

PLANNING COMMITTEE WEDNESDAY 16 DECEMBER 2020

Table of Key Adoptions

| No. | Item | Summary of Key Decisions |
|------------|---|--|
| 1. | Apologies | Alderman Finlay, Councillor Anderson |
| 2. | Declarations of Interest | Councillor Dallat O'Driscoll; Councillor Hunter |
| 3. | Minutes of Planning Committee Meeting Held Wednesday 25 November 2020 | Confirmed |
| 4. | Order Of Items and confirmation of Registered Speakers | <p>Withdrawn - Referral, LA01/2019/1095/O, 176m SE of 92 Muldonagh Road, Claudy.</p> <p>Referral, LA01/2019/0420/F, 165m NE of 58 Movanagher Road, Kilrea be deferred for a Site Visit</p> <p>Objection, LA01/2019/1087/F, 6 Larkhill Road, Portstewart be deferred for a Site Visit</p> <p>Referral, LA01/2019/1197/O, Site between 293 and 293B Drumsurn Road, Drumsurn be deferred for a Site Visit</p> |

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| | | Referral, LA01/2019/1181/O, Site adjacent to no. 293 Drumsurn Road, Drumsurn be deferred for a site visit |
| 5. | Schedule of Applications | |
| | 5.1 Major, LA01/2020/0834/O Lands Adj To Dunluce House, 87 Dunluce Road, Bushmills | Approve |
| | 5.2 Major, LA01/2018/0200/F, Lands Approx 6km NE Of Limavady Which Are Located Immediately To The South Of Broad Road (A37), In The Town Land Of Gortcorbies Co Derry/Londonderry. Access Is Provided Directly From The Broad Road Where An Unoccupied Stone Building Is Located. The Western Site Boundary Is Located Approx 1.2km East Of Keady Hill Quarry And The Eastern Boundary Is Located Approx 400m S W Of Disused Quarry On Broad Road Which Is Adjacent To Springfield Forest | Approve |
| | 5.3 Council, LA01/2020/1005/F, Green Space & Associated Public Pathways Adjacent To The Odd Numbers 19-59 & 69- 73 Coleraine Road, Portstewart 1-5 St. Johns Court, Portstewart, 3-5 & 30 St. Johns Close, Portstewart, Odd Numbers 31-37 Seahaven Drive Portstewart, Even Numbers 28- 36, 39 & 41 Ardmore Drive, Portstewart, 14 & 16 Millbrook Park, Portstewart, 11 Millbrook Avenue, Portstewart, 53 & 55, Mullaghacall Road, Portstewart, Odd Numbers 25-33, 71-73 & 79-89 Mullaghacall Crescent, Portstewart | Approve |

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| | 5.4 Council, LA01/2020/0508/F, Located On The River Bann At The Camus Picnic Area, West Of The A54 Curragh Road, Aghadowey | Approve |
| | 5.5 Council, LA01/2020/0509/F, Drumaheglis Holiday Park And Marina 36 Glenstall Road, Ballymoney | Approve |
| | 5.6 Objection, La01/2019/0936/F, 9 Blackrock Road, Portrush | Approve |
| | 5.7 Objection, LA01/2019/0016/F, Land Immediately South Of Ramore Green Apartments, 158a Main Street, Portrush (Known As Nos. 154 And 156 Lower Main Street, Portrush) | Approve; That a Condition is added for screening of 1.8m on the roof garden To recommend that Council seek IT advice on remote connectivity for Elected Members experiencing difficulties, especially Planning Committee Members |
| 6. | Development Management | |
| | 6.1 Update On Development Management and Enforcement Statistics 01/04/20 – 31/10/20 | Information |
| | | |
| 7. | Development Plan | |
| | 7.1 Verbal Update | Information |
| | 7.2 Listed Buildings – Guide For Local Councils (Draft) | Defer consideration; that Planning Committee write to DfC advising Council will submit a response within the next four weeks |
| | 7.3 LDP – Project Management Team Annual Monitoring Report 2019/20 | Accept the LDP Project Management Team Annual Monitoring Report |
| | 7.4 LDP – Sustainability Appraisal (Inc Strategic Environmental Assessment) – Revised Service Level Agreement | Information |

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| | 7.5 LDP Steering Group - Annual Report 2019/20 | Accept the LDP Steering Group Annual Monitoring Report |
| | 7.6 Dfi Sustainable Water:- Long Term Water Strategy For NI (2015-2040): Fourth Annual Strategy Progress Report | Information |
| | | |
| 8. | Correspondence | |
| | 8.1 Advance Notice of Listings - Council Response | Information |
| | 8.2 DC&SDC – Letter to Council – Availability of Dps Reps | Information |
| | 8.3 FODC Dps Proposed Changes - Council Response | Information |
| | | |
| | IN COMMITTEE (Items 9.1,9.2) | |
| 9. | Confidential Items | |
| | 9.1 Planning Department - Budget Period 1-7 Update | Information |
| | 9.2 Business Case For Staff | <ul style="list-style-type: none"> ▪ Agree to recruit permanently the existing fixed term SPTO, Planning Officer and Planning Assistant posts ▪ on a 3 year fixed term basis 1 x SPTO and 2 x Planning Officer posts. |
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| 10. | Any Other Relevant Business (In Accordance With Standing Order 12 (O)) | Nil |

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE
PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC
HEADQUARTERS AND VIA VIDEO CONFERENCE
ON WEDNESDAY 16 DECEMBER 2020 AT 10.30am**

In the Chair: Councillor Dallat O'Driscoll (C)

Committee Members Present: Alderman Baird (R), Boyle (C) Duddy (C), McKeown (C) and S McKillop (C); Councillors Hunter (R), McGurk (R), MA McKillop (R), McLaughlin (R), McMullan (R) Nicholl (R) and Scott (C)

Non-Committee Members in Attendance Alderman Robinson (R)

Officers Present: D Dickson, Head of Planning (C)
S Mathers, Development Management & Enforcement Manager (R)
J Lundy, Senior Planning Officer (R)
S Mulhern, Development Plan Manager (R)
E Hudson, Senior Planning Officer (R)
C McKeary, Senior Planning Officer (R)
S Duggan, Civic Support & Committee & Member Services Officer (C)

In Attendance: P Donaghy, Democratic & Central Services Manager (R)
J Keen, Corporate Support Assistant (R)
I Owens, Committee & Member Services Officer (R)

J Winfield, ICT Operations Manager (C)
A Lennox, Mobile Operations Officer (C)
C Thompson, ICT Operations Officer (C)

Press (1 No.) (R)
Public (3 No.) (R)

Registered Speakers In Attendance (R):

| | |
|------------------|---------------|
| LA01/2020/0834/O | D Worthington |
| LA01/2018/0200/F | G McGimpsey |
| LA01/2019/0936/F | R MacIntosh |
| | M Gordon |
| LA01/2019/0016/F | M Graham |
| LA01/2019/1087/F | J Burnside |
| | J Burnside |
| LA01/2019/0420/F | J Simpson |

Key R = Remote C = Chamber

The Chair read the following in connection with the Remote Meetings Protocol and Local Government Code of Conduct:

'Welcome to the Planning Committee Meeting.

I extend a welcome to members of the press and public in attendance. You will be required to leave the meeting when Council goes into committee. You will be readmitted by Democratic Services Officers as soon as the meeting comes out of committee. I would also remind you that the taking of photographs of proceedings or the recording of proceedings for others to see or hear is prohibited.

If you are having technical difficulties try dialling in to the meeting on the telephone number supplied and then Conference ID code which is on the chat feature.

If you continue to have difficulties please contact the number provided on the chat at the beginning of the meeting for Democratic Services staff and ICT staff depending on your query.

The meeting will pause to try to reconnect you.

Once you are connected:

- *Mute your microphone when not speaking.*
- *Use the chat facility to indicate to that you wish to speak. The chat should not be used to propose or second.*
- *Please also use the chat to indicate when you are leaving the meeting if you are leaving before the meeting ends.*
- *Unmute your microphone and turn your camera on when you are invited to speak.*
- *Only speak when invited to do so.*
- *Members are reminded that you must be heard and where possible be seen to all others in attendance to be considered present and voting or your vote cannot be counted.'*

Local Government Code of Conduct

The Chair reminded the Planning Committee of their obligations under the Local Government Code of Conduct.

'I would remind Members of your obligation under the Northern Ireland Local Government Code of Conduct for Councillors in relation to Planning matters.

