

Derry City and Strabane District Council Planning Committee Report

COMMITTEE DATE: 17th June 2020

APPLICATION No: LA11/2019/0431/O

APPLICATION TYPE: Outline Application

PROPOSAL: Erection of four IT service and data centre buildings, substation compounds, generators, switch gear and transformers together with internal access roads, vehicular access, car parking, security perimeter fencing and gate houses, external site lighting, and associated works.

LOCATION: Lands East and West of Maydown Road and situated approximately 150 metres North and North-West of No. 23 Maydown Road, Derry BT47 6UJ

APPLICANT: Atlantic Hub Property Ltd

AGENT: MCI Planning & Development Ltd

ADVERTISEMENT: 5th June 2019

STATUTORY EXPIRY: 19th June 2019

RECOMMENDATION: Approval

REASON FOR PRESENTATION TO COMMITTEE: Major Development.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

1. Description of Proposed Development

Erection of four IT service and data centre buildings, substation compounds, generators, switch gear and transformers together with internal access roads, vehicular access, car parking, security perimeter fencing and gate houses, external site lighting, and associated works.

2. EIA Determination

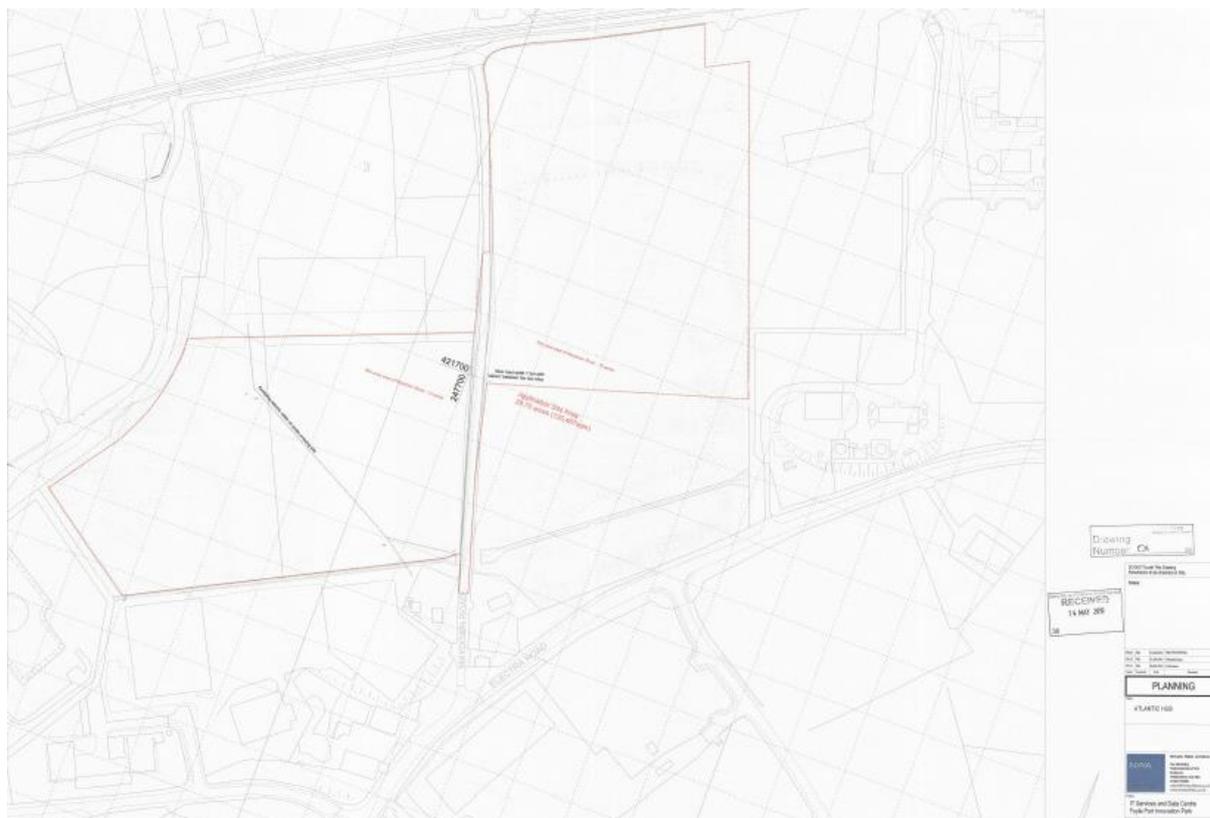
An EIA determination was carried out on the site as the site is greater than 0.5 hectares. It was determined that the proposal would not have any likely significant impacts on the environment and therefore an Environmental Statement was not required.

3. Habitats Regulation Assessment

Shared Environmental Services has considered the application in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). Having considered the nature, scale, timing, duration and location of the project it is concluded that provided mitigation is conditioned in any planning approval the proposal would not have an adverse effect on site integrity of any European Site. A condition requiring submission of a final Construction Environmental Management Plan is provided and a condition that the applicant acquires a Marine Licence; see conditions section later in this report.

4. Site and Surrounding Area

The application site is 12 hectares of land, divided by Maydown Road and comprises of two parcels of land of similar size on opposite sides of Maydown Road. Each parcel of land has its own site entrance. The site is currently vacant land characterised as an expanse of scrubland, semi-mature trees and vegetation. The topography falls from the south towards the north with an approx. level change of 21m over a distance of approx. 600m.



