



**WATER ABSTRACTION FACILITY
AND
WATER PIPELINE**

**LAND ADJOINING LOUGH NEAGH WEST OF 20 SHORE ROAD, 20 SHORE ROAD TO
JUNCTION OF SHORE ROAD/INGRAMS ROAD, FULL LENGTH OF INGRAMS ROAD,
JUNCTION OF INGRAMS ROAD/BALLYVANNON ROAD TO SITE OF PROPOSED
BIOMASS FUELLED POWER PLANT AT LAND 190M SOUTH WEST OF 29
BALLYVANNON ROAD AND 30M NORTH EAST OF 21 BALLYVANNON ROAD, NEAR
GLENAVY, COUNTY ANTRIM**

**FOR
ROSE ENERGY LIMITED**

PLANNING STATEMENT

OUR REF: 05/2332/C/W

MAY 2009

the
GRAHAM BOLTON PLANNING
partnership limited

The Graham Bolton Planning Partnership Ltd, is a Town Planning and Environmental Consultancy based in Manchester, England, established in 1986. The Practice primarily handles commercial projects including hospital and mental health developments, waste recovery and handling proposals, industrial and residential schemes. The Practice has expertise in projects which require separate Licensing or Permitting under Environmental Legislation and specialises in dealing with development proposals where both planning and environmental licensing is required.

The Practice includes amongst its specialisms projects involving the handling and treatment of agricultural wastes including animal by-products, and acts for a large proportion of the UK's rendering industry, a number of abattoirs and other businesses involved in animal by-products. Developments involving the handling, treatment and disposal of other waste streams are also an area of work covered by the Practice.

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1. INTRODUCTION

- 1.1 Rose Energy Limited submitted in June, 2008, a planning application, ref. S/2008/0630, to build a biomass fuelled power plant on a site off Ballyvannon Road, near Glenavy, adjacent to the industrial plant of Ulster Farm By-Products. As part of the production of energy, the plant requires water to create steam for driving the turbine to generate electricity and for cooling purposes. It was initially proposed that this would be sourced from local aquifers beneath the site off Ballyvannon Road. The applicant has decided that it is not possible to rely on the aquifers as a primary source of water and therefore has reverted to the option, which had been considered previously, to abstract water directly from Lough Neagh. This would guarantee a steady, constant and adequate supply of water to the proposed power plant.
- 1.2 The submitted Planning Application, supported by plans, this Planning Statement and the accompanying documents, seeks planning permission for a water abstraction facility on land adjoining Lough Neagh to the west of 20 Shore Road and a water pipeline which extends between this site along Shore Road, Ingrams Road and Ballyvannon Road to the site of the proposed biomass fuelled power plant.

2. SITE DESCRIPTION

- 2.1 The application site of the proposed water abstraction facility comprises a rectangular shaped area of land and a strip of water which lies to the west of 20 Shore Road together with the pipeline route from this land to the site of the proposed power plant on Ballyvannon Road.
- 2.2 The land along the eastern side of the lough forms part of the Lough Neagh Fringe Agricultural Landscape characterised by well maintained agricultural fields with hedgerows and mature trees. Nearer the shoreline, there are more trees and willow scrub which sometimes obscure direct views of Lough Neagh. South of the site is

Sandy Bay which provides water sport facilities, jetties and boat berths for the many recreational users of Lough Neagh. Immediately to the east of the application site is a modern detached dwelling and the grounds of No. 20 Shore Road.

- 2.3 The site of the water abstraction facility has a 22m wide frontage to the Lough. Additionally, it includes the area of water 6m from the southern bank of the land running 40m eastwards, to the end of the inlet which forms part of a manmade harbour. A rocky strip at the water's edge of Lough Neagh is excluded from the application site. Between Shore Road and the site boundary at Lough Neagh, the northern boundary is 90m wide and a further 4m longer along the southern boundary.
- 2.4 The land is semi-improved grassland with a few trees and spoil heaps near to the Lough. There is a 2m change of level as the land slopes gently from Shore Road down towards the lough edge. A field gate provides access to the land from the main road and the field is bounded by a stock fence with hedgerows along the north and south boundaries. A blue steel container and four trees lie to the east of a small inlet cut into the site which forms part of the manmade harbour.
- 2.5 The remainder of the application site is the route of the pipeline which follows part of Shore Road, the length of Ingrams Road and part of Ballyvannon Road to the proposed power plant which lies approximately 2km, north east of the proposed water extraction plant. These roads are largely straight, single carriageway public roads bounded by small verges and hedgerows.

