



13 January 2021

Committee Chair: Alderman T Campbell

Committee Vice-Chair: Councillor S Flanagan

Committee Members: Aldermen – F Agnew, P Brett and J Smyth
Councillors – J Archibald-Brown, H Cushinan, R Kinnear,
R Lynch, M Magill, R Swann and B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A remote meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 18 January 2021 at 6.00pm.**

All Members are requested to attend the meeting via "Zoom".

To ensure social distancing it is only possible to facilitate 11 Members in the Council Chamber. Priority admission will be given to Committee Members, this does not affect the rights of any Member participating in the meeting.

Yours sincerely

A handwritten signature in black ink that reads "Jacqui Dixon".

Jacqui Dixon, BSc MBA
Chief Executive, Antrim & Newtownabbey Borough Council

PLEASE NOTE: refreshments will not be available.

For any queries please contact Member Services:

Tel: 028 9034 0048 / 028 9448 1301

memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – January 2021

Part One - The Planning Committee has the full delegated authority of the Council to make decisions on planning applications and related development management and enforcement matters. Therefore, the decisions of the Planning Committee in relation to this part of the Planning Committee agenda do not require ratification by the full Council.

Part Two - Any matter brought before the Committee included in this part of the Planning Committee agenda, including decisions relating to the Local Development Plan, will require ratification by the full Council.

- 1 Apologies.
- 2 Declarations of Interest.
- 3 Report on business to be considered:

PART ONE - Decisions on Planning Applications

3.1 Planning Application No: LA03/2018/0185/F

Proposed demolition of existing pig farm (6no units housing 4,200 finishing pigs) and replacement with 3no new pig units (to house 2,755 sows, 235 replacement breeders and 5 boars) with air scrubber units, associated underground slurry and washings stores, scrubber water storage tank, 7no feed bins, welfare facilities, feed kitchen/store, concrete hardstanding and 2no turning areas, loading bay, landscaped bund, tree and shrub planting, parking and new access at lands adjacent and to the north of 10 Calhame Road, Ballyclare

3.2 Planning Application No: LA03/2018/0918/F

Retention of existing silo building to include control switch room. Re-contouring of land including earth mounding/earth bunds (part proposed and part existing). Provision of attenuation pond (reduction in size from that previously approved). Proposed landscaping and other works. Retention of bunded area around bio-digester plant. Retention of existing plant and machinery including (i) stand by generator (relocated 20 metres east of previously approved location), (ii) emergency flare (relocated approx. 41 metres south west of previously approved location), (iii) boiler, manifold and pump block (approx. 22 metres east of previously approved location). This application includes amendments to Planning Permission LA03/2015/0051/F for a proposed pig farm and the retention of development works beyond the previously approved site boundary. Lands 166 metres North West of no. 10 Reahill Road, Newtownabbey.

3.3 Planning Application No: LA03/2019/0768/F

Retention of re-contouring of land including earth mounding/earth bunds and proposed re-profiling of earth bunds along western boundary of approved pig farm (LA03/2015/0051/F) on lands approximately 320m NW of 10 Rea Hill Road, Newtownabbey

- 3.4 Planning Application No: LA03/2020/0082/F
17 dwellings (Change of house types to previously approved sites 11-27 under LA03/2015/0173/F). The proposal involves alterations to the location and curtilage of 5 previously approved dwellings and also for 12 new dwellings consisting of 4 townhouses and 8 semi-detached houses. Portion of lands at Trench Lane to the east of Ballymartin Water and west of housing developments at Parkmount Road, Tudor Park and Hyde Park Manor, Mallusk, Newtownabbey,
- 3.5 Planning Application No: LA03/2020/0359/F
Demolition of existing single storey structure and construction of new two storey extension to rear of property and new timber shed with roof mounted photovoltaic panels at 14 Glenavie Park, Jordanstown, Newtownabbey
- 3.6 Planning Application No: LA03/2020/0419/F
Erection of 4 bedroom infill dwelling on land between No. 32 and No. 38 Carnvue Road, Glengormley, Newtownabbey
- 3.7 Planning Application No: LA03/2020/0315/O
Site for detached dwelling and garage in the rear garden of 62 Jordanstown Road, Newtownabbey (frontage to Gleneden Park)
- 3.8 Planning Application No: LA03/2020/0229/F
Proposed 2 storey dwelling with attached garages to the rear with associated works (Change of house type as approved under LA03/2017/0587/RM) at 21A Belfast Road, Nutts Corner, Crumlin
- 3.9 Planning Application No: LA03/2020/0641/O
Site for replacement dwelling on land 250m north east of 44 Belfast Road, Nutts Corner, Crumlin
- 3.10 Planning Application No: LA03/2020/0410/O
Proposed site for a dwelling and attached domestic garage (Policy CTY 10) on land approximately 200 metres south east of No.178 Staffordstown Road, Randalstown.
- 3.11 Planning Application No: LA03/2020/0384/O
Site of dwelling and garage on land approximately 65m North West of 35 Clonkeen Road, Randalstown

PART TWO – Other Planning Matters

- 3.12 Delegated planning decisions and appeals December 2020
 - 3.13 Proposal of Application Notification
 - 3.14 NI Planning Statistics 2020-21 Second Quarterly Bulletin July-Sept 2020
 - 3.15 Northern Ireland Planning Monitoring Framework 2019-20
4. Any Other Business

PART TWO – IN CONFIDENCE

- 3.16 Planning Enforcement Report 2020-21 - Quarter 2 - **In Confidence**

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 18 JANUARY 2021**

PART ONE

PLANNING APPLICATIONS

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2018/0185/F
DEA	BALLYCLARE
COMMITTEE INTEREST	ADDENDUM REPORT FOR MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed demolition of existing pig farm (6no units housing 4,200 finishing pigs) and replacement with 3no new pig units (to house 2,755 sows, 235 replacement breeders and 5 boars) with air scrubber units, associated underground slurry and washings stores, scrubber water storage tank, 7no feed bins, welfare facilities, feed kitchen/store, concrete hardstanding and 2no turning areas, loading bay, landscaped bund, tree and shrub planting, parking and new access.
SITE/LOCATION	Lands adjacent and to the north of 10 Calhame Road, Ballyclare, BT39 9NA
APPLICANT	JMW Farms Ltd
AGENT	Clyde Shanks Ltd
LAST SITE VISIT	16 November 2018
CASE OFFICER	Johanne McKendry Tel: 028 9034 0423 Email: johanne.mckendryl@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
BACKGROUND	
<p>Following presentation of the Planning Report to the Planning Committee meeting of the 18th February 2019 (attached at Appendix 1), it was agreed to defer this application to allow Officers to write to DAERA seeking clarification on: its current policy in relation to the assessment of intensive livestock installations; whether the current policy position of DAERA in relation to nitrate and ammonia levels was likely to change imminently; whether there was any reason to consider that the above planning application would not conform with the current DAERA policy/guidelines; and whether there was any additional information that DAERA considered would be useful to the Council to determine this specific planning application.</p> <p>Following publication of an Addendum Report regarding this application circulated to Members prior to the Planning Committee on 18th February 2019 (attached at Appendix 2), a number of issues were raised by objectors, including reference to the Public Health Agency (PHA) consultation response.</p> <p>In addition, since the deferral of the application, Officers requested that the agent consider emerging case law on slurry spreading, R. (on the application of Squire) v Shropshire Council Ref. C1/2018/2122 (the Case Law) and whether the information that had been provided at that time was sufficient to address the issues raised.</p>	

A second addendum report to the Environmental Statement, Document ES Addendum 02 was received on 15th June 2020 (ES 02), and provides further environmental information to enable the Council to fully consider the development proposal and to address the specific matters raised by the Case Law as requested by the Council.

DAERA Natural Environment Division (DAERA), Shared Environmental Services (SES), the Public Health Agency (PHA) and the Council's Environmental Health Section (EH) were re-consulted and invited to make comment on the ES 02, which provides clarification in relation to air quality, specifically in respect of the emission factors and emission rates used in the air quality modelling, landspreading locations including the modelling of impacts at additional designated sites, the outcome of which are provided below.

REPRESENTATION

A summary of the key points of the additional issues raised is provided below:

- Consultee responses were not fully considered, in particular concerns raised by the Public Health Agency.
- Impacts on human health and on the health of vulnerable adults and children.
- Impacts of hydrogen sulphide and methane emissions.
- Porcine Respiratory Coronavirus may mutate into the pig herd and be transmissible between pigs and humans, as well as MRSA, Swine Flu and African Swine Fever.
- The Case Officer Report does not remove scientific doubt.
- The requirement for a Cumulative Ammonia Assessment.
- The negative impacts of the development were not fully addressed within the Case Officer Report.
- Impact on fishing/angling from high levels of nitrates/pollution in the Six Mile Water system.
- Decrease in property values.
- The ES Addendum 02 provided no new environmental evidence other than interpretation of a High Court ruling.
- No additional information on landspreading of slurry has been provided.
- Clarification from DAERA in relation to legal advice regarding the implications of its operating policy has not been received by the Council.
- Scientific evidence suggest the air scrubbers are not as effective as claimed.
- The Transport Assessment has fallen short.
- Concerns regarding contaminated water.
- Concerns with regards to the storage of hazardous chemicals.
- Suitability of the applicant to operate the replacement pig farm.
- There has been no assessment of this project on climate change targets for UK and NI.
- No additional information on the landspreading of slurry has been provided.
- No consideration given to environmental case law.
- Clarification from DAERA in respect of its policy in relation to the assessment of ammonia and nitrates associated with intensive livestock has not been provided.
- Nutrient Management Plans are not legally binding and therefore no certainty of impact on designated sites.
- No evidence that slurry injection will diffuse pollution entering designated sites

- The Environmental Statement and Habitats Regulation Assessment (HRA) provides no certainty that there will be no adverse impact on designated sites.
- The planning application is splitting the size of the operation by growing piglets in one location and spreading them to others, and if granted will add the slurry from 80,000 intensively reared pigs per annum to the environment.
- The National Trust for Ireland is seeking to advance legal action and establish administrative responsibility for the high levels of ammonia emissions in NI.
- There is no capacity for additional nitrogen at this site.
- If the proposal does not deal with pollution well, do not approve it.
- Consideration of how approval of the replacement pig farm could impact on tourism to Ireland.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues of consideration in this Addendum Report are:

- R. (on the application of Squire) v Shropshire Council Appeal
- DAERA Comments
- Public Health Agency Comments
- Environmental Health Comments
- Shared Environmental Services Comments
- Other Matters

R. (on the application of Squire) v Shropshire Council Appeal

The second addendum report to the Environmental Statement, Document ES Addendum 02 (ES 02) received on 15th June 2020, sets out information requested by the Council to demonstrate that the proposal has fully considered the issues raised by the following Court of Appeal decision 'R. (on the application of Squire) v Shropshire Council' (the Case Law).

The case law relates to the lawfulness of the decision of Shropshire Council to grant planning permission on 1st September 2017 for a poultry farm comprising four poultry houses and associated development at Footbridge Farm, Tasley, near Bridgnorth, England.

The appeal was brought by the appellant and local resident, Ms Nicola Squire following the dismissal of a claim for judicial review. The claim for judicial review was issued on 16th October 2017 and asserted that the grant of planning permission was unlawful for the following two reasons:

1. The Council failed to consider the likely effects of the development on the environment in accordance with the legislative regime for EIA; and
2. The Council failed to take into account those effects, and the position of the Environment Agency, as material considerations in the decision on the application.

The judge rejected both grounds, but permission to appeal was subsequently granted on 12th November 2018.

The case examines the reach of an environmental permit (granted for the facility in April 2017) and the relevance of that permit in a planning decision as well as the adequacy of the Environmental Impact Assessment (EIA).

The key question forming the basis for the appeal was whether the local planning authority failed to consider the likely effects of odour and dust arising from the disposal of poultry manure by way of landspreading, an indirect environmental effect of the proposed poultry house.

In that case, the EIA submitted by the applicant provided some detail regarding the effects of dust and odour from the poultry house itself but was devoid of any relevant assessment of the landspreading of the poultry manure generated.

Instead, it relied upon a proposed Manure Management Plan to be provided as part of the environmental permit, which would relate only to the storage and spreading of manure on the applicant's land, not the third party lands required which were unidentified by the applicant. This is also notwithstanding the fact that the essential purpose of a Manure Management Plan is to avoid water pollution and nitrate loss, not to consider any impacts arising from odour or dust.

Whilst any Manure Management Plan submitted would have to accord with agricultural best practice it would not be an activity regulated by the environmental permit.

Paragraphs 59-65 of the judgment are of particular relevance and conclude that that the EIA provided was deficient in its lack of proper assessment of the environmental impacts of the storage and spreading of manure as an indirect effect of the proposed development with specific reference to the fact:

- The ES did not identify the third party land required for the storage and spreading of manure;
- The ES did not provide any meaningful assessment of odour and dust from storage and spreading of manure on the applicant's land or third parties;
- The ES did not seek to anticipate the content of any Manure Management Plan relied upon;
- The authors of the ES appeared to have misinterpreted the scope of the environmental permit insofar as it would not relate or seek to control to the storage and spreading of manure;
- Whilst the ES did 'touch upon' measures by which harmful effects on the environment might be reduced, it did not consider which measures were likely to be applied on third party land, in what form such measures might be imposed, or how effective they were likely to be; and
- The future Management Plan to be provided was not a substitute for the assessment lacking in the ES particularly as it was going to exclude the third party lands required but also that its focus was on water pollution and there would be no assurance that it would control odour/dust pollution.

The ES 02 submitted in respect of the current development proposal sets out that the original ES submitted for the proposed development is supported by Nutrient Management Plans (NMPs) in Appendix 17.1, which identify all of the receiving lands where pig slurry generated by the proposal is to be spread, including third party lands. It states that the scope of the Integrated Pollution Prevention and Control (IPPC) permit (and its proposed variation that has been applied for) is not misunderstood by the applicant or author in this case as it is fully understood that while NMPs are a requirement to identify the land banks required for slurry

spreading and demonstrate their suitability for same, the permit does not control or seek to regulate odour or dust pollution from landspreading activities.

The ES 02 states that Chapter 17 'Slurry Disposal and Nitrates Management' of the ES refers to the Nitrates Directive and Nitrates Action Programme 2018, now replaced by the Nutrient Action Programme (NAP) 2019-2022, and how the NMPs have been prepared in line with the required assessment criteria. It is again acknowledged that this form of regulation undertaken by DAERA relates to water pollution and not odour or dust; however importantly, spreading in accordance with these requirements dictates where landspreading can occur and the frequency of applications – which is relevant for the consideration of odour, and is discussed in further detail below.

The ES 02 affirms that records of slurry exports and landspreading are required to be submitted to DAERA annually to demonstrate compliance with the NAP. It continues that best practice in relation to landspreading, as set out in the Code of Good Practice (COGP), has and will continue to be adhered to as referred to within paragraph 17.14. It also goes on to state that notably, unlike the proposed poultry site, this proposed development represents a replacement farm, not a greenfield site generating a 'new' indirect effect.

The ES 02 states that whilst the case law also refers to the EIA lacking any assessment of the 'storage' of manure litter, this is in the context of 'suitably sited field heaps prior to spreading of land'. In this case, the storage of the pig slurry generated is set out in full at Chapter 17 of the ES and the accompanying Pig Shed Elevations plan, Drawing No. 05 date stamped 28th February 2018, indicates that each pig unit is ducted to a slurry collection pit located underneath a slatted floor prior to pumping to a sealed slurry store.

The ES 02 indicates that the odour impact of slurry storage has been fully considered as part of the Air Quality Impact Assessment (AQIA) undertaken and all emissions from the underground collection pits will be vented through the proposed air scrubber units. The sealed external store has also been considered in the model but notably replaces an existing open slurry store and it confirms there will therefore be significant betterment for all emissions for slurry storage.

Within Annex 9 of the ES 02, an Addendum to the AQIA by Irwin Carr, sets out its observations and the relevant assessment of odour/dust associated with landspreading as required by the case law. It states that as set out in the NMPs submitted as part of the original ES, all slurry and washings are to be spread in compliance with the Nitrates Directive and Nutrient Action Programme (NAP).

The ES 02 affirms that the purpose of the Nitrates Directive and NAP is to improve water quality by protecting against pollution caused by nitrates from agricultural sources. It promotes better management of animal manures, chemical nitrogen fertilisers and other nitrogen-containing materials spread onto land. The application of animal manure, in this case pig slurry, is regulated by DAERA and compliance dictates that there can be no more than 170kg of nitrogen spread per hectare of land per year.

It is stated within ES 02, in order to meet crop requirements without exceeding nitrogen loading limits, slurry and washings generated by the proposal will be applied to land a maximum of three times per year, which is confirmed at Annex 10. It is also explained within Annex 9 that slurry applied within these limits will not lead to an exceedance of 98th percentile odour target values.

Furthermore, the AQIA addendum has considered that all landspreading will take place by way of soil injection. In comparison to other methods, it is widely accepted that the soil injection technique can significantly reduce odours. DAERA's COGP for the Prevention of Pollution of Water, Air and Soil, August 2008, specifically states, 'When compared to splash plate spreading, injection systems reduce ammonia loss and can reduce odour emission by over 80%.' On that basis, the ES 02 states that the landspreading to occur takes place in accordance with the NMPs provided and is therefore in compliance with the Nitrates Directive/NAP and the potential odour impact is negligible when considered against the accepted assessment criteria.

In relation to dust and bio-aerosols, it is stated within the ES 02 that the pig slurry generated by the proposed development is a material with a dry matter content less than 5%, which is in contrast to the poultry manure referenced in the case law, which has considerably greater potential for dust generation given its dry matter content of up to 50%. It continues that the pig slurry is also diluted further as all wash waters are directed into the slurry collection tanks located underneath each of the three proposed pig houses and the liquid nature of the slurry itself will minimise any potential for dust creation from landspreading.

The ES 02 refers to the details of the Air Scrubber System at paragraphs 3.12 - 2.26 of the original ES and compares this element of the development proposal to the existing site, which is naturally ventilated with no odour abatement technology. It reiterates that slurry spreading by way of soil injection utilises Low Emission Slurry Spreading Equipment (LESSE) and represents best practice.

It is also explained within the ES 02 that given that the fields in which the slurry is proposed to be spread are already subject to spreading by the broadcast method which has a higher potential for bio-aerosol transmission, the proposed method represents clear betterment. It reaffirms that the proposed method of landspreading pig slurry is considered to be appropriate given that Low Emission Slurry Spreading (LESS) techniques are to be implemented. It concludes that the proposed method of landspreading pig slurry will not therefore lead to an unacceptable adverse impact on the environment or on human health due to dust and bio-aerosol emissions.

With respect to ammonia, it is stated within the ES 02, that the case law which the Addendum seeks to respond to is specifically focused on the likely indirect effects of odour and dust arising from the disposal of poultry manure by way of landspreading. It also clarifies that the impacts of ammonia deposition on designated habitats within 7.5km of the proposal site and associated landspreading areas have been considered and addressed within the environmental information submitted in support of the planning application to date; and in respect of ammonia limits for the protection of human health

concludes that ammonia levels as a result of landspreading do not have the potential to adversely impact upon human health.

The ES 02 concludes that the proposed method of slurry spreading via soil injection will result in betterment in terms of both ammonia, odour and bio-aerosol emissions when compared to the currently adopted broadcast spreading method and due to the use of a mechanical ventilation system utilising air scrubber units.

DAERA Comments

DAERA officials confirmed by letter on 15th March 2019 that it provided a cross-party briefing on 15th January 2019 on the development of an Ammonia Action Plan, where it was highlighted that excessive ammonia emissions, and associated nitrogen deposition, largely from agriculture, is a significant issue across Northern Ireland, with significant impacts for biodiversity and human health.

DAERA affirmed that ammonia emissions are a key challenge for Northern Ireland agriculture and stated that it has been working with stakeholders to develop an Action Plan on Ammonia, which aims to deliver tangible and sustained reductions in ammonia, thus reducing the pressure on sensitive sites whilst facilitating the sustainable development of a prosperous agri-food industry. DAERA confirmed that this Action Plan will incorporate a series of ammonia reduction measures designed for implementation on Northern Ireland farms and confirmed that a consultation on these proposals was expected later that year.

DAERA confirmed that ammonia emissions and nitrogen deposition are a key consideration in assessing agricultural development proposals, both in terms of permit applications and providing advice on planning applications, particularly in areas where the critical loads for nitrogen deposition (ammonia emissions) are already exceeded. DAERA stated this will be reflected in the planning advice provided to planning authorities, based on its current operational policy, ammonia-emitting activities detailed in Standing Advice Note 19, and the associated supplementary note (May 2018), and further advised that it was currently awaiting legal advice on the possible implications for its operational policy with respect to the recent European Court of Justice ruling on nitrogen and agricultural development.

DAERA also confirmed that a Pollution Prevention and Control (PPC) permit P0253/07A for the existing pig farm at Calhame Road, was issued by NIEA on 2nd November 2007. They added that prior to commencing any of the proposed changes associated with the current planning application under LA03/2018/0185/F being considered, the applicant will be required to apply for and obtain a variation to their existing PPC permit and advised a PPC permit variation application was submitted to NIEA on 3rd January 2019, which was currently under determination at that time.

DAERA advised that the PPC permit variation application will need to include an adequate demonstration that the proposal will have an acceptable environmental impact, including (a) impacts of odour, ammonia and dust emissions on sensitive local receptors, and (b) utilisation of manures produced from the proposed installation. It stated that the variation application will also

need to provide a demonstration that the proposed pig site will be constructed and operated in accordance with the requirements of the new Intensive Rearing of Poultry or Pigs 'Best Available Techniques' (IRPP BAT) Conclusions which were published on 21st February 2017. The European Commission's BAT reference (BRF) document for the intensive rearing of poultry or pigs can be found at: http://eippcb.jrc.ec.europa.eu/reference/BREF/IRPP/JRC107189_IRPP_Bref_2017_published.pdf

On 11th April 2019, DAERA advised that it was considering the initial legal advice on the ruling of the Court of Justice of the European Union in relation to the Netherlands cases, and the potential implications for the Department's current operational policy for assessing the impacts from ammonia emitting activities. This was followed up by a further letter dated 1st August 2019 confirming that the Department's position, as detailed in DAERA's earlier consultation responses dated 23rd October 2018 and 15th January 2019, remains unchanged.

DAERA was further consulted on 22nd June 2020 following receipt of the ES 02 and responded on 18th August 2020 acknowledging receipt of the ES 02. DAERA stated that because there are no changes to the development proposal it is content with the AQIA and the correspondence from Irwin Carr Consulting dated 11th June 2020 (the ES 02), specifying that this includes emission factors used in the model for all aspects of the proposal and landspreading assessment, and offered no objection to the approval of planning permission

Public Health Agency Comments

Although the Public Health Agency (PHA) has no direct remit in setting standards or providing guidance for the appropriate operation of facilities such as the proposed replacement pig farm, as part of the consultation process, the PHA has been consulted in respect of issues concerning public health. Although concerns were raised by the PHA with respect to matters pertaining to public health, the PHA proposed no objection to the approval of planning approval.

The PHA notes that the existing pig farm facility has at least five residential dwellings located within 250 metres of its proposed location and a Bio-aerosol Risk Assessment has been conducted which concludes that the predicted levels do not exceed the limits at any receptor locations within 250 metres. The PHA confirms that this, and the mitigation measures stated to be in place, should provide some reassurance in respect of the risks to the surrounding population. The PHA has not offered any objection to, or disagreed with, the findings of the Bio-Aerosol Assessment but has stated that it remains a concern that a facility of this nature is in such proximity to dwellings. However, because there is an existing unmitigated naturally ventilated pig farm presently in operation at the application site, this remains the current fall-back position and the comments made by PHA in relation to this matter are not therefore considered to be a determining factor in respect of the impact of this proposed development.

Within its initial consultation response dated 15th June 2018, the PHA acknowledges there is limited knowledge regarding the potential adverse health effects of slurry spreading and referred to a hypothetical scenario in the event of harmful microorganisms being present in the slurry. Concerns were raised by an objector with respect to the impact of the proposed development on the health

of vulnerable adults and children living near the proposal or the spreading sites, as well as Hydrogen Sulphide and Methane emissions. There is no evidence to support the assertion that vulnerable adults or children are more susceptible to the impacts from the proposed pig farm as opposed to the existing facility. With regards to emissions the applicant is required to have a PPC demonstrating that it will have an acceptable environmental impact, including impacts of odour, ammonia, noise and dust emissions on sensitive local receptors. The slurry generated at the application site will be land spread by way of soil injection, which shall further reduce any odorous emissions. The PHA also stated that no comments are offered with regards to the occupational exposure relating to those who work within the facility. However, it is considered the responsibility of the farm operators to comply with key Health and Safety legislation with regards to safe farm working practices and this aspect is therefore not a determining factor in respect of the impact of this proposed development.

Following receipt of the ES 02 the PHA was re-consulted and invited to provide further comment. The PHA responded on 16th July 2020 and attached the PHA's previous letter of response from Dr Gerry Waldron dated 15th June 2018. A copy of an IPPC response from the legacy Northern Health & Social Care Board dated 16th July 2007 to Mr K Hagan, made in respect of a new permit for an existing installation, concerned with the rearing of pigs for meat with places on site for 4,000 pigs, was also attached.

The contents of the IPPC application letter included that such facilities have a theoretical potential to cause adverse health effects from exposure to particulate matter (PM 10), ammonia, general dust and other emissions. It stated that in general, however, the likelihood of significant harm from general environment exposure is very low except where there is prolonged exposure to these pollutants at a high concentration level. It explained that the main determinant of 'exposure dose' for any given farm production site, is distance between receptors/individuals and the emission site, and a harmful exposure level would require potential receptors/individuals to live within a relatively short distance of the production site. It went on to state that from a public health perspective, which must assume a low threshold for public safety, although the likelihood of harm is remote for most members of the public, it cannot exclude an increased risk for people living in close proximity to such facilities. It noted that there were six dwellings located within 400 metres of the facility and was therefore concerned that there may be potential adverse health effects associated with this facility for the occupants of these dwellings.

The letter stated that no comments had been offered with regard to the occupational exposure relating to those who may work within this facility and added that in the event of any breakout of infectious/non-infectious disease in the area at any time in the future, that the Board's Department of Public Health Medicine would be obliged to conduct an epidemiological investigation regardless of whether or not this is deemed to be associated with the facility.

The PHA's consultation response concluded that it would have nothing further to add. Whilst the PHA's stance is noted that it is biologically plausible that there is a risk of transmission of disease to humans living in the immediate vicinity, this scenario remains the case with respect to the current operations at the existing

pig farm facility and indeed for all other farm operations across the region that involve slurry spreading. As stated previously, the PPC regime would be responsible for slurry spread and manure management both on site and off site.

Additionally, it is considered the responsibility of the farm operators to comply with key Health and Safety legislation with regards to safe farm working practices and procedures and is therefore not a determining factor in respect of the impact of this proposed development.

In conclusion, whilst it is acknowledged that the PHA has highlighted certain concerns with regards to the replacement pig farm proposal, it has not raised an objection to the approval of planning permission and did not recommend any grounds for refusal in respect of the development.

Environmental Health Comments

With regards to noise and odour and their impacts on human health, in its earlier consultation response, the Council's Environmental Health Section (EH) had indicated that it has no determining concerns with regards to these matters and was satisfied that any potential impact could be sufficiently controlled by way of planning conditions.

Following submission of the ES 02, EH was re-consulted and responded on 15th September 2020 following consideration of the document. EH confirmed in its response that the ES 02 considers the impact of recent case law on the proposal, and explores the potential odour and dust impact arising from landspreading activities on fields owned by third parties. EH acknowledged that within the ES 02 it is stated that pig slurry from the proposed pig farm will be spread on the same land that receives pig slurry from the existing pig farm, landspreading shall be restricted to a maximum of 3 times per annum per field and the injection method is intended to be utilised which shall further reduce any odorous emissions to air.

Given the findings of the addendum to the AQIA included in Annex 9 of the ES 02, EH stated that it is satisfied that no additional impact on amenity is likely to be experienced as a result of the proposal. EH confirmed that it has no objection to the development proposal subject to the noise and odour mitigation conditions recommended in its previous consultation response.

Shared Environmental Services Comments

Shared Environmental Service's (SES) final consultation response dated 20th November 2020 confirmed that the development proposal was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), and confirmed that the previously submitted Habitats Regulation Assessment (HRA), completed on 29th January 2019, has been reviewed and updated. SES also provided a copy of the revised HRA, dated 18th November 2020, for the consideration and adoption of the Council as the competent Authority.

Within the revised HRA, SES states that the ES 02 confirms that the proposed replacement pig farm will generate 13,086 m³ of slurry per annum in addition to 1,760 m³ of nitrogen rich water from the Bio-Combie Biological trickle-bed reactors. SES confirms that the slurry generated at the application site will be land

spread by way of soil injection in accordance with the NMPs, three times per year on the fields identified.

SES acknowledges that despite the slurry being spread using a soil injection method in accordance with best practice to reduce emissions, for the purposes of the air quality assessment carried out as part of the original ES, it assumed a broadcast method to ensure a worst case assessment insofar as this assessment related to ammonia impact on designated ecological sites. SES continues that information included in the Nitrates Action Programme (NAP) and the Code of Good Agricultural Practice (COGAP) state that this method represents low emission slurry spreading equipment (LESSE) and has an associated emission reduction in the region of 60% thereby representing betterment when compared to the existing broadcast slurry spreading arrangement.

SES confirms that from 1st February 2022 the Nitrates Action Programme (NAP) Regulations 2019 require that any source producing more than 20,000kg N must use LESSE, which will apply to this project. SES has stated that emissions will not increase relative to the existing operations but will decrease on site due to building design and mitigation proposals, and that total emissions from landspreading will decrease due to the requirement to use LESSE as opposed to the current practice of broadcast spreading.

SES considers that in relation to transportation requirements, as the predicted number of vehicle movements associated with the pig farm (16 per day during normal operation and 50 per day during slurry spreading) is a modest increase from the existing number of vehicle movements on site, it is not considered that there will be any detrimental impact by way of fugitive vehicle emissions.

In relation to the potential for contamination of land, SES confirms a Preliminary Risk Assessment (PRA) was carried out in support of the application and no historical potentially contaminating activities at the application site have been identified. SES has considered the potential effects at the pre-construction and construction stages of development and has concluded that the closest watercourse lies approximately 100 metres northwest of the application site boundary. This watercourse is within the Six Mile Water catchment and is hydrologically connected to Lough Neagh, 22 kilometres downstream. SES in considering the buffer between the proposed construction site and this watercourse, concludes that due to the short term duration of construction, and the hydrological distance upstream from Lough Neagh, there can be no conceivable effect on Lough Neagh and Lough Beg SPA/Ramsar downstream.

In relation to the operational stage of the development SES has considered the potential effects in relation to emissions and discharge. With regards to the aerial emission of ammonia from landspreading of slurry/dirty water, the proposal will use a Uniqfill Bio-Combi Air Scrubber System to extract waste air removing dust, odour and ammonia. It is anticipated that the scrubbers will produce 1,760 m³/yr of nitrogen rich water which will be land spread in accordance with the NMPs. SES acknowledges that the nitrogen rich water will be stored in an underground tank with a capacity of 881m³, located under the scrubber unit attached to Unit 3, which is enough to hold half of the total nitrogen rich water produced per year meaning the tank only needs to be emptied twice per year.

With respect to dirty water, SES has confirmed that each pig house will be ducted to a slurry collection pit which lies underneath a slatted floor. Wash water will be directed to the slurry collection pit where it will be mixed with the slurry then pumped out of the tanks via sealed pipework into a slurry tanker for disposal. The site will have three Bio-Combi biological trickle-bed reactors for pig housing systems installed. SES has expressed that test reports have shown that the odour and ammonia emissions from the scrubber system will be reduced by a minimum of 70% and acknowledges that this level of reduction has been accepted on a number of sites within Northern Ireland.

The submitted NMPs detail the lands on which slurry will be spread and SES advises that all of the land identified for spreading has been subject to a detailed site assessment in accordance with the NAP and Phosphorus Regulations prior to any NMPs being prepared. Compliance with the NAP regulations is one of Cross Compliance Statutory Management Requirements and all farms in NI are required by law to comply with these regulations.

Storm water will discharge to a swale as detailed on Drawing Number 03 date stamped 28th February 2018. The submitted Drainage Assessment, Appendix 9.1 of the ES confirms there are no designated watercourses in the vicinity of the proposed site and surface water discharged from the swale, will be restricted to greenfield run off rate.

SES confirms that the applicant will be required to apply for and obtain a variation to the existing PPC permit (P0253/07A) and that implementation of PPC requirements should ensure that the proposed development does not have any unacceptable impacts on any European designated sites. Operation of the facility will be regulated by NIEA and the PPC permit application will require demonstration that the Best Available Techniques (BAT) is being applied for overall environmental performance.

SES has confirmed that the Stage Two Appropriate Assessment within the HRA further assesses the effects of the development proposal on European sites and features, namely the Antrim Hills SPA, Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA and East Coast (Northern Ireland) Marine Proposed SPA sites and references a number of qualifying species and their supporting habitats.

In relation to the assessment of European Sites and features with respect to ammonia (NH₃) emissions, SES has referred to the Air Pollution Information System (APIS) ammonia background concentration levels, the recommended ammonia Critical Levels (CL_e), and the highest Process Contribution (PC) levels for each of the aforementioned designated European Sites and features, and has stated that it considers that there is unlikely to be a significant effect on the sites from the operational aspect of the development proposal and no expected negative impact on species.

SES in its consultation response concluded that having considered the nature, scale, timing, duration and location of the project, that the proposal will not have an adverse effect on site integrity of any European Site subject to the mitigation conditions being included on any planning decision and confirmed that the

proposed development will be regulated under a PPC permit which is subject to Regulation 43 (1), throughout the operational lifetime of the proposal.

SES had previously recommended that two conditions be applied to any grant of planning permission, namely that the proposed Uniqfill Bio-Combie Air Scrubber System must be installed and maintained by an authorised expert throughout the operational lifetime of the facility, and that the maximum number of pigs within the proposed facility shall not exceed 2,995, as detailed in Table 1 of Appendix 2 of the Addendum to the Environmental Statement dated August 2018, without the written consent from the Council, to ensure there are ensure no adverse effects on the integrity of any European sites. Albeit there is no change to SES's recommendation to grant planning permission, it has recommended an additional condition from its previous response in November 2018 be included, detailing that the applicant shall not deviate from the proposed slurry export arrangements, as detailed in the submitted NMPs, without the prior written consent of the Council, in order to ensure there is no adverse effect on the integrity of any European Sites.

The Council has considered the comments and recommendations within the HRA and has found no reason to object to the conclusions of the Appropriate Assessments and is in agreement with its findings that the proposal will have no adverse effect on site integrity subject to the recommended mitigation conditions being applied to any planning approval.

Other Matters

Environmental Impact Case Law

A number of objectors made reference to examples of European and UK environmental case law including: joined Cases of C-293/17 and C-294/17; *Oldfield v SSCLG* ([2015] EWCA Civ 1446); *Commercial Estates Group Ltd v SSCLG* [2014] EWHC 3089; 'Waddenzee Judgement' (ECJ C127/02); 'Wealden Case' 2017; *Orleans v Vlaams Gewest* case 2017 (Case C-187/15 Env LR 12 at [48]-[52]; Case C-404/09 *Commission v Spain* [2011] ECR I-11853; C-323/17 *People Over Wind v Coillte Teoranta* [2018] Env LR 31 at [38]; and *Squire v Shropshire Council and Matthew Bower* [2019] EWCA Civ 888), regarding judgements relating to the requirement of a competent authority to take into account the cumulative impact with other projects at the EIA screening stage, proper assessment of environmental impacts and to establish that there will be no significant harm caused by a development before it is given approval.

Objectors also stated that an Appropriate Assessment will be unlawful 'if it contains gaps and lacks complete, precise and definitive findings and conclusions capable of removing all scientific doubt as to the effects of the works proposed'. An objector stated that the review of DAERA's policy represents uncertainty and significant scientific doubt which amount to 'lacunae' over the effects of the works proposed, and the approval of a development of this ammonia intensive nature in this context would amount to a breach of the Habitats Regulations and the Environmental Impact Regulations.

As stated above, SES has confirmed that the development proposal was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as

amended) and stated that in light of the April 2018 ruling of the European Court of Justice Case C323/17 (People Over Wind and Sweetman), a cautious approach was taken. SES confirmed that the Stage One Assessment considers the essential features and characteristics of the project but does not consider measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the integrity of European Sites. SES confirmed that assessment will therefore progress to Stage Two Appropriate Assessment unless there is certainty that it can be exempted, eliminated or screened out at Stage One and incorporated and additional measures to avoid or reduce significant adverse effects will be assessed at Stage Two Appropriate Assessment.

The AQIA and the Addendum to the AQIA identified the relevant sites within the NIEA recommended 7.5km screening zone for ammonia emissions. Within the HRA, SES has made specific reference to international and nationally designated sites and provided an overview of the following relevant sites potentially affected within screening zone for ammonia emissions (point source and landspreading): Antrim Hills SPA; Belfast Lough SPA; Belfast Lough Ramsar; Belfast Lough Open Water SPA; Larne Lough SPA; East Coast (Northern Ireland) Marine Proposed SPA; Garron Plateau SAC/Ramsar; The Maidens SAC; and the North Channel cSAC.

With regards to Garron Plateau SAC/Ramsar, SES has confirmed the highest Process Contribution (PC) from landspreading of slurry associated with the development proposal at this location is $0.000\mu\text{g}/\text{m}^3$, therefore there will be no appreciable effect on any site selection features. According to the Air Pollution Information System (APIS), none of the features and features habitats associated with The Maidens SAC are sensitive to ammonia. The North Channel SAC has been designated for Harbour Porpoise which SES has determined is unlikely to be sensitive to ammonia emissions.

SES has confirmed that the APIS background levels (2016-2018), for the Antrim Hills SPA range from $0.68\mu\text{g}/\text{m}^3$ to $2.56\mu\text{g}/\text{m}^3$, averaging at $1.28\mu\text{g}/\text{m}^3$. Accordingly, the background level of ammonia at the Antrim Hills SPA does not exceed the CLe set by APIS, which for a feature supporting habitat is $3\mu\text{g}/\text{m}^3$. DAERA Natural Environment Division (NED) in its role as the statutory nature conservation body for Northern Ireland, has recommended a more conservative CLe ($1\mu\text{g}/\text{m}^3$) which is reflected in the AQIA. The highest PC at Antrim Hills SPA is 0.008 and this value represents 0.8% of NED's recommended CLe or 0.26% of the APIS recommended CLe. SES has stated that this is a conservative estimate and does not take into account that existing emissions are already reflected in background levels. SES also notes that the 'Conservation Objectives' for the site do not identify ammonia or nitrogen deposition as a threat to site integrity, and considering the Waddenzee Ruling (C-127/02 paragraphs 46-48), 'As is clear from the first sentence of Article 6(3) of the Habitats Directive in conjunction with the 10th recital in its preamble, the significant nature of the effect of a site of a plan or project not directly connected with or necessary to the management of the site is linked to the site's conservation objectives. So, where a plan or project has an effect on a site but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned.' In conclusion, SES considers that there is unlikely to be a significant effect on this feature of the Antrim Hills SPA arising from the operational aspect of the development proposal.

SES has confirmed that the ammonia background levels for the Belfast Lough SPA/Ramsar and Belfast Lough Open Water SPA is $2.25\mu\text{g}/\text{m}^3$ and the highest PC is $0.001\mu\text{g}/\text{m}^3$, which represents 0.03% of the CLe ($3\mu\text{g}/\text{m}^3$). SES has also confirmed that the ammonia background concentration at the point of impact at Larne Lough SPA is $1.57\mu\text{g}/\text{m}^3$ and the highest PC from landspreading of slurry associated with the development proposal is $0.001\mu\text{g}/\text{m}^3$, which represents 0.03% of the CLe ($3\mu\text{g}/\text{m}^3$). SES also notes in this case that the conservation objectives do not specifically identify ammonia or nitrogen deposition as a threat to site integrity.

Regarding the East Coast (Northern Ireland) Marine pSPA, SES has confirmed that the highest PC from landspreading of slurry associated with the development proposal is $0.001\mu\text{g}/\text{m}^3$, which represents 0.03% of the CLe ($3\mu\text{g}/\text{m}^3$). SES also notes in this case that the conservation objectives do not specifically identify ammonia or nitrogen deposition as a threat to site integrity. With respect to the aforementioned sites, SES states that these are conservative estimates and do not take into account that existing emissions are already reflected in background levels. Consequently the PC effect is considered nugatory and as the PC does not exceed the CLe there is unlikely to be a significant effect on these features.