Under Part 9 of the Code I would remind you of your obligation with regard to the disclosure of interests, lobbying and decision-making, which are of particular relevance to your role as a Member of this Planning Committee.

You should also bear in mind that other rules such as those relating to the improper use of your position, compromising impartiality or your behaviour towards other people, also apply to your conduct in relation to your role in planning matters.

If you declare an interest on a planning application you must leave the Chamber for the duration of the discussion and decision-making on that application'.

1. APOLOGIES

Apologies were recorded for Alderman Finlay, Councillor Anderson.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded as follows:

- Councillor Dallat O'Driscoll in LA01/2019/0420/F, 165m NE of 58 Movanager Road, Kilrea, Councillor Dallat O'Driscoll abstained from the vote on this Item;
- Councillor Hunter in Major, LA01/2020/0834/O Lands adj to Dunluce House, 87 Dunluce Road, Bushmills, Councillor Hunter left the meeting before this Item was heard.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 25 NOVEMBER 2020

Minutes, previously circulated.

Proposed by Alderman Baird
Seconded by Alderman Boyle and

AGREED – that the Minutes of the Planning Committee meeting held Wednesday 25 November 2020 are confirmed as a correct record.

The Chair put the motion to the Committee to vote.
Committee voted unanimously in favour.
The Chair declared the motion carried.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Chair advised the following Item had been withdrawn:

- Referral, LA01/2019/1095/O, 176m SE of 92 Muldonagh Road, Claudy.

Proposed by Alderman Duddy
Seconded by Alderman S McKillop

- that Referral, LA01/2019/0420/F, 165m NE of 58 Movanager Road, Kilrea be deferred for a Site Visit, to consider the topography of the site, the size and scale and where the site sits in regard to the existing business and how it is being utilised.

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.

Proposed by Alderman S McKillop
Seconded by Alderman Duddy

- that Objection, LA01/2019/1087/F, 6 Larkhill Road, Portstewart be deferred for a Site Visit, to consider the scale and massing of the building on site and view it in the context of the site.

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

*** Councillor McMullan joined the meeting at 10.52am.**

Proposed by Councillor Nicholl
Seconded by Councillor McLaughlin

- that Referral, LA01/2019/1197/O, Site between 293 and 293B Drumsurn Road, Drumsurn and Referral, LA01/2019/1181/O, Site adjacent to no. 293 Drumsurn Road, Drumsurn be deferred for a site

visit to consider the site and perspective in relation to where it sits in the landscape and information to demonstrate the need at this location.

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 unanimously.

5. SCHEDULE OF APPLICATIONS

* **Councillor Hunter disconnected from the meeting at 10.53am and did not participate in the Item.**

5.1 Major, LA01/2020/0834/O Lands adj to Dunluce House, 87 Dunluce Road, Bushmills

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

App Type: Outline Planning Permission

Proposal: Demolition of existing agricultural, Storage and cafe/dining/retail buildings, erection of tourist/recreational/educational/hot food/retail/conference and office facilities to include a visitor centre building incorporating tourism, recreational, educational hot food, retail, conference and office uses and the creation of a new and amendment of an existing access onto Dunluce Road and ancillary development related to the proposal.

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 reasons set out in section 10.

Erratum Recommendation

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

Erratum 2 Recommendation

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

The Development Management and Enforcement Manager presented via PowerPoint as follows:

The proposal comprises the main elements of a new and replacement buildings to accommodate a visitor centre building for Dunluce Castle and a new car parking area. While an outline application, details have been provided of the proposed site layout and building elevations.

In terms of the Northern Area Plan 2016, the site is located outside any settlement development limit. The site is within the Dunluce Local Landscape Policy Area (LLPA) and within an Area of Significant Archaeological Interest. In addition, it is within the Causeway Coast AONB. The Northern Area Plan does not contain specific policies on tourism development. The Plan directs that regional policy applies to such proposals- specifically PPS 16 Tourism.

This is a major planning 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.

Principle of Development - The visitor centre is considered to be a tourist amenity. Policy TSM 2 of PPS 16 makes provision for such a tourist amenity in the countryside where the proposal is in association with and requires a site at or close to a particular tourism attraction located in the countryside. Dunluce Castle is considered to be a tourism attraction. The proposal meets the criteria of the policy by using replacement buildings for the most part. The proposal replicates the existing farm buildings and has minimal visual impact.

Integration & Rural Character - The scale and form of the proposed buildings will integrate effectively the existing buildings on the site. The scale of the proposed buildings does not exceed that of the existing buildings. In addition, the proposal will have a more consolidated appearance through the removal of the existing café building to the north of the existing group. The proposed car park area is modest and substantially involves reuse of an existing yard area. The car park shall be screened by use of a dry stone wall.

Impact on AONB & World Heritage Site - Given the sensitivity of the location, a Landscape and Visual Impact Assessment was submitted with the application. This demonstrates that the visual impact is similar to the buildings already existing on the site. NIEA Protected Landscapes were consulted and are content with the proposal.

Natural Heritage - In assessment of the application NIEA notes that different bird species are using the site to breed. Given this, NIEA advised that buildings are not to be demolished during the bird breeding

season. Further to the bat survey submitted, a bat mitigation plan is required to be submitted at reserved matters stage.

Impact on Archaeology - As Dunluce Castle is considered to be of regional importance in terms of archaeology, remains are required to be preserved in-situ. This along with a developer funded programme of archaeological works, is subject to proposed conditions.

Access & Parking - A total of 31 car parking spaces are proposed. This together with the proposed visibility improvements at two of the access points is acceptable to DfI Roads. The proposal accesses onto a Protected Route using existing accesses (A2). While the proposal shall result in intensification, the principle of use of existing accesses is acceptable as the overall proposal meets the criteria for development in the countryside.

Representations - None have been received.

Conclusion - Proposal is considered acceptable and the recommendation is to approve.

In response to an Elected Member query, the Development Management and Enforcement Manager clarified the scheme was a betterment of existing traffic arrangements.

The Chair invited D Worthington to speak in support of the application.

D Worthington advised there were no objections, consultees had positive responses, and PAN considered favourable. The application was a renewal of previously granted permission and had not changed. D Worthington welcomed the Officers conclusion and advised that the scheme was carefully designed and did not have a detrimental effect, it would boost tourism, reduce visual impact of the buildings by removing the café.

Proposed by Alderman Baird
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 **APPROVE** planning permission subject to the reasons set out in section 10.

The Chair put the motion to the Committee to vote.

11 Members voted For; 0 Members voted Against; 1 Member Abstained.
The Chair declared the motion to approve carried.

- * **Councillor Hunter re-joined the meeting at 11.12am.**
- * **Councillor MA McKillop arrived at the meeting remotely at 11.06am.**

5.2 Major, LA01/2018/0200/F, Lands approx 6km N E of Limavady which are located immediately to the south of Broad Road (A37), in the Town land of Gortcorbies Co Derry/Londonderry. Access is provided directly from the Broad Road where an unoccupied stone building is located. The Western site boundary is located approx 1.2km east of Keady Hill Quarry and the eastern boundary is located approx 400m S W of disused quarry on Broad Road which is adjacent to Springfield Forest

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

App Type: Full Planning

Proposal: Construction of a wind farm comprising 9 No. wind turbines (maximum 149.9 meters to blade tip) and associated infrastructure including external electricity transformers, crane hardstandings, underground cabling, control building, substation compound, newly created site entrance, new and upgraded on-site access tracks, turning heads and all other associated ancillary works. During construction and commissioning there will be a number of temporary works including a construction compound with car parking, temporary parts of crane hardstanding and welfare facilities.

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 the recommendation to approve the proposed development in accordance with paragraph 9.1 of the Planning Committee report.

The Senior Planning Officer presented via powerpoint presentation.

This proposal involves the construction of 9 wind turbines of up to 149.9m and the associated access roads and infrastructure that is associated with the windfarm.

The site is located on the Broad Road between Coleraine and Limavady.

The turbines are proposed to be laid out as shown.

The Senior Planning Officer advised the Committee has been provided with a report, a written addendum providing an additional condition regarding drainage of surface water on the public road at the site entrance, 2 emails received one received on 13th December 2020 at 21:15 and the other on 14th December 2020 at 19:41 which will be addressed by verbal addendum.

