

To:

- NI Water Developer Services (developerservices@niwater.com)
- DAERA Water Management Unit (wmuenquiries@daera-ni.gov.uk)
- Newry, Mourne and Down District Council – (planning@nmandd.org)

Re: Unlawful Development and Environmental Risk – 88 Greencastle Road, Kilkeel, Co Down – LA07/20022/0885/F

Dear Sir/Madam,

We write to formally request urgent regulatory intervention in relation to ongoing development at the above site, which is giving rise to serious and foreseeable risks of flooding, environmental pollution, and breach of statutory planning control.

Background:

We have confirmed through written correspondence with NI Water that:

- No Pre-Development Enquiry (PDE) has ever been submitted for this site;
- The only consent to discharge previously granted expired in 2004 and has not been renewed;
- No current application for connection or discharge has been made;
- No Article 161 or 163 approvals are in place.

Despite this, development works are ongoing, and the planning department have previously allowed this to proceed to the extent that there is a fully erected dwelling on site. Surface water runoff and suspected effluent discharges are already impacting our property, with photographic evidence of significant flooding. No drainage assessment has been provided as part of the planning application, and no details of the proposed wastewater treatment plant (WWTP) have been disclosed, assessed, or approved.

We have attached a drawing of the cross-section of what we believe will amount to approximately 250 lorry loads of material to be imported to this site in order to accommodate the proposed wwtp. The complete absence of information in relation to ground heights, type of plant and relevant flood and drainage assessments, combined with bypassing all relevant environmental controls has resulted in pending judicial review proceedings questioning the legality of the decision.

We further note that although site works have been ongoing for some time, including the presence of workers and heavy machinery, no welfare or sanitation facilities were visible on site until the very recent appearance of a port-a-loo. This gives rise to serious and reasonable concerns that during the construction phase,

unauthorised or illegal discharges have occurred either to ground or surface drains, in contravention of environmental protection legislation and without consent from the appropriate authorities.

Request for Immediate Action

We respectfully request the following actions without delay:

1. That NI Water confirm its position in writing regarding the lack of PDE and consent, and notify the planning authority accordingly;
2. That DAERA WMU investigate any discharge activity from the site and consider whether an offence under Article 7(1) of the Water (NI) Order 1999 has occurred;
3. That the Council's Planning Enforcement team issue a Temporary Stop Notice or Enforcement Notice to halt further development until the required consents and assessments are in place.

The absence of lawful drainage arrangements, combined with ongoing environmental harm and procedural failings, presents an immediate and serious risk. We reserve our right to seek injunctive relief through the High Court should the relevant authorities fail to act.

Please acknowledge receipt of this correspondence and confirm what actions you intend to take.

Yours faithfully,


, Kilkeel


From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Objector/query: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge
Date: 29 January 2025 15:25:31
Attachments: [REDACTED]

Water Management Unit are consultees of the planning process and act in an advisory capacity but the final decision regarding the wording of any planning decision rests with the council. These issues need to be raised with the Planning Authority.

From: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Sent: 29 January 2025 11:26
To: DAERA WMUplanningconsultations <WMUplanningConsultations@daera-ni.gov.uk>
Subject: FW: RE: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge

Morning,

Please see further email from [REDACTED] below for your comments/advice.

Regards

[REDACTED] | Planning Response Team (PRT)

Department of Agriculture, Environment and Rural Affairs (DAERA)
Northern Ireland Environment Agency (NIEA)

For NIEA Planning Queries; [REDACTED] | [✉ planningresponse.team@daera-ni.gov.uk](mailto:planningresponse.team@daera-ni.gov.uk) |

[NIEA Lisburn](https://www.daera-ni.gov.uk/) | 17 Antrim Road | Lisburn | BT28 3AL | [Web https://www.daera-ni.gov.uk/](https://www.daera-ni.gov.uk/)

From: [REDACTED] <[REDACTED].com>
Sent: 28 January 2025 16:35
To: [REDACTED] <[REDACTED]@daera-ni.gov.uk>
Subject: Re: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge

CAUTION – This email has been received from outside the NICS network. If you have any concerns, please report for investigation.

Dear [REDACTED],

Thank you for your response regarding planning application LA07/2022/0885/F. I would like to emphasize the significant risks posed by the decision to amend the wastewater management conditions associated with this application and reiterate the critical impact this has on our property.

Impact on Our Property

The proposed wastewater treatment plant (WWTP) and associated infill (we estimate that a minimum of 250 lorry loads of infill material will be required to bring the ground levels between our property and the constructed dwelling to the required height for the wwtp) this presents serious risks to our property, particularly given the unresolved issues surrounding the viability of wastewater disposal. The potential for groundwater contamination and inadequate surface water management due to the development's current trajectory poses a direct threat to the structural integrity and environmental safety of our property.

Additionally, with a fully erected building now on-site, there is a heightened risk that construction activities will proceed further without the necessary consents being in place. This creates an untenable situation where any failure to secure appropriate wastewater management solutions could have long-term, irreversible consequences for our property and the surrounding area.

Risks of Failing to Address Consent to Discharge Now

The decision to amend the condition from a pre-commencement to a pre-occupation requirement introduces significant uncertainty. Allowing development to continue without ensuring the viability of wastewater disposal contradicts DAERA's standing advice and the statutory obligations under the **Water (Northern Ireland) Order 1999**. This approach risks:

- 1. Environmental Harm:** Potential contamination from untreated or inadequately treated wastewater.
- 2. Infrastructure Challenges:** The proposed infill will further disrupt the local environment, increasing the risk of surface water runoff or groundwater contamination.
- 3. Public Health Risks:** Inadequate wastewater solutions could compromise local water quality, affecting neighbouring properties, including ours.

Request for Enforcement Action

Given that a fully erected building is already on site, I strongly urge DAERA to take enforcement action now to ensure that Consent to Discharge is obtained under the Water (Northern Ireland) Order 1999 before any further works proceed. Allowing construction to continue without addressing this critical issue creates unnecessary risks for both the environment and neighbouring properties. All parties should now be fully aware of the environmental risks on this site, particularly the SGA Hazard Consultation zone, allowing development to continue without any understanding of this creates a very real risk.

DAERA's role as a regulator is crucial to ensuring compliance with environmental obligations. I ask that you formally engage with the planning authority and enforce the requirement for Consent to Discharge at this stage, rather than waiting until development progresses further and the risks escalate.

Next Steps

I would appreciate an update on what actions DAERA can take to enforce compliance and mitigate the risks associated with this development. Please let me know if further details regarding the potential impacts on our property would assist in your review of this matter.

Thank you for your attention and continued engagement on this important issue.

Kind regards,

[REDACTED]



From: [REDACTED]@daera-ni.gov.uk>
Sent: Tuesday, January 28, 2025 15:51
To: [REDACTED].com>
Subject: RE: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge

[REDACTED].

Please see the below response to your email 12 January 2025.

Water Management Unit (WMU) is a statutory consultee to the Planning process. WMU was consulted on planning application LA07/2022/0885/F in November 2023 and referred the planners to the DAERA Standing Advice on Single Dwellings. WMU recommended that the planning was conditioned - No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

WMU was reconsulted in June 2024 and again recommended that - No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999. Planning permission was granted on 9 January 2025 with the condition - Consent to Discharge for this development MUST be obtained from the relevant body and provided in writing to the Planning Authority, prior to any part of the development hereby approved being occupied. Reason: To ensure the orderly development of the site.

