

PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA10/2023/1430/F**

Date of Application: **8 February 2023**

Site of Proposed Development: **Approximately 76m West from Drumadavy House, 121 Lisnarick Road, Drumadavy, Lisnarick, Co. Fermanagh, BT94 1LQ**

Description of Proposal: **Proposed erection of 4no yurts and associated deck & toilet/shower in lieu of 4no Bell tents approved previously under LA10/2021/1209/F (including amended siting).**

Applicant:	Agent: Chris Allen
Address:	Address: Unit 5 Cathcart Square
	Dublin Road
	Enniskillen
	BT74 6HJ

Drawing Ref: 01, 02, 03

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 vehicular access, including visibility splays of 2.4m x 90m and any forward sight distance shall be provided in accordance with drawing no 02, 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.

2. The width of the vehicular access to be 6.0m for the first 20.0m including 10.0m radii and shall be provided in accordance with drawing 02 prior to the commencement of the any other works or development hereby permitted.

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

3. No development activity including vegetation clearance infilling, disturbance by machinery, dumping, or storage of materials shall take place within 10m of the stream on site.

Reason: To protect/minimise the impact of the development on the biodiversity of the nearby watercourse.

4. No retained tree, shall be cut down, uprooted, or destroyed, or have its roots damaged within the crown spread nor shall arboriculture work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboriculture work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition, and construction- Recommendations.

Reason: to ensure continuity of the biodiversity value afforded by existing trees.

5. No works are to be carried out until a lighting plan has been submitted to the Council with details showing that light will only be directed onto the proposed site and that there will be no light spill of more than 1lux onto mature trees/boundaries of the surrounding area.

Reason: to minimise the impact of the proposal on bats and other wildlife.

6. The development hereby permitted must be begun within five years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

Informatives

1. The developer, future purchasers and their successors in title should note that the access way and parking areas associated with this development are, and will remain, private. The Department for Infrastructure (DFI) has not considered, nor will it at any time in the future consider, these areas to constitute a "street" as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

2. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

3. 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 Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer, whose address is Castle Barracks, Enniskillen. A monetary deposit will be required to cover works on the public road.

4. 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, In the interest of public safety and traffic management.

5. Bats and otters

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 the otter (*Lutra lutra*) and 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. affects 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.

If there is evidence of bat and/or otter activity 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.

Birds

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 bird's nests unless an appropriate survey has been carried out prior to works commencing and it is confirmed that no active nests are present.

Badger

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.

Red squirrel

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 red squirrel (*Sciurus vulgaris*);

- damage or destroy, or obstruct access to, any structure or place which red squirrels use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- disturb a red squirrel while it is occupying a structure or place which it uses for shelter or protection.

Dated: 08th June 2023

Paul McDermott, Lead Planner