3. DEVELOPMENT PROPOSAL

- 3.1 The water abstraction plant will be accessed via the existing field gate on Shore Road along a new 3.6m wide, hard cell grassed track which culminates at the entrance to the motor control centre (MCC) kiosk and the turning area at the pumping station. The pumping station would be located in the position of the raised area of former

dredging at the western end of the site. Water would be abstracted from the Lough at a small inlet situated between the pumping station and the MCC kiosk.

- 3.2 A 1200 x 1200mm concrete slab at the edge of the inlet would denote, at ground level, the position of the concrete headwall. The 450mm diameter pipe to the pumping station would be located behind a coarse grating affixed to the headwall from where water from the Lough would be abstracted at the point approximately 1m below the water surface.
- 3.3 The pumping station would not be visible above ground level as the sump and machinery would be below ground under a 4200mm x 8450mm brushed surfaced concrete slab containing two circular galvanised steel covers for the pump sump and valve chamber. The concrete slab and covers would be flush with the surrounding ground level and therefore this component would not be visible in the landscape.
- 3.4 Underground 100mm PVC cable ducts would link the pumping station to the MCC kiosk which would contain the control panels for the water abstraction operation. The MCC kiosk would be located in the position of the existing blue container on a new concrete plinth. It would be constructed in green coloured GRP (Glass Reinforced Plastic) measuring 2m x 3.4m and 2.4m high. Access to the kiosk would be via the double doors that would open outwards over the service road.
- 3.5 The pumping station will abstract approximately 160 m³ of water per hour during operational hours, approximately 7,700 hours per year. When operational, abstraction would take place continuously with two or three periods of shutdown in the year for boiler cleaning and maintenance.
- 3.6 The proposed pipeline from the pumping station to the power plant would be 280mm in diameter. At the pumping station and the power plant, it would be laid at a depth of 900mm below ground level while along the roads; it would be 1200mm deep. The

pipeline would be laid below the centreline of the three roads for a distance of 1.87km.

3.7 It is proposed that the existing substantial trees and the scrub vegetation on the shoreline will be retained as well as the existing hedgerows. Only the hedgerow along the boundary to Shore Road would be reinforced with new planting as the objective is to retain the openness of the site and hence the views of Lough Neagh.

3.8 Accompanying this planning application are the following plans:

- **Location Plan @ 1: 50,000**
- **Location- Site Plan @ 1:2500**
- **Site Plan @ 1:1250**
- **Site Topographical Survey – Ref. No. 091023/GA/01**
- **Site Plan Layout – Ref. No. 091023/GA/02**
- **Raw Water Pumping Station Details – Ref. No. 091023/GA/03**
- **Planting Plan – Ref. No. 0280.5.02 Rev. A**

4. GENERAL PLANNING POLICY

4.1 This is set out in a series of Planning Policy Statements (PPS) prepared by the Department of Environment (DoE) for Northern Ireland which are material to decisions on individual planning applications and appeals.

Planning Policy Statement 1: General Principles

4.2 This was adopted in 1998 and explains the general principles that the DoE use when carrying out planning functions and controlling development.

4.3. The Department recognises that it “*has the important and positive task of guiding appropriate development to the right places*” while protecting the natural and built

environment (para. 10). It identifies key themes which underlie the Department's approach to planning which includes sustainable development, quality development and design.

4.4 The aim of sustainable development is *"to deliver the objective of achieving, now and in the future, economic development to secure higher living standards while protecting and enhancing the environment"* (para. 11). The Department's aims for sustainable development include to:

- plan for the region's needs for commercial and industrial development, food production, minerals extraction, new homes and other buildings, while respecting environmental objectives;
- conserve both the archaeological and built heritage and natural resources (including wildlife, landscape, water, soil and air quality), taking particular care to safeguard designations of national and international importance;

4.5 Development Plans are material considerations and paragraph 45 acknowledges that *"the relevance of the Development Plan varies from application to application and that Plans cannot anticipate every possible development proposal that may be put forward during their lifespan and are often silent on issues raised by planning applications"*. In considering other material considerations and when determining planning applications, the Department will base its decision on planning grounds alone and para. 52 reaffirms that the planning system does not exist to protect the private interests of one person against the activities of another, although private interest may coincide with public interest in some cases.

Planning Policy Statement 2: Planning and Nature Conservation

4.6 This document explains the DoE's Planning Policy for Nature Conservation for the whole of Northern Ireland recognising that *"if Northern Ireland is to develop in a sustainable way, accommodating economic diversity and conserving its natural*

heritage, environmental and economic development strategies must be closely integrated and mutually supportive” (para. 10).

