

**PLANNING COMMITTEE MEETING HELD THURSDAY 24 MARCH 2022**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Decisions</b>
<b>1.</b>	Apologies	<b>Councillor P McShane</b>
<b>2.</b>	Declarations of Interest	<b>Nil</b>
<b>3.</b>	Minutes of Planning Committee meeting held Wednesday 23 February 2022	<b>Confirmed</b>
<b>4.</b>	Order of Items and Confirmation of Registered Speakers	<p><b>Withdrawn – B/2012/0218/F, 300M South East of 76 Altagarron Road, Dungiven</b></p> <p><b>LA01/2021/1027/0, 50m East of 16 Cloughs Road, Cushendal, is deferred for a site visit</b></p> <p><b>LA01/2020/0293/F, 10 Ballyquinn Road, Limavady, deferred for a site visit</b></p>
<b>5.</b>	Schedule of Applications:	
<b>5.1</b>	LA01/2019/0890/F, Existing Rigged Hill Windfarm site, 6km East/South East of Limavady.	<b>Deferred to allow submission of amended plans, re-consultation and further assessment to take place</b>
<b>5.2</b>	LA01/2021/0934/F, Council space at the playpark, The Crescent Portstewart approx. 110m west of Portstewart Town Hall	<b>Agree and Approved</b>

<b>5.3</b>	LA01/2021/0681/F, Gaelscoil Leim An Mhadaidh, 57 Church Street Limavady	<b>Officers seek further information from Department of Infrastructure regarding the methodology of road survey and defer to next meeting for Department of Infrastructure to answer questions</b>
<b>5.4</b>	LA01/2020/1330/F, 38 Seafield Park, Portstewart.	<b>Agree and Approved</b>
<b>5.5</b>	LA01/2020/1154/F, Unit 2, 25 Ballymena Road, Ballymoney	<b>Agree and Approved</b>
<b>5.6</b>	LA01/2020/0498/0, Lands 130m West of 57 Sheskin Road Greysteel with access onto Upper Lane Road	<b>Agree and Refused</b>
<b>5.7</b>	LA01/2020/0156/F, 99 Dowland Road, Limavady	<b>Agree and Refused</b>
<b>5.8</b>	LA01/2020/0823/F, Land West of No. 157 Feigh Road, Feigh Upper Bushmills	<b>Agree and Approved planning permission for the replacement dwelling;</b>  <b>Disagree and Approved planning permission for the change of use</b>  <b>Conditions and Informatives be delegated to Officers</b>
<b>6.</b>	Correspondence	
<b>6.1</b>	DfC - Housing Supply Consultation – Council's Response	<b>Write to Department for Communities seeking clarification of the model to calculate housing needs assessment</b>
<b>6.2</b>	DfC - Call-In on Planning and Other Regulatory Decisions	<b>Information</b>
<b>6.3</b>	DfI - Standing Orders of Councils and Implications of the 'Hartlands Case'	<b>Information</b>
<b>6.4</b>	DfI – Planning Forum Action Update	<b>Information</b>
<b>6.5</b>	DfI – s26 Determination Letter Townlands of Carnbuck, Magheraboy and Moneyneagh, near Corkey	<b>Information</b>

<b>6.6</b>	Transmission Development Plan NI 2021 – 2030 Consultation – Council’s Response	<b>Information</b>
<b>6.7</b>	Dfl – End of the Emergency Period (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020	<b>Information</b>
	<b>‘In Committee’ (Item 7)</b>	
<b>7</b>	Confidential Items	
<b>7.1</b>	Report for Noting Finance Period 1-10 2021 22 Update	<b>Information</b>
<b>7.2</b>	Update on Legal Issues	<b>Agreed</b>
<b>8.</b>	Any Other Relevant Business (in accordance with Standing Order 12 (o))	
<b>8.1</b>	Council Standing Orders Update - Protocol for The Operation of the Planning Committee	<b>Information</b>
<b>8.2</b>	Site Visit – Dalriadan Gold Ltd	<b>Head of Planning to bring report back</b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND  
VIA VIDEO CONFERENCE  
ON THURSDAY 24 MARCH 2022 AT 2PM**

**Chair:** Alderman Baird (C)

**Committee Members Present:** Alderman Boyle (C), Duddy (C), Finlay (R), McKeown (R), S McKillop (C); Councillors Dallat O'Driscoll (R), Hunter (R), McGurk (R), MA McKillop (R), McMullan (R), McLaughlin (R), Nicholl (R) and Scott (C)

**Non Committee Members In Attendance:** Alderman Knight-McQuillan (R)

**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)  
J McMath, Senior Planning Officer (R)  
M Wilson, Senior Planning Officer (R)  
J Lundy, Senior Planning Officer (R)  
S O'Neill, Senior Planning Officer (R)  
N Linnegan, Council Solicitor (R)/(C)  
P Donaghy, Democratic & Central Services Manager (R)  
S Duggan, Civic Support & Committee & Member Services Officer (C)  
I Owens, Committee & Member Services Officer (C)  
J Keen, Committee & Member Services Officer (C)

**In Attendance:** M Kearney, Shared Environmental Services (R)

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

Public 7 no. (R)  
Registered Speakers 15 no.(R)  
Press 1 no. (R)

**Key R = Remote C = Chamber**

## Registered Speakers in Attendance (R):

Item No	Name
LA01/2019/0890/F	L McLaughlin O Kirk V Ferry S Caldwell Nicholas P Phillips M Bradley MLA
LA01/2020/1330/F	D McLaughlin J Walker
LA01/2020/1154/F	J Simpson
LA01/2020/0498/O	G McPeak Mr O’Kane
LA01/2020/0823/F	J Mawhinney
LA01/2021/1027/O	J Simpson
LA01/2020/0293/F	D Quigley G Jobling

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

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 Councillor P McShane.

