

**From:**  
**Sent:** 06 November 2020 14:04  
**To:** Local Development Plan  
**Cc:**  
**Subject:** Representation - Victoria Bridge  
**Attachments:** Victoria Bridge.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To whom it may concern  
Please see attached representation.  
Can you please acknowledge receipt.  
Kind regards

Planning  
9a Clare Lane . Cookstown . County Tyrone . BT80 8RJ  
Tel 028 8676 4800

[www.rossplanning.co.uk](http://www.rossplanning.co.uk)

Local Development Plan Team  
Council Offices  
98 Strand Road  
Derry  
County Londonderry  
BT48 7NN

6 November 2020

Our ref: DAP002

Your ref:

by email only

Dear Sirs

**Representation to Draft Plan Strategy with specific reference to lands at Victoria Bridge**

Please find attached a representation. Please confirm receipt and keep us informed of the next stages in the Plan process.

Yours sincerely

## Section B: **Your Details**

**Q1. Are you responding as an individual, as an organisation or as an agent acting on behalf of individual, group or organisation?** (Required)

Please only tick one

- Individual (Please fill in Question 2, then proceed to Section C)
- Organisation (Please fill in the remaining questions in the section, then proceed to Section D.)
- Agent (Please fill in the remaining questions in the section, then proceed to Section E.)

**Q2. What is your name?**

Title

First Name (Required)

Last Name (Required)

Email

**Q3. Did you respond to the previous LDP Preferred Options Paper?**

- Yes
- No
- Unsure

**Q4. Tick whichever is applicable:**

- I / we wish to carry forward my previously submitted representation without adding anything further (Insert Rep Number if known)
- I / we do wish to provide additional / revised information to my / our previously submitted Representation (insert Rep Number if known)
- I / we did not submit a representation during the previous consultation period (December 2019 – January 2020) and now wish to submit a Representation during this Re-Consultation period.

## Section C: **Individuals**

Address (Required)

Town (Required)

Post code (Required)

On completion, please proceed to Section F.

## Section E: Agents

If you have selected that you are responding on behalf of another individual, organisation or group there are a number of details that we are legally required to obtain from you. Please provide details of the individual, organisation or group that you are representing.

### Client Contact Details

Title / First Name (Required)

Last Name (Required)

Organisation / Group Address (if different from above)

Address (Required)

Town (Required)

Postcode (Required)

Email address (Required)

On completion, please proceed to Section F

### Agent Contact Details

Title / First Name (Required)

Last Name (Required)

Organisation / Group Address (if different from above)

Address (Required)

Town (Required)

Postcode (Required)

Email address (Required)

On completion, please proceed to Section F

**Q4. Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP?** Please only select one

Agent       Client       Both

## Section F: **Soundness**

The LDP draft Plan Strategy will be examined at Independent Examination (IE) in regard to its 'soundness'. Accordingly, your responses should be based on soundness and directed at specific strategic policies or proposals that you consider to be unsound, along with your reasons. The tests of soundness are set out below in Section J.

Those wishing to make representations seeking to change the draft Plan Strategy should clearly state why they consider the document to be unsound having regard to the soundness tests in Section J. It is very important that when you are submitting your representation that your response reflects the most appropriate soundness test(s) which you believe the draft Plan Strategy fails to meet. There will be no further opportunity to submit information once the consultation period has closed unless the Independent Examiner requests it.

Those who make a representation seeking to change the LDP draft Plan Strategy should also state below whether they wish to be heard orally at the Independent Examination (Please see [www.pacni.gov.uk](http://www.pacni.gov.uk) for further details on the IE procedures.)

## Section G: **Type of Procedure**

**Q5. Please indicate if you would like your representation to be dealt with by:** (Required)

Please select one item only

- Written (Choose this procedure to have your representation considered in written form only)
- Oral Hearing (Choose this procedure to present your representation orally at the public hearing)

Unless you specifically request a hearing, the Independent Examiner will proceed on the basis that you are content to have your representation considered in written form only.

Please note that the Independent Examiner will be expected to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

## Section H: Is the draft Plan Strategy Sound?

Your comments should be set out in full. This will assist the Independent Examiner to understand the issues you raise. You will only be able to submit further additional information if the Independent Examiner invites you to do so.

### Sound

If you consider the Plan Strategy to be Sound and wish to support the LDP Plan Strategy, please set out your comments below.

N/A

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

## Section I: Unsound

In this section, we will be asking you to specify which part(s) of the draft Plan Strategy you consider to be unsound.

