Department for Infrastructure
www.infrastructure-ni.gov.uk

OUTLINE PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA09/2019/0024/O**

Date of Application: **21 December 2018**

Site of Proposed Development: Former Maghera High School, Tobermore Road, Maghera

Description of Proposal: Outline planning application to support future mixed use and enterprise centre/ business units which will be subject to reserved matters planning applications submitted by purchasers of plots from Mid Ulster District Council

Applicant:	Mid Ulster District Council	Agent:	
Address:	76-78 Burn Road Cookstown BT80 8DR	Address:	

Drawing Nos. 01/2, 02/1, 03, 04/4

In pursuance of its powers under the above-mentioned Planning Act, the Department for Infrastructure hereby

GRANTS OUTLINE PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

1. As required by section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Planning Authority within 5 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
i. the expiration of 5 years from the date of this permission; or
ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

   Reason: To ensure that sufficient time is provided for the detailed implementation of the development proposals for the site.

2. For the development of all or any part or phase of the development, at reserved matters stage, approval of the details of the use class, siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called 'the

reserved matters'), shall be obtained from the Planning Authority, in writing, before any development on that part or phase is commenced.

Reason: To enable the Planning Authority to consider in detail the proposed development of the site.

3. The under-mentioned reserved matters shall be as may be approved, in writing, by the Planning Authority :-

- Siting; the two-dimensional location of buildings within the site.
- Design; the two-dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three-dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.
- External appearance; the colour, texture and type of facing materials to be used for external walls and roofs.
- Access; the location and two-dimensional design of vehicular, pedestrian and cycling access to the site from the surroundings and also the circulation, car parking, cycle parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.
- Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

Reason: To enable the Planning Authority to consider in detail the proposed development of the site.

4. As part of any reserved matters application, a Drainage Assessment for that part or phase of the development shall be submitted to and approved in writing by the Planning Authority. The Drainage Assessment shall be compliant with Policy FLD 3 & Annex D of Planning Policy Statement 15 and demonstrate the safe management of any out of sewer flooding emanating from the surface water drainage network in a 1 in 100 year event. The drainage proposals shall be approved in writing and implemented prior to the commencement of that part or phase of the development.

Reason: In order to safeguard against surface water flood risk.

5. As pa of any reserved matters application, a Transport Assessment Form (TAF) shall be submitted for each part or phase of the development and approved in writing by the Planning Authority as part of that application for reserved matters. The TAF shall demonstrate the cumulative total of traffic using the proposed development as approved under this outline application, and identify any necessary mitigation works which shall be fully implemented prior to that part or phase of the development becoming operational.

Reason: To ensure there is no adverse traffic impact.

6. For ny application for the approval of reserved matters, if the intended use of that part or phase of the development has the potential to generate aerial emissions, an Air Quality

Impact Assessment (AQIA) shall be submitted to and approved in writing by the Planning Authority as part of that application for reserved matters. Any such AQIA must demonstrate that such a use will not result in adverse effects on any European site.

Reason: To ensure the development will not have an adverse effect on the integrity of any European site.

7. All hard and soft landscape works shall be carried out in general accordance with the appropriate British Standard or other recognised Codes of Practice. As part of any application for approval of reserved matters, a landscaping scheme for that part or phase of the development shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of hard and soft landscape works, semi mature tree specimens and full details of all planting to be retained, tree protection measures, the location, numbers, species and size of trees and shrubs to be planted and a programme of works. All planting shall be carried out during the first available planting season following commencement of works on that part or phase of the development and in accordance with the approved details.

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

8. The development shall be in general accordance with the Site Mitigation Plan 04/04 stamped received by the Department 24 January 2025.

Reason: To ensure the delivery of a quality and sustainable development.

9. No part or phase of the development hereby permitted shall commence until a final Construction Environmental Management Plan (CEMP) for that part or phase is submitted to and approved in writing by the Planning Authority. The CEMP shall reflect all the mitigation in the Outline CEMP and include a Construction Method Statement (CMS) for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, detailing all necessary pollution prevention measures to protect groundwater and all other elements of the water environment. The approved CEMP shall be adhered to and implemented throughout construction strictly in accordance with the approved details. Any further updates to the CEMP shall be approved in writing by the Planning Authority.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site and to ensure effective avoidance and mitigation measures have been planned for protection of the water environment.

10. No part or phase of the development hereby permitted shall commence until a Detailed Remediation Strategy has been submitted to and approved in writing by the Planning Authority. The remediation strategy shall contain all the remedial measures detailed in the Pentland MacDonald Ltd Report No. PM18-1152 date stamped received 21 December 2018, shall identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc). The remediation strategy shall be implemented as approved.

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

11. No part or phase of the development or any site works, including site clearance, removal of materials or any work with asbestos containing materials (ACM), shall commence until a "Plan of Work" for the management of site ACM is submitted and approved in writing by the Planning Authority. The Plan of Work shall be prepared by a suitably competent person and shall contain details of the work and the actions to control risk and prevent harm. The Plan of Work shall include the following:

- nature and expected duration of the work;
- number of persons involved;
- address and location of where work is to be carried out;
- method for picking asbestos;
- methods for the prevention, control and reduction of exposure to asbestos;
- air monitoring;
- arrangement for disposal of asbestos waste; and
- type of equipment including personal protective equipment.

Work on site shall proceed in accordance with the approved details. Work on site with ACM shall not take place unless a copy of the approved Plan of Work is readily available on site.

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

12. No site works of any nature or development on any part or phase of the development hereby approved shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Planning Authority in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

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

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

13. No site works of any nature or development shall take place other than in accordance with a programme of archaeological work approved under condition 12.

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

14. No equipment, machinery or materials shall be brought on the site for the purpose of the development including site clearance until all retained trees are protected in accordance with the tree protection measures to be submitted and agreed under condition 7. These protection measures shall remain in place until the construction works within that part or phase of the development hereby approved are complete and all plant and machinery has been removed.

Within the tree protection 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 works to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

15. No development shall commence until a scheme for the provision of flood warning signage and an evacuation plan in the event of flooding is submitted to and approved in writing by the Planning Authority. The approved details/plan shall be implemented as approved.

Reason: In the interests of safety.

16. No development, ground preparation, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place until a protection zone(s), clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance (as identified within Figure 3.4: *Badger Survey* within the Preliminary Ecological Appraisal Survey Report dated 27 August 2019) at a radius of 25 metres. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone(s) without the consent of the Planning Authority or unless an appropriate Wildlife Licence has been obtained from NIEA. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts.

17. No development, ground preparation, vegetation clearance, disturbance by machinery, dumping or storage of materials (except for the hand planting of trees and shrubs) shall take place within the badger protection zone without the consent of the Planning Authority or unless an appropriate Wildlife Licence has been obtained from NIEA. Any proposed tree and hedgerow planting within the badger protection zone shall be carried out using hand tools only and under the supervision of a competent ecologist.

Reason: To protect badgers and their setts.

18. No operation in or from any of the units hereby permitted shall commence until hard surfaced areas within each part or phase of the development, details of which are to be submitted and approved at reserved matters, have been constructed within that part or phase and permanently marked to provide parking and servicing in accordance with the requirements of the Department for Infrastructure's current published Parking Standards. No part of the hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

19. Prior to the commencement of any construction works and for the duration of construction of any part or phase of the development, a clearly defined buffer of at least 10m, defined by post and wire fencing, shall be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and

the Q100 floodplain as illustrated in the site Development Plan (Drainage Assessment – Appendix A – 31 January 2023).

Reason: To ensure the development will not have an adverse effect on the integrity of any European site.

20. Prior to occupation of any part or phase of the development within the area marked 'Major Area of Existing Open Space' shaded purple on Drawing A01-Rev E, the pathway along the western and southern boundaries of the site shall be provided in accordance with Site Mitigation Plan 04/4 received by the Department 24 January 2025 and maintained thereafter.

Reason: To ensure public access to the site and to protect amenity.

21. After completing the remediation works under condition 10 and prior to occupation of any part or phase of the development, a Verification Report shall be submitted to and approved in writing by the Planning Authority. This report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The Verification Report shall present all the remediation and monitoring works undertaken including all the remedial measures detailed in the Pentland MacDonald Ltd Report No. PM18-1152 date stamped 21 December 2018 and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

22. A Landscape Management Plan(s) for each part or phase of the development, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Planning Authority prior to the occupation of that part or phase of the development. The Landscape Management Plan(s) shall be carried out as approved and reviewed at years 5, 10 and 15 (taken from the date the Plan was approved) and any further changes approved in writing by the Planning Authority.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long term maintenance.

23. No part or phase of the development shall proceed beyond sub-floor construction until an extension to the existing foul sewerage network to serve the development is provided. Foul connection shall be downstream of Largantogher Park CSO at a point agreed with NIWater.

Reason: To ensure a practical solution to the disposal of foul sewage from this site.

24. Uses within the site shall be restricted to *B2 Light Industrial* and *B4 Storage and Distribution* as defined in The Planning (Use Classes) Order (Northern Ireland) 2015.

Reason: To prevent the development of offices for *B1 Business* use which would be detrimental to the town centre.

25. The Invasive Species Management Plan dated February 2023 shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Planning Authority.

Reason: To prevent the spread of an invasive plant species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and to minimise the impact of the proposal on the biodiversity of the site, including protected species.

26. There shall be no external lighting on any part of the site until a Lighting Plan has been submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, and shall include the following:

- Specifications of lighting to be used across the site;
- All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, including low lighting levels to be used across the site; and
- A map showing predicted light spillage across the site (isolux drawing), which should clearly show less than 1.0 lux light spillage on vegetated boundaries.

Reason: To minimise the impact of the proposal on bats and other wildlife.

27. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be approved by the Planning Authority in writing and subsequently implemented and verified to the Planning Authority's satisfaction. Development works shall not resume without written approval from the Planning Authority.

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

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

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

29. If within a period of 5 years from the date of the planting of any tree, shrub, hedge, climber or ornamental grass, the aforementioned is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub, hedge climber or ornamental grass of the same species and size as that originally planted shall be planted at the same place.

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

30. No retained tree/vegetation as shown on Drawing No. 04/4 Site Mitigation Plan received by the Department 24 January 2025, shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread/root protection area in accordance with best practice guidance as recommended in BS5837: 2012 'Trees in Relation to Design Demolition and Construction' nor shall arboricultural or tree surgery works 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 Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998: 2010 'Tree Work Recommendations'.

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

31. If any retained tree as identified on site mitigation plan Drawing No. 04/4 date stamped received by the Department 24 January 2025, is removed, uprooted or destroyed or dies within 3 years from the date of completion of the relevant phase or within 3 years from the date of completion of the development whichever is the sooner, another tree or trees shall be planted at the same place and that / those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Planning Authority.

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

32. If tree roots are accidentally damaged, the Planning Authority shall be notified and given the opportunity to inspect the damage before it is covered over.

Reason: To ensure the protection of existing trees.

Informatives

1. Where conditions refer to the Planning Authority, if Mid Ulster District Council is the applicant for any application for approval of reserved matters pursuant to this outline permission, that application should be made to the Department. If the applicant for any application for approval of reserved matters is not Mid Ulster District Council, then that application may be made to the Council.

2. It is the responsibility of the developer to satisfy themselves that the development has commenced/is being carried out in compliance with all relevant conditions of the outline planning permission.

3. A Planning Agreement under section 76 of the Planning Act (Northern Ireland) 2011 has been made to ensure that from the commencement of development the applicants shall adhere to a number of commitments. A copy of the Planning Agreement has been registered as a statutory charge and is available through Land and Property Services.

4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Planning Authority or other statutory authority.

5. This permission does not confer title. It is the responsibility of the developer to ensure that they control all the lands necessary to carry out the proposed development.

6. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

7. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult Dfl Rivers accordingly on any related matters.

8. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of Dfl Rivers. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

9. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of Dfl Rivers. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

10. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Dfl Rivers office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

11. Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973, any proposals either temporary or permanent, in connection with the development which involves interference with any watercourses such as culverting, bridging, diversion, building adjacent to or discharging storm water etc requires the written consent of Dfl Rivers. This should be obtained from the Western Regional Office at Dfl Rivers Coleraine Area Office, Castleroe Road, Coleraine, BT51 3RL.

12. The developer, future purchasers and their successors in title should note that the access way and parking areas associated with this development are, and will remain, private. Responsibility for the access way and parking areas rests solely with the developer.

13. The applicant's attention is drawn to the following link, for standing advice on protection of the terrestrial and water environment:
https://www.daera-ni.gov.uk/articles/standing-advice-0

14. The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:
a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes the otter (*Lutra lutra*) and all species of bat;
b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
c) Deliberately to disturb such an animal in such a way as to be likely to;
i. Affect the local distribution or abundance of the species to which it belongs;
ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
iii. Impair its ability to hibernate or migrate;
d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or

e) To damage or destroy a breeding site or resting place of such an animal.
If there is evidence of bat and/or otter activity on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Wildlife Team, Northern Ireland Environment Agency, Clare House, 303 Airport Road West, Belfast BT3 9ED. Tel. 028 9056 9558 or 028 9056 9557.

15. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);
- damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- Disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Wildlife Team, Northern Ireland Environment Agency, Clare House, 303 Airport Road West, Belfast BT3 9ED, Tel. 028 9056 9558 or 028 9056 9557.

16. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- Disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.
It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

17. The applicant's attention is drawn to Article 15 of The Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence for any person to plant or otherwise cause to grow in the wild any plant included in Part II of Schedule 9 of the Order, which includes Japanese knotweed *(Fallopia japonica)*. This highly invasive plant species has been recorded on site and control measures must be taken to ensure that any works do not cause it to spread either on or off the site. Japanese knotweed spreads entirely via fragments of plant material or rhizome (root) material. Any soil, containing such material, which is removed off site, is classified as controlled waste under the Controlled Waste Regulations (Northern Ireland) 2002 (as amended). The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 (as amended) places a duty of care on 'anyone who produces, imports, stores,

transports, treats, recycles or disposes of waste to take the necessary steps to keep it safe and to prevent it from causing harm, especially to the environment or to human health'. In the case of Japanese knotweed it is the duty of the waste producer to inform the licensed waste carrier and licensed landfill site that the controlled waste material contains Japanese knotweed as part of the waste transfer process.
Please see the following link for Best Practice Guidance:
https://invasivespeciesni.co.uk/
Further advice can be sought from the Wildlife Team, Northern Ireland Environment Agency, Wildlife Team, Northern Ireland Environment Agency, Clare House, 303 Airport Road West, Belfast BT3 9ED. Tel: 028 905 69605

