

APPROVAL OF PLANNING PERMISSION

Planning (Northern Ireland) Order 1991

Application No: **B/2013/0213/F**

Date of Application: **1st October 2013**

Site of Proposed Development: **Adjacent to no 7 Plantation Road
Ballykelly**

Description of Proposal: **Erection of dwelling and garage**

Applicant: Agent: **D M Kearney Design**
Address: Address: **2a Coleraine Road
Maghera
BT46 5BN**

Drawing Ref: **01C**

The Department of the Environment in pursuance of its powers under the above-mentioned Order hereby

GRANTS 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. As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 01C bearing the date stamp 16th June 2014, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road



safety and the convenience of road users.

3. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No. 01C bearing date stamp 16th June 2014 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

5. Subject to the above condition(s), the development shall be carried out in accordance with the stamped approved drawing No 01C which was received on 16th June 2014 and the Department's DC(1) form.

Reason: To ensure a satisfactory form of development.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent property for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise effect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. 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.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Department or other statutory authority.
5. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.



6. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71 - 83 inclusive of the Roads (NI) Order 1993 to be in possession of the DRD's consent before any work is commenced which involves making openings to any fence or hedge bounding the site. The consent is available on personal application to the Limavady and Coleraine Roads Service Section Engineer whose address is: County Hall, Castlerock Road, Coleraine, BT51 3HS. A deposit will be required.
7. All construction plant and materials shall be stored within the curtilage of the site.
8. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
9. The onus is on the householder/developer to find out if there is existing water and sewer infrastructure within their property.
10. If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NI Water to extend the public watermain or foul/storm sewer system to service your development. This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and sewers.
11. The applicant/agent should satisfy themselves that the proposed development can be provided with an effective means of foul effluent treatment, and disposed of final effluent to a watercourse or underground stratum.
12. A consent to discharge sewage effluent being obtained from the NI Environment Agency, as required by the Water (Northern Ireland) Order 1999.
13. Any septic tank unit being a minimum of 15 metres from the proposed dwelling or any other habitable dwelling.
14. The Environmental Health Department of Limavady Borough Council advises that the developer must have legal title in relation to lands used in connection with any treatment plant/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required.
15. The applicant is advised to contact NIW through its Customer Relations Centre on 08458 770002 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern.
16. Developers should acquaint themselves of their statutory obligations in respect of



watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

17. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
18. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
19. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.
20. Where a Designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by the Rivers Agency. Actual requirement should be determined in consultation with the Agency.
21. The applicant is informed that they have a legal obligation under Part II of 'The Water (Northern Ireland) Order (1999)' to obtain the consent of the Department prior to discharging effluent into a waterway or underground stratum for commercial, industrial or domestic premises. This includes any discharge intended to be made from the proposed drainage system as detailed in the application for planning permission.
22. The applicant is informed that it is an offence under Part II, Article 7 of 'The Water (Northern Ireland) Order (1999)' to knowingly or otherwise discharge or deposit any poisonous, noxious or polluting matter so that it enters a waterway or water contained in any underground strata. The penalty if found guilty of an offence under this Article is either imprisonment for a term not exceeding 2 years, a fine or both.
23. For further information relating to water management issues please contact Northern Ireland Environment Agency – Water Management Unit (Telephone: 028 9262 3100)

Dated: 30th June 2014

Authorised Officer

