



# DOE

Department of  
the Environment  
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## APPROVAL OF PLANNING PERMISSION

Planning (Northern Ireland) Order 1991

Application No: **Z/2013/1473/F**

Date of Application: **18th December 2013**

Site of Proposed Development: **Land adjacent to Victoria Terminal 4  
West Bank Road  
Belfast Harbour  
Belfast  
BT3 9JL**

Description of Proposal: **Proposed land reclamation in Belfast Lough, adjacent to Victoria Terminal 4 for the purposes of port related operations.**

Applicant: **Belfast Harbour Commissioners**  
Address: **c/o agent**

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

Drawing Ref: **01, 02, 03, 04A**

The Department of the Environment in pursuance of its powers under the above-mentioned Order 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 Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. Construction of the development hereby approved shall not commence until a construction management strategy has been submitted to and approved in writing by the Department. Such a strategy shall include the following matters:
  - details of the area(s) subject to construction activity and the storage of materials and equipment;
  - details of cranes and other tall construction equipment (including the details of obstacle lighting) – Such schemes shall comply with Advice Note 4 ‘Cranes and Other Construction Issues’ (available at <http://www.aoa.org.uk/policysafeguarding.htm>)
  - control of activities likely to produce dust and smoke etc.
  - details of temporary lighting – Such details shall comply with Advice Note 2 ‘Lighting Near Aerodromes’ (available at <http://www.aoa.org.uk/policysafeguarding.htm>)

The approved strategy (or any variation approved in writing by the Department) shall be implemented for the duration of the construction period.

Reason: To ensure that construction work and construction equipment on the site and adjoining land does not breach the Obstacle Limitation Surface (OLS) surrounding Belfast City Airport and endanger aircraft movements and the safe operation of the aerodrome through interference with communication, navigational aids and surveillance equipment.

3. Prior to the commencement of works for development hereby approved, the developer / applicant shall submit, in writing, a report that demonstrates how the proposed development and/or any associated construction equipment or methods, will not impair the performance of communication, navigational aids and surveillance equipment required for the safe operation of Belfast City Airport. This report shall be agreed in writing by the Department.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of Belfast City Airport through interference with communication, navigational aids and surveillance equipment.

4. Prior to the commencement of construction of the development hereby approved, a Navigational Aids Impact assessment shall be submitted to and approved in writing by the Department. The development shall be carried out, and thereafter operated in accordance with the approved Navigational Aids Impact assessment scheme (or any variation thereof approved in writing by the Department).

Reason: To ensure the development does not endanger the safe movement of aircraft



or the operation of Belfast City Airport through interference with communication, navigational aids and surveillance equipment.

5. Construction works associated with the development hereby approved shall not be carried out between the hours of 19:00 and 07:00 Monday to Friday and between the hours of 19.00 and 09.00 on Saturdays and Sundays.

Reason: To protect any nearby residential properties from noise pollution.

6. No works shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to, and agreed in writing by, the Department. This should reflect all the mitigation, and avoidance measures to be employed as outlined in the Environmental Statement, bearing the date stamp 18 Dec 2013.

Reason: To ensure effective awareness and mitigation of the environmental risks associated with this development.

7. The appointed contractor(s) undertaking the work for the construction of the development hereby approved shall work to the agreed CEMP as mentioned in Condition No 6 of this planning approval.

Reason: To prevent any adverse impacts on the selection features of Belfast Lough SPA/ Belfast Lough Open Water SPA/Inner Belfast Lough ASSI/Outer Belfast Lough ASSI.

#### Informatives

1. Under the Marine and Coastal Access Act, 2009, the developer/applicant is required to apply for and obtain a Marine Licence prior to the commencement of any works for the construction of the development hereby approved. To apply for a Marine Licence please contact the Marine Licensing Team, DOE Marine Division, Millennium House, 17-25 Great Victoria Street, Belfast, BT2 7BN, Tel: 028 90416724.
2. 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 common seal (*Phoca vitulina*) and grey seal (*Halichoerus grypus*). It is also an offence to intentionally or recklessly: disturb common or grey seals; damage or destroy, or obstruct access to, any structure or place which seals use for shelter or protection; damage or destroy anything which conceals or protects any such structure.
3. 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. Any accidental collision with a marine mammal should be reported immediately to the Department of Environment, Marine Division.
4. Speed restrictions of 10 knots should be applied to all vessels at all times during the



construction phase of the development within Belfast Lough to minimise the risk of collision by marine mammals and the potential disturbance caused by any wake of the vessels on the seal haul out sites nearby.

5. If there is evidence of seals on the site, advice must be sought from DoE Marine Division 1st Floor Millennium House, 17-25 Great Victoria Street, Belfast BT2 7BN, Telephone no. 028 90416768 or go to [www.doeni.gov.uk](http://www.doeni.gov.uk)
  
6. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European protected species included in Schedule II of these Regulations, which includes all species of dolphins, porpoises and whales and the marine turtle species: *Caretta caretta*, *Chelonia mydas*, *Lepidochelys kempii*, *Eretmochelys imbricata* and *Dermochelys coriacea*. It is also an offence to:
  - (a) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
  - (b) 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;
  - (c) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
  - (d) To damage or destroy a breeding site or resting place of such an animal

If you require further advice please contact the DoE Marine Division 1st Floor Millennium House, 17-25 Great Victoria Street, Belfast BT2 7BN, Telephone no. 028 90416768 or go to [www.doeni.gov.uk](http://www.doeni.gov.uk)
  
7. It is an offence under section 47 of the Fisheries Act (Northern Ireland) 1966 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks.
  
