

<b>Report on</b>	<b>The Department's Decision to issue 3 Notice Of Opinions to Approve development at the Former Clark's Linen Mill site, Upperlands.</b>
<b>Date of Meeting</b>	3 Sept 2019
<b>Reporting Officer</b>	Melvin Bowman
<b>Contact Officer</b>	Dr Chris Boomer

<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To provide members with a report on the Departments Decision on the 16 <sup>th</sup> Aug 2019 to issue Notices of Opinion to approve development of the former Clark's Linen Mill in Upperlands.
<b>2.0</b>	<b>Background</b>
2.1	<p>The Department have been assessing 3 Major planning applications which were received in 2009. These include the demolition of unlisted buildings, works and extensions to Listed Buildings and changes of use to apartments and dwellings, as well as a museum and exhibition space and other associated works</p> <p>An opportunity now exists for the Council to make representations to the Planning Appeals Commission who will shortly facilitate a hearing relating to the proposals.</p>
<b>3.0</b>	<b>Main Report</b>
3.1	It is suggested to members that Mid-Ulster Council welcome the Notices of Opinion but should demand an examination unless the Department can reassure us that the number of homes approved will not affect our HGI or designations adversely in relation to other settlements.
	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: n/a
	Human:n/a
	Risk Management: n/a

4.2	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: n/a
	Rural Needs Implications:n/a
5.0	<b>Recommendation(s)</b>  That members accept the position suggested at Par. 3.1
6.0	<b>Documents Attached &amp; References</b>
6.0	Copy of Departments letter and 3 Notices of Opinion.

Strategic Planning Directorate



Department for

**Infrastructure**

An Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

Chris Boomer  
Mid Ulster District Council  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

Strategic Planning Directorate  
Clarence Court  
10-18 Adelaide Street  
Belfast  
BT2 8GB

Date: 16 August 2019  
Our Refs: H/2009/0264/O, H/2009/0270/F  
And H/2009/0271/LB  
  
Please Contact: Nicole Thompson  
Contact Number 028 9054 0537

Dear Mr Boomer,

**Location: Former William Clark & Sons Ltd, Upperlands, Maghera Co Londonderry**

**Proposals:**

**H/2009/0264/O: Demolition of unlisted buildings to facilitate the heritage led regeneration (restoration and retention of listed mill buildings) of the former William Clark and Sons Linen Mill complex incorporating: residential development, leisure and recreational uses, community facilities including museum/exhibition space and other associated site works.**

**H/2009/0270/F : Works to listed buildings to include: the extension, and conversion of the former Art Deco Building into a new factory (extending to 4,030 sq metres); change of use and retention of 1a for car parking; change of use and retention of 14a as a communal space; change of use and refurbishment of buildings 3a and 13a to create 18 apartments; alterations and extension of 2 existing dwellings - buildings 2a and 21a; change of use, extension and refurbishment of buildings 4b, 4c, 4e and 25a for museum/exhibition space and other associated site works.**

E-mail: [planning@infrastructure-ni.gov.uk](mailto:planning@infrastructure-ni.gov.uk)  
Website: [www.planningni.gov.uk](http://www.planningni.gov.uk)

**H/2009/0271/LBC Works to listed buildings to include: the extension, and conversion of the former Art Deco Building into a new factory (extending to 4,030 sq metres); change of use and retention of 1a for car parking; change of use and retention of 14a as a communal space; change of use and refurbishment of buildings 3a and 13a to create 18 apartments; alterations and extension of 2 existing dwellings - buildings 2a and 21a; change of use, extension and refurbishment of buildings 4b, 4c, 4e and 25a for museum/exhibition space and other associated site works.**

I refer to the above mentioned matters and enclose copies of the Department's Notices of Opinion to **Approve** in connection with these applications. I would remind you that the Department must receive any request, in writing, for an opportunity to appear before and be heard by the Planning Appeals Commission; or a person appointed by the Department for the purpose of a hearing.

Any requests must be made within 28 days from the date of service of these Notices.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Sheppard'.

For Strategic Planning Directorate



Department for

**Infrastructure**

An Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

**NOTICE OF OPINION  
APPROVAL OF PLANNING PERMISSION**

**The Planning Act (Northern Ireland) 2011**

**Application Ref: H/2009/0264/O**

**Date of Application: 6 May 2009**

**Site of Proposed Development: Former William Clark & Sons Ltd,  
Upperlands, Maghera Co Londonderry.**

**Description of Proposal:** Demolition of unlisted buildings to facilitate the heritage led regeneration (restoration and retention of listed mill buildings) of the former William Clark and Sons Linen Mill complex incorporating: residential development, leisure and recreational uses, community facilities including museum/exhibition space and other associated site works.

**Applicant: JHT (Upperlands) Ltd**

**Agent: Turley**

**Address:** C/OTurley  
Hamilton House  
Joy Street  
Belfast  
BT2 8LE

**Address:** Hamilton House  
Joy Street  
Belfast  
BT2 8LE

Drawing Ref: 01, 02, 08 Rev1, 09 Rev1, 13 Rev 2, 20 rev 2, 21 Rev 2, 24 Rev 2, 25 Rev 2, 27 Rev 3, 32 Rev 2, 33 Rev 2, 34 Rev 2, 35 Rev 2, 38 Rev 2, 39 Rev 2, 40 Rev 2, 41 Rev 2, 42 Rev 2, 53 Rev 3, 54 Rev 2, 70, 72, 73, 74

In pursuance of its power under Section 26 (11) of the above mentioned Act, the Department for Infrastructure **HEREBY GIVES NOTICE** that full planning permission for the above mentioned development in accordance with your application **SHOULD IN ITS OPINION BE GRANTED** subject to compliance with the following conditions which are imposed for the reasons stated:

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the

Planning Authority within 10 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 12 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: Time Limit

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Planning Authority, in writing, before any development is commenced.

