

PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA03/2023/0131/F**

Date of Application: **14 February 2023**

Site of Proposed
Development:

**6A Caulside Drive, Newpark Industrial Estate, Antrim, BT41
2DU**

Description of Proposal:

**Change of use of existing waste transfer building to a
thermal recovery building utilising a 3MW combined heat
and power plant and including external changes to the
building involving an increase in height, installation of 2no.
stacks and air-cooled condensers and other associated
development and site works such as drainage infrastructure
and landscaping**

Applicant: Ronan McQuillan
Address: 6A Caulside Drive
Newpark Industrial Estate
Antrim
BT41 2DU

Agent: Jennifer Mawhinney
Address: MBA Planning
4 College House
Citylink Business Park
Belfast

Drawing Ref: 01, 02, 05, 06, 07, 08
Document: Chapter 6 and Chapter 7 of the Environmental Statement

The Council in pursuance of its powers under the above-mentioned Act 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. The development hereby permitted must be begun within five years from the date of this permission.

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

2. The waste materials to be accepted at the facility hereby approved shall be restricted to those falling within the European Waste Catalogue Codes listed in Appendix One attached below.

Reason: In the interest of amenity of residents living in the surrounding area.

3. The cumulative level of noise arising from the operation of the approved development shall not exceed a noise rating level of;

- 45dB LAr, 1hr between 07:00 and 23:00 hours, and
- 40dB LAr, 15mins between 23:00 and 07:00 hours,

Including any character correction, and assessed in line with BS4142:2014 +A1:2019, at any nearby noise sensitive receptors.

Reason: In order to protect amenity at nearby sensitive receptors.

4. Within 4 weeks of a written request by the Council, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the site operator shall, at his/her expense employ a suitably qualified and competent person, to assess the cumulative level of noise arising from the approved development, at the complainant's property. Details of the noise monitoring survey shall be submitted to the Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: In order to protect amenity at nearby sensitive receptors.

5. Should the cumulative level of noise arising from the approved development, measured within Condition 4 exceed the levels stated within Condition 3, then mitigation measures to reduce noise levels will be agreed in writing and carried out within a timeframe specified by the Council. Within one month of the completion of further works, a noise survey shall be completed and submitted to the Council to demonstrate the noise levels stated within Condition 3 are not exceeded.

Reason: In order to protect amenity at nearby sensitive receptors.

6. The approved development shall operate in line with the Mitigation/Recommendations detailed within Chapter 6 of Volume II: Environmental Statement, date stamped 14th February 2023.

Reason: In order to protect amenity at nearby sensitive receptors.

7. No HGV movements are permitted within the site between the hours of 1900 to 0700.

Reason: In order to protect amenity at nearby sensitive receptors.

8. All external doors, including roller shutter doors, shall be kept in the closed position except for access and egress.

Reason: In order to protect amenity at nearby sensitive receptors.

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

The methodology is available at:

<http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environmentagency.gov.uk/scho0501bitt-e-e.pdf>.

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

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

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

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

11. After completing any remediation works required under Condition 10 and prior to operation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by a competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

12. Prior to discharge to watercourses, any surface water generated during the construction and operation phases of the development must first pass through appropriate treatment, such as sediment traps and hydrocarbon interceptors.

Reason: To prevent adverse impacts on the features of the designated sites.

13. During the construction and operational phase of the development all methods and mitigation measures referred to in Paragraphs 7.101 and 7.136 to 7.158 of Chapter 7 of the Environmental Statement date stamped 14th February 2023 must be carried out.

Reason: To prevent adverse impacts on the features of the designated sites.

14. No more than 4,650 tonnes per annum of waste shall be treated at the facility.

Reason: In order to ensure compliance with the environmental effects detailed within the ES.

15. In the event of the facility ceasing to operate for a period of 6 months a scheme for the restoration of the site to include the removal of stacks hereby approved shall be submitted and agreed in writing with the Council within 3 months. The work as approved shall be completed within 3 months of receiving approval.

Reason: To ensure the proper restoration of the site in the interests of visual amenity.

Informatives

1. All construction plant and materials shall be stored within the curtilage of the site.
2. 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.
3. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
4. 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 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 activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

5. 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 (e.g. between 1st March and 31st August).

6. The purpose of the above conditions are to ensure that the site risk assessment and remediation work is undertaken to a standard that enables safe development and enduse 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.
7. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized 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:

<https://www.daera-ni.gov.uk/articles/waste-management-licensing>
<https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions>
<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>
8. NIEA Regulation Unit recommend that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent Conditions.
9. NIEA Regulation Unit Land & Groundwater Team would recommend that the applicant considers the production of a Site Waste Management Plan (SWMP) for this proposed development.

SWMPs are promoted as an example of best practice in the construction industry and a SWMP is a document that describes, in detail, the amount and type of waste from a construction project and how it will be reused, recycled or disposed of. Following the SWMP procedure could help to reduce the amount of waste produced and will help manage waste more effectively. Further information can be obtained from:

<http://www.netregs.org.uk/environmental-topics/waste/storage-handling-and-transportof-waste/site-waste-management-plans/site-waste-management-plans-swmp/>
<https://www.nibusinessinfo.co.uk/content/what-site-waste-management-plan-shouldcontain>

10. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Industrial and Commercial Developments The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance.
11. The applicant must refer and adhere to the relevant precepts in DAERA Standing Advice Discharges to the Water Environment.

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.
12. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.
14. 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.
15. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
16. This permission grants planning consent only and other statutory approvals may be required.

Dated: 4th April 2024

Authorised Officer: 