

PLANNING COMMITTEE MEETING HELD WEDNESDAY 23 FEBRUARY 2022

Table of Key Adoptions

No.	Item	Summary of Decisions
	Chair	<i>Alderman Duddy nominated</i>
1.	Apologies	<i>Alderman Baird, Finlay, S McKillop; Councillors P McShane and Scott¹</i>
2.	Declarations of Interest	<i>Nil</i>
3.	Minutes of Planning Committee meeting held Wednesday 26 January 2022	<i>Confirmed</i>
4.	Order of Items and Confirmation of Registered Speakers	<i>Withdrawn - LA01/2021/1262/F, 117m N E 33 Castlenagree Road, Bushmills LA01/2020/0498/O, Lands 130m West of 57 Sheskin Road, Greysteel with access onto Upper Lane Road is deferred for a site visit</i>
5.	Schedule of Applications:	
5.1	LA01/2018/0570/F, Keady Quarry, 121 Broad Road, Limavady	<i>Agree and refuse</i>
5.2	Order of Items	<i>Application LA01/2021/0681/F, Gaelscoil Leim An Mhadaidh, 57 Church Street Limavady is deferred and site visit held</i>
5.3	LA01/2019/0772/F, Corkey Windfarm, lands located south of	<i>Agree and approve</i>

	Reservoir Road and East of Corkey Road approx 19km North of Ballymena	
5.4	LA01/2021/0933/F, Unit 12 & 13 and Front of Unit 17 Riverside Centre, Castleroe Road, Coleraine	<i>Agree and deferred</i>
5.5	LA01/2021/0122/F, 115m North of 46b Newmills Road, Coleraine	<i>Agree and approved</i>
5.6	LA01/2016/1267/RM, Lands to the rear of and including 183 Roemill Road and to the East of 175 Roemill Road, Limavady	<i>Agree and grant</i>
5.7	B/2012/0218/F300m South East Of 76 Altagarron Road, Dungiven	<i>Deferred for a site visit</i>
5.8	LA01/2020/0768/F, 35 Harbour Road, Ballintoy, Ballycastle	<i>Agree and deferred</i>
5.9	LA01/2018/1158/F, Approx 30m South East of 20 Glenariffe Road Glenariffe, Ballymena	<i>Disagree and approved</i>
5.10	LA01/2020/0752/F, Lands immediately South of, 8 Ballyhackett Lane Castlerock	<i>Disagree and approved</i>
5.11	LA01/2021/0334/O, Land fronting onto Dunlade Road between entrance to 21a Dunlade Road and 23a Dunlade Road, Greysteel	<i>Motion lost</i> <i>Agree and refused</i>
6.	Development Management and Enforcement	
6.1	Review of the "Protocol for the Operation of the Planning Committee"	<i>Agree - Approve and circulate reports 1 week prior to Planning Committee meeting</i>
7.	Correspondence:	
7.1	SONI – Consultation on Transmission Development Plan for NI 2021-2030	<i>Information</i>
7.2	NIAO – Media Release and Report – Planning in NI	<i>Information</i>
7.3	DAERA – Actions to Improve Planning Consultations Delays Response	<i>Information</i>

7.4	DC&SDC – dPS Proposed Changes Consultation – Council’s Response	Information
7.5	Dfl – Report on the Review of the Implementation of The Planning Action (NI) 2011	Information
	‘In Committee’ (Items 8-9 inclusive)	
8.	Confidential Items:	
8.1	Report for Noting Finance Period 1-9 2021 22 Update	Information
8.2	LDP Steering Group (Part 1) – Agreed Policies for SA-SEA	Agree - Note the contents of this report and agree the attached draft policies (Appendix 2) to proceed to Shared Environmental Services for SA/SEA.
9.	Legal Issues	Information
10.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	None

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND
VIA VIDEO CONFERENCE
ON WEDNESDAY 23 FEBRUARY 2022 AT 10.30AM**

Chair: Alderman Duddy (C)

Committee Members Present: Alderman Boyle (C), Finlay (C), McKeown (R)
Councillors Anderson (C), Dallat O'Driscoll (R), Hunter (R), McGurk (R), MA McKillop (R), McMullan (R), McLaughlin (R), McShane P (R), Nicholl (R) and Scott (C)

Non Committee Members In Attendance: Alderman Robinson (R), Councillor Callan (C)/(R),
Councillor Holmes (R), Councillor McCandless (C)

Officers Present: D Dickson, Head of Planning (C)
S Mathers, Development Management and Enforcement Manager (R)
S Mulhern, Development Plan Manager (R)
E Hudson, Senior Planning Officer (R)
C McKeary, Senior Planning Officer (R)
J McMath, Senior Planning Officer (R)
M Wilson, Senior Planning Officer (R)
J Lundy, Senior Planning Officer (R)
D J Hunter, Council Solicitor (R)
S O'Neill, Senior Planning Officer (R)
N Linnegan, Council Solicitor (R)
P Donaghy, Democratic & Central Services Manager (R)
S Duggan, Civic Support & Committee & Member Services Officer (C)
I Owens, Committee & Member Services Officer (C)

In Attendance: A Gillan, DfI Roads (R)

A Lennox, Mobile Operations Officer (C)
C Thompson (C)

Public 4 no. (R)
Press 1no. (R)

Key R = Remote C = Chamber

Registered Speakers in Attendance (R):

Item No	Name
LA01/2018/0570/F	N Bateson T Beattie A Harley D Harley J Hurlstone
LA01/2019/0772/F	O Kirk V Ferry S Sherry S Davidson
LA01/2021/0933/FF	A Stephens E Loughrey
LA01/2016/1267/RM	C Kearney Loughrey K Cartin T Bell
B/2012/0218/F	G Jobling
LA01/2020/0768/F	R Thickness M Colwell
LA01/2018/1158/F	C Cassidy
LA01/2020/0752/F	L Ross Councillor McCandless M Bradley MLA Councillor Holmes
LA01/2020/0498/O	G McPeake Mr O’Kane
LA01/2021/0334/O	T Lamb

The Head of Planning undertook a roll call of Committee Members in attendance.

CHAIR

The Head of Planning advised the Chair nor Vice Chair were in attendance, in accordance with Standing Order 6.3 invited Committee to appoint a Chair to preside over the meeting.

Proposed by Councillor Anderson
Seconded by Councillor Nicholl and

AGREED – that Alderman Duddy Chair proceedings.

Alderman Duddy assumed the Chair.

The Chair read extracts in relation to the Remote Meetings Protocol and reminded the Planning Committee of their obligations under the Local Government Code of Conduct.

1. APOLOGIES

Apologies were recorded for Alderman Baird, Finlay, S McKillop, Councillors P McShane and Scott. ¹

The Head of Planning advised Councillor Hunter was experiencing connection difficulties remotely.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 26 JANUARY 2022

Copy, previously circulated.

Proposed by Councillor McMullan

Seconded by Alderman Boyle

- That the Minutes of the Planning Committee meeting held Wednesday 26 January 2022 are confirmed as a correct record.

The Chair put the motion to the Committee to vote.

The Chair declared the motion carried.

RESOLVED – that the Minutes of the Planning Committee meeting held Wednesday 26 January 2022 are confirmed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Head of Planning advised Application LA01/2021/1262/F,117m N E 33 Castlenagree Road, Bushmills had been withdrawn.

¹ Alderman Finlay, Councillor P McShane and Scott later joined the meeting.

Proposed by Councillor Nicholl

Seconded by Councillor McGurk

- that application LA01/2020/0498/O, Lands 130m West of 57 Sheskin Road, Greysteel with access onto Upper Lane Road is deferred for a site visit, due to wishing to look at the boundaries and integration.

The Chair put the motion to the Committee to vote.

The Chair declared the motion carried unanimously and application deferred for a site visit.

RESOLVED - that application LA01/2020/0498/O, Lands 130m West of 57 Sheskin Road, Greysteel with access onto Upper Lane Road is deferred for a site visit, due to wishing to look at the boundaries and integration.

* **Councillor Scott arrived in The Chamber at 10.50am during consideration of the Item.**

5. SCHEDULE OF APPLICATIONS:

5.1 LA01/2018/0570/F, Keady Quarry, 121 Broad Road, Limavady

Reports and site visit report previously circulated, presented by Senior Planning Officer C McKeary.

App Type: Full Planning

Proposal: Retrospective application for extraction of basalt within existing quarry, retention of processing plant, weigh bridge, site offices and access road including a lateral extension incorporating wheel wash, realigned quarry access road, landscaping and full site restoration.

Recommendation

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 **REFUSE** planning permission subject to the reasons set out in section 10.

Addendum 1 Recommendation

That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to enable the Planning Department to further consider the points raised by the agent in support of the application

Addendum 2 Recommendation

That the Committee note the contents of the Planning Committee Report, Addendum, and Addendum 2 and agree with the recommendation to refuse the application.

Senior Planning Officer presented as follows:

- This is item 5.1 application reference LA01/2018/0570/F for retention of existing quarry works and proposed quarrying. (Slide)
- Keady quarry is located on Keady Mountain, north east of Limavady and the site falls within the Binevenagh AONB. The nearest main road is the Broad Road which is the A37 between Coleraine and Limavady.(Slide)
- This application is the subject of a report and 2 addenda and was previously presented at the August 2021 and January 2022 Committee Meetings.
- At the January 2022 meeting the Committee resolved to carry out a site visit which took place on Monday 21st February; site visit report circulated.

Introduction

- This is a major application due to the size of the site. The applicant has submitted a Proposal of Application Notice and has carried out the subsequent community consultation process. A voluntary Environmental Statement was also submitted along with the application and therefore an EIA Determination was not required.
- The detailed proposal is for the “Retrospective application for extraction of basalt within existing quarry, retention of processing plant, weigh bridge, site offices and access road including a lateral extension incorporating wheel wash, realigned quarry access road, landscaping and full site restoration” at Keady Quarry, 121 Broad Road, Limavady.”

Synopsis of Report

- This application met all policy requirements as laid out in the report except those required by DfI Roads regarding the access and visibility splays. (SLIDE)
- The access proposed is via the Keady Road onto the Ringsend Road where the junction is currently substandard and cannot be improved to meet the requirements. (Slide) There is another access from Keady Road onto Broad Road which is currently used by the quarry but the junction is more substandard and therefore not proposed for use within the application.