Note: If you wish to inform us that more than one part of the draft Plan Strategy is unsound each part should be listed separately, and Sections J and K filled out for each separate part of the draft Plan Strategy. (i.e. if you believe that multiple parts of the draft Plan Strategy are unsound, please fill out multiple copies of Sections J & K).

**Q6. If you consider that the LDP draft Plan Strategy is unsound and does not meet one or more of the tests of soundness below, you must indicate which test(s) you consider it does not meet, having regard to Development Plan Practice Note 6 available at:**

[https://www.planningni.gov.uk/index/news/dfi\\_planning\\_news/news\\_releases\\_2015\\_onwards/development\\_plan\\_practice\\_note\\_06\\_soundness\\_\\_version\\_2\\_\\_may\\_2017\\_.pdf](https://www.planningni.gov.uk/index/news/dfi_planning_news/news_releases_2015_onwards/development_plan_practice_note_06_soundness__version_2__may_2017_.pdf)

Please note that if you do not identify a test(s), your comments may not be considered by the Independent Examiner. Continued on next page.

## Section J: Tests of Soundness (Required)

State which Chapter / Policy / Paragraph / Map that this Section refers to:

CHAPTER 5 - GROWTH STRATEGY

This should relate to only one section, paragraph or policy of the LDP draft Plan Strategy. If you wish to inform us that you consider more than one part of the LDP draft Plan Strategy is unsound, you can submit further representations by completing and submitting additional copies of this section.

### Procedural tests

- P1. Has the plan been prepared in accordance with the Council's timetable and the Statement of Community Involvement?
- P2. Has the Council prepared its Preferred Options Paper and taken into account any representations made?
- P3. Has the plan been subject to Sustainability Appraisal including Strategic Environmental Assessment?
- P4. Did the Council comply with the regulations on the form and content of its plan and on the procedure for preparing the plan?

### Consistency tests

- C1. Did the Council take account of the Regional Development Strategy?
- C2. Did the Council take account of its Community Plan?
- C3. Did the Council take account of policy and guidance issued by the Department

### Coherence and effectiveness tests

- CE1. The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant, is it in conflict with the plans of neighbouring Councils.
- CE2. The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.
- CE3. There are clear mechanisms for implementation and monitoring.
- CE4. The plan is reasonably flexible to enable it to deal with changing circumstances.

## Section K: Which part(s) of the draft Plan Strategy are you commenting on?

This should relate to only one section, paragraph or policy of the LDP draft Plan Strategy. If you wish to inform us that you consider more than one part of the LDP draft Plan Strategy is unsound, you can submit further representations by completing and submitting additional copies of this section.

**Relevant Chapter number(s)**

CHAPTER 5.0 - GROWTH STRATEGY

(and/ or) **Relevant Policy number(s)**

(and/or) **Relevant Paragraph number(s)**

(and/or) **District Proposals Map**

Please give full details of why you consider this part of the LDP draft Plan Strategy to be unsound, having regard to the tests(s) you have identified above. Please be as clear and concise as possible.

PLEASE SEE ATTACHED

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

If you consider the LDP draft Plan Strategy to be unsound, please provide details of what changes(s) you consider necessary to make the LDP draft Plan Strategy sound.

PLEASE SEE ATTACHED

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.



Chapter 5 presents the growth strategy in consideration of the Regional HGI's, the NISRA population growth indicators, local studies and the Council's own aspirational growth scenarios. There is a wide range of target figures set out in Chapter 5. Paragraph 5.11 presents the highest figure in the range:

*'However, if the economy really were to reach its full potential growth ambition, with full implementation of the SGP [...] up to 15,000 new homes would be required to meet that growth'*

The housing allocation tables at Appendix 5 illustrate the primary focus on Derry City and suggest the other settlements are to be constrained, presumably by drawing tighter settlement limits around them. The suggested reductions are dramatic and would create unnecessary limitations to growth over the Plan period. The effect of the new Plan would be to reduce development potential across the District and substantially reduce the rate of growth outside Derry City.

Paragraph 5.14 says the LDP Plan Strategy will allocate only 9,000 dwellings, which is incoherent in terms of the comments at paragraph 5.11 because this figure falls significantly short of the aim and need to allow the District *'to reach its full potential growth ambition'*. This approach to setting strategic policy is incoherent and unsound because the Plan would represent a constraint on the desired growth, whereas the Plan should be an enabler to allow the Derry & Strabane area to reach its potential.

The LDP should enable the development of 15,000 homes. However, this does not mean that the settlement limit area should be restricted to 15,000 homes only. The Plan should allocate a theoretical oversupply of zoned residential land. The need for significant overzoning is based on the following:

- Based on the outworking of the existing Area Plans we can be certain a substantial portion of zoned lands will not come forward for development during the Plan period due to various constraining factors, including land ownership and environmental constraints. Therefore, overzoning is necessary to meet the Plan aim.
- Constraining settlement limits would substantially increase land values inside the remaining area of a settlement. The increased land value cost is inevitably borne by the person who purchases the final dwelling. Overzoning helps reduce land values, resulting in more affordable housing provision.
- Overzoning limits the constraints on urban growth and therefore encourages more development in urban areas. This advances more sustainable patterns of growth.
- Overzoning will limit the need to extend development limits through the Development Management process and therefore ensure a more strategic approach to development.
- Similar to all the Council areas in NI, the preparation of the LDP has been much slower than expected and it is highly likely that the current timetable will slip

further. In this context, the public can have no confidence that the LDP review stages will release necessary land in a timely manner. An oversupply is necessary to ensure there is a continuous supply.

- Overzoning provides the required flexibility in terms of future uncertainties, for example to meet the demand for smaller household sizes or for more single storey type development which requires more land per plot.

The implication of the Plan Strategy is that the existing settlement limits are to be substantially reduced. We object to any reduction of the current settlement limits, unless a landowner states there is no intention to develop the land within the Plan period. The Plan should largely maintain the existing settlement limits, even if this results in a significant overallocation.

In this context, this objection relates specifically to Victoria Bridge where the approximate current housing capacity is 445, but Appendix 5 suggests only 15-23 houses are required over the Plan period. This dramatic reduction would ensure the settlement would stagnate over the Plan period. It would lead to young people being forced to move away from Victoria Bridge and it would upset the natural demography, artificially creating an aging society. This would severely impact on every aspect of society and the local community facilities, especially the local primary schools and the potential for new employment opportunities being developed in the settlement.

Our client owns land in Victoria Bridge where planning permission was granted under ref J/2007/0571/F for 50 dwellings (see attached approval notice). The realisation of this development has been impacted by the *'serious economic downturn'*, as described at paragraph 5.6 of the Draft Plan Strategy (DPS) document, but our client fully intends to develop the scheme within the Plan period.

The DPS introduces the threat that only a fraction of the previously approved development in the settlement could be developed. We object to the suggestion in the DPS that the settlement limits of Victoria Bridge should be reduced, especially in any case of a site where there is a stated intention to undertake housing development. By introducing such a constraint, the DPS is unsound because it would harm the function of the settlement to provide a focus for sustainable growth for the local community.

## Section L: **Sustainability Appraisal**

If you wish to submit an 'expression of opinion' in relation to the Sustainability Appraisal (SA) of the LDP draft Plan Strategy (incorporating the Strategic Environmental Assessment (SEA)) please state them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the SA.

N/A

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

## Section M: **Draft Habitats Regulation Assessment (HRA or AA)**

If you have any comments or opinions in relation to the Draft Habitats Regulation Assessment (HRA) report of the LDP draft Plan Strategy, please submit them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the HRA.

N/A

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

## Section N: **Draft Equality Impact Assessment (EQIA)**

If you have any comments or opinions in relation to the Draft Equality Impact Assessment (EQIA) report of the LDP draft Plan Strategy, please submit them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the EQIA.

N/A

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

## Section O: **Draft Rural Needs Impact Assessment (RNIA)**

If you have any comments or opinions in relation to the Draft Rural Needs Impact Assessment (RNIA) report of the LDP draft Plan Strategy, please submit them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the RNIA.

N/A

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.



**PLANNING PERMISSION**

**Planning (Northern Ireland) Order 1991**

Application No: **J/2007/0571/F**

Date of Application: **4th September 2007**

Site of Proposed Development: **Adjacent to and East of St Eugene's Primary School, Victoria Bridge, Strabane**

Description of Proposal: **Residential development comprising 14 no Detached houses, 36 no semi-detached, 19 no single garages, 1 no double garage and 1 no one and half storey creche, with associated development roads, temporary sewage treatment plant, public open space and landscaping.**

Applicant: Developments Agent:  
Address: C/o Agent Address:

Cottage Studios  
Gortrush Industrial Estate  
Great Northern Road  
Omagh  
BT78 5EL

Drawing Ref: 01 Revision 2, 03 Revision 5, 04 Revision 2, 05 Revision 2, 06 Revision 8, 07 Revision 3, 09 Revision 1, 10 Revision 1, 11 Revision 1, 12 Revision 1, 13 Revision 1, 14 Revision 1, 15 Revision 1, 16 Revision 1, 17 Revision 1, 18 Revision 1, 19 Revision 1, 20 Revision 1, 21 Revision 1, 22 Revision 1, 23 Revision 1, 24 Revision 1, 27 Revision 1, 28 Revision 1, 29 Revision 1, 30 Revision 1, 31 Revision 1, 32 Revision 1, 33 Revision 1, 34 Revision 1, 35 Revision 1, 36 Revision 1, 37 Revision 1, 38 Revision 1, 39, 40, 41, 42, 43, 44, 45, 53, 54, 55

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

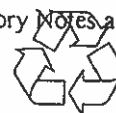
**GRANTS PLANNING PERMISSION**

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

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Omagh Planning Office





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 existing mature trees and hedgerow on the southern boundary of this site as identified in blue on drawing no 07 Revision 3 received 06th May 2010 shall be permanently retained unless otherwise agreed in writing with the Department.

Reason: To ensure the development integrates into the existing landscape and to ensure the maintenance of screening to the site.

3. No trees within the area outlined in blue on drawing no 07 (Revision 3) received 06th May 2010, shall be lopped, topped, felled or removed other than in the demonstrable interest of public safety.

Reason: In the interests of visual amenity.

4. Prior to the commencement of any other site works all existing trees to be retained, as identified in blue on drawing No.07 (Revision 3) received 06th May 2010, shall be fenced off. This must be at a distance of the crown spread (the outer drip-line of the tree) or half the tree height, whichever is the greater. Fencing shall be at least 1.2m high cleft chestnut pale or chain link, well braced to resist impacts or similar to be agreed in writing with the Department. These works shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within these areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the prior written consent of the Department.

Reason: To ensure the protection of trees and other vegetation to be retained and to ensure the continuity of amenity afforded by existing trees.

5. During the first available planting season after the occupation of any dwelling on plots 1-10 inclusive hereby approved, the developer shall construct, layout and plant all landscaped and open space areas within Phase 1 and Phase 2 in accordance with stamped approved drawing no 07 revision 3 (Landscaping Proposals) received 06th May 2010, and shall be maintained in accordance with the Landscape Management and Maintenance Report (090320) date stamped 24th April 2009.

During the first available planting season after the occupation of any dwelling on plots 11-12 and 45-46 inclusive hereby approved, the developer shall construct, layout and plant all landscaped and open space areas within Phase 3 in accordance with stamped approved drawing no 07 revision 3 (Landscaping Proposals) received 06th May 2010, and shall be maintained in accordance with the Landscape Management and Maintenance Report (090320) date stamped 24th April 2009.

During the first available planting season after the occupation of any dwelling on plots 13-20 inclusive and 43-44 hereby approved, the developer shall construct, layout and plant all landscaped and open space areas within Phase 4 in accordance with stamped approved drawing no 07 revision

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See also Explanatory Notes attached



3 (Landscaping Proposals) received 06th May 2010, and shall be maintained in accordance with the Landscape Management and Maintenance Report (090320) date stamped 24th April 2009.

During the first available planting season after the occupation of any dwelling on plots 21-30 inclusive hereby approved, the developer shall construct, layout and plant all landscaped and open space areas within Phase 6 in accordance with stamped approved drawing no 07 revision 3 (Landscaping Proposals) received 06th May 2010, and shall be maintained in accordance with the Landscape Management and Maintenance Report (090320) date stamped 24th April 2009.

During the first available planting season after occupation of any dwelling on plots 31-42 inclusive hereby approved, the developer shall construct, layout and plant all landscaped and open space areas within Phase 5 in accordance with stamped approved drawing no 07 revision 3 (Landscaping Proposals) received 06th May 2010, and shall be maintained in accordance with the Landscape Management and Maintenance Report (090320) date stamped 24th April 2009.

During the first available planting season after occupation of any dwelling on plots 47-50 inclusive hereby approved, the developer shall construct, layout and plant all landscaped and open space areas within Phase 7 in accordance with stamped approved drawing no 07 revision 3 (Landscaping Proposals) received 06th May 2010, and shall be maintained in accordance with the Landscape Management and Maintenance Report (090320) date stamped 24th April 2009.

The trees indicated within individual plots shall be planted during the first available planting season after the occupation of any dwelling on the plot. These trees shall be retained and maintained by the owner of the plot and the condition referring to such retention and maintenance shall be placed as a condition of the sale of the plot.

