

Planning Committee Report LA01/2017/1522/O	24th October 2018
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u> LA01/2017/1522/O	<u>Ward:</u> FEENY
<u>App Type:</u> Outline Planning	
<u>Address:</u> Lands between 316a & 318 Foreglen Road, Dungiven	
<u>Proposal:</u> Proposed infill site for dwelling and detached garage	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 23.11.2017
<u>Listed Building Grade:</u>	n/a
<u>Agent:</u> Paul Moran Architect, 18b Drumsamney Road, Desertmartin, Magherafelt, BT45 5LA	
<u>Applicant:</u> Ms C Mullan, 316a Foreglen Road, Dungiven, BT47 4PJ	
<u>Objections:</u> 0	<u>Petitions of Objection:</u> 0
<u>Support:</u> 0	<u>Petitions of Support:</u> 0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions and informative set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 This site is located off the Foreglen Road and is accessed from an existing laneway. The site comprises a plot of land in grass, a section of private driveway to the east and the existing grassed verges either side. Existing trees are planted either side of the lane.
- 2.2 The site is gently sloping from north to south and an existing watercourse runs along the north-western and western site boundary, with mature vegetation to the far side of the watercourse. A post and wire fence defines the edge of the grass plot and the existing laneway and grassed verges. The southern site boundary is also defined by a timber post and wire fence between the site and the property at No. 316a.
- 2.3 The immediate surrounding area is characterised by the cluster of dwellings and agricultural buildings which are sited along the existing laneway. The wider surrounding area on this side of the Foreglen Road is characterised by agricultural fields.
- 2.4 In the Northern Area Plan 2016 the site is located in the countryside, outside of any defined settlement limits. There are no specific zonings or designations covering the site. The site is accessed off the A6 Foreglen Road, which is a designated Protected Route.

3 RELEVANT HISTORY

There is no relevant planning history on the site itself. A search of the immediate surrounding area showed:

LA01/2017/1164/O

Proposed `infill` site for a dwelling.
Approx 10m south of No 314 Foreglen Road, Dungiven.
Permission Refused: 05/06/2018

LA01/2015/1019/RM

Construction of 1½ storey dwelling house with detached garage.
Lands 23m west of 318 Foreglen Road, Dungiven.
Permission Granted: 28/07/2016

B/2015/0041/O

Site for single storey and part one a half storey dwelling house with garage.
Lands 23m west of 318 Foreglen Road, Dungiven.
Permission Granted: 24/07/2015

B/2003/0269/F

Erection of replacement dwelling.
316 Foreglen Road, Ballymoney, Limavady.
Permission Granted: 25/07/2003

4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for a proposed infill site for a dwelling and detached garage.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no objections to the proposal

5.2 Internal

Environmental Health Department: No objections

NI Water: No objections

DAERA Water Management Unit: No objections

DAERA Natural Environment Division: No objections

DFC Historic Monuments Unit: No objections

DFI Roads: Should the Planning Authority decide this proposal does not meet criteria set out in PPS 21 then refuse due to intensification of use of an existing access onto a Protected Route. Alternatively if the Planning Authority consider that the proposal complies with policy then approve subject to conditions.

Shared Environmental Service: No objections

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: principle of development, integration; rural character; natural heritage; and road safety.

Principle of Development

8.2 Policy CTY1 of PPS 21 identifies a number of instances when an individual dwelling house will be granted permission. The proposal has been submitted for an infill dwelling and therefore will be considered in relation to Policy CTY 8. Given the existing cluster of dwellings and agricultural buildings at this location, consideration is also given to Policy CTY 2a.

8.3 Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

-the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

-the cluster appears as a visual entity in the local landscape;

-the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

-the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

-development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and

-development would not adversely impact on residential amenity.

- 8.4 Excluding ancillary and agricultural buildings the site is located at an existing cluster of development which identifies as a visual entity in the local landscape. The application site is bound to the south and east by existing dwellings and to the north-west of the site is a dwelling currently under construction. While development of the site could be absorbed into the existing cluster and provided it was of a suitable scale, design and siting would not adversely impact on residential amenity, there is no existing focal point with which the cluster is associated which would satisfy this criteria of Policy CTY 2a. Accordingly as the proposal would fail to meet with the policy as a whole it is therefore contrary to Policy CTY 2a and paragraph 6.73 of the SPPS.
- 8.5 Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. A substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- 8.6 The laneway traverses north from the Foreglen Road and then makes a right angled turn left before crossing a small bridge and turning north again. At present 7 dwellings and various agricultural and domestic buildings access from the laneway onto Foreglen Road. Residential properties 312, 314 and 318 and the new building currently under construction share a frontage onto the laneway.
- 8.7 Due to the meandering nature of the laneway some buildings front or gable onto the laneway and some, positioned at the turning point of the lane have both. For the purposes of the policy no.s 314, 318 and the new dwelling all share frontages onto the laneway.
- 8.8 No 314 is positioned at a corner on the lane and both the front and gable share a boundary with the laneway. The frontage width of no 314 shared with the lane is 25m. The application site shares a boundary of 20m with the laneway. Although the existing frontage of the application site comprises the driveway to no 316a with a grassed area to either side, a separate access is available to no 316a which accesses separately onto the lane just north of no. 312. The conceptual plan for the application site shows a reconfiguration of the

application site frontage to show the access repositioned to the eastern side with a front garden area down to the lane.

- 8.9 The new dwelling under construction shares a frontage onto the laneway, albeit it narrow at 16m. The frontage comprises the access lane over a small bridge and a small area of amenity space which at the time of the site visit had not been formalised as per the landscaping and boundary details of the planning permission. Visually the frontage length is constrained by the walls of the existing bridge but is 16m when taken from the approved block plans.
- 8.10 No 318 shares a gable and a small curtilage front and back onto the laneway, the shared frontage on to the lane amounts to 24m.
- 8.11 Given the number of buildings and the nature of the existing development the Planning Authority accept that there is a substantially and continuously built up frontage of development at this location. The proposed site at 20m frontage is considered to be a small gap site as per policy CTY8. In terms of the pattern of development the frontage length is generally in line with the average frontage length expressed by the existing development.
- 8.12 In terms of plot size the application site is somewhat larger than the plots at 314 and 318 however from a site visit it is clear that the development of the properties over time has not resulted in any definitive character or pattern of development being replicated in the more recent approvals. Therefore when considering plot size an assessment of the wider area is required. The application site respects the existing plot size of 316a and the dwelling under construction. This is an outline approval, a design solution could be found at detailed design stage which will address any amenity issues.
- 8.13 Additionally a site must also meet other planning and environmental requirements. The proposal is considered in relation to Policies CTY 13, CTY 14 and CTY 16 below.

Integration

- 8.14 Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or

(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or

(c) it relies primarily on the use of new landscaping for integration; or

(d) ancillary works do not integrate with their surroundings; or

(e) the design of the building is inappropriate for the site and its locality; or

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

8.15A new dwelling on the site would not be a prominent feature as it would read against a backdrop of existing development and views of the site would be limited. There is existing mature vegetation to the north-western and western site boundary. As this is an outline application, there are no further details of the design at this stage. The proposal could be visually integrated into the surrounding landscape. The proposal complies with the SPPS and Policy CTY 13 of PPS 21.

Rural Character

8.16 Policy CTY 1 states that all proposals must be sited and designed to integrate sympathetically with their surroundings. As the proposal is not prominent and is found to visually integrate the proposal would not erode rural character. The proposal complies with the SPPS and Policy CTY 14 of PPS 21.

Natural Heritage

8.17 In their consultation response of 8th January 2018, DAERA – Natural Environment Division considered that the NI Biodiversity Checklist should be used to establish if any ecological surveys are required for a complete application.

8.18 Following an office meeting on the 17th April 2018 the agent submitted a Biodiversity Checklist on the 1st May 2018. DAERA – Natural Environment Division were re-consulted on receipt of this and are content with the proposal subject to recommended conditions. The proposal complies with Policy NH2 of PPS 2.

Road Safety

- 8.19 DFI Roads were consulted in respect of the proposed access arrangements and advise that the A6 Foreglen Road is a Protected Route. Amended plans were required to address the provision of adequate visibility splays. The Consequential Amendment to Policy AMP 3 - Access to Protected Routes contained in Annex 1 of PPS 21 was considered.
- 8.20 Following an office meeting on the 17th April 2018 the agent submitted amended plans on the 1st May 2018. DFI Roads were re-consulted on receipt of these and have no objection to the proposed access arrangements. As the principle of development is acceptable under Policy CTY 1 and 8 of PPS 21 and as access cannot be reasonably obtained from an adjacent minor road, access is permitted to use the existing vehicular access onto a protected route. The proposal complies with Annex 1 - Consequential Amendment to Policy AMP 3 of PPS 3 contained in PPS21 and paragraph 6.297 of the SPPS.

Habitats Regulations Assessment

- 8.21 This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens Borough Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided that recommended mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

9.0 CONCLUSION

- 9.1 The proposal is considered to be acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal complies with the Strategic Planning Policy Statement and policy CTY 1 and 8 of PPS 21. Approval is recommended.

10 CONDITIONS

1. 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:-

- i. the expiration of 5 years from the date of this permission; or
- ii. 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.

2. 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"), shall 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.

3. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure the dwelling integrates into the landform.

4. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

5. The proposed dwelling shall have a ridge height no greater than 5.5 metres above finished floor level and a low angle of roof pitch not exceeding 35-40 degrees.

Reason: To ensure that the development is not prominent and satisfactorily integrates into the landscape in accordance with the requirements of the Strategic Planning Policy Statement for NI and Planning Policy Statement 21: Sustainable Development in the Countryside

6. The proposed dwelling shall have a maximum external gable width of 8.5 metres.

Reason: To ensure that the proposal is in keeping with the character of the rural area .

7. The design, materials and external wall finish of the proposed dwelling shall be in accordance with the Supplementary Planning Guidance to Planning Policy Statement 21 Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside. Details of all proposed external finishes and materials shall be submitted as part of the Reserved Matters.

Reason: To ensure that the proposal is in keeping with the character of the rural area.

8. No development shall take place until details of gates, fences, walls or any other proposed structures in addition to the proposed dwelling have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in keeping with the locality.

9. No development shall take place on the site until a landscaping scheme has been submitted to and approved by the Planning Authority showing
- details of all proposed soft and hard landscaping;
 - details of all existing and proposed site boundary treatments
 - all existing vegetation to be permanently retained

The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation.

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

10. A scale plan and accurate site survey at 1:500 (minimum) shall 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 dated 21st May 2018.

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

11. If, during the proposed development, any ground contamination is encountered then all works on the site shall cease. Causeway Coast and Glens Borough Council Environmental Health Department shall be informed and sufficient information to assess potential risks arising from the former use of the land shall be submitted to the Planning Authority in consultation with the Environmental Health Department. Any necessary mitigation / remediation measures shall be clearly specified. The above work should be undertaken by a suitably competent person/s and in accordance with current government guidance.

Reason: In the interest of public health.

12. There shall be no construction works including refuelling, storage of oil and fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. within 10 metres of the watercourse adjacent to the red line boundary of the site.

Reason: To protect the features of River Roe and Tributaries SAC from adverse effects.

13. There must be no discharges from the septic tank or soakaway towards the any watercourse; a buffer of 10m must be maintained between the septic tank and soakaway and any watercourse.

Reason: To protect the features of River Roe and Tributaries SAC from adverse effects.

14. All surface water run-off during the construction and operational phase shall be directed away from the watercourse on site.

Reason: To protect the features of River Roe and Tributaries SAC from adverse effects.

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. Foul Sewage Disposal

- Any septic tank or packaged waste water treatment unit should have adequate capacity for the no of proposed dwellings it is to service.
- Any septic tank or packaged waste water treatment unit should be constructed in accordance with BSEN 12566.
- The septic tank / packaged waste water treatment unit and drainage field should be installed in accordance with BS6297:2007.
- A minimum separation distance of 15m is recommended between the wastewater unit and nearest habitable dwelling. Discharge must not be within 50m of any potable water supply.
- A consent to discharge effluent must be obtained from Northern Ireland Environment Agency, as required by The Water (Northern Ireland) Order 1999 this may involve a percolation test. Application forms and further information is available from Northern Ireland Environment Agency, Water Management Unit. Tel No: 028 9262 3181, Fax: 028 9262 3120, E-mail: WaterInfo@daera-ni.gov.uk.

Demolition/Construction Noise Impact

BS 5228: 2009 in relation to construction activities states,

“Noise and vibration can be the cause of serious disturbance and inconvenience to anyone exposed to it and in certain circumstances noise and vibration can be a hazard to health.”

Therefore, Causeway Coast & Glens Borough Council’s Environmental Health Department would request that the following informative be attached to any Planning Permission granted:

“Noise from construction activities should –

- (a) not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB LAeq, 1hr between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and
- (b) not exceed 65 dB LAeq, 1hr between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and

(c) not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.”

Noise from Plant & Equipment

The applicant shall ensure that all plant and equipment used in connection with the proposal are so situated, operated and maintained as to prevent the transmission of noise and odour to surrounding sensitive receptors.

Dust

Suitable and sufficient dust mitigation measures shall be employed during site preparation and construction phases in order to obviate adverse impacts to nearby sensitive receptors.

Radon

The applicant should be aware that an updated Atlas of Radon Affected Areas in NI has been published in August 2015, via Public Health England. A radon affected area is defined as 1% probability or higher of present or future homes above the action level – 200Bq/m³ (annual average radon concentration). The applicant is strongly recommended to access the updated atlas at: <http://www.ukradon.org/information/ukmaps> and <https://www.gov.uk/government/publications/radon-indicative-atlas-for-northern-ireland>.

Further information regarding radon (How it affects you and Guidance with respect to what mitigation measures will be required to safeguard health) can be accessed from the Causeway Coast and Glens Borough Council website Health and Built Environment Department – Environmental Protection/Building Control sections accessed at: <https://www.causewaycoastandglens.gov.uk/live/health-and-built-environment/environment-health-and-well-being/environmental-protection>”.

*Building Regulations (NI) 2012 Guidance Technical Booklet C “Site Preparation and Resistance to Contaminants and Moisture, October

2012 : Section 3 provides further information on the level of protection required and directs to the Building Research Establishment (BRE Reports) which provide detailed guidance on protective measures relevant to new dwellings in NI).

Technical Booklet C can be accessed at: <http://www.buildingcontrol-ni.com/regulations/technical-booklets>

Note :The guidance in BR211 applies to all new buildings, extensions, conversions and refurbishment for domestic or non-domestic use (unless subject to local exemptions contained within the above Regulations).

The current 2015 edition of BR211 covers the whole of the UK and replaces three earlier guidance documents:

- BRE Report BR211 Radon: guidance on protective measures for new buildings – originally introduced in 1991 and amended in 1992, 1999 and 2007 covering England and Wales.
- BRE Report BR376 Radon: guidance on protective measures for new dwellings in Scotland – introduced in 1999. (Please note that whilst this guide has been superseded it is still referred to in Scottish Technical Handbook guidance.)
- BRE Report BR413 Radon: guidance on protective measures for new dwellings in Northern Ireland – introduced in 2001. (Please note that whilst this guide has been superseded it is still cited for Building Regulations purposes)

BR211 (2015) includes guidance for all building types including extensions, conversions and refurbishment. The report identifies the areas of England, Wales, Scotland and Northern Ireland where measures should be taken to provide protection against radon and offers extensive guidance on the technical solutions that are required to satisfy Building Regulations requirements.

Loss of Amenity due to proximity of existing farm building.

The applicant is advised that the proposed development is closely situated to existing agricultural outbuilding that appears to be under the applicant's ownership. Future occupants of the development may suffer intermittent disturbance and loss of amenity as a result of noise and odours arising from activities associated with the agricultural business.

Any future owners/occupiers are advised that recourse under statutory nuisance legislation relating to noise and odour from the existing farm business will be precluded to future owners/occupiers.

4. Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.
5. No Foul sewer within 20m of your proposal. The use of a Septic Tank, (on the basis of one for each dwelling) is subject to the written consent being obtained from Northern Ireland Environment Agency and the approval of the local District Council Environmental Health section. Where approval to use a septic tank disposal system is granted and the applicant wishes NIW to provide a periodic desludging service the applicant must complete the necessary 'Form of Agreement' and adhere to the construction conditions contained therein. Further information is available on www.niwater.com or call 08457 440088
6. No surface water sewer within 20m of your proposal.
7. Existing watermain crossing site. No construction to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, or 4m (or 1.5 times the depth whichever is greater) of watermains. A diversion may be necessary. Consultation with NIW is required at an early design stage.
8. DAERA: Water Management Unit advise the following:
Please refer to Standing Advice Note No. 1 – Single dwellings, No. 4 – Pollution Prevention Guidance and No. 5 – Sustainable Drainage Systems and 11. Discharges to the Water Environment. Where culverting is proposed as part of the development please refer to DOE Standing Advice Note No. 22 – Culverting.
https://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm
9. 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 Council or other statutory authority.
10. 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*). It is also an offence to intentionally or recklessly: 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 must 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. 028 905 69605

11. 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, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

Site Location Map