- The applicant considers that the modern roads standards, and therefore the required upgrades, cannot be applied because they have what is known as a fallback position.
- In this case the fallback position is purported to be a historical approval from 1979 that was previously taken up shown on the map outlined in red. (Slide). If this fallback position was accepted then the applicant could continue to use the accesses as they stand as part of that approval even though they are both substandard and the applicant would not need to make any improvements.
- However, as can be seen from the maps, at some point after this approval, quarrying commenced to the east and outside this red line. As can be seen, nearly all the quarrying is outside the approval red line. Also, the works within the approval site are mostly access roads constructed rather than actual quarrying. Planning considers that this historical approval was never actually lawfully implemented.
- It should be noted that between the August and January 2022 Committee meetings, the applicant had the opportunity to but declined to support their position that there was a lawful fallback position. They chose not to apply for a Certificate of Lawful Development Certificate, without which, the lawfulness of that development cannot be conclusively presumed.
- Based on this, there is no fallback position, and the current Roads standards should be applied.

Access & Fallback

- While the access from the quarry onto the Keady Road is satisfactory, the applicant is not able to achieve the required standards for the junction onto Ringsend Road which is where they propose to exclusively enter and exit the site. (Slide)
- DfI Roads consider that the junction onto Ringsend Road as it stands is substandard and no improvements are proposed within the application. DfI Roads have advised that 3rd party lands are required to achieve the standards and have recommended refusal as it would prejudice the safety and convenience of road users.

Conclusion

- There were 152 objections to the application and no letters of support. Consideration of objections is set out in the Committee report.

- The recommendation to the Committee is to note the contents of the Planning Committee Report, Addendum, Addendum 2, and the outcome of the site visit and agree with the recommendation to refuse this application.
- The refusal reason is that the visibility splays and forward sight distances proposed do not meet the required standards and would prejudice the safety and convenience of road users

N Bateson addressed committee in objection to the application.

N Bateson advised there was a lack of support for the application that had 152 Letters of objection and no letters of support. He stated the people of Limavady do not want it, it is highly visible in the Binevenagh AONB and there are no economic reasons for the development. The quarry has a life span of 5 years, attracting short term jobs and there is a safer alternative source of basalt available within six miles from the site and there was no compelling case for this. He stated that the impact assessment was predicated on another quarry. There will be blasting of a key site. On 15 November 2016 there was blasting at the site and nearby residents were not warned. He considered this to cause an earthquake and damage to local properties and water supply.

N Bateson stated that the change to the main exit is appreciated as the Ringsend Road has fast moving traffic and a significant accident could result in a fatality. A neighbour had a collision on the Ringsend Road, resulting in a serious injury. There are 20 tonne HGV movements with obstructions for the driver at both junctions. In 2017 the transport assessment submitted was based on a volume of 32 HGV per day and is an accident waiting to happen. DfI have stated the visibility splays are inadequate and third party land is required; the forward sight distance of 160m will not be achieved. The applicant has stated they have a fallback, the extant planning permission, but there is no realistic fallback. There is a serious risk to road users and it is alarming that they are using a dangerous access. The acoustic report uses predicted levels but should be using existing levels as already operating. Experience by residents living within 350m of the site is different from that predicted and experience significant noise levels. N Bateson informed committee of impact of noise on an immediate family member. The constant noise prevents the child from safely navigating around their home and garden. They had moved to a peaceful environment and considered the granting of this development to be against the Human Rights Act and remove the basic Right to peaceful enjoyment of their property.

The Chair invited T Beattie, A Harley, D Harley and J Hurlstone to speak in support of the application.

T Beattie addressed Committee, he advised the application is acceptable in all aspects except one, the road network. He advised the existing permission can utilise the lawful fallback position and if the fallback position is acceptable then they can operate. T Beattie advised Planning do not accept this. He referred to paragraph 8.14 of the Planning Committee Report which states that the majority of the quarry is outside the red line approval; this does not state all. T Beattie advised that works had commenced within the red line if the application site and therefore this protects this permission in perpetuity. For mineral application every shovel is a separate act of development. He stated that there are over 400 historic mineral consents in Northern Ireland, 58 of which are in CC&G BC area. He queried whether each operator in Causeway Coast and Glens would require a CLUD for their historic permission. He advised that he is content that the development is not subject to enforcement action and intend to continue to work the site. Sworn affidavits have been submitted and will appeal to the PAC. The quarry already has the use of the existing permission and there is no detriment to the highway. All traffic will be directed to the Ringsend Road for betterment and there will be full site restoration. Referring to the vegetation and crest, T Beattie referred to The Roads Order 1993 Section 8, that Roads should be maintaining the verge and has not been done, DfI have been aware of this and expressed concerns. Section 43 gives DfI Roads the power to make improvements and Section 49 to control vegetation to maintain visibility. The accident referred to did not involve HGV drivers, DfI Roads could confirm. To refuse would be misguided and inappropriate as the quarry already has permitted access and would be appealed, the application would benefit all road users.

In response to questions from Elected Members, J Hurlstone clarified the maintenance of the highway verges is DfI Roads responsibility. He advised the traffic volume varies day-to-day. The net gain would be highway safety. The Transport assessment stated there would be 32 return journeys per day between 7am-5.30pm; 16 on Saturdays.

In response to questions from Elected Members, T Beattie clarified that they are continuing to use the existing access as per 1979 permission. Development has commenced and every single shovelful is development and there is no enforcement. Correspondence from Council that they can only no longer develop within red line. So many quarries in Northern Ireland have historic permissions. The Case Law Planning refer to is where no planning permission ever existed. Planning permission already exists and there is no legal requirement to apply for a CLUD. The Application fee for CLUD would be £22,000 when already has permission. Planning permission is there and PAC will agree.

In response to a comment from an Elected Member, A Gillan Dfl Roads stated the landowner has responsibility at their boundary, Dfl maintain verges, and the hedge is the responsibility of the landowner. The earth embankment would be required to be taken down to 250mm above road level. Visibility splays and vertical alignment of the road is the concern as 160m forward site distance is not available due to the crest in the road for full visibility to be achieved. Accidents recorded are three road traffic accidents, two in 2018, a 3-vehicle collision, 1 casualty, no fatalities; he advised he was not aware of the accident with severe injuries referred to and was not suggesting it was as a result of quarry traffic. He was unaware of the detail and would imagine the visibility forward sight distance could be a contributing factor as well as speed.

Proposed by Councillor Anderson

Seconded by Councillor Scott

- 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 **REFUSE** planning permission subject to the reasons set out in section 10.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried and application refused.

RESOLVED- 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 **REFUSE** planning permission subject to the reasons set out in section 10.

* **Councillor Callan arrived in The Chamber at 11.22am and left at 11.30am during consideration of the item.**

5.2 ORDER OF ITEMS

The Chair ruled Councillor Scott could address Committee as Councillor Scott arrived late to the meeting due to the very heavy traffic in the town that morning.

Proposed by Councillor Scott

Seconded by Councillor Anderson

- That application LA01/2021/0681/F, (Gaelscoil Leim An Mhadaidh, 57 Church Street Limavady) is deferred and site visit held to see the existing entrance and pedestrian entrances off Scroggy Park in order to obtain a better idea of the layout.

The Chair put the motion to the Committee to vote.

The Chair declared the motion carried unanimously and application deferred for a site visit.

RESOLVED - That application LA01/2021/0681/F, (Gaelscoil Leim An Mhadaidh, 57 Church Street Limavady) is deferred and site visit held to see the existing entrance and pedestrian entrances off Scroggy Park in order to obtain a better idea of the layout.

5.3 LA01/2019/0772/F, Corkey Windfarm, lands located south of Reservoir Road and East of Corkey Road approx 19km North of Ballymena

Reports, previously circulated, presented by Senior Planning Officer C McKeary.

App Type: Full Planning

Proposal: The Repower of the existing Corkey Windfarm comprising the following main components; (i) Decommissioning of the existing 10 turbines (ii) Removal and restoration of the existing substation building and compound (iii) Removal and restoration of the other redundant infrastructure (iv) 5 No. wind turbines with an output of around 29.9MW (v) Construction of approx 1.955km of access tracks; (vi) Upgrade of approx 2.095km of access tracks; (vii) Construction of temporary and permanent hardstanding areas for each turbine to accommodate turbine component laydown areas, crane hardstanding areas and external transformers and/or switchgears; (viii) 3 temporary construction compound/laydown areas; (ix) Turning heads and passing places incorporated within the site access infrastructure; (x) New Road Junction with Reservoir Road; (xi) Meteorological Mast; (xii) Substation with roof mounted solar panels, and associated compound, including windfarm and grid connection operating equipment; (xiii) and all associated ancillary works.

Recommendation

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 set out in section 10.

Erratum recommendation

That the Committee note the contents of this Erratum and agree with the recommendation to approve² the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

² Typing error corrected at the meeting to state 'approve'.

Senior Planning Officer presented as follows:

- Application reference LA01/2019/0772/F, major planning application for the Repowering of the existing Corkey Windfarm. The repowering includes the removal of the existing 10 turbines which are 57m high and their replacement with 5 turbines which will be 137m high to tip
- The detailed proposal is for the “The Repower of the existing Corkey Windfarm comprising the following main components; (i) Decommissioning of the existing 10 turbines (ii) Removal and restoration of the existing substation building and compound (iii) Removal and restoration of the other redundant infrastructure (iv) 5 No. wind turbines with an output of around 29.9MW (v) Construction of approx 1.955km of access tracks; (vi) Upgrade of approx 2.095km of access tracks; (vii) Construction of temporary and permanent hardstanding areas for each turbine to accommodate turbine component laydown areas, crane hardstanding areas and external transformers and/or switchgears; (viii) 3 temporary construction compound/laydown areas; (ix) Turning heads and passing places incorporated within the site access infrastructure; (x) New Road Junction with Reservoir Road; (xi) Meteorological Mast; (xii) Substation with roof mounted solar panels, and associated compound, including windfarm and grid connection operating equipment; (xiii) and all associated ancillary works.(SLIDE)
- The site is located approx. 18km north of Ballymena on the western periphery of the Antrim Hills. The site is the existing operational Corkey Windfarm which comprises ten turbines at 57m in height. The site is just outside the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB). It sits to the south of Reservoir Road and East of Corkey Road. Loughuile is to the South West (SLIDE)
- The application is now the subject of a Planning Committee Report and 1 erratum with recommendation to approve. 1 objection and 6 letters of support have been received.