Verbal Addendum 1

A further objection was submitted on 13th December 2020 at 21:15 requesting a deferral for this application until January. The objection has been circulated to members. This request for a deferral was to allow the objector further time to read information provided on 2nd December 2020. The Head of Planning declined to defer the application. The objector raised the following points:

- Inability to determine impact when masts approved have not yet been constructed. (This is dealt with within the visuals of the ES where the constructed and approved turbines are shown)
- The visual prominence of the proposal (This is dealt with within the report and members can see for themselves)
- Nighttime amenity due to lights (This is dealt with in the report regarding residential amenity, red lights in night sky are required for aviation safety and do not merit refusal reason)
- Conditions cannot be monitored or enforced. (EIA development requires the Council to monitor any conditions that require it and there are a few recommended in this case: condition 26, a HMP, condition 27, a protect species management plan, condition 29 an Ornithological Mitigation Strategy, condition 30 an Ornithological Monitoring Plan, condition 31 a Bat Monitoring Plan. Wind farms also are required to discharge these conditions as part of their corporate due diligence)
- Development on active peatland (The development is not on active peatland and GSNI are content that there is no risk of peatslide)
- Danger of water flowing onto the road (A further condition is required to address this and has been provided as a written addendum.)
- Opening onto a protected route (PAC decision is applicable and it has been given substantial weight and that there has been no policy change since that decision)
- Protection of badgers report not available (These reports are not available on line due to the sensitivity of the information. NIEA have viewed this and are content with the measures proposed)
- Concern about reference to badger exclusion from setts. (NIEA are content that badgers have been appropriately considered and protected).

Verbal Addendum 2

A further email was submitted 14th December 2020 at 19:41 and raised the following issues:

- The badger report is not available on the planning portal but should be available for consideration (Badger reports are confidential and not in the public part of the portal. A redacted copy of the report was provided to the objector on 15th December 2020 by email.)
- Concern about exclusion from badger setts (This is contained within the badger report and is accepted by NIEA as the competent authority in their consultation in the form of condition 28)
- Wind farms constructed have been granted permission at appeal with only 3 turbines permitted outside the appeal process. (Planning can only consider the reason for approval or refusal and no weight can be given to the method of determination)
- 11 turbines approved but not built will intensify the visual impact of development (these turbines are already approved and not the subject of this consideration)
- This proposal is leaning on the precedent created at appeal to approve these turbines (the only reference to the previous appeal was regarding the exceptionality of the access onto the public road. This proposal was considered on its own merits in relation to the relevant policy as laid out in the report)
- The little by little approach could mean that further applications are difficult to refuse. (Each application is considered on its own merit within the appropriate policy context)

This is a Major application which was subject to a PAN with a Community Consultation Report submitted with application.

In this case a voluntary Environmental Statement was supplied with the application.

- In terms of the Northern Area Plan 2016, the site is located in the open countryside, outside any designated settlement. The site is within the Binevenagh AONB.
- The site falls within Landscape Character Area (LCA) 36 Binevenagh which has been assessed to have a high – medium landscape sensitivity to impact from wind energy development.
- The site is not within any European designations however it is hydrologically linked to the River Roe and Tributaries Special Area

of Conservation (SAC) and Area of Special Scientific Interest (ASSI) and Lough Foyle Special Protection Area (SPA), ASSI and Ramsar site.

- It is within close proximity to Gortcorbies ASSI and Ballyrisk More ASSI which are of international and national importance and are protected by the Habitats Regulations and The Environment (Northern Ireland) Order 2002 (as amended). An HRA was carried out but there were no issues raised that were not addressed and that would warrant a refusal.

The main issues:

- Principle of Development - Planning Policy CTY 1 of PPS 21 allows for renewable energy projects in accordance with PPS 18 – Renewable Energy. Policy RE1 of PPS 18 makes provision for wind farm projects in the countryside. The proposal has been assessed against this policy and has been found to contribute to regional needs and acceptable in terms of its environmental effects.
- Amenity -The main impact to amenity here is visual amenity in the countryside, but safety and noise impact have also been considered.

The nearest occupied dwelling is on Bolea Road which is 1239m from the nearest turbine T1 therefore, there are no properties within the 998m safety separation distance of a proposed turbine at both the indicated turbine location and the proposed micro-siting boundary.

Policy RE 1 stipulates that a separation distance of 10 times rotor diameter, with a minimum distance not less than 500m, will generally apply to protect residential amenity from noise. In this instance a separation distance of 998m will generally apply. No residential dwellings have been identified as being within 998m of a proposed turbine.

There will be some impact from the development during the construction phase in terms of mainly noise. However, this shall be for a limited time period and this shall be regulated by condition including hours of the day when construction can take place.

- Biodiversity & Nature Conservation- While the site is not within an international or national nature conservation designation, it is

hydrologically linked. This has been assessed and has been found acceptable. In terms of protected species, the proposal has been assessed with specific regard to badgers, lizards, newts, snipes and red grouse. The site also has areas of priority habitats. Again, it has been found acceptable subject to conditions regarding construction management plans and species monitoring plans.

- Built Heritage-. This application site is located in an area containing a high number of recorded archaeological sites and monuments. Consequently pre-development archaeological mitigation is required as conditions in the event of an approval as per Policy BH 4 of PPS 6.
- Visual Amenity & Landscape Character- The site falls within the Binevenagh AONB and photomontage visuals were provided with the ES to assist consideration of the proposed visual impact on the landscape. In this 27 different viewpoints were provided, several of which demonstrate that the windfarm will be conspicuous in the landscape and will extend the existing wind farm group in a Southerly direction. (21 constructed and 11 approved but not constructed; 32 in total already approved)
 - B/2007/0563/F - Dunmore 7 turbines, approved at appeal 25.10.2010 (Constructed)
 - B/2007/0560/F – Dunbeg 14 turbines, approved at appeal 28.01.2011(Constructed)
 - B/2013/0241/F – Dunbeg 8 turbines approved at appeal 15.06.2018 (Not yet constructed)
 - LA01/2016/0061/F Dunbeg 3 turbines approved on 26.04.2017(Not yet constructed)
- From critical views from the West selected, the proposal will be prominent and extend the existing and proposed windfarm at Dunmore/Dunbeg further to the South

VP3 Broad Road, This is how the turbines will appear on the road travelling between Coleraine and Limavady. They are uphill and on the opposite side of the road to the existing wind farm.

VP6 Broad Road, This is taken from the Limavady side driving to Coleraine. The turbines will be on the RHS on the hill. The wireframe at the top of the screen needs to be viewed in conjunction with the landscape photo. Wire frames do not show

trees, buildings or vegetation, In this case the wire frame shows the constructed and approved turbines, but in the landscape photo it is likely that they would be obscured by trees at that viewpoint and only the proposed turbines would be visible.

VP7 Windy Hill Road. This shows part of the constructed wind farm to the LHS of the shot and the proposal super imposed on the RHS, however the approved extension which is not built would appear in between these 2 and is only visible in the wire frame above.

VP10 Binevenagh Scenic Drive This is a longer view similar to the previous slide where constructed wind farm is to the LHS of the shot the proposal superimposed on the RHS. However the approved extension which is not built would appear in between these 2 and is only visible in the wire frame above.

VP13 Seacoast Road. This shows how the 9 turbines in the top row of the wire frame will look in the landscape in conjunction with the existing and approved turbines.

- Objection & Support Representations- The consideration of these is set out in the report. There are now 11 objections including the two supplied as a verbal addendum from the same objector.
- Conclusion- The proposed development is considered acceptable at this location in terms of the relevant policy and considering all other material factors. Therefore approval is recommended subject to the conditions included in the report.

In response to a question from an Elected Member regarding migrating birds, the Senior Planning Officer referred to the Environmental Statement that considered and no risk posed. The Senior Planning Officer referred to the Environmental Statement and Conditions with mitigations and cited from the report. NIEA were consulted and content. Geological Survey for Northern Ireland were consulted regarding land slippage and are content. The site is not located on active peat bog.

The Chair invited G McGimpsey to speak in support of the application.

G McGimpsey advised he was Project Manager, he presented on the importance of contributing to the Government target of 70% green energy by 2030. G McGimpsey stated the pandemic had impacted Causeway Coast and Glens GDP, reduced by 21.04%, the investment in renewables would kickstart the economy and a £7.87M stimulus. He

advised the project would sustain 23,000 homes per year and reduce Co2 emissions by 40,000 tonnes each year. The rateable contribution at £468,000 per annum and £14.1M over 30 years, supporting Council's delivery of its strategic outcomes of its Community Plan. G McGimpsey stated Environmental Statements had been assessed, there were no objections.

