

From: Info@thetaxcafe
To: [DAERA Planning Response Team](#)
Subject: Re: Planning Application LA07/2022/0885/F Request for Clarification on Consultation Response
Date: 06 April 2026 10:39:20
Attachments: [REDACTED]

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

Dear Sir/Madam,

I write in relation to the above planning application and your recent consultation response indicating no objection.

Please find attached a letter seeking clarification on the basis of that position, in light of the environmental history of the site, the further development now proposed, and the information currently before the planning authority.

The purpose of this correspondence is to ensure that all material environmental considerations have been properly taken into account, and to assist in understanding how the consultation response has been reached.

Given that the proposed works involve excavation, handling and potential stockpiling of material within close proximity to our property, I would be grateful if you could review the attached and provide clarification on the points raised.

I would be happy to provide any further information if required.

Thank you for your time and consideration.

Kind regards,

Deborah Lynch

DAERA Planning Response Team

Via Email: PlanningResponse.Team@daera-ni.gov.uk

6th April 2026

Re: Re: Planning Application LA07/2022/0885/F

Request for Clarification – Land Contamination, Waste and Environmental Risk

Dear Sir/Madam,

We write in relation to the above planning application and note that DAERA has issued a consultation response indicating no objection to the proposed development.

Given the environmental history of the site, the further development now proposed, and the information currently before the planning authority, we respectfully seek clarification as to how that position has been reached.

This request is made to assist in understanding the basis of the consultation response and to ensure that all material environmental considerations have been properly taken into account.

1. Relevant Background and Prior Regulatory Context

We consider it important to highlight that the site is not a typical greenfield or uncontaminated site, and has a documented regulatory and environmental history, including:

- Prior correspondence from DAERA in 2021 confirming waste materials inconsistent with the licence for “inert” materials and presence of household waste;
- The presence of an SGA Hazard constraint on site and associated environmental sensitivity;
- The 2023 quashing decision by the High Court for the planning department’s failure to consider the landfill under the dwelling;
- A planning and enforcement history involving unauthorised works, waste-related concerns, and unresolved environmental issues, including the absence of EIA assessment until after the dwelling was built;
- Apparent inconsistencies and delay in the soil testing chronology, including laboratory testing dated substantially later than the original borehole works;

- The absence of available post-closure gas monitoring records which was a condition of the waste management licence.

These matters form part of the established context within which the current proposal must be assessed.

2. Nature and Scale of the Proposed Works

The further development now proposed involves substantial ground disturbance, including:

- Excavation of approximately 700 tonnes of material, including approximately 460 tonnes identified as “unclean”;
- Multiple lorry movements associated with removal, importation and replacement of material; and
- Significant excavation, handling and reworking of the same ground within a site known to contain made ground and waste material.

These works are not incidental but form a core component of the proposed new development works.

3. Absence of Adequate Site Characterisation

It is of particular concern that:

- There is no evidence of comprehensive pre-excavation testing or full material characterisation of the material now proposed to be disturbed;
- Previous soil testing has been limited, delayed and incomplete and does not provide a reliable or representative baseline of site conditions;
- The environmental reporting submitted to date is fragmented and internally inconsistent and does not properly address the full environmental history or known site constraints.
- Previous gas monitoring recorded variable methane conditions, including readings of up to **4.5% v/v methane** and **100% of the lower explosive limit (LEL)**, despite the site later being characterised by the applicant’s consultant as “low” gas risk.
- Limited chemical testing also recorded materially elevated metal concentrations within sampled made ground, particularly at BH01, including arsenic (180 mg/kg), cadmium (4.5 mg/kg), chromium (110 mg/kg), copper (1000 mg/kg), nickel (180 mg/kg), lead (460 mg/kg) and zinc (1400 mg/kg).

In addition, recent concerns have been identified in relation to the local wastewater infrastructure, including evidence of surcharging within the system in the immediate vicinity of the site.

This is particularly significant given the location of the proposed cut-and-fill operations. The presence of surcharging or compromised drainage infrastructure introduces an additional and interacting risk factor, namely:

- the potential for mobilisation and migration of contaminants or leachate through saturated or unstable ground conditions;
- the creation of unpredictable subsurface flow pathways; and
- an increased risk of pollution to surrounding land or controlled waters during excavation and material handling.

No assessment has been provided addressing how the proposed excavation and handling of uncharacterised material would interact with known or suspected deficiencies in the local wastewater network. In the absence of such assessment, it is not possible to conclude that the environmental risks associated with the development can be adequately understood or controlled.

In these circumstances, the environmental baseline remains uncertain.

These findings are particularly significant in the context of the further development now proposed, which will involve excavation and disturbance of these materials.

4. Lack of Defined Material Handling and Stockpiling Strategy

No adequate information has been provided to identify:

- Where excavated or “unclean” material will be stockpiled within the site, however, the red line boundary indicates that this is likely to occur immediately adjacent to our property;
- The duration for which such material may remain on site;
- The containment measures to prevent runoff, dust, leachate or gas migration;
- The methodology for testing, classification and segregation of materials; or
- The sequencing of excavation, temporary storage, removal and replacement.

The absence of this information means that the environmental effects of the development — particularly during the construction and remediation phases — have not been properly assessed.

5. Risks Arising from Excavation and Disturbance

The findings of the ground investigation demonstrate the presence of made ground containing mixed waste materials, elevated metal concentrations, hydrocarbon contamination and variable ground gas conditions, including methane concentrations reaching explosive thresholds. These conditions indicate that the site is not inert and that active contamination and gas generation processes are present. The proposed excavation and cut-and-fill operations will disturb, expose and redistribute this material, creating clear pollutant pathways that do not currently exist. This introduces significant risks, including the mobilisation of contaminants, uncontrolled release and migration of landfill gases, leachate generation, and potential pollution of surrounding land and controlled waters.

These risks arise directly from the nature of the further development now proposed and reflect a material change in the site's risk profile resulting from the excavation, disturbance and handling of underlying materials.

These risks are further exacerbated by identified issues within the local wastewater infrastructure, including surcharging, which may create saturated and unstable ground conditions and facilitate the movement of contaminants. Critically, the environmental effects arising during excavation, handling and any temporary stockpiling of material have not been adequately assessed, and no defined methodology has been provided to demonstrate that these risks can be effectively controlled.

Of particular concern is the absence of any assessment of the impact of stockpiling potentially contaminated or unclassified material in close proximity to neighbouring property, including where such material would be placed, how it would be contained, and how long it may remain on site.

6. Reliance on Future and Conditional Mitigation

The proposal appears to rely heavily on:

- Future investigation;
- Post-permission remediation strategies; and
- Validation measures to be secured by condition.

However, in the absence of a clearly defined and assessed methodology, these matters represent uncertain, future-dependent mitigation, rather than a properly assessed and fixed proposal.

7. Request for Clarification

In light of the above, we would be grateful if DAERA could confirm:

1. Whether the matters outlined above — including the scale of excavation, absence of pre-excavation testing, lack of stockpiling strategy, and incomplete environmental baseline — were fully considered as part of the consultation response;
2. How it has been concluded that the proposed development does **not** give rise to unacceptable risks to:
 - human health;
 - controlled waters; and
 - the wider environment;
3. Whether the environmental effects arising during the construction, excavation, handling and stockpiling phases have been assessed; and
4. Whether, in the absence of defined methodologies for material handling and temporary storage, it is considered appropriate to conclude that the risks can be satisfactorily controlled.

8. Closing

Given that we live immediately adjacent to the site, and in close proximity to the area in which excavation, handling and any temporary stockpiling of material may occur, we would be grateful for clarification on the above points so that the basis of the consultation response can be properly understood and the planning authority fully informed in its determination of the application.

Yours faithfully,

Deborah Lynch

From: [DAERA Planning Response Team](#)
To: ["Info@thetaxcafe"](mailto:Info@thetaxcafe)
Subject: RE: LA07/2022/0885/F – Additional Information Relevant to NIEA Consultation Response Issued 19.03.26
Date: 03 April 2026 12:29:00
Attachments: [REDACTED]

Good afternoon,

Thank you for your email. A further consultation from the planning authority is required before we can provide any further advice.

Kind regards,

[REDACTED]
Central Services Team
Business Support - Planning Response Team
Department of Agriculture, Environment and Rural Affairs (DAERA)
Northern Ireland Environment Agency (NIEA)

NIEA Lisburn | 17 Antrim Road | Tonagh | Lisburn | BT28 3AL

For NIEA Planning Queries:

☎ +4428 90569604

✉ planningresponse.team@daera-ni.gov.uk

Web <https://www.daera-ni.gov.uk/>



From: Info@thetaxcafe <info@thetaxcafeni.com>
Sent: 03 April 2026 11:32
To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Subject: Re: LA07/2022/0885/F – Additional Information Relevant to NIEA Consultation Response Issued 19.03.26

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

Dear [REDACTED],

We note your previous consultation response in respect of the above application and your position that a further review would normally require a new request from the planning authority.

We are writing to bring to your attention a number of material updates which may not have been

available at the time of your original response and which are directly relevant to matters within your remit.

In particular:

- new information has emerged in relation to the local wastewater infrastructure, including evidence of significant issues affecting the system and an ongoing investigation by NI Water;
- the position in respect of consent to discharge remains unresolved, and the application relies on a consent to discharge submission and associated percolation testing which appear to relate to an earlier proposal that has since been refused, giving rise to uncertainty as to whether the drainage assessment relates to the current scheme;
- the current proposal includes additional works involving excavation, material handling and changes to ground conditions, which may have implications for drainage, contamination and environmental pathways.

In light of the above, we would be grateful if you could confirm whether these matters would warrant further consideration, or whether you consider that a formal re-consultation request from the planning authority is required in order for the issues to be reviewed.

We have also provided a short summary of the key issues to assist.

Kind regards,
Deborah

From: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>

Sent: Monday, March 23, 2026 12:22

To: Info@thetaxcafe <info@thetaxcafe.com>

Subject: RE: LA07/2022/0885/F – Additional Information Relevant to NIEA Consultation Response Issued 19.03.26

Good afternoon,

Thank you for your email.

DAERA is a statutory consultee in the planning process and provides advice with regard to its areas of competence to assist the planning authority make its determination.

It is the role of the planning authority to assess all objections or representations made. As the competent authority they determine whether environmental advice should be sought from the Department on any objections or representations made.

Our advice will remain unchanged unless we receive a further consultation from the planning authority.

Kind regards,



Central Services Team

Business Support - Planning Response Team

Department of Agriculture, Environment and Rural Affairs (DAERA)

Northern Ireland Environment Agency (NIEA)

NIEA Lisburn | 17 Antrim Road | Tonagh | Lisburn | BT28 3AL

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✉ planningresponse.team@daera-ni.gov.uk

Web <https://www.daera-ni.gov.uk/>



From: Info@thetaxcafe <info@thetaxcafe.com>

Sent: 23 March 2026 11:07

To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>

Subject: LA07/2022/0885/F – Additional Information Relevant to NIEA Consultation Response Issued 19.03.26

Dear Sir/Madam,

I write in relation to your consultation response dated 19 March 2026 in respect of planning application LA07/2022/0885/F.

I understand that your response was prepared following consultation issued by the Planning Authority on 16 March 2026.

I wish to bring to your attention that material representations and supporting information submitted on 18 March 2026 were not made available to consultees via the planning portal at the time your response was prepared.

These submissions address a number of substantive environmental, drainage, and site-specific issues directly relevant to the matters considered within your response.

For completeness, I attach:

My representation dated 18 March 2026;

- DAERA Correspondence confirming refusal of proposed wwtp submitted with the Lisbane Drainage assessment.
- Drawings and information relating to the proposed cut and fill operations forming part of the amended development.

Key Matters Raised

By way of summary, the attached material raises concerns in respect of:

- The status and relevance of any current wastewater / discharge application, including the refusal of the previous consent to discharge and the absence of clarity as to any valid replacement aligned with the amended proposal;
- The applicability of percolation testing to the current and amended siting and design of the wastewater treatment system;
- The scope, assumptions, and relevance of the GQRA prepared by RSK Ireland Ltd (March 2026 & previous); and
- The environmental implications of the significant cut and fill operations now proposed.

Ongoing Drainage Investigations

I also confirm that further investigations are currently ongoing in relation to local drainage infrastructure and site conditions, the findings of which may have a material bearing on wastewater feasibility and environmental risk.

In these circumstances, there is a risk that consultation responses issued at this stage may not reflect the full and current position and may require review once these matters are clarified.

Request

Given that this material was not available at the time your response was prepared, I am keen to ensure that your assessment is based on the full and current information relevant to the amended proposal.

I would be grateful if you could review the attached material and confirm:

1. Whether your consultation response remains unchanged in light of this information; and
2. Whether any further assessment or updated response is required.

I would also be happy to provide any further information or clarification if required.