The Head of Planning advised Councillor Dallat-O’Driscoll was experiencing connection difficulties remotely.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 23 FEBRUARY 2022

Copy, previously circulated.

Proposed by Alderman Duddy  
Seconded by Councillor Scott

- That the Minutes of the Planning Committee meeting held Wednesday 23 February 2022 were taken as read and signed 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 23 February 2022 were taken as read and signed as a correct record.

#### 4. **ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS**

The Head of Planning advised Application B/2012/0218/F, 300M South East of 76 Altagarron Road, Dungiven had been withdrawn.

Proposed by Councillor McMullan  
Seconded by Councillor Hunter  
- that application LA01/2021/1027/0, 50m East of 16 Cloughs Road, Cushendal, is deferred for a site visit, to give a clearer understanding and avail of further information.

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 LA01/2021/1027/0, 50m East of 16 Cloughs Road, Cushendall, is deferred for a site visit, due to request for clearer understanding and avail of further information.

Proposed by Councillor Nicholl  
Seconded by Councillor McGurk  
-that application LA01-2020/0293/F, 10 Ballyquinn Road, Limavady, is deferred for a site visit, to view context of the site and view the suitability of this application.

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 LA01-2020/0293/F, 10 Ballyquinn Road, Limavady, is deferred for a site visit, view context of the site and view the suitability of this application.

## **5. SCHEDULE OF APPLICATIONS:**

### **5.1 LA01/2019/0890/F, Existing Rigged Hill Windfarm site, 6km East/South East of Limavady.**

Reports previously circulated, presented by Development Management and Enforcement Manager.

#### **Reason for presenting to Planning Committee: Major Application**

**App Type:** Full Planning

**Proposal:** The Repower of the existing Rigged Hill 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 other redundant infrastructure (iv) 7 No. wind turbines with an output of around 29MW (v) Construction of approximately 4.82km of new access tracks; (vi) Upgrade of approximately 1.75km of existing 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) Temporary construction compound/laydown areas; (ix) Turning heads and passing places incorporated within the site access infrastructure; (x) New Road Junction with Terrydoo Road; (xi) Meteorological Mast; (xii) Substation with roof mounted solar panels, and associated compound (xiii) Removal of self-seeded trees in East of the Site and (xiv) 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.

#### **Addendum 1 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.

#### **Addendum 2 Recommendation**

That the Committee note the contents of this Addendum and agree to defer the application pending the response from the consultees.

#### **Addendum 3 Recommendation**

The recommendation is that the Committee notes the contents of the report, the Erratum, the Addendum, Addendum 2, and this Addendum 3 and agree to defer the application pending the response from the consultees.

#### **Addendum 4 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.

#### **Addendum 5 Recommendation**

That the Committee note the contents of this Addendum and agree to defer the application to allow submission of amended plans, re-consultation and further assessment to take place. This recommendation supersedes that set out in Paragraph 1.1 of the Planning Committee report.

#### **Erratum 1 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.

#### **Erratum 2 Recommendation**

That the Committee note the contents of this Erratum 2 and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report.

The Chair reiterated the view the application be deferred and invited the Development Management and Enforcement Manager to address Committee.

Development Management and Enforcement Manager presented as follows:

- further objections have been received regarding
  - habitat regulation assessment;
  - environmental statement;
  - Application does not identify location of stock piles;
  - Design parameters unavailable;
  - No information on location/volume of discharge to water courses;
  - Cumulative assessments required;
- Recommend further consultation and assessment with DAERA and SES;
- Given European Court of Justice rulings that where doubt remains an authority can refuse an application, advisable to defer.

The Chair asked, given the concerns raised by the Officer whether Planning Committee wished to hear from the speakers.



Alderman Duddy stated disappointment given that the application had been in the system for 3 years, that a deferment was being recommended and asked for an indicative timescale for completion of any consultation.

The Head of Planning advised she could not give a definitive timeframe to receive responses and that timely responses would be pursued.

Proposed by Alderman Duddy

Seconded by Councillor Scott

- That the Committee note the contents of this Addendum and agree to defer the application to consider submission of amended plans, re-consultation and further assessment to take place.

The Chair put the motion to the Committee to vote.

The Chair declared the motion carried unanimously and application deferred for consideration of submission of amended plans, re-consultation and further assessment to take place.

**RESOLVED** – That the Committee note the contents of this Addendum and agree to defer the application to allow consideration of submission of amended plans, re-consultation and further assessment to take place.

## **5.2 LA01/2021/0934/F, Council space at the playpark, The Crescent Portstewart approx. 110m west of Portstewart Town Hall**

Reports previously circulated, presented by Senior Planning Officer, M Wilson.

**Reason for presenting to Planning Committee: Council Interest**

**App Type:** Full Planning

**Proposal:** Temporary siting and operation of a Panoramic Viewing Wheel to site and operate for an approved period between June 2022 and Mid September 2022. The wheel has illumination.

### **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** permission for the full application subject to the conditions set out in section 10.

Senior Planning Officer presented as follows:-

- Full planning permission is sought for a panoramic viewing wheel for a temporary period of time (June 2022-Mid September 2022) at the Crescent Portstewart.

- This is a Local application and is being presented to the Planning Committee on the basis that the Council has an interest in the land. Planning Committee Report previously circulated to Members.
- The site is within the Settlement Development Limit of Portstewart and is designated as a major area of open space within the Northern Area Plan 2016 (NAP). It adjoins the Town Centre boundary and sits adjacent to The Promenade. The site also lies within an Area of Archaeological Potential and is located within the Portstewart Point LLPA.
- The proposal is assessed as a tourist amenity and is considered acceptable having regard to townscape; amenity; traffic matters; impact on the coast; listed buildings; archaeology; flooding; open space and the LLPA. (slide)
- It should be noted that in carrying out this assessment, and the proposal's acceptability, significant weight has been given to its temporary nature.
- Similar applications were granted planning permission in 2019 & 2020.
- There were 6 consultees consulted on this application. DfI Rivers requested a Flood Risk Assessment but weight has been given to the temporary nature of the proposal and it is considered to not be expedient to seek this.
- There are no objections or letters of support
- Approval is recommended.