All hard and soft landscaping works shown on the approved plans shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape to aid the integration of the development into the local landscape in a timely manner and to assist in the provision of a quality residential environment in accordance with PPS7 Quality Residential Development and PPS8 Open Space, Sport and Outdoor Recreation.

6. No dwelling hereby approved shall be occupied until the Department agrees in writing that an acceptable Management and Maintenance agreement has been signed and put in place with an appropriate management company, for all areas beyond the plot curtilage (excepting adopted road/footpath) and referred to in condition 5 above, on drawing No. 07 revision 3 received 06th May 2010. These areas shall be permanently retained as landscape/open space. (See informative 1)

Reason: To ensure that open space is provided, maintained and managed in accordance with the Departments Policy Statements, PPS 7 - Quality Residential Environments and PPS8 - Open Space, Sport and Outdoor Recreation and to ensure its retention in perpetuity.

7. Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed as detailed on drawing no 03 Revision 5 (Boundary Treatment Plan) received 06th May 2010.

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Reason: To ensure that boundary treatments are provided in a timely manner to assist in the provision of a quality residential environment in accordance with the Departments Policy Statement PPS 7 - Quality Residential Environments.

8. 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 Department, 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 Department gives its written consent to any variation.

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

9. A solid noise barrier (wall or fence) of at least 2 metres in height shall be provided to the rear boundaries of the external amenity areas of sites 8-18, 30-33 and 50 inclusive.

Reason: To ensure acceptable noise levels can be achieved and to protect the external amenity of future occupants.

10. The dwellings constructed on sites 1 and 2 inclusive shall not be occupied until an acoustic mechanical ventilation system capable of achieving 20dB<sub>Rw</sub> and double glazing (4-12-4 or similar) capable of providing a sound reduction of at least 20dB<sub>RTra</sub> is fitted to all living room and bedroom facades. All ventilation systems must comply with Building Control requirements for passive and rapid ventilation.

Reason: To ensure acceptable noise levels can be achieved and to protect the internal amenity of future occupants.

11. The dwellings constructed on sites 8-18 inclusive shall not be occupied until an acoustic mechanical ventilation system and double glazing (4-12-4 or similar) capable of achieving a sound reduction of at least 29dB<sub>Rw</sub> is fitted to all living room facades and double glazing (6-12-6 or similar) and acoustic mechanical ventilation to provide 34dB<sub>Rw</sub> is provided to all bedrooms. All ventilation systems must comply with Building Control requirements for passive and rapid ventilation.

Reason: To ensure acceptable noise levels can be achieved and to protect the internal amenity of future occupants.

12. The dwellings constructed on sites 30-33 and 50 inclusive shall not be occupied until an acoustic mechanical ventilation system capable of achieving 25dB<sub>Rw</sub> and double glazing (4-12-4 or similar) capable of providing a sound reduction of at least 25dB<sub>RTra</sub> is fitted to all living room and bedroom facades. All ventilation systems must comply with Building Control requirements for passive and rapid ventilation.

Reason: To ensure acceptable noise levels can be achieved and to protect the internal amenity of future occupants.

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See also Explanatory Notes attached





13. The dwellings constructed on sites 45-49 inclusive shall not be occupied until an acoustic mechanical ventilation system capable of achieving 20dB<sub>Rw</sub> and double glazing (4-12-4 or similar) capable of providing a sound reduction of at least 20dB<sub>RTra</sub> is fitted to all living room and bedroom facades. All ventilation systems must comply with Building Control requirements for passive and rapid ventilation.

Reason: To ensure acceptable noise levels can be achieved and to protect the internal amenity of future occupants.

14. The development shall be served by a package sewage treatment plant (for which separate approval must be obtained from Northern Ireland Environment Agency and Environmental Health) within the site in accordance with the details and location as shown on drawing no 03 Revision 5 received 06 May 2010 and drawing no 55 received 31st March 2010, until such time as the waste water treatment works for Victoria Bridge have been upgraded to provide sufficient additional capacity to accept discharge from the approved dwellings. No dwelling shall be occupied until the package plant has been installed as approved and is fully operational and provision for eventual connection to a public sewer has been made as approved. The package plant shall be managed and maintained in accordance with the approved arrangements.

The sewage package plant shall be decommissioned and the development connected to a public sewer within six months of the Department notifying the occupants that the waste water treatment plant has been upgraded, or within such extended period as the Department may agree in writing. The package plant shall be removed within six months of the development being connected to a public sewer.