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

3. The under-mentioned reserved matters shall be as may be approved, in writing, by the Planning Authority :-

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

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, the laying out of gardens and the provisions of other amenity features.

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

4. The development shall be in general accordance with the Site Layout Plan drawing number 13 Rev 2 received by the Planning Authority on 28 June 2013.

Reason: To ensure the delivery of a quality and sustainable development

5. Vehicular access off Kilrea Road shall be to the factory only. Details of a permanent barrier preventing vehicular through access at the approximate location indicated in red on drawing number 13 Rev 2 received by the Department on 28 June 2013 shall be submitted to and approved in writing by the Planning Authority, erected prior to the commencement of any works related to phase 4 and maintained thereafter.

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

6. No part of Phase 4 of the development hereby approved shall be commenced until visibility splays of 4.5m x 70m have been provided at the junction of the proposed access with Macknagh Road.

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

7. No part of Phase 4 of the development hereby approved shall be commenced until the road works necessary for the improvement of Macknagh Road have been completed in accordance with details to be submitted to and approved in writing by the Planning Authority and as indicated generally on drawing numbers, 72, 73 and 74 bearing the Department's date stamp 19 Sep 2016 including visibility splays at the junction of Macknagh Road with Kilrea Road of 2.4m x 70m in both directions.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

8. No part of Phase 4 of the development hereby permitted shall be commenced until road improvements to Macknagh Road, from the housing development access to the junction with Hillside Road and Hillside Road, from its junction with Macknagh Road to its junction with Moneysharvin Road have been completed as indicated generally on Drawing Number 70 bearing the Department's date stamp 29 Jan 2016 and in accordance with details to be submitted to and approved in writing by the Planning Authority.

Reason: In the interest of road safety and traffic progression along this minor road network.

The Privates Streets (Northern Ireland) Order 1980.

9. The development shall be in accordance with the requirements of the Department's current design guide (Creating Places) and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

10. No part of Phase 4 of the development hereby permitted shall be commenced until facilities for pedestrians and cyclists, including a Puffin controlled crossing facility on Kilrea Road, are implemented in accordance with details to be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that adequate provision has been made for pedestrian and cyclists within the site and in the interests of road safety and the convenience of road users

11. The number of new build residential units on the site shall not exceed 153 and the number of units contained within the listed buildings and non listed buildings of heritage significance as indicated on drawing number 13 Rev 2 received by the Department on 28 June 2013 shall not exceed 66.

Reason: To ensure that the setting of the heritage asset/significant place is not lost.

12. The design of buildings 10a, 13b&c, 3b, 4c/e, 24a and 5a&b will be in conformity with drawings numbers 32 Rev 2, 33 Rev 2, 34 Rev 2, 35 Rev 2, 38 Rev 2, 39 Rev 2, 40 Rev 2, 41 Rev 2, 42 Rev 2, 20 rev 2, 21 Rev 2, 24 Rev 2 & 25 Rev 2 received by the Department on 5 December 2013 and drawing numbers 53 Rev 3, 54 Rev 2 and 27 Rev 3 received 1 by the Department in 5 April 2014.

Reason: To ensure that the setting of the heritage asset/significant place is not lost.

13. Prior to the commencement of development within any phase, a Construction Method Statement for that phase shall be submitted and agreed by the Planning Authority in writing. Each Method Statement shall include a survey of underground hydrology within that phase and methods to ensure its preservation. The Method Statements shall be implemented as approved.

Reason: So that an agreed part of the heritage asset/significant place is not damaged.

14. Specifications for materials/finishes to Listed Buildings and buildings of heritage significance identified on drawing number 13 Rev 2 received by the Department on 28 June 2013 shall be agreed in writing with the Planning Authority prior to any works commencing.



Reason: To retain the original character of these listed buildings and to ensure that the quality of finishes and materials are appropriate to the makeup, appearance, age and form of these buildings.

15. Materials/Finishes to New Build Dwellings shall be as follows:

- Roofs to be natural slate finish.
- Rainwater goods to be cast aluminium.
- Windows to be timber painted.
- Brick sample to be agreed with the Planning Authority prior to the commencement of any works.

Reason: To respect the setting of the listed buildings under BH11 of PPS 6 and to ensure that the quality of finishes and materials are appropriate and in keeping with those found on the listed buildings.

16. Phases 1, 3 and 4 of the development hereby permitted, shall not be commenced until the decommissioning/demolition/refurbishment stages for phases 1-2, 3 and 4-9 respectively have been completed in accordance with the Outline Remediation Strategy.

A detailed Decommissioning Implementation Plan for Phases 1-2, 3 and 4-9 shall be devised in accordance with Sections 6.3, 6.4, 6.5 (6.5.1, 6.5.3, 6.5.5) and 6.11 of the WYG Environment, Updated Generic and Detailed Quantitative Risk Assessment and Outline Remediation Strategy, Clarks Mill, Upperlands, Kilrea Road, May 2013.

The Detailed Decommissioning Implementation Plans shall fully address the detailed/further investigation (sampling, monitoring and analysis of groundwater, soils and ground gas) as required and the necessary further risk assessment.

The detailed decommissioning implementation plans shall be submitted to the Planning Authority for written approval prior to any works on that phase commencing.

Reason: Protection of human health.

17. Post site decommissioning/demolition and prior to the commencement of the relevant phase of the development, the applicant shall fully implement the further detailed investigation/risk assessments necessary (groundwater/soils and ground gas) and address the areas of the development relevant to that phase identified in Section 6.5.4, WYG Environment, Updated Generic and Detailed Quantitative Risk Assessment and Outline Remediation Strategy, Clarks Mill, Upperlands, Kilrea Road, May 2013.

- Site investigations shall be designed and implemented in accordance with British Standard BS 10175:2011 Code of practice for investigation of potentially contaminated land sites.
- Provide risk assessment(s) in accordance with the guidance on Model Procedures for the Management of Land Contamination (CLR11) to identify all unacceptable risks to health and the water environment and provide remedial criteria to be met through the remedial strategy.

- Adherence to all relevant technical guidance and standards including but not exclusively: CIRIA C665, CIRIA C733, CIRIA C735.  
All unacceptable risks to human health must be considered and dealt with by a suitably detailed remediation strategy.

Reason: Protection of human health

18. Prior to commencement of any phase of the development (including the refurbishment of existing buildings) and subject to the findings of the further detailed intrusive investigation and risk assessment as stipulated under Conditions 16 and 17, a detailed remediation strategy for Phases 1-2, 3 and 4-9 shall be devised in accordance with the Outline Remediation Strategy within the WYG Environment, Updated Generic and Detailed Quantitative Risk Assessment and Outline Remediation Strategy, Clarks Mill, Upperlands, Kilrea Road, May 2013.

The detailed remediation strategy must address unacceptable risks to human health and ensure the development is suitable for use.

The applicant shall submit each detailed remediation strategy to the Planning Authority for its written agreement prior to implementation. The strategy must include:

- Identification of all unacceptable risks
- Detailed Remediation Objectives/Criteria
- Measures Proposed to Mitigate Unacceptable Risks (accompanying maps and plans)
- Timetable of Works
- Site Management/Monitoring Procedures.
- Suitably Scaled and Detailed Design drawings and plans of the remediation works overlaid onto the final design/construction layout.

There shall be no deviations/amendments to the detailed remediation strategy without the prior written approval of the Planning Authority. No occupation of each phase of the development shall be permitted until remediation has been completed to the satisfaction of the Planning Authority in full compliance with the remediation strategy submitted to and approved by the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.

Reason: Protection of human health

19. Prior to occupation of each phase of the development the applicant shall ensure that verification of the remediation measures implemented under the relevant detailed remediation strategy as per Condition 18 is undertaken which scientifically and technically demonstrates the effectiveness and success in managing all risks and achieving the remedial objectives. The applicant shall submit evidence in writing of the verification to the Planning Authority for its agreement in writing.

Reason: Protection of human health

20. If during the course of development, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and subject to risk assessment in order to determine any unacceptable risks. The applicant shall submit written evidence of the findings from the site investigation and risk assessment to the Planning Authority for agreement in writing. In the event that unacceptable risks are identified the applicant shall submit a remediation strategy to the Planning Authority for prior approval and remedial measures implemented and verified to its satisfaction. A verification report shall be submitted to the Planning Authority for agreement prior to development works recommencing.

Reason: Protection of human health

21. The external structure of the factory building permitted shall be capable of providing a sound reduction index of at least 35 DB Rw when measured internally and at the external façade.

Reason: In the interests of residential amenity

22. Prior to 07.00 hours and after 23.00 hours the factory premises shall not remain open for business, deliveries by commercial vehicles shall not be made to and from the site and processing plant and equipment shall not be in operation.

Reason: In the interests of residential amenity

23. Post site clearance and prior to the commencement of phases 1, 3 and 4 of the development the applicant shall submit evidence in writing for phases 1-2, 3 and 4-9 respectively to the Planning Authority for its agreement identifying the unacceptable risks to groundwater and other environmental receptors due to on-site contamination of the ground and groundwater in the areas of the development listed in Section 4.5 of the White Young Green Preliminary and Generic Quantitative Risk Assessment report, reference E013818, February 2008, and the settlement ponds. This evidence should include:

- Site investigations and groundwater monitoring to be designed and implemented in accordance with British Standard BS 10175:2011 and A1:2013 Code of practice for investigation of potentially contaminated land sites to identify the contamination risks associated with the potentially contaminating activities on these areas.
- Provide risk assessment(s) in accordance with the guidance on Model Procedures for the Management of Land Contamination (CLR11) to identify all unacceptable risks to health and the water environment and provide remedial criteria to be met through the remedial strategy.
- If unacceptable risks to groundwater are identified provision of remedial criteria as soil and groundwater concentrations that would not pose a risk

to receptors. The remedial criteria are required to be derived through quantitative risk assessment based on the conceptual site model. If unacceptable risks to receptors are identified a remediation strategy will be required to address those risks.

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

24. Phases 1, 3 and 4 of the development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified from Condition 23 and those identified in the White Young Green (WYG) Preliminary and Generic Quantitative Risk Assessment, Reference E013818, February 2008, and WYG Detailed Quantitative Risk Assessment and Outline Remediation Strategy, Reference E013818/EW/DQRA/V1 dated June 2008 and decommissioning of the abstraction borehole at grid reference 287150, 404720. These detailed remedial strategies must be submitted in writing and agreed with the Planning Authority and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

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

25. No part of Phase 2 of the development hereby permitted shall be occupied until the remediation measures as described in the remediation strategy for phases 1 and 2 submitted under Condition 24 have been implemented to the satisfaction of the Planning Authority. No part of Phase 3 of the development hereby permitted shall be occupied until the remediation measures as described in the remediation strategy for phase 3 submitted under Condition 24 have been implemented to the satisfaction of the Planning Authority. No part of Phases 4 – 9 of the development hereby permitted shall be occupied until the remediation measures as described in the remediation strategy for phases 4-9 submitted under Condition 24 have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of any remediation work.

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

26. After completing the remediation works under Conditions 20, 24 and 25; and prior to occupation of the relevant phase of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent person(s) in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

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 health and environmental receptors to ensure the site is suitable for use.

Evidence must be presented in the Verification Reports that all fuel storage tanks (and associated infra-structure) have been fully decommissioned and removed in line with current Pollution Prevention Guidance (PPG2, PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, condition 26 will apply.

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

27. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. This condition only applies if a piling foundation is being used at the site. 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 <http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

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

28. No new built development shall take place within each phase until a programme of archaeological work for that phase, has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Planning Authority. The programmes should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

29. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Planning Authority to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

30. An up dated bat survey with appropriate mitigation, carried out to NIEA specifications shall be submitted at Reserved Matters Stage and the agreed mitigation thereafter implemented in accordance with a timetable to be agreed with the Planning Authority.

Reason: To protect the local bat population.

31. Prior to the commencement of development, a post and wire fence shall be erected within the site 10 metres from the Knockoneill River bank and there shall be no development, infill, dumping, or storage of materials at any time during or after construction within the fenced area.

Reason: To protect the wildlife corridor.

32. All trees not identified for removal or recommended for felling on Drawing number 08 (Rev 1) received by the Department in 28 June 2013 shall be retained and protected.

Reason: To protect their nature conservation and amenity value and maintain commuting routes and foraging areas for bats.

33. There shall be no development, infill, dumping, or storage of materials at any time during or after construction in the area of grassland between Green Dam and New Dam and known as the Bleach Green and identified on drawing number 09 (Rev 1) received by the Department on 28 June 2013.

Reason: To protect the feature of nature conservation significance.

34. There shall be no development or infill of any of the dams on this site.

Reason: To retain features of nature conservation interest.

35. Prior to demolition, all buildings identified in Figure 9.8 of the Environmental Statement, dated May 2009, as having a swift colony, shall be resurveyed by an experienced ecologist, at an appropriate time of year, and a report submitted to the Planning Authority detailing the results of the survey, including numbers of nest sites. Any loss of swift nest sites shall be mitigated by the provision of adequate numbers of swift nesting boxes in buildings phased throughout the development of the site.

Reason: To prevent long term loss of swift nesting sites, and ensure continuity of nesting sites during development.

36. All buildings proposed to be demolished between 1 March and 31 August shall be surveyed for breeding birds by a competent ecologist at an appropriate time of year prior to demolition and a report submitted to the Planning Authority detailing the results of the survey. No demolition of buildings shall be carried out during the bird breeding season (1 March to 31 August) should breeding birds be present.

Reason: To protect breeding birds.

37. No development within Phase 4 shall be commenced until details of the amenity space at the Bleach Green as identified on drawing number 09 (Rev 1) received by the Department on 28 June 2013 and a management scheme for its future maintenance has been submitted to and agreed in writing with the Planning Authority and the amenity space laid out in accordance with those details. The Bleach Green shall not thereafter be used for any purpose other than amenity space.

Reason: To ensure amenity space is available concurrently with the development of the site and is maintained thereafter.

38. Details of the access and signage arrangements to the public open space and other communal facilities shall be submitted at Reserved Matters stage and thereafter provided and maintained in accordance with the approved details prior to the occupation of any part of Phase 4.

Reason: To ensure easy visitor access to the amenity space and communal facilities within the site.

39. Details of an equipped play area and a management scheme for its future maintenance shall be submitted at Reserved Matters stage and thereafter provided prior to the occupation of any part of Phase 6.

Reason: To ensure a play area is available concurrently with the development of the site and provide for its future maintenance.

40. All hard and soft landscape works shall be carried out in general accordance with the proposed landscape masterplan drawing number 09 (Rev 1) received by the Department on 28 June 2013 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out in a phased manner in accordance with a scheme to be submitted and agreed in writing with the Planning Authority prior to the occupation of any part of the development and shall include hard and soft landscape works for those areas accessible by the public but not covered by any particular phase of development. Details of the relevant landscaping works shall be submitted as part of each application for approval of reserved matters and shall be implemented as approved.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

41. If within a period of 5 years from the date of the planting of any tree, shrub, hedge, climber or ornamental grass, the aforementioned is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub, hedge climber or ornamental grass of the same species and size as that originally planted shall be planted at the same place.



Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

42. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the root protection area in accordance with best practice guidance as recommended in BS5837: 2012 'Trees in Relation to Design Demolition and Construction' nor shall arboricultural or tree surgery take place or any retained tree be topped or lopped other than in accordance with the approved plans and particulars without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998: 2010 'Tree Work Recommendations'.

Reason: To ensure the continuity of amenity afforded by existing trees.

43. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of completion of the relevant phase as identified on Drawing Number 08 (Rev 1) & 09 (Rev1) received by the Department on 28 June 2013 another tree or trees shall be planted at the same place and that / those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing trees.

44. A landscape management plan(s) for each phase, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned domestic gardens, (except for trees or other vegetation retained in the public interest) shall be submitted to and approved by the Planning Authority prior to the occupation of that phase of the development. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed in writing with the Planning Authority.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long term maintenance.

45. No development within Phase 5 shall commence until the Upperlands waste water treatment works has been suitably upgraded to service the remainder of the development and this has been confirmed in writing to the Planning Authority.

Reason: In the interests of public health.

## **Informatives**

For purposes of clarification, you are advised that, in the event of the Department receiving written confirmation that this Notice of Opinion is acceptable to the



applicant and to the Council, planning permission cannot and will not be granted until the completion and registration in the Statutory Charges Register of a planning agreement made under Section 76 of the Planning Act (Northern Ireland) 2011 on terms acceptable to the Department making provision inter alia:

- (1) Completion of an audit and condition survey and completion of urgent works;
- (2) Completion of the reservoir improvement works;
- (3) Provision of a Reservoir Inspection Report, completed in accordance with Section 10 of the Reservoirs Act 1975 by an All Reservoirs Panel Engineer;
- (4) Agreement of an emergency evaluation plan for the whole development;
- (5) Restoration works to listed buildings and buildings of historical significance in accordance with the phasing plan;
- (6) Completion of works within each phase and timely progression to the subsequent phase of development;
- (7) Preparation of a Conservation Management Plan for management of the historic asset.

Dated: 16/5/14.

Signed: Alastair Beatty.

For Strategic Planning Directorate





Department for

**Infrastructure**

An Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

**NOTICE OF OPINION  
APPROVAL OF PLANNING PERMISSION**

**The Planning Act (Northern Ireland) 2011**

**Application Ref: H/2009/0270/F**

**Date of Application: 6 May 2009**

**Site of Proposed Development: Former William Clark & Sons Ltd,  
Upperlands, Maghera Co Londonderry.**

**Description of Proposal:**

**Works to listed buildings to include: the extension, and conversion of the former Art Deco Building into a new factory (extending to 4,030 sq metres); change of use and retention of 1a for car parking; change of use and retention of 14a as a communal space; change of use and refurbishment of buildings 3a and 13a to create 18 apartments; alterations and extension of 2 existing dwellings - buildings 2a and 21a; change of use, extension and refurbishment of buildings 4b, 4c, 4e and 25a for museum/exhibition space and other associated site works.**

**Applicant: JHT (Upperlands) Ltd**

**Agent: Turley**

**Address: C/OTurley  
Hamilton House  
Joy Street  
Belfast  
BT2 8LE**

**Address: Hamilton House  
Joy Street  
Belfast  
BT2 8LE**

**Drawing Ref: 5 Rev3, 6 Rev 2, 34 Rev 2, 37 Rev 1, 38 Rev 2, 39 Rev 1, 33 Rev 3, 48, 49, 55, 56, 57Rev1, 58 Rev 1, 59, 60, 61, 62 Rev1, 63 Rev 1, 69, 70, 71.**

**In pursuance of its power under Section 29 (7) of the above mentioned Act, the Department for Infrastructure **HEREBY GIVES NOTICE** that full planning permission for the above mentioned development in accordance with your**

application **SHOULD IN ITS OPINION BE GRANTED** subject to compliance with the following conditions which are imposed for the reasons stated:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. Vehicular access off Kilrea Road shall be to the factory only. Details of a permanent barrier preventing vehicular through access at the approximate location indicated in red on drawing number 48 date stamped received 28 Jun 2013 (Site location Plan) shall be submitted to and approved in writing by the Planning Authority, erected prior to the commencement of any works related to any other building and maintained thereafter.

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

3. No development other than the factory hereby approved shall be commenced until visibility splays of 4.5m x 70m have been provided at the junction of the proposed access with Macknagh Road.

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

4. No development other than the factory hereby approved shall be commenced until the road works necessary for the improvement of Macknagh Road have been completed in accordance with details to be submitted to and approved in writing by the Planning Authority and as indicated generally on drawing Nos. 69, 70 and 71 bearing the Department's date stamp 19 Sep 2016 including visibility splays at the junction of Macknagh Road with Kilrea Road of 2.4m x 70m in both directions.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

5. No development other than the factory hereby permitted shall be commenced until road improvements to Macknagh Road, from the housing development access to the junction with Hillside Road and Hillside Road, from its junction with Macknagh Road to its junction with Moneysharvin Road have been completed in accordance with details to be submitted to and approved in writing by the Planning Authority.

Reason: In the interest of road safety and traffic progression along this minor road network.

6. The Privates Streets (Northern Ireland) Order 1980.

The development shall be in accordance with the requirements of the Department's current design guide (Creating Places) and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

7. No development other than the factory hereby permitted shall be commenced until facilities for pedestrians and cyclists, including a Puffin controlled crossing facility on Kilrea Road, are implemented in accordance with details to be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that adequate provision has been made for pedestrian and cyclists within the site and in the interests of road safety and the convenience of road users

8. Prior to the commencement of development, a Construction Method Statement shall be submitted and agreed by the Planning Authority in writing. The Method Statement shall include a survey of underground hydrology and methods to ensure its preservation. The Method Statement shall be implemented as approved.

Reason: So that an agreed part of the heritage asset/significant place is not damaged.

9. Specifications for materials/finishes to Listed Buildings and buildings of heritage significance including the Art Deco Building and its extension (Building 22a), 1a, 14a, 3a, 13a, 2a, 21a, 4b, 4c, 4e and 25a identified on drawing number 49 and 52 Rev 2 received by the Department on 28 Jun 2013 shall be agreed in writing with the Planning Authority prior to any works commencing.

Reason: To retain the original character of these listed buildings and to ensure that the quality of finishes and materials are appropriate to the makeup, appearance, age and form of these buildings.

10. No part of the southern section of the development (buildings 22a and 25a) or the northern part of the development hereby permitted, shall be commenced until the decommissioning/demolition/refurbishment stages for the southern and northern parts of the site respectively have been completed in accordance with the Outline Remediation Strategy. A detailed Decommissioning Implementation Plan for the southern and northern parts of the site shall be devised in accordance with Sections 6.3, 6.4, 6.5 (6.5.1, 6.5.3, 6.5.5) and 6.11 of the WYG Environment, Updated

Generic and Detailed Quantitative Risk Assessment and Outline Remediation Strategy, Clarks Mill, Upperlands, Kilrea Road, May 2013.

The Detailed Decommissioning Implementation Plans shall fully address the detailed/further investigation (sampling, monitoring and analysis of groundwater, soils and ground gas) as required and the necessary further risk assessment.

The detailed decommissioning implementation plans shall be submitted to the Planning Authority for written approval prior to any works on that part of the site commencing.

Reason: Protection of human health

11. Post site decommissioning/demolition and prior to the commencement of the development for the southern or northern parts of the site, the applicant shall fully implement the further detailed investigation/risk assessments necessary (groundwater/soils and ground gas) and address the areas of the development relevant to part of the site identified in Section 6.5.4, WYG Environment, Updated Generic and Detailed Quantitative Risk Assessment and Outline Remediation Strategy, Clarks Mill, Upperlands, Kilrea Road, May 2013.

- Site investigations shall be designed and implemented in accordance with British Standard BS 10175:2011 Code of practice for investigation of potentially contaminated land sites.
- Provide risk assessment(s) in accordance with the guidance on Model Procedures for the Management of Land Contamination (CLR11) to identify all unacceptable risks to health and the water environment and provide remedial criteria to be met through the remedial strategy.
- Adherence to all relevant technical guidance and standards including but not exclusively: CIRIA C665, CIRIA C733, CIRIA C735.

All unacceptable risks to human health must be considered and dealt with by a suitably detailed remediation strategy.

Reason: Protection of human health

12. Prior to commencement of the southern or northern parts of the site of the development (including the refurbishment of existing buildings) and subject to the findings of the further detailed intrusive investigation and risk assessment as stipulated under Conditions 10 and 11, a detailed remediation strategy for the each part of the site shall be devised in accordance with the Outline Remediation Strategy within the WYG Environment, Updated Generic and Detailed Quantitative Risk Assessment and Outline Remediation Strategy, Clarks Mill, Upperlands, Kilrea Road, May 2013.

The detailed remediation strategies must address unacceptable risks to human health and ensure the development is suitable for use.

The applicant shall submit each detailed remediation strategy to the Planning Authority for its written agreement prior to implementation. The strategy must include:

- Identification of all unacceptable risks
- Detailed Remediation Objectives/Criteria

- Measures Proposed to Mitigate Unacceptable Risks (accompanying maps and plans)
- Timetable of Works
- Site Management/Monitoring Procedures.
- Suitably Scaled and Detailed Design drawings and plans of the remediation works overlaid onto the final design/construction layout.

There shall be no deviations/amendments to the detailed remediation strategy without the prior written approval of the Planning Authority. No occupation of the southern or northern parts of the site shall be permitted until remediation has been completed to the satisfaction of the Planning Authority in full compliance with the remediation strategy submitted and approved by the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.

Reason: Protection of human health

13. Prior to occupation of the southern or northern parts of the site the applicant shall ensure that verification of the remediation measures implemented under the relevant detailed remediation strategy as per Condition 12 is undertaken which scientifically and technically demonstrates the effectiveness and success in managing all risks and achieving the remedial objectives. The applicant shall submit evidence in writing of the verification to the Planning Authority for its agreement in writing.

Reason: Protection of human health

14. If during the course of development, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and subject to risk assessment in order to determine any unacceptable risks. The applicant shall submit written evidence of the findings from the site investigation and risk assessment to the Planning Authority for agreement in writing. In the event that unacceptable risks are identified the applicant shall submit a remediation strategy to the Planning Authority for prior approval and remedial measures implemented and verified to its satisfaction. A verification report shall be submitted to the Planning Authority for agreement prior to development works recommencing.

Reason: Protection of human health

15. The external structure of the factory building permitted shall be capable of providing a sound reduction index of at least 35 DB Rw when measured internally and at the external façade.

Reason: In the interests of residential amenity

16. Prior to 07.00 hours and after 23.00 hours the factory premises shall not remain open for business, deliveries by commercial vehicles shall not be made to and from the site and processing plant and equipment shall not be in operation.

Reason: In the interests of residential amenity

17. Post site clearance and prior to the commencement of the southern or northern parts of the site, the applicant shall submit evidence in writing for the southern and northern parts of the site respectively to the Planning Authority for its agreement identifying the unacceptable risks to groundwater and other environmental receptors due to on-site contamination of the ground and groundwater in the areas of the development listed in Section 4.5 of the White Young Green Preliminary and Generic Quantitative Risk Assessment report, reference E013818, February 2008, and the settlement ponds. This evidence should include:
- Site investigations and groundwater monitoring to be designed and implemented in accordance with British Standard BS 10175:2011 and A1:2013 Code of practice for investigation of potentially contaminated land sites to identify the contamination risks associated with the potentially contaminating activities on these areas.
  - Provide risk assessment(s) in accordance with the guidance on Model Procedures for the Management of Land Contamination (CLR11) to identify all unacceptable risks to health and the water environment and provide remedial criteria to be met through the remedial strategy.
  - If unacceptable risks to groundwater are identified provision of remedial criteria as soil and groundwater concentrations that would not pose a risk to receptors. The remedial criteria are required to be derived through quantitative risk assessment based on the conceptual site model. If unacceptable risks to receptors are identified a remediation strategy will be required to address those risks.

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

18. The southern or northern parts of the development hereby permitted shall not commence until a detailed remediation strategy for that part of the site to address all unacceptable risks to environmental receptors identified from Condition 17 and those identified in the White Young Green (WYG) Preliminary and Generic Quantitative Risk Assessment, Reference E013818, February 2008, and WYG Detailed Quantitative Risk Assessment and Outline Remediation Strategy, Reference E013818/EW/DQRA/V1 dated June 2008 and decommissioning of the abstraction borehole at grid reference 287150, 404720. These detailed remedial strategies must be submitted in writing and agreed with the Planning Authority and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).



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

19. No part of the southern or northern parts of the development hereby permitted shall be occupied until the remediation measures as described in the remediation strategy submitted under Condition 18 have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of any remediation work.

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

20. After completing the remediation works under Conditions 18, 19 and 14; and prior to occupation of the relevant part of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent person(s) in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

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 health and environmental receptors to ensure the site is suitable for use.

21. Evidence must be presented in the Verification Reports that all fuel storage tanks (and associated infra-structure) have been fully decommissioned and removed in line with current Pollution Prevention Guidance (PPG2, PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, condition 5 will apply.

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

22. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. This condition only applies if a piling foundation is being used at the site. 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 <http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

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

23. No new built development shall take place on the southern or northern parts of the site until a programme of archaeological work for that part, has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Planning Authority. The programmes should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

24. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Planning Authority to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

25. An up dated bat survey with appropriate mitigation, carried out to NIEA specifications shall be submitted prior to the commencement of any development and the agreed mitigation thereafter implemented in accordance with a timetable to be agreed with the Planning Authority.

Reason: To protect the local bat population.

26. Prior to the commencement of development, a post and wire fence shall be erected within the site 10 metres from the Knockoneill River bank and there shall be no development, infill, dumping, or storage of materials at any time during or after construction within the fenced area.

Reason: To protect the wildlife corridor.

27. All trees not identified for removal or recommended for felling on Drawing Number 63 (Rev 1) received by the Department on 28 June 2013 shall be retained and protected.

Reason: To protect their nature conservation and amenity value and maintain commuting routes and foraging areas for bats.

28. There shall be no development, infill, dumping, or storage of materials at any time during or after construction in the area of grassland between Green Dam and New Dam and known as the Bleach Green and identified on Drawing number 62 Rev 1 received by the Department on 28 Jun 2013.

Reason: To protect the feature of nature conservation significance.

29. There shall be no development or infill of any of the dams on this site.

Reason: To retain features of nature conservation interest.

30. Prior to commencement of any works, all buildings identified in Figure 9.8 of the Environmental Statement, dated May 2009, as having a swift colony, shall be resurveyed by an experienced ecologist, at an appropriate time of year, and a report submitted to the Planning Authority detailing the results of the survey, including numbers of nest sites. Any loss of swift nest sites shall be mitigated by the provision of adequate numbers of swift nesting boxes in buildings phased throughout the development of the site.

Reason: To prevent long term loss of swift nesting sites, and ensure continuity of nesting sites during development.

31. All buildings proposed to be demolished between 1 March and 31 August shall be surveyed for breeding birds by a competent ecologist at an appropriate time of year prior to demolition and a report submitted to the Planning Authority detailing the results of the survey. No demolition of buildings shall be carried out during the bird breeding season (1 March to 31 August) should breeding birds be present.

Reason: To protect breeding birds.

32. No development in the northern part of the site shall be commenced until details of the amenity space at the Bleach Green as identified on drawing 62 Rev 1 received by the Department on 28 Jun 2013 and a management scheme for its future maintenance has been submitted to and agreed in writing with the Planning Authority and the amenity space laid out in accordance with those details. The Bleach Green shall not thereafter used for any purpose other than amenity space.

Reason: To ensure amenity space is available concurrently with the development of the site and is maintained thereafter.

33. Details of the access and signage arrangements to the public open space and other communal facilities shall be submitted to the Planning Authority for agreement in writing and thereafter provided and maintained in accordance with the approved details prior to the occupation of any part of the northern part of the site.

Reason: To ensure easy visitor access to the amenity space and communal facilities within the site.

34. All hard and soft landscape works shall be carried out in general accordance with the proposed landscape masterplan 62 Rev1 received by the Department on 28 June 2013 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out in a phased manner in accordance with a scheme to be submitted and agreed in writing with the Planning Authority prior to the occupation of any part of

the development and shall include hard and soft landscape works for those areas accessible by the public. Details of the relevant landscaping works shall be submitted prior to the occupation of any part of the development and shall be implemented as approved.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

35. If within a period of 5 years from the date of the planting of any tree, shrub, hedge, climber or ornamental grass, the aforementioned is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub, hedge climber or ornamental grass of the same species and size as that originally planted shall be planted at the same place.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

36. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the root protection area in accordance with best practice guidance as recommended in BS5837: 2012 'Trees in Relation to Design Demolition and Construction' nor shall arboricultural or tree surgery take place or any retained tree be topped or lopped other than in accordance with the approved plans and particulars without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998: 2010 'Tree Work Recommendations'.

Reason: To ensure the continuity of amenity afforded by existing trees.

37. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of completion of the relevant phase as identified on Drawing Number 63 Rev 1 received by the Department 28 Jun 2013, another tree or trees shall be planted at the same place and that / those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing trees.

38. A landscape management plan(s) for the southern and northern parts of the site, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned domestic gardens, (except for trees or other vegetation retained in the public interest) shall be submitted to and approved by the Planning Authority prior to the occupation of that part of the development. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed in writing with the Planning Authority.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long term maintenance.

## Informatives

For purposes of clarification, you are advised that, in the event of the Department receiving written confirmation that this Notice of Opinion is acceptable to the applicant and to the Council, planning permission cannot and will not be granted until the completion and registration in the Statutory Charges Register of a planning agreement made under Section 76 of the Planning Act (Northern Ireland) 2011 on terms acceptable to the Department making provision inter alia:

- (1) Completion of an audit and condition survey and completion of urgent works;
- (2) Completion of the reservoir improvement works;
- (3) Provision of a Reservoir Inspection Report, completed in accordance with Section 10 of the Reservoirs Act 1975 by an All Reservoirs Panel Engineer;
- (4) Agreement of an emergency evaluation plan for the whole development;
- (5) Restoration works to listed buildings and buildings of historical significance in accordance with the phasing plan;
- (6) Completion of works within each phase and timely progression to the subsequent phase of development;
- (7) Preparation of a Conservation Management Plan for management of the historic asset.

Dated: 16/8/19

Signed: Ashlin Beggs

For Strategic Planning Directorate





Department for

**Infrastructure**

An Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

**NOTICE OF OPINION  
APPROVAL OF PLANNING PERMISSION**

**The Planning Act (Northern Ireland) 2011**

**Application Ref: H/2009/0271/LB**

**Date of Application: 6 May 2009**

**Site of Proposed Development: Former William Clark & Sons Ltd,  
Upperlands, Maghera Co Londonderry.**

**Description of Proposal: Works to listed buildings to include: the extension, and conversion of the former Art Deco Building into a new factory (extending to 4,030 sq metres); change of use and retention of 1a for car parking; change of use and retention of 14a as a communal space; change of use and refurbishment of buildings 3a and 13a to create 18 apartments; alterations and extension of 2 existing dwellings - buildings 2a and 21a; change of use, extension and refurbishment of buildings 4b, 4c, 4e and 25a for museum/exhibition space and other associated site works.**

**Applicant: JHT (Upperlands) Ltd**

**Agent: Turley**

**Address: C/OTurley  
Hamilton House  
Joy Street  
Belfast  
BT2 8LE**

**Address: Hamilton House  
Joy Street  
Belfast  
BT2 8LE**

**Drawing Ref: 01, 02, 12 Rev3, 13 Rev2, 41 Rev2, 44 Rev1, 45 Rev 2, 46 Rev1,  
40 Rev 3, 55, 56, 57Rev1, 58 Rev 1, 59, 60, 61**

In pursuance of its power under Section 88 (7) of the above mentioned Act, the Department for Infrastructure **HEREBY GIVES NOTICE** that full planning permission for the above mentioned development in accordance with your application **SHOULD IN ITS OPINION BE GRANTED** subject to compliance with the following conditions which are imposed for the reasons stated:

1. The proposed works must be begun not later than the expiration of 5 years beginning with the date on which this consent is granted as required by Article 94 of the Planning Act (Northern Ireland) 2011.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. Specifications for materials/finishes to Listed Buildings and buildings of heritage significance including the Art Deco Building and its extension (Building 22a), 1a, 14a, 3a, 13a, 2a, 21a, 4b, 4c, 4e/1, and 25a identified on drawing number 02 and received by the Department on 18 June 2009 and drawing number 05 Rev 2 received by the Department on 28 June 2013 shall be agreed in writing with the Planning Authority prior to any works commencing.

Reason: To retain the original character of these listed buildings and to ensure that the quality of finishes and materials are appropriate to the makeup, appearance, age and form of these buildings.

Dated: 16/8/19

Signed: Alvin Byrne

For Strategic Planning Directorate