- 4.7 Lough Neagh and the site for the proposed Water Abstraction Facility and pipeline fall within the boundary of Lough Neagh Ramsar site. Para. 17 explains that the Convention on Wetland of International Importance, especially as Water Fowl Habitats (The Ramsar Convention), requires contracting parties to designate suitable wetlands for inclusion in the Ramsar List and to formulate and implement their planning so as to promote the conservation of wetlands and also, as far as possible, the wise use of all wetlands in their territory.
- 4.8 The Terrestrial Ecology Assessment commissioned by Rose Energy identifies the different types of important wetland habitats within the Ramsar site and other interesting vegetation types and confirms that none of these habitats is present within the proposed water abstraction site. Moreover, the site does not contain habitats suitable for any of the featured breeding bird species as these are situated outside the disturbance limits of the project. Whilst, there is potential to cause disturbance to wintering and breeding birds using Lough Neagh during construction, these works are unlikely to take place between October and March. If it is essential that construction needs to occur in the breeding season then an ecologist will advise on disturbance issues during the works period in conjunction with NIEA.
- 4.9 Lough Neagh qualifies under Ramsar Criterion 7 by supporting a population of pollan *coregonus autumnallis*. In the Ecological Assessment of the sensitivity of Lennymore Bay, Lough Neagh to small scale water abstraction, the survey results indicate that several areas of Lennymore Bay, including an area offshore of the proposed abstraction site, represent nursery areas for juvenile fish, including pollan. The littoral area adjacent to the proposed abstraction site supports putative pollan spawning habitats. The report concludes, however, that construction of the water abstraction facility is likely to have only minimal impact on the aquatic ecology, assuming that

inputs of contaminants and suspended solids are minimised and construction is timed to avoid periods of pollan spawning and egg incubation.

- 4.10 Lough Neagh is also designated as an Area of Special Scientific Interest (ASSI) and through the EC Council Directive on the Conservation of Wild Birds (The Birds Directive) it requires Member States to take special measures to conserve the habitats of certain particularly rare species and of migratory species, including the classification of Special Protection Areas (SPAs). The SPA at Lough Neagh has been selected for its importance as an area of breeding, over wintering and migrating birds and is included as one of the Natura 2000 (European Sites) Network. An Article 6 assessment, under the Habitat Regulations, carried out by MARENCO concluded that the project proposals will not have a significant adverse impact on the feature species of Lough Neagh SPA.
- 4.11 PPS2 explains at para. 24 that all Natura 2000 Sites are to be protected from deterioration or damage and that plans or projects likely to have a significant effect on such sites must be assessed to decide whether the nature conservation interest would be damaged. It continues that *“if it would, the plan or project can only proceed where there is no alternative solution and where it must be carried out for imperative reasons of overriding public interest”*. In balancing the protection of the ecology and new development, PPS2 explains in para. 27 that there is no intention to exclude human activities from European and Ramsar sites as *“the aim is to ensure that those activities are undertaken in ways which do not harm or threaten the nature conservation interest”* and by *“sensitive consultation it is important to ensure cooperation and commitment to the protection of these areas”*. Therefore, the process for assessing new development which may affect a designated Ramsar site requires that the most rigorous examination and consideration will be given to the location, size and significance of the proposed project and the scope and content of the environmental assessment which accompanies the proposal (para 39).

- 4.12 In considering development affecting sites of national importance such as Areas of Special Scientific Interest development proposals outside, but close to, the defined boundaries of a protected area must also be assessed “*to take into account the possible threats and its commitment to the wise use of all wetlands, as required by the Ramsar Convention*”. Where development is permitted then it is advised in para 57 that the Department will consider the use of conditions or planning agreements to ensure the protection and enhancement of the site’s nature conservation interest.
- 4.13 Although the application site falls within the designated Lough Neagh Ramsar Site, it is specifically excluded from the SPA and ASSI possibly because it is reclaimed land. However, its proximity to such designations, not least to the waters of Lough Neagh, has meant that due regard has been taken of these important habitats in the commissioned reports even though there is no evidence that the proposed site contains an important wetland habitat or is suitable for noted feature breeding bird species.

Planning Policy Statement 4: Industrial Development

- 4.14 This Planning Policy Statement was adopted in March 1997 and supersedes a number of the policies relating to industrial development in “A Planning Strategy for Rural Northern Ireland”. Unlike the Public Consultation Draft of PPS4, which was published in 2003, it does not contain specific planning policies. However, it recognises the importance of inward investment to the creation of small rural businesses in helping to maintain viable rural communities and the creation of economic diversity in such areas.
- 4.15 In considering sustainable development, the Government supports the concept contained in “Sustainable Development: The UK Strategy (1994)” as follows:

“Responsibility for the Environment is not solely the preserve of Government. The principles of sustainable development require the responsible use of manmade and natural resources by all concerned in a way that ensures that future generations are not left worse off”.

4.16 The paragraph advises that “*where there are significant risks of damage to the environment the Department will be guided by the proportionary principle that environmental protection will generally be paramount, unless there are imperative reasons of overriding public interest*”.

4.17 The locational requirements of industry are a key factor in the preparation of Development Plans and para. 15 explains that industry has always sought locational advantage in response to various external factors. These factors can include:

- the demands of customers;
- access to raw materials and suppliers;
- access to power suppliers and telecommunication network;
- links with other businesses, particularly those providing specialist services or knowledge;
- water and sewerage infrastructure;
- links with research institutions such as universities;
- workforce catchment areas; and
- transport considerations.

4.18 It is evident from the location of the proposed development that many of the above factors have influenced both the siting of the proposed biomass fuelled power plant and the water abstraction facility adjacent to Lough Neagh.

4.19 In assessing industrial development proposals, PPS4 notes that the characteristics of the industry are continuously changing and that it is not always appropriate to separate industry from rural or residential areas for which they provide employment and services. Para 29 itemises the criteria which proposals for the development of land for industrial purposes will be expected to meet. In summary:

- they must be compatible with the character of the surrounding area and adjacent land uses;
- they must not be likely to cause detriment to valuable areas or features of nature conservation interest and, where possible, should avoid the loss of high grade agricultural land;
- they must not result in a significant increase in traffic congestion or be a hazard to road safety; and
- they must not be likely to cause or exacerbate flooding and be capable of dealing satisfactorily with any emission or effluent.

4.20 The commissioned reports accompanying the planning application and the Environmental Statement address the first two criteria. The proposed development is compatible with the character of the surrounding area in terms of landscape and visual impact and it will not be detrimental to areas of nature conservation interest including the Ramsar, SPA and ASSI. The proposed water abstraction facility will not generate any traffic other than from maintenance workers visiting the site as there would be no permanent staff present and there would be no flooding, emission or effluent created by the facility.

4.21 When a proposal is found to be acceptable, PPS4 requires it to satisfy detailed planning requirements as follows:

- All buildings should be of a scale, design and finish appropriate to the locality, particularly where the development would be visible from main roads or other heavily used public areas.
- The proposal should include details of appropriate treatment of boundaries, means of enclosure and surfaces within the site.
- Proposals should provide for areas of outside storage to be adequately screened from public and neighbouring residential properties.
- Proposals should make for tree and hedgerow retention, supplementary planting and landscape management.

- Proposals should provide adequate access, car parking and manoeuvring areas.

4.22 In response to the above, the planning application and accompanying plans and reports detail that the only above ground structure would be a small green coloured kiosk that would assimilate with its surroundings, the site layout makes adequate provision for access, car parking and manoeuvring and existing trees and hedgerows would be retained with new planting along the Shore Road boundary.

4.23 Lastly, paragraph 47 considers Major Industrial Projects in the Countryside and it acknowledges that “*some new major industrial projects may require sites outside settlements because of their size or specific site requirements*”. It continues that such projects will be assessed taking account of:

- the contribution of the proposed development to the Northern Ireland economy;
- the availability of alternative sites; and
- the environmental effects.

4.24 The contribution of the proposed biomass fuelled power plant to the Northern Ireland economy is assessed in the Planning Statement which accompanies that planning application. This application is for associated development and the availability of alternative sites for the extraction of water has been considered. The Ecology Assessments and the Landscape and Visual Impact Assessment all conclude that the proposed development would have no significant impact on the Ramsar, ecological or landscape designations of Lough Neagh and the surrounding environs.

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

4.25 The importance of the industrial heritage is explained and it is against this background that archaeological evidence and its preservation in-situ within an appropriate setting is maintained. Therefore, the Department operates a presumption against proposals

which would damage or destroy such remains or which would have an adverse impact on their setting.

- 4.26 The Archaeological Desktop Assessment identifies the site as lying within an archaeologically sensitive area and recommends that archaeological testing takes place in relation to the proposed site for the water abstraction facility.

Draft Planning Policy Statement 14: Sustainable Development in the Countryside

- 4.27 The planning policies contained in this document were referred to on 25 October, 2007, in a Ministerial Statement made by Arlene Foster, Minister of the Environment and it was indicated that they should be accorded substantial weight in the determination of any planning application received after 16 March, 2006.