Following completion of the Stage Two Assessment within the HRA, SES concluded that there is unlikely to be a significant effect on the European Designated Sites from the operational aspect of the development proposal and no expected negative impact on species, subject to mitigation conditions being included on any planning decision.

SES has reiterated that the applicant will be required to apply for and obtain a variation to the existing Pollution Prevention and Control (PPC) permit (P0253/07A) prior to commencing any proposed changes at the existing installation. The applicant has not yet submitted an application to the Inspectorate for a variation to the existing PPC permit. The variation application will need to include a demonstration that the proposal will have an acceptable environmental impact, including (a) impacts of odour, ammonia and dust emissions on sensitive local receptors, and (b) utilisation of manures produced from the proposed installation. Additionally, implementation of the PPC requirements (EU BAT) will ensure that the proposed development will not have an adverse effect on any European site throughout the operational lifetime of the development proposal.

For the reasons set out above, SES considers that there is unlikely to be a significant effect on any Natura 2000/Ramsar site resulting from ammonia emissions associated with the proposal and that a cumulative ammonia assessment is not required.

Further to considering the requirement for a Cumulative Ammonia Assessment, Irwin Carr Ltd was commissioned to undertake air quality dispersion modelling for the proposed replacement pig farm at Calhame Road. Chapter 7 of the submitted Environmental Statement (ES) contains a report with respect to air quality, odour and bio-aerosols' and refers to the requirement for a Cumulative Ammonia Assessment.

Paragraph 7.76 of Chapter 7 states that a Cumulative Assessment is only required when an existing/proposed farm has a 'significant' impact on an ammonia

sensitive site. In a recently published guidance document from DAERA, a significant impact is one whereby the Process Contribution (PC) of an existing/proposed farm is 1% or more of the guideline value of ammonia at a designated site.

Paragraph 7.77 of Chapter 7 of the ES refers to Table 7.18 'Ammonia Concentrations at NIEA Designated Ecologically Sensitive Locations' and concludes that the PC at all of the designated sites is <1%, and therefore a cumulative assessment is not required for this application. It is the current DAERA working policy that where the contribution of any site is less than 1% of the guideline limit value, the impact is not considered to be significant. A cumulative impact is only required where a site on its own will make a significant contribution to the impact of ammonia on a designated site. Due to the predicted levels of ammonia at the designated sites it is considered that a Cumulative Assessment is not required for this application and as such one was not requested.

Impacts of the Development

Concerns were raised by objectors that the negative impacts of the proposal were not fully addressed within the Case Officer's Report. Each chapter within the ES has described the aspects of the environment likely to be significantly affected by the development and the likely residual impacts after mitigation measures have been assessed and taken into account. Each assessment has been undertaken both for the period of construction of the development and when it is built and operational and considers the direct and indirect residual impacts and their significance (positive, neutral or negative).

Noise

With respect to noise, the modern building specification of the proposed pig units (including an insulated metal trapezoid roof) will ensure that pig farm noise should not be incongruous to neighbouring receptors. In the context of the existing naturally ventilated pig farm, the proposals represent a positive impact. However, the overall impacts of the development proposals are concluded to have a slight negative impact.

In terms of indirect impacts in assessing noise, interactions also exist between air quality, ecology and transport. The air scrubber system to be installed to ensure that air quality/odour standards and guidelines are not exceeded is also the key noise source (<75dB) associated with the development.

Noise emanating from the proposed development also has the potential to affect local ecology by way of disturbance. Habitat Suitability Assessments were conducted in respect of protected species and as the impacted habitats are considered to be unsuitable for use by these species, it is not considered that there will be any impact.

The number of vehicle movements associated with the proposed development and slurry removal will be limited during the production cycle and as such it is considered that the noise impact associated with the additional vehicle movements will be slight.

Air Quality, Odour and Bio-Aerosols

With respect to air quality, odour and bio-aerosols the air dispersion modelling that has been undertaken has addressed potential ammonia and odour emissions at both the site and at landspreading locations and concludes that no breach of air quality standards or guidelines will occur at any of the identified receptors and the predicted levels of bio-aerosols do not exceed the limits at any receptor locations.

As stated within the Case Officer's Report, the proposal seeks to utilise air scrubber technology anticipated to achieve a minimum of 70% reduction in both odour and ammonia emissions and limit any bio-aerosols entering the atmosphere. Appendix 3.1 of the applicant's ES sets out the DLG (Deutsche Landwirtschafts Gesellschaft/German Agricultural Society) Test Report for the Uniqfill Air BV BioCombie biological trickle-bed reactor for pig housing and confirms that ammonia reductions of >70% can be achieved. When compared to the existing naturally ventilated pig units, the proposal is considered to have a positive impact upon air quality. The overall impacts of the development proposals however, are concluded to have a slight negative impact.

With regards to indirect impacts in assessing air quality, interactions also exist with ecology, transport and slurry disposal. The management and sustainable disposal of slurry has indirect implications for local air quality. The potential ecological impacts on nearby sensitive habitat sites from both the site and spreading locations by way of ammonia concentrations have been modelled and it is forecasted that the contribution for the proposed development to the levels of ammonia are insignificant due to the existing background concentrations.

As the predicted number of vehicle movements associated with the pig farm is a modest increase from the existing number of vehicle movements on site, it is not considered that there will be any detrimental impact by way of fugitive vehicle emissions.

Ecology

The Ecological Assessment carried out has indicated that there will be no significant impacts likely to arise upon designated or high value habitat sites, protected or priority species, important landscape features or the water environment. The proposal will create native woodland belts and native hedgerows resulting in long term local ecological and planning gain. It is therefore considered that in overall terms the ecological impact can be described as positive.

With regards to indirect impacts in assessing ecology, interactions exist with the water environment (contaminants entering groundwater and/or watercourses) and the sustainable disposal of slurry (nitrates management / potential increase in ammonia concentrations at sensitive habitat sites). The proposed drainage on site will prevent any contaminants entering the groundwater or watercourses by ensuring that any heavily contaminated run-off is contained within the underground slurry stores which have sufficient storage during the closed spreading season. The NMPs within Appendix 17.1 of the ES seek to address nutrient enrichment / phosphorus surpluses on land and will ensure that any potential increase in nutrient levels can be suitably managed.

Water Environment

It is considered that there will be a neutral impact on the water environment due to the proposed development as the proposed drainage system to be installed on the site will avoid any contaminants entering the groundwater or local watercourses.

Transport

On the basis that the entire pig farm site will generate on average 16 trips per day during normal operation (an increase of 14 trips) and 50 per day during slurry spreading (an increase of 22 trips), the transport impact is considered to have a slightly negative impact on the volumes of traffic on the Calhame Road.

Concerns were raised by an objector that the Transport Assessment has fallen short. A Transport Assessment Form (TAF) was provided by the applicant within Appendix 10.1 of the ES, which presents traffic figures associated with the proposed development and summarises the main types and frequency of vehicle movements associated with the proposed development on the site. With regards to traffic, transport and road safety, DfI Roads was consulted as the competent authority in relation to these matters and has indicated no objections to the proposal in terms of trips generated by the development.

Contamination, Soils and Geology

The proposed development is expected to have a neutral impact on land contamination during its operation. It is anticipated there will be no significant effect after mitigation. The potential development is therefore considered acceptable in terms of its impact to identified human health and environmental receptors.

Landscape and Visual

The proposed development is expected to have a moderately negative impact upon areas immediately adjacent to the application site until the proposed landscaping matures. However, beyond the application site area, effects on landscape character and visual amenity will very quickly dissipate in significance and there will be no significant effects on any publicly accessible landscapes. The overall impact is therefore considered to have a slightly negative impact. Interactions exist between landscape and visual impacts and local ecology given the requirement to remove a small amount of hedgerow to facilitate the site access. However, the addition of new native species hedgerows, woodland belts and tree planting is anticipated to have a positive impact upon local ecology. A condition requiring a detailed landscaping scheme to be submitted prior to development has been proposed.

Cultural Heritage

There are no known archaeological sites within the development area and the operational phase of the development will have no impact upon archaeology, cultural or built heritage either within the site or the surrounding landscape. It was stated within the ES that it was possible that development of the agricultural field to the northwest of the existing pig units could expose sub-surface remains and therefore the impact of the proposal on cultural heritage is considered to have a slightly negative impact. However, DfC Historic Environment Division reviewed the proposal and is content that no further archaeological investigation on site is

required and the proposal is satisfactory to SPPS and PPS6 archaeological policy requirements.

Climate Change

An objector raised a concern that there has been no assessment of the development proposal with respect to climate change targets for the UK and NI. Chapter 14 of the ES considers the potential for likely significant impacts on climate change (due to GHG emissions) or from climate change (causing risks to the proposed development or changes to the vulnerability of receptors to climate change) has been reviewed, taking into account the development design, published literature sources and relevant policy. It is concluded that the proposed development would replace an existing pig farm and would house fewer pigs; its design and operation are typical for the industry and no significant increase in GHG emissions would be expected. It is confirmed that a relationship exists between climate change and the water environment and the main relevant risk to climate change is flooding. The impact of climate change on the water environment has been considered in the Drainage Assessment within Appendix 9.1 of the ES. The proposed development is not considered to be at risk of flooding during a 1 in 200 year pluvial flood event and consideration of the impact on or from climate change has been scoped out of the ES.

Population and Human Health

The proposal will implement recommended slurry management practices, put on-site bio-security measures in place to limit the spread of infectious diseases, adhere to both a Veterinary Health Plan and an Emergency Plan for the effective management of serious incidents and potential emergency situations. The proposal will also replace the existing naturally ventilated pig units with new units utilising air scrubber technology which removes odour and ammonia by a minimum of 70% and therefore the proposal is considered to have a slightly positive impact.

Socio-Economic Impacts

As a result of the construction and operation of the proposed development it is anticipated that the pig business will help create and or sustain indirect jobs resulting in a positive impact on the local economy through additional wages.

Slurry Disposal and Nitrates Management

The methods of slurry disposal have impact interactions associated with noise and transport (additional traffic required), air quality and ecology (ammonia releases) and the water environment (land banks identified for spreading). The impact of slurry disposal upon the receiving environment is considered to be neutral as all the NMPs have been planned to meet the current requirements of the Nitrates Action Programme (NAP) and Phosphorus Regulations 2015-2018 for Northern Ireland and the applicant has confirmed that best practice will be adhered to.

Scientific Doubt

The Environmental Statement (ES), the Addendum to the ES and the ES 02 contain reports prepared by competent experts which dealt with noise, odour and air quality, including the assessment of odour and dust associated with landspreading, and have been subject to scrutiny by statutory and non-statutory consultees. As previously stated, it is an inherent part of the planning system that

there will be dispute on planning related issues such as scientific methodology and predictive results, however, it is not for the Council to determine who is scientifically correct. The preparation of scientific reports by the applicant and the consultation with statutory and non-statutory consultees provides a safeguard that the appropriate methodology and standards are being applied. In the current case, as set out in the earlier Case Officer's Report and the addendum report, consultation has been carried out with a wide range of consultees who are satisfied that the project is an acceptable form of development.

Impact on Fishing/Angling

Concerns were raised by objectors in respect of the potential for high levels of nitrates polluting the Six Mile Water system having a negative impact on fishing and angling. The supporting information within the ES, the Addendum to the ES and the ES 02 takes account of the likely environmental impacts of the proposed development. The Ecological Assessment has indicated that there will be no significant impacts likely to arise upon the water environment. In addition, the submitted Nutrient Management Plans deal with the breakdown of washings, slurry and Nitrogen Rich Water. Importantly, all dirty water from the washing of the pig farm (98m³ per year) has been included in the combined wash water/slurry figure (1,3086 m³) which combined with Nitrogen Rich Water (1,760m³) has been assessed in the Air Quality Impact Assessment (14,846m³/yr total material to be spread |). It is considered that the proposed drainage on the site will prevent any contaminants entering the groundwater or watercourses by ensuring that any heavily contaminated run-off is contained within the underground slurry stores which have sufficient storage during the closed spreading season. In relation to the particulars of this scheme DAERA acts as a statutory consultee in the determination of this planning application and has raised no concern with regards to any potential for eutrophication of local watercourses.

Risk of Virus Transmission

A concern was raised regarding the Porcine Respiratory Coronavirus, a notable virus contained within pig herds, which may mutate into the pig herd and be transmissible between pigs and humans, as well as MRSA, Swine Flu and African Swine Fever. Albeit a Veterinary Health Plan is not considered to be a requirement for the purposes of this planning application, the ES states that for all farms that are Red Tractor Certified, which is the intention of the proposed development, a documented Bio-Security Policy must be prepared and form part of a Veterinary Health Plan for the site. As such this would be a matter for the site operator should planning permission be granted.

Storage of Hazardous Chemicals

The applicant's ES provides details of the chemicals required for the efficient functioning of the scrubber system and it is likely that the storage of chemicals would fall under the controls of the PPC Permit and Health and Safety Legislation. The planning system does not regulate the need for any forms of licensing in relation to the proposed scheme.

Decrease in Value of Property

With respect to concerns regarding the devaluation of existing neighbouring property, the perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into

account in the determination of a planning application. In any case no verifiable evidence has been submitted to indicate what exact effect this proposal is likely to have on property values. As a consequence, there is no certainty that this would occur as a direct consequence of the proposed development nor would there be any indication that such an effect in any case be long lasting or disproportionate. Accordingly, it is considered that that this issue should not be afforded determining weight in the determination of this application.

Suitability of the Applicant to Operate the Replacement Pig Farm

Each application is determined on its own merits and the standing of the applicant or someone's individual opinion of the applicant is not a material planning consideration.

Impact on Tourism

A concern was raised by an objector regarding how approval of the replacement pig farm could impact on tourism by way of odour. As stated above, it is considered that there will be significant betterment for all emissions of slurry. Regardless, no verifiable evidence has been submitted to indicate what exact effect the development proposal is likely to have on tourism and consequently there is no certainty that this would occur as a direct consequence of the proposed development. Accordingly, it is considered that this issue should not be afforded determining weight in the determination of this application.

CONCLUSION

There is no change to the recommendation to grant planning permission for the proposed development and the proposed conditions remain unchanged from the publication of the original case officer's report, apart from the following additional condition relating to the management of the proposed slurry export arrangements, as recommended by SES:

- There shall be no deviation from the proposed slurry export arrangements, as detailed in the submitted Nutrient Management Plans within Appendix 17.1 of the Environmental Statement, without the prior written consent of the Council.

Reason: To ensure no adverse effect on the integrity of any European Sites.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. If, during the development works, a new source of contamination or risks to the water environment are encountered which have not previously been identified, works shall cease and the Council notified immediately. Any new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

Should an unacceptable risk be identified, a remediation strategy shall be submitted to be agreed with the Council before being implemented.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

3. After completing all remediation works under Condition 2 and prior to occupation of the development, a verification report shall be submitted to and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

4. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Number 03 bearing the date stamp 28th February 2018 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.

6. There shall be no commercial vehicles accessing or servicing the site outside the hours of 7:00am - 10:00pm from Monday to Saturday and at no time on a Sunday.

Reason: To protect the amenity of near-by residents.

7. All vehicles operating within the proposed development site shall be fitted with wide band reversing alarms.

Reason: To protect the amenity of near-by residents.

8. Except as otherwise agreed by the Council, the category and number of pigs in each house shall not exceed those given in the table below.

House No	Category of Animal	No of animals
1	Boars	5
	Gilts	855
	Production pigs	235
	Sows	220
2	Farrowing Sows	480
3	Dry Sow	1200

Reason: To protect the residential amenity and air quality and to ensure no adverse effect on the integrity of any European Sites.

9. Mechanical ventilation serving each pig house shall have a ventilation rate not less than the values stated in table below.

House	Exit Velocity (m/s)	Total Volume Flow (m ³ /s)	Total Volume Flow (m ³ /hr)
1	2.66	48.6	175,074
2	0.52	6.9	24,942
3	2.60	60.1	216,301

Reason: To protect the residential amenity and air quality.

10. The Uniqfill BioCombi air scrubber system, as indicated on Drawing No. 04 date stamped received on 28th February 2018, shall be installed in each of the three pig farm units hereby approved prior to them becoming operational and the air scrubber system shall subsequently be operated in accordance with the technical specification of the manufacturer and maintained by an authorised expert throughout the operational lifetime of the facility.

Reason: To protect residential amenity and air quality and ensure no adverse effect on the integrity of any European Sites.

11. The Council must be notified of the date when any part of the development becomes operational. Once any part of the development becomes operational, the developer shall undertake at least 6 months validation monitoring of aerial emissions from the site. The detailed results of this validation

monitoring shall be submitted to the Council within a period of 1 year of commencement of operation of the facility.

Reason: To protect the residential amenity and air quality.

12. In the event that the validation monitoring referred to in Condition 11 shows actual emission levels exceed the values as indicated within the Air Quality, odour and Bio-Aerosols report submitted with the application, the developer shall remove all pigs from the facility with immediate effect. Measures for the reduction of emissions to levels specified in the Air Quality, odour and Bio-Aerosols report shall be submitted to and agreed in writing with the Council and introduced prior to restocking of the sheds.

Reason: To protect the residential amenity and air quality.

13. There shall be no deviation from the proposed slurry export arrangements, as detailed in the submitted Nutrient Management Plans within Appendix 17.1 of the Environmental Statement, without the prior written consent of the Council.

Reason: To ensure no adverse effect on the integrity of any European Sites.

14. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development.

The landscaping scheme shall include details of the proposed earth bund and planting along the northwestern site boundary as indicated in Drawing Number 03 bearing the date stamp 28th February 2018.

Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

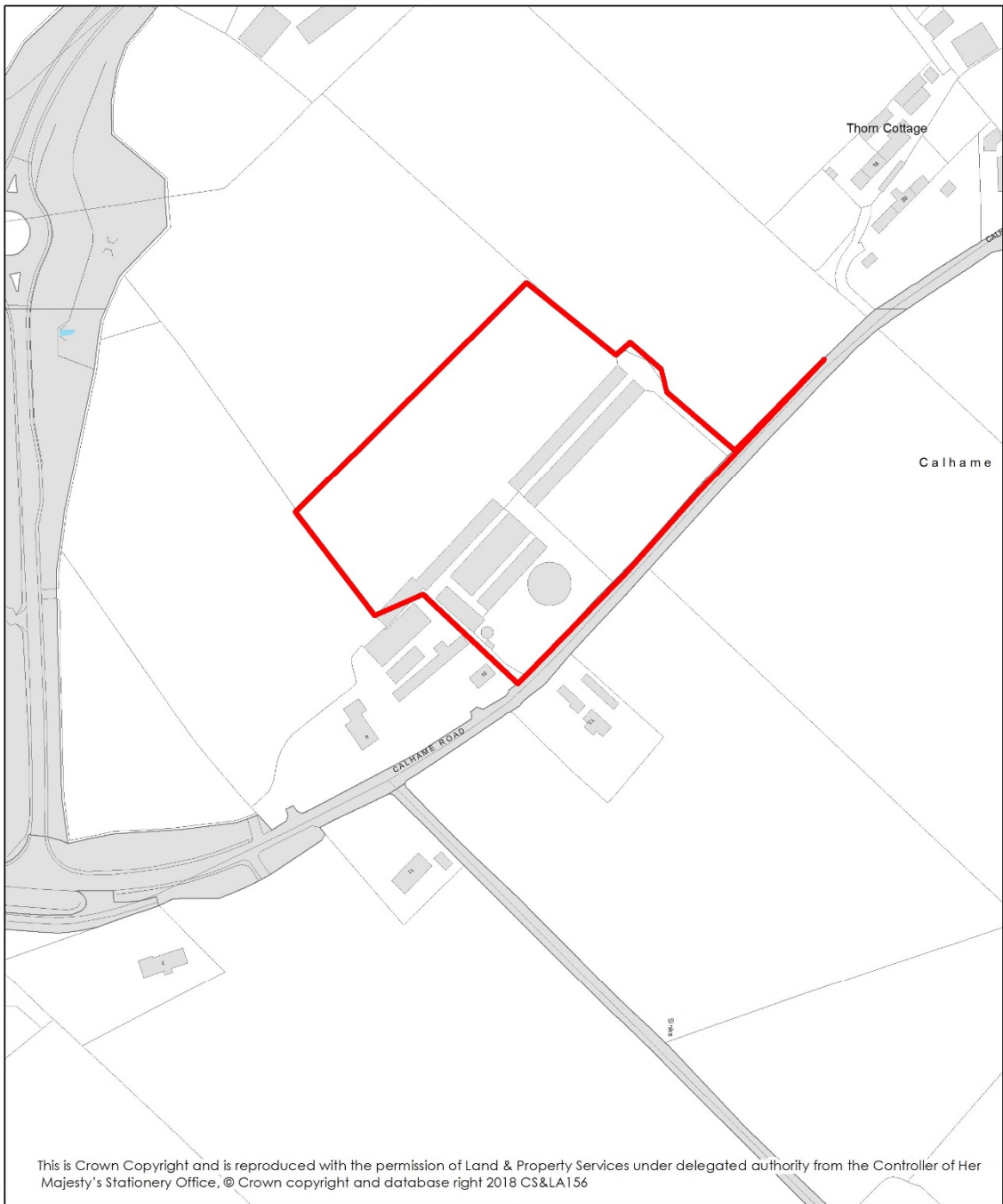
Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

15. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

16. A final Construction Method Statement, agreed with the appointed contractor, must be submitted to the Council at least eight weeks prior to any works commencing. This must identify all potential risks to the adjacent watercourses and designated sites and appropriate mitigation to eliminate these risks. Appropriate areas for the storage of construction machinery, fuels/oils, refuelling areas, must be identified. The Construction Method Statement shall include a section on proposed mitigation measures to be implemented during construction and the development shall be carried out in accordance with the mitigation measures, unless otherwise agreed in writing by the Council.

Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the integrity of any European Sites.




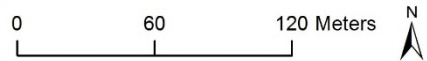
Location Map

Application Reference: LA03/2018/0185/F

Proposed demolition of existing pig farm
(6no units housing 4,200 finishing pigs)
and replacement with 3no new pig units

Lands adjacent and to the north of
10 Calhame Road
Ballyclare
BT39 9NA

 Site Boundary



For Information Only



Appendix 1 – Planning Committee Report 18th February 2019

APPLICATION NO	LA03/2018/0185/F
DEA	BALLYCLARE
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION

PROPOSAL	Proposed demolition of existing pig farm (6no units housing 4,200 finishing pigs) and replacement with 3no new pig units (to house 2,755 sows, 235 replacement breeders and 5 boars) with air scrubber units, associated underground slurry and washings stores, scrubber water storage tank, 7no feed bins, welfare facilities, feed kitchen/store, concrete hardstanding and 2no turning areas, loading bay, landscaped bund, tree and shrub planting, parking and new access.
SITE/LOCATION	Lands adjacent and to the north of 10 Calhame Road, Ballyclare, BT39 9NA
APPLICANT	JMW Farms Ltd
AGENT	Clyde Shanks Ltd
LAST SITE VISIT	16th November 2018
CASE OFFICER	Johanne McKendry Tel: 028 9034 0423 Email: johanne.mckendry@antrimandnewtownabbey.gov.uk

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk

SITE DESCRIPTION
<p>The application site is located within the countryside outside the development limits of any settlement designated in the draft Belfast Metropolitan Area Plan, published 2014. The site is located 1 miles southwest of Straid, 1.2 miles east of Ballyclare and 1.3 miles south of Ballynure. The surrounding area is rural in character with a number of dispersed farms and dwellings.</p> <p>The application site comprises an existing pig farm 2.13 hectares in area, located on lands adjacent to 10 Calhame Road, Ballyclare. The topography of the site falls approximately 4.5 metres from Calhame Road in a northwesterly direction towards the northwestern site boundary. The site is bounded by a mature hedgerow and Calhame Road to the south, a mature hedgerow and laneway to the east, the applicant's existing farm cluster to the west and an agricultural field to the north. The site currently comprises hardstanding, six naturally ventilated pig units, associated farm sheds, feed bins, slurry tank and concrete yard area. The existing pig farm is serviced by three access points from Calhame Road.</p>
RELEVANT PLANNING HISTORY
<p>Planning Reference: LA03/2017/0851/PAN Location: Land adjacent and to the north of 10 Calhame Road, Ballyclare, BT39 9NA</p>

Proposal: Proposed demolition of existing pig farm (6no units housing 4200 finishing pigs) and replacement with 3no new pig units (to house 2760 sows and 235 replacement breeders) with air scrubber units, associated water and waste holding tanks, 7no feed bins, welfare facilities, feed kitchen/store, fallen stock incinerator, concrete hardstanding and 2no turning areas, loading bay, landscaped bund, tree and shrub planning, parking and new access.

Decision: PAN Accepted 22.09.2017

Planning Reference: U/2005/0329/F

Location: 10 Calhame Road, Calhame, Ballyclare, Northern Ireland, BT39 9NA

Proposal: Erection of pig fattening unit & below ground slurry tank

Decision: Application Deemed Refused (EIA) 18.07.2006

PLANNING POLICY

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Antrim Area Plan and the Belfast Urban Area Plan). Account will also be taken of the draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan: The application site is located outside any settlement limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 2: Natural Heritage: sets out planning policies for the conservation, protection and enhancement of our natural heritage.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 6: Planning, Archaeology and the Built Heritage: sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.

PPS 11: Planning & Waste Management (and the November 2013 update on Best Practicable Environmental Option): sets out planning policies for the development of waste management facilities.

PPS 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people, property and the environment.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Council Environmental Health Section – No objection subject to conditions

NI Water – No objection

DAERA Historic Environment Division – No objection

DAERA Air and Environmental Quality Unit – No objection

DAERA Marine and Fisheries Division - No objection

DAERA Water Management Unit – No objection

DAERA Drinking Water Inspectorate – No objection

DAERA Land Soil and Air – No objection subject to conditions

DAERA Natural Environment Division – No objection subject to conditions

Shared Environmental Service – No objection subject to conditions

DFI Roads – No objection subject to conditions

DFI Rivers – No objection

Public Health Agency – No objection

REPRESENTATION

Twenty Three (23) neighbouring properties were notified and thirty-one (31) letters of objection have been received from eighteen (18) properties/addresses. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

A summary of the key points of objection raised is provided below:

- Flawed environmental information;
- Impact on European protected sites and species;
- Cumulative impact;

- Pollution;
- Impact on air quality;
- Impact on watercourses;
- Noise impact;
- Odour;
- Impact on wildlife;
- Natural heritage and biodiversity concerns;
- Visual impact;
- Additional landscaping required along northeast boundary;
- Hours of operation concerns;
- Generation of waste;
- Increase in traffic;
- Road safety and transport concerns;
- Unsuitable location for the development;
- Impact on public health;
- Impact on animal welfare;
- Storage and use of hazardous chemicals in the waste treatment process;
- Human health implications;
- Impact on quality of life; and
- Impact on human rights

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Preliminary Matters
- Policy Context and Principle of Development
- Pollution Prevention Control (PPC) Permits
- Design and Appearance
- Impact on Character and Appearance of the Area
- Neighbour Amenity
- Human Health
- Archaeology and Built Heritage
- Natural Heritage
- Traffic, Transport and Road Safety
- Flood Risk and Drainage
- Other Matters

Preliminary Matters

With regard to the Environmental Impact Statement and the associated Addendums the Planning Section is satisfied that the information submitted fulfils the legal requirements set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and as a consequence comprises a valid Environmental Statement. Each of the Addendums provide clear referencing to the respective constituent parts and a non-technical summary of the information is contained within each of the Addendums to aid public understanding.

This application has been subject to the normal application procedures such as neighbourhood notification, consultation with statutory agencies, site inspection and will be subject to determination by the Planning Committee.

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires that regard should be made to the Local Development Plan, so far as material to the application. Section 6 (4) of the Planning Act also states that where, in making any determination, regard should be made to the Local Development Plan that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. Up until the publication of draft BMAP (dBMAP) in 2004 and its adoption in 2014, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

Both of the relevant development plans identify the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining the application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Policy CTY1 of PPS21 sets out the range of types of development which in principle are considered to be acceptable in the countryside, one of those being agricultural and forestry developments in accordance with Policy CTY 12. Paragraph 5.56 of the justification and amplification of Policy CTY 12 'Agricultural and Forestry Development' indicates that the determining criteria for an active and established business will be that set out under Policy CTY 10. Paragraph 6.73 of the SPPS also contains policy in respect of agriculture and forestry development. The latter, essentially, reiterates elements of Policy CTY 12.

Due to the development proposal involving the replacement of piggery units it is considered that the applicant has a currently active and established farm business

and the proposal satisfies Policies CTY 12 of PPS 21. It is therefore considered that the principle of replacement piggery units on this site is acceptable but stands to be considered on its individual merits against regional planning policy. These matters are addressed below.

Pollution Prevention Control (PPC) Permit

The planning and pollution control regimes are separate but complementary systems for the regulation of proposals of this nature. Advice on the relationship between the planning and pollution control regime is set out in Planning Policy Statement 11 'Planning and Waste Management'. This advises that planning control primarily focuses on whether the development itself is an acceptable use of the land rather than on the control of processes or substances involved as well as regulating the location of the development in order to minimise adverse effects on people, the use of land and the environment.

It further advises that the pollution control regime is concerned with the control and regulation of proposed operations and processes along with their day to day operation. The objective is to ensure that the activity is undertaken, and any waste associated with it is disposed of appropriately or suitably treated, without endangering human health or causing harm to the environment.

PPS 11 also states that planning control should not duplicate other statutory controls or be used to achieve objectives relating to other legislation. As such the Council in exercising its role as Planning Authority must make its decisions on the basis that the relevant pollution control regime will be properly applied and enforced. The relevant expertise and statutory responsibility for pollution control rests with the relevant pollution control authority, in this instance the Department of Agriculture, Environment and Rural Affairs (DAERA).

The proposal falls within the scope of the Pollution Prevention Control Regulations for Northern Ireland as the installation will have a total capacity which exceeds the threshold for intensive pig units. The scheme will require a permit under the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013 (The PPC (IE) Regulations). The purpose of this regime is to ensure an integrated approach to controlling pollution from industrial sources. In this case the applicant is required to have a Pollution Prevention Control Permit demonstrating that it will have an acceptable environmental impact, including: (a) impacts of odour, ammonia, noise and dust emissions on sensitive local receptors; and (b) sustainable utilisation of manures produced from the proposed installation. DAERA Land Soil and Air: Industrial Pollution and Radiochemical Inspectorate has advised that the applicant will be required to apply for and obtain a variation to the existing Pollution Prevention and Control (PPC) permit (P0253/07A) prior to commencing any proposed changes at the existing installation.

A PPC permit sets conditions so as to achieve a high level of protection for the environment. These conditions are based on 'Best Available Techniques' (BAT) which balance the costs to the operator against the benefits to the environment. PPC aims to prevent emissions and waste production and where this is not practicable, reduce them to acceptable levels. Where PPC permits are granted subsequent monitoring of any condition contained in it rests with the regulatory authority.

The PPC permit manages practices including:

- General management of the site;
- Accident management plan;
- Energy efficiency;
- Disposal of waste products;
- Operating techniques;
- Selection and use of feed;
- House design and management;
- Livestock numbers and movements;
- Slurry spread and manure management on and off site;
- Emissions monitoring;
- Emissions to water, air or land;
- Odour; and
- Noise and vibration.

While it is acknowledged that planning control is not an appropriate means of regulating the detailed characteristics and day to day operation of this proposal it is accepted that certain matters relevant to a pollution control authorisation may be material planning considerations. As a consequence advice has been sought from a variety of consultation bodies on key aspects of the scheme and their responses are reflected in this report.

Design and Appearance

The applicant proposes the removal of a large slurry tank and silos along with the demolition of six existing naturally ventilated pig units (housing 4,200 finishing pigs) and replacement with three new pig units (measuring approximately 8,514 sqm) to house an overall site capacity of 2,755 sows, 235 replacement breeders and five boars (2,995 pigs in total). The proposed units will be located in the same general location as the existing pig farm but will extend back into the field to the northwest by approximately 33 metres.

Sheds 1 and 2, which are located closest to Calhame Road each have a length of approximately 123.6 metres, a width of 22.2 metres and a ridge height of 6 metres above finished floor level. Shed 1 equates to approximately 2,744 sqm of floorspace and will house the gilt intake, servicing area and accommodation for gilts and sows as well as the feed kitchen, store and staff welfare facilities to maintain bio-security and health and safety requirements. Additional facilities include a store room, office, canteen, bathroom, changing room and showers. A raised loading bay to the front of Shed 1 links to an internal corridor within the shed through to a ramp at the rear which in turn links to an external walkway between Shed 1 and Shed 2.

Shed 2 also equates to approximately 2,744 sqm of floorspace and consists of five farrowing rooms. An internal corridor between Farrowing Rooms 2 and 3 provides a pedestrian link through from Shed 1 to Shed 3 and vice versa. There is a ramp at the rear of Shed 2 which in turn provides a pedestrian link to an internal corridor in Shed 3.

Shed 3, the largest of the three units has a length of approximately 136 metres, a width of 22.2 metres and a ridge height of 6 metres above finished floor level. This unit, equating to approximately 3,026 sqm of floorspace, will house dry sows.

The units will be built to modern standards and comprise insulated green cladding on the roofs and walls on top of a shuttered concrete base, green non-drip roof cladding galvanised roller shutter doors and painted steel security doors.

Pig unit gable ends will be lit with a single low-wattage light fitting during normal working hours in winter months. All external lighting will be downward facing and protected with a cowl to reduce light spill. There will be no use of high intensity security lighting or external lighting outside of normal working hours.

Other development proposed as part of this application includes the following:

- air scrubber system (Uniqfill Bio-Combi) on each of the three units;
- underground slurry and washings stores beneath each unit;
- seven feed bins;
- concrete hardstanding and 2 No. turning areas;
- covered mobile skip (for fallen stock);
- loading bay;
- parking;
- landscaping/bunding;
- consolidation of existing accesses; and
- swale and field drain.

The existing naturally ventilated pig units cannot provide the standard of housing now preferred in the modern industry. The proposal seeks to utilise air scrubber technology anticipated to achieve 70% reduction in ammonia, odour and bio-aerosol emissions and the proposed development is therefore considered to be a more sustainable form of development in comparison to the existing piggery.

The Uniqfill Bio-Combi air scrubber system for each of the 3 sheds is located at the eastern elevation of each pig unit and housed within raised enclosed containers set on stilts. The air scrubber container for Shed 1 is 13.2 metres in length, 3.4 metres wide and has a height of 3.75 metres above finished floor level. The air scrubber container for Shed 2 includes a control room and is 18.3 metres in length, 3.4 metres wide and has a height of 3.75 metres above finished floor level. An external stairwell provides access to the control room which is set on stilts. The air scrubber container for Shed 3 is 9.75 metres in length with an overall width of 12.15 metres and a height of 3.75 metres above finished floor level. In all 3 sheds the air scrubbers are positioned at a height not less than 2.4 metres above finished floor level. An underground water tank is located under the scrubber unit attached to Shed 3. This tank measures approximately 21.6 metres x 13.6 metres and is 3 metres deep with a capacity of 881 cubic metres.

Each pig house will be ducted to a slurry collection pit which lies underneath a slatted floor. Slurry will be stored in these pits until the livestock is transferred, at which point the pens will be washed. Shed 1 has a 900 mm deep underground tank which has a capacity of 2,150 cubic metres. Shed 2 has a 900 mm deep underground tank which has a capacity of 2,390 cubic metres and Shed 3 has a 3 metre deep underground tank which has a capacity of 8,780 cubic metres.

The proposed feed bins, seven in total, will be grouped at the northeast end of Unit 1 adjacent to the proposed site entrance. Each of the feed bins will be constructed on a concrete base, comprising galvanised steel outer sheeting. The feed bins have

a diameter of approximately 3 metres and a height of 9 metres and have a capacity of 25 tonnes.

The skip for carcass disposal is proposed to be located along the northeastern site boundary approximately 20 metres to the northeast of Shed 1. A loading bay is proposed at the front of Shed 1 to facilitate pigs to be loaded or unloaded directly from the transport vehicle and for feed to be loaded into the feed bins adjacent to Shed 1.

The proposal seeks to consolidate the site's access arrangements. Three of the site's existing accesses, to the north, south and centre of the site will no longer be utilised for the pig farm and a new gated access suitable for HGV use is proposed. The northern and central accesses will be closed while the southern access will be retained to serve No. 10 and the outbuildings to the rear only. It will no longer be used for access to the pig units.

An earth bund with new native species hedgerows, woodland belts and tree planting is proposed to be undertaken along the northwestern site boundary at the periphery of the site. Following the removal of the hedgerow on Calhame Road to facilitate the proposed visibility splays during the construction phase, it is proposed that a small berm will be created behind the vehicular sightlines on which a new hedgerow, predominantly hawthorn, will be planted to ensure the reinstatement of roadside hedge as it matures.

As part of the proposed development a new bespoke drainage network, sized and aligned to suit the development, will be constructed. A swale 139 metres in length, with a base width of 3 metres and a depth of 1 metre will be constructed along the northwestern site boundary to provide the necessary 319.74 cubic metres of storage. A field drain with a length of 45 metres and a depth and width of 500mm with a 300mm diameter perforated pipe installed at its base and filled with stone to the surface is proposed to collect surface water from the last bay of the swale and return it to the farmland through infiltration from the field drain.

Impact on Character and Appearance of the Area

Criterion (b) of Policy CTY 12 in PPS 21 states that a proposal for new agricultural buildings should be appropriate to its location in terms of character and scale; whilst criterion (c) requires that such buildings should visually integrate into the local landscape and requires that additional landscaping is provided as necessary. Policy CTY 13 further reiterates the requirement for development proposals to integrate into the landscape.

With regard to the visual impact and the integration of the proposed development the applicant has submitted a Landscape and Visual Impact Assessment (Chapter 12 Environmental Statement February 2018) along with a number of photomontages to aid consideration of these matters (Figures 12.6 to 12.12 – Viewpoints 1 to 5 in Appendix 12.3). In addition to this several site visits have been undertaken to the site and surrounding areas to determine the extent of the visual impact.

Grading and earthworks are proposed to provide level floor areas for three buildings and yard areas at +130 metres, +131.5 metres and +133 metres as indicated on the cross section plans on Drawing No. 03 date stamped 28th February 2018. The

proposed split level arrangement allows for a stepped reduction in ridge and eaves heights which will assist in visual integration. The replacement units are similar in ridge height to the existing buildings and share their low profile in the landscape.

The increase in site area from approximately 1.2 hectares to 1.65 hectares relates predominantly to Shed 3, which is sited away from the nearest critical viewpoint on Calhame Road and it is therefore considered that it would not result in a significant visual impact on the local landscape character.

Whilst the application is to replace existing pig units, it is acknowledged that the proposed pig units, feed bins and associated yard areas will result in an overall increase in the areal extent of ground physically built on at this location. Pig Unit 1 and the majority of Pig Unit 2 broadly mirror the footprint of existing buildings and accordingly changes to the landscape deriving from these will not be significant and they will serve to rationalise the existing built form.

More significant impacts derive from Pig Unit 3 and the landscape works related to the improvement of access arrangements to the Calhame Road. Pig Unit 3 is located across part of a field area that abuts the existing yard area and the proposed woodland belt to its north will change this part of the application site to a substantial degree.

The proposal includes for the rationalising of the entrance points onto Calhame Road, external storage and yard areas. Vehicular access will include loading bays, two internal turning circles and parking arrangements for staff and visitor cars. This will include the removal of the existing hedgerow on Calhame Road to facilitate vehicular sightline requirements, which will potentially open up views across the application site in the short term. However, as stated above the proposed berm and new hedgerow planting will ensure the reinstatement of roadside hedge and provide screening to the site and as such the visual impact of the development from Calhame Road will be short term. It is considered that the proposed extensive landscape works to the periphery of the application site, which includes new native hedgerows, woodland belts and tree planting, in addition to the indirect mitigation which is provided by the recent planting works associated with the construction of the A8 Belfast Road and new Green Road Bridge junction and roundabout, will serve to screen and restrict views from currently open sections of the road towards the application site. In addition, it is considered that proposed boundary treatments including stock-proof post and wire fencing to farmland areas and black paladin fencing will blend into the landscape.

From the properties to the northeast at No. 18 and 20 Calhame Road, views of the application site are limited by intervening field hedgerows and garden vegetation. The proposed development will result in a slight change in views over and through the hedgerows from the properties but views in this direction from the actual dwellings are not afforded as blank gable walls face this way. The proposed landscape works on the east of the application site will, as it matures, close off views of the farmyard and complex at No. 10 Calhame Road in the medium term and ensure the proposal is effectively assimilated in the landscape.

