



APPROVAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA07/2020/0494/F**

Date of Application: **20th March 2020**

Site of Proposed Development: **Site adjacent to and 30mNE of The Kilbroney Vicarage Forestbrook Road Rostrevor**

Description of Proposal: **Proposed Car park and associated site works to serve existing business at Bradfor Ltd Rostrevor, using existing footway link on Forestbrook Road.**

Applicant:	Bradford Ltd	Agent:	Fletcher Architects
Address:	Forestbrook Mill Forestbrook Park Rostrevor BT34 3BX	Address:	25 Main Street Castlewellan BT31 9DF info@fletcherarchitects.co.uk

Drawing Ref: **J659/P01 and J659/P02A**

The Council in pursuance of its powers under the above-mentioned Act 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. 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. The development hereby permitted shall take place in strict accordance with the following approved plans: **J659/P01 and J659/P02A.**

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



3. Prior to discharge to watercourses, any surface water generated during the construction and operation phases of the development must first pass through appropriate treatment, such as hydrocarbon interceptors.

Reason: To ensure the development hereby permitted does not have the potential to result in polluting impacts of the adjacent designated sites through surface water runoff being contaminated by oil.

4. A suitable buffer of 10m between the location of refuelling, storage of oil/fuel/substrate/construction materials/machinery, concrete mixing and washing areas and any surface drain on site or adjacent to the application site should be maintained.

Reason: To maintain appropriate buffers between works and all watercourses found on site so that the development hereby permitted does not have the potential to be a pollution source during the construction phase.

5. No lighting shall be directed towards the woodland edges.

Reason: To minimise the impact to the foraging and commuting behaviours of bats.

6. The proposed street lights as shown on Drawing No. J659/P02A shall be 2.27m high cast iron lamp posts in accordance with the lighting specification document date stamped 13th August 2020.

Reason: To ensure the proposal does not have a negative visual impact on the setting of a listed building.

7. All existing mature trees and vegetation within and around the entire site boundaries shall be retained intact. No trees or vegetation shall be lopped, topped or removed.

Reason: In the interests of visual amenity and to maintain screening between the dwelling and neighbouring dwellings.

8. All landscaping comprised in the approved details of landscaping shown on Drawing No. J659/P02A shall be carried out in the first planting season following the commencement of the construction of the development hereby approved and any trees or shrubs which, within a period of five years from the completion of the development, die are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of visual amenity.



9. Prior to works commencing on site, all trees within the TPO along the southern boundary of the site numbered 1, 5, 6, 8, 9, 11, 12, 14, 15, 16, 18-23, 26-32, 34-36, 38, 42-45, 47-106, 112, 114, 116, 117, 120-122, 124-132 & 135 as shown on Drawing No. J659/P02A shall be protected by appropriate fencing in accordance with British Standard 5837:2005. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the written consent of the Department.

Reason: To protect the biodiversity value of the site, including protected species.

10. 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 the biodiversity value of the site, including protected species.

Informatives

1. 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.
2. 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.
3. The applicant must adhere to the recommended conditions and informatives as set out in the following DAERA Standing Advice guidelines; Discharges to the Water Environment and Pollution Prevention.
4. Due to the proximity of the site to a watercourse, the applicant must refer and adhere to all the relevant precepts contained in Standing Advice Pollution Prevention Guidance paying particular regards where further information is to be found on works and maintenance in or near water.
5. Water Management Unit's Pollution Prevention Team will be happy to advise to provide any pollution prevention advice the applicant requires. The appointed contractor can liaise with Water Management Unit Pollution Prevention Team at nieapollutionprevention@daerani.gov.uk .
6. Water Management Unit recommends the installation of an oil interceptor for car parks with 50+ spaces to prevent oil from on-site activities leaving the site. Guidance on this can be found in Pollution Prevention Guideline (PPG) 03 - Use and design of oil separators in surface water drainage systems, for further advice regarding the installation and maintenance of oil interceptors/separators which can be found at the link given below.
http://www.netregs.org.uk/library_of_topics/pollution_prevention_guides/all_ppgs.aspx



7. The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction and operational phases. Any proposed discharges not directly related to the construction of the development, such as from septic tanks, wash facilities or the Car Park Interceptor, will also require separate discharge consent applications. For further detail on this please contact NIEA discharge consents team at Industrialconsents@daera-ni.gov.uk
8. The applicant should refer to in Standing Advice Discharges to the Water Environment. All standing advice referred to in this response unless otherwise stated can be found at the following link www.daera-ni.gov.uk/water-environment-standingadvice
9. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.
10. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.
11. The applicant's attention is drawn to the following link, for standing advice on protection of the water environment: Standing advice for development that may have an effect on the water environment
12. 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.
13. 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.
14. 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.
15. 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.
16. If there is evidence of bat activity / roosts 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.
17. 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.
18. 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.
19. 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).
20. 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.
21. 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.
22. 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.
23. 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.



24. Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.

Dated: 31st August 2021

Authorised Officer: