

Title of Report:	Planning Committee Report – LA01/2021/0405/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd September 2021
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:

	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<u>App No:</u>	LA01/2021/0405/F	<u>Ward:</u>	Kinbane
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Ballintoy Harbour, Harbour Road, Ballintoy.		
<u>Proposal:</u>	Removal of 7no. existing lighting columns & installation of 21no. 5.1m aluminium lighting columns to the existing car parks & pathways to satisfy lighting regulations		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	13/04/2021
<u>Listed Building Grade:</u>	N/A		
Applicant:	Causeway Coast and Glens Borough Council, Riada House, 14 Charles Street, Ballymoney, BT53 6DZ		
Agent:	Cogan & Shackleton LLP, 10 New Row, Coleraine, BT52 1AF		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

EXECUTIVE SUMMARY

- Full planning permission is sought for the installation of 21no. 5.1m high lighting columns to replace 7no. existing lighting columns currently serving the Harbour public car park and amenity area.
- The site is located approximately 1.8km north-west of Ballintoy and falls within the open countryside as designated in the Northern Area Plan 2016.
- The site is located within the Causeway Coast Area of Outstanding Beauty (AONB) an Area of Archaeological Potential and falls within the Ballintoy Harbour LLPA.
- DfI Roads, Environmental Health Department, NIEA, Historic Environment Division, DfI Rivers, Northern Ireland Electricity and Shared Environmental Service have been consulted and raise no objection in respect of the application.
- No letters of objection have been received in relation to the application.
- The proposal is considered acceptable in that the improvements can successfully integrate into their surroundings, therefore respecting the character of the AONB. The proposed works will not create any significant environmental impacts or prejudice public safety or traffic flow.
- Approval is recommended.

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located at Ballintoy Harbour, Harbour Road, Ballintoy. The site follows the coastline and is irregular in shape extending to approximately 0.5 hectares in size. The site comprises of Council harbour facilities together with associated public car parking and amenity areas which include walkways, a slipway and sections of beach. The site also contains a toilet block and a café. The site is accessed via a dead-end public road which terminates at the car park. 7no. lighting columns currently exist to the north-western boundary of the site with the majority located on the concrete walkway adjoining the harbour wall.
- 2.2 The application site falls within the Causeway Coast Area of Outstanding Beauty (AONB) and is within an area designated as an Archaeological Site and Monument. The surrounding area is both coastal and rural in character, comprising predominantly of agricultural land immediately to the east, south and west with the Atlantic Ocean to the north.

3 RELEVANT HISTORY

- 3.1 There is no recent or relevant planning history relating to the site. A search revealed several legacy applications that were made concerning the roof of the café which is located between the car park and harbour quay and presently trades as Roark's Kitchen.

4 THE APPLICATION

- 4.1 Full planning permission is sought to remove the existing 7no. lighting columns on the site to be replaced by the installation of 21no. 5.1m high lighting columns to the existing car parks and pathways in order to satisfy Lighting Regulations.

5 PUBLICITY & CONSULTATIONS

5.1 External

No letters of objection or letters of support were received with this application.

5.2 Internal

DfI Roads - No objections

Environmental Health - No objections

DfI Rivers - No objections

HED- Historic Buildings - No objections

HED- Historic Monuments - No objections

Shared Environmental Services - No objections

DAERA Marine and Fisheries Division - No objections

Northern Ireland Electricity - No objections

6 MATERIAL CONSIDERATIONS

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- The Northern Area Plan 2016 (NAP)

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

PPS 2: Natural Heritage

PPS 6: Planning, Archaeology and the Built Heritage

PPS 21: Sustainable development in the countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, design, visual impact and visual amenity, natural heritage interests, light impacts, potential impacts on the LLPA, archaeology and the built heritage.

Planning Policy

- 8.2 The site falls within the countryside being located outside any defined settlement limits and is within the Causeway Coast Area of Outstanding Beauty (AONB) an Area of Archaeological Potential and the Ballintoy Harbour LLPA.
- 8.3 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

- 8.4 The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements. As this proposal is in relation to the upgrade of the existing lighting system within Ballintoy Harbour and

associated public amenity areas, the main policy considerations are within paragraphs 6.39, 6.41, and 6.70 of the SPPS, PPS 2, PPS 6 and PPS 21.