Yours sincerely,

Deborah Lynch

From: Info@thetaxcafe
To: [DAERA Planning Response Team](#)
Subject: Re: LA07/2022/0885/F – Additional Information Relevant to NIEA Consultation Response Issued 19.03.26
Date: 03 April 2026 11:32:28
Attachments: [REDACTED]

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

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Kind regards,
Deborah

From: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Sent: Monday, March 23, 2026 12:22
To: Info@thetaxcafe <info@thetaxcafeni.com>
Subject: RE: LA07/2022/0885/F – Additional Information Relevant to NIEA Consultation Response Issued 19.03.26

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██████████ -

Central Services Team

Business Support - Planning Response Team

Department of Agriculture, Environment and Rural Affairs (DAERA)

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From: Info@thetaxcafe <info@thetaxcafeni.com>

Sent: 23 March 2026 11:07

To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>

Subject: LA07/2022/0885/F – Additional Information Relevant to NIEA Consultation Response Issued 19.03.26

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1. Whether your consultation response remains unchanged in light of this information; and
2. Whether any further assessment or updated response is required.

I would also be happy to provide any further information or clarification if required.

Yours sincerely,

Deborah Lynch

PLANNING OFFICER SUMMARY – KEY ISSUES AND REASONS FOR REFUSAL

Application Ref: LA07/2022/0885/F

Site: 88 Greencastle Road, Killeel

Purpose of this Summary

This summary is provided to identify the principal issues arising from the current iteration of the proposal and the key reasons why planning permission should be refused.

The accompanying technical report provides the detailed evidential basis for each point summarised below. These matters are material planning considerations which require specific assessment in the officer's report. The summary is intended to assist review, but it should be read together with the full technical submission.

Critical Environmental Information – Relevance to Consultees

The current consultation is proceeding on the basis of environmental information which is incomplete, internally inconsistent and does not provide a reliable basis for assessment.

In particular, the submitted environmental reporting:

- does not establish a reliable environmental baseline, including the absence of gas monitoring records and failure to reflect the full site history and known landfill / SGA constraints;
- relies on delayed and incomplete site investigation, including soil sampling which was not submitted for testing until nearly three months after the samples were taken;
- The record does not reflect the position that the consent to discharge application and submission receipt on the drainage report are in respect of an earlier refused consent application;
- Does not include new evidence of significant issues in the local wastewater system directly impacting this proposal;
- fails to properly assess contamination and ground gas risks, despite evidence of waste material and regulatory requirements associated with the former site use;
- does not assess the environmental effects of the new and currently proposed works, including excavation, testing, handling, stockpiling and removal of a significant volume of material;

- the submitted road and transport report does not address the proposed cut and fill operations planned, nor does it factor in the seasonal traffic fluctuations arising from the local caravan sites;
- fails to assess the combined and cumulative effects of altered levels, excavation, drainage, contamination, traffic, landscape impact and associated engineering works;
- presents a series of evolving and inconsistent proposals rather than a single coherent and assessed development.
- does not clearly distinguish between the existing built form, unauthorised works, elements to be retained, and newly proposed remedial or alternative works;

In those circumstances, there is a real risk that consultees are being asked to respond without the information necessary to properly assess environmental effects within their respective areas of responsibility.

Core Position

The development must be assessed:

- in light of the form of development originally identified as unacceptable;
- as actually built on the ground, rather than by reference to the narrower scheme previously approved;
- in the context of the repeated and changing attempts to revise, regularise or remedy the development after the event; and
- as a whole, including construction, remediation, drainage and environmental effects.

This includes the excavation, testing, handling, temporary stockpiling, disposal and replacement of approximately 397m³ of material (roughly 650–700 tonnes) arising from the proposed cut-and-fill works, the impacts of which have not been properly assessed.

The fact that further remedial and alternative works are now advanced does not make the current application acceptable. On the contrary, it reinforces that no single clear and policy-compliant scheme has been presented. If materially different works are required to seek acceptability, the proper course is refusal of the current application and, if so advised, the submission of a new application for those works.

This is further compounded by the apparent extension of the residential site envelope into additional purchased lands, which raises a separate curtilage issue and further undermines any attempt to characterise the proposal as a policy-compliant replacement dwelling.

When assessed on that basis, the proposal:

- is not acceptable in principle;
- has not been properly environmentally assessed; and
- cannot be demonstrated to be deliverable without unacceptable impacts.

Summary Reasons for Refusal

1. Principle of Development Not Established (PPS21 – CTY1 / CTY3)

The 2018 permission cannot lawfully be relied upon as an extant fallback. The proposal must therefore be assessed as a new dwelling in the countryside under CTY1, for which no policy basis has been advanced.

That is so because:

- no lawful EIA screening determination has been identified or published in respect of the 2018 permission;
- critical pre-commencement environmental safeguards were not complied with, including the requirement to obtain agreement on effluent disposal with NI Water or secure Consent to Discharge before development proceeded, in accordance with DAERA standing advice;
- and the question of whether a permission is extant is a legal matter and cannot be resolved through informal or generalised advice within the delegated assessment of this application.
- A further material inconsistency arises from the treatment of the original 2021 breaches which gave rise to the section 43 enforcement letter. Those breaches were later described in planning assessment terms as “substantially complete”, yet the retrospective decision was quashed and so far as is known, the original enforcement file was closed and not transparently re-opened. The authority has declined to clarify what matters remain under live enforcement. In those circumstances, the Planning Authority must address expressly how the original unauthorised works are now being characterised, what enforcement status attaches to them, and whether the present application is being assessed on a clear and consistent basis.

In those circumstances, no lawful fallback exists. In the alternative, even if CTY3 were considered applicable, the proposal would fail that policy in relation to curtilage, siting, integration and the availability of services.

See detailed report: Section 4.1.

2. Failure to Properly Assess Environmental Effects (EIA Regulations / DMPN 9)

The development has not been assessed as a single coherent project. The threshold for cumulative effects was met well before the most recent remedial proposals, once the development materially departed from the originally assessed scheme in the context of increased height, altered levels, AONB sensitivity, SGA / landfill constraints, unresolved drainage and the wider planning history. The information remains insufficient to support a lawful negative screening opinion.

See detailed report: Section 4.2.

3. Drainage and Wastewater Infrastructure Not Demonstrated (CTY16)

A deliverable and environmentally acceptable drainage solution has not been demonstrated. The proposal remains dependent on unresolved Consent to Discharge, questionable percolation evidence, and a receiving environment which appears to be significantly constrained and is currently under further NI Water investigation.

This is not a new issue. DAERA's standing advice expressly recommends that no development should take place on-site until the method of effluent disposal has been agreed in writing with NI Water or Consent to Discharge has been granted. It also makes clear that there is no guarantee such consent will be granted. That safeguard was reflected in the earlier pre-commencement condition and went to a fundamental issue of environmental acceptability.

Despite that, the issue was not resolved before development proceeded and has remained unresolved for a prolonged period. The application therefore reflects continued avoidance of a critical infrastructure and environmental constraint. The planning system should not reward prolonged non-compliance with a pre-commencement safeguard that existed precisely because discharge feasibility and pollution risk were uncertain. The proposed cut-and-fill works also raise further unresolved questions as to how revised ground conditions, infiltration behaviour and drainage performance are to be assessed in practice.

This is particularly significant in a wider planning context where wastewater capacity constraints are a known barrier to development and early engagement is expected rather than prolonged avoidance.

See detailed report: Section 4.3.

4. Land Contamination and Ground Gas Risks Not Resolved

The site is affected by known contamination, landfill-related constraints and potential ground gas risk. The submitted assessment is incomplete, unreliable and internally inconsistent, with key matters still dependent on future investigation, remediation and validation. The proposal also fails to provide any adequate strategy for the prior testing, handling or stockpiling of excavated material, including where potentially contaminated or unclassified material would be stored within the site, for how long, and with what

protection for neighbouring property and the environment. The application therefore fails to demonstrate that the site is suitable for residential development or that the proposed works can be undertaken without unacceptable risk.

See detailed report: Section 4.4.

5. Unacceptable Landscape and Visual Impact (PPS21 – CTY13, CTY14, CTY15)

The development is prominent, elevated and poorly integrated. It relies on screening, landscaping and surrounding structures to reduce its impact within a sensitive AONB setting, and reflects a form of development previously identified as unacceptable.

See detailed report: Section 4.5.

6. Adverse Impact on Neighbouring Amenity (CTY13)

The development gives rise to dominance, overlooking and loss of privacy due to its scale, altered levels and the relationship of the large glazed living areas to neighbouring property. These effects will become more pronounced as temporary screening and soil bunds are removed.

See detailed report: Section 4.5.

7. Road Safety, Access and Visibility Not Demonstrated

There is no clear or consistent evidence that required visibility splays can be achieved or that safe access can be delivered.

The site is located within a coastal rural area which experiences significant seasonal variation in traffic volumes, particularly associated with tourism and caravan activity.

During peak periods, including weekends and holiday seasons, the local road network is subject to heightened traffic levels and constrained operating conditions. These existing baseline conditions have not been taken into account in the assessment of the development.

The proposal must therefore be considered not against average traffic conditions, but against peak seasonal conditions, when the road network is already operating under increased pressure.

In addition, the implications of the newly proposed cut-and-fill operations, associated HGV movements and wider construction traffic have not been properly assessed. The cut-and-fill memorandum confirms excavation of approximately 397m³ of material, involving stockpiling, disposal and importation, yet no adequate information has been provided on traffic volumes, routing, duration, materials handling, or the resulting disturbance to neighbouring amenity and the local road network.

The application also contains inconsistent information in relation to visibility splays, with earlier drawings indicating constraints which are not adequately addressed or

resolved in the current submission.

See detailed report: Sections 4.3, 4.4 and 4.6.

Why These Issues Cannot Be Left to Condition

The application relies on the deferral of critical matters, including:

- drainage feasibility and discharge approval;
- contamination assessment and remediation;
- material handling and excavation outcomes;
- testing, classification, stockpiling and management of excavated and potentially contaminated material;
- traffic and road safety impacts;
- final site configuration and engineering works; and
- environmental mitigation.

These are not minor technical matters. They are fundamental to the acceptability of the development. The Planning Authority must be satisfied on these matters before determination, not after.

Key Structural Deficiency in the Application

The application does not present:

- a single coherent scheme;
- a defined and assessed end-state; or
- consistent and reliable supporting information.

Instead, it presents:

- an as-built development;
- a series of revisions; and
- further remedial / alternative proposals dependent on future decisions.

This includes material which the applicant proposes to excavate, test, stockpile, remove and replace, without identifying where such stockpiling would occur within the red line boundary, how long it would remain on site, or what containment and protection measures would apply.

This prevents proper assessment and is not consistent with the requirements of the planning system or the EIA Regulations.

Conclusion

The proposal must be assessed as a whole, including its previous approvals, rejections, current construction, remediation and operational impacts.

When properly assessed:

- the development fails in principle;
- fails to comply with planning policy; and
- fails to meet environmental assessment requirements.

The Planning Authority does not have sufficient, reliable or complete information to determine the application, nor is the material before it a sufficient basis on which statutory consultees can properly rely as a true reflection of the current state and proposed further development of the site.

These are not matters capable of resolution through planning conditions. They go to the fundamental acceptability of the development.

Request

The Planning Authority is requested to reconcile expressly the enforcement position and the planning assessment history in relation to the status of the original 2021 breaches, including:

- the enforcement team's confirmed position that the development is not substantially complete and remains under active consideration; and
- any previous planning officer assessment which has treated those works as substantially complete or otherwise relied upon that status in assessing the development;
- and to confirm clearly what elements of the development are currently regarded as unauthorised and how that position has been taken into account in the assessment of the present application.

Recommendation

Planning permission should be refused.

From: [DAERA Planning Response Team](#)
To: ["Info@thetaxcafe"](mailto:Info@thetaxcafe)
Subject: RE: LA07/2022/0885/F – Additional Information Relevant to NIEA Consultation Response Issued 19.03.26
Date: 23 March 2026 12:22:00
Attachments: [REDACTED]

Good afternoon,

Thank you for your email.

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It is the role of the planning authority to assess all objections or representations made. As the competent authority they determine whether environmental advice should be sought from the Department on any objections or representations made.

Our advice will remain unchanged unless we receive a further consultation from the planning authority.

Kind regards,

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Central Services Team
Business Support - Planning Response Team
Department of Agriculture, Environment and Rural Affairs (DAERA)
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For NIEA Planning Queries:

☎ +4428 90569604

✉ planningresponse.team@daera-ni.gov.uk

Web <https://www.daera-ni.gov.uk/>



From: Info@thetaxcafe <info@thetaxcafe.com>
Sent: 23 March 2026 11:07
To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Subject: LA07/2022/0885/F – Additional Information Relevant to NIEA Consultation Response Issued

19.03.26

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

Dear Sir/Madam,

I write in relation to your consultation response dated 19 March 2026 in respect of planning application LA07/2022/0885/F.

I understand that your response was prepared following consultation issued by the Planning Authority on 16 March 2026.

I wish to bring to your attention that material representations and supporting information submitted on 18 March 2026 were not made available to consultees via the planning portal at the time your response was prepared.

These submissions address a number of substantive environmental, drainage, and site-specific issues directly relevant to the matters considered within your response.

For completeness, I attach:

- My representation dated 18 March 2026;
- DAERA Correspondence confirming refusal of proposed wwtp submitted with the Lisbane Drainage assessment.
- Drawings and information relating to the proposed cut and fill operations forming part of the amended development.

Key Matters Raised

By way of summary, the attached material raises concerns in respect of:

- The status and relevance of any current wastewater / discharge application, including the refusal of the previous consent to discharge and the absence of clarity as to any valid replacement aligned with the amended proposal;
- The applicability of percolation testing to the current and amended siting and design of the wastewater treatment system;
- The scope, assumptions, and relevance of the GQRA prepared by RSK Ireland Ltd (March 2026 & previous); and
- The environmental implications of the significant cut and fill operations now proposed.

Ongoing Drainage Investigations

I also confirm that further investigations are currently ongoing in relation to local drainage infrastructure and site conditions, the findings of which may have a material bearing on wastewater feasibility and environmental risk.

In these circumstances, there is a risk that consultation responses issued at this stage may not reflect the full and current position and may require review once these matters are clarified.

Request

Given that this material was not available at the time your response was prepared, I am keen to ensure that your assessment is based on the full and current information relevant to the amended proposal.

I would be grateful if you could review the attached material and confirm:

1. Whether your consultation response remains unchanged in light of this information; and
2. Whether any further assessment or updated response is required.

I would also be happy to provide any further information or clarification if required.

Yours sincerely,

Deborah Lynch

From: Info@thetaxcafe
To: [DAERA Planning Response Team](#)
Subject: LA07/2022/0885/F – Additional Information Relevant to NIEA Consultation Response Issued 19.03.26
Date: 23 March 2026 11:07:40
Attachments: [REDACTED]

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

Dear Sir/Madam,

I write in relation to your consultation response dated 19 March 2026 in respect of planning application LA07/2022/0885/F.

I understand that your response was prepared following consultation issued by the Planning Authority on 16 March 2026.

I wish to bring to your attention that material representations and supporting information submitted on 18 March 2026 were not made available to consultees via the planning portal at the time your response was prepared.

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1. Whether your consultation response remains unchanged in light of this information; and
2. Whether any further assessment or updated response is required.

I would also be happy to provide any further information or clarification if required.

Yours sincerely,

Deborah Lynch

Re: LA07/2022/0885/F – Interim Objection to Recently Submitted Amended Drawings and Supporting Documents

Dated 18 March 2026

Dear Sir/Madam,

I write to lodge an interim objection to the recently submitted amended drawings and supporting documentation in respect of the above application.

This objection is submitted to ensure that key procedural, environmental and assessment issues are clearly before the Council at this stage. Given the volume, timing and technical nature of the recently uploaded material, it is not possible to provide a full and detailed response at this time. A further detailed submission will follow once the material has been properly reviewed, updated where necessary and any final consultation responses and screening determinations are available.

1. Prematurity and Inadequate Evidential Basis

The recently submitted material introduces substantial additional technical information, including significant earthworks, drainage, and environmental considerations.

However, it is not clear that the Council currently has a complete, consistent and proposal-specific evidential basis to enable lawful assessment of:

- environmental and contamination risks
- drainage and hydrological impacts
- construction-phase effects
- the full extent of engineering operations now disclosed

In these circumstances, any progression toward consultation or determination would be premature.

2. Volume and Timing of New Information – Procedural Fairness

The upload of a substantial volume of new material (circa 29 documents) represents a material expansion and alteration of the evidential basis of the application.

This material:

- was indicated as forthcoming several months ago,

- has only now been introduced, and
- has not yet been subject to meaningful review by interested parties or, it appears, full consultation.

In those circumstances:

It would be procedurally unfair and premature to proceed to consultation or determination without allowing adequate time for proper review and response.

3. Lack of Clarity in Drawings – Levels and Site Engineering

The submitted drawings include a significant volume of spot level data, but do not clearly identify the key existing and proposed levels necessary to understand:

- the extent of land raising and excavation
- finished floor levels
- relationships with adjoining land
- potential drainage and runoff implications

In the absence of clear and intelligible level information:

It is not currently possible to properly assess the scale or impact of the engineering works now proposed.

4. Evolving and Inconsistent Proposal

The recently submitted material, including the cut-and-fill proposals and associated documentation, indicates that the scheme has evolved materially.

However:

- no clear explanation is provided for these changes,
- no comparative assessment has been undertaken, and
- it is not evident that consultees will be considering a stable and consistent proposal.

This raises concern that:

The application is not presently in a form capable of proper assessment or consultation.

5. Environmental Information and Need for Independent Assessment

The environmental and contamination evidence base remains incomplete and internally inconsistent, particularly in relation to:

- site history and waste composition
- ground disturbance and penetrative works
- drainage and interaction with made ground
- construction-phase environmental effects

In these circumstances, reliance on applicant-led material alone is insufficient.

Accordingly:

The Council should obtain independent environmental assessment, including through Shared Environmental Services (SES) or equivalent expertise, to properly evaluate the environmental impacts of the proposal.

6. Planning History and Context

It is material that the site has a significant planning history, including previous refusals of proposals of a lesser height and overall scale.

It is not currently clear that this history, and the evolution of the scheme, is fully and transparently presented within the current submission or portal documentation.

Given its relevance:

The Council must ensure that the full planning history and context are properly taken into account in assessing the current proposal.

It is also material that aspects of the current drawings appear to reflect a form of development previously considered and refused by the Council, including in 2022, and which differs from the dormer-style scheme previously approved under the retrospective application.

That same issue was the subject of complaint and enforcement correspondence in 2023. By email dated 20 April 2023, the Council was placed on notice of concern that the development was proceeding above the approved Rev 3 drawings and toward a two-storey form not then approved. An enforcement case was thereafter opened under reference LA07/2023/0469/CA in respect of those originally reported 2023 breaches, and the Council confirmed by letter dated 27 April 2023 that the matter was receiving attention and that the complainant would be informed of the outcome in due course.

The relationship between those originally reported 2023 breaches, the previously approved dormer form, the previously refused scheme, and the current as-built /

currently drawn form is not clearly explained within the submitted material. This raises further concern as to whether the proposal has been properly contextualised and assessed.

It is also unclear whether the issues originally raised within enforcement case reference LA07/2023/0469/CA in respect of the 2023 reported breaches have ever been formally concluded. The Council's correspondence indicated that the matter was under active consideration and that the complainant would be informed of the outcome; however, no such outcome has been communicated. In the absence of any clear confirmation that the original 2023 breach issues have been resolved or closed, it must be assumed that the position remains under review. This gives rise to further uncertainty as to the status of the as-built development and whether it is appropriate to assess the current proposal without clarity as to those ongoing or unresolved enforcement considerations.

7. Environmental Information, Completeness and Transparency

A number of environmental and technical reports have been submitted in support of the application, including initial and updated submissions. However, there are significant concerns as to the completeness, consistency and reliability of this material, which must be addressed prior to any meaningful assessment or consultation.

By way of example:

- Soil sampling undertaken in August 2023 was not submitted for testing until late October 2023, raising questions as to the validity of the data relied upon;
- Environmental Health previously identified the need for these matters to be addressed within their consultation response dated 27 November 2023, however it is not clear that those concerns have been properly resolved or revisited;
- The reports do not appear to fully acknowledge or engage with the relevant planning history of the site, including previous concerns raised in relation to land quality and environmental risk;
- Correspondence from DAERA evidences the presence of household waste on site, which does not appear to be fully addressed within the submitted material;
- There is an absence of post-site gas monitoring records, notwithstanding that such monitoring is understood to have been required under the Waste Management Licence;
- No piling risk assessment has ever been performed despite clear evidence in the current drawings of concrete piling having occurred;
- The updated reports do not adequately address the extent and impact of cut and fill operations undertaken or proposed on site. There is no clear

assessment of how the excavation, movement and re-placement of material, and associated ground disturbance, affects contamination risk, gas migration or drainage behaviour. In the absence of such analysis, it is not possible to understand the environmental implications of the development as carried out or proposed.

Taken together, these matters suggest that the submitted environmental information does not reflect the actual ground conditions or operations undertaken and/or proposed on site.

In addition, no clear piling risk assessment has been provided, given the known and suspected ground conditions, including the presence of made ground and previously identified contamination risks, this omission is significant. Any piling or intrusive foundation works have the potential to mobilise contaminants and gases, and it is not clear how these risks have been assessed or mitigated within the submitted material.

A number of standalone environmental and technical reports have been submitted; however, these do not constitute a coordinated Environmental Statement within the meaning of the EIA Regulations. While screening has not yet been confirmed, it is important to note that reliance on fragmented or partial reports cannot substitute for any such assessment should it ultimately be required.

The updated reports do not clearly address the environmental implications of stockpiling, on-site testing, classification, temporary storage, reuse or off-site removal of excavated material, or the regulatory controls said to govern those activities, including any relevant Waste Management Licence requirements.

It is also noted that the Pre-Development Enquiry (PDE) and any associated consent application referred to within the Lisbane Drainage Assessment (March 2026) appear to relate to an earlier iteration of the drainage proposal presented in 2025, rather than the form of development now advanced, including the newly disclosed groundworks and engineering operations. It is not apparent whether the applicant has sought or obtained any updated consent in respect of the current proposal.

Given that drainage and wastewater arrangements have been an ongoing and contentious issue throughout the history of this site, this lack of clarity is material and directly relevant to any proper assessment of the application in its current form.

A further and critical difficulty is that the submitted material does not clearly distinguish between the development as currently built and any newly proposed works now being advanced. That lack of clarity is material.

In order for the environmental effects of the proposal to be properly understood and assessed, it is essential that the extent of any newly proposed groundworks, excavation,

cut and fill, piling, drainage and related engineering operations is clearly identified and separated from the existing as-built position.

In the absence of that distinction, neither consultees nor interested parties can properly understand the true extent of the additional works now proposed or assess their likely impact, including in the context of the site's environmental sensitivity and its location within an AONB.

In the circumstances, if the Council is minded to continue to rely on the submitted environmental material at this stage, it is requested that the above issues and deficiencies are clearly and transparently identified to all consultees, that any correspondence or clarification provided in that regard is published on the planning portal, and that consultees are not asked to respond on the basis of unclear or incomplete environmental information.

8. Consultation and Screening

Given the matters outlined above, it is essential that any screening exercise and any consultation undertaken by the Council are carried out by reference to:

- the current proposal as actually now advanced;
- clear identification of what is already built as opposed to what is newly proposed;
- current and proposal-specific drainage / wastewater information; and environmental information which transparently identifies the known deficiencies, omissions and unresolved issues within the submitted reports.

This should include consideration of the cumulative environmental and landscape effects of the development by reference to its original site baseline in 2014, including the significance of the proposal's evolution from earlier forms previously considered unacceptable in terms of height, scale and impact within the AONB.

Similar uncertainty arises in relation to the ecological material currently on the file. The biodiversity checklist and ecological statement (October 2025) appear to relate to an earlier iteration of the proposal and refer only to general landscaping works. They do not address the extent or environmental implications of the cut and fill operations and associated groundworks now being advanced. It is therefore unclear whether this material reflects the current proposal or provides a reliable basis for assessment of its ecological impacts.

If the Council is minded to proceed on the basis of this material, it should clearly explain why it considers it applicable to the proposal now advanced and publish that explanation on the planning portal.

9. Interim Position

For the reasons set out above, the application is not presently in a condition that permits fair, transparent or properly informed assessment.

The submitted material raises significant unresolved issues concerning:

- the adequacy and applicability of the environmental information relied upon;
- the extent of newly proposed groundworks and engineering operations;
- the failure clearly to distinguish between the existing as-built position and additional works now proposed;
- the status of drainage / wastewater material apparently linked to an earlier iteration of the proposal;
- the unresolved position in respect of the originally reported 2023 enforcement breaches; and
- the adequacy of consultation and screening if carried out on the basis of the present file.

In those circumstances, the Council is requested to:

- refrain from progressing to determination until such time as the evidential, environmental and procedural deficiencies identified above have been adequately addressed;
- ensure that the full extent of the current proposal, including any newly proposed works, is clearly identified and capable of proper assessment;
- ensure that independent environmental review is obtained, including through Shared Environmental Services (SES) or equivalent expertise, if the Council is minded to continue progressing the application on the basis of the current environmental information;
- ensure that any screening and consultation are carried out on the basis of complete, current and proposal-specific information;
- ensure that consultees and the public are able to understand and comment upon the actual proposal now advanced, including a clear distinction between

the currently built form and any newly proposed cut and fill or related engineering works, rather than a shifting or partially explained scheme; and

- allow a reasonable opportunity for further representations once the position has been clarified.

For the avoidance of doubt, this objection is interim and without prejudice to further and more detailed submissions on planning, environmental, drainage, contamination, traffic, levels, enforcement, consultation and related grounds following fuller review of the amended material and any consultation responses.

Yours faithfully,

Deborah Lynch

Deborah Lynch

18 March 2026

Attachments:


1. Email 20 April 2023 – building progressing contrary to Rev 3 approved drawings
2. the 27 April 2023 enforcement letter LA07/2023/0469/CA
3. DAERA correspondence referencing household waste
4. EH consultation response dated 27/11/23

FW: LA07/2022/0885/F

From Info@thetaxcafe <info@thetaxcafeni.com>

Date Tue 25/04/2023 16:22

To [REDACTED]

 2 attachments (2 MB)

Drawing P02-11682 Rev 3.pdf; IMG_5495.JPG;

Please acknowledge receipt of the email communication below dated 20th April.