Site Location Plan

The site is located within Maydown Industrial Estate approx 3.5 miles from Derry. The site is existing industry land as defined in Derry Area Plan 2011. Maydown includes a mix of heavy industrial uses

and storage and distribution uses. There are two Power Stations nearby; Coolkeeragh Power Station and Lisahally biomass power station, both within the vicinity of the site. There are 4 dwellings in close proximity to the site – one immediately to the south east of the west parcel along Maydown Road, with a second dwelling immediately to the other side of the road. The other two houses are further south either side of Maydown Road, close to its junction with Haw Road. The river Foyle and Foyle Port, together with the railway line are located within the wider context north of the application site.



Spatial NI Aerial Photograph of Site

The agent in his supporting information states that relevant to the proposed use of the application site for IT Services and Data Centre development, is the close proximity of the landing station for the Project Kelvin Transatlantic fibre. This project connects Northern Ireland to America via the Hibernia North submarine cable system and opens the opportunity for fast international data connectivity that is required for major Data Centre Developments.

5. Site Constraints

Mean High Water Tide – Officers consulted with DAERA Marine and Fisheries Division. See consultation section later in this report.

Gas Pipeline in close proximity to site – Officers consulted with Health and Safety Executive NI, see consultation section later in this report.

IPRI Site Coolkeeragh and Foyle Meats within close proximity to site – Officers consulted with IPRI Regulation Unit, see consultation section later in this report.

COMAH Site – The industrial Pollution and Radiochemical Inspectorate regulate activities in close proximity to the proposed development however do not consider that regulated sites in close proximity will cause any adverse effects. See consultation section later in this report.

6. Neighbour Notification Report

Neighbour Address	Date Neighbour Notified
23 Maydown Road Londonderry Londonderry BT47 6UJ	24/05/2019
24 Maydown Road Londonderry Londonderry BT47 6UJ	24/05/2019
32 Temple Road Strathfoyle Londonderry BT47 6UB	24/05/2019
Coolkeeragh Power Station, 2 Electra Road, Derry, BT47 6UL	24/05/2019
Evermore Energy (Lisahally), Forsyth House, Cromac Square, Belfast, BT2 8LA	24/05/2019
LCC Group, 16 Church Road, Cookstown, BT80 9XD	24/05/2019
Port & Harbour Commissioners, Foyle Port, Port Road, Lisahally, Derry, BT47 6FL	24/05/2019
Transit Shed 14, Haw Road, Maydown, Derry, BT47 6 XT	24/05/2019
Transit Shed 7, Haw Road, Maydown, Derry, BT47 6 XT	24/05/2019
Transit Shed 9, Haw Road, Maydown, Derry, BT47 6 XT	24/05/2019

7. Relevant Site History

There is an existing outline planning permission on a 0.9 hectare part of the application site, in the southern portion of the eastern parcel of land application reference: LA11/2018/0197/O which was granted for a single IT Services and Data Centre building and associated infrastructure.



Site location of outline planning permission granted for LA11/2018/0197/F which is on part of the current application site

8. Policy Framework

Derry Area Plan 2011

Strategic Planning Policy Statement

Planning Policy Statement 2

Planning Policy Statement 3

Planning Policy Statement 4

Planning Policy Statement 6

Planning Policy Statement 15

9. Consultee Responses

Water management Unit - has considered the impacts on the surface water environment and are content subject to conditions. See conditions section later in this report. At reserved matters stage a Construction Method Statement, a detailed CEMP and full site drainage plans are required.

Coastal Development – Marine and Fisheries Division has considered the impacts of the proposal and on the basis of the information provided has no objections. See detailed assessment in PPS 2 Section later in this report.

IPRI Land, Soil and air – The industrial Pollution and Radiochemical Inspectorate regulate activities in close proximity to the proposed development however do not consider that regulated sites in close proximity will cause any adverse effects therefore IPRI have no comments to make.

Regulation Unit Land and Groundwater Team - has considered two Land Contamination Generic Quantitative Risk Assessment (GQRA) reports covering two areas of the planning area either side of Maydown Road. The potential sources of contamination and pathways identified are similar for both areas and both GQRA's conclude there are no unacceptable risks identified for environmental receptors. There is the potential for unforeseen contamination to be found during the development in made ground or from the disused pipeline. Regulation Unit has no objection to the development provided conditions and informatives are placed on any decision. See conditions later in this report.

Environmental Health Department;

Noise

Environmental Health Department has considered a Noise Assessment submitted in support of the application relating to noise associated with adiabatic cooling units, transformers, substation and generators and have no objection subject to condition regarding exceedance of noise target levels; a further noise assessment to be submitted prior to commencement of development. See conditions section later in this report.

Construction Environmental Management Plan

EHD requires that due to the proximity of the site to sensitive receptors a Noise and Dust Construction Management Plan be conditioned to be submitted prior to commencement of any development. See condition later in this report.

