

**PLANNING COMMITTEE MEETING HELD
WEDNESDAY 27 SEPTEMBER 2023**

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	None
2.	Declarations of Interest	Councillor Storey
3.	Minutes of Planning Committee meeting held Wednesday 23 August 2023	Confirmed as a correct record
4.	Order of Items and Confirmation of Registered Speakers	
4.1	Order of Business	Proceed with the Schedule of Applications as scheduled on the Agenda
5.	Schedule of Applications	
5.1	LA01/2022/0938/O (Major) Lands on Northern side of Dunluce Road opposite and west of all-weather pitch at Dunluce School, 16 Dunluce Road, Bushmills	Approve
5.2	LA01/2023/0670/F (Council) Prescient Data Centre, Portstewart Road, Coleraine	Approve
5.3	LA01/2020/0957/F (Objection) Rear of 11 Main Street, Castlerock	Site Visit
5.4	LA01/2022/0939/F (Objection) Grass verge between Screen Road & Dunhill Road, Opposite no 4 Riverside Park East, Coleraine	Approve
5.5	LA01/2022/0635/F (Objection) Lands to the east of 1-6 Mayo Drive and bounded by Ramoan Road, Ballycastle	Approve
5.6	LA01/2022/1196/O (Referral) Directly Adj to the South of 26 Atlantic Road, Coleraine	Disagree and Approve; Delegate Conditions and Informatives

5.7	LA01/2022/1188/O (Referral), Lands between No15 and No18 Shinny Road Ringsend, Coleraine	<i>Disagree and Approve; Delegate Conditions and Informatives</i>
5.8	LA01/2022/0078/F (Referral) Proposed new domestic shed for pet animals/feed and extension to curtilage	<i>Disagree and Approve Delegate Conditions and Informatives</i>
5.9	LA01/2020/0975/F (Referral) Lands due south of 56 Lisnagrot Road, Kilrea	<i>Deferred for a Site Visit</i>
5.10	LA01/2021/0063/F (Referral) Site approximately 20metres South of No.2 Craighfad Road, Ballycastle	<i>Disagree and Approve Delegate Conditions and Informatives</i>
5.11	LA01/2021/1545/MDA1 Moneyvart Cottage, Layde Road, Cushendall Planning Agreement	<i>Defer the application to allow for the submission of a substantively revised proposal</i>
6.	Development Plan	
6.1	Verbal Update	<i>Noted</i>
6.2	Consultation on the draft County Donegal Development Plan 2024 – 2030	<i>That the Planning Committee note the content of the report and agree to the Head of Planning issuing a response, along the lines of that attached at Appendix 2, on behalf of the Council</i>
6.3	LDP – Project Management Team – Annual Monitoring Reports 2021/22 & 2022/2023	<i>That the Planning Committee accept the attached LDP Project Management Team Annual Monitoring Reports</i>
6.4	LDP – Steering Group – Annual Monitoring Reports 2021/22 & 2022/23	<i>That the Planning Committee accept the attached LDP Steering Group Annual Monitoring Report</i>
6.5	TPO Confirmation – 751 Feeny Road, Dungiven	<i>That the Planning Committee agree to Option 1: Resolve to</i>

		confirm the TPO as detailed above
7.	Correspondence	
7.1	Correspondence to Mid and East Antrim Borough Council – Consultation on LDP 2023 draft Plan Strategy update	Noted
7.2	Dfl – Review of LDP Regulations	Noted
7.3	Dfl – The Strategic Planning Policy Statement and Climate Change	Noted
7.4	NIEA – Planning Consultations for Agricultural Developments	Noted
8.	Reports	
8.1	Commencement of Development	Planning Committee notes the Northern Ireland case law and agrees to the updating of Council’s website accordingly and the publication of Development Management Information Note 03 Commencement of Development
8.2	Finance Report – Period 1-4 Update	Noted
8.3	Planning Performance Annual Report 2022/23	That Planning Committee invite the Head of Planning to bring a report back on bringing in Apprentices, to include associated cost Committee NOTED the report
	‘In Committee’ (Items 9, 9.1 (i), (ii), (iii))	
9.	Confidential Items	
9.1	Update on Legal Issues	
(i)	East Road, Drumsum	Noted
(ii)	Rigged Hill	Noted
(ii)	Craigall Quarry	Noted
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 THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND
VIA VIDEO CONFERENCE
ON WEDNESDAY 27 SEPTEMBER 2023 AT 10.30AM**

Chair: Councillor McMullan (C)

Committee Members Alderman Boyle (C), Coyle (C), Hunter (R), McKillop (R), Scott (C), Stewart (C); Councillors Anderson (C), C Archibald (C), Kennedy (C), McGurk (R), Nicholl (R), Peacock (C), Storey (C), Wallace (C), Watton (C)

Officers Present: D Dickson, Head of Planning (C)
S Mulhern, Development Plan Manager (R)
S Mathers, Development Management and Enforcement Manager (R)
R Beringer, Senior Planning Officer (R)
J McMath, Senior Planning Officer (R)
J Lundy, Senior Planning Officer (R)
M Wilson, Senior Planning Officer (R)
E Hudson, Senior Planning Officer (R)
J Mills, Land and Property Solicitor (R)
S Duggan, Civic Support & Committee & Member Services Officer (R/C)
I Owens, Committee & Member Services Officer (C/R)

In Attendance: A Lennox, ICT Officer (R)

Public 10 no (C) and 7 no. (R)
Press 1 no (C)

Key: R = Remote C = Chamber

Registered Speakers

LA01/2022/0938/O	David Donaldson – Support (C)
LA01/2020/0957/F	Ursula Nutt – Objector (C) Suzanne Nutt – Objector (C) Richard Douglas – Objector (C) William Orbinson – Objector (C)
LA01.2022/0939/F	Les Ross – Support (R)
LA01/2022/0635/F	Carol Mooney – Objector (C) Lisa Mooney – Objector (C) Chris Bryson – Support (R) Oliver Pankhurst – Support (R) Kelly Kitchen – Support (R)

LA01/2022/1196/O	Oswald Dallas – Support (C)
LA01/2022/1188/0	Gerard McPeake – Support (R)
LA01/2022/0078/F	John Simpson – Support (R)
LA01/2020/0975/F	Johann Muldoon – Support (C) Nicholas Dallat – Support (C)
LA01/2021/0063/F	Johann Muldoon – Support (C)

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

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

1. APOLOGIES

There were no apologies. The Chair advised that Councillor McGurk would join the meeting later.

2. DECLARATIONS OF INTEREST

Councillor Storey declared an interest in Item 5.8 – LA01/2022/0078/F. Councillor Storey, having declared an interest, left the Chamber during consideration of this Item and did not participate in the vote.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 23 AUGUST 2023

Copy, previously circulated.

Proposed by Alderman Scott
Seconded by Councillor Storey

- That the Minutes of the Planning Committee meeting held Wednesday 23 August 2023 are signed as a correct record.

The Chair put the motion to the Committee to vote.
15 Members voted For, 0 Members voted Against, 0 Members Abstained.
The Chair declared the motion carried.

RESOLVED - that the Minutes of the Planning Committee meeting held Wednesday 23 August 2023 are signed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Chair advised there was no change to the order of business.

5. SCHEDULE OF APPLICATIONS

5.1 LA01/2022/0938/O (Major) Lands on Northern side of Dunluce Road opposite and west of all-weather pitch at Dunluce School, 16 Dunluce Road, Bushmills

Report, previously circulated, was presented by the Development Management and Enforcement Manager.

Major Application to be determined by Planning Committee

App Type: Outline

Proposal: Proposed hotel with restaurant and function facilities with associated parking, landscaping and access works (Renewal of LA01/2018/0077/O)

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 Development Manager and Enforcement Manager presented via power point as follows:-

- This outline application proposes a hotel development with car parking just outside Bushmills across Dunluce Road from Dunluce School. This is a renewal of the same proposal, approved in October 2019.
- While a major application, a new PAN with fresh pre-application community consultation was not required as this is a renewal application. However, details of the previous pre-application community consultation are provided in the Report.
- While an outline application, details with the application propose a 60 bedroom, 3 star rating hotel with function room within a contemporary 2 storey building. The concept shows car parking to the front and rear of the building.
- In terms of the Northern Area Plan 2016, the site is located in the countryside outside the settlement limit of Bushmills within the Causeway Coast AONB. The Northern Area Plan does not provide specific policy on tourism development, rather directing that regional policies apply. Policy TSM 3 from PPS 16 Tourism is the lead policy to assess the proposal.

Main Issues:-

- Alternative Sites within a Settlement - Policy TSM 3 directs that a site in the countryside is dependent on demonstrating that there is no suitable site within the settlement or other nearby settlement. The application was accompanied by a submission which identified that there are no sites available to accommodate the development either in Bushmills or the nearby settlement of Portballintrae. The detail of why sites were discounted is provided in the Report.

- Conversion and Replacement Opportunities - Policy TSM 3 directs that a site in the countryside is dependent on demonstrating that there is no suitable opportunity in the locality to provide a hotel through conversion or replacement opportunities. In this case, no such opportunities were identified near Bushmills or Portballintrae.
- Alternative Sites on Edge of Settlement - Policy TSM 3 requires, broadly, an appropriate site at the edge of a settlement. Alternative sites were considered with the application site considered the best option. The detail of the consideration is provided in the Report.
- Realism of Project - Policy TSM 3 requires demonstration that the proposal is firm or realistic. To this end, information has been provided including funding details and correspondence from Savills to state that there would be "significant operator interest".
- Integration and Rural Character - A detailed Landscape and Visual Impact Assessment was provided. This demonstrates how the proposal will be acceptable when viewed from 5 viewpoints outside Bushmills. Additional consideration was given to the viewpoint from Ballaghmore Road. Integration of the proposal shall be assisted by extensive landscaping on all boundaries.
- Economic Consideration - Details accompanying the application state that the proposal will comprise a significant capital investment, will encourage visitor stays and will employ at least 50 staff on a full and part time basis.
- Access - A single access point is proposed off Dunluce Road with a right turn lane and connecting footpath to tie in with the existing. These arrangements are acceptable to DfI Roads
- Conclusion - The proposal is considered acceptable and the recommendation is to approve subject to a range of conditions including that the detail of the scheme, when submitted, is in general conformity with the concept provided at this outline stage.

No questions were put to the Development Manager and Enforcement Manager.

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

D Donaldson advised that he did not wish to speak, but would answer questions from Elected Members, if required.

No questions were put to D Donaldson.

Proposed by Councillor Anderson
Seconded by Alderman 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.
15 Members voted For; 0 Members voted Against; 0 Members Abstained.
The Chair declared the application approved.

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

* **Alderman McKillop left the meeting at 10.45am.**

5.2 LA01/2023/0670/F (Council) Prescient Data Centre, Portstewart Road, Coleraine

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

Council interest Application to be determined by Planning Committee

App Type: Full

Proposal: Installation of 4 electric vehicle charging points, provision of 6 parking bays, 2 overhead canopies with solar panels, lighting, relocation of existing security gate, provision of 3m high palisade fencing and associated landscaping.

Recommendation

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to GRANT planning permission subject to the refusal reasons set out in section 10.

The Senior Planning Officer presented via Power point as follows:-

- An addendum has been circulated; it covers a comment from EHD and a condition relating to landscaping.
- The addendum, concludes that having regard to the review of the technical data and the consideration under paragraph 8.17 of the Planning Committee Report, there are no concerns in relation to impact from noise or on the amenity of receptors from the proposal.
- The site is located within the Coleraine Settlement Development Limit as designated within the Northern Area Plan 2016. Designations on the site include Economic Development Zoning CEED 02 – University Business Cluster and Local Landscape Policy Area Designation CEL 04 – University LLPA
- The proposed site is within the existing data centre site with their security gates to be relocated to accommodate the proposal. This relatively new technology is considered appropriate development within a science park.

- (Slide) Elevations of the canopies and pumps
- No concerns have been raised by any consultee.
- The proposal is considered to comply with the provisions of the Northern Area Plan 2016, SPPS, PPS 3 and A Planning Strategy for Rural Northern Ireland.
- The application is recommended for approval.

No questions were put to the Senior Planning Officer.

There were no speakers in relation to this application.

Proposed by Councillor Anderson
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 GRANT planning permission subject to the refusal reasons set out in section 10.

The Chair put the motion to the Committee to vote.
14 Members voted For; 0 Members voted Against; 0 Members Abstained
The Chair declared the application approved.

RESOLVED - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to GRANT planning permission subject to the refusal reasons set out in section 10.