Regards


Deborah Lynch



DEBORAH LYNCH

DIRECTOR

THE TAX CAFÉ NI LTD

 37 Greencastle Street,
Kilkeel, Co Down

6 Margaret Street,
Newry, Co Down

 +44 7966584626

 info@thetaxcafeni.com

 www.thetaxcafeni.com

From: Info@thetaxcafe

Sent: Thursday, April 20, 2023 9:18 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: LA07/2022/0885/F

Please see attached picture from today 20th April 23. It is apparent that yet again the applicant is intent on ignoring the latest set of approved drawings Rev 3 dated 16.11.22. The approved drawings so the eaves for the roof sitting below the top of the 3 windows along the rear elevation of the property. However we note that block work has continued above this.

It is evident that the applicant intends to build the two storey dwelling which has not been approved.

Please acknowledge receipt of this email and confirm what action if any your department(s) intend to take.

Regards

Deborah Lynch

Oifig an Iúir
Newry Office
O'Hagan House Monaghan Row
Newry BT35 8DJ
0330 137 4000 (Council)
www.newrymournedown.org

Oifig Dhún Pádraig
Downpatrick Office
Downshire Civic Centre
Downshire Estate,
Ardglass Road, Downpatrick
6GQ



By email:
info@thetaxcafeni.com

Date: 27th April 2023
Our Ref: LA07/2023/0469/CA
(Please quote at all times)

Please
Contact:



Contact
Number: 03301374633

Dear Ms Lynch

Nature: Alleged development not being constructed in accordance with approved plans (LA07/2022/0885/F)

Location: New dwelling at No. 88 Greencastle Road, Kilkeel, Co. Down, BT34 4JL

I refer to your recent contact with the planning office. This matter is receiving our attention and you will be informed of the outcome in due course.

The general policy approach for dealing with breaches of planning control and offences is detailed in the Strategic Planning Policy Statement. This document can be viewed on the DfI website (www.infrastructure-ni.gov.uk).

The Council has a general discretion to take enforcement action against a breach of planning control when it regards it as expedient to do so, having regard to the Development Plan and any other material considerations. The Council will only pursue enforcement action commensurate with the breach of planning control to which it relates.

In the interests of transparency, the Council endeavours to make everyone involved aware of the range of actions possible to remedy the situation. Where a breach of planning control has been identified, one or more of the following actions may be carried out by the Council

1. A case is not pursued as the breach is deemed as not expedient. This is often the case where a breach is considered minor and has no environmental impacts.
2. A planning application may be submitted in an attempt to remedy the breach. On occasion, an uninvited planning application may be received. It should be noted that the Council is obliged to process all planning applications received.

3. If there is no reasonable prospect of the situation being resolved and there has been a failure to comply with warning letters, the Council may move to formal enforcement action through the service of a Notice or Summons action.

Please note, in many instances, development that has been carried out does not require planning permission as it benefits from permitted development rights as set out in the Planning (General Permitted Development) Order (Northern Ireland) 2015 and does not therefore, constitute a breach of planning control.

You may find it beneficial to know at this stage, that enforcement action, should it be appropriate in this case, is often a long and complicated procedure and lengthy periods of time can be involved before a case is satisfactorily resolved. As with all enforcement investigations, the Council's standard procedure is not to enter into correspondence with a complainant other than to confirm that a case has been opened and then at the conclusion of the case to inform the complainant of the outcome of the investigation.

This practice is not to be unhelpful but is due to the restrictions imposed on us by the Data Protection Act 2018 (NI) and the Environmental Information Regulations 2004. The Council is limited to the information that can be released in order to prevent an enforcement investigation being prejudiced and to safeguard the rights of individuals. I trust this information is of assistance.

The Council will process your information in line with the GDPR requirements. A copy of the full Privacy Statement is available at www.infrastructure-ni.gov.uk/dfi-privacy alternatively you can contact the relevant Data Protection Officer listed and request a copy of the Statement to be posted directly to you.

Yours sincerely,



for Newry, Mourne and Down District Council

From: [REDACTED]
To: Info@thetaxcafe
Cc: [REDACTED]
Subject: RE: Digger works
Date: 10 September 2021 11:57:53

Hi Debbie,

By way of update on my site visit on Tuesday the 7/09/21.

Onsite I did observe and photograph waste (observed some plastics, metal, rubble, wood and what appeared to be household waste) which had been unearthed by the workmen in the course of foundation works.

I have already updated [REDACTED] (Environmental Health Officer Council) and have also copied her into this email.

At present I am in contact with Pollution Prevention Control (PPC) DAERA making them aware of this matter and what possible role or remit they have for this site.

I have been initially informed that 'PPC undertake the monitoring of a number of historic landfills, but these are all licensed. Anything outside of this aren't regulated by PPC.'

I am looking more clarity and confirmation on this as the licence for 88 Greencastle road was surrendered.

I will be on site visits next Monday and Tuesday but if I don't get back to you today I will get back to you next week.

Many thanks

[REDACTED]

From: Info@thetaxcafe [mailto:info@thetaxcafeni.com]
Sent: 06 September 2021 14:06
To: [REDACTED]
Subject: RE: Digger works

No problem [REDACTED] thanks.

Debbie



Newry, Mourne and Down District Council Environmental Health

Environmental Health Ref: 5022/23

Planning Application Ref: LA07/2022/0855

Date Received: 30 October 2023

<p>1. <u>NOISE (includes vibration)</u> a) Potential to cause adverse impact. b) Proposal may be adversely affected.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>2. <u>AIR POLLUTION</u> a) Potential to cause adverse impact. (eg odour, dust) b) Proposal may be adversely affected.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>3. <u>GENERAL AMENITY</u> a) Potential to cause adverse impact (vermin/litter) b) Proposal may be adversely affected.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>4. <u>AMBIENT AIR QUALITY</u> a) Potential to cause adverse impact. b) Proposal may be adversely affected.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>5. <u>CONTAMINATED LAND</u> Potentially contaminated due to: a) a previous use of the site b) use, or a previous use, of adjacent land c) naturally occurring levels of contamination.</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>6. <u>OTHER CONSIDERATIONS</u> a) Other Environmental Health considerations:</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Accompanied by Environmental Statement (ES) Has ES Been considered.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Has 3rd party (eg objector/EHS) comment been received Has 3rd party (eg objector/EHS) comment been considered</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>Should Other agencies be involved as additional consultees?</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NIEA</p>



Environmental Health Recommendation

No Issues of Concern Arising	
Essential Information Not Provided	
Substantive Response Provided	X
Considered – No Comment Necessary	
Superseded by Further Consultation	
Issues to be Addressed in Future ES	
Issues to be Addressed in Future Application	
Consulted on Error	

Comments

Environmental Health has now reviewed the additional information supplied. Environmental Health is content with the documentation presented in the Preliminary Risk Assessment.

There is a comment loaded onto the planning portal (below)

"Preliminary Risk Assessment: I note from the preliminary risk assessment reports uploaded (final & draft): 1. The soil samples that were to be sent for testing when they were taken from the ground on the 11th August, were not sent for testing until the last week of October, two whole months after they were taken from the ground, and are therefore invalid and will need to be re-done."

Environmental Health would request that this matter is addressed by the environmental consultants in further submissions to ensure results are valid.

Final comments will be issued on receipt of the Generic Quantitative Risk Assessment and any remediation plans if necessary.

This response has been provided on behalf of Environmental Health, Newry, Mourne and Down District Council.

Date: 27 November 2023

NOTE: Any consultation response provided by the Environmental Health Service is based on:


- information supplied by the applicant, and
- other information currently available.

Delivered: LA07/2022/0885/F – Interim Representation and Request for Portal Upload

From Postmaster@nmandd.org <Postmaster@nmandd.org>

Date Wed 18/03/2026 10:09

To [REDACTED]

 1 attachment (62 KB)

LA07/2022/0885/F – Interim Representation and Request for Portal Upload;

Your message has been delivered to the following recipients:

[REDACTED]

Subject: LA07/2022/0885/F – Interim Representation and Request for Portal Upload



Delivered: LA07/2022/0885/F – Interim Representation and Request for Portal Upload

From Postmaster@nmandd.org <Postmaster@nmandd.org>

Date Wed 18/03/2026 10:09

To Planning <planning@nmandd.org>

 1 attachment (62 KB)

LA07/2022/0885/F – Interim Representation and Request for Portal Upload;

Your message has been delivered to the following recipients:

[Planning_\(planning@nmandd.org\)](mailto:planning@nmandd.org)

Subject: LA07/2022/0885/F – Interim Representation and Request for Portal Upload



Outlook

Automatic reply: LA07/2022/0885/F – Interim Representation and Request for Portal Upload

From

[REDACTED]

Date Wed 18/03/2026 10:09

To Info@thetaxcafe <info@thetaxcafeni.com>

I am currently out of the office.

Your email has not been forwarded.

You can contact the general planning number (0330 137 4036) or leave a voicemail on my extension (0330 137 4682), or alternatively email the general planning email account: planning@nmandd.org



Outlook

RE: 88 Greencastle Road, Kilkeel (Roy Elliott) LA07/2022/0885

From DAERA NIEA Domestic Consents Queries <domesticconsentsqueries@daera-ni.gov.uk>

Date Fri 20/03/2026 14:53

To Info@thetaxcafe <info@thetaxcafeni.com>

Debbie,

An application for 88 Greencastle Road, Kilkeel, was received on 11/12/2025. The application number is 1046777 and the reference is NC 2317/25.

Application number 1046314 relates to a previous application for the address that was received on 29/4/2025 and refused on 12/11/2025. The reference was NC823/25.

Hope this helps.

Regards,



Proposed Dwelling at 88 Greencastle Road , Kilkeel

Cut / fill Memo

Volumes of Cut/fill associated with development site:-

Cut for Drainage

Storm

soakaways $54 + 18 = 72\text{m}^3$

Catchpits = 4m^3

Drainage lines = 47m^3

Foul

wwtp = 11m^3

catchpits = 5m^3

foul lines = 32m^3

Total cut for drainage = 171m^3

Cut of made ground to provide level for capping layer

Volume of made ground to be cut from area requiring capping layer to facilitate placement of capping layer = 190m^3

Cut for Road Construction

Volume of existing ground to be removed to facilitate road construction = 36m^3

Cut for clean ground = $104.7 + 36 = 140.7\text{m}^3$

Cut from unclean ground = $190 + 66.3 = 256.3$

Overall total cut = $171 + 190 + 36 = 397\text{m}^3$

Volume of Fill Required

Capping Layer of Suitable Material

Volume of Fill required for Capping layer (400mm) = 285m³

This fill includes the reuse of clean excavated material on site. This material is to be stockpiled and tested in accordance with the remedial strategy to ensure that it can be used for capping.

Imported Topsoil

This topsoil forms the top 200mm of the 600mm deep capping layer. The topsoil also requires to be tested in accordance of the remedial strategy prior to formation of capping layer.

200mm of topsoil = 190m³

Road Construction

Imported stone for required road construction = 10m³

Fill for drainage lines

Clean excavated material to be reused with capping layer on top where required.

Clean excavated material for drainage runs = 40m³

Imported Clean Stone for drainage

Storm soakaways = 72m³

Stone for Drainage lines = 40m³

Summary

Excavated clean material from drainage , road makeup from clean ground to be stockpiled and tested in accordance with the remedial strategy to ensure that it can be reused for capping.

Cut from clean ground = $104.7 + 36 = 140.7\text{m}^3$

Cut from unclean ground = $190 + 66.3 = 256.3$

The overall cut = 397 m^3

It is proposed to reuse the 140.7m^3 of this clean excavated material (subject to testing in accordance with the remedial strategy) to provide 400mm of the capping layer.

This capping layer to be finished with 200mm layer of imported topsoil providing the 600mm deep capping layer.

- 140.7m^3 of clean cut to be reused for capping subject to testing in accordance with the remedial strategy.
- 256.3m^3 of unclean disposed off site.

This equates to the following lorry loads (based on a 15m^3 tipper)

Lorry loads for topsoil	= 13	(190m ³)
Lorry loads for clean stone	= 8	(122m ³)
Lorry loads for remaining capping	= 10	(144.3m ³)
Lorry loads of material taken offsite	= 17	(256.3m ³)

If testing shows that the clean material cannot be reused on site for capping then the material will have to be disposed off site and clean material imported.

This equates to the following lorry loads (based on a 15m³ tipper)

Lorry loads for topsoil	= 13	(190m ³)
Lorry loads for clean stone	= 8	(122m ³)
Lorry loads of imported material for capping	= 19	(285m ³)
Lorry loads for disposing unclean material	= 27	(397m ³)

Planning Response Team
NIEA Lisburn
17 Antrim Road
Tonagh
Lisburn BT28 3AL
Telephone: 028 9056 9604

Date: 19 March 2026

Dear Sir/Madam,

Planning Application Ref.: LA07/2022/0885/F
Location: 88 Greencastle Road
Kilkeel
Newry
Co. Down
BT34 4ST

Proposal:

Proposed retention of change of house type and garage previously approved under planning reference LA07/2018/0097/F and ancillary site works (Amended).

(Reconsideration- Amended plans and additional supporting information received).

Thank you for your consultation received by the Department on 16/03/2026.

This letter provides a single combined response to your consultation request across all relevant areas of DAERA's environmental responsibility. Please note that these comments are specific to this consultation request and should be considered in addition to previous consultation responses provided by the Department, if applicable. Summary comments in relation to the reason for consultation are provided in the table below at Annex A, and, where appropriate, more detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on DAERA's position with regard to other environmental matters. It is the responsibility of the planning authority to ensure that all risks to the environment and requirements under

environmental legislation and planning policy have been considered.

Sustainability at the heart of a living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



This advice and guidance will enable you to identify and consider if there are other potential risks to the environment due to impacts from the construction and operation of the proposed development and also its location.

In addition, we would also refer you to DAERA's published advice and guidance on development proposals where there is potential for effects on the natural and marine environments and fisheries interests, available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planning..>

As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

Planning Response Team

On behalf of DAERA

Email: planningresponse.team@daera-ni.gov.uk

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If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



Annex A

Advice Provided By:	Summary
Water Catchment Unit	Water Catchment Unit refer the Planning Authority to DAERA Standing Advice - Single Dwellings available at: https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries which contains Conditions and Informatives relevant to this proposal.
Regulation Unit	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.
Natural Environment Division	NED has considered the reason for consultation. An assessment of this planning application has not been undertaken by NED as an appropriate reason for consultation has not been provided. If the planner identifies a risk to natural heritage features, NED is content to be consulted appropriately. Please refer to the letter from NED Director dated 13 May 2025.

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If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



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.**

From: [NI Consultee Hub \(no-reply\)](#)
To: [DAERA Planning Notifications](#)
Subject: New consultation for LA07/2022/0885/F
Date: 16 March 2026 11:16:17

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

Consultee Hub Logo



Dear NIEA,

There is a new consultation for case LA07/2022/0885/F available to view on the Consultee Hub.

[View consultation](#)

This email is for information only, please do not reply as the mailbox is not monitored.

Regards,

The Consultee Hub Team

The Consultee Hub is an online consultation service provided by TerraQuest Solutions Limited and supports the consultation of planning application information for Local Planning Authorities in accordance with statutory regulations.

TerraQuest Solutions Limited is owned by Apse Capital Limited (reg no.
11620219).

From: [DAERA Industrial Consents](#)
To: [Redacted]
Cc: [Industrial Consents/Consents/Queries](#)
Subject: RE: LA072022/0885/F
Date: 27 May 2025 08:53:20
Attachments: [Redacted]

Morning [Redacted],

Please see attached, it is with the Domestic team

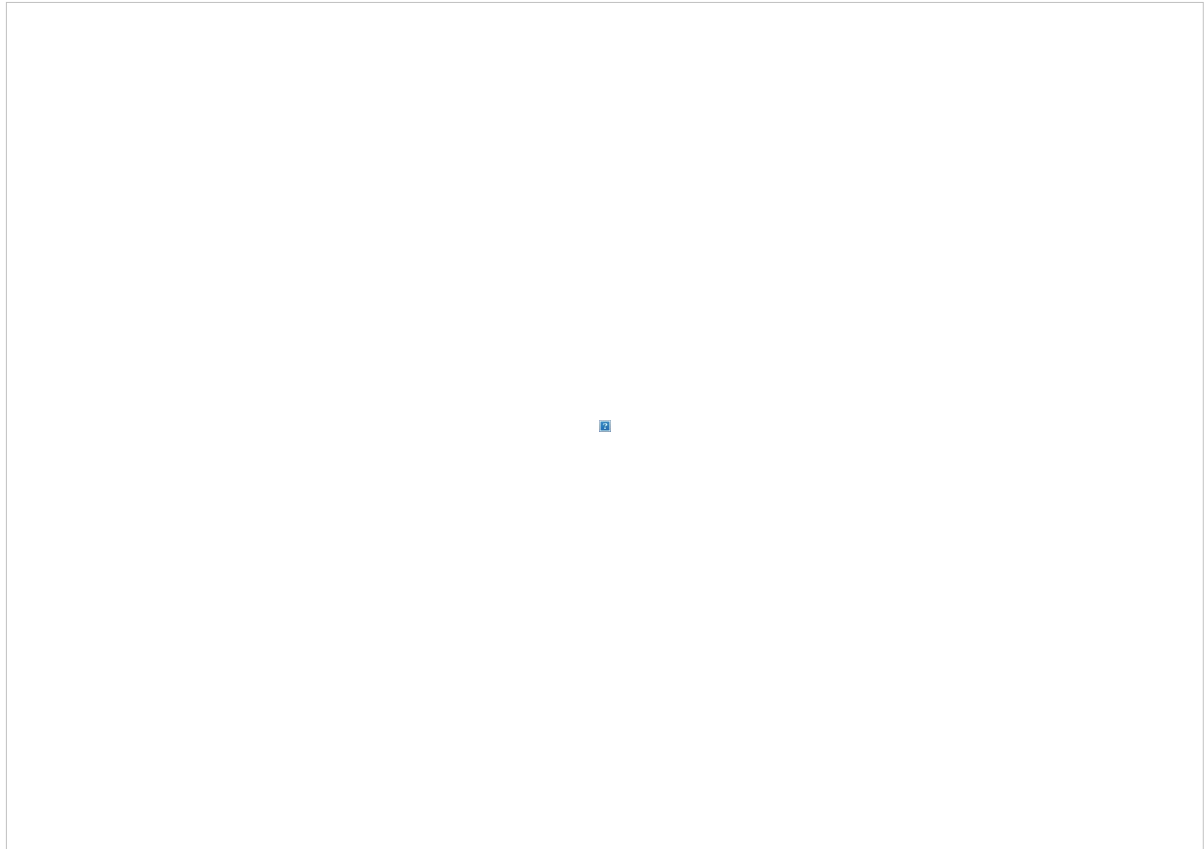
Thanks

[Redacted]

From: [Redacted]
Sent: 27 May 2025 08:25
To: DAERA Industrial Consents <industrialconsents@daera-ni.gov.uk>
Subject: LA07/2022/0885/F

Grateful if you could check whether a consent has been granted or an application for consent has been received for this site.

[Redacted]



[Redacted]
Water Management Unit, Northern Ireland Environment Agency
17 Antrim Road, Lisburn, BT28 3AL



From: [NIEA Consent Applications](#)
To: [REDACTED]
Subject: FW: Urgent Request for Intervention - 88 Greencastle Road, Killeel - LA07/2022/0885/F
Date: 27 May 2025 07:34:06
Attachments: [REDACTED]
Importance: High

Good Morning

This email was in my inbox this morning,

I have had a look for this site address on the DCA system and found the following application that was made and paid for last month. This application is currently with the Domestic Team for processing,

1041110	NC823/25_1	15/04/2025	Roy Elliott	88 GREENCASTLE ROAD KILLEEL BT34 4BN	New Consent	Soakaway	Approved	28/04/2025
---------	------------	------------	-------------	--------------------------------------	-------------	----------	----------	------------

Thanks
[REDACTED]

From: [REDACTED]
Sent: 26 May 2025 19:14
To: G_DRD NIEA Emergency Pollution <emergency-pollution@daera-ni.gov.uk>
Cc: DAERA WMUplanningconsultations <WMUPlanningConsultations@daera-ni.gov.uk>; Water Regulation Group <WaterRegulationGroup@daera-ni.gov.uk>
Subject: FW: Urgent Request for Intervention - 88 Greencastle Road, Killeel - LA07/2022/0885/F
Importance: High

Ops room

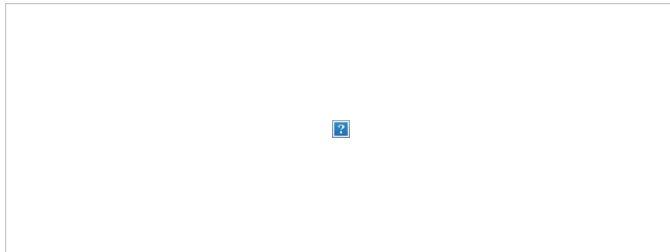
Can you pick this up tomorrow please?

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: Info@thetaxcafe <info@thetaxcafe.com>
Sent: 26 May 2025 13:54
To: G_DRD NIEA Emergency Pollution <emergency-pollution@daera-ni.gov.uk>
Subject: Fw: Urgent Request for Intervention - 88 Greencastle Road, Killeel - LA07/2022/0885/F
Importance: High

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



From: Info@thetaxcafe <info@thetaxcafe.com>
Sent: Monday, May 26, 2025 12:47
To: developerservices@niwater.com <developerservices@niwater.com>
Cc: wmuenquiries@daera-ni.gov.uk <wmuenquiries@daera-ni.gov.uk>; Planning <planning@nmandd.org>
Subject: Urgent Request for Intervention - 88 Greencastle Road, Killeel - LA07/2022/0885/F

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

Regards
Deborah Lynch



[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](#)

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,

Deborah Lynch

Deborah Lynch
84 Greencastle Road, Kilkeel
info@thetaxcafeeni.com

From: DAERA Planning Response Team
To: Info@thetaxcafe
Subject: RE: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge
Date: 30 January 2025 09:34:00
Attachments: 

Dear Deborah,

We have referred your email to the relevant team, and they have responded with the following:-

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.

DAERA is a Statutory Consultee in the planning process under The Planning (General Development Procedure) Order (Northern Ireland) 2015 (as amended) (GDPO). When consulted the Department provides advice to Planning Authorities and responds to consultations on development proposals where there is potential for impacts on the natural and marine environments and fisheries interests. It is the responsibility of the Planning Authority to make final decisions on planning applications, taking into account any recommendations made, and advice provided from statutory consultees.

It is also the role of the Planning Authority to assess all objections or representations made. If you are aware of unauthorised work being carried out on a site or whether work is not being carried out in line with the conditions set under planning approval, this should be reported to the Planning Authority for the attention of their Enforcement Section. If the Planning Authority deem this is an enforcement issue and require further advice on any potential impacts on the natural and marine environments and fisheries interests, they will consult the department.

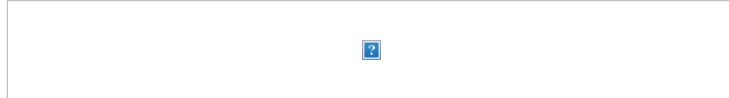
I hope this information is of assistance in addressing your concerns.


Kind Regards,




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

For NIEA Planning Queries; ☎ +4428 90569604 | ✉ planningresponse.team@daera-ni.gov.uk |
📍 NIEA Lisburn | 17 Antrim Road | Lisburn | BT28 3AL | Web <https://www.daera-ni.gov.uk/>



From: Info@thetaxcafe <info@thetaxcafe.com>
Sent: 28 January 2025 16:35
To: 
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 

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,
Deborah Lynch



From: [REDACTED]
Sent: Tuesday, January 28, 2025 15:51
To: Info@thetaxcafe <info@thetaxcafe.com>
Subject: RE: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge

Deborah,

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; ☎ +4428 90569604 | ✉ planningresponse.team@daera-ni.gov.uk |
📍 NIEA Lisburn | 17 Antrim Road | Lisburn | BT28 3AL | **Web** <https://www.daera-ni.gov.uk/>



From: Info@thetaxcafe <info@thetaxcafe.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

Deborah Lynch



From: Info@thetaxcafe

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,
Deborah Lynch



From: [REDACTED]
To: [DAERA Planning Response Team](#)
Cc: [DAERA WMUplanningconsultations](#)
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]

[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 Deborah Lynch 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; ☎ +4428 90569604 | ✉ planningresponse.team@daera-ni.gov.uk |
📍 **NIEA Lisburn** | 17 Antrim Road | Lisburn | BT28 3AL | **Web** <https://www.daera-ni.gov.uk/>



From: Info@thetaxcafe <info@thetaxcafeni.com>
Sent: 28 January 2025 16:35
To: [REDACTED]
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,
Deborah Lynch



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From: Info@thetaxcafe <info@thetaxcafeni.com>
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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.
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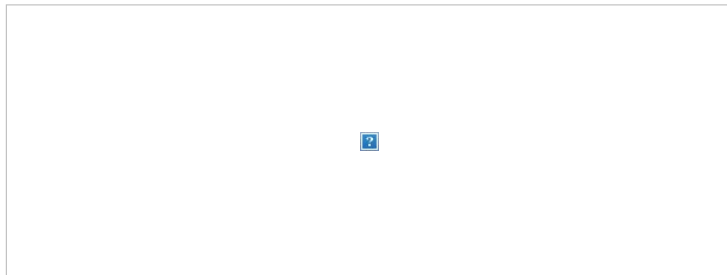
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Should you require further information or wish to discuss this matter in more detail, I would be happy to provide any additional documentation or clarification.

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

Regards

Deborah Lynch



From: Info@thetaxcafe
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

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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:

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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:

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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,
Deborah Lynch



From: [DAERA Planning Response Team](#)
To: [DAERA WMLplanningconsultations](#)
Subject: FW: RE: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge
Date: 29 January 2025 11:25:00
Attachments: [REDACTED]

Morning,

Please see further email from Deborah Lynch below for your comments/advice.