- 4.28 Draft Policy CTY1 states the presumption against development in the countryside with the exception of a limited number of types of development which are considered to be acceptable in principle. These include:

- Industry and business uses in accordance with PPS4
- Renewable energy projects in accordance with Policy PSU12 of PSRNI.

- 4.29 The justification emphasises that *“it is important to the well being of the rural community to continue to facilitate appropriate economic development opportunities in the countryside”* (para. 4.11) and that *“appropriate industrial and commercial enterprises will be facilitated”* (para. 4.14).

- 4.30 Draft Policy CTY10, Integration and Design of Buildings in the Countryside, allows planning permission for new buildings where they can be visually integrated into the surrounding landscape and they are of appropriate design. New buildings will be unacceptable where:

- a. They are a prominent feature in the landscape; or
 - b. The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
 - c. It relies primarily on the use of new landscaping for integration; or
 - d. Ancillary works do not integrate with their surroundings; or
 - e. The design of the building is inappropriate for the site and its locality.
- 4.31 The justification explains that the determination of whether new buildings integrate into the landscape is not a test of invisibility but rather whether they will blend unobtrusively with their surroundings.
- 4.32 The only building on the site would be the MCC kiosk which will be located on the site of an existing structure within a group of trees which will allow its integration into the landscape. It is a small building which, therefore, will not be prominent in the landscape as demonstrated in the Landscape and Visual Impact Assessment.
- 4.33 Lastly, the Draft PPS14 refers to the Water Framework Directive which provides an overarching framework for all existing Water Directives and has been transposed into Northern Ireland Legislation by the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003. The Directive sets the Framework for comprehensive management water resources in the European Community seeking a common approach and covers inland surface waters, estuarine and coastal waters and ground water. The objective of the Directive is to maintain the “high status” of waters where it exists, prevent any deterioration in the existing status of waters and achieve at least “good status” in relation to all waters by 2015.
- 4.34 The draft River Basin Management Plan for Neagh Bann, which will implement the Water Directive, is currently out for consultation. This identifies Lough Neagh as a heavily modified water body of poor status. One of the reasons for this poor quality is pollution from urban and rural land which includes nutrient enrichment. The reason for the Rose Energy project is to deal with poultry bedding which can no longer be

spread on land due to the Nitrates Directive which is aimed at improving water quality including the hyper eutrophic Lough Neagh.

5. REGIONAL DEVELOPMENT STRATEGY

5.1 There are two Regional Development Strategies relating to Northern Ireland. The Planning Strategy for Rural Northern Ireland was adopted in 1993 and covers all the towns, villages and countryside outside Belfast and Londonderry and the more recent Regional Development Strategy 2025 (RDS) published in 2004.

Planning Strategy for Rural Northern Ireland

5.2 Many of the strategic policies have been superseded by the Planning Policy Statements.

5.3 The Strategy sets out in Policy GB/CPA1 the establishment of Green Belts where there is a clear presumption against new development apart from a limited number of uses which are, in principle, appropriate to a rural location or there are overriding reasons why that development is essential and could not be located in a town or village or in a part of the countryside not subject to policy constraint.

5.4 The application has established that the proposed development is essential to the operation of the biomass fuelled power plant and could not be located elsewhere as it needs to be in proximity to Lough Neagh and the power plant site. Therefore, this overriding need would outweigh any harm to green belt policy although it is demonstrated in the Landscape Assessment that the proposed development would have detrimental effect on visual amenity of the Green Belt due to the small scale nature of the proposal.

Shaping our Future: Regional Development Strategy for Northern Ireland 2025

- 5.5 The RDS seeks to provide an over-arching strategic planning framework to facilitate and guide the public sector in respect of those elements of their strategies which have a spatial development perspective.
- 5.6 The proposed development site is identified as lying within the Green Belt and an Area of Scenic Quality in the spatial framework for the environment. The RDS contains the strategic planning guidelines for Green Belts which set out the need to conserve the natural environment by maintaining strict planning control in rural areas where development pressure is intense. Policy RN1 5.1 seeks to manage the use of rural resources to achieve a more sustainable pattern of development by controlling development in areas, particularly the main commuter zone around BMA where there is pressure for development, by means of green belts to maintain the rural character and tranquillity of the countryside.
- 5.7 A major theme in the strategy is the protection of the environment (Policies SPG-ENV1-4) and *“it identifies the value of the environment, not only as a natural and cultural resource, but also as an important economic resource with the potential to create and support business”*. It continues that

“there is a widespread perception that environmental constraints may limit development opportunities and so reduce employment. But this ignores the potential for new employment and recreation, tourism, conservation and technology. This could include agri-environment business, that is creating environmental goods, recreation resources, and business related to cleaning up the environment and eco management”.

- 5.8 The Spatial Framework for the Environment: Special Landscapes indicates that the application site lies within an Area of Scenic Quality and Policy SPG-ENV1 seeks to conserve the natural environment by conserving bio-diversity and protecting the

region's rich resource of lakes and rivers as a distinctive and attractive landscape feature and as important natural habitats and wildlife corridors. It seeks under Policy ENV1.2 to protect and manage areas designated for their scientific interests which includes Special Protection Areas (birds) and Special Areas of Conservation within the EU Natura 2000 Network or Ramsar sites (wetland). Policy ENV1.3 seeks to protect, manage and enhance the resources of woodland and hedgerows as features of environmental and historic significance and ENV1.4, protects, enhances and encourages appreciation of the region's landscapes including greenbelts and countryside policy areas.

- 5.9 In preparing the Strategic Rural Development Objectives and the principles of sustainable development, the RDS acknowledge that the need to sustain rural communities requires new development and employment opportunities which respect local, social and environmental circumstances. It continues that *“in this context the approach set out in SPG-RNI.1-RNI.5 is to conserve and enhance the environment, whilst improving the quality of the life of the rural communities and developing the rural economy”*.
- 5.10 In conclusion, the implementation of these policies is via the preparation of planning policies and development plans which are consistent with the strategy. Therefore, it states that planning policies and development plans will be in broad harmony with the strategic objectives and policies set out in the strategy subject to any need to take account of emerging trends.

6. LOCAL PLANNING POLICY

The Belfast Metropolitan Area Plan (BMAP) 2015 – Draft Plan, November 2004

6.1 The Public Inquiry into the draft plan is nearing completion, and when the plan is eventually adopted it will supersede the Belfast Urban Area Plan 2001, adopted in 1989.

Natural Environment

6.2 The BMAP Natural Environment Strategy comprises the following elements:

- Protection of areas designated for their international and national conservation importance;
- Protection and enhancement of biodiversity through protecting priority habitats identified in the Northern Ireland Biodiversity Strategy;
- Protection of local wildlife and natural features by designating Sites of Local Nature Conservation Importance (SLNCIs); and
- Designation of Local Landscape Policy Areas (LLPAs) to protect those features considered of great importance to the identity and local landscape settings.

6.3 The justification refers to Lough Neagh which has been designated for its national importance as an Area of Special Scientific Interest (ASSI), international importance as a Special Protection Area (SPA) and RAMSAR site. Outside the designated areas, further protection is afforded to features of the natural environment which are of importance to wild flora and fauna.

6.4 Policy ENV1, Protection of Biodiversity states:

“Planning permission will not be granted for development where there is potential for damage or harm to the integrity, continuity, links or ecological relationships of those habitats and species which are identified as priorities in the

Northern Ireland Biodiversity Strategy, or are otherwise of major importance for flora and fauna”.

- 6.5 The Terrestrial Ecology Assessment of the site to assess its flora and fauna concluded that the site comprises semi-improved neutral grassland and birds were observed in the hedgerows and trees along the field boundary. Although a number of wild fowl species were recorded on the open water of Lough Neagh, no waders or whooper swans were recorded using the site. The proposed development will, therefore, not damage or harm the flora and fauna on the site which is largely confined to the trees and hedgerows which are to be retained.

Countryside

- 6.6 The proposed development site lies within the Green Belt and an Area of High Scenic Value in Map No 1/001 – Lisburn Countryside. The RDS contains the Strategic Planning Guidelines for Green Belts which set out in Policy SPG-ENV1:

“which seeks to manage development pressures to protect the setting of settlements and maintain the rural character of the countryside throughout Northern Ireland by designating Green Belts”.

Designation COU1, Green Belt identifies where the Department considers that it is appropriate and necessary to maintain strict planning control in rural areas where development pressure is intense.

- 6.7 Areas of High Scenic Value (AHSV) are designated in the BMA Green Belt where landscapes are particularly sensitive because of their quality or need particular protection because of their location and the pressures for development on them. It includes Portmore Lough AHSV (ref 6/06) which includes the proposed site. Policy COU7 states:

“Planning permission will not be granted to development proposals that would adversely affect the quality, character and features of interest in Areas of High Scenic Value. Proposals for mineral working and waste disposal will not be acceptable. A Landscape Analysis must accompany the development proposals in these areas to indicate the likely effects of the proposal on the landscape”.