Existing dwellings at No. 7, No. 9, No. 11, No. 13 and No. 15 Legaloy Road are located within 300 metres to the north of the application site. The properties are all set within

mature landscapes including trees and hedgerows that limit or obscure views south towards the site. The proposed development will involve the proposed built development coming approximately 30 metres closer to these properties. Given the distance, the extent of the existing visual screening offered by vegetation and the extent of the existing built form currently within this view, the changes while evident will not have significant or unacceptable effects on the setting or amenity of these properties. A low berm will be built to the north of Unit 3 and planted with woodland approximately 8-10m wide. As this matures it will quickly serve to screen the proposed development area when viewed from Legaloy Road to the northwest.

In summary, views between the application site and the road are limited due to a well-established and mature hedgerow on the northwest side of the road. The most significant impacts will be to the immediate application site and areas immediately adjacent to the site on Calhame Road. Beyond this area, effects on landscape character and visual amenity will very quickly dissipate in significance due to the accumulation of vegetation across the undulating topography of the surrounding land and as the proposed landscaping works mature, they will further reduce visual effects deriving from the proposal.

The Landscape and Visual Impact Assessment undertaken has determined that the proposed development is expected to have a moderate impact upon areas immediately adjacent to the site until the proposed landscaping matures. Beyond the application site area however, effects on landscape character and visual amenity will very quickly dissipate in significance and there will be no significant effects on any publicly accessible landscapes. The overall impact is therefore considered to be minimal.

Neighbour Amenity

Policy CTY 12(e) of PPS 21 indicates that a proposed agricultural development will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution. Policy CTY12 is generally permissive in respect of agricultural development and in this case, as indicated in a recent Planning Appeal Commission decision (reference 2015/A0005), the applicant need only demonstrate, in evidential terms on the balance of probabilities, that the proposal would be unlikely to result in harm to interests of acknowledged importance which would include the amenity of neighbours and the environment.

In this instance the applicant within their Environmental Statement and associated information has provided assessments based on the potential noise and odour impacts and an air quality assessment. In assessing these issues the Planning Section has consulted the Council's Environmental Health Section and DAERA's Environment Agency.

The Council's Environmental Health Section (EHS) has indicated no objections to this proposal and has referred the matters to the regulator as a Pollution Prevention Control Permit will be required to demonstrate that the proposals will be managed in a manner that will have an acceptable environmental impact, including impacts from noise, dust, odour and ammonia on sensitive local receptors.

The Noise Report in Chapter 6 of the Environmental Statement concludes that there are no likely significant noise impacts associated with the proposed development and in the context of the existing pig farm, the proposals represent a positive impact.

In relation to odour the proposed pig house seeks to use the best available technology, by installing a bio-combi biological trickle bed reactor for each pig house. The biologically controlled air scrubber technology operates under pressure and extracts waste air from the 3 units, pushing it through a 'scrubber' removing dust particles, odour and ammonia before releasing the purified air into the atmosphere. It is anticipated that the scrubbers will produce 1,760 m³/yr of nitrogen rich water which will be land-spread in accordance with the Nutrient Management Plan (Appendix 17.1 of the Environmental Statement). Nitrogen rich water will be stored in an underground tank located under the scrubber unit attached to Shed 3. The system is installed within a purpose built container, with air being forced from the top of the Unit. The exhaust air enters the top section of the pre-chamber of the scrubber where it is sprayed with water to separate the coarse dust particles. The air then passes through the trickle-bed reactor system. The large surface area of the filter bed offers an increased contact area for air, serving as a residence for micro-organisms which effectively feed on the substances to be removed. After passing through the filter bed, the exhaust air is forced through a demister and then released as a clean gas, having removed the aerosols, from the top of the unit.

Test reports have shown that the scrubber system proposed will result in a 70% reduction in odour and ammonia emissions. Within Chapter 7 of the ES (the odour report) it has been demonstrated that odour levels will not exceed 3ou/m³ at the nearest sensitive receptor. The report indicates that this is based on the assumed category and number of pigs stated in table 7.7 and the ventilation rate for fans as stated in table 7.10. In the context of the existing naturally ventilated pig farm, the proposal would represent a positive impact.

With regards to potential noise and odour impacts on the amenity of adjacent residential receptors the EHS has indicated no determining concerns in relation to potential noise or odours generated from the facility subject to the provision of conditions to be attached to any planning approval granted.

DAERA's Industrial Pollution and Radiochemical Inspectorate has indicated no determining concerns in relation to matters pertaining to noise and odour and has indicated the applicant will be required to apply for and obtain a variation to the (PPC) permit (P0253/07A) prior to commencing any proposed changes at the existing installation.

DAERA's Drinking Water Inspectorate is content with the proposal subject to the mitigations within the Private Water Supply Risk Assessment being followed and adhering to standing advice and any relevant statutory permissions being obtained.

Other sources of noise and disturbance indicated by third parties include that caused by traffic and transport to and from the site as well as that during construction phase. These sources of noise and disturbance are not considered significant or determining in this case with construction noise likely to be restricted to normal working hours and will be temporary in nature. The level of traffic attracted to

the site is not considered so significant as to cause a significant loss of amenity to third parties.

Overall it is considered that there will be no significant detrimental impact on residential amenity of third party receptors by way of noise, odour or ammonia dispersal.

Human Health

In considering this application a number of third party concerns have been raised in relation to matters pertaining to public health. As part of the consultation process the Public Health Agency (PHA) has been consulted.

PHA has stated that facilities such as intensive livestock installations have a theoretical potential to cause adverse health effects from exposure to particulate matter (PMT), ammonia, general dust and other emissions. However, the main concern of PHA in relation to such facilities is the potential for bioaerosol releases from pig rearing and associated activities. It is an important public health consideration that the risk of spread of both viral and bacteriological (including antibiotic resistant strains) communicable diseases to the adjacent human population is minimised.

The proposed replacement farm will utilise Uniqfill Bio-Combi Air Scrubbers which will be used to extract waste air from the pig units removing dust particles, odour and ammonia before releasing the purified air into the atmosphere at acceptable levels. The existing farm is naturally ventilated therefore use of the scrubber technology is considered to be a considerable betterment.

The most up-to-date guidance (2016) in respect of bio-aerosol assessments and intensive farming states that a bio-aerosol risk assessment is only required if there are receptors within 100m of the farm. However, a bio-aerosol risk assessment has been prepared in this instance to consider receptors within 250m of the farm. PHA notes that this facility has at least five residential dwellings located within 250 metres of its proposed location and a Bio-aerosol Risk Assessment has been conducted which concludes that the predicted levels do not exceed the limits at any receptor locations within 250 metres. PHA confirms that this, and the mitigation measures stated to be in place, should provide reassurance in respect of the risks to the surrounding population.

The above risk assessment takes account of the distance of the nearby dwellings in respect to the nearest pig house and the risk assessment states that slurry spreading will take place distally using the 'broadcast' method, which PHA in theory has indicated will have a higher likelihood of bioaerosol transmission. The maps provided indicate that some of the fields on which slurry spreading is proposed to take place appear to be in very close proximity to residential dwellings.

Within Chapter 15 'Population and Human Health' of the Environmental Statement, the applicant contends that all slurry, nitrogen rich water and wash water will be land spread in Northern Ireland in accordance with recommended management options and a Biosecurity Policy and Veterinary Health Plan will be prepared for the site and disease control methods will be employed on site in accordance with Red Tractor

requirements. In addition, an emergency plan will be implemented for the effective management of serious incidents and potential emergency situations.

With regards to noise and odour and their impacts on human health, the Council's Environmental Health Section has indicated that it has no determining concerns with regards to these matters while DAERA's Industrial Pollution and Radiochemical Inspectorate which would regulate this site under a Pollution Prevention Control Permit has not raised any objection to the development proposal.

Archaeology and Built Heritage

Historic Environment Division: Historic Monuments (HED: HM) has reviewed the Cultural Heritage chapter (Chapter 13) of the submitted Environmental Statement. The application site is approximately 0.5 kilometres from the nearest archaeological monument and has been substantially impacted upon by the existing farm buildings. While the Cultural Heritage chapter recommends further archaeological investigation on site, HED: HM is of the opinion that no further work is required and on this basis it is considered that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Natural Heritage

A number of third party concerns were raised with regards to the environmental information provided by the applicant. DAERA's Natural Environment Division (NED) provides the Council with expert advice regarding the impact of developments on natural habitats and wildlife issues. NED has considered the environmental concerns raised with regards to the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided within the Environmental Statement and associated documentation, has no concerns regarding the proposed development subject to a number of recommended conditions. On the basis of this advice it is considered that there will not be a significant adverse impact on natural heritage interests which includes badgers, newts, breeding birds and bats.

With regard to the impact on designated sites, the application site and/or land spreading locations are within 7.5 km of the following sites (hereafter referred to as designated sites) which are of international and national importance and are protected by Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002: Antrim Hills SPA; North Woodburn Reservoir ASSI; South Woodburn ASSI; Ballypalady ASSI; Garron Plateau ASSI/SAC/RAMSAR; Cleggan Valley ASSI; Glen Burn ASSI; Rathsherry ASSI; Sandy Braes ASSI; Tardree Quarry ASSI; Bellevue ASSI; Inner Belfast Lough ASSI; Outer Belfast Lough ASSI; East Coast (Northern Ireland) Marine SPA; Belfast Lough SPA/RAMSAR; Larne Lough ASSI/SPA/RAMSAR; Newlands ASSI; Carneal ASSI; Copelands Reservoir ASSI; North Woodburn Glen ASSI; Castletown ASSI; Cloghfin Port ASSI; The Gobbins ASSI; Kilcoan ASSI; Glynn Woods ASSI; Waterloo ASSI; Portmuck ASSI; The Maidens SAC; Knock Dhu Sallagh Braes ASSI; and North Channel Marine SAC. The site is also hydrologically connected to Lough Neagh ASSI, Lough Neagh & Lough Beg SPA/RAMSAR.

With regards to nitrogen emissions, NED has acknowledged there are significant challenges in permitting agricultural expansion in areas where the critical loads and levels are currently exceeded. Following acquisition of DAERA specific legal advice

on DAERA's operational policy, NED has considered the proposal, including any direct/indirect impacts on associated farm activities and is content that the proposal is in line with DAERA's operational protocol on nitrogen emissions.

NED has considered the impacts of the proposal on the designated sites and advises that due regard is given to its recommendations when undertaking a Habitats Regulations Assessment to ensure compliance with the requirements of the Habitats Regulations and The Environment (Northern Ireland) Order 2002.

On the basis of the information submitted, NED is content that the proposal is unlikely to have an unacceptable adverse impact on non-designated sites within the consultation area. The Air Quality Modelling Report indicates that the process contribution at this site is <50%, in line with the current policy for habitats outside designated sites.

Concern was raised in relation to the Habitats Regulation Assessments (HRA) undertaken by the Council's Shared Environmental Services (SES). SES has considered the application in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) on behalf of the Council, which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. SES has informed the Council having considered the nature, scale, timing, duration and location of the project, that it has no determining concerns with regard to the proposal and its effects on the integrity of any European site. This analysis is conditional on the following mitigation measures: (a) the air scrubber system proposed is installed and maintained throughout the life of the facility; and (b) the number of pigs do not exceed 2,995 (as indicated in Table 1 Appendix 2, of the Environmental Statement Addendum dated August 2018). SES has considered the concerns raised in representations and has advised that the activity in association with the proposals of this nature is regulated by the Industrial Pollution and Radiochemical Inspectorate of DAERA.

Traffic, Transport and Road Safety

Chapter 10 of the Environmental Statement assesses the transport issues associated with the replacement pig accommodation and the Transport Assessment Form (TAF) is included within Appendix 10.1.

The application site is located close to the trunk road network and within 400m of the A8 dual carriageway. Until recently the A8 was a single carriageway road which Calhame Road joined at a priority junction. This junction provided access for all movements, including the more difficult and dangerous right turn manoeuvres. The dualling of the A8, which officially opened in December 2015, removed the right turns from the Calhame Road. A new upgraded separated junction was constructed to provide safer access to Calhame Road, Legaloy Road and Green Road, and this included a new link road between Calhame Road and Legaloy Road. This upgrade provides much safer access to the site from the A8, especially for larger vehicles.

The current pig farm has three accesses from Calhame Road. The proposed new access at the northeast of the site is positioned to enable 2.4 metres x 120 metres visibility splays to be accommodated with turning areas for HGVs so that vehicles can enter and leave in a forward gear. Two turning areas located at the south and east

of the proposed units respectively and a car park consisting of thirteen parking spaces for staff and visitors is proposed at the eastern corner of the site. It is considered that the aforementioned access arrangements provided in accordance with DCAN15 will deliver significant betterment relative to the existing arrangements.

The Environmental Statement (ES) presents traffic figures associated with the proposed development, which compares the impact of existing traffic movements arising from the existing pig farm with that proposed by the application. Table 10.1 of Chapter 10 of the ES summarises the vehicular movements associated with the existing farm which averages four vehicular movements per day, which includes 2 journeys by car and two by HGV, under normal working conditions. It states that during the spreading periods, there are 14 tanker loads of slurry removed from the site which equates to an additional 28 movements per day during the four short spreading periods.

During the construction phase the Transport Assessment states that 15-20 vehicle movements per day will be a combination of vans and cars for construction staff and HGV's for the delivery of components and materials. The site is sufficiently large that this number of vehicles can be accommodated on site within the temporary construction compound and on site. No vehicles will be parked on the public road. The report states that the construction site opening hours will be limited to 08:00 hours - 18:00 hours Monday to Saturday and should therefore not cause disruption during these peak times.

Table 10.2 of Chapter 10 of the Environmental Statement summarises the main types and frequency of vehicle movements associated with the proposed development on the site. Table 10.2 states that outside of the slurry spreading periods, there will be 2 HGV's at the site per day, which equates to 4 vehicular movements per day. As there will be 6 people at the site (staff and vet) per day this equates to 12 car movements per day. Therefore the proposed farm will generate 16 movements per day under normal working conditions. During the slurry spreading periods, there will be 25 tanker loads of slurry removed from the site. This is an additional 50 movements per day during the four short spreading periods. However, it is considered this increase is offset by the positive benefit of the removal of an access and the improvement of another access. In addition betterment will also be gained through improved internal layout at the site, including provision for and the turning of HGVs within the site which will reduce the impact on the public road.

With regards to traffic, transport and road safety, DfI Roads was consulted as the competent authority in relation to these matters and has indicated no objections to the proposal in terms of road safety and in terms of trips generated by the development.

Flood Risk and Drainage

The applicant as part of the Environmental Statement has submitted information relating to the hydrology of the application site and the surrounding area. They have assessed the potential environmental impact of the proposed development on the water environment related to the relevant hydrology and drainage matters and how any impacts would be mitigated. The assessment has been undertaken to demonstrate the proposed development will not be subject to flooding and to

examine the potential to safely discharge surface water from the proposed site without increasing the risk of flooding within the site or elsewhere.

DfI Rivers and the Water Management Unit of DAERA have been consulted and neither has expressed any determining concerns in relation to drainage and the associated impact on watercourses.

DfI Rivers has confirmed there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site but state the site may be affected by undesignated watercourses of which we have no record. In respect of Policy FLD1 'Development in Fluvial and coastal Flood Plains' of PPS15, DfI Rivers has confirmed that the Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

DfI Rivers has stated that in relation to development and surface water it accepts the logic of the submitted Drainage Assessment by Flood Risk Consulting, dated February 2018 (Appendix 9.1 of the Environmental Statement) and has no reason to disagree with its conclusions. DfI Rivers has advised that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures, as laid out in the assessment, rests with the developer and his/her professional advisors.

Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to the applicant referring and adhering to standing advice and any relevant statutory permissions being obtained.

With regards to matters relating to flooding and drainage it is considered that there will not be an increase in flood risk associated with this development.

Other Matters

Animal Welfare

A number of objections have been raised in relation to animal welfare issues. These are not material planning considerations and are not determining in this application.

Impact on Human Rights

Articles 1 and 8 of the Human Rights Act 1998 are substantive rights enabling those affected by the planning process to reinforce their objections by stating that to allow such a development to proceed would infringe upon their human rights. Procedural guarantees associated with these substantive rights ensure that all victims are given the chance of a fair hearing. It is only in exceptional cases that personal circumstances may be relevant to planning decisions. While the convention puts the rights of the individual first these rights are paramount only where there is no justification in the public interest.

Paragraph 2.3 of the SPPS states that the planning system operates in the public interest of local communities and the region as a whole. It does not exist to protect the private interests of one person against the activities of another. In principle there is the opportunity for the development of livestock installations in the countryside. Planning policy is developed, interpreted and applied in the public interest.

Planning applications often encounter competing and conflicting private interests, in this case the various conflicting interests have both had rights to make representations to the Council, through the processing of the planning application and ultimately through the consideration of the application by the Planning Committee. It is considered that the recommendation to approve development is in compliance with planning policy, all parties to the application have been given a fair hearing, the points raised by them have been given proper consideration and the Council's obligations under the Human Rights Act have been fulfilled.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The principle of development is considered acceptable;
- The design and appearance of the buildings is considered acceptable;
- The impact on character and appearance of the area is considered acceptable;
- The impact on neighbour amenity by way of noise disturbance, and odour is considered acceptable;
- There is no evidence to suggest human health will be adversely impacted by this proposal;
- There are no determining concerns with regard to the associated land spreading;
- There are no archaeology or built heritage concerns regarding the proposal;
- There are no natural heritage concerns with regard to the proposal;
- There is no determining concern in relation to matters pertaining to traffic generation or road safety;
- There are no flood risk or drainage concerns associated with this development; and
- Matters pertaining to animal welfare and human rights are not considered to be determining.

RECOMMENDATION : **GRANT PLANNING PERMISSION**

PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. If, during the development works, a new source of contamination or risks to the water environment are encountered which have not previously been identified, works shall cease and the Council notified immediately. Any new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

Should an unacceptable risk be identified, a remediation strategy shall be submitted to be agreed with the Council before being implemented.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

3. After completing all remediation works under Condition 2 and prior to occupation of the development, a verification report shall be submitted to and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

4. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Number 03 bearing the date stamp 28th February 2018 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.

6. There shall be no commercial vehicles accessing or servicing the site outside the hours of 7:00am - 10:00pm from Monday to Saturday and at no time on a Sunday.

Reason: To protect the amenity of near-by residents.

7. All vehicles operating within the proposed development site shall be fitted with wide band reversing alarms.

Reason: To protect the amenity of near-by residents.

8. Except as otherwise agreed by the Council, the category and number of pigs in each house shall not exceed those given in the table below.

House No	Category of Animal	No of animals
1	Boars	5
	Gilts	855
	Production pigs	235
	Sows	220
2	Farrowing Sows	480
3	Dry Sow	1200

Reason: To protect the residential amenity and air quality and to ensure no adverse effect on the integrity of any European Sites.

9. Mechanical ventilation serving each pig house shall have a ventilation rate not less than the values stated in table below.

House	Exit Velocity (m/s)	Total Volume Flow (m ³ /s)	Total Volume Flow (m ³ /hr)
1	2.66	48.6	175,074
2	0.52	6.9	24,942
3	2.60	60.1	216,301

Reason: To protect the residential amenity and air quality.

10. The Uniqfill BioCombi air scrubber system, as indicated on Drawing No. 04 date stamped received on 28th February 2018, shall be installed in each of the three pig farm units hereby approved prior to them becoming operational and the air scrubber system shall subsequently be operated in accordance with the technical specification of the manufacturer and maintained by an authorised expert throughout the operational lifetime of the facility.

Reason: To protect residential amenity and air quality and ensure no adverse effect on the integrity of any European Sites.

11. The Council must be notified of the date when any part of the development becomes operational. Once any part of the development becomes operational, the developer shall undertake at least 6 months validation monitoring of aerial emissions from the site. The detailed results of this validation monitoring shall be submitted to the Council within a period of 1 year of commencement of operation of the facility.

Reason: To protect the residential amenity and air quality.

12. In the event that the validation monitoring referred to in Condition 11 shows actual emission levels exceed the values as indicated within the Air Quality, odour and Bio-Aerosols report submitted with the application, the developer shall remove all pigs from the facility with immediate effect. Measures for the reduction of emissions to levels specified in the Air Quality, odour and Bio-Aerosols report shall be submitted to and agreed in writing with the Council and introduced prior to restocking of the sheds.

Reason: To protect the residential amenity and air quality.

13. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development.

The landscaping scheme shall include details of the proposed earth bund and planting along the northwestern site boundary as indicated in Drawing Number 03 bearing the date stamp 28th February 2018.

Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation. Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

14. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

Appendix 2 – Planning Committee Addendum 18th February 2019

APPLICATION NO	LA03/2018/0185/F
DEA	BALLYCLARE
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION

PROPOSAL	Proposed demolition of existing pig farm (6no units housing 4,200 finishing pigs) and replacement with 3no new pig units (to house 2,755 sows, 235 replacement breeders and 5 boars) with air scrubber units, associated underground slurry and washings stores, scrubber water storage tank, 7no feed bins, welfare facilities, feed kitchen/store, concrete hardstanding and 2no turning areas, loading bay, landscaped bund, tree and shrub planting, parking and new access.
SITE/LOCATION	Lands adjacent and to the north of 10 Calhame Road, Ballyclare, BT39 9NA
APPLICANT	JMW Farms Ltd
AGENT	Clyde Shanks Ltd
LAST SITE VISIT	16 th November 2018
CASE OFFICER	Johanne McKendry Tel: 028 9034 0423 Email: johanne.mckendryl@antrimandnewtownabbey.gov.uk

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk

BACKGROUND

Members since the preparation and publication of the case officers report there have been several letters of objection submitted to the Council including some which were only received on the day of Committee. These objections have been uploaded on the Planning Portal and were copied around Members earlier today. In addition, a copy of the letters of objection are available for Members at the Planning Committee meeting. A summary of the key points of objection and a consideration of the issues is provided below.

REPRESENTATION

A summary of the key points of the additional objection letters is provided below:

- There is no certainty that emissions will be reduced;
- "Should" is not an acceptable standard;
- Land spreading has not been properly considered;
- Approval of the scheme would be a breach of the Human Rights Act as it will affect the right to a private and family life;
- The Department of Agriculture, Environment and Rural Affairs are employing an unlawful test in their assessment of European Designated sites;
- The Nutrient Management Plan is not a legally binding document;
- The comments of the Public Health Agency have not been included in the case officers report;

- The Habitats Regulation Assessment was not properly carried out;
- The Environmental Statement has not comprehensively addressed all issues;
- The proposal will have a huge health risk;
- Ammonia levels are at a critical level in Northern Ireland;
- The rearing of pigs in huge sheds is not acceptable and completely unnatural;
- The cumulative impact of pig farms in Newtownabbey has not been considered;
- More effort needs to be put into encouraging people to consume less meat;
- Lough Neagh is close to tipping point in terms of nutrient enrichment from effluent discharges;
- This project will fail as meat consumption is on the decline;
- Pigs will outnumber residents by 2:1 in Newtownabbey;
- Air quality modelling has not been properly carried out;
- The Environmental Statement has failed to consider the impact of the 89,700 pigs produced at this farm each year.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The issue of whether the air quality modelling and emissions has been properly considered was a recurring theme in the objection letters. Included within the Environmental Statement which accompanied the planning application were reports which dealt with noise, odour and air quality. These reports are prepared by competent experts and are subject to scrutiny by statutory and non-statutory consultees. It is an inherent part of the planning system that there will be dispute on planning related issues such as scientific methodology and predictive results, however, it is not for the Council to determine who is scientifically correct. The preparation of scientific reports by the applicant and the consultation with statutory and non-statutory consultees provides a safeguard that the appropriate methodology and standards are being applied. In the current case, as set out in the earlier case officers report, consultation has been carried out with a wide range of consultees who are satisfied that the project is an acceptable form of development.

In a similar vein the matter of the guidelines being applied by the Department of Agriculture, Environment and Rural Affairs (DAERA) was criticised as being unlawful. It is recognised that there are concerns amongst objectors with the levels of ammonia, effluent and nitrates in the waterways, air and on European Designated Sites. In relation to the particulars of this scheme DAERA act as a statutory consultee in the determination of this planning application and have been consulted on several occasions, indeed a variety of different sections within DAERA have been consulted in relation to their particular scientific expertise. It is not for the Council in the determination of this planning application to decide whether DAERA are competent to carry out their statutory duty. While there may be some dispute about the validity of the guidelines used by DAERA in carrying out their assessment of the impact on European Designated sites, the guidelines are not under legal challenge and the scientific opinions expressed by DAERA are unbiased and expressed in the public interest.

The Nutrient Management Plan is challenged as it is not a legally binding document and indeed this is correct. It is an untenable position to specifically tie the spreading of slurry to specific lands for the duration of the project. It is only necessary for the purposes of determining a planning application to assess whether the applicant/developer has at their disposal a viable outlet for the distribution/disposal

of the waste. It is not necessary for this to be specifically controlled by the planning system.

It is recognised that there can be no certainty applied to the predictive methodology undertaken in some of the reports which accompanied the planning application. It is not possible to guarantee anything which relies on prediction and therefore the use of the term "...should..." within the case officers report is an acknowledgement that any report which relies on an element of prediction cannot be guaranteed. As an additional safeguard to the potential environmental consequences of this project a further level of operational scrutiny is applied to a pig farm of this scale. Should planning permission be forthcoming a Pollution Prevention Control Permit will be required before the project can become operational and compliance with the conditions of the Pollution Prevention Control Permit is checked during its operational life.

A further issue raised in the objection letters was a failure to address the impact of the 89,700 pigs which could be produced on the site each year. It is true to say that the Environmental Statement considers the environmental implications of the pig production on the application site and its direct impacts on the receiving environment. It is not however, the purpose of this planning application or the accompanying Environmental Statement to assess the impacts of rearing pigs at other locations. The fattening of pigs at other locations outside of the application site is a matter which should have been considered in the determination of planning applications for previously approved development or in the determination of any subsequent applications for pig rearing units at other locations.

Issues around the acceptability of the consumption of meat or the decline of meat consumption is not a matter for consideration by the Council in the determination of an individual planning application. The matter of the volume of pigs outnumbering residents in the Borough may be an interesting point but it does not raise any relevant planning issues per se. The core consideration is whether the production of pigs at this site would be a sustainable development, considering the overall environmental, economic and social impacts.

The remaining issues regarding the implications for the Human Rights Act, the morality of having intensive livestock installations and the impact on human health have been dealt with already in the case officers report.

CONCLUSION

There is no change to the recommendation to grant planning permission for the proposed development and the proposed conditions remain unchanged from the publication of the case officer's report.

RECOMMENDATION : **GRANT PLANNING PERMISSION**

COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2018/0918/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Retention of existing silo building to include control switch room. Re-contouring of land including earth mounding/earth bunds (part proposed and part existing). Provision of attenuation pond (reduction in size from that previously approved) and flood attenuation depression tank. Proposed landscaping and other works. Retention of bunded area around bio-digester plant. Retention of existing plant and machinery including (i) stand by generator (relocated 20 metres east of previously approved location), (ii) emergency flare (relocated approx. 41 metres south west of previously approved location), (iii) boiler, manifold and pump block (approx. 22 metres east of previously approved location). This application includes amendments to Planning Permission LA03/2015/0051/F for a proposed pig farm and the retention of development works beyond the previously approved site boundary.
SITE/LOCATION	Lands 166 metres North West of no. 10 Reahill Road, Newtownabbey.
APPLICANT	Hall's Pig Farm
AGENT	MKA Planning Ltd
LAST SITE VISIT	21 May 2019
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located within the countryside, approximately 170 metres northwest of No.10 Rea Hill Road and extends to some 11.5 hectares approximately.</p> <p>The Council's Planning Committee granted planning permission for a pig farm development on the majority of the application site under planning reference LA03/2015/0051/F on 23 November 2016. The lands associated with the current planning application extend to the north, east and south of the previously approved site and increase the site area by 2 hectares approximately. However, the current proposal excludes the approved pig sheds and these therefore do not form any part of the current planning application.</p> <p>The development approved under LA03/2015/0051/F has been partially implemented and construction works are ongoing at the site. The works completed to date include one anaerobic digester and associated concrete bunding, the silo</p>	

bay and clamp, control switch room and plant equipment including the stand by generator, CHP carbon scrubber, boiler, manifold and pump block and one of the four approved pig sheds. This shed is currently used to house weaner pigs and as a consequence the pig farm is deemed to be operational.

The landform at this location has been altered in the course of site development and several earth bunds have been formed adjacent and in proximity to the northern, eastern and a portion of the southern boundary of the application site. Agricultural hedgerows and a linear stand of trees of varying maturities and heights define these boundaries. The Council is currently processing a concurrent application (reference LA03/2019/0768/F) for the retention of the earth embankment that has been formed along the western side of the location of the pig sheds. It does not however, form part of the assessment of the current application. A vehicular access to the Rea Hill Road and laneway leading into the pig farm have been formed and site security fencing is in place along the remaining portion of this boundary.

The application site is affected by a number of watercourses through and around the edges of the site. These watercourses include the Ballyearl Stream and two (2) sheughs. There is also an existing 300mm culvert at the foot of the application site, which runs underneath the Rea Hill Road and into the open drain in the field on lands to the south of the application site.

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2015/0051/F

Location: Lands 166m north west of 10 Reahill Road, Newtownabbey, BT36 5SF,

Proposal: Proposed Pig Farm to include 4 no. Pig Houses with air scrubber units and associated water and waste holding tanks, slurry scraping system, pedestrian hand rails, anaerobic digester plant, 2no. Digestate tanks, slurry tanks, combined heat and power and carbon scrubber, gas flare, control and pump room, standby generator, silo camp, silo bay with digestate loading area, office, store, gates and security fencing, dead stock storage, wheel wash facilities, weighbridge, sheugh alterations, septic tank, reed bed, pond, fuel storage tanks, petrol interceptors, fire hydrants, new access road onto Reahill Road, proposed widening of a section of Reahill Road. across site frontage, recontouring of land within the site with landscaped bunds, tree and shrub planting, lighting to include bollard, bulkhead and column fittings.

Decision: Permission Granted: 24.11.2016

Planning Reference: LA03/2018/0765/F

Location: Lands 214m NW of 10 Reahill Road, Newtownabbey,

Proposal: Retention of CHP plant

Decision: Application Withdrawn: 08.02.2019

Planning Reference: LA03/2017/0023/CA (PAC Reference: 2018/E0013)

Location: 225 metres northwest of 10 Rea Hill Road, Carntall, Newtownabbey

Proposal: Building (silo) and CHP carbon scrubber

Decision: Enforcement Notice quashed, Planning Permission Granted: 31/1/19

Planning Reference: LA03/2019/0768/F

Location: Approx 320m NW of 10 Rea Hill Road, Newtownabbey.

Proposal: Retention of re-contouring of land including earth mounding/earth bunds and proposed re-profiling of earth bunds along western boundary of approved pig farm (LA03/2015/0051/F).

Decision: Under consideration.

PLANNING POLICY AND GUIDANCE

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which remains at the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Belfast Urban Area Plan, draft Newtownabbey Area Plan and draft Belfast Metropolitan Area Plan: The application site is located outside any settlement limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 2: Natural Heritage: sets out planning policies for the conservation, protection and enhancement of our natural heritage.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 6: Planning, Archaeology and the Built Heritage: sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.

PPS 11: Planning & Waste Management (and the November 2013 update on Best Practicable Environmental Option): sets out planning policies for the development of waste management facilities.

PPS 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people, property and the environment.

PPS 18: Renewable Energy: sets out planning policy for development that generates energy from renewable resources. This PPS is supplemented by PPS18 Best Practice Guidance. Supplementary planning guidance on Anaerobic Digestion is also available in draft form.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Council Environmental Health Section – No objection.

Northern Ireland Water – No objection.

Department for Infrastructure Roads - No objection.

Department for Infrastructure Rivers – No objection.

Department for Communities:

Historic Environment Division: Conditions for approval.

Department of Agriculture, Environment and Rural Affairs:

Drainage and Water: No objection.

Department of Agriculture, Environment and Rural Affairs:

Land, Soil and Air: No objection.

Department of Agriculture, Environment and Rural Affairs:

Natural Heritage and Conservation Areas: No objection.

Shared Environmental Services – No objection.

REPRESENTATION

Twenty two (22) neighbouring properties notified and forty (40) letters of objection have been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

A summary of the key points of objection raised is provided below:

- The planning application advertising period and the neighbour notification period for response is unacceptable.
- There is conflict between questions 16 and 21 of the application form and questions 21 – 23 need answered. This proposal is a change of use from agriculture to industrial type usage.
- The Pre-Application Community Consultation (PACC) event was not a genuine attempt at public participation in the planning process, local knowledge was not taken into account and the reporting of comments has been done with bias as the comments referred to were not from the local community.

- The applicant should be obliged to return to the original approval as it was the applicant's responsibility to adhere to the initial decision.
- Drawings submitted with the application do not show all the earth bunds.
- The Anaerobic Digester is still not the recommended 250 metres away from the nearest third party receptor, the risk of explosion is very high and is widely underreported.
- The emergency gas flare, the CHP, the boiler manifold and pump block are significant ignition sources located in close proximity to a very large gas reserve.
- All risks and consequences of a catastrophic event, including an explosion, must be fully assessed.
- Information provided by manufacturers is not adequate and independent expert advice must be sought.
- The control room contains unspecified auxiliary plant and machinery. It has not been assessed for health and safety risks.
- The construction techniques, materials and stability of the attenuation pond are not sufficient, no risk assessments have been carried out and a question is posed of the Council as to what assurances it can give to residents that their homes are safe.
- The increased site area of the application site will increase the volume of water entering the attenuation pond and there is no evidence to support the claim that the decreased size of the pond will be adequate in the case of extreme weather events.
- The attenuation pond will result in large amounts of run-off to the Three Mile Water River, which is hydrologically connected to Belfast Lough. Pollution from the development will have disastrous ecological consequences and will flood peoples homes.
- The larger site area, building roof areas, smaller pond and earth bunds has the potential to funnel large amounts of water to the Three Mile Water River and the railway viaduct.
- The increased site area will result in increased amounts of run-off into the pond adding to concerns about the avoidance of the pond being a controlled reservoir.
- Challenge raised as to whether the mains water supply will have sufficient capacity to deal with a fire or explosion.
- Challenge raised as to whether the borehole will provide sufficient water to deal with a fire, whether or not this has been tested and whether it has been tested for contamination.
- The earth bunds at the periphery of the application site are disrupting wildlife.
- There is evidence of slippage with the earth bunds at times of heavy rainfall.
- The earth bunds vary in height and they should all be 5 metres tall and set back at least 10 metres from watercourses and mature trees and must follow existing land contours.
- The introduction of cattle manure into the Anaerobic Digester is a bio-security issue and requires a new Environmental Statement as it invalidates the traffic report within the original Environmental Statement, which refers to six vehicle movements per day.
- The cumulative and in-combination impact of this project and pig breeding, with Anaerobic Digesters and CHP's needs to be assessed to avoid 'project splitting' to circumvent the Environmental Impact Assessment Regulations.

- A new Environmental Impact Assessment is required given the cumulative impact of factory farms at Monkstown and Calhame Road, the CHP, drainage and traffic impacts.
- The Habitats Regulation Assessment undertaken by Shared Environmental Services on behalf of the Council was flawed for several reasons including; appropriate assessment, in-combination and cumulative assessment, ammonia emissions, lack of loading capacity, particulate matter has not been assessed, water quality issues and deficient nutrient management plans. It is also argued the site has been split into two separate businesses.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Preliminary Matters
- Policy Context and Principle of Development
- Bio-digester Concrete Bund, Boiler, Manifold, Pump Block, Emergency Flare, Stand-by Generator
- Noise and Residential Amenity
- Re-contouring and Earth Bunds
- Ecology
- Drainage/Flooding/Attenuation Pond and Structural Stability
- Archaeology and Built Heritage
- Access, Movement and Parking
- Other Matters

Preliminary Matters

The description of development set out in the P1 Planning Application Form refers to the retention of the existing silo building and control switch room. In determining an enforcement appeal (reference 2018/E0013) in relation to these and other associated works at the site, the Planning Appeals Commission (PAC) considered that this in-situ development would not give rise to a detrimental impact on the amenity of the surrounding residents, wildlife or countryside and was satisfied that the development based on the 2016 approval was consistent with the requirements of Policy CTY12 and consequently Policy CTY1 of PPS21. As a consequence, these elements of the scheme were granted planning permission by the PAC on 31 January 2019 under reference 2018/E0013. In the intervening period between the decision of the PAC and this planning report being produced there has been no change in planning policy nor have any new material considerations been raised. The Council therefore has no reason to revisit this matter.

With respect to PPS11: Planning & Waste Management (and the November 2013 update on Best Practicable Environmental Option), it is noted that some pieces of plant equipment associated with the operation of the pig farm have been re-sited and require retrospective planning permission. The relocation of this plant equipment does not alter or otherwise adjust the processes undertaken in the pig farm. Those processes have previously been considered acceptable in the context of the original planning permission for the pig farm granted by the Council and do not require to be revisited. As a consequence, PPS11 and its associated best practice guidance is not considered relevant to the assessment of the current development proposal.

A point of objection challenges the accuracy of the P1 Planning Application Form regarding Question 26, which relates to Council Employee and Elected Member

Interest. This challenge has been investigated and the P1 Form was subsequently amended to confirm that the applicant does have a relationship with a member of staff in the Council. With respect to the Council's Scheme of Delegation, the implication of the applicant's relationship with a member of staff is that the planning application must be presented to the Council's Planning Committee for reasons of transparent decision making. Notwithstanding this point it is noted that by virtue of the planning application being classified as 'Major Development' for the purposes of the Planning Act (NI) 2011 and the Planning (Development Management) Regulations (NI) 2015, the Council's Scheme of Delegation requires the application to be presented to the Planning Committee.

Policy Context and Principle of Development

The Council's Planning Committee granted planning permission for a pig farm development at this location under reference LA03/2015/0051/F on 23 November 2016. Development on foot of this planning permission has since commenced. As a consequence, the principle of development for a pig farm on the majority of the lands associated with this planning application has therefore been established.

The lands associated with the current planning application extend to the north, east and south of the approved pig sheds and increase the site area by some 2 Ha up to approximately 11.5 Ha. As noted above in the site description, one pig shed, several pieces of plant equipment (including an anaerobic digester), the silo building and other structures have now been erected and earth embankments have been formed at the edges of the site. Land contouring is proposed in the general area east and north east of the approved location of the pig sheds. The principle of development for these engineering operations can be established subject to compliance with relevant planning policy and other material considerations as set out below.

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

Whilst there is currently no statutory development plan in place for the area where the development is proposed, the provisions of both the draft Newtownabbey Area Plan and the draft Belfast Metropolitan Area Plan are considered to be material considerations in assessment of the current application. Both of these Plans identify the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy

context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It also states that planning permission will be granted for non-residential development relating to agricultural and forestry development on an active and established agricultural holding in accordance with Policy CTY12 of PPS21.

Given that the development of a pig farm at this location has previously been granted planning permission and has commenced, it is considered that Hall's Pig Farm is an active and established agricultural holding and meets with the requirement of Policy CTY12 in this respect.

Subject to the various elements of the proposal complying with relevant regional policy the principle of development can be established. This consideration is set out below.

Bio-Digester Concrete Bund, Boiler, Manifold, Pump Block, Emergency Flare, Stand-by Generator

The application seeks retrospective permission for the retention of the extended area of the concrete bund to the southern and eastern sides of the previously approved Anaerobic Digesters. The Design and Access Statement submitted by the applicant advises this aspect of the development proposal was prompted by health and safety reasons during the construction stage and post the grant of planning permission. The purpose of the concrete bund is to collect surface water and any spillages from around the catchment tanks, pumping equipment and pipework in the event of a failure and/or spillage. The extension to the concrete bund has forced the relocation of the boiler, manifold, pump block and the emergency flare. The stand-by generator has been moved due to the erection of the extension to the silo building. It is considered that these features of the development proposal are necessary for the efficient use of the pig farm and meet with the first criterion of Policy CTY12.

It is considered that individually and cumulatively these buildings and structures are clustered with the pig sheds and that these, together with the landscape rising to the north, this provides an adequate backdrop for the pig farm development. As a consequence it is considered that the concrete bund as extended and the varying pieces of plant equipment will not have a significant visual impact on the receiving environment and will not therefore have an unacceptable impact on the rural character of the area.

For the reasons set out above it is considered that these features are appropriate to the location in terms of character and scale and will visually integrate with the landscape. The second and third criterion of Policy CTY12 are therefore considered as having been met.