In response to questions surrounding the illumination, Senior Planning Officer advised Environmental Services had no objections and highlighted that during the period the wheel would be in operation there was natural daylight until late in the evening; he advised that no lights would be illuminated between 10 pm and 12 midday, with little or no impact from the lights expected during daylight hours.

Proposed by Alderman S McKillop

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 **APPROVE** permission for the full application subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote.  
13 Members voted For; 0 Members voted Against; 1 Member Abstained.  
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.

### 5.3 LA01/2021/0681/F, Gaelscoil Leim An Mhadaidh, 57 Church Street Limavady

Reports, site visits previously circulated, presented by Senior Planning Officer, M Wilson.

#### **Reason for presenting to Planning Committee: Level of Objection**

**App Type:** Full Planning

**Proposal:** Demolition of 10.5 linear metres of existing brick boundary wall. Installation of new 2.4m high wire mesh gate to grant temporary vehicular and pedestrian accesses via Scroggy Park to Gaelscoil until reinstatement works. Estimated reinstatement June 2024

#### **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:-

- Temporary permission is sought to demolish 10.5 linear metres of existing brick boundary wall with the installation of a new 2.4m high wire mesh gate to grant temporary vehicular and pedestrian accesses via Scroggy Park to Gaelscoil until reinstatement works take place – the estimated date of reinstatement is June 2024.
- This is a Local application and is being presented to the Planning Committee on the basis that there are more than 5 objections to the proposal. Planning Committee report previously circulated, and as there was a site visit on Monday 21<sup>st</sup> March, you also have the site visit report has also been circulated.
- Here is a satellite image of the site which is highlighted by the red star on the screen and this is the red line of the site. (Slide)

- Here is a more detailed block plan showing the proposed layout of the access and the position of pedestrian and vehicle accesses, and the access. (Slide)
- It is accepted that there is likely to be increased congestion and traffic movements around certain times of the day. As there is no objection from DfI Roads, the times of greater traffic movements is limited, and the proposal is for a temporary period of time, it is considered, on balance, that the access arrangements are acceptable and meet Policy AMP 2 of PPS 3.
- As the wall is not listed, within a conservation area or conditioned, its removal is acceptable.
- Photographs of the site (Slides)
- There have been 36 objections from 27 objectors.
- There are no letters of support.
- DfI Roads has been consulted as the competent authority on road matters and it raises no objection.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 3.
- Approval is recommended.

Councillor Scott referred to enquiries made at site meeting regarding whether the entrance could be retained when the school was relocated and had no further use for the site.

Senior Planning Officer stated that such a request would necessitate a further application at that time, being June 2024 or earlier, should the school have no further use for the site.

Councillor Scott felt that Department for Infrastructure should have been in attendance to answer queries. Senior Planning Officer advised a representative from Department for Infrastructure was unable to be in attendance.

Councillor McGurk stated she believed that it had been clear during the site visit the issue of access lay with a pre-existing application and related to Drumachose School. Councillor McGurk further advised the application was for a small number of teachers to gain access to the school, as parents had alternative parking arrangements in place and pointed to the temporary nature of the application.

Proposed by Councillor Scott  
Seconded by Alderman S McKillop  
-that application be deferred to facilitate attendance of Department of Infrastructure to answer questions on their assessment of application.

The Chair put the motion to the Committee to vote.  
7 Members voted For; 7 Members voted Against; 0 Member Abstained.

The Chair advised that it was her view that the application be considered today to avoid delay.

The Chair using her Casting Vote, Against the motion.  
The Chair declared the motion Lost.

Councillor Scott voiced disappointment at the view taken by the Chair that in the past deferrals had been agreed in the absence of Department of Infrastructure to answer questions. Councillor Scott stated he found it difficult to make a decision without having had an opportunity to question and sought a legal opinion on the matter.

The Chair advised Councillor Scott it was inappropriate for him to make suggestions on how the Chair would apply her Casting Vote.

Proposed by Councillor Scott  
Seconded by Alderman S McKillop and

**AGREED** -that Planning Committee seek the Opinion of Council's Solicitor.

**MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Councillor Scott  
Seconded by Alderman S McKillop

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

\* **Members of the Press and Public were disconnected from the meeting at 2.55 pm.**

***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.***

- \* **At the request of the Council Planning Solicitor, the Chair declared a recess at 2.55 pm.**
- \* **The meeting resumed at 3.10 pm.**

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

Council Solicitor advised Committee regarding Council's Standing Orders, Protocol for the Operation of the Planning Committee and Code of Conduct.

Councillor McGurk wished to clarify that her comments on the decision making process had not been compromised as a site visit had taken place, summing up was complete and the application had moved to proposal stage. Councillor McGurk asked for her remarks to be recorded.

Some Elected Members felt it was unfair to reach a decision given the outcome of recent judicial reviews without the opportunity to question the Department of Infrastructure.

The Chair thanked the Council Solicitor for his guidance.

#### **MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Alderman Boyle  
Seconded by Councillor McGurk

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

- \* **Members of the Press and Public were re-admitted to the meeting at 3.30 pm**

Councillor McGurk suggested that given the strength of feeling of some Planning Committee Members, she would be content for the application to be deferred and wished to propose same.

The Head of Planning advised it was not permissible to retake a vote but that a different amendment could be proposed.

Alderman Baird asked the Senior Planning Officer for a narrative on the consultation undertaken with DfI Roads regarding the application.

Senior Planning Officer clarified that DfI Roads had been reconsulted on the objections received and went through the consultation response from DfI Roads.