8. All construction or deposition works below the Mean High Water Spring Tide (MHWST) mark are subject to licensing under the Marine and Coastal Access Act 2009. The applicant/developer must contact the Marine Licensing Team, DOE Marine Division, Millennium House, 17-25 Great Victoria Street, Belfast, BT2 7BN, Tel: 028 90416724 to apply for a Marine Construction Licence.
  
9. 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.
  
10. The supporting documents state that the reclamation will be carried out using clean rock sourced from local authorised quarries. However, if waste is to be used for any



part of the development, then an authorisation will be required from Northern Ireland Environment Agency's Land Resource Management (NIEA LRM).

11. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
12. 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 the Rivers Agency. 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.
13. 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 the Rivers Agency. 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.
14. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency 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.
15. **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011**  
  
The applicant is advised to ensure that all plant and equipment associated with the proposal, is so situated, operated and maintained as to prevent the transmission of noise and vibration to nearby premises.
16. The applicant is advised to ensure that a traffic management plan is drafted and adhered to, ensuring that the potential for the generation of dust associated with activities undertaken at the site of the proposal does not have a negative impact on nearby properties.
17. The applicant is required to comply with the Control of Pollution (Oil Storage) Regulations (NI) 2010. A key requirement of the Regulations is that oil storage containers (including temporary storage) must have a secondary containment system (a bund, which is an outer wall or enclosure designed to contain the contents of an inner tank, or a drip tray) to ensure that any leaking oil is contained and does not enter the aquatic environment. Guidance on how the Regulations will apply to your development can be found at: [www.netregs.org.uk](http://www.netregs.org.uk)
18. Northern Ireland Environment Agency's Water Management Unit Pollution Prevention Team must be consulted regarding all work to be conducted in, near or liable to affect any waterway in order to agree the method statement with the



contractors prior to the commencement of any works.

The method statement should incorporate all mitigation measures identified to prevent pollution of the water environment during the construction, operation or maintenance phases of the project. These measures must be in place prior to the commencement of any works.

Works method statements should:

- Identify the perceived risks to a waterway, particularly from suspended solids, fuels, oil and hydrocarbons
- Identify potential pollution pathways,
- Detail mitigation measures that will be employed to minimise the risk of pollution to any waterway (as defined by the Water (NI) Order 1999) including:
  1. Use of settlement systems for settlement of suspended solids from site drainage
  2. Any works in a waterway must be conducted 'in the dry'. No machinery should enter any waterway at any time. NIEA WMU must be consulted prior to commencement of any such works
  3. To prevent pollution by fuel/oil from leaking machinery there must be regular inspections of machinery working near any waterway
  4. Safe refuelling, handling and storage practices for earth stockpiles and secondary containment for chemicals, oil, fuels etc
  5. Emergency spill procedures should be addressed

This list is not exhaustive and should be used as a starting point for considerations to be made.

19. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the site during construction phase. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
20. During construction phase of the development hereby approved, all construction plant and materials shall be stored within the curtilage of the site.
21. Although the site does not abut the public road, the developer should be aware that any damage caused to the public road network as a result of the works will be made good to the satisfaction of Roads Service by the developer at his own expense.
22. The applicant is advised that under Article 11 of the Roads Order (Northern Ireland) Order 1993, the Department for Regional Development is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road as a result of extraordinary traffic generated by the proposed development.



23. The Motor Vehicles (Authorisation of Special Types) Order (NI) 1997 requires that any abnormal loads using the public road network are notified to Roads Service. The application form can be obtained from [http://www.drdni.gov.uk/abnormal\\_loads\\_pdf.pdf](http://www.drdni.gov.uk/abnormal_loads_pdf.pdf)
24. The applicant/developer has a legal obligation under Part II of 'The Water (Northern Ireland) Order (1999)' to obtain the consent of the Department prior to discharging effluent into a waterway or underground stratum for commercial, industrial or domestic premises. This includes any discharge intended to be made from the proposed drainage system as detailed in the application for planning permission.
25. It is an offence under Part II, Article 7 of 'The Water (Northern Ireland) Order (1999)' to knowingly or otherwise discharge or deposit any poisonous, noxious or polluting matter so that it enters a waterway or water contained in any underground strata. This description includes suspended solids. The penalty if found guilty of such an offence under this Article is imprisonment for a term not exceeding 2 years, a fine or both. For further information please contact Northern Ireland Environment Agency – Water Management Unit (Telephone: 028 9262 3100).
26. The applicant's attention is drawn to the fact that the site adjoins to the boundary of Belfast Lough SPA/ Belfast Lough Open Water SPA and precautions should be taken to ensure its integrity will not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring within the designated site but outside the red line planning application boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and require consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA.
27. 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. It is also an offence to intentionally or recklessly take, damage or destroy the nest of any wild bird while that nest is in use or being built; or take or destroy an egg of any wild bird. If any person intentionally or recklessly disturbs any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or disturbs dependent young of such a bird they shall be guilty of an offence.

Dated: 11th September 2014

Authorised Officer

  
C. REVILLE