Points of objection challenge the health and safety implications of what is described as 'unspecified auxiliary plant and machinery housed in the control switch room' and

that the emergency flare, boiler, manifold, pump block and stand-by generator are significant ignition sources located in close proximity to a very large gas reserve leading to a potential explosion risk.

The appeal decision for appeal reference 2018/E0013 indicates that the objectors to the scheme provided evidence that a Fire Risk Assessment must be undertaken in accordance with standard practice and should identify likely causes of ignition and fire spread with the plant and buildings and allow for effective control and fire safety measures to be introduced. At the appeal hearing the appellant, who is the applicant for the current planning application, stated that health and safety is an essential part of the farm business; that the Fire and Rescue Service had assessed the site and that a fire risk assessment had been undertaken, agreed upon by the Fire and Rescue Service and such measures will be ongoing. The appellant also stated that necessary health and safety measures have been put in place at the site and include fire hydrants and warning signage. In its decision the PAC commented that, during its site visit, such features were present on the site.

Paragraph 3.2.16 of the Best Practice Guide to PPS18 states that collection, movement and storage of gas will require a range of equipment, including pipework and valves, flame traps, condensate traps, flare stacks and control and monitoring equipment. In some cases gas needs to be treated, necessitating the addition of extra plant.

In this context it is considered that the health and safety concerns expressed by the objectors to the current planning application have not been substantiated with persuasive evidence that demonstrates how the control switch room or other plant and equipment are a significant health and safety/fire hazard. As a result it is not considered these concerns would warrant refusal of planning permission.

Noise and Residential Amenity

A revised noise monitoring assessment has been submitted with the planning application. The Council's Environmental Health Section has commented that the 'distance attenuation' availed of between the relocated plant and noise sensitive receptors remains sufficient to reduce the noise impact of the proposed plant and equipment to levels well below the background noise levels. It concludes that no perceptible change in noise impact will be experienced by noise sensitive receptors due to the relocation of plant equipment. It is considered that should planning permission be granted the nearest noise sensitive receptors will not be subject to an unacceptable amenity impact. The fifth criterion of Policy CTY12 has therefore been met and the points of objection as made are not considered as carrying determining weight in the decision-making process.

Re-contouring and Earth Embankments

This current application seeks planning permission, amongst other things, for the retention of development works beyond the site boundary of the previously approved pig farm development under reference LA03/2015/0051/F.

As noted above, the landform comprising the application site has been altered in the course of site development and several earth bunds/embankments have been formed adjacent and in proximity to the northern, eastern and a portion of the southern boundary of the application site, which are defined by established

hedgerow and some linear copses of mature deciduous trees. As also noted above, the earth embankment that has been formed along the western side of the pig farm complex is subject of a concurrent application.

Section drawings submitted as part of the planning application identify that the proposed re-contouring of the land raises the existing ground level of the relevant fields by between 1 and 4 metres in height across three fields to the east and north east of the permitted pig sheds.

The agent has advised that the proposed re-contouring of land seeks to enable the excavated earth produced during preparation for the pig sheds to be spread evenly across the land, to follow the natural contours of the hillside and blend sympathetically with the landform. The re-contouring of the land within the three fields is to terminate at 2-3 metre high earth embankments set back from the boundaries of the site. These earth embankments are proposed as being grassed with planting atop. The earth embankments are described by the agent as sealing off the site from external neighbouring land uses and buildings and have been designed to ensure that all surface water run-off is diverted through the internal drainage regime and that this will provide greater control and assurance for the developer.

The agent has indicated that the re-contouring of land and the formation of earth embankments at the northern, eastern and southern boundaries will introduce a gentle slope to the landscape and also visually contain the pig farm development as opposed to the steep faces of the three large earth mounds that were permitted as part of the original planning permission for the site and which would have ranged in heights from 15 – 17 metres above the road level of the Rea Hill Road.

When compared with the earth mounds previously granted planning permission it is considered that the re-contouring of land and the formation of earth embankments together with the landscaping as proposed will assist the integration of the development from critical viewpoints and allow it to blend in more sympathetically with its surroundings. Whilst the earth embankments are already in place an appropriately worded planning condition can secure implementation of the proposed planting scheme should planning permission be granted. These elements of the proposal are therefore considered to be acceptable subject to appropriate planning conditions and are therefore compliant with the relevant provisions of Policy CTY12.

Ecology

The Ecology Report submitted by the applicant considers the potential ecological impacts of the extension of the re-contoured area of land and the earth embankments at the periphery of the application site. The report notes that the fields associated with the re-contouring of land and formation of earth embankments was originally improved pasture, which is seldom of significant ecological value.

With reference to the relationship of existing trees at the application site boundaries and their proximity to the adjacent earth embankments the Ecology Report states that existing trees are generally one metre away from the toe of the slope of the earth embankment. When considering that the embankments are rising away from these boundaries, a four metre root protection area has been afforded to the

existing trees, which is described in the Ecology Report as very considerably reducing the potential for damage to these trees. The Ecology Report concludes that there has been no loss of hedgerow or trees that may host nesting birds.

With respect to the impact on adjacent aquatic systems the Ecology Report comments that open ditches at site boundaries were active and flowing clear and that settlement ponds and other attenuation run-off techniques originally permitted were operational. The settlement ponds are described in the Ecology Report as functioning to effectively remove all suspended soil and that the collector beside the Rea Hill Road entrance, which accommodates drainage from the site, was also flowing clear. Additionally, no storage of reagent or fuel in the extended site area or bad practices that pose a pollution threat were observed anywhere else on the site by the ecologist.

In its consultation response the Department of Agriculture, Environment and Rural Affairs: Natural Heritage has offered no objections to the findings or recommendations of the applicant's Ecology Report.

It is considered that the space between the earth bunds and linear belts of trees and hedgerows will not impact bats or other natural heritage interests, which may potentially use these linear corridors for commuting, foraging or resting. It is noted that in the intervening period since the submission of the Ecology Report in October 2018 and the preparation of this report that the Case Officer during site visits has not witnessed any loss of trees or hedgerows and can confirm that the observations of the ecologist with respect to good site development practices were being still adhered to.

For the reasons set out above it is considered that the land contouring works have not adversely impacted on natural heritage interests and this aspect of the proposal is therefore compliant with the relevant provisions of PPS2.

Drainage/Flooding/Attenuation Pond and Structural Stability

A Drainage Assessment (DA) has been submitted to accompany the application. The DA seeks to ensure the proposed drainage regime will be able to accommodate the change in run-off from the enlarged application site area now proposed.

Given the extended site area and the relocation of certain elements of plant, an area of approximately 3.88 hectares of hard standing in roofs and roadways is to be accommodated for attenuation purposes. This is an increase of approximately 0.3 hectares over the original drainage calculation of 3.58 hectares, which included the pig sheds and access road as previously granted planning permission.

Due to the enlarged site area an additional 183 cubic metres of water requires attenuation. The volume of water requiring attenuation in the original planning permission was 1,154 cubic metres. In this case the volume of water to be attenuated is 1,337 cubic metres. The attenuation pond now proposed will provide for some 7,500 cubic metres of storage. This is notably in excess of the 1,337 cubic metres of storage required. The pond is also designed to handle storm events and an overflow capacity and free board have been incorporated in its design. It is suggested this safety feature is highly unlikely to ever be required such that the typical run-off from the pond is zero cubic metres. As a failsafe any discharge from the pond which may

be required will firstly be agreed with the relevant authority and secondly that it will utilise the existing 300mm pipe, which was previously used to discharge the sheugh in the line of the attenuation pond.

It is noted that the attenuation pond now proposed is less than half the size of that previously permitted. The applicant's DA states that the reason for the scale of the reduction is that the core purpose of the pond has now changed. Originally it was intended to provide the vast bulk of the water requirements for the pig farm. However, this is no longer the case following connection to mains supply and the provision of a bore hole. Whilst the size of the pond now proposed means that it would retain capacity to accommodate additional storage if required, it is considered that no intensification of surface water run-off from the site is likely to arise.

In addition to the attenuation pond, other sustainable drainage infrastructure techniques to be employed at the site include French Drains, Swales and Reed Beds as well as use of sheughs, a vortex control valve discharging at green field run-off rates attached to a 300mm drainage pipe, natural ground percolation and oil Interceptors. These combine to form the overall drainage regime and function to separate clean and dirty water. The agent advises that the only exception to the separation of clean and dirty water would be in the unlikely event that the Anaerobic Digester tanks and concrete bunding area surrounding the tanks fail simultaneously. The agent advises that in this extreme and unlikely event overland flow will direct the material to the pond. The pond would then have to be closed down and remediated.

Following consultation, DfI Rivers has offered no objections to the methodology, findings or conclusions of the applicant's DA. It is considered the proposal is compliant with the relevant provisions of PPS15 and the application site will not be subject to flooding or will exacerbate flooding elsewhere.

With respect to the structural integrity of the attenuation pond a geo-technical report has been submitted for consideration. It provides a series of recommendations for the construction and maintenance of the attenuation pond to be overseen by a specialist engineer and based on three ground investigations carried out in 2014, 2017 and 2018. The pond is to be clay lined and its embankments constructed using firm to stiff glacial till sourced from the pond excavation or elsewhere on the pig farm should the pond excavation produce insufficient acceptable materials for embankment construction. The pond is to be excavated to a depth of 4 metres. The report identifies that following varying forms of geo-technical analysis a specific design has been selected for the pond. The report concludes that with the addition of a HDPE liner (a form of plastic), a 1 metre free board and an adequate overspill facility, there is no risk of an embankment failure under normal operations for the long term. Should any engineered embankments (gradient 1:2) be required for the purposes of the pond these will be designed and signed off by the geo-technical engineer. In response to objector concerns on this matter the agent contends these characteristics of the attenuation pond address the Bryne Lobby Report referred to in the objections.

The Geo-technical report identifies that there is a potential risk to the attenuation pond where leaked water happens to flow through burrow holes, which may give rise

to potential seepage/internal erosion. The solution provided refers to a post construction inspection and monitoring regime to reduce and manage such a risk for the long term. An example of such a monitoring regime is provided in the geo-technical report. It is the responsibility of the developer under his duty of care to ensure the inspection and monitoring programme, including any remedial work, is undertaken to the satisfaction of the geo-technical engineer.

Several letters of objection have continuously challenged the accuracy of the drainage report, the stability of the attenuation pond and the risk of flooding. The agent and his professional drainage engineer have rebutted these objections on several occasions. They highlight that the assumptions being relied upon by the objector in his calculations are inaccurate and inflate the volumes of water being used for the purposes of the drainage calculations. As noted above, DfI Rivers, the appropriate regulatory body for drainage matters, has offered no objections to the methodology, logic or conclusions of the submitted drainage assessment. Given the perceived flaws in the assumptions being used by the objector it appears his drainage calculations are flawed and significantly over estimate the volumes of water to be attenuated. With respect to flooding the agent's rebuttal identifies that a flood inundation map is not required for an attenuation pond of less than 10,000 cubic metres. The agent contends that should the proposed attenuation pond fail the water will dissipate when reaching the public road. The responsibility for the structural integrity of the attenuation pond rests with the applicant.

Archaeology and Built Heritage

The application site is recorded as being archaeologically sensitive. With reference to the original planning permission an archaeological survey was undertaken and incorporated not only the lands associated with the original planning permission but also lands associated with the current planning application.

The archaeological monitoring phase that was undertaken as part of the archaeological programme of works that was endorsed as part of the original planning permission involved the excavation of 44 test trenches, some of which were located in the lands comprising the current planning application. 'Burnt mounds' (prehistoric water heating features) were the only artefacts of archaeological interest identified and these were located in the southern area of the application site. These have been fully excavated and archaeological planning conditions associated with the original planning permission have been fully discharged.

Notwithstanding that those planning conditions have been fully discharged Historic Environment Division states in its consultation response that in its experience sites of this size are rarely archaeologically sterile and that topsoil removal and the creation or movement of large scale spoil heaps has the potential to directly impact on previously unrecorded below ground archaeological remains.

HED initially advised that in order for the proposal to be acceptable with respect to the policy requirements of PPS6, a further archaeological programme of works would be required involving the re-stripping of disturbed areas of land under archaeological supervision with the purpose of identifying and recording any archaeological remains and making provision for their preservation in situ.

The agent subsequently indicated to HED that the lands forming the application site have already been subject to investigation, that the re-contouring of lands will not in his opinion occur in any archaeologically sensitive part of the application site, that the proposal does not involve excavation that would otherwise disturb any potential artefacts and the requirement to re-strip the earth embankments would be financially prohibitive to his client and unreasonable. The agent also advised that there was no reason to draw a conclusion that even if further test trenches were to be carried out that they would necessarily be in proximity to where the earth embankments are located, irrespective of whether or not they were in place. The agent did however indicate that the applicant would accept the need for further archaeological works to be undertaken in all areas of the application site with the exception of the area of land where the earth embankments are located and also outside the area associated with the original planning permission.

In its final response HED accepts the position of the agent with respect to the earth embankment and has offered alternative planning conditions in relation to archaeological works. In light of the position of HED it is considered that subject to the imposition of appropriately worded planning conditions the proposal will comply with the relevant policy provisions of PPS6 and is therefore acceptable in this regard.

Access, Movement and Parking

Within the Design and Access Statement (DAS) the agent contends that the access serving the pig farm from the Rea Hill Road is in place and that the road itself has been widened as per the requirements of the original planning permission.

In its response, DfI Roads suggests the re-imposition of a planning condition seeking the access to be formed in accordance with submitted drawings prior to the development becoming operational. Subsequent to this the agent has submitted a copy of the road bond provided to the developer by DfI Roads which confirms that the access as provided is in accordance with the drawings endorsed as part of the original planning permission. It is therefore considered that the vehicular access has been formed in accordance with the requirements of the original planning permission. For this reason the draft planning conditions offered by DfI Roads are not considered necessary and the burdens imposed by the original planning permission with respect to highway matters remain in force as that development has been commenced.

The DAS indicates that there will be no increase in traffic to or from the site because of this development proposal and no changes to parking arrangements are proposed. Seventeen (17) spaces are to be provided.

An objector comments that given manure produced by cows will be introduced into the Anaerobic Digesters (ADs) on the site that the Transport Assessment (TA) within the Environmental Statement associated with the original planning permission is flawed. It is contended that additional parking spaces and the impact to the local road network require to be reconsidered in the context of this planning application.

A review of the Officer's planning report for the original pig farm clearly refers to the introduction of cow manure into the ADs. It is therefore not considered that the traffic figures associated with the original planning permission are flawed and require

to be revisited in the context of this planning application. Determining weight in the decision making process is not being attributed to the point of objection as made.

Other Matters

A point of objection states that the period of time to respond to the press advert and neighbour notification letter was unacceptable. The Council is content it has discharged its responsibilities as set out in the Planning (General Development Procedure) Order (NI) 2015 with respect to publicity and neighbour notification of the planning application and has provided the requisite period for representations to be made prior to a decision being made by the Council. It is also normal to consider all representations made in respect of a planning application up to the point when a decision is made. The letter of objection was received on 12th November 2018. No further representation has been received from this specific objector in the intervening period of approximately 2 years.

The Council acknowledges the points of objection made regarding the perceived inadequacies of the pre-application community consultation event and subsequent report. Notwithstanding the perceptions of objectors, the Council considers that the applicant has satisfied the statutory requirements of the Planning Act (NI) 2011 and the Planning (Development Management) Regulations (NI) 2015. For this reason determining weight in the decision making process is not attributed to the points of objection as made.

Points of objection identify that there is conflict between the answers provided to questions 16 and 21 of the P1 Planning Application Form. The objection also argues that questions 21 – 23 need answered and that the proposal is a change of use from agriculture to industrial development usage. Question 16 of the application form refers to the source of water supply and question 21 refers to industrial development. It is not clear how questions 16 and 21 conflict with one another given they ask for information about two different and non-related things. It is not considered that an 'industrial' use was originally permitted or is being sought permission for in this case. Given this conclusion question 21 of the application form, relating to industrial development, is not relevant. Whilst question 22, which asks for information about the anticipated daily water requirements, has been answered with 'N/A' (not applicable), it is noted that NI Water has offered no objections to the development proposal in its consultation response. This matter is not considered to be determining.

A point of objection is made that the applicant should be obliged to return to the original approval, as it was his responsibility to adhere to the initial planning permission granted. The Council does not condone development being carried out without the benefit of planning permission. Nevertheless, it is acknowledged that certain changes will inevitably arise during the construction phase of a development scheme for a variety of reasons and scope exists within the planning system for developers to seek retrospective planning permission for development already carried out. In this case, some of the works carried out by the developer that do not accord with the original permission were prompted by health and safety reasons arising during the construction phase. For these reasons it is considered appropriate to assess the merit of what has occurred in the context of this planning application and determining weight is not being attributed to the points of objection as made.

A point of objection argues that submitted drawings do not show all the earth bunds. The planning officer is content that submitted drawings are accurate and identify the correct locations of the existing earth embankments.

Several objection letters request a new Environmental Statement (ES) be submitted for several reasons including the cumulative impact with other existing and proposed pig farms, that 'project splitting' is an issue and that the Council has not consulted with any other EU Member State. Additionally, comments are made with respect to the impact of the proposal on protected species and habitats, that environmental information is flawed and makes no assessment of impact on water quality, that no bio-aerosol risk, ammonia risk or particulate matter consideration has been undertaken.

With reference to the current planning application the Environmental Impact Assessment 'screening determination' considered that it is evident that the pig farm buildings, the number of pigs accommodated within the pig sheds and the processes being undertaken are not subject to change as this does not form part of the current development. As such the likely significant environmental effect has not altered from that which was previously considered to be acceptable. It is noted that some associated plant has been re-sited and requires retrospective planning permission but this does not alter the processes undertaken in the pig farm, which have previously been granted planning permission. The production of a new Environmental Statement is not considered necessary given that the Pig Farm operational processes are not being changed by the current application. For this reason reference by objectors to the assessment of ammonia etc is not relevant to the consideration of the current planning application. Given this conclusion it is not considered that there is a requirement to consult with other EU Member States. For the reasons set out above determining weight in the decision making process is not being attributed to the points of objection as made.

Letters of objection allege that the Habitats Regulation Assessment undertaken during the course of the original planning application was flawed for various reasons. The current planning application does not relate to the number of pigs in the facility, the sheds in which they are housed, farming practice and husbandry, issues associated with ammonia emissions, slurry spreading or nutrient management plans. For this reason, reference made by objectors to issues they perceive to be associated with the HRA undertaken previously are not relevant to the assessment of the application under consideration. Determining weight in the decision making process is not being attributed to the points of objection as made. It is noted that a Habitats Regulations Assessment has been undertaken for this proposal and that DAERA does not object in principle to this planning application.

A further point of objection states that the Anaerobic Digesters (AD) are still not the recommended 250m away from the nearest third party receptor, that the risk of explosion is very high and that this issue is widely under-reported. It is noted that the ADs associated with the operation of the pig farm are referred to in the description of development for which retrospective planning permission is being sought. It is also noted that the ADs are located in exactly the same position when compared to the original planning permission and one of the two permitted ADs has been constructed. The appropriateness or acceptability of the location of the ADs is not therefore being assessed in the context of the current planning application. For this

reason determining weight in the decision making process is not being attributed to the points of objection as made.

With respect to the increased risk of fire/explosion and the lack of a risk assessment the PAC commented that each of the different guidance documents submitted by the objector at the appeal each had different recommendations on what is a safe separation distance between ignition sources and the Anaerobic Digesters. As such the PAC considered that the documents had limited weight in determining whether or not the relocation of the CHP plant presents an increased or unacceptable safety risk to human health. The PAC also noted that no guidance for Northern Ireland was presented. Given the position of the PAC, which has already commented on this matter and that no new material considerations have been identified, determining weight in the decision making process is not being attributed to the points of objection as made.

Points of objection refer to the relocation of the CHP unit as causing excessive noise and nuisance, an increased risk of fire/explosion due to its closer proximity to the ADs and that no assessment of risk regarding this relationship has been undertaken. The CHP carbon scrubber unit is not referred to in the description of development for which retrospective planning permission is being sought and the PAC has granted planning permission for this piece of infrastructure in its appeal decision reference 2018/E0013 and commented that it would not give rise to a noise nuisance to third party receptors.

An objection challenges whether or not the mains water supply and/or borehole will have sufficient capacity to deal with a fire or explosion. It is noted that NI Water offers no objections to the development proposal and comments that a pre-development enquiry is required to determine if there is capacity to serve the proposal from the public water supply. Should NI Water have capacity to serve the development the water supply will likely be sufficient to deal with a fire and the borehole will provide an additional supply of water. If NI Water does not have public water supply capacity the developer would be required to revisit this issue with an alternative form of water supply which may require the developer to apply for planning permission. For these reasons determining weight in the decision making process is not being attributed to the points of objection as made.

A point of objection comments that changes to construction and associated risk assessments have not been documented. It is the position of the Council that risk assessments regarding changes to construction techniques are not material planning considerations in the determination of a planning application. As noted earlier in this report the applicant has provided fire risk assessments to the Fire and Rescue Service which has visited the site and agreed with the assessments. It has also been noted that fire risk assessments will continue to be produced in the future to assist with reducing the risk of fire at the pig farm. Determining weight in the decision making process is not being attributed to the point of objection as made.

A point of objection argues that the application site and the pig farm have been subdivided and a new business has been introduced onto the lands. During site visits the planning officer did not witness any evidence that would support the objector's assertion and for this reason determining weight in the decision making process is not being attributed to the points of objection as made.

A point of objection asserts that a full assessment of the consequences of a catastrophic event should be undertaken and that manufacturer information should not be relied upon. It has been noted earlier in this report that the applicant has provided the necessary fire risk assessments to the Fire and Rescue Service and that changes to the location of varying pieces of plant has arisen due to health and safety reasons. The concrete bund around the Anaerobic Digesters for instance is to contain any potential spillages or leaks enabling the appropriate management of the issue. The volume of water in the attenuation pond has been significantly reduced and a specialist professional engineer has designed the pond and will oversee its construction. The Geo-technical report concludes that subject to regular maintenance there is a very limited likelihood of failure over the long term. The applicant has a duty of care to his livestock and local residents. Subject to best practice construction techniques and regular maintenance and monitoring it is not considered likely that a catastrophic failure will occur. For these reasons determining weight in the decision making process is not being attributed to the points of objection as made.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The principle of a pig farm development at this location has previously been granted planning permission by the Council's Planning Committee, the development of which has commenced.
- The re-contouring of the land and formation of the planted earth bunds to the site boundaries is considered preferable in visual amenity terms when compared to the three large and prominent earth mounds that were originally permitted as they will provide a more natural appearance to the landform and assist with integrating and screening the development.
- The silo building and its control switch room are considered acceptable and have already been granted planning permission by the Planning Appeals Commission.
- The extension to the bio-digester concrete bund is required for reasons of health and safety and this has prompted the movement of other pieces of plant. The movement of these pieces of plant is considered acceptable as they will not create a noise nuisance to nearest sensitive receptors and are acceptable in design terms as they are clustered and will be read with the larger pig sheds, other structures associated with the pig farm development and the rising landscape to the north, which provides a backdrop.
- There will be no unacceptable impact to natural heritage interests and the landscaping of the earth embankments that can be controlled by planning condition will help promote enhanced bio-diversity in the future.
- The drainage regime, attenuation pond and its structural stability are considered acceptable and have been demonstrated as not likely to cause flooding of the application site or exacerbate flooding elsewhere.
- The protection and recording of potential archaeological artefacts can be controlled by appropriately worded planning conditions.
- Access, movement and parking matters are not impacted upon by this development proposal and are considered acceptable.
- Letters of objections have been considered throughout this report: and
- There are no objections from consultees.

RECOMMENDATION :	GRANT PLANNING PERMISSION
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PROPOSED CONDITIONS

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. No further site works of any nature shall take place in the area hatched black in drawing 11, date stamped received 19th November 2020 until a Programme of Archaeological Works for this area (with the exception of the existing earth embankments edged green in the same plan), prepared by a qualified archaeologist, is submitted to the Council for its written approval.

This Archaeological Programme of Works shall be submitted to the Council within 12 weeks of the date of this decision and agreed in writing with the Council.

The Programme of Works shall provide for:

- The timeframe for the required works to be undertaken
- The identification and evaluation of archaeological remains within the site.
- Mitigation of the impacts of development through licensed excavation recording or by preservation or remains in situ.
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary: and
- Preparation of the digital, documentary and material archive for deposition.

No site works of any nature or development shall take place other than in accordance with the Programme of Archaeological Works as approved by the Council.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

3. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the Programme of Archaeological Works approved under Condition 2. These measures shall be submitted to the Council within 12 months of the completion of archaeological site works, or as may otherwise be agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analyzed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

4. The existing natural screenings of the site, as indicated in green, on approved drawing No. 1, date stamped received 11th October 2018 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to their removal.

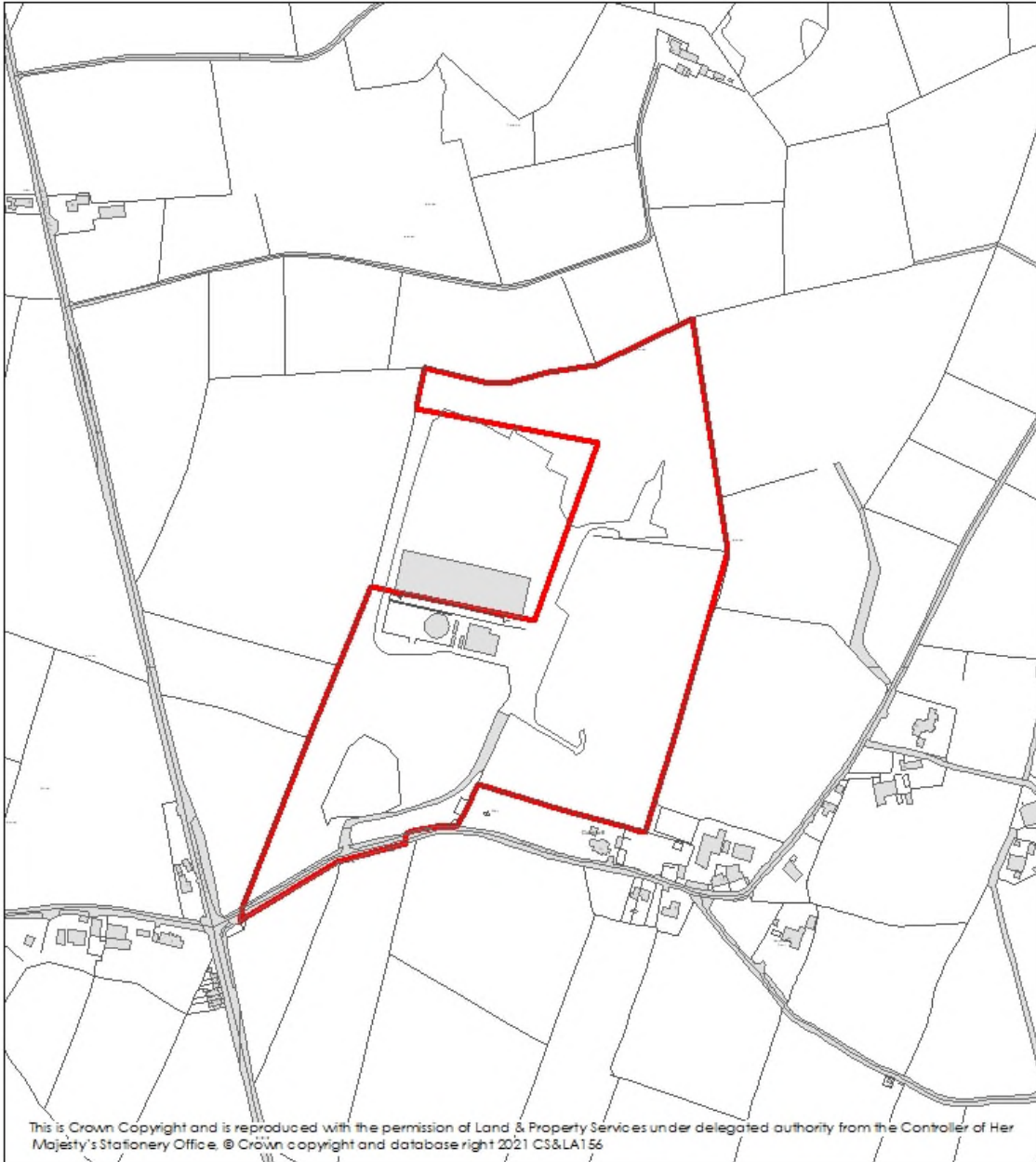
Reason: To safeguard the amenities of neighbouring occupiers, in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

5. Landscaping for the development hereby permitted shall be undertaken in accordance with the landscape scheme indicated in drawing ref: 03/1, date stamped received 16th October 2018, to be implemented in accordance with a Phasing Programme for the delivery of these works that is to be submitted to the Council within 12 weeks of the date of this decision and agreed by the Council in writing.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

6. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

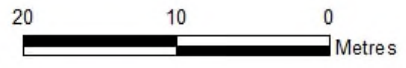
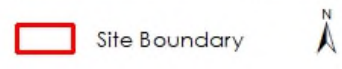
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.



Location Map

Application Reference: LA03/2018/0918/F

Retention of existing silo building to include control switch room. Re-contouring of land including earth mounding/earth bunds (part proposed and part existing). Provision of attenuation pond) and flood attenuation depression tank. Retention of bunded area around bio-digester plant, existing plant and machinery including (i) stand by generator (relocated 20 metres east of previously approved location), (ii) emergency flare (iii) boiler, manifold and pump block. Includes amendments to Planning Permission LA03/2015/0051/F and the retention of development works beyond the previously approved site boundary.



Lands 166 metres North West of no. 10 Reahill Road
Newtownabbey

For Information Only



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2019/0768/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	APPLICANT DECLARED INTEREST
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Retention of re-contouring of land including earth mounding/earth bunds and proposed re-profiling of earth bunds along western boundary of approved pig farm (LA03/2015/0051/F).
SITE/LOCATION	Approx 320m NW of 10 Rea Hill Road, Newtownabbey
APPLICANT	Hall's Pig Farm
AGENT	MKA Planning Ltd
LAST SITE VISIT	November 2019
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the countryside, approximately 320 metres northwest of No.10 Rea Hill Road.</p> <p>The Council's Planning Committee granted planning permission for a pig farm development at this location under reference LA03/2015/0051/F on 23 November 2016 and this development has been partially implemented and construction works are ongoing at the site.</p> <p>The lands associated with the current planning application are located along a portion of the western boundary of the approved pig farm and are located adjacent to where the pig sheds are to be sited. The pig sheds and their permitted locations do not form part of the lands associated with the current planning application. The earth embankment which is subject of this application has been formed and is evident on site.</p> <p>The works completed to date in association with the approved pig farm development include one anaerobic digester and associated concrete bunding, the silo bay and clamp, control switch room and plant equipment including the stand by generator, CHP carbon scrubber, boiler, manifold and pump block and one of the four approved pig sheds. This shed is currently used to house weaner pigs and as a consequence the pig farm is deemed to be operational.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2015/0051/F Location: Lands 166m north west of 10 Reahill Road, Newtownabbey, BT36 5SF,</p>	

Proposal: Proposed Pig Farm to include 4 no. Pig Houses with air scrubber units and associated water and waste holding tanks, slurry scraping system, pedestrian hand rails, anaerobic digester plant, 2no. Digestate tanks, slurry tanks, combined heat and power and carbon scrubber, gas flare, control and pump room, standby generator, silo camp, silo bay with digestate loading area, office, store, gates and security fencing, dead stock storage, wheel wash facilities, weighbridge, sheugh alterations, septic tank, reed bed, pond, fuel storage tanks, petrol interceptors, fire hydrants, new access road onto Reahill Road, proposed widening of a section of Reahill Road. across site frontage, recontouring of land within the site with landscaped bunds, tree and shrub planting, lighting to include bollard, bulkhead and column fittings.
Decision: Permission Granted: 24.11.2016

Planning Reference: LA03/2018/0765/F
Location: Lands 214m NW of 10 Reahill Road, Newtownabbey,
Proposal: Retention of CHP plant
Decision: Application Withdrawn: 08.02.2019

Planning Reference: LA03/2017/0023/CA (PAC Reference: 2018/E0013)
Location: 225 metres northwest of 10 Rea Hill Road, Carntall, Newtownabbey
Proposal: Building (silo) and CHP carbon scrubber
Decision: Enforcement Notice quashed, Planning Permission Granted : 31/1/19

Planning Reference: LA03/2018/0918/F
Location: Lands 166 metres North West of no. 10 Reahill Road, Newtownabbey.
Proposal: Retention of existing silo building to include control switch room. Recontouring of land including earth mounding/earth bunds (part proposed and part existing). Provision of attenuation pond (reduction in size from that previously approved). Proposed landscaping and other works. Retention of bunded area around bio-digester plant. Retention of existing plant and machinery including (i) stand by generator (relocated 20 metres east of previously approved location), (ii) emergency flare (relocated approx. 41 metres south west of previously approved location), (iii) boiler, manifold and pump block (approx. 22 metres east of previously approved location). This application includes amendments to Planning Permission LA03/2015/0051/F for a proposed pig farm and the retention of development works beyond the previously approved site boundary.
Decision: Under Consideration.

PLANNING POLICY AND GUIDANCE

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which remains at the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Belfast Urban Area Plan, draft Newtownabbey Area Plan and draft Belfast Metropolitan Area Plan: The application site is located outside any settlement limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 2: Natural Heritage: sets out planning policies for the conservation, protection and enhancement of our natural heritage.

PPS 21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

No consultations were carried out on this application.

REPRESENTATION

No neighbours were notified of the application as no occupied properties abut the site. No letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development
- Impact on Character and Appearance of the Area
- Natural and Built Heritage
- Residential Amenity
- Flooding and Drainage
- Other Matters

Policy Context and Principle of Development

The Council's Planning Committee granted planning permission for a pig farm development at this location under reference LA03/2015/0051/F on 23 November 2016. Development on foot of this planning permission has since commenced. As a consequence, the principle of development for a pig farm on the majority of the lands associated with this planning application has therefore been established.

The lands associated with the current planning application are located immediately west of the location where the pig sheds are to be sited. As noted above in the site description, one pig shed, several pieces of plant equipment (including an

anaerobic digester), the silo building and other structures have now been erected and earth embankments have been formed at the edges of the site.

The earth embankment which is subject of this application has been formed and is evident on site. This existing earth embankment is proposed as being re-profiled and reduced in height such that it will be approximately 2 metres in height and approximately 5 – 6 metres wide at its widest point.

The principle of development for these engineering operations can be established subject to compliance with relevant planning policy and other material considerations as set out below.

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

Whilst there is currently no statutory development plan in place for the area where the development is proposed, the provisions of both the draft Newtownabbey Area Plan and the draft Belfast Metropolitan Area Plan are considered to be material considerations in assessment of the current application. Both of these Plans identify the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It also states that planning permission will be granted for non-residential development relating to agricultural and forestry development in accordance with Policy CTY12 of PPS21.

Given that the development of a pig farm at this location has previously been granted planning permission and has commenced, it is considered that Hall's Pig Farm is an active and established agricultural holding and meets with the requirement of Policy CTY12 in this respect.

Subject to the various elements of the proposal complying with relevant regional policy the principle of development can be established. This consideration is set out below.

Impact on Character and Appearance of the Area

The agent contends that the earth embankment subject of this planning application provides greater screening and limits the visual impact of the approved pig farm development, particularly from the Carntall Road and that the earth embankment helps to physically and visually separate the pig farm from the adjacent farm land and livestock. Additionally, the agent points to a letter of objection recorded against the parallel planning application (LA03/2018/0918/F), in which it is stated that the earth embankments around the pig farm are a 'good idea' and that this screening, topped with trees and shrubs, is much more in keeping with planning policy, and more preferable to the three earth mounds as originally approved.

With reference to the general appearance and scale of the earth embankment as proposed and which is to be approximately 2 metres in height and approximately 5 – 6 metres wide at its widest point, it is considered that the embankment is appropriate to its location when assessed against the much larger and previously approved earth mounds, the number of largely scaled pig sheds in very close proximity to the earth embankment and also the range of associated plant equipment, which is present on the pig farm.

With respect to the visual integration of the earth embankment it is considered that its proposed overall height of approximately 2 metres is reasonably modest and comparable with the heights of existing hedgerows in the general vicinity of the pig farm and in particular the existing hedgerow located immediately adjacent to and west of this embankment. It is considered the proposal meets with the requirements of Policy CTY12 in this respect.

Although submitted drawings indicate that the embankment is to be subject to landscaping no specific planting details have been provided with this application. It is considered that the landscaping of the earth embankment will improve its appearance and relationship with the context of the receiving environment. An appropriately worded planning condition can require the submission of a detailed landscaping proposal within a specified time frame and that a phasing plan be provided that will indicate the delivery point for the re-profiling of the earth embankments and the provision of the landscaping, should planning permission be granted. For these reasons it is considered the proposal meets with the requirements of Policy CTY12 in this respect.

Natural and Built Heritage

With reference to features of the built heritage it is noted that there are no archaeological interests associated with the application site given previous archaeological investigations associated with the pig farm development. Regarding natural heritage features it is considered that given the separation distance and shape of the earth embankment there is sufficient space for animals to commute, rest and forage for food such that no adverse impact to natural heritage interests will result. The landscaping of the earth embankment with native species planting, which can be controlled by a suitably worded planning condition should planning permission be granted, will act to promote bio-diversity and improve habitat. This is a

matter which weighs in favour of the development. It is considered that the proposal meets with the requirements of Policy CTY12 in this respect.

Residential Amenity

Given that there are no existing dwellings in the vicinity of this earth embankment there are no issues of residential amenity relevant to the assessment of this development proposal. It is considered that the proposal meets with the requirements of Policy CTY12 in this respect.

In summary, for the reasons set out above, it is considered that the proposal is compliant with the relevant provisions of Policy CTY12 of PPS21.

Flooding and Drainage

The agent states that the existing earth embankments surrounding the pig farm and which includes the earth embankment subject of this application, seals off the pig farm off from the external neighbouring land and that the earth embankments have been designed to ensure that all surface water run-off within the confines of the pig farm development is diverted through the internal drainage systems, which provides greater control and assurance for the applicant.

It is not considered that the earth embankment will significantly or otherwise adversely impact to potential flooding of the pig farm nor will it exacerbate flooding elsewhere. The earth embankment shall largely accommodate rainfall via natural ground percolation but which has been designed to ensure that all surface water drainage within the pig farm development is diverted through the internal drainage systems. It is noted that the wider drainage regime serving the pig farm has been considered by DfI Rivers, the competent authority for drainage related matters, and which has offered no objections to the development proposal.

For the reasons set out above it is considered the proposal is compliant with the relevant provisions of PPS15.

Other Matters

A retaining wall is indicated in the submitted plans in and around the earth berm at the northern side of the application site. This feature of development has previously been granted planning permission and the Council has no reason to revisit this matter.

Given the requirement to retain vehicular access to the western sides of the pig sheds, that the retaining wall will largely be invisible given its location along the northern section of this boundary and the close proximity of the earth embankment and the pig sheds, this feature of the development proposal is considered acceptable.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The principle of the development is acceptable as the proposal meets with the provisions of relevant planning policy.
- The earth embankment will not have an unacceptable adverse impact to the character and appearance of the area.

- The height, shape and scale of the earth embankment will assist in screening and integrating the pig farm from critical views.
- The landscaping of the earth embankment with native species planting can be controlled by a suitably worded condition and will assist in promoting bio-diversity and habitat.
- There are no natural or built heritage interests that will be impacted upon by this proposal.
- There are no residential amenity issues.
- The proposal will not give rise to flooding or exacerbate flooding elsewhere.
- No objections have been received.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. Within 12 weeks of the date of this decision a phasing plan indicating the time period for the reduction in height and re-profiling of the existing earth embankment in accordance with the details set out in drawing ref: 02, date stamped received 5th September 2019, shall be submitted to and agreed in writing by the Council.

The reduction in height and re-profiling of the existing earth embankment shall be carried out in accordance with those phasing details and within the identified time period or as may otherwise be agreed in writing with the Council.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

3. Within 12 weeks of the date of this decision a landscaping scheme and implementation plan shall be submitted to and agreed in writing with the Council showing the location, numbers and sizes of native species trees and native species shrubs to be planted along the earth embankment as reduced in height and re-profiled.

The scheme of planting as finally approved shall be carried out in accordance with the implementation plan agreed with the Council.

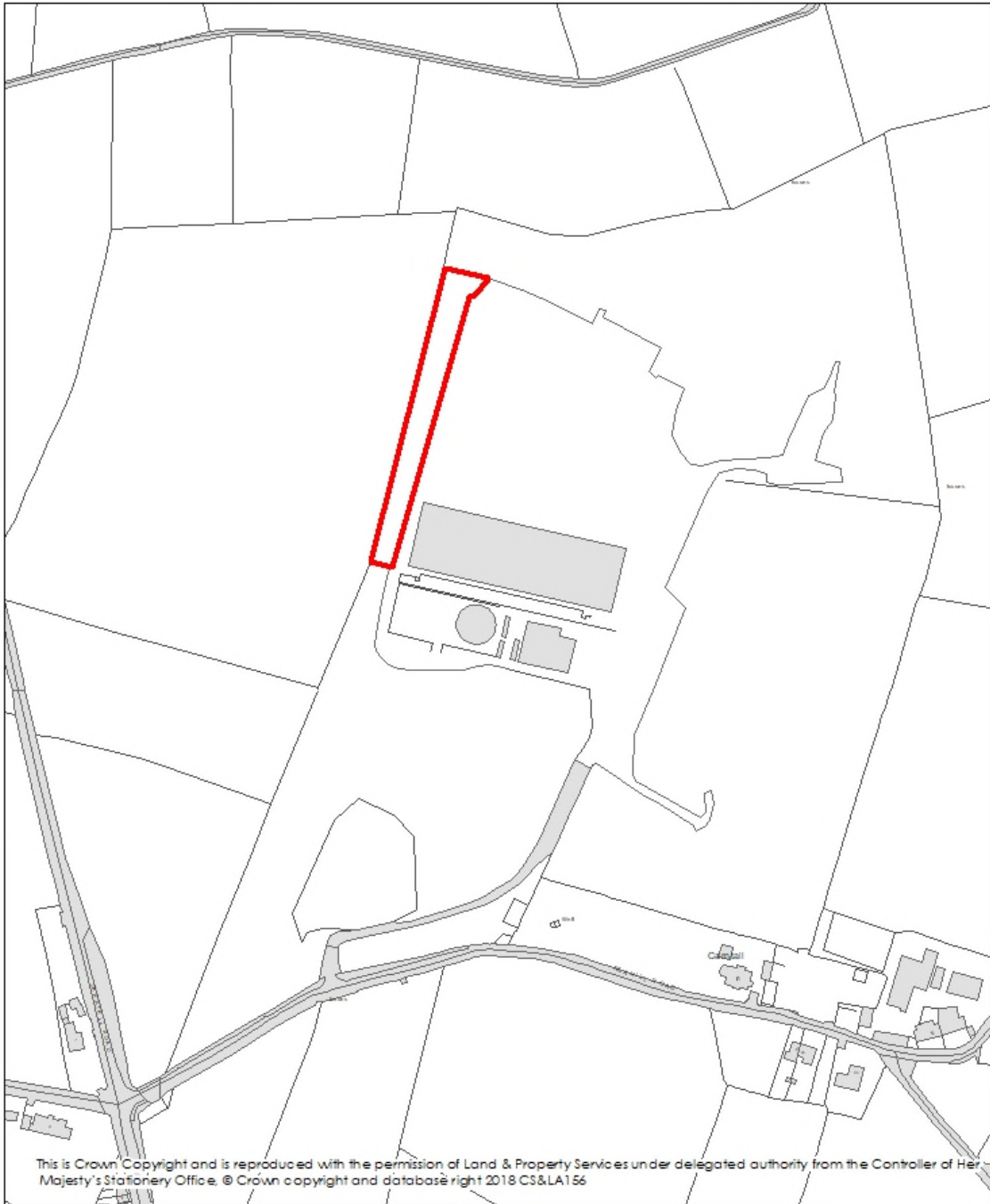
Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

4. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

5. The existing natural screenings of this site, as edged green in drawing ref: 01, date stamped received 5th September 2019, shall be retained unless necessary to prevent danger to the public in which case a full explanation and a scheme of compensatory planting shall be submitted to and agreed in writing with the Council, prior to the removal of those screenings.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.



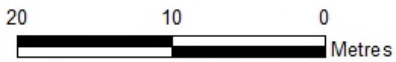
Location Map

Application Reference: LA03/2019/0768/F

Retention of re-contouring of land including earth mounding/earth bunds and proposed re-profiling of earth bunds along western boundary of approved pig farm (LA03/2015/0051/F)

Approx 320m NW of 10 Rea Hill Road
Newtownabbey

 Site Boundary



For Information Only

COMMITTEE ITEM	3.4
APPLICATION NO	LA03/2020/0082/F
DEA	AIRPORT
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	17 dwellings (Change of house types to previously approved sites 11-27 under LA03/2015/0173/F). The proposal involves alterations to the location and curtilage of 5 previously approved dwellings and also for 12 new dwellings consisting of 4 townhouses and 8 semi-detached houses.
SITE/LOCATION	Portion of lands at Trench Lane to the east of Ballymartin Water and west of housing developments at Parkmount Road, Tudor Park and Hyde Park Manor, Mallusk, Newtownabbey, BT36 4PA
APPLICANT	Trench Lane Development Ltd
AGENT	Big Design Architecture
LAST SITE VISIT	January 2021
CASE OFFICER	Steven McQuillan Tel: 028 90340421 Email: Steven.McQuillan@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The site is located at Trench Lane, Mallusk and comprises 0.66 hectares of the wider 2.83 hectare site that has previously been approved for residential development. The Ballymartin Water/Flush River (which is well treed) defines the wider western boundary of the site and Trench Lane (a public right of way) defines the eastern boundary.</p> <p>There is a rise in gradient from north to south with a gradual decline towards the river. On the opposite side of Trench Lane, there are existing housing developments, namely Hyde Park Manor, where access is to be afforded to the site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2015/0173/F Location: Lands at Trench Lane, to the east of Ballymartin Water, adjacent and west of housing developments at Parkmount Road, Tudor Park and Hyde Park Manor, Mallusk, Newtownabbey (BT36 4PA) Proposal: Housing development comprising 43 No. dwellings and associated site works, landscaping with access from Trench Lane Mallusk (with additional access onto Trench Lane from Hyde Park Manor) Decision: Permission Granted (18.06.2019)</p> <p>Planning Reference: U/2003/0800/F Location: Land adjacent to Trench Lane, with entrance from Hyde Park Manor, Mallusk. Proposal: Erection of housing development containing 35 houses and 18 apartments Decision: Permission Granted (09.02.2007)</p>	

PLANNING POLICY AND GUIDANCE

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which remains at the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Belfast Urban Area Plan (BUAP): The application site is located within the settlement limit of Metropolitan Newtownabbey.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the settlement limit of Metropolitan Newtownabbey.

Draft Belfast Metropolitan Area Plan (Published 2004): The application site is located within the development limits of Metropolitan Newtownabbey.

Draft Belfast Metropolitan Area Plan (Published 2014): The site is located within the development limits of Metropolitan Newtownabbey and the site is zoned for housing under MNY 03/10 'Land at Hyde Park Road, east of Ballymartin Water'. This is a 'Committed Housing Site' for which there are no Key Site Requirements. The western portion of the site is located within a Local Landscape Policy Area under Designation MNY 34 - Ballymartin Water Local Landscape Policy Area. Policy for the control of development in Local Landscape Policy Areas is contained in Policy ENV 1 of the Plan.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 2: Natural Heritage: sets out planning policies for the conservation, protection and enhancement of our natural heritage.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 7: Quality Residential Environments: sets out planning policies for achieving quality in new residential development. This PPS is supplemented by the Creating Places Design Guide.

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas: sets out planning policy and guidance on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements. It also sets out policy on the conversion of existing buildings to flats or apartments and contains policy to promote greater use of permeable paving within new residential developments.

PPS 8: Open Space, Sport and Outdoor Recreation: sets out planning policy for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation.

PPS 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people, property and the environment.

CONSULTATION

Council Environmental Health Section - No objection

Department for Infrastructure Roads - No objection subject to conditions

Department for Infrastructure Rivers - No objection, although they advise it has not been demonstrated that the condition, management and maintenance regime of Boghill Dam Reservoir is appropriate to provide sufficient assurance regarding reservoir safety.

REPRESENTATION

Eleven (11) neighbouring properties were notified and forty nine (49) letters of representation have been received. Forty one (41) of these representations are the same letter organised by Mallusk District Community Support but signed by different people.

Two (2) of the other representations would appear to be from the same person from different email addresses and two (2) other representations are from the same address raising the same matters.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

A summary of the key points of objection raised is provided below:

- Concerns that the objector's boundary will be unsecure as there are no details of how it is to be finished;
- The location map is not accurate with respect to the objector's driveway;
- No one in Hydepark Manor has been consulted;
- Increased traffic through Hydepark Manor as sole means of access;
- Dirty roads from construction creating public safety hazard in Hydepark Manor; and
- House types not in keeping with the character of existing houses in the area;

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Principle of Development
- Density
- Design, Appearance and Layout
- Impact on Character and Appearance of the Area
- Nature Conservation
- Neighbour Amenity
- Other Matters

Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, (the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application.

The application site lies within the settlement limit of Metropolitan Newtownabbey as defined within the BUAP and both versions of draft BMAP. In BMAP the site is zoned for housing under MNY 03/10 'Land at Hyde Park Road, east of Ballymartin Water'. This is an area with previous approvals for residential development on the site (i.e. U/2003/0599/F, U/2003/0800/F, U/2007/0656/F, U/2011/0331/F & U/2013/0002/F). Planning permission was granted under LA03/2015/0173/F on 18th June 2019 for 43 units on the wider site (17 of which relate to the current site) and this remains live to 18th June 2024. In addition, a letter issued by DOE Planning in 2012 confirms the commencement of the U/2003/0800/F (an application for 53 units). On the basis of the planning history and letter of confirmation from DOE Planning, the applicant has a fallback position and could therefore complete the residential development on the site in accordance with U/2003/0800/F or ultimately LA03/2015/0173/F (provided it is lawfully commenced before 18th June 2024).

In view of the following matters:

- the location of the site within the Metropolitan development limit in BUAP and draft BMAP;
- The zoning of the site for residential purposes in the 2014 version of BMAP; and
- critically the planning history of the site with a current extant approval for a larger number of dwellings was granted and commenced.

Taking these points into consideration it is considered that the principle of housing development on the site is acceptable subject to other material considerations noted below.

Density

Paragraph 6.137 of the Strategic Planning Policy Statement emphasises that within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity of the second addendum to PPS7 deals with the issue of density within residential areas. It states that the proposed density should not be significantly higher than that found in the established residential area. Given the layout and density of the adjacent residential development on all sides, it is considered that the density of the proposed development is broadly in keeping with its surroundings and will not result in an adverse impact on the character of this area. In addition, the current application site was approved for 17 units under LA03/2015/0173/F in the form of apartments, semi-detached dwellings and detached dwellings. Under the current proposal, there is no change to the number of units, however, the layout has been altered in terms of road layout and the removal of the apartment block to be replaced by a small terrace and semi-detached buildings. This type of residential development is in keeping with the character of the area.

Design, Appearance and Layout

The current policy direction is to make more efficient use of urban land, but cautions that overdeveloped and unsympathetic schemes will not be acceptable in established residential areas and that schemes should be sensitive in design terms to people living in the existing neighbourhood and to local character. Para 4.34 of the SPPS indicates that one of the keys to successful place-making is the relationship between different buildings and the relationship between buildings and streets and the compatibility of a development with its immediate and wider context, and the settlement pattern of a particular area.

Although imaginative and innovative forms of housing are encouraged, this is qualified in existing residential areas with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS7 reiterates the need for sensitivity and in Policy QD1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

The proposed scheme consists of 17 dwellings, 2 of which are detached dwellings, 11 are semi-detached dwellings and 4 dwellings form part of a terrace. The main alteration from approval LA03/2020/0082/F is the removal of the large apartment block and its replacement with a more linear, traditional form of residential development. The 4 no. terrace dwellings are located in a key location in the site and will become the first view of the development on approach from Hyde Park Manor. Whilst a terrace development would not normally be considered a high quality dwelling type, the proposed design creates a landmark building visually on approach, symmetrical in scale and design. Whilst the parking to the front somewhat adds an element of clutter, this is common practice in residential developments. This will be broken up by proposed landscaping and extensive front garden areas providing greenery to soften its impact.

The proposed height of the dwellings is 9m, although the landmark building measures approximately 9.6m at its highest central point. Under LA03/2015/0173/F, the

landmark apartment block measured 10.8m in height and the dwellings ranged from 8.5m - 9.5m. The ridge heights are similar to those previously approved and the finishes are the same as those previously approved, notably red facing brick with white render and dark grey non-profile roof tiles. The design of 5 dwellings remains the same, although the curtilage and/or locations of these dwellings have slightly altered (Sites 11, 12, 13, 26 & 27) to accommodate sites 14-25 as follows:

Site 11 – Reduction in private amenity space from 318sqm to 198sqm, which is acceptable. Site 12 & 13 – Movement of dwellings closer to the road (south) by approximately 2m and reduction in private amenity space. Both amenity spaces are in excess of the requirements in 'Creating Places' and there is no objection to either alteration. Sites 26 & 27 – Movement of dwelling No. 26 south by approximately 7m and reduction of the curtilage of both dwellings, however, private amenity space remains well in excess of minimum requirements. These alterations are considered acceptable.

The design of dwelling Nos. 14-25 is similar in nature to that previously approved. An objection has been raised that the design is not in keeping with the existing character of the area. As noted above, the policy test is 'unacceptable damage to local character, environmental quality or residential amenity'. The design of dwellings approved under LA03/2015/0173/F is key given that development is ongoing on the wider site and the previous approval can be implemented in full. The proposed dwellings maintain their front triangular dormer projection, however, rather than red brick constituting the front projection top to bottom, the red facing brick has been designed along the lower regions of the dwellings, which adds a bit of variety to the design and is more in keeping with Hydepark Manor. All upper floor side elevation windows are proposed to be opaque glazing which respects the amenity of adjacent dwellings. The amenity spaces also meet the requirements set out in 'Creating Places'.

In terms of the boundary treatments, all fencing is proposed to the rear of the dwellings and none located at key visual locations. Key visual boundaries will be privacy screen walls consisting of red brick (in keeping with the character of the dwellings) which will add a higher quality finish, not only to these locations but to the development as a whole.

A notable change to the layout is the removal of an access point to the rear Conservation & Landscape Zone that was located to the rear of the approved apartments. Whilst this is not ideal, there is access to this area located approx. 50m north of the application site and this can be utilised where necessary, and thus would not warrant refusal of the application.

Neighbour Amenity

With regard to the impact that the proposed development may have on the amenity of adjacent properties, the existing dwellings within mainly Hydepark Manor, will largely back onto or sit gable onto Trench Lane. The proposed dwellings front onto Trench Lane with approximately 12.5m from the front elevation of the closest properties to the common boundary of existing properties. In addition, an existing mature hedge is to be retained along this boundary. The proposed dwellings opposite Nos. 77 & 96 – 104 (even numbers only) Hydepark Manor are located further away than the previous approval under LA03/2015/0173/F by a further 10-12m, giving

a separation distance of approximately 25m to the boundary of these dwellings. The closest back-to-back relationship between dwellings is 20m at site 26/No. 78, however, in all other circumstances, the separation distance from building to building ranges from 32m – 45m. It is considered that there are adequate separation distances and a separating landscape boundary which will prevent any significant impact in terms of overlooking, dominance, overshadowing or loss of light.

The occupier of No. 96 Hydepark Manor has raised concerns with the proposed development on their rear boundary and that it may be left unsecure. The rear boundary is currently defined by landscaping. The proposed plans note "the existing landscape to boundary to be retained maintained and augmented as necessary to provide a solid screen to adjacent developments". Any potential approval can be conditioned to secure the retention of this existing boundary and the occupier can plant additional landscaping should it be deemed necessary.

In terms of the design and layout, the proposed development will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. It is considered that the proposal respects both the existing and approved development within the area and will not have a detrimental impact in terms of neighbour amenity and therefore complies with Policy QD 1 of PPS 7 'Quality Residential Environments'

Nature Conservation

The western portion of the wider site around Ballymartin Water is a designated Local Landscape Policy Area (Designation MNY 34 – Ballymartin Water Local Landscape Policy Area), where the provisions of Policy ENV 1 apply. This states that in designated areas, planning permission will not be granted for development that would likely have an adverse impact on those features, or combination of features, that contribute to the environmental quality, integrity or character. In this case, specifically the Ballymartin Water corridor. The red line of the application site is mainly outside the designation (falls within LA03/2015/0173/F and the conditions of this approval apply to this area), however, importantly the curtilage boundaries of these properties do not extend any further than the boundary of current extant planning approval LA03/2015/0173/F. This river corridor and riverside vegetation is to be retained and an amenity area provided adjacent to this with access to it located approximately 50m north of the application site. It is considered that the proposal therefore complies with Policy ENV 3 of BMAP.

Other Matters

Other issues raised in representations

The occupier of No. 79 Hydepark Manor has concerns that the site location map does not show the existing layout but rather it shows an old hammerhead layout that used to be located here but has since been incorporated into the driveway of No. 79. It is unclear if the base map has been updated at this location; however this area is outside the 'red line' of the application and outside the owner's control. The proposed site layout clearly shows the continuation of the existing footpath and thus it is not considered there will be any impact on the existing layout at the entrance to No. 79.

It has been raised that the occupants of Hypepark Manor have not been consulted on this application. The statutory requirement for neighbourhood notification is to notify all occupied buildings that abut the red line of the site (including those who would abut the site if not for a road that separates it) and within 90m of the site. In this case, this only relates to dwellings in Hydepark Manor that abut Trench Lane; these dwellings have been notified by the Council.

A further objection issue is that there will be increased traffic from the development through Hypepark Manor. The proposed access point is the same as that approved under LA03/2015/0173/F and this application proposes to change the design of 17 No. dwellings of this previous approval. As there will be no increase in units, it is not anticipated there will be any increase in traffic greater than the previous approval. Similarly, a concern has been raised that the development will result in dirty roads and increased risk to public safety, notably in Hydepark Manor. This is not a planning material consideration and whilst it is acknowledged that development of green fields can result in dirty roads, the onus is on the developer to ensure the road network does not become a road safety risk due to dirt. Issues of dirty roads are a matter for the PSNI. The impact of this matter will not alter as a result of this application as it proposes changes to the house types of approved dwellings.

Boghill Dam Reservoir

DfI Rivers has advised that it has not been demonstrated that the condition, management and maintenance regime of Boghill Dam Reservoir is appropriate to provide sufficient assurance regarding reservoir safety. DfI Rivers has carried out an assessment of flood risk to people for an uncontrolled release of water emanating from the Boghill Dam Reservoir and concluded the overall hazard rating to be high with an unacceptable combination of depth and velocity for this development proposal. Accordingly, it is considered to fail Policy FLD 5 of PPS 15.

As indicated above, the site is subject to planning approvals U/2003/0800/F and LA03/2015/0173/F and development has commenced on the site and thus there is a lawful fallback position. The site has also been zoned as a committed housing site under dBMAP and whilst Policy FLD 5 of PPS 15 is a material consideration, it is considered determining weight should be given to the extant planning approvals which are under construction and which could be completed without further consideration of the reservoir inundation issue. Importantly, the current application does not increase the number of approved units in this site and the amount of hardstanding in this area is further reduced from the previous approval with the removal of the previously approved access road to the rear of the previously approved apartments. Accordingly, the issue raised by DfI Rivers is not considered to be determining on this occasion, however, the conditions relating to the reservoir inundation zone can be added to the grant of planning permission should it be forthcoming.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The principle of the development is considered acceptable.
- The density, design, appearance and layout are considered acceptable.
- There is not considered to be any adverse impact on the amenity of neighbouring residents.
- There is not considered to be any adverse impact on nature conservation.

- The issue of flood inundation can be addressed through the use of conditions as per the previous grant of planning permission.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Number 20 bearing the date stamp 1st September 2020.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

3. The development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 20 date stamped 1st September 2020.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

4. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

5. A Construction Method Statement, agreed with the appointed contractor, shall be submitted to the Council at least eight weeks prior to any works commencing on site. This should identify all potential risks to the adjacent watercourses and designated sites and appropriate mitigation to eliminate these risks. Appropriate areas for the storage of construction machinery, fuels/oils, refuelling areas, must be identified. The Construction Method Statement shall include a section on proposed mitigation measures to be implemented during construction and the development shall be carried out in accordance with the mitigation measures, unless otherwise agreed in writing by the Council.

Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the wildlife and nature conservation interests associated with the Ballymartin Water.

6. None of the dwellings hereby permitted shall be occupied until all of the remediation measures detailed within the Flood Risk Assessments (Document 02/2 and Document 05 date stamped received 14th February 2018 of LA03/2015/0173/F) have been fully implemented and verified to the satisfaction of the Council.

Reason: To mitigate flood risk at the site.

7. There shall be no storage of construction materials and/or any excavated materials within the conservation and landscape zone as shown on Drawing No. 03/3 date stamped 25th November 2020.

Reason: To protect existing trees and their roots.

8. The proposed landscaping works as indicated on Drawing Number 09/2 date stamped 25th November 2020 shall be carried out in accordance with these approved details and the appropriate British Standard or other recognised Codes of Practice no later than the first planting season after the occupation of the first residential unit hereby approved and shall be retained in perpetuity, unless the Council gives written consent to their removal.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

9. The privacy screen walls, as indicated on Drawing Number 09/2 date stamped 25th November 2020 shall be constructed in accordance with the details on Drawing No. 10/1 date stamped 21st August 2020 prior to the occupation of the first residential unit hereby approved and shall be permanently retained.

Reason: To ensure a high standard of finish and to protect the amenity of neighbouring properties.

10. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no fence, gate, wall or means of enclosure, shall be erected forward of the building line of the dwelling(s) hereby approved, without the grant of a separate planning permission from the Council.

Reason: In the interests of visual and residential amenity.

11. The existing hedgerow and vegetation along the eastern boundary of the site as indicated on the approved plan 03/3 date stamped 25th November 2020 shall be retained at a minimum height of 2 metres and trees within the hedgerow shall be allowed to grow on or as agreed in writing with the Council.

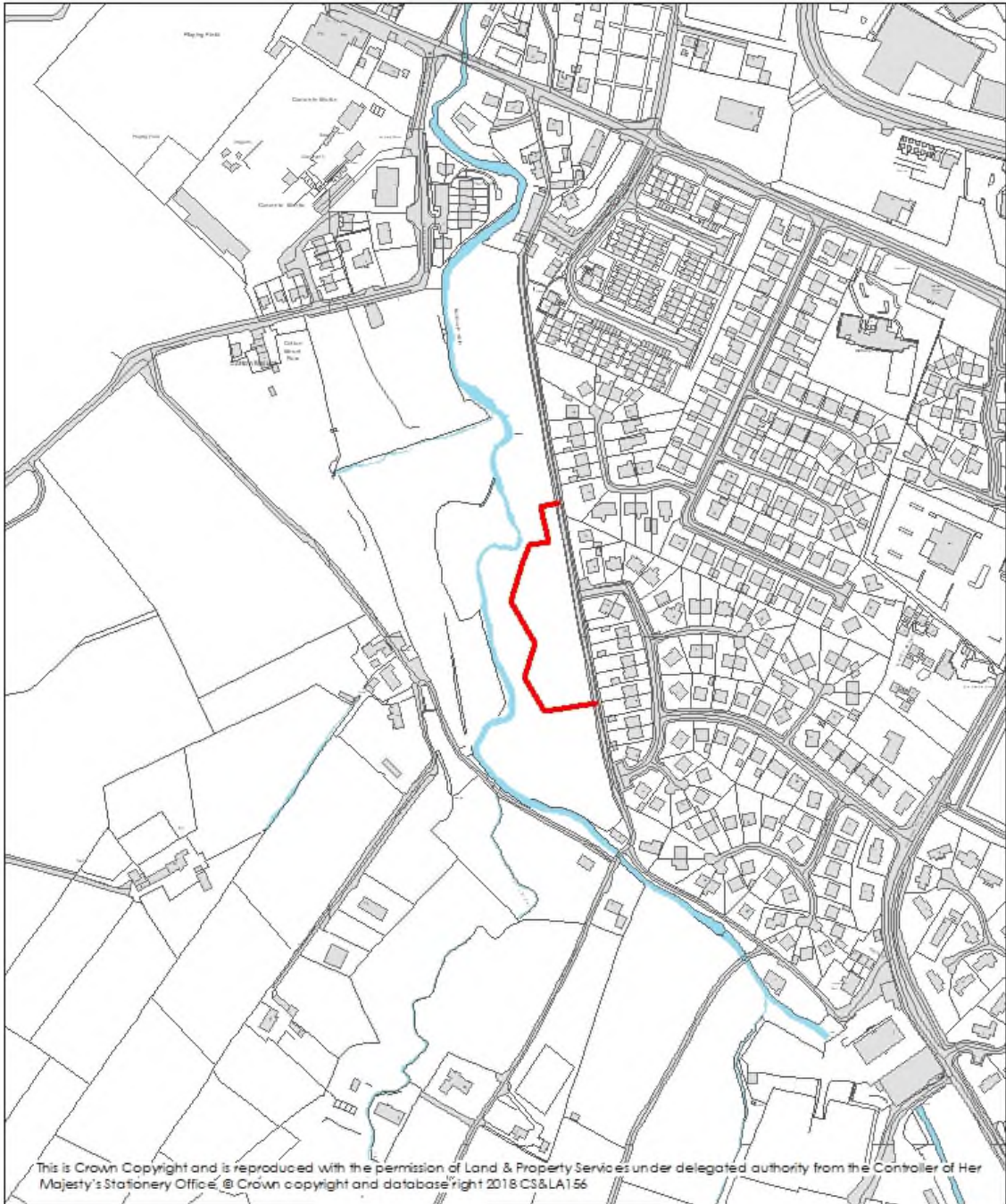
Reason: To protect the residential amenity of existing neighbours.

12. The windows on the first floor and second floor of the southern elevation of Site 14 as indicated on Drawing No. 07/1 date stamped 30th October 2020 and Drawing No. 03/3 Date stamped 25th November 2020 shall be finished in opaque glass and shall thereafter be permanently retained.

Reason: In the interests of residential amenity.

13. None of the dwellings hereby permitted shall be occupied until a Landscape Management Plan is submitted to and agreed in writing by the Council to secure the management and maintenance of the open space and amenity areas approved in Drawing No. 46 date stamped 14th February 2018 under planning reference LA03/2015/0173/F. Any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas approved at this location and in the interests of visual and residential amenity.

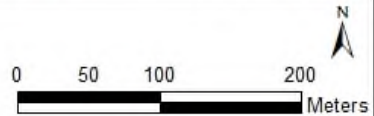



Location Map

Application Ref: LA03/2020/0082/F

Location: Portion of lands at Trench Lane, east of Ballymartin Water and west of housing developments at Parkmount Road Tudor Park and Hyde Park Manor.

Proposal: 17 dwellings (Change of house types to sites 11-27 approved under LA03/2015/0173/F). Includes, alterations to the location and curtilage of 5 previously approved dwellings and also for 12 new dwellings consisting of 4 townhouses and 8 semi-detached houses.



 Site Boundary

For Information Only



COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2020/0359/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Demolition of existing single storey structure and construction of new two storey extension to rear of property. New timber shed with roof mounted photovoltaic panels.
SITE/LOCATION	14 Glenavie Park, Jordanstown, Newtownabbey, BT37 0QW
APPLICANT	Mr Andrew Nicholl
AGENT	Arta Design
LAST SITE VISIT	January 2021
CASE OFFICER	Leah Hingston Tel: 028 903 40403 Email: leah.hingston@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located at No. 14 Glenavie Park, Jordanstown, within the development limits of Metropolitan Newtownabbey as defined in the Belfast Urban Area Plan and both versions of the draft Belfast Metropolitan Area Plan (BMAP published 2004 and 2014).</p> <p>The site is located within a predominantly residential area comprising similar house types. The application site comprises a two-storey detached dwelling finished in red brick with an attached garage.</p> <p>The application site has a slight southwestern gradient sloping toward the rear. The northeastern roadside boundary is defined by a 0.5 metre high rendered wall. The southeastern boundary treatment consists of a 1 metre high wooden post fence, the external gable wall of the neighbouring garage of No. 12 Glenavie Park and a mature hedgerow. The southwestern (rear) boundary is defined by a mature hedgerow and the northwestern boundary treatment comprises mature vegetation and an established hedgerow.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/1978/0640 Location: 14 Glenavie Park, Jordanstown, Newtownabbey, BT37 0QW Proposal: Extension to dwelling Decision: Permission Granted</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p>	

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which remains at the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Belfast Urban Area Plan: The application site is located within the settlement limit of Metropolitan Newtownabbey as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Addendum to PPS 7 - Residential Extensions and Alterations: sets out planning policy and guidance for achieving quality in relation to proposals for residential extensions and alterations.

CONSULTATION

Council Environmental Health Section – No objection

DEARA: Natural Environment Division – No objection

Northern Ireland Water – No objection

REPRESENTATION

Five (5) neighbouring properties were notified and fourteen (14) letters of objection have been received from fourteen (14) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

A summary of the key points of objection raised, which relate to the proposed shed element of the development proposal, is provided below:

- Scale, appearance and finishes of the shed and solar panels are out of character with the residential area;
- The shed will have an impact on private views from neighbouring properties;
- Concerns that the shed will be used as a mechanical workshop or for commercial use;
- Impact on residential amenity (dominance and loss of privacy);
- Congestion from trailers and large vans transporting motorbikes and impact on road users and road safety;
- Tree removal and impact on biodiversity and the environmental quality of the area;
- Flood risk and drainage concerns from rainwater off the shed roof;
- Water pollution from cleaning products into the drainage system;
- Noise pollution from the servicing and tuning of 14 motorbikes;
- Air pollution and odour concerns from motorbike exhaust fumes;
- Light pollution from outdoor security lights;
- Health risk;
- Precedent; and
- Devaluation of property.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Preliminary Matters
- Scale, Massing, Design, Appearance and Character
- Neighbour Amenity
- Impact on Trees and Environmental Quality of the Area
- Amenity Space, Parking and Manoeuvring
- Other Matters

Preliminary Matters

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations.

Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application.

The application site lies within the settlement limit of Metropolitan Newtownabbey as defined with the Belfast Urban Area Plan. There are no specific operational policies or other provisions relevant to the determination of the application contained in this Plan or the draft BMAP.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements.

No conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this proposal.

Consequently, the relevant policy context is provided by the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations (APPS 7). Policy EXT 1 of APPS 7 indicates that planning permission will be granted for a proposal to extend or alter a residential property where four specific criteria are met.

Scale, Massing, Design, Appearance and Character

Planning permission is sought for a two-storey rear extension to replace the existing single storey rear return of the dwelling and the erection of a shed with roof mounted photovoltaic panels, which is to be located adjacent to the rear southwestern boundary.

The proposed two-storey extension has a width of approximately 8.2 metres, a maximum depth of approximately 7.7 metres, a minimum depth of approximately 2.3 metres and a ridge height of approximately 7.1 metres from finished floor level. The proposed extension creates approximately 157.2sqm additional floorspace to the existing dwelling. Whilst the proposed extension is of a large scale and massing, it is set to the rear of the dwelling and is subject to limited public views. Furthermore, two-storey rear extensions of a similar size and scale have been previously approved at No. 10 Glenavie Park and No. 16 Glenavie Park.

The ground floor of the proposed extension provides a new utility room and an open plan kitchen/dining/living area. The existing utility room is merged with the existing garage and an outdoor canopy is proposed to the rear of the garage as shown on Drawing No. 07/1 date stamped 23rd November 2020. The first floor of the proposed extension accommodates a larger third bedroom, and a fourth bedroom with a dressing room and en-suite.

The proposed extension is finished in facing brick and roof tiles to match the existing dwelling as stated on Drawing No. 08/1 date stamped 23rd November 2020. The rear canopy has a flat roof trocal membrane finish. The proposed extension hosts fenestration predominantly with a vertical emphasis, finished in a dark grey aluminium frame and black uPVC rainwater goods.

The proposed shed is sited to the rear of the property adjacent to the southwestern site boundary, approximately 38 metres back from the public road and as a result public views are restricted. The proposed shed has a width of approximately 10.2 metres and a depth of approximately 8 metres providing 81.6sqm floorspace. The proposed shed has a sloped roof with a height of approximately 3 metres at its highest point and 2 metres at its lowest point.

The principal (northeastern) elevation of the proposed shed is to be faced with 50 mm cedar cladding vertically laid and fixed with stainless steel nails. The remaining three elevations are to be faced with 19 mm tongue and groove weatherboard, all

fixed to 22 mm pressure treated battens on a breather membrane on 9 mm OSB sheeting on 95 by 45 mm pressure treated framing as stated on Drawing No. 09/1 date stamped 23rd November 2020. The roof of the proposed shed is to be finished with 0.5 mm polyester coated steel box profile sheeting, dark grey in colour. The fascia, soffits and rainwater goods are black uPVC. There are four rows of photovoltaic glass on glass solar panels on the roof of the proposed shed as shown in Drawing No. 09/1 date stamped 23rd November 2020. The proposed shed has a dark grey roller shutter door on the northeastern (front) elevation.

Several letters of objection received refer to the scale and appearance of the proposed shed as being inappropriate within the curtilage of a dwelling and out of character with the surrounding residential area. It is considered that timber sheds with steel profiled roofs are not uncommon ancillary buildings within the curtilages of residential properties; furthermore, the proposal is not subject to public views from Glenavie Park. Whilst the proposed shed is of a large scale, if the eaves height at the front elevation of the proposed shed was lowered by approximately 0.15 metres, the shed would satisfy the provisions of Class D of the Planning (General Permitted Development) Order 2015 and could be constructed without requiring planning permission. On this basis the size and scale of the proposed shed is considered acceptable. The proposed shed is located to the rear of, and screened by, the existing two storey dwelling and is almost 40 metres from the public road and therefore does not impact upon critical public views from the surrounding road network.

It is considered that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.

Neighbour Amenity

It is noted that no objections have been made with respect to the proposed two-storey extension to the existing dwelling. It is considered that the proposed two storey rear extension does not unduly affect the amenity of neighbouring residents as it satisfies the 45-degree angle test set out within APPS 7 and therefore is not considered to contribute to a significant loss of light or overshadowing.

The proposed extension does not unduly impact the privacy of neighbouring residents as there is sufficient boundary treatment on site to prevent overlooking from the ground floor windows. The three first-floor windows on the southeastern gable elevation of the proposal which serve two en-suites and the landing consist of opaque glass as stated on both Drawing No. 07/1 date stamped 23rd November 2020 and Drawing No. 08/1 date stamped 23rd November 2020, therefore they do not overlook the private amenity space of the neighbouring dwelling located at No. 12 Glenavie Park.

The two first-floor windows on the rear elevation of the proposed extension serving the master bedroom do not overlook the private amenity of the neighbouring residents of No. 9 Coleen Park as there is an adequate separation distance of over 25 metres to rear boundary. These two first-floor windows on the rear elevation of the proposed extension are sited closest to the southeastern site boundary shared with No. 12 Glenavie Park. Within the urban area there is always a degree of overlooking, however, the extent of overlooking of the adjacent properties of No. 12 Glenavie

Park and No.16 Glenavie Park is not considered unacceptable as the two first-floor rear windows serve a bedroom which is considered to be a low-occupancy room and any overlooking would be indirect and at an oblique angle. Furthermore, the adjacent properties benefit from sizeable plots with elongated rear gardens which are predominantly unaffected by the proposal. In addition, the mature vegetated boundaries reduce the perception of overlooking from these windows to the adjacent properties of No. 12 and No. 16 Glenavie Park.

The proposal includes two first-floor windows on the northwestern side elevation serving a bathroom and a bedroom. The bathroom window consists of opaque glass and does not contribute to any overlooking. There are two windows existing on the southeastern side elevation of the neighbouring dwelling of No. 16 Glenavie Park which may serve habitable rooms. The first floor window on the northwestern side elevation serving a bedroom could contribute to overlooking of the windows of the neighbouring property located at No. 16 Glenavie Park as there is an insufficient separation distance of less than 5 metres gable to gable. Therefore, it is considered necessary to attach a condition to any planning approval to ensure that the first-floor bedroom window located on the northwestern elevation of the proposed extension consists of opaque glass in order to mitigate the concern of overlooking neighbouring private amenity space.

The proposed shed does not unduly impact the privacy or amenity of neighbouring residents because it does not have windows and it has a maximum height of 3 metres which will have no more impact than the existing vegetation defining the application site. The proposed shed does not contribute to any loss of light to neighbouring private amenity space. Furthermore, given the siting of the proposed shed in relation to the natural path of the sun, the potential for any overshadowing is limited to the rear boundary area of the sizeable neighbouring gardens which would not form the most private areas of the garden areas enjoyed by the neighbouring residents.

Letters of objection have been received in relation to the proposed shed which highlight various neighbour amenity issues to include concerns of drainage and flood risk, dominance, loss of privacy, noise, smell and light pollution. These matters raised by the objectors are discussed below.

Drainage and Flood Risk

The proposed shed has black uPVC rainwater goods as indicated on Drawing No. 09/1 date stamped 23rd November 2020 which will be piped to the existing drainage for the house. There is a permeable grass surface surrounding the shed preventing any significant surface run off to any neighbouring lands. DfI Rivers Flood Maps NI do not show Glenavie Park or the immediately surrounding area within Jordanstown to be affected by any flooding and therefore the proposal does not increase flood risk.

Dominance

An objection letter received from the residents of No. 16 Glenavie Park raises concern with the proposed shed contributing to dominance. As stated within APPS 7, dominance is the extent to which a development impinges on the immediate aspect or outlook from an adjoining property. The proposed shed is located to the rear of the application site, approximately 17 metres from the rear wall plate of the proposed rear extension and is not in close enough proximity to the neighbouring

dwelling to be considered dominant. The proposed shed is not visible from the neighbouring gardens due to the mature vegetated boundaries and therefore the proposal does not form a dominant, overbearing structure which would contribute to a sense of feeling hemmed in.

Loss of Privacy due to Tree Removal

An objection letter received from the residents of No. 16 Glenavie Park raises concern with tree removal to facilitate the proposed shed resulting in a loss of privacy to their private amenity space. The proposed block plan (Drawing No. 02 date stamped 1st June 2020) does not indicate any tree removal and the subject trees do not benefit from any protection. Regardless, the existing hedgerow provides a sufficient boundary treatment to maintain privacy to the neighbouring site or a 2 metre high fence could be erected under permitted development to retain privacy if desired.

Noise and Odour Considerations

Drawing No. 09/1 date stamped 23rd November 2020 indicates that the shed is for the storage of motorbikes and there is also a small w/c located in the shed. Several letters of objection indicate that the proposed shed will be used for commercial activity and subsequently concerns of noise from the servicing and tuning of motorbikes and smell from exhaust fumes have arisen. Environmental Health have been consulted and have no objection to the proposal given the domestic nature of the proposal. Any issues that may arise regarding noise or odour can be reported to the Council's Environmental Health Section.

Light Pollution

An objection letter received from No. 12 Glenavie Park makes reference to potential light pollution nuisance from security lights; the proposed plans do not indicate any external lighting that would disturb neighbouring residents. Environmental Health have advised that the applicant should refer to the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light (GN01:2011) if fitting or operating any external lighting.

Impact on Trees

An objection letter received from the residents of No. 16 Glenavie Park raises concern with tree removal to facilitate the proposed shed. The existing and proposed block plan shown on Drawing No. 02 date stamped 1st June 2020 does not indicate any tree removal. Whilst the aforementioned trees are located in close proximity to the proposed shed and may require trimming or removal during the construction of the proposed shed, the trees are not protected and the works to the trees would not warrant a refusal of the application. Therefore, it is considered that the proposal will not cause unacceptable loss, or damage to, trees or other landscape features which contribute significantly to local environmental quality.

Biodiversity and Environmental Quality

Objection letters received raise concern of the proposed shed's impact on biodiversity and the local environment, to include concerns of pollution to air and water. In light of the objections received DAERA Natural Environment Division (NED) were consulted with a Biodiversity Checklist and made no objection to the proposal. The nearest Local Wildlife Site is the Three Mile Water which is over 400 metres southwest of the application site. In terms of nationally or internationally designated

sites, the Belfast Lough Special Protection Area (SPA) and Ramsar site are located over 750 metres west of the application site. The proposed shed is an ancillary domestic structure and the application site is located within an urban area which does not present the natural features or characteristics that would be suitable for protected species habitat.

In relation to the concern of water pollution from cleaning products, there are no watercourses located within 100 metres of the application site and therefore water quality is not anticipated to be impacted by the proposal. Northern Ireland Water was consulted on the proposal and has not objected. DAERA Water Management Unit was consulted on the proposal and has not raised any objection to the proposal.