Proposed by Councillor Scott

Seconded by Alderman Duddy

-that Officers seek further information from Department of Infrastructure Roads regarding the methodology of road survey and defer to next meeting for Department of Infrastructure to answer questions from Planning Committee.

The Chair put the motion to the Committee to vote.

13 Members voted For; 0 Members voted Against; 0 Members Abstained.

The Chair declared the motion carried.

**RESOLVED** - that Officers seek further information from Department of Infrastructure Roads regarding the methodology of road survey and defer to next meeting for Department of Infrastructure roads to answer questions from Planning Committee.

#### 5.4 LA01/2020/1330/F, 38 Seafield Park, Portstewart

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

##### **Reason for presenting to Planning Committee: Level of Objection**

**App Type:** Full Planning

**Proposal:** Replacement dwelling house

##### **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:

- Full planning permission for a replacement dwelling at 38 Seafield Park.
- The application is located within the Settlement Development Limit of Portstewart and is a corner site at the junction of Seafield Park and Seaview Drive North. Throughout the processing of the application 13 objectors submitted 20 objections to the proposal, 1 letter of support and 1 non-committal letter were also received.

- The initial proposal submitted with the application was for a larger 2 storey dwelling with a flat roof. Following officer's assessment of the proposal an entirely new design was submitted. 8 objections, 1 letter of support and 1 non-committal were received to the amended scheme. The objection points are set out in summary in para 5.2 of the planning committee report. They mainly relate to the scale, massing, dominance, building line, impact on privacy, projecting further towards a third party property and the balcony will impact on privacy.
- The block plan details the footprint of the proposed dwelling, garage and soft and hard landscaping. The proposal is a dual front design due to its corner location. The red dashed line is the footprint of the previous 2 storey dwelling which is now demolished. As you can see the relationship to No 37 is similar to the previous dwelling the two storey element has moved towards the shared boundary. However there is a 22m back to back separation between these 2 properties which is considered acceptable distance in accordance with Creating Places and PPS7. The proposed dwelling is further set off the boundary to No. 20 Seaview Drive North to the northern boundary. The elevation to Seaview Drive North has moved forward to the road but retains the building line with the dwellings to the north.
- The footprint to Seafield Park is stepped towards the junction and extends further towards the road than the previous dwelling at the corner. The character of the dwellings to the east step out as they travel east along Seafield Park. There is no strong building line to be retained. Furthermore due to the location on the junction it is not considered to be out of keeping with the character. Objections were raised to the proposed development and the relationship to the dwellings on the southern side of the Seafield Road. The separation distance is just over 20m across a public road and its is considered this front to front relationship is acceptable and would not cause adverse harm by way of overlooking / impact on privacy or dominance.
- The design of the building is a contemporary 2 storey dwelling, stepping out towards the road junction. The existing site is elevated above Seafield Park with the road falling east to west. The relationship to No 37 and 35 Prospect Road is acceptable due to the separation distances and the design of the 1<sup>st</sup> floor to reduce overlooking. The 1<sup>st</sup> floor window is a frosted window to a bathroom, the nearest corner window is to the master bedroom suite. The upper floor living room and balcony are too removed to cause concern to the amenity of the properties at 37 Prospect Road.
- The elevation onto Seaview Drive North



- Proposed elevation to No 20. There are no windrows proposed 1<sup>st</sup> floor level. the relationship to No 20 is improved compared to the previous dwelling.
- The application site from Seafield Park looking west, the existing house with the elevated position. The proposed dwelling proposed a slightly lower finished floor level that would not be noticeable in the streetscape.
- The application site from Seaview Drive North.
- The site with the mix of one to 2 storey dwellings and range of scale massing and design.
- The objections have been fully considered in the assessment of the application. The design is in keeping with the policy and guidance in Creating Places and PPS 7.

There were no questions put to the Senior Planning Officer.

The Chair advised registered speaker, D McLaughlin was in attendance to answer questions.

Proposed by Councillor Nicholl  
Seconded by Alderman Duddy

-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.  
13 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 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.

## 5.5 LA01/2020/1154/F, Unit 2, 25 Ballymena Road, Ballymoney

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

**Reason for presenting to Planning Committee:** Referred by Member

**App Type:** Full Planning

**Proposal:** Change of use from existing commercial use to bakery to supply members of the public.

### **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 reason 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 subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The development hereby granted shall be used only for the purposes specified and for no other use (including retail) within The Planning (Use Classes) Order (Northern Ireland) 2015.  
Reason: To support the vitality and viability of existing centres in accordance with the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS).
3. Deliveries and collections by commercial vehicles shall not be permitted to / from the premises between 18:00 and 08:00 hours.  
Reason: In the interest of residential amenity.

Senior Planning Officer presented as follows:

- Planning Application LA01/2020/1154. This is a full application for the COU from an existing commercial use to a bakery to supply shops. (Slide)
- The red line boundary of the site. The site is located at 25 Ballymena Road, Ballymoney and is located in the north western corner of a larger building which comprises a variety of uses. The surrounding area comprises a mix of commercial and industrial type buildings with residential development sited opposite the site. (Slide)
- Within the red line this is the extent of the proposed unit. (Slide)

- This is a view of the site frontage. The extent of the proposed bakery is that indicated between the red lines. (Slide)
- This is a photo taken from the entrance and along Ballymena Road. It shows the site within its wider context and the mix of uses that exist. These include a kitchen design and fitting business, car parts supplies, and tyre sales business. (Slide)
- The application was presented at the November 2021 Planning Committee with a recommendation to refuse as it was for a bakery serving members of the public, a retail use which should be directed to the town centre. The application was deferred at this Committee to allow for the submission of additional information. On 17<sup>th</sup> January revised plans and application form were submitted. The revised description and layout relates to a COU from existing commercial unit to a bakery to supply shops/trade only. The public counter relating to public sales and retail has been removed from the proposal. As the revised proposal relates to on site manufacturing of baked goods it is considered a light industrial use which would be an acceptable form of development at this location which is an existing area of economic development.
- As such the recommendation is to approve planning permission with conditions as outlined in the Addendum to your Committee report.

There were no questions put to the Senior Planning Officer.

The Chair invited J Simpson to address committee in support.

J Simpson advised he supported the Officer recommendation to approve. There had been no objections from third parties and the application compliant with Planning Policy.

There were no questions put to J Simpson.

Proposed by Alderman S McKillop

Seconded by Alderman Finlay

- That the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** the application subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The development hereby granted shall be used only for the purposes specified and for no other use (including retail) within The Planning (Use Classes) Order (Northern Ireland) 2015.  
Reason: To support the vitality and viability of existing centres in accordance with the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS).
3. Deliveries and collections by commercial vehicles shall not be permitted to / from the premises between 18:00 and 08:00 hours.  
Reason: In the interest of residential amenity.

The Chair put the motion to the Committee to vote.

13 Members voted For; 0 Members voted Against; 0 Member Abstained.

The Chair declared the motion carried and application approved.

**RESOLVED** - that Planning Committee agree with the recommendation to Approve the application subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The development hereby granted shall be used only for the purposes specified and for no other use (including retail) within The Planning (Use Classes) Order (Northern Ireland) 2015.  
Reason: To support the vitality and viability of existing centres in accordance with the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS).
3. Deliveries and collections by commercial vehicles shall not be permitted to / from the premises between 18:00 and 08:00 hours.  
Reason: In the interest of residential amenity.

**5.6 LA01/2020/0498/0, Lands 130m West of 57 Sheskin Road Greysteel with access onto Upper Lane Road**

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

**Reason for presenting to Planning Committee: Referred by Member**

**App Type:** Outline Planning

**Proposal:** Erection of dwelling house and garage on the farm

### **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.

Senior Planning Officer presented as follows:

- Documents circulated to members include Planning Committee report, site visit report and addendum which identifies that an updated location/concept sketch was submitted on 18/3/22 which amalgamated the two previously submitted drawings onto the one drawing. There does not appear to be any changes to the scheme proposed on that drawing. This drawing has been circulated to members and uploaded on portal.
- By way of a verbal addendum further information was submitted on 23/3/22 which included a copy of the drawing submitted on 18/3/22 and a location map for a site in Downpatrick which has been annotated to indicate levels across the site. Having researched the case officers report, PAC decision and subsequent RM, the site is not comparable as the cut and fill has been kept to a minimum and the site layout respects the topography, set in a natural hollow with natural enclosure, set back off road.
- Application LA01/2016/0210/O which was refused by Planning Committee and subsequently dismissed by the PAC.
- The application was brought before Planning Committee in February but was deferred for a Site Visit which took place on Monday 21<sup>st</sup> March 2022.
- The site is situated in the countryside but outside any environmental designation as defined in Northern Area Plan 2016. The site is an irregular shaped roadside site and part of a roadside field. (Slide)
- The site is situated above the road and the topography slopes up from the road by approximately 4m to the rear boundary. (Slide)

- The farmhouse and several agricultural sheds are located on the opposite side of Upperlane Road to the South and SE (Slide)
- Critical views are possible from Upperlane Road when travelling SW from the road junction with Sheskin Road and from sheskin road travelling North. (Slide)
- Southern roadside boundary is defined by a post and wire fence and some interspersed trees.
- Western boundary is defined by 1m post and wire fence and 4m hedge.
- Northern boundary is undefined.
- Eastern boundary is part undefined and part defined by post and wire fence and 1.5m hedge.
- The proposal was originally described as a split level dwelling and garage on a farm but was later changed to seek outline planning permission for a dwelling and garage on a farm.
- The proposal falls to be determined under SPPS, PPS21, PPS2 and PPS3.
- The SPPS and policy CTY1 of PPS21 outline a range of types of development which are considered acceptable in the countryside. This application was submitted as a dwelling on a farm. The farm business has been in existence for more than 6 years and the farm business has claimed payments in each of the last 6 years. No dwellings or development opportunities have been sold off the holding and when viewed from Sheskin Road the site is visually linked with the farm buildings/dwelling. The proposal is considered to comply with criteria a, b and c of CTY10.
- However the SPPS requires that all development in the countryside, and policy CTY10, requires dwellings on farms to integrate, respect rural character and be appropriately designed. As officials are of the opinion that the proposal fails to integrate and impacts on rural character the proposal is contrary to policy CTY10 and as no overriding reasons have been forthcoming the proposal is also contrary to policy CTY1. (Slide)
- Turning to the specifics of integration and character. This is a roadside site with minimal screening, the roadside boundary has no hedge but

proposes to retain 5 of the 6 roadside trees. The rear boundary is undefined and open to the field. The eastern site boundary is open to the field and undefined with the exception of the access point. The site fails to possess a suitable degree of enclosure and from the critical views along Upperlane Road the site would lack long established boundaries, have inadequate enclosure and would fail to adequately integrate. The site relies on new planting which would take a considerable time to mature to offer any meaningful screening. (Slide)

- The original proposal was for a split level dwelling which would be prominent in the landscape. In order to mitigate the elevated nature a concept plan was submitted which indicated extensive earthworks in the form of cutting into the landscape by between 1m and 3m to create a roadside platform to facilitate a roadside site. (Slide)
- The creation of the artificial platform does not respect the existing topography and would fail to blend with the existing landform and fail to integrate due to the roadside position and lack of long established roadside definition. Retention of roadside trees would be questionable given the extensive earthworks proposed. The proposal is contrary to policy CTY13. An alternative site was suggested but was not taken up by the applicant. (Slide)
- The site is visually linked with the 2 roadside dwellings to the west along Upperlane Road and would extend roadside development to the north east resulting in a buildup of development which would be detrimental to rural character. In addition, the site does not respect the traditional pattern of development in the area in that the frontage length of the site is approx. 40% longer than the average for the local area and the plot size is approx. 50% larger. (Slide)
- As the site shares a common frontage and is visually linked with the existing dwellings along Upperlane Road the site would be the third building which would create ribbon development and could create a potential infill opportunity. The proposal is contrary to policies CTY8 and 14. The proposal is therefore recommended for refusal for the reasons listed in the Planning Committee report. (Slide)

There were no questions to the Senior Planning Officer.