Certain developments may also require environmental licences / consents to prevent or minimise adverse effects on the environment. Whilst planning and licensing are separate and distinct regimes, DAERA may provide regulatory advice at the planning stage to help identify potential risks to the environment thereby improving decision making, reducing costs and avoiding wasted time and effort. WMU provided this advice, but the Council decided not to implement our recommendations. The final decision on all planning applications is the responsibility of the Council, WMU as a consultee can only make recommendations.

The application for a consent to discharge under the Water (Northern Ireland) Order 1999 is distinct from the Planning process. I have checked with our consenting team and they have not yet received an application for septic tank/treatment works for this site.

Regards

[REDACTED]

[REDACTED] | Planning Response Team (PRT)
Department of Agriculture, Environment and Rural Affairs (DAERA)
Northern Ireland Environment Agency (NIEA)

For NIEA Planning Queries; [REDACTED] | planningresponse.team@daera-ni.gov.uk |

[REDACTED] NIEA Lisburn | 17 Antrim Road | Lisburn | BT28 3AL | Web <https://www.daera-ni.gov.uk/>

2

From: [REDACTED] <[REDACTED].com>
Sent: 28 January 2025 12:58
To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Subject: Re: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge
Importance: High

Further to my email below, can you acknowledge receipt and I would respectfully request that DAERA;

- **Review this Decision:** Assess whether the planning authority's amendment to the pre-commencement condition aligns with your standing advice and statutory environmental obligations.
- **Engage with the Planning Authority:** Highlight the risks posed by this decision, particularly in relation to wastewater management, and urge adherence to DAERA's guidance.
- **Clarify Regulatory Obligations:** Confirm whether the applicant's actions—or lack thereof—constitute a breach of statutory requirements under the **Water (Northern Ireland) Order 1999** and whether enforcement action may be appropriate.

Importance of DAERA's Role

As the statutory consultee responsible for safeguarding environmental protections, your guidance and involvement are critical in ensuring that decisions such as this adhere to statutory obligations and avoid potential environmental harm.

Should you require further information or wish to discuss this matter in more detail, I would be happy to provide any additional documentation or clarification.

Thank you for your attention to this important matter. I look forward to your response.

Regards

[REDACTED]

2

From: [REDACTED]
Sent: Sunday, January 12, 2025 16:46
To: planningresponse.team@daera-ni.gov.uk
Subject: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge

I am writing to draw your attention to a decision made by the Newry, Mourne and Down District Council concerning planning application **LA07/2022/0885/F**, which pertains to a replacement dwelling at 88 Greencastle Road, Kilkeel, BT34 4JL.

This planning application was originally granted approval in **2018**, subsequently given **retrospective approval in 2022**, which was later quashed due to the planning department's failure to adhere to the **Land Contamination Risk Management (LCRM)** guidance. This failure arose from ongoing and unresolved environmental issues on the site, including the applicant's failure to obtain the required Consent to Discharge.

In the most recent approval for the same application, the **Consent to Discharge** condition, previously required as a **pre-commencement condition in both the 2018 & 2022 permissions**, has been amended to a **pre-occupation condition**. This allows development to proceed without first ensuring the viability of wastewater disposal, contrary to DAERA's standing advice for single dwellings.

The planning officer's decision report includes the following narrative regarding the amendment to the condition:

"This matter was raised with the nominated agent who in reply referred to the wording of this condition, which stated:

'No development should take place on site until the method of sewage disposal has been agreed in writing with NI Water or a Consent to Discharge has been agreed.'

The agent advises that the use of the word 'should' (as opposed to 'shall' or 'must') is interpreted to have an advisory meaning and does not place a requirement on the applicant, and consequently, this is not an enforceable condition.

The agent therefore concludes the means of sewage disposal can be appropriately conditioned as part of the current application.

Having reviewed the wording of this condition, the Planning Department acknowledges this condition is neither clear nor precise, nor is it enforceable, notwithstanding the question as to whether the condition goes to the heart of the permission.

Despite this reasoning, it remains apparent that the applicant has failed to engage meaningfully with DAERA, as your consultation responses have repeatedly advised. To the best of my knowledge, as of the end of last year, the applicant had still not resolved the issue of obtaining Consent to Discharge.

This amendment to the condition raises several concerns, including:

- The potential for significant **environmental harm** if wastewater solutions are deemed unfeasible after construction progresses.
- A clear **contradiction to DAERA's standing advice**, which requires wastewater discharge consent to be obtained before the commencement of development.
- The erosion of safeguards designed to protect sensitive environmental areas, particularly as the local wastewater treatment plant is at capacity.
- The risk of setting a **dangerous precedent** for future developments, undermining public confidence in environmental and planning protections.
- The significant environmental concerns on this site remain unresolved, and your attention should be drawn to the retrospective environmental reports performed by the applicant's own agent on this site, specifically the service constraints and who can legally rely on the report. The SGA Hazard consultation zone active on this site is still to be identified.

I respectfully request that DAERA reviews this decision and considers engaging with the planning authority to address these issues. The consistent application of your guidance is critical to ensuring environmental protections and adherence to statutory obligations under the **Water (Northern Ireland) Order 1999**.

Should you require further details or wish to discuss this matter, I am happy to provide additional information.

Yours faithfully,

██████████



From: [REDACTED]
Subject: FW: PRT query from individual - Notification of Amendment to Planning Condition for [REDACTED] Regarding Consent to Discharge
Date: 13 January 2025 15:00:20
Attachments: [Outlook-nu12qdot](#)
[image001.png](#)
Importance: High

[REDACTED]

This is the response from WMU. This does not address the issue raised in the last bullet point.

Water Management Unit (WMU) is a statutory consultee to the Planning process. WMU was consulted on planning application [REDACTED] in November 2023 and referred the planners to the DAERA Standing Advice on Single Dwellings. WMU recommended that the planning was conditioned - No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

WMU was reconsulted in June 2024 and again recommended that - No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Planning permission was granted on 9 January 2025 with the condition - Consent to Discharge for this development MUST be obtained from the relevant body and provided in writing to the Planning Authority, prior to any part of the development hereby approved being occupied.
Reason: To ensure the orderly development of the site.

Certain developments may also require environmental licences / consents to prevent or minimise adverse effects on the environment. Whilst planning and licensing are separate and distinct regimes, DAERA may provide regulatory advice at the planning stage to help identify potential risks to the environment thereby improving decision making, reducing costs and avoiding wasted time and effort. WMU provided this advice, but the Council decided not to implement our recommendations. The final decision on all planning applications is the responsibly of the Council, WMU as a consultee can only make recommendations. The application for a consent to discharge under the Water (Northern Ireland) Order 1999 is distinct from the Planning process. I have checked with our consenting team and they have not yet received an application for septic tank/treatment works for this site.

[REDACTED]

From: [REDACTED] >
Sent: 13 January 2025 09:10
To: [REDACTED]
Subject: FW: CM: Notification of Amendment to Planning Condition for [REDACTED] Regarding Consent to Discharge
Importance: High

Good morning,

Please see below email from [REDACTED] for your comments.

Regards

[REDACTED]

[REDACTED] | **Planning Response Team (PRT)**

Department of Agriculture, Environment and Rural Affairs (DAERA)
Northern Ireland Environment Agency (NIEA)

For NIEA Planning Queries; ☎ [REDACTED] [REDACTED] [REDACTED].uk |

📍 NIEA Lisburn | 17 Antrim Road | Lisburn | BT28 3AL | Web <https://www.daera-ni.gov.uk/>



From: [REDACTED]

Sent: 12 January 2025 16:46

To: DAERA Planning Response Team [REDACTED]

Subject: CM: Notification of Amendment to Planning Condition for [REDACTED] Regarding Consent to Discharge

Importance: High

CAUTION – This email has been received from outside the NICS network. If you have any concerns, please report for investigation.