Reason: In the interests of public health.

15. The Private Streets (Northern Ireland) Order 1980.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 06 (Revision 8) bearing the date stamp 18th May 2010.

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.

16. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No part of the development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 06 (Revision 8) bearing the date stamp 18th May 2010. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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.

17. Main Access:

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The visibility splays of 4.5 metres by 110 metres to the South and 2.4 metres by 60 metres to the North at the junction of the proposed housing access road with the public road, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development.

**Creche:**

The visibility splays of 2.4 by 90 metres to the South and 2.4 metres to junction with Fyfin Road shall be provided in accordance with the approved plans, prior to the commencement of any works or other development.

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

18. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, 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.

19. The gradients of the private accesses shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses 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.

20. The development hereby permitted shall not be occupied until a 3 metre wide footway/cycle way adjacent to Urbalreagh Road has been completed in accordance with the details indicated on Drawing no 06 Revision 8 dated 18th May 2010.

**Reason:** To ensure there is adequate provision for pedestrians and cyclists in the interests of road safety and the convenience of road users.

**Informatives**

1. In order to comply with condition 6, the arrangements for the future management and maintenance in perpetuity of areas of public open space acceptable to the Department include:

- a) a legal agreement transferring ownership of and responsibility for the open space to the local district council; or
- b) a legal agreement transferring ownership and responsibility for the open space to a charitable trust registered by the Charity Commission or a management company supported by such a trust; or

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See also Explanatory Notes attached



c) a legal agreement transferring ownership of and responsibility for the open space to a properly constituted residents' association with associated management arrangements. Evidence should be submitted to the Department include:

- Articles of Association
- Memorandum of understanding, and
- Evidence of registration of the company

If an alternative approach to those outlined above is to be followed, it should be demonstrated how the approach can meet the policy requirement for open space to be managed and maintained in perpetuity.

In all cases, the developers will be responsible for the laying out and landscaping of public open space required.

## 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. In order to ensure that the laying of ducts and the erection of columns for street lighting is coordinated with the construction of the streets, the applicant should contact the Roads Service Street Lighting section at 40a Benson Street Lisburn, Co Antrim BT28 2BG before any construction work commences.

5. The service strips coloured green with black hatching on the approved plan have been determined as lands to be adopted by the DRD. It is, therefore, essential that vendors inform house purchasers of their limited rights within such strips. It is strongly recommended that the developer does not sell or lease the land from the service strips as parts of housing plots. If land for service strip is to be sold or leased to house purchasers the vendor must insert in the deeds the following clause or covenant:-

The purchaser hereby covenants with the vendor that he/she, the purchaser, and his successors in title will not at any time hereafter erect or construct any building wall or fence or plant any tree or shrub on the strip of land shown cross hatched on the plan annexed hereto, nor do or suffer to be done therein or thereon any act, matter or thing whereby the cover of soil over or the support of the pipes, wires and/or cables laid in the said strip of land shall be altered or which may render access thereto more difficult or expensive and shall understand that the road authority and statutory undertakers have unencumbered right of access to the said strip of land.

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6. Details of any retaining walls required shall be submitted to and approved in writing by the DRD under the Technical Approval Scheme prior to any construction work being undertaken. The necessary TAS 1 forms to be obtained from the DRD's Roads Service.
7. It is the responsibility of the developer to ensure that
- surface water does not flow from the site onto the public road.
  - the existing roadside drainage is accommodated and no water flows from the public road onto the site.
  - surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.

The developer should note that this planning approval does not give consent to discharge water into a DRD Road Service drainage system.

8. 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.
9. In order to ensure the laying of ducts and the erection of columns for street lighting along Urbalreagh Road and within the site layout is coordinated with the construction of streets, the applicant should contact the Roads Service Street Lighting Section at 40a Benson Street Lisburn, Co Antrim BT28 2BG before any construction work commences.
10. The provision of any Vehicle Restraint System shall be designed in accordance with DMRB TD 1906.
11. Public water supply available, subject to Northern Ireland Water approval to connect. If required a connection will be granted on approval of a completed Application Form. Contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email [waterline@niwater.com](mailto:waterline@niwater.com) to obtain an application form and information on charges, or download from the website [www.niwater.com](http://www.niwater.com)
12. Foul water sewer available, subject to Northern Ireland Water approval to connect. If required a connection will be granted on approval of a completed Application Form. Contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email [waterline@niwater.com](mailto:waterline@niwater.com) to obtain an application form and information on charges, or download from the website [www.niwater.com](http://www.niwater.com)
13. Surface water sewer not available. Surface water must not be taken to the foul sewer. Where it is proposed to discharge surface water to a river, stream or watercourse prior written consent for such discharge must be obtained from the Department of Agriculture's River Agency.
14. The site is located within a cordon sanitaire of a Waste Water Treatment Works (WWTW). Dwellings/development should not be permitted within the cordon sanitaire in order to avoid severe nuisance from WWTW odours and noise.

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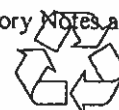
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See also Explanatory Notes attached



An Agency within the Department of the  
**Environment**

100070571/F



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15. To ensure compliance with the Water & Sewerage Service (NI) Order 2006, consultation with Northern Ireland Water is essential at design stage with regard to the following matters:
- (a) water supply requirements;
  - (b) foul water and surface water sewerage requirements;
  - (c) trade effluent discharge;
  - (d) existing sewer crossing the site.

Contact Northern Ireland Water's Customer Relations Centre or telephone Waterline on 0845 7440088.

16. The applicant is advised to contact Northern Ireland Water through its Customer Relations Unit or Waterline on 0845 7440088 upon receipt of this decision to discuss any issues of concern.
17. This development requires the installation of a grease trap.
18. The development requires the installation of an oil/petrol/chemical interceptor.
19. If during the course of developing the site the developer uncovers a pipe not previously evident the local Northern Ireland Water 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.
20. No building is permitted within 6m of the existing public sewer which passes through the site. Any diversion of the sewer will be at the developers expense and will be subject to Northern Ireland Water approval.
21. Strabane District Council Environmental Health Department advises that the properties are in close proximity roads including the A5 which is a source of noise. Planning approval has been granted subject to a number of conditions to mitigate the effects of such noise. It is likely that windows will need to remain closed to achieve internal noise levels normally considered acceptable.
22. Waste water treatment works - Regular maintenance is important in preventing such odour/noise problems and a requirement should be placed on the applicant to ensure these matters are implemented.
23. Environment and Heritage Service states the following:
- In order to decrease the risk of the incorrect diversion of "foul" sewage to drains carrying rain/surface water each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system should also be designed to minimize the risk of wrongly connecting the "foul" sewage system to the rain-water drainage system once the buildings are occupied.
  - The buildings associated with this planning application should not be occupied unless the necessary sewage infrastructure is in place to transfer foul sewage to a DRD Water Service sewer in an acceptable manner or a private wastewater treatment facility consented by EHS. It should be noted

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that EHS does not favour existing sewerage infrastructure being utilized in such a way as to act as a temporary "cesspit". Where a temporary "cesspit" is to be utilized, it should be designed in accordance with current "best practice" and any transfer or movement of sewage, by tanker or other means, shall be carried out in accordance with The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002.

- The storm drainage of the site should be designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways.
- Construction of SuDS should comply with the standards in the design manual for Scotland and Northern Ireland (CIRIA C521).
- Any oil tanks serving the houses and apartments should be bunded. Pollution Prevention Guideline (PPG2)
- The applicant complies with the attached Pollution Prevention Guidelines (PPG5 and 6) in order to minimise the impact of the construction phase of the project on the environment. It should be noted that several SuDS features may be useful pollution prevention measures during the construction phase.
- The attached copy of PPG2, 5 and 6 is forwarded to be read in conjunction with the above comments.
- Should a sewage pumping station be required for this development then the applicant must apply to EHS WMU for a Water Order (1999) consent for an "emergency overflow".

#### 24. Rivers agency comments;

- The site is affected by a watercourse which is designated within the meaning of the Drainage (Northern Ireland) Order 1973 and is known as the Liscreevaghan. This watercourse may be subject to maintenance works from time to time by River's Agency and it is essential a working strip is left along the bank to facilitate future maintenance.
- Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to Rivers Agency, for its consent any proposal to carry out works, which might affect a watercourse.

25. 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.

26. 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.

27. 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

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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.

28. Visual inspection of the site indicates that it is unaffected by any watercourses;- open or culverted.
29. 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.
30. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
31. 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.
32. 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.
33. This permission authorises only private domestic use of the proposed garages and does not confer approval on the carrying out of trade or business there from.
34. The applicant's attention is drawn to the attached information from Northern Ireland Electricity

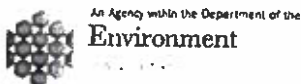
Dated: 26th May 2010

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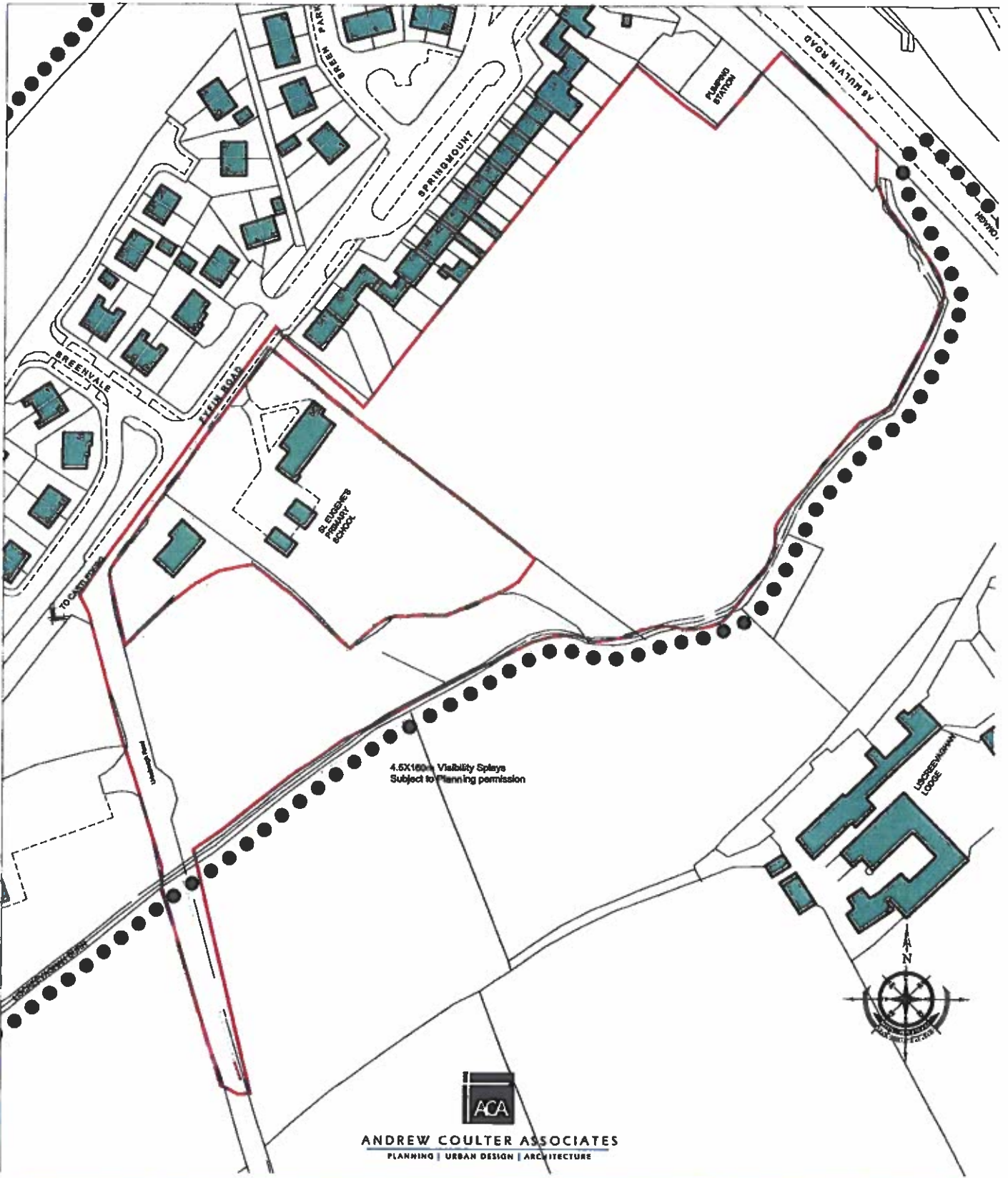
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See also Explanatory Notes attached



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CLIENT  
**JASON MITCHEL**

PROJECT  
**PROPOSED DEVELOPMENT AT VICTORIA BRIDGE**  
DRAWING TITLE  
**ENTRANCE DETAILS**

SCALE  
**1/1250**  
JOB No.  
....

DATE  
....  
ORG No.  
....

HEAD OFFICE: COTTAGE STUDIOS GORTRUSH GREAT NORTHERN ROAD OMAGH BT78 5E|| T 028 8224 2806 F. 028 8224 0426  
LONDON OFFICE: 4 LOCK MEWS, CAMDEN ROAD LONDON NW1 9AD T @20 7485 4005 F 020 7485 4005  
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