- 6.8 The Landscape and Visual Impact Assessment of the proposed Water Abstraction Facility site comments that it lies within a landscape character area which has a high sensitivity to change. However, in terms of direct landscape character impacts the proposal:
- will not be visible from within the Lough Neagh and Ram’s Island landscape due to the extremely limited above ground components.
 - the predicted magnitude of landscape resource change is slight to no change.
 - the predicted significance of landscape impact will be slight.
- 6.9 Moreover, the proposed development has been assessed to have no significant impact on designated landscapes such as the Portmore Lough AHSV or from residential properties, recreational users on Lough Neagh, the long distance cycle route or from Class A or B roads.
- 6.10 In addition, all proposals will be assessed against prevailing regional policies in the Green Belt and how they will conserve and enhance the landscape of the AHSV. Therefore, regard has been had to the siting, massing, scale and design, materials, finishes and landscaping of the water abstraction facility in order to ensure that it will integrate well into the topography and landscape.
- 6.11 The application site also lies within an Area of Constraint on Mineral Development (Policy COU8/9) although this is not relevant as there would be no extraction of minerals from the land.

Public Services and Utilities

- 6.12 The BMAP Public Services and Utilities Strategy comprises the following elements:
- To facilitate the delivery of the infrastructure requirements of the Plan Area throughout the plan period; and
 - To highlight infrastructure constraints and requirements as appropriate within Key Site Requirements.
- 6.13 There are no specific policies relating to water and sewage, drainage or waste disposal. It notes that water from Lough Neagh is delivered to the Plan Area via Dunore Water Treatment Works just outside Antrim and that currently there are many appraisal studies ongoing within the Plan Area.

Transportation

- 6.14 Policy TRAN1: Public Transport, Walking and Cycling enables planning permission to be granted for development proposals which incorporate, where appropriate, adequate provision for walking and cycling routes. The route of the pipeline includes part of Route 94, the Lough Shore Trail, of the National Cycle Trail which circumnavigates Lough Neagh and runs along Shore Road past the Water Abstraction Facility. The laying of the proposed pipeline would only have a limited effect upon this route during its installation.

Archaeology

- 6.15 Many of the Areas of Archaeological Potential are contained within settlements. Policy UE4 states that planning permission will only be granted for proposals for non-residential development where, inter alia, features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development. Therefore, an archaeological desktop assessment has been commissioned and due to the archaeological sensitivity of the environs, it is recommended that archaeological testing takes place in relation to the proposed development.

District Proposals: Lisburn

- 6.16 This section of BMAP identifies the sites which are allocated under the policies contained in the RDS and the Plan Strategy and Framework for the Belfast Metropolitan Area Plan 2015. Lisburn, Map No 46/068 shows the eastern boundary of the Ramsar site running along Shore Road encompassing the application site for the Water Abstraction Facility. However, Maps No 46/069 and 073 indicate that the Water Abstraction Facility site is excluded from the Lough Neagh Special Protection Area and the Area of Special Scientific Interest. Lough Neagh is included within both of these designations as well as the land to the north and south of the development site.

7. CONCLUSION

- 7.1 The commissioned reports which accompany the planning application for the Water Abstraction Facility and Water Pipeline have addressed the potential issues raised by the proposed development which is located in an environmentally sensitive area.
- 7.2 The site of the proposed Water Abstraction Facility lies within the Lough Neagh Ramsar site which is an important wetland habitat. The Terrestrial Ecology Assessment confirms that none of the important wetland habitats identified in the Ramsar site is present within the proposed water abstraction site; nor does the land contain any habitat suitable for any of the feature breeding bird species. It is acknowledged that construction works if carried out during the wintering season, could cause disturbance to breeding birds but steps can be taken to either avoid this period or to seek ecological advice in conjunction with NIEA.
- 7.3 Under Ramsar criterion 7, Lough Neagh supports a population of pollan but the Ecological Assessment of the sensitivity of Lennymore Bay to small scale water abstraction concludes that its construction is likely to have only minimal impact on

the aquatic ecology provided it is timed to avoid periods of spawning and egg incubation. Therefore, the proposed water abstraction facility would have a minimal effect upon the wetland habitats which support water fowl and the aquatic ecology of Lennymore Bay which form part of the Lough Neagh Ramsar site and is not in conflict with the advice set out in PPS2.

7.4 The Water Abstraction Facility site is excluded from the Lough Neagh Special Protection Area and the Area of Special Scientific Interest. However, land to the north and south of the application site, and the lough itself, are affected by these designations and PPS2 advises that development proposals outside, but close to, the defined boundaries of a protected area must also be assessed. The Terrestrial Ecology Assessment of the site concluded that the site provided habitats for birds in the hedgerows and trees along the field boundaries but that there was no evidence of waders or whooper swans using the site although a number of wild fowl species were recorded on the open water of Lough Neagh. Therefore, there is no conflict with Policy ENV1 the Regional Development Strategy 2025 which advises that planning permission will not be granted for development where there is potential for damage or harm to those habitats and species identified as priorities in the Northern Ireland Bio Diversity Strategy such as the SPA and ASSI.