-

Regards

[REDACTED]

[REDACTED] | **Planning Response Team (PRT)**
Department of Agriculture, Environment and Rural Affairs (DAERA)
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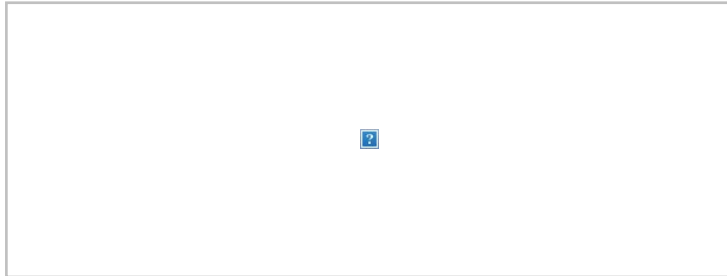
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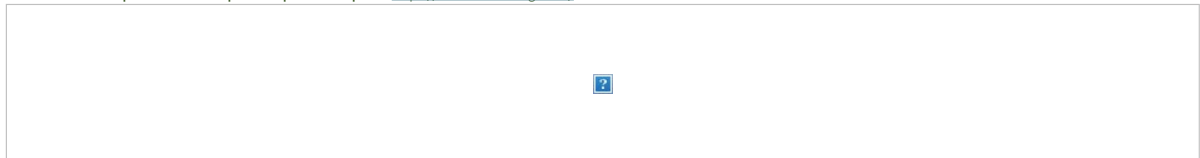
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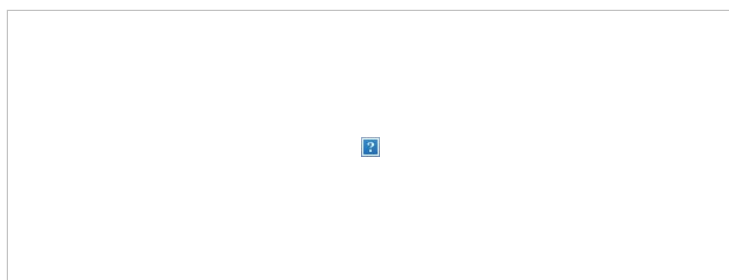
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Regards

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Sent: Sunday, January 12, 2025 16:46

To: planningresponse.team@daera-ni.gov.uk

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Deborah Lynch



From: [REDACTED]
To: [DAERA Planning Response Team](#)
Cc: [REDACTED]
Subject: RE: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge
Date: 29 January 2025 10:24:58
Attachments: [REDACTED]

[REDACTED]

I would advise that the reply is forwarded to WMU again for their advice highlighting the wording, 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.

-

If WMU have nothing further to add then I would advise that she approach the enforcement section in Newry, Mourne & Down highlighting any concerns regarding the development. After reading the decision notice, some of the conditions mention *prior to occupation/prior to being occupied/ Development shall not be occupied* so as this is still at the development stage then the planning authority may well think that there have been no breaches in the conditions so far but ultimately that is for them to decide and whether any further advice would be sought from the Department.

From: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Sent: 29 January 2025 09:56
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge

See below email trail from Deborah Lynch regarding her opposition to planning application LA07/2022/0885/F

Most recent consultation response from WMU & RU :-



I await your advice on where to go with this

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

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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:

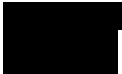
- The potential for significant **environmental harm** if wastewater solutions are deemed unfeasible after construction progresses.
- A clear **contradiction to DAERA's standing advice**, which requires wastewater discharge consent to be obtained before the commencement of development.
- The erosion 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,
Deborah Lynch



From: [DAERA Planning Response Team](#)
To: Info@thetaxcafe
Subject: RE: Re: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge
Date: 28 January 2025 15:55:00
Attachments: 

Deborah,

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



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

For NIEA Planning Queries; ☎ +4428 90569604 | ✉ planningresponse.team@daera-ni.gov.uk |

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



From: Info@thetaxcafe <info@thetaxcafeni.com>

Sent: 28 January 2025 12:58

To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>

Subject: CM: Re: Notification of Amendment to Planning Condition for LA07/2022/0885/F 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.

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

Deborah Lynch



From: Info@thetaxcafe

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.

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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.
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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,
Deborah Lynch



From: Info@thetaxcafe
To: [DAERA Planning Response Team](#)
Subject: Re: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge
Date: 28 January 2025 12:57:55
Attachments: [REDACTED]
Importance: High

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

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.
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Importance of DAERA's Role

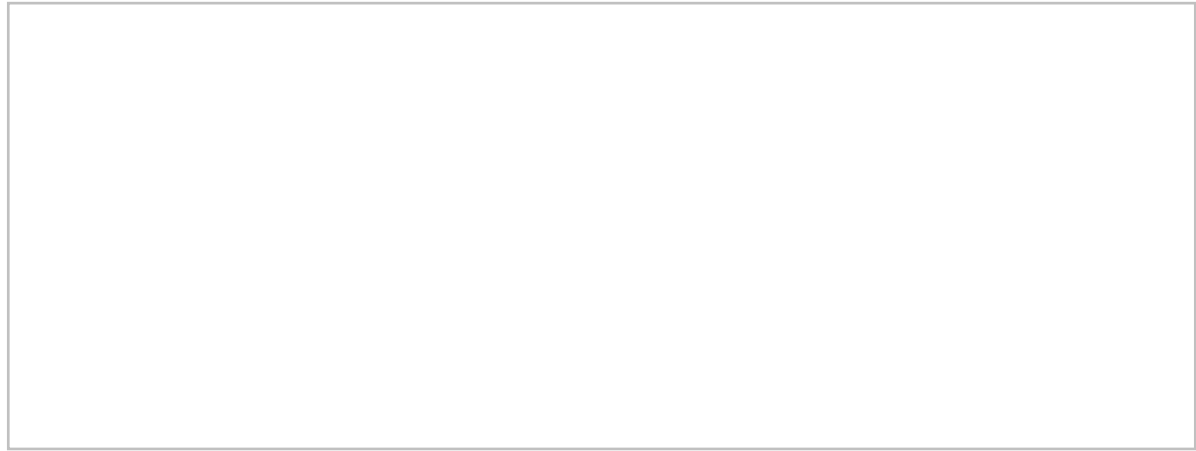
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Thank you for your attention to this important matter. I look forward to your response.

Regards

Deborah Lynch



From: Info@thetaxcafe

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

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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,
Deborah Lynch



From: [REDACTED]
To: [DAERA Planning Response Team](#)
Cc: [DAERA WMUplanningconsultations](#)
Subject: FW: PRT query from individual - Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge
Date: 13 January 2025 15:00:20
Attachments: [REDACTED]
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 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.

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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: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Sent: 13 January 2025 09:10
To: DAERA WMUplanningconsultations <WMUPlanningConsultations@daera-ni.gov.uk>
Subject: FW: CM: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge
Importance: High

Good morning,

Please see below email from Deborah Lynch for your comments.

Regards



[Redacted] | Planning Response Team (PRT)

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

For NIEA Planning Queries; ☎ +4428 90569604 | ✉ planningresponse.team@daera-ni.gov.uk |

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



From: Info@thetaxcafe <info@thetaxcafeni.com>

Sent: 12 January 2025 16:46

To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>

Subject: CM: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge

Importance: High

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This amendment to the condition raises several concerns, including:

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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,
Deborah Lynch



From: [REDACTED]
To: [DAERA Planning Response Team](#)
Cc: [DAERA WMUplanningconsultations](#); [REDACTED]
Subject: FW: PRT query from individual - Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge
Date: 13 January 2025 12:36:59
Attachments: [REDACTED]
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 <PlanningResponse.Team@daera-ni.gov.uk>
Sent: 13 January 2025 09:10
To: DAERA WMUplanningconsultations <WMUPlanningConsultations@daera-ni.gov.uk>
Subject: FW: CM: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge
Importance: High

Good morning,

Please see below email from Deborah Lynch for your comments.

Regards

[REDACTED]

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

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From: Info@thetaxcafe <info@thetaxcafe.com>
Sent: 12 January 2025 16:46
To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Subject: CM: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge

Importance: High

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Deborah Lynch



From: [DAERA Planning Response Team](#)
To: Info@thetaxcafe
Subject: RE: CM: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge
Date: 13 January 2025 09:11:00
Attachments: [REDACTED]

Good Morning,

We acknowledge receipt of your email and will respond in due course.

Regards

[REDACTED]

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

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

For NIEA Planning Queries; ☎ +4428 90569604 | ✉ planningresponse.team@daera-ni.gov.uk |

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From: Info@thetaxcafe <info@thetaxcafeni.com>
Sent: 12 January 2025 16:46
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Subject: CM: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge
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From: [DAERA Planning Response Team](#)
To: [DAERA W/Upplanningconsultations](#)
Subject: FW: CM: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge
Date: 13 January 2025 09:10:00
Attachments: [REDACTED]
Importance: High

Good morning,

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Regards

[REDACTED]

[REDACTED] | Planning Response Team (PRT)

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

For NIEA Planning Queries; 📞 +4428 90569604 | ✉️ planningresponse.team@daera-ni.gov.uk |

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



From: Info@thetaxcafe <info@thetaxcafeni.com>
Sent: 12 January 2025 16:46
To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Subject: CM: Notification of Amendment to Planning Condition for LA07/2022/0885/F 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 **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,
Deborah Lynch



From: Info@thetaxcafe
To: [DAERA Planning Response Team](#)
Subject: Notification of Amendment to Planning Condition for LA07/2022/0885/F Regarding Consent to Discharge
Date: 12 January 2025 16:46:23
Attachments: [REDACTED]
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 **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:

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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,
Deborah Lynch



Planning Response Team
Clare House
303 Airport Road West
Sydenham Intake
Belfast BT3 9ED
Telephone: 028 9056 9604

Date: 19 July 2024

Dear Sir/Madam,

Planning Application Ref.: LA07/2022/0885/F
Location: 88 Greencastle Road
Kilkeel
Newry
Co. Down
BT34 4ST

Proposal:

Change of house type and garage together with relocation of garage previously approved under planning reference LA07/2018/0097/F (Amended plans and form received).

Thank you for your consultation on the above which was received by the Department on 01/07/2024.

This letter provides a single combined response for your consultation request across all of DAERA's area of environmental responsibility. Summary comments in relation to the reason for consultation are provided in the table below at Annex A, and, where appropriate, more detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on DAERA's position with regard to other environmental matters. It is the responsibility of the planning authority to ensure that all risks to the environment and requirements under environmental legislation and planning policy have been considered.

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If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



This advice and guidance will enable you to identify and consider if there are other potential risks to the environment due to impacts from the construction and operation of the proposed development and also its location.

In addition, we would also refer you to DAERA's published advice and guidance on development proposals where there is potential for effects on the natural and marine environments and fisheries interests, available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planning>.

As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

Planning Response Team

On behalf of DAERA

Email: planningresponse.team@daera-ni.gov.uk

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Annex A

Advice Provided By:	Summary
Water Management Unit	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.
Regulation Unit	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.

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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) 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.**

From: [NI Consultee Hub \(no-reply\)](#)
To: [DAERA Planning Notifications](#)
Subject: New consultation for LA07/2022/0885/F
Date: 01 July 2024 15:01:21

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

Consultee Hub Logo



Dear NIEA,

There is a new consultation for case LA07/2022/0885/F available to view on the Consultee Hub.

[View consultation](#)

This email is for information only, please do not reply as the mailbox is not monitored.

Regards,

The Consultee Hub Team

Have a question?
support@terraquest.co.uk

The Consultee Hub is an online consultation service provided by TerraQuest Solutions Limited and supports the consultation of planning application information for Local Planning Authorities in accordance with statutory regulations.

TerraQuest Solutions Limited is owned by Apse Capital Limited (reg no. 11620219).

From: [DAERA Planning Response Team](#)
To: [REDACTED]
Subject: RE: [REDACTED] | LA07/2022/0885- Greencastle Rd
Date: 11 January 2024 09:23:00
Attachments: [REDACTED]

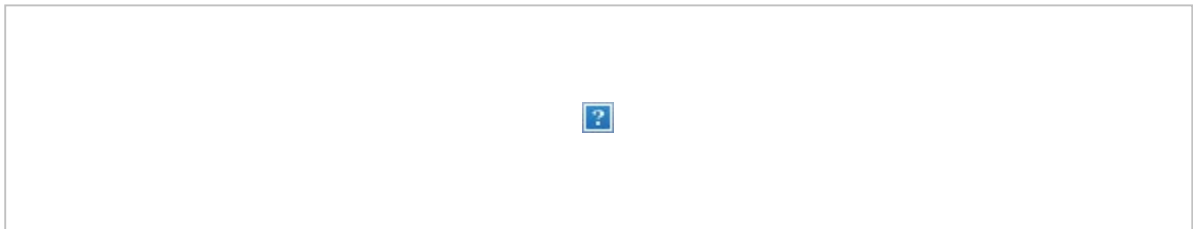
Good morning,

Thank you for your email regarding LA07/2022/0885/F.

I can confirm that the NIEA response has been completed and uploaded to the planning portal this morning. It will be published on the portal after being reviewed by the planner.

[REDACTED]

[REDACTED] | Planning Response Team | Environment, Marine and Fisheries Group | DAERA Klondyke Building | Gasworks Business Park | Cromac Avenue | Belfast | BT7 2JA | Email (planning queries): PlanningResponse.team@daera-ni.gov.uk | PRT Tel: 028 9056 9604 | Web: <https://www.daera-ni.gov.uk/>



From: [REDACTED]
Sent: Wednesday, January 10, 2024 7:33 PM
To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Subject: CM: [REDACTED] | LA07/2022/0885- Greencastle Rd

Caution – This email has been received from outside the NICS network.
Please ensure you can verify the sender's name and email address.
Treat all attachments and links with caution.
FOR INTERNAL NICS STAFF ONLY - If you have any concerns regarding the email please forward to spam@finance-ni.gov.uk.

