed use at this location</u>
10.1	The site is located within the development limits of BUAP, draft Belfast Metropolitan Area Plan 2004 (dBMAP 2004) and draft Belfast Metropolitan Area Plan 2015 (dBMAP 2015). The presumption is therefore in favour of development subject to the planning considerations discussed below. The site is within Zoning BHA 07 Employment/Industry for North Foreshore in the draft BMAP 2004 and is within the mixed use site North Foreshore Zoning BHA 05 in draft BMAP 2015. Both zonings list a number of KSRs. Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), BMAP 2015 is considered to hold significant weight. A review of KSRs for both draft development plans follows.
	Draft BMAP 2004 – Key Site Requirements for Zoning BHA 07 Employment/Industry North Foreshore
10.2	The first KSR states that development at this location shall only include uses including Light Industrial, General Industrial, Special Industrial, Storage and Distribution, Park and ride and Waste Management facilities. It is considered that an Anaerobic Digester Facility is a waste management facility and as such it complies with identified uses considered to be suitable at this location.
10.3	The second KSR requires development of the site to be permitted only 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. 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 and wider North Foreshore land.
10.4	The third KSR states that access shall be from Dargan Road. The access arrangements and principal internal road network for North Foreshore have been granted planning

	<p>permission (Z/2014/1279/F) and are constructed and in operation. The proposal will tie into this existing network.</p>
10.5	<p>The fourth KSR states that a Transport Assessment agreed with Transport NI (Now DFI Roads) shall be required. A scoping study, service management plan, travel plan, transport assessment form and transport statement have all been submitted in support of this application. DFI Roads have no objections based on the information submitted to support the application.</p>
10.6	<p>The fifth KSR 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; environmental statement including a section on the assessment of the likely significant ecological impacts associated with the proposal, shadow habitat regulation assessment and outline construction phase environmental management plan have been submitted in support of the application. NIEA and Shared Environmental Services have been consulted and confirmed that they have no objections based on the information submitted subject to appropriate conditions.</p>
10.7	<p>The sixth KSR requires buildings to exhibit variety in their elevational treatment and heights. The nature of the proposal gives rise to different sizes and heights between different components of the proposal. The industrial nature of the use is evident from its design. There is no objection from the Council's Landscaping team.</p>
10.8	<p>The seventh and eighth KSR's require a comprehensive landscaping scheme including retention of vegetation on the site and a detailed planting plan and programme of works as well as long-term landscape management proposals. The proposal was accompanied by a comprehensive landscaping scheme. This was assessed by BCC Tree Officer and BCC City and Neighbourhood Landscape Team and found to be acceptable. These consultees have no objections subject to conditions.</p>
	<p>Draft BMAP 2015 – Key Site Requirements for Zoning BHA 05 Mixed Use North Foreshore</p>
10.9	<p>The PAC report (independent examination) recommended that Zoning BHA07 and Proposal BHA19 be deleted from the Plan and replaced by a new mixed use zoning BHA05. The Key Site Requirements (KSR's) are broadly similar to those in the draft 2004 plan. One of the key differences was that at the PAC inquiry, it was agreed by the parties that recycling should be included.</p>
10.10	<p>The proposal is compliant with the KSRs stipulated within the draft BMAP 2015 zoning BHA 05 mixed use site-North Foreshore insofar as the proposed development:</p> <ul style="list-style-type: none"> • Is a 'sui generis' waste management use at this location. This use comprises elements of waste management and recycling; • Is broadly compliant with the comprehensive masterplan for Giant's Park; • Will provide appropriate protection of habitat biodiversity as considered in the Environmental Statement (chapters 6 'Air Quality and Odour' and 11 'Ecology'); • Will be accessed from existing road infrastructure from Dargan Road; • Does not require any road improvements based on predicted additional traffic identified within Chapter 10 'Transportation' of the accompanying Environmental Statement; and • The proposal is accompanied by a comprehensive landscaping scheme which will be conditioned.

10.11	<p>The proposal is considered compatible with the adjacent uses identified within the Development Plan zonings and the wider comprehensive masterplan for Giant's Park. Given the location of the site within the development limits and compliance with the key site requirements it is therefore considered that the proposed use is acceptable in principle, having regard to local planning policy and the presumption is therefore in favour of development subject to planning and environmental considerations detailed below.</p>
10.12	<p>RDS 2035</p> <p>Policy RG5 relates to the delivery of a sustainable and secure energy supply. It states that decision makers will have to balance impacts against the benefits from a secure renewable energy stream, and the potential for cleaner air and energy for industry and transportation. There will need to be a significant increase in all types of renewable electricity installations and renewable heat installations, including a wide range of renewable resources for electricity generation both onshore and offshore to meet the Region's needs. In addition to the carbon benefits, increased use of micro-generation plays an important part in diversifying our energy mix and ensuring security of energy supply. It can allow energy to be produced and consumed locally, help alleviate fuel poverty (especially in off-gas network areas) and play a part in meeting renewable energy targets.</p>
10.13	<p>SPPS</p> <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. With regards to renewable energy, the SPPS reiterates the policy criteria contained within Policy Re1 of PPS 18 and states that: <i>'the wider environmental, economic and social benefits of all the proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted'</i>. With regards to waste management, the aim of the SPPS is to <i>'support wider government policy focused on the sustainable management of waste, and a move towards resource efficiency'</i> It is therefore considered that the proposal is also compliant with strategic planning policy.</p>
10.14	<p>General Overview of the development</p> <p>This site offers an opportunity for a strategically located CAD facility in the North Foreshore, a significant regeneration site in Belfast that is promoted as Belfast's future 'Cleantech Hub' to attract interest from environmental, renewables and low carbon sectors amongst other mixed uses. Wider existing uses within the Giant's Park site include the Belfast Harbour Film Studios to the northeast and Belfast City Council Waste Transfer Station located to the southeast of the site. To the north of the Waste Transfer Station, is an existing CHP engine compound installed as part of a landfill gas management system. This landfill gas management system originally comprised five CHP engines. Over time as the supply of landfill gas has depleted only two CHP engines are now used to generate electricity from the remaining landfill gas. The other three CHP engines (4.1MW) were decommissioned and acquired by DRBL in 2017. With this spare grid capacity available, DBRL have looked to alternative renewable solutions to create biogas in making best use of the existing engines. Anaerobic Digestion (AD) is a sustainable form of renewable energy production through a naturally occurring process in which micro-organisms break down biodegradable material, in the absence of oxygen in an enclosed system. The process produces a methane-rich biogas and compost-like material, known as 'digestate'. The biogas is converted via a CHP engine into renewable heat and electricity.</p>
10.15	<p>Environmental Health do not have in principle concerns regarding the compatibility of the proposed CAD facility with the proposed adjacent uses zoned under Policy BHA 05 of BMAP 2015, or the approved masterplan, in respect of land contamination, ambient air quality, odour, noise impacts or lighting. It also confirms that the CAD facility is to be</p>