- \* **Councillor Dallat-O'Driscoll left the meeting at 4.06 pm.**
- \* **Alderman Finlay left the meeting at 4.13 pm.**

The Chair invited G McPeake to address Committee in support.

G McPeake stated the following:

- Dwelling on the Farm meets with criteria (a) (b) (c) of policy CTY10;
- Concerns around CTY13 and 14 – Southbound trees are to be retained and can provide further tree planting;
- There are 3 natural boundaries and 1 planted boundary;
- Policy CTY14 infill – the field does not constitute an infill site;
- Distance would be 110m and therefore not an infill gap site;
- Refused on basis of policies CTY13 and 14 on another site and approved by Planning; Planning Appeals Commission, June 2019 and this should be acceptable too;
- Committee are asked to approve for a full time farmer wishing to return to the home farm.

The Chair invited questions from Planning Committee.

Councillor Scott asked for the reference of the Planning Appeals Commission decision and was advised by Senior Planning Officer it was 2018/A0232. Senior Planning Officer stated this application was not comparable and explained there was insufficient integration, no roadside hedge, the rear eastern boundary was undefined and earthworks were unacceptable under Planning Policy.

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 reasons:
  - The application does comply with Policy CTY10 and give weight as the main Policy;
  - The Site visit has demonstrated integration into the countryside and meets (a) (b) and (c) of CTY10;
  - Topography - There is a tree line that screens the site from Sheskin Road, and can condition; there is a suitable natural boundary, enclosure on three sides.
  - There is a break in the topography which acts against ribbon development.

The Chair put the motion to the Committee to vote.

5 Members voted For; 6 Members voted Against; 0 Members Abstained.

The Chair declared the motion Lost.



**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 for the reasons set out in section 10.

**The Chair declared a comfort break at 16:32.**

- \* **Civic Support & Committee & Member Services Officer arrived in The Chamber.**
- \* **Committee & Member Services left The Chamber.**
- \* **The meeting reconvened at 4.51pm.**

The Head of Planning undertook a roll call.

- \* **Alderman Finlay did not rejoin the meeting.**
- \* **Councillor McGurk did not rejoin the meeting.**

#### **5.7 LA01/2020/0156/F 99 Dowland Road, Limavady**

Report previously circulated presented by Senior Planning Officer J McMath.

**Reason for presenting to Planning Committee: Referred by Member**

**App Type:** Full

**Proposal:** Proposed storage unit for storage of finished products Planning

#### **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 notes 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 for the reasons stated below.

Amended Refusal reasons

1. The proposal is contrary to paragraph 6.91 of the SPPS, Planning Policy Statement 4, Planning and Economic Development, Policy PED 9, in that the development would, if permitted be detrimental to the visual amenity of the area by reason of its scale and siting, it may harm the amenity of nearby residents

by reason of increased noise, adversely affect features of the natural heritage and will cause or exacerbate flooding.

2. The proposal is contrary to Paragraph 6.115 of the Strategic Planning Policy Statement and Policy FLD 3 of Revised Planning Policy Statement 15 - Planning and Flood Risk, in that the applicant has failed to demonstrate through the submitted Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

3. The proposal is contrary to paragraph 6.192 of the SPPS and policies NH 2 and NH 5 of Planning Policy Statement 2, Natural Heritage as it has not been demonstrated that the development would not be harmful to habitats, species or features of natural heritage importance.

4. The proposal is contrary to paragraph 4.11 - 4.12 of the SPPS as it has not been demonstrated that the development would not cause a noise nuisance to nearby residents and have significant adverse impacts on the water environment from ground contamination.

- This application was before Planning Committee in December with a recommendation to refuse and Committee deferred the application for 2 months to allow the submission of all outstanding information. A preliminary risk assessment and amendments to the proposed height and finishes have been submitted but the issues which remain unresolved are:
  - Noise Impact Assessment (NIA) is required due to the close proximity of residential property, the fact that the building extends the business activity closer to nearby residential property and the fact that the proposed building has open walls to a height of 2.2m on all sides. Without a NIA the proposal is contrary to policy Ped 9 of PPS4, has not been submitted even though it was requested 24/11/20 and 23/12/21.
  - Information to accompany the drainage assessment (consented discharge at a specified rate and information on maintenance and responsibility of an unadopted drainage system) has not been submitted even though it was requested 24/11/20 and 23/12/21. Without this information the proposal is contrary to policy Ped 9 of PPS4 and policy FLD3 of PPS15.
  - The preliminary risk assessment identified pollutant linkages of moderate risk to the water environment therefore NIEA require a generic quantitative risk assessment. The agent was advised of

this on 4<sup>th</sup> March 22 and to date no information has been received. The proposal is therefore contrary to the SPPS, policy PED9 of PPS4 and policy NH2 and 5 of PPS2.

- Finally concerns still remain regarding the siting of the building, this was brought to the attention of the agent on 24/11/20 and 23/12/21 remain to be addressed. The proposal remains contrary to policy PED9 of PPS4.

Proposed by Alderman Duddy

Seconded by Alderman Boyle

- 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 Chair put the motion to the Committee to vote.

10 Members voted For; 0 Members voted Against; 1 Member Abstained.

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 for the reasons set out in section 10.

#### **5.8 LA01/2020/0823/F Land West of No. 157 Feigh Road, Feigh Upper Bushmills**

Reports previously circulated presented by Senior Planning Officer J Lundy.