Despite the concerns raised, it is reiterated that if the eaves height at the principle elevation of the proposed shed was reduced by approximately 0.15 metres, the shed could be constructed under the provisions of Class D of the Planning (General Permitted Development) Order (Northern Ireland) 2015 without the requirement of planning permission.

Air Quality and Health Risk

An objection received from the resident of No. 5 Cooleen Park objects on the basis of the proposal being a health hazard. The objector does not elaborate on this statement, but it is assumed that air pollution related concerns causing detriment to health is the issue being raised. However, no evidence has been presented to suggest human health will be adversely impacted by this proposal. The site activities proposed do not fall within Schedule 1 of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 and any air emissions would be of a domestic scale and not considered to be detrimental to human health. In addition, the Council's Environmental Health Section was consulted with regards to the development proposal and has indicated no objection on health grounds.

Amenity Space, Parking and Manoeuvring

Sufficient space remains within the curtilage of the dwelling for recreational and domestic purposes, including the parking and manoeuvring of vehicles.

Other Matters

Commercial Use of Shed as a Mechanical Workshop

A predominant concern within the objection letters received was regarding the potential for the proposed shed to be used as a workshop or as a commercial use within the curtilage of a dwelling. This application is for domestic development as it has been submitted on a Planning Householder Development (PHD) form with the householder application fee paid. Furthermore, the agent has confirmed that the proposed shed is for domestic use for the storage of a vintage motorcycle collection. The proposed shed must remain as a domestic ancillary use to the existing dwelling and a planning condition can be used to control its use. Whilst planning policy does allow for a degree of homeworking and many people undertake minor mechanical operations as a hobby, the proposed shed is not to operate as a commercial business. Any alleged unlawful commercial activity can be investigated by the planning enforcement team.

One objector requested assurance that the proposed shed will not be used to facilitate a motorcycle club. Whilst the agent has confirmed that the proposed shed

is for the use of the applicant only, planning cannot provide assurance on who will use the shed if planning permission is forthcoming. However, the proposed shed will be conditioned to remain of an ancillary domestic nature and if the shed does not comply with this condition then it is liable to enforcement action by the Council on referral of alleged breaches.

Impact on private views

Concern was raised by objectors in relation to the shed's impact on private views from neighbouring dwellings. The neighbours view is not restricted by the proposed development, instead it is a change of view from that which exists at present and it is not considered that the change of view is detrimental to the outlook of the existing dwellings. In any case the potential impact of a proposed development on private views is not generally viewed as a material planning consideration. Private individuals do not have a right to a view and even if a new development changes a view from a private property, this is not normally sufficient grounds to withhold planning permission.

Impact on Traffic and Road Safety

Further points of objection included concerns of traffic congestion from trailers and large vans transporting motorbikes and impact on road users and road safety. The subject dwelling remains a four-bedroom family home with sufficient in-curtilage parking provision and the proposal is not considered to significantly increase traffic or inconvenience road users.

Precedent

The concern of the development setting a precedent in the local area was also a reoccurring theme within the representations received. The proposal is for a two-storey rear extension and a domestic shed and is considered to satisfy planning policy and will not set a harmful precedent.

As each planning application received by the Council is assessed on its own merits, with a decision being made based on relevant policies, the development plan prevailing at that time and other material considerations, it cannot be said that the approval of this development will automatically lead to the granting of planning permission for any similar proposals submitted in the surrounding area.

Devaluation of Property

The perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case no specific or verifiable evidence has been submitted to indicate what effect this proposal is likely to have on property values. As a result, there is no certainty that this would occur as a direct consequence of the proposed development nor would there be any indication that such an effect in any case would be long lasting or disproportionate. Accordingly, it is considered that this issue should not be afforded determining weight in the determination of this application.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The scale, massing, design and appearance of the proposal is considered acceptable;

- The proposal will not unduly affect the privacy or amenity of neighbouring residents;
- The proposal will not have a detrimental impact on trees or the environmental quality of the area;
- Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles; and
- The other matters raised within the representations received have been duly considered and have not been found to be unacceptable and do not warrant a refusal of planning permission.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

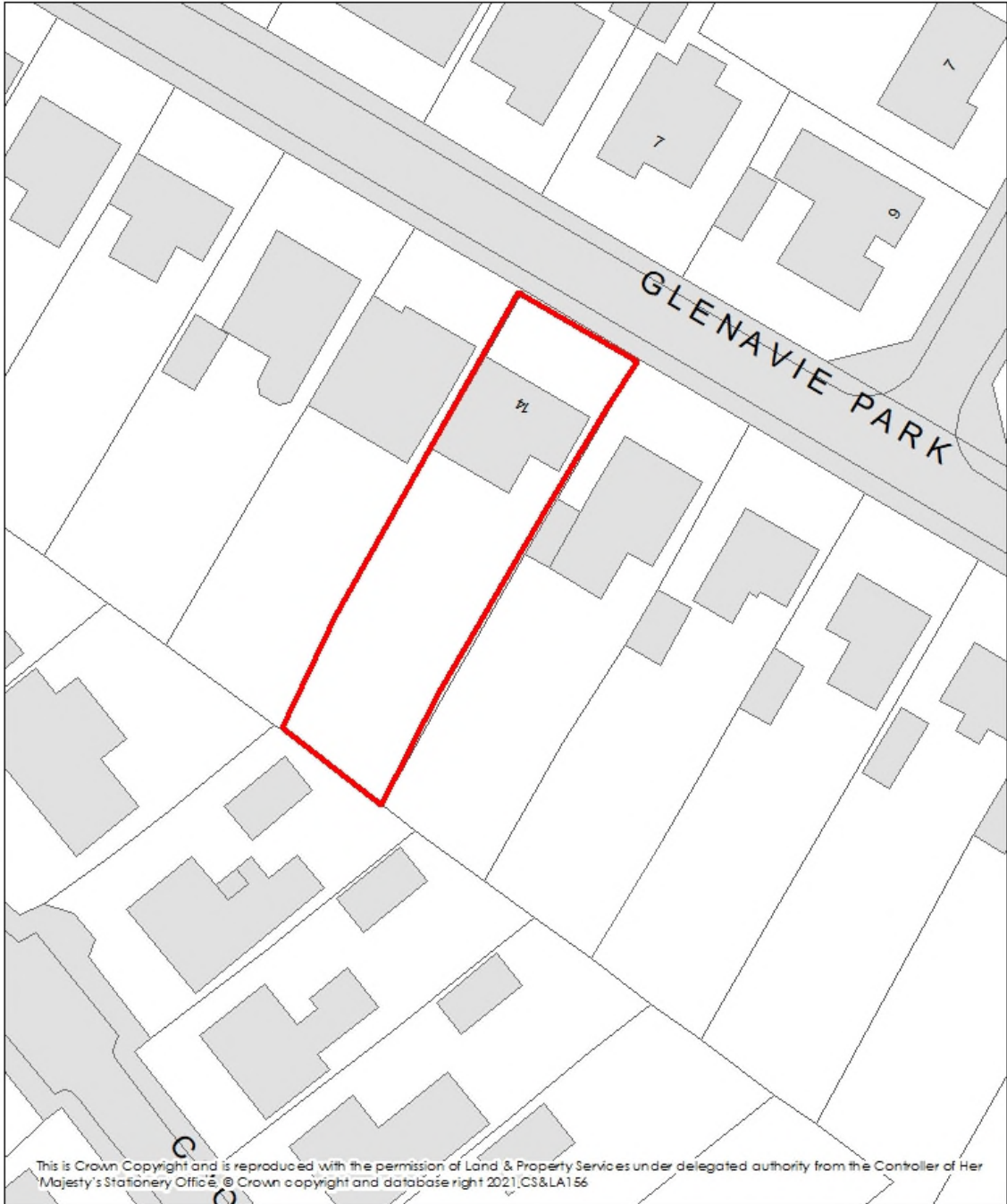
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The first-floor window on the northwestern elevation coloured blue on Drawing No. 07/1 date stamped 23rd November 2020 and Drawing No. 08/1 date stamped 23rd November 2020 shall be finished in opaque glass and shall thereafter be permanently retained.

Reason: In the interests of residential amenity.

3. The shed hereby permitted shall not be used at any time other than for the purposes ancillary to the residential use of the dwelling known as 14 Glenavie Park, Jordanstown, Newtownabbey, BT37 0QW.

Reason: To prevent commercial activity on site.

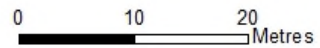


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Location Map

Application Reference: LA03/2020/0359/O

14 Glenavie Park, Jordanstown
 Demolition of existing single storey structure and construction of new two storey extension to rear of property. New timber shed with roof mounted photovoltaic panels.



 Site Boundary

For Information Only



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2020/0419/F
DEA	GLENGORMLEY URBAN
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Erection of 4 bedroom infill dwelling
SITE/LOCATION	Land between No. 32 and No. 38 Carnvue Road, Glengormley, Newtownabbey, BT36 6RA
APPLICANT	Laura Rossborough
AGENT	Nest Architects
LAST SITE VISIT	14th August 2020
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located between Nos. 32 and No. 38 Carnvue Road, Newtownabbey, on unzoned lands within the settlement limit of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan (BUAP) and both versions of draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The application site comprises part of the garden areas associated with No. 32 Carnvue Road and No. 29 Carnvue Avenue, which have been subdivided to form the proposed plot. The application site encompasses part of the side garden area of No. 32 Carnvue Avenue and part of the rear garden area of No. 29 Carnvue Avenue. The site fronts onto Carnvue Road with the topography of the site being flat. The application site is defined by a mature hedgerow approximately two metres in height along the eastern boundary. The northern boundary is defined by a low level wall and hedgerow above, whilst the southern and eastern boundaries remain undefined. Access to the site is achieved via Carnvue Road.</p> <p>The site is located within a residential area with a mix of house types and styles.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/1981/0473 Location: Site 4 and 4A Carnvue Road, Newtownabbey. Proposal: Erection of pair of semidetached dwellings. Decision: Permission Refused (06.01.1982)</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p>	

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which remains at the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Belfast Urban Area Plan: The application site is located within the settlement limit of Metropolitan Newtownabbey as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan: The application site is located within the settlement limit of Metropolitan Newtownabbey as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 7: Quality Residential Environments: sets out planning policies for achieving quality in new residential development. This PPS is supplemented by the Creating Places Design Guide.

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas: sets out planning policy and guidance on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements. It also sets out policy on the conversion of existing buildings to flats or apartments and contains policy to promote greater use of permeable paving within new residential developments.

CONSULTATION

Council Environmental Health Section – No objections

Northern Ireland Water – No objections

Department for Infrastructure Roads- No objections, subject to conditions

REPRESENTATION

Eleven (11) neighbouring properties were notified and seven (7) letters of objection have been received from four (4) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal: (www.planningni.gov.uk).

A summary of the key points of objection raised is provided below:

- Impact on the structural stability and utilities of existing dwelling.
- Overshadowing/loss of light/dominance.
- Overlooking.
- Devaluation of property.
- Road safety and access arrangement, removal and relocation of speed ramp.
- Out of character for area, including design and finishes.
- Size of site and scale of property.
- Site history.
- Impact on sewage works.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Preliminary Matters
- Policy Context and Principle of Development
- Design, Layout and Impact on Character of the Area
- Residential Amenity
- Access, Movement and Parking
- Other Matters

Preliminary Matters

The design and layout of the proposed scheme was amended during the processing of the application. A number of issues raised within the objection letters relate to the initial scheme. The assessment of the development proposal below is based on the amended scheme, with all relevant concerns raised by objectors included within the assessment.

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area.

The application site lies within unzoned lands within the settlement limit of Metropolitan Newtownabbey as defined within the BUAP and both versions of dBMAP. The application site comprises of part of the garden areas associated with

No. 32 Carnvue Road and No. 29 Carnvue Avenue. The proposal seeks full planning permission for the erection of a detached dwelling. Given the site is located within an established residential area and not zoned for any particular use within BUAP or draft BMAP the principle of housing on this site is considered to be acceptable subject to the development complying with all other policy and environmental considerations.

The Strategic Planning Policy Statement (SPPS) indicates that sustainable development should be permitted, having regard to material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS also promotes good design and seeks to make more efficient use of urban land without town cramming. Planning Policy Statement 7: Quality Residential Environments and PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas are retained policies under the SPPS and provide the appropriate policy context.

Layout and Impact on Character and Appearance of the Area

The Strategic Planning Policy Statement emphasises that within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Policy QD 1 goes on to state that all proposals for residential development will be expected to conform to nine criteria.

In addition, paragraph 7.08 of supplementary planning guidance document 'Creating Places' advises that it will not be acceptable to increase building density by simply 'cramming' development. The layout of the proposed residential development is therefore a key factor in determining the acceptability both in terms of its contribution to the amenity of the local neighbourhood and wider streetscape.

The proposal seeks full planning for the erection of a detached two storey dwelling located between No. 32 and No. 38 Carnvue Road and comprises part of the garden areas associated with No. 32 Carnvue Road and No. 29 Carnvue Avenue. The proposed dwelling is located centrally within the site and has been designed to have a gable frontage onto the Carnvue Road. The main section of the dwelling is a two storey dwelling with a ridge height of 7.2 metres from ground level with a single storey outshot to the eastern elevation. The proposed dwelling has a pitched roof with the single storey outshot having a flat roof. A letter of objection raised concerns in relation to the finishes being out of keeping with the surrounding area. The proposed finishes include buff facing brick to the lower section with a white render finish to the upper section and black roof tiles, which are in keeping with the finishes of the neighbouring properties.

Policy QD 1 of PPS 7 also requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance 'Creating Places' advises that an average provision of 70sqm per house, or greater, is acceptable. 'Creating Places' goes on to states that 'for any individual house, an area of less than around 40sqm will generally be unacceptable'. The provision of private amenity space for the proposed dwelling is in excess of 100sqm. In addition, the proposal provides a garden area to the front elevation of the dwelling with an

area of hardstanding to provide two in curtilage parking spaces. The subdivision of the plot reduces the private amenity space of both No. 32 Carnvue Road and No. 29 Carnvue Avenue, the remaining provision for both these properties is in excess of 70sqm. The illustrations on Drawing No. 02/1 and Drawing No. 03/1 date stamped 30th October 2020 would suggest that the site boundaries are to be defined by a hedgerow, however, no detailed landscaping plan has been provided. It is considered that a condition should be imposed on the grant of any planning permission requiring a landscaping plan to be submitted and approved by the Council prior to the commencement of development.

Policy QD 1 also requires that the proposed development respects the surrounding context and is appropriate to the character of the area. In addition, the Addendum to Planning Policy Statement 7 'Safeguarding the Character of Established Residential Areas' is applicable as the application site is located within an established residential area and does not fall within any of the exceptions. Policy LC 1 of the Addendum requires that the pattern of development is in keeping with the overall character and environmental quality of the established residential area. The streetscape along Carnvue Road consists of a mix of house types and styles. The existing properties to the north, south and east of the application site are single storey detached dwellings whilst the dwellings to the immediate west are made up of two storey detached and semi-detached dwellings.

Letters of objection have raised concerns that the proposal is out of keeping with the character of the area due to the size of the site and the scale of the proposed dwelling, that being a two storey dwelling proposed to be sited adjacent to a single storey dwelling. It is accepted that the proposed dwelling is a two storey dwelling adjacent to single storey properties to the north and east, however, this arrangement is reflective of the existing relationship between No. 32 and No. 38 Carnvue Road. Additionally, the single storey outshot to the eastern elevation of the proposed dwelling helps to bridge the relationship between the proposed and the existing dwellings. The design of the proposed dwelling being gable fronted on to the road is reflective of the existing design features of the adjacent dwelling No. 38 Carnvue Road. Furthermore, the proposed plot size is similar to that of the adjacent plots, whilst the building line respects the existing building line along this section of the streetscape.

Overall, it is considered that the layout, scale and design of the proposed dwelling is acceptable and reflective of the design of the adjacent property. The proposal respects the existing pattern of development and is in keeping with the overall character and appearance of the wider residential area. The proposal is therefore considered to comply with the provisions of the SPSP, QD1 and LC1.

Neighbour Amenity

Criterion (h) of Policy QD1 requires that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. In this case, as outlined above, the proposed dwelling is located in close proximity to existing residential dwellings to the north, west and east along Carnvue Road and to the south at Carnvue Avenue. Paragraph 7.21 of supplementary planning guidance 'Creating Places' advises that; adequate spacing needs to be provided between buildings for privacy purposes and where the development abuts the private garden areas of existing properties, a separation

distance greater than 20 metres will generally be appropriate to minimise overlooking.

As outlined above the application site is the result of a subdivision of the plots hosting properties at No. 32 Carnvue Road and No. 29 Carnvue Avenue. The southern boundary of the application site abuts the rear boundary of No. 29 Carnvue Avenue. The orientation of the proposed dwelling results in No. 29 Carnvue Avenue and the proposed dwelling having a back-to-back relationship. A separation distance of 6.6 metres at its narrowest point extending to 8.4 metres at its widest point is provided from the rear wall of the proposed property to the common boundary. There is an 18.4 metre separation distance from the rear wall of the proposed property to the rear wall of the existing property at 29 Carnvue Avenue. It is accepted that the overall separation distance falls short by 1.6 metres of the space requirements outlined within 'Creating Places'. However, the back-to-back separation distance is reflective of the existing separation distance between the properties to the west along Carnvue Road and Carnvue Avenue. Additionally, the applicant for the application resides at No. 29 Carnvue Avenue.

The orientation of the proposed dwelling results in a gable-to-gable relationship with the adjacent dwelling at No. 38 Carnvue Road to the west. A separation distance of 4.2 metres between the opposing gable walls has been provided. One window is proposed on the ground floor western elevation and no windows are proposed on the first floor western gable elevation. An existing mature hedge approximately 2 metres in height defines the western site boundary. Taking into consideration the path of sunlight, the gable-to-gable relationship, the lack of first floor windows and the existing boundary treatment, it is considered that the proposal will not give rise to any significant overlooking or overshadowing. It is concluded that the proposal will not result in any significant negative impacts on the amenity of No. 38 Carnvue Road.

Similarly, the property to the east at No. 32 Carnvue Road has a gable-to-gable relationship with the proposed dwelling, with one being single storey and the other two storey. The single storey outshot along the eastern elevation helps to bridge the gap in height between the two properties and mitigates against any potential domineering impact. Additionally, the path of sunlight prevents any significant overshadowing. One window is proposed on the first floor of the eastern elevation, however, this is to serve a non-habitable room and will be finished in opaque glass.

Residential properties are also located opposite the site, however, a public road separates these properties from the proposed dwelling. In addition, a separation distance of over 50 metres exists between the front and side elevations of the existing dwellings and the front elevation of the proposed dwelling. The separation distance is considered adequate to prevent any significant negative impacts on the existing dwellings opposite the site.

The proposed block plan indicates a hedgerow along the rear and eastern boundary; however, it is considered that in the interests of residential amenity a condition should be imposed requiring a 1.8 metre close boarded fence along the rear boundary and the eastern boundary to be set back from the building line of the front elevation. Additionally, it is considered reasonable to impose a condition requiring the retention of the mature hedgerow along the western boundary.

For these reasons it is considered that the proposal complies with criterion (h) of Policy QD 1 in that the design and layout will not create conflict with the adjacent neighbouring properties along Carnvue Road, Carnvue Avenue or Wynnland Road.

Access, Movement and Parking

Letters of objection raised concerns in relation to the proposed access arrangement, namely, the removal and relocation of the existing speed ramp, which is currently located adjacent to the proposed access, and the subsequent impact on road safety. The need for the speed ramp is not disputed, however, Drawing No. 02/1 date stamped 30th October 2020 indicates that the existing speed ramp will be relocated to the satisfaction of DfI Roads. Consultation was carried out with DfI Roads who raised no objections to the proposal or the relocation of the existing speed ramp, subject to a condition being included on any planning approval, requiring the relocation of any road hump to be completed prior to the commencement of development.

Other Matters

Concerns were raised in relation to the impact of construction works on the structural stability and utilities (satellite dish) of the adjacent property at No. 38 Carnvue Road. The proposal will require separate building control consent which will deal with all matters relating to the construction of the proposed dwelling. The responsibility lies with the developer to ensure that the proposed works do not impinge on the safety and structural stability of the adjacent properties.

One of the issues raised by an objector relates to the planning history with regards to a previous refusal of planning permission for a dwelling on the application site, which led the neighbouring residents to believe that no development would be permitted to be carried out on the application site. A previous planning application on the site under reference U/1981/0473 for the erection of two semi-detached dwellings was refused planning permission on 6th January 1982. The previous application was for a different development proposal and assessed by the former DOE Planning under a different policy context. Additionally, each planning application received by the Council is assessed on its own merits, with a decision being made based on the development plan prevailing at that time and other material considerations.

A letter of objection also raised concerns in relation to devaluation of property. With respect to concerns regarding the devaluation of existing neighbouring property, the perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case no specific or verifiable evidence has been submitted to indicate what exact effect this proposal is likely to have on property values. As a consequence, there is no certainty that this would occur as a direct consequence of the proposed development nor would there be any indication that such an effect in any case would be long lasting or disproportionate. Accordingly, it is considered that this issue should not be afforded determining weight in the determination of this application.

An additional concern was raised in relation to the impact on the existing sewage works. Consultation was carried out with NI Water who raised no objections and indicated that there is capacity to connect to the sewage network.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The principle of the development is acceptable.
- The layout, scale and design of the proposed dwelling is acceptable and reflective of the design of the adjacent property.
- The proposal respects the existing pattern of development and is in keeping with the overall character and appearance of the wider residential area.
- The design and layout will not create conflict with the adjacent neighbouring properties both along Carnvue Road and Carnvue Avenue.
- The proposal does not raise any concerns in relation to road safety.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.02/1 date stamped 30th October 2020, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The gradients of the access road shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in interests of road safety and the convenience of road user.

4. The relocation of any road hump affected by the development hereby approved, including the provision of all plant and materials and installation of same, must be completed prior to the commencement of the development hereby approved. These works will be carried out entirely at the developer's expense and in accordance with details to be submitted to and agreed with the Council.

Reason: To ensure the provision of safe traffic management, for road safety and convenience of traffic and pedestrians.

5. The development hereby permitted shall not be occupied until car parking has been provided in accordance with approved Drawing No. 02/1 date stamped 30th October 2020 and this shall be permanently retained thereafter.

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

6. Notwithstanding the detail on Drawing No. 02/1 date stamped 30th October 2020, the dwelling hereby permitted shall not be occupied until a 1.8 metre close boarded timber fence has been erected along the southern and eastern boundaries as indicated in orange on Drawing No. 02/1 date stamped 30th October 2020.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape and to ensure the proposal is in keeping with the character of the rural area.

7. The existing hedgerow and vegetation along the western boundary of the site as indicated in green on the approved Drawing No. 02/1 date stamped 30th October 2020 shall be permanently retained at a minimum height of two metres, unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal.

Reason: In the interest of residential amenity.

8. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

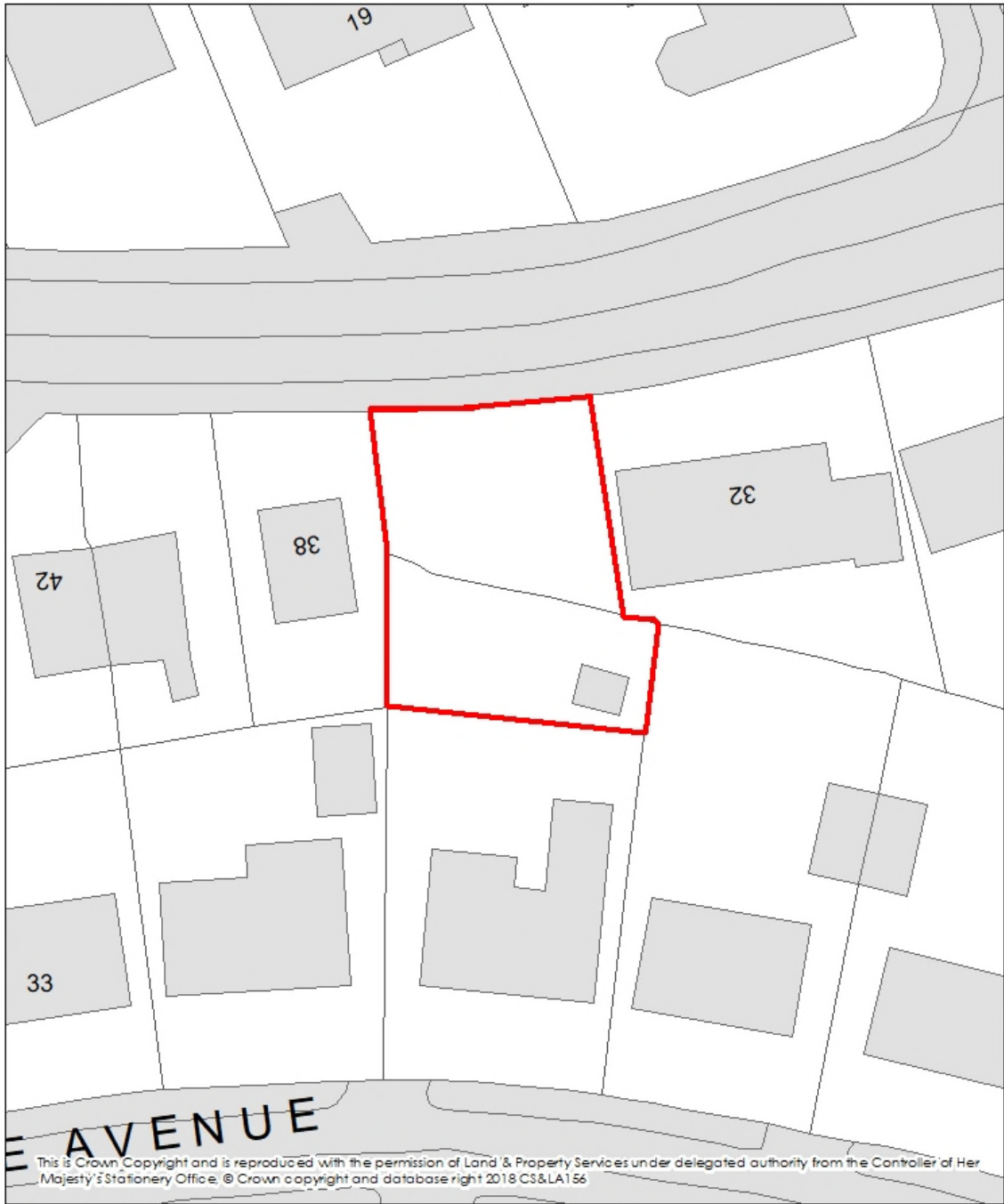
Reason: To ensure the continuity of amenity afforded by existing trees.

9. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

10. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.



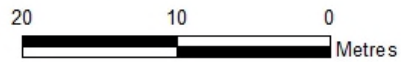
Location Map

Application Reference: LA03/2020/0419/F

Land between 32 & 38 Carnvue Road, Glengormley
Newtownabbey, BT36 6RA

Proposed 4 bedroom infill dwelling

 Site Boundary



For Information Only



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2020/0315/O
DEA	THREEMILEWATER
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for detached dwelling and garage
SITE/LOCATION	Rear garden of 62 Jordanstown Road, Newtownabbey (frontage to Gleneden Park)
APPLICANT	Mr & Mrs A Leckey
AGENT	Planning Services
LAST SITE VISIT	January 2021
CASE OFFICER	Sairead de Brún Tel: 028 903 40406 Email: sairead.debrun@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limits of Metropolitan Newtownabbey as designated in the draft Belfast Metropolitan Area Plan (draft BMAP; published 2004 and 2014).</p> <p>The application site is within the curtilage of an existing two-storey detached dwelling at No. 62 Jordanstown Road and occupies part of the rear garden of this property. The site is relatively flat and bounded on three sides by a close-boarded wooden fence, mature trees and shrubbery. The northern boundary is not currently defined, rather it is open to the rear garden of No 62. A new access is required to serve the proposed development and this will be taken from Gleneden Park, with the proposed two-storey dwelling fronting onto this road.</p> <p>The University of Ulster Jordanstown Campus is located to the northeast of the application site, however, the surrounding area is predominately residential, characterised by two-storey detached dwellings on relatively generous sized plots.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2011/0146/O Location: Rear garden of 62 Jordanstown Road, Newtownabbey with frontage to Gleneden Park Proposal: Site for detached dwelling and garage Decision: Permission refused (13.09.2011) Appeal decision: Appeal allowed (18.09.2012)</p> <p>Planning Reference: U/2009/0375/O Location: Rear garden of 62 Jordanstown Road, Newtownabbey with frontage to Gleneden Park Proposal: Site for detached dwelling and garage Decision: Application withdrawn (06.10.2009)</p>	

PLANNING POLICY AND GUIDANCE

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which remains at the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Belfast Urban Area Plan: The application site is located within the settlement limit of Metropolitan Newtownabbey as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the settlement limit of Newtownabbey.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey.

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 7: Quality Residential Environments: sets out planning policies for achieving quality in new residential development. This PPS is supplemented by the Creating Places Design Guide.

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas: sets out planning policy and guidance on the protection of local character, environmental quality and residential amenity within established residential areas,

villages and smaller settlements. It also sets out policy on the conversion of existing buildings to flats or apartments and contains policy to promote greater use of permeable paving within new residential developments.

CONSULTATION

Council Environmental Health Section – No objection.

Northern Ireland Water – Advise that the sewer network is at capacity in the Whitehouse catchment and no further connections to this network should be made.

Department for Infrastructure Roads- No objection.

REPRESENTATION

Seven (7) neighbouring properties were notified and one (1) letter of objection has been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

A summary of the key points of objection raised is provided below:

- Road safety issues;
- Roosting of bats within trees on the application site;
- Proposal is out of keeping with the character of the surrounding area;
- Overlooking and impact on privacy;
- Impact on wildlife.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development
- Design, Layout and Appearance
- Private Amenity
- Parking Provision
- Neighbour Amenity
- Crime and Personal Safety
- Impact on Character and Appearance of the Area
- Access and Road Safety
- Disposal of Sewerage and Surface Water
- Other Matters

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. Up until the publication of draft BMAP (dBMAP) in 2004 and its adoption in 2014, the Belfast Urban Area Plan (BUAP) operated as the statutory development plan.

Both BUAP and draft BMAP identify the application site as being within the settlement limit of Metropolitan Newtownabbey. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

As the application site falls within the development limits of Metropolitan Newtownabbey, it is considered that the principle of residential development is acceptable subject to the proposal creating a quality residential environment in accordance with Policy QD1 of PPS 7 and the Creating Places design guide.

Both Planning Policy Statement 7: Quality Residential Environments and the Regional Development Strategy encourage the reuse of urban land however, this is caveated by stating that overdeveloped and unsympathetic schemes will not be acceptable in established residential areas and that schemes should be sensitive in design terms to people living in the area and to local character. PPS7 reiterates the need for sensitivity and in Policy QD1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

Design, Layout and Appearance

Paragraph 6.137 of the SPPS refers to the need to deliver increased housing without town cramming and that, within established residential areas, it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality, as well as safeguarding the amenity of existing residents.

Policy QD1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposed will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to all of a number of criteria.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures, landscaped and hard surfaced areas.

This application is seeking outline permission for a detached dwelling and garage. The submitted site layout plan shows the location of the proposed dwelling towards the southern boundary of the application site; it will have a rectangular footprint and annotations noting it will be two-storeys. A detached garage is indicated in the northern most corner of the site. The existing close-boarded boundary fence is to be retained, with the erection of a new 1.8 metre high wall along the common boundary with No. 62 Jordanstown Road. The proposal includes in-curtilage parking and both a front and rear garden area.

The surrounding context is characterised by two storey detached dwellings sited on reasonably large plots along linear access roads. The predominant layout is a back-to-back arrangement, although there are some examples of dwellings orientated back-to-gable within the wider area. Brown/red brick and hipped roofs are two dominant design elements in the surrounding vicinity. For the large part, parking is accommodated through in-curtilage spaces.

As the application site has been engineered out of the rear garden of an existing dwelling, the resultant plot size is somewhat smaller to those along the Jordanstown Road and in Gleneden Park. In order to accommodate the proposed development, the footprint of the new dwelling, as indicated on the block plan, is also slightly smaller than the other existing dwellings in the surrounding area, and it is suggested that the proposed garage will likewise occupy a lesser footprint when compared to existing garages. Public perception of this somewhat smaller plot will be negligible however, given its location between two large, detached dwellings and with mature vegetation along both south and eastern boundaries to filter public views. In addition, the application site can provide a dwelling that would meet with the minimum space standards in Policy LC 1, while still accommodating a detached garage, in-curtilage parking and both front and rear garden areas. It is considered that the proposed layout, scale, proportions, massing, amount of landscaped and hard surfaced areas respect the surrounding context and the proposal meets with criterion (a) of Policy QD 1.

Private Amenity

Criterion (c) of Policy QD1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided within 'Creating Place: Achieving Quality in Residential Developments'. This states that the appropriate level of provision should be determined by having regard to the particular context of the development; provision should be around 70sqm per house, or greater. For this proposed development, the amount of private amenity space has been calculated at approximately 105sqm, which is above the recommended level.

Criterion (c) also requires the adequate provision of landscaped areas as an integral part of the development. It is considered that the application site offers sufficient space to provide additional boundary planting where required. The proposal meets with criterion (c) of Policy QD 1.

Access, Movement and Parking

A new access point will be created onto Gleneden Park to serve this proposal. DfI Roads has assessed this from a road safety aspect and advised that they have no concerns with the proposed access arrangement. DfI Roads also had an opportunity to comment on the issue raised by the objector in terms of increase in traffic generated from the proposed development, and again recommended no objection.

The application site is well connected by public footpath to the main thoroughfare of Jordanstown Road and from here to the Jordanstown Train Station, just a nine minute walk away.

Criterion (f) of Policy QD1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total numbers of parking spaces to be provided for residents, visitors and other callers. A three-bedroom detached dwelling requires a total of three in-curtilage parking spaces, which can be provided within the curtilage of the proposed dwelling.

Neighbour Amenity

Criterion (h) of Policy QD1 states that the design and layout should not create conflict with adjacent land uses and there should be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

There are residential properties along all four boundaries of the application site; No 62 Jordanstown Road immediately to the north; No 17 Gleneden Park to the immediate south; No 64 Jordanstown Road to the west and Nos. 60 Jordanstown Road and 15 Gleneden Park opposite and to the east of the site. The current proposal is for a residential development which will not create conflict with the adjacent land uses, which are all in residential use.

A well designed layout should seek to minimise overlooking between these dwellings and provide adequate space for privacy. The dwellings opposite and to the east are located at a sufficient distance from the application site (more than 20 metres) and so the residential amenity of these residents will not be significantly adversely affected by the development.

Creating Places advises that where the development abuts the private garden areas of existing properties, a separation distance of a minimum of 10 metres between the rear of new houses and the common boundary will generally be appropriate to minimise overlooking. The proposed dwelling is positioned to front onto Gleneden Park and will back onto the rear garden of No. 64 Jordanstown Road, with a separation distance of approximately 9.2 metres. Although the separation distance in this instance falls short of the recommended level by 0.8 metres, it is considered that any possible overlooking to this existing property will be limited by the retention of existing vegetation and the 1.8 metre high fence along the common boundary, and with the positioning of the new garage at this rear boundary. Any overlooking to the rear of No 64 will not be at a level that would detrimentally impact on the privacy of the residents.

The objector has concerns regarding the impact of the proposed two-storey development on this site, as it would give the occupier a direct line of sight into their family garden and bedrooms. The objector has not included their address on the letter, so it is unclear which property has raised this concern. The issue of overlooking to No.64 Jordanstown Road has already been considered above, however there is still the potential for overlooking to the rear garden of No 17 Gleneden Park. The proposed dwelling is positioned approximately 2 metres from the common boundary with this existing dwelling, and although the retention of the boundary fence may offset some overlooking from ground floor rooms, it is considered necessary to restrict any fenestration on the first floor southwestern gable to be obscured glazing only. A separation distance of approximately 21 metres between this gable and the rear of No 17 Gleneden Park is sufficient to ensure no loss of privacy to the bedrooms of the existing dwelling. A similar condition restricting fenestration on the northeastern gable would safeguard the privacy of residents in No.62 Jordanstown Road.

Crime and Personal Safety

Criterion (i) of Policy QD1 states that proposed residential development should be designed to deter crime and promote personal safety. It is considered that the proposed development meets this objective, by positioning the dwelling to front onto the access road and having private amenity space to the rear.

Impact on the Character and Appearance of the Area

The surrounding area is characterised by linear rows of detached dwellings with garden areas to the front and back and external finishes mostly of red brick, although there are some dwellings finished in roughcast render.

An issue raised by the objector refers to the overall design of the proposal and that a new build dwelling on this application site would detract from the quaint character of the surrounding area. As this is an outline application, the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site will form part of any subsequent reserved matters application and will be assessed as part of that submission. Notwithstanding these reserved matters details, it is considered from the information before the Council that the proposed development will not have a detrimental impact on the character and appearance of the surrounding area and the proposal is acceptable in this regard.

Other Matters

Disposal of sewerage and surface water

On submission of the application, the agent indicated that surface water from the proposal would be disposed of via an existing public storm with foul sewerage to be disposed of through the mains. Northern Ireland Water (NIW) in their consultation response of 23rd May 2020 advised that the Whitehouse Waste Water Treatment (WwTW) Facilities were available to serve this proposal, however, due to the sewer network being at full capacity in the Whitehouse catchment, no new connections were being permitted to this network.

The agent was advised of NIW's position in a letter dated 4th September 2020 and given the opportunity to present an alternative drainage/treatment solution for the proposed development that would be acceptable to NIW. This letter also advised that this technical issue would carry determining weight, and if an acceptable alternative solution could not be found, Council would be recommending refusal of the proposal.

On the 19th October 2020, the agent advised that the applicant would be installing a small Klargest Treatment Plant in the most westerly corner of the application site, and that the discharge from this treatment plant would be combined with the storm water discharge to connect into the NIW storm drain that runs down the Jordanstown Road.

NIW assessed this alternative solution and stated in their consultation response of 27th November 2020, that although there is an existing 225 mm diameter public foul sewer located on the Jordanstown Road, which is adjacent and near the boundary of the application site, the sewer network is at capacity and therefore the agent's proposal of connecting the new treatment plant into this storm drain is not a viable option. NIW reiterated their previous advice that no new connections to the sewer network can be permitted. Consequently, the agent has been unable to provide an acceptable, alternative treatment/drainage solution for the proposed development. As there are no suitable means for disposing of discharge from this site, the proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would cause harm to an interest of acknowledged importance, namely sewage disposal.