18. The applicant's attention is drawn to Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence for any person to plant or otherwise cause to grow in the wild any plant which is included in Part II of Schedule 9 of the Order, which includes Himalayan Balsam. This highly invasive plant species has been recorded on site and control measures must be taken to ensure that any works do not cause it to spread either on or off the site. Any soil, containing Himalayan Balsam plant or seed material, which is removed off site, is classified as controlled waste under the Controlled Waste Regulations (Northern Ireland) 2002 (as amended). The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 (as amended) places a duty of care on 'anyone who produces, imports, stores, transports, treats, recycles or disposes of waste to take the necessary steps to keep it safe and to prevent it from causing harm, especially to the environment or to human health'. In the case of Himalayan Balsam, it is the duty of the waste producer to inform the licensed waste carrier and licensed landfill site that the controlled waste material contains Himalayan Balsam as part of the waste transfer process.
Please see the following link for Best Practice Guidance:
https://invasivespeciesni.co.uk/
Further advice can be sought from the Wildlife Team, Northern Ireland Environment Agency, Wildlife Team, Northern Ireland Environment Agency, Clare House, 303 Airport Road West, Belfast BT3 9ED. Tel: 028 905 69605

19. The applicant's attention is drawn to the Welfare of Animals Act (Northern Ireland) 2011 which indicates that it is an offence to cause unnecessary suffering to any animal. There are wild animals such as rabbits present on site. To avoid any breach of the Act through entombment or injury to animals on site the applicant should ensure that best practice techniques are applied during construction works. Advice on working with wildlife is available from the CIRIA online knowledge base at www.ciria.org.

20. The applicant should comply with all the relevant NIEA Standing Advice documents and Guidance for Pollution Prevention (PPG/GPPs) in order to minimise the impact of the project on the environment. Paying particular attention to:

- Understanding your environmental responsibilities - good environmental practices: GPP 1
- Above ground oil storage tanks: GPP 2
- Use and design of oil separators in surface water drainage systems: GPP 3
- Treatment and disposal of wastewater where there is no connection to the public foul sewer: GPP 4
- Works and maintenance in or near water: GPP 5
- Working at construction and demolition sites: PPG 6
- The safe operation of refuelling facilities: PPG 7

- Safe storage and disposal of used oils: GPP 8
- Dewatering underground ducts and chambers: GPP 20
- Pollution incident response planning: GPP 21
- Dealing with spills: GPP 22
- Safe Storage of Drums and Intermediate Bulk Containers (IBCs): GPP 26
- Installation, Decommissioning and Removal of Underground Storage Tanks: PPG27
- CIRIA guidance documentation C532 'Control of water pollution from construction sites: guidance for consultants and contractors.
- The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance.
- The applicant must refer and adhere to the relevant precepts in DAERA Standing Advice - Discharges to the Water Environment.
- Water Management Unit would recommend that the applicant adheres to the all the relevant precepts contained in Standing Advice - Sustainable Drainage Systems.
- Water Management Unit recommends the applicant refer and adhere to all the relevant precepts contained with Standing Advice - Commercial and Industrial Developments. The applicant should note that the above list is not exhaustive.

21. NIEA Standing Advice can be viewed at: https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries Guidance for Pollution Prevention (PPG/GPPs) documents can be obtained at: https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/ CIRIA Guidance can be obtained here: https://www.ciria.org/ci/Civil_infrastructure/CIRIA_guidance.aspx

22. The contractor / person carrying out the works is responsible for ensuring that any and all required mitigation measures are in place and ultimately under the Water (Northern Ireland) Order 1999 is liable for any discharge or deposit, whether knowingly or otherwise, of any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata.

23. It is an offence under the Water (Northern Ireland) Order 1999 to discha ge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

24. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

25. The purpose of the conditions 10, 11, 21 & 27 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

26. Regulation Unit NIEA recommends that the applicant consult with the Water Management Unit in NIEA regarding any potential dewatering that may be required during the development including the need for a discharge consent. Discharged waters should meet appropriate

discharge consent conditions. Further information can be obtained from: http://www.daera-ni.gov.uk/articles/regulating-water-discharges

27. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorised through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:
http://www.daera-ni.gov.uk/articles/waste-management-licensing
https://www.daera-ni.gov.uk/services/exemptions-waste-management-licensing-public-register
https://www.daera-ni.gov.uk/articles/regulating-water-discharges

28. The applicant should ensure to comply with the Waste Duty of Care with respect to any waste materials taken on to or taken off site. Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 imposes a duty of care on anyone who handles controlled waste. When waste transfers from one person to another, a waste transfer note and/or hazardous waste consignment note must be completed, signed and kept by the parties involved. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 set out the requirement to complete waste transfer notes for waste movements and the Hazardous Waste Regulations (Northern Ireland) 2011 set out the requirement to complete hazardous waste consignment notes for the transfer of hazardous waste. Further information can be obtained from: http://www.daera-ni.gov.uk/articles/duty-care
http://www.daera-ni.gov.uk/articles/hazardous-waste

29. In accordance with Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997, a Waste Management Duty of Care Code of Practice for Northern Ireland June 2016 required by law exists. This code of practice provides practical guidance to everyone subject to the Waste Duty of Care. In Northern Ireland the Primary responsibility for duty of care sits with the waste producer and therefore they should ensure they make the appropriate checks as set out in the Code of Practice for Northern Ireland in relation to waste produced. Further Information can be obtained from: https://www.daera-ni.gov.uk/publications/waste-management-duty-care-code-practice

30. Any contaminated soils and soil type materials require its hazardous properties to be firstly classified and assessed in accordance with Technical Guidance WM3- Waste Classification: Guidance on the classification and assessment of waste (1st edition v1.1, May 2018). Classifying a waste correctly is a legal requirement that helps to ensure that the waste is managed appropriately. NIEA therefore expects businesses to be able to demonstrate that any waste classifications based on sample results are reliable and as such conducted in line with Appendix D: Waste Sampling of Technical Guidance WM3. Further information can be obtained from: https://www.gov.uk/government/publications/waste-classification-technical-guidance.

31. Regulation 17 of the Waste Regulations (Northern Ireland) 2011 imposes a duty on waste operators to comply with the European Waste Hierarchy. After a hazardous waste assessment is completed then the options for managing this waste should be further considered taking into account the European Waste Hierarchy. The applicant should be reminded that Landfill Waste Acceptance Criteria (WAC) are not relevant to a hazardous waste classification. A WAC test will not identify whether a waste is hazardous or non-hazardous waste. Before a waste can be disposed of, it must be classified as being either

hazardous or non-hazardous, using the characterisation assessment and analysis described by the WM3 Technical Guidance. Then, if a waste hierarchy assessment determines that disposal to landfill is the appropriate disposal option for the waste, chemical WAC testing must be undertaken for wastes destined for inert, stable nonreactive hazardous or hazardous classes of landfill. Further information can be obtained from: https://www.gov.uk/government/publications/waste-classification-technical-guidance.

32. Should the materials be classified as hazardous waste then this material will need to be consigned off site as hazardous waste. NIEA should receive the waste consignment notices 72 hours in advance of any movements off site and waste materials moved off site only by a registered carrier (i.e. ROC permitted). Further information can be obtained from: http://www.daera-ni.gov.uk/articles/hazardous-waste#toc-3 http://daera-ni.gov.uk/publications/guide-consigning-hazardous-waste

33. Certain types of work with asbestos in soils and construction and demolition (C&D) materials can only be done by those who have been issued with a license by Health and Safety Executive NI. This is work which meets the definition of 'licensed work with asbestos' in Regulation 2(1) of the Control of Asbestos Regulations (Northern Ireland) (2012) (the Regulations). These Regulations can be viewed at: https://www.legislation.gov.uk/nisr/2012/179/contents/made

34. The Regulations and the accompanying Approved Code of Practice and the guidance (The Control of Asbestos Regulations 2012: Managing and working with asbestos (L143)) apply to all work with asbestos, including managing the risks related to exposure to asbestos from work with asbestos contaminated soil or C&D materials in addition to CL:AIRE's Industry Guidance entitled: Control of Asbestos Regulations 2012, Interpretation for managing and working with asbestos in soils and C&D materials 2016 that can be viewed at: htttp://www.claire.co.uk/projects-and-initiatives/asbestos-in-soil.