- 8.5 Paragraphs 4.1-4.40 of the SPPS outline the general principles for planning with paragraphs 4.23-4.30 identifying the need for good design and positive place-making. Paragraph 6.70 of the SPPS states that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.
- 8.6 The SPPS promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regards to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
- 8.7 The SPPS takes account of coastal development stating that Northern Ireland is valued for its beautiful and relatively unspoilt coast including well known features such as the Giant's Causeway and Causeway Coast. Of particular relevance is paragraph 6.39 which highlights the need to protect areas of amenity within the developed coast from inappropriate development. Paragraph 6.41 goes on to state that in considering development proposals within the developed or undeveloped coast attention must be paid to the retention of existing public accesses and coastal walkways. Proposals to extend access to the coastline or for the provision of associated facilities such as pathways or picnic areas, should not impact adversely on the nature conservation, archaeological/built heritage, geological or landscape value of the area.
- 8.8 The Planning Department assesses that this proposal is in compliance with the provisions of the SPPS. The proposal is located in an area used by a large volume of visiting tourists. Furthermore, the proposal involves improvements to existing public amenity areas for the purposes of sightseeing and recreation within an area of countryside with no detrimental impact to the surrounding rural amenity or tourism assets.
- 8.9 The proposal is for the installation of 21 new lights which will replace and improve the existing lighting currently within the site. 7 lights already exist to the north-western boundary adjoining the coastline and therefore the principle of installing new lights has been

established. The proposed development is considered an appropriate development and is a form of local infrastructure and utility considered acceptable in the immediate context. The scheme is in compliance with paragraph 6.238 of the SPPS in that it will result in a minimal environmental impact.

- 8.10 Planning Policy Statement 21, Policy CTY1 sets out the types of development which in principle are considered acceptable in the countryside. CTY1 states that a range of other types of non-residential development may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

Design, Visual impact, and residential amenity

- 8.11 There are 2 main design elements to this scheme, each of which will be visible from public vantage points within the car parking and amenity areas and from Harbour Road on approach to the site. The proposed lighting features public aspects which have the potential to affect visual amenity. The first main design element is the proposed lighting columns of each light. All 21 lights will be installed at a height of 5.1m and are effectively located along the perimeter of the site curtilage. The other main design element is the light itself upon each of the lighting columns. The 9 lights situated along the harbour wall walkway each feature a 12W LED which will ensure the proposed lights have not have a negative impact upon visual amenity or the marine environment. The remaining 12 lights situated within the car parking areas to the southern section of the site enclosed by cliff faces feature 37W LED lights. From a design perspective, the proposed lighting scheme replaces the existing installation of 7 lights currently serving the site which are substandard. It is good design to repair existing defective development and this is determined to be a planning gain as the lights will replace existing development which is inefficient. The design of the scheme is considered acceptable.
- 8.12 In visual amenity terms the proposed lights will replace existing lights already on the site. Despite an increase in the number of lights being proposed, there will be no significant impact to the existing character or local context given the scale of each light and the fact that they are dispersed throughout the site and are not consolidated in any location. The lights will provide a form of visual guidance and safety to members of the public, who may wish to avail of the amenity spaces,

pathways and car parks at the harbour during night time hours and the dark winter months. The scheme will also provide a form of security as well as it ensures the entire site will be appropriately illuminated which will help reduce potential crime. The proposed scheme is acceptable in terms of visual amenity.

Potential Light Impacts

- 8.13 The agent submits that the external lighting design has been conducted in accordance with the Institution of Lighting Professionals (ILP) guidance notes for the reduction of obtrusive light 2011, and guidance note 01/20. The area is classified as rural, which within these documents, permits values of light intrusion into the windows of neighbouring properties of 5 lux (pre-curfew) and 1 lux (post-curfew). The lighting design has been developed to ensure a level of light into the water of no more than 1 lux, which is the equivalent to moonlight. The agent concludes that the external lighting design as indicated by the isolines is within the permitted tolerances, and therefore is suitable for the application.
- 8.14 Environmental Health was consulted in relation to the proposed scheme and has no objection to the proposal stating that the outer 1 lux isoline indicated on drawing 4716-SK-01 showing the positioning of the 21 replacement 5.1m lighting columns and the resultant lux levels when all are operational does not impact on any residential property on Harbour Road.
- 8.15 DAERA Marine and Fisheries Division was consulted to consider the impacts of the proposal on the marine environment and on the basis of the information supplied are content that there should be no adverse impacts provided standing advice and informatives are adhered to. Inland Fisheries are also content that the proposed lighting will have little impact on inland fisheries interests in the vicinity of the works.