In response to Elected Member queries, G McGimpsey clarified it will be underground connection to the grid to the CAM Cluster. This will be subject to a separate Planning Application, yet to be determined. He stated that NIE will bring the connection to the site entrance and it will all be carried out at the same time so there will be no retrospective work.

Proposed by Councillor Scott
Seconded by Alderman Baird

– 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 to approve carried unanimously.

5.3 Council, LA01/2020/1005/F, Green Space & Associated Public Pathways adjacent to the odd numbers 19-59 & 69-73 Coleraine Road, Portstewart 1-5 St. Johns Court, Portstewart, 3-5 & 30 St. Johns Close, Portstewart, odd numbers 31-37 Seahaven Drive Portstewart, even numbers 28-36, 39 & 41 Ardmore Drive, Portstewart, 14 & 16 Millbrook Park, Portstewart, 11 Millbrook Avenue, Portstewart, 53 & 55, Mullaghacall Road, Portstewart, odd numbers 25-33, 71-73 & 79-89 Mullaghacall Crescent, Portstewart

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

App Type: Full

Proposal: Installation of 55 No. 5.2m Lighting Columns along Existing Public Pathways to Satisfy Lighting Regulations.

Recommendation

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies, guidance and consideration in sections 7 and 8 and resolves to

APPROVE planning permission subject to the conditions set out in section 10.

The Senior Planning Officer presented via PowerPoint presentation.

- The site is located within the settlement development limits of Portstewart as defined in the Northern Area Plan 2016. The site falls within a major area of open space and within the Mullaghacall LLPA under designation PTL 10.
- The lighting is located along existing paths and the football club.
- The proposal has been considered in accordance with the relevant planning policies, contained within the NAP, the SPPS, PPS 8 and PPS 6.
- Consultation was carried out as set out in section 5 of the Planning Committee report. The external lighting scheme shall be constructed in accordance with the lighting guidance and provided that they comply with these aspects the proposed lighting scheme will not have any negative impacts to the surrounding residential dwellings in terms of illumination.

In response to an Elected Member query, the Senior Planning Officer clarified Environmental Health reduction intrusive light guidance note and cited from it.

Proposed by Councillor Scott
Seconded by Alderman S McKillop

– That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies, guidance and consideration 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 to approve carried unanimously.

5.4 Council, LA01/2020/0508/F, Located on the River Bann at the Camus Picnic Area, West of the A54 Curragh Road, Aghadowey

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

App Type: Full

Proposal: Full application for extension to existing pontoon by installation of a new canoe pontoon to improve access to the waterway

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.

The Senior Planning Officer presented via PowerPoint presentation.

- Planning Application LA01/2020/0508/F. This is a full application for an extension to the existing Pontoon at the River Bann Camus Picnic Area, just off the Curragh Road, Aghadowey.
- An overview of the general location of the site. The site is located in the open countryside, outside any settlement development limits as defined in the Northern Area Plan 2016.
- The redline boundary of the site including the existing access point off the Curragh Road. The proposal is an extension to existing pontoons which are in place adjacent to the site.
- The site layout plan. This area shown in yellow and red is the pontoon extension. It includes an access ramp and handrail and the materials used are a timber effect decking measuring 6m x 3m.
- A view looking down the existing walkway and onto the existing pontoon. The proposal would adjoin onto the end of the pontoon shown on this photograph.

The proposal is located in the countryside and as such falls to be assessed under PPS 21. Policy CTY 1 directs outdoor sports and recreational uses to be considered under PPS 8 (Open space, sport and outdoor recreation). Policy OS 6 of this document relates to development ancillary to water sports and that these types of development will be acceptable if they meet the criteria outlined in Policy OS 6. The proposal is considered to meet all the criteria of Policy OS 6 and as such the proposal is considered acceptable in principle.

The application was accompanied with a Flood Risk Assessment as the site is located within the 1 in 100 year fluvial flood plain. The proposal is considered to meet the exceptions test of Policy FLD 1. The site is also located within a reservoir inundation area emanating from the Ballinrees Reservoir. DFI Rivers have been consulted and are content that the

proposal poses no flood risk. An operational protocol has been submitted with the application which relates to the management and operational of the facility.

A Habitats Regulation Assessment (HRA) was submitted as part of the application to consider if there would be any effects on any protected sites. Shared Environmental Services were consulted and recommended that the HRA submitted by the agent be accepted. As such we are content that the proposal will not have an adverse impact on protected sites.

The recommendation is to approve planning permission with conditions as outlined in Part 9 and 10 of the Committee Report.

Proposed by Alderman McKeown
Seconded by Alderman S 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.
13 Members voted For; 0 Members voted Against; 0 Members Abstained.
The Chair declared the motion to approve carried unanimously.

5.5 Council, LA01/2020/0509/F, Drumaheglis Holiday Park and Marina, 36 Glenstall Road, Ballymoney

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

App Type: Full Planning

Proposal: Extension to existing floating pontoons & refurbishment of existing fixed pier jetty to improve access to the Lower River Bann. Works to floating pontoons include installation of new pontoon units to extend existing 2.4m wide pontoon by 21m, 2 no. new pontoon restraint piles, minor dredging and re-profiling of river banks to provide under keel clearance and provision of new rock armour revetment. Works to fixed pier comprises replacement of existing deck, frame and quay furniture including additional fendering.

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 reasons set out in section 10.

The Senior Planning Officer presented via PowerPoint presentation.

- Planning Application LA01/2020/0509/F. This is a full application for Extension to existing floating pontoons & refurbishment of existing fixed pier jetty to improve access to the Lower River Bann. Works to floating pontoons include installation of new pontoon units to extend existing 2.4m wide pontoon by 21m, 2 no. new pontoon restraint piles, minor dredging and re-profiling of river banks to provide under keel clearance and provision of new rock armour revetment. Works to fixed pier comprises replacement of existing deck, frame and quay furniture including additional fendering.
- An overview of the general location of the site. The site is located in the open countryside, outside any settlement development limits as defined in the Northern Area Plan 2016.
- The redline boundary of the site. The site is accessed via an existing access off the Glenstall Road and is the extension of an existing pier, jetty and floating pontoons.
- The site layout plan.
The proposal includes works to the existing pier to comprise:
 - Removal of existing quay furniture and installing replacements;
 - Replacement of access ramp and composite timber deckingWorks to pontoons comprise:
 - Relocation of existing pontoon and guide piles
 - Minor dredging works and re-profiling to provide adequate berthing depth;
 - Installation of new pontoon units connected together.
- A view of the existing pier which will be replaced with a new access ramp, composite timber decking and new hand rails, ladders, fencing etc.
- A view along the existing pontoon

- And this is the location of the existing pontoon which will be re-located and the new pontoon located at the end of this extending it by 21 metres.

The Senior Planning Officer stated Policy CTY 1 of PPS 21 directs outdoor sports and recreational uses to be considered under PPS 8 (Open space, sport and outdoor recreation). Policy OS 6 relates to development ancillary to watersports and that these types of development will be acceptable if they meet the criteria outlined in Policy OS 6. The proposal is considered to meet all the criteria of Policy OS 6 and as such the proposal is considered acceptable in principle.

The site is located within an archaeological site of local importance. Historic Environment Division have advised that an archaeological assessment should be carried out on site and this is included as a condition.

The application was accompanied with a Flood Risk Assessment as the site is located within the 1 in 100 year fluvial flood plain. The proposal is considered to meet the exceptions test of Policy FLD 1 of PPS 15. The site is also located within a reservoir inundation area emanating from the Ballinrees Reservoir. DFI Rivers have been consulted and are content that the proposal poses no flood risk. An operational protocol has been submitted with the application which relates to the management and operational of the facility.

A Habitats Regulation Assessment (HRA) was submitted as part of the application to consider if there would be any effects on any protected sites. Shared Environmental Services were consulted and recommended that the HRA submitted by the agent be accepted. As such we are content that the proposal will not have an adverse impact on protected sites.

The proposal is considered acceptable in terms of amenity, visual impact, natural heritage, flooding and character. The application relates to ancillary development to the existing use on site, incorporates refurbishment/replacement and a limited extension to existing river access facilities. As such the recommendation is to approve planning permission with conditions as outlined in Part 9 and 10 of the Planning Committee Report.

Proposed by Alderman S McKillop

Seconded by Alderman McKeown

– 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 reasons set out in section 10.

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 to approve carried unanimously.

Councillor McMullan observed there was no disability access.