Synopsis of Report

- Renewal energy such as wind farms are dealt with under policy PPS18 where there is a presumption in favour of these projects subject to meeting certain criteria.
- The application has met all the required planning policies regarding, impact on the public, safety, human health, residential amenity, visual

amenity, landscape character, biodiversity, nature conservation, and local natural resources.

Public safety, human health, or residential amenity;

- The nearest turbine to a public road is turbine T3 which is at least 700m from the edge of Reservoir Road.
- There are 3 residential properties within the 10 times rotor diameter separation distance of 1250m, these are No. 21 Reservoir Road, approximately 770m from the nearest turbine, No. 42 Reservoir Road, approximately 988m from the nearest turbine and No. 15 Reservoir Road, approximately 1052m from the nearest turbine. Although less than the recommended 1250m, these reduced separation distances are acceptable. This is in light of a Planning Appeals Commission ruling on application LA01/2017/1654/F (appeal ref: 2018/A0199) Armoys windfarm, which is within the Council area, where the PAC accepted a separation distance of 623m when the 10 times rotor diameter separation distance was 998m.
- The proposed access to the windfarm is to be located on Reservoir Road which is not a Protected Route. DfL Roads have advised that a detailed programme of works and traffic management proposal be agreed prior to commencement of development

Human Health

- Environmental Health were consulted, as the competent authority on human health and have not raised any objections on these grounds.
- Environmental Health (EHO) have assessed the proposal and have no objection to the predicted noise levels at any of the receptor locations. EHO are content with the proposal, subject to conditions being applied in the event of an approval

Residential Amenity

- As No. 15 Reservoir Road has large windows on the north eastern side of the house, which is the elevation which faces the windfarm site, there is the potential for shadow flicker but the effects are likely to be low, and may not be experienced at all. It should also be noted that this dwelling has been confirmed as having a financial interest in the windfarm. (SLIDE)

Visual Amenity

- As part of the Environmental Statement a series of photomontages were submitted to show the indicative visual setting of the proposed

development from a range of viewpoints (VP) in the near and wider landscape.

- The most critical views in respect of the visual impact of the development are from north to south on the western side of the development. (SLIDE)
- From a number of western viewpoints the development will appear as a prominent and skyline feature. The views selected for the presentation, show both long and close views of the proposal. Reservoir Rd (VP3), (Slide) Altnahinch reservoir (VP6) (Slide), Altnahinch Road, north (VP12) (Slide)
- In considering the proposal the Planning Department consider that the proposed development would have a significant visual impact on, especially when viewed from relatively close proximity to the site. However, it is considered that the increase in visual impact when compared with the operational windfarm which currently occupies the site is not of a scale to merit refusal.

Biodiversity, nature conservation

- The Environmental Statement has assessed the impact of the development on designated sites, habitats and species through conducting extensive survey works and has provided mitigation measures to avoid significant adverse impacts.
- A range of mitigation measures are proposed to minimise impacts on the habitats where possible such as Construction Environment Management Plans, while the draft Habitat Management Plan (HMP) sets out the objectives for the management of the site
- NIEA is satisfied that the development is unlikely to have a significant adverse impact on any of these species at a local or regional population level providing appropriate mitigation measures are implemented as outlined in the Environmental Statement
- A number of protected bird species and bats were recorded within the survey area including Snipe, Hen Harrier, Red Grouse, Buzzard, Sparrowhawk, Kestrel, Curlew, and Merlin. The surveys have concluded that the proposed development will not have any significant impact on bird and bat populations or their habitats.

Local natural resources

- Environmental Statement assess the impacts of the development on hydrology, hydrogeology, geology and peat. The statutory consultee is content with the detailed mitigation measures described in the Decommissioning and Construction Environment Management Plan, Water Construction Environment Management Plan, amended draft Habitat Management Plan and Peat Management Plan.
- It is recommended that the Committee notes the contents of the report, and the Erratum, and agree to approve the application.

Senior Planning Officer clarified the erratum should have said 'approve' and corrected the typing error.

The Chair invited O Kirk, V Ferry, S Sherry and S Davidson to address Committee in support of the application.

O Kirk advised she was the Agent on behalf of Scottish Power, had worked with Officers and thanked them for their work and agreed with the recommendation to approve and amended Conditions. O Kirk stated the development is acceptable, there are no adverse effects, no need for scrutiny of environmental matters, and is of economic benefit and benefit to the environment. O Kirk set out the NI net zero agenda and decarbonisation net zero by 2030. She advised of NI Executive statistics for 2020, 46% total electricity in Northern Ireland was renewable energy, 83% wind energy, the Corkey Wind Farm 20 megawatts and is important it continues.

V Ferry addressed Committee in support of the application she set out the economic and social benefits and advised Scottish Power operated in Corkey from 1994, had a skilled workforce and contracts, continued to support businesses to build a skilled base. V Ferry set out the economic developments contributing to jobs and the economy, support local groups and industry needs in the community long term. She stated there are letters of support with the application and others, which were listed. Habitat Management of 9.4 hectares of peatland would assist N Ireland decarbonisation repowering would result in five times the annual output.

No questions were put to the speakers.

Proposed by Councillor McLaughlin

Seconded by Councillor MA McKillop

- 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 set out in

section 10.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour

The Chair declared the motion carried and application approved.

RESOLVED - 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 set out in section 10.

* **The Chair declared a recess at 11.51am for 2 minutes.**

The meeting reconvened at 11.57am.

The Chair advised Committee there was an additional Speaker registered for LA01/2020/0752/F, Lands immediately South of, 8 Ballyhackett Lane Castlerock The Mayor, Councillor Holmes.

5.4 LA01/2021/0933/F, Unit 12 & 13 and Front of Unit 17 Riverside Centre, Castleroe Road, Coleraine

Reports, additional information received previously circulated, presented by Senior Planning Officer S Mathers.

App Type: Full Planning

Proposal: Proposed amalgamation of Units 12 & 13 to be used for a convenience store. External elevational changes, canopy and additional car parking and servicing arrangements and general site works.

Recommendation

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 set out in section 10.

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to enable the Planning Department to obtain a revised retail impact assessment from the applicant with (if applicable) a revised alternative site selection assessment. This recommendation supersedes that set out in Paragraph 1.1 of the Planning Committee Report.

Senior Planning Officer presented as follows:

- The proposal comprises the use of two existing retail units for convenience (principally grocery) retailing together with additional and reconfigured car parking. The retail units were approved in 2008 as solely for the use of “bulky goods” type retailing.
- In terms of the Northern Area Plan 2016, the site is located on unzoned or “white land” within the settlement development limit of Coleraine. The site is located outside and displaced from Coleraine Town Centre. The Northern Area Plan 2016 requires that development at Riverside Regional Centre is complementary to, rather than competing with town centres and that it does not adversely affect the vitality and viability of the latter.
- This is a major application so it was preceded by a PAN. The application was accompanied by the submission of a community consultation report. In addition, as a major application, it was accompanied by a Design and Access Statement.

Main Issues

- The lead policy to assess the proposal is the retailing section within the SPPS. This provides the principal tests of an assessment of retail impact, retail need and alternative site selection starting with the town centre.
- Retail Impact- As the proposal comprises over 1000 square metres gross floorspace (in this case 1600 square meters approximately), it required the submission of a retail impact assessment. This concluded that the retail impact on convenience retailing in Coleraine Town Centre to be less than 2%. Our assessment of retail impact has included the scenario where the existing Marks and Spencer store in The Diamond were to close. While this results in the retail impact being higher, it is not considered to be “significantly adverse” to warrant refusal. However, given the position set out in the Addendum, the retail impact of the proposal requires reassessment.
- Retail Need- The report undertaken by Nexus Planning on behalf of the Council identified that there is a surplus of expenditure to support additional convenience floor space. Therefore, there is potential capacity in Coleraine for new convenience retailing such as that presented by the proposal.
- Alternative Sites- Alternative sites to potentially accommodate the proposal have been reviewed by the Planning Department. These include some car parks identified as “Opportunity Sites” in the Northern Area Plan 2016, the Diamond Shopping Centre and the former JJB Sports premises

at Hanover Place. All of these have been discounted as being not suitable, available or viable for the proposal. However, given the position set out in the Addendum, alternative sites may require reassessment.

- Car Parking- The proposal includes the provision of additional car park spaces and further “accessible” car parking for people with disabilities and children. Overall, there shall be a net increase of 8 car park spaces.
- Conclusion- The recommendation, as amended by the Addendum, is to defer the application.

Proposed by Alderman Boyle

Seconded by Councillor Scott

- That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to enable the Planning Department to obtain a revised retail impact assessment from the applicant with (if applicable) a revised alternative site selection assessment.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried and application deferred.

RESOLVED -That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to enable the Planning Department to obtain a revised retail impact assessment from the applicant with (if applicable) a revised alternative site selection assessment.

5.5 LA01/2021/0122/F, 115m North of 46b Newmills Road, Coleraine

Reports, previously circulated, presented by Senior Planning Officer J Lundy.

App Type: Full Planning

Address: 115m North of 46b Newmills Road Coleraine

Proposal: Single storey support building and shelter for 12 bay golf driving range. Alteration to boundaries & landscape of existing field to convert to driving range and small practice putting green. Parking on existing hardstanding. Alteration to agricultural access to provide access to parking.

Recommendation

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 set out in section 10.