Impact on trees and wildlife

Concerns raised by an objector relate to the possible impact on bats roosting in trees on the application site and the impact overall on the habitats of wildlife, insects and birds. The agent has completed a Biodiversity Checklist indicating that the development proposal will not impact on any priority species and that no additional survey information is required.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

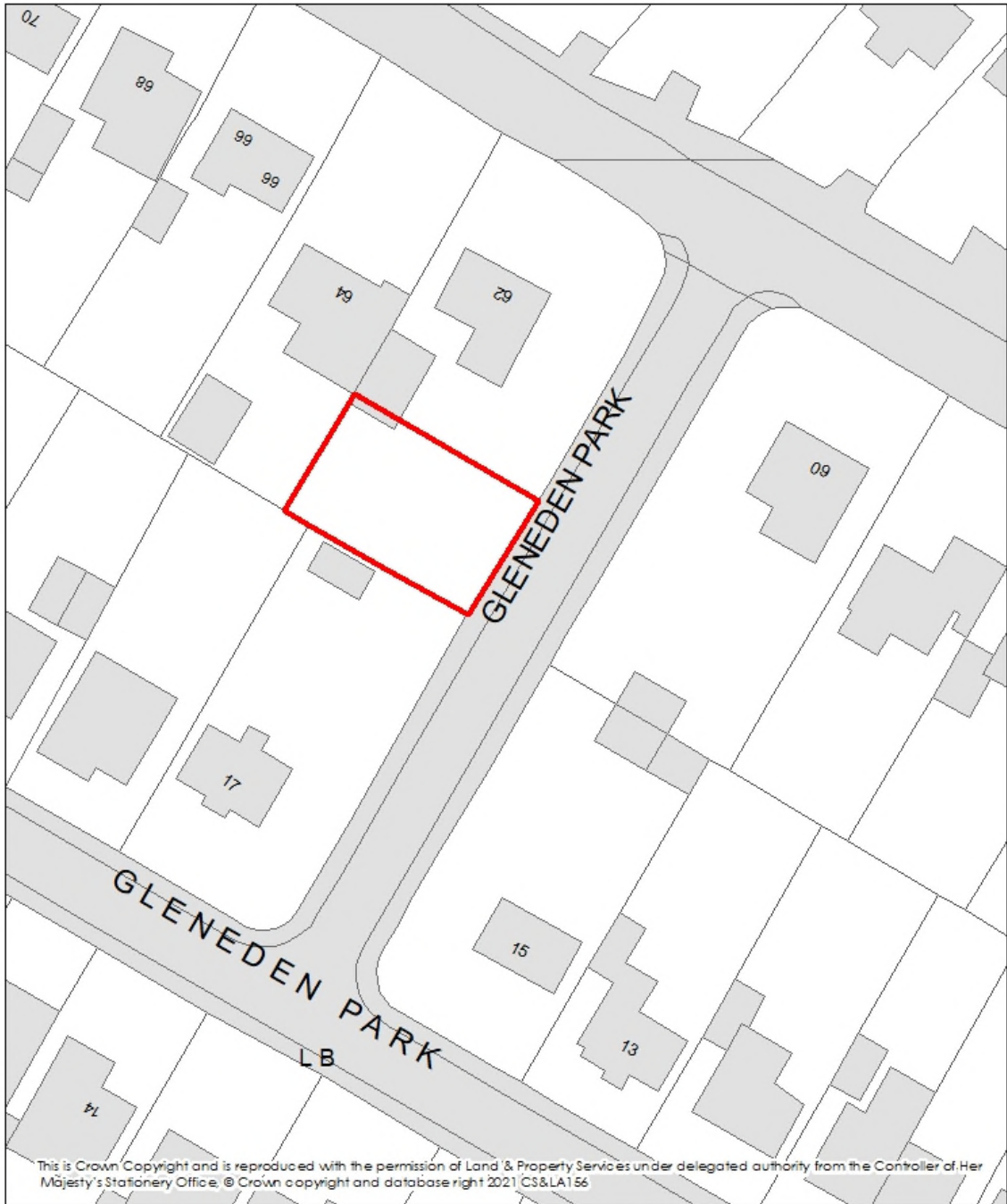
- The principle of a dwelling is acceptable.
- There are no significant concerns in relation to neighbour amenity.
- The development respects the character of the surrounding area.
- A safe and appropriate access arrangement has been demonstrated.
- The proposal cannot adequately dispose of sewerage and surface water.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASON OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would cause harm to an interest of acknowledged importance, namely sewage disposal, as it has not been demonstrated there is a satisfactory means of dealing with sewage associated with the development.



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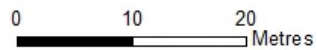
Location Map

Application Reference: LA03/2020/0315/O

Rear garden of 62 Jordanstown Road
Newtownabbey

Site for detached dwelling and garage

 Site Boundary



For Information Only



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2020/0229/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed 2 storey dwelling with attached garages to the rear with associated works (Change of house type as approved under LA03/2017/0587/RM)
SITE/LOCATION	21A Belfast Road, Nutts Corner, Crumlin, BT29 4TQ
APPLICANT	Mr Thomas Burns
AGENT	N/A
LAST SITE VISIT	26 th November 2020
CASE OFFICER	Steven McQuillan Tel: 028 903 Ext40421 Email: steven.mcquillan@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located in the countryside outside the development limits of any settlement designated in the Antrim Area Plan 1984-2001. The site is approx. 30m northeast of No. 21 Belfast Road, which is located to the east of Nutts Corner Roundabout. The site is accessible via a laneway from the public road that travels south towards No. 21, which includes an associated farmyard and farm buildings. The site is located on a slightly lower gradient than the Belfast Road.</p> <p>The site comprises what was originally an agricultural field, defined by hedgerow and occasional trees along the north and east boundaries. Trees along the northern boundary are approximately 5-8m in height and the trees along the eastern boundary extend to approximately 10-12m in height. There is a mature band of trees that runs along the east boundary of the field, however, the site extends beyond this and it is proposed to remove it and replace with a new hedgerow. A wall approximately 2metres in height defines the southern boundary. The site is relatively level and is surrounded by agricultural fields to the north, east, and west. The surrounding area is rural and characterised by a scattering of rural dwellings, farm buildings and agricultural land.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Ref: T/2014/0222/O Proposal: Site for Dwelling (complying with CTY 10) Address: 60m NE of 21 Belfast Road, Nutts Corner, Crumlin, BT29 4TQ Decision: Permission Granted (18.09.2014)</p> <p>Planning Ref: LA03/2017/0587/RM Proposal: Dwelling House & Detached Garage Address: 60m NE OF 21 Belfast Road Nutts Corner Crumlin BT29 4TQ Decision: Permission Granted (22.11.2017)</p>	

Planning Ref: LA03/2020/0443/LDP
Proposal: Dwelling & Garage (Completion of dwelling and garage approved under LA03/2017/0587/RM)
Address: 21a Belfast Road Nutts Corner Crumlin
Decision: Certified (17.07.2020)

PLANNING POLICY AND GUIDANCE

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 - 2001: The application site is located outside any settlement limit and lies in the countryside as designated by the Plan which offers no specific policy or guidance pertinent to this proposal.

SPPS - Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Council Environmental Health Section - No objection

Northern Ireland Water - No objection

Department for Infrastructure Roads - No objection

REPRESENTATION

One (1) neighbouring property was notified and one (1) letter of objection has been received. The full representation made regarding this proposal is available for Members to view online at the Planning Portal (www.planningni.gov.uk).

A summary of the key points of objection raised is provided below:

- The previously approved dwelling on the site was for a farm dwelling and the current proposal is not connected with farming activity and has no relevance to PPS 21.
- The previous approval on the land has expired;
- The dwelling is within 75m of a farm not associated with the applicant. Greater separation distance required to prevent impact from noise, odours and insects;
- The access laneway is also used by large agricultural machinery and a dwelling using the laneway (not familiar with farm activity) could result in health and safety risks;
- Three mobile homes are on the site with no planning permission.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Preliminary Matters
- Policy Context and Principle of Development
- Design, Scale and Appearance
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Other Matters

Preliminary Matter

Following an initial assessment of this application, the applicant was advised by email on 29th September 2020 that the Council had concerns regarding the scale, content and design of the proposal. The applicant was unwilling to amend the plans or provide justification for the proposal. As no amended proposal has been received, the application will be assessed on the drawings date stamped received 20th March 2020.

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to determination of the proposal.

The application site is located within the countryside outside any settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house.

In this case, no specific policy context has been identified which details how the proposed development would comply with PPS21 nor have there been any farm details submitted with the application. It is stated that works have started on site under planning approval LA03/2017/0587/RM with the erection of the garage. If development works have commenced lawfully on this site under LA03/2017/0587/RM then this would represent a 'fallback' position for the application and give a context for establishing the principle of development. If the development has not commenced lawfully then the permission has expired and there is no context for the principle of development; an issue raised through an objection to the application. The only way to determine the lawfulness of such works is through the submission of a Certificate of Lawfulness. In this case, the lawful commencement of the dwelling approved under LA03/2017/0587/RM has been demonstrated through the approval of LA03/2020/0443/LDP. As a consequence the applicant has a legitimate fallback position and the principle of a dwelling on the site has been established.

Design, Scale and Appearance

The proposed dwelling is two storey with a ridge height of approx. 9.5m above finished floor level, including an underbuilding depth of 300mm. The total height is considered to be excessive for a rural two storey dwelling. The footprint of the dwelling is 'U' shaped, with an enclosed courtyard, and comprises a significant amount of floorspace, including a 156sqm garage and snooker room above. In addition, the single storey approved garage (approved under LA03/2017/0587/RM) has already been erected on site and there is no indication that this is to be removed.

Not only is there a significant increase in floorspace in this development compared to the previous approval, but it includes such uses as a large snooker room with separate male and female toilets. The applicant has advised he has a full size snooker table to install as it is one of his hobbies. A full size snooker table measures 12ft x 6ft (3.66m x 1.83m) and the minimum room dimensions to accommodate a full size table with a full size cue (58 inches) is 22ft x 16ft (6.71m x 4.88m). The proposed snooker room could accommodate 3 full sized snooker tables. The applicant has advised the size of the garage is required for his hobby of collecting vehicles, cars

and motorcycles (currently 17) and 4 additional trailers. No evidence has been provided of this vehicle collection that would justify the size of the garage proposed.

The dwelling also proposes a cinema room, dog room, gym with its own showers, utility room with an additional laundry room, store and 6 bedrooms. The applicant denies the dwelling has 6 bedrooms but rather it has 4 bedrooms and a study, however, the floor plans clearly identify 6 bedrooms with many other additional rooms. The applicant has highlighted the dwelling is to suit their personal needs, especially disabled access and movement. Whilst the individual rooms are not of concern in themselves (other than the size of the garage and snooker room with separate toilets), the cumulative impact of all the rooms creates a significant sized dwelling.

The applicant has highlighted that the outline approval on the previous application had no restriction on size, house type or ridge height and whilst this is the case, this does not permit any scale of a dwelling to be erected on the site. These matters were a material consideration within the associated Reserved Matters application, which approved a substantially smaller dwelling for the same applicant. The new proposal has 2-3 times the previously approved floorspace. It should also be noted that the current application is an independent full application with no direct association with the outline approval, other than as a material consideration.

The length of the front of the main dwelling is 17m with an additional 6.2m 2 storey side projection that is only 1m lower than the height of the main dwelling. This is a significantly dominant front elevation, however it is acknowledged it is not a roadside site. Notwithstanding this, there will be transient views from vehicles along Belfast Road and along the shared laneway (which is considered a visual vantage point for assessment).

In addition, features such as Juliette balconies and a hipped roof design would not be considered a typical rural design and would not be characteristic of the surrounding area. Furthermore, the first floor windows on the front elevation would not be of vertical emphasis. Whilst it is acknowledged the dwelling is not roadside, this alone does not eliminate the impacts of the proposal. There are transient views from vehicles and critical views along the shared access. The finishes include smooth render, dark flat concrete tiles, black aluminium rainwater goods and timber sliding sash which are acceptable finishes. The finish of the garage is not noted, however, it appears to be of a stone finish. Whilst stone can add variety to the design it is key that it does not dominate the visual impact of the dwelling. Importantly, it is located to the rear of the building, which significantly reduces its impact.

The proposed site extends further east than the previous approval, resulting in the removal of a mature boundary and the replanting of a notional boundary, due to the scale of the proposed dwelling. It is acknowledged that there is limited garden space, however, the courtyard would be deemed usable private amenity space and the private amenity space standards have been met.

Para 5.66 of PPS 21 states that where the scale, form or massing of a building would make it dominant or incongruous in the local landscape planning permission will be refused. In addition, Para 5.67 states successful rural designs are based upon simple

shapes and forms of traditional buildings and simplicity of design will enhance the appearance of a new building.

It is considered that the scale and massing of the development, much of which is attributed to the content, is too excessive and the design is not reflective of traditional rural dwellings located within the area.

Neighbour Amenity

The nearest neighbouring property, No. 21 Belfast Road, is located approximately 30m southeast of the proposed dwelling. Due to its excessive scale and massing, the proposed building will visually dominate the adjoining farmhouse (No. 21), which is a single storey dwelling. Whilst the scale and massing are considered to be unacceptable, the design, however, is sympathetic in that no windows are proposed to the rear elevation, which will ensure there is no overlooking of No. 21.

Impact on Character and Appearance of the Area

The application site is located approximately 120m south of the public road with agricultural land separating the application site from the road. The field that abuts the road is defined by a well maintained hedge on its northern boundary. The application site's northern boundary is defined by trees (5-8m high) and a hedgerow. The site is on a slightly lower ground level than the public road and the proposed dwelling is positioned over 140m south of the road. There will not be sustained views of the site when travelling in both directions along the Belfast Road as the application site is partially screened by the existing roadside boundaries, intervening field boundaries and the retained boundaries of the application site, however, there will be intermittent views. The roadside hedgerow is relatively low and there will be transient views both travelling along Belfast Road and those from the shared access, where the views become more critical.

A notable difference from the previously approved application is the proposed removal of the mature eastern boundary of the site and the extension of the site by approximately 8m to the east. Policy CTY 13 of PPS21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Para. 5.62-5.63 states that new buildings should be sited to take advantage of opportunities afforded by mature planting and in this case the proposal fails to utilise the best natural features of the site; indeed it proposes to remove them to facilitate the construction of a larger dwelling on an extended site. If the proposal had been of a reduced scale the site would have provided greater natural enclosure by the retention of this boundary.

Building on Tradition – A sustainable Design Guide for Northern Ireland is a material consideration within the application process and states that the size and scale should be relative to what is existing in its surroundings. In addition, Para 5.79 of PPS21 states in order to maintain and protect the rural character of an area, the new building should reflect the traditional settlement pattern of the area. The character of this surrounding area is a mixture of small-medium sized single storey and 2 storey dwellings (most single storey dwellings are located to the north of Belfast Road). It is accepted that a two storey dwelling on the site is acceptable and in keeping with the existing character, however, there are no other dwellings of similar scale, massing or design to the proposal. As per Para. 5.81 of PPS21, the assessment and impact of a

new building on the rural character will be judged from public viewpoints, including shared private access laneways.

It is acknowledged that the site is located approximately 140m from the public road, however, the access is shared and is considered a public vantage point. Given the issues above, the proposal will have a detrimental impact on the character of the area.

Other Matters

An objection raised issue with the proposed dwelling within 75m of a farm not associated with the applicant and that a greater separation distance is required to eliminate the impact from noise, odours and insects. There is no requirement in policy as to how far a dwelling should be located from a farm. The only reference to 75m is contained within permitted development allowance for agricultural development with The Planning (General permitted Development) Order (Northern Ireland) 2015 and this only relates to development that would not require planning permission. It is noted that the Environmental Health Section of Antrim and Newtownabbey Borough Council has not objected to the proposal, however, they have recommended a separation of 75m from the farm dwelling. The previous planning approval was granted as a farm dwelling and there is a requirement under policy to link to the adjacent farm (which was then all in the same ownership). The proposed dwelling is located approximately 9m closer to the farm than the previous approval, however, this part of the dwelling would not be considered to be a regularly habited part of the dwelling. In fact, the main habitable areas of the dwelling are located further away from the farm than the previous approval. As a result, the separation distance is considered sufficient in this respect.

Concern was also raised regarding the safety of the laneway with large agricultural machinery using it. Shared accesses with farming activities are commonplace in the countryside and care should be taken at all times when using shared accesses/roads by foot or vehicle to ensure the safety of all concerned. In addition, the applicant could implement the previous approval and thus there would be no justification for refusal on this basis.

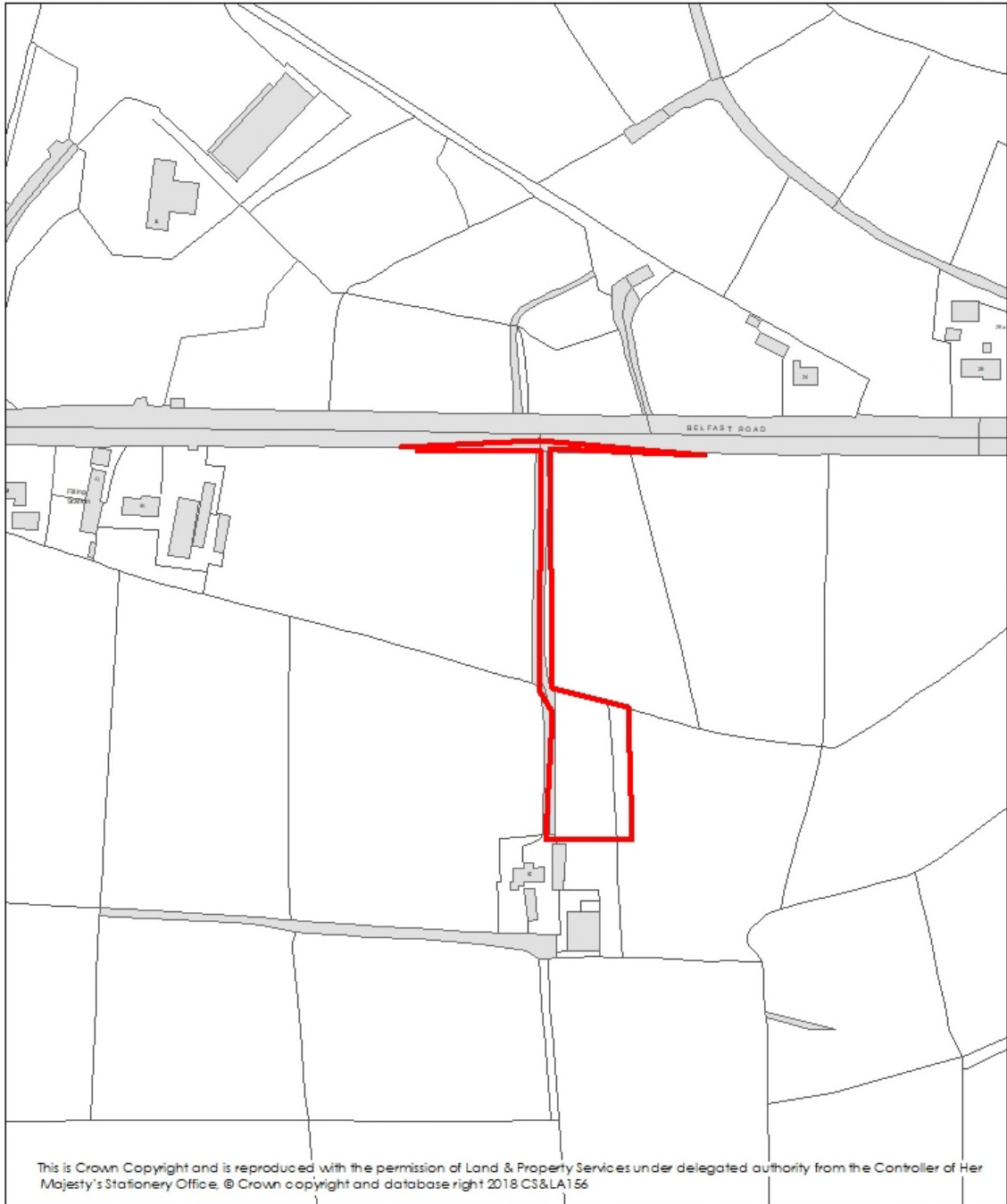
The objector has raised concerns in relation to three mobile homes on the site with no planning permission. This is not a matter for this planning application but rather a matter to be investigated through the planning enforcement process.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The principle of a dwelling has been established with the commencement of the previous grant of planning permission;
- The scale, design and content of the dwelling is considered unacceptable;
- There is not considered to be any detrimental impact on neighbouring amenity by reason of overlooking;
- It is considered that the scale and massing will have a dominant impact on the adjacent dwelling
- There is considered to be a detrimental impact on the rural character of the area.

RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASON OF REFUSAL	
1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the height, scale, massing and design of the dwelling would not be appropriate for the site or the locality.	



Location Map

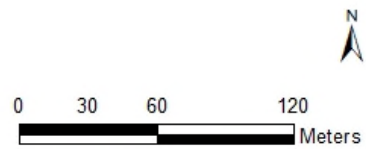
Application Ref: LA03/2020/0229/F

Location: 21 A Belfast Road, Nutts Corner, Crumlin

Proposal: Proposed 2 storey dwelling with attached garages to the rear with associated works (Change of house type as approved under LA03/2017/0587/RM)

 Site Boundary

For Information Only



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2020/0641/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for replacement dwelling
SITE/LOCATION	250m north east of 44 Belfast Road, Nutts Corner, Crumlin
APPLICANT	Gerard Maguire
AGENT	Park Design Associates
LAST SITE VISIT	9 th November 2020
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the countryside outside any settlement limit as defined in the Antrim Area Plan 1984-2001.</p> <p>The application site comprises of two distinct parcels of land, one parcel contains the dwelling to be replaced with the other parcel of land being the preferred location of the dwelling. The access to the site is through an agricultural field with direct access onto the Belfast Road. This section of the application site is cut out of a larger agricultural field and runs parallel with the eastern boundary of the site.</p> <p>The application site contains a small single storey linear bungalow with the all structural walls and roof still intact. While the building is intact, it has not been occupied for a considerable period of time. There are mature boundaries to all the field boundaries which form the application site.</p> <p>The application site is located within a rural area with the land use being predominately agricultural. Nutt's Corner is located approximately half a mile to the west of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2018/1022/O Location: 130m east of 44 Belfast Road, Nutts Corner, Crumlin Proposal: Revised access to serve 2 dwellings approved under T/2010/0004/F and T/2010/0005/RM Decision: Permission Refused (23.07.2019)</p> <p>Planning Reference: LA03/2019/0020/LDP Location: 250m North-East of 44 Belfast Road, Nutts Corner, Crumlin Proposal: Completion of dwelling and garage in accordance with planning approval T/2010/0004/F Decision: Permitted Development (20.02.2019)</p>	

Planning Reference: LA03/2019/0019/LDP
Location: 320m North-East of 44 Belfast Road, Nutts Corner, Crumlin
Proposal: Completion of dwelling and garage in accordance with planning approval T/2010/0005/RM
Decision: Permitted Development (19.02.2019)

Planning Reference: T/2010/0005/RM
Location: 320m NE of 44 Belfast Road, Nutts Corner (access from Shalimar Service Station)
Proposal: Dwelling and Garage
Decision: Permission Granted (01.03.2010)

Planning Reference: T/2010/0004/F
Location: 250m NE of 44 Belfast Road, Nutts Corner (access from Shalimar Service Station)
Proposal: Dwelling and Garage
Decision: Permission Granted (05.02.2010)

Planning Reference: T/2005/1172/O
Location: 320m North-East of 44 Belfast Road, Nutts Corner. (Access from Shalimar Service Station)
Proposal: Site of dwelling and garage
Decision: Permission Granted (10.01.2007)

Planning Reference: T/2004/1446/O
Location: 320m North-East of 44 Belfast Road, Nutts Corner. (Access from Shalimar Service Station)
Proposal: Site of dwelling and garage
Decision: Permission Granted (20.06.2005)

Planning Reference: T/1999/0365/O
Location: 46 Belfast Road, Nutts' Corner, Crumlin
Proposal: Site for replacement dwelling
Decision: Permission Refused (25.08.1999)

PLANNING POLICY AND GUIDANCE

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy

and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 – 2001: The application site is located outside any settlement limit and lies in the countryside as designated by the Plan which offers no specific policy or guidance pertinent to this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 6: Planning, Archaeology and the Built Heritage: sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Department for Infrastructure Roads- Refusal recommended

Department for Communities Historic Environment Division – No objections

NI Water – No objections

Environmental Health – No objections

REPRESENTATION

No (0) neighbouring properties were notified as no properties about the application site and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Preliminary Matters
- Policy Context and Planning History
- Access Arrangement
- Impact on Character and Appearance of the Area

Preliminary Matters

The application includes an access onto the Belfast Road to the southeastern corner of the application site. An existing agricultural access is currently located at this location. However, following the case officer site visit on 9th November 2020, it is evident that works to the access arrangement have commenced. Approximately 100 metres of inert fill has been laid adjacent to the Belfast Road running parallel to

the boundary hedge. A case has been opened with the Planning Enforcement Section.

Policy Context and Planning History

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to the determination of the proposal. The application site is located within the countryside outside any settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside and PPS 3: Access, Movement and Parking which are applicable in this case.

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a replacement dwelling in accordance with Policy CTY 3 of PPS 21 'Replacement Dwellings'. Policy CTY 3 requires that the building to be replaced exhibits all the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. In this case the dwelling to be replaced is a single storey dwelling with a narrow gable depth of 6.0 metres and a frontage of 24 metres. It is finished in natural stone with a tin roof and a red brick chimney with an existing outhouse located to the immediate west of the existing dwelling. The building to be replaced has all the walls and roof structurally intact therefore satisfying this element of Policy CTY 3.

Policy CTY 3 also requires that the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. The proposed dwelling is located approximately 60 metres to the southwest of the existing curtilage. However, the agent contends that an offsite replacement will result in amenity benefits as previous applications T/2004/1446/O, T/2010/0004/F & LA03/2019/0020/LDP granted permission for a dwelling and garage adjacent to the dwelling to be replaced. In addition, the aforementioned approvals granted

permission for the associated garden area to include the existing curtilage of the dwelling to be replaced.

In addition, Policy CTY 3 requires that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building. In this case the proposal seeks outline planning permission and as such limited details have been provided in relation to the size or scale of the proposed dwelling. Taking into account the setback off the Belfast Road and the existing boundary treatment it is considered that a suitably designed dwelling could be achieved on the site. In order to ensure that the proposed dwelling does not have a visual impact significantly greater than the existing building it is considered necessary to impose a condition restricting the ridge height to 6 metres from finished floor level. Careful consideration should be given to the size, scale and design at reserved matters stage.

It is accepted that the existing dwelling provides an acceptable replacement opportunity, the reasons for an offsite replacement and subsequent amenity benefits are also considered acceptable. However, Policy CTY 3 also requires that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic. The existing and proposed access arrangement is discussed below.

Access Arrangement

The proposed access arrangement is to be taken off the Belfast Road which is part of the trunk road network and a protected route designated under the Antrim Area Plan. Policy AMP2 of PPS3 and the consequential amendment contained within Annex 1 of PPS21 indicates that there is a presumption against the creation of a new access onto a protected route, save for a limited number of exceptions which are listed under the policy. The main principle of the Policy AMP2 is to reduce the number of access points onto the trunk road network so as to facilitate the efficient movement of large volumes of traffic. The creation of new accesses can hinder the free movement of traffic as each additional access will cause traffic to have to slow down and speed up as vehicles manoeuvre to utilise the various accesses along the trunk road.

Consultation was carried out with DfI Roads who advised that if the Council accepts that the proposal meets the protected routes policy then DfI Roads has no objections subject to conditions. Category (a) of Annex 1 allows for access onto a protected route for a replacement dwelling, if the building to be replaced would meet the criteria set out in Policy CTY 3 of PPS 21 and there is an existing vehicular access onto a protected route. It has been previously established that the building to be replaced meets the criteria set out within CTY 3, however, the main concern relates to the fact that there is not an existing vehicular access onto a protected route.

Supporting Document 01 dated 17th September 2020 indicates that the proposed access arrangement reflects the access that was historically used to serve to the dwelling to be replaced. The proposed access arrangement can effectively be split into two sections, the northern section of the access is clearly defined on historic Ordnance Survey maps (OS) which is not in dispute and the southern section which adjoins the Belfast Road which is the section that is in dispute.

In an attempt to demonstrate that this was the former access, the applicant has submitted historical OS maps dated 1857 and 1966-1967. The aforementioned OS maps provided by the applicant show a dashed line, which runs parallel to the eastern boundary of the road frontage field, similar to the proposed access laneway. The applicant claims this dashed line is an indication of the historic access. However, surrounding laneways in the area and indeed the northern section of the proposed access is indicated by solid unbroken lines, therefore it is unclear what in fact the dashed line represents although this has been used to identify informal pathways. Further research shows the proposed laneway as indicated by solid unbroken lines existed on OS Maps dated back to 1832- 1846, however, the laneway is not clearly shown on subsequent OS maps dating from 1846 to the present day, with the exception of a dashed line.

It is acknowledged that a redundant dwelling is located at the end of the laneway and there is no dispute as to the northern section of the access, the dispute occurs in the latter section of the laneway. Notwithstanding the applicant's argument as to the historical access arrangement and the uncertainty in relation to what the dashed line represents on the historic OS maps, these arguments in themselves do not negate the fact that any historic laneway ceased and was abandoned and therefore cannot be considered to be an existing vehicular access as required by the consequential amendment contained within Annex 1 of PPS21 and AMP 2 of PPS 3.

Category (d) of the consequential amendment contained within Annex 1 of PPS 21 includes the provision for development which may be justified in the countryside and where access cannot be obtained from an adjacent minor road. In these instances the policy requires that the proposal will be required to make use of an existing vehicular access onto the protected route. In this case a previously approved access runs adjacent to the application site and accesses the Belfast Road via a single access point adjacent to a former filling station. As outlined above planning applications T/2004/1446/O, T/20015/1172/O, T/2010/0005/RM/ T2010/0005/F, LA03/2019/0020/LDP & LA03/2019/0020/LDP granted permission for sites for dwellings on adjacent plots. All of these previous approvals require them to be accessed via the aforementioned laneway which accesses the rear of the former filling station and then onto the Belfast Road. As such the opportunity for an approved access to serve the proposed replacement dwelling exists, however, this has not been explored by the applicant.

It is worth noting that the planning history of the site includes application T/1999/0365 for a replacement dwelling which proposed to use the same access arrangement as the current application, however this was refused planning permission contrary to Protected Routes Policy. Additionally, a more recent application LA03/2018/1022/F sought permission for a change of access arrangement for the aforementioned sites from the rear of the filling station to the access under the current proposal. This application was refused permission on 23rd July 2019.

In summary the conflict in relation to how, or if the dwelling to be replaced was served by a vehicular access does not negate the fact that the proposed vehicular access onto a protected route does not currently exist or indeed previously existed. The proposal therefore fails the requirements of Category (a) of the consequential amendment contained within Annex 1 of PPS21 and AMP 2 of PPS 3.

Impact on Character and Appearance of the Area

The SPPS paragraph. 6.70 states that all development in the countryside must integrate into its setting and respect rural character. Policy CTY 13 - Integration and Design of Buildings in the Countryside states that a new building will be unacceptable where it would be a prominent feature in the landscape and as such would not integrate or would be of an appropriate design. Whilst Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.

In this case the application site is set back from the public road by approximately 120m, the topography of the site is flat. Views from the adjacent Belfast Road when travelling in both directions are fleeting due to its set back location, the vegetation along the southern boundary of the application site and the roadside vegetation. The application seeks outline permission and as such details are limited however, it is considered that a low level dwelling with a ridge height of no more than 6.0 metres from finished floor level would integrate into the landscape.

As indicted above the proposal also seeks to create a new access laneway onto the Belfast Road, the length of the proposed new access laneway measures approximately 110 metres. It is considered that the new section of laneway running along the natural field boundary would integrate into its surroundings and would not be obtrusive in this rural area subject to a condition requiring the western boundary of the access lane being defined by a natural species hedgerow.

Overall it is considered that the siting and design of the proposed dwelling is acceptable on this site and complies with CTY 3, 13 and CTY 14 of PPS 21.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

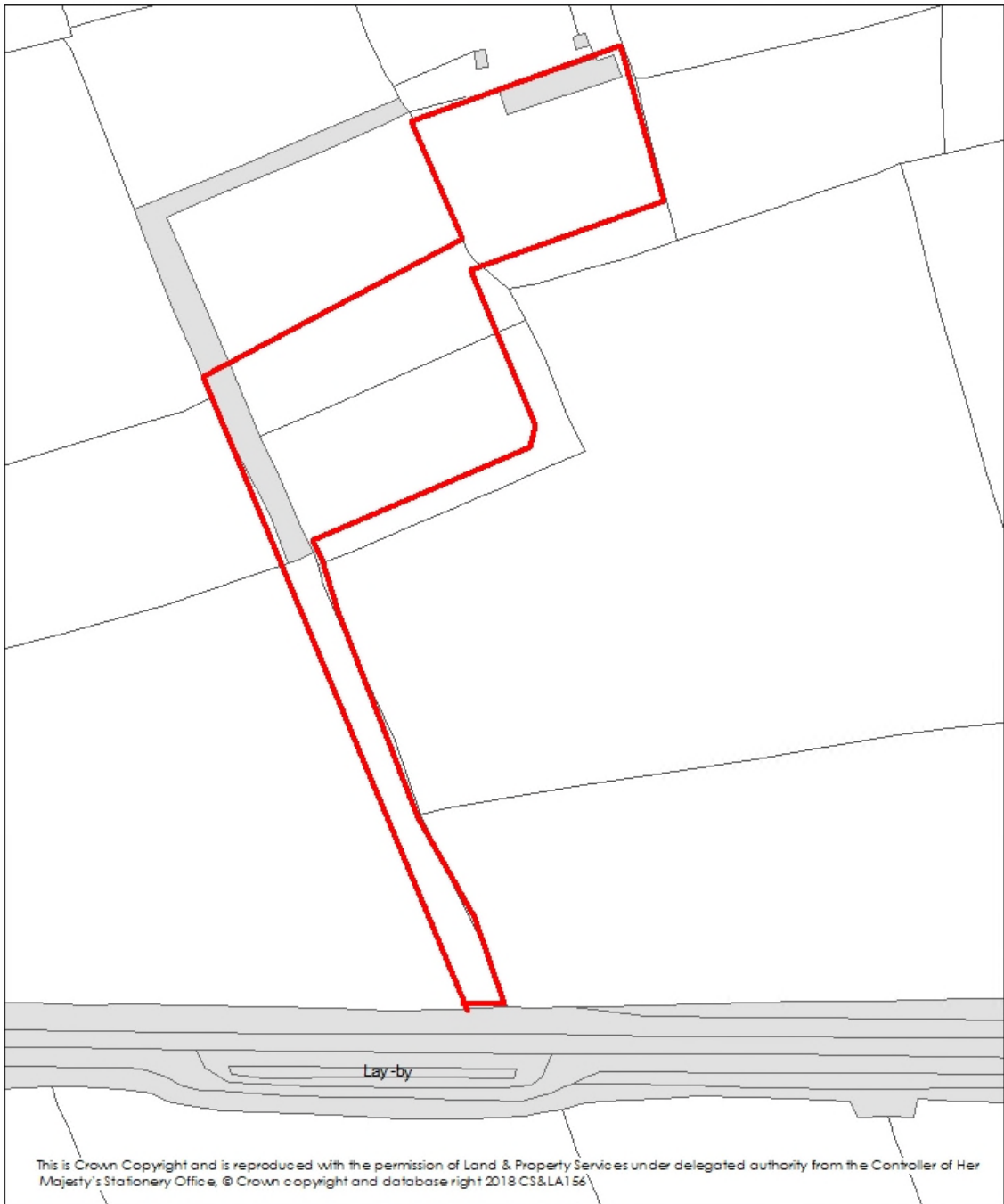
- The principle of the development has not been established as access onto the public road will prejudice road safety and significantly inconvenience the flow of traffic.
- The proposal would create an additional unacceptable access onto a protected route.
- The proposal would, subject to conditions, integrate into its surroundings.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASON OF REFUSAL

1. The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Annex 1, Policy AMP 3 Access to Protected Routes (Consequential Revision), in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic.



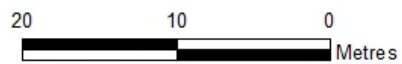
Location Map

Application Reference: LA03/2020/0641/O

Site for replacement dwelling

250m north east of 44 Belfast Road, Nutts Corner, Crumlin

 Site Boundary



For Information Only



COMMITTEE ITEM	3.10
APPLICATION NO	LA03/2020/0410/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Proposed site for a dwelling and attached domestic garage (Policy CTY 10)
SITE/LOCATION	Approx. 200metres south east of No.178 Staffordstown Road, Randalstown.
APPLICANT	Mr Richard French
AGENT	CMI Planners
LAST SITE VISIT	January 2021
CASE OFFICER	Orla Burns Tel: 028 9034 0408 Email: orla.burns@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located in the rural area and outside any designated settlement limits as identified within Antrim Area Plan 1984-2001. The site is located approximately 200 metres south east of No. 178 Staffordstown Road.</p> <p>The site comprises a section of a larger agricultural field and is accessed via an existing laneway to the northwest. The topography of the surrounding land falls slightly from the northeast towards the southwest. The land within the application site rises slightly towards the eastern boundary. The boundaries to the north and east are defined by an approximately 2 metre high hedge, whilst the remaining boundaries are physically undefined.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/20190885/O Location: Land 35metres of 178 Staffordstown Road, Randalstown Proposal: Site for 2 storey dwelling Decision: Permission Granted 04.12.2019</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging</p>	

provisions of the Belfast Metropolitan Area Plan (which remains at the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 – 2001: The application site is located outside any settlement limit and lies in the countryside as designated by the Plan which offers no specific policy or guidance pertinent to this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Council Environmental Health Section – No objections

NI Water – No objections subject to conditions.

Council Environmental Health Section – No objections

DAERA Countryside Management Inspectorate Branch – No objections

REPRESENTATION

Two (2) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development
- Integration and Design
- Impact on Character and Appearance of the Area
- Neighbour Amenity
- Other Matters

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

Whilst there is currently no statutory development plan in place for the area where the development is proposed, the provisions of both the draft Newtownabbey Area Plan and the draft Belfast Metropolitan Area Plan are considered to be material considerations in the assessment of the current application. Both of these Plans identify the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY1 of PPS21 sets out the types of development that are considered acceptable in principle in the countryside. These include a dwelling on a farm in accordance with Policy CTY 10.

Policy CTY 10 states that all of the following criteria must be met:

- The farm business is currently active and has been established for at least 6 years;
- No dwellings or development opportunities out-with the settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- The new building is visually linked or sited to cluster with an established group of buildings on the farm.

The Department for Agriculture Environment and Rural Affairs was consulted on the proposal with regards to the farm business ID submitted as part of the application. DAERA responded stating the farm Business ID identified on the P1C form had been in existence for more than 6 years (since 26th September 2004) and has made claims in the form of (Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes) within the last 6 years. DAERA further confirmed the application site is located on land for which payments are currently being claimed for the farm business. It can be considered that the first criteria of Policy CTY 10 is met.

The second criteria of this policy states that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. A history search has been completed for all lands identified on the farm maps submitted with the application, indicated on Drawing No. 03 date stamped 28th October 2019, and the Council has no record to suggest that any other dwellings or development opportunities have been sold off from the farm holding in the last ten years. There has however been outline approval for a dwelling on a farm approved under LA03/2019/0885/O under the same business ID. This outline approval has not been supplemented with a Reserved Matters application. The applicant has indicated that they wished to move the approved site from its current position adjacent to the poultry sheds to a location a distance away for amenity reasons.

Should planning permission be granted for a new site away from the approved site, it is necessary that a condition substituting the previous outline approval (LA03/2019/0885/O) with the new site is included on any decision notice to ensure that only one dwelling is built on the farm holding thus ensuring that only one dwelling is permitted within the 10 year period in accordance with the Policy CTY 10.

The third criteria laid out in Policy CTY 10 states that a new building should be visually linked or sited to cluster with an established group of buildings on the farm. The policy goes on to say that in exceptional circumstances consideration may be given to an alternative site provided that there are no other sites available at another group of buildings on the farm or out-farm and where there are either; demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group.

Building on Tradition (page 85) advises that a dwelling on a farm should be positioned sensitively so as to form an integral part of the farm group, or when viewed from surrounding vantage points the dwelling reads as being visually interlinked with the existing farm buildings. In certain circumstances, it may be appropriate to locate the new building at another location within the farm holding. Where this is the case, the applicant should aim to:

- Site the house as close as possible to the existing cluster;
- Locate the house so that it relates to existing established field boundaries;
- Respect and reinterpret traditional patterns of siting, scale, massing and form;
- Link where possible to existing mature hedges and/or stands of mature trees.

The proposed siting of the dwelling is to be located approximately 150 metres southeast of the existing group of farm buildings. Document 01, date stamped 3rd July 2020 and Document 02 date stamped 26th November 2020 provides justification for the site location. Doc 01 states the applicant has been living at No. 178 Staffordstown Road, northeast of 2no. poultry sheds (located to the northwest of the application site and indicated on Drawing 01/2, date stamped 19th August 2020). Due to the southwesterly wind, the applicant has been affected by odour from the poultry shed at No. 178.

Doc 02 claims there are both health and safety reasons for the location of the site, and states the proposed siting will visually link with the farm group - measuring the separation distance as approximately 106 metres. However, the Council measures a distance of approximately 150metres. The measurement has been taken from the

closest farm building to the proposed "Site" location, identified on Drawing 01/2 date stamped 19th August 2020.

Doc 02 goes on to justify the site location stating that the location of the previous outline approval LA03/2019/0885/O is too close (some 50metres) to the poultry sheds and associated outbuildings/equipment. Doc 02 warns of the 'major health risks" in living close to poultry farms, hatcheries and processing plants with the most common complaint being the odour arising from the farm. It goes on to further explain that research shows that there are bigger dangers, unless the farmer has complied with setbacks guidelines and other safety regulations. The agent lists 10 common issues and implications with siting a residential property near poultry sheds, however, no evidence has been presented with this application in order to quantify or qualify the statements within Doc 02 and as a consequence it appears that the applicant merely has a desire to move further away from the farm holding rather than any verifiable information to support their assertions.

Doc 02 states the applicant intends to expand the farm holding therefore the proposed site location is the best solution in order to facilitate the future expansion. Paragraph 5.42 of PPS21 states evidence should be submitted relating to the future expansion of the farm business, this may include valid planning permissions, building control approvals or contractual obligations to supply farm produce. There has been no evidence submitted to the Council that indicates any planned expansion to the farm, therefore this cannot form part of the consideration of the current planning application.