7.5 The Landscape and Visual Impact Assessment of the proposed water abstraction facility site recognises that it lies within a landscape character area which has a high sensitivity to change. However, the small scale nature of the proposed development, where most is contained below ground level, means that no significant visual impacts are predicted for recreational users of Lough Neagh or Ram's Island. In the wider landscape, the assessment concludes that the proposed development would have no significant visual impact on designated landscapes such as the Portmore Lough AHSV or on residential properties, the Ulster Way, the Lough Neagh long distance cycle route or Class A or B roads. The assessment concludes that the local landscape and visual setting has the capacity to absorb the proposed water abstraction facility.

- 7.6 Green belt policy in the Planning Strategy for Rural Northern Ireland and BMAP establishes the presumption against new development apart from a limited number of uses or where there are overriding reasons why that development is essential and could not be located in a town or village or in a part of the countryside not subject to policy constraint. The proposed development is a fundamental part of the operation of the proposed biomass fuelled power plant and it is essential that the water abstraction facility is located in proximity to Lough Neagh as there is no other reliable source of water. The pipeline would have no visual impact on either the green belt or the Portmore Lough AHSV as it is below ground level. The proposed Water Abstraction Facility has been predicted in the assessment report as having no significant landscape or visual impacts due to its extremely low visibility. Notwithstanding that there are overriding reasons that this would be classified as “essential” development it will not affect either the visual amenity or the purposes of the green belt or the Portmore Lough Area of High Scenic Value. Therefore, the proposed development would not conflict with Policy GB/CPA1 of the Planning Strategy for Rural Northern Ireland, Policy ENV1.4 of the Regional Development Strategy or Policies COU1 and 7 of BMAP.
- 7.7 An archaeological desktop assessment has been prepared for the site of the water abstraction plant and pipeline in accordance with PPS6 and Policy UE4 of BMAP. It is concluded that it is unlikely that the laying of the pipeline will have an archaeological impact as it will run along the centre line of the existing Ballyvannon, Ingrams and Shore Roads, the construction of which would already have severely disturbed the ground. The site of the water abstraction plant lies within an archaeologically sensitive area with seventeen recorded archaeological sites within a 2km search radius. Historical cartographic evidence shows that this area largely consists of reclaimed land and the assessment concludes that there is a possibility that archaeological features could exist, especially towards the east where the original shoreline was located. The recommendation is accepted that archaeological testing would need to take place due to the archaeological sensitivity of the environs.

- 7.8 The proposed Water Abstraction Facility and pipeline complies with the criteria for new industrial proposals contained in PPS4 as it would be compatible with the character of the surrounding area, its visual impact would not be significant, traffic generation would be negligible, there would be no loss of high grade agricultural land and it would cause no detriment to valuable areas of nature conservation interest. Moreover, the submitted drawings confirm that the proposed pipeline, sump well and pumping machinery would be below ground level and the MCC kiosk would be small in scale and of a design and finish appropriate to its surroundings. The planning application details the proposed landscape treatment of the boundary to Shore Road where the intention is to keep the planting low scale in order to retain the existing views of Lough Neagh from the public domain.
- 7.9 The contribution of the proposed biomass fuelled power plant development to the Northern Ireland economy is assessed in the Planning Statement which accompanies that planning application. The need for an alternative source of water for the power plant is paramount and the availability of alternative sites for the extraction of water has been considered. However, the Terrestrial and water based Ecology Assessments, as well as the Landscape and Visual Impact Assessments, all conclude that the proposed development site for the Water Abstraction Facility would have no significant impact on its Ramsar designation or its location within the green belt and the Portmore Lough Area of High Scenic Value or to the adjacent SPA and the ASSI.
- 7.10 The construction of the biomass fuelled power plant associated with this application will allow poultry litter to be dealt with in compliance with the Nitrates Directive. This will reduce pollution of Lough Neagh by addressing its hyper eutrophic character and will be beneficial to the wider objectives of planning policy.
- 7.11 There has been water abstraction from Lough Neagh for many years and it still continues to this present day at water treatment works situated close to its waters. In comparison, the proposed Water Abstraction Facility is small scale with minimal

visual impact and therefore there is no material reason why planning permission ought not to be granted.