I am writing to draw your attention to a decision made by the Newry, Mourne and Down District Council concerning planning application [REDACTED], which pertains to a replacement dwelling at [REDACTED].

This planning application was originally granted approval in **2018**, subsequently given **retrospective approval in 2022**, which was later quashed due to the planning department's failure to adhere to the **Land Contamination Risk Management (LCRM)** guidance. This failure arose from ongoing and unresolved environmental issues on the site, including the applicant's failure to obtain the required Consent to Discharge.

In the most recent approval for the same application, the **Consent to Discharge** condition, previously required as a **pre-commencement condition in both the 2018 & 2022 permissions**, has been amended to a **pre-occupation condition**. This allows development to proceed without first ensuring the viability of wastewater disposal, contrary to DAERA's standing advice for single dwellings.

The planning officer's decision report includes the following narrative regarding the amendment to the condition:

“This matter was raised with the nominated agent who in reply referred to the wording of this condition, which stated:

‘No development should take place on site until the method of sewage disposal has been agreed in writing with NI Water or a Consent to Discharge has been agreed.’

The agent advises that the use of the word ‘should’ (as opposed to ‘shall’ or ‘must’) is interpreted to have an advisory meaning and does not place a requirement on the applicant, and consequently, this is not an enforceable condition.

The agent therefore concludes the means of sewage disposal can be appropriately conditioned as part of the current application.

Having reviewed the wording of this condition, the Planning Department acknowledges this condition is neither clear nor precise, nor is it enforceable, notwithstanding the question as to whether the condition goes to the heart of the permission.”

Despite this reasoning, it remains apparent that the applicant has failed to engage meaningfully with DAERA, as your consultation responses have repeatedly advised. To the best of my knowledge, as of the end of last year, the applicant had still not resolved the issue of obtaining Consent to Discharge.

This amendment to the condition raises several concerns, including:

- The potential for significant **environmental harm** if wastewater solutions are deemed unfeasible after construction progresses.
- A clear **contradiction to DAERA’s standing advice**, which requires wastewater discharge consent to be obtained before the commencement of development.
- The erosion of safeguards designed to protect sensitive environmental areas, particularly as the local wastewater treatment plant is at capacity.
- The risk of setting a **dangerous precedent** for future developments, undermining public confidence in environmental and planning protections.
- The significant environmental concerns on this site remain unresolved, and your attention should be drawn to the retrospective environmental reports performed by the applicant's own agent on this site, specifically the service constraints and who can legally rely on the report. The SGA Hazard consultation zone active on this site is still to be identified.

I respectfully request that DAERA reviews this decision and considers engaging with the planning authority to address these issues. The consistent application of your guidance is critical to ensuring environmental protections and adherence to statutory obligations under the **Water (Northern Ireland) Order 1999**.

Should you require further details or wish to discuss this matter, I am happy to provide additional information.

Yours faithfully,

██████████



From: [REDACTED]
Subject: FW: PRT query from individual - Notification of Amendment to Planning Condition for [REDACTED] Regarding Consent to Discharge
Date: 13 January 2025 12:36:59
Attachments: [Outlook-nu12qdot image001.png](#)
Importance: High

I will go back to the applicant and explain that WMU is a consultee and that the final decision rests with the Council. I will also explain the consenting process. I can't comment on the last bullet point of the email. Perhaps RU may know what this refers to.

[REDACTED]

From: DAERA Planning Response Team [REDACTED]
Sent: 13 January 2025 09:10
To: DAERA WMUplanningconsultations [REDACTED]
Subject: FW: CM: Notification of Amendment to Planning Condition for [REDACTED] Regarding Consent to Discharge
Importance: High

Good morning,

Please see below email from [REDACTED] for your comments.

Regards

[REDACTED]

[REDACTED]
Department of Agriculture, Environment and Rural Affairs (DAERA)
Northern Ireland Environment Agency (NIEA)

For NIEA Planning Queries;  [REDACTED] | [REDACTED] | [REDACTED]
[REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED]
Lisburn | 17 Antrim Road | Lisburn | BT28 3AL | [REDACTED] | [REDACTED]



From: [REDACTED]
[REDACTED] January 2025 16:46
To: DAERA Planning Response Team [REDACTED]
Subject: CM: Notification of Amendment to Planning Condition for [REDACTED] Regarding Consent to Discharge

Importance: High

CAUTION – This email has been received from outside the NICS network. If you have any concerns, please report for investigation.

I am writing to draw your attention to a decision made by the Newry, Mourne and Down District Council concerning planning application [REDACTED], which pertains to a replacement dwelling at [REDACTED]

This planning application was originally granted approval in **2018**, subsequently given **retrospective approval in 2022**, which was later quashed due to the planning department's failure to adhere to the **Land Contamination Risk Management (LCRM)** guidance. This failure arose from ongoing and unresolved environmental issues on the site, including the applicant's failure to obtain the required Consent to Discharge.

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- A clear **contradiction to DAERA's standing advice**, which requires wastewater discharge consent to be obtained before the commencement of development.
- The erosion of safeguards designed to protect sensitive environmental areas, particularly as the local wastewater treatment plant is at capacity.

The risk of setting a **dangerous precedent** for future developments, undermining public

confidence in environmental and planning protections.

- The significant environmental concerns on this site remain unresolved, and your attention should be drawn to the retrospective environmental reports performed by the applicant's own agent on this site, specifically the service constraints and who can legally rely on the report. The SGA Hazard consultation zone active on this site is still to be identified.

I respectfully request that DAERA reviews this decision and considers engaging with the planning authority to address these issues. The consistent application of your guidance is critical to ensuring environmental protections and adherence to statutory obligations under the **Water (Northern Ireland) Order 1999**.

Should you require further details or wish to discuss this matter, I am happy to provide additional information.

Yours faithfully,

[REDACTED]



From: [REDACTED]
To: [REDACTED]
Subject: FW: Urgent Request for Intervention - [REDACTED]
Date: 28 May 2025 11:43:06
Attachments: [FW Urgent Request for Intervention - \[REDACTED\].msg](#)

Folks,

To note, I instructed team to suspend the domestic consent application. Applicant was sent suspension details yesterday morning. PDE required given main foul sewer runs adjacent to property.

Thanks,

[REDACTED]

From: [REDACTED]-ni.gov.uk>
Sent: 27 May 2025 12:28
To: [REDACTED]>; G_DRD NIEA Emergency Pollution
<[REDACTED]>; DAERA Industrial Consents [REDACTED]
ni.gov.uk>
Cc: DAERA WMUplanningconsultations [REDACTED]
[REDACTED]@daera-ni.gov.uk>; Water Regulation Group <[REDACTED]@daera-ni.gov.uk>
Subject: RE: Urgent Request for Intervention - [REDACTED]

Hi [REDACTED]

We will raise this as an incident for investigation and give it a WR number and send someone out.

Regulation Group have come back to say that they have received an application for consent and it has been approved as of 28 April 2025.

I'll keep you posted.

