



**OUTLINE PLANNING PERMISSION**

**Planning Act (Northern Ireland) 2011**

Application No: **LA07/2019/0796/O**

Date of Application: **14th May 2019**

Site of Proposed Development: **Lands between Knocknagoney Heights and The Demesne Carnagat Road Newry**

Description of Proposal: **Proposed Housing Development**

Applicant: Newry Mourne and Down District Council  
Address: Monaghan Row  
Newry  
BT35 8DJ

Agent: Newry Mourne and Down District Council  
Address: Estates and Project Management Department  
Greenbank Industrial Estate  
Newry  
BT34 2QU  
stephen.ruddy@nmandd.org

Drawing Ref: **01 & 02**

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The Council in pursuance of its powers under the above-mentioned Act hereby

**GRANTS OUTLINE PLANNING PERMISSION**

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

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 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.

Number of residential units; the number of the dwellings considered acceptable on the site.

Site Layout: The layout of the overall development including buildings, roads, private and open space, hard surfaced areas and all associated development.

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 01 and 02 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. The development hereby permitted shall take place in strict accordance with the following approved plans: drawing number 01 which was received on 14th May 2019 and drawing number 02 which was received on 11th December 2019 only insofar that it refers to retained woodland and trees, root protection buffers, protection zone around badger sett and proposed native species planting.



Reason: To define the planning permission and for the avoidance of doubt.

5. All storm water from the development site shall not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures.

Reason: To prevent pollution to surface waters which is detrimental to fisheries interests.

6. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1. The access shall be constructed in accordance with the approved plan prior to the commencement of any other development.

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

7. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015 no garages shall be sited closer than 5.6 metres from the back of the footway or service strip.

Reason: To ensure that there is space for a parked vehicle without encroaching onto the footway or service strip.

8. The Private Streets (Northern Ireland) Order 1980.  
The development shall be laid out in accordance with the requirements of the Department's Creating Places Design Guide 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 Street (Northern Ireland) Order 1980.

9. Notwithstanding the provisions of the Planning (General Permitted Development) (Northern Ireland) Order 2015, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown, in verges / service strips determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

10. No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone, clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25 metres (as shown on Drawing number 02, date stamped received 11 December 2019). No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zones without the consent of the Planning Authority or unless an



Appropriate Wildlife Licence has been obtained from NIEA. The protection zones shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts on the site.

11. As part of the Reserved Matters application 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.

12. As part of the Reserved Matters application a Landscaping and Planting Plan shall be submitted to the Planning Authority. 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. The Plan shall include:
  - a) The retention of mature trees and hedgerows on the site;
  - b) Details of the protection of retained trees and hedgerows by appropriate fencing in accordance with British Standard 5837:2012 *Trees in relation to design, demolition and construction Recommendations*;
  - c) Details, including timings, of new planting with appropriate native species of trees/shrub;
  - d) Details of the aftercare of all planting on the site.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected/priority species.

13. Plans in the Reserved Matters application shall show protection measures for retained trees and hedgerows in accordance with British Standard 5837:2012 *Trees in relation to design, demolition and construction Recommendations*. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect existing, retained trees and minimise the impact of the proposal on the biodiversity of the site

14. A Drainage Assessment with final drainage plans supported by calculations and correspondence from relevant authorities shall be submitted as part of the Reserved Matters application if the development exceeds any of the thresholds described in policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk.

Reason: In accordance with Planning Policy Statement 15.



15. A working strip of a minimum width of 5m shall be retained where the site adjoins a designated watercourse. This shall be submitted on a site layout drawing, submitted as part of the Reserved Matters application and agreed in writing by the Planning Authority.

Reason: To enable DfI Rivers or the riparian landowners to fulfil their statutory obligations/responsibilities.

16. A landscaping buffer shall be planted along the boundaries of the site that border the remaining Local Landscape Policy Area designation NY 123. This shall be submitted on a site layout drawing, submitted as part of the Reserved Matters application and agreed in writing by the Planning Authority.

Reason: In accordance with Policy CVN 3 of the Banbridge Newry & Mourne Area Plan 2015.

17. No development shall take place until a plan indicating floor levels of the proposed dwellings in relation to existing and proposed ground levels has been submitted to and approved by the Planning Authority.

Reason: To ensure the dwellings integrate into the landform and ensure resident's privacy is not adversely affected.

18. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development in accordance with the details on the approved plans.

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

19. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

20. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure protection to the aquatic environment and to ascertain that a feasible method of sewage disposal is available at the site.

21. No construction to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, OR 4m (or 1.5 times the depth whichever is greater) of watermains <350mm diameter or 8m of watermains of 350mm diameter or



greater.

Reason: To prevent disturbance/ damage to existing sewers / watermains and in the interest of public safety.

22. The development hereby permitted shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

Reason: In the interest of public health.

23. The development hereby permitted shall not be occupied until surface water drainage works on-site and off-site have been submitted, approved and constructed by the developer and the relevant authority.

Reason: To safeguard the site and adjacent land against flooding and standing water.

24. A detailed Landscape Management & Maintenance Plan shall be provided prior to the occupation of the development.

This plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all communal open and landscaped spaces within the scheme, along with any private pathways (including between dwellings) and other hard surface areas. It shall cover existing landscaping (where applicable) and proposed planting. The plan shall show what arrangements have or will be put in place to ensure the proper and long term management and maintenance of all aspects of the development. Such a plan shall normally cover a minimum period of 20 years.

If a management company is proposed to be used / employed, it shall be demonstrated what fall back measures would be provided in the event of the management company breaking down (re. para. 5.19, part (iii) - Page 23 of the Department's Planning Policy Statement (PPS) 8: Open Space, Sport & Outdoor Recreation.

Reason: To ensure the successful establishment and long term maintenance of public open space and landscaping in the interests of visual and residential amenity.



## Informatives

1. Loughs Agency request that work methods and materials must not impinge upon any nearby watercourses. The use of cement/concrete on site will require careful management. While they are versatile building materials, they are also highly toxic to aquatic life and therefore must be kept out of all drains and watercourses. Should for any reason, oil or fuel be stored in the area, it must be kept in a bunded area (providing 110% capacity of the largest stored unit), 100m from any watercourse that appears on a 1:10 000 O.S. map of the site. The applicant should demonstrate best environmental practice when working close to watercourses. The potential for deleterious matter to enter a watercourse is of primary concern. Impacts on the aquatic environment such as a decrease in water quality can cause a significant impact upon various life history stages of fish species. The applicant should also be aware that it is an offence under section 41 of the Foyle Fisheries Act (1952) to cause pollution which is detrimental to fisheries interests.
2. Private Streets Order (Northern Ireland) 1980 Under the above Order the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads and sewers in accordance with the Private Streets Construction Regulations.
3. Separate approval must be received from Roads Service in respect of detailed standards required for the construction of streets in accordance with the Private Streets Construction Regulation.
4. The applicant is advised to contact NIW Waterline on 03457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.
5. If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Waterline on 03458 770002.
6. Design Concept statement makes mention of evidence of invasive vegetation. These invasive species would need to be removed correctly and sent to a licensed landfill site as stated in the relevant guidance documents; Giant Hogweed is listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 and it is therefore an offence to plant or cause it to grow in the wild. This also includes seeds and it is therefore an offence to move contaminated soil material to new sites. Contact the NIEA waste management unit (028 9056 9353) for information on how to dispose of this waste safely.





7. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly: kill, injure or take any wild animal included in Schedule 5 of this Order, which includes;
- the badger (*Meles meles*);
  - damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
  - damage or destroy anything which conceals or protects any such structure;
  - disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

8. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:
- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
  - b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
  - c) Deliberately to disturb such an animal in such a way as to be likely to -
    - i. affect the local distribution or abundance of the species to which it belongs;
    - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
    - iii. Impair its ability to hibernate or migrate;
  - d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
  - e) To damage or destroy a breeding site or resting place of such an animal.

To avoid any breach of The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), all mature trees and/or buildings which require works should be surveyed for the presence of bats by an experienced bat worker or surveyor within 48 hours prior to removal, felling, lopping or demolition. All survey work should be carried out according to the Bat Conservation Trust Good Practice Guidelines (<http://www.bats.org.uk>). If evidence of bat activity is discovered all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

9. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
- kill, injure or take any wild bird; or
  - take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
  - at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
  - obstruct or prevent any wild bird from using its nest; or
  - take or destroy an egg of any wild bird; or
  - disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
  - disturb dependent young of such a bird.





Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August). No works should be carried out on any buildings or structures containing birds nests unless an appropriate survey has been carried out prior to works commencing and it is confirmed that no active nests are present.

10. The applicant's attention is drawn to Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence for any person to plant or otherwise cause to grow in the wild any plant which is included in Part II of Schedule 9 of the Order, which includes (Japanese knotweed, Giant hogweed and Himalayan balsam). Any soil, containing (Japanese knotweed, Giant hogweed and Himalayan balsam) plant or seed material, which is removed off site, is classified as controlled waste under the Controlled Waste Regulations (Northern Ireland) 2002. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 places a duty of care on anyone who produces, imports, stores, transports, treats, recycles or disposes of waste to take the necessary steps to keep it safe and to prevent it from causing harm, especially to the environment or to human health. In the case of (Japanese knotweed, Giant hogweed and Himalayan balsam) it is the duty of the waste producer to inform the licensed waste carrier and licensed landfill site that the controlled waste material contains (Japanese knotweed, Giant hogweed and Himalayan balsam) as part of the waste transfer process.

Please see the following link for Best Practice Guidance:

<http://invasivespeciesireland.com/toolkit/>

Further advice can be sought from the Wildlife Inspectors Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel: 028 905 69605

11. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
12. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Dated: 18th June 2020      Authorised Officer