

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

Date: 26 October 2022

Dear Sir/Madam,

Planning Application Ref.: LA11/2021/1211/TBA
Location: Between Station Road
Lifford
County Donegal and Strabane
County Tyrone.

Proposal:

Proposed Riverine Pedestrian and Cycle Bridge at Station Road, Lifford, County Donegal - 11m in length between Lifford Co. Donegal and Strabane, County Tyrone.

Thank you for your consultation on the above which was received by the Department on 19/10/2022.

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.

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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
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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Regulation Unit

Section Reference: LA11/2021/1211/TBA

Between Station Road Lifford County Donegal and Strabane County Tyrone.

Considerations

A Preliminary Risk Assessment and a Generic Quantitative Risk Assessment have been provided by MCL Consulting Ltd in support of this planning application. The GQRA is informed by site investigations and environmental monitoring data to assess the potential risks from ground and groundwater contaminants to human health and environmental receptors for the development. 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.

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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:

- MCL Consulting Ltd. Addendum Environmental Impact Assessment Report. Volume 3 Appendices. Chapter 9 Addendum Appendices. Riverine Community Park. Lifford-Strabane. April 2022.
 - MCL Consulting Ltd. Appendix 9-5. Preliminary Risk Assessment and Preliminary Sources Study Report (Stage 1). Riverine Community Park. Lifford-Strabane. April 2022.
 - MCL Consulting Ltd. Appendix 9-6. Generic Quantitative Risk Assessment and Remediation Strategy. Riverine Community Park. Lifford-Strabane. January 2022.
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 Preliminary Risk Assessment and a Generic Quantitative Risk Assessment have been provided by MCL Consulting Ltd in support of this planning application. The GQRA is informed by site investigations and environmental monitoring data to assess the potential risks from ground and groundwater contaminants to human health and environmental receptors for the development.
 3. The Strabane part of the development contains significant area of former railway lands including an embankment, sidings, a goods shed and engine house. These areas and the site area generally have been investigated using 16 window sampling boreholes, 10 hand auger sampling locations and three surface water sampling locations. In total 13 groundwater installations have been used to investigate the hydrogeology of the site.
 4. The findings include some isolated occurrences of elevated concentrations of individual contaminants across the site. Two hot spots of contamination have been identified and delineated at WS12 (asbestos) and WS13 (arsenic). No impacts have been recorded at the surface water monitoring points from the historical contamination detected and no unacceptable risks to environmental receptors have been identified for the development.
 5. An outline remediation strategy has been provided for the risks to human health which includes specific remediation of the areas identified at WS12 and WS13 through excavation and disposal off-site. See paragraphs 7 and 8 below regarding the responsibilities of the developer to manage any waste arisings appropriately. It should also be noted that Derry City and Strabane District Council are 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.
 6. In the absence of an identified contaminant linkage to environmental receptors 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.
 7. 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)

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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>

8. 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 & 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.
4. Certain types of work with asbestos in soils and construction and demolition (C&D) materials can only be done by those who have been issued with a licence by HSENI. This is work which meets the definition of 'licensed work with asbestos' in Regulation 2(1) of the Control of Asbestos Regulations (Northern Ireland) (2012) (the Regulations). These Regulations can be viewed at: http://www.legislation.gov.uk/nisr/2012/179/pdfs/nisr_20120179_en.pdf.

The Regulations and the accompanying Approved Code of Practice and guidance (The Control of Asbestos Regulations 2012: Managing and working with asbestos (L143)) apply to all work with asbestos, including managing the risks related to exposure to asbestos from work with asbestos contaminated soil or C&D materials in addition to CL:AIRE's Industry Guidance entitled: Control of Asbestos Regulations 2012, Interpretation for managing and

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working with asbestos in soils and C&D materials 2016 that can be viewed at:
<https://www.claire.co.uk/projects-and-initiatives/asbestos-in-soil>.

All works associated with asbestos contaminated land must be carried out by competent persons so that the site reports can be relied upon and works completed in compliance with the Regulations and in a manner likely to be minimise consequential risks.

5. Prior to disposing waste materials to a suitable facility, waste classification needs to be completed of the materials either in-situ or of excavated materials in accordance with the EWC codes. Details of this classification can be found in the Northern Ireland Waste Classification Technical Guidance WM3 v1.1.NI at: <http://www.daera-ni.gov.uk/publications/waste-classification-technical-guidance>

Should the materials be classified as Hazardous waste then this material will need to be consigned off site as hazardous waste. NIEA should receive the waste consignment notices 72 hours in advance of any movements off site and waste materials moved off site only by a registered carrier (i.e. ROC permitted).

Also, if the material is hazardous, it should be WAC tested to determine a suitable landfill for disposal. Note there are no landfills in Northern Ireland licensed to take non- asbestos hazardous wastes, so this material would need to be disposed at a suitable site in England or Scotland.