Land Quality

EHD has reviewed the WYG Preliminary and Generic Quantitative Risk Assessment (June 2015) and Pentland Mac Donald Contamination Assessment and Remediation Strategy (May 2019). These reports are two separate site investigations on each parcel of land. EHD has no objection subject to conditions that additional ground gas investigations are completed; revised remediation strategy and verification reports be submitted; install ground gas remediation measures. See conditions section later in this report.

Construction Hours of Operation

EHD requires a condition be imposed restricting working hours on the site. See condition section later in this report for details.

Health and Safety Executive NI - no comment

Loughs Agency - No objection subject to informatives

Londonderry Port and Harbour Commissioners – support the application.

NI Water - public water supply and foul sewers are located within 20m of the proposal. With regards to surface water, the applicant proposes to discharge surface water to River Foyle. There is available capacity in the receiving waste water treatment works. Consultation with NIW is required at an early design stage by means of a Pre-development enquiry to obtain details of the availability of existing water and sewerage infrastructure and to determine how the proposal will be serviced if not already applied for.

Shared Environmental Services - has considered the application in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). Having considered the nature, scale, timing, duration and location of the project it is concluded that provided mitigation is conditioned in any planning approval the proposal would not have an adverse effect on site integrity of any European Site. A condition requiring submission of a final Construction Environmental Management Plan is provided and a condition that the applicant acquires a Marine Licence; see conditions section later in this report.

DFI Roads - No objection subject to conditions relating to a service management plan; detailed access plans; parking and servicing and Travel Plan to be submitted at Reserved Matters stage. See conditions section later in this report.

DFI Rivers- has considered a Flood Risk and Drainage Assessment submitted in support of the application. It has been demonstrated in the FRA that the development is not within the 1 in 200 coastal floodplain and all development will have a suitable freeboard above the predicted 1 in 200 year coastal flood level of 2.74m OD. DFI Rivers has also assessed the drainage assessment and has no objection. See detailed assessment of PPS15 later in this report.

HED Historic Monuments – has considered the impacts of the proposal and is content that the proposal satisfies PPS 6 subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ. See PPS 6 assessment later in this report.

10. Representations

No representations have been received on the application.

11. Planning Assessment, including Other Material Considerations

Section 6 (4) of The Planning Act (Northern Ireland) 2011 requires the Council to make planning decisions in accordance with the local development plan, unless material considerations indicate otherwise.

This proposal is required to be assessed against the provisions of the Derry Area Plan 2011, as well as other material considerations including the Regional Development Strategy; the Strategic Planning Policy Statement for Northern Ireland; PPS 15 Planning and Flood Risk; PPS 6 Archaeology and the Built Heritage; PPS 4 Planning and Economic Development; PPS 3 Access Movement and Parking, PPS 2 Natural Heritage as well as consultation responses received and the supporting statement submitted by the agent.

The Strategic Planning Policy Statement for NI (SPPS)

In relation to economic development, the aim of the SPPS is to facilitate economic development needs in ways consistent with the protection of the environment and the principles of sustainable development. This proposal for data storage and IT Services is to be located on existing industrial land and therefore is required to be assessed under the provisions for economic development as set out in PPS 4; see detailed assessment later in this report.

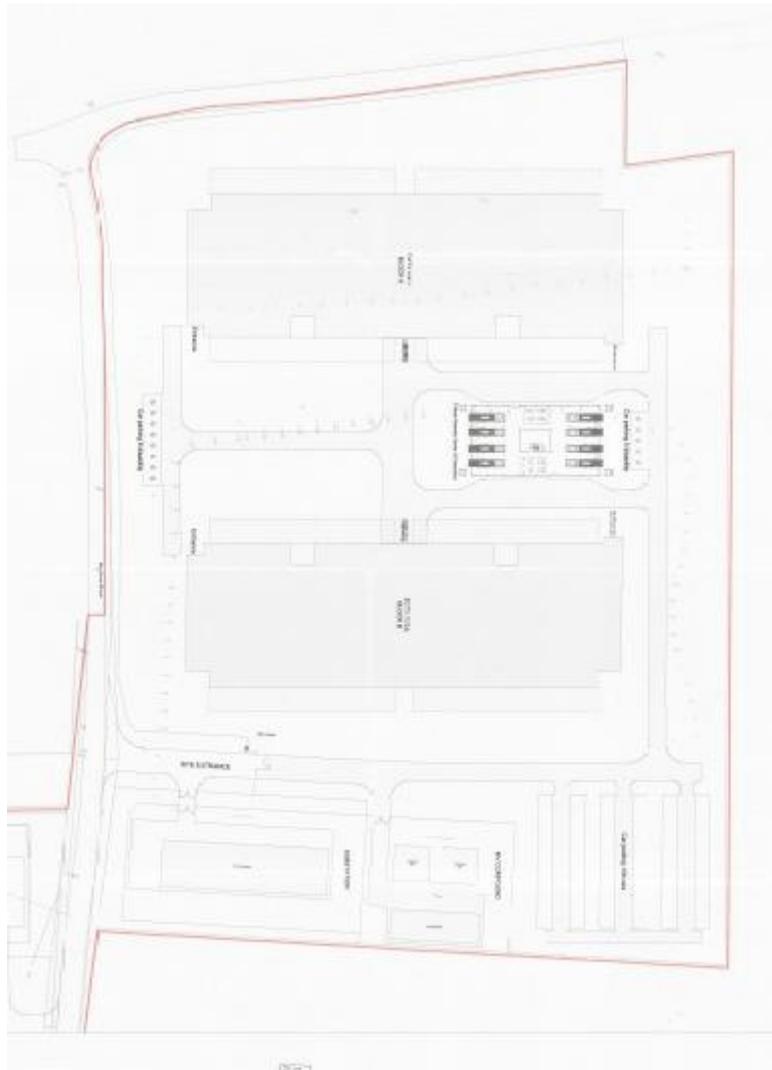
Derry Area Plan 2011

The site is located on land zoned for industry in the Area Plan - Zoning IND 6 Maydown. This industrial zoning is described in the Area Plan as a major infill site which enjoys good access to the Port and Districts Strategic road network via the Maydown Roundabout. A variety of uses are likely within the zoning. Although the proposed site is within the industrial zoning it is outside any settlement limit. The use class proposed is considered to be Data Storage with ancillary IT Services; and is therefore considered as 'storage' and is considered a compatible use within the industrial zoning. A detailed assessment of this is set out in the relevant policy PPS 4 later in this report. The proposal complied with the Area Plan.

Proposal

The application is for outline permission for the erection of 4 no IT services and data centre buildings, substation, generators, switch gear with security fencing, internal access road, car parking and associated works.

The concept plans submitted with the outline application indicate there will be two separate building blocks on each parcel of land, following the contours which will require some cut and fill, but the result will somewhat reduce the visual height of the buildings when viewed from the public domain.



Indicative Site Layout – site to the east of Maydown Road

Although this is an outline application the agent has provided indicative plans and elevations which indicate that both the west and east parcel of land on Maydown Road will be accessed from Maydown Road. Each parcel of land will incorporate 2 data hall buildings. The elevations indicate the buildings will be 25m in height incorporating ground floor electrical rooms, with offices, toilets, break out room reception and a small conference room. First and second floors will incorporate 4 data halls on each levels with meeting rooms, toilets and breakout room and will also have external cooling gantry and the roof level (4th floor) will have the external plant gantry. There will also be cooling units internally within the building and backup generators.



Indicative Elevations



Indicative Sections

assessed and submitted for agreement at reserved matters stage. See conditions section later in this report.

Planning Policy Statement 4 Planning and Economic Development

Data Centres has no defined Use Class under the Use Classes Order 2015, however data storage is considered as storage under use class B4 with ancillary IT Services; therefore, the application proposal has been assessed against the provisions of PPS 4, Policy PED 1 and 9.

PED 1 Economic Development in Settlements

Whilst this site is not in a settlement limit, it is located within an Industrial Zoning and officers consider therefore that PED 1 is applicable to this application. In assessment of PED 1 of PPS 4 the principle of the proposal for Class B4 storage will be permitted in an existing industrial/employment area where it can be demonstrated that the proposal is compatible with the predominant industrial/employment use. Whilst this site is not within the settlement limits of Cities and Town, the proposal is located within an existing zoned Industrial estate at Maydown which is defined in the DAP 2011. The proposal is located within Maydown Industrial Estate and the nearby uses are Coolkeeragh Power Station and Lisahally Biomass Station. There are a number of other uses within the immediate locality including a number of nearby residential properties. The scale, nature and form of the proposal with the ancillary IT services is appropriate to the location and will not lead to a diminution in the industrial/employment resource in the locality or the Area Plan. The proposed use and its ancillary infrastructure is considered compatible with the existing industrial processes within Maydown.

PED 9 General Criteria for Economic Development

In considering PED 9 General criteria for economic development, there are a number of criteria in which development proposals have to meet, each are assessed below;

a) the proposal is compatible with the surrounding land uses. It is located on existing zoned industrial land, Maydown

b) It does not harm the amenities of nearby residents – Environmental Health Department considered the proposal and a submitted Noise Assessment (February 19) and advise that although the site is within an industrial zoning there are residential properties within close proximity to the site. These may be impacted upon from noise from cooling units, transformers, substation and

generators. EHD has provided a condition that noise shall not exceed a rating level of 46dB during day time and 43dB during the night time period, and also require a further noise assessment prior to commencement of any development. See conditions section later in this report.

c) does not affect features of natural or built heritage – see detailed assessment under PPS 2 and PPS 6 later in this report.

d) it is not located in an area of flood risk or exacerbate flooding. The Flood Risk Assessment and Drainage Assessment submitted in support of the application demonstrate the site is not within the coastal floodplain. The drainage assessment submitted satisfies the policy requirements of FLD 3 of PPS 15. DFI Rivers has no objection, see detailed assessment of PPS15 later in this report.

e) does not create a noise nuisance. Environmental Health has provided conditions relating to noise as discussed earlier.

f) capable of dealing with emissions or effluent. Environmental Health and Land and Ground Water Team have considered the contamination reports submitted and have no objections subject to conditions.

g) the existing road network is capable of additional traffic. Officers are content there is sufficient land to provide improved infrastructure works at the sites frontage. See detailed assessment in PPS 3 later in this report. DFI Roads has provided conditions.

h) there is adequate access arrangements, parking and servicing within the site. The detailed design of this will be required at Reserved Matters Stage. DFI Roads has provided conditions.

i) a movement pattern is provided. The proposal will provide a footway/cycleway across the site frontage of the site. See detailed assessment of PPS 3 later in this report. The site is within the industrial zoning of Maydown with access to public transport nearby.

j) the layout, design, associated infrastructure and landscaping arrangements are of a high quality. The proposal is for 4 IT Services and data centre buildings. The indicative design submitted indicates the buildings will 4 storey in height and approx. 25metres high. The detailed design will have to be assessed and agreed at reserved matters stage. This is an outline application to agree the principle

of the development on the site only. Infrastructure works external to the site have been broadly agreed with land required across the site frontage to provide a footway/cycleway. The internal layout will have to be agreed at reserved matters stage with appropriate parking provided within the site. Officers also require a landscape buffer to be provided along the sites boundaries so as to aid the sites integration into the landscape. The details will all be conditioned to be submitted for assessment at reserved matters stage. See conditions section later in this report.

k) it has been indicated this proposal will require a high level of security. The design and access statement submitted in support of the application stated the site will have 3m high fencing around the perimeter of the site and security gates and gate lodges at the sites entrances. The detailed design of this will be required at reserved matters stage and will be of this can be conditioned as this is an outline application.

l) as per the boundary detail point above; the proposal will be designed to deter crime and promote personal safety.

m) there are no landscaping proposals at this stage to assist in the integration into the landscape. Landscaping proposals will be conditioned, and officers consider it would be appropriate to have a buffer of planting around the boundaries of the site; the details of which will be required to be submitted at reserved matters stage.

In considering the proposal and its location, this proposal for data storage in principle is acceptable in the context of PPS 4 and the DAP 2011 IND zoning 6. The quality of the design along with proposals for landscaping will be dealt with at subsequent application stage.

PPS 15 Planning and Flood Risk

FLD 1 Development in Fluvial (River) and Coastal Flood Plains

The Strategic Flood Map for NI indicated that the site lies partially within the 1 in 200 year coastal flood plain however the FRA has demonstrated the proposed development to be outside the coastal flood plain and all development has suitable freeboard above the predicted 1 in 200 year coastal flood level of 2.74m OD. DFI Rivers accepts the report and cannot sustain a reason to object to the proposed development from a coastal flood risk perspective.

FLD 2 Protection of Flood Defence and Drainage Infrastructure

The site is unaffected by any watercourse known to DFI Rivers.

FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

DFI Rivers advise the method by which the applicant discharges storm water to the discharge point in Lough Foyle at full bore discharge is a matter for the applicant and his professional advisors. DFI Rivers while not responsible for the preparation of the FRA/DA accepts its logic and has no reason to disagree with its conclusions. DFI Rivers cannot sustain a reason to object to the proposed development from a drainage perspective. DFI Rivers recommends a condition is included in any planning approval that the internal site drainage complies with the appropriate legislation and includes for exceedance. See condition later in this report.

FLD 4 Artificial Modification of Watercourses

Not applicable to this site

FLD 5 Development in Proximity to Reservoirs

Not applicable to this site

The proposal complies with PPS 15.

PPS 6 Archaeology and Built Heritage

There are a number of archaeological sites and monuments recorded within the environs of the application site including a prehistoric settlement site which was uncovered during development works for an industrial unit to the south west of the application site. There are also some Defense Heritage sites at this location which reflect the importance of this area during the Second World War. This application site is over 6 hectares in size and HED experience is that large development sites such as this are rarely archaeologically sterile, and given the known archaeology in the immediate area there is the potential for previously unrecorded below-ground archaeological remains to be found during ground works for the proposal. As such archaeological mitigation is required in advance of site works. See conditions section later in this report.

PPS 2 Natural Heritage Interests

The application site is in proximity to national, European and International designated sites including; Lough Foyle SPA, Lough Foyle Ramsar and Lough Foyle ASSI. Given the distance of the main development from the marine environment, Marine and Fisheries Division advise it is unlikely that the proposal will have a significant impact on marine habitats or species. An informative is provided to advise the agent that given that part of the site is in close proximity to the boundary of Lough Foyle ASSI precaution should be taken to ensure its integrity will not be damaged i.e. by construction vehicles, deposited material, contaminated run-off or any other activity during the construction period. This will be included in an informative on any decision on the application.

Natural Environment Division advise the site is in close proximity to River Foyle which is hydrologically connected to Lough Foyle SPA, Ramsar and ASSI. NED required an Outline Construction Environmental Management Plan to be submitted so that the competent authority could undertake a Habitats Regulation Assessment. An OCEMP dated October 2019 was submitted and considered by NED which outlines measures to prevent and/or reduce impacts on qualifying features of designated sites and advise that due regard is given to Water Management units comments who at reserved matters require submission of a detailed CEMP which officers will place as a condition in the event of an approval on the site. Due to the distance of the proposed development to the designated sites, approx. 1.19 km and the implementation of a detailed Construction Management Plan NED considers there will be no likely significant impact on designated sites. Provided appropriate pollution prevention measures are implemented during the construction and operational phases of the development, the proposal is unlikely to have a significant impact on designated sites. A detailed CEMP will be conditioned to be submitted at Reserved Matters stage. See conditions section later in this report.

