



APPROVAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: LA09/2019/0025/F

Date of Application: 21 December 2018

**Site of Proposed
Development:**

Former Maghera High School, Tobermore Road, Maghera

Description of Proposal:

Proposed development of existing brownfield site for development of new internal access road/footpaths, improved access including right hand turning lane, alteration of existing levels to provide platforms for future development, installation of utilities, installation of site fencing, clearance of undergrowth vegetation and associated site works to support future mixed use and enterprise centre/business units

Applicant: Mid Ulster District Council

Agent:

Address: 76-78 Burn Road
Cookstown
BT80 8DR

Address:

Drawings Nos. 01/2, 02/3, 03/2, 04/2, 05/1, 06/1, 07/1, 08/2, 10/2, 11, 12/4, 13, 14/1

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

GRANTS 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 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

2. No development shall commence until a final Construction Environmental Management Plan (CEMP) is submitted to and agreed 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

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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(s) and to ensure effective avoidance and mitigation measures have been planned for protection of the water environment.

- 3.** No development 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.

- 4.** No 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 to 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.

- 5.** No site works of any nature or development 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.

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

6. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 5.

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

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. No part of the development hereby permitted shall commence until a Landscaping scheme is submitted to and approved in writing by the Planning Authority. The Landscaping scheme shall be in general accordance with the Site Mitigation Plan 12/4 date stamped received 24 January 2025, shall include 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 and in accordance with the approved details.

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

8. 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 hereby approved are complete and all plant and machinery has been removed from the site.

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.

9. No development shall commence until a scheme for provision of flood warning signage and an evacuation plan in the event of flooding has been 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.

10. No development, ground preparation or vegetation clearance, 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





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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.

11. No development, 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 under the supervision of a competent ecologist.

Reason: To protect badgers and their setts.

12. No other development hereby permitted shall be commenced until the road works indicated on Drawing No. 08/2 bearing the date stamp 19 December 2019 have been fully completed in accordance with the approved plans.

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

13. The vehicular access including visibility splays shall be provided in accordance with Drawing No. 08/2 bearing the date stamp 19 December 2019 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

14. Prior to the commencement of any construction works and for the duration of the construction phase, a clearly defined buffer of at least 10m 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.

15. Prior to the construction of the drainage network, a Drainage Assessment shall be submitted to and approved in writing by the Planning Authority. The Drainage Assessment shall be compliant with 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 fully implemented as part of development hereby permitted.

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

16. Prior to any occupation of any part 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

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and southern boundaries of the site shall be provided in accordance with Drawing No. 12/4 Site Mitigation Plan date stamped received 24 January 2025 and maintained thereafter.

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

17. After completing the remediation works under Condition 3 and prior to occupation of any part of the development or within 3 months of completion of the approved scheme whichever is sooner, 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 received 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.

18. A Landscape Management Plan(s), 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 occupation of any part of the development or within 3 months of completion of the approved scheme whichever is sooner. 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.

19. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary.

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

20. Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

21. The developer shall upon completion, and prior to scheme opening of the road works as indicated on Drawing No. 08/2 bearing the date stamp 19 December 2019, conclude Stage 3 Road Safety Audit in accordance with DMRB GG 119 Road Safety Audits.

Reason: In the interests of road safety.

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





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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.

- 23.** There shall be no external lighting on 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.

- 24.** 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 its 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.

- 25.** 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 the programme of archaeological work approved under condition 5. 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 agreed 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.

- 26.** 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.

- 27.** No retained tree as shown on Drawing No. 12/4 Site Mitigation Plan date stamped received 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'





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nor shall arboricultural 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 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 afforded by existing trees.

- 28.** If any retained tree as identified on Site Mitigation Plan Drawing No. 12/4 date stamped 24 January 2025, is removed, uprooted or destroyed or dies within 3 years from the date of completion of the development, 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.

- 29.** 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 not the developer, applications for discharge of conditions may be made to the Council. Where the developer is Mid Ulster District Council, applications for discharge of conditions shall be made to the Department.
- 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 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 DfI Rivers accordingly on any related matters.