[REDACTED]

[REDACTED]@daera-ni.gov.uk>
Sent: 27 May 2025 08:42
To: [REDACTED]@daera-ni.gov.uk>; G_DRD NIEA Emergency Pollution
[REDACTED]@daera-ni.gov.uk>; DAERA Industrial Consents <[REDACTED]
[REDACTED]>
Cc: DAERA WMUplanningconsultations <[REDACTED]>; [REDACTED]
[REDACTED]@daera-ni.gov.uk>
Subject: FW: Urgent Request for Intervention - [REDACTED]
Importance: High

[REDACTED]

This appears to be an ongoing issue with the planning approval now being JR'd. The planning

application stated connection to Private WWTW but it appears that no consent has been applied for.

The planning decision states

6. A capping layer of clean soil shall be installed across any proposed garden areas to be located in the southwestern part of the site around the new dwelling as part of the current development proposal. The details of this capping layer are outlined in Section 9 of the GQRA. Reason: To ensure the orderly development of the site.

7. Consent to Discharge for this development MUST be obtained from the relevant body and provided in writing to the Planning Authority, prior to any part of the development hereby approved being occupied. Reason: To ensure the orderly development of the site.

8. A formal water / sewer connection application must be made for all developments [prior to occupation], including those where it is proposed to reuse existing connections. Reason: To prevent pollution and to ensure public safety and to ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

10. Development shall not be occupied until the surface water drainage works onsite and off-site have been submitted, approved and constructed by developer and the relevant authority. Reason: To safeguard the site and adjacent land against flooding and standing water.

WMU were content with the application given the provision of a private WWTW but did request the Condition: No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

The issue of flooding doesn't fall to WMU but site drainage will require a consent. (I've copied Industrial into this). The infilling would be a matter from the Regulation Unit.

I can respond to [REDACTED] regarding our planning response but this issue needs to be treated as an unconsented discharge so there is little point in replying until we know what is actually going on.

I can't open the attachments so have no idea what they show.

Come back to me if you need any more.

[REDACTED]

From: [REDACTED] <[REDACTED]@daera-ni.gov.uk>

Sent: 26 May 2025 19:14

To: G_DRD NIEA Emergency Pollution [REDACTED] <[REDACTED]@daera-ni.gov.uk>

Cc: DAERA WMUplanningconsultations <[REDACTED]@daera-ni.gov.uk>; Water

Regulation Group <[REDACTED]@daera-ni.gov.uk>

Subject: FW: Urgent Request for Intervention - [REDACTED]

Importance: High

Ops room

Can you pick this up tomorrow please?

DMT – this relates to a planning application, do you guys want to lead on this and we can feed in any pollution stats required?

Regulation Group – this one will also require input from you guys.

Thanks

[REDACTED]

From: [REDACTED]@[REDACTED].com>

Sent: 26 May 2025 13:54

To: G_DRD NIEA Emergency Pollution [REDACTED]@ni.gov.uk>

Subject: Fw: Urgent Request for Intervention - [REDACTED]

Importance: High

CAUTION – This email has been received from outside the NICS network. If you have any concerns, please report for investigation.



From: [REDACTED]

Sent: Monday, May 26, 2025 12:47

To: [REDACTED]@niwater.com <[REDACTED]@niwater.com>

Cc: [REDACTED]@daera-ni.gov.uk <[REDACTED]@daera-ni.gov.uk>; Planning

<[REDACTED]@nmandd.org>

Subject: Urgent Request for Intervention - [REDACTED]

Please find attached urgent correspondence in relation to ongoing issues at this site.

Regards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: [REDACTED]
To: [REDACTED]
Subject: FW: Urgent Request for Intervention - [REDACTED]
Date: 28 May 2025 11:43:06
Attachments: [FW Urgent Request for Intervention - \[REDACTED\].msg](#)
[image001.jpg](#)
[image002.jpg](#)

Folks,

To note, I instructed team to suspend the domestic consent application. Applicant was sent suspension details yesterday morning. PDE required given main foul sewer runs adjacent to property.

Thanks,

[REDACTED]

From: [REDACTED]-ni.gov.uk>
Sent: 27 May 2025 12:28
To: [REDACTED]>; G_DRD NIEA Emergency Pollution
<[REDACTED]>; DAERA Industrial Consents [REDACTED]
ni.gov.uk>
Cc: DAERA WMUplanningconsultations [REDACTED]
[REDACTED]@daera-ni.gov.uk>; Water Regulation Group <[REDACTED]@daera-ni.gov.uk>
Subject: RE: Urgent Request for Intervention - [REDACTED]

Hi [REDACTED]

We will raise this as an incident for investigation and give it a WR number and send someone out.

Regulation Group have come back to say that they have received an application for consent and it has been approved as of 28 April 2025.

I'll keep you posted.

[REDACTED]

[REDACTED]@daera-ni.gov.uk>
Sent: 27 May 2025 08:42
To: [REDACTED]@daera-ni.gov.uk>; G_DRD NIEA Emergency Pollution
[REDACTED]>; DAERA Industrial Consents <[REDACTED]>
[REDACTED]
Cc: DAERA WMUplanningconsultations <[REDACTED]>; [REDACTED]
[REDACTED]@daera-ni.gov.uk>
Subject: FW: Urgent Request for Intervention - [REDACTED]
Importance: High

[REDACTED]

This appears to be an ongoing issue with the planning approval now being JR'd. The planning

application stated connection to Private WWTW but it appears that no consent has been applied for.

The planning decision states

6. A capping layer of clean soil shall be installed across any proposed garden areas to be located in the southwestern part of the site around the new dwelling as part of the current development proposal. The details of this capping layer are outlined in Section 9 of the GQRA. Reason: To ensure the orderly development of the site.

7. Consent to Discharge for this development MUST be obtained from the relevant body and provided in writing to the Planning Authority, prior to any part of the development hereby approved being occupied. Reason: To ensure the orderly development of the site.

8. A formal water / sewer connection application must be made for all developments [prior to occupation], including those where it is proposed to reuse existing connections. Reason: To prevent pollution and to ensure public safety and to ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

10. Development shall not be occupied until the surface water drainage works onsite and off-site have been submitted, approved and constructed by developer and the relevant authority. Reason: To safeguard the site and adjacent land against flooding and standing water.

WMU were content with the application given the provision of a private WWTW but did request the Condition: No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

The issue of flooding doesn't fall to WMU but site drainage will require a consent. (I've copied Industrial into this). The infilling would be a matter from the Regulation Unit.

I can respond to [REDACTED] regarding our planning response but this issue needs to be treated as an unconsented discharge so there is little point in replying until we know what is actually going on.

I can't open the attachments so have no idea what they show.

Come back to me if you need any more.

[REDACTED]

From: [REDACTED] <[REDACTED]@daera-ni.gov.uk>

Sent: 26 May 2025 19:14

To: G_DRD NIEA Emergency Pollution [REDACTED] <[REDACTED]@daera-ni.gov.uk>

Cc: DAERA WMUplanningconsultations <[REDACTED]@daera-ni.gov.uk>; Water

Regulation Group <[REDACTED]@daera-ni.gov.uk>

Subject: FW: Urgent Request for Intervention - [REDACTED]

Importance: High

Ops room

Can you pick this up tomorrow please?

DMT – this relates to a planning application, do you guys want to lead on this and we can feed in any pollution stats required?

Regulation Group – this one will also require input from you guys.

Thanks

[REDACTED]

From: [REDACTED]@[REDACTED].com>

Sent: 26 May 2025 13:54

To: G_DRD NIEA Emergency Pollution [REDACTED]@ni.gov.uk>

Subject: Fw: Urgent Request for Intervention - [REDACTED]

Importance: High

CAUTION – This email has been received from outside the NICS network. If you have any concerns, please report for investigation.



