

The Department will not be including proposed condition no. 3 from NIEA for the following reason. In planning appeal reference 2011/E017 the PAC had determined that existing lagoons were completed before 13 May 2007 and therefore immune from enforcement. They accepted that there was ongoing maintenance of these lagoons.

The current application is for the relocation of the existing settlement lagoons. Whilst there may be a short period of both lagoons co-existing, condition no. 3 will ensure that the existing lagoons will be decommissioned by the October 2013. The Department cannot impose a condition for the maintenance and management of the existing lagoons as they have been deemed lawful. It is unnecessary for the Department to impose separate condition for maintenance and management of the proposed lagoons, as this has been outlined in drawing no 07 Rev 3 and will be covered under condition no. 4.