5.3 LA01/2020/0957/F (Objection) Rear of 11 Main Street, Castlerock

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

Objection Application to be determined by Planning Committee

App Type: Full

Proposal: Retrospective Change of Use from ancillary dwelling areas and wooden shed to surfing training, equipment hire and cafeteria area.
Retrospective change of use from detached dwelling accommodation to café.
Retrospective provision of seated cafeteria areas, open timber structure providing covered seating area and timber hut coffee servery.

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

The Senior Planning Officer presented via Power point as follows:-

- (Slide) Planning Application LA01/2020/0957F. This is a full Retrospective application for change of use from ancillary dwelling areas and wooden shed to surfing training, equipment hire facility and cafeteria area. Retrospective change of use from detached dwelling accommodation to cafe. Retrospective provision of seated cafeteria areas, open timber structure providing covered seating area and timber hut coffee servery.
- There is an Erratum to accompany the committee report.
- By way of a verbal addendum we advise that as well as conditions referred to in Part 10 of your committee report we require the inclusion of 2 conditions relating to connection to NIW infrastructure. The first is that no connection shall be made to the public sewer until the mandatory sewer adoption agreement has been authorised by NIW and secondly that all services should be laid underground.
- (Slide) This is the red line boundary of the site. The site is located to the rear of no. 11 Main Street, Castlerock and within the Settlement Development Limit of Castlerock which is defined as a village in the Northern Area Plan 2016.
- (Slide) This application is being presented as an objection item to Committee. There have been 18 letters of objection (from 8 separate addresses) and one letter of support. The application has been assessed having regard to the NAP, SPPS, PPS 2 and 3, the Planning Strategy for rural Northern Ireland and other supplementary guidance together with letters of representation and consultee advice and our recommendation is to approve planning permission with conditions.
- This slide shows the site layout. The use is confined to the lower ground floor level.
- (Slide) This is a section of the site. The site slopes down from the dwelling towards the footpath. The structures on site are low level and sit into the natural topography of the site.
- (Slide) Section
- (Slide) Section
- (Slide) Looking at some photos. This is taken from the pedestrian entrance. The coffee servery hut is located adjacent to the entrance.
- (Slide) This shows some of the covered seating areas.
- (Slide) This is a view into another covered seating area and also where the surf hire and training is carried out. These steps lead up to a raised deck which is also currently a seating area for customers.

- (Slide) This is taken from this upper area. Objection has been raised in terms of impact on residential amenity on this neighbouring property which is the other half of the semidetached. Having considered this we would agree that there is an adverse impact on the neighbouring properties amenity when customers are sitting in such close proximity to the immediate front of their property and their front door which is adjacent to the boundary.
- (Slide) This is taken from the neighbouring front door area. As such, in amended plans this upper deck is to be returned to a private area only to be used by residents of the property. This would have been the historic use of this part of the garden. A condition has been attached to this effect.
- (Slide) There is a substantial hedgerow between the properties which aids privacy and screening. The structures do not project above this hedgerow.
- (Slide) Gives an idea of the height of the hedge.
- (Slide) Looking at some images from along Main Street. The rear of these properties along Main Street are open in nature largely due to the elevated nature of the sites as well as facing towards the promenade which would have a large footfall. As such the level of privacy experienced by residents is already compromised. The lower tiers of the development which comprise the coffee hut, seating area and surf training are separated from the immediate front of both properties and due to the low nature of the structures views from the neighbouring properties will look down on top of these structures and with the upper tier returned to private domestic use would ensure no direct overlooking occurs.
- (Slide) Objections have been raised in terms of impact on the character, the proposed use and precedent. In terms of character it is considered the site is located within a mixed use area. There are residential properties on either side but it is also located within close proximity of other commercial uses associated within the village including Berthas Bar and other uses along Sea Road. The site is also located adjacent the promenade and other amenities opposite the site.
- (Slide) Views of the site are restricted until the immediate frontage due to screening of adjacent buildings as well as the low level of development on site. You can see the dwellings sit raised above the road and gardens. In terms of precedent each application is assessed on its own merits however the commercial use of this site as opposed to further along Main Street differs in terms of character.
- (Slide) A view down Sea Road before turning the corner to the site. Shows a number of commercial properties.
- (Slide) The properties along Main Street have a dual frontage with vehicular access to the front of the dwellings. This part of the site is generally more private in nature as it is the same level as the road and would have generally less footfall. This is reflected in both properties

having patio areas on this part of the site. The property has an adequate level of private amenity space retained.

The Chair invited questions from Elected Members for the Senior Planning Officer.

In response to questions from Elected Members, the Senior Planning Officer advised as follows:-

In relation to change of use (reference to slide) the application applies to the bottom end of garden and the upper garden will be for domestic use. Steps which will be retained for access to the upper tier, which is for domestic purposes and will not be accessed by customers. Regarding the concern of setting a precedent, Senior Planning Officer advised these types of applications are determined on their own merit. There are residential properties on either side of this address, but commercial use in the surrounding area with the site well screened by other properties and only visible from front.

The Chair invited U Nutt to speak in Objection to the application.

U Nutt presented stating she was the sole owner of the property beside the application. This business has now been operating from 3-5 years without consideration of impact on herself and other property owners. This impacts adversely on the enjoyment and value of her home. Approval sets a precedent for further expansion.

U Nutt stated events are held in tandem with Bertha's Bar. No monitoring is in place nor a noise impact or analysis. U Nutt stated she has made two complaints including noise and strong kitchen odours. A noise impact assessment would be due to take place 3 months after approval, however this establishment is not open in the winter months. U Nutt stated there are also yoga classes held on the upper deck.

U Nutt stated there has been substantial building work and structural changes dating back to 2016. U Nutt stated the issue of parking at the rear of her property had been raised through DfI Roads and also had raised concern about storm water and sewage. U Nutt advised they do not have the ability to feel safe and secure in their home and are concerned about the health and wellbeing of the family and believe the owners will continue to expand this business.

The Chair invited questions from Elected Members for the Speaker.

In response to questions from Elected Members, the U Nutt advised noise disturbance was mostly at weekends. At a recent wedding party with approximately 100 guests, alcohol was consumed on the premises, this was reported at the time and followed up by an email. An Environmental Health Officer advised that U Nutt was to telephone when these events occur and further stated that they were mostly out of hours. These events are socially advertised and attended at night by the public with staff congregating afterwards at the upper deck, into the small hours of the morning, creating

noise and consuming alcohol. U Nutt clarified her daughter resides in the property and she is moving in during February.

At the request of an Elected Member, the Senior Planning Officer advised the application was retrospective planning permission, with no permission previously being granted.

Alderman Boyle wished to make it known that she had received correspondence from the Speaker in November 2021 and had passed the details to the Planning Department at that time.

Proposed by Councillor Watton
Seconded by Alderman Boyle

- That a Site Visit take place due to conflicting reports and to better understand the issues raised.

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

RESOLVED - That a Site Visit take place due to conflicting reports and to better understand the issues raised.

5.4 LA01/2022/0939/F (Objection) Grass verge between Screen Road & Dunhill Road, Opposite no 4 Riverside Park East, Coleraine

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

Objection Application to be determined by Planning Committee

App Type: Full

Proposal: Removal of existing 12.5m telecommunications column and 1No. cabinet and replacement with a 20m column, 2No. cabinets and associated ancillary development. New column to be approximately 1.4m North East of existing position.

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

The Senior Planning Officer presented via Power point as follows:-

- An addendum has been circulated adding a proposed condition to ensure retention of the existing trees on the site.
- 8 objections have been received raising issues of eyesore, detriment to health, devaluation of property, interference and siting. These points have been fully considered in the case officer report.

- The proposal is located in the wide grass verge between Dunhill Road dual carriageway and Screen Road as shown in the red line
- (Slide) The existing 12.5m mast
- (Slide) Proposed 20m pole
- The proposal is acceptable regarding the appearance in the streetscape located on the side of the dual carriageway and visually connected to the retail park.
- (Slide) Existing site
- ICNIRP certificate has been provided to demonstrate radiation compliance and EHD are content with the proposal as set out
- (Slide) Planning Committee Report
- Approval has been recommended

There were no questions put to the Senior Planning Officer.

The Chair invited L Ross to speak in support of the application.

L Ross advised that he did not wish to speak, but would answer questions from Elected Members, if required.

Following questions from Elected Members, L Ross advised the reason for the elevated height was to improve signal as in comparison with 3G wavelength 4G and 5G is shorter, thus the increase requested.

Proposed by Alderman Boyle
Seconded by Councillor Archibald

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

The Chair put the motion to the Committee to vote.
14 Members voted For; 0 Members voted Against; 0 Members Abstained
The Chair declared the application approved.

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

- * **The Chair declared a recess for a comfort break at 11.25am.**
- * **The meeting resumed at 11.30am.**

The Head of Planning undertook a roll call of Committee Members present.

5.5 LA01/2022/0635/F (Objection) Lands to the east of 1-6 Mayo Drive and bounded by Ramoan Road, Ballycastle.

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

Objection Application to be determined by Planning Committee

App Type: Full

Proposal: Erection of 7no Total Social Dwellings. Mix of 6no, 3 person 2 bed houses and 1no 3 person bungalow. Along with associated open amenity spaces and parking

Recommendation

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE outline 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 as set out in Part 1 and 9 of the Planning Committee report subject to conditions outlined above and Part 10 of the Planning Committee report.

Addendum 2 Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to approve as set out in Part 1 and 9 of the Planning Committee Report subject to conditions in this Addendum and previous Addendum and Part 10 of the Planning Committee report.

The Senior Planning Officer presented via Power point as follows:-

- (Slide) Planning Application LA01/2022/0635 is a full application for 7 Social Dwellings. Mix of 6, 3 person 2 bed houses and 1no 3 person bungalow. Along with associated open amenity spaces and parking and that is at Lands to the east of 1-6 Mayo Drive and bounded by Ramoan Road, Ballycastle.
- There are 2 addendum to the Committee report requiring the additional of a number of Roads conditions, a condition removing permitted development rights and the inclusion of a condition limiting the housing to be for social housing.
- A site visit has taken place on the site and Site Visit Note has been circulated.
- This is an objection item and our recommendation is to approve planning permission.

- (Slide) Red line boundary of the site. The site is located within the settlement development limits of Ballycastle as defined in the Northern Area Plan. The site is bound by residential development on 3 sides with an existing area of open space sited to the south.
- (Slide) This is an extract from the Northern Area Plan 2016. The site is zoned for housing under designation BEH 28. The KSR for this site is that a minimum of 7 dwellings will be for social housing which is fulfilled with this application. The principle of development is considered acceptable. The area to the south of the site marked green on this plan is defined as a major area of existing open space and is protected as such under the plan.
- There have been 169 letters of objection to the application. Issues raised include: overlooking/overshadowing; parking/loading and turning; traffic safety; road access; noise; loss of open space; flooding and drainage.
- (Slide) Site Layout drawing. the site layout comprises 3 blocks of 2 storey semi-detached dwellings and 1 single storey dwelling. Vehicular access to the 2 storey semi-detached dwellings is off Mayo Drive and the single storey dwellings has their own access off McAuley Park.
- The layout shows the relationship of the site to the adjoining residential properties. Separation with the adjoining residential properties on Mayo Drive and McAuley Park is maintained by the road which encloses the site. The separation between the front of properties and the site is considered acceptable given that these areas are already open to public view. The site is located to the front of neighbouring properties and as such their rear private areas of amenity are not affected.
- Adequate provision for private amenity space has been afforded each property. The 2 storey dwellings sit to the south of the proposed bungalow. Consideration has been given to potential impact on privacy for the bungalow. First floor windows have been reduced in scale and are for a bathroom and landing window. On balance the layout is considered acceptable.
- Areas of hardstanding have been broken up where they can with areas of planting and the area is set against the existing area of open space to the south.
- (Slide) Top contextual drawing is the view along the southern boundary of the site from Ramoan Road approaching the town.
- (Slide) The middle drawing is elevation along Mayo Drive and the bottom the view along McAuley Park.
- (Slide) This shows a number of sections through the site. The top shows that view along Ramoan Road and you can see the existing properties of McAuley Park on the far right of that section.

- (Slide) Middle - A view through the site with the bungalow and 2 storey dwellings.
- (Slide) The bottom is another view along Ramoan Road with the boundary treatments in place.
- (Slide) Objections in relation to road safety have been considered by DFI Roads and they have no objection subject to conditions.
- Objections have referred to the loss of trees and open space. Although the site is used for open space it is designated for housing in the area plan which affords it greater weight as a material consideration. The loss of trees on site are being compensated through new planting.
- In terms of flooding and drainage a drainage assessment has been submitted as part of the application which states that the addition of a positive drainage network should have a positive impact on the surface water drainage of the site.
- The application has been assessed against all relevant policies and there are no statutory consultee objections to the proposal.
- Our recommendation is to approve planning permission.

The Chair invited questions from Elected Members to the Senior Planning Officer.

Following questions from Elected Members, Senior Planning Officer advised Northern Ireland Housing Executive were content with the mix of single and two storey homes. The area in question was zoned as Open Space in the draft Northern Area Plan. The outcome of a public enquiry in 2012 resulted in it being determined for use as Social Housing due to need and demand. As the Northern Ireland Housing Executive owned the site it was adopted 2015.

During questioning, the Head of Planning reminded Elected Members they should not share their views on the planning application at this stage.

Following a question from an Elected Member, the Head of Planning clarified that allocation of who resides in the homes is not a matter for Planning; Planning considers the need for residential units as set out in the NIHE Annual Housing Investment Plan.

The Chair invited C Mooney to speak in objection to the application, in the Chamber.

C Mooney stated she has been a resident in Mayo Drive for 52 years and concerned about the loss of green space which is used by children from surrounding estates and community events. Being able to avail of this space enhances mental well-being and reduces loneliness. C Mooney stated this application will result in cramming and a loss to the environment. There are residents on all sides; no's 17, 18 and 19 will be overshadowed and a loss of light and privacy will result. Residents will be looking out a window at a wall

instead of green space and this has caused anxiety amongst older residents. Servicing vehicles will have difficulty manoeuvring and traffic volume will increase which will result in children not having a safe place to play, apart from a swamp, which is potentially being made into a wet meadow. Children use the small green. PPS7 – erosion of character, amenity and privacy are factors in this application. C Mooney urged Northern Ireland Housing Executive to seek another site, stating she was in support of social housing but wished this area to remain as Open Space for all to enjoy.

The Chair invited C Bryson to speak in support of the application.

C Bryson advised that O Pankhurst and K Kitchen were also in attendance to answer questions.

C Bryson advised he endorsed the recommendation to approve as the application is compliant with policy and guidelines. The area has been zoned for housing and the delivery of 7 social homes is in accordance with the Northern Area Plan and in accordance with the Planning Act unless material consideration state otherwise. C Bryson stated he was not aware of any such material considerations. This application does not result in cramming, the zoned housing does not cause overlooking. Access has been designed to adoptable standards with a turning point at the end for the bungalows. Sight lines also are to adoptable standards.

* **Councillor McGurk joined the meeting at 11.59am.**

The Chair invited questions from Elected Members for the Speaker.

Proposed by Alderman Scott
Seconded by Alderman Coyle

- That 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 outline 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; 3 Members voted Against; 2 Members Abstained.
The Chair declared the application approved.

RESOLVED - That 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 outline planning permission subject to the reasons set out in section 10.

5.6 LA01/2022/1196/O (Referral) Directly Adjacent to the South of 26 Atlantic Road, Coleraine

Report and Addendum, previously circulated, was presented by Senior Planning Officer, J McMath.

Referral Application to be determined by Planning Committee, details of referral request attached to Planning Committee Report

App Type: Outline

Proposal: Site for new Dwelling and Garage infilling gap within built-up frontage to laneway

Recommendation

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to REFUSE outline planning permission subject to the reasons set out in section 10.

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the planning application in accordance with paragraph 1.1 of the Planning Committee Report.

The Senior Planning Officer presented via Power point as follows:-

- LA01/2022/1196/O is an outline application for an infill dwelling and garage directly adjacent and to the south of 26 Atlantic Road, Coleraine.
- The site is located in the rural area as defined in Northern Area Plan 2016. Site accesses onto a laneway which in turn accesses onto Atlantic Road.
- The site comprises a cut from a larger agricultural field. Topography is flat. The northern, eastern and part of southern boundaries are defined by hedgerows. The western boundary is undefined.
- As this application has been submitted as an infill site it falls to be determined under Policy CTY1 and 8 of PPS21.
- Policy CTY8 allows for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern and meets other planning and environmental requirements. The definition of substantial is a line of 3 or more buildings along a road frontage and continuous would be without a break. In this case, there is not a substantially and continuously built up frontage along a road frontage.
- The PAC have advised that “a building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road”
- There is one dwelling (No 26) to the immediate north of the site which has a frontage to Atlantic Road. The site has a frontage to the lane.
- Two buildings (no 24 and its garage) are located to the SW but these buildings have a frontage to the private laneway only. No 24 and its garage do not read as having a frontage to Atlantic Road.

- The site is therefore not located within a substantially and continuously built up frontage. The development to the north and south has frontages to separate roads/lanes which do not comply with policy. The proposal cannot rely on 2 frontages. There is no line of 3 or more buildings along a road frontage as required by policy.
- PAC examples have been quoted in the Committee Report and addendum which state that “the policy refers to frontage not frontages. In the appeal cases there is no small gap site within a line of 3 or more buildings along a singular frontage to meet the policy definition.
- The proposal is contrary to Policy CTY8.
- In summary there is no line of 3 or more buildings along a road frontage as required by policy.
- In addition, no overriding reasons have been forthcoming as to why the development is essential therefore the proposal is contrary to policies CTY1 and CTY8.

The Chair invited questions from Elected Members to the Senior Planning Officer.

The Senior Planning Officer responded, the definition of road frontage – identifying fact it can be along a road or along a footpath or along a lane. Building frontage is to Atlantic Road however other buildings share frontage to the lane. The Senior Planning Officer referred to Planning Appeals Commission examples in the Addendum. The Policy determines substantial as 3 or more buildings and continuous frontage. No 24 and garage has a frontage along the laneway itself. The application relies on frontage on 2 different frontages. There is a Protected Route Policy for Atlantic Road for new access. The difference between frontage and access is that frontage abuts or shares boundary with the access out onto laneway and then onto Atlantic Road. The application relies on frontages onto both a laneway and Atlantic Road which is not supported under policy or PAC decisions.

The Chair invited O Dallas, to speak in support of the application.

O Dallas advised he wished to reiterate arguments put forward at the last meeting. There is a continuous built-up frontage from the roadway to the lane and runs in a straight line. Policy CTY8 states lane frontage to be considered as road frontage. The houses are all numbered off Atlantic Road, even those that are situated on the lane. Cases referred to by Planning Officers bear no resemblance to this application. O Dallas stated that the JR at East Road Drumsum he is unsure what stage it is at but is a different situation to what is here. This application is completely non contentious, integrates well and there were no objections lodged. Any reasonable person can see that this is an infill application.

O Dallas stated this is a building for an applicant on land which his father has farmed and is his only opportunity to reside where he previously lived, as all of the remaining farm holding has been sold off. This is a genuine application

which will allow the applicant to live on, what was historically, his home farm holding.

Following questions from an Elected Member, O Dallas advised that a substantial frontage is a continuous line; there is no intervening lane. The policy allows for a building coming onto either a laneway or road is frontage. There is continuous road frontage as there is no break between the frontage and Atlantic Road and the laneway which is practically a straight line; it is just road frontage.

Following a question from an Elected Member, Senior Planning Officer advised on the justification and application for Policy CTY8, paragraph 5.33. The Head of Planning reminded Members of the wording of Policy CTY8 reading policy CTY8 and paragraph 18 of East Road Drumsurn Judicial Review Judgment to Members, which back in the High Court.

Proposed by Councillor Storey
Seconded by Councillor Watton

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE outline planning permission for the following reasons:-
- Does present continuous road frontage as demonstrated by map and site on the ground.
 - Reference to spirit of Judicial Review and planning judgement
 - Need to take Judicial Review in its totality, specific in regard to application and JR appealed on suitability of individual who brought JR in first instance. Take JR in context of that judgement. For a person reading paragraph 5.33 even in regard to ribboning development – clearly states road frontage includes pathway or private lane.
 - Policy CTY8 regards ribboning clearly refers to exception for small gap site sufficient only to accommodate up to a maximum of 2 houses within otherwise substantial and continuously built up frontage. There is substantial and continued built up frontage. The map shows continuance.
 - No objections from statutory consultees.

Alderman Boyle advised the Planning Committee the lane was known as Atlantic Road and addressed as such.

Alderman Hunter requested a Recorded Vote.

The Chair put the motion to the Committee to vote.
10 Members voted For; 4 Members voted Against; 1 Member Abstained.
The Chair declared the motion carried and the application approved.

RESOLVED - That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE outline planning permission for the following reasons:

- Does present continuous road frontage as demonstrated by map and site on the ground.
- Reference to spirit of Judicial Review and planning judgement
- Need to take Judicial Review in its totality, specific in regard to application and JR appealed on suitability of individual who brought JR in first instance. Take JR in context of that judgement. For a person reading paragraph 5.33 even in regard to ribboning development – clearly states road frontage includes pathway or private lane.
- Policy CTY8 regards ribboning clearly refers to exception for small gap site sufficient only to accommodate up to a maximum of 2 houses within otherwise substantial and continuously built up frontage. There is substantial and continued built up frontage. The map shows continuance.
- No objections from statutory consultees.

Recorded Vote Table

For (10)	Alderman Coyle
	Councillor Anderson, Archibald, Kennedy, McGurk, McMullan, Nicholl, Storey, Wallace, Watton
Against (4)	Alderman Boyle, Hunter, Stewart
	Councillor Peacock
Abstain (1)	Alderman Scott

RESOLVED – That Conditions and Informatives are delegated to Officers.

5.7 LA01/2022/1188/O (Referral), Lands between No15 and No18 Shinny Road Ringsend, Coleraine

Report and site visit report, previously circulated, was presented by Senior Planning Officer, M Wilson.

Referral Application to be determined by Planning Committee, details of referral request attached to Planning Committee Report

App Type: Outline

Proposal: Proposed dwelling house and garage

Recommendation

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

The Senior Planning Officer presented via Power point as follows:-

- Outline planning permission is sought for a proposed dwelling house and detached garage.

- This is a local application and is being presented to Committee as it has been referred to the Committee for decision. You have the planning committee report and an erratum in front of you.
- This application was to be presented to the Planning Committee Meeting of 28th June 2023 and was subsequently deferred for a site visit. Following this, a site visit took place on Monday 21st August 2023. You also have a copy of the site visit report in your packs.
- (Slide) The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations. 2016. The site is located to the south of 18 Shinn Road, Coleraine.
- You will note from the erratum that the planning report erroneously includes reference to policy CTY2a. As the proposal is not within a cluster, this policy is irrelevant in this consideration. The applicant's agent is content that this proposal does not lie within a cluster.
- However, as set out in the Report, the proposal has been assessed against the relevant policy within Planning Policy Statement 21, which is policy CTY 8, and goes on to consider and assess if this submission qualifies as an infill dwelling.
- (Slide) Policy CTY 8 requires a site to be a gap site located within an otherwise substantial and continuously built-up frontage. This requires a candidate site to be located within a line 3 or more buildings along a common frontage. You will note from this slide, which was submitted by the applicant's agent, that there is no building to the south of the application site. As there is no building to the south, there is no continuous and built up frontage for the purposes of policy CTY 8.
- Furthermore, while policy requires a minimum of 3 buildings, this grey block to the North is for illustration purposes only, with the site only benefitting from a planning permission but no building exists on site. As there is not the required 3 buildings with a frontage to the road, there is no potential to consider a gap site.
- (Slide) This next slide confirms that there is no building to the North, and therefore no gap in a frontage exists where the application proposes.
- The applicant's agent has argued that planning approval LA01/2021/1057/O which considered this gap site as a potential infill, was assessed, and approved on the basis there are only 2 buildings. This is factually incorrect and misplaced. You can clearly see the 3 buildings with comparable frontages, and the gap that exists within this continuous frontage. To this end I would draw your attention to Paras 8.9-8.13 of the Planning Committee Report and in particular paras 8.10 & 8.11.
- (Slide) Here are some photos of the site and you will observe how open this site is.

- (Slide) DFI Roads & Rivers, Environmental Health, NIEA and NI Water were consulted on the application and raise no objection.
- There have been no representations made on the application.
- The proposal is contrary to the relevant planning policies including the Northern Area Plan, SPPS, and PPS 21 including policies CTY8, CTY 13 and CTY14 as this site is not a gap site, is prominent and creates a ribbon of development along Shinny Road which will have an unacceptable impact on rural character.
- The application is recommended for refusal.

The Chair invited questions from Elected Members for the Senior Planning Officer.

Following a question from an Elected Member, the Senior Planning Officer advised that, in accordance with planning policy, there was no building to the north and the application in question was for outline planning permission only.

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

G McPeake spoke in support of the application, he stated this is an infill site under PPS21 – planning is permitted for a small gap site with a maximum of two dwellings within a built up substantial and continuously built up frontage of 3 or more buildings. This site is in the middle of 5 or more buildings. The plot is consistent with existing plots. Policy CTY8 paragraph 5.33 applies. No's 14 and 16 are clearly visible and reads as a build up of development in this road. The laneway similar to application LA01/2018/1206, which consisted of 3 dwellings and houses set back which the Planning Appeals Commission allowed under 2020/A0043. Similarly, 2017/A0147 on Tullaghans Road was allowed by Planning Appeals Commission on the grounds that while proposal would offend policy it would not have a detrimental impact on the environment.

The Chair invited questions from Elected Members for the speaker.

In response to an Elected Member, G McPeake advised the appeal decision 2020/A0043 had 3 dwellings elevated above the road and all set back, with 2 being visible and the third not visible.

The Head of Planning clarified paragraph 7-9 of Planning Appeals Commissions decision regarding application 2020/A0043. She advised that from this initial reading of the PAC decision there is no mention of the dwellings being located up laneways, rather it appears they are set back from the road but with frontage to the road. In reference to the Tullaghans Road appeal referred to by G McPeake, the Head of Planning advised that the appeal was upheld taking account of the build up of development outside and adjacent to the settlement development limit that already reads as development within the settlement and hence would not mar the distinction between urban and rural. She reminded Members of the wording of policy CTY8 and para.18 of the East

Road Drumsurn JR decision, the case that remains with the High Court at present.

Alderman Scott proposed to accept the recommendation of the Senior Planning Officer, the proposal did not receive a seconder.

Proposed by Councillor McGurk
Seconded by Councillor Nicholl

- That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE planning permission subject to the conditions set out in section 10 for the following reasons:-

- Consideration of substantial and continuously built up frontage as described by Agent – 5 dwellings to north and south accepting that one is outline planning permission with the likelihood it will be built.
- Reference applicable from application 2017/A0147 (Tullaghans Road) if constructed there will be no negative impact on rural character.
- Not dissimilar to Planning Appeals Commission decision regarding appeal 2020/A0043 - garden does not front laneway very similar to this application.
- Houses set back but visible from road so read as road frontage.
- Outline application so design is not considered and can impose landscape and ridge height conditions to aid integration and sit within rural area and character.

The Chair put the motion to the Committee to vote.

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

The Chair declared the Motion Carried and the application approved.

RESOLVED - That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE planning permission for the following reasons:

- Consideration of substantial and continuously built up frontage as described by Agent – 5 dwellings to north and south accepting that one is outline planning permission with the likelihood it will be built.
- Reference applicable from application 2017/A0147 (Tullaghans Road) if constructed there will be no negative impact on rural character.
- Not dissimilar to Planning Appeals Commission decision regarding appeal 2020/A0043 - garden does not front laneway very similar to this application.
- Houses set back but visible from road so read as road frontage.
- Outline application so design is not considered and can impose landscape and ridge height conditions to aid integration and sit within rural area and character.

RESOLVED – That Conditions and Informatives are delegated to Officers.

* **The Chair declared a recess for lunch at 1.08 pm.**

5.8 LA01/2022/0078/F (Referral) Proposed new domestic shed for pet animals/feed and extension to curtilage

*** Having declared an Interest, Councillor Storey left The Chamber at 1.54pm.**

Report and speaking rights template previously circulated, was presented by Senior Planning Officer, R Beringer.

Referral Application to be determined by Planning Committee, details of referral request attached to Planning Committee Report

App Type: Full

Proposal: Proposed new domestic shed for pet animals/ fed and extension to curtilage

Recommendation

That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to REFUSE planning permission subject to the reasons set out in section 10.

- (Slide) The site as outlined in red comprises the existing residential property together with a paddock area, and dissected by the existing driveway access to the dwelling at No. 12. The site is located in the countryside, outside of any defined settlement development limits in the Northern Area Plan 2016.
- (Slide) The proposal is for a new domestic shed for pet animals/feed and an extension to the domestic curtilage. The block plan indicates the proposed siting of the shed (identified shaded red), with the existing paddock to the west and south of the shed for which the extension of curtilage is sought.
- (Slide) Proposed floor plans and elevations indicate the accommodation to be provided by the shed. There are two stables and a goat pen, together with space for a vintage tractor and hay for the pet animals. The proposed shed measures 8.7m x 10.2 m with a ridge height of 4.5m. There is one large roller shutter door to the front elevation, which will face Heagles Road. The lower walls of the shed are shown in roughcast render with grey cladding to the roof and upper walls.
- (Slide) View of the site from Heagles Road with the paddock in the foreground. The neighbouring dwelling at No. 10 can be viewed to the rear of the boundary fence, with the applicant's dwelling at No. 12 to the north east, partially screened from view by the existing trees along the rear of the paddock boundary.

- (Slide) View of the site from the driveway access point, with the paddock where the proposed shed is to be located and for which the extension of curtilage is sought.
- (Slide) Image provided by the agent in an email dated 16th May 2023, showing boundary vegetation at a different time of year.
- The application seeks an extension to the existing curtilage of the dwelling at No. 12 Heagles Road to accommodate a proposed domestic shed. The proposed area for the curtilage extension comprises the roadside paddock which is located to the south of the existing driveway. The area for the curtilage extension is removed from the existing established domestic curtilage at No 12, and is dissociated from it both by the presence of the existing driveway and the physical separation from the existing domestic curtilage. This is highlighted by the fact that the area for the proposed curtilage extension is closer to and more aligned with the neighbouring property at No. 10 Heagles Road.
- The proposed extension is excessive in size and does not represent a domestic scale for a curtilage extension. The proposed extension is larger than the existing established curtilage of No. 12 and would result in an amalgamation of two separate and non-aligned parcels of land, dissected by the existing driveway. The proposal would create an arrangement that would detrimentally impact the character and appearance of the site and the surrounding area.
- The scale, massing and design of the proposed shed is not domestic in nature and not sympathetic to the appearance of the existing property, detracting from the character and appearance of the surrounding area, which is exacerbated by its dissociated distance from the host property.
- The proposed domestic shed is sought to house horses and donkeys which are currently on the applicant's family farm. The location of the proposed shed closer to the neighbouring property at No. 10 Heagles Road rather than the applicant's property results in a potentially unacceptable impact on neighbouring amenity.
- The proposal is contrary to Policy EXT 1 of APPS 7. Refusal is recommended.

In response to questions from Planning Committee Members, Senior Planning Officer clarified there was no definition in relation to the size of the curtilage, the issue was the impact on rural character on the surrounding area and existing property and cumulative impact. Senior Planning Officer advised the application was a householder application and the relevant Policy EXT1 Addendum to PPS7, the materials relative to the existing dwelling are different materials and some distance from the domestic dwelling. Senior Planning Officer detailed the proposed materials different to the finish of the existing dwelling. The proposed

size 8.7m x 10.2m x 4.5m height and concurred it was not dissimilar in scale to some double garages.

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

J Simpson stated the application was a new domestic shed for horses and donkeys that were currently in a holding on land not owned by the applicant. The shed was needed for the animals and the applicant has no other option. There is roadside hedging and trees, that are taller than the building and will be well screened. There is no impact on rural character, the ground level lower than the road level by 1m, the dimensions were supplied and stated similar to a garage in the countryside. J Simpson stated the area of the red line was the only land owned by the applicant, the scale, massing and design was in keeping with the countryside, the roller door 8.5m height similar to a domestic door and the proposed 3.1m cladding grey render, the same as buildings up the road at number 10. The floor area smaller than some domestic garages. J Simpson stated there was no other suitable space around the dwelling for the shed. He advised that numerous other buildings have similar appearance, grey cladding with roughcast render. There have been no objections from neighbours, Roads Service nor Environmental Health, it will integrate with a group of buildings, and complies with Policies.

In response to questions from Planning Committee members, J Simpson clarified there was no other suitable place for the garage to go, there was no space within the applicants yard. The horses, donkeys need to be let out into the grass, it is easier and for vehicles driving past the side of it. J Simpson clarified the vintage tractor was stored at the applicants farm and used to move feed around.

Proposed by Alderman Scott

Seconded by Councillor Kennedy

- That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve planning permission for the following reasons:
 - it is a modest size, no bigger than a double garage.
 - there is no space in the existing curtilage of the accommodation.
 - The animals need accommodation and they need to be put somewhere.
 - aligns with no. 12, along with the rest of the buildings, there are similar buildings close by.
 - It is a modest building and will fit in with the setting of the two existing buildings.
 - It is well screened from the road, a lower setting than the roadside edge.
 - there are mature trees around the site that help with screening and there is a backdrop.

Alderman Stewart supported seconding the motion.

The Chair put the motion to the Committee to vote.

10 Members voted For, 1 Member voted Against, 2 Members Abstained.
The Chair declared the motion carried.

RESOLVED - That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve planning permission for the following reasons:

- it is a modest size, no bigger than a double garage.
- there is no space in the existing curtilage of the accommodation.
- animals need accommodation and need to be put somewhere.
- aligns with no. 12, along with the rest of buildings, there are similar buildings close by.
- It is a modest building and will fit in with the setting of the two existing buildings.
- It is well screened from the road, a lower setting than the roadside edge, there are mature trees around the site that help with screening and there is a backdrop.

RESOLVED – that Conditions and Informatives are delegated to Officers.

* **Councillor Storey returned to The Chamber at 2.13pm.**

5.9 LA01/2020/0975/F (Referral) Lands due south of 56 Lisnagrot Road, Kilrea

Report, two addendum reports, site visit report, supporting information from agent and proposed site plan were previously circulated, and presented by Senior Planning Officer, E Hudson

Referral Application to be determined by Planning Committee, details of referral request attached to Planning Committee Report

App Type: Outline

Proposal: Provision of 2 no infill detached dwellings with associated detached garages, shared access onto Lisnagrot Road & landscaping

Recommendation

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to REFUSE outline planning permission subject to the reasons set out in section 10.

Addendum Recommendation

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

Addendum Recommendation

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

- (Slide) Planning Application LA01/2020/0975F. This is a full application for 2 no. infill dwellings and garages with a shared access at land south of 56 Lisnagrot Road, Kilrea.
- The application was deferred at the Planning Committee in September 2022 to allow for a site visit to take place and for the consideration of amended access proposals. A site visit took place in October 2022.
- An amended site plan was submitted which shows an alternative access to the 2 sites taken from the nearby Drummerick Road and not the Lisnagrot Rd.
- There are 2 addendum to the Committee report. 1 referring to assessment of the new access and further objections and the other referring to additional submitting information submitted by the agent on 20th September which has also been circulated to members.
- (Slide) This is the red line boundary of the site. The site is located in the open countryside. The access is taken from the Drummerick Road. Previous submissions had the access directly off the Lisnagrot Road.
- (Slide) This is the site layout drawing. The proposed dwellings are detached storey and a half.
- The application has been submitted as an infill and as such falls to be assessed under policy CTY 8 of PPS 21. An infill site will be acceptable where it is a small gap site sufficient only to accommodate a maximum of 2 houses within an otherwise substantial and continuously built up frontage. For the purposes of policy CTY 8 a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage. This site is not located within a substantial and continuously built up frontage. There are only 2 buildings which make up the frontage and not 3 – 1 to the north and 1 to the south. Both these dwellings have ancillary buildings however they are all set behind the rear elevation of the dwellings and as such read as subordinate and ancillary and do not form part of the substantial and continuously built up frontage for the purposes of the policy. This is the established position of the Planning Department with other cases such as this and there are also a number of PAC decisions which support this position.
- (Slide) Number of photos of the site.
- (Slide) A petition of support has been received and 15 letters of objection have been received in relation to the application. Issues raised in objection include principle of development, road safety, removal of vegetation, drainage, noise and odour.

- Reasons for refusal are policies CTY 1 and 8 as the proposal would create a ribbon of development along Lisnagrot Road. Policy CTY 14 as it would have an adverse impact of rural character, results in ribbon development.

In response to questions from Planning Committee Members, Senior Planning Officer clarified the process and tests for determining the number of buildings that can be put onto a site and cited from policy CTY8 of PPS12. The Senior Planning Officer clarified the access had been amended and was coming out of Drummerick Road, there was no access onto Lisnagrot Road.

The Head of Planning cited from paragraph 8.8 of the Planning Committee Report, she sought clarification of the Senior Planning Officer that the text should read, "more than 2 dwellings".

Senior Planning Officer clarified the Head of Planning was correct, the wording in the Planning Committee Report should read "The gap between buildings measures approximately 98m, therefore the site could accommodate more than 2 dwellings."

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

J Muldoon advised that there are no text book examples of infill sites, a balanced judgement is required and there will be no change in rural character. PAC decision states that a development may offend policy, but if no impact on environment it may be approved. J Muldoon considered the application site to be low lying and of modest scale. The aerial image is helpful to show that the gap cannot accommodate more than 2 dwellings, the pattern of development is a key consideration. The plots sit beside 2 adjacent plots, they are visually linked, of significance are the ancillary sheds. J Muldoon stated that the case officer accepted that there will be no environmental harm. The 2 established ancillary buildings abut the road boundary, no ribbon created as there is no extension to the line of development.

J Muldoon advised that in relation to the 3 objections the criteria is met; case officer accepts the views fleeting, integrate, scale acceptable cannot be a change to detrimental character. In terms of PPS21 this is a suitable development in the countryside integrates, does no harm as there is significant development at this location, supports a sustainable rural community. Agree to Condition as a family use. Planning policy does not halt development when balancing harm, integration and spirit of the policy.

In response to questions from Planning Committee Members, Senior Planning Officer clarified via aerial view and photographs the dwelling to the South, no. 56 Lisnagrot Road and the site.

J Muldoon stated the ancillary dwellings were evident as you go along Lisnagrot Road, as the season changes. J Muldoon stated analysis required of the large plot sizes with number of ancillary buildings- that read and are visually linked so gap is an infill site; the site could accommodate 2 dwellings assessing against the 2 sites adjacent, they are larger than normal plot sizes. The proposed 2 plots are similar in size to those adjacent and submitted supporting statement is clear.

Proposed by Alderman Stewart

Seconded by Alderman Boyle

- That Planning Committee defer consideration and hold a Site Visit as Alderman Stewart had not viewed the site previously along with other new Committee Members, as they were not present a year ago.

The Chair put the motion to the committee to vote.

14 Members voted For, 0 members voted Against, 0 Members Abstained.

The Chair declared the motion carried.

Alderman S McKillop stated she had returned to the meeting and her name had not been called.

The Chair ruled Alderman S McKillop could cast her vote.

15 Members voted For, 0 members voted Against, 0 Members Abstained.

The Chair declared the motion carried.

RESOLVED - That Planning Committee defer consideration and hold a Site Visit as Alderman Stewart had not viewed the site previously along with other new Committee Members, as they were not present a year ago.

5.10 LA01/2021/0063/F (Referral) Site approximately 20metres South of No.2 Craighfad Road, Ballycastle

Report and supporting information from Agent previously circulated, was presented by Senior Planning Officer, E Hudson.

Referral Application to be determined by Planning Committee, details of referral request attached to Planning Committee Report

App Type: Full

Proposal: Farm diversification project to accommodate 2 no. Glamping pods, creation of a new access to the public road, parking with associated landscaping and boundary treatments.

Recommendation

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to REFUSE full planning permission subject to the reasons set out in section 10.

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee Report and the reasons outlined in Part 10, with the exception of reason 6.

Addendum 2 Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to defer the application to allow for receipt of an amended P1 application form and to undertake necessary advertising and neighbour notification.

Addendum 3 Recommendation

Having regard to the policy context and other material considerations, the proposal is not considered to be acceptable and planning permission is recommended to be **REFUSED**.

- The committee report is accompanied with 3 Addendum. Referring to amended plans submitted for roads amendments and supporting information.
- (Slide) The site is located adjacent to no. 2 Craigfad Road, Ballycastle. The site is located in the open countryside and within the Antrim Coast and Glens AONB.
- (Slide) The site layout drawing. The site comprises 2 glamping pods, access and parking area and is sited in the northern corner of a larger agricultural field. The site has been amended from 5 glamping pods to 2 with a new access proposed off the Craigfad Road.
- In terms of Policy it falls to be considered under policy CTY 11 as a farm diversification proposal. It has been confirmed that the farm business is currently active and established for the purposes of the policy. A proposal will only be acceptable under this policy where it involves re-use of existing buildings. Exceptionally a new building may be permitted where no existing buildings are capable or available to accommodate the proposed use, either because they are essential for the maintenance of the farm enterprise or are unsuitable. Where a new building is justified it should be satisfactorily integrated with an existing group of buildings. A proposal should also be appropriate to its location and not have an adverse impact on natural or built heritage.
- (Slide) These are the elevations of the proposed glamping pods.
- (Slide) This is a view of the site along the site frontage with Craigfad Road.
- (Slide) A view of the existing agricultural buildings and farm dwelling adjacent to the site.
- (Slide) A view of the roadside boundary
- (Slide) A view of the site on approach along the Craigfad Road. The site is roadside and has limited natural boundaries to provide a suitable degree of enclosure. The site would rely heavily on new landscaping and planting to successfully integrate which is contrary to policy CTY 13 of

PPS 21. As the proposal is for tourism development it has also been considered against PPS 16 on tourism. It is considered that the proposed development is contrary to policy TSM 7 of PPS16 as the proposal lacks appropriate boundary treatments and enclosure. A proposal of this nature would also detract from the landscape quality and character of this AONB location. The area is characterised by small clusters of agricultural buildings and farm dwellings and the proposal for 2 glamping pods on this open site would appear out of place and damage the character of the AONB. As such the proposal is contrary to Policy NH 6 of PPS 2 as well as parts b and c of policy CTY 11.

- Our recommendation is to refusal planning permission as it is contrary to the SPPS Policies CTY 1, 11 and 13 of PPS 21, Policy TSM 7 of PPS 16 and Policy NH6 of PPS 2.

In response to questions from Planning Committee members on why the glamping pod is out of character in the countryside, Senior Planning Officer advised, of integration concerns; the character of the area is traditionally agricultural buildings and single dwellings. Glamping pods have been approved in the countryside, but these were generally well enclosed and screened. Senior Planning Officer advised the site is very open and integration and impact on AONB and rural character are site specific issues that there are concerns with.

Senior Planning Officer clarified policy CTY1 outlined the types of development acceptable in the countryside. There are 4 reasons outlined why it is not meeting the exceptions of this policy - not meeting CTY11 Farm Diversification as not appropriate to this location, does not integrate, would have a detrimental impact on rural character of the AONB; policy CTY 13 outlines when acceptable for integration, however the site lacks long established boundaries, does not visually integrate, relies primarily on new landscaping; policy TSM 7 of PPS 16 Tourism, would not have enclosure, visual impact on Causeway Coast and Glens AONB, PPS 2 policy NH6 would have an adverse effect on character, and not meeting the exceptions of policy CTY1.

Senior Planning Officer advised the principle of a Farm Diversification under policy CTY11, a glamping pod has a permanency in the landscape and is considered to be a building falling to be considered under policy CTY 13 but proposed development does not integrate satisfactorily. Senior Planning Officer referred to a slide in PowerPoint presentation showing the open nature of the site. She advised that buildings should integrate through natural screening and enclosure, location; this is in a corner of a larger agriculture field relying on new landscaping to integrate which is contrary to Policy. She advised the images from the Agents montage had used additional landscaping, that Planning have to assess what is there at present. She clarified that the proposed access is off Craigfad Road.

Regarding integration, Senior Planning Officer clarified from public viewpoints the site is not enclosed and that new landscaping is required to assist in integration; views achieved from Craigfad Road are open and rely on new landscaping for integration. Policy CTY 11 requires consideration of the character of the area and whether the development is appropriate for the area. It

is considered that the proposed development will have an adverse impact on character of the AONB at this location and policy CTY 13 is applicable.

Senior Planning Officer stated the policy considerations for an Agricultural Shed and Glamping Pod very different; hypothetical scenario, the 2 policy considerations are very different.

Senior Planning Officer presented a powerpoint slide illustrating the first application site approved for glamping pods on the opposite side of the road that benefited from a belt of trees for integration and visual impact and integration were therefore not a concern. The existing application site has the southern and eastern boundaries open and undefined. The application contexts are completely different. Senior Planning Officer concurred the first application site is only a few hundred yards away. Senior Planning Officer referred to paragraph 5.47 of policy CTY 11 Farm Diversification proposals should be of a scale and nature appropriate for the location and be capable of satisfactory integration into the rural landscape.

The Chair invited J Muldoon to speak in support of the proposal.

J Muldoon stated the following points:

- It was difficult to understand the rationale of case officer; this is Farm Diversification proposal and reads with existing farm buildings.
- The application has been amended from 5 to 2 pods and has been a significant spend of money. 7 pods approved less than a mile away and LA01/2021/0057 approved 2 glamping pods.
- The access has been amended and DFI Roads are content. Photo montage clearly shows integration.
- Permitted Development Rights can be obtained for an agricultural shed with greater impact.
- PPS 21 supports diversification and the pods will integrate with existing buildings. Landscape varies and it is not a test of invisibility, consider how it blends with the area, nature of the AONB. Proposal meets the relevant criteria.
- Approve as acceptable in scale, nature and massing, sympathetic to character of AONB, little impact.
- There have been no objections from consultees.

In response to questions from Planning Committee Members, J Muldoon stated it was possible the application can be integrated. She clarified the family have 2 pockets of land, there are 2 separate applications the first an elevated site viewed from Fairhead Road approved in 2021. The sons wish to diversify having originally had hens and these pods have a backdrop of dilapidated hen houses. The initial application for 5 Glamping Pods, and going through the planning process has been reduced down to 2 pods, now less than 50%. There has been an amended access and 1st 2 that were approved have not been erected as yet.

In response to questions from Planning Committee Members J Muldoon stated the word adverse was strong and inaccurate, in the context of the backdrop of the AONB which is an exposed area at this location and planting would be whin bushes to reflect character. The backdrop is not pretty, pods are only 3mx8m, is

not a large scale development, the applicant could put on a 500m² shed if they proposed.

Proposed by Councillor McMullan
Seconded by Councillor Peacock

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve Planning permission for the following reasons:
 - Under Policy CTY 11 the 2 Glamping Pods do qualify as exceptionally new buildings are acceptable and are less obstruse than the first application approved;
 - Applicant has addressed Roads Service access issues
 - Condition for screening of proposal and therefore not an issue at all;
 - Know the road well and there is no-one is on road other than those that live on it and those visiting Fair Head;
 - Commended for Farm Diversification
 - Integration is not a test of invisibility, montages provided; visual impact minimised by backdrop of agricultural sheds by the use of materials used for the pods.

The Chair put the motion to the Committee to vote.

14 Members voted for, 1 Member voted Against, 0 Members Abstained.

The Chair declared the motion carried and application approved.

RESOLVED – That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve Planning permission for the following reasons:

- Under Policy CTY 11 the 2 Glamping Pods do qualify as exceptionally new buildings are acceptable and are less obstruse than the first application approved;
- Applicant has addressed Roads Service access issues
- Condition for screening of proposal and therefore not an issue at all;
- Know the road well and there is no-one is on road other than those that live on it and those visiting Fair Head;
- Commended for Farm Diversification
- Integration is not a test of invisibility, montages provided; visual impact minimised by backdrop of agricultural sheds by the use of materials used for the pods.

RESOLVED – condition screening and all other Conditions and Informatives are delegated to Officers.

5.11 LA01/2021/1545/MDA1 Moneyvart Cottage, Layde Road, Cushendall Planning Agreement

Report and addendums previously circulated, were presented by Senior Planning Officer, R Beringer.

Application to be determined by Planning Committee as amendment to existing legal agreement

App Type: Modification/Discharge of Planning Agreement

Proposal: Original application reference E/1999/0168/O dated 18/10/2001 and E/2004/0476/RM dated 25/05/2005. Planning Agreement restricting the use of property to holiday letting accommodation.

Recommendation

That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to REFUSE the discharge of a planning agreement for the reasons set out in section 10.

Addendum Recommendation

That the committee note the contents of this Addendum and agree with the recommendation to refuse the discharge of a planning agreement 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 refuse the discharge of a planning agreement in accordance with paragraph 1.1 of the Planning Committee Report.

Addendum 3 Recommendation

That the Committee note the contents of this Addendum and agree to defer the application to allow for the submission of a substantively revised proposal.

Senior Planning Officer presented as follows:

- LA01/2021/1545/MDA is an application seeking the removal of a Planning Agreement at No. 1 Moneyvart Cottage, Layde Road, Cushendall.
- The application was initially presented to the March Planning Committee and was deferred to allow for the submission of additional information. The application returned to the June Planning Committee and was again deferred to allow for further information.
- There are three Addenda accompanying the Committee Report.
- The most recent, Addendum 3, now seeks the deferral of the application in order to allow for the submission and consideration of a substantively revised proposal to modify the terms of the Planning Agreement to permit private holiday use at the property. Our recommendation is to defer the application to allow for consideration of the above.

Proposed by Councillor McMullan

Seconded by Councillor Peacock

- That the Committee note the contents of this Addendum and agree to defer the application to allow for the submission of a substantively revised proposal.

The Chair put the motion to the Committee to vote.

13 Members voted For, 0 Members Voted Against, 0 Members Abstained.

The Chair declared the motion carried.

RESOLVED - That the Committee note the contents of this Addendum and agree to defer the application to allow for the submission of a substantively revised proposal.

6. Development Plan

6.1 Verbal Update

The Development Plan Manager provided the Planning Committee with a verbal update as follows:-

Draft Plan Strategy Publication

- Members will be aware that the draft Plan Strategy was presented at the 1st November 2022 Full Council Meeting, where it was deferred for further consideration.
- At Member's request a round of party group meetings were held in November and December 2022. Officers considered further information and evidence and consulted with relevant stakeholders on matters raised.
- Members sought a further round of party group meetings, which were held in August and September 2023. A revised draft Plan Strategy (v4) and accompanying table of changes were circulated to Members in advance of the meetings.
- A 40-Member workshop is scheduled for November 2023, to discuss the Council's growth strategy and policy direction prior to returning the draft Plan Strategy to Full Council for ratification.
- Following the workshop a revised LDP Timetable will be brought to the Planning Committee for agreement. Any revision to the timetable must be published in advance of the publication of the draft Plan Strategy.

Committee NOTED the update.

6.2 Consultation on the draft County Donegal Development Plan 2024 – 2030

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

Purpose of Report

To present the Council's response to Donegal County Council's consultation on its Draft County Donegal Development Plan 2024-2030.

Background

Donegal County Council (DCC) is an adjoining council for the purposes of the preparation of the Causeway Coast and Glens Borough Council Local Development Plan (LDP).

DCC wrote to the Council on 3rd August 2023 advising that it has published a Draft County Donegal Development 2024-2030 that will, when adopted, replace the existing County Development Plan (2018-2024) (See Appendix 1).

The Draft County Donegal Development Plan 2024-2030

Policy Context

The plan outlines the vision, strategic objectives, and core strategy for the Draft Donegal County Development Plan 2024-2030. The aim is to grow the county's population to 183,500 by 2031 and to upwards of 200,000 by 2040. This ambition is framed in the context of the National Planning Framework (NPF) and the Northern and Western Regional Assembly's Regional Spatial and Economic Strategy (RSES).

This is driven by two overarching strategies:

- The Northwest City Region; and
- The Atlantic Economic Corridor.

The plan acknowledges Donegal's unique geopolitical position sharing over 90% of its land border with Northern Ireland.

The core strategy allocates most growth to Letterkenny as the main centre, as well as to five County Growth Driver towns, with less growth in smaller Service Towns and rural areas.

Greencastle

Greencastle shares a water body (Lough Foyle), and a transportation link with the Causeway Coast and Glens Borough Council (CC&GBC) area (through the Magilligan to Greencastle Ferry Service). Within the county Greencastle remains an important harbour. It is a significant marine, leisure and tourism asset and DCC acknowledges the Regional Assembly's support for it in the context of the NPF.

The completion of the Greencastle Breakwater Project (a new curving rock armour to the south-west of the harbour entrance) will provide additional shelter and associated safety benefits for the fishing fleet.

Plan Policy MRCM-P-3 safeguards and enhances the role of Greencastle as a centre for fishing, fleet activity, seafood processing and/or ancillary marine services and education including, where necessary the provision of additional harbour infrastructure, and facilitate the diversification of such locations into new areas of appropriate investment and employment opportunities, including marine related economic activity.

Foyle Port (a cross-border operation) has proposed additional cruise ship berthing facilities at Greencastle and it is acknowledged that this project has the

potential to significantly enhance its usability and attractiveness as a cruise destination. Subject to appropriate feasibility studies DCC will support the provision of cruise ship berthing facilities there.

Policy MRCM-P-7 (c) & (d) recognises and supports the socio-economic and tourism importance, and will continue to support the operations of the Greencastle-Magilligan car ferry route and its development as a regional cruise ship destination during the lifetime of the plan.

Water Quality

Relevant policies seek to ensure that development will not compromise the water quality of water bodies within River Basin Districts designated under the Water Framework Directive or hinder the programme of measures contained within any associated River Basin Management Plan.

Rural Towns and Villages

The Plan focuses on revitalizing and regenerating rural towns and villages in Donegal, which is a key priority. Significant funding has been secured for various town enhancement and regeneration projects. Town centre and sequential development policies aim to prioritize development in the core of towns and villages.

Housing

The housing strategy and Housing Need Demand Assessment highlight population growth, affordability issues, and social housing needs. Objectives and policies aim to provide quality and accessible housing in urban and rural areas, including permanent rural housing and measures on holiday homes.

Economic Development

Economic development policies aim to build on Donegal's strengths across various sectors to attract investment and jobs aligned with population growth targets. Strategic infrastructure like roads, rail, water, wastewater, and telecoms is crucial.

Transportation

Transportation policies aim for more sustainable mobility, greenways, better public transport, integrated land use and transport, and strategic roads improvements. Objectives address infrastructure for water, wastewater, telecoms, renewable energy, waste management to support growth and development.

Sustainable Development

The plan aims to manage development in a sustainable manner aligned with proper planning and development principles. The technical standards provide important guidance to achieve this.

Area Plans

Chapters 17-20 contain Area Plans for Buncrana, Ballybofey/Stranorlar, and Bundoran. The Plan outlines the purpose, core strategy housing targets, and overall zoning approach for each of the Area Plans.

Chapter 21 sets out spatial planning frameworks and associated land use zoning objectives to guide development within the 53 no. Settlement Frameworks (five settlement hierarchies) and manage the overall pattern and type of development in these town and village locations.

Section 28 Statement

Appendix 1, previously circulated, contains a statement under Section 28 of the Planning and Development Act 2000 (as amended) demonstrating how national planning guidelines are implemented in the Draft Plan or reasons if not fully applied.

In summary, the plan aims for significant population and economic growth in Donegal, aligned with investment in housing, regeneration of towns and villages, strategic infrastructure improvements, sustainable development, and environmental protection.

Accompanying Reports

The Draft Plan is accompanied by the following reports:

- Environmental Report;
- Natura Impact Report;
- Strategic Flood Risk Assessment; and
- Strategic Water Status Impact Assessment.

Environmental Report

The report is an environmental assessment for the Draft County Donegal Development Plan 2024-2030. It outlines the current state of the environment in Donegal across topics like biodiversity, population, water quality, air quality, climate, cultural heritage, etc.

The report acknowledges the shared border. Northern Ireland consultee responses to the Scoping Report highlight likely transboundary impacts on the historic built and natural environment, including the marine environment, (e.g. Lough Foyle SPA, Magilligan SAC, Lough Foyle Ramsar site). Consultees advise that mitigation and monitoring measures relating to impacts on these should be put in place, and that DAERA's Draft River Basin Management Plan 2021-2027 should be considered as part of the assessment.

Some key environmental issues identified include:

- Cumulative loss of biodiversity and habitats due to development pressures.
- Poor water quality status of many water bodies due to agricultural and wastewater pressures.
- Air pollution, especially particulate matter, in towns from home heating and transport.
- Climate risks such as flooding and coastal erosion.
- Loss of built heritage assets through neglect or unapproved works.
- Cumulative landscape impacts from rural housing developments.

The report finds the plan will likely have:

- Negative effects on biodiversity from rural development enabled by the plan.
- Positive effects on population and human health from economic growth, housing, and amenities.
- Negative effects on water quality from new development and wastewater pressures.
- Negative effects on air quality from increased development and associated transport emissions.
- Negative effects on climate from growth in emissions from development.
- Positive effects on material assets by facilitating new infrastructure.
- Positive effects on cultural heritage through heritage protections.
- Negative effects on landscape from rural housing development.

Mitigation measures are proposed, including sustainable land use zonings, environmental protection policies, planning conditions to reduce impacts, and offsetting measures like biodiversity enhancements. Monitoring is also proposed to track effects.

In summary, the report finds the plan will have mixed environmental effects. It makes recommendations to maximize positive impacts and prevent/reduce negative impacts through various provisions in the plan-making and implementation process.

Natura Impact Report

DCC commissioned the Natura Impact Report after Appropriate Assessment screening determined that the Plan could potentially have significant effects on European sites. The report assesses the potential impacts of the Draft Plan on Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

There are 73 European sites wholly or partly within County Donegal. The assessment considers effects on these sites as well as others within 15km of the county boundary, including sites in Northern Ireland. The report also sets makes reference to the Regional Development Strategy (RDS) for Northern Ireland 2035.

Each policy, objective and site allocation in the Plan are assessed, with possible impact pathways and available mitigation measures identified. It is noted that a number of Plan policies provide strong protection for European sites by requiring compliance with the Habitats and Birds Directives. Others constrain development to prevent impacts.

Recommendations are made for project-level Appropriate Assessment to be undertaken for all planning applications, along with further studies and survey work as required. In-combination effects with other relevant plans and projects were considered but no significant impacts were identified.

The overall conclusion is that with the proposed mitigation measures, the Plan will not adversely affect the integrity of any European sites, either alone or in combination with other plans/projects. However, Appropriate Assessment will

still be required at the project level when more details are available to determine planning applications. The plan-level conclusion does not automatically mean consent will be granted for projects.

Strategic Flood Risk Assessment

The report was prepared to assess flood risk and help inform strategic land-use planning decisions for the Donegal County Development Plan 2024-2030.

Flood risk was identified from various sources including fluvial, coastal, pluvial and groundwater. Flood zone maps were prepared using data from past studies like Catchment Flood Risk Assessment Management (CFRAM), National Coastal Flood Hazard Mapping, and National Indicative Fluvial Mapping.

Objectives and policies were outlined to manage flood risk through measures like site-specific flood risk assessments, sustainable drainage systems, flood defenses, retention of floodplains, and hydromorphological assessments.

Ongoing review and update of the Strategic Flood Risk Assessment was recommended, including incorporation of new climate change guidance from the Office of Public Works (OPW).

In summary, the report provides a comprehensive strategic flood risk assessment to inform planning decisions and sets out recommendations for sustainable management of flood risk. Key outputs are flood zone maps and objectives/policies for the Development Plan.

Strategic Water Status Impact Assessment

The report assesses the potential impact of the draft Plan (inc Area Plans for Buncrana, Ballybofey/Stranorlar and Bundoran) on water quality and achieving Water Framework Directive (WFD) objectives. The methodology follows the Strategic Water Status Impact Assessment (SWSIA) guidance, including screening, scoping and assessment stages. However, it was limited by available information on future development details and uncertainty around effectiveness of wastewater infrastructure upgrades.

The screening highlighted that policies related to housing, tourism, natural resource development, and infrastructure may negatively impacting water quality.

The scoping provided an overview of the baseline water quality, protected areas, and key pressures in Donegal's river basin catchments. Agriculture was identified as the most prevalent pressure on water quality county-wide.

The impact assessment found potential negative impacts on specific water bodies primarily related to increased wastewater discharge from population growth exceeding treatment capacity.

Mitigation relies on infrastructure upgrades by Irish Water, sustainable drainage system requirements, proper wastewater treatment, and best practices for construction.

Financial Implications

None.

Other Implications

None

Recommendation

It is recommended that the Planning Committee note the content of the report and agree to the Head of Planning issuing a response, along the lines of that attached at Appendix 2, on behalf of the Council.

Proposed by Councillor McMullan

Seconded by Councillor Storey

- that the Planning Committee note the content of the report and agree to the Head of Planning issuing a response, along the lines of that attached at Appendix 2, on behalf of the Council.

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.

RESOLVED - that the Planning Committee note the content of the report and agree to the Head of Planning issuing a response, along the lines of that attached at Appendix 2, on behalf of the Council.

6.3 LDP – Project Management Team – Annual Monitoring Reports 2021/22 & 2022/2023

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

Purpose of Report

To present the Council's Local Development Plan (LDP) Project Management Team Annual Monitoring Report for the 2021/2022 and 2022/2023 reporting periods.

Background

The Council's Development Plan team is currently preparing an LDP for the Borough. 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 furthering sustainable development ("Sustainable development" was defined in the World Commission on Environment and Development's 1987 Brundtland report 'Our Common Future' as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.)

The LDP is prepared in three stages, as follows:

- Preferred Options Paper (POP);
- Plan Strategy (PS); and
- Local Policies Plan (LPP).

We are currently preparing a draft Plan Strategy (dPS).

The LDP is subject to a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA) to assess any potential environmental, economic or social impacts of the Plan against a range of sustainability objectives. This iterative process is carried out at all three stages of LDP preparation.

In line with the Council's published 'Statement of Community Involvement in Planning' (SCI) the Project Management Team (PMT) was established, comprising senior council officers, plan manager and key government departments, to facilitate key consultee co-operation in the plan-making process (see TOR at Appendix 1, previously circulated).

The invite to participate in the PMT also extends to all party leads (or a nominee) and Council Directors. The objective is to secure expert input (in an advisory role) into the plan making process.

At Preferred Options (POP) stage the PMT provided information and expert advice on a range of key strategic planning issues that the LDP should seek to address. At draft Plan Strategy stage the team provided comment on our LDP draft policy approach covering a range of topic areas.

Annual monitoring reports for this group are set out at Appendices 2 & 3, previously circulated).

It is important to note that Northern Ireland has a new LDP process, and although it was anticipated that the new regime would take some time to settle down it has been a much steeper learning curve than was originally anticipated, for all of the 11 councils as well as the key consultees and stakeholders, and DfI in its oversight role.

DfI has, during the LDP process to date, issued a number of guidance documents which the Council has taken account of in its LDP preparation. It should also be noted that there may be legislative and regional policy and guidance updates as we continue through this process.

Recommendation

It is recommended that the Planning Committee accept the attached LDP Project Management Team Annual Monitoring Reports.

Proposed by Councillor Storey

Seconded by Councillor Hunter

- that the Planning Committee accept the attached LDP Project Management Team Annual Monitoring Reports.

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 carried.

RESOLVED - that the Planning Committee accept the attached LDP Project Management Team Annual Monitoring Reports.

6.4 LDP – Steering Group – Annual Monitoring Reports 2021/22 & 2022/23

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

Purpose of Report

To present the Council's Local Development Plan (LDP) Steering Group Annual Monitoring Report for the 2021/2022 & 2022/2023 reporting periods.

Background

The Council's Development Plan team is currently preparing an LDP for the Borough. 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 furthering sustainable development¹.

The LDP is prepared in three stages, as follows:

- Preferred Options Paper (POP);
- Plan Strategy (PS); and
- Local Policies Plan (LPP).

We are currently preparing a draft Plan Strategy (dPS).

The LDP is subject to a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA) to assess any potential environmental, economic or social impacts of the Plan against a range of sustainability objectives. This iterative process is carried out at all three stages of LDP preparation.

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 TOR at Appendix 1), 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 planning issues arising within the Borough and agreement on the POP publication document.

At draft Plan Strategy stage the group will agree draft policies to be appraised through the SA process, and the dPS publication document prior to formal presentation for ratification at Full Council.

¹ "Sustainable development" was defined in the World Commission on Environment and Development's 1987 Brundtland report 'Our Common Future' as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.

Annual monitoring reports for this group are set out at Appendices 2 & 3 (attached).

It is important to note that Northern Ireland has a new LDP process, and although it was anticipated that the new regime would take some time to settle down it has been a much steeper learning curve than was originally anticipated, for all of the 11 councils as well as the key consultees and stakeholders, and DfI in its oversight role.

DfI has, during the LDP process to date, issued a number of guidance documents which the Council has taken account of in its LDP preparation. It should also be noted that there may be legislative and regional policy and guidance updates as we continue through this process.

Quarterly verbal updates on our LDP progress are provided by the Plan Manager to the Steering Group through the Planning Committee.

Recommendation

IT IS RECOMMENDED that the Planning Committee accept the attached LDP Steering Group Annual Monitoring Reports.

Proposed by Councillor C Archibald

Seconded by Councillor Peacock

- that the Planning Committee accept the attached LDP Steering Group Annual Monitoring Reports.

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.

RESOLVED - that the Planning Committee accept the attached LDP Steering Group Annual Monitoring Reports.

6.5 TPO Confirmation – 751 Feeny Road, Dungiven

Report previously circulated, presented by the Development Plan Manager.

Purpose of Report

To present the TPO confirmation for a rare Elm Tree located at 751 Feeny Road, Dungiven.

Background

TPO Request

On 13th March 2023 the Council received a request, from the landowner at 751 Feeny Road, Dungiven, to serve a Tree Preservation Order (TPO) on a specific tree located within their property.

Tree Preservation Orders

Under Sections 122 and 123 of the Planning Act (NI) 2011 and the provisions of the Planning (Trees) Regulations (Northern Ireland) 2015 the Council may

make Tree Preservation Orders (TPOs) to afford statutory protection to selected trees or woodlands if their removal is likely to have a significant impact on the local environment and its enjoyment by the public.

Trees can have a high amenity value and can make an important contribution to the environment, creating a varied, interesting and attractive landscape. They can help define the character of an area and create a sense of place acting as landmark features in urban and rural areas. They also have nature conservation, historic and recreational value. Trees in the Northern Ireland landscape are limited, therefore, where they do exist their contribution is valued.

The Council may make a TPO for the purpose of protecting trees if they are considered to be of special value in terms of amenity, history or rarity, which may or may not be under threat. Therefore to be considered for a TPO, trees must be of high amenity value and in reasonable condition. The following criteria are used when assessing the merits of a potential TPO:

- **Potential Threat:** Priority will be given to the protection of those trees deemed to be at immediate risk from active felling or damage from development on site. All other requests will be assessed and prioritised accordingly.
- **Visibility:** The extent to which the trees or woodlands can be seen by the general public will inform the assessment of whether the impact on the local environment is significant.
- **Individual Impact:** The mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The tree's particular importance will be assessed by reference to its size and form. Its future potential as an amenity should also be assessed, taking into account any special factors such as its screening value or contribution to the character or appearance of an area. In relation to a group of trees or woodland, an assessment will be made of the collective impact.
- **Wider Impact:** The significance of the trees in their local surroundings will also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.
- **Historical Importance:** Certain trees, because of their age, association with the setting of listed buildings, or the contribution they make to the special character of a conservation area, may require consideration for TPO protection.
- **Rarity:** There may be occasions where a tree(s) may be considered for TPO protection solely on the grounds of its rarity. The priority of the consideration will reflect the rarity of the species.

All types of tree can be protected. The Order can cover anything from a single tree to woodlands. Normally, unless a Woodland TPO is proposed, only trees over 3.5m in height are considered for a TPO. Hedges, bushes and shrubs will not be protected.

Provisional Tree Preservation Order

In terms of the process and timescales, a Provisional TPO is normally served first, with the final confirmation within six months, or it can be allowed to lapse if

it is considered, as a result of detailed assessment, that the trees are not considered worthy of protection.

The Council served a Provisional TPO on this tree on 3rd May 2023 (see Appendix 1).

Site Context Site Details

The site is located at 751 Feeny Road, Dungiven and comprises of the Old Rectory a B+ Listed property, (Ref HB02/05/003 A). This 19th century Rectory crowns the top of a small hill, accessed by a winding avenue and is presently set within attractive grounds with mature trees and shrubbery including a Beech plantation. The Elm tree in question is located within the immediate setting of the Listed property of No.751 adjacent to a rear Stableyard and outbuildings.

Reason for TPO Protection

The request relates to a single Elm Tree which the landowner considers as a rare example given that it is one of only a few trees that appear to have survived Dutch Elm disease. The owner has advised the Council that the tree was inspected back in 2009 by an all-Ireland tree expert, Dr Gerry Douglas, who informed the owner that it was one of the finest and tallest examples of an Elm tree to exist on the island of Ireland. The Woodland Trust also advised the owner of their wish to add the tree to their "Ancient Tree Register".

The owner is concerned that this rare tree could become threatened at some future date under any new ownership.

Detailed Assessment of Tree

A qualified Arboricultural Consultant, who carried out an assessment of the tree on behalf of the Council has advised that this tree is a Category A1. He considers the tree is an excellent example of its species and should be protected (see Tree Survey Report at Appendix 2).

Financial Implications

No financial implications arise out of this.

Options

Option 1: Resolve to confirm the TPO as detailed above.

Option 2: Resolve not to confirm the TPO.

Recommendation

It is recommended that the Planning Committee agree to either Option 1 or Option 2 as set out above.

Proposed by Councillor Hunter
Seconded by Alderman Scott

- That the Planning Committee agree to Option 1: Resolve to confirm the TPO as detailed above.

The Chair put the motion to the Committee to vote.

13 Members voted For, 0 members voted Against, 0 Members Abstained.
The Chair declared the motion carried.

RESOLVED - That the Planning Committee agree to Option 1: Resolve to confirm the TPO as detailed above.

7. Correspondence:

7.1 Correspondence to Mid and East Antrim Borough Council – Consultation on LDP 2023 draft Plan Strategy update

Copy correspondence previously circulated, presented by The Head of Planning.

Committee NOTED the correspondence.

7.2 Dfl – Review of LDP Regulations

Copy correspondence previously circulated, presented by The Head of Planning.

The Head of Planning agreed to bring a draft report to Planning Committee prior to issuing.

Committee NOTED the correspondence.

7.3 Dfl – The Strategic Planning Policy Statement and Climate Change

Copy correspondence previously circulated, presented by The Head of Planning.

Committee NOTED the correspondence.

7.4 NIEA – Planning Consultations for Agricultural Developments

Copy correspondence previously circulated, presented by The Head of Planning.

Committee NOTED the correspondence.

8. Reports

8.1 Commencement of Development

Report previously circulated, presented by The Head of Planning.

Purpose of Report

This Report is to provide Members with an update as to what is required by legislation to commence approved development (authorised by a planning permission).

Background

The requirements for commencement of development in Northern Ireland legislation is set out in Section 63 of the Planning Act (Northern Ireland) 2011, which became operational in 2015. Where the development consists of or includes the erection of a building, to constitute development to have been begun, either section of legislation requires “any work of construction in the course of the erection of the building.”

On the Planning section of the Council’s website, until recently, guidance was given on the commencement of development based on English caselaw in the absence of case law in Northern Ireland at that time. This referred to examples of where the Council would consider development to have commenced in accordance with the permission granted. The examples provided were: “commenced any work of construction in the course of erection of a building such as the digging of foundations and preferably pouring of concrete, driving piles or other substantive works or; the laying of any underground main pipe to the foundations or part of the foundations of a building.”

However, recent landmark appeal decisions in Northern Ireland by the Planning Appeals Commission (PAC) Ref: 2017/E0010 against refusal of a certificate of lawful use or development (CLUD) for completion of a dwelling at Tirkeeran Road, Garvagh in October 2017, considered this issue. This decision was undertaken by the Commission rather than a single commissioner. The decision underscores that in determining the commencement of development, where the development consists of or includes the erection of a building, the focus is on the buildings and that the work carried out must be work of construction in the course of erection of the buildings. The same appeal decision sets out that while Section 56 of the Town and Country Planning Act 1990 (applicable in England and Wales) provides a more liberal definition of material operations, this is not directly relevant to the more prescriptive requirements in Northern Ireland legislation. The appeal was dismissed.

In addition, Northern Ireland High Court judgement *River Faughan Anglers Ltd v Derry City and Strabane District Council* (2018) NIQB 87, delivered in October 2018, considered the matter of whether development had begun of a manager’s dwelling and six cottage style apartments in the countryside near Londonderry. The judgement cites the relevant test being Section 63 (2) of the Planning Act (Northern Ireland) 2011. Paragraph 25 of the judgement states that as the vehicular access was installed along with the excavation and

construction of certain foundations, the Court was satisfied development had begun. This case clarified that work of construction was required to constitute a lawful start.

More recently, appeal decision Ref: 2022/L001 in July 2023 by the PAC against refusal of a certificate of lawful use or development (CLUD) for a dwelling and double garage at Carrowclare Road, Limavady, dealt directly with the issue as to whether excavation of foundations without further work constituted a lawful start. This decision considers the Oxford Dictionary definition of “construction” as “the process or method of building or making something, especially roads, buildings, bridges etc.”. The decision resolves that the digging of a trench cannot reasonably be described as building or making something and that can only occur when concrete is poured to create the foundations of a building. The decision considers trench digging as site preparatory works, readying a site for development. The decision clarifies that the act of pouring the concrete represents work of construction in the course of the erection of the building. The appeal was dismissed.

Proposals

To update the content of the Council’s website regarding the commencement of development and publish a Development Management Information Note on the commencement of development (See Appendix 1).

Recommendation

It is recommended that the Committee notes the Northern Ireland case law and agrees to the updating of Council’s website accordingly and the publication of Development Management Information Note 03 Commencement of Development.

RESOLVED – That Planning Committee notes the Northern Ireland case law and agrees to the updating of Council’s website accordingly and the publication of Development Management Information Note 03 Commencement of Development.

8.2 Finance Report – Period 1-4 Update

Report previously circulated, presented by The Head of Planning.

Purpose

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 4 of the 2023/24 business year.

Details

Planning is showing a favourable position at end of Period 4. The favourable position at the end of Period 4 is due to increased income from planning

applications and property certificates resulting in an increase in income from that predicted for this period.

In terms of expenditure, Salaries and Wages (including Agency staff) are showing an overspend due to increased staff costs.

Savings in other expenditure codes will be reduced throughout the year as some payments are made on an annual basis and as current legal cases conclude.

Legal cases are ongoing with Mr Duff appealing 1 JR decision to the Court of Appeal and the other has been returned to the High court following Court of Appeal granting Mr Duff standing. Mr McLaughlin's judicial review in the High Court is awaiting decision.

The adverse position in salaries and wages and favourable position in income and favourable position in other expenditure codes results in an overall favourable position at end of Period 4.

Recommendation

It is recommended that the Planning Committee notes the content of this report for the Period 1-4 of 2023/24 financial year.

Committee NOTED the report.

8.3 Planning Performance Annual Report 2022/23

- * **The Chair left the meeting at 4.59pm and returned at 5.03pm during consideration of this matter.**

Report previously circulated, presented by The Head of Planning.

Background

Schedule 4 of The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out the statutory performance targets for the Planning Department for major development applications, local development applications and enforcement cases and these are reflected in Council's Performance Improvement Plan 2022-23 and the Planning Department Business Plan 2022-2023.

The statutory targets are:

- Major applications processed from date valid to decision or withdrawal within an average of 30 weeks
- Local applications processed from date valid to decision or withdrawal within an average of 15 weeks
- 70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint.

The Planning Department Business Plan KPIs are:

- Objective 1: Improve performance in relation to processing planning applications
 - Local applications processed from date valid to decision or withdrawal within an average processing time of 18 weeks
 - Major applications: process those applications that have agreed solutions with NI Water through pre development enquiry prior to submission of formal application within an average processing time of 50 weeks
 - 70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint.
 - reduce the number of planning applications in the system over 24 months by 15%

- Objective 2: Publish Council's draft Plan Strategy
 - Reviewed LDP Timetable published
 - Staff resources agreed
 - Workshops concluded in accordance with work programme
 - Policies agreed through Planning Steering Group
 - Present draft Plan Strategy to Council for ratification in accordance with published timetable
 - Draft Plan Strategy published in accordance with published timetable
 - Stable staff resources
 - Delivery of Training Plan

- Objective 3: to manage finance, staff, information and other resources effectively and efficiently within the corporate governance framework
 - Reduction in number of temporary staff employed
 - Number of cases where Ombudsman determines maladministration is less than 0.4% of all decisions made.

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team, Department for Infrastructure. It provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis.

Detail

Website link 1

<https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-2022-march-2023> provides the link to the published bulletin for Q1-Q2 of 2022/23 business year. Due to the implementation of the new Planning Portal on 05 December 2022, reports are not currently available to publish accurate statistics for the remainder of this business year.

Objective 1: Improve performance in relation to processing planning applications

Table 1 (circulated) provides a summary of performance in relation to major development applications and local development applications for the 2022-23 business year as published in the Northern Ireland Planning Statistics 2022/23 Annual Statistical Tables.

KPI1: Local applications processed average processing time of 18 weeks

In the 2022/23 business year, Causeway Coast and Glens Borough Council received the 1,082 local category of planning applications and determined 1,068 applications to decision/ withdrawal. The average processing time taken to process from date valid to decision of 21.2 weeks did not meet the Business Plan KPI of 18 weeks. The KPI was met in Q1 and Q2 however, within the implementation of the new Planning Portal in December 2022 and the closure of the existing system 2 weeks prior to the go-live of the new system the performance in Q3 dropped significantly and recovered in Q4 to 20.2 weeks resulting in an overall performance below the KPI target at 21.2 weeks, similar to 5 other Local Authorities whose average processing time for local applications was also in the 21 week range. Approval rate for local applications was above the Northern Ireland average. Work continues with statutory consultees to agree Standing Orders with the aim to reduce consultations on planning applications to assist on improving processing times. Discussions are at an advanced stage with NI Water and DfC HED.

KPI2: Major applications: process those applications that have agreed solutions with NI Water through pre development enquiry prior to submission of the formal application within an average processing time of 50 weeks.

Improvement in the average processing times for major category of applications continued from the previous year, processing more applications to decision/withdrawal than the previous business year and in a time 8.2 weeks faster than the previous business year at 46.4 weeks achieving the KPI target and edging closer to meet the statutory target of 30 weeks. This average processing time was the fastest out of all 11 Councils and 11.4 weeks faster than the Northern Ireland average.

Staff resources were impacted during the business year through resignation and sickness. Recruitment of Senior Planning Officer grade completed and staff in post by beginning of Q2. Planning Assistant posts were temporary filled by agency staff by end of Q3 however, 2no. vacant Planning Officer posts remained in Q3 and Q4 due to difficulty recruiting agency staff.

KPI3: 70% of all enforcement cases concluded within 39 weeks of receipt of complaint.

The business plan KPI and the statutory target to progress 70% of all enforcement cases to target conclusion within 39 weeks of receipt of complaint have not been reported on in this business year due to the implementation of the new Planning Portal and the requirement to fix a number of elements within the Enforcement module to enable the extraction of the necessary information in a reliable format. From information available the number of live cases has increased slightly from 423 live cases on 31 March 2021 to 463 cases at the end of this business year. As stated above, progression of enforcement cases was impacted by staff resources. Senior Officer post was filled at beginning of Q2.

KPI4: Reduce number of planning applications in the system over 24 months by 15%

The number of planning applications in the system over 24 months at the end of 2022/23 business year was 75 of which 60% of these issued by the end of March 2023. However, a further 55 applications entered this timeframe over the year resulting in a total of 85 planning applications in the system over 24 months at the end of March 2023, an increase of 13% from end of 2021/22 business year to end of 22/23 business year. Of note, at the end of Q1 the number of over 24 months applications decreased to 70 applications but increased at end of Q2 to 85 applications. By end of November, just prior to go-live of the new Planning Portal, the number of over 24 months applications was reduced to 78, indicating progress in the drive to reduce the number of these older applications in the system. Unfortunately, due to the bedding in of the new system and the reduction in the number of decisions issued in Q3 (due to the 2 week down-time prior to go-live) and Q4 (due to the bedding in of the new system), and vacant posts, the number of applications in the system over 24 months increased again to 85.

KPI5: Stable Staff Resource

Recruitment of staff to fill vacant posts at various grades was undertaken during the business year with limited success. The business year commenced with 1 vacant Senior Planning Officer post due to resignation. Appointment of the permanent Senior Planning Officer was concluded in the middle of Q2. However, a further temporary vacant post at Senior Officer grade occurred at end of Q2 and 2no. Planning Assistant posts. Attempts to recruit agency staff at Planning Officer grade to cover temporary vacant posts were unsuccessful, and a further vacant post at despite continuous effort. At the end of the business year 2no. Planning Officer posts remained vacant with resultant impact on caseloads of existing staff and performance. The recruitment of staff to cover temporary posts remains a pressure.

KPI6: Reduction in staff caseloads

The year commenced well with caseloads maintained at the beginning of the year with the exception of the Single Rural dwellings Team which experienced a significant increase in caseloads due to a vacant post mid-way through the year as a result of a resignation within the team. Due to difficulty recruiting a planning Officer to fill this post, resulted in the case load of the vacant post being distributed amongst the remainder of this team from end Q2. As a result, caseloads within this team are extremely high impacting on the ability to deliver a quality and timely service. The other marked increase in caseloads was in the other DEA teams due to staff sickness and vacant post at Planning Officer grade. As a result, by the end of the business year, staff caseloads overall had increased with 7 staff experiencing caseloads above that considered reasonable to manage at Planning Officer grade.

KPI7: Delivery of Training Plan

Training identified by staff was delivered over the business year. Staff availed of specialist training in urban and rural design, environmental governance,

validation, consultation and enforcement-related training. Training was also provided for the operation of the new Planning Portal. Informal on-the-job training was also delivered by Senior Managers to their team.

Objective 2: To publish Council's draft Plan Strategy

KPI8: Reviewed LDP Timetable published

The reviewed LDP Timetable was drafted but did not publish as the council meeting held on 01 November 2022 did not ratify the draft Plan Strategy. As a result further workshops were carried out with Members on the draft Plan Strategy and the Timetable remains on hold until such times as there is certainty over the date for publication of the draft Plan Strategy.

KPI9: Staff resources agreed

A new Planning officer has joined the team to replace the vacant post due to resignation. No further staff resources have been identified as necessary at this time. The services of external consultants to undertake Sustainability Appraisal has been undertaken with Shared Environmental Services.

KPI10: Policies agreed through Planning Steering Group for draft Plan Strategy

Policies contained within the draft Plan Strategy were agreed through the Planning Steering Group on 27 January 2022 and 26 May 2022. It was also presented and agreed at planning Committee meetings held 23 February 2022 and 22 June 2022..

KPI11: Present draft Plan Strategy to Council for ratification in accordance with published Timetable

The draft Plan Strategy was present to Council for ratification at the Council meeting held on 01 November 2022. Council resolved to hold further workshops to discuss the content of the draft Plan Strategy.

KPI12: draft Plan Strategy published in accordance with published Timetable

As a result of the resolution of the full Council at its meeting held on 01 November 2022, the draft Plan Strategy was not published in accordance with the published Timetable.

KPI13: Stable Staff resource

The Development Plan Team has retained a stable resource throughout the business year. Vacant post as a result of resignation was filled through the extant list of successful candidates for Planning Officer grade.

KPI14: Delivery of Training Plan

Training was delivered as requested by staff to include Sustainability Appraisals, how to operate the new Planning Portal as well as informal training by Senior Officers on retailing, settlement appraisals, annual monitors and GIS.

Objective 3: To manage finance, staff, information and other resources effectively and efficiently within the corporate governance framework

KPI15: Reduction in number of temporary staff

The Planning Department commenced the year with 5 agency staff covering a mixture of 3 FTC posts, a long-term sick leave post and maternity leave post. By 31 March 2023 this had reduced to 3 Agency staff. This was largely due to difficulty recruiting agency staff to cover temporary vacant posts at Planning officer grade.

KPI16: Number of cases where Ombudsman determines maladministration is less than 0.4% of all decisions made

The Planning Department successfully met this KPI. Over the business year, of the planning application decisions issued and enforcement cases closed, there were no cases where the Ombudsman determined maladministration.

A copy of the 2no. cases from the previous business year relating to enforcement investigations and referred to in the 2021/22 Annual Report are available to view on the NIPSO website via the following links <https://nipso.org.uk/site/wp-content/uploads/2021/12/Case-Ref-201915620-21863-Final-investigation-report.pdf> and <https://nipso.org.uk/site/wp-content/uploads/2023/07/Final-14740-PDF.pdf>

Recommendation

IT IS RECOMMENDED that the Planning Committee note the Planning Department's Annual Report for 2022/23.

Proposed by Alderman S McKillop
Seconded by Councillor Watton and

RESOLVED – that Planning Committee invite the Head of Planning to bring a report back on bringing in Apprentices, to include associated cost.

Committee NOTED the report.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman Scott
Seconded by Councillor Storey and

AGREED – that Planning committee move 'In Committee'.

* **Press and Public left the meeting at 4.10pm.**

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 Update on Legal Issues

(i) Rigged Hill

The Head of Planning stated the Applicant has appealed the Judgment, a Case Management Review will be brought to the Court of Appeal.

(ii) East Road, Drumsumn

The Head of Planning stated the full hearing is to be held on 26 October 2023.

(iii) Craigall Quarry

The Head of Planning advised the Court of Appeal dismissed on grounds it was out of time and had no merit. The Head of Planning stated she was in receipt of the draft Judgment and when the final has been received, it will be circulated to Planning Committee Members.

Committee NOTED the update.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor Anderson
Seconded by Councillor Storey and

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

* **Councillor McGurk left the meeting.**

10. Any Other Relevant Business (in accordance with Standing Order 12 (o))

There were no matters of Any Other Relevant Business notified.

This being all the business the Chair thanked everyone for being in attendance and the meeting concluded at 4.11pm.

Chair