35. All works associated with asbestos contaminated land must be carried out by competent persons so that the site reports can be relied upon and works completed in compliance with the Regulations and in a manner likely to minimise consequential risks.

36. Full regard shall be given to all relevant and current guidance and standards during any additional investigation and monitoring works and the remediation and verification processes. Such detail shall be incorporated within any reports required to be submitted prior to approval by the Planning Authority in consultation with Mid Ulster District Council and the Northern Ireland Environmental Agency.

37. Whilst Mid Ulster District Council Environmental Health Department has assessed the application based on the information provided, it ultimately is the responsibility of the developer, to ensure the development is safe and suitable for the purpose for which it is intended and that any unacceptable risks from contamination will be successfully addressed through remediation. He/she should recognise the importance of ensuring thorough and competent professional assistance supported by professional indemnity insurance.

38. It is advised that other relevant regulatory stakeholders include - Building Control, Northern Ireland Environment Agency and Health and Safety Executive NI. Building Control approval is required to confirm that given the ground condition, they are satisfied that all necessary precautions have been taken to protect the occupants of properties on the Site from

contamination risks. Northern Ireland Environmental Agency are the regulatory body with regard to protection of waterways from pollution and as such provide written comment with regard to submitted information relevant to contamination of groundwater and surface water receptors. Health and Safety Executive NI are the regulatory body with regard to construction sites and as such should provide written comment with regard to submitted information relevant to health and safety and in particular the specific potential risks posed by potential exposure from a contaminated site.

39. The Programme of Archaeological Work dated 7 September 2018 is unacceptable. For guidance on the preparation of the Written Scheme and Programme of Archaeological Work (POW) under condition 12 please refer to the HED guidance document "Development and Archaeology: Guidance on Archaeological Works in the Planning Process" which contains advice on how to fulfil the requirements of the archaeological conditions attached to your planning approval. Please allow sufficient time in advance of the commencement of site works for agreement of the POW document with the Planning Authority and for your archaeological consultant to obtain an archaeological excavation licence to undertake the required archaeological work. For guidance on the preparation of the POW please contact the relevant HED Historic Monuments Planning Team casework archaeologist: Tel: 02890 823100, Email: HEDPlanning.General@communiunties-ni.gov.uk. Quote reference: SM11/1 LOY 36.33 and LA09/2019/0024/O.

40. There is available capacity at the Waste Water Treatment Works. There is no public foul sewer within 20m of the proposed development boundary however access is available via extension of the existing foul sewerage network. The Applicant is required to submit an application to requisition a sewer extension, external to the site (Article 154). Applications and guidance documents can be found at www.niwater.com at the following link - https://www.niwater.com/services-for-developers_multi-unit-developments_wastewater-services_sewer-requisition/.

41. There is a public water main within 20m of the proposed development boundary which can adequately service these proposals. An application to NI Water is required to obtain approval to connect. Applications and guidance notes can be found at www.niwater.com at the following link – https://www.niwater.com/services-for-developers/multi-unit-developments/water-services/new-water-connections/.

42. With regard to condition 23, the foul connection shall be downstream of Largantogher Park CSO. The applicant should refer to correspondence from NI Water Impact Assessment team dated 23/01/25 regarding the details of the foul connection.

43. Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants should contact NI Water's Water Fittings Regulations team via waterline@niwater.com if they have any queries. Upon receipt of these comments and to discuss any areas of concern, the applicant is advised to contact Waterline on 03457 440088 or waterline@niwater.com. Alternatively, guidance notes and application forms are available to download from NI Water website at https://www.niwater.com. If during the course of developing the site the developer uncovers a pipe not previously evident, NI Water should be

contacted immediately via Waterline 03457 440088. NI Water will carry out an investigation, and provide guidance and direction in respect of any necessary measures to deal with this issue.

Dated: 8th July 2026 Authorised Officer [redacted]