Senior Planning Officer presented as follows:

- LA01/2021/0122/F is located off the Newmills Road outside Coleraine and within the rural area.
- The proposal is for a 12 bay golf driving range, small practice green, parking and single storey support building.
- As a major application a PAN was submitted detailing the community consultation procedures. The Community consultation report was submitted with the application. No amendments were made to the scheme following the process. No representations were received during the processing of the application.
- The site is located within the rural area to the north of an existing caravan park. The relevant planning policies for consideration are set out in section 7 of the Planning Committee Report. PPS 8 is the main policy for open space sport and outdoor recreation and is therefore relevant. Policy OS 3 sets out several criteria which the proposal meets. Though the site is within a consultation zone for an archaeological site and monument, HED have no objection. The site is also bounded to the west by an open water course and there is no considered adverse impact on the conservation objectives or natural heritage.
- The proposed development is mainly contained to the south west corner. The proposed buildings will be mostly screened from public view by the adjacent farm buildings.
- The direction of the driving range and location of 3rd party dwelling 77 m to the east. It is not considered that the proposal will have any adverse impact on their amenity due to distance and orientation.
- The layout of the driving range and ancillary building.
- The proposed driving range and ancillary building. As can be seen from the slide, the design is reflective of the agricultural buildings in the locality with simple design reflected in the barrel roof and narrow gable of the building and low mono pitch roof of the driving range. The materials proposed are also in keeping with the countryside location.
- View of the car park and ancillary building which includes a retail space, office, store and toilets. A condition has been proposed restricting the retail. Condition 10 should read as "the goods for sale shall be restricted

to golf merchandise and refreshments solely for the patrons of the approved driving range”.

- View from the Newmills Road. The site is to the rear of the caravan park. The site is well integrated with limited public views and will not have a detrimental impact on rural character.

Proposed by Councillor Anderson

Seconded by Councillor Scott

- That the Committee has taken into consideration and agree 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 set out in section 10.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried and application approved.

RESOLVED - 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 set out in section 10.

5.6 LA01/2016/1267/RM, Lands to the rear of and including 183 Roemill Road and to the East of 175 Roemill Road, Limavady

Reports, previously circulated, presented by Senior Planning Officer S Mathers.

App Type: Reserved Matters

Address: Lands to the rear of and including 183 Roemill Road and to the East of 175 Roemill Road, Limavady, Co Londonderry, BT49

9EX Proposal: Erection of 144 No. dwellings with associated new road system and landscaping

Recommendation

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 GRANT reserved matters consent subject to the reasons set out in section 10.

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report.

Erratum Recommendation

That the Committee note the contents of this Erratum and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report.

Addendum 2 Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report and subject to the conditions listed, which are amended as appropriate, at Section 4 below.

Erratum 2 Recommendation

That the Committee note the contents of this Erratum and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report.

Verbal Addendum

A further representation of objection has been received from an elected member of the Council. This requests that the scheme is amended so that there is no development west of the main development road that runs north-south through the site.

The position of the Planning Department is that the buffer to Laurel Lane, as amended, is acceptable and that further set back of development is not required.

The Agent has prepared a submission regarding the increase in the buffer depth to Laurel Lane relative to that presented at the previous meeting of the Planning Committee in October of last year. They compare this with the concept plan approved at outline stage and state that it is in accordance with this.

An objector has provided photographs of the new housing development constructed recently on an adjacent site. He comments on the distance from which the photographs were taken. In addition, the objector provides photographs of Laurel Lane.

Senior Planning Officer presented as follows:

- This is one of three reserved matters applications (this being the final live one) for housing developments in the general location of the former Gorteen House Hotel, Limavady. 144 dwellings are proposed in this application.
- While this is a major application, it was not required to be submitted after a PAN with community consultation as the associated outline application was submitted under the former planning system. The outline permission for the totality of the site was approved in 2011.
- The scheme provides for a mix of house types comprising 50 detached and 94 semi-detached units. While the majority of house types are two storey, some 1 ½ storey units are proposed. In addition, the scheme provides 5 main areas of open space and 2 local areas for play.
- In terms of the Northern Area Plan 2016, the site is within the settlement development limit of Limavady. Most of the site is within housing zoning LYH 12. Therefore, the principle of housing is acceptable.

Main Issues

- Context & Character- The proposed density averages 19.5 units per hectare. The form is reflective of the established suburban character in the area and reflects that in the approved schemes to the east.
- Heritage & Landscape Features- HED are satisfied that development can proceed subject to a developer-funded programme of archaeological work. Significant trees are located mainly along the site boundaries and are subject to a Tree Preservation Order (TPO). The proposal has been designed to take account of the existing landscape features and proposes to retain most existing trees. This amended proposal provides a substantial buffer along Laurel Lane to the Roe Valley Park with the depth increased to between 17- 22 metres.
- Open Space- 11.5% of the site is identified as open space. This exceeds the required area of 10%. While over 100 units are proposed, an equipped children's play area is to be provided to the immediate south of this site as part of scheme approved in 2019. 2 local areas for play are provided within the open space areas. All plots provide adequate private amenity space.
- Access & Parking- In curtilage car parking is provided for the dwelling units. DfI Roads is content with the overall layout. The developer has entered into a legal agreement with DfI Roads regarding financing roads improvements required to facilitate the development outside the site. One

of these is provision of a right turn lane off Roemill Road from which the site will be accessed.

- Relationship with other Properties- By reason of the specific design and separation distances, the relationship with approved and proposed dwellings is acceptable. The specific design features include the careful location of windows.
- Sewage Connection- NI Water has advised that the public sewer located with Ballyquin Road cannot serve the development. This needs to be upgraded. To allow this upgrade to take place, an extended timeframe for the commencement of development is provided along with a condition limiting the extent of works that can take place until the upgrade or alternative provision is provided. This is considered appropriate in the circumstances.
- Representations- The detail of these is provided in the report.
- Conclusion- The proposal is considered acceptable and the recommendation is to approve.

The Chair invited C Kearney Loughrey to address Committee in objection to the application. C Kearney Loughrey thanked Committee for the opportunity to speak, he advised he was in objection to the application and not opposed to providing housing in principle. He stated objection to the scale and proximity to Laurel Lane, town access to the Country Park, an area unlike the development to the East nestled on the border of the Country Park and Woods, a natural beauty. C Kearney Loughrey stated the urbanisation of the stretch of the Country Park destroys the character. In 2021 the application was redesigned to include the buffer. The resubmitted amended layout paid lip service and there was not an understanding of a significant buffer, 9m was not significant visually in the environmental importance of Laurel Lane and there had been no attempt to reduce the number of units, but to increase housing density.

C Kearney Loughrey referred to photographs of a local housing development to the East, a distance of 17m-20m and the second image a distance taken of 60m-70m; the area the same distance from Laurel Lane. The line of natural boundary generated by the third party landowner, dense indigenous trees planting without pedestrian linkage to Laurel Lane. The character of Laurel Lane will change with increased footfall areas, anti-social behaviour and litter. The proposal mitigates sustaining the legacy of local area and natural beauty and irreversibly effect the character of Laurel Lane and neighbouring land of the Country Park. The Roe Valley Country Park has a dynamic eco system, a valuable asset to town. The Roe Valley Country Park group protects the area.

The principle to protect society from something special and not something new. It is of historical importance to protect the integrity, environment and Country Park and Laurel Lane and for this to be safeguarded. A large housing development would adversely affect it.

The Chair invited K Cartin and T Bell to speak in support of the application. T Bell stated the sole issue the buffer depth. He acknowledged a minimum 17m planting was in accordance with the Outline Planning Permission and exceeds planning policy by 7m requirement. T Bell rejected an additional increase as envisaged by the objector, was unreasonable and irrational. T Bell stated departing from the outline planning permission and not in accordance with concept plan. He stated assertion would have adverse impact and was untenable. The Reserve Matters application, amendments made in accordance with the outline Planning Permission and Northern Area Plan have been endorsed by Consultees and Committee are invited to endorse.

* **Councillor Hunter joined the meeting at 12.33pm.**

Proposed by Councillor McGurk

Seconded by Councillor Nicholl

- 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 GRANT reserved matters consent subject to the reasons set out in section 10; subject to the conditions listed, which are amended as appropriate, at Section 4.

The Chair put the motion to the Committee to vote.

The Chair declared the motion carried unanimously and application granted.

RESOLVED - 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 GRANT reserved matters consent subject to the reasons set out in section 10; subject to the conditions listed, which are amended as appropriate, at Section 4.

* **Councillor P McShane arrived at the meeting at 12.13pm and left at 12.19pm during consideration of the Item.**

* **Councillor McCandless arrived in The Chamber at 12.33pm.**

The Chair advised Committee would break for lunch after the next Item.

5.7 B/2012/0218/F300m South East Of 76 Altagarron Road, Dungiven

Reports, previously circulated, presented by Senior Planning Officer S Mathers.

App Type: Full Planning

Proposal: Tourist retreat facilities to include Open farm with 'Noah's Ark' theme visitor building to house animals, café, kids play area and meditation / multi-function rooms.

Recommendation

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 REFUSE planning permission for the reasons set out in section 10.

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report and the reason outlined in Part 10.

Senior Planning Officer presented as follows:

- While this is a major application, it was not required to be submitted after a PAN with community consultation as it was submitted under the former planning system.
- The scheme proposes the key elements of: the “ark” structure for animal accommodation, meeting, exhibition and café accommodation; a car park; picnic area; allotments; small open farm and demonstration areas.
- In terms of the Northern Area Plan 2016, the site is located in the open countryside, beyond any settlement development limit. The Northern Area Plan does not contain specific policies on tourism development, rather directing that regional policies apply.

Main Issues

- **Principle of Development:** It has not been demonstrated that the proposal meets the criteria for either a tourist amenity in the countryside or for “major tourism development” in the countryside under PPS 16 Tourism. Specifically, it has not been demonstrated that: the proposal (having regard to the open farm element comprising less than 1 acre) requires a countryside location; that the proposal as amended provides an exceptional benefit to the tourism industry and; that it will provide a sustainable benefit to the locality, principally due to its lack of accessibility.