From: [REDACTED]

Sent: Monday, May 26, 2025 12:47

To: [REDACTED]@niwater.com <[REDACTED]@niwater.com>

Cc: [REDACTED]@daera-ni.gov.uk <[REDACTED]@daera-ni.gov.uk>; Planning

<[REDACTED]@nmandd.org>

Subject: Urgent Request for Intervention - [REDACTED]

Please find attached urgent correspondence in relation to ongoing issues at this site.

Regards



[Cross Section map of WWTP and location.pdf](#)



[IMG_0089.JPG](#)



[IMG_0092.JPG](#)



[JD9-1 Flooding Surface Water.JPG](#)



[JD9-2 Flooding Roadside.JPG](#)



[JD9-3 Flooding inside wall 1.JPG](#)

From: [REDACTED]
To: [REDACTED]
Subject: WMU - LA07/2022/0885/F - WMU/PC/ 35720-1 - Domestic Consents part input
Date: 21 November 2023 12:54:05
Attachments: [REDACTED]

From: DAERA NIEA Domestic Consents Queries <domesticconsentsqueries@daera-ni.gov.uk>
Sent: Friday, November 3, 2023 8:48 AM
To: [REDACTED]@daera-ni.gov.uk
Subject: RE: PLANNING: LA07/2022/0885/F - 88 Greencastle Road Kilkeel Newry Co. Down BT34 4ST - DUE 09/11/23 - [REDACTED]

Good Morning [REDACTED],

I have checked our databases for this address and we don't seem to have anything for 88 Greencastle Road, however the landfill site(Adj to 88 Greencastle Road) is covered by [REDACTED] which would fall under the trade team. Their team email is NIEA.DICAPAdmin@daera-ni.gov.uk.

Regards



Domestic Consents Team

NIEA
Water Regulation Group
17 Antrim Road
Tonagh
Lisburn
BT28 3AL
(consents@daera-ni.gov.uk)



Regulation Unit

Section Reference: LA07/2022/0885/F

88 Greencastle Road, Kilkeel, Newry, Co. Down, BT34 4ST

Considerations

A Generic Quantitative Risk Assessment (GQRA) has been provided by RSK Ireland Ltd in support of this planning application. The GQRA is informed by site investigations. No unacceptable risks to environmental receptors have been identified for the development.

Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.

Conditions

Wording for proposed Conditions concerning the management of land contamination are provided below and should you wish to discuss or have further clarity then do not hesitate to get in touch with the Land and Groundwater Team in Regulation Unit. In addition to imposing planning Conditions to address contamination and its risks, it is essential to ensure that these planning Conditions are complied with and discharged.

- 1. 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 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 Planning Authority in writing, and subsequently implemented and verified to its satisfaction.**

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

- 2. After completing the remediation works under Condition 1; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by 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, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

Explanatory note

Regulation Unit

The comments below are not exhaustive but serve to capture key points in support of the Regulation Unit (RU) position outlined above. These comments are made on consideration of:

- RSK Ireland Ltd. Generic Quantitative Risk Assessment & Remedial Strategy. 88 Greencastle Road Kilkeel. Ref. 604936-R1 (01). March 2026.
1. The priorities of the RU Land and Groundwater Team in assessing this planning application are to consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water. It should be noted that Newry, Mourne and Down District Council is the authoritative body with respect to environmental health matters and we would ask that you ensure they have an opportunity to comment on all relevant information.
 2. A Generic Quantitative Risk Assessment (GQRA) has been provided by RSK Ireland Ltd in support of this planning application. The GQRA is informed by site investigations. Some metals and arsenic were found to exceed human health screening values in some parts of the site. No unacceptable risks to environmental receptors have been identified for the development. Provisions are made in the Remedial Strategy to protect human health receptors through the use of clean cover soils.
 3. Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.
 4. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorised through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:
<https://www.daera-ni.gov.uk/articles/waste-management-licensing>
<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>
 5. The applicant should ensure compliance with the Waste Duty of Care with respect to any waste materials taken onto or taken off site. Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 imposes a duty of care on anyone who handles controlled waste. When waste transfers from one person to another a waste transfer note and/or hazardous waste consignment note must be completed, signed and kept by the parties involved. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 set out the requirement to complete waste transfer notes for waste movements and the Hazardous Waste Regulations (Northern Ireland) 2011 set out the requirements to complete hazardous waste consignment notes for the transfer of hazardous waste. Further information can be obtained from:
<https://www.daera-ni.gov.uk/articles/duty-care>
[Hazardous waste | Department of Agriculture, Environment and Rural Affairs](#)

Informatives

1. **The purpose of the Conditions 1 & 2 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 III of the Waste and Contaminated Land Order (NI) 1997. It remains the**

Regulation Unit

responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

- 2. The applicant should ensure that the management of all materials onto and off this site are suitably authorised through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999.**
- 3. RU 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.**

Regulation Unit

Section Reference: LA07/2022/0885/F

88 Greencastle Road Kilkeel Newry Co. Down BT34 4ST

Considerations

A Generic Quantitative Risk Assessment (GQRA) has been provided by RSK Ireland Ltd in support of this planning application. The GQRA is informed by site investigations and environmental monitoring data. No unacceptable risks to environmental receptors have been identified for the development.

Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.

Conditions

Wording for proposed Conditions concerning the management of land contamination are provided below and should you wish to discuss or have further clarity then do not hesitate to get in touch with the Land and Groundwater Team in Regulation Unit. In addition to imposing planning Conditions to address contamination and its risks, it is essential to ensure that these planning Conditions are complied with and discharged.

- 1. 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 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 Planning Authority in writing, and subsequently implemented and verified to its satisfaction.**

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

- 2. After completing the remediation works under Condition 1; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by 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, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

Regulation Unit

Explanatory note

The comments below are not exhaustive but serve to capture key points in support of the Regulation Unit (RU) position outlined above. These comments are made on consideration of:

- RSK Ireland Ltd Generic Quantitative Contamination Risk Assessment & Remedial Strategy. 88 Greencastle Road Kilkeel. Ref. 604936-R1(00). November 2023.
 - Ground Check. Preliminary Risk Assessment. 88 Greencastle Road Kilkeel. Job ref. 23-3287. September 2023.
 - Ground Check. Ground Investigation Report. 88 Greencastle Road Kilkeel. Job ref. 23-3287. October 2023.
1. The priorities of the RU Land and Groundwater Team in assessing this planning application are to consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water. It should be noted that Armagh City, Banbridge and Craigavon Borough Council is the authoritative body with respect to environmental health matters and we would ask that you ensure they have an opportunity to comment on all relevant information.
 2. A Generic Quantitative Risk Assessment (GQRA) by RSK Ireland Ltd, a Preliminary Risk Assessment and a Ground Investigation report by Ground Check have been provided in support of this planning application. The GQRA is informed by site investigations and environmental monitoring data. The site is in a rural setting with an adjacent closed inert landfill adjacent to part of the site. The investigations have encountered made ground in one part of the site which was found to contain some elevations of metals which may pose unacceptable risks to human health receptors. Mitigation works are proposed for these risks. No unacceptable risks to environmental receptors have been identified for the development.
 3. Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.
 4. 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>
 5. The applicant should ensure compliance with the Waste Duty of Care with respect to any waste materials taken onto or taken off site. Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 imposes a duty of care on anyone who handles controlled waste. When waste transfers from one person to another a waste transfer note and/or hazardous waste consignment note must be completed, signed and kept by the parties involved. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 set out the requirement to complete waste transfer notes for waste movements and the Hazardous Waste Regulations (Northern Ireland) 2011 set out the requirements to complete hazardous waste consignment notes for the transfer of hazardous waste. Further information can be obtained from:

Regulation Unit

<https://www.daera-ni.gov.uk/articles/duty-care>

<https://www.daerani.gov.uk/articles/hazardous-waste>

Informatives

- 1. The purpose of the Conditions 1 & 2 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 III 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.**
- 2. The applicant should ensure that the management of all 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.**
- 3. RU 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.**

Regulation Unit

Planning Reference: LA07/2022/0885/F

Location: 88 Greencastle Road Kilkeel Newry Co. Down BT34 4ST

Considerations

Regulation Unit (RU) Land and Groundwater Team note the history of landfilling on site and adjacent. RU further note however that the proposed development is for a single dwelling and relocation of a garage and is therefore considered to be a low risk to the water environment. RU would have no objection to any planning application subject to the recommended Conditions and Informatives as detailed below.

Explanatory note

1. The priority of RU in assessing this application is to consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water. However, it should be noted that Newry, Mourne and Down District Council is the authoritative body with respect to environmental health matters and we would ask that you ensure they have an opportunity to comment on all relevant information.
2. Regulation Unit (RU) Land and Groundwater Team note the history of landfilling on site and adjacent. RU further note however that the proposed development is for a single dwelling and relocation of a garage and is therefore considered to be a low risk to the water environment due to the small scale. RU would have no objection to any planning application subject to the recommended Conditions and Informatives as detailed below.
3. Further guidance and information is available and the applicant should consult the Environmental Advice for Planners guidance available at:
<https://www.daera-ni.gov.uk/topics/environmental-advice-planning>
<https://www.daera-ni.gov.uk/articles/contaminated-land>
This provides guidance as to what specific information is required for a given development type and includes 'The Practice Guide – Re-developing land affected by contamination' that includes detail on required reports and minimum reporting requirements etc.

Conditions

Wording for proposed conditions concerning the management of land contamination are provided below and should you wish to discuss or have further clarity then do not hesitate to get in touch with the Regulation Unit (RU) Land and Groundwater Team.

- 1. 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 Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.**

Regulation Unit

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

- 2. After completing the remediation works under Condition 1 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. 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.

Informatives

1. The purpose of Conditions 1 and 2 are to ensure that the 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.
2. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorised through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:
<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>
3. RU 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.

Regulation Unit

Planning Reference: LA07/2022/0885/F

Location: 88 Greencastle Road Kilkeel Newry Co. Down BT34 4ST

Considerations

Regulation Unit (RU) Land and Groundwater Team note that there are no significant records of previous potentially contaminating land uses on this application site or in the adjacent or surrounding area (see below table and map). RU note the proposed development is for this is for a single dwelling and relocation of a garage and therefore considered to be a low risk to the water environment. RU would have no objection to any planning application subject to the recommended Conditions and Informatives as detailed below.

Explanatory note

1. The priority of RU in assessing this application is to consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water. However, it should be noted that Newry, Mourne and Down District Council is the authoritative body with respect to environmental health matters and we would ask that you ensure they have an opportunity to comment on all relevant information.
2. RU note that there are no significant records of previous potentially contaminating land uses on this application site or in the adjacent or surrounding area (see below table and map). RU note the proposed development is for this is for a single dwelling and relocation of a garage and therefore considered to be a low risk to the water environment. RU would have no objection to any planning application subject to the recommended Conditions and Informatives as detailed.
3. Further guidance and information is available and the applicant should consult the Environmental Advice for Planners guidance available at:
<https://www.daera-ni.gov.uk/topics/environmental-advice-planning>
<https://www.daera-ni.gov.uk/articles/contaminated-land>
This provides guidance as to what specific information is required for a given development type and includes 'The Practice Guide – Re-developing land affected by contamination' that includes detail on required reports and minimum reporting requirements etc.

Conditions

Wording for proposed conditions concerning the management of land contamination are provided below and should you wish to discuss or have further clarity then do not hesitate to get in touch with the Regulation Unit (RU) Land and Groundwater Team.

- 1. 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 Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be**

Regulation Unit

completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.

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

- 2. After completing the remediation works under Condition 1 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. 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.

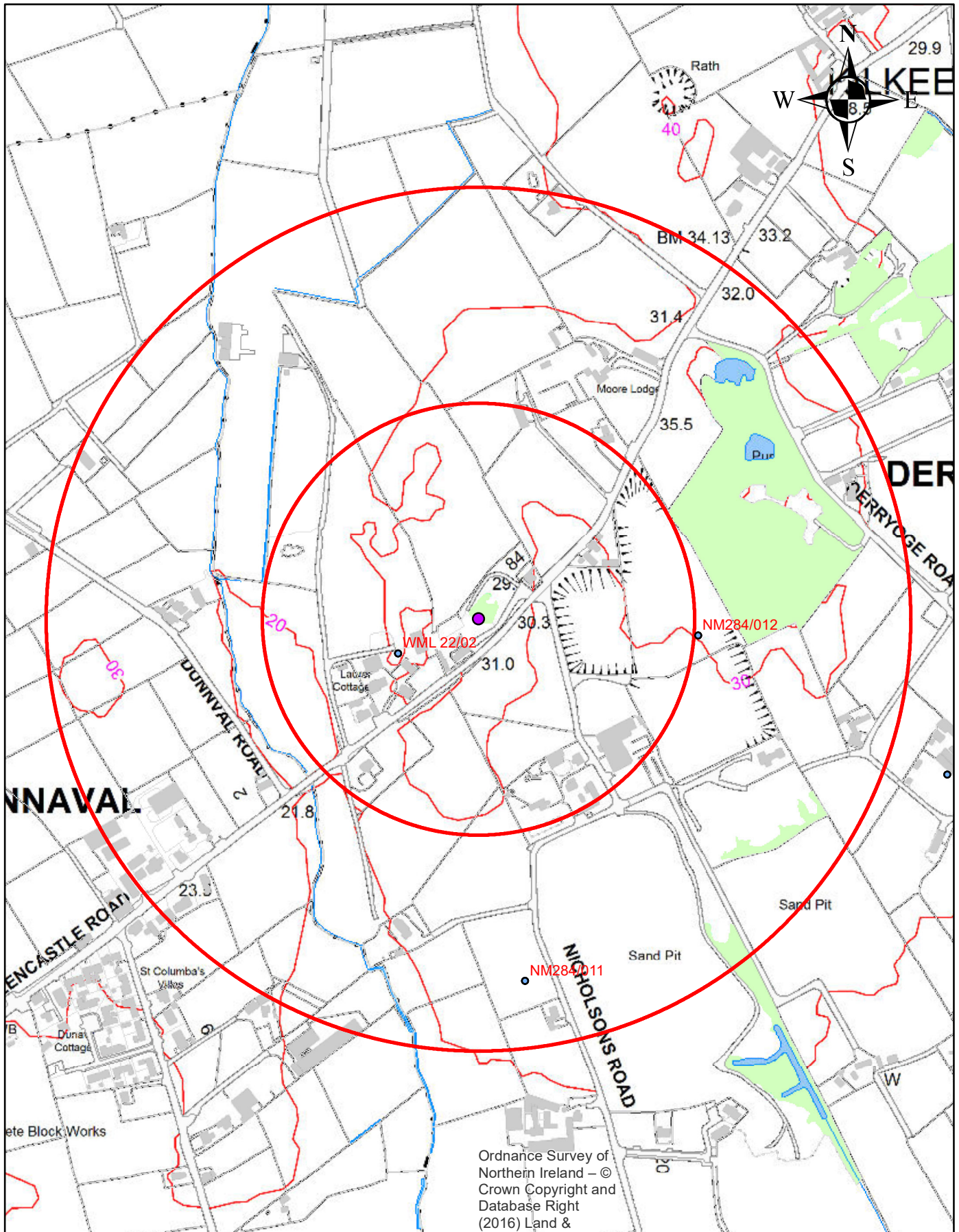
Informatives

1. The purpose of Conditions 1 and 2 are to ensure that the 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.
2. 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>
3. RU 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.
4. RU 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-transport-of-waste/site-waste-management-plans/site-waste-management-plans-swmp/>
<https://www.nibusinessinfo.co.uk/content/what-site-waste-management-plan-should-contain>

LA07/2022/0885/F

88 Greencastle Road Kilkeel Newry Co. Down BT34 4ST

Site ID	X Coordinate	Y Coordinate	Description	Current Use	1990s	1980s	1970s & 60s & 50s	1930s	1904	1856	1834
NM284/011	329400	312400	Mineral workings			1980 Sand Pit		Agriculture	Agriculture	Agriculture	Agriculture
NM284/012	329600	312800	Mineral workings			1980 Sand Pit		Agriculture	Agriculture	Agriculture	Agriculture
WML 22/02	329253	312779	Waste recycling, treatment and disposal sites: Landfills and other waste treatment or disposal sites	Landfill Inert							



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Title: Land Use Database

Scale: 1:6,000

Drawn by: daera-hanley

Date: 22 August 2022

Description:

Land Use Database (250m & 500m buffer)

Regulation Unit

Planning Reference: LA07/2022/0885/F

Location: 88 Greencastle Road Killeel Newry Co. Down BT34 4ST

Considerations

Regulation Unit (RU) Land and Groundwater Team note the history of landfilling on site and adjacent. RU further note however that the proposed development is for a single dwelling and relocation of a garage and is therefore considered to be a low risk to the water environment. RU would have no objection to any planning application subject to the recommended Conditions and Informatives as detailed below.

Explanatory note

1. The priority of RU in assessing this application is to consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water. However, it should be noted that Newry, Mourne and Down District Council is the authoritative body with respect to environmental health matters and we would ask that you ensure they have an opportunity to comment on all relevant information.
2. Regulation Unit (RU) Land and Groundwater Team note the history of landfilling on site and adjacent. RU further note however that the proposed development is for a single dwelling and relocation of a garage and is therefore considered to be a low risk to the water environment due to the small scale. RU would have no objection to any planning application subject to the recommended Conditions and Informatives as detailed below.
3. Further guidance and information is available and the applicant should consult the Environmental Advice for Planners guidance available at:
<https://www.daera-ni.gov.uk/topics/environmental-advice-planning>
<https://www.daera-ni.gov.uk/articles/contaminated-land>
This provides guidance as to what specific information is required for a given development type and includes 'The Practice Guide – Re-developing land affected by contamination' that includes detail on required reports and minimum reporting requirements etc.

Conditions

Wording for proposed conditions concerning the management of land contamination are provided below and should you wish to discuss or have further clarity then do not hesitate to get in touch with the Regulation Unit (RU) Land and Groundwater Team.

- 1. 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 Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.**

Regulation Unit

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

- 2. After completing the remediation works under Condition 1 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. 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.

Informatives

1. The purpose of Conditions 1 and 2 are to ensure that the 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.
2. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorised through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:
<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>
3. RU 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.

Water Management Unit

Section Reference:

WMU/PC/ 35720-2

Considerations:

Water Management Unit has considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal subject to Conditions, the applicant noting the advice contained in the Explanatory Note, the applicant referring and adhering to Standing Advice, and any relevant statutory permissions being obtained.

Conditions:

Recommended conditions and informatives are set out in DAERA Standing Advice on Single Dwellings, available at: <https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>

Explanatory Note:

Water Management Unit notes the Planning Case Officer's reason for consultation.

Water Management Unit notes the drainage information provided in the revised application form, as uploaded to the Planning Portal on 28th June 2024, where the proposal is for foul sewage to be disposed of to a sewage treatment plant.

All proposed developments should connect to a mains sewer, where available, and providing the sewer and associated Waste Water Treatment Works (WWTW) can accommodate the additional load. Northern Ireland Water Limited (NIW) can advise if this is possible.

If it is not possible to connect the proposed development to the mains sewer then NIEA discharge consent under the terms of the Water (Northern Ireland) Order 1999 will be required for the discharge of sewage effluent from the proposed development.

Water Management Unit recommends that no development should take place on-site until the method of effluent disposal has been agreed in writing with Northern Ireland Water (NIW) or consent to discharge has been granted.

The first suggested condition in DAERA Standing Advice on Single Dwellings is:

Condition: No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

This condition is to ensure protection of the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. This includes the purchase of any waste water treatment plant.

However, the applicant should be aware that there is no guarantee that the relevant NIEA discharge consent will be granted, as a number of site-specific factors need to be taken into account in assessing the suitability of the proposed means of effluent disposal.

Given the above points Water Management Unit would strongly advise the applicant to contact the NIEA Water Regulation Team at industrialconsents@daera-ni.gov.uk at their very earliest convenience to discuss the matter of obtaining the relevant NIEA discharge consent.

Water Management Unit would like to highlight that Department for Infrastructure (DfI) Rivers is the statutory drainage and flood protection authority for Northern Ireland. Water Management Unit does not comment on proposals to build in floodplains or where concerns have been raised with regards to flooding, unless the proposal would have other potential impacts on the environment other than increasing the risk of flooding.

Where flooding may be an issue, Water Management Unit would recommend DfI Rivers is consulted regarding this proposal to comment on any potential drainage or flooding impacts resulting from the development.

Informatives:

The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Single Dwellings.

Care will need to be taken to ensure that polluting discharges do not occur during the excavation / regrading / construction phase, as well as the operational phase. The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Pollution Prevention Guidelines.

The following Guidance for Pollution Prevention (GPP) documents provide guidance on good working practices:

- GPP 1: Understanding your environmental responsibilities - good environmental practices
- GPP 2: Above ground oil storage tanks
- GPP 3: Use and design of oil separators in surface water drainage systems
- GPP 4: Treatment and disposal of wastewater where there is no connection to the public foul sewer
- GPP 5: Works and maintenance in or near water
- GPP 6: Working on construction and demolition sites
- GPP 20: Dewatering underground ducts and chambers
- GPP 21: Pollution incident response planning
- GPP 22: Incident response - dealing with spills

- GPP 26: Safe storage - drums and intermediate bulk containers
- GPP 27: Installation, decommissioning and removal of underground storage tanks

A full list of these GPP guidance documents can be found at the NetRegs site:

<https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/>

Care should be taken to ensure that only clean surface water is discharged to the nearby water environment. Water Management Unit recommends the applicant refers and (where applicable) adheres to the precepts contained in DAERA Standing Advice on Sustainable Drainage Systems for brownfield sites or contaminated land in order to minimise the polluting effects of storm water on waterways.

The applicant should note NIEA discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for the disposal of contaminated surface water during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to DAERA Standing Advice on Discharges to the Water Environment.

If the development includes excavation of an underground structure (e.g. tanks), then depending on the geological setting, the potential exists for the water table to be encountered during these works which may require dewatering to take place. Authorisation may therefore be required, under the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006. The applicant should refer to DAERA Standing Advice on Abstractions and Impoundments.

The discharge of water from a dewatering operation will require consent to discharge, under the Water (NI) Order 1999. The applicant should refer to DAERA Standing Advice on Discharges to the Water Environment.

All DAERA Standing Advice is available at: <https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>

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.

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.

Regulation Unit

Section Reference: LA07/2022/0885/F

88 Greencastle Road, Kilkeel, Newry, Co. Down, BT34 4ST.

Considerations

A Generic Quantitative Risk Assessment (GQRA) and Remedial Strategy report has been provided by RSK Ireland Ltd in support of this planning application. The GQRA is informed by site investigations and environmental monitoring data. No unacceptable risks to environmental receptors have been identified for the development.

Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.

Conditions

Wording for proposed Conditions concerning the management of land contamination are provided below and should you wish to discuss or have further clarity then do not hesitate to get in touch with the Land and Groundwater Team in Regulation Unit. In addition to imposing planning Conditions to address contamination and its risks, it is essential to ensure that these planning Conditions are complied with and discharged.

- 1. 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 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 Planning Authority in writing, and subsequently implemented and verified to its satisfaction.**

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

- 2. After completing the remediation works under Condition 1; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by 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, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

Regulation Unit

3. In the event that piling is required, 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 Planning Authority. The methodology is available at:

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

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

Explanatory note

The comments below are not exhaustive but serve to capture key points in support of the Regulation Unit (RU) position outlined above. These comments are made on consideration of:

- RSK Ireland Ltd. Generic Quantitative Risk Assessment & Remedial Strategy. 88 Greencastle Road, Kilkeel, Co. Down. Ref. 604936-R1 (00). November 2023.
 - Ground Check Ltd. Ground investigation Report. 88 Greencastle Road Kilkeel. Job Ref. 23-3287. October 2023.
1. The priorities of the RU Land and Groundwater Team in assessing this planning application are to consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water.
 2. A Generic Quantitative Risk Assessment (GQRA) and Remedial Strategy report has been provided by RSK Ireland Ltd in support of this planning application. The GQRA is informed by site investigations and environmental monitoring data from six on site boreholes. Evidence for buried wastes consistent with a former inert landfill on part of the site were encountered in borehole BH02. No unacceptable risks to environmental receptors have been identified for the development. To ensure no enhanced risks are created through piling a condition is recommended should piling be required for the development.
 3. Potential risks have been identified to human health receptors for which remedial measures have been proposed. It should be noted that Newry, Mourne and Down District Council is the authoritative body with respect to environmental health matters and we would ask that you ensure they have an opportunity to comment on all relevant information.
 4. Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.
 5. Piling risk assessments should be undertaken in 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” available at

Regulation Unit

<https://webarchive.nationalarchives.gov.uk/ukgwa/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

6. 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>

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

Informatives

1. **The purpose of the Conditions 1 – 3 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 III 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**

2. **The applicant should ensure that the management of all 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.**

3. **RU 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.**

Water Management Unit

Section Reference:

WMU/PC/ 35720-1

Considerations:

Water Management Unit has considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal subject to Conditions, the applicant noting the advice contained in the Explanatory Note, the applicant referring and adhering to Standing Advice, and any relevant statutory permissions being obtained.

Conditions:

Recommended conditions and informatives are set out in DAERA Standing Advice on Single Dwellings, available at: <https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>

Explanatory Note:

Water Management Unit notes the Planning Case Officer's reason for consultation in relation to letters of objection / representation as uploaded to the Planning Portal, and as of 21st November 2023, has considered these letters for the issues that fall within our remit.

Water Management Unit notes Question 18 on the P1 form, as date-stamped by the Planning Authority on 26th May 2022, where the proposal is for foul sewage to be disposed of to a 'treatment plant'.

Water Management Unit also notes a revised Question 18, as date-stamped by the Planning Authority on 28th July 2022, where the applicant has indicated the intention to dispose of foul sewage to 'mains'.

All proposed developments should connect to a mains sewer, where available, and providing the sewer and associated Waste Water Treatment Works (WWTW) can accommodate the additional load. Northern Ireland Water Limited (NIW) can advise if this is possible.

If it is not possible to connect the proposed development to the mains sewer then NIEA discharge consent under the terms of the Water (Northern Ireland) Order 1999 will be required for the discharge of sewage effluent from the proposed development.

The first suggested condition in DAERA Standing Advice on Single Dwellings is:

Condition: No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

This condition is to ensure protection of the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. This includes the purchase of any waste water treatment plant.

It should be noted that NIEA discharge consent can only be assessed whenever the Department has received an application deemed complete accompanied by the appropriate fee. To this end, Water Management Unit would advise the applicant to contact the Department at their very earliest convenience to discuss the matter.

Further information on how to apply for NIEA discharge consent for a single domestic property can be found at: <https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

However, the applicant should be aware that there is no guarantee that NIEA discharge consent will be granted, as a number of site-specific factors need to be taken into account in assessing the suitability of the proposed means of effluent disposal.

Water Management Unit would like to highlight that Department for Infrastructure (DfI) Rivers is the statutory drainage and flood protection authority for Northern Ireland. Water Management Unit does not comment on proposals to build in floodplains or where concerns have been raised with regards to flooding, unless the proposal would have other potential impacts on the environment other than increasing the risk of flooding.

Where flooding may be an issue, Water Management Unit would recommend DfI Rivers is consulted regarding this proposal to comment on any potential drainage or flooding impacts resulting from the development.

Informatives:

The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Single Dwellings.

Care will need to be taken to ensure that polluting discharges do not occur during the excavation / regrading / construction phase, as well as the operational phase. The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Pollution Prevention Guidelines.

The following Guidance for Pollution Prevention (GPP) documents provide guidance on good working practices:

- GPP 1: Understanding your environmental responsibilities - good environmental practices
- GPP 3: Use and design of oil separators in surface water drainage systems
- GPP 4: Treatment and disposal of wastewater where there is no connection to the public foul sewer
- GPP 6: Working at construction and demolition sites
- GPP 20: Dewatering underground ducts and chambers
- GPP 21: Pollution incident response planning
- GPP 22: Incident response - dealing with spills

- GPP 27: Installation, decommissioning and removal of underground storage tanks

A full list of these GPP guidance documents can be found at the NetRegs site:

<https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/>

Care should be taken to ensure that only clean surface water is discharged to the nearby water environment. Water Management Unit recommends the applicant refers and (where applicable) adheres to the precepts contained in DAERA Standing Advice on Sustainable Drainage Systems for brownfield sites or contaminated land in order to minimise the polluting effects of storm water on waterways.

The applicant should note NIEA discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for the disposal of contaminated surface water during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to DAERA Standing Advice on Discharges to the Water Environment.

If the development includes excavation of an underground structure (e.g. tanks), then depending on the geological setting, the potential exists for the water table to be encountered during these works which may require dewatering to take place. Authorisation may therefore be required, under the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006. The applicant should refer to DAERA Standing Advice on Abstractions and Impoundments.

The discharge of water from a dewatering operation will require consent to discharge, under the Water (NI) Order 1999. The applicant should refer to DAERA Standing Advice on Discharges to the Water Environment.

All DAERA Standing Advice is available at: <https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>

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.

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.