##### **Reason for presenting to Planning Committee: Referred by Member**

**App Type:** Full Planning and Outline Planning

**Proposal:** Refurbishment of existing clachan involving 4no. vernacular buildings (2no. bed) and replacement of former dwelling to provide 5no. dwelling houses including all landscaping and 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 for the replacement dwelling subject to the conditions set out in section 10 and REFUSE planning permission for the change of use subject to the reasons set out in section 12.

Senior Planning Officer presented as follows:

- LA01/2020/0823/F proposal is for the Refurbishment of existing clachan involving 4no. vernacular and replacement of former dwelling and all landscaping and site works.
- The site is located in the countryside within the Distinctive Landscape Setting (DLS) of the Giant's Causeway on the Feigh Road just off and visible from the Causeway Road. The site is also located within the Causeway Coast Area of Outstanding Natural Beauty (AONB).
- This proposal entails two elements. A replacement dwelling and change of use of 4 no. existing buildings to dwellings.
- Discussing the principle of the Change of Use application. Permission is sought for the change of use and conversion of the 4 No. existing buildings to dwellings is considered unacceptable in principle, contrary to Policy COU 4 of Northern Area Plan 2016 as it does not fall within the 3 specified circumstances allowing development within the DLS.
- The buildings coloured in red are within an old clachan as confirmed by HED.
- The site is adjacent to No 156 Feigh Road which has permission for a similar use granted pre the adoption of the Northern Area Plan. These permissions have expired.
- To recap on Policy COU 4 from the Plan:
  - Policy COU 4 states that no development in the DLS zoning will be approved except in 3 circumstances:
    - Exceptionally modest scale facilities, without landscape detriment, which are necessary to meet the direct needs of visitors to the World Heritage Site.
    - Extensions to buildings that are appropriate in scale and design and represent not more than 20% of the cubic content of existing buildings.
    - Replacements of existing occupied dwellings with not more than a 20% increase in cubic content.
- The proposed COU and conversion of the 4 buildings does not meet with the specified circumstances. The plans justifies this strict approach to development proposals than elsewhere in the AONB. Refusal to this element of the proposal is recommended on this basis.

- In relation to the Replacement Dwelling, this would fall for consideration under criteria 3 of the Plan zoning. The text discusses replacement of existing occupied dwellings. While this existing farmhouse is not occupied, it could be with minimal intervention under permitted development rights. Therefore it is considered the replacement of the dwellings is acceptable.
- View of the site travelling from White Park Road to Causeway Road.
- The replacement building
- The gable of the replacement.
- The four buildings for the Change of use
- As the proposal has two separate proposals we have considered acceptable in this occasion to offer a split decision refusing the CoU and approving the replacement opportunity.

The Chair invited J Mawhinney to speak in support of the application.

J Mawhinney stated she was from MBA Planning, representing Glenabbey Estates Ltd who were active on the North Coast. This is a high quality proposal to return the clachan into use and has surveyed all the Giants Causeway area – this is the last clachan of this quality in this area and there were photographs confirming this was the sole clachan in the area capable of reuse. Ballintoy Archaeological and Historical Society had confirmed the clachan was resided in by four families and is an historical piece of history with the historical layout intact. Council says it cannot verify the evidence. However, the assessment is firm and robust. Cannot consider the generalised assertion of fear of setting a precedent. The proposal is a reuse of high quality building being upgraded, with original form retained, using grass crete and maintaining the character. HED agree and welcome the protection of the clachan. Policy COU 4 is the sole refusal reason. It is up to the decision maker to balance all material considerations and urge to keep in mind that do not need to slavishly adhere to Policy COU4. The purpose is to protect the distinctive landscape setting. This is man made history in a prominent site and will ensure the clachan, a locally important building, is not lost, but is historically and sensitively restored. It is a cultural heritage asset in its own right and retention should be given determining weight. Evidence is that all other clachans are dilapidated and no harmful precedent set as they cannot be reused. Response from HED and application of policy BH15 of PPS should be given determining weight. HED have verified the welcome retention and should get determining weight. Urge proposal is approved to retain this clachan as part of the history for many years to come.

The Chair clarified the issue was the smaller vernacular buildings, the clachan.

In response to a query from The Chair, J Mawhinney clarified Ballintoy Archaeology and Historical Society had the names of the families who lived in it - they were Wallace, Hill, Duncan and Thompson, around the 18<sup>th</sup> and into 20<sup>th</sup> centuries. J Mawhinney clarified HED have independently confirmed the clachan's nature.

In response to questions the following was clarified by the Senior Planning Officer:

In consultation with HED they are content under Policy PPS 6 is met. However, Policy COU4 takes a stricter approach in the distinctive landscape setting. Policy COU4 has stricter approach on 3 specified circumstances allowing development. The weight given to the material considerations is a matter for the Planning Committee. Senior Planning Officer clarified policy COU4 allows three exceptions in a distinct landscape setting:

- 1 – exceptionally modest scale;
- 2 - extension to building appropriate scale not more than 20%;
- 3 – replacement existing occupied dwelling.

In response to the Chair the Head of Planning clarified one vote would suffice for determination of this application.

Proposed by Alderman Duddy  
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 APPROVE planning permission for the replacement dwelling subject to the conditions set out in section 10;
- and disagrees with the reasons for the recommendation to refuse planning permission for the change of use and APPROVE subject to the reasons:
  - o Given the unique circumstances of development, the significance of the area and the fact clachan's are something the younger generation know nothing about, they are going to be sympathetically restored;
  - o Exceptional circumstances – modestly renovated and significant role to play in history and tourism in the nature of the area situated.
  - o There are exceptional circumstances, they will be renovated modestly and have significant historical role to play for tourism along the Giants Causeway;
  - o Under Policy COU4, exception point 1, exceptional circumstances;
  - o Modest changes made will help preserve it given it may be one of the last.