- * **Alderman Boyle left the meeting at 12.02pm and re-joined the meeting at 12.07pm during consideration of the above Item and did not vote on the Application.**

5.6 Objection, LA01/2019/0936/F, 9 Blackrock Road, Portrush

Reports and Site Visit report, previously circulated, presented by Senior Planning Officer, J Lundy.

App Type: Full Planning

Proposal: Demolition of existing dwelling and garage and proposal for 2 new detached dwellings and associated 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 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 proposed development 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 proposed development in accordance with paragraph 1.1 of the Planning Committee report.

The Senior Planning Officer presented via PowerPoint Presentation.

The application is at 9 Blackrock Road, Portrush. The development includes the demolition of existing dwelling and garage and proposal for 2 new detached dwellings and associated works.

The proposal is located within the settlement development limit of Portrush.

There are 33 objections to the proposal from 15 objectors, the points of objection are set out in section 5 of the Planning Committee report and mostly relate to the impact on character, overlooking, loss of light, removal of open aspect, dominance, the private nature of Blackrock road, traffic and noise.

An addendum has also been circulated with an objection points, relating to ridge heights and setting a precedent.

A second addendum has also been provided in relation to information from the agent in relation to the previous planning permission set out in section 3 of the Planning Committee report.

A site visit with Committee Members was carried out on Monday of this week and the report has also been circulated.

- The site, outlined in red, bounded to the north by west bay and located within the settlement development limit of Portrush. The site extends from the Blackrock Road to the public path to the north. It is a relatively large site in comparison to the land to the east and west which are divided into smaller plots.
- A view from West Strand. This view shows the land rising up to the dwellings that front onto Dhu Varren Road. There has been a lot of redevelopment in this area in recent years and the style is a mix of traditional and contemporary dwellings.
- The existing dwelling sits in an elevated position on the site. The proposal is to replace the existing 1 storey dwelling with a 3 storey dwelling. The proposed dwelling will be brought forward to a similar ground level as the lower part of the front garden.
- The garage to be replaced is the cream building at the back of the site, a 2 storey dwelling is to be located here.

- The site as it adjoins the Blackrock Road. The yellow marking the width of the site. The existing garage onto Blackrock Road.
- The 3 dwellings to the eastern elevation. Due to the topography and positioning of the existing dwellings in the locality there is a degree of intervisibility between most of the properties.
- No 10 to the west
- The proposed block plan. The dashed line of the existing dwelling. The solid line is the footprint of the proposed dwelling in the centre of the site. The proposed second dwelling adjoins Blackrock Road to the south eastern part of the site and replaces a garage which is located on the south eastern boundary. The location of the proposed house has been moved forward in the site and is in line with the rear of no 10 to the west and No 4 to the east.
- Contextual elevations from the lane and the front. The top contextual shows the dwelling onto the Blackrock Road. All windows are obscured with the exception of the main stairway window which is central in the photo. The proposed garage is 1.7m higher than the existing garage and will be of a similar height as No 11 Blackrock Road.
- The contextual drawing on the bottom of the slide shows the proposed dwelling in context with the surrounding development. It is a contemporary design that follows on from No10. The front elevation in the street scene with the back drop of the dwellings behind it. The proposal still respects the tiered development in the area with tiered gardens and the dwelling to the rear.
- Two sections through the site. As you can see the red line outline depicts the existing buildings. Moving the dwelling forward and cutting into the front embankment enable the finished floor level to be lowered. As a result the height of the proposed building does not extend significantly above the ridge of the existing dwelling.
- The front elevation including garages. The side windows mostly shown as obscure glazing.
- The rear elevation mostly reflective of a 2 storey. The side elevation to No 4.

- The proposed dwelling onto Blackrock Road, walling and gates to enclosed car parking.
- The rear of the dwelling. Showing steps down to a lower garden space including a planted living wall.
- A contextual of the previous approval referred to in the addendum and planning committee report.

In response to a request for clarification from an Elected Member, the Senior Planning Officer clarified via the slides the position of proposed development in relation to other applications to the east of the application site.

The Chair invited R Macintosh to speak in objection.

R Macintosh advised of opposition to the development due to scale, design, impact on the area and views from all angles across the bay. He referred to the ridge height of the proposed building greatly exceeding those of the current building and in comparison to other buildings adjacent the site. R Macintosh considered the proposal to have a disastrous effect on the character of the area and request the height be reduced to that of the current ridge height. He stated that a large number of people were opposing the application and will be proved right.

The Chair invited M Gordon to speak in support.

M Gordon referred to backland development, the previous permission and precedent set. The design is contemporary modern rendered with zinc and stone. House 1 is not dissimilar to No. 10 in height. House No. 2 is where there was previous permission for 2no. units. The height is similar to adjacent house and will not be unacceptable. The previous approval for 3, is now proposed for 2 dwellings and has been reduced and is not excessive for a plot this size. M Gordon advised that the previous permission is the fall back approval as development has commenced on the site. He advised the development is not unacceptable given the hierarchy of the scale of the buildings. M Gordon set out the ridge height of the houses to the East and West. He stated that when viewed from the Harbour the view as layers of houses will be maintained. In terms of amenity, this is detailed in the Planning Committee Report and there already is a degree of overlooking which is to be expected in an urban area. Each Planning Application should be approved on its own merits.

In response to questions from Elected Members M Gordon clarified the ridge height had already been reduced and sits 200mm above the adjoining dwelling at No.10A but comparable when viewed from distances across the Bay. The rear house is 2 storey and the bungalow at 11 Blackrock Road has hipped roof. Previous permission was 1 ½ storey with hipped roof. This dwelling is still subordinate to the main dwelling within the site. Separation distances are satisfactory and will there will be no impact on residential amenity.

In response to queries from an Elected Member, the Senior Planning Officer clarified the previous approval for the two dwellings, height of the double garage and wall plate of 6.2m high to the tip and the single dwelling flat roof of 5.7m height.

The Senior Planning Officer clarified DfI had no objections and did not require a footpath. The Blackrock Road is a private road and not adopted.

The Senior Planning Officer, referring to the slides illustrated this was the biggest plot in the area either side. She advised that although 3 storey is greater than the existing dwelling, bringing it forward and using the levels to their advantage makes it acceptable. Density, scale and massing are considered acceptable. The main dwelling has similar height to No. 10A and is higher than no 6 Blackrock Road. The commencement of development of the previous approval has not been accepted fully as the works have been covered up and therefore cannot ascertain if the development carried out was in accordance with the approved plans; there is no photographic evidence.

Proposed by Councillor Nicholl
Seconded by Councillor McLaughlin

– 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 reasons set out in section 10.

The Chair put the motion to the Committee to vote.
9 Members voted For; 1 Member voted Against; 3 Members Abstained.

The Chair declared the motion to approve carried.

5.7 Objection, LA01/2019/0016/F, Land immediately south of Ramore Green Apartments, 158a Main Street, Portrush (known as Nos. 154 and 156 Lower Main Street, Portrush)

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

App Type: Full Planning

Proposal: Demolition of existing building and erection of 5No. apartments with integral car parking and all associated 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 the recommendation to approve the proposed development in accordance with paragraph 9.1 of the Planning Committee report.

Senior Planning Officer, J Lundy, presented via Powerpoint presentation.

The application is for 5 apartments over 5 floors with parking. The application was previously at the Planning Committee in October where the Committee agreed with the recommendation to approve. Following the Planning Committee a further objection letter was received from a new objector raising concerns relating to the impact of the proposal on their property. In line with Kides case law as new material information has been presented post Planning Committee it is necessary to return the application to allow the Committee to further consider the additional information. As set out the objection, points relate to loss of light, overshadowing, loss of privacy, traffic congestion and overcrowding and overdevelopment. The assessment of these issues are set out in the Addendum.

The application is located in the settlement development limits of Portrush as designated in the NAP and within an area of archaeological potential. The proposal is for apartments have been assessed under PPS 7 and its addendums, PPS 3, PPS 2 and PPS 6.

There is an extant permission on site for a similar scheme confirmed through the submission of a CLUD. Significant weight is given to the fall back position of the extant approval.

There have been 8 letters of objection to the proposal relating to landownership, loss of public visual amenity, overlooking, overshadowing and parking intensification. The scheme has been significantly reduced since it was submitted.

The Senior Planning Officer presented the slides:

- The site near the entrance to Ramore Head;
- The red line of the site adjacent an existing apartment block to the north and east and south;
- The ground floor block plan detailing 5 number car parking spaces;
- The proposed front elevation in context with the existing apartment block to the north and the outline of the apartments to the east and that front on to Ramore Street;
- The site itself. The windows to the existing development shown on the gable;
- The site again in context with the surrounding development. As previously mentioned the proposal has a fall back position for a 5 storey development. The extant permission is of a similar scale however the design has simplified to be more in keeping with the street scene.

In response to Elected Member queries, the Senior Planning Officer clarified the roof was previously a mansard roof and carparking accepted previously for 5 spaces. The previous application was approved in October this year but had not issued. The roof and terrace accessible for all, there is a wall and small fencing. The Senior Planning Officer advised she would ask the Agent to clarify the roof garden fence height. The buildings are attached but not interlinked. Significant weight is given to the fallback position.

The Chair invited M Graham to speak in support of the application.

M Graham advised the application had been approved in October, the principle of development 5 apartments, integral garage, 5 car parking spaces was accepted. Two applications for 4 apartments in 2006 and 2012, certificate of lawfulness is the fall back. The Design approved sympathetic and integrate into the streetscape. DfI Roads had no objection. The design avoids the potential for overlooking. The roof garden is a communal area, with a parapet wall and fence on top. Obscure glazing is provided for bathroom and stairwell windows which are to be conditioned.

In response to Elected Member queries M Gordon clarified a 1m parapet wall and fence on top would result in no overlooking and a condition could be added.

Proposed by Alderman Duddy
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 **APPROVE** planning permission subject to the conditions set out in section 10
- That a Condition is added for screening of 1.8m on the roof garden.

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 to approve carried unanimously.

Councillor McMullan raised a matter not on the Agenda regarding IT connectivity.

Proposed by Alderman Duddy
Seconded by Alderman S McKillop

- To recommend that Council seek IT advice on remote connectivity for Elected Members experiencing difficulties, especially Planning Committee Members.

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.

- * **The Chair declared a recess at 1.32PM.**
- * **Alderman Boyle left the meeting and did not re-join.**

The meeting reconvened at 2.30PM.

6. DEVELOPMENT MANAGEMENT

- * **Alderman S McKillop left the meeting at 2.36PM.**
- * **Democratic and Central Services Manager joined the meeting at 2.37PM.**
- * **Alderman McKeown joined the meeting at 2.46PM during consideration of the Item.**

6.1 Update on Development Management and Enforcement Statistics 01/04/20 – 31/10/20

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

The "Protocol for the Operation of the Planning Committee" sets out the requirement to provide monthly updates on the number of planning applications received and decided.

This Monthly Statistical Report provides Members with unvalidated statistics in relation to how Council's Planning Department and Committee are performing against the Framework indicators. Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have been excluded from the reports to correspond with official validated statistics published by DFI.

Table 1 detailed the number of Major planning applications received and decided, as well as the average processing times. Please note that these figures are unvalidated statistics. In comparison to the same period last year, the number of major applications received has decreased by 3 applications and the number of major applications decided has decreased by 9. 1 Major application issued in the month of October. Average processing times are only 0.5 weeks slower when compared to same period last year

Table 2 detailed the number of Local planning applications received and decided as well as the average processing times. Please note these figures are unvalidated statistics. In comparison to the same period last year, the number of applications received has decreased by 48 applications and the number of decisions issued/withdrawn has decreased by 304 applications. However, with staff largely working from home, processing is slower than when in the office and this is reflective in the decrease in local decisions issuing.

When compared with the same period last year, the impact of working from home is largely in relation to the number of decisions issuing. However, processing times are only 0.4 weeks slower than same period last year when operating in the normal working environment.

Table 3 detailed the number of Enforcement cases opened and concluded as well as the percentage of cases concluded within the statutory target of 39 weeks. Please note these figures are unvalidated statistics. In comparison to the same period last year, the number of cases opened has

decreased by 83 and the number of cases brought to conclusion has decreased by 58.

The statutory target for concluding 70% of enforcement cases within 39 weeks continues to be met by our Enforcement team with 72% of cases YTD concluded within the statutory target. However, of note is that the number of cases concluded within 39 weeks has decreased by 14.8% when compared to the same period last year. The length of time to bring these cases to target conclusion is due to the delays in site visits.

Table 4 detailed the total number of Local applications determined under delegated powers. Determined is taken as the date the decision issued and excludes withdrawn applications. DfI Development Management Practice Note 15 Councils Schemes of Delegation recommends that councils should aim to have 90-95% of applications dealt with under the scheme of delegation. To date 94.53% of applications determined were delegated under the scheme of delegation.

Table 5 detailed the number of decisions that were determined by the Planning Committee at each monthly meeting and the percentage of decisions made against officer recommendation, including Major, Council and Local applications. This is taken from the date of the Planning Committee meeting. To note is that 10 out of 12 referred local applications had the officers' recommendation overturned at Planning Committee which is an 83.33% overturn rate for referred applications and a 28.21% overturn rate in total.

Table 6 detailed the number of appeal decisions issued since in YTD of 2020/21 business year. Please note that these figures relating to planning appeal decisions only are unvalidated statistics extracted from internal management reports.

Eleven Planning Appeals decisions have issued by the PAC YTD of which the Planning Department has successfully defended its decision on 72.8% of appeals.

Table 7 detailed the number of application for claims for costs made by either third parties or Council to the PAC and the number of claims where the PAC have awarded costs.

Table 8 detailed the number of contentious applications which have been circulated to all Members and the number of applications subsequently referred to the Planning Committee for determination.

IT IS RECOMMENDED that the Planning Committee note the update on the development management statistics.

7. DEVELOPMENT PLAN

7.1 Verbal Update

Report, previously circulated, presented by the Development Plan Manager.

- 6month LDP Work Programme (Jul-Dec 2020):

Remains as presented and agreed at August Planning Committee. An updated programme will be brought before Members in the New Year.
- LDP Member Workshops – Draft Plan Policy approach:

Following the postponement of face to face workshops due to COVID restrictions Member workshops re-commenced in September 2020 and will continue into next year.
- Project Management Team Meetings (which includes government bodies/key stakeholders):

Consultations on Draft Policy approach have continued to take place electronically.
- LDP Steering Group Meetings: Due to postponement of workshops etc this group has not met during the reporting period. However, it will reconvene in 2021.
- CC&GBC Landscape Study:

Informing the LDP draft policy approach re protection of the Borough's landscapes & natural heritage assets.
- Sustainability Appraisal/SEA: As members are aware, we have received a revised Service Level Agreement from our consultants (SES) – that proposes much higher costs than previous SLA. Costings and legal advice have been received. This will be discussed in more detail at Agenda Item 7.4.

- Evidence Paper updates: Update of evidence base is ongoing. This is feeding through into our draft policy approach and LDP Member Workshops.
- Study updates: A recent update of the retail element (only) of the Council's 2017 Retail & Leisure Capacity Study. This was agreed at November 2020 Committee, for use in both the LDP preparation and in determining Planning applications within the Borough.
- Monitors: Work commenced on retail monitor (to inform Retail Study update) and work on the Housing monitor has re-commenced. Employment Land monitor due to commence this calendar year. However, given that the COVID situation remains it might be more appropriate to delay the employment land monitor to ensure that we have a well-rounded evidence base. This will be kept under review.
- Staffing: LDP Team compliment is 6 out of 7 at the minute. One is 0.8 FTE.
- Publication of Draft Plan Strategy: The Draft Plan Strategy will not be published in A/W 2020. This is being kept under review. An updated 6month work programme and revised LDP Timetable will be brought before Members in the New Year for discussion and agreement.

7.2 Listed Buildings – Guide for Local Councils (Draft)

Report, previously circulated, presented by the Development Plan Manager.

The Department for Communities: Historic Environment Division (DfC:HED) has published a "Draft Information Guide for Local Councils on Listed Buildings" seeking comment, prior to publication of the final document.

The Department for Communities (DfC) wrote to the Council on 16th November 2020, seeking comment on its "Draft Information Guide for Local Councils on Listed Buildings", prior to publication of the final version (see Appendix 1, circulated).

The draft guide (see Appendix 2, circulated) sets out the following:

- Why buildings are listed.
- How buildings are listed.
- Understanding the criteria for listing.
- Objecting to a listing/de-listing.

- Making changes to listed buildings.
- Further information and guidance.

The guidance also includes a case study/example of a DfC listing report, which Members will be familiar with from previous presentations of “Advance Notice of Listings” to this Committee by council planning officers. These are usually as a result of the “Second Survey” of Northern Ireland, as detailed at paragraph 1.4 of the attached draft document.

Members will also be aware that one listing within the Borough has been in response to the serving of an Emergency Building Preservation Notice, on 1st June 2017, on the Londonderry Arms Hotel, Portrush. This process is set out at paragraph 2.1 of the draft document.

The closing date for submission of comments is 21st December 2020.

IT IS RECOMMENDED that Members note the contents of the draft guide and agree to the Head of Planning responding to DfC: HED on behalf of Council.

Alderman Baird considered buildings should not be Listed unless there is funding.

Councillor Scott concurred, he was not in favour of Listing buildings without funding to cover the extra costs.

Proposed by Alderman Duddy
Seconded by Alderman Baird

- That Planning Committee defer consideration; that Planning Committee write to DfC advising Council will submit a response within the next four weeks.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried unanimously.

7.3 LDP – Project Management Team Annual Monitoring Report 2019/20

Report, previously circulated, presented by the Development Plan Manager.

Background

The Council’s Development Plan team is currently preparing a Local Development Plan (LDP) for the Borough, a statutory requirement for the Council. In preparing its LDP the Council must provide a 15-year plan framework to support the environmental, economic and social needs of

the Borough in line with regional strategies and policies, and with the objective of promoting sustainable development.

The LDP is subject to a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA).

LDP Project Management Team

In order to oversee the implementation and publication of the LDP SA (Inc SEA) and in line with Council's 'Statement of Community Involvement in Planning' (SCI), a Project Management Team (PMT) was established (see Terms of Reference at Appendix 1, circulated).

At Preferred Options (POP) Stage key consultees provided information on key strategic issues that the LDP should address. Consultees are currently providing input into the wide range of topic-based draft planning policies for the LDP Draft Plan Strategy.

An invite also extends to all party leads (or a nominee) and Council Directors.

LDP Timetable

It is a statutory requirement to prepare, and keep under review, a timetable for the preparation and adoption of the LDP. The timetable must include indicative dates for each stage of the LDP preparation and the publication of the Preferred Options Paper and the development plan documents (Draft Plan Strategy and Draft Local Policies Plan) as well as accompanying documents such as the SA.

Members approved a revised LDP Timetable at the 25th September 2019 Planning Committee. Following agreement with the Planning Appeals Commission (PAC) on 8th October 2019 and DfI on 14th November 2019, the revised timetable was published in the local paper and on the Council's website on 25th November 2019.

In line with this timetable the Development Plan team was working towards the publication of the LDP Draft Plan Strategy in autumn/winter 2020. A busy schedule of PMT meetings had commenced in January 2020, to inform draft planning policy approaches to be discussed at the numerous planned LDP Member Workshops.

However, evidence gathering (site visits, surveys etc), face to face meetings and workshops had to be postponed as a result of government

advice in response to the COVID-19 pandemic in March 2020. Only one of the scheduled LDP Workshop and one PMT meeting took place.

Throughout the pandemic council planning officers have continued to work towards the Draft Plan Strategy publication. Engagement has continued (electronically) with the PMT on progressing our draft policy approaches. Member workshops also recommenced in September (virtually), and these will continue into 2021.

LDP Evidence Base

The LDP must have a robust and sound evidence base.

The Council's Landscape Study (presented to Members at the 14th October 2020 LDP Workshop) was also impacted by the COVID-19 pandemic as the consultant was unable to travel to Northern Ireland to complete the final stage of the study. Given that four of Northern Ireland's eight Areas of Outstanding Natural Beauty (AONBs) lie within the Borough (wholly or partially), this critical piece of evidence was required to inform our draft policy approach on the protection of the Borough's landscapes.

The SPPS requires a council, in the absence of an up to date Plan, to undertake an assessment of retail need/capacity. The regional policy requirement set out in the SPPS for a "town centre first" approach to retailing has also been highlighted with the submission of a number of recent retail applications within the Borough.

This piece of work ordinarily would have taken place at a later stage in the LDP process. However, to ensure that our evidence base (for both plan-making and decision-taking) is up to date, an addendum to the Council's Retail & Leisure Capacity Study (2017) was undertaken. This was presented and agreed at the 25th November 2020 Planning Committee.

The employment land monitor has been postponed ensuring that we allow sufficient time to get a fuller picture of the impact of Covid-19 restrictions on the Borough.

Sustainability Appraisal

The Council received a revised Service Level Agreement (SLA) from our consultants (SES) in relation to provision of the LDP Sustainability Appraisal/SEA. This set out significantly higher costs than the current SLA. Officers sought a breakdown of costs from SES and legal advice on

this issue. This information is currently being considered by all of the affected NI Councils.

Impact on LDP Timetable

All of the above has had a considerable knock-on effect on the Plan team's ability to meet the current LDP Timetable. Members have been kept up to date on the issue through the verbal updates provided at each planning committee by the Local Development Plan Manager. The Draft Plan Strategy will not be published in Autumn/Winter 2020 and a revised timetable will be brought before Members in due course for discussion and agreement.

It is important to note that the Northern Ireland LDP process is totally new. Although it was anticipated that the new regime would take some time to settle down, it is fair to say that it has been a much steeper learning curve than was originally anticipated, for all 11 councils and the Department for Infrastructure.

IT IS RECOMMENDED that Members accept this LDP Project Management Team Annual Monitoring Report.

Proposed by Councillor Hunter
Seconded by Alderman Baird

- That Planning Committee accept the LDP Project Management Team Annual Monitoring Report.

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 unanimously.

7.4 LDP – Sustainability Appraisal (Inc Strategic Environmental Assessment) – Revised Service Level Agreement

Report, previously circulated, presented by the Development Plan Manager.

Background

Members will be aware that Mid & East Antrim Borough Council (M&EA) took on the Shared Environmental Services (SES) provision on the transfer of planning powers to Local Government on 1st April 2015. The provision of this service was to be 'cost neutral'.

The Council also entered into a Service Level Agreement (SLA) with SES for additional services required to support the production of its Local Development Plan (LDP). Members will also be aware, from previous LDP verbal updates, that the cost of this additional service has risen, with M&EA now requesting additional payments.

This is an interim paper to update Members on the topic. A further paper will be brought in due course.

The Planning Act (Northern Ireland) 2011 places a statutory duty on councils producing an LDP to undertake a Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA). This appraisal examines the social, economic and environmental impacts of the LDP. It must be carried out on each of the Development Plan Documents - the Plan Strategy and Local Policies Plan. This is an iterative process.

As each document will incorporate an assessment of environmental effects of the LDP, they must also comply with the requirements set down in the European Directive 2001/42/EC - on the assessment of effects of certain plans and programmes on the environment (SEA Directive).

SES was originally established in line with the transfer of planning functions, to provide support to local councils in meeting their environmental responsibilities, particularly in relation to the Habitats Regulation Assessment (HRA). SES proposed to extend its service to provide assistance to a range of councils in the full preparation of their LDP SA/SEA.

At that time, SES advised that it did not seek to make a profit, but to provide a 'good value' service, reflected in its pricing. On that basis, and following agreement by Members at the 22nd June 2016 Planning Committee, an SLA was signed with SES to undertake the SA/SEA of the LDP (see Appendix 1, circulated).

At that time SES had indicated that it operated its service on a, "not for profit" basis and given that the SES team had also been engaged in undertaking the SA on behalf of seven of the other NI Councils, it was understood that we would benefit from refined working processes and experience gained.

Members will also be aware, from the verbal updates given at Committee that SES wrote to the Council in June 2020 regarding a Revised Service Level Agreement (see Appendix 2, circulated). Members will note that at that time no detailed breakdown or accompanying cost was provided, as per the Original SLA. The revised draft SLA for 2020 sets out an hourly rate across a range of grades of staff but does not detail the staged payments per stage of the LDP progress as per the original SLA.

In his cover letter, the Head of Planning from Mid and East Antrim Borough Council (the hosting Council for the SES) states: *“Following an independent review of the services provided by Shared Environmental Service, it has now become apparent that the original SLA underestimated the amount of work required to carry out the Sustainability Appraisal of your Preferred Options Paper. The Consultants recommended that all work carried out by SES in the future should be charged at an hourly rate and that the rates should be reviewed to reflect the full cost to council”*.

Council planning officers wrote to M&EA Council on a number of occasions seeking further clarification and justification on the revision so that we could establish a ceiling cost for the LDP SA/SEA services.

However, SES has been unable to provide a ceiling cost as the new costing will be hourly based.

We are currently establishing further details pertaining to the pricing review and the amounts now indicated on the revised SLA. Officers are also engaging with counterparts in the other affected councils and are reviewing the proposal in terms of procurement implications. We are also considering the impact that this will have on the delivery of our LDPs.

No new SLA has been signed to date. A further report will be brought before Members in due course to discuss how this matter can be progressed.

It is recommended that Members note the content of this report.

The Head of Planning responded to questions from Members and clarified a report would be prepared and presented to Members in due course.

7.5 LDP Steering Group - Annual Report 2019/20

Report, previously circulated, presented by the Development Plan Manager.

The Council’s Development Plan team is currently preparing a Local Development Plan (LDP) for the Borough, a statutory requirement for the Council. In preparing its LDP the Council must provide a 15-year plan framework to support the environmental, economic and social needs of the Borough in line with regional strategies and policies, and with the objective of promoting sustainable development.

The LDP is subject to a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA).

LDP Project Management Team

In line with the Council's published 'Statement of Community Involvement in Planning' (SCI), the LDP Steering Group was established, comprising the Planning Committee and the Head of Planning (see Terms of Reference at Appendix 1, circulated) to:

- Ensure overview and strategic input in the Plan process, on behalf of the whole community, as well as from planning officials and the wider council.
- Deliver the LDP in accordance with the published Timetable whilst meeting statutory requirements and various tests of 'soundness'.
- Ensure the engagement of Elected Members in the LDP process.
- Agree policy options to be taken forward for assessment under the Sustainability Appraisal/Strategic Environmental Assessment.

At Preferred Options (POP) Stage the LDP Steering Group was consulted on key issues arising within the Borough and for agreement on the publication document.

LDP Timetable

It is a statutory requirement to prepare, and keep under review, a timetable for the preparation and adoption of the LDP. The timetable must include indicative dates for each stage of the LDP preparation and the publication of the Preferred Options Paper and the development plan documents (Draft Plan Strategy and Draft Local Policies Plan) as well as accompanying documents such as the SA.

Members approved a revised LDP Timetable at the 25th September 2019 Planning Committee. Following agreement with the Planning Appeals Commission (PAC) on 8th October 2019 and DfI on 14th November 2019, the revised timetable was published in the local paper and on the Council's website on 25th November 2019.

In line with this timetable the Development Plan team was working towards the publication of the LDP Draft Plan Strategy in autumn/winter 2020. A busy schedule of PMT meetings had commenced in January 2020, to inform draft planning policy approaches to be discussed at the numerous planned LDP Member Workshops.

However, evidence gathering (site visits, surveys etc), face to face meetings and workshops had to be postponed as a result of government advice in response to the COVID-19 pandemic in March 2020. Only one of the scheduled LDP Workshop and one PMT meeting took place.

Throughout the pandemic council planning officers have continued to work towards the Draft Plan Strategy publication. Engagement has continued (electronically) with the PMT on progressing our draft policy approaches. Member workshops also recommenced in September (virtually), and these will continue into 2021.

The LDP Steering Group has not met throughout this reporting period. However, the group will reconvene in 2021.

LDP Evidence Base

The LDP must have a robust and sound evidence base.

The Council's Landscape Study (presented to Members at the 14th October 2020 LDP Workshop) was also impacted by the COVID-19 pandemic as the consultant was unable to travel to Northern Ireland to complete the final stage of the study. Given that four of Northern Ireland's eight Areas of Outstanding Natural Beauty (AONBs) lie within the Borough (wholly or partially), this critical piece of evidence was required to inform our draft policy approach on the protection of the Borough's landscapes.

The SPPS requires a council, in the absence of an up to date Plan, to undertake an assessment of retail need/capacity. The regional policy requirement set out in the SPPS for a "town centre first" approach to retailing has also been highlighted with the submission of a number of recent retail applications within the Borough.

This piece of work ordinarily would have taken place at a later stage in the LDP process. However, to ensure that our evidence base (for both plan-making and decision-taking) is up to date, an addendum to the Council's Retail & Leisure Capacity Study (2017) was undertaken. This was presented and agreed at the 25th November 2020 Planning Committee.

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this issue. This information is currently being considered by all of the affected NI Councils.

Impact on LDP Timetable

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It is important to note that the Northern Ireland LDP process is totally new. Although it was anticipated that the new regime would take some time to settle down, it is fair to say that it has been a much steeper learning curve than was originally anticipated, for all 11 councils and the Department for Infrastructure.

IT IS RECOMMENDED that Members accept this LDP Steering Group Annual Monitoring Report.

Proposed by Councillor Hunter
Seconded by Alderman Baird

- That Planning Committee accept the LDP Steering Group Annual Monitoring Report.

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 unanimously.

7.6 Dfi Sustainable Water:- Long Term Water Strategy for NI (2015-2040): Fourth Annual Strategy Progress Report

Report, previously circulated, presented by the Development Plan Manager.

The Department for infrastructure wrote to the Council on 23rd November 2020 informing it of the publication of the Fourth Annual Strategy Progress Report on the "Sustainable Water: A Long-Term Water Strategy (LTWS) for Northern Ireland (2015-2040) (see Appendix 1, circulated).

Endorsed by the Northern Ireland Executive the LTWS provides an overarching approach for the whole of the water sector in managing all Northern Ireland's water needs.

The Strategy presents a clear framework for action which will facilitate the implementation of a range of initiatives aimed at delivering the long-term vision to have a sustainable water sector in Northern Ireland.

The following four high level aims have been developed by government to cover the key water needs within a catchment and they form the chapters of the LTWS:

- provide high quality sustainable supplies of drinking water to households, industry and agriculture;
- manage flood risk and drainage in a sustainable manner;
- achieve the environmental requirements of the Water Framework Directive in a sustainable manner; and
- provide sustainable reliable water and sewerage services that meet customers' needs.

While development of the strategy has been led by the Department for Infrastructure (DfI) the document itself was also informed by all other water stakeholders including Northern Ireland Water, DfI Rivers, Northern Ireland Environment Agency (NIEA) and the Department of Agriculture and Rural Development (DAERA).

A “Strategy Implementation Action Plan (SIAP)” has also been prepared. The actions are aimed at delivering the high-level proposed measures set out in the LTWS. The SIAP can be viewed via the link supplied.

The actions cover the short, medium and long term to cover the Strategy's 25 year outlook.

Council feeds into the following sections of the SIAP (see Appendix 2, circulated):

- DW AIM 2: Meet the Water Demand needs of Society, the Economy and the Environment;
- FRMD Aim 1: Deliver Sustainable Flood Resilient Development;
- EP Aim 3: Effective and Efficient Wastewater Collection and Treatment

This requires input from the Council’s Planning (Development Management (DM) and Local Development Plan (LDP) Sections) as well as its Environmental Health Department.

The fourth Annual Progress Report (see Appendix 3, circulated) highlights the success of the various organisations in progressing the programmes and plans that have been put in place to tackle and improve the areas of drinking water, flood risk, environmental requirements and water and sewerage services.

IT IS RECOMMENDED that Members note the content of the report.

8. CORRESPONDENCE

The Head of Planning presented the correspondence, previously circulated.

8.1 Advance Notice of Listings – Council response noted

8.2 DC&SDC – Letter to Council – Availability of dPS Reps noted

8.3 FODC dPS Proposed Changes - Council Response noted

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor Scott
Seconded by Alderman Duddy and

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

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.

9. CONFIDENTIAL ITEMS

9.1 Planning Department - Budget Period 1-7 Update

Confidential report, previously circulated, presented by the Head of Planning, to provide Members with an update on the financial position of the Planning Department as of end Period 7 of the 2020/21 business year.

9.2 Business Case for Staff

Confidential report, previously circulated, presented by the Head of Planning.

IT IS RECOMMENDED that the Planning Committee agree to recruit

- permanently the existing fixed term SPTO, Planning Officer and Planning Assistant posts
- on a 3 year fixed term basis 1 x SPTO and 2 x Planning Officer posts for a new SRD Team

Proposed by Alderman Baird

Seconded by Alderman Duddy

- that the Planning Committee agree to recruit
 - permanently the existing fixed term SPTO, Planning Officer and Planning Assistant posts
 - on a 3 year fixed term basis 1 x SPTO and 2 x Planning Officer posts for a new SRD Team.

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 unanimously.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Scott

Seconded by Alderman Duddy and

AGREED – that 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.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 4.01PM.

Chair