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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 DfI 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 DfI 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 DfI 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 DfI Rivers. This should be obtained from Western Regional Office at DfI Rivers Coleraine Area Office, Castleroe Road, Coleraine, BT51 3RL.
12. Highway design and construction shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges.
13. 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. Maintenance responsibility for the access way and parking areas rests solely with the developer.
14. Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.
15. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.
16. Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in a street. The Street Works Licence is available on personal





application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG.

17. The developer is required to enter into a licence agreement with the DfI Roads for the carrying out of the road works approved, prior to the commencement of any works to the public road network. The licence agreement shall be issued through the Network Planning Section, DfI Roads – Western Division, Co Hall, Omagh and the developer should allow up to three months for completion of the licence. Accordingly the developer is advised to make an early personal application for the issue of the licence. He should also initiate early discussions for the satisfactory programming of the road works with the Private Streets Engineer.

18. The developer should note that as the application site is developed, each applicant of the internal individual sites will require to demonstrate that the public road network including the queuing length of the right turn lane can facilitate that additional development. This assessment should be based on cumulative impact as the development of the site progresses as generally referred to in the submitted Traffic Assessment Form (TAF).

19. 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>

20. 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, Clare House, 303 Airport Road West, Belfast BT3 9ED, Tel. 028 9056 9558 or 028 9056 9557.

21. 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, Clare House, 303 Airport Road West, Belfast BT3 9ED. Tel. 028 9056 9558 or 028 9056 9557.

22. 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.

23. 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

24. 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

25. 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

26. The applicant should comply with all the relevant NIEA Standing Advice documents and Guidance for Pollution Prevention (PGP/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: PPG6
- 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 & Culverting.
- 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.



27. NIEA Standing Advice can be viewed at:
<https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effectwater-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-gppdocuments/>
CIRIA Guidance can be obtained here:
https://www.ciria.org/ci/Civil_Infrastructure/CIRIA_guidance.aspx
28. 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.
29. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.
30. 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.
31. The purpose of the conditions 3, 4, 17 & 26 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.
32. 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>
33. The applicant should ensure that the management of all waste materials onto and off this site 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>
34. The applicant should ensure to comply with the Waste Duty of Care with the respect to any waste materials taken onto or take 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) 2011 set out the requirements 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>

35. 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: <http://www.daera-ni.gov.uk/publications/waste-management-duty-care-code-practice>
36. 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: <http://www.gov.uk/government/publications/waste-classification-technical-guidance>
37. 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 or non-hazardous waste. Before a waste can be disposed of, it must be classified as being hazardous or non-hazardous, using the characterization 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: <http://www.gov.uk/government/publications/waste-classification-technical-guidance>
38. Should the materials be classified as hazardous waste then this material will need to be consigned of 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 and waste materials moved off site only by a registered carrier (i.e ROC permitted). Further information can be obtained from: <http://daera-ni.gov.uk/articles/hazardous-waste#toc-3> <http://www.daera-ni.gov.uk/publications/guide-consigning-hazardous-waste>
39. 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 HSENI. 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>





40. The Regulations and the accompanying Approved Code of Practice and guidance (The Control of Asbestos Regulations 2012: Managing and working with asbestos (L143)) apply to all work 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: <http://www.claire.co.uk/projects-and-initiatives/asbestos-in-soil>
41. 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 be minimise consequential risks.
42. 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 Planners in consultation with the Planning Authority, Mid Ulster District Council and the Northern Ireland Environmental Agency.
43. It is advised that the 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 and 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 contaminated site.
44. The Programme of Archaeological Work dated 7th September 2018 is unacceptable. For Guidance on the preparation of the Written Scheme and Program of Archaeological Work under condition 5 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 program of archaeological work (POW) document with the planning authority and for your archaeological consultant to obtain an archaeological excavation license to undertake the required archaeological work. For guidance on the preparation of the programme of the archaeological work please contact the relevant HED Historic Monuments Planning Team casework archaeologist: Tel: 02890823100 Email: HEDPlanning.General@communities-ni.gov.uk Quote reference: [SM11/1/LOY3633](#) and [LA09/2019/0025/F](#)
45. 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/>.





46. 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/>.
47. 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.
48. 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 this statutory consultation 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