Potential impacts on the Ballintoy Harbour LLPA

- 8.16 The site falls within the Ballintoy Harbour LLPA. The NAP 2016 states that this LLPA to the northwest of the village includes the setting of the dramatically located Ballintoy Church and the cluster along Harbour Road. It is visually important that this cluster remains compact in this exceptional coastal landscape. This LLPA contains Ballintoy Carrick-na-ford SLNCI and is within the Causeway Coast AONB. The

proposed lights are considered development of a modest scale which will enhance the use of this area during night time hours and the winter months. They will provide a security aspect for the use of the car parking and amenity areas in that they will be appropriately illuminated which will help reduce potential anti-social behaviour and potential crime at this location. The proposed development will not have a negative impact on the LLPA and amenities at this location.

Archaeology and the Built Heritage

- 8.17 The site is within proximity to an archaeological site and monument. As such Historic Environment Division was consulted in relation to the development. HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements and defers to Historic Buildings.
- 8.18 The application site is in close proximity to Boathouse, The Harbour, Harbour Road, Ballintoy, Ballycastle (Grade B2) which is of special architectural or historic interest and is protected by Section 80 of the Planning Act (NI) 2011. HED (Historic Buildings) acknowledge that this application is to meet lighting regulations and also note that some lighting columns already exists in the proximity of the listed building, notably along the north east harbour quay. While the existing number is being increased in this area, the majority of the new lighting is being provided to the car parking areas. Therefore, Historic Buildings consider that this application will not significantly affect the understanding or the essential character of the listed building or its setting. HED Historic Buildings advise that they are content with the proposal as presented. These comments are made in relation to the requirements of the Strategic Planning Policy Statement for Northern Ireland (SPPS) para(s) 6.12 and of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage Policy BH11 (Development affecting the Setting of a Listed Building).

Natural heritage interests and Habitats Regulation Assessment

- 8.19 Planning Policy Statement 2, Policy NH6 states that new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and where it is sympathetic to the special character of the area. Proposals should be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. Proposals should

respect local architectural styles and patterns as well as local materials, designs and colour. In terms of siting, design, scale and massing, the proposal is considered sympathetic to this AONB location. It also respects local styles and patterns and conserves features of importance to the character, appearance or heritage of the landscape within proximity of the site. The proposal therefore is in compliance with Paragraph 6.187 of the SPPS and Policy NH 6 of PPS 2.

- 8.20 Both Shared Environmental Services and Northern Ireland Environmental Agency were consulted given the coastal location of the site which is connected to Sheep Island SPA, Skerries and Causeway SAC and mobile marine mammals, features of more distant SACs, through marine waters. This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens Borough Council which is the competent authority responsible for authorising the project.
- 8.21 Shared Environmental Services advise that there is potential for run-off to the marine environment during the construction phase. It is considered based on the nature of the works and the location that any potential impacts would be localised and dispersed readily in the marine environment such that there will be no conceivable pathway for impacts to any European sites connected through marine waters during the construction phase. Having considered the nature, scale, timing, duration and location of the project Shared Environmental Services conclude that it is eliminated from further assessment because it could not have any conceivable effect on a European site. Based on the nature of the proposal there will be no disturbance during construction or operation to any marine mammals associated with any European sites. The consultation response of DAERA Marine Division has not identified any sensitive location for marine mammals within the area. The proposed scheme complies with PPS2 Natural Heritage.

9 CONCLUSION

- 9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposed lighting scheme is acceptable and will replace existing substandard lights. The scheme is compatible with

the character of the area and meets with the provisions of the SPPS, PPS 2 PPS 6 and PPS 8. The development will make a positive contribution and enhance the Ballintoy Harbour LLPA, Causeway Coast Area of Outstanding Beauty and the immediate context. Approval is recommended.

10 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 external lighting scheme shall be constructed in accordance with the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Intrusive Light 2011, and Guidance Note 01/2020, suburban classification. The maximum value of vertical illuminance on properties shall be 5 lux pre-curfew and 1 lux post-curfew as per Drawing No.2 date stamped 20th April 2021.

Reason: In the interests of public and visual amenity.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent sites for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.

Site location Map

