



Fermanagh & Omagh  
District Council  
Comhairle Ceantair  
Fhear Manach agus na hÓmai

## OUTLINE PLANNING PERMISSION

### Planning Act (Northern Ireland) 2011

Application No: **LA10/2021/0993/O**

Date of Application: **13 August 2021**

Site of Proposed Development: **To the rear of 81-85a Main Street, Gortin.**

Description of Proposal: **Proposed housing development & private waste water treatment plant.**

Applicant:		Agent:	Donnelly Design Services
Address:		Address:	8 Devesky Road Carrickmore Co Tyrone BT79 9BU

Drawing Ref: 01, PL-85-03.

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. At Reserved Matters a Construction Environmental Management Plan (CEMP) incorporating a Construction Method Statement (CMS) and detailed drawings showing all surface water and foul drainage including their connections to receiving watercourses/drains must be submitted to Council for approval with NIEA Water Management Unit. The CMS must identify the perceived risks to the aquatic environment, potential pollution pathways and provide details of mitigation measures to be undertaken to minimise the risks to the aquatic environment, and must include all other relevant information requested in NIEA WMU's consultation

response dated 19/11/2021.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

2. Drawings and specifications of the proposed package plant and arrangements for its maintenance and management, must be submitted to and approved in writing by the Council at Reserved Matters. The dwellings must not be occupied until the package plant has been installed as approved and is fully operational. The package plant must be managed and maintained in accordance with the approved arrangement details and must be retained for the lifetime of the development or until connection to the public foul system can be successfully accommodated.

Reason: To ensure there is a satisfactory means of sewage disposal.

3. The development hereby permitted must be broadly in accordance with drawing PL-85-03, Site Concept Plan.

Reason: To provide a comprehensive mix of housing units in accordance with the provision of Policy HOU05 - Shaping Our Houses and Homes and to maintain the residential amenity of nearby dwellings.

4. A scale plan and accurate site survey at 1:500 (minimum) must 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.

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

5. Full details of sustainable drainage systems (SuDS) must be submitted at Reserved Matters stage and must be implemented on site and retained in accordance with the agreed timeframes and details.

The storm drainage of the site, during site clearance, construction, and operational phases of the development, must 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 must comply with the design and construction standards as set out in various documents produced by the Construction Industry Research and Information Association (CIRIA) in relation to SuDS.

Reason: To ensure the provision of SuDS (Policy FLD03).

6. Details of the service ducting to enable future connection of broadband and other public services must be submitted at Reserved Matters stage and must be implemented in accordance with the agreed details prior to the occupation of any dwelling hereby permitted.

Reason: To accommodate future broadband and other public services (Policy PU03).

7. A minimum of 10% of the units hereby permitted must be wheelchair standard units and must be designed to integrate seamlessly and with no distinguishable design

differences. Details of the design and location of these units must be submitted at Reserved Matters stage and these must be provided on site in accordance with the agreed details.

Reason: To ensure the provision of wheelchair accessible housing (Policy HOU05).

8. No development must 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 Fermanagh and Omagh Council. The depth of under build between finished floor level and proposed ground levels must not exceed 0.45 metres at any point.

Reason: To ensure the dwellings integrate into the landform.

9. Details of the of energy and resource efficiency measures to be put in place, must be submitted to the Council at Reserved Matters stage. All proposed measures must adopt sustainable building practices and be in place/operational prior to occupation of any dwelling hereby approved and be retained for the lifetime of the development in good condition.

Reason: To ensure the provision of energy and resource efficiency is incorporated into the development as required by Policy DE02.

10. A landscaping scheme must be submitted at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting must be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development. The plans and particulars submitted must include details of the existing tree/hedges to be retained, site preparation, planting methods, medium and additives together with the species, size and time of planting, presentation, location, spacing and numbers of all trees and shrubs to be planted and the proposed time of planting.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscaping in the interests of visual amenity.

11. At Reserved Matters stage full details of the management and maintenance of any landscaped and open space areas (including all peripheral planting) must be submitted to and agreed by Council. These areas must be retained and maintained by a Management Company as part of a Management and Maintenance Agreement.

All hard and soft landscaping works must 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 and to assist in the provision of a quality residential environment.

12. The landscaped/open space areas referred to in condition 11 must be managed in perpetuity by the individual plot owner or a Management Company, the details of which must be submitted to and agreed with the Council at Reserved Matters

stage.

Reason: To ensure that the landscaped/open space provision is managed in perpetuity in accordance with Policy DE02.

13. At Reserved Matters stage full details of all proposed boundary treatments defining each individual plot must be submitted to Council. Details must indicate type, height and location of treatments and a programme of implementation and retention. All planting within each unit must be carried out in accordance with the agreed scheme and within the first planting season after the occupation of each dwelling.

Reason: To ensure the provision, establishment and maintenance of a high standard of boundary treatment in the interests of visual and residential amenity.

14. 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:-
  - the expiration of 5 years from the date of this permission; or
  - 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.

15. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), must be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

## **Informatives**

1. This document is the decision of the Council in respect of application LA10/2021/0993/O.

No part of this document may be changed or altered in any way without the consent of the Council.

If you wish to verify the accuracy of the decision notice, or download a copy, please check the Planning Portal by searching at:  
<https://planningregister.planningsystemni.gov.uk/simple-search>

2. The drawings, as referenced above, to accompany this decision are available to view on the Planning Portal by searching at:  
<https://planningregister.planningsystemni.gov.uk/simplesearch>
3. This decision is accompanied by a legal agreement ensuring that affordable housing is delivered and managed in a comprehensive way in accordance with Policy HOU03 of the PS.

4. Consent to Discharge Sewage Effluent should be obtained from the Water Management Unit, Northern Ireland Environment Agency, 17 Antrim Road, Lisburn, Co. Antrim, BT28 3AL (Tel. 028 9262 3100) as required by the Water (Northern Ireland) Order 1999.
5. Any new or existing septic tank or package treatment plant unit should be a minimum of 15 metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.
6. A legal agreement should be obtained in relation to lands used in connection with any septic tank/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. Such legal agreement should be included in any planning approval as a planning condition.
7. The applicant should ensure that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.
8. All waste generated by this development, e.g. demolition waste (if applicable) being handled/disposed of so as to ensure compliance with the Waste & Contaminated Land (N.I.) Order 1997 and subordinate Regulations. (Special requirements would apply in respect of, for example, asbestos or other hazardous waste). Further information regarding handling and disposal of such waste can be obtained from the Land Resource Management Unit, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast, BT7 2JA – telephone 028 9056 0710.
9. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared. (The District Council cannot approve plans for any dwelling unless a satisfactory water supply is available).
10. The developer being aware that if it is their intention to bring any fill material onto the site they will require a Waste Licensing Exemption under the Waste Management Licensing Regulations (N.I.) 2003. Applications for such an exemption should be made to the Land Resource Management Unit of the Northern Ireland Environment Agency at Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast, BT7 2JA (Tel – 028 9056 9359). Prior to the granting of an exemption under the above regulations the developer will be required to demonstrate to NIEA that planning approval has been granted for infilling/importing inert material to the associated land.
11. Many parts of Fermanagh and Omagh District Council are within radon affected areas. Public Health England published updated maps in 2015, which indicate areas where protection measures are considered necessary based on the probability of elevated radon levels. The maps are available at: <http://www.ukradon.org/information/ukmaps>. The current Building Regulations in

Northern Ireland do not have regard to the updated 2015 Maps. The EHS highly recommend that the applicant consider the updated maps when agreeing radon protection measures with the Council's Building Control Department.

12. 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. 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.
13. In order to comply with Condition 12, the arrangements for the future management and maintenance in perpetuity of areas of public open space acceptable to the Council 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
  - 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 Council 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.

14. The applicant must refer and adhere to the precepts contained in DAERA Standing Advice Culverting.  
The applicant must refer and adhere to all the relevant precepts contained in DAERA standing Advice Multiple Dwellings.  
The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance.  
The applicant must refer and adhere to the relevant precepts in DAERA Standing Advice Discharges to the Water Environment.  
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.  
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.

15. It is brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors.

Dated: 5 March 2025

Paul McDermott, Lead Planner