Hello [REDACTED]

Hope you are keeping well.

I note we are awaiting the response from NIEA regarding the above application, which would have initially expired over two months ago. I understand the final reports weren't uploaded until the

27/11/23, however we would appreciate if this final response could now be expedited.

NIEA had previously no objections to the scheme subject to conditions- we have since provided various reports which are considered to address any environmental concerns the proposal may have. Environmental health, whom initially held the objections have now been satisfied.

I would appreciate if you could review this information and respond accordingly to the Council. The applicant is keen to get this one issued as soon as possible.

If you have any issues, feel free to call and discuss.

Regards



Planning Response Team
Klondyke Building
Cromac Avenue
Gasworks Business Park
Lower Ormeau Road
Belfast BT7 2JA
Telephone: 028 9056 9604

Date: 11 January 2024

Dear Sir/Madam,

Planning Application Ref.: LA07/2022/0885/F
Location: 88 Greencastle Road
Kilkeel
Newry
Co. Down
BT34 4ST

Proposal:

Change of house type and garage together with relocation of garage previously approved under planning reference LA07/2018/0097/F
(Application to be re-considered)

Thank you for your consultation on the above which was received by the Department on 23/10/2023.

This letter provides a single combined response for your consultation request across all of DAERA's area of environmental responsibility. Summary comments in relation to the reason for consultation are provided in the table below at Annex A, and, where appropriate, more detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on DAERA's position with regard to other environmental matters. It is the responsibility of the planning authority to ensure that all risks to the environment and requirements under environmental legislation and planning policy have been considered.

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This advice and guidance will enable you to identify and consider if there are other potential risks to the environment due to impacts from the construction and operation of the proposed development and also its location.

In addition, we would also refer you to DAERA's published advice and guidance on development proposals where there is potential for effects on the natural and marine environments and fisheries interests, available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planning>.

As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

Planning Response Team

On behalf of DAERA

Email: planningresponse.team@daera-ni.gov.uk

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Annex A

Advice Provided By:	Summary
Water Management Unit	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.
Regulation Unit	Regulation Unit Land & Groundwater Team have no objections to the development provided conditions & informatives are placed on any Planning Decision Notice as recommended.

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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.

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.**

From: [REDACTED]
To: [DAERA Planning Response Team](#)
Subject: FAO [REDACTED] | LA07/2022/0885- Greencastle Rd
Date: 10 January 2024 19:33:08

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Hello [REDACTED]

Hope you are keeping well.

I note we are awaiting the response from NIEA regarding the above application, which would have initially expired over two months ago. I understand the final reports weren't uploaded until the 27/11/23, however we would appreciate if this final response could now be expedited.

NIEA had previously no objections to the scheme subject to conditions- we have since provided various reports which are considered to address any environmental concerns the proposal may have. Environmental health, whom initially held the objections have now been satisfied.

I would appreciate if you could review this information and respond accordingly to the Council. The applicant is keen to get this one issued as soon as possible.

If you have any issues, feel free to call and discuss.

Regards

[REDACTED]

From: [DAERA Planning Response Team](#)
To: [DAERA NIEA Land and Groundwater Team](#)
Subject: RE: New external note on the consultation for LA07/2022/0885/F
Date: 05 January 2024 15:54:00
Attachments: [REDACTED]

Good afternoon,

The planner has issued a reminder today on the Consultee Hub of the outstanding response for the consultation LA07/2022/0885/F, they have requested that a timeframe for response be provided, as this is now almost 2 months overdue. Grateful if you can please provide an update on the current status of the response.

Many thanks,

[REDACTED]

[REDACTED]

Planning Response Team

Environment, Marine & Fisheries Group

DAERA

Klondyke Building | Cromac Avenue | Gasworks Business Park | Malone Lower | Ormeau Road | Belfast | BT7 2JA

W: www.daera-ni.gov.uk | **E:** planningresponse.team@daera-ni.gov.uk

T: 028 90569604

DAERA Signature Strip New 2020 Green



All

Internal

External



[Redacted]

External

05 Jan 2024 15:31

Consultation Reminder. Further to consultation issued n 23rd Oct can a timeframe for response be provided, as this is now almost 2 months overdue. thank you.

From: [NI Consultee Hub \(no-reply\)](#)
To: [DAERA Planning Notifications](#)
Subject: New external note on the consultation for LA07/2022/0885/F
Date: 05 January 2024 15:31:07

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Dear NIEA,

There is a new note on the consultation for case LA07/2022/0885/F, which is available to view on the Consultee Hub.

[View consultation](#)

This email is for information only, please do not reply as the mailbox is not monitored.

Regards,

The Consultee Hub Team

Have a question?
support@terraquest.co.uk

The Consultee Hub is an online consultation service provided by TerraQuest Solutions Limited and supports the consultation of planning application information for Local Planning Authorities in accordance with statutory regulations.

TerraQuest Solutions Limited is owned by Apse Capital Limited (reg no.

11620219).

From: [DAERA Planning Response Team](#)
To: [DAERA NIEA Land and Groundwater Team](#); [DAERA WMUplanningconsultations](#)
Subject: FW: CM: Correspondence re: LA07/2022/0885/F - Additional info
Date: 06 November 2023 15:18:00
Attachments: [REDACTED]

RU/WMU,

Please see email from planner regarding objections which have been uploaded to the planning portal.

The target response date has been amended to 27/11/2023.

Thanks

[REDACTED] | Planning Response Team | Environment, Marine and Fisheries Group | DAERA Klondyke Building | Gasworks Business Park | Cromac Avenue | Belfast | BT7 2JA | Email (planning queries): PlanningResponse.team@daera-ni.gov.uk | PRT Tel: 028 9056 9604 | Web: <https://www.daera-ni.gov.uk/>



From: [REDACTED]
Sent: Monday, November 6, 2023 1:52 PM
To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Subject: CM: Correspondence re: LA07/2022/0885 Greencastle Rd

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FAO [REDACTED]

Further to the consultation that was issued on 23rd Oct, please note additional representations have been received since, which will be available for viewing via the public access system today. As these were received after the consultation had issued they will unlikely be available for viewing via the consultee hub.

Regards

[REDACTED]

[REDACTED]
Senior Planning Officer (Development Management)

**BSc (Hons) Environmental Planning,
Post Graduate Diploma Town and Country Planning, MRTPI**

**Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council**

Newry Office

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Planning: 0330 137 4682

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From: [REDACTED]
To: [DAERA Planning Response Team](#)
Subject: Correspondence re: LA07/2022/0885 Greencastle Rd
Date: 06 November 2023 13:51:53

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FAO [REDACTED]

Further to the consultation that was issued on 23rd Oct, please note additional representations have been received since, which will be available for viewing via the public access system today. As these were received after the consultation had issued they will unlikely be available for viewing via the consultee hub.

Regards

[REDACTED]
Senior Planning Officer (Development Management)

**BSc (Hons) Environmental Planning,
Post Graduate Diploma Town and Country Planning, MRTPI**

**Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council**

Newry Office

**Council: 0330 137 4000
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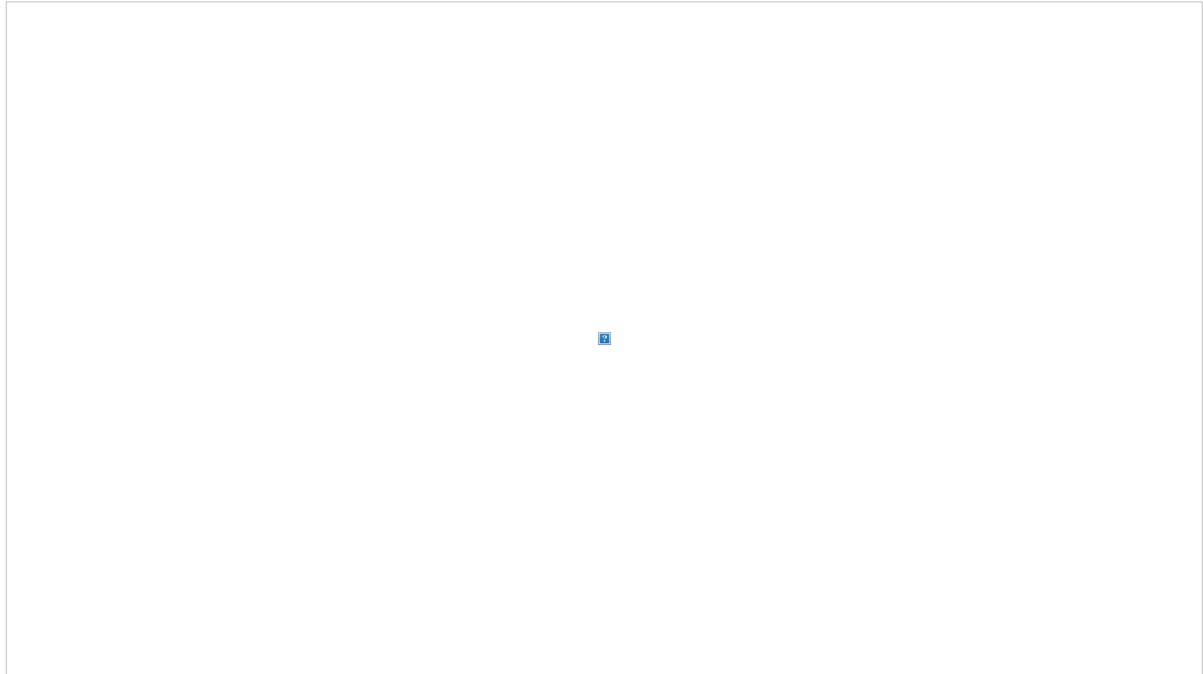
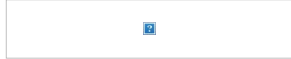
From: [Redacted]
To: [Planning Response Team](mailto:PlanningResponse.Team@daera-ni.gov.uk)
Cc: [Redacted]
Subject: WMU: WMUPL - 23720-1 - LA07/2022/0885/F - 88 GreenCastle Road Killead Newry Co. Down BT34 4ST
Date: 01 November 2023 13:50:52
Attachments: [Redacted]

Hello!

Water Management Unit will be happy to consider the proposal and the issues raised by the objection letters, but WMU would require the statutory deadline / length of time, as this is a new consultation for us, with a lot of documentation on the Planning Portal, which may also involve us having to co-ordinate with various teams within WMU.

Kind regards -

[Redacted]
Water Management Unit
17 Antrim Road
Tonagh, Lisburn
County Antrim
BT28 3AL



From: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Sent: Wednesday, November 1, 2023 12:19 PM
To: DAERA WMUplanningconsultations <WMUPlanningConsultations@daera-ni.gov.uk>
Subject: FW: CM: LA07/2022/0885/F - allocate to Water Management

Hi,

As per request from Regulation Unit, a consultation for LA07/2022/0885/F has just been assigned to WMU.

Thanks,

[Redacted] Planning Response Team | Environment, Marine and Fisheries Group | DAERA Klondyke Building | Gasworks Business Park | Cromac Avenue | Belfast | BT7 2JA | Email (planning queries): PlanningResponse.team@daera-ni.gov.uk | PRT Tel: 028 9056 9604 | Web: <https://www.daera-ni.gov.uk/>



From: [Redacted]
Sent: Wednesday, November 1, 2023 12:03 PM
To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Subject: CM: LA07/2022/0885/F - allocate to Water Management?

Morning PRT,

Can I check and suggest that planning consultation LA07/2022/0885/F (target 9-13th Nov) be allocated to the Water Management Unit due to concerns raised to us by a member of the public. Email chain attached for their information.

Thanks,

[Redacted]
Higher Scientific Officer – Land & Groundwater Team
Regulation Unit – Resource Efficiency Division - Northern Ireland Environment Agency (NIEA)
Tel: [Redacted]



From: [DAERA Planning Response Team](#)
To: [REDACTED]
Subject: RE: CM: LA07/2022/0885/F - allocate to Water Management?
Date: 01 November 2023 12:19:00
Attachments: [REDACTED]

Hi [REDACTED]

I have assigned this one to WMU for comment.

Thanks

[REDACTED]

From: [REDACTED]
Sent: Wednesday, November 1, 2023 12:03 PM
To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Subject: CM: LA07/2022/0885/F - allocate to Water Management?

Morning PRT,

Can I check and suggest that planning consultation LA07/2022/0885/F (target 9-13th Nov) be allocated to the Water Management Unit due to concerns raised to us by a member of the public. Email chain attached for their information.

Thanks,

[REDACTED]
Higher Scientific Officer – Land & Groundwater Team
Regulation Unit – Resource Efficiency Division - Northern Ireland Environment Agency (NIEA)
Tel: 028 905 69525

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From: [DAERA Planning Response Team](#)
To: [DAERA WMUplanningconsultations](#)
Subject: FW: CM: LA07/2022/0885/F - allocate to Water Management
Date: 01 November 2023 12:18:00
Attachments: [REDACTED]

Hi,

As per request from Regulation Unit, a consultation for LA07/2022/0885/F has just been assigned to WMU.

Thanks,

[REDACTED] | Planning Response Team | Environment, Marine and Fisheries Group | DAERA Klondyke Building | Gasworks Business Park | Cromac Avenue | Belfast | BT7 2JA | Email (planning queries): PlanningResponse.team@daera-ni.gov.uk | PRT Tel: 028 9056 9604 | Web: <https://www.daera-ni.gov.uk/>



From: [REDACTED]
Sent: Wednesday, November 1, 2023 12:03 PM
To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Subject: CM: LA07/2022/0885/F - allocate to Water Management?

Morning PRT,

Can I check and suggest that planning consultation LA07/2022/0885/F (target 9-13th Nov) be allocated to the Water Management Unit due to concerns raised to us by a member of the public. Email chain attached for their information.

Thanks,

[REDACTED]
Higher Scientific Officer – Land & Groundwater Team
Regulation Unit – Resource Efficiency Division - Northern Ireland Environment Agency (NIEA)
Tel: 028 905 69525

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From: [REDACTED]
To: [DAERA Planning Response Team](#)
Subject: LA07/2022/0885/F - allocate to Water Management?
Date: 01 November 2023 12:03:08
Attachments: [REDACTED]

Morning PRT,

Can I check and suggest that planning consultation LA07/2022/0885/F (target 9-13th Nov) be allocated to the Water Management Unit due to concerns raised to us by a member of the public. Email chain attached for their information.

Thanks,

[REDACTED]
Higher Scientific Officer – Land & Groundwater Team
Regulation Unit – Resource Efficiency Division - Northern Ireland Environment Agency (NIEA)
Tel: 028 905 69525

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From: [DAERA Planning Response Team](#)
To: [REDACTED]
Subject: RE: CM: reconsultation LGW on consultation LA07/2022/0885/F due to new information
Date: 24 October 2023 09:10:00

Hi [REDACTED]

We have received a new consultation which will be assigned to RU this morning.

Regards,

[REDACTED]

From: [REDACTED]
Sent: Monday, October 23, 2023 11:57 AM
To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Subject: CM: reconsultation LGW on consultation LA07/2022/0885/F due to new information
Importance: High

Hi PRT,

Can I please request the case LA07/2022/0885/F be reconsulted due to new information in the form of a PRA which has been brought to our attention by a member of the public

Kind regards,

[REDACTED]

From: [DAERA Planning Response Team](#)
To: [REDACTED]
Cc: [DAERA Planning Response Team](#)
Subject: RE: CM: RE: LA07/2022/0885/F Reconsultation Request
Date: 24 October 2023 07:29:12
Attachments: [REDACTED]

Hi [REDACTED]

Thank you for sending the consultation in this will be assigned to the teams today.

Many Thanks

[REDACTED]

[REDACTED]

Contact: (Planning Queries) PlanningResponse.Team@daera-ni.gov.uk | Tel: (028) 90569604

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From: [REDACTED]
Sent: Monday, October 23, 2023 11:04 PM
To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Subject: CM: RE: LA07/2022/0885/F Reconsultation Request

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[REDACTED]
A further consultation has now been issued.

[REDACTED]

[REDACTED]

[REDACTED]

Senior Planning Officer (Development Management)

**BSc (Hons) Environmental Planning,
Post Graduate Diploma Town and Country Planning, MRTPI**

**Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council**

Newry Office

Council: 0330 137 4000
Planning: 0330 137 4682

From: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Sent: Monday, October 23, 2023 12:25 PM
To: [REDACTED]
Subject: LA07/2022/0885/F Reconsultation Request

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Good afternoon [REDACTED],

Regarding the planning reference LA07/2022/0885/F - if you can please reconsult us at your earliest convenience, as new information has been received by LGW.

Many thanks,

[REDACTED]

[REDACTED]

Planning Response Team
Environment, Marine & Fisheries Group
DAERA
Klondyke Building | Cromac Avenue | Gasworks Business Park | Malone Lower | Ormeau Road | Belfast | BT7 2JA
W: www.daera-ni.gov.uk | E: planningresponse.team@daera-ni.gov.uk
T: 028 90569604

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it) under UK Data Protection and Freedom of Information legislation, unless the information in it is covered by an exemption.

From: [REDACTED]
To: [DAERA Planning Response Team](#)
Subject: RE: LA07/2022/0885/F Reconsultation Request
Date: 23 October 2023 23:03:55
Attachments: [REDACTED]

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FAO [REDACTED]
A further consultation has now been issued.

Regards

[REDACTED]

[REDACTED]

Senior Planning Officer (Development Management)

**BSc (Hons) Environmental Planning,
Post Graduate Diploma Town and Country Planning, MRTPI**

**Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council**

Newry Office

**Council: 0330 137 4000
Planning: 0330 137 4682**

From: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Sent: Monday, October 23, 2023 12:25 PM
To: [REDACTED]
Subject: LA07/2022/0885/F Reconsultation Request

CAUTION: This email originated outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon [REDACTED],

Regarding the planning reference LA07/2022/0885/F - if you can please reconsult us at your earliest convenience, as new information has been received by LGW.

Many thanks,

[REDACTED]

[REDACTED]

**Planning Response Team
Environment, Marine & Fisheries Group**

DAERA

Klondyke Building | Cromac Avenue | Gasworks Business Park | Malone Lower | Ormeau Road | Belfast | BT7 2JA

W: www.daera-ni.gov.uk | E: planningresponse.team@daera-ni.gov.uk

T: 028 90569604

DAERA Signature Strip New 2020 Green



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From: [NI Consultee Hub \(no-reply\)](#)
To: [DAERA Planning Notifications](#)
Subject: New consultation for LA07/2022/0885/F
Date: 23 October 2023 23:17:40

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Dear NIEA,

There is a new consultation for case LA07/2022/0885/F available to view on the Consultee Hub.

[View consultation](#)

This email is for information only, please do not reply as the mailbox is not monitored.

Regards,

The Consultee Hub Team

Have a question?
support@terraquest.co.uk

The Consultee Hub is an online consultation service provided by TerraQuest Solutions Limited and supports the consultation of planning application information for Local Planning Authorities in accordance with statutory regulations.

TerraQuest Solutions Limited is owned by Apse Capital Limited (reg no. 11620219).

From: [DAERA Planning Response Team](#)
To: [REDACTED]
Subject: LA07/2022/0885/F Reconsultation Request
Date: 23 October 2023 12:25:00
Attachments: [REDACTED]

Good afternoon [REDACTED]

Regarding the planning reference LA07/2022/0885/F - if you can please reconsult us at your earliest convenience, as new information has been received by LGW.

Many thanks,

[REDACTED]

[REDACTED]

Planning Response Team

Environment, Marine & Fisheries Group

DAERA

Klondyke Building | Cromac Avenue | Gasworks Business Park | Malone Lower | Ormeau Road | Belfast | BT7 2JA

W: www.daera-ni.gov.uk | E: planningresponse.team@daera-ni.gov.uk

T: 028 90569604

DAERA Signature Strip New 2020 Green



From: [REDACTED]
To: [DAERA Planning Response Team](#)
Subject: reconsultation LGW on consultation LA07/2022/0885/F due to new information
Date: 23 October 2023 11:56:38
Importance: High

Hi PRT,

Can I please request the case LA07/2022/0885/F be reconsulted due to new information in the form of a PRA which has been brought to our attention by a member of the public

Kind regards,

[REDACTED]

Planning Response Team
Klondyke Building
Cromac Avenue
Gasworks Business Park
Lower Ormeau Road
Belfast BT7 2JA
Telephone: 028 9056 9604

Date: 23 August 2022

Dear Sir/Madam,

Planning Application Ref.: LA07/2022/0885/F
Location: 88 Greencastle Road
Kilkeel
Newry
Co. Down
BT34 4ST

Proposal:

Change of house type and garage together with relocation of garage previously approved under planning reference LA07/2018/0097/F

Thank you for your consultation on the above which was received by the Department on 04/08/2022.

This letter provides a single combined response for your consultation request across all of DAERA's area of environmental responsibility. Summary comments in relation to the reason for consultation are provided in the table below at Annex A, and, where appropriate, more detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on DAERA's position with regard to other environmental matters. It is the responsibility of the planning authority to ensure that all risks to the environment and requirements under environmental legislation and planning policy have been considered.

Sustainability at the heart of a living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



This advice and guidance will enable you to identify and consider if there are other potential risks to the environment due to impacts from the construction and operation of the proposed development and also its location.

In addition, we would also refer you to DAERA's published advice and guidance on development proposals where there is potential for effects on the natural and marine environments and fisheries interests, available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planning>.

As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

Planning Response Team

On behalf of DAERA

Email: planningresponse.team@daera-ni.gov.uk

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If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



Annex A

Advice Provided By:	Summary
Regulation Unit	Regulation Unit Land and Groundwater Team note the history of land filling 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.

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If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



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.

From: planning.consultations@infrastructure-ni.gov.uk
To: [DAERA Planning Notifications](#)
Subject: Notification for Planning Application LA07/2022/0885/F
Date: 04 August 2022 14:05:47
Attachments: 

You have been consulted about the above planning application for one of the following reasons:

1. The Planning Authority requires your comments on the application
2. New or revised details have been received in relation to the planning application and the Planning Authority requires your further consideration and comments
3. You were previously consulted about this application and the Planning Authority has not yet received a response to the original consultation
4. A decision has now been made on this application

Please open the attachment to this e-mail for details about the consultation.

Please logon to the Northern Ireland Planning Portal (<https://applauncher.planningni.gov.uk/Home/Welcome>) using your Government Gateway username and password to view the plans, maps and drawings associated with this application and provide a response to the consultation.

Please do not reply to this e-mail as your response will go to a mail server that is not monitored.

From: [Industrial Consents](#)
To: info@thetaxcafeni.com
Cc: [NIEA Waste Regulation Unit – Queries](#); [DfI Rivers Registry](#); [DAERA WMUplanningconsultations](#); [DAERA Planning Response Team](#); [NIEA Consent Applications](#)
Subject: RE: Consent for a Waste Water Treatment Plant at 88 Greencastle Road, Kilkeel Ref Planning App LA07/2022/0885/F
Date: 07 July 2022 13:51:31
Attachments: [REDACTED]

Good Afternoon Ms Lynch,

To date, NIEA have not received a Domestic or Trade Discharge consent application for the site in question. Waste landfill issues should be directed to NIEA Waste Management Team at WRU.Queries@daera-ni.gov.uk and concerns with flooding directed to DfI Rivers at rivers.registry@infrastructure-ni.gov.uk

Regards,

[REDACTED]

[REDACTED] | [Water Regulation Unit](#) | [Resource Efficiency Division](#) |
[Northern Ireland Environment Agency \(DAERA\)](#) | 17 Antrim Road | Lisburn | BT28 3AL
DAERA Signature Strip New 2020 Green



From: Info@thetaxcafe <info@thetaxcafeni.com>
Sent: 07 July 2022 09:36
To: NIEA Consent Applications <consentapplications@daera-ni.gov.uk>
Subject: Consent for a Waste Water Treatment Plant at 88 Greencastle Road, Kilkeel Ref Planning App LA07/2022/0885/F

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I'm not sure if you can advise if an application form has been submitted for a wastewater treatment plant at the above address. We live at the adjoining property and have been notified of a new planning application on this site which includes a wastewater treatment plant according to the application form, however, the actual planning drawing submitted does not contain any details of the proposed size or location of this.

There have been ongoing issues on this site, including landfill waste being dug up and we have also noted some surface water flooding at our boundary wall with this site.

Overall, the planning application does not contain any details on how water/waste is to be treated in respect of this build. We have contacted planning about this but have not received any response.

I have attached a copy of a previous email from your department confirming that landfill waste has been evidenced on site, and below is an extract from the objection letter we have submitted in relation to this application. We would be concerned about any further digging going on as we believe the extent of landfill waste buried here to be quite significant.

Extract from Letter:

The P1 application form indicates that the foul sewage will be disposed of by a waste water treatment plant. It is required by law to have an NIEA Consent to Discharge. The location of this waste water treatment system including discharge point has not been indicated on the drawing. There is also no mapped waterway surrounding the site. Can the applicant be requested to confirm the location of this proposed waste water treatment plant and how this will discharge? This waste water treatment tank/and any necessary associated drainage field must be 15m from the proposed dwelling, 3 metres from the boundary and 10 metres from the public road in accordance with regulations. The assumption would be that given the infill that has made up the ground there will be no natural ground strata and a percolation test will most likely fail. Mr & Mrs Lynch will also be informing the DEARA water team with this concern directly. All surface water should be excluded from this system, the P1 indicates that the surface water will be disposed of by field shoughs and stone sumps, these are also not indicated on the proposed site plan.

We should also point that there is already a mains sewer pipe on site, and there are several reasons why we feel the waste water treatment plant may not be suitable here including the landfill, the fact that it is an old WW2 site and we have previously found numerous concrete pits on our ground, as well as digging up live ww2 ammunition, all of which suggest that doing unnecessary works when there is already the ability to connect to an existing pipe at minimal disruption to the ground. The area is also one of outstanding natural beauty.

Can you advise if an application has been received or where we might obtain information in relation to same?

Regards
Deborah Lynch