- Access & Parking- The site is located on the narrow Altagarron Road which is linked to the A6 Glenshane Road via two other minor roads. The Transport Assessment indicates that on a busy day there could be 252 vehicles, excluding coaches and minibuses attending the site. The standard of the existing road network simply cannot accommodate a proposal of this scale.
- Relationship with other Properties- The car park element of the proposal is close to several dwellings, with the nearest third party dwelling located 35m away. This has the potential to cause unacceptable disturbance to these properties.
- Natural Heritage- The site is linked to the River Faughan SAC and appears to contain priority habitat which may host protected species. It has not been demonstrated how the proposal is acceptable regarding natural heritage interests including sewage disposal.
- Archaeology- As an archaeological impact assessment has not been provided, it has not been demonstrated how the proposal is acceptable regarding archaeology interests.
- Representations- The detail of these is provided in the report.
- Conclusion- The proposal is considered unacceptable and the recommendation is to refuse.

Senior Planning Officer advised A Gillan DfI was in attendance for the Item.

The Chair invited G Jobling to speak in support of the application. G Jobling stated she was shocked at the recommendation for refusal and had not been raised with her prior. The material principle was tourism benefit, nestled into the countryside, a unique faith and eco-tourism application. The proposal meets the policy for Farm Diversification, policy TS4 of PPS 16 and consideration of the SPPS and is a positive economic development, would bring £20m to the local economy and meet the Tourism Strategy for Council.

G Jobling outlined three core elements to the Noah Arc Visitor Centre, nestled into the wider landscape, interpretation of Bible stories and unique over two floors, an interactive timeline of Christianity and non-denominational, an indoor area and outdoor facilities, Auditorium, smaller petting zoo, visitor Car park and Outdoor facilities. The range of tourism and beauty of the Sperrin's and the Business Plan support the economically sustainable project which would reach 800 Christian Churches globally into North America and stated the turnover in years 1 and 2 with 25 employees rising to 30 employees. Under policy TSM4

she considered the development to be of exceptional benefit, requires a countryside location and meets all requirements and Tourism Strategy.

In response to questions from Elected Members, G Jobling outlined the location of the 12 passing bays on the road and the land owned by the applicant. The Ballyhanedin Road had previously been widened, there is passing and intervisibility, there had been no further discussion with DfI Roads and there were capabilities to enhance the entrance.

Proposed by Councillor McGurk

Seconded by Alderman Boyle

- That Application B/2012/0218/F300m South East Of 76 Altagarron Road, Dungiven is deferred and site visit held in order to see the application site in its context to consider the issues raised.

The Chair put the motion to the Committee to vote.

Councillor Nicholl was unable to speak to cast his vote.

The Chair ruled Councillor Nicholl could place his vote into the MS Teams chat facility.

Committee voted unanimously in favour.

The Chair declared the motion carried and application deferred for a site visit.

RESOLVED - That Application B/2012/0218/F300m South East Of 76 Altagarron Road, Dungiven is deferred and site visit held in order to see the application site in its context to consider the issues raised.

- * **Civic Support & Committee and Member Services Officer left the Chamber at 1pm.**
- * **Committee and Member Services Officer arrived in The Chamber at 1.55pm.**

The Head of Planning undertook a roll call

5.8 LA01/2020/0768/F, 35 Harbour Road, Ballintoy, Ballycastle

Reports, previously circulated, presented by Senior Planning Officer J McMath.

App Type: Full Planning

Proposal: Replacement Dwelling

Recommendation

That the Committee has taken into consideration and agrees

with the reasons for 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 set out in section 10.

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report.

Senior Planning Officer J McMath advised all information pertinent to application had not been subject to public consultation and sought a deferral to allow public consultation.

Proposed by Alderman Finlay
Seconded by Councillor Hunter

- That Planning Committee notes the contents of the report, the Addendum and agree to defer the application pending the response from the consultees.

The Chair put the motion to the Committee to vote.

12 Members voted For; 0 Members voted Against.

The Chair declared the motion carried and application deferred.

RESOLVED – That Planning Committee notes the contents of the report, the Addendum and agree to defer the application pending the response from the consultees.

* **Councillor Nicholl could not be contacted during the vote.**

5.9 LA01/2018/1158/F, Approx 30m South East of 20 Glenariffe Road Glenariffe, Ballymena

Reports, site visit report previously circulated, presented by Senior Planning Officer, E Hudson.

App Type: Full Planning

Proposal: Retrospective planning application for retention of 2 No. farm Storage Sheds.

Recommendation

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 REFUSE outline

planning permission for the reasons set out in section 10.

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report and the reason outlined in Part 10.

Addendum 2 Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report and the reason outlined in Part 10.

Addendum 3 Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report and the reason outlined in Part 10.

Addendum 4 Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report and the reason outlined in Part 10.

Senior Planning Officer E Hudson, presented as follows:

- (Slide) Planning Application LA01/2018/1158. This is a full retrospective application for 2 farm storage sheds – one L Shaped and open sided the other closed with a gabled roof. The site is located at land approximately 30m SE of 20 Glenariffe Rd, Glenariffe.
- The application was deferred at the January Committee to allow the submission of additional information which has now been submitted.
- There are 4 separate addendum to accompany the main committee report.
- Addendum 1 provides an update on a recent PAC decision which relates to the buildings which are the subject of this application. In this decision the Commissioner upheld the Enforcement Notice requiring the removal of the sheds.
- Addendum 2 relates to photographs submitted by the agent of the sheds on site.

- Addendum 3 relates to additional information submitted by the agent relating to farming activity and flock numbers.
- Addendum 4 provides clarification in relation to the status of the long-established sheds on site.
- A site visit was previously held at this site in January and report circulated.
- (Slide) The red line boundary of the site. The site is located in the countryside as defined in the Northern Area Plan and is also located within the Antrim Coast and Glens AONB. The Northern Area Plan does not contain specific policies on agricultural development, rather directing that regional policies apply.
- (Slide) The site layout drawing. The buildings in pink are the long-established existing buildings on the farm which includes the applicants dwelling on the opposite side of the road to the site. The yellow L shaped building and the larger yellow rectangular building to the rear of the site are the buildings subject to this application.
- (Slide) This is an overview of the applicant's farmland. The applicant has a farm holding of 6.1 hectares and a herd number of 16 cattle and has advised that the applicant also has a flock of 45 sheep and grazes these sheep on common ground at Lurigthean mountain. The farm business ID has been active and established for more than 6 years.
- The lead policy to assess this proposal is Policy CTY 12 of PPS 21 and requires that proposals for new agricultural sheds should be necessary for the efficient use of the agricultural holding and that there are no suitable buildings on the farm which could be used. In this case the holding is small at approximately 6 hectares (approx. 15 acres) and there is already approximately 400 sq m of established shed accommodation available. It has not been demonstrated how a further 557 sq m of shed accommodation is necessary to meet the needs of such a small farm holding.
- The PAC in their decision on the enforcement notice also considered that given the small scale of the applicant's farm holding that the buildings were likely used at that time for storage associated with the applicant's construction company.
- There have been 3 objections to the application from one neighbouring property. The points raised are outlined in Part 5 of the Committee report.

- (Slide) The access into the site from the Glenariffe Road.
- (Slide) Looking down into the site from the access. The levels drop towards the rear of the site with the buildings subject to this application sitting at the lower parts of the site.
- (Slide) Building located closest to the road and contains a number of animal pens.
- (Slide) Another existing building.
- (Slide) This building is open fronted and contains amongst other things a telehandler, some scaffolding equipment and a number of ladders.
- (Slide) Building with a roller door at the front is another established building.
- This long L Shaped building which is open to the yard. This comprises various items including boxes, flat bed lorry, round bales and a quad.
- (Slide) This is the other rectangular building. This is semi constructed. This building contained a tractor trailer, slurry tanker, some round bales with a digger and some blocks outside it.
- (Slide) While the principle of development has not been established, the shed is otherwise acceptable with regard to the other main issues of: the farm business details, integration, rural character, access, residential amenity and natural heritage. The sheds would only be acceptable on the basis that they are for storage purposes only and that no livestock will be accommodated within them.
- Refusal is recommended for the reason outlined in Part 10 of the Committee report.
- The agent provided supporting information to justify the need for the sheds which was for winter fodder, secure machinery storage and shelter for animals. The justification for the need for the sheds for the housing of animals is unfounded as the description stated that the buildings are for farm storage not for livestock. DAERA and SES have advised that the site is hydrologically linked to a number of designated sites and would only be content with the proposal if it was conditioned not to be for the housing of livestock or the storage of litter/manure or slurry. In terms of

the requirement for the storage for winter fodder and machinery it is considered that the level of buildings currently authorised on site are adequate to serve a farm holding of this scale.

In response to Elected Member questions, the Senior Planning Officer advised that even if the buildings were for storage only it was unacceptable as the sheds in situ were sufficient for current storage requirements.

The Senior Planning Officer provided further clarity that no accommodation was permitted for livestock as is contrary to habitat regulations and would have an unacceptable impact on the designated sites.

The Chair invited C Cassidy to address the Committee in support of the application.

C Cassidy addressed the Committee in support of the application as follows:

- The Applicant is confirmed as having an active and established farm holding for 6 years and receives single farm payments;
- Seeking retention of 2 partially built sheds;
- Current 3 buildings are in poor repair;
- Additional storage required for a cattle trailer, digger, baler, link box, slurry tanker all of which are owned by the applicant for which proof of purchase can be supplied;
- Adverse weather adversely affects machinery subject to the elements in this area;
- Storing equipment at this roadside location is easy target for theft and sheds would prevent and/or reduce theft;
- The Application meets with landscape character and integration requirements and has no detrimental effect on neighbouring buildings;
- There is a possibility of hardship for the applicant should the application not be granted;
- The Application is solely for the use as presented and a request for reconsideration of the recommendation to refuse on the above grounds.

In response to questions from Elected members, C Cassidy advised the applicant had 8 hectares owned and a share of ground for common grazing in the region of several 100 acres on mountain land.

At the request of an Elected Member the Senior Planning Officer advised the shared use of extra lands did not alter the recommendation on this application as it was considered the 3 current sheds with 400 sq m, including animal pens, was sufficient for the size of the farm.

The Head of Planning confirmed that the share of common ground for grazing is a material consideration and the description of the application are for storage purposes only and not the housing of animals.