	licensed and regulated by NIEA under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013.
10.16	Representations from GPBL highlighted concerns regarding whether future GPBL proposals have been adequately assessed as a sensitive receptor in the ES and whether this proposal will impact on the delivery of future uses by GPBL. These proposals are at an early stage and have not yet entered the planning process. As such minimal weight can be attributed to this issue at this time.
11.0	<u>Renewable energy and environmental sustainability</u>
11.1	Anaerobic Digestion (AD) is a technology that delivers a number of energy and environmental benefits including: the generation of renewable energy and valuable fertiliser from local organic waste material; contribution to renewable energy targets and reduction in reliance on fossil fuels; and reduction in greenhouse gas emissions and pathogens. These are material planning considerations as set out within strategic guidance under Policy RG 9 (Reduce our carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality) and Policy RG10 (Manage our waste sustainably) of the RDS. The RDS also strives to deliver a sustainable and secure energy supply under Policy RG 5. Furthering sustainable development is at the heart of the SPPS with particular reference to renewable energy under paragraphs 6.214-6.218 and 6.306-6.309 as well as renewable energy policy within PPS 18. The Programme for Government contains a target for a reduction in greenhouse gas emissions by at least 35% on 1990 levels by 2025. The current NI Strategic Energy Framework target is for 40% of electricity consumption to be met by renewable generation by 2030. A significant benefit of the proposed development is that it will contribute to the redevelopment of this former landfill site whilst also contributing to renewable energy targets, reducing the amount of biodegradable waste sent to landfill and reducing greenhouse gas emissions. The development of the CAD facility at this location also has the potential to attract other industrial / business uses to the North Foreshore who seek to avail of the renewable energy (electricity and heat) sources that the facility will generate.
12.0	<u>The Economic Principles and impacts of the Proposal</u>
12.1	Paragraphs 4.18 and 4.22 of the SPPS state that planning authorities should take a positive approach to appropriate economic development proposals and pro-actively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority. The project represents a significant capital investment in the local economy (estimated construction cost of £40m) and the creation of c. 354 indirect/direct jobs during construction and c. 22 operational jobs.
12.2	PPS 4: Planning and Economic Development sets out planning policies for economic development uses, recognising the key role the planning system has in achieving a vibrant economy. It is considered that the proposal is consistent and complies with the overall aspiration of the mixed use zoning in draft BMAP 2015, approved masterplan and Policy PED 7 Retention of zoned land and economic development uses in that it is considered to be an exceptional sui generis use.
12.3	The proposal is in accordance with the area plan zoning and meets the KSRs set out for the zoning as previously set out. It is also considered that given the expansive nature and size of zoning BHA05, there is sufficient industrial land for redevelopment of other economic land uses. It is therefore considered that the proposal is acceptable having regard to PPS4 and Policy PED7.
13.0	<u>Design and layout</u>
13.1	The proposed development will comprise the following: 6no. digester tanks; 2no. buffer tanks; 1no. storage tank; Pump rooms associated with bunded tank farm; Biogas

	holder; Biogas conditioning system; Temperature control system; Waste Water Treatment Plant (WWTP); Motor Circuit Control Room building; Hot/Cold Water Recovery System; Feedstock reception and digestate treatment building; Product Storage Building; Odour control system; Emergency biogas flare; Back up boiler; Administration/office building; Car parking; 3no. weighbridges; Fire water tank and pump house; Pipelines to existing CHP engines; Switchgear container; NIE kiosk; Waste Exhaust Heat Boiler; Security fencing; Landscaping / earth bunding; and 3no. Accesses to existing Giant's Park service road infrastructure.
13.2	The scale and massing of the buildings proposed are primarily influenced by the function of the use. The main processing building with an area of 5,740m ² is the largest building on the site by floor space. This building has a maximum height of 14m. Tanks on the site measure up to a maximum 21m in height. The tallest component of the site is the odour control stack measuring 33m in height. The neighbouring film studio measures approximately 24m in height which highlights the local character of the area. The materials used on the proposal range from wall and roof cladding on the main building to light grey/blue metal cladding tanks and plant. These materials fit the industrial nature of the proposal and are supported by the Council's Landscape team.
13.3	Given the overall size of the site within North Foreshore and the industrial / commercial nature of the immediate surrounding context, the design and layout of the proposed scheme is considered to be acceptable.
14.0	<u>Landscape and Visual Impact</u>
14.1	A Landscape and Visual Assessment (LVIA) was submitted in support of the application. The Council's Landscape Planning and Development Team reviewed the LVIA as well as associated planting and landscaping proposals. They are content with the methodology and assessment and note that the proposal can be effectively absorbed into the existing setting without causing any adverse or unacceptable effects.
14.2	The proposed development will constitute a significant alteration to the application site setting and will be a notable addition to the North Foreshore / Giant's Park. The taller parts of the AD Plant will be visible in glimpse views from incidental locations on Dargan Road and Edgewater Road but, in general the effects will be of a slight and non-significant nature given the site context.
14.3	Beyond the application site area, the effects on landscape character and visual amenity very quickly dissipate in magnitude of effect and significance on account of the nature of the baseline character and limited visual envelope.
14.4	<i>Predicted Landscape Character and Visual Impacts (Construction and Operation)</i> BCC's Landscape Planning & Development Team agree that there will be substantial effects during the construction and operational periods and that there will be slight to negligible effect on this part of the city due to the existing industrial, commercial character. Viewed from the east (Viewpoint 2) and west (Viewpoints 3 & 4) of the supporting information it is considered that the proposed development would be identifiable in association with Belfast Harbour Film Studios and the recent infrastructure works. As such, it is not visually out of character within the wider landscape. The development will produce recognisable new elements in the landscape but not dominant components in the wider view, and does not constitute a considerable alteration of the landscape character. Given that the proposed development is located next to an existing large scale development (Belfast Harbour Studios) it is unlikely to result in a significant additional impact on landscape character or visual amenity. The scale is appropriate in the context of the receiving landscape and is compatible when considered with the existing adjacent development and the wider landscape character. BCC's Landscape Planning &

	<p>Development Team also agree with the assessment that there will be neutral effects from the four viewpoints identified in the LVIA report.</p>
14.5	<p>Description of Proposed Mitigation Measures BCC's Landscape Planning & Development Team supports the selection of the non-reflective cladding materials and grey colour choices for the buildings. They welcome the use of Adventura Grey RAL 7000 for the proposed chemical tanks to reduce the potential visual impact of the proposed development. They have commented that they are content that the Proposed Landscape Works submitted has sufficient detail on species, specification and densities and are supportive of the planting proposals as presented. The proposal is therefore considered appropriate in landscape and visual terms and can be effectively absorbed into the existing setting without causing any adverse or unacceptable effects.</p>
14.6	<p>Landscaping The existing trees on the site were only planted within the past few years and as such have not had time to establish. The retention of these trees will be conditioned as it will assist integration and add value to the amenity of the site / area. Proposed new planting includes a mixed species of hornbeam, willow and Scot's Pine, extra heavy standard at the time of planting. These species are deemed acceptable as they are the same species used in the wider area as part of planning approval ref. Z/2014/1279/F (Access road infrastructure). The proposed landscaping seeks to create mounding throughout the site which will help break up the landscaping and assist screening / integration. These mounds will vary in height from 1m to 2m from ground level. Groups of trees will be planted on top to create a woodland. The proposed access roads / hard surfaces into the site will have an impact on several existing trees, necessitating their removal. New hard surfaces to the north of the site will also impact existing gorse and shrub. It is considered that between the proposed landscaping and further conditioning that adequate landscaping will help to lessen the visual impact of the proposal.</p>
15.0 15.1	<p>Impact on Amenity and Environmental Health 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. Assessments of wider human health effects on the nearby population during both the construction and operational phases of the development have been considered in the ES. The development has taken wider health considerations into account through the design process and the effects on wider human health are therefore anticipated to be negligible. The nearest residential properties are located >500 metres from the application site in the Fortwilliam area to the west. The adjacent film studio is approximately 150 metres from the closest building on the proposed site. Due to separation distances of at least 150m there is unlikely to be any issues with overshadowing with existing neighbouring uses including the adjacent Film studio. It was considered that there was no requirement for a shadow analysis or sunlight report. A Noise & Vibration report, an Air Quality Impact Assessment, an Odour Impact Assessment, and an Artificial Lighting Assessment have been submitted in support of the planning application.</p>
15.2	<p>Noise and Vibration The submitted noise report concluded that there are no likely significant noise impacts associated with the proposed development. Piling activities may be required in closer proximity to the Belfast Film Studio complex. EHO have offered conditions to mitigate against any adverse impact on the studio during the construction phase of the proposal. EHO have commented that they have no concern regarding construction and operational phase noise impacts of the proposed Anaerobic Digestion development. The impacts of the construction and operation phases are therefore concluded to be negative.</p>

15.3	<p><i>Air Quality and Odour</i></p> <p>Air quality impact has been assessed on the basis of construction and operational impacts. In terms of construction dust impacts EHO have recommended a condition requiring a dust management plan to be submitted.</p>
15.4	<p>With regard to odour impact, the applicants have advised that the purpose of the Anaerobic Digestion plant is to produce biogas to be combusted in adjacent generators in order to generate commercial electricity for the grid and for onsite use. They have consequently advised that the biogas will be stored in a closed loop system and that the reception area of the plant will be maintained under a negative pressure, with all air extracted through a three stage odour control system, discharging at a height of 30m to atmosphere. Ammonia is to be emitted via this stack at a maximum concentration of 10mg m⁻³ and odour at a maximum concentration of 1,000 ou_e m⁻³. EHO have expressed no concerns regarding odour impact from operation of the proposed Anaerobic Digestion plant at relevant human health receptor locations. In addition, it is understood that the proposed Anaerobic Digestion plant will be subject to permitting by the Northern Ireland Environment Agency under the Pollution Prevention and Control (Industrial Emissions) NI 2013 Regulations. In addition to this EHO have no concerns regarding air quality impact</p>
15.5	<p><i>Artificial Lighting</i></p> <p>An Artificial Lighting Assessment was submitted, principally to demonstrate that the proposed development has been considered to minimise vertical light leakage, and thereby avoiding glare to aircraft operating from George Best Belfast City Airport. The Assessment has however, also considered the impacts of artificial lighting on adjacent sensitive receptors during construction and operational phases of the proposed development. The Artificial Lighting Report concluded that the lighting for the proposed development can be accommodated without detriment and will not result in a significant adverse impact, rather providing modern controlled lighting technologies that will contain and control light spill and will be negligible (long term) to the surrounding environment. EHO offers no objections to the proposed artificial lighting associated with the proposal.</p>
15.6	<p><i>Contaminated Land and Ground Conditions</i></p> <p>The nature of the site as a landfill location naturally gives rise to concerns regarding contamination and human health. The Council's Environmental Health Department (BCC: EH) as well as NIEA: Land and Groundwater Regulation Unit (NIEA: LRU) were consulted.</p>
15.7	<p>A Preliminary Risk Assessment (PRA), Generic Quantitative Risk Assessment (GQRA) and Remediation Strategy reports were submitted in support of the application. Following review of these documents, both consultees were content to recommend conditions.</p>
15.8	<p>The conditions will require a detailed remediation strategy which must demonstrate how the identified pollutant linkages on the site are to be demonstrably broken so that they no longer pose a potential risk to human health. The details will include the capping systems to be installed, gas protection measures to be installed in all buildings requiring gas protection, hydrocarbon vapour protection membrane to be installed in all buildings requiring protection, the gas abstraction system to be installed on the development site and how the proposed remedial works are to be verified. A verification report will also be required.</p>
15.9	<p><i>Outline Construction Environmental Management Plan</i></p> <p>An OCEMP was submitted as part of the Environmental Statement. This contains details of the environmental monitoring and mitigating measures to be implemented during construction works to minimise the effects of the site operations on relevant receptors. The OCEMP will address other general environmental management issues at the proposed development site and at the council's North Foreshore, Giants Park. Some of these issues may be of relevance to the council's Waste Management Licence for the former Dargan</p>

	<p>Road Landfill site that has been conferred under the Waste Management Licensing Regulations (Northern Ireland) 2003. The 'final' CEMP should therefore also have regard to environmental management recommendations detailed within the council's North Foreshore Developer's Guidance Note and supporting documents. EHO have requested conditions to this effect.</p>
<p>16.0</p>	<p><u>Access, parking and transport</u></p>
<p>16.1</p>	<p>The proposal has been assessed against PPS 3 and PPS13. In assessing the proposal DFI Roads considered the following documents: a Transport Assessment Form, Transport section within the environmental statement, a Travel Plan and a Service Management Plan. They offer no objection to the proposal.</p>
<p>16.2</p>	<p>Transport impacts of the proposed development therefore relate primarily to the delivery of waste feedstock (up to 99,999 tonnes per annum) and transportation of digestate (up to 16,000 tonnes per annum). Ancillary traffic movements will also include chemical delivery, the removal of screened material and daily staff movements. In the vicinity of the site access Dargan Road is a dual carriageway is approximately 30.2m wide (in total) with two through lanes in each direction, right turn lanes, central reservation and footways. The access to the public road currently serves a film studio complex and a waste transfer station. The traffic generation from these uses has been identified and is already on the local road network. The access forms a priority junction with Dargan Road. The access is 7.3m in width to facilitate the regular arrival and departure of HGVs. The access is gated, and whilst usually open the gates are placed 22m from the edge of the running carriageway, so that a waiting vehicle does not obstruct through traffic. The existing site access is designed to safely accommodate the large vehicles associated with the current and proposed vehicles on the site. Verges/footways facilitate visibility splays in excess of 4.5 x 90m in both directions.</p>
<p>16.3</p>	<p>The plant will consume 99,999t of organic feedstock annually. Waste will be sourced from the wider Belfast area. The worst case scenario is that all vehicles carrying feedstock will arrive full and leave the site empty, therefore there will be 32 HGV arrivals and 32 HGV departures per day associated with the delivery of feedstock. The approach routes for these vehicles will be along Dargan Road, to or from the Fortwilliam junction of the M2. The output is digestate pellets or material to otherwise be disposed of at landfill or recycled. Assuming the maximum 16,000t output equates to 5 loads per day. Again a conservative average load of 10t is assumed. The worst case scenario is that all vehicles arriving to the site to remove digestate pellets or material to landfill arrive empty and leave the site full, therefore there will be 5 HGV arrivals and 5 HGV departures per day. This equates to a total of approximately 74 HGV journeys per day.</p>
<p>16.4</p>	<p>DFI Roads finds the information submitted in support of the application to be acceptable subject to conditions. Having regard to the above and technical response from DFI Roads, 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.</p>
<p>17.0</p>	<p><u>Flood Risk, Drainage & Infrastructure capacity</u></p>
<p>17.1</p>	<p>PPS15: Planning and Flood Risk 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. The proposal has been considered against Policy FLD 1 of the Revised PPS15 – 'Development in Fluvial (River) and Coastal Flood Plains'. The Flood Hazard Map (NI) indicates that the development is not within any river or coastal flood plains. Given that the site area exceeds 1 hectare Policy FLD 3: Development and Surface Water Flood Risk Outside Flood Plains of PPS 15 is relevant. A Drainage Assessment has been submitted in support of the application</p>

17.2	<p>The proposed development is not considered to be at risk of fluvial flooding during a 1 in 100 year fluvial flood event. The proposed development will increase the rate and volume of surface water runoff from the applicant site. A storm drainage system will discharge this increased rate and volume of surface water runoff directly into the sea. Discharging directly into the sea has no adverse flooding issues because additional flow will not cause sea levels to increase. The impacts of the construction and operation phases are therefore concluded to be negative (slight). There will be no impact upon or from the proposed development in the context of pluvial flooding. There will be no contamination from sediment loading or chemical spills due to engineered solutions.</p>
17.3	<p>Rivers Agency raised no objection to the proposal subject to informatives. 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. NIEA: Water Management Unit also has no objection to the proposal. 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 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>
18.0	<p><u>Natural Heritage and Conservation – Impact on ecology</u></p>
18.1	<p>As set out above the application site is within 7.5 km of Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA, Maidens SAC, Bellevue ASSI & Craigtantlet Woods ASSI (hereafter referred to as designated sites) which are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.</p>
18.2	<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>
18.3	<p>The ES provides an assessment of the likely significant ecological impacts associated with the proposal during the construction and operational phases. Detailed surveys were undertaken at the application site in relation to protected habitats, badger, otter, lizard, avifauna and marine mammals. No evidence of badger, otter, lizard or marine mammals was observed. Bird activity on the site was extremely low and as such no significant direct impacts upon local avifauna are predicted. Indirect impacts on avifauna include potential disturbance during construction of the proposed development by way of noise (piling activity) and artificial lighting. The bird surveys carried out in respect of this proposal have indicated that the application site is not utilised by foraging and/or roosting shorebirds.</p>
18.4	<p>Natural Environment Division (NIEA: NED), Marine and Fisheries Division (NIEA: MFD, Water Management Unit (NIEA:WMU), Land, Soil and Air Pollution Prevention and Control team NIEA and Shared Environmental Services (SES) have considered the impacts of the proposal on designated sites.</p>
18.5	<p>Natural Environment Division has considered the impacts of the proposal, as per the application, on the designated sites and, on the basis of the information provided to date can confirm that the proposal, is in line with DAERA's operational protocol on nitrogen emissions. NIEA NED is content that the proposed development is unlikely to significantly impact bats, otters, badgers or smooth newts and is content that the site does not support priority habitat. Given the response from NIEA NED and SES it is considered that the proposal therefore complies with the relevant policy requirements of PPS 2.</p>

18.6	NIEA: Marine and Fisheries Division have provided informatives regarding marine life and protections.
18.7	NIEA: WMU have highlighted that they have no objection to the proposal because NIW have indicated that the WWTW in the area is able to accept the additional load, with no adverse effect on the operation of the WWTW or its ability to comply with its consent to discharge.
18.8	NIEA: Land, Soil and Air Pollution Prevention and control team have requested a planning condition to state that no digestate from the facility is to be land spread. However, this would be outside the control of the planning permission and a matter for the relevant licensing authority.
18.9	SES have no objections to the proposal.
18.10	Having regard to PPS 2, it is considered that the proposal meets the requirements of the relevant policies as outlined above.
18.11	<p><i>Habitats Regulation Assessment (HRA)</i></p> <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. 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, the proposal will not have an adverse effect on site integrity of any European site.</p>
18.12	NIEA Marine and Fisheries Division has considered the impacts of the proposal and on the basis of the information provided is content with the proposal. They have commented that provided appropriate air, land and water pollution prevention measures are implemented during construction and operation, the proposal is unlikely to have a significant impact on marine protected areas.
19.0	<u>Impact on material assets</u>
19.1	The ES examines the potential impacts on utility infrastructure (electricity, gas and water) and airport safeguarding including lighting impact as a result of the proposed development. During the construction phase, the ES confirms that the services installed to-date at Giant's Park are designed to accommodate development of the wider site and therefore no mitigation is required in relation to electricity import, sewer connection or water supply. In relation to airport safeguarding, the applicant will undergo an approval process with BCA in advance of any crane operation on site. As such, the residual impact of the proposed development during the construction phase is considered to be neutral. During the operational phase, the proposed development will be self-sufficient in relation to electricity consumption. Similarly, water consumption will also be minimal give the proposed rainwater harvesting arrangements. The proposed drainage system to be installed will ensure water quality prior to discharge to the existing storm sewer which is confirmed to have sufficient capacity. The proposal will also connect to the existing foul sewer located on-site. Airport safeguarding has been considered in relation to bird attractants, use of lighting, reflective surfaces and obstacle lighting and mitigation by way of design of the proposed facility will ensure the proposed development will not impact on the operations of BCA. Belfast City Airport and NI Water offered no objections to the proposal.

20.0	<u>Assessment against PPS 18 Renewable Energy Planning Policy</u>
20.1	<p>Planning Policy Statement 18 is also a material consideration. Policy RE1 seeks to ensure that the proposed development will not result in an unacceptable adverse impact on:</p> <ul style="list-style-type: none"> a. public safety, human health, or residential amenity; b. visual amenity and landscape character; c. biodiversity, nature conservation or built heritage interests; d. local natural resources, such as air quality or water quality; and e. public access to the countryside.
20.2	<p>In terms of criterion (a) the site is located within a former landfill site, centrally located to potential feedstock sources and key transport corridors. The site is located in the existing industrial context of Belfast Harbour with a waste transfer station located to the south east of the site. The management of the proposed CAD facility will require 22 full-time job positions. The risk of associated with such a proposal has also been considered in terms of the required plant. An emergency fire water tank, fire pump house and temperature control system is proposed. Given the limited number of staff and the imposition of mitigating measures it is considered that the proposal complies insofar as public safety is concerned. In terms of noise, the industrial nature of the wider area lends itself to having high background noise levels.</p>
20.3	<p>The distance from sensitive receptors ensures that ‘public safety, human health, or residential amenity’ will not be prejudiced. The nearest residential receptor is located > 500 metres from the application site in the Fortwilliam area to the west with the NI railway line and M2 motorway located in the intervening landscape. A Noise Impact Assessment (NIA) indicates that there will be no unacceptable impact to these residential properties given the separation distance, a view shared by Belfast City Council’s Environmental Health unit.</p>
20.4	<p>In terms criteria (b) and (c) the site has not been designated as having any landscape value by the Area Plan. It is not within an Area of Outstanding Natural Beauty (AONB), Area of Outstanding High Scenic Value (AOHSV) or a Local Landscape Policy Area (LLPA). The site is not located within but is adjacent to a number of ecological designations which were considered in the Environment Statement and have been adequately assessed. There are no known built heritage interests located within the site or within 500m due to it being a former landfill. There are no objections from NIEA or SES.</p>
20.5	<p>In terms of criteria (d) the proposed abatement systems and design of the CAD facility will ensure that there will be no impact on ‘local natural resources, such as air quality or water quality’ and in terms of criteria e public access to the countryside will not be impacted given the site’s location in an industrial area.</p>
20.6	<p>In terms of criteria (e) Public access to the countryside will not be impacted given the site’s location in an industrial area.</p>
21.0	<u>Waste – Assessment against PPS 11 ‘Planning and Waste Management’</u>
21.1	<p>Planning Policy Statement 11: Planning and Waste Management is a material consideration. This policy document sets out the Department’s planning policies for the development of Waste Management Facilities. It seeks to ensure the highest standards so that waste can be dealt with in a way, which minimises impacts on the environment. The particular policy relevant to a proposal of this nature is Policy WM2 ‘Waste Collection and Treatment Facilities’. Policy WM2 must be considered in light of Policy WM1 ‘Environmental Impact of a Waste Management Facility’. Policy WM1 states that proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that a number of criteria are met.</p>

- The proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment; as per the above consideration of PPS 18 Policy RE1, detailed assessments have been undertaken as part of the Environmental Statement to demonstrate that the proposal will not result in demonstrable harm to human health or the environment. Following consultation, NIEA and Environmental Health offer no objection regarding the impact of the proposal on human health or the environment.
- The proposal is designed to be compatible with the character of the surrounding area and adjacent land uses; as required by Policy WM2 of PPS 11, the site complies with a number of the locational criteria as it is located within an existing industrial area adjacent to compatible uses. There would be no harm to the wider landscape.
- The visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality; as per the above consideration, the proposal will not give rise to unacceptable visual impact.
- the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust; the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated; adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles; wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered; The proposed access to the site and the nature/frequency of associated traffic movements will not prejudice the safety and convenience of road users nor constitute a nuisance. Adequate arrangements are proposed for parking, servicing and circulation of vehicles. A comprehensive travel plan was submitted with the proposal. The proposal is located within an established industrial area, the location benefits from existing public transport services and proximity to the national cycling network.
- The development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests; as per the above consideration of PPS 18 Policy RE 1, there are no known built heritage interests or archaeological constraints located within the site or within 500m due to it being a former landfill.

21.2

The types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures; the processes are such that there will be no environmental risk. All waste feedstock will be handled internally within the main processing building and any process effluent will be contained and treated within the proposed WWTP. NIEA will be responsible for regulating the site and the licensing process will require the application to demonstrate that any associated environmental impacts will be acceptable. NIEA are content with the detail of the proposal.

- It is therefore concluded that the proposal will not pose serious environmental risk to air, water or soil resources that cannot be controlled by mitigating measures.
- The proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere; the site is not located within the floodplain and the proposed development will not cause or exacerbate flooding elsewhere. Rivers Agency offered no objections to the proposal.
- the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land; the proposal will not result in the loss of versatile agricultural land as it is located on a former landfill site

	<ul style="list-style-type: none"> In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site. No landfilling is proposed.
21.3	The proposal therefore satisfies the criteria of Policy WM1.
21.4	<p><i>Policy WM2 – Waste Collection and Treatment Facilities</i></p> <p>Policy WM 2 states that proposals for the development of a waste collection or treatment facility will be permitted where certain criteria are met. Within the context of Policy WM2 this proposal is assessed as follows:</p> <p>Criteria A: there is a need for the facility as established through the WMS and the relevant WMP. The proposal is consistent with the wider aims of waste management policy (established through the WMS and WMP) insofar as AD moves waste up from the hierarchy from disposal to recycling and recovery, diverting organic waste from landfill.</p> <p>Criteria B: the proposed facility is the Best Practicable Environmental Option (BPEO). BPEO is no longer a material planning consideration as per the then DoE ministerial statement in October 2013. This followed the publication of the revised Waste Management Strategy ‘Delivering Resource Efficiency’.</p> <p>Criteria C: the proposed facility should comply with a locational criteria. This proposal meets this as it is located within an industrial/port area which has a character appropriate to the development and it brings previously contaminated land back into productive use.</p> <p>Criteria D: Requires that the proposal’s location relates closely to and benefits from easy access to key transport corridors, that the processing of waste is within a purposed built building which can handle the waste appropriately and the facility will not result in an unacceptable adverse environmental impact. The proposal fulfils all of the above as previously highlighted. Accordingly, the proposal meets the criteria of Policy WM2.</p>
21.5	<p>Supplementary guidance document titled ‘Anaerobic Digesters’</p> <p>The Supplementary Planning Guidance (SPG) document titled Anaerobic Digesters provides additional advice and guidance specific to Anaerobic Digestion (AD) to complement the background information already set out in the Best Practice Guidance to PPS 18. The information set out in this SPG should be read in conjunction with both PPS18 and its associated Best Practice Guidance. It has been drawn up taking account of similar material available for other parts of the UK and the Republic of Ireland. This guidance document sets out the key planning issues, some of which are more relevant given its location with the development limits. Whilst only in draft with a clear caveat that state ‘When published in final form, this SPG will be a material consideration in the determination of planning applications for AD development’, it still offers assistance and guidance on the key issues to be considered. Care has been taken to ensure that the proposed EWC codes, layout of the site, processes and associated digestate will not prejudice or adversely impact either human health or the natural environment.</p>
22.0 22.1	<p><u>Conclusion</u></p> <p>Impacts of acknowledged importance such as sustainability, visual and landscape impact, amenity, drainage and flood risk, contamination, nature conservation and impact on the road network are all considered acceptable subject to appropriate conditions detailed below. It is also considered that the proposal would result in wider environmental and economic benefits and job creation opportunities and that these factors lend weight in favour of the proposal. The proposal is considered acceptable having regard to the Development Plan, draft BMAP 2015 and other relevant material considerations.</p>

<p>23.0</p>	<p>Summary of Recommendation:</p> <p>It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.</p>
<p>24.0</p>	<p>Recommended Conditions (provisional)</p> <p>1: The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2: Prior to commencement of development, the applicant shall submit to and have approved in writing by the Planning Authority, a Detailed Remediation Strategy. This Remediation Strategy must be based on the capping, landfill gas extraction infrastructure and building protection measures proposals contained within the RPS Group Plc reports entitled 'Remedial Strategy Report, Dargan Road Biogas Ltd, Bioenergy (AD) Plant, Giant's Park, Belfast' (dated December 2019 and referenced IBR1061 version 5) and 'Dargan Road Biogas Ltd, Gas Extraction System, Bioenergy Anaerobic Digestion (AD) Plant' (dated December 2019 and referenced IBR1061 version 8) and the letter from RPS dated 24th February 2020 and referenced 'IBR1061, Dargan Road Biogas Limited, Centralised Anaerobic Digestion (CAD) Plant - Planning Application Ref: LA04/2019/1540/F'. The Detailed Remediation Strategy must demonstrate how the identified pollutant linkages are to be demonstrably broken and that they no longer pose a potential risk to human health. In particular, this Detailed Remediation Strategy must provide final detail on:</p> <ul style="list-style-type: none"> - The capping systems to be installed. - The gas protection measures to be installed in all buildings requiring gas protection, which must be compliant with BS 8485:2015+A1:2019 and Belfast City Council's North Foreshore Developer's Guidance Note. - The hydrocarbon vapour protection membrane to be installed in all buildings requiring protection. - The gas abstraction system to be installed on the development site. - How the proposed remedial works are to be verified. <p>All construction thereafter must be in accordance with the approved Remediation Strategy.</p> <p>The development shall not be carried out unless in accordance with the approved Remediation Strategy.</p> <p>Reason: Protection of human health.</p> <p>3: In order to demonstrate that the required remedial measures have been incorporated within the proposal, prior to operation of the development, a Verification Report shall be submitted to and agreed in writing by the Planning Authority. The Verification Report must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented and have broken the relevant pollutant linkages, and that the site no longer poses a potential risk to human health.</p> <p>Reason: Protection of human health.</p> <p>4: If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be</p>

notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed by the Planning Authority in writing, prior to the development being operated. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: Protection of human health.

5: No site preparation or construction works shall commence on site unless a Dust Management Plan has been submitted to and approved in writing by the Planning Authority. This Plan must outline the methods to be employed to minimise any dust impacts associated with site preparation and construction works, demonstrating the use of 'best practicable means'. The plan must have due regard to the IAQM Guidance on the Assessment of dust from demolition and construction 2014. All site preparation and construction works thereafter must be carried out in accordance with the approved Dust Management Plan.

Reason: Protection of human health and amenity of nearby premises.6: No site preparation or construction works shall commence on site unless a Construction Noise and Vibration Management Plan has been submitted to and approved in writing by the Planning Authority. This Plan must outline the methods to be employed to minimise any noise and vibration impacts associated with site preparation and construction works, demonstrating the use of 'best practicable means'. The plan must have regard to BS 5228:2009+A1:2014 Parts 1 and 2 Code of practice for Noise and vibration on construction and open sites, and demonstrate that site preparatory and constructions works will achieve the BS5228 'ABC method' Category A noise threshold value for daytime and Saturdays at relevant sensitive receptors. All site preparation and construction works thereafter must be carried out in accordance with the approved Noise and Vibration Management Plan.

Reason: Protection of human health and amenity of nearby premises.

7: Notwithstanding the submitted details, no site preparation or construction works shall commence on site unless a final Construction Environmental Management Plan and site drainage plan has been submitted to and approved in writing by the Planning Authority. This Plan must outline the methods to be employed to minimise any environmental impacts during site preparation and construction works, demonstrating the use of 'best practicable means'. All site preparation and construction works thereafter must be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: Protection of human health and the environment and amenity of nearby premises and to ensure that the appointed contractor is cognisant of all mitigation and avoidance measures required to protect all watercourses and the marine environment ensuring that there is no adverse effect on site integrity of Belfast Lough Open Water SPA, Belfast Lough SPA/Ramsar site and East Coast (Northern Ireland) Marine Proposed SPA.

8: The development hereby approved not be permitted to accept waste from EWC code 02 01 06.

Reason: To ensure that there is no adverse effect on site integrity of any European designated site.

9: No development should take place on-site until the method of sewage disposal has been submitted to and approved in writing by the Council.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

10: No development shall commence on site until details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Planning Authority. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

11: The development hereby permitted shall not become operational until the vehicular accesses have been constructed in accordance with the approved Drawing No. 03A 'Proposed Site Layout Plan' bearing the Belfast City Council Planning Office date stamp 20 December 2019. The access shall be constructed and marked to the satisfaction of DfI Roads.

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

12: The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing No. 03A 'Proposed Site Layout Plan' bearing the Belfast City Council Planning Office date stamp 20 December 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 than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking and manoeuvring within the site.

13: A minimum of 8 No. secure cycle parking spaces shall be provided and permanently retained within the development for use by staff and visitors to the development.

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

14: The development hereby permitted shall operate in accordance with the Travel Plan contained within Appendix 4.1 of the Environmental Statement Addendum published by the Belfast City Council Planning Office on 15 January 2020. The Travel Plan will be provided to the Site Operator as a separate, stand-alone, document. The Site Operator will provide their employees with access to the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

15: The development hereby permitted shall operate in accordance with the Service Management Plan contained within Appendix 4.2 of the Environmental Statement Addendum published by the Belfast City Council Planning Office on 15 January 2020. The Service Management Plan will be provided to the Site Operator as a separate, stand-alone, document.

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

16: The development hereby permitted shall be constructed in accordance with paragraph 6.7 of the Drainage Assessment dated June 2019.

Reason: To enable DfI Rivers to review the applicants proposed surface water infrastructure at the detailed design stage of this planning application.

17: Prior to the commencement of any works hereby approved, an Arboricultural Impact Assessment (in accordance with BS: 5837:2012) shall be submitted and agreed in writing by the Council. This will identify, evaluate and mitigate where appropriate the extent of direct and indirect impacts on existing trees that may arise as a result of any site layout proposal. The development shall incorporate any recommendations made therein.

Reason: To ensure minimal impact from the development on existing trees to be retained.

18: All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or proposed trees or planting indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Planning Authority.

Reason: In the interests of visual amenity.

19: No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread, nor shall arboricultural work or tree surgery take place or any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998, 2010. Recommendations for Tree Work.

Reason: To ensure the continuity of amenity afforded by existing trees.

20. If any retained tree is removed, uprooted or destroyed or dies, another tree or trees shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

21. Prior to any work commencing, protective barriers (fencing) and ground protection shall be erected / installed as specified in British Standard 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations' (section 6.2) on all trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site. Within the fenced area no activities associated with building operations shall take place, no storage of materials, and the ground levels within those areas shall not be altered.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

	<p>22: All soft landscaping works shall be carried out in accordance with the details on stamped approved drawing no 17A, bearing the Council's date stamp 20th December 2019. The works shall be carried out prior to the occupation of the development hereby approved or before the end of the first planting season after occupation, whatever is sooner, and shall be permanently retained thereafter. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a similar species and size, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>23: The development hereby permitted shall be constructed and finished in accordance with the approved details including the annotated finished colours for buildings and tanks.</p> <p>Reason: In the interests of visual amenity.</p>
25.0	<p>Representations from Elected Representatives (if relevant) N/A</p>
26.0	<p>Referral to Dfl (if relevant) N/A</p>

ANNEX

Date Valid	26th June 2019
Date First Advertised	2nd August 2019
Date Last Advertised	26th June 2020

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
1 Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
1 Gullivers Road,Belfast,Antrim,BT3 9JU
The Owner/Occupier,
11 Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
13 Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
13 Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
15 Dargan Road,Belfast,Antrim,
The Owner/Occupier,
15 Dargan Road,Belfast,Antrim,BT3 9LS
The Owner/Occupier,
3 Dargan Road,Belfast,Antrim,BT3 9JZ
The Owner/Occupier,
42-44 ,Duncrue Crescent,Belfast,Antrim,BT3 9BW
The Owner/Occupier,
5 Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
7 Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
9 Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
9 Gullivers Drive,Belfast,Antrim,BT3 9HW
The Owner/Occupier,
Dargan Road,Belfast,Antrim,
Forsyth House, Cormac Square,Belfast,BT2 8LA
The Owner/Occupier,
Unit 1,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW
The Owner/Occupier,
Unit 2 ,Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
Unit 2 ,Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
Unit 2,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW
The Owner/Occupier,
Unit 3 ,Dargan Road,Belfast,Antrim,BT3 9LZ
The Owner/Occupier,
Unit 3,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW
The Owner/Occupier,
Unit 4,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW

The Owner/Occupier, Unit 5,38-40 M2 Trade Centre,Duncrue Crescent,Belfast,Antrim,BT3 9BW	
Date of Last Neighbour Notification	3-3-20
Date of EIA Determination	
ES Requested	Yes
<p>Appendix A Planning History</p> <p>Ref ID: LA04/2018/2166/DETEI Proposal: Proposed centralised anaerobic digestion (CAD) plant to power existing combined and heat power (CHP) engines and to utilise existing service road infrastructure. Address: Lands at, Giants Park, Dargan Road, North Foreshore, Belfast. Decision: Decision Date:</p> <p>Ref ID: LA04/2017/1337/DC Proposal: Discharge of condition 23 planning application LA04/2015/1605/F Address: 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/Giants park with access from Dargan R Decision: AL Decision Date:</p> <p>Ref ID: LA04/2017/1300/DC 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 including 3No. stand-alone transformer compounds, security hut and proposed headwall (amended description) Address: 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 Decision: AL Decision Date:</p> <p>Ref ID: LA04/2019/0409/DETEI Proposal: EIA scoping report Address: Giants Park, Former Dargan Road Landfill Site, Belfast. Decision: NRES Decision Date:</p> <p>Ref ID: LA04/2019/1612/PAN</p>	

Proposal: Construction of film studios complex including ancillary offices, workshops, ancillary car parking, servicing & access from existing internal access road, landscaping and associated site works.

Address: Lands immediately north & south of existing film studios, north of Dargan Road, Belfast (within wider Belfast City Council lands known as North Foreshore/Giant's Park)..

Decision: PANACC

Decision Date:

Ref ID: LA04/2019/1700/PAD

Proposal: Construction of film studios complex including ancillary offices, workshops, ancillary car parking, servicing and access from existing internal access road, landscaping and associated works.

Address: Lands immediately north and south of existing film studios, north of Dargan Road, Belfast, (within wider Belfast City Council lands known as North Foreshore/Giants Park)..

Decision:

Decision Date:

Ref ID: LA04/2019/0433/DETEI

Proposal: Proposed centralised anaerobic digestion (CAD) plant to power existing combined and heat power (CHP) engines and to utilise existing service road infrastructure.

Address: Lands at Giant's Park, Dargan Road, North Foreshore, Belfast,

Decision: RES

Decision Date:

Ref ID: LA04/2019/1540/F

Proposal: Centralised Anaerobic Digestion (CAD) plant to include a bunded tank farm, (6no. digester tanks, 2no. buffer tanks. 1no. storage tank and associated pump rooms), biogas holder, biogas conditioning system, temperature control system, waste-water treatment plant (WWTP), motor circuit control room building, hot/cold water recovery system, feedstock reception and digestate treatment building, product storage building, odour control system and associated tanks, emergency gas flare, back-up boiler, administration/office building, car parking, 3no. Weighbridges, fire water tank and pump house, pipelines to existing combined heat and power (CHP) plant engines, switchgear, earth bunding, 3no. Accesses to existing Giant's Park Service road infrastructure and ancillary plant/site works.

Address: Lands to the northwest of existing Belfast City Council Waste Transfer Station, (2a Dargan Road, Belfast, BT3 9JU).

Decision:

Decision Date:

Ref ID: LA04/2016/0694/DC

Proposal: Discharge of condition 19 LA04/2015/1605/F

Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility).

Decision: AL

Decision Date:

Ref ID: LA04/2016/0471/DC

Proposal: Discharge of condition - LA04/2015/1605/F

Address: 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

Decision: AL

Decision Date:

Ref ID: LA04/2016/0844/DC

Proposal: Discharge of conditions 9,12 and 22 - LA04/2015/1605/F

Address: Land approximately 300m north of Dargan Road (North of Belfast City Council Waste Management Facility) adjacent to Belfast Lough, Belfast,

Decision: AL

Decision Date:

Ref ID: LA04/2018/2564/DETEI

Proposal: EIA screening and scoping request for a proposed centralised Anaerobic Digestion (CAD) Plant to power existing combined and heat power (CHP) engines and to utilise existing service road infrastructure.

Address: Lands at Giants Park, Dargan Road, North Foreshore, Belfast.

Decision:

Decision Date:

Ref ID: Z/2007/0313/E

Proposal: World class public park and an eco-business park incorporating limited provision for commercial waste facilities

Address: North Foreshore, Belfast

Decision:

Decision Date:

Ref ID: Z/2000/0051/F

Proposal: 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.

Address: Belfast City Council Landfill Site, Dargan Road, Belfast.

Decision:

Decision Date: 14.05.2001

Ref ID: Z/2005/1473/F

Proposal: Application to vary condition 1 of Z/2000/0051/F (the permission hereby granted shall be for a limited period of 5 years only from the date of the permission) to provide a 1 year time extension to allow completion of the development to approved levels.

Address: Belfast City Council Landfill Site, Dargan Road, Belfast.

Decision:

Decision Date: 22.12.2005

Ref ID: Z/2014/1279/F

Proposal: Provision of new upgrade of existing roads infrastructure and associated site capping together with associated landscaping and site works

Address: Lands of the former Dargan Road land fill site, to the north of Dargan Road, Belfast,

Decision: PG

Decision Date: 24.04.2015

Ref ID: Z/2005/0714/E

Proposal: Construction of Waste Transfer Station

Address: Dargan Road, Belfast

Decision:

Decision Date: 10.10.2005

Ref ID: Z/2004/1294/F

Proposal: Application to infill land with excavation and demolition materials for land reclamation purposes

Address: Belfast City Council Land, North Foreshore, Dargan Road, Belfast.

Decision:

Decision Date: 08.02.2005

Ref ID: LA04/2015/1085/PAD

Proposal: Construction of film studios complex, associated yards, car parking & access. Film studios to comprise four separate buildings as follows;

Production (37,450 sq ft.)

Stage 01 & stage 02 (66,000 sq ft.)

Stage 03 (45,000 sq ft.)

Workshop 01, 02 & 03 (46,170 sq ft.)

Address: 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/Giants Park),

Decision:

Decision Date:

Ref ID: LA04/2015/0982/PAN

Proposal: Construction of film studios complex, associated yards, car parking & access. Film studios to comprise four separate buildings as follows;

Production (37,450 sq ft.)

Stage 01 & stage 02 (66,000 sq ft.)

Stage 03 (45,000 sq ft.)

Workshop 01, 02 & 03 (46,170 sq ft.)

Address: 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),

Decision: PANACC

Decision Date:

Ref ID: Z/2010/1178/F

Proposal: Provision of management system for landfill gas, comprising capping, and installation of gas abstraction wells and pipework. Surface-water drainage and foul sewerage. Provision of services.

Address: North Foreshore Site, Dargan Road, Belfast, BT3 9JU,

Decision: PG

Decision Date: 30.08.2013

Ref ID: Z/2006/1545/F

Proposal: 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.

Address: Dargan Road Landfill Site, Dargan Road, Belfast.

Decision:

Decision Date: 30.08.2007

Ref ID: Z/1997/2340

Proposal: Provision of storage and processing area for the Composting of garden waste.

Address: DARGAN ROAD LANDFILL SITE, LAND NORTH EAST OF JUNCTION OF DARGAN ROAD AND DUNCRUE ROAD, BELFAST BT3

Decision:

Decision Date:

Ref 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 including 3No stand-alone transformer compounds, security hut and proposed headwall (amended description)

Address: 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

Decision: PG

Decision Date: 25.02.2016

Ref ID: Z/2008/0228/F

Proposal: 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), and site access. Landscaping.

Address: North Foreshore Site, Dargan Road, Belfast

Decision:

Decision Date: 26.03.2009

Ref ID: LA04/2015/0930/PAD

Proposal: Proposed installation of 2.5 megawatt (MW) photovoltaic (PV) Solar Park with associated infrastructure on lands located at Giants Park, North Foreshore, Belfast

Address: Lands at the former Dargan Road Landfill Site, to the north of Dargan Road, Belfast, BT3 9JU,

Decision:

Decision Date:

Ref ID: Z/1994/2135

Proposal: Erection of building to be used as waste management plant

Address: LANDFILL SITE, DARGAN ROAD OPPOSITE JUNCTION WITH DARGAN CRESCENT BELFAST BT3

Decision:

Decision Date:

Ref ID: Z/2014/0907/PREAPP

Proposal: BCC propose to develop the former Dargan Road landfill site into an environmental resource recovery park and public open space.

The proposals include for the development of an eco-business park, known as the North Foreshore development waste management facilities industrial warehousing, office space and R&D activities.

The public space Giants Park, will allow for public access to the remainder of the site for a range of recreational activities. With the view to realising these developments a planning application is to be submitted to facilitate the construction of the main access roads into the proposed site, the installation of services and the placing of hard-core fill over 19.95ha.

Address: Dargan Road Landfill, Dargan Road, Belfast,

Decision: EOLI

Decision Date:

Ref ID: LA04/2015/0739/F

Proposal: Application for removal of Condition No. 5 of Z/2014/1279/F relating to the signalised junction.

Address: Lands of the former Dargan Road land fill site to the north of Dargan Road, Belfast,

Decision: PG

Decision Date: 27.06.2016

Ref ID: LA04/2015/0940/DC

Proposal: Application for Discharge of Condition No.2 of Planning Approval Z/2014/1279/F relating to the Construction Environmental Management Plan.

Address: Lands of the former Dargan Road land fill site to the north of Dargan Road, Belfast,

Decision: AL

Decision Date:

Drawing Numbers and Title

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department: N/A

Appendix B: Late Items Planning Committee August 2020

<p>7g LA04/2019/154 0/F</p> <p>Dargan Road</p>	<p>Additional conditions</p>	<p>Officers advise that additional conditions are considered necessary to control the amount and type of waste to be used on site and to ensure that waste is stored appropriately. This will ensure that the proposal is controlled and managed in an appropriate way and will protect the local environment and public health.</p>	<p>Members to note additional conditions:</p> <p>A: The feedstock hereby accepted at the facility shall be limited to MSW organic fines (EWC code 19 12 12 and the EWC (European Waste Catalogue) Codes as set out in the Environmental Statement, appendix 3.1 and no other feedstock. (Attached as information no 2 to this decision notice). Reason: In the interests of environmental protection and public health and to ensure that there is no adverse effect on site integrity of any European designated site.</p> <p>B: The Anaerobic Digester (AD) will accept a maximum of 99,999 tonnes per annum, in accordance with written records which will be made available to the Council on written request. Reason: In the interests of environmental protection and public health.</p> <p>C: There shall be no external storage of waste at any time. Reason: in the interests of environmental protection and in the interest of amenity.</p>
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