Shared Environmental Services have carried out a Stage 2 Appropriate Assessment and assessed the application in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats) Regulations NI as amended. Having considered the nature, scale, timing, duration and location of the project concluded that provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European Site. See conditions section later in this report.

Other Natural Heritage Interests

NED has considered a Preliminary Ecological Appraisal dated 14 May 2019 and note a number of invasive plant species including Japanese Knotweed, Salmonberry and Himalayan Balsam were found to on site and given the hydrological connection to designated sites and the likelihood of this development disturbing and potentially causing spread of these protected species required an Invasive Species Management Plan.

While no evidence of badger was recorded on site NED required confirmation from the ecologist that a 25m buffer around the sites red line boundary was surveyed. NED also required confirmation a 30m buffer was surveyed for otter given that prints were found on the site. The watercourse on site was deemed unsuitable for otter holt however clarification was required for any other resting places.

NED notes there are no built structures suitable for roosting bats however the ecologist notes bat roosting potential in some trees with heavy ivy cover. The trees with BRP have not been identified on maps or plans and NED advise trees on site should be recorded labelled with their BRP. Any trees with moderate or above BRP should be shown retained on plans or full emergence/re-entry bat surveys carried out. It appears that only trees 4 or 5 on site have moderate or above BRP but they have not been clearly identified on plans; however, the plans submitted are for indicative purposes only as this is an outline planning application and full detailed plans would be required at reserved matters stage.

Further information was submitted from the agent in a letter dated 11th March to address the above; and, a Bat Roost Potential of Trees; External badger and Otter survey date stamped 27th January. NED has considered the information submitted and the reports confirmed that bats, badgers, otters are not present within and/or 30 metres outside the site boundary and that detailed plans 02 to 11 inclusive are for information purposes only. On this basis therefore NED has no objection to the development however at reserved matters stage will require NED require full plans showing retention of trees/hedgerows where possible and native species planting.

Planning Policy Statement 3 Access Movement and Parking

The Transport Assessment submitted in support of the application has adequately addressed the impacts of the development and no further modelling is required. With regards to the existing infrastructure the Maydown Road is generally 5.5m wide and serves Coolkeeragh West Power Station.

The applicant's consultants consider the existing infrastructure is more than adequate to facilitate the existing and proposed traffic however states the applicant will widen the carriageway to 6.0m along the site frontage and provide passing bays from the end of the site frontage to the junction of Maydown Road. The detailed design drawings of this will be required at reserved matters application stage.

DFI Roads requested that the applicant provide a footway / cycleway across the site frontage and also that this be extended to connect to the existing network at the junction of Maydown Road. The applicant is content to provide the necessary infrastructure across the site frontage and the detail of this can be conditioned to be provided at detailed design stage at any reserved matters application. However, with regards to extending the footway/cycleway beyond the site frontage the applicant advised there are third party land issues and also considered it unlikely that the 50+ staff and visitors accessing the development would be non-motorised users (NMU) and is therefore unable to provide this extended connection. Having considered the agent's justification, planning officers consider it reasonable that the applicant provides the footway/cycleway across the site frontage only and are content there is sufficient land along the sites frontage to provide these infrastructure works; the detail of which can be agreed at reserved matters stage.

Each parcel of land will have a single point of access with controlled security gates and it has been demonstrated that a safe access and visibility splays can be achieved. DFI Roads at reserved matters stage will require splays of 4.5m x 147m and a minimum access width of at least 7.3 metres. The indicative plans show the width of the access at junction with Maydown Road is 8.3m with 2 separate bi-parting speed gates for entry and exit proposed. The gates are to be set back 30m from the road way. The detailed design of the access will be submitted with any reserved matters application. The layout plans submitted with this application are for indicative purposes only and whilst parking is shown within the internal arrangement, detailed plans for the access and parking will be required and assessed in more detail at reserved matters stage.

Officers are content that an adequate and safe access to the site can be provided and the details of which and the internal parking arrangement will be required at reserved matters stage along with the infrastructure improvement works to Maydown Road and the provision of a footway/cycleway. DFI Roads has no objection subject to conditions and also require a Service Management Plan to be submitted and a Travel Plan. See conditions section later in this report. The proposal complies with PPS 3.

12. Summary and Conclusion

The proposal is considered acceptable in that it is in accordance with the DAP 2011 and other material considerations. Specifically, the proposal is located on zoned industrial land and meets the criteria of PPS 4 for economic development. It has been demonstrated there will be adequate provision for infrastructure works in accordance with PPS3; sewerage and land drainage in accordance with PPS 15, protection of natural heritage interests and European sites under PPS 2 and archaeology under PPS 6, all of which are supported through the SPPS. Other material considerations have been taken into account including the advice from consultees and overall they support approval of the application. Officers therefore recommend to the Planning Committee that application LA11/2019/0431/O is approved subject to the conditions set out below;

Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, and the provisions of other amenity features.

Reason: To enable the Council to consider in detail the proposed development of the site.