Proposed by Alderman Finlay

Seconded by Councillor McLaughlin

- That the Committee has taken into consideration and disagrees 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 outline planning permission for the following reasons:

- There is a need for additional storage for equipment and machinery which needs to be stored somewhere;
- Consideration is given to the shared grazing aspect of the applicants' holding;
- PAC decision was for different use.

The Head of Planning advised Planning Committee that the need for storage had been fully considered in the report and there is already 400sqm of agricultural buildings.

Councillor Hunter requested a Recorded Vote.

The Chair put the motion to the Committee to Vote.

7 Members voted For; 6 Members voted Against; 0 Members Abstained

The Chair declared the motion carried and application approved.

Recorded Vote table

For (7)	Alderman Finlay, Boyle
	Councillors McGurk, MA McKillop, McLaughlin, McMullan, Nicholl
Against (6)	Alderman Duddy, McKeown
	Councillors Anderson, Dallat-O'Driscoll, Hunter, Scott

RESOLVED – That the Committee has taken into consideration and disagrees 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 outline planning permission for the following reasons:

- There is a need for additional storage for equipment and machinery which needs to be stored somewhere;
- Consideration is given to the shared grazing aspect of the applicants' holding.
- PAC decision was for different use.

AGREED – That Conditions and Informatives are delegated to Officers.

**5.10 LA01/2020/0752/F, Lands immediately South of, 8 Ballyhackett Lane
Castlerock**

App Type: Full

Proposal: Retention of buildings & yard used in association with vehicle sales
Business

Recommendation

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 REFUSE full planning permission subject to the reasons set out in section 10.

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

The Senior Planning Officer E Hudson, presented as follows:

- (Slide) Planning Application LA01/2020/0752. This is a full retrospective application for the retention of buildings and yard used in association with vehicles sales business and this is located immediately south of no. 8 Ballyhackett Lane, Castlerock.
- There is an addendum to the Committee Report
- (Slide) This is the red line boundary of the site. The site is located in the countryside as defined in the Northern Area Plan. The site is accessed via an existing laneway which serves the applicants dwelling and a number of other residential properties.
- The application is retrospective. An enforcement notice was issued on 17th December 2020 for the unauthorised erection of shed and operation of vehicle sales business without planning permission. This enforcement notice has been appealed to the PAC and this is currently in progress.
- (Slide) The site layout drawing. The site comprises a gravelled yard on which vehicles are displayed for sale. There is also a shed located in the southern corner of the site with 2 bays which appear to be used for the

valeting and servicing of vehicles. There is also a small office building adjacent to the shed. Both appear to be in conjunction with the vehicle sales business.

- (Slide) The block plan together with the elevational details of the shed and office on site.
- (Slide) An aerial overview of the site. You can see the application site sitting south of existing buildings to the north.
- There have been 47 letters of support received with this application. The content of these are outlined in detail in paragraph 5.2 of the Committee report. These letters include representation from people who advise they have been purchasing vehicles from the Pollock family for many years.
- The applicant previously sold vehicles from his own dwelling at no. 8 Ballyhackett Lane prior to moving to the current site. While we do not dispute that a business was previously being run at this location we do not consider that the level of activity that was taking place was to such an extent to be considered development that would require planning permission. Older aerial views of the site, prior to the construction of the new yard area, only show a small number of vehicles located within the yard area of the applicant's dwelling at any one time which would be seen as ancillary to the use of the residential dwelling and as such wouldn't have required planning permission. The new yard and sheds are considered a new material change in the use of the land for the purpose of displaying vehicles for sale which does require planning permission.
- (Slide) The access into the yard area displaying the vehicles for sale. The building showing repairs/valeting and the small office building attached to the side. You can just see the corner of the applicant's domestic garage to the side of the photo.
- (Slide) A closer image of the building be retained. Showing the separate bays used for servicing/valeting of vehicles.
- (Slide) These photographs show the existing vehicles for sale on the yard area.
- In relation to the principle of development the primary use of the site is for the sale of vehicles and as such is a form of retail. The relevant policy context for this type of development is the SPPS. This policy states that inappropriate retail facilities in the countryside should be resisted. An

exception to this is some retail facilities which may be considered appropriate outside of settlement limits include retail facilities such as farm shops, craft shops, and shops serving tourist or recreational facilities. This proposal does not meet any of these exceptions.

- In supporting information submitted with the application the agent has considered the application under PPS 4 which relates to economic development and specifically PED 3 – Expansion of an established economic use in the countryside. The preamble to PPS 4 outlines that this document does not provide policy for retail uses. In response to the request for a sequential assessment of the application site the agent advised due to the nature of the site serving a rural community the urban area was not a suitable option.
- The SPPS is the relevant policy context to consider for this type of development and this approach is supported by a number of Planning appeals, referred to in the Committee report, mostly recently 2019/A0219 for Hallidays in Bushmills which was refused by the Council following referral to the Planning Committee in October 2019 and subsequently dismissed by the PAC.
- As the site is located in the countryside and does not meet any of the exceptions for retail development in the countryside the proposal fails to meet the policy requirements and refusal is recommended under policy CTY 1 of PPS 21 in that there are no overriding reasons why this development is essential in the countryside and could not be located in a settlement. It is contrary to paragraphs 6.273 and 6.279 of the SPPS in that it is not considered an exception and would be an inappropriate use in the countryside.

At the request of Elected Members, the Senior Planning Officer advised that because of the scale and size of the building and the date it had been erected it would not obtain automatic approval and further advised that as it was essentially retail a sequential assessment town first centre approach should be applied. The Head of Planning advised members of the immunity period and that the previous business activity at the dwelling had been considered. She advised Members that the enforcement notice has been appealed to the Planning Appeals Commission.

The Chair invited L Ross, Councillor McCandless, Councillor Holmes and M Bradley MLA to address Committee in support of the application.

L Ross addressed Committee in support of the application as follows:

- The applicant and previous generations of his family have lived at this site;
- The Application is compliant with landscape, integration, roads policy and environmental requirements;
- It is a small family business, serving the local community from a small building beside the house and family farm to enable the applicant and his two sons to assist with the family farm also;
- The application would not be detrimental to town centre business;
- An established business, is safe and secure and to refuse would cause hardship to applicant;
- There have been almost 50 letters of support including supporting correspondence from Ulster Farmer's Union representation.
- The business has been here for a lifetime and has evolved
- The history of activity is critical to the assessment and should be given determining weight

In response to questions, L Ross stated the agriculture link was not the sale of farm machinery but due to the nature of sales, typically cars and pickup trucks, often delivering them personally to rural people in the local community and all over Northern Ireland due to his reputation. Additionally, L Ross explained the nature of the business was that it was open all hours and does a lot of business in the evening and practically invisible amongst the hills of the countryside.

The Chair invited Councillor McCandless to address Committee in support of the application. Councillor McCandless addressed the Committee in support as follows:

- Business commenced beside the family home and has operated for decades.
- It is an example of entrepreneurial skill they we should be promoting
- it was a well established business with support as is evident from Ulster Farmer's Union and no objections.
- it would make no sense not to approve a business at the family home and to refuse would be a hinderance to the applicant.
- the applicant's livelihood is 100% linked to his business and to refuse would cause great hardship.
- Strong need for council to support local business that supports the rural community.

M Bradley MLA addressed Committee in support of the application as follows:

- Business has been operating for many years and trying to regularise the business; documentation has been provided
- There have been numerous letters of support that confirm the business is established and no objections to this application;

- DfI Roads, NI Water, have no objections and the application will not have a negative impact on habitats;
- It would be unviable for the family business to relocate to a town centre venue.
- Implore Members to support this application for a business that pre-dates the Northern Area Plan and the SPPS.

Councillor Holmes addressed Committee in support of the application as follows:

- Business cannot be seen from the road;
- There should be flexibility around the interpretation of policy and the list of rural business is not exhaustive;
- If approval was not granted, those living in the rural area would suffer;
- The town centre first approach is not applicable as to approve would have no adverse effect on the town centre;
- There are many businesses in the countryside selling machinery and equipment (examples given of businesses);
- The business is not visible from the road nor lane.

In response to Elected member questions, the Head of Planning advised that if permission was granted the enforcement notice would be withdrawn in so far as it relates to the planning application and the Planning Appeals Commission advised that planning permission had subsequently been granted. She reminded members of the immunity date and that officers had taken account of the level of activity of the business previously.

Proposed by Alderman Finlay

Seconded by Councillor Anderson

- That the Committee has taken into consideration and disagrees 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 full planning permission for the following reasons:

- The applicant had an already established business and additional accommodation is not much larger in scale; remaining a small business;
- There is no detrimental effect on the landscape;
- The application is permitted under SPPS for small extension of existing business;
- There is no rationale for a town centre location for car sales;
- The Business is essential to the surrounding area given the 24 hour nature of service to the agricultural industry.

The Chair put the motion to the Committee to vote.

12 Members voted for; 0 Members voted Against; 0 Members Abstained.

The Chair declared the Motion Carried and application approved.

RESOLVED - That the Committee has taken into consideration and disagrees 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 full planning permission for the reasons:

- The applicant had an already established business and additional accommodation is not much larger in scale, remaining a small business;
- There is no detrimental effect on the landscape;
- The application is permitted under SPPS for small extension of existing business;
- There is no rationale for a town centre location for car sales;
- The Business is essential to the surrounding area given the 24 hour nature of service to the agricultural industry.

Councillor Dallat-O'Driscoll stated she did not vote having not attended the site meeting.

AGREED – That Conditions and Informatives are delegated to Officers.

- * **The Chair declared a recess for a comfort break at 3.30 pm.**
- * **The meeting reconvened at 3.40 pm.**

The Head of Planning undertook a roll call of committee members in attendance.

5.11 LA01/2021/0334/O, Land fronting onto Dunlade Road between entrance to 21a Dunlade Road and 23a Dunlade Road, Greysteel

Reports, site visit report previously circulated, presented by Senior Planning Officer J McMath.

App Type: Outline Planning

Proposal: Infill application for a dwelling in Gap site fronting onto Dunlade Road between entrance to 21a Dunlade Road and 23a Dunlade Road

Recommendation

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 REFUSE planning permission for the reasons set out in section 10.

The Senior Planning Officer J McMath, presented as follows:

- This is a referred application to Planning Committee.
- This is a roadside site located between the access point to 21a to the north and the access point to 23/23a Dunlade Road to the south. Located in rural area outside any Settlement Development Limit or environmental designation as provided for by Northern Area Plan.
- The topography of the site slopes down from the roadside eastern boundary to the rear of the site. The topography of the land generally rises along Dunlade Road up to the south.
- Critical views are obtained from Dunlade Road from the immediate roadside and from the SE and NE.
- The site is currently part agricultural and builders rubble has been placed on the southern portion of the site.
- Roadside eastern boundary is defined by vegetation with some gaps at intervals.
- The northern boundary is defined by 1m post and wire fence.
- The western boundary is defined by 1m post and wire fence and 1m hedge.
- Southern boundary defined by post and wire fence and hedge along laneway to 23/23a.
- The proposal is for an infill for a dwelling between the entrance to 21a and 23a Dunlade Road.
- The application has been submitted as an infill dwelling and therefore falls to be determined under the SPPS and PPS21. Policy CTY8 provides for an infill dwelling providing that the gap is between buildings and the gap is within an otherwise substantial and continuously built up frontage, the gap site is small, the existing pattern of development is respected and other planning and environmental requirements are met. In this case the site is located at the roadside but it is not located within a substantially and continuously built up frontage. Rather it is located at the end of a row of 3 dwellings, no's 17, 19 and 21, and as there is no development to the southern side of the site, the site is not a gap but adds to an existing ribbon of development.

- The properties at 21a, 23 and 23a are located at the end of their respective laneways. The properties at 21a, 23 and 23a do not contribute to the assessment of the substantially and continuously built up frontage because they do not have a common frontage to Dunlade Road or are visually linked with the application site.
- PAC example quoted in paragraph 8.5 of the committee report clarifies that an access point does not constitute a frontage and the other at para 8.6 clarifies that a building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road. 21a, 23 and 23a do not abut road. In addition, the plot size is 2.5 times larger than the average plot size displayed in the local area and does not respect the character of the immediate area. The plans submitted with the application are annotated to show a 2 storey dwelling, do not respect the local character of the area. Policy requires the applicant to take full account of the existing pattern of development and produce a design solution to integrate the new building. The proposal does not respect the existing development pattern along the frontage in terms of plot size, siting and design and the site is not a gap but adds to an existing ribbon of development. The proposal is contrary to policies CTY8 and 14.
- Turning to other environmental requirements, the site would be a prominent feature given its roadside location and is considerable in size. The existing hedging does not offer adequate enclosure or integration and there would be reliance on new planting to offer meaningful integration. The proposed 2 storey dwelling is inappropriate and would fail to blend with the landform or possess a backdrop. The proposal is contrary to policies CTY13 and 14.
- Precedent cases raised during the processing of the application have been considered and are not considered comparable.
- The proposal is recommended for refusal.

There were no questions for the Senior Planning Officer.

The Chair invited T Lamb to address Committee in support of the application. T Lamb spoke in support of the application:

- Refusal by Planning Department to acknowledge no's 23 and 23a frontage to Dunlade Road.
- The laneway leaves Dunlade Road
- The frontage includes private lanes

- The recommendation to refuse is contrary to Planning Policy as previous applications have considered laneways as frontage;
- Causeway Coast and Glens Planning have a policy to look for reasons to refuse applications;
- National policy is to keep people in the area;
- Currently this application is at outline stage and refusal on design basis should be considered at a reserved matters stage;
- This application has been with Planning Department for a year;
- The applicants are a couple shortly expecting a baby and in need of their family home coming to fruition;
- Several reports have been submitted to satisfy queries from Planning Officers;
- Clear that this should not be refused.

At the request of Elected Members T Lamb quoted Policy CTY8 paragraph 5.33 to support comments regarding the lane being inclusive.

Senior Planning Officer J McMath advised that it depended on whether consideration was given to frontage or the lane itself.

In response to questions, Senior Planning Officer read the Policy extract in full and referred to PAC decisions for interpretation of policy.

An Elected Member suggested this could have two interpretations, however the Head of Planning advised members they should be mindful of recent comments from Judge in a Judicial Review applications and compliance with Policy CTY8, referring to paragraph 18 of this judgement.

The Head of Planning refuted suggestions by the speaker that reasons are sought by Planning Officials to refuse planning applications.

Proposed by Councillor Nicholl

Seconded by Councillor McGurk

- That the Committee has taken into consideration and disagrees 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 for the following reasons:
 - This is not a settlement; rural community and there should be no differences between urban and rural;
 - A young family need a home and hardship can result in the process of attaining sites and trying to set up a home and this is considered enough reason;

- The site is within a built-up frontage; there is the issue of two possible interpretations of policy CTY8 para. 5.33 and his interpretation is that the site does sit within a built-up frontage.
- It does not lack long established boundaries and this can be dealt with at reserved matters stage; coming up the road it integrates; it is only where the photos are taken that it doesn't;
- It is not prominent on the landscape and will integrate easily.

The Chair put the motion to the Committee to vote.

4 Members voted For; 8 Members voted Against; 0 Members Abstained.

The Chair declared the amendment lost and application refused.

RESOLVED – That Planning Committee notes the contents the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and agree to REFUSE Planning permission for the reasons set out in section 10.

The Chair stated that in respect of the comments by the speaker suggesting Planning Department adopted a policy to refuse applications made him feel uncomfortable; comments were inappropriate.

Councillor Hunter concurred with these remarks and suggested the Agent be written to in this regard.

The Chair provided the speaker with the opportunity to respond.

T Lamb stated her comments were not aimed at the Planning Committee but at the Planning Officers, clarifying she had the upmost respect for Planning Committee. Planning Officers prefer to refuse. She has seen things overturned which should have been refused.

The Chair advised T Lamb he had provided her with the opportunity to speak and if she wished, could take the matter further to the NI Ombudsman's Office for investigation.

6. DEVELOPMENT MANAGEMENT AND ENFORCEMENT

6.1 Review of the "Protocol for the Operation of the Planning Committee"

Report, previously circulated, presented by The Head of Planning.

Purpose

The purpose of this report is to amend the Protocol for the Operation of the Planning Committee to include reference to lobbying and reflect the onus on Members to consider whether they have heard sufficient information to enable them to make a determination of a planning application/report. The revised Protocol also includes clarification on the procedures for applications returning to the Planning Committee for decision.

Detail

A recent judicial review decision (Hartlands (NI) Ltd v Derry City and Strabane District Council) states that it is not lawful for Council to disqualify certain members from voting on the basis that they had not attended a pre-determination hearing, site visit etc. It is a matter for each individual member's personal responsibility under the Northern Ireland Local Government Code of Conduct for councillors to determine, having regard to council advice and guidance. It is appropriate for officers' to provide advice about increased legal risk. As a result, reference within the existing Protocol restricting voting by members has been removed. The amendments also includes elaboration of declarations of interest, lobbying of Members and provision of reasons for a decision contrary to the Planning Officers' recommendation.

A section has been included in relation to procedures for applications returning to Planning Committee for decision and clarity on other procedures. The reason for an application returning to Planning Committee may be due to it being deferred for example, for the submission of further information/amendments, due to new information being received prior to decision issuing, or due to call-in procedures. It does not include those applications that were deferred for site visit or deferred for further consideration prior to the presentation of the application by officers and speakers where the officers and speakers have not yet been afforded the opportunity to present.

The revised Protocol includes amended dates for requests for speaking rights and verbal addendums. This is subject to Members agreeing to the issuing of Planning Committee papers on the Wednesday prior to the date of the Committee meeting (i.e. one week prior) rather than the current 2 weeks prior. This is to assist in relieving some of the workload pressures on staff due to the current short period from end of one Committee meeting and preparation of reports for the next meeting. It will also allow for further information received within this 1 week period to be included within the Planning Committee Report and only the information in the intervening period to require a written/verbal addendum.

In consideration of Members concerns raised at Planning Committee meeting held on 22 December 2021 regarding timings of meetings, attached at Appendix 3 is the 'Timetable of Council and Committee Meetings Schedule 2022'. This indicates that on the week prior to the Planning Committee meeting, Corporate Policy and Resources Committee is held the evening prior to the Planning Committee meeting with the exception of June and December when the meeting of the Leisure and Development Committee will be held and

August when only council meeting (02 August) and Planning Committee meeting (24 August) are held.

The amendments also provide clarity on speaking rights and the allocation of time when multiple speakers are registered to speak.

Recommendation

IT IS RECOMMENDED that the Planning Committee **AGREE** to the issuing of reports to Members one week prior to the date of the Planning Committee meeting and agree the revised Protocol for the Operation of the Planning Committee.

An Elected Member raised concern that should a matter be deferred and with the passage of time a committee member may wish to be refreshed on the presentation by Planning Officers or speakers. The Head of Planning advised that unless Elected Members specifically asked for information to be replicated it was proposed that only new issues would be relayed to the Committee. The Head of Planning advised that should the deferral take place a few months later the full presentation could be reheard if requested.

At the request of an Elected Member the Head of Planning advised there was no change to the type of application being presented to the Planning Committee for decision and that that issue would be a matter for the Scheme of Delegation.

Discussion ensued regarding voting rights for proposers and seconders of site meetings who were unable to be in attendance at the site meeting.

The Head of Planning advised that since the outcome of the Hartlands Judgment it was a matter for Elected Members to consider whether or not they wished to vote, if it was the case they had proposed or seconded a site meeting and had not been in attendance. She further advised that reference to this element within the revised Planning Protocol presented had been removed.

*** Councillor Anderson left the meeting at 4.30 pm**

An Elected Member raised the matter of the Agenda and reports being issued one week in advance of the Planning Committee meeting suggesting the Planning Committee may require more time to consider the reports.

The Head of Planning advised Planning Committee currently had a longer lead in period than other Committees and referred to the workload in advance of

and immediately after the Planning Committee meetings for staff within Planning and Member Services.

* **Alderman Finlay left the meeting at 4.35 pm during consideration of the Item.**

An Elected Member raised a query around the scenario when the Planning Committee votes against a motion and reasons for justification are then sought. The Head of Planning advised the current practice was a prudent approach and only at the stage of having taken the vote can the Head of Planning seek justification and reasoning from Planning Committee.

Proposed by Councillor Scott

Seconded by Alderman Boyle

- That Planning Committee agree to the issuing of reports to Members one week prior to the date of the Planning Committee meeting and agree the revised Protocol for the Operation of the Planning Committee.

The Chair put the Proposal to the Committee to vote

11 Members voted For; 0 Members voted Against; 0 Members Abstained

The Chair declared the motion carried.

RESOLVED - That Planning Committee agree to the issuing of reports to Members one week prior to the date of the Planning Committee meeting and agree the revised Protocol for the Operation of the Planning Committee.

7. CORRESPONDENCE:

7.1 SONI – Consultation on Transmission Development Plan for NI 2021-2030

Copy previously circulated, presented by the Head of Planning.

The Head of Planning advised that this consultation was for noting.

7.2 NIAO – Media Release and Report – Planning in NI

Report, previously circulated, presented by The Head of Planning.

Background

This Report is to provide Members with details on the Report issued by the Northern Ireland Audit Office (NIAO) on ‘Planning in Northern Ireland’ issued on 01 February 2022.

Details

The NIAO undertook a high level review of how effectively the planning system was operating and how effectively it was governed. A detailed analysis of available data covering the performance of the planning system in a variety of areas was undertaken and engagement with a broad range of stakeholders both inside and outside the system.

The Report considers how the system has operated since April 2015 and concludes that the Northern Ireland planning system is not working effectively and not always providing the certainty that those involved wanted, and in many aspects not delivering for the economy, communities or the environment.

It found that the planning system has not delivered against many of its main targets with around one-fifth of major planning applications taking more than 3 years to process. The review also found that there is a low bar for the quality of planning applications which means that the Department and councils are often obliged to process poor quality and incomplete applications.

The Report advises that Schemes of Delegation should ensure that decisions are taken at the appropriate level and that only the most significant or controversial applications should be considered by committee. The review found that specific applications coming to committee are not always the most significant and complex applications and that some councils appear to be excessively involved in decisions around the development of new single homes in the countryside which are rarely the most complex. The Report considers that these types of applications should account for a lower proportion of committee decisions than of overall decisions.

The Report advises that decisions against officer recommendations must always be supported by clear planning reasons. It states that the variance in overturn rate across councils, the scale of the overturn rate and the fact that 90% of these overturns were approvals which are unlikely to be challenged raises considerable risks. The Report raises concerns that this is an area which has limited transparency and it is critical that the process is as transparent as possible and maintain adequate, coherent and intelligible reasons for decisions including explicit reference to the applicable planning policy.

The Report noted that there is no system in place to monitor such decisions and ensure that decisions being made are compliant with overall planning policy. It considered that consistent and on-going training on planning matters is essential to a well-functioning planning committee, suggesting a minimum of 10 hours per year for all committee members with the potential that this is centralised to ensure those making decisions have the same training, making the process fairer for people submitting planning applications.

It identified that there is no publically available information demonstrating how planning decisions have translated into built development, improved or

enhanced the built or natural environment, benefitted communities or contributed to the local economy.

The Report considers that when the planning function transferred to councils it was on the basis that delivery of services should be cost neutral to rate payers at the point of transfer. The Report found that the income generated from planning does not cover the full cost of service delivery and the gap between income and cost has widened which cannot be sustained in the longer term.

The Report identified a lack of certainty around how the system deals with applications for development that will produce ammonia emissions. It stated that a lack of clear guidance creates significant uncertainty for planning authorities, applicants and statutory consultees and updated guidance from DAERA is urgently required.

It identifies skill gaps experienced by councils as having an impact on processing of certain types of complex development applications and LDPs. It states that the ability to establish specialist teams in relation to, for example, mineral extraction and retail developments, is not feasible for individual councils, despite their need to access these skills.

The Report considers the issue of significant silo working between councils, the Department and statutory consultees which have prioritised their own role, budgets and resources rather than the successful delivery of the planning service. It considered the Department to be well placed to provide strong, consistent leadership to ensure the focus of all involved to be the successful delivery of the planning functions, not the impact on their own organisations. It is considered it crucial that all statutory bodies play their part and fully commit to a shared and collaborative approach going forward.

The Report noted that the majority of consultees sit outside local government and that this adds another layer of complexity to the system. It identified performance as consistently poor, particularly in respect of major planning applications, with DfI Rivers identified as the poorest performer.

In terms of the Local Development Plan process, the Report advises that there is an opportunity for the Department to review the LDP process, learning from the challenges experienced to date, and consider whether the process is proportionate and provide value for all stakeholders.

In relation to enforcement, the Report raised concern that there is a risk that significant variations in outcome types may indicate that certain outcomes are prioritised for their operational efficiency rather than being the most appropriate outcome. It is considered that there is a risk of inconsistency in enforcement which may have a negative impact on how fairly the system is operating.

The Report makes 11 recommendations set out in Table 1 below.

Table 1: NIAO Recommendations circulated.

Recommendation:

IT IS RECOMMENDED that the Committee notes the Report from NIAO on 'Planning in Northern Ireland'.

The Head of Planning advised that this report was for noting.

7.3 DAERA – Actions to Improve Planning Consultations Delays Response

Copy, previously circulated.

The Head of Planning advised the Minister had responded to the correspondence sent to Department of Agriculture, Environment and Rural Affairs, at the request of the Planning Committee. The Head of Planning advised that the Minister had advised that the current response period will continue to be in place until the back log is cleared.

7.4 DC&SDC – dPS Proposed Changes Consultation – Council's Response

Copy previously circulated.

The Head of Planning advised that the attached consultation was for noting.

7.5 DfI – Report on the Review of the Implementation of The Planning Act (Northern Ireland) 2011

Report, previously circulated.

The Head of Planning advised Members that this Report is to provide Members with details on the Report issued by the Department for Infrastructure on 27 January 2022 on the Review of the Implementation of the Planning Act (Northern Ireland) 2011 following the 'Call for Evidence'.

The Department has considered the objectives intended to be achieved by the Planning Act and is satisfied that the stated objectives have been achieved.

Tables at Annex A of the Report sets out the Department's detailed consideration of proposals for changes to existing legislation and guidance informed by the call for evidence.

The Department has considered whether amendments to legislation have the potential to make the system more efficient and in turn, bring forward performance improvements.

The Head of Planning referred to the key recommendations of the Report.

The Head of Planning advised this report was for noting.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Scott
Seconded by Alderman Boyle and

AGREED – that Planning Committee move '*In Committee*'

- * **Members of the Press and Public were disconnected from the meeting at 4.47pm.**

The information contained in the following items is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

8. CONFIDENTIAL ITEMS:

8.1 Report for Noting Finance Period 1-9 2021 22 Update

Confidential report, previously circulated.

The Head of Planning advised that this report was for noting.

8.2 LDP Steering Group (Part 1) – Agreed Policies for SA-SEA

Confidential report, previously circulated.

Development Plan Manager advised that Elected Members were aware of the suite of LDP Workshops – those discussed so far have been subsequently taken to the LDP Steering Group Meeting held on Thursday 27th January 2022, where the following topic-based draft policies were agreed to proceed to SES for appraisal through the SA/SEA.

- LDP Vision, Overarching Principles & Strategic Objectives;
- Control of Advertisements;
- Health, Education, Community & Cultural Facilities;
- Flood Risk Management;
- Open Space, Sport & Outdoor Recreation;
- Recycling & Waste Management;
- Archaeology & Built Heritage;
- Economic Development, industry & Commerce;
- Rathlin Island;
- Telecommunications & Overhead Lines;
- Transportation;
- Coastal Development; and
- Housing in Settlements.

The remaining topics will be discussed in future workshops.

Purpose of SA: promote sustainable development through the integration of social, environmental and economic considerations into the preparation of the LDP.

Purpose of the SEA: provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the LDP with the view to promoting sustainable development.

The main difference between SA and SEA is that the SA is wider in scope - it covers the social and economic effects of the Plan, as well as the more environmentally-focused considerations of the SEA.

Each policy/group of related policies will be appraised.

Both SA & SEA must be carried out from the outset and in parallel with the LDP preparation process. Possible to satisfy both these requirements through a combined SA/SEA appraisal process – which we are doing.

The SA/SEA will perform a key role in providing the robust and sound evidence base for the Plan and will be tested at the Independent Examination.

It is recommended that Members note the contents of this report and agree the attached draft policies (Appendix 2) to proceed to Shared Environmental Services for SA/SEA.

An Elected Member enquired about broadband and water provision.

The Development Plan Manager advised the role of Council was policy facilitation only for Broadband and that water provision was outside the remit of Council.

Proposed by Councillor McMullan
Seconded by Alderman Boyle and

AGREED - that Members note the contents of this report and agree the attached draft policies (Appendix 2) to proceed to Shared Environmental Services for SA/SEA.

The Chair put the Proposal to the Committee to vote
11 Members voted For; 0 Members voted Against; 0 Members Abstained
The Chair declared the motion carried.

RESOLVED - that Members note the contents of this report and agree the attached draft policies (Appendix 2) to proceed to Shared Environmental Services for SA/SEA.

9. LEGAL ISSUES

Correspondence, previously circulated.

The Planning Solicitor advised judgement had been issued with regards the East Road Judicial Review leave hearing. The full Judgment had been uploaded to the Elected Member portal. The Planning Solicitor advised that leave was refused pending any appeal by the applicant.

The Planning Solicitor further advised that no further action had been received in respect of the pre-action protocol reply with regard to Ballaghmore Road, Portballintrae and that the relevant time limit had now passed.

Councillor Hunter welcomed the update from the Solicitor and thanked the legal team and the planning staff for their hard work. The Chair concurred with these remarks.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Alderman Boyle
Seconded by Councillor Scott and

AGREED – That Planning Committee move ‘*In Public*’.

**10. ANY OTHER RELEVANT BUSINESS (IN ACCORDANCE WITH
STANDING ORDER 12 (O))**

There were no matters of Any Other Relevant Business.

The meeting concluded at 5.00 pm.

Chair