Alderman S McKillop added there may be other unique historical buildings in the area this could apply to but was in agreement that the building should not fall into disrepair.

Alderman Boyle stated support.

The Chair put the motion to the Committee to vote.

The Chair declared the motion unanimously agreed 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 for the replacement dwelling subject to the conditions set out in section 10; and disagrees with the reasons for the recommendation to refuse planning permission for the change of use and APPROVE subject to the reasons:

- Given the unique circumstances of development, the significance of the area and the fact clachan's are something the younger generation know nothing about, they are going to be sympathetically restored;
- Exceptional circumstances – modestly renovated and significant role to play in history and tourism in the nature of the area situated.
- There are exceptional circumstances, they will be renovated modestly and have significant historical role to play for tourism along the Giants Causeway;
- Under Policy COU4, exception point 1, exceptional circumstances;
- Modest changes made will help preserve it given it may be one of the last.

**AGREED** – that Conditions and Informatives be delegated to Officers.

\* **Alderman Duddy left the meeting at 5.29pm.**

## **6. Correspondence:**

The Head of Planning presented the correspondence as read.

### **6.1 DfC - Housing Supply Consultation – Council's Response**

Copy circulated.

Councillor Nicholl, referring to the area of Benbradagh as an example, felt there was a discrepancy with actual housing need and statistics published and should be flagged in relation to the Consultation.

The Chair, Alderman Baird clarified her understanding of first preference along with turnover of housing stock and natural flow of the population. The Chair advised correspondence could be issued to the Department for Communities, seeking clarification of the model to calculate housing needs assessment.

Councillor Scott agreed, there appeared to be more need than that within statistics.

Proposed by Councillor Nichol  
Seconded by Councillor Scott and

**AGREED** – that Planning Committee write to Department for Communities seeking clarification of the model to calculate housing needs assessment.

## **6.2 DfC - Call-In on Planning and Other Regulatory Decisions**

Copy circulated.

## **6.3 DfI - Standing Orders of Councils and Implications of the 'Hartlands Case'**

Copy circulated.

## **6.4 DfI – Planning Forum Action Update**

Copy circulated.

## **6.5 DfI – s26 Determination Letter Townlands of Carnbuck, Magheraboy and Moneyneagh, near Corkey**

Copy circulated.

## **6.6 Transmission Development Plan NI 2021 – 2030 Consultation – Council's Response**

Copy circulated.

## **6.7 DfI – End of the Emergency Period (Development Management (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020**

Copy circulated.

**MOTION TO PROCEED 'IN COMMITTEE'**



Proposed by Councillor Scott  
Seconded by Councillor McMullan and

**AGREED** – that Planning Committee move ‘In Committee’.

\* **Press and public were disconnected from the meeting at 5.34pm.**

***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.***

## **7. Report for Noting Finance Period 1-10 2021 22 Update**

Confidential report, previously circulated.

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 10 of the 2021/22 business year.

Details was provided within the confidential report, circulated.

### **Recommendation:**

**IT IS RECOMMENDED** that the Committee notes the update provided on the Planning budget as of end of period 10 of 2021/22 financial year.

## **7.2 Update on Legal Issues**

### **7.2.1 East Road Judicial Review**

Council’s Solicitor advised a Notice of Appeal had been lodged by Mr. Duff with regards to the granting of leave and Council noted as a respondent party. The initial views of Council’s Barrister had been sought by the Council Solicitor in advance of the Committee meeting, which were relayed for Committee consideration.

Councillor Nicholl felt Planning Committee do seek an order for costs in view of what Justice Scoffield has said and in view of what Council’s Barrister has indicated.

Further questions were posed to the Council Solicitor in respect of the Security of Costs application with advice given by Council’s Solicitor in respect of the process and costs.

Proposed by Councillor Nicholl  
Seconded by Alderman Baird

- That Planning Committee make an application to the Court to seek security of costs; in the event a response is required within a short notice period, delegate to K Morgan BL and the Head of Planning to respond and authority to proceed.

The Chair put the motion to the Committee to vote.

10 Members voted For; 0 Members voted Against; 0 Members Abstained.

The Chair declared the motion carried.

**RESOLVED** - That Planning Committee make an application to the Court to seek security of costs; in the event a response is required within a short notice period, delegate to K Morgan BL and the Head of Planning to respond and authority to proceed.

Proposed by Councillor Scott

Seconded by Alderman Boyle and

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

## **8. ANY OTHER RELEVANT BUSINESS**

### **8.1 Council Standing Orders Update - Protocol for The Operation of the Planning Committee**

Alderman S McKillop advised she had raised a matter at the Corporate Policy and Resources Committee meeting regarding the amended Protocol for The Operation of the Planning Committee, the Committee had invited her to raise at Planning Committee.

Alderman S McKillop referred to the issue that when an application is deferred and a speaker had not previously registered and would not be able to speak on the deferred application and stated genuine concern.

The Head of Planning clarified Planning Committee had delegated powers, Corporate Policy and Resources Committee were updating Standing Orders in relation to the amended Planning Committee Protocol.

The Head of Planning advised Alderman S McKillop to write to Council's Legal Advisors regarding the matter as it was her understanding an amendment to a decision could not be made within six months.

## 8.2 Site Visit – Dalriadan Gold Ltd

The Head of Planning updated Committee, only one Member had indicated they wished to attend the Dalriadan Site Visit and due to the resources required to facilitate, had to cancel the site visit.

The Head of Planning sought a decision whether Planning Committee required the Site visit to take place, given the limited interest.

Committee Members stated their wish to both visit the site to see its operations and be generally better informed and also that any site visit may inadvertently be perceived as lobbying by members of the public; that a Presentation may be preferable.

The Head of Planning stated she would bring a report to the Planning Committee meeting.

\* **Councillor Scott left the meeting at 6.04pm.**

This being all the business the Chair thanked everyone for being in attendance and the meeting concluded at 6.05pm.

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Chair