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 1 and 2 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site

4. Any application for approval of reserved matters or full permission shall include a landscape buffer around the boundaries of the site and Maydown Road, together with planting plans for soft landscape works and shall include; written planting specifications; schedules of plants and trees indicating site preparation, planting methods, planting medium and additives together with the species, the size at time of planting, the presentation, location, spacing and numbers; and an implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscaping design.

5. A boundary treatment plan for the site shall be submitted at reserved matters stage. The boundary treatments shall be carried out as approved.

Reason: To ensure that appropriate boundary treatment and means of enclosure are provided.

6. Noise emanating from the approved development shall not exceed a BS4142: 2014 '*rating level*' of 46 dB LAr during the daytime period (07:00 - 23:00), and 43 dB LAr during the night-time period (23:00-07:00) at the closest residential noise sensitive receptors.

Reason: To protect residential amenity against the impact of noise

7. Prior to commencement of the approved development a detailed BS4142: 2014 noise assessment shall be submitted to the Planning Department of Derry City and Strabane District Council for agreement. The noise assessment shall demonstrate through prediction that the cumulative operational noise emanating from the approved development (including noise generated by the backup generators) shall not exceed the BS4142 rating levels specified in Condition 6. Detail of all noise mitigation measures adopted shall be included within the submitted report.

Reason: To protect residential amenity against the impact of noise

8. Within 6 weeks of the approved development becoming fully operational the operator shall submit to the Planning Department of Derry City and Strabane District Council for agreement a daytime and night-time BS4142 noise assessment which demonstrates compliance with the respective rating levels specified in Condition 6. The operational BS4142 rating level shall be calculated from measured noise levels; and corrections as described in section 9 of BS4142: 2014 shall be incorporated within the rating level as appropriate.

Reason: To protect residential amenity against the impact of noise

9. In the event that the BS4142 rating levels calculated in accordance with Condition 8 exceed the BS4142 target rating levels specified in Condition 6 the operator shall within 8 weeks of the submission date of the noise assessment required under Condition 8 introduce additional noise mitigation measures which reduce operational noise levels to meet Condition 6 noise levels. The operator shall demonstrate that these additional noise mitigation measures have been effective.

Reason: To protect residential amenity against the impact of noise

10. Prior to the commencement of any development hereby permitted a Construction Environmental Management Plan shall be submitted to and be approved in writing by the Planning Department. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration and dust. The plan should include, but not be limited to:

- A construction method statement for each phase of development.
- Procedures for maintaining good public relations including complaint management, public consultation and liaison.
- Arrangements for liaison with the Derry City and Strabane District Council's Environment and Neighbourhoods Team.
- Deliveries to and removal of plant, equipment, machinery and waste from the site to take place within permitted hours.
- Mitigation measures as defined in BS 5228: 2009 +A1:2014 Noise and Vibration Control on Construction and Open Sites – Part 1: Noise shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise agreed in writing with the Planning Authority.

The developer shall take advice in relation to the following guidance - *IAQM Guidance on the assessment of dust from demolition and construction Version 1.1 2014*.

Reason: To protect residential amenity against the impact of noise.

11. Prior to commencement of development the additional ground gas site investigation and updated risk assessment recommended in section 5.1.7 of the WYG report entitled 'Land Contamination-Preliminary & Generic Quantitative Risk Assessment' (June 2015) shall be completed. A report detailing the findings of this additional site investigation and updated risk assessment shall be submitted to the Planning Department of Derry City and Strabane district Council for approval.

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

12. On completion of the additional site investigation required under condition 11 and prior to commencement of development the developer shall submit to the Planning Department of Derry City and Strabane District Council for approval a revised remediation strategy which takes account of the conclusions of the additional site investigation and updated ground gas risk assessment.

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

13. The developer shall install all remediation measures identified in the approved revised remediation strategy submitted in compliance with Condition 12.

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

14. The developer shall install 'Characterisation Situation 2' (CS2) gas protection measures as described in Section 6 of the Pentland Mac Donald Ltd - Contamination Assessment and Remediation Strategy.

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

15. Following completion of ground gas remediation measures:-

a) identified in the remediation strategy submitted in compliance with condition 12 of this approval and installed in compliance with Condition 13

b) installed in compliance with Condition 14

c) agreed under condition 16 (if applicable),

a verification report shall be completed by a competent person(s) and submitted to the department for approval within three months of completion of the remediation measures, together with a certificate signed and dated by the developer that the remediation works have been completed in strict accordance with the conditions and the documents to which they refer and any additional remediation strategy agreed under condition 14. The verification report shall describe all the agreed remediation works undertaken and provide evidence that the remedial objectives have been met. Evidence must be presented in the Verification Report that the fuel pipeline infrastructure has been fully decommissioned and removed and the quality of surrounding soils and groundwater has been verified. This report must be agreed with the Department prior to the occupation of the development. Should contamination be identified during this process, Condition 16 will apply.

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

16. If during the development works, contamination is encountered which had not previously been identified, works should cease and the Planning Service shall be notified immediately. This new contamination shall be fully investigated in accordance with CLR 11 'Model Procedures for the Management of Land Contamination'. A suitable risk assessment shall be completed and submitted in writing to Planning Service. In this situation, a remediation strategy shall be agreed in writing with the Planning Service, and implemented and verified to its satisfaction.

Reason: To protect human health and environmental receptors and to bring the site into a state that represents an acceptable risk to end-users.

17. Construction work, which is audible at any noise sensitive property outside the site, shall only take place between the hours of 07.00 - 18.00 hours on Monday to Friday, 07.30 - 13.00 hours on Saturday with no such working on Sunday. Outwith these hours, work at the site shall be limited to emergency works, or construction work that is not audible at any noise sensitive property.

Reason: To protect residential amenity against the impact of construction noise

18. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Derry City and Strabane District Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and

- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

19. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 18.

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

20. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 18. These measures shall be implemented and a final archaeological report shall be submitted to Derry City and Strabane District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Derry City and Strabane District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

21. At first reserved matters or full application a scale plan and accurate site survey at minimum scale 1:500 shall be submitted showing the access to be constructed generally in accordance with drawings no. 02 and 07 bearing the date stamp 14 May 2019 and requirements in accordance with the attached form RS1.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

22. At first reserved matters stage or full application, access, parking and servicing shall be in accordance with the requirements of the Department's current published guides, Parking Standards and Creating Places.

Reason: To ensure the provision of adequate parking facilities to meet the needs of the development and in the interests of road safety and the convenience of road users.

23. Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

Reason: To ensure waiting vehicles do not encroach onto the carriageway

24. At first reserved matters or full application, a service management plan for the development, its staff, visitors and servicing agents shall be submitted to and agreed with the planning authority.

Reason: To manage servicing arrangements for the building and its residents and minimise obstruction to traffic on the existing road network and to ensure that the traffic generated from the development does not have an adverse impact on the existing road network.

25. At first reserved matters or full application, a travel plan for the development, its staff, visitors and servicing agents shall be submitted to and agreed with the planning authority. The Travel Plan shall include proposals for implementation and a timescale for monitoring of the Plan following occupation of the development.

Reason: To demonstrate and support the use of alternative modes of transport to the private car and safe access for workers, service agents and visitors to the development.

26. No development shall take place on-site until the method of sewage disposal has been agreed in writing with NIW or a Consent to discharge has been granted.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

27. Each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system shall be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the buildings are occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

28. At Reserved Matters an Invasive Species Management Plan shall be submitted to the Planning Authority. No site clearance or development activity shall take place until the Invasive Species Management Plan has been approved in writing by the Planning Authority and implemented in accordance with the approved details.

Reason: To prevent the spread of invasive species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and to minimise the impact of the proposal on the biodiversity of the site, including protected species.

29. At Reserved Matters a Landscaping and Planting Plan shall be submitted to the Planning Authority. The plan shall show retention of trees where possible and native species planting. No development activity, including ground preparation or vegetation clearance, shall commence until the Plan has been approved in writing by the Planning Authority. The Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the impact of the proposal on the biodiversity of the site.

30. At Reserved Matters plans shall be submitted to the Planning Authority showing retention of all trees with moderate or more Bat Roosting Potential. No development activity, including ground preparation or vegetation clearance, shall commence until the Plan has been approved in writing by the Planning Authority. The Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure protection to bats and their roosts.

31. There shall be no external lighting on the site until a Lighting Plan has been submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:

- a) Specifications of lighting to be used across the site.
- b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, including low lighting levels to be used across the site.
- c) A map showing predicted light spillage across the site (isolux drawing).

Reason: To minimise the impact of the proposal on bats and other wildlife.

Details on native species planting can be found at: <https://www.daera-ni.gov.uk/publications/native-species-planting-guidance>

32. A Final Construction Environmental Management Plan (CEMP) shall be submitted to the Planning Authority as part of the Reserved Matters planning application. The CEMP should identify all potential risks and pollution pathways to the waterway, demonstrate adherence to good working practices as detailed in current guidance and detail all mitigation measures as detailed within pg. 11-13 of the outline CEMP to be employed to minimise the risk of pollution to the waterway. The CEMP should also include:

- a. Detailed plans, demonstrating a suitable buffer of at least 10 metres between locations of construction activities, including refuelling, storage of oil/fuel and spoil, concrete mixing and washing areas and watercourses/drains on site;
- b. Location of silt fencing along all watercourses;
- c. Location of all other pollution prevention measures on site;
- d. All potential in-water works including construction of the surface water outfall structure;
- e. Detailed Drainage Plan designed to the principles of SuDs, as stated within pg. 12 of the Outline CEMP;
- f. An Invasive Species Management Plan, as stated within pg. 15 of the Outline CEMP.

Reason: To prevent any adverse effect to Lough Foyle Ramsar/SPA and River Foyle and Tributaries SAC.

33. The Applicant shall acquire a Marine Licence for works associated with the surface water outlet to Lough Foyle, prior to the commencement of any works.

Reason: To prevent any adverse effect to Lough Foyle Ramsar/SPA and River Foyle and Tributaries SAC.

34. It is the responsibility of the developer to satisfy the appropriate authorities that the internal site drainage complies with the appropriate legislation and includes for exceedance (refer to CIRIA document C635).

Reason: To prevent surface water flooding

35. The IT Services use shall be ancillary to the Data Centre use hereby approved.

Reason: To ensure that the nature and scale of development is appropriate for the site and industrial zoning.