Paragraph 5.41 of PPS21 states that the proposed dwelling, when viewed from surrounding vantage points, should read as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them. However, if the existing building group is well landscaped, or where a site adjacent to the building group is well landscaped, planning permission can be granted for a new dwelling even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation. The northwestern and southwestern boundaries are physically undefined whilst the northeastern and southeastern boundaries are defined by a 2 metre high hedge.

As the application site is quite open and exposed, when viewed from surrounding vantage points to the east there will be long views of the dwelling when travelling in both directions along the Greenan Road. Views will also be achieved on the Straffordstown Road to the north for approximately 125metres. It is considered that a dwelling would appear visually separated from the farm group and there would be a distinctive gap between the existing buildings and the application site, as a consequence the proposed dwelling would appear as an isolated dwelling in the countryside.

Overall, given the distance of the application site (150m) from the group of farm buildings, it is considered that a dwelling on this site would not visually link with the existing buildings on the farm and therefore fail criterion C of policy CTY 10.

Integration and Design

Policies CTY 13 & 14 of PPS21 state that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, is of an appropriate design and where it does not cause a detrimental change to, or further erode the rural character of an area.

Proposed buildings should blend sympathetically with their surroundings and should not appear incongruous in the landscape. The siting and design of new buildings are important to ensure they integrate harmoniously with their surroundings in order to protect the amenity and character of the countryside. The determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site will blend unobtrusively with its immediate and wider surroundings when judged from critical views along stretches of the public road network.

Criterion (d) of CTY 13 indicates a dwelling will be unacceptable where it fails to be visually linked or sited to cluster with an established group of buildings on a farm (in accordance with CTY 10).

Para 5.41 of the justification and amplification of Policy CTY 10 states that *'To help minimise the impact on the character and appearance of the landscape such dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that building group, or when viewed from surrounding vantage points, it read as being visually interlinked with those buildings with little appreciation of any physical separation that may exist between them'*

The siting of the dwelling is 150m from the farm grouping and does not read as part of the established group of buildings. It is not disputed that a dwelling on the proposed site would be seen in proximity to the farm group when in transit along the Greenan Road and Staffordstown Road, however, the intervening separation will be readily apparent therefore making the application site fail on integration terms and with regard to Policy CTY 10.

Overall, it is considered that a dwelling on this site would not visually integrate with its immediate and wider surroundings, and if approved would not respect the traditional pattern of settlement exhibited in the area. Therefore, the proposal fails Policy CTY13 of PPS21.

Neighbour Amenity

As this application seeks outline planning permission, no details have been provided regarding the proposed design or layout for the dwelling house. It is, however, considered that a suitably designed dwelling at this site would not unduly impact neighbouring properties.

The closest neighbouring dwelling to the application site is No. 178 Staffordstown Road, located some 200 metres northwest of the application site. There are existing farm buildings located between the site and No. 178 therefore it is considered No.178 Staffordstown Road will not be significantly impacted by a proposed dwelling on the site.

Other Matters

DfI Roads has no objection to the proposal.

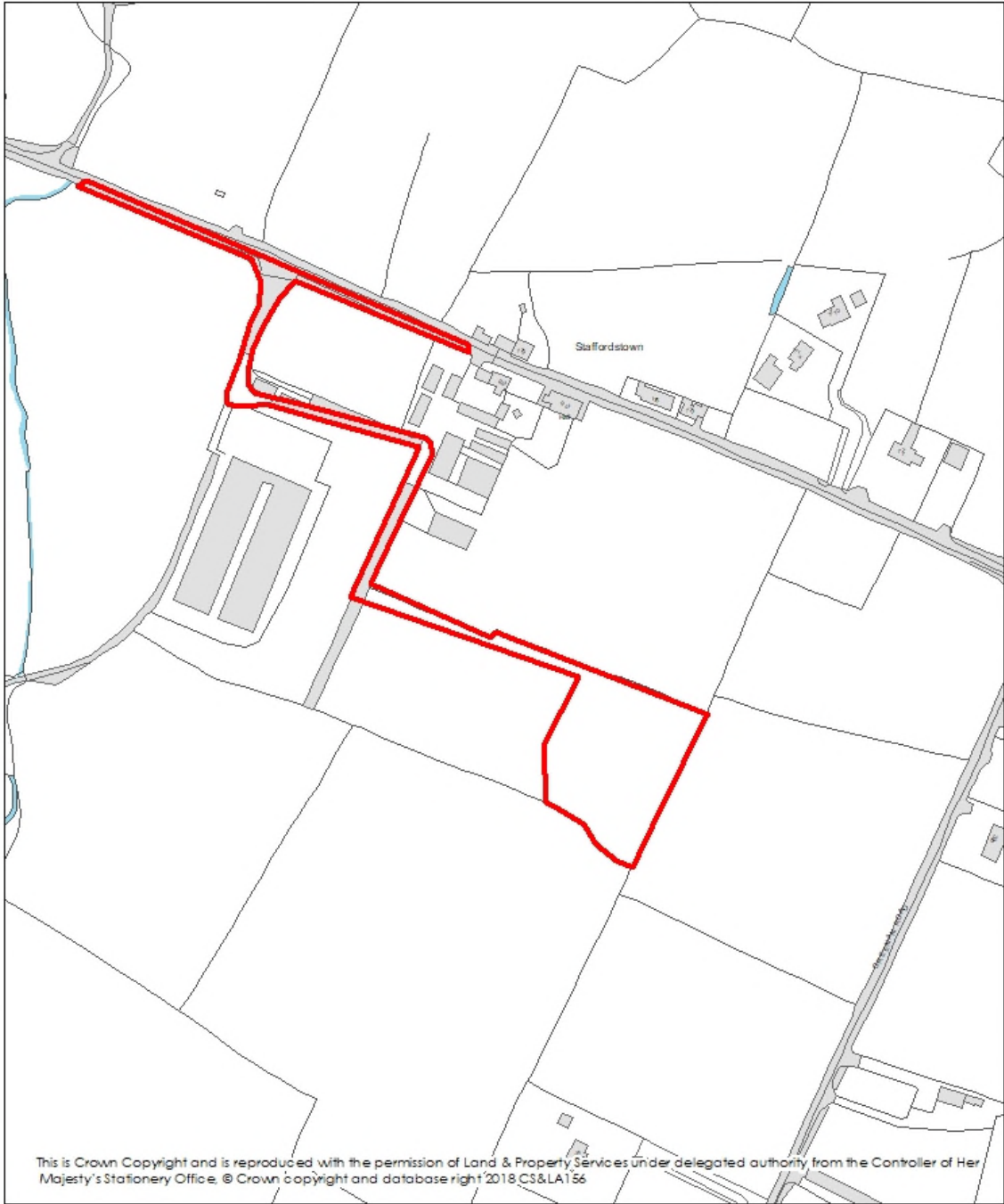
CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The principle of the development cannot be established as the proposal fails to visually link with the existing buildings on the farm.
- The proposal, if approved, would not respect the traditional pattern of settlement exhibited in the area and would be detrimental to the character of the rural area.

RECOMMENDATION**REFUSE OUTLINE PLANNING PERMISSION****PROPOSED REASONS OF REFUSAL**

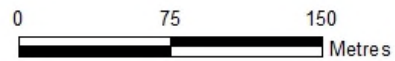
1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling if permitted, would not be visually linked or sited to cluster with an established group of buildings on a farm.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling if permitted, would not integrate into the countryside.



Location Map

Application Reference: LA03/2020/0410/O
 Approx 200m SE of 178 Staffordstown Road,
 Randalstown, BT41 3LT

 Site Boundary



Proposed site for a dwelling and attached domestic garage in
 substitution of site approved under LA03/2019/0855/O
 (Proposal based on Policy CTY10)

For Information Only



COMMITTEE ITEM	3.11
APPLICATION NO	LA03/2020/0384/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site of dwelling and garage
SITE/LOCATION	Approx. 65m North West of 35 Clonkeen Road, Randalstown
APPLICANT	Mr Mervyn Cotton
AGENT	Ivan McClean
LAST SITE VISIT	January 2021
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on lands approximately 65 metres northwest of No.35 Clonkeen Road, Randalstown. This is an area of land in the countryside outside any settlement limits as identified in the Antrim Area Plan 1984 – 2001.</p> <p>The application site is approximately 0.25 Hectares and comprises of a roadside plot cut out of a much larger agricultural field. The northeastern (roadside) boundary is defined by an established field hedgerow, approximately 3 meters in height and is punctuated by a vehicular field access adjacent to the access to No. 40 Clonkeen Road to the north. The northwestern boundary of the site is defined by ranch style wooden fencing with post and wire fencing to the rear associated with No.40 Clonkeen Road. The southwestern boundary of the site is physically undefined and forms part of the larger agricultural field. The southeastern boundary of the site is adjacent to a dwelling under construction and is defined by sporadic hedgerow, several mature trees of varying heights and post and wire fencing.</p> <p>This area is characterised by a grouping of buildings with a number of new builds presently under construction within this area. The grouping of buildings in this area includes the new build at No.37 Clonkeen Road and Nos. 33 & 35 Clonkeen Road on the opposite (southeastern) side of the road. To the southeast of the site there are a number of buildings present which include two new builds immediately adjacent to the southeastern boundary of the application site LA03/2020/0206/F (replacement dwelling) and T/2015/0027/F (infill dwelling). In addition, site clearance works have begun on a second infill site (LA03/2020/0635/F) resulting in what will be three new builds adjacent to one another. Beyond these new builds there are a number of older properties including Nos. 34, 32, 30 Clonkeen Road. In addition to these dwellings there are a number of agricultural buildings located to the rear (west) of the two new build dwellings.</p>	

To the north of the application site there is a separate grouping of buildings Nos. 38, 40 & 44 located along extended laneways and set back (180m+) from the Clonkeen Road.

There are a number of key landmarks in the area including Craigmore Fishery located to the southwest of the application site, the former Craigmore Quarry to the northeast and Craigmore Recycling Centre to the southeast of the application site. Craigmore Presbyterian Church, is also located approximately 200m to the northwest of the site.

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2019/0923/O

Location: Approx. 70m North West of 35 Clonkeen Road, Randalstown,

Proposal: 2No. dwellings & garages (double infill)

Decision: Permission Refused: 21.01.2020

Planning Reference: LA03/2019/0587/F

Location: 37 Clonkeen Road Randalstown

Proposal: Domestic garage (Retrospective)

Decision: Permission Granted: 29.08.2019

Planning Reference: LA03/2018/0014/F

Location: Approx. 10m West of 35 Clonkeen Road, Randalstown,

Proposal: Proposed dwelling and garage

Decision: Permission Granted: 29.03.2018

Planning Reference: LA03/2017/0460/O

Location: Approx. 10m West of 35 Clonkeen Road Randalstown,

Proposal: Proposed new dwelling and domestic garage

Decision: Permission Granted: 09.10.2017

Planning Reference: LA03/2020/0206/F

Location: 90m north west of 34 Clonkeen Road, Randalstown

Proposal: Replacement dwelling

Decision: Permission Granted: 02.06.2020

Planning Reference: LA03/2019/0871/F

Location: 90m North West of 34 Clonkeen Road, Randalstown,

Proposal: Replacement dwelling and garage

Decision: Permission Granted: 29.11.2019

Planning Reference: T/2015/0027/F

Location: 50m North West of 34 Clonkeen Road, Randalstown

Proposal: Dwelling and detached garage (renewal of planning permission T/2012/0408/RM)

Decision: Permission Granted: 11.03.2015

Planning Reference: T/1998/0456

Location: Clonkeen Road, Randalstown

Proposal: Dwelling and Garage

Decision: Permission Granted: 05.01.1999

PLANNING POLICY AND GUIDANCE

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 – 2001: The application site is located outside any settlement limit and lies in the countryside as designated by the Plan which offers no specific policy or guidance pertinent to this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Council Environmental Health Section –It is indicated that existing farm buildings are within 20 metres of the proposal which may give rise to nuisance.

Northern Ireland Water – No objection

Department for Infrastructure Roads - No objection subject to conditions

REPRESENTATION

Three (3) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development

- Design and Appearance
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Other Matters

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to determination of the proposal.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY 1 of PPS 21 indicates that there are certain types of development that are acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of new dwellings in existing clusters. Policy CTY2A indicates that provision should be made for a dwelling in a cluster provided that all of six criterion are met. The agent has submitted a supporting planning statement referring to this planning policy.

Criterion 1 of Policy CTY2A indicates what may be considered to constitute a cluster for the purposes of the policy. It is argued by the agent that a cluster of development is formed on the northeastern (opposite) side of the Clonkeen Road by the four dwellings at No's 33, 35 and 37 Clonkeen Road and No.4 Craigmore Road which are contained by the quarry site and recycling centre to the rear of these properties.

On the southwestern side of the Clonkeen Road the cluster is contributed to by the recently completed dwelling (planning reference T/2015/0027/F) approximately 75m to the southeast of the application site. Additionally, on lands immediately southeast of the application site there is an extant planning permission for a replacement dwelling (planning reference LA03/2020/0206/F) which is substantially complete. To the rear of this dwelling is a number of agricultural buildings which contribute to the cluster of buildings in this area. It is therefore considered that an existing cluster of development that lies outside of a farm and consists of four or more buildings of

which at least three are dwellings is evident in the immediate vicinity of the application site and the first criterion of Policy CTY2A has been complied with.

The second criterion of Policy CTY2A requires that the cluster appears as a visual entity in the landscape. The cluster of buildings as identified above appears as a visual entity in the landscape when in transit in both directions along the Clonkeen Road and as such it is considered that the second criterion of Policy CTY2A has been complied with.

The third criterion of Policy CTY2A requires that the cluster is associated with a focal point such as a social / community building/facility, or is located at a crossroads. In this case there are a number of focal points in the area such as; the disused Craigmore Quarry and the Recycling Centre approximately 80m to the northeast of the application site. In addition, the Craigmore Presbyterian Church, which is located approximately 200m to the northwest of the application site, all of which can be considered as a focal point such as a social/community building/facility. The quarry could be considered as a focal point as could the T Junction with the Craigmore Road. This criteria is considered to be met.

The fourth criterion of Policy CTY2A requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. In this case the application site is only bound by development on the southeastern side by the replacement dwelling which is substantially complete.

The agent's supporting statement contends that the front garden curtilage of No.40 Clonkeen Road and the entrance to No.38 Clonkeen Road, both of which are to the north of the application site, provide a further boundary of development associated with the cluster along with the dwelling at No.37 Clonkeen Road located to the opposite side of the public road from the application site. It is not accepted that the application site shares a boundary with No.37 Clonkeen Road as it is physically separated from the application site by the public road.

With reference to what the agent describes as the front garden curtilage of No.40 Clonkeen Road the Council has previously considered (via planning reference LA03/2019/0923/O) that this landscaped entrance and grassed area is not part of the garden of No.40 Clonkeen Road, rather the curtilage of that property is located on lands surrounding the dwelling, which is located some 230m approximately southwest of the application site. The vehicular entrance to No.38 Clonkeen Road is located adjacent to and just north of the vehicular entrance to No.40 and the dwelling is positioned some 180m approximately to the southwest of the Clonkeen Road. It is considered that while both these entrances constrain further development to an extent, they are not considered to be 'development' for the purposes of the policy but merely access laneways.

It is considered that given the significant visual, physical and spatial separation distances of No's 38 and 40 Clonkeen Road from the application site and the existing development comprising the cluster, that these two properties and their remote vehicular access arrangements cannot be accounted for as contributing to the cluster of development in the immediate vicinity of the application site. In turn, the remote vehicular access points for No's 38 and 40 Clonkeen Road are not

considered to form part of the cluster whereby the application site would be bounded on at least two sides by other development in the cluster.

This criterion also requires there to be a suitable level of enclosure around the application site. DfI Roads consultation response indicate that visibility splays of 90m either side of the proposed vehicular access will be required and this dictates the removal of the entire length of the existing road side hedgerow. The southwestern boundary is physically undefined in the landscape reflecting that the application site has been formed through the subdivision of a larger agricultural field. This boundary will also require new landscaping to provide a suitable degree of enclosure. All new planted elements that will be required to assist with the integration of the proposed development will take a significant period of time to mature and in order to provide a satisfactory level of visual enclosure for the application site required by this element of the policy. It is considered that the application site does not comply with the fourth criterion of Policy CTY2A.

The fifth criterion of Policy CTY2A requires that the development of the application site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter the existing character, or visually intrude into the open countryside. As it is considered that the application site is not bounded to the northwest by development in the existing cluster, it is considered that the introduction of a dwelling and a garage on the application site will break out from the established cluster and not consolidate it. Additionally, the proposed development on this application site will add to and extend a ribbon of development along this side of the Clonkeen Road. It is therefore considered that the fifth criterion of Policy CTY2A has not been complied with.

Policy CTY8 of PPS21 is clear that ribbon development is detrimental to rural character and will significantly alter the existing character of the site and the context of its receiving environment. In this instance it is considered the development proposal will visually intrude into the open countryside given the views on approach to the site in either direction along the Clonkeen Road when moving southeastwards past the entrance to No.40 and when moving northwest past the recently completed dwelling.

The agent's supporting statement notes that the Council conceded in its planning report that the dwelling granted planning permission under LA03/2017/0406/F and known as No.37 Clonkeen Road did not strictly meet Criterion 4 of Policy CTY2A. The agent notes that the planning report conceded that the application site was not bounded on at least 2 sides with other development in the cluster but that the existing adjacent dwellings (No's 33 and 35 Clonkeen Road), the boundary of Craigmore Quarry and its recycling centre and the agricultural sheds to the southwest side of Clonkeen Road (now largely removed) were noted in that report. The agent contends that in equitable terms there can be little distinction made in the assessment of the current proposal when compared with LA03/2017/0406/F which provided for the dwelling known as No.37 Clonkeen Road.

The Council did concede that the site of No.37 Clonkeen Road was not bounded on at least two sides with other development in the cluster. As set out in the planning report for LA03/2017/0406/F, it was considered the site of No.37 Clonkeen Road provided a suitable degree of enclosure due to the mature vegetation at its rear

boundary, and that the topography of the land at Craigmore Quarry physically containing the site to such an extent that it rounded off the existing development on that side of the Clonkeen Road. This site is not comparable with the application site as the same physical topography or barrier formed by the quarry site does not exist on the application side to contain further development nor does it have any means of enclosure on two sides of the application site to help absorb it into the existing cluster of development and as a consequence a dwelling on the proposed site will intrude into the open countryside.

Neighbour Amenity

The sixth and final criterion of Policy CTY2A requires that the proposed development would not adversely impact on residential amenity. As this planning application seeks outline planning permission, no details have been provided regarding the proposed design of the dwelling and garage although an indicative block plan has been provided and which indicates that the proposed dwelling being sited largely centrally on the application site with the garage positioned to the southeast and upon the same building line created by the proposed dwelling.

The Council's Environmental Health Section has indicated that the application site is within 20 metres of farm buildings that are not associated with the development proposal and that this is less than the recommended 75 metre separation distance that is preferable to minimise public health nuisances from odour, noise, flies and pests. They have advised that the applicant is strongly advised to relocate the proposed dwelling in order to achieve a separation distance of 75 metres to decrease the risk of adverse impact.

In the supporting planning statement, the agent notes that the application site is no closer to the agricultural sheds than other sites that have been granted planning permission around it and that Environmental Health were either not consulted or otherwise had no objection to those proposals. The agent goes on to note that the proposed dwelling and garage will not be sited any closer to the buildings than those erected or under construction.

At the time of site inspection, it was noted that several of the buildings referred to by the Council's Environmental Health Section had been removed to facilitate new development since the date of receipt of the Council's Environmental Health Section's consultation response. At this time the closest agricultural buildings are now approximately 60 metres to the southwest of the application site, which is closer to the recommended 75 metres separation distance, however, it is considered that the proposed dwelling and the remaining farm buildings could co-exist without adverse impact given the relatively small scale of the remaining farm enterprise. An informative could be placed on the grant of any planning permission advising that farm buildings are in close proximity and that the activities associated with these buildings may cause nuisance.

With reference to existing residents in proximity to the application site it is noted that a replacement dwelling is under construction to the southeast and No.37 Clonkeen Road is located to the northeast and across the Clonkeen Road from the application site. With reference to these plots, it is considered that a dwelling and garage could be designed for the site to ensure that the privacy and amenity of neighbouring properties is retained. For the reasons set out above it is considered that the sixth

criterion of Policy CTY2A of PPS21 could be satisfied subject to design considerations that can be controlled by suitably worded planning conditions should planning permission be granted.

Integration and Rural Character

Policy CTY1 of PPS21 requires that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations.

Policy CTY13 "Integration and Design of Buildings in the Countryside" states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

As noted earlier in this report the application site has been manufactured through the subdivision of a larger agricultural field and the rear (southwestern) boundary is physically undefined in the landscape while the existing roadside (northeastern) boundary would have to be removed to facilitate visibility splays. Given this set of circumstances it is considered that the application site lacks long established natural boundaries and would rely primarily on the use of new landscaping for integration and to provide a suitable degree of enclosure for the proposed dwelling and garage. The provision of landscaping would take many years to mature to such a degree that any dwelling in the interim period does not have a suitable degree of enclosure. It is therefore considered the proposal fails to meet with the requirements of Policy CTY13 of PPS21.

With reference to rural character, Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode, the rural character of the area.

It has been noted above that the application site is not bounded at its northwestern side by existing development in the cluster and that the proposal cannot be absorbed into the existing cluster through rounding off and consolidation. It is considered that the development would significantly alter the existing character of the cluster and visually intrude into the open countryside by extending an existing ribbon of development on this side of the Clonkeen Road.

As the dwelling and garage would add to an existing ribbon of development the proposal is considered to be contrary to Criterion D of Policy CTY14. Given this conclusion it is also considered that a dwelling and garage on the site would result in a suburban style build-up of development when viewed with existing and approved buildings, which is contrary to Criterion B of the policy. For these reasons the proposal is also considered to fail to comply with Criterion A of Policy CTY14 as the dwelling and garage would be unduly prominent in the landscape.

Other Matters

It has been noted above that it is considered that this proposal would result in the extension of an existing ribbon of development along this side of the Clonkeen Road. The issue of the acceptability of the application site as being suitable for an infill dwelling as an exception to ribbon development planning policy (CTY8) has previously been tested on this site via planning reference LA03/2019/0923/O and

refused planning permission for three reasons by the Council's Planning Committee (January 2020).

The applicant and agent for that refusal of planning permission are one and the same for the application currently under consideration. Neither person has sought to revisit this matter in the context of the planning application currently being assessed nor advance any further evidence that might lead to a contrary conclusion. It is noted that the mechanism of a planning appeal for the refusal of planning permission was not pursued via the Planning Appeals Commission. There has been no change in planning policy since that decision and the Council's position with respect to the appropriateness of the application site to accommodate an infill dwelling has not changed.

The Council's argument with respect to the inappropriateness of an infill dwelling development as an exception to ribbon development policy (CTY8) was that:

- The gap site was not within a substantial and continuously built up frontage.
- The gap site was not small sufficient only to accommodate a maximum of two dwellings; and
- The proposal would result in the loss of an important visual break in the developed appearance of the locality and the creation of ribbon development.

Given that there has been no change in circumstances since the refusal of planning permission on that application site and that that decision issued less than 12 months ago, the same arguments and refusal reasons with respect to ribbon development remain applicable and the refusal reasons previously used are to be repeated for the application currently under consideration for that reason.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The principle of the development has not been established.
- The identified site fails to provide a suitable degree of enclosure and is not bounded on at least two sides with other development in the cluster.
- Development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and will significantly alter its existing character and visually intrude into the open countryside.
- The proposal fails to meet the provisions for an infill opportunity as the application site is not located within a substantial and continuous built-up frontage.
- The proposal would result in the loss of an important visual break in the developed appearance of the locality and the extension of a ribbon of development.
- The development proposal relies primarily on the use of new landscaping for integration.

RECOMMENDATION

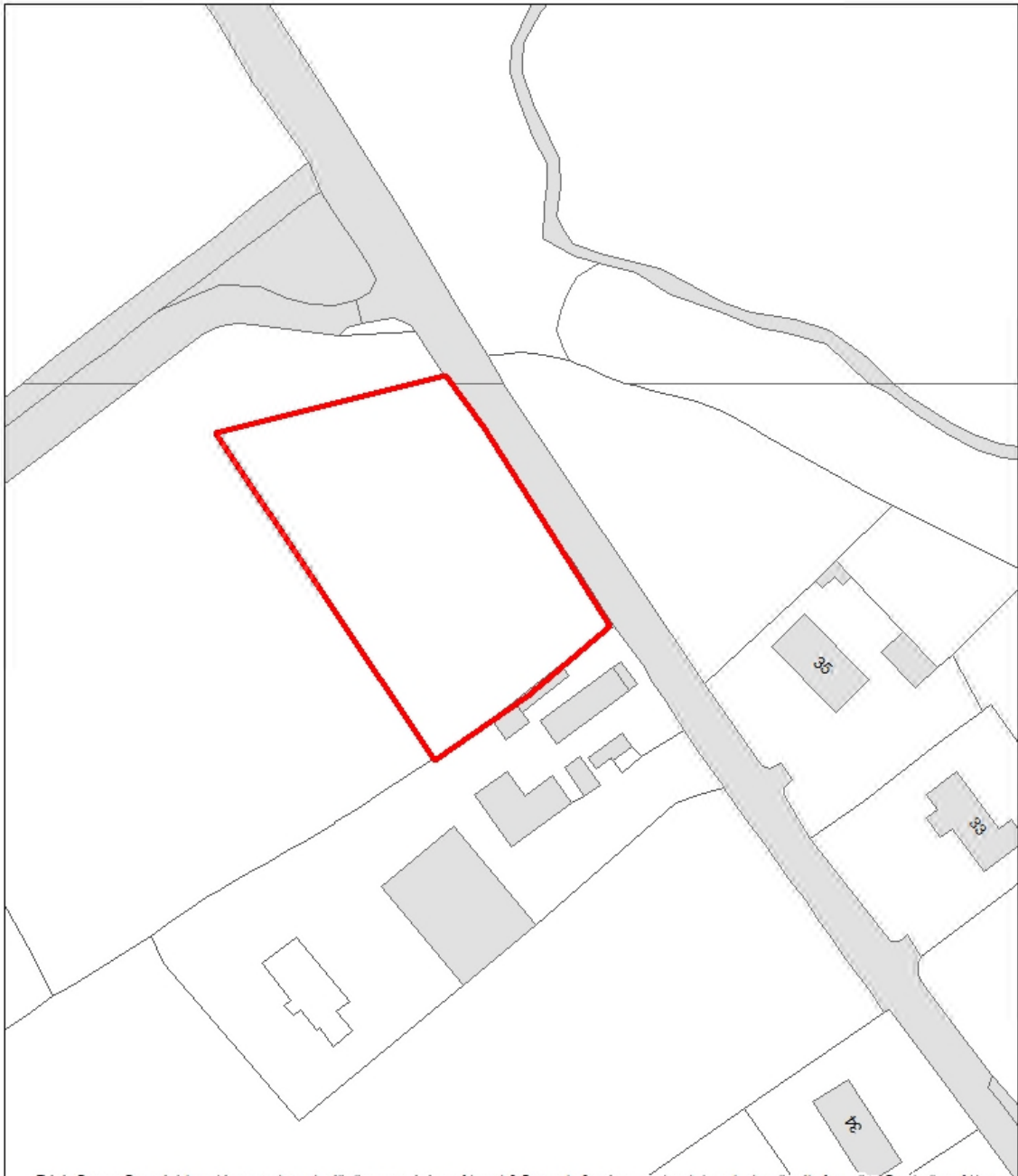
REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this

development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY2A of Planning Policy Statement 21, Sustainable Development in the Countryside, in that;
 - (a) the identified site fails to provide a suitable degree of enclosure and is not bounded on at least two sides with other development in the cluster; and
 - (b) development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and will significantly alter its existing character and visually intrude into the open countryside;
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, in that it;
 - (a) fails to meet the provisions for an infill opportunity as the site is not located within a substantial and continuous built-up frontage; and
 - (b) would result in the loss of an important visual break in the developed appearance of the locality and the extension of a ribbon of development.
4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - (a) the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape.
 - (b) The development proposal relies primarily on the use of new landscaping for integration; and
 - (c) The dwelling and garage would be prominent features in the landscape.
5. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that;
 - (a) it would be unduly prominent in the landscape.
 - (b) it would result in a suburban style build-up of development when viewed with existing and approved buildings resulting in a detrimental change to and further eroding the rural character of the area; and
 - (c) it would add to an existing ribbon of development.



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Location Map

Application Reference: LA03/2020/0384/O
 Approx. 65m North West of 35 Clonkeen Road
 Randalstown



Site of dwelling and garage

 Site Boundary

For Information Only



PART TWO

GENERAL PLANNING MATTERS

ITEM 3.12

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during December 2020 under delegated powers together with information relating to planning appeals is enclosed for Members information. Members will note that there were no planning appeal decisions for the Borough issued during December by the Planning Appeals Commission.

RECOMMENDATION: that the report be noted.

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

ITEM 3.13

P/PLAN/1 PROPOSAL OF APPLICATION NOTICES FOR MAJOR DEVELOPMENT

Prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks' notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). One PAN was registered during December 2020 the details of which is set out below.

PAN Reference:	LA03/2021/0009/PAN
Proposal:	Proposed construction of timber recycling facility to include processing plant building, office, warehousing, loading and storage facilities, with associated landscaping and provision of new access to Antrim Road
Location:	Lands to north and east of No. 655 Antrim Road, Newtownabbey, BT36 4RG
Applicant:	RTD Crawford Ltd
Date Received:	21 December 2020
12 week expiry:	15 March 2021

Under Section 27 of the 2011 Planning Act obligations are placed on the prospective developer to consult the community in advance of submitting a Major development planning application. Where, following the 12 week period set down in statute, an application is submitted this must be accompanied by a Pre-Application Community consultation report outlining the consultation that has been undertaken regarding the application and detailing how this has influenced the proposal submitted.

As part of its response to Coronavirus, the Department for Infrastructure (DfI) introduced an amendment to subordinate legislation earlier this year to temporarily remove the requirement for a public event as part of the pre application community consultation (PACC). Whilst the initial Departmental Regulations applied for five months, the Infrastructure Minister, Nichola Mallon, announced on 1 October 2020 that the temporary suspension of the PACC requirement was being extended in light of the current uncertainty surrounding current and future incidences and spread of coronavirus.

The Planning (Development Management) (Temporary Modifications) (Coronavirus) (Amendment) Regulations (Northern Ireland) 2020 temporarily amend the Planning (Development Management) Regulations (Northern Ireland) 2015 and will now apply until 31 March 2021. As with the previous Regulations applicants will still need to comply with other requirements to ensure communities are aware of and can input to major development proposals for their areas. However, this temporary change will allow major planning applications to continue to be submitted during the COVID-19 outbreak.

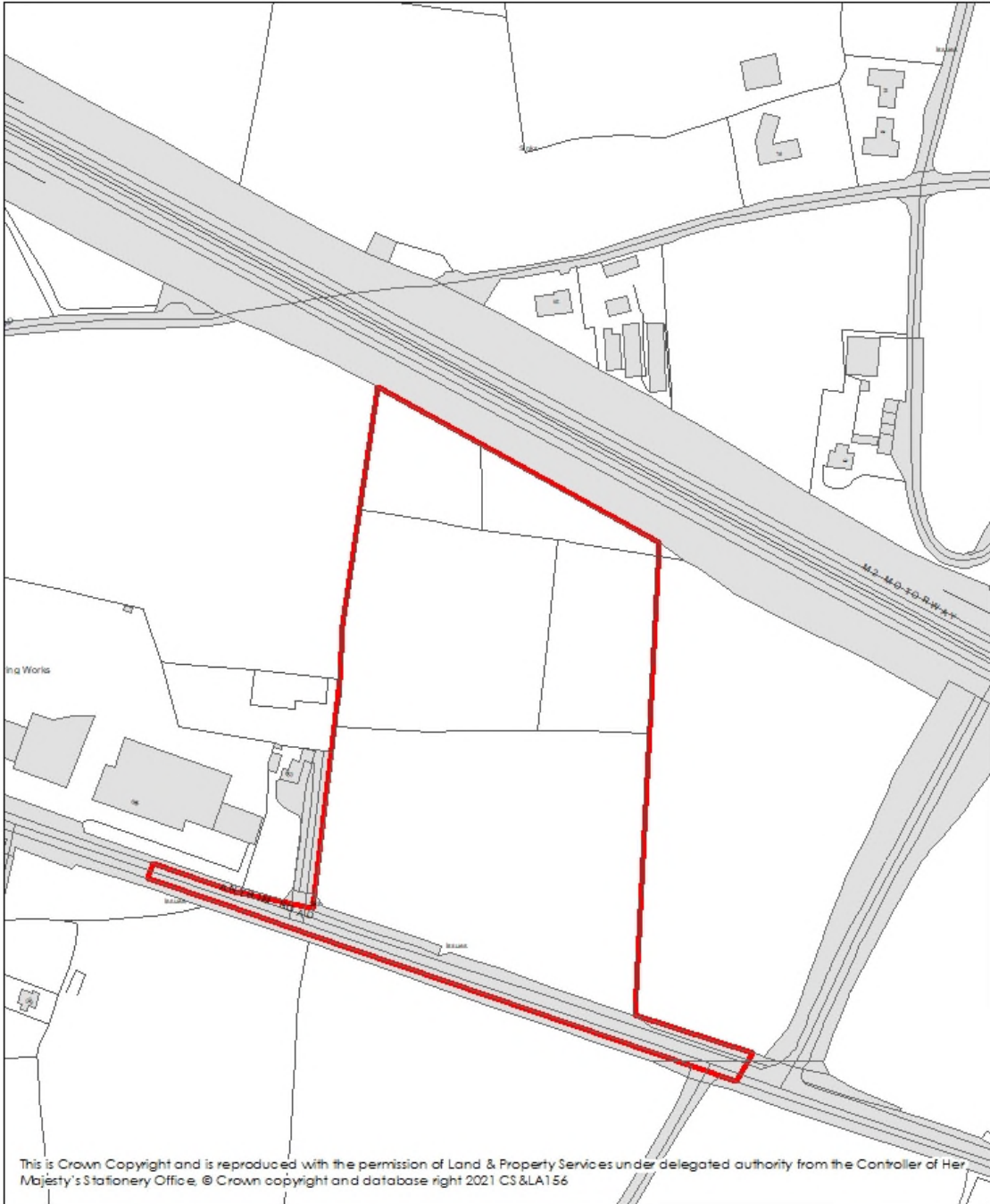
Guidance issued by the Department indicates that specific detail should be included in the PAN application indicating what consultation methods the prospective applicant is proposing to ensure that the local community is able to

access, and comment on, information about a proposed development, despite the absence of a PACC public event.

RECOMMENDATION: that the report be noted.

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning



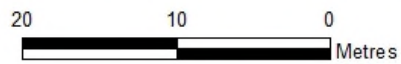
Location Map

Application Reference: LA03/2021/0009/PAN

Timber recycling facility, processing plant building, offices, warehousing, loading and storage facilities.

Lands North and East of 655 Antim Road, Newtownabbey

 Site Boundary



For Information Only



ITEM 3.14

P/PLAN/1 - NORTHERN IRELAND PLANNING STATISTICS 2020/21 – SECOND QUARTERLY BULLETIN FOR THE PERIOD JULY – SEPTEMBER 2020

The second quarterly provisional planning statistics for 2020/21 produced by the Analysis, Statistics and Research Branch of the Department for Infrastructure (DfI), a copy of which is **enclosed**, were released on 17 December 2020.

The Quarterly Bulletin advises that planning activity and processing performance continued to be impacted during Quarter 2 by the restrictions put in place due to the coronavirus pandemic. It indicates that this should be borne in mind and caution taken when interpreting these figures and when making comparisons with other time periods and performance across Councils.

The figures show that during the period from July to September 2020, the total number of planning applications received in Northern Ireland was 3,288, an increase of 42% on the previous quarter (April – June 2020), and 12% up on the same quarter in 2020/21. The total number of decisions issued during this period was 2,410 up one-third from the previous quarter, but down almost one-quarter from the same period last year.

During the second quarter period a total of 182 new applications were received by Antrim and Newtownabbey Borough Council (an increase of some 30% on the first quarter and some 8% above the second quarter last year which is slightly below the NI trend) with 124 decisions issued, a significant reduction on the previous quarter reflecting the introduction of the staff furlough scheme in late May.

In relation to performance against statutory targets the Department for Infrastructure (DfI) figures show that the Council took on average 20.8 weeks to process and decide **Major** planning applications up to and including the second quarter against the target of 30 weeks. As with the first quarter statistics this performance at first reading maintains last year's Major performance and ranks amongst the top three of the 11 Councils. It also reflects well against the average processing time of 70.2 weeks across all Councils. However, Members should note that these figures continue to relate to a very small number of Major applications (only two applications by the end of the second quarter) and should therefore be interpreted with great care. A more realistic performance figure will only become apparent towards the year end and Members should be aware there are a number of Major applications over 12 months old that are likely to come forward to Committee over the remainder of the Business year for determination. This combined with the impact of coronavirus on the Planning Section could clearly impact on the Council's Major performance target by year end.

The DfI figures show that the Council took on average 9.8 weeks to process and decide **Local** planning applications during the second quarter against the target of 15 weeks. Whilst this performance maintains the progress witnessed last year and ranks amongst the top three of the 11 Councils, the figures should be read with some caution at this time as they relate to a smaller number of decisions taken relative to the number of applications received during the quarter as a result of the introduction of furlough within the Planning Section. Nevertheless, the second

quarter figures do reflect well against the average processing time of 18.4 weeks across all Councils and also show that almost 75% of Local applications were processed within 15 weeks.

In relation to enforcement the DfI figures highlight that the Council's planning enforcement team took an average of 11.9 weeks to process 70% of enforcement cases to target conclusion. Whilst, at first reading this performance compares favourably with the average processing time of 40.4 weeks among all Councils, as with the first quarter there continued to be a significant drop in the number of cases dealt with in absolute terms during the Quarter. As a consequence, there are a large number of outstanding enforcement cases which remain to be processed.

Overall, Members should note that the impact of coronavirus on the Planning Section resources together with the introduction of the staff furlough scheme in late May combined with enforcement work being limited to priority cases at that time has inevitably had a significant impact on overall performance in recent months. This impact will only become more apparent with the publication of the remaining NISRA statistics for the current Business year. As such and as the Quarterly Bulletin advises, the performance results for the year to date should be read with a degree of caution as it is anticipated performance will be shown to have declined overall during the current Business year as a result of the impact of coronavirus.

RECOMMENDATION: that the report be noted.

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

ITEM 3.15

P/PLAN/1 - NORTHERN IRELAND PLANNING STATISTICS – PLANNING MONITORING FRAMEWORK 2019-2020

The second Northern Ireland Planning Monitoring Framework, a copy of which is enclosed, was published on 22 December 2020 by the Department for Infrastructure's Analysis, Statistics and Research Branch.

The statistical bulletin includes details of performance during 2019-20 across the three statutory planning targets for major development applications, local development applications and enforcement cases alongside a suite of additional indicators that are intended to provide a more comprehensive assessment of planning activity by each Council. The bulletin presents a summary of the indicators for Northern Ireland, as well as relevant indicator data for each local planning authority. As this is the second year of reporting the Framework, where relevant comparator figures for each Council for 2018-19 have been provided in the bulletin.

In addition to information on Council performance measured against the 3 statutory targets, previously reported to Committee, the figures provide information on the level of delegation in each Council and the proportion of Committee decisions taken against Officer recommendation. This latter information should however be treated with caution and Officers would advise that no direct comparison can be made with other Councils as each Council has its own Scheme of Delegation for planning matters.

Delegated Powers

The figures show that during 2019-20 decisions on 88.5% of planning applications submitted to the Council were delegated to Officers, an increase of 2% on 2018-19 and only slightly below the NI average of 91.2%.

Planning Committee

87 applications were determined by the Planning Committee during 2019-20 with 8% of decisions contrary to Officer recommendation which compares favourably with the NI average of 11.6%

Planning Appeals

Officers would point out that this year's Planning Monitoring Framework also includes information on planning appeals during 2019-20 for each planning authority. This indicates that there were 12 appeals against the refusal of planning permission by the Council during 2019-20 and that 10 of these appeals were dismissed by the Planning Appeals Commission (PAC). This equates to 83.3% of appeals dismissed against a NI average of 60.7%

There were 5 claims for costs made to the PAC in relation to appeals lodged during 2018-19 and 2 awards of partial costs against the Council were made.

RECOMMENDATION: that the report be noted.

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning