



16 November 2022

Committee Chair: Alderman F Agnew
Committee Vice-Chair: Councillor J Archibald-Brown

Committee Members: Aldermen – T Campbell, J Smyth

Councillors – A Bennington, H Cushinan, S Flanagan,
R Kinnear, R Lynch, M Magill, R Swann, B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 21 November at 6.00 pm.**

You are requested to attend.

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 be served in the Chief Executive Meeting Room for Planning Committee Members only and available in the Café for all others from 5.20 pm

For any queries please contact Member Services:

Tel: 028 9034 0048/028 9448 1301

memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – NOVEMBER

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: LA03/2022/0726/F

Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units (Variation of condition 13 and removal of condition 14 from planning approval LA03/2018/0917/F relating to Heavy Goods Vehicles) at lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey.

3.2 Planning Application No: LA03/2021/0809/F

Extension to existing commercial yard/depot, containing precast concrete material storage bunkers, a storage shed, HGV and car parking at lands 85m North of 386A Ballyclare Road, Newtownabbey, BT36 4TQ.

3.3 Planning Application No: LA03/2018/0888/RM

525 residential units (comprising 200 detached, 164 semi-detached, 77 townhouses and 84 apartments) and associated site works, 6 retail units (local shops), public open space and an equipped play park at Lands/fields to the north east and south of 14 Niblock Road, Antrim (fields bounded by rail line to west and Dunsilly/Holywell Burn to north). Land situated between Durnish Road/Mull Road and railway line east and NE of meadow Lands north of Arran Street and Tiree Street north of Orkney Street and west of Niblock Oaks.

3.4 Planning Application No: LA03/2021/0520/F

Development of 43 dwellings (34 semi-detached and 9 detached), new access from the Mill Road, landscaping with central open space

and associated operational development fronting Mill Road Doagh to the north east of the Mill Green housing development and 30m south east of 1 Carson Terrace Mill Road Doagh.

3.5 Planning Application No: LA03/2021/1013/F

Renewal of planning approval LA03/2015/0286/F (Proposed single wind turbine with 40m hub height and 30m rotor diameter) at lands approximately 287m South of 133 Ballyhill Road, Ballyutoag, Belfast.

3.6 Planning Application No: LA03/2022/0731/F

5 wind turbines, up to a maximum of 92.5m base to blade tip height, up to 57m hub height and up 71m blade diameter (Removal of Condition 21 from planning approval T/2014/0478/F regarding implementation of Radar Mitigation Scheme) at Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS.

3.7 Planning Application No: LA03/2022/0326/F

Retention of building for use as embroidery workshop and office at 22 Hollybrook Road, Randalstown.

3.8 Planning Application No: LA03/2022/0776/F

Retention of building as hairdressing salon at 3 Brookfield Road, Burnside, Doagh, Ballyclare.

3.9 Planning Application No: LA03/2022/0609/F

Retrospective application for retention of existing farm shed 100m SW of 12a Irish Hill Road, Ballyclare, BT39 9NQ.

3.10 Planning Application No: LA03/2022/0610/O

Site of dwelling and garage on a farm 30m Approx. South East of 76 Crosskennan Road, Antrim.

PART TWO – Other Planning Matters

3.11 Delegated Planning Decisions and Appeals October 2022

3.12 Proposal of Application Notices for Major Development October 2022

3.13 Planning Portal Governance Board

3.14 Department for Infrastructure (DfI) Public Consultation on Validation Checklists for Planning Applications

3.15 Department for Infrastructure (DfI) Public Consultation to Planning Permitted Development Rights to Protect the Environment

- 3.16 Local Development Plan (LDP) Update – Draft Local Policies Plan (LPP)
Project Plan

PART TWO – Other Planning Matters - In Confidence

- 3.17 Planning Appeals Commission and DfI Response to Planning Appeal
- 3.18 Legal Advice on Planning Application LA03/2022/0418/O

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 21 NOVEMBER 2022**

PART ONE

PLANNING APPLICATIONS

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2022/0726/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units (Variation of condition 13 and removal of condition 14 from planning approval LA03/2018/0917/F relating to Heavy Goods Vehicles)
SITE/LOCATION	Lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey
APPLICANT	Kemark No 2 Ltd
AGENT	TSA Planning
LAST SITE VISIT	26 th September 2022
CASE OFFICER	Ashleigh Wilson Tel: 028 90340429 Email: ashleigh.wilson@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 outside the development limits of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan (BUAP) and is within the development limits as defined in the draft Belfast Metropolitan Area Plan (published 2004). The site comprises an area of land situated off the Doagh Road, made up of a series of agricultural fields, which are largely rectangular in shape. An extant planning permission was previously granted on the site for the erection of 1 no. storage and distribution centre and 3no. light industrial units (Planning Application Reference LA03/2018/0917/F) and is currently under construction.</p> <p>At its northern boundary, the application site partially abuts the Doagh Road for some 120 metres and partially abuts the rear gardens of No's 612, 616, 618, 620 and 626 Doagh Road. The southern boundary of the application site abuts a watercourse and the railway line with the eastern and western boundaries defined by agricultural hedgerows. Hedgerows define the individual field boundaries which intersect the application site.</p> <p>The dwellings at No's 610 – 626 Doagh Road are a mix of single and one and a half storey dwellings while No.616 Doagh Road is a two storey dwelling. Most of the rear boundaries of the properties along the Doagh Road are well defined with mature trees. The topography of the application site falls from north to south.</p> <p>The Three Mile Water River flows along part of the southern boundary of the application site. There are a number of drainage ditches within the site which run north to south and connect to a small undesignated watercourse to the west of the application site which connects to the Three Mile Water River.</p>	

An existing vehicular access point with a right turn pocket from the Doagh Road has previously been constructed on foot of an alternative planning permission which serves the application site and adjoining lands.

Mossley Mill and Mossley Train Halt are approximately 1 mile to the east, Houston's Corner Roundabout, which links to the Ballynure Road (A8), is approximately 0.2 miles to the west.

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2022/0539/DC

Location: Lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey

Proposal: Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units, associated car parking (Discharge of condition 9 from planning approval LA03/2018/0917/F regarding the submission landscaping scheme)

Decision: Condition not Discharged (13.09.2022)

Planning Reference: LA03/2022/0506/F

Location: Lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey

Proposal: Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units (Removal of conditions 13 & 14 from planning approval LA03/2018/0917/F relating to Heavy Goods Vehicles)

Decision: Application Withdrawn (30.08.2022)

Planning Reference: LA03/2022/0393/DC

Location: Lands situated approx. 350m SE of 632 Doagh Road, and 150m south of 618 Doagh Road, Newtownabbey

Proposal: Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units, associated car parking, site access from Doagh Road, landscaping and all associated site and access works (Amended Plans/Additional Information) [Discharge of Condition 3 of planning approval LA03/2018/0917/F regarding the submission of a programme of archaeological works]

Decision: Condition Discharged (21.06.2022)

Planning Reference: LA03/2022/0260/PAN

Location: Lands approx. 255m south/east of MT Wholesale Warehouse, Houston Business Park, and immediately south of 610-626 Doagh Road, Newtownabbey

Proposal: Proposed erection of 1 no. storage and distribution warehouse and 1 no. light industrial unit, associated car parking/service yard, landscaping and all other associated site and access works

Decision: Proposal of Application Notice is Acceptable (11.04.2022)

Planning Reference: LA03/2021/1032/DC

Location: Lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey

Proposal: Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units (Removal of conditions 13 & 14 from planning approval LA03/2018/0917/F relating to Heavy Goods Vehicles)

Decision: Condition Not Discharged (07.01.2022)

Planning Reference: LA03/2018/0917/F

Location: Lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey

Proposal: Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units, associated car parking, site access from Doagh Road, landscaping and all associated site and access works

Decision: Permission Granted (15.04.2019)

Planning Reference: LA03/2018/0187/NMC

Location: Land approx. 100m to the south of Doagh Road and to the east side of Ballynure Road, Ballyearl, Newtownabbey,

Proposal: Non-Material Change to Planning Approval Ref No LA03/2017/0135/F for (Erection of Warehousing/Distribution Unit with Associated Offices and Car Parking). Reduction in length of the warehouse by 30.2m. Reduction of eaves height by 1.3m. Omission of the external single storey office accommodation and inclusion of the same within the building envelope of the warehouse.

Decision: Non-Material Change Granted: 24.05.2018

Planning Reference: LA03/2017/0941/PAD

Location: Approx. 350 metres South East of 632 Doagh Road and 150 metres South of 618 Doagh Road, Newtownabbey,

Proposal: Proposed erection of 1no. storage and distribution centre and 3no. light industrial units. associated car parking, site access from Doagh Road, landscaping and all associated site and access works

Decision: PAD concluded.

Planning Reference: LA03/2017/0135/F

Location: Land approx. 100m to the south of Doagh Road and to the east side of Ballynure Road, Ballyearl, Newtownabbey,

Proposal: Erection of Warehousing/Distribution Unit with Associated Offices and Car Parking

Decision: Permission Granted: 26.07.2017

Planning Reference: U/2009/0055/F

Location: Lands on the south side of Doagh Road and on the east side of Ballynure Road, Ballyearl, Newtownabbey.

Proposal: Erection of light industrial units & warehousing/distribution units with associated parking.

Decision: Permission Granted: 22.08.2011

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 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.

Belfast Urban Area Plan (BUAP): The application site is located outside the development limit and is within the inner edge of the green belt. The Plan offers no specific guidance on this proposal.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located outside any settlement limit and is therefore in the countryside. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey and also within the Employment Zoning for a Major Employment Location: Global Point/Ballyhenry (Ref MNY07). A number of key site requirements are set out in dBMAP.

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 4: Planning and Economic Development: sets out planning policies for economic development uses.

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 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, subject to conditions

REPRESENTATION

Fifty-three (53) neighbouring properties were notified and four (4) letters of objection have been received from one (1) property and three (3) email 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:

- Noise impacts;
- Light pollution;
- Impacts on amenity;
- Impacts on the welfare of horses;
- The proposal lacks sounding evidence as the Sound Impact Assessment using values limited to 10 HGVs and so should be updated;
- Condition No. 14 allows a level of control and audit;
- Enforcement matters;
- Suggestions to the developer to improve the situation have been disregarded and concerns that discussions with the developer will be ignored;
- Devaluation of properties;
- Traffic;
- Health and wellbeing of neighbouring residents; and
- A meeting would be beneficial to discuss the issues.

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
- Condition to be Varied
- Neighbouring Amenity
- Other Matters

Preliminary Matters

A previous application on the same site (Planning Application Reference LA03/2022/0506/F) sought to completely remove conditions 13 and 14 from LA03/2018/0917/F, which restricted the number of HGV's on the site to ten (10) and requested that a log book of HGVs be kept. This application was presented to Planning Committee on 15th August 2022 and the Planning Committee subsequently voted to refuse planning permission, however, the application was withdrawn by the applicant prior to the decision being issued.

The current application seeks to vary condition 13 to prevent HGV lorries parking within the areas closest to the existing residential properties at Doagh Road (within an area shaded on the site layout drawing) between 11pm and 7am and remove condition 14 to dispense with the need to keep a service log of HGV lorries entering/exiting the site between 11pm and 7am as discussed in more detail below.

Policy Context and Principle of Development

Section 54 of the 2011 Act applies to applications for planning permission which seek to develop land without complying with conditions subject to which a previous planning permission was granted. On receipt of such an application, the Council

may only consider the question of the conditions subject to which planning permission should be granted and it cannot revisit the principle of the development. The Council can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides the original condition(s) should continue. The original planning permission will continue to exist whatever the outcome of the current application.

In this case the principle of development has been established by the planning permission granted by the Council on 15th April 2019 under planning application reference LA03/2018/0917/F. This permitted the erection of 1 no. storage and distribution centre and 3no. light industrial units, associated car parking, site access from Doagh Road, landscaping and all associated site and access works.

As the current application seeks to amend conditions attached to this permission the principle of the development cannot therefore be revisited. Consideration will be given to the proposed removal and variation of the conditions imposed on the previous approvals and whether the removal or variation of the conditions is considered acceptable.

Condition to be varied

The current application seeks the variation of Condition No. 13 which restricted the number of HGVs servicing Unit 4 to ten (10) between the hours of 11pm and 7am. The variation of this condition proposes to lift the restriction on the number of HGVs servicing Unit 4 between 11pm and 7am however, as an alternative it proposes a restriction on where these vehicles can be parked or stored i.e. away from the areas closest to the residential dwellings along the Doagh Road between the hours of 11.00pm and 7.00am.

The current wording of Condition No. 13 of LA03/2018/0917/F states:
"There shall be no more than ten (10) Heavy Goods Vehicles Servicing Unit 4 between the hours of 23:00 - 07:00.

Reason: In the interests of the residential amenity of existing residents at Nos. 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road."

Condition to be removed

The proposal also seeks the removal of Condition No. 14 to remove the requirement for the operator of Unit 4 to maintain a service log of all HGVs to and from the unit between 23:00 and 07:00 hrs.

Condition No. 14 of LA03/2018/0917/F states:
"The operator of Unit 4 shall maintain a service log of all Heavy Goods Vehicle movements to and from the unit between the hours of 23:00 - 07:00.

The service log shall be made available to the Council within two (2) weeks of a written request being made by the Council.

Reason: To enable the Council to properly monitor compliance with Condition 13 and to control vehicular activity at Unit 4 during the hours of 23:00 - 07:00 hours in the interests of the residential amenity of existing residents at No's 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road."

The reason for these conditions being stipulated on the previous permission (LA03/2018/0917/F) was in order to protect residential amenity and therefore this has been given consideration below.

Neighbouring Amenity

Noise and Disturbance

Concern has been raised through letters of objection that the proposal would result in an unacceptable impact on residential amenity by virtue of disruption and noise impact and that this would also lead to an impact on health and wellbeing. The nearest residential dwellings, not associated with the site, are approximately 80m north of the proposal. Distribution centres are typically associated with high levels of noise from plant, equipment and vehicle movements.

It was also raised through letters of objection that the proposal lacks sound evidence with the Noise Impact Assessment using values limited to 10 HGVs and so should be updated. The initial Noise Impact Assessment (NIA) (Document 07, date stamped 12th October 2018) submitted in support of the original development proposal included 4 HGV and 12 car movements. Following the decision taken at Planning Committee in 2019 the applicant was granted approval for up to 10 HGV vehicles to service Unit 4 during night time hours. The applicant seeks to remove this condition.

The Environmental Health Section was consulted and requested that the original NIA be reviewed by the applicant to account for the deviation from the original application. An updated NIA (Document 01, date stamped 10th October 2022) has been submitted and provides a review of the original NIA making the following points:

- The original NIA (Document 07) was based upon a 1.8-metre-high acoustic barrier (as indicated on Drawing 03 of Planning Application LA03/2018/0917/F). In addition, the number of vehicles approved by the Planning Committee was 10 after 23:00-07:00, and the Committee also required that the Acoustic Barrier be increased in height to 2.1 metres;
- In reviewing the calculations performed at the time of the original NIA by Lester Acoustics, the fact that the acoustic barrier is to be 2.1 metres in height has been taken account of along with the details contained within the cross-sectional drawing of Drawing 1556-02 500 01 E (Planning Drawing 18 for LA03/2018/0917). This detail differs from the matters considered in the original NIA; and
- Recalculations have been carried out and an iterative process has found that if there are 18 HGV and 10 car movements per hour as associated with Unit 4, comparison of the combined rating levels with the typical background sound level of 37dB LA90, results in differences of -1.5dB, -0.9dB, and -0.1dB. As these differences do not exceed zero, the guidance of BS4142: 2014 + A1:2019 is that this can be considered to be a low impact.

The Environmental Health Section has been consulted on the proposal including the updated NIA and the objections received. The Environmental Health Section has responded advising that amenity can be protected at nearby noise sensitive

receptors subject to the attachment of additional noise control conditions, should planning permission be granted. These conditions stipulate that:

- no more than 18 HGVs and 10 car movements per hour are permitted along the northern access road to Unit 4 during the night time period (23:00 to 07:00 hours);
- servicing/loading/unloading of HGV's shall be restricted to the southern façade of Unit 4 during the night time period (23:00 to 07:00 hours);
- there shall be no servicing, parking or storing of HGV's for Unit 4 as indicated in the areas shaded on "Drawing Number 02/1" date stamped "Planning Section received 14 Sep 2022" during the night time period (23:00 to 07:00 hours); and
- the rating levels at nearby sensitive receptors shall not exceed those stated in Table 1 Section 2.6 of the Lester Acoustics report, 'Document Number 01', date stamped '10th October 2022' at the identified receptors.

Essentially, with the imposition of the above proposed conditions, up to 18 HGVs and 10 cars per hour may travel along the northern access road and enter the site between 23:00-07:00, however, any servicing or parking of HGVs will not be permitted in the shaded areas closest to the residential properties during this time and parking will be restricted to the southern façade of Unit 4 furthest away from the neighbouring properties. In addition, a further condition stipulates that the rating levels at nearby noise sensitive receptors shall not exceed the figures stated within the revised NIA (Document 01, date stamped 10th October 2022).

Supporting information from the applicant, dated 26th August 2022 has been received and sets out the reasons for the request for the variation of Condition No. 13 and the removal of Condition No. 14. It is stated by the agent in the supporting information that the conditions have proven to be a significant barrier to end users and that the applicant has undertaken a continuous marketing campaign for the site. High levels of interest have been generated, with Unit 4 shortlisted on several occasions for selection by multi-national PLC tenants to operate a storage and distribution hub within the Antrim and Newtownabbey Borough. However, the supporting information states that the presence of the above conditions has proven burdensome to negotiations, with the site subsequently being discounted from further consideration as a result. The supporting information further highlights that following protracted negotiations, agreement has now been reached with a tenant for Unit 4 and that the terms of the agreement, determining whether this investment comes forward, now falls firmly to the dispensing of Conditions 13 and 14 as in their current form the long lease tenant cannot agree on occupancy.

Since the time of the previous applications (LA03/2018/0917/F and LA03/2022/0506/F) a discharge of condition application has been submitted (Planning Reference LA03/2022/0539/DC) with regards to the landscaping scheme for the site. The proposed landscaping scheme (Drawing Number 01/2 date stamped 26th August 2022) indicates the location, numbers and sizes of the native species trees and shrubs to be planted to buffer the area between the existing dwellings on Doagh Road and the development. The Council has reviewed and assessed the information contained in the proposed landscaping scheme and considers that it contained the necessary information required to partially discharge Condition 9 of LA03/2019/0917/F. The condition will only be fully discharged once the scheme of planting has been carried

out during the first available planting season following the use of any building or part thereof becoming operational.

Taking into account the applicant's supporting information dated 26th August 2022, the revised NIA (Document 01, date stamped 10th October 2022) and the consultation response from Environmental Health concurring with the findings of the report, it is considered that the potential for noise impact can be mitigated to a reasonable extent to ensure there is no significant impact on neighbour amenity. With the approved landscaping and the imposition of additional conditions with regards to the mitigation of noise, there would be no technical reason to retain condition 13 of planning approval reference LA03/2018/0917/F in its current form. The additional conditions proposed to be attached to any future grant of planning permission are sufficient to reduce the noise generated by the proposal to an acceptable level.

Condition 14 requires that a service log book, is retained, however, it is considered that there is no planning reason why this condition is necessary and is not required by the Environmental Health Section. It is therefore considered the removal of condition 14 is acceptable.

Overall the applicant has provided sufficient information which has been verified by the Environmental Health Section to allow for the variation of condition 13 and the removal of condition 14 subject to the imposition of additional conditions to mitigate against any significant noise impacts that may arise from the proposed development. It is therefore concluded that subject to the stated conditions the proposal would not have a significant adverse impact on the residential amenity of the existing residents along the Doagh Road by way of noise and disturbance.

Light Impact

It has been raised through letters of objection that the removal of conditions and subsequent presence of HGVs at the site during night time hours would have a detrimental impact on residential amenity in terms of light impact.

EHS has been consulted and has raised no objection with regards to the light impact of the proposal. An "Artificial Lighting Assessment", (Document 15, date stamped received 6th March 2019) was submitted with the original proposal and it was demonstrated that amenity will not be adversely impacted by light arising from the proposed development subject to the attachment of a condition that floodlighting is installed and operated in accordance with the submitted Light Assessment. This condition is to remain as part of the original granting of planning permission and EHS did not consider it necessary to impose additional conditions restricting the number of HGVs servicing the units at night. It is considered that any light impact resulting from the proposal is not likely to be significant given; the proposed separation distances, level differences and the proposed boundary at a height of 2.1 metres along the rear of the properties at Doagh Road which will assist in reducing any potential light impact from HGV vehicles. In addition, the maturing landscape will also assist in mitigating any light spill onto the residential properties.

Other Matters

Traffic

Objections raised concerns regarding the additional traffic attracted to the site. The Transport Assessment (TA) concludes that the surrounding highway network can accommodate the level of traffic that will be generated by the proposal, without the requirement for mitigation measures or conditions 13 and 14 restricting the number of HGVs throughout the night. DfL Roads previously offered no objections to the proposal.

It is considered that the application site has adequate parking, turning and circulation spaces within the site for vehicles that will be attracted to the development. It is concluded that the proposal is compliant with the policy provisions of PPS3 and supplementary planning guidance.

Impact on horses

A point of objection was the impact from the proposal on the welfare of horses being stabled adjacent to the application site. The entrance to the site is in line with an existing paddock which is used on a daily basis to exercise, ride and turn out horses. Objectors pointed out that due to ongoing construction noise, horses have been hurt and have had to be re-stabled elsewhere which means that horses cannot be ridden. The grant of planning permission stands on this site regardless of the outcome of this application.

Enforcement Matters

Enforcement matters against alleged breaches are dealt with as separate matters.

Devaluation of properties

Concerns have been raised that the development will undermine property values. It should be noted that the impact of a development on the value of property is not generally considered to be a material planning consideration. In any case no evidence has been adduced to support this concern and given the lack of evidence it would be difficult to attribute any significant weight to the issue.

Landscaping

A condition requiring a landscaping scheme to be submitted was stipulated on the original permission (LA03/2018/0917/F). This condition has since been partially discharged under application reference LA03/2022/0539/DC following the submission of an acceptable landscaping scheme. Therefore, the landscaping condition attached to this permission (Condition No. 7) has been amended accordingly.

Requests for a meeting

An objector stated that a meeting would be beneficial to discuss the issues. The objector was contacted and informed that if the applicant and/or agent wanted to meet all residents and a meeting was arranged planning staff would attend. This meeting has been arranged and should there be anything significant from the meeting an addendum report will be prepared.

CONCLUSION

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

- The principle of the development has been established through the granting of planning permission LA03/2018/0917/F;
- It is considered that there is no technical reason to retain condition No. 13 in its current form and condition 14 of planning permission LA03/2018/0917/F;
- The Environmental Health Section has no objection to the proposal, subject to conditions;
- It is considered that neighbouring residential properties will not be significantly impacted by the proposal and noise can be suitably controlled through conditions; and
- Representations from interested third parties have been considered.

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. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 03, date stamped received 12th October 2018, to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

3. If during the development works unexpected contamination or risks are encountered works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: The protection of environmental receptors to ensure the site is suitable for use.

4. After completing the remediation works under condition 3 and prior to occupation of the development, a verification report needs to be submitted in writing 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: Protection of environmental receptors to ensure the site is suitable for use.

5. Prior to the commencement of any other development hereby approved a 2.1-metre-high acoustic barrier shall be erected in the position indicated in Drawing 03, date stamped received 12th October 2018.

The acoustic barrier shall be of double boarded overlapped construction with no holes or gaps and the surface weight shall be at least 6 Kilograms per square metre.

The acoustic barrier shall be retained for the lifetime of the development.

Reason: In order to provide the necessary sound reduction required to preserve the amenity of existing residential properties at No's 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

6. All floodlighting approved herein shall be erected and operated in accordance with the Doc: 15 "Artificial Lighting Assessment, Distribution Centre, Doagh Road Ballyearl Newtownabbey", date stamped received 6th March 2019.

Reason: In order to preserve amenity at existing residential properties at No's 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

7. Proposed planting shall be carried out in accordance with approved drawing No. 01/1, date stamped 23rd August 2022.

The scheme of planting as finally approved shall be carried out during the first available planting season following the use of any building or part thereof coming into operation.

Reason: In the interest of visual amenity, to ensure the provision, establishment and maintenance of a high standard of landscape and in the interests of promoting bio-diversity.

8. Prior to the use of any building or part thereof coming into operation a landscape management and maintenance plan shall be submitted to and approved in writing by the Council. The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. The landscape management plan shall be carried out as approved.

Reason: To ensure the successful establishment and ongoing management and maintenance of all landscaped areas in the interests of visual amenity and the residential amenity of existing residents at Nos. 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

9. If within a period of 5 years from the date of the planting of any tree, shrub or hedge or other landscaped area, that tree, shrub or hedge or other landscaped area is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub, hedge or area of grass 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.

10. A final Construction Environmental Management Plan (CEMP) associated with the development approved herein shall be submitted to and agreed in writing with the Council by the appointed contractor at least eight weeks prior to the commencement of any development approved herein.

The (final) CEMP shall include a Construction Method Statement (CMS) reflecting and detailing all mitigation measures set out in Doc: 27 'Works to Watercourses', date stamped received 15th March 2019, and to include the methodology for the abandonment works set out at point 8 of that report.

The (final) CEMP shall reflect all the mitigation and avoidance measures to be employed as identified in the outline CEMP, Doc 06, date stamped received 12th October 2018, approved herein and to include the specific measures for the use, care and attention of oil and chemicals as set out on page 14 of the outline CEMP.

The (final) CEMP shall include confirmation of the appointment of the Environmental Clerk of Works and the roles and responsibilities of that employment posting.

The final CEMP, including the CMS, shall be implemented strictly in accordance with the approved details, unless otherwise agreed in writing with 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 designated site.

11. Within four (4) weeks of a written request by the Council following a noise complaint from an occupant of any dwelling on Doagh Road abutting the site the operator of Unit 4 shall, at their expense, employ a suitably qualified and competent person to assess the level of noise immissions from Unit 4 at the complainant's property. Details of the noise monitoring survey shall be submitted to the Council for written approval prior to any monitoring commencing. The Council shall be notified not less than two weeks in advance of the date of commencement of the noise monitoring.

Reason: In the interests of the residential amenity of existing residents at Nos. 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

12. Within six (6) months of the use of Unit 4 coming into operation the operator shall, at their own expense, employ a suitably qualified and competent person to assess the level of noise immissions from Unit 4 at existing residential properties abutting the site.

Details of the noise monitoring survey shall be submitted to the Council for written approval prior to any monitoring commencing.

The Council shall be notified not less than two (2) weeks in advance of the date of commencement of the noise monitoring.

Reason: To ensure Unit 4 is operating in accordance with the predicted mitigated night-time rating levels identified in Figure F of Doc 07: Outward Sound Level Impact Assessment and as referred to at Section 5.2 of that assessment and in the interests of the residential amenity of existing residents at Nos. 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

13. There shall be no more than 18 HGVs and 10 car movements per hour along the Unit 4 Northern Access Road during the Night-time period (23:00 to 07:00 hours).

Reason: In order to protect night time amenity at nearby sensitive receptors.

14. Servicing/loading/unloading of HGVs shall be restricted to the Southern façade of Unit 4 during the Night-time period (23:00 to 07:00 hours).

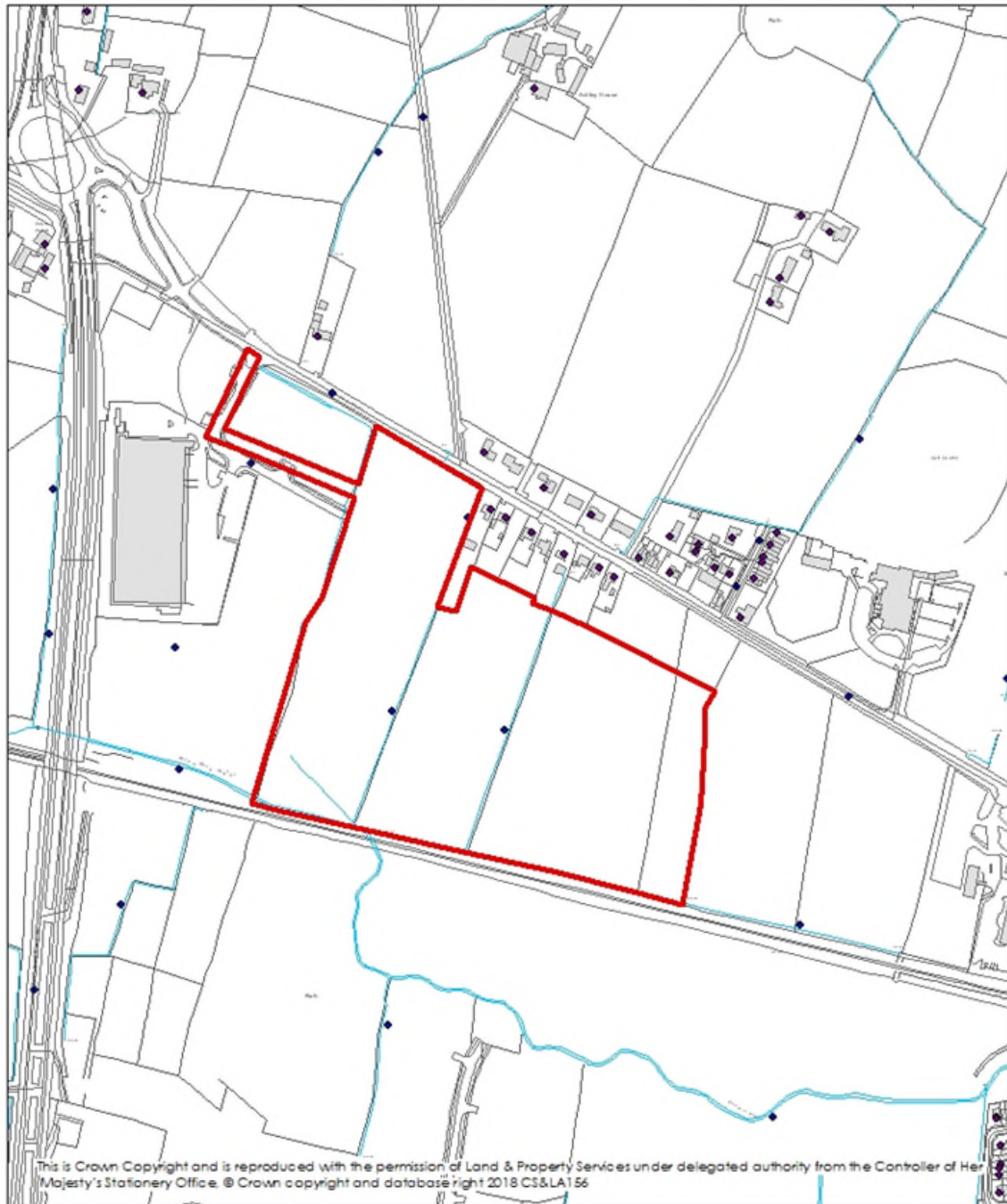
Reason: In order to protect night time amenity at nearby sensitive receptors.

15. There shall be no servicing, parking or storing of HGV's for Unit 4 as indicated in the areas shaded on "Drawing Number 02/1" date stamped "Planning Section received 14 Sep 2022" during the Night-time period (23:00 to 07:00 hours).

Reason: In order to protect night time amenity at nearby sensitive receptors.

16. The rating levels at nearby sensitive receptors shall not exceed those stated in Table 1 Section 2.6 of the Lester Acoustics report stamped 'Document Number 01', date stamped '10th October 2022' at the identified receptors.

Reason: In order to protect night time amenity at nearby sensitive receptors.

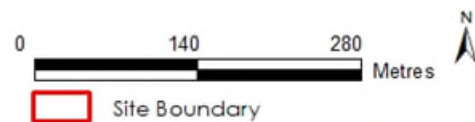



Location Map

Application Reference: LA03/2022/0726/F

Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units (Variation of condition 13 & removal of condition 14 from planning approval LA03/2018/0917/F relating to Heavy Goods Vehicles)

Lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey



 Site Boundary



COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2021/0809/F
DEA	AIRPORT
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Extension to existing commercial yard/depot, containing precast concrete material storage bunkers, a storage shed, HGV and car parking
SITE/LOCATION	Lands 85m North of 386A Ballyclare Road, Newtownabbey, BT36 4TQ
APPLICANT	EJC Contracts Ltd
AGENT	G Patrick
LAST SITE VISIT	23 rd March 2022
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext40429 Email: ashleigh.wilson@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 as designated in the Belfast Urban Area Plan 2001 and the draft Belfast Metropolitan Area Plan (published 2004).</p> <p>The site is located on the southern side of the Ballyclare Road, and accessed via an existing concrete laneway which is lined with hedgerows on both sides. The land rises in a southerly direction from the public road towards the application site. The entire site area is grassed, with existing buildings and a storage area associated with the existing facility beyond the southern boundary. The boundaries of the site are defined by mature hedging.</p> <p>The area is rural in character with a number of residential dwellings within close proximity to the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2020/0109/LDE Location: 386a/388 Ballyclare Road, Newtownabbey, BT36 4TQ Proposal: Utilities and road surfacing contractors' storage depot Decision: Permitted Development (26.02.2020)</p> <p>Planning Reference: LA03/2019/0395/F Location: 386 Ballyclare Road, Newtownabbey, BT36 4TQ Proposal: A single storey (with attic) office building Decision: Permission Granted (04.07.2019)</p> <p>Planning Reference: LA03/2019/0058/CA Location: 384a Ballyclare Road, Newtownabbey</p>	

Proposal: Alleged unauthorised change of use of land and buildings for utilities and road surfacing contractors

Decision: Enforcement case closed (17.04.2019) immune from further enforcement action.

Planning Reference: LA03/2019/0416/F

Lands 85m NE of 386 Ballyclare Road, Newtownabbey, BT36 4TQ

Widening of lane/entrance serving existing commercial yard (retrospective)

Permission Granted (02.07.2019)

Planning Reference: LA03/2021/1152/F

386A Ballyclare Road, Newtownabbey

Retention of existing retaining wall

Permission Granted (28.01.2022)

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 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.

Belfast Urban Area Plan (BUAP): The application site is located within the countryside. The Plan offers no specific guidance on this proposal.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the Countryside. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the countryside. 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.

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 4: Planning and Economic Development: sets out planning policies for economic development uses.

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

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

Council Environmental Health Section – No objection, subject to condition

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection, subject to conditions

Department for Infrastructure Rivers – No objection, subject to condition

Department for Communities Historic Environment Division – No objection

Northern Ireland Environment Agency: Water Management Unit – No objection, subject to condition

Northern Ireland Environment Agency: Natural Environment Division – No objection, subject to condition

Shared Environmental Services – HRA not required.

REPRESENTATION

Six (6) neighbouring properties were notified and twenty-one (21) letters of objection have been received from (6) 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:

- The application description is incorrect – it is described as an extension to a yard when it should be described as a change of use;
- Out of keeping with the area;
- Road safety;

- Additional traffic;
- The three metre palisade fence is not in keeping with the character of the area;
- Impact of lights;
- Noise pollution will increase;
- The field is used for grazing cows and should not be changed into a yard;
- No need for the facility as there are 3 existing industrial areas within close proximity;
- There will be a detrimental impact on the rural area;
- Environmental impact;
- Increased flood risk from small stones blocking drains;
- Impact from noise and movement on horses being ridden regularly in the area
- The business recently closed additional premises within Mallusk and the proposal will therefore bring no additional benefit to the area;
- Impact on human right, protocol 1, protecting our right to enjoy our property peacefully;
- Impact on health and personal wellbeing;
- Safety for pedestrians;
- Hazardous materials;
- Impacts on sewerage/water/air facilities;
- Impact on climate change.

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
- Flood Risk
- 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. 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 outside the settlement limit of Metropolitan Newtownabbey in both Plans. In both the Belfast Urban Area Plan and the draft Newtownabbey Area Plan the application site is located in the countryside.

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. Policy CTY 1 allows for industry and business uses in accordance with Planning Policy Statement 4 (PPS 4).

PPS 4 allows for the expansion of an established economic development use in the countryside in accordance with Policy PED 3. PED 3 allows for the expansion of an economic development use in the countryside where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

A Certificate of Lawfulness was granted on the site for a utilities and road surfacing contractors storage depot under planning reference LA03/2020/0109/LDE. The proposal seeks full planning permission for an extension to the existing commercial yard/depot, containing precast concrete material storage bunkers, a storage shed, HGV and car parking.

Need for the proposal and economic considerations

It has been raised through letters of objection that there is no need for this facility as there are existing facilities within close proximity rather than having to use existing prime agricultural land. In addition, objectors raise the point that the business recently closed additional premises within Mallusk and the proposal will therefore bring no additional benefit to the area. There is a current and lawful business at this premises and planning policy allows for the extension of an established economic development site within the countryside in accordance with PED 3 of PPS4.

A submission has been made regarding the need for the facility and the economic investment for the proposal. Document 13, date stamped 21st July 2022 outlines the need for the proposed development. The statement highlights that the current contracts are demanding an increase in storage areas as the company can't hold the stock to meet the demand. In addition, the company has recently been awarded a multi-million pound, five-year contract with Virgin Media O2. This will require stocking ahead of the time and stock will increase by approximately 6%. The components include fibre and microduct which are more sensitive to weather conditions (rain and sunlight) and need to be housed appropriately. They are also expensive and require a more secure facility. The new storage area will create security system/maintenance company, two (2) new storage staff and an apprentice scheme for at least one apprentice. The company employ circa 150 staff between this and their Mallusk facility.

Planning applications are determined on their individual merits in accordance with the development plan, planning policies and material considerations, which may include the economic benefit of the development. The SPPS states that Planning authorities should take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority. Planning authorities should also recognise and encourage proposals that could make an important contribution to sustainable economic growth when drawing up new plans and taking decisions. The economic considerations and the operational need for the proposal are material considerations in assessing this scheme. The proposal is needed to facilitate the growth of the company, and this has been considered in the overall assessment of the proposal.

As previously stated, there is a current and lawful business at this premises and planning policy allows for the extension of an established economic development site within the countryside in accordance with PED 3 which states that proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. However, the current adjoining buildings are in use, therefore, the proposal for the addition of storage bays, storage areas and the proposed stores are necessary for the expansion of the existing facility at this location.

Throughout the processing of the application concerns were raised with the size of the proposed expansion. The applicant subsequently reduced the size of the site to a level that is considered acceptable in principle subject to a consideration of the issues set out below.

Design, Appearance and Impact on Character of Area

Policy PED 3 of PPS 4 requires that the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. The original proposal indicated a major extension to the enterprise which extended to the main road. The proposal was subsequently reduced and is now set back some 35 metres from the public road. The proposal involves a large extension to the site area at 63 metres in length at the longest point and 47 square metres in length in comparison to the existing yard at approximately 95 metres in length.

The proposal involves a concrete yard and closest to the existing yard is a proposed store measuring approximately 33 metres x 16.5 metres. An access is proposed along the western boundary to access the new yard. A lorry turning area is proposed in front of the store with proposed storage bays and car parking.

The building is approximately eight (8) metres in height. The scale and material finishes of the proposed store of rough dash white walls, goosewing grey kingspan roof and galvanised steel doors are considered acceptable in the context of the existing facility. Given the current topography of the site on a slope, careful consideration was given to the siting of the building so as to ensure it would not be prominent. The proposal includes the site extensively being cut into to allow for the building to be set down into the site. The cutting will require retaining structures of approximately 4.4metres.

The SPPS para. 6.70 states that all development in the countryside must integrate into its setting and respect the rural character of the area. Policy CTY 13 - Integration and Design of Buildings in the Countryside states that a new building(s) will be unacceptable where the site lacks long established natural boundaries; is unable to provide a suitable degree of enclosure for the building to integrate into the landscape or relies primarily on the use of new landscaping for integration. 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 in unobtrusively with its immediate and wider surroundings when judged from critical views along stretches of the public road network.

Views of the proposed buildings are limited when approaching the site in a northwesterly direction due to the existing vegetation along the roadside and cutting into the site proposed. However, critical views will be evident when in front of the site and when travelling in a southeasterly direction when approaching the site. The existing hedging along the roadside within the visibility splay is proposed to be removed, however, proposed new fencing and a new native species hedge is proposed to be planted behind the splays.

While a significant amount of cutting is proposed into the site to set the building down into the landform, this will reduce the prominence of the building therefore reducing the visual impact of the building from the road. In this case, the existing side boundaries of the application site will help to provide integration and while views will be apparent in front of the site, a landscape bund is proposed between the roadside and the application site which involves regraded grass and a shrubbery area. The application site is set back 33 metres from the road. New native trees are proposed to be planted within the landscape bund, at a minimum height of 4.5 metres. Overall, it is considered that while the proposal will result in a change in the landscape, on balance the visual impact is not likely to be so significant as to warrant a refusal of the application.

Policy PED 9 requires that the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity. Policy PED 9 also requires that the proposal is compatible with surrounding land uses and appropriate boundary treatment and means of enclosure are provided and any areas of outside storage are adequately screened from public view.

The boundaries of the site are indicated on the plan with the roadside boundary to be defined by a new native species hedge planted behind the visibility splay. A landscape bund is then proposed behind the hedging and grading the land towards the application site. Beyond this, within the site, native trees are proposed to be planted between the Ballyclare Road and the proposed development within the landscape bund which will soften the visual impact of the proposal. New hedgerow boundaries are indicated on either side of the application site and a paladin fence

of three (3) metres in height is proposed between the site and the roadside at the edge of the landscape bund.

Due to the extensive cutting required to accommodate the development, retaining walls at a maximum height of approximately 4.6 metres are required. It is considered that the proposal will inevitably result in some change to the rural character of this area, however, given the mitigation proposed by way of landscaping and the cutting into the site to reduce the overall height and prominence of the development, the visual impacts will be reduced to an acceptable level so as not to significantly erode the rural character of this area. On balance, it is considered that the proposal is acceptable in this regard. It is considered that the proposal is compatible with surrounding land uses and appropriate boundary treatments and means of enclosure are provided.

Neighbour Amenity

Objection has been received with regards to the potential noise impact from the development and it is stated within a further objection that horses are ridden in the area and that the noise impact from the proposal is likely to spook the horses.

Policy PED 9 states that the proposal shall not harm the amenities of nearby residents. The proposed extension to the facility will bring yard activities to within 70 metres of a residential property at No. 10 Gravelhill Road. The applicant was requested to undertake a Noise Impact Assessment to demonstrate the noise impact likely to be experienced at nearby residential dwellings and recommend any mitigation measures necessary to ensure amenity at residential properties will not be adversely impacted upon.

A Noise Impact Assessment (Document 09), date stamped 29th April 2022 was submitted. The report states that the proposed storage shed will be primarily used for the storage of electrical ducting. The report also indicates that the proposed development is likely to have a low noise impact. The Environmental Health Section has not raised any concerns with regards to impact from noise. Therefore, it is considered that any noise impact from the proposal is not likely to be significant.

Floodlighting associated with the security of the premises can cause artificial light intrusion and has the potential to adversely impact upon amenity. A Light Impact Assessment (Document 10, date stamped 29th April 2022) and associated lighting drawing (Drawing No. 07, date stamped 29th April 2022) has been submitted. Elevations of the lighting columns indicate that they will be at a height of approximately eight (8) metres. It is proposed to fit 4 no. wall mounted external lights at 6m in height to the proposed storage shed and 4 no. columns with lighting at 8m in height along the site boundary. Drawing Number 07 shows Isolux contours plotted for 1 lux and 2.5 lux. The report concludes that the anticipated levels of illumination within the site itself will be minimal and the levels of light spillage around the site will be acceptable and there will be zero light spillage onto the nearby Ballyclare Road. The Council's Environmental Health Section was consulted and has stated that a Light Impact Assessment in line with ILP Guidance Note 01/21, The Reduction of Obtrusive Light, is not required on this occasion. The Environmental Health Section has not raised any concerns with regards to impact on air quality.

The Environmental Health Section has raised no objection, subject to conditions. These conditions have been recommended to be included in any future grant of planning permission and include restricting operating hours to between 07:00 – 23:00 hours; doors remaining closed other than when being used for access and egress; handling vehicles being fitted with broadband reversing alarms and the 'Proposed Store' being restricted to use for storage purposes only. In addition, any light fixtures are to be positioned/directed to ensure amenity is not adversely impacted at neighbouring dwellings by artificial light (Condition 10).

The proposed buildings are considered to have sufficient separation distance from neighbouring properties so as to ensure there is no loss of light or impact on neighbouring amenity as a result of the structures to be erected on site.

It is therefore considered that any impact on residential amenity can be suitably mitigated against through the use of conditions.

Natural Heritage

A Biodiversity checklist (Document 12, date stamped 19th May 2022 and an Ecology Statement (Document 11, date stamped 19th May 2022) has been submitted. The proposal involves the loss of hedgerows within the site. Hedgerows, especially those that are native, are Northern Ireland Priority Habitat due to their ecological functionality and therefore a condition is recommended to be attached to any future grant of planning permission that any vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season as recommended by NIEA Natural Environment Division (NED).

The proposal also involves the use of artificial lighting which can have a significant adverse effect on the natural behaviour of bats such as foraging or commuting, causing disturbance and/or displacement and affecting their ability to survive. Drawing No. 07, External Lighting Map, date stamped 29th April 2022 notes that there is 1 lux on boundary vegetation. NED has been consulted and has advised that the proposal is unlikely to have a significant adverse impact on the local bat population.

The proposed site plan indicates that additional planting is proposed on the site with native species. NED has been consulted and welcomes this additional planting and considers it is sufficient compensation for the loss of existing hedgerows on the site. NED has raised no objection to the proposal subject to conditions and informatives.

NIEA has been consulted and has advised that the proposal is unlikely to have significant effects on any designated sites due to its distance from the sites and the scale and nature of the development. Having considered the project, it is concluded that it is eliminated from the need for a Habitats Regulations Assessment because it could not have any conceivable effect on a European/International designated site. This is concluded because no viable pathways have been identified whereby the proposal could have a negative impact on a European/International designated site.

It is therefore considered that the proposal will not have a significant impact on features of natural heritage and the proposal complies with PPS 2 in this regard.

Flood Risk and Drainage

Objectors raised concerns with regards to the potential impact of the development on sewage and water and a further point of objection raised concerns regarding the increased flood risk from small stones blocking drains in the area.

The applicant has submitted adequate drainage drawings and calculations to support their proposals. DfI Rivers responded advising that they require Schedule 6 approval response from DfI Rivers consenting to the discharge of the attenuated 18.34 l/s of storm water to the undesignated watercourse 80m to the southeastern boundary of the site as indicated in the Drainage Assessment. However, it is considered that this matter can be addressed through the imposition of a condition that the development shall take place in accordance with the Drainage Assessment.

Water Management Unit notes on the site layout drainage plan that the applicant proposes to install an interceptor on the new storm drain which discharges to the watercourse. This discharge will require consent to discharge from NIEA which has been consulted and has recommended a condition with regards to the need for a Discharge Consent being granted prior to development, however, it is considered more appropriate to add this as an informative as this will be required under the terms of the Water (NI) Order 1999.

The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100-year fluvial floodplain and neither within a predicted flooded area as indicated on the Surface Water Flood Map. DfI Rivers has been consulted and has raised no objection from a flood risk perspective.

Access, Movement and Parking

Concern has been raised through letters of objection to the proposal regarding the additional traffic the proposal will generate, road safety and the safety for pedestrians on the narrow footpath. The P1 application form indicates an expected increase of nine (9) additional goods vehicles, one (1) visitor vehicle and five (5) staff vehicles to the site daily. DfI Roads has been consulted and has raised no objection to the proposal subject to conditions. It is considered the proposal is acceptable in this regard and complies with Planning Policy Statement 3.

Other Matters

Archaeological Interests

The proposal is located within close proximity to features of historical importance and therefore PPS 6 applies. The proposal has been assessed against the SPPS and PPS 6 in this regard and Historic Environment Division has been consulted and has no objection. It is considered the proposal will not have a significant impact on features of archaeological importance.

Impact on Health and Personal Wellbeing from Hazardous Materials

In relation to possible impact on human health, no evidence has been presented to suggest human health will be adversely impacted by this proposal. Objection was received with regards to the health impact from diesel fumes and man-made particulars. It was also queried whether other hazardous substances would be stored on the site. The applicant's P1 form confirms that the proposal does not involve the storage of any hazardous waste and the agent has confirmed via email that the items to be stored are limited to fibre optic cabling and associated construction

material for the utilities contract. The Environmental Health Section of the Council was consulted on the proposal and has indicated no objection on health grounds. It is considered that the proposal will not have a significant impact on health and wellbeing.

Impact on Human Rights

Concern was raised through letters of objection regarding the potential impact on human right, protocol 1, protecting the right to enjoy a person's property peacefully. 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 Councils obligations under the Human Rights Act have been fulfilled.

Climate Change

It is considered that this proposal for storage of fibre cabling and associated construction material for a utilities contract would not have a significant impact on climate change.

Environmental Impact

Concern has been raised through letters of objection regarding the environmental impact of the proposal. An Environmental Impact Assessment determination was carried out and it was considered the environmental impacts were not so significant to warrant the need for the application to be accompanied by an environmental statement. Furthermore, reports on noise, lighting, biodiversity/ecology and drainage have been submitted in support of the application. It is considered the environmental impacts of the proposal are not likely to be significant.

CONCLUSION

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

- The principle of the development accords with the local development plan provisions of BUAP, draft BMAP, SPPS and PPS 4;
- The scale and design of the proposal is considered acceptable on balance;
- It is considered the proposal will not have a detrimental impact on neighbouring properties;
- The proposal is not likely to increase the risk of flooding; and
- Adequate parking has been provided

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. 05/1 bearing the date stamp

4th April 2022, 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 gradient(s) 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 building hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 05/1 bearing date stamp 04th April 2022 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

5. The permitted development shall not operate at any time outside 07:00 – 23:00 hours.

Reason: In order to protect night time amenity at nearby sensitive receptors.

6. All doors, including roller shutter doors to the permitted development shall remain in the closed position except when used for access and egress.

Reason: In order to protect amenity at nearby sensitive receptors.

7. All forklift trucks and materials handling vehicles used on site shall be fitted with broadband reversing alarms during the lifetime of the permission.

Reason: In order to protect amenity at nearby sensitive receptors.

8. The 'proposed store' as indicated on Drawing Number 05/1, date stamped 4th April 2022, shall be used for storage purposes only.

Reason: In order to protect amenity at nearby sensitive receptors.

9. The drainage for the proposed development shall be carried out in accordance with DOC 01 Drainage Assessment date stamped 9th August 2021 and in accordance with Drawing No. 03 date stamped 9th August 2021.

Reason: To safeguard against flood risk to the development and elsewhere and to ensure protection to the aquatic environment.

10. Light fixtures are to be positioned/directed to ensure amenity is not adversely impacted at neighbouring dwellings by artificial light.

Reason: In order to protect amenity at nearby sensitive receptors from artificial light intrusion.

11. No vegetation clearance shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

Reason: To protect breeding birds.

12. The existing hedgerows as indicated on Drawing No. 05/1 date stamped 4th April 2022 shall be retained at a minimum height of two metres and trees within the hedgerow shall be allowed to grow on.

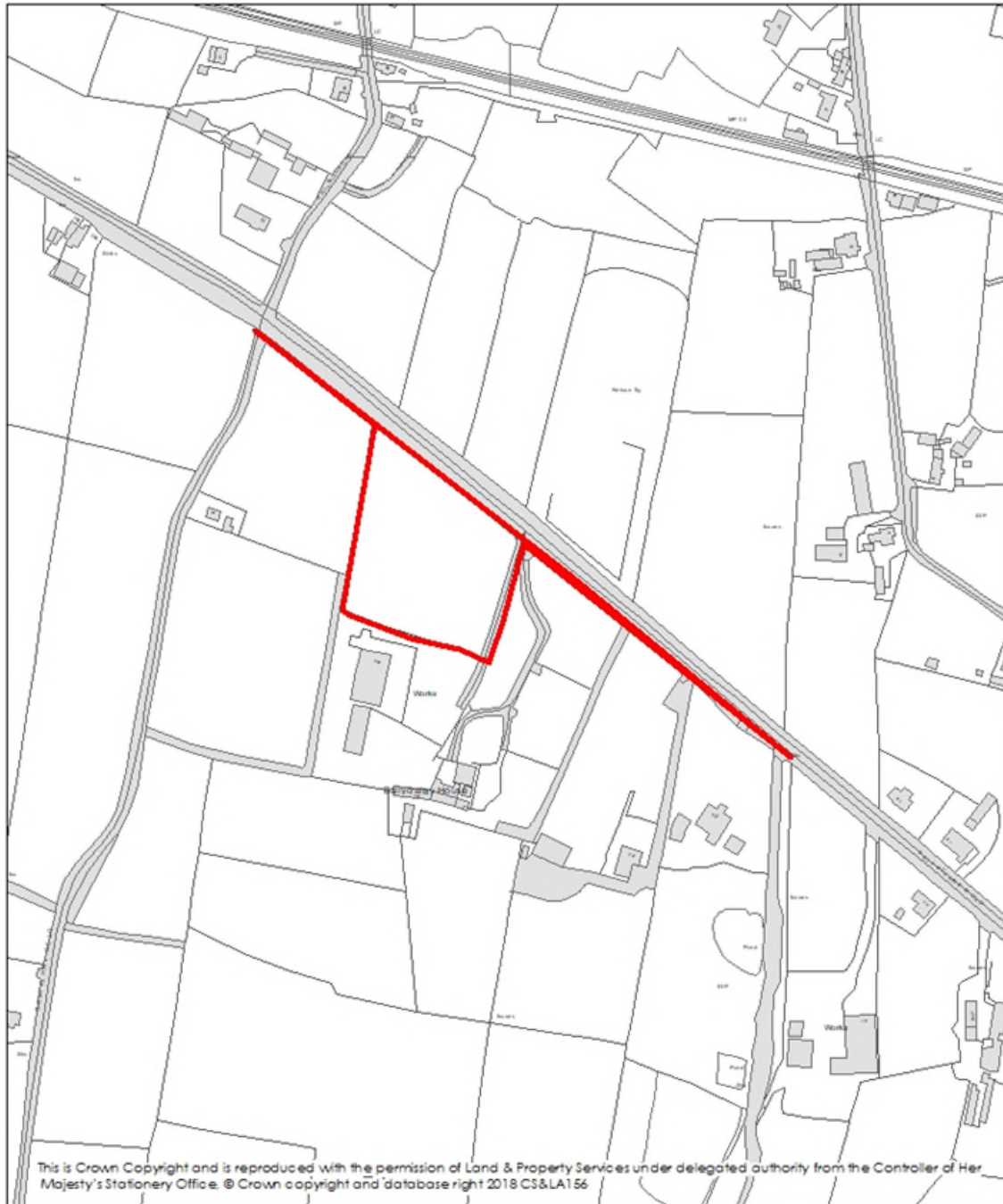
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

13. The proposed planting shall be carried out in accordance with approved Drawing Number 05/1 date stamped 4th April 2022. Planting shall be carried out in the first available season after occupation of the building hereby approved.

Reason: 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.

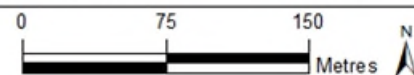


Site Location Plan

Application Reference: LA03/2021/0809/F

Extension to existing commercial yard/depot, containing precast concrete material storage bunkers, a storage shed, HGV and car parking and floodlighting

Lands 85m North of 386A Ballyclare Road,
Newtownabbey, BT36 4TQ



 Site boundary



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2018/0888/RM
DEA	ANTRIM
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	525 residential units (comprising 200 detached, 164 semi-detached, 77 townhouses and 84 apartments) and associated site works, 6 retail units (local shops), public open space and an equipped play park.
SITE/LOCATION	Lands/fields to the north east and south of 14 Niblock Road, Antrim (fields bounded by rail line to west and Dunsilly/Holywell Burn to north). Land situated between Durnish Road/Mull Road and railway line east and NE of meadow Lands north of Arran Street and Tiree Street north of Orkney Street and west of Niblock Oaks.
APPLICANT	D.R. Mitchell Ltd
AGENT	Inaltus Limited
LAST SITE VISIT	06/11/2022
CASE OFFICER	Kieran O'Connell Tel: 028 9034 0423 Email: Kieran.oconnell@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 development limits of Antrim Town on a site of approximately 26ha in size. Specifically, the application site is located on lands/fields to the northeast and south of 14 Niblock Road, Antrim (fields bounded by the railway line to the west and Dunsilly/Holywell Burn to the north). The application site further extends to lands situated between Durnish Road/Mull Road and the railway line east and northeast of the Meadow Lands residential area and north of Arran Street and Tiree Street, north of Orkney Street and west of Niblock Oaks.</p> <p>This area is characterised by small to medium sized agricultural fields defined by hedgerows and trees of various varieties and sizes (hawthorn, ash, oak and willow). The application site is framed by Holywell Burn, mature trees and hedgerows to the north while the railway line runs adjacent to the western boundary of the application site. Hedgerows and trees define the eastern boundary adjacent to Niblock Oaks while the Niblock Road bisects the application site in two. On the southern side of the Niblock Road the site is bounded by high density residential developed at Angus Street/Shetland Street and Orkney Street and an area of public open space and housing associated with the Springfarm estate. A 'finger' of the site projects south as far as Stiles Way. To the west the site is bounded by the railway line, beyond which is the residential area of Meadowlands.</p>	

Within close proximity of the application site other landmarks include The Junction 500m south and west of the applications site, Antrim GAA Centre of Participation (500m north) and Dunsilly Park and Ride and M2 Motorway (1km north). Lough Neagh (Ramsar site, Area of Special Scientific Interest (ASSI) and Special Protection Area (SPA)) is located within 2km south of the application site.

RELEVANT PLANNING HISTORY

Planning Reference: T/2012/0320/O

Planning Appeal Reference: 2013/A0034

Location: Lands/fields to North East and South of 14 Niblock Road Antrim (Fields bounded by rail line to west and Dunsilly/Holywell Burn to North).

Proposal: Residential development on land zoned for housing. Dwellings range from detached and semis to townhouses and apartments. Local shops and open space areas also included

Decision: Permission Granted on appeal.

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 (AAP): The application site is located within the settlement limits of Antrim Town. The application site in the main is located on phase two residential land as identified on AAP Proposal Map No. 3. Paragraph 16.4 of the AAP states, 'the amount of land inside the development limit leaves too wide a choice of development sites to ensure that the town grows in compact fashion. As a consequence, two development phases for residential land have been introduced. The phase one lands are to be developed between 1984-1996 while the AAP indicates the phase two lands will only become available during the second development phase i.e. 1996-2001. The remaining lands to which this application relates falls within unzoned (white) lands adjacent to the railway line and Tiree and Arron Street.

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.

SPPS: Town Centres and Retailing: sets out planning policies for town centres and retail developments and incorporates a town centre first approach for retail and main town centre uses.

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 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 objections.

Shared Environmental Services – No objection subject to conditions.

NI Water – No objections.

DfI Roads – No objections subject to conditions.

DAERA Regulation Unit – No objections subject to conditions.

DAERA Natural Environment Division (NED) – No objections subject to conditions.

DAERA Drinking Water Inspectorate (DWI) – No objections.

DAERA Industrial Pollution and Radiochemical Inspectorate (IPRI) – No objections.

DAERA Water Management Unit (WMU) – No objections.

Northern Ireland Transport Holding Company – No objection.

DfI Rivers – No objections.

Historic Environment Division (HED)

HED (Historic Buildings) – No objections subject to conditions.

HED (Historic Monuments) - No objections subject to conditions.

REPRESENTATION

Two hundred and eight (208) neighbouring properties were notified. A total of six (6) objections have been received with five (5) no. letters of representation have been received from five (5) properties and one (1) from an elected representative. 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 and traffic congestion;
- Detrimental impact on the amenity of residents on Mull Road by way of noise and disturbance;
- Public safety due to close proximity to railway lines;
- Increased pressure on sewerage system;
- St. Comgalls GAC would like the development to provide an opportunity for a future access to Antrim GAA centre of participation; and
- Impact on property values.

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
- Retail Element
- Density
- Neighbour Amenity
- Public and Private Amenity Space
- Parking and Road Safety
- Crime and Personal Safety
- Flood Risk
- Archaeology
- Built Heritage
- Natural Heritage
- Flood Risk

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.

This application seeks Reserved Matters approval and as such does not re-examine the principle of development on this site. This was established with the outline planning approval T/2013/0320/O (2013/A0034). The matters for consideration in this instance are restricted to matters reserved i.e., siting design external appearance, means of access. The assessment also includes a consideration of all other material planning matters and in particular those matters where further environmental information has been provided to update the environmental impacts previously assessed and where outline planning conditions required the submission of certain details.

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 settlement limit of Antrim in AAP and comprises land zoned for residential development (83%/20.704ha), while the remainder is within unzoned white land (17%/4.258ha). Paragraph 5.10 of AAP states that the approach of the planning authority will be to encourage orderly growth in the residential sectors of each settlement and that particular attention will be given to environmental considerations concerning the size, siting and layout of proposed residential developments.

The AAP contains no Key Site Requirements for this housing zoning however, Paragraph 16.4 of the AAP states, the amount of land inside the development limit leaves too wide a choice of development sites to ensure that the town grows in compact fashion. As a consequence, two development phases for residential land have been introduced. The phase 1 lands are to be developed between 1984-1996 while the AAP indicates the phase two lands will only become available during the second development phase i.e. 1996-2001. As the application site was applied for post 1996, it is considered that this proposal complies with the provisions of the AAP.

It is considered the principle of a housing development on the application site is acceptable subject to the development complying with the Plan's provisions for residential development and the creation of a quality residential environment as well as meeting other requirements in accordance with regional policy and guidance, which are addressed in detail below. Overall, the principle of development is considered to be acceptable and is supported by the AAP and by the planning history.

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).

In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and that contained in the following PPSs which provide the relevant regional policy context for consideration of the proposal

- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas;

- PPS 2: Natural Heritage;
- PPS 3: Parking and Movement;
- PPS 6: Planning Archaeology and Built Heritage;
- PPS 8: Open Space, Sport and Outdoor Recreation; and
- PPS 15: Planning and Flood Risk.

Design, Layout and Appearance

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) refers at paragraph 6.137 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. The SPPS further acknowledges that good design contributes to the creation of places to live that are safe, attractive and also key to achieving sustainable development.

Policy QD1 of PPS7 provides operational policy on new residential development and indicates that planning permission will only be granted where it is demonstrated that the proposal will create a quality and sustainable residential environment. It further states that the design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. It indicates that housing development proposals will not be permitted where they would result in unacceptable damage to the local character or environmental quality of established residential areas. The policy sets out a number of criteria that all proposals will be expected to conform to.

The proposed development consists of the erection of 525 residential units consisting of a mix of detached (3&4 bed), semi-detached dwellings (2-5 bed), townhouses (3 bed) and apartments (2 bed). The dwellings proposed are two storey in height and are finished in a mix of either red brick, render, brick/render or stone render combination. A number of apartment complexes have been provided as part of the scheme to provide additional variety within the overall development proposal, these apartment buildings are 2-3 storey's in height and act as focal buildings within the development. These apartment buildings are finished in similar detail to the dwellings. It is considered that the design and appearance of the dwellings and apartments is acceptable in this urban area and consistent with other developments in Antrim Town.

Regarding layout matters, the applicant has provided a layout which is in general conformity with the approved concept plan. In addition, the applicant has provided a phasing plan (C03) indicating three housing phases (green, blue, red) each with sub phases and a separate commercial phase. The purpose of this plan is to assist in the delivery of the necessary roads infrastructure and provide an understanding of how each section of the road network will open up the appropriate phases of development accessing those roads.

The proposed layout has been designed to cross the site gently and avoid the use of any significant retaining features and provides a mixture of hard and soft landscapes within the various residential areas. These include provision of front gardens decorative walls, retention of protected trees (where possible) significant additional

landscaping to offset the loss of existing trees, provision of areas of open space and defensible space in order to create a quality residential environment.

Overall, it is considered that the design, layout and appearance of the proposed development is appropriate to the character and topography of the site and respects its surrounding context.

Retail Element

The applicant has provided a retail supporting statement within their Environmental Statement (Appendix 9 of Vol. 1). The supporting statement indicates that outline planning permission (DoE Ref: T/2012/0320/O PAC Ref: 2013/A0034) was granted subject to 12 conditions. However, none of the conditions controlled the size or number of shops.

In respect of new residential developments Planning Policy Statement 7 Quality Residential Environments policy AD1 criterion (d) requires that "adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development". PPS 7 paragraphs 4.17 to 4.20 elaborates on the provision. Such services can increase vitality, provide a sense of community and enhance the social and economic sustainability of the development. It states that, "Local neighbourhood facilities include social and community uses such as schools, crèches, surgeries, local shops and play facilities".

The Reserved Matters application before members provides the details of six local shops that combined would typically be classed as a "Local Centre" to serve the new community. The Local Centre is proposed to be located in the heart of this large residential development and has already been granted permission in principle given it was specifically mentioned in the application description granted under the outline permission. The applicant further states that it was a policy requirement in order to gain permission for the scale of new housing to be provided.

As an integral part of the Concept Master Plan the detailed design of the development has located the new Local Centre southeast of the new Niblock Road roundabout, which is the focal point for the movement of people and traffic in the development.

The Local Centre is located south of the Niblock Road. It provides 6 shop units in two blocks (Block 1-4 and Block 5-6). It comprises about 1,287 sqm gross floor space provided in the following units:

- Unit 1 is 120 sqm gross floorspace;
- Unit 2 is 687 sqm gross floorspace (suitable for a local supermarket); and
- Units 3 to 6 are each 120 sqm gross.

The Local Centre has 119 surface level customer car parking spaces and also has dedicated cycle parking spaces. The shops have a side service yard for delivery vehicles.

The Strategic Planning Policy Statement (SPPS) was published in September 2015. It provides the policy for assessing retail proposals. SPPS para 6.269 states that the SPPS seeks to 'encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demand'. The SPPS aims to

'support and sustain vibrant town centres across Northern Ireland, through promotion of established town centres as the appropriate first choice location of retailing and other complementary functions'.

The strategic objectives of the SPPS seeks to secure a town centre first approach for the location of future retailing and other main town centre uses. Footnote 58 advises that other main town centre uses includes cultural and community facilities, retail, leisure, entertainment and businesses.

SPPS paragraph 6.276 states "Planning authorities should retain and consolidate existing district and local centres as a focus for local everyday shopping and ensure their role is complementary to the role and function of the town centre". The SPPS does not define what size a Local Centre would be, the key test is that it should provide local shopping and be complementary to the town centre.

The SPPS para 6.280 sets out the nature of the sequential test that will be applied to main town centre use proposals that are not in an existing centre and are not in accordance with an up to-date LDP. SPPS para 6.281 sets out the sequence for considering alternative locations. The proposal is a Reserved Matters application for a group of Local Shops as part of a large housing development. While the proposed shops are technically a 'town centre use' the applicant indicates that proposal does not need to satisfy the sequential test as it is required to meet the needs of the new residential development and must be integral to that development and suitably located to serve the new residential population.

SPPS para 6.282 advises that in the absence of a current and up-to-date LDP, Councils should require applicants to prepare an assessment of need which is proportionate to support their application. The applicant indicates that the need for this proposal is a policy driven need, where PPS 7 makes it a very clear requirement that adequate provision is made for local neighbourhood facilities as an integral part of the development. Indeed, the SPPS paragraph 6.137 bullet 2 page 70 notes that "Local facilities, services and adequate infrastructure should be integrated into new housing development to meet the needs of the community".

The applicant further indicates that as the proposal has been granted permission, there is no requirement to assess further its impact, provided it is clearly designed to meet local needs. All shops are small and only suitable to provide local shopping opportunities. As such despite being over 1,000 sqm gross total floorspace, there is no requirement to assess the retail impact of the proposed Local Centre.

Creating Places is guidance, which helps to inform the design of housing development and achieving a quality residential environment. Section 6 of Creating Places deals with local neighbourhood facilities and recognises that local neighbourhood facilities help to increase vitality, provides a sense of community and enhances its social and economic sustainability.

It requires local facilities to meet the demands of the local community; reduce their need to travel; increase intensity of activity and provide visual diversity and distinct spaces. The guidance advises discussion at an early stage with local providers and lists local shops such as a chemist, newsagents, grocery shop and sub post office as possible uses. The applicant has been in discussion with a large Northern Ireland

retailer and the size of the main supermarket reflects the size of shop that is required for a development of this size. The development will be attractive to other local service providers and there is likely to be keen interest from pharmacy, off licence and other local shop providers.

The applicant further indicates that in being consistent with Creating Places, the location of the Local Centre has been selected so that any passing traffic from outside the area will be able to use it. This will improve the viability of the Local Centre. The proximity of the Local Centre to the main roads of the development and its accessibility by cycle and walking makes it well located. The position of the Local Centre at the main roundabout on Niblock Road gives it a landmark presence. As required by Creating Places the Local Centre is designed as a single storey development which respects the low level housing development that will be built in the area.

The applicant recognises that the development could introduce uses that have potential to conflict with residential use, and the layout and design of the Local Centre and nearest housing has paid regard to the need to avoid any nuisance being caused. The location of the service yard has been kept to the side of Unit 1 and the buildings will screen the housing to the south at Units 366 to 372 from any noise or disturbance. A 10m landscape buffer is proposed to the rear of the shops keeping the shops away from the rear gardens of the nearest dwellings.

Compliance with Retail Policy

The principle of providing local shops in this development has been established by the outline planning permission. The approved Concept Master Plan (page 5) sets out the area where retail will be provided. The applicant is required by Condition 4 of the outline planning permission to provide a detailed layout that is in general conformity with the Concept Master Plan. The applicant has maintained the retail development in the location that is required under the Concept Master Plan.

The applicant indicates that the nature of the retail being proposed is of a local nature. It is the provision of 5 small shop units of 120sqm gross and supported by a single modest sized supermarket of 687sqm gross. The size and nature of these small shops are designed to attract small local businesses to provide local day to day facilities for the immediate community and the wider community that pass the site.

The applicant states that the proposal does not compete with any shops in Antrim Town Centre and acknowledges that Antrim is a strong town centre, which is anchored by a large covered shopping mall and has a large Tesco food superstore on its edge. The supermarket at Niblock Road would not cater for shoppers carrying out a weekly food shop. It is intended for local residents to use it for top up day to day convenience shopping.

The applicant further indicates that the need for the proposal has already been established. It is initially a policy driven need that is required by PPS 7, the SPPS and Creating Places. However, in the specific design of the development the size and layout of the retail shops has been dictated by the applicant's discussions with the likely end user of the supermarket. There is a clear need recognised by the market that the format of a supermarket with adjacent shop units is a model that is needed

for this development, and indeed is a model that has been successful in other large residential developments across Northern Ireland.

Having regard to the comments provided by the applicant, it is considered that the proposed Local Centre is acceptable in principle and supported by the planning history of the site. While the size and location of the individual shop units are such that it is unlikely to have a significant effect on the vitality or viability of Antrim Town Centre or other surrounding centres particularly having regard to the scale of the residential development proposed.

Density

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 edge of settlement location and the variety of densities adjoining the application site the proposal includes a mix of densities, with higher density character areas promoted to the south of the site, reducing to medium density development along the northern side of the Niblock Road.

The southern lands abut higher density social housing areas so higher forms of housing types are indicated in this area. These areas include townhouses and small semi-detached houses with some small-scale apartment buildings at significant points such as ends of vistas or at corner situations where double-sided elevations are appropriate. This is an average density of 29 per hectare.

The most northerly lands are identified for the larger detached and semi-detached house types, reflecting the higher value seen in this area of the site. This area has an average density of 12 per hectare.

The largest portion of land to the north of Niblock Road is shown as medium density, medium-sized detached and semi-detached house types. An average density of 18 per hectare is proposed in this area. At a number of key nodes within the site, there are a number of larger apartment buildings to provide focal buildings of interest. Some at the end of a long vista, others addressing areas of open space and 'Gateway' buildings at each end of the Niblock Road.

Given the layout and density of neighbouring residential development, it is considered that the density of the proposed development will not result in an adverse impact on the character of this area.

Public and Private Open Space

Public Amenity

The concept masterplan proposes a comprehensive residential development having regard to the constraints of the site. The applicant has provided 4.2ha of open space in seven parcels of land across the development site; five parcels of multi-functional open spaces are contained within the northern section of the site, which include the wildlife corridor/river walk, open space and a play area. The main area of public open space within the northern section of the development contains an equipped play park and a series of pedestrian links, which connect this public space to the surrounding residential dwellings and to the development south of the Niblock Road.

An additional area of open space is also provided adjacent to the western boundary of the application site and again has a series of landscaped pedestrian walkways, which provide permeability to the surrounding residential dwellings.

On the southern side of the Niblock Road, two parcels of public open space have been provided which assist in connecting the residential dwellings to the Local Centre while also acting as a buffer to the existing residential dwellings located at Arran Street. This assists in softening the impact of the higher density area.

PPS 8 Policy OS 2, indicates that a normal expectation of at least 15% public open space should be provided for residential developments of over 300 units. In this case the applicant has provided 4.2ha (15.67%) which is in excess of the 3.9ha that would be required to fulfil the policy requirements. Given the location of the site it also benefits from being within walking distance of The Junction retail and leisure destination while there are a number of sporting and open spaces with 1km of the application site.

The main sports pitches are located within 0.2km of the proposed development. These areas of open space are associated with Dunsilly GAA Centre of Participation located to the northwest of the proposed site. There are also minor open areas of recreation space close to residential areas within 0.2km.

Private Amenity Space

Criterion (c) of Policy QD1 (PPS7) requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided in 'Creating Places: Achieving Quality in Residential Developments'. It states that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40sqm for any individual house.

In this case all of the proposed dwellings have in excess of 40sqm minimum requirement with a high percentage in excess of 70sqm. It is considered that adequate provision has been made for private rear garden space within the individual dwellings. For apartment developments of 1&2 bedrooms Creating Places indicates that communal space can be provided ranging from 10-30sqm. It is considered that this requirement has been met.

Overall, it is considered that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees have been provided along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area.

Neighbour Amenity and Impact on Adjacent Land Uses.

The proposed scheme has been designed to ensure there will be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The layout of the proposed dwellings has been designed and arranged to ensure all properties will have in excess of the minimum rear garden depth of 10 metres while the apartments have in excess of the 20m separation distance required from first floor opposing windows to the adjacent properties. It is considered that the separation distances proposed ensure that the proposed development will not have an adverse impact on the adjacent properties

by way of dominance, overshadowing, loss of light or overlooking of either existing or proposed properties.

The proposed development abuts existing residents at five locations:

- Niblock Oaks/Niblock Grove,
- Orkney Street,
- Tiree/Arran Street,
- Durnish/Mull Road
- No.14 Niblock Road.

The proposed dwellings adjacent to the eastern boundary of the application site abut Niblock Oaks and Grove and have back garden depths of 12m+. This is considered to be an acceptable separation distance to prevent a significant adverse impact on the amenity of the existing residential properties. The impact is further mitigated with the retention of a series of mature trees along the boundary with the existing residential properties.

On the southern side of Niblock Grove, the applicant proposes two apartment blocks (HT A1 & A10). The A1 apartment block is two storey and is on the opposite side of the Niblock Road and separated from No.6 Niblock Grove by 27m. This is considered to be an acceptable separation distance to avoid a significant adverse effect from occurring at first floor level from the apartment block, and it is not anticipated to have any significant impact from ground level. The A10 apartment block is again two storey, however, it is gable ended to the Niblock Road and some 28m back from No.1 Niblock Grove which also has a rear garage and a number of sheds which assist in protecting their amenity space. It is considered that the three windows at first floor level will not have a significant impact on this property.

In addition, at first floor level the windows proposed are primarily bedrooms and bathrooms and ensuites, which are frosted and unlikely to result in overlooking of adjacent properties. Where dwellings are positioned with their gables orientated towards existing residents this tends to be for stairwell windows or ensuites and are unlikely to result in a significant degree of overlooking that would result in a detrimental impact on the amenity of the adjacent properties.

It is considered the dwellings at Shetland Street and Orkney Street will not be significantly impacted by the proposed development. The proposed dwellings are largely gable ended to the existing dwellings with no high occupancy rooms overlooking private gardens. The proposed dwellings are separated from the existing dwellings by the Orkney Street internal estate road and have a separation distance in excess of 20m which is considered acceptable in this instance. The applicant proposes two apartment blocks A1 and A10 adjacent to the Niblock Road/Springfarm Road. These buildings are approximately 30m from existing dwellings and therefore unlikely to result in a significant impact by way of overlooking loss of light or dominance.

The existing dwellings located at Arran Street and Tiree Street on their northwestern side are gable ended onto the rear of proposed dwellings and internal parking bays associated with the proposed apartment blocks. It is considered the proposed development will not have a significant impact on the amenity of the adjacent properties. There is a sufficient separation distances (13-22m) while the

interrelationship of the proposed dwellings and apartments ensures that there will be no significant overlooking or loss of light on the existing properties.

On the western side of the existing dwellings located at No's 14-24 Arran Street, the applicant proposes an area of public open space while there are a number of mature trees along the rear boundaries of these properties, which are to be retained. The provision of the public open space and the retention of the existing vegetation is unlikely to result in significant amenity concerns for these residents.

The existing residents located at No.'s 40-49 Durnish Road and those at Jara Street and Mull Road are unlikely to be significantly impacted by this proposal. These dwellings back onto a proposed internal estate road with the proposed dwellings located 25m west of the rear of the existing properties while the apartment blocks proposed are located 20m west of the existing dwellings.

No. 14 Niblock Road is located on the northwestern side of the application site and is surrounded on two sides by proposed detached and semi-detached dwellings. The proposed dwellings have rear garden depths of 15m while the proposed dwellings are in excess of 30m from this property. Given the separation distances involved there is unlikely to be any significant loss of amenity for this dwelling given the urban context in which it exists.

Overall it is considered that the proposed development will not have an adverse impact on the amenity of existing properties in this area while appropriate separation distances have been observed throughout to ensure the proposed dwelling's will not have a detrimental impact on the amenity of the proposed occupants.

Parking and Road Safety

Criterion (f) of Policy QD 1 (PPS7) 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. The layout of the proposal makes provision for in-curtilage parking for the private residential dwellings (generally two spaces per dwelling), while communal parking has been provided for the apartment blocks and local centre units. It is considered that adequate and appropriate provision is made for parking within the development.

Road safety and congestion has been raised by third parties as an area of concern with the introduction of a development of this size and scale to this area. The applicant has provided a Traffic Assessment considering the effects of the additional travel demand created from the proposed development on lands adjacent to Niblock Road in Antrim Town. This Traffic Assessment concludes that the existing transport network together with Niblock Road improvements is sufficient to accommodate the additional travel demand generated by the proposed residential units.

DfI Roads has indicated no objection to the proposal in terms of parking or road safety matters with this proposal. The proposal accords with the provisions of the outline masterplan. Had there been significant concerns with the development of this site with regards to congestion and road safety the fundamental principle of development would have considered this at outline planning stage. As this application is for Reserved Matters and as the statutory consultee has indicated no

objections to the proposal, it is considered that while this area may experience an increase in traffic generation and subsequent queuing at junctions, the impact is not considered to be so significant as to merit the refusal of planning permission.

Movement Pattern

Criterion (e) of Policy QD 1 of PPS 7 requires a movement pattern to be provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures.

Footpaths have been provided throughout the development to ensure there is sufficient permeability within and around the application site, these further and assist in linking this development to the wider road network and public transport services available within Antrim Town.

A series of public open spaces, amenity areas and a river walkway have been provided as an integral part of the proposed development. Each of these public open spaces is readily accessible to those in and around the surrounding environs and further afield. The main area of open space is located centrally on the northern side of the Niblock Road and has a series of paths alongside an equipped play area. There are no known issues with public rights of way.

Traffic calming measures have been included in the design of the development with the provision of speed control bends and flat top humps/ speed cushions and raised tables in accordance with the Creating Places design guide provided for the internal estate roads while the main Niblock Road improvements have been designed to the appropriate (DMRB) standards.

Overall, it is considered that a movement pattern has been provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates appropriate traffic calming measures.

Crime and Personal Safety

Criterion (i) of Policy QD 1 (PPS7) requires that residential development proposals are designed to deter crime and promote personal safety.

Consideration has been given to the site layout to ensure that there are no isolated areas of communal open space which are not overlooked and that could give rise to anti-social behaviour. The dwellings have been arranged to overlook the areas of open space within the site to allow passive surveillance for the safety and security of those using the areas. The communal areas will be appropriately and adequately lit by street light at night. It is considered that the development is designed to deter crime and promote personal safety.

Overall, it is considered that the proposed development has been designed to deter crime and personal safety with windows on gable elevations allowing for passive surveillance of the public open space.

Local Neighbourhood Facilities

Criterion (d) of Policy QD1 (PPS7) requires adequate provision for necessary local neighbourhood facilities is provided as an integral part of this development. In this

instance, the applicant proposes to provide what will essentially be a small local centre on the southern side of the Niblock Road adjacent to the main road network. The Niblock Road is to be upgraded to an appropriate standard to ensure that it can handle much higher volumes of traffic and assists in making the Local Centre accessible to the wider development and surrounding area. The proposed local centre is positioned centrally within the overall development site adjacent to the new roundabout and will enjoy a highly visible and accessible location when travelling along the enhanced Niblock Road. The location also assists in managing the traffic movements within this area.

Policy OS 2 of PPS 8 states that for residential developments over 100 units an equipped children's play area will be required. This is to be provided on the northern side of the Niblock Road within the main area of open space.

It is considered that adequate provision is made for necessary local neighbourhood facilities, in accordance with the approved master plan.

Archaeology and Built Heritage

Built Heritage

In relation to the impact on listed buildings, Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and policy BH 11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage are the applicable policy context.

Historic Environment Division, Historic Buildings (HED: HB) indicated, on the basis of the information provided, the application site was sufficiently removed from the B1 listed buildings at Holywell Hospital and would have no impact on the buildings particularly as there is housing between the listed building and the application site.

Having reviewed the HED: HB response and in light of the prevailing planning policy, it is considered that given the distance to the listed buildings, the intervening land uses, vegetation cover and scale of the buildings proposed there will be no significant impact on historic buildings or their settings as a result of this proposal.

Archaeology

Policy BH 4 of PPS 6 is entitled 'Archaeological Mitigation'. It states that where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the Council will impose conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences.

DfC Historic Environment Division (Historic Monuments) has reviewed Chapter 8 in the Environmental Statement, and concurs with its conclusion that there are no known cultural heritage assets within the red line boundary of the application site. The report does acknowledge that it is possible that previously unknown assets, for which there are now no surface expressions could exist sub-surface within the development area. It was assessed that should such assets exist then these could be negatively impacted upon through development and a mitigation strategy has been proposed.

DfC Historic Environment Division (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. The suggested conditions in this instance are not required as archaeology conditions have been imposed by the outline planning permission which will ensure that there is no significant impact on subsurface archaeology. It is therefore considered that there are no significant archaeological concerns with this proposal subject to the conditions stated in the outline planning permission.

Natural Heritage

An Environmental Statement and associated addendums have been submitted in support of this application. These documents concluded that there was no significant impact on Designated Sites, Protected Species (bats, badgers, newts, otters, birds) or their Habitats subject to mitigation measures including protection of trees, provision of appropriate lighting, additional compensatory planting, provision of a Construction Environmental Management Plan (CEMP) and appropriate buffers to all water courses during the construction period are provided. DAERA, Natural Environment Division (NED) has considered the impacts of the proposal on Designated Sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.

With regard to Designated Sites, the application site is hydrologically connected to Lough Neagh and Lough Beg SPA/Ramsar and Lough Neagh ASSI (hereafter referred to as the 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. Both DAERA NED and Shared Environmental Service (SES) have considered the impacts of the proposal on the designated sites and advises that it has no objection subject to conditions.

SES advise that this planning application has been considered 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.

Having considered the nature, scale, timing, duration and location of the project SES concluded that, provided the mitigation measures conditioned below (relating to the provision of a CEMP and no dwelling being occupied until such time as a foul mains connection has been provided by NI Water) form part of any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

Overall, it is therefore considered that the development proposal will have no significant detrimental impact on natural heritage interests subject to conditions and therefore the proposal complies with the policy provisions of PPS 2.

Flood Risk

The main policy objectives of the Revised PPS 15 include to seek to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere; to ensure that the most up to date information on flood risk is taken into account when determining planning applications; to adopt a precautionary approach to the determination of development proposals in those areas susceptible to flooding where there is a lack of precise information on present day flood risk or future uncertainties associated with flood estimation, climate change predictions and scientific evidence; to seek to protect development that is permitted within flood risk areas by ensuring that adequate and appropriate measures are employed to mitigate and manage the flood risks to the development and elsewhere.

With regard to flood risk associated with this development the applicant has provided a Water Report and a number of appendices within the Environmental Statement including technical note and additional calculations in support of their application. DfI Rivers has been consulted with regard to this document and indicated no objection to the proposal.

The site is bounded at the north and northeast by a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973, and known to DfI Rivers as 'Hollywell Burn'.

Policy FLD1 – 'Development in Fluvial and coastal Flood Plains'.

DfI Rivers Flood Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial nor Q100 Climate Change Floodplain. DfI Rivers advise that they would have no specific reason to object to the proposed development under this sub-policy FLD 1. In light of DfI Rivers response it is considered that there is no significant flood risk associated with this development.

Policy FLD2 – 'Protection of Flood Defence and Drainage Infrastructure'.

The proposed layout drawings indicate the required maintenance strips along both watercourses. As such, the requirements of Policy FLD 2 is satisfied.

Policy FLD3 – 'Development and Surface Water'.

DfI Rivers Local Area Office has issued Schedule 6 Consent to discharge the greenfield runoff of a total maximum of 107 l/s at: Outfall location 1, 65 l/s at outfall location 2 and 86 l/s at outfall location 3 to the Hollywell Burn watercourse as detailed in Sheet No. 60563598-SHT-10-CT-0501.

The proposal is to attenuate surface water within oversized pipes and manholes in the overall development and limit/restrict the discharge to green field rate. Drainage design is to comply with NI Sewers for Adaption standards. Exceedance flow routes for an event great than a 1:30 year storm event have been identified and will be retained on site.

DfI Rivers, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions.

Policy FLD4 - Artificial Modification of watercourses.

Not applicable to this site.

Policy FLD5 - Development in Proximity to Reservoirs.

It remains the case that currently it has not been demonstrated to DfL Rivers that the condition, management and maintenance regime of Upper Potterswall impoundment is appropriate to provide sufficient assurance regarding reservoir safety so as to enable a portion of the development to proceed, as required under Policy FLD 5.

DfL Rivers advise that Upper Potterswall Reservoir is owned and managed by the Northern Health and Social Care Trust. The Trust intend to discontinue this reservoir and they have advised that they have been unable to commence works as planned during March / April and would therefore not now be able to discontinue it this year.

DfL Rivers has also carried out an assessment of flood risk to people at this site (based on the Defra / Environment Agency's "Hazard to People Classification using Hazard Rating") for an uncontrolled release of water emanating from Upper Potterswall impoundment should it occur.

As a result of this analysis, the overall hazard rating for a portion of the site along the eastern boundary is considered high. This is therefore considered by DfL Rivers to be an unacceptable combination of depth and velocity for particular areas of the development proposal.

DfL Rivers has indicated that it has been established using Master Site Layout, that Site Numbers 24 – 27 including sites 33 and 34 are in locations considered to be an unacceptable combination of depth and velocity. DfL Rivers has provided the above assessment of flood risk to people as a material consideration for the Council in its decision making process. It is noted that Doc 10 (Technical Note by Aecom Consultants dated 13/1/2021, stamped received 2/2/2021), recommends a negative condition be applied to these particular dwellings. DfL Rivers advises that this is not a matter for them but for the Council to adjudicate upon. Having regard to the outline master plan and approved design concept it is considered that the use of a negative condition is appropriate in this instance to ensure that no development on the identified sites commences until it has been demonstrated that there will be no significant flood risk from Upper Potterswell Dam.

Overall the proposed development has no significant impact on the efficiency of the floodplain. The proposed re-profiling works are minor in nature and have no material impact on pre-existing flood levels. The proposed development has no adverse impact on flood levels or the floodplain which extends beyond the application site boundary.

Impact on Trees

Two blanket Tree Preservation Orders have been placed on the application site under TPO Reference TPO/2013/0002 and TPO/2005/0033. It is accepted that there will be some loss of TPO trees and vegetation within the application site following the grant of outline planning permission by the Planning Appeals Commission.

The applicant has indicated within their Environmental Statement and associated addendums that they wish to retain as much of the natural major landscape features as practical, believing that their retention will add greatly to the completed scheme. An arboriculturist surveyed the trees and compiled a report. The applicant advises

that this has been used to identify the best features which then was used to determine the best way to develop the site.

The major improvements required to the Niblock Road means that the trees and hedgerow on the southern side of the road have to be removed and this is unavoidable. The applicant indicates that substantial replacement landscaping will be provided to recreate this appearance on completion of the road scheme. Furthermore, the applicant indicates that the southern side of the road was identified to minimise the associated ecological impact due to the higher levels of functional ecological connectivity and wildlife activity within the northern section of the site. Otherwise, the proposed layout has been developed to incorporate the trees which have been recommended for removal by the arboriculturalist and minimise the level of 'elective' tree and hedgerow loss. Where possible, sections of hedgerow which are important for the maintenance of a reasonable level of functional ecological connectivity within the site and within the local landscape, and particularly in the northern section, have been retained. It is indicated that total losses will be realised gradually, as the site is developed in phases over the course of probably 10-15 years and, as noted, the landscape design respects the floodplain of the Holywell Burn and incorporates a 0.01km buffer of retained and enhanced riparian woodland along the river corridor.

In order to mitigate the impact of the proposed development on protected trees the applicant has proposed a number of measures to assist in offsetting significant effects from this development. These include:

- Proposed planting will help integrate the proposed development into the surrounding landscape, provide screening where needed, reflect vegetation patterns of local habitats, and minimise the effect on the landscape character of the area;
- Provision of sufficient protection for trees to be retained in areas close to construction works (as described in BS 5837:2012);
- Any lighting used should be kept to a minimum, providing for site safety only and shall be directed into the site and away from adjacent residential properties. Lighting shall be shielded to avoid light spill onto adjacent properties and roads;
- Planting of a 5m wide strip of native woodland screening mix adjacent to boundary of No.14 Niblock Road property,
- The row of existing mature trees along the northeastern site boundary adjacent to Niblock Grove and Niblock Oaks properties is to be retained and protected during construction works in accordance with BS 5837:2012.
- Existing boundary planting to be strengthened by additional native woodland planting where necessary; and
- Planting along the site boundary perpendicular to Arran Street and Tiree Street to be strengthened by introduction of semi mature tree planting, 20-25cm girth, min. 2m high clear stem, planted at 7.5m centres.

Having reviewed the information provided there are no fundamental objections to the approach adopted by the applicant and suggested conditions are proposed should planning permission be granted. However, some concerns have been raised with regards to the ability to retain TPO trees (No. 334-342) to the east of the entrance to phase 1A stretching toward Niblock Oaks. The submitted plans indicate encroachment of the proposed footpath into the existing soil verge where the majority of roots will be located. The applicant has indicated that it is their intention

to try and retain these trees even if strict adherence to the appropriate standards cannot be met in this instance. The rationale for not being able to meet full standards with regard to these trees relates to the need to tie in the proposed footpath with the existing footpath at Niblock Oaks. There is some concern that the trees are in danger during construction and therefore a construction method statement should be provided by the applicant illustrating how the trees can be retained.

It is considered that while 9 trees may be at risk due to the encroachment of the footpaths along the northern side of the Niblock Road. However, when taken in isolation is not considered to be so significant as to merit the refusal of planning permission given the public safety requirement for a footpath to be provided. In addition, as the applicant indicates a desire to try and retain these trees it is considered appropriate to give the trees the opportunity to be retained rather than be removed at this stage.

As the trees are protected by TPO a Construction Method Statement is recommended to be provided via condition for the applicant to demonstrate how the trees can be retained. Should it be found that the trees cannot be retained the applicant may have to apply to vary conditions and/or apply to the Council for the removal of these trees, in which case further compensatory planting may be required to offset the loss of these trees.

Overall and on balance it is considered that there is unlikely to be a significant effect on TPO trees or the visual amenity that they provide as a result of this scheme.

Impact on the Railway Line

Translink has been consulted on this application with regard to any potential impact on the NI rail network. Translink has indicated that they have no objection in principle to the Reserved Matters application subject to a series of conditions being met in the interest of public safety at the Niblock Road Level Crossing due to the forecasted increase in risk as a result of this proposed development. The conditions suggested by Translink are largely civil matters between the parties involved and relate to safety and traffic management matters during the construction stage and do not meet the tests for conditions, however, an informative is recommended to be placed on any future decision notice alerting the applicant to issues raised by Translink.

Economics

The applicant has indicated that this scheme will create 70. No construction jobs, and between 80-100 post construction retail/service jobs. The proposed development represents a capital investment in the region of £100million.

CONCLUSION

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

- The principle of the development is considered acceptable;
 - The design, layout and appearance and density is considered acceptable;
 - There are no significant neighbour amenity concerns;
 - There are no parking, road, or personal safety concerns with this proposal;
 - There is no significant flood risk associated with this development;
 - There are no archaeological, natural or built heritage concerns with the proposal;
- and

- There is no significant impact on TPO Trees.

RECOMMENDATION	GRANT PLANNING PERMISSION
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PROPOSED CONDITIONS

1. The development to which this approval relates must be begun by whichever is the later of the following dates: -
 - I. before expiration of a period of 7 years from the grant of outline planning permission; or
 - II. The expiration of a period of 2 years from the date hereof.

Reason: Time limit as required Outline Planning permission reference T/2012/0320/O.

2. All glazing, including frames to dwelling windows within plot numbers 433 & 508-511 to the development shall be capable of achieving a sound reduction of at least 35 dB Rw when measured from outdoor to indoors.

Reason: To ensure a suitable internal noise environment is achieved.

3. Passive and mechanical ventilation, in addition to that provided by open windows, shall be provided to dwelling rooms within plot numbers 433 & 508-511 to the development and shall be capable of achieving a sound reduction of at least 35 dB Rw when measured from outdoor to indoors.

Reason: To ensure a suitable internal noise environment is achieved without jeopardising the provision of adequate ventilation.

4. All glazing, including frames to dwelling windows within the development (with the exception of plot no.'s 433 & 508-511) shall be capable of achieving a sound reduction of at least 33 dB Rw when measured from outdoor to indoors.

Reason: To ensure a suitable internal noise environment is achieved.

5. Passive and mechanical ventilation, in addition to that provided by open windows, shall be provided to dwelling rooms within the development (with the exception of plot numbers 433 & 508-511) and shall be capable of achieving a sound reduction of at least 33 dB Rw when measured from outdoor to indoors.

Reason: To ensure a suitable internal noise environment is achieved without jeopardising the provision of adequate ventilation.

6. Dwellings identified within Plates 2 & 3 of Section 3.2.1.2 to 2nd Environmental Statement Addendum, date received 2nd September 2020 shall not be occupied until the vibration isolation measures to these dwellings as detailed within Plate 1 of Section 3.2.1.2 have been fully implemented and verified to the satisfaction of the Council.

Reason: To protect future occupants from adverse effects of passing train vibration

7. The appointed contractor must submit a final Construction Environmental Management Plan (CEMP) for each phase of the development hereby approved to the Council, for consultation and agreement with DAERA, prior to the commencement of any works. The CEMP must reflect and detail all the pollution prevention, mitigation and avoidance measures to be employed, as detailed within the Environmental Statement and include the detailed drainage design. If any in river works are required for outfalls the CEMP must include method statements to demonstrate pollution prevention measures. The approved CEMP shall be implemented strictly in accordance with the approved details, unless otherwise agreed in writing by the Council.

Reason: To ensure that the appointed contractor is cognisant of all mitigation and avoidance measures required to ensuring that there is no adverse effect on site integrity of Lough Neagh and Lough Beg Ramsar/SPA.

8. No building hereby approved shall be occupied until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from the development.

Reason: To ensure no adverse effects on the site integrity of Lough Neagh and Lough Beg Ramsar/SPA and to ensure adequate waste water treatment capacity is available to serve this development.

9. If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing and subsequently implemented to its satisfaction.

Reason: Protection of human health and other environmental receptors to ensure the site is suitable for use.

10. After completing any remediation works required, and prior to occupation of the development, a verification report shall be submitted in writing and agreed with the Council. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.

The verification report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all waste materials and risks and in achieving the remedial objectives.

Reason: Protection of human health and other environmental receptors to ensure the site is suitable for use.

11. The vehicular access, including visibility splays and any forward sight distance, for each phase of the development shall be provided in accordance with drawing

numbers. 05/3, 06/3, 07/3, 08/2, 09/2 & 10/2 bearing the date stamp 27 AUG 2021 and drawing numbers D232, D233 & D234 bearing the date stamp 12 MAY 2022 prior to the commencement of any other development hereby permitted within that phase. 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.

12. 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 numbers. 05/3, 06/3, 07/3, 08/2, 09/2 & 10/2 bearing the date stamp 27 AUG 2021 and drawing numbers D232, D233 & D234 bearing the date stamp 12 MAY 2022.

Reason: To ensure there is a safe and convenient road system within the development.

13. The development hereby permitted shall be not occupied until the works necessary for the improvement of a public road in the relevant phase have been completed in accordance with the details outlined blue on Drawing Numbers 06/3, 07/3, 08/2, 09/2 & 10/2 bearing the date stamp 27 AUG 2021 and drawing numbers D232, D233 & D234 bearing the date stamp 12 MAY 2022.

Reason: To ensure there is a safe and convenient road system within the development.

14. The development shall be carried out in accordance with the stamped approved drawing numbers: D218, D219 & D220 bearing the date stamp 04 MAR 2021 and drawing numbers E211, E212 & E213 bearing the date stamp 16 JUN 2021 and drawing numbers 05/3, 06/3, 07/3, 08/2, 09/2 & 10/2 bearing the date stamp 27 AUG 2021 and drawing numbers D232, D233 & D234 bearing the date stamp 12 MAY 2022

Reason: To ensure there is a safe and convenient road system within the development.

15. A detailed programme of works and any required / associated traffic management proposals for each phase/sub-phase of the development hereby approved shall be submitted to and agreed by the Council, prior to the commencement of any element of road works within that phase/sub-phase.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

16. 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

17. No development activity, works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone(s) (as shown on Drawing number C210 (ecological mitigation), date stamped 7 November 2019) without the consent of the Council unless an appropriate Wildlife Licence has been obtained from DAERA. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect Badgers and their setts

18. No development activity, including ground preparation or vegetation clearance, shall take place until protection zones within the red line boundary, clearly marked with posts joined with hazard warning tape, has been provided around each otter (*Lutra lutra*) couch at a radius of 30 metres (as shown on Drawing number C210, date stamped 7 November 2019). No works, clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone(s), except under the terms of an appropriate Wildlife Licence from the Northern Ireland Environment Agency. The protection zones shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect otters and their holts.

19. No development activity, including ground preparation or vegetation clearance, shall take place until a competent ecologist has been appointed as an Ecological Clerk of Works (ECoW) and the details, roles and responsibilities of the ECoW submitted to, and agreed in writing by, the Council.

Reason: To ensure effective implementation of the Biodiversity Mitigation Plan and carry out any necessary updated surveys or pre-checks.

20. Bat mitigation measures for each phase of development shall be implemented as outlined in Appendix 4C Bat Roost Report section 3 prior to commencement of each phase as identified on Drawing No. C03 date stamped 06/06/2021.

Reason: To mitigate for impacts on bats using the site.

21. There shall be no external lighting on the site until a Lighting Plan has been submitted to and approved in writing by the Council. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council. The Plan shall include the following:

- Specifications of lighting to be used across the site, including model of luminaires, location and height;
- All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.
- A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site;

- Wildlife corridors and retained hedgerows to be kept free from any artificial lighting.

Reason: To minimise the impact of the proposal on bats and other wildlife.

22. A 10m buffer zone to the Holywell Burn within which all vegetation shall be retained, shall be permanently retained as per drawing D04 date stamped 16/06/2021 by the Council.

Reason: To protect the biodiversity value of Holywell Burn.

23. No development activity, including vegetation clearance, infilling, disturbance by machinery, dumping or storage of materials, shall take place within 10 metres of the Holywell Burn.

Reason: To minimise the impact of the development on the biodiversity value of Holywell Burn.

24. The existing natural screenings of this site as indicated on the drawing No's D04, D07, D08, D09, D10, D11, D12D13, D14 date stamped 16/06/2021 shall be retained. Any tree which requires lopping, topping or crown reduction shall require prior written consent of the Council.

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

Reason: To ensure the maintenance of screening to the site and to ensure the continuity of the biodiversity value afforded by existing trees.

25. No retained tree as indicated on Drawing No's D04, D07, D08, D09, D10D11, D12, D13, D14 date stamped 16/06/2021 shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the prior written consent of the Council.

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

26. A protective barrier no less than 2m in height comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts and securely supported weldmesh panels (as illustrated in Figs 2 & 3 of BS5837:2012) shall be erected at least the distance from protected trees as identified on Drawing No. Drawing No's D04, D07, D08, D09, D10D11, D12, D13, and D14 date stamped 16/06/2021 prior to commencement of that phase or sub phase as identified on site phasing plan Drawing No. C03 date stamped 06/06/2021 of the development hereby approved and shall be permanently retained for the period of construction on the site. There shall be no machinery or stockpiling of materials or soil within this tree protection zone.

Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

27. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no operational development other than that expressly authorised by this permission shall commence within the Area of Tree Protection Zone as identified on Drawing No's D04, D07, D08, D09, D10D11, D12, D13, D14 date stamped 16/06/2021 without prior approval from the Council.

Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations.

28. Any works including boundary treatments to be undertaken within the area of tree protection zone as identified on Drawing No's D04, D07, D08, D09, D10D11, D12, D13, D14 date stamped 16/06/2021 shall be erected by hand digging only. Recommendations contained within paragraph 7.5.5 of BS5837:2012 (Trees in relation to design, demolition and construction – Recommendations) shall be adhered to.

Reason: To ensure that damage to tree roots of retained trees is minimal.

29. For each phase/sub-phase (as identified on Drawing No. C03 date stamped 06/06/2021) of the development hereby approved, a Construction Method Statement shall be submitted and approved by the Council in writing prior to any works within the area of root protection zone of any protected and retained trees. The Construction Method Statement shall show how the existing trees along the northern section of the road will be protected during the construction of the approved road and shall be adhered to during construction.

Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

30. The proposed landscaping indicated on Drawing No's D04, D07, D08, D09, D10D11, D12, D13, D14 date stamped 16/06/2021 shall be carried out within the first planting season after the commencement of the relevant phase/sub-phase (as identified on Drawing No. C03 date stamped 06/06/2021) of development hereby approved and shall be retained in thereafter at a minimum height of 2 metres for hedging and 6 metres for trees unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

31. No development/works shall take place on sites No.24-27 inclusive and Sites No. 33 & 34 (as indicated on Master Site Layout Drawing No. D04 date stamped 16/06/2022) within the Upper Potterswall inundation zone until it has been demonstrated that condition, management and maintenance regime of Upper Potterswall impoundment is appropriate to provide sufficient assurance regarding reservoir safety so as to enable a portion of the development to proceed.

Reason: To ensure that the risk of reservoir flooding affecting the stated sites and neighbouring land is satisfactorily addressed.

32. The open space and amenity areas indicated on the Landscape Management Area Plan (contained within, (DOC 08 'Landscape Management Plan') date stamped 07/11/2019) shall be carried out in a phased manner in accordance with Site Phasing Plan Drawing No. C03 date Stamped 09/05/2022.

The open space and amenity areas for each phase/sub-phase of development shall be provided in full prior to the occupation the 25th dwelling within the relevant sub-phase as indicated on Drawing No. C03 date stamped 09/05/2022.

The open space and amenity areas within each phase/sub phase of the development hereby approved shall be managed and maintained in accordance with the Landscape Management Plan, (DOC 08 date stamped 07/11/2019) 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 in the interests of visual and residential amenity.

33. Except as otherwise agreed in writing with the Council details of the specification of the equipment within the play area shall be submitted to and agreed in writing with the Council.

The proposed equipped play area shall be completed prior to the occupation of the 100th dwelling.

Reason: To ensure the delivery of the equipped play area.

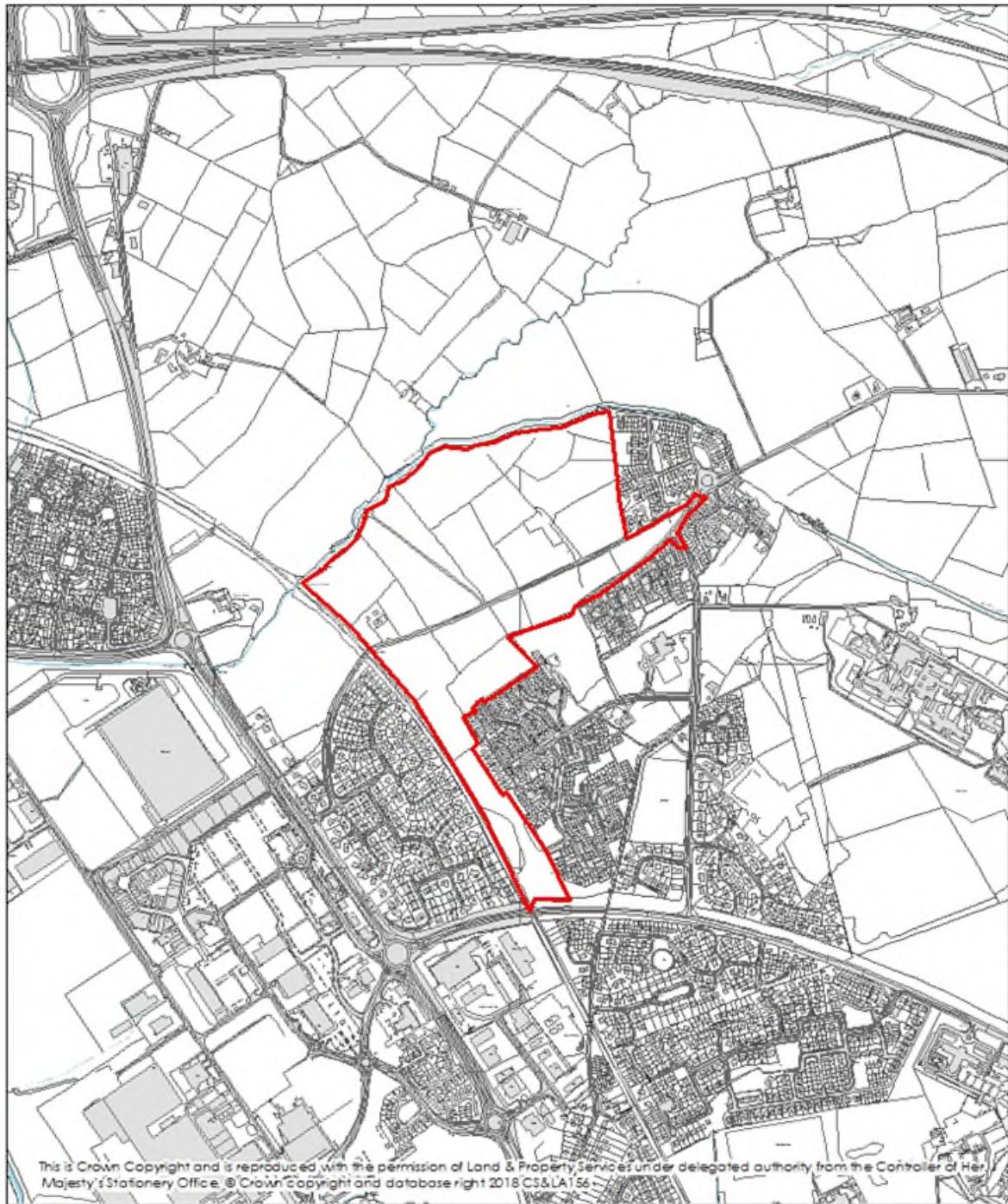
34. The gross floor space of retail units 1, 3, 4, 5 & 6, shall not exceed 120sqm. In addition, the gross floorspace of retail unit 2 shall not exceed 695sqm.

Retail Unit 1-6 hereby approved shall be used for the sale of convenience goods only.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity and ancillary uses to be carried out at the site so as not to prejudice the continued vitality and viability of existing retail centres and to ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

35. No internal operations, including the construction of mezzanine floors, shall be carried out within the building hereby approved to increase the gross floorspace available without the express grant of planning permission by the Council.

Reason: To enable the Council to exercise control over the nature, range and scale of retailing activity and ancillary uses to be carried out at the site and to ensure compliance with the objectives and policies for retailing and town centres.



Site Location Plan


Application Reference: LA03/2018/0888/RM

0 70 140 280 420 560

Metres



Proposal: 525 residential units, associated site works, 6 retail units (local shops), public open space and an equipped play park

 Site boundary

Location: Lands/fields to the north east and south of 14 Niblock Road Antrim (fields bounded by rail line to west and Dunsilly/Holywell Burn to north). Land situated between Durnish Road/Mull Road and railway line east and NE of meadow Lands north of Arran Street and Tiree Street north of Orkney Street and west of Niblock Oaks



COMMITTEE ITEM	3.4
APPLICATION NO	LA03/2021/0520/F
DEA	BALLYCLARE
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Development of 43 dwellings (34 semi-detached and 9 detached), new access from the Mill Road, landscaping with central open space and associated operational development.
SITE/LOCATION	Fronting Mill Road Doagh to the north east of the Mill Green housing development and 30m south east of 1 Carson Terrace Mill Road Doagh.
APPLICANT	Kenny Homes
AGENT	Fleming Mounstephen Planning
LAST SITE VISIT	21/10/2022
CASE OFFICER	Kieran O'Connell Tel: 028 9034 0423 Email: kieran.oconnell@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 the northern edge of the settlement limit of Doagh on lands fronting Mill Road Doagh to the northeast of the Mill Green housing development and 30m southeast of No. 1 Carson Terrace, Mill Road, Doagh.</p> <p>The application site is a large expansive agricultural field at present, the southwestern (roadside) boundary is defined by a wooden ranch style fence (1.2m) with hedging (1.5m) to the rear. The northwestern boundary in part abuts Carson Terrace which is a two storey residential terrace with a mix of finishes. The remainder of the northwestern boundary is defined by post and wire fence (1.2m). The northeastern and southeastern boundary of the application site are undefined and forms part of the larger agricultural field.</p> <p>The area to the north and east of the application site is defined by agricultural lands. Development on the western side of the application site is defined by medium to high density housing in the form of terrace rows of dwellings and apartments being the prevailing character of the area.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2004/0702/O Location: Land to East of Mill Road and South East of Mill Row, Doagh, Newtownabbey Proposal: Site for housing development. Decision: Permission Granted (14.06.2007)</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 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 2005 (NAP): The application site is located within the settlement limit of Doagh. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Doagh and forms part of a larger site zoned for housing (policy designation DH 04/01).

The DH 04/01 designation covers 3.48 hectares and includes 3 'Key Site Requirements':

- housing development shall be a minimum gross density of 15 dwellings per hectare and maximum of 25 dwellings per hectare;
- access shall be from Mill Road; and
- housing layout shall be designed to ensure dwellings front on to Mill Road.

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 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 objections subject to conditions.

Northern Ireland Water

No objections subject to conditions.

Department for Infrastructure Roads:

No objections subject to conditions.

Department for Infrastructure Rivers Agency

No objection subject to conditions.

DfC Historic Environment Division (HED)

HED (Historic Buildings)

No objections.

HED (Historic Monuments)

No objection subject to conditions.

Northern Ireland Electricity (NIE)

No objection.

DAERA Water Management Unit

No objection

DAERA Regulation Unit

No objection subject to conditions

DAERA Natural Environment Division:

No objection.

Shared Environmental Services:

No objection subject to condition

REPRESENTATION

Fifty-Eight (58) neighbouring properties were notified and three (3) letters of objection from three (3) properties were received while there is one (1) letter in support and one (1) non-committal letter provided. 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:

- Traffic congestion/inadequate road infrastructure.
- On street parking within the village causes congestion.
- Noise during construction phase.
- Maximise privacy for existing residents.

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
- Density
- Public and Private Amenity Space
- Neighbour Amenity
- Parking and Road Safety
- Crime and Personal Safety
- Flood Risk
- Archaeology
- Historic Buildings
- Natural Heritage
- Protected Sites and Habitats Regulation Assessment
- Contamination
- NI Water Infrastructure
- Economic Impacts

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 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 the 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.

Both of the relevant development plans identify the application site as being within the settlement limit of Doagh. dBMAP identifies three key site requirements, however, there are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

Within this policy context, it is considered the principle of a housing development on this site would be acceptable subject to the development complying with the Plan's provisions for residential development and the creation of a quality residential environment as well as meeting other requirements in accordance with regional policy and guidance which are addressed in detail below.

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).

In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and that contained in the following PPSs which provide the relevant regional policy context for consideration of the proposal

- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas;
- PPS 2: Natural Heritage;
- PPS 3: Parking and Movement;
- PPS 8: Open Space, Sport and Outdoor Recreation and
- PPS 15: Planning and Flood Risk.

Design, Layout and Appearance

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) refers at paragraph 6.137 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 QD 1 of PPS7 promotes a high quality of design, layout and landscaping in all new housing developments to ensure more attractive and sustainable residential environments for present and future generations. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider townscape. Policy QD1 states

that development which would result in unacceptable damage to the local character, environmental quality or residential amenity of established residential areas will not be permitted and requires compliance with a number of listed 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 and landscaped and hard surfaced areas. The proposal comprises 43 no. residential units consisting of 9 no. detached, 34 no. semi-detached dwellings with all dwellings being two storey in height with the exception of the dwelling on site 16 which is three storey and considered to be the landmark building within the development. The proposed dwellings are to be finished in a mix of red/yellow clay brick and an off-white silicon render. The roofs are finished with anthracite fibre cement slates. Additional features finishes to these dwellings include lead sheeting, cedar boards and self-coloured silicone render throughout the development.

A large area of public open space is proposed to the centre of the development and acts as the focal point for this development. This open space and another pocket of smaller open space adjacent to the rear of sites 41&43 represent circa 2,114 sqm of public open space that equates to 9.5% of the total site area.

The application site is largely devoid of vegetation cover except for the roadside boundary. Much of this vegetation will be replaced in order to create an access point to the public road. As a consequence, the applicant proposes a significant buffer of woodland screen planting on the northeastern and northwestern site boundaries. The roadside boundary is to be defined by additional planting comprising of a mix of extra heavy standard trees and hedgerows.

Overall it is considered that the proposed design and layout in terms of its general arrangement, form, materials and detailing is acceptable and will respect its surrounding context and is appropriate to the character and topography of the site in terms of scale, massing, appearance of buildings, landscaped and hard surfaced areas.

Density

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. Draft BMAP indicates within its Key Site Requirements that the density of the site should be between 15-25 dwellings per ha. The proposed development accords with the density requirement and sits at 19.28 dwellings per ha which is considered to be a low-medium density area and in keeping with the local character of the area.

Given the layout and density of neighbouring residential development, it is considered that the density of the proposed development will not result in an adverse impact on the character of this area.

Public and Private Amenity Space

Criterion (c) of Policy QD1 of PPS 7 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on

amenity space is provided in 'Creating Places: Achieving Quality in Residential Developments'. It states that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40sqm for any individual house. Creating Places further indicates that development of this nature requires an average of 70sqm.

Private amenity space is provided for residents in the form of rear gardens. It is considered that adequate provision has been made for private rear garden space within the individual dwellings. Gardens range from 79sqm on site 34 to 335sqm on site 10. The average garden size within this development is in the region of 128sqm. Each of the proposed dwellings has well in excess of 40sqm minimum requirement with a high percentage in excess of 70sqm and therefore considered acceptable.

Policy OS2 of PPS 8 requires residential developments in excess of 25 units, or on sites of one hectare or more to provide public open space as an integral part of the development. Both Policy OS 2 of PPS 8 and Para 5.04 of Creating Places indicates that a normal expectation for new green-field development may be around 10% of the site area or greater. This development incorporates 2,114 sqm of public open space that equates to circa 9.5 % of the total site area. This figure is marginally lower than what is required by PPS 8 however, the difference is not considered significant in this case having regard to the significantly above average private gardens provided within the development. A large area of public open space is proposed to the centre of the development and acts as a key feature of this development.

The public open space is to be provided by the developer in the first instance while the management and maintenance responsibilities for the communal open space will be transferred to a management company to ensure the long terms upkeep of the public open space.

It is considered that sufficient public open space has been provided for within this development while the long term management and maintenance arrangements for this site are also acceptable.

Neighbour Amenity

The layout of the proposed development has been designed and arranged to ensure properties will generally have in excess of the minimum rear garden depth of 10 metres. Where the proposed dwellings on sites 30-33 back onto sites 34-40 the separation distances are in the region of 24 -24.8m from the main elevation. It is considered that the separation distance proposed should ensure that the proposed development will not have an adverse impact on the adjacent properties by way of dominance, overshadowing, loss of light or overlooking.

One representation was received from No.1 Carson Terrace while not objecting to the scheme asks that the proposed scheme maximises the privacy of existing residents. The proposed scheme has been designed to ensure that there will be no significant impact on the amenity of adjacent properties by way of overlooking. Site 29 is adjacent to Carson Terrace and the dwelling on this site (house type M) is 15.6m at the closest point to Carson Terrace (No.1) and is orientated at an angle to Carson Terrace. In addition, the only window on the side elevation of House Type M is a stairwell window which is unlikely to result in a significant level of overlooking.

Site 43 is adjacent to the eastern side of No. 1 Carson Terrace and is set back from Mill Road and No.1 Carson Terrace in a gable-to-gable arrangement. A wall 1.5-1.8m pertaining to No. 1 Carson Terrace sits adjacent to the common boundary with Site 43. There is also a single storey garage within the boundary of No.1 Carson Terrace adjacent to Site 43 which assists in protecting the amenity of No. 1 Carson Terrace. House type S is proposed on Site 43, this house type has three windows at first floor level with two bedroom windows and one stairwell. The windows serve low occupancy rooms and are therefore unlikely to result in significant levels of overlooking. The arrangement of site 43 to No.1 Carson Terrace further ensures that there is no significant overlooking of No.1 Carson Terrace. It is unlikely that there will be a significant impact in terms of overlooking from groundfloor level.

Noise during construction was raised as a concern from adjacent residents. This is unlikely to be significant due to the temporary nature of the construction phase, in addition the Council's Environmental Health Section has not raised any noise related concerns with this proposal. Should there be any significant noise complaints received during the construction phase of development residents may report incidents to the Council for investigation.

Parking and Road Safety

Policy Statement 3 Access, Movement and Parking also seeks to ensure that prejudice to road safety does not occur as a result of development.

PPS 3 further seeks to promote a more accessible environment for all, including the specific needs of people with disabilities and others whose mobility is impaired.

Applicable policies include: -

- Policy AMP 1- Creating an Accessible Environment;
- Policy AMP 2 - Access to Public Roads – Permission will be granted for a development involving access to a public road where it will not prejudice road safety or significantly inconvenience the flow of traffic; and
- Policy AMP 7 - Car Parking and Servicing Arrangements – requires proposals to provide adequate provision for car parking and appropriate service arrangements.

Criterion (f) of Policy QD 1 within PPS 7 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. The layout of the proposal makes provision for in-curtilage individual dwellings with some on street communal visitor parking along the open space area.

Representations have been received raising concerns with traffic congestion/inadequate road infrastructure and also concerns with on street parking within the village causes congestion. The congestion within the village due to present on-street parking arrangements is beyond the scope of this application to deal with and as such is not considered to be a determining concern in this instance.

DfI Roads has been consulted in relation to the development and raises no objections to the proposed access arrangements or the parking arrangements nor have they raised concerns relating to congestion on the wider road network. It is therefore considered that there is no significant road safety, access parking or congestion concerns with this proposal.

Crime and Personal Safety

Criterion (i) of Policy QD 1 of PPS 7 states that proposed residential development should be designed to deter crime and promote personal safety. It is considered that the proposed development has been designed to deter crime and personal safety with windows on gable elevations allowing for passive surveillance of the public open space area.

Flood Risk

PPS 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people, property and the environment to which this proposal must comply. In support of this application a Drainage Assessment (DOC 07) and Drainage Calculations (DOC 11) have been provided for consideration. These documents indicate that there is no significant flood risk associated with this development. DfI Rivers has reviewed the information provided and has no significant concerns with this proposal indicating that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973.

Policy FLD 1- Development in Fluvial and Coastal Flood Plains of PPS 15. DfI rivers has advised that the development does not lie within the 1 in 100-year fluvial or 1 in 200-year coastal floodplain.

Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure of PPS 15 – There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.

Policy FLD 3 of PPS 15 requires the submission of a Drainage Assessment for all development proposals that exceed any of the following thresholds;

- A residential development comprising of ten or more dwelling units.
- A development site in excess of one hectare.
- A change of use involving new buildings and / or hard surfacing exceeding 1000 square metres in area.

The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100-year event could be contained in the online attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event. DfI Rivers advise that further assessment of the drainage network will be made by NIW prior to adoption. However, in order to ensure compliance with PPS 15, DfI Rivers requests that the potential flood risk from exceedance of the network, in the 1 in 100-year event, is managed by way of a condition which is provided in the list of draft conditions at the end of the report.

Policies FLD 4 - Artificial Modification of Watercourses and FLD 5 Development in Proximity to Reservoirs is not applicable to the proposed development.

Policy FLD5 - Development in Proximity to Reservoirs. DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Tildarg Dam Reservoir. It has not been demonstrated to DfI Rivers that the condition, management and maintenance regime of Tildarg Dam Reservoir is appropriate to provide sufficient assurance regarding reservoir safety, as required under Policy FLD 5, so as to enable the development to proceed.

However, in relation to this site, DfI Rivers has carried out an assessment of flood risk to people (based on the Defra / Environment Agency's "Hazard to People Classification using Hazard Rating") for an uncontrolled release of water emanating from Tildarg Dam Reservoir.

The overall hazard rating at this site is considered low, however, in the event of an uncontrolled release of water there will be risk to some including children, the elderly and infirm; as these groups can be more vulnerable to risks associated with flood water. Nevertheless, as the overall risk at this site is low, it is considered to be an acceptable combination of depth and velocity, apart from development that involves the more vulnerable groups listed above.

DfI Rivers has provided the above assessment of flood risk to people as a material consideration for the Planning Authority in its decision making process. As DfI Rivers has indicated that the potential impact from Tildarg Reservoir is low it is considered that there is unlikely to be a significant impact on this site from an uncontrolled release of water from the reservoir.

Archaeology

Historic Environment Division (Historic Monuments) has reviewed the Archaeological Impact Assessment (AIA) uploaded to the planning portal on 28th May 2021. HED (Historic Monuments) concur with the conclusions of the AIA. Historic Environment Division (Historic Monuments) advises that it is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

It is therefore considered that there is no significant impact upon subsurface archaeology and that the proposal is satisfactory to SPPS, PPS 6 archaeological policy requirements and criterion b of Policy QD1 of PPS 7.

Historic Buildings

The application site is in close proximity to Fisherwick Lodge, 5 & 7 Mill Road, Doagh (Grade B+), which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011.

Historic Environment Division (HED), Historic Buildings, has considered the impacts of the proposal on the listed building and on the basis of the information provided, advises that It is content with the proposal, without conditions. HED Historic Buildings advise that the proposal does not represent a demonstrable negative impact on the listed building as the application site is removed sufficiently from the listed building. In addition, the listed building is sufficiently screened by mature planting to its east and modern structures to its north provide adequate separation between it and the proposed residential development, which is of modest height and integrates into the surroundings by landscaping to the perimeter edges.

In light of the consultation response from HED Historic Buildings the proposed development accords with the provisions of paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6:

Planning, Archaeology and the Built Heritage and criterion b of Policy QD1 of PPS 7 Quality Residential Environments.

Natural Heritage

A Preliminary Ecological Assessment (PEA), Document 04 date stamped 18/05/21, was submitted by the applicant, which concluded that there will be no significant impact on priority habitats, species or protected sites.

The PEA concludes that the site is of low ecological value any loss caused as a result of the development can be mitigated by additional landscaping and bat friendly lighting.

NED welcomes the additional planting and considers it provides sufficient compensation for the loss of existing trees and hedgerows. The landscape plan drawing No.14/1 has been updated to ensure more native species planting are included and those which are not native to Northern Ireland removed in line with NED's recommendations.

As hedgerows are potential habitat for breeding birds, protected under Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended), in order to avoid potential offences through killing/injury of nesting birds and/or their young and/or the destruction/damage of their active nests. NED advise that any necessary clearance of vegetation should be undertaken outside the bird nesting season, which runs from 1st March to 31st August inclusive. This will be included in an informative should planning permission be granted.

NED notes from the PEA that there are two Ash trees of low-negligible Bat Roost Potential (BRP) along the southwestern boundary (roadside) of the site. There are also ash trees in the hedgerow to the southeast of the site with low BRP, however, these are outside of the site boundary and therefore do not impact the determination of this application.

Bats are a European protected species under the Habitats Regulations. NED is content that no further surveys are required and the proposal is unlikely to have a significant impact on roosting bats. With regard to foraging and commuting bat potential NED agrees with the ecologist's recommendation in the PEA that 'A sensitive lighting plan to maintain dark corridors on boundary hedgerows and trees' is developed. This information has not been submitted with the application however it can be dealt with through the imposition of a condition (No. 10) should planning permission be forthcoming.

NED also welcomes the Ecologist's enhancement recommendations of 'erection of bat and bird boxes at appropriate locations', these have not been confirmed with the plans submitted and therefore a condition is considered necessary to ensure that that the location and design of these buildings are in appropriate locations.

It is considered that the proposal complies with the policy provisions of the SPPS and PPS 2 Natural Heritage as there will be no significant impact on natural heritage features including priority habitats and species.

Impact on Designated Sites / Habitats Regulation Assessment

With regard to protected sites the PEA indicates that there will be no significant impact on protected sites. NED agree with this finding stating that: 'The proposal is unlikely to have significant effects on any designated sites due to its distance from the sites and the scale and nature of the development'.

Shared Environmental Services (SES) has also been consulted with regard to the impact on Designated Sites. SES advise that 'This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council which is the Competent Authority responsible for authorising the project.

SES advise that following an Appropriate Assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation proposed.

Having regard to the SES advice, it is considered that the Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, adopt the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 24/06/2022. Overall it is considered that the proposal accords with the provisions of PPS 2, PPS 4 and PPS 6.

Contamination

A Preliminary Contamination Risk Assessment has been provided by the applicant, (Document Number 06, date stamped received 18 May 2021) in support of this planning application. The report found there were no on-site sources of contamination and therefore the site is not likely to pose any unacceptable risks to human health. In addition, the report found that potential third-party contamination sources, are not likely to pose an unacceptable risk to the site given the geographical/environmental setting. The report concludes that there are no pollutant linkages that require further investigation at the site.

DAERA Regulation Unit Land and Groundwater Team concurs with the findings of the report and has no objections to the development provided that two standard conditions are included in any decision notice should planning permission be granted.

The Environmental Health Section also reviewed the information submitted and has no objections to the proposed development again subject to two standard contamination conditions similar to those proposed by DAERA.

Overall, it is therefore considered that the development proposal will have no detrimental impact on nearby sensitive receptors or natural heritage interests subject to conditions. The proposal is considered to comply with the policy provisions of both the SPPS and PPS 2.

NI Water Infrastructure

NI Water initially raised concerns with the proposal due to the sewer network being at capacity in the Ballyclare catchment and sewer flows spilling from CSOs into the environment. The applicant has subsequently undertaken a Waste Water Impact Assessment and is in receipt of a Solutions Engineered Report from NI Water indicating that a solution is available to serve this development. NI Water have further advised that they are content in this instance to withdraw their objection subject to a negative condition to ensure that the necessary infrastructure can be put in place to serve this development. It is considered that the condition should be worded to restrict development from commencing until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from the development. It is considered that the restriction prior to development commencing is more appropriate in this instance to ensure adequate waste water treatment capacity and infrastructure is available and to ensure the project will not have an adverse effect on the integrity of any European site and will stop a non-viable development from being partially constructed.

Economic Impacts

The applicant has indicated that the proposed development represents a £8M - £9M investment in the Borough with an estimated 30-40 construction jobs created.

CONCLUSION

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

- The principle of the development is considered acceptable;
- The design, layout and appearance of the proposal is acceptable;
- The proposed density is acceptable;
- There is no significant impact on the residential amenity of existing or proposed residents;
- There is no significant flood risk or drainage concerns associated with the development;
- There are no significant archaeological concerns with this proposal;
- There are no significant built or natural heritage concerns with this proposal; and
- There are no significant road safety access or parking concerns with the proposal.

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. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council. The POW shall provide for:
 - The identification and evaluation of archaeological remains within the site;
 - Mitigation of the impacts of development through licensed excavation
 - recording or by preservation of 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.

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

3. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 2.

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

4. 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 work approved under condition 2. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

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

5. If during the development works, new contamination or risks to the water environment are discovered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

Reason: To control any potential risks to human health and other environmental receptors from any undiscovered land contamination and to ensure the site is suitable for use.

6. In the event of unacceptable risks being identified to human health or other environmental receptors, a remediation strategy shall be submitted to and agreed with the Council in writing before being implemented. The remediation strategy will be carried out as agreed.

Reason: To control any potential risks to human health and other environmental receptors from any undiscovered land contamination and to ensure the site is suitable for use.

7. After completing all remediation works under Condition 6 and prior to occupation of any dwelling impacted by the identified contamination a verification report shall be submitted to writing and agreed with the Council.

This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

The verification report shall 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 control any potential risks to human health and other environmental receptors from any undiscovered land contamination and to ensure the site is suitable for use.

8. No development shall commence until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from the development.

Reason: To ensure adequate waste water treatment capacity is available and to ensure the project will not have an adverse effect on the integrity of any European site.

9. The discharge rates for the proposed development shall be carried out in accordance with the drainage calculations provided within DOC 11 date stamped 01/07/2022.

Reason: To safeguard against flood risk to the development and elsewhere.

10. No development shall commence until details of a lighting plan, showing bat friendly lighting and no more than 1 lux light spill on retained and boundary vegetation, has been submitted to and agreed with the Council.

The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.

The Plan shall include the following:

- a) Specifications of lighting to be used across the site, including model of luminaires, location and height;
- b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.
- c) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site;
- d) Predicted illuminance on retained trees/hedgerows to be less than 1 lux.

Reason: To minimise the impact of the proposal on bats and other wildlife.

11. No dwelling shall be occupied until: -
- (1) a plan detailing the location of proposed bat boxes has been submitted to, and agreed in writing with, the Council, and
 - (2) the bat boxes have been installed. The bat boxes shall be permanently retained thereafter.

Reason: To minimise the impact on local and bird populations and to ensure the ecological enhancements are carried out in accordance with the Preliminary Ecological Appraisal (Document 04 date stamped 18/05/2021).

12. The communal open space and amenity areas indicated on Drawing 14/1 date stamped 21/12/2021 shall be delivered in full following the completion of the 25th dwelling within the development hereby approved and shall be managed and maintained in accordance with the Landscape Management Plan, DOC 03 date stamped received 18/05/2021. Any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

The proposed landscaping works within the communal areas of open space as indicated on Drawing No. 14/1 date stamped 21/12/2021 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice during the first available planting season following the delivery of the communal open space and amenity areas.

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

13. The proposed landscaping works for each individual dwelling and along the perimeter of the site as indicated on Drawing No. 14/1 date stamped 21/12/2021 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice during the first planting season following the commencement of the relevant individual dwelling.

The proposed landscaping shall be retained thereafter a minimum height of 2 metres for shrubs/hedges and existing trees as shown shall be retained at a minimum height of 6m.

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

14. 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 No. 16/1 date stamped 01/07/2022 and Drawing No. 30/1 bearing the date stamped 05/09/2022.

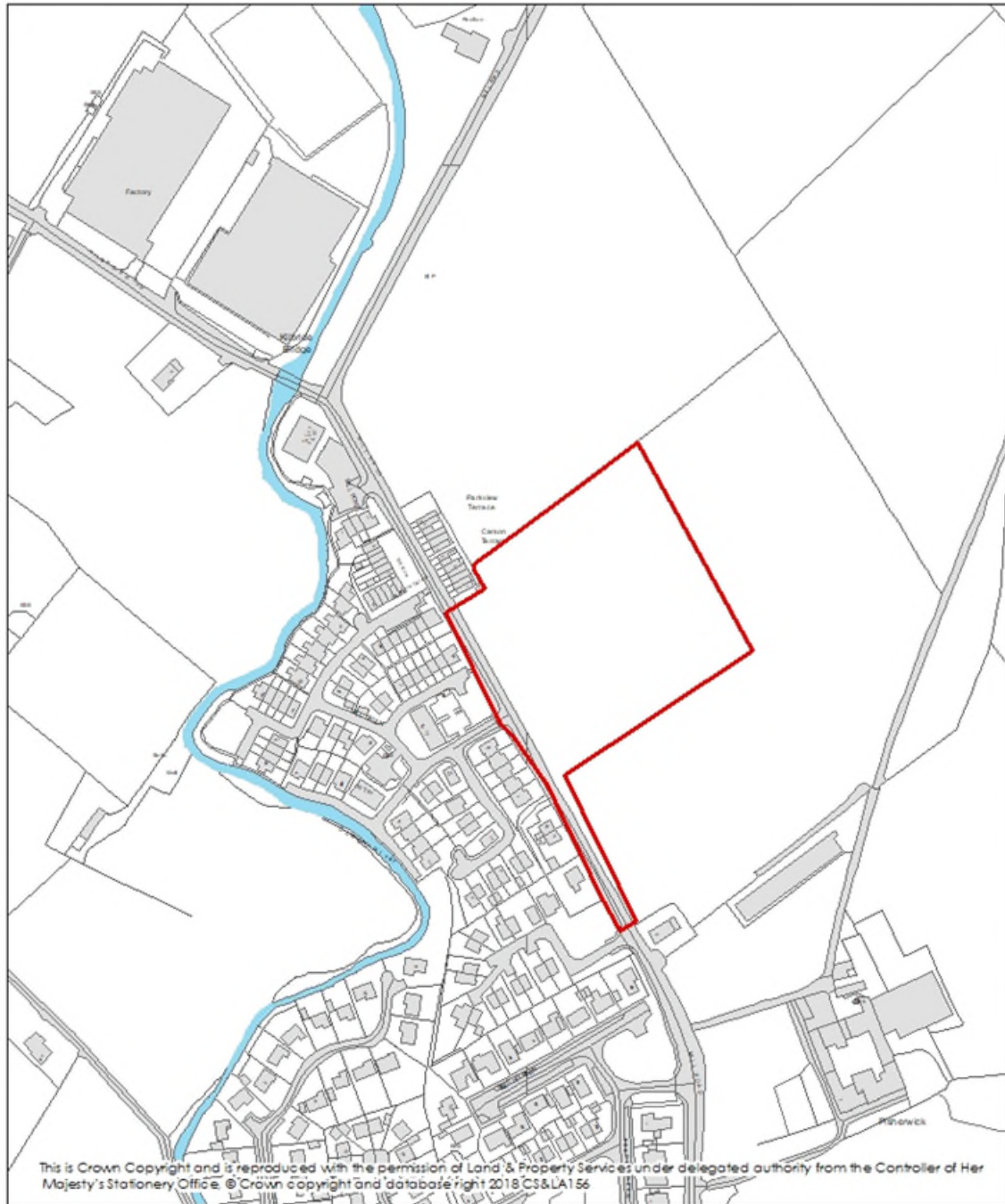
Reason: To ensure there is a safe and convenient road system within the development.

15. No other 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 30/1 bearing the date stamp 05/09/2022.

Reason: To ensure there is a safe and convenient road system within the development.

16. 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.




Site Location Plan

0 15 30 60 90 120 Metres



Application Reference: LA03/2021 /0520/F

 Site boundary

Proposal: Development of 43 dwellings, new access from the Mill Road, landscaping with central open space and associated operational development.

Location: Fronting Mill Road Doagh to the north east of the Mill Green housing development and 30m southeast of No.1 Carson Terrace Mill Road Doagh



COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2021/1013/F
DEA	AIRPORT
COMMITTEE INTEREST	RECOMMEND REFUSAL
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Renewal of planning approval LA03/2015/0286/F (Proposed single wind turbine with 40m hub height and 30m rotor diameter)
SITE/LOCATION	Lands approximately 287m South of 133 Ballyhill Road, Ballyutoag, Belfast
APPLICANT	Mr C Fleming
AGENT	N/A
LAST SITE VISIT	3rd November 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 in the countryside outside any settlement limit as designated in the Antrim Area Plan 1984 – 2001. The site falls within the Landscape Character Area 111: Divis Summits and is accessed from an existing farm lane off the Ballyhill Road.</p> <p>The site is approximately 287 metres south of No. 133 Ballyhill Road, in the southern corner of the host field. The topography of the surrounding landscape rises from the Ballyhill Road towards the application site and continues to rise beyond the site to the northeast. The boundaries of the site are not formally defined, and the land surrounding the site is fairly open, with only a few scattered trees along the field boundaries.</p> <p>The surrounding area is mountainous in nature and characterised by dispersed single dwellings and farm complexes located within an upland area of rising, rough grazing land. There are also a number of operational wind turbines within the vicinity of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2015/0286/F Location: 950m East of 84 Budore Road, Ligoniel Proposal: Lands approximately 287m south of 133 Ballyhill Road, Ballyutoag, Belfast. Decision: Permission Granted (17.10.2016)</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, 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 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 18: Renewable Energy: sets out planning policy for development that generates energy from renewable resources. This PPS is supplemented by PPS18 Best Practice Guidance and the document Wind Energy Development in Northern Ireland's Landscapes. 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

Environmental Health – No objection subject to conditions

DfI Roads - No objection

DAERA: Natural Environment Division - Bat Survey and Water Features Report required

Belfast International Airport - No objection subject to conditions

Belfast City Airport - No objection

National Air Traffic Services - No objection

UK Crown Bodies: DIO LMS - No objection

UK Crown Bodies: DIO Safeguarding - No objection

NI Water Windfarms No objection

REPRESENTATION

There are no neighbours within 250 metres of the application site. One letter of objection has been received from an address outside the statutory notification process.

The key points of objection raised are summarised below:

- Cumulative visual impact of the proposal on the landscape;
- Impact on ecology, archaeology, and cultural heritage;
- Impact of new infrastructure to service the site;
- Health and safety concerns including noise;
- Impact on dwellings, public rights of way and tourism sites;
- Economics of the proposal; and
- Impact on bats.

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 residential amenity
- Impact on protected species and protection of natural habitats
- Cumulative visual impact
- Impact on archaeology and cultural heritage
- Impact on public rights of way and tourism sites
- Economics of the proposal
- Public Safety
- Proximity to Road and Railways
- Aviation Interests

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.

Planning permission will be granted for non-residential development in the countryside in the following cases:

- Renewable energy projects in accordance with PPS 18.

Policy RE 1 of PPS 18 states that development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact. The general thrust of the policy is that renewable energy development will be permitted unless it fails to meet with the listed criteria in Policy RE 1.

Planning permission was granted for the erection of a single turbine with a 40 metre hub height and a 30 metre rotor diameter on the application site in October 2016. The principle of a wind turbine on this application site has therefore been established. The key issues for consideration in the current planning application are the potential impact on the residential amenity of nearby properties resulting from noise and shadow flicker, the potential impact on protected species and their natural habitat, and the potential cumulative visual impact.

Impact on Residential Amenity

A wind turbine, both individually and when taken cumulatively with other turbines, has the potential to adversely affect neighbouring properties due to noise and this is a matter raised in the letter of objection. Nos. 131 and 133 Ballyhill, located approximately 280 metres north of the application site, are the nearest noise sensitive dwellings. A Noise Impact Assessment was submitted as part of the previous planning application (Document 01 date stamped 7th July 2015 from LA03/2015/0286/F). The Council's Environmental Health Section is satisfied that this earlier assessment satisfactorily demonstrates that residential amenity will not be unduly affected by reason of noise and requests that the previous noise control conditions are applied to this renewal application.

A wind turbine also has the potential to cause shadow flicker. Only properties within 130 degrees either side of north of the turbine can be affected; turbines do not cast long shadows on their southern side. In relation to this turbine, there are two properties that could potentially be affected by shadow flicker; Nos. 131 and 133 Ballyhill Road. Under the previous application, it was considered that the residential amenity of these properties would not be significantly adversely impacted upon. As there have been no changes to the separation distances or policy regarding shadow flicker since the previous approval, it is considered that the renewal of the previous planning permission does not give rise to any additional residential amenity impacts.

Impact on Protected Species and Protection of Natural Habitats

Part (c) of Policy RE 1 in PPS 18 states that renewable energy development will only be permitted when it will not have an unacceptable adverse impact on nature conservation interests. Policy NH 2 of PPS 2 'Natural Heritage' deals with species

protected by law and states that planning permission will only be granted for a development proposal that is not likely to harm a European Protected Species. In addition, this matter has been raised by the objector. Bats are a European Protected Species under the Habitats Regulations and are subject to a strict level of protection. They are at risk from the proposal through direct collisions, barotrauma, disorientation, disturbance or displacement from foraging and commuting habitats.

Whilst it is acknowledged that this is an application to renew a previous planning permission for the installation of the same wind turbine, it must be noted that although the preceding application was accompanied by a Bat Survey, dated May 2015, which concluded the nearest feature with the potential to be utilised by bats is outwith the recommended NIEA buffer zone and as such no significant impact on bats will arise should the proposal proceed, in its consultation response dated 6th December 2021 DAERA Natural Environment Division (NED) stated it will only accept surveys that are no more than two (2) years old. Consequently, NED requested the submission of an appropriate bat survey carried out by a suitably qualified ecologist, based on current guidance. The applicant was advised of the need to submit a bat survey in letters dated 14th December 2021 and 8th September 2022. No survey has been submitted to date, and in the absence of this information, it is considered that the proposal is contrary to PPS 2 and the SPPS.

A Water Feature Survey was submitted with the previous application, however it is dated June 2016 and DAERA Land and Groundwater Team, Regulation Unit has advised that it is unable to make a decision based on this report as it is not up to date. The applicant was consequently requested to submit a Groundwater Risk Assessment on 14th December 2021 and 8th September 2022, however, no report has been submitted to date.

Cumulative Visual Impact

Policy RE 1 of PPS 18 indicates that the supplementary planning guidance from the Northern Ireland Environment Agency 'Wind Energy Development in Northern Ireland's Landscape' is taken into account when assessing all wind turbine proposals. Each landscape area has a different capacity for accommodating wind energy development.

This proposal falls within Landscape Character Area (LCA) 110 Divis Summits, which has been described in the above document as a dramatic and widely visible backdrop to the city of Belfast. The south, west and north facing ridges around the edges of the hills, although less dramatic in shape, also form prominent skylines over wide areas. This LCA is in a highly prominent location and has high landscape and visual sensitivity, and it is recommended that any turbine development in this LCA is closely associated with and reflects the scale of groups of buildings and trees.

The application site is located in the southern corner of a roadside field, where the land rises upwards from the road towards the application site and beyond. As previously considered under planning application reference LA03/2015/0286/F, there are open views of the application site when travelling along the Ballyhill Road in both directions, and the proposed turbine will be visible from this public road. Nevertheless, it is not a test of invisibility and given the overall height of wind turbines, public views are to be expected. The visual impact of the proposed development was considered acceptable in the assessment of LA03/2015/0286/F

and there have been no significant changes in the landscape or policy considerations since then which would give rise to changes in the assessment of visual impact.

There are a number of wind turbines approved and installed on lands surrounding the application site which the turbine will be visually linked with, however, it is considered this turbine will not result in an unacceptable adverse impact on visual amenity and landscape character either individually or cumulatively with other installed turbines in the area. This matter was raised as a matter of objection, however, for the reasons outlined above it is not considered to be determining.

Impact on Archaeology and Cultural Heritage

The letter of objection raised concerns with the impact of the proposal on sites of archaeological importance, however, the application site is not located close to, or adjacent to, an Area of Significant Archaeological Interest and it will not have an adverse impact on archaeological or cultural heritage.

Impact on Public Rights of Way and Tourism Sites

The objector also stated that the development would affect public rights of way and tourism sites. The application site is located to the southeast of National Trust land at Divis and Black Mountain where there are a variety of walks and trails. The proposed development will not have a detrimental impact on the amenity and recreational value of these sites.

Impact on Infrastructure Including New Service Roads

The proposal will be partly accessed via an existing farm lane, with only a small section of a new service road required to be constructed from this lane to the location of the wind turbine. The proposal will generate additional traffic during construction and decommissioning phases. However, it is considered that the existing road network can safely accommodate this proposal. There are no public rights of way over which the proposal will cross and DfI Roads have raised no issues regarding the proposal and the impact on existing infrastructure is negligible. The issues raised on this matter in the letter of objection are not sustained.

Economics of the Proposal

The objector queried the economic benefits associated with the development proposal. Wind energy is one of the cheapest forms of renewable energy generation and the wind turbine will contribute to the Strategic Energy Framework which sets out the renewable energy targets for Northern Ireland.

Public Safety

Experience indicates that properly designed and maintained wind turbines are a safe technology and that there are very few incidents which have occurred involving injury to humans which have been caused by failure to observe manufacturers' and operators' instructions for the operation of the machines.

To satisfy safety requirements, the fall over distance, i.e., the height of the turbine to the tip blade, plus 10% is taken as best practice separation distance. There are no buildings within a distance of 110 metres from the proposed turbine and it is considered that the safety aspect of the turbine has been properly addressed.

Proximity to Road and Railways

Wind turbines erected in accordance with best engineering practice are considered to be stable structures; they should be set-back at least the fall over distance plus 10% from the edge of any public road, public right of way or railway line so as to achieve maximum safety. The proposed siting of the turbine is in excess of 200 metres from the nearest public road (Ballyhill Road). It is not anticipated that there will be a significant road safety concern as a result of this proposal due to its location. In addition, the Best Practice Guidance establishes that turbines do not attract significant vehicle movements.

The Best Practice Guidance advises that concern is often expressed over the effects of wind turbines on car drivers, who may be distracted by the turbines and the movement of the blades. Drivers are faced with a number of varied and competing distractions during any normal journey and it is their responsibility to take reasonable care to ensure their own and others' safety. Wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous.

Aviation Interests

Wind turbines may have an adverse effect on two aspects of air traffic movement and safety. Belfast City Airport has no safeguarding objection to the proposal. Similarly, Belfast International Airport (BIA) has no safeguarding objections but has requested a number of conditions to be imposed should the application be approved.

Electromagnetic interference

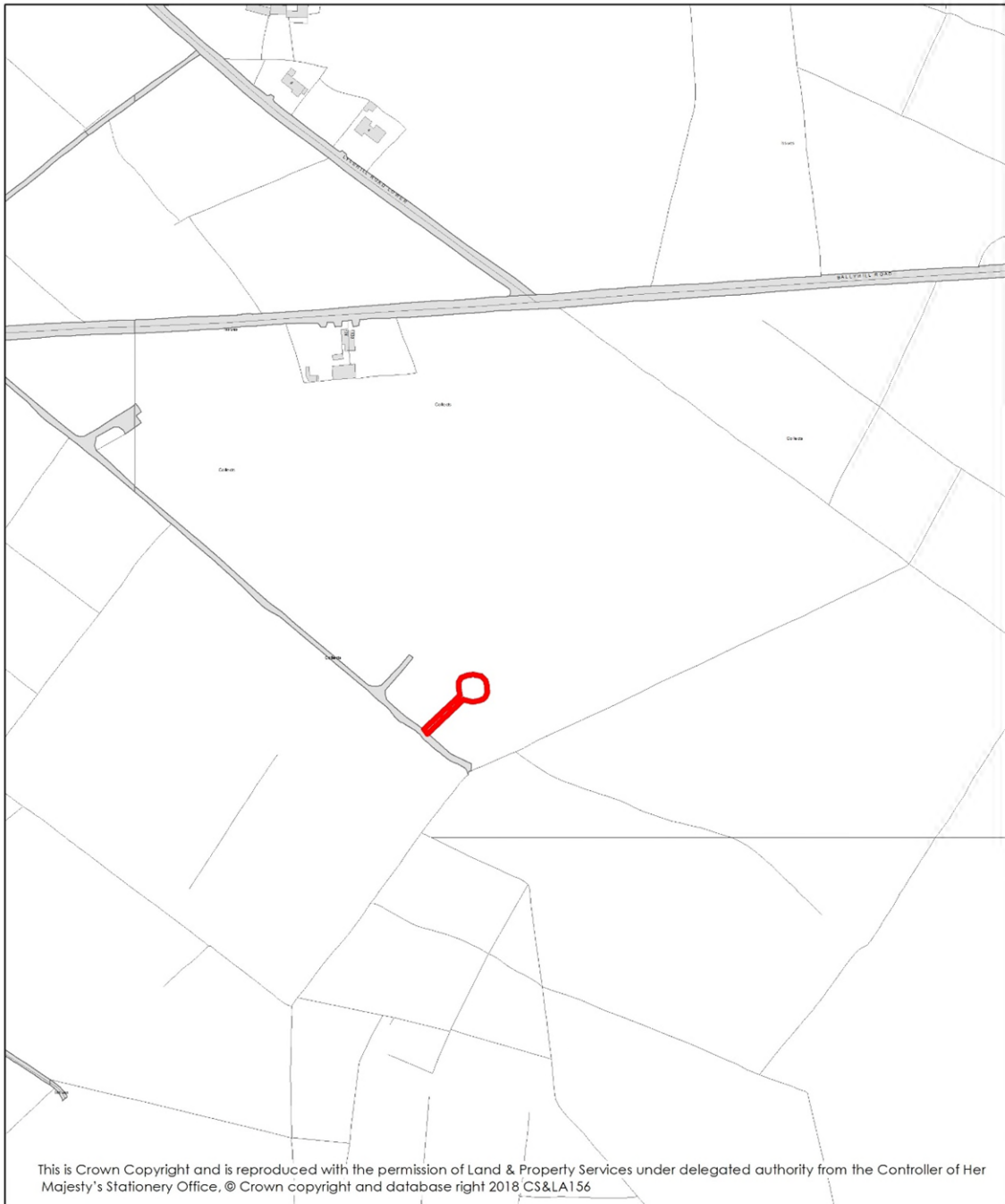
Data available on Ofcom's Spectrum Information portal regarding fixed links within the vicinity of the application site shows that there are two fixed links, operated by Airspeed and EE that may be affected by the proposed development. Both service providers were contacted via email, with only Airspeed providing a response indicating that the proposed development will not cause any electromagnetic interference on its communication infrastructure. EE acknowledged receipt of the email but did not provide any further comment, and consequently it is presumed it has no concerns with the proposed development.

CONCLUSION

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

- The principle of the development is acceptable;
- There is no detrimental impact on residential amenity in terms of shadow flicker;
- It has not been demonstrated that the proposal will not have an adverse impact on protected species and natural habitats;
- The proposal will not result in an unacceptable adverse impact on visual amenity;
- The application site is not in proximity to any archaeology or cultural heritage;
- The proposal will not have an impact on public rights of way or tourism sites;
- There are economic benefits to the proposal; and
- There are no safety implications to the proposal.

RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASON FOR REFUSAL	
<p>1. The proposal is contrary to the SPPS and Policy NH 5 of PPS 2 in that insufficient information has been submitted by the applicant to demonstrate that there will be no adverse impact on bats and the groundwater environment.</p>	



Location Map

Application Reference: LA03/2021/1013/F

Lands approximately 287m South of 133 Ballyhill Road,
Ballyutoag, Belfast

Renewal of Planning Approval LA03/2015/0286/F
(Proposed single wind turbine with 40m hub height
and 30m rotor diameter)

 Site Boundary

For Information Only



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2022/0731/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	5 wind turbines, up to a maximum of 92.5m base to blade tip height, up to 57m hub height and up 71m blade diameter (Removal of Condition 21 from planning approval T/2014/0478/F regarding implementation of Radar Mitigation Scheme)
SITE/LOCATION	Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS
APPLICANT	Ballyutoag WF Ltd
AGENT	SiEnergy
LAST SITE VISIT	29/09/2022
CASE OFFICER	Tierna Mc Veigh Tel: 028 90340401 Email: tierna.mcveigh@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 at lands approximately 1km north of No. 71 Ballyutoag Road, Belfast. The site comprises an elevated site located in the rural area as defined in the Antrim Area Plan.</p> <p>The site, which is located on the western side of McIlwahn's Hill, is accessed via a gravel laneway 160 metres west of No. 60 Ballyutoag Road. The site sits within an agricultural upland landscape defined by undulating agricultural fields used for the grazing of livestock. Field boundaries in the area are generally defined by hedgerows and hedgerow trees.</p> <p>The surrounding area is characterised by single dwelling houses and farmsteads, whilst Hightown Quarry is located 1km to the northwest of the application site. The site is located within Landscape Character Area 11 Divis Summits as identified in the 'Wind Energy Development in Northern Ireland Landscapes'. This landscape is relatively open with radio masts situated on the highest summits which represent prominent features in the landscape.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2022/0683/LDE Location: Approx. 1km North of, No. 71 Ballyutoag Road, Belfast, Co. Antrim, BT14 8SS Proposal: 42.25m² concrete base/Hardstand for the provision of an Anemometer/Wind Monitoring Mast and Associated Hardstanding Decision: Permitted Development 19th October 2022</p>	

Planning Reference: LA03/2022/0681/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, Co Antrim, BT14 8SS,

Proposal: 5 wind turbines, up to a maximum of 92.5m base to blade tip height (up to 57m hub height and up 71m blade diameter), associated transformers, a permanent anemometer mast, extension of existing and construction of new site access tracks, gates and road improvement works at the site entrance, substation and site control room, communication tower, electrical cabling, temporary site compound and all other associated and ancillary works. (Discharge of Condition 14 from planning approval T/2014/0478/F, regarding submission of Breeding Bird Monitoring Interim Report)

Decision: Under Consideration

Planning Reference: LA03/2022/0201/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, Co Antrim, BT14 8SS,

Proposal: 5 wind turbines (Discharge of Condition 15 of T/2014/478/F regarding submission of bird monitoring programme)

Decision: Condition not Discharged 20th October 2022

Planning Reference: LA03/2022/0202/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, Co Antrim, BT14 8SS,

Proposal: 5 wind turbines (Discharge of Condition 19 of T/2014/478/F regarding submission of final habitat management plan)

Decision: Condition not Discharged 20th October 2022

Planning Reference: LA03/2021/0465/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS.

Proposal: 5no wind turbines (Discharge of Condition 15 regarding submission of Preliminary Ornithology Monitoring Report and Condition 17 regarding submission of Badger Compliance Report from planning approval T/2014/0478/F)

Decision: Condition Not Discharged 28th September 2021

Planning Reference: LA03/2020/0518/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast,

Proposal: 5no wind turbines (Discharge of Condition 11 - Archaeological Programme of Work; Condition 15 - Bird Monitoring Plan; Condition 17 - Updated Habitat Survey & Badger Mitigation Method Statement; Condition 19 - Final Habitat Management Plan and Condition 16 from planning approval T/2014/0478/F)

Decision: Condition Not Discharged 20th November 2020

Planning Reference: LA03/2020/0853/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS.

Proposal: 5 wind turbines (Discharge of Condition 11 from approval T/2014/0478/F relating to submission of archaeological testing report)

Decision: Condition Not Discharged 17th February 2021

Planning Reference: LA03/2020/0855/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS.

Proposal: 5 wind turbines (Discharge of Condition 17 from approval T/2014/0478/F regarding submission of updated badger survey)

Decision: Condition Discharged 17th August 2021

Planning Reference: LA03/2020/0545/DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS.

Proposal: 5 wind turbines (Discharge of Condition 18 from T/2014/0478/F regarding submission of Construction Environmental Management Plan)

Decision: Condition Not Discharged 20th November 2020

Planning Reference: LA03/2019/0633/ DC

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS.

Proposal: Discharge of Conditions 20 (Radar Mitigation Scheme) and 22 (Omnidirectional red obstacle light) of planning approval T/2014/0478/F for: 5 wind turbines, up to a maximum of 92.5m base to blade tip height (up to 57m hub height and up 71m blade diameter), associated transformers, a permanent anemometer mast, extension of existing and construction of new site access tracks, gates and road improvement works at the site entrance, substation and site control room, communication tower, electrical cabling, temporary site compound and all other associated and ancillary works.

Decision: Condition Discharged

Planning Reference: T/2014/0478/F

Location: Land approximately 1km North of No. 71 Ballyutoag Road, Belfast, BT14 8SS.

Proposal: 5 wind turbines, up to a maximum of 92.5m base to blade tip height (up to 57m hub height and up 71m blade diameter), associated transformers, a permanent anemometer mast, extension of existing and construction of new site access tracks, gates and road improvement works at the site entrance, substation and site control room, communication tower, electrical cabling, temporary site compound and all other associated and ancillary works.

Decision: Permission granted 22nd December 2015

Planning Reference: T/2013/0250/F

Location: 220m SW of 49 Greenhill Road, Belfast

Proposal: Erection of 1 no. 250KW wind turbine with a hub height of 40m

Decision: Permission granted on 7th May 2014

Planning Reference: T/2012/0395/F

Location: approximately 238m southwest from 72 Boghill Road, Newtownabbey

Proposal: Wind turbine up to 250kw, with a hub height of 41.5m and 56.0m to the blade tip complete with control room

Decision: Granted on Appeal 7th July 2014

Planning Reference: T/2012/0418/F

Location: 300mts northwest of no. 40 Aughnabrack Road (Ballyutoag), Mallusk, Newtownabbey

Proposal: Wind turbine on a tubular tower height of 51.5m with blade tip height of 66.5m with associated switch room

Decision: Granted on Appeal 10th October 2013

Planning Reference: T/2012/0419/F

Location: 300mts East of 105 Boghill Road, (Ballyutoag), Mallusk, Newtownabbey

Proposal: Wind turbine on a tubular tower, height up to 32.5m with blade tip height up to 47.5m with associated switch room (up to 250 KW)

Decision: Appeal allowed 7th July 2014

Planning Reference: U/2012/0372/F

Location: 500m North of No 63 Boghill Road (Ballyutoag) Mallusk Newtownabbey

Proposal: Installation of a 225kw wind turbine on a tubular tower - height up to 51.5m with blade tip height up to 65m with associated switch room

Decision: Permission granted 19th February 2014

Planning Reference: T/2010/0319/F

Location: 218m east of No 20 Greenhill Road, Ballyutoag

Proposal: Proposed 225KW Wind Turbine

Decision: Permission granted 7th April 2011

Planning Reference: T/2009/0641/F

Location: 20 Greenhill Road, Belfast

Proposal: 335 KW Wind Turbine

Decision: Permission granted 28th May 2010

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 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.

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.

Strategic Planning Policy Statement for Northern Ireland (SPPS): 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 18: Renewable Energy: sets out planning policy for development that generates energy from renewable resources. This PPS is supplemented by PPS18 Best Practice Guidance and the document Wind Energy Development in Northern Ireland's Landscapes.

CONSULTATION

- **Belfast International Airport** – Refusal

REPRESENTATION

Six (6) neighbouring properties were notified of the application and no representations have been received in respect of the proposal.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Legislative Context
- Principle of Development
- Aviation Safety

Legislative Context

Section 54 of the 2011 Act applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. On receipt of such an application, the Council may only consider the question of the conditions subject to which planning permission should be granted and it cannot revisit the principle of the development granted previously. The Council can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides the original condition(s) should continue. The original grant of planning permission will continue to exist whatever the outcome of the current application.

Principle of Development

The principle of development was established on the site under planning application reference T/2014/0478/F which was approved on 23rd December 2015. This application seeks to remove Condition 21 of the approval. Supplementing the application is a Site Location Plan, Drawing Number 01, and a covering letter. The covering letter provides the agents justification for the removal of the condition.

Condition 21 states:

"The wind farm shall not become operational until all the measures and time scales in the RMS have been implemented and met. The development shall

thereafter operate in accordance with the RMS which will be in place for the period during which the radar remains in operation.

Reason: In the interests of aviation safety."

Condition 21 of the permission requires that an approved Radar Mitigation Scheme (RMS) is implemented prior to the proposed wind farm becoming operational and that the wind farm continues to be operated in accordance with that RMS thereafter. This condition was recommended by Belfast International Airport (BIA) in its consultation response dated 6th February 2015, stating that the proposed wind turbines could have the potential to cause a major safety issue to aircraft arriving and departing from BIA. The proposed development is in a clear line of sight to the radar, and as such will paint a false display on the radar screen, when the turbine is rotating. BIA further stated that this would have a significant negative impact on the Air Traffic Control (ATC) radar service provision to both arriving and departing aircraft at BIA.

Aviation Safety

To provide context to this application, a request was made to the Council to discharge conditions 20, 21 and 22 under planning application LA03/2019/0633/DC on 23rd July 2019 by TCI Renewables, on behalf of the applicant (Ballyutoag Wind Farm Ltd). Conditions 20 and 21 both relate to a Radar Mitigation Scheme, whilst condition 22 relates to the requirement for an omnidirectional red obstacle light to be positioned at the top of the turbines. As stated within the case officer's report, the applicant proposed to install the Thales STAR Next Generation radar upgrade as a Radar Mitigation Scheme (RMS), of appropriate performance, suitable for mitigating the impact of the development upon the operations of BIA ATC radar and operations. BIA was consulted and was satisfied with the proposed RMS and thus condition 20 was discharged. It was noted that in order to comply with condition 21 the applicant is required to implement the RMS agreed and thereafter operate in accordance with it.

Within the submitted covering letter (Document 01), the agent advises that the approved RMS requires an upgrade to the Thales STAR-2000 radar installation currently in operation at BIA, however at no stage has the necessity for such an upgrade, been evidenced.

BIA was consulted on the 22nd September 2022 and a response was received from its solicitors Carson Mc Dowell on the 5th October 2022. Within the response reference is made to the request to discharge conditions 20, 21 and 22 under planning application LA03/2019/0633/DC and that under condition 20 the applicant agreed to install the Thales STAR Next Generation radar upgrade as a Radar Mitigation Scheme (RMS). Further reference is also made to the fact that Condition 21 was agreed and noted by the applicant, however, was not discharged, as it exists in perpetuity with the permission. Carson Mc Dowell on behalf of BIA contests that the aviation safety issues and the circumstance regarding the imposition of Condition 21 have not changed since the grant of the permission.

In the absence of the agreed RMS being implemented and becoming operational there is a clear and obvious risk to aviation safety and therefore

Condition 21 must remain. Consequently, the removal of Condition 21 remains both unjustifiable and unacceptable.

CONCLUSION

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

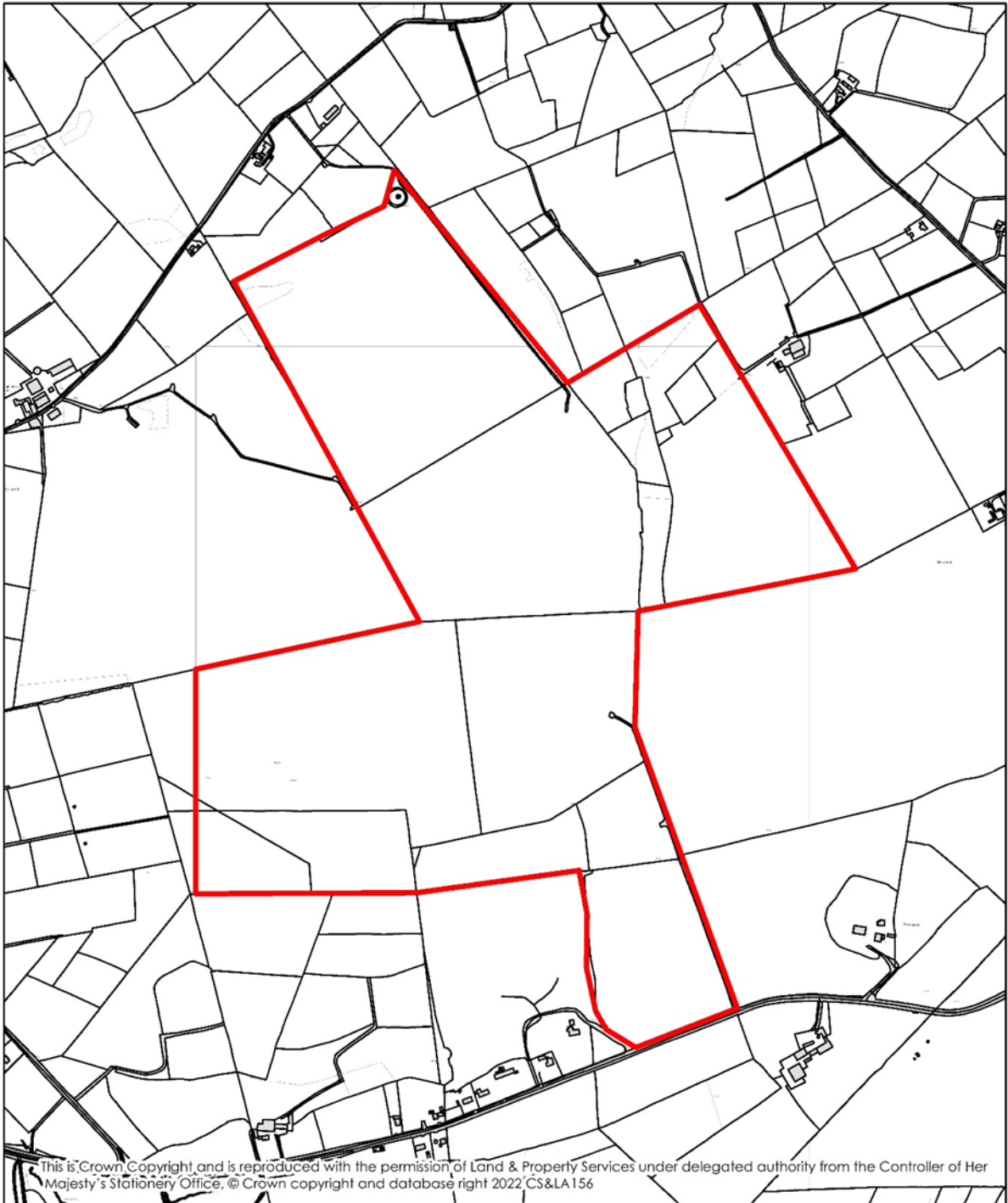
- It is considered that the removal of the condition will have a significant negative impact on aviation safety.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON FOR REFUSAL


1. The proposed removal of condition 21 is contrary to the policy provisions of the SPPS and Policy RE 1 of PPS 18 in that it would, if permitted, have an unacceptable adverse impact on aviation safety.



Reference: LA03/2022/0731/F

Location: Land approximately 1km North of No. 71 Ballyutoag Road
Belfast, BT14 8SS

Proposal: 5 wind turbines, up to a maximum of 92.5m base to blade
tip height, up to 57m hub height and up 71m blade
diameter (Removal of condition 21 from planning
approval T/2014/0478/F regarding implementation of
Radar Mitigation Scheme)

Scale: 1:10,000 

 Site Location



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2022/0326/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retention of building for use as embroidery workshop and office
SITE/LOCATION	22 Hollybrook Road, Randalstown
APPLICANT	Mr James Gray
AGENT	CMI Planners Ltd
LAST SITE VISIT	August 2022
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 at No. 22 Hollybrook Road, Randalstown which is within the countryside and outside of any development limit as designated by the Antrim Area Plan 1984 - 2001.</p> <p>The site is located approximately 500 metres south of the Hollybrook Road and is served by an existing laneway. The site is located approximately 10 metres to the southwest of an existing dwelling at No. 22 Hollybrook Road, and contains a single storey building which is currently being used as an embroidery workshop with an ancillary office.</p> <p>The building is predominantly finished with a rough cast render and openings in the front elevation which include a pedestrian doorway and a roller shutter door, coloured black. There is a stoned yard area to the front of the embroidery workshop.</p>	
RELEVANT PLANNING HISTORY	
There is no relevant planning history on the application site.	
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, 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.</p>	

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 development 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 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

Northern Ireland Water – No objection.

Department for Infrastructure Roads - No objection subject to conditions

Department for Agriculture, Environment and Rural Affairs – Countryside Management Inspectorate Branch – Standard response

REPRESENTATION

Twenty-five (25) 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
- Farm Diversification
- Access Movement and Parking

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).

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 that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for non-residential development in the countryside, which includes farm diversification proposals in accordance with Policy CTY 11. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Policy CTY 11 'Farm Diversification' of PPS 21 states that planning permission will be granted for a farm or forestry diversification proposal where it is demonstrated that it is to be run in conjunction with the agricultural operations on the farm and where several criteria can be met. The consideration of these criteria based tests are set out below.

Farm Diversification

The first criterion of Policy CTY 11 requires that the farm business is currently active and established. Paragraph 5.49 of the Justification and Amplification section of Policy CTY 11 states that the determining criteria for an active and established business is set out under Policy CTY 10. Criterion (a) of Policy CTY 10 requires that the farm business is currently active and established for at least 6 years.

DAERA advised in its consultation response that the farm business has not claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years and the application site is not on land for which payments are currently being claimed by the farm business.

In order to demonstrate that the farm business has been active for the necessary period of six (6) years the agent has provided supporting evidence between the years 2015 – 2021, however, no information has been provided for the year 2022.

For the year 2015 the agent has submitted the following four (4) pieces of evidence: a bill of sale from Hugh Millar and Son's Millmore Farm relating to the spreading of fertiliser over 10 acres; a bill of sale from C.D and S.J Morrison of Lismorty Farm, Ballymoney relating to a 5 bar field gate; a bill of sale from Mr G Turner to the

applicant referring to a fence; and a bill of sale from Mackle Building Supplies, 3 Market Square, Toomebridge relating to a 30 metre MDP water pipe.

For the year 2016 the agent has submitted the following four (4) pieces of evidence: a bill of sale from Mr G Turner to the applicant and refers to the 'repair of a wire fence and fallen tree'; a bill of sale from C.D and S.J Morrison of Lismorty Farm, Ballymoney and relates to the 'repair of 3 gates and supply of a 5 bar field gate'; a bill of sale from Hugh Millar and Son's Millmore Farm relating to the spreading of fertiliser over 10 acres; and a bill of sale from Mr G Turner to the applicant and refers to 'hedges cut and maintained'.

For the year 2017 the agent has submitted the following five (5) pieces of evidence: a bill of sale from Mr G Turner to the applicant and refers to the 'cleaning of drains'; a bill of sale from McManus Hardware in Randalstown; a bill of sale from McManus Hardware; a bill of sale from Gates and Accessories; and the fifth piece of evidence is from Hugh Millar and Son's Millmore Farm, Antrim and refers to the spreading of fertiliser over 10 acres.

For the year 2018 the agent has submitted the following four (4) pieces of evidence: a bill of sale from G Turner for the renewing and fitting of new sheep wire; a bill of sale from Hugh Millar and Son's, Millmore Farm, Antrim, which refers to the spreading of fertiliser over 10 acres; a purported bill of sale from G Turner stating 'cutting and removal of fallen tree'; and a bill of sale from Plumbfix addressed to James Gray Plumbing and Heating Ltd.

For the year 2019 the agent has submitted six (6) pieces of evidence: a bill of sale from Mr G Turner to the applicant and refers to digger work to clean drains; three (3) bills of sale from Plumbfix which refer to the sale of a hedge trimmer, an 'elbow bend' and two-stroke oil; a bill of sale from McManus Hardware in Randalstown and a bill of sale from Hugh Millar and Son's Millmore Farm referring to the spreading of fertiliser over 10 acres.

For the year 2021 the agent has submitted four (4) pieces of evidence; a bill of sale from C.D and S.J Morrison of Lismorty Farm, Ballymoney referring to the 'fencing of farmlands (labour only)'; a bill of sale from Beatty Hardware and Farms and two purported bills of sale from Mr G Turner to the applicant referring to 'new drainage and piping completed as requested' and additionally the 'repair and replace gate panels and rehang'.

For the year 2020 the agent has submitted four (4) pieces of evidence: a bill of sale from Beattie Hardware Farm Shop, Antrim referring to the supply and fit of a concrete field trough; a bill of sale from C.D and S.J Morrison of Lismorty Farm, Ballymoney, relating to 'drainage on farmland'; a bill of sale from Mr G Turner to the applicant and refers to hedges being cut in a bog area; and a bill of sale from Hugh Millar and Son's Millmore Farm, Antrim and refers to the spreading of fertiliser over 10 acres.

With respect to the evidence provided for the years 2015 - 2021 inclusive, it is considered that the purported bills of sale are not specific to the holding, they are not signed by a person identifiable as being a representative of the farm business, on occasion there is no business name or any explanation provided as to how the

bills of sale relates to the agricultural business. In addition, a bill of sale submitted for the year 2018 appears to relate to the applicant's plumbing and heating business and not the agricultural enterprise. Some bills of sale submitted for years 2019 – 2021 inclusive, are obscured and it is not possible to determine who the bill is for, the works they relate to or where it relates to. With respect to the evidence provided for the year 2020 the business name provided on the bill of sale differs from the business name provided on the internet for that same business, and for 2021 a bill of sale has no identifiable business name. It is therefore considered that the information provided is not specific to the development proposal and is therefore not conclusive.

The agent also submitted a Planning Statement, Document 01 date stamped 7th September 2022, which states the following: the 12-acre farm is run entirely as an arable farm, producing hay, barley and potatoes on a rotational basis; the business supports the applicant's daughter, her husband and one part time employee; the business has allowed the family to branch out from more traditional farming by adding a new money-making activity; and the business supports the small farm holding enabling the applicant to continue his farming activities as a viable business.

In support of this stated position the agent has submitted three (3) collection receipts for potatoes from James Donnelly and Sons Ltd (Potato Merchants) of Portglenone; the first receipt is dated 10th November 2016 for 400 bags of 25 Kg potatoes, the second receipt is dated 27th November 2018 for 500 bags of 25Kg potatoes and the third receipt is dated 23rd December 2020 although no quantity of potatoes collected is referred to.

These pieces of evidence are not considered as demonstrating a continuous business use on the farm holding for the requisite period as described in criterion (a) of Policy CTY 10. It is noted also that the supporting statement sets out that the arable farm operates on a rotational basis for potatoes, barley and hay. No other information in the form of bills of sale for hay or barley has been provided for assessment nor are there any business accounts.

In summary, it is considered that it has not been demonstrated that the farm business is active and has been established for at least 6 years in accordance with the requirements of criterion (a) of Policy CTY 10 of PPS 21 and in turn criterion (a) of Policy CTY 11.

Criteria (b) of Policy CTY 11 requires that the proposal in terms of character and scale is appropriate to its location. Policy CTY 14 'Rural Character' also relates to the assessment of development proposals and their impact to the character of the area. In this instance the development proposal seeks to re-use an existing out-building for the purposes of the embroidery shop. The building is set to the rear of the applicants dwelling at No. 22 Hollybrook Road and is separated from it by approximately 10 metres. It is considered that the scale of the building is acceptable and will not result in an unacceptable impact on the character of the area.

The fourth criterion, criterion (d), requires that the proposal will not result in a detrimental impact on the amenity of nearby residential dwellings including

potential problems arising from noise, smell and pollution. The embroidery business is housed in a building of permanent construction which is set to the rear of the applicant's dwelling and is located approximately 240 metres from the nearest neighbouring dwelling. There are a limited number of people working within the embroidery shop and the business attracts a low level of vehicular movements per day. It is considered that the proposal will not have a significant impact upon the amenity of any nearby residential dwellings.

Overall, whilst it is considered that criterions (b), (c) and (d) of Policy CTY 11 of PPS 21 have been complied with, criterion (a) which requires the applicant to demonstrate that the farm business is currently active and established for at least 6 years, has not been satisfied. The supporting information submitted is neither specific to the farm holding nor conclusive that active farming has taken place for the requisite period.

Access, Movement and Parking Regarding the existing use of the building, the P1 Form states there are four (4) employees which attracts four (4) vehicle movements daily. To determine the potential impact that the application may have on the safety and convenience of other road users, DfI Roads was consulted and raised no objections subject to conditions.

CONCLUSION

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

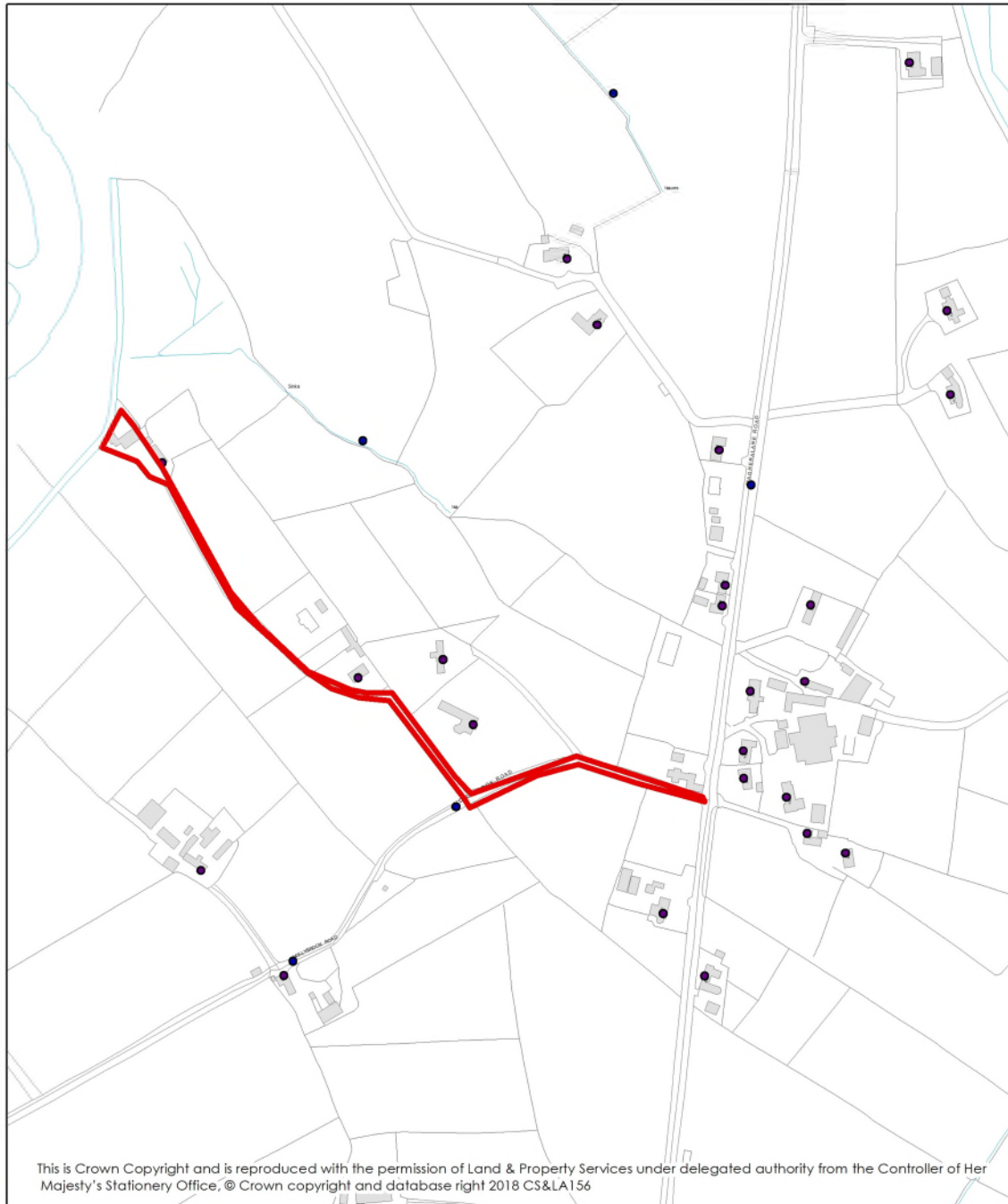
- The principle of the development is not acceptable as it has not been demonstrated that the farm business is currently active and established;
- The character and scale of the proposal are acceptable to the location;
- There are no road safety concerns with this proposal;
- The proposal will not have an adverse impact on the natural or built heritage;
- The proposal will not result in a detrimental impact on the amenity of nearby residential dwellings; and
- There are no objections from interested third parties or consultees.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 1 and CTY 11 of PPS 21: Sustainable Development in the Countryside, in that the use of the building does not merit being considered as an exceptional case as the farm business is not shown to be established for 6 years.



Location Map

Application Ref: LA03/2022/0326/F

Development: Retention of building for use
as embroidery workshop and office

Location: 22 Hollybrook Road
Randalstown

0 100 200
Metres



 Site Boundary



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2022/0776/F
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retention of building as hairdressing salon
SITE/LOCATION	3 Brookfield Road, Burnside, Doagh, Ballyclare
APPLICANT	Jennifer Christie
AGENT	Park Design Associates
LAST SITE VISIT	16/09/2022
CASE OFFICER	Morgan Poots Tel: 028 90340419 Email: morgan.poots@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 at 3 Brookfield Road, Burnside, Doagh, which is within the development limits of Corgy/Kilbride as defined by the draft Belfast Metropolitan Area Plan published 2004 (dBMAP). The site hosts a one and a half storey detached dwelling and a single storey shed located to the rear of the property. This shed is the subject of this application.</p> <p>The site is surrounded by residential properties on all sides and is defined to the rear by a 1-metre-high timber boarded fence. The topography of the site falls gradually to the east of the defined curtilage of No. 3 Brookfield Road.</p> <p>The surrounding area is characterised by mixture of detached dwellings to the north and south. To the southeast is the Old Mill Mews residential development, which consists of two storey semi-detached dwellings.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history.	
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 provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan Stage) together with relevant provisions of Planning Policy</p>	

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

Strategic Planning Policy Statement for Northern Ireland (SPPS): 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 interest 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.

CONSULTATION

DFI Roads- No objection

Council's Environmental Health Section- No objection

Historic Environment Division- No objection

REPRESENTATION

Seven (7) neighbouring properties were notified of the proposal 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
- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Amenity Space, Parking and Manoeuvring
- Other Matters

Policy Context

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 application site is located inside the development limits of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan (BUAP) and the draft Belfast Metropolitan Area Plan, published 2004 (dBMAP). There are no specific operational policies relevant to the determination of the application in the 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 including PPS3 Access, Movement and Parking.

The provisions of the SPPS require that planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.279 requires retailing to be directed to town centres. It goes on to state that as a general exception to this policy approach, retail facilities which may be considered appropriate outside of development limits include farm shops and shops serving recreational facilities. It concludes by stating that all proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment area and meet the requirements of policy elsewhere in the SPPS.

The SPPS contains a dedicated section on Town Centres and Retailing, which replaced retail policy as was previously contained in Planning Policy Statement 5- Retailing and Town Centres. At paragraph 6.271 it lists a series of regional strategic objectives for town centres, including a town centres first approach for the location of future retailing and other main town centre uses. The SPPS defines town centre uses as being cultural/community facilities, retail, leisure, entertainment and businesses.

In accordance with The Planning (Use Classes) Order (NI) 2015, a hairdressing salon is defined as a Class A1 use, which relates to shops which includes hairdressers. For the purposes of clarity Class A1 uses are commonly found within town centres and as stipulated in paragraph 6.279 of the SPPS, Class A1 uses such as hairdressing will be directed to town centres.

The SPPS further advises that a sequential test should be applied for main town centre uses that are not in an existing centre and in the absence of a current and up to date Local Development Plan (LDP), Councils should require applicants to prepare an assessment of need which is proportionate to support their application. It is noted that the use of the word 'should' suggests that this is not mandatory. The policy goes on to state that this may incorporate a quantitative and qualitative assessment of need taking account of the sustainably and objectively assessed needs of the local town and take account of committed development proposals and allocated sites.

Whilst the LDP in this case is not up to date, no assessment of need has been submitted or a sequential test applied regarding the retailing element. No evidence has been submitted to justify the location of the proposal within the

curtilage of a dwelling house and it is considered that there are no overriding reasons as to why this business cannot be accommodated within the town centre.

For the reasons set out above, it is considered that the principle of development on this site is not established, and the proposal is deemed unacceptable.

Scale, Massing, Design and Appearance

The single storey building in which the hairdressing salon operates from is located in the rear garden of an existing dwelling and has a maximum height of 2.6 metres and creates 16sqm of floorspace. Internally, the building has two (2) rooms, a main salon and a WC. Externally, the building is finished in timber boarding to the walls, black PVC windows and doors and felt roofing. The building has no signage to indicate that it operates as a hairdressing salon.

The building is set back some 22 metres from the public road and is partially screened from public view due to its positioning in the rear garden. It is considered that the design and appearance of the building is sympathetic with the built form and appearance of the existing residential premises and will not detract from the appearance and character of the surrounding area.

Neighbour Amenity

The nearest neighbouring property potentially affected by the proposal is No. 1 Brookfield Road located directly to the south. The building is located along the boundary of the application site and the existing garage of No. 1 Brookfield Road, which is separated by a 1-metre-high timber boarded fence. There are no windows on the gable elevation of the building meaning that there are no significant concerns with regards to overlooking or loss of amenity. Given the existing boundary treatments, it is considered that the proposal will not unduly affect the privacy or amenity of neighbouring residents.

The Council's Environmental Health Section was consulted on the proposal and raised no concerns. Given the context of development on the site, some noise and disturbance are to be expected, however, this is likely to be at a low level and should not arise outside normal working hours.

Amenity Space, Parking and Manoeuvring

DfI Roads was consulted on the proposal, and in its response dated 28th September 2022 requested amended plans and revisions to the P1 form. These amendments have not been requested as the principle of development has not been established and the request for further information would result in nugatory work and unnecessary expense to the applicant.

Other Matters

An archaeological monument bearing reference ANT045:031 is located approximately 120 metres to the southeast of the application site. DfC Historic Environment Division (HED) was consulted and has no objections to the proposed development.

CONCLUSION

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

- The principle of development is considered unacceptable;

- The proposal is contrary to the policy provisions in the SPPS;
- The proposal design and appearance of the proposal is considered acceptable; and
- The proposal will have no significant detrimental impact on neighbour amenity.

RECOMMENDATION	REFUSE PLANNING PERMISSION
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PROPOSED REASON FOR REFUSAL

- | |
|---|
| <ol style="list-style-type: none"> 1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement in that the retailing element of the development lies outside any designated town centre or other retailing area within Doagh and it has not been demonstrated that a suitable site does not exist within the town centre or other retailing area. |
|---|



Location Map

Planning Reference: LA03/2022/0776/F

Location: 3 Brookfield Road, Burnside,
Doagh, Ballyclare, BT39 0SW

Proposal: Retention of building as hairdressing salon

Site Boundary



1:1,250

For Information Only



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2022/0609/F
DEA	BALLYCLARE
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retrospective application for retention of existing farm shed.
SITE/LOCATION	100m SW of 12a Irish Hill Road, Ballyclare, BT39 9NQ
APPLICANT	Mr William Wells
AGENT	W M McNeill
LAST SITE VISIT	15 th July 2022
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@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>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>At the October Planning Committee, the applicant's father submitted Document 04 'Offer of Support to Planning Reference LA03/2022/0609/F', date stamped 02 November 2022, which was not available to Members for consideration. The information submitted is in support of the application, and attempts to address the refusal reasons alongside providing aerial imagery of the wider agricultural holding and development at Irish Hill.</p> <p>In relation to refusal reason one it is stated that the need for the agricultural shed was outlined in the Statement of Case (SoC) which was taken into consideration in the assessment of the application. The agent states the refusal of the shed would result in there being no facilities for the storage of machinery or the undertaking of livestock handling, including TB testing, calving and animal treatment, thereby creating an animal welfare issue. Transport costs were highlighted, with the use of another farms cattle handling facilities being required. It is noted within the SoC that the applicant retains two farm sheds at Mullaghboy Road, Islandmagee, having sold off a number of other outbuildings in 2014. The information states the applicant no longer manages his farm at Islandmagee. No further information was provided regarding this point as to whether or not the applicant still has access to the farm sheds at this holding for cattle facilities.</p> <p>A number of personal circumstances are outlined within Document 04, and while the Council is sympathetic to these points, these matters are not part of the policy considerations under Policy CTY 12.</p> <p>Regarding refusal reason two, Document 04 states that two hens' sheds and two small wooden sheds are located within the Irish Hill Road holding. The agent states that there is no definition of what constitutes farm buildings/sheds. These stated buildings are considered temporary structures, with no foundations or permanent fixtures. Under the Planning Act (2011) "development" means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of</p>	

any material change in the use of any buildings or other land. For the purposes of this Act "building operations" includes:

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alteration of or addition to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

It is considered that the placement of a number of wooden sheds on the lands and the erection of temporary fence panels do not have the benefit of planning permission nor is there a Certificate of Lawfulness for these structures. As there is no evidence to show that these structures are lawful, they cannot be taken into account in the consideration of the application.

The submission in regards to refusal reason three states a condition can be attached or an updated version of the Preliminary Risk Assessment be submitted which displays no risks to human health as the result of any contamination present on the application site. As the principle of development has not been established, the Council did not wish to put the applicant to any further cost.

A number of aerial images were submitted from 2017 to 2020. These images display the position of the temporary shed structures and the application building, which is dated 2022. It is considered that the submitted information has not addressed the previous concerns, and therefore the reasons for refusal remain.

CONCLUSION

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

- The principle of development has not been met as it has not been demonstrated that the proposed building is necessary for the efficient use of the agricultural holding or why the proposed building is not clustered with the other existing farm buildings;
- The design and appearance of the proposal is considered acceptable;
- The proposal is seen as meeting the requirements of Policies CTY 13 and CTY 14 of PPS 21; and
- The proposal will not unduly affect the privacy or amenity of neighbouring residents.

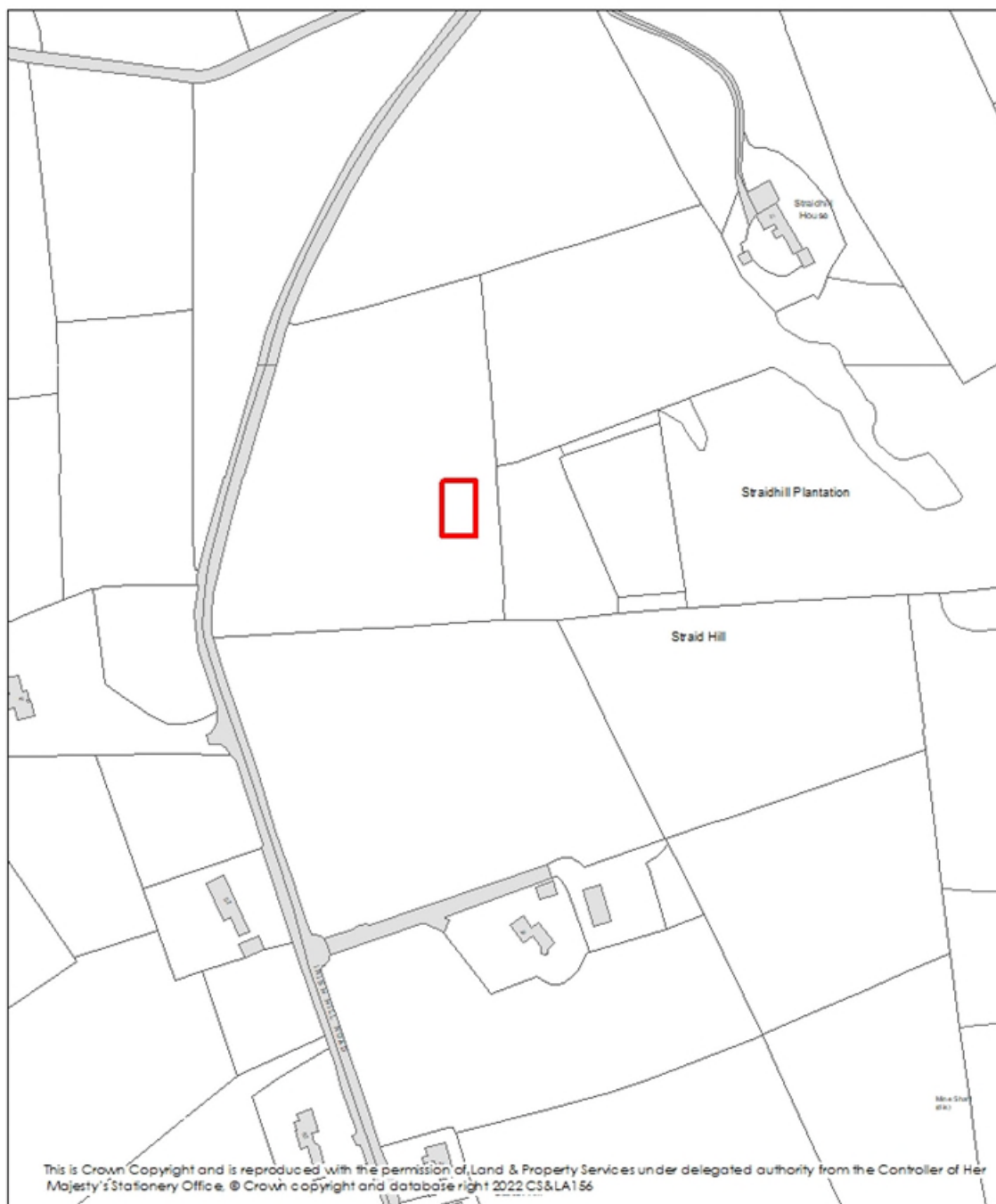
RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 and Policy CTY12 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the building is necessary for the efficient use of an active and established agricultural holding.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy statement and Policy CTY 12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the development, if approved, would not be sited beside existing farm buildings.

3. The proposal is contrary to the SPPS as it has not been demonstrated that there are no risks to human health as the result of any contamination present on the application site.



Reference: LA03/2022/0609/F

Location: 100m SW of 12a Irish Hill Road, Ballyclare, BT39 9NQ

Proposal: Retrospective application for retention of existing farm shed

Scale: 1:2500



 Site Location



COMMITTEE ITEM	3.10
APPLICATION NO	LA03/2022/0610/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site of dwelling and garage on a farm
SITE/LOCATION	30m Approx. South East of 76 Crosskennan Road, Antrim
APPLICANT	Mr William Hurst
AGENT	Ivan McClean
LAST SITE VISIT	29 th July 2022
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@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 approximately 30m southeast of 76 Crosskennan Road, Antrim, which is a countryside location beyond any development limits as defined within the Antrim Area Plan (1984-2001).</p> <p>The application site is set back off the Crosskennan Road and forms a contrived portion of a larger agricultural field. The application site bounds No.76 to the northwest and the northern boundary is defined by a 1.2m high picket fence which marks the established curtilage of No.76. The eastern (roadside) boundary is defined by a 1.5m high hedgerow, with a small section defined by a 1.2m picket fence. The southern and western boundaries are undefined and the topography of the land rises towards the northeast.</p> <p>The surrounding character is open countryside, with dwellings and their associated outbuildings spread out in a dispersed settlement pattern.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning reference: LA03/2015/0338/O</p> <p>Location: Lands adjacent to and south of 76 Crosskennan Road, Ladyhill, Antrim, BT41 2RG</p> <p>Proposal: Erection of 2 no. dwellings and associated detached garages in compliance to PPS21 Policy CTY8</p> <p>Decision: Appealed Dismissed (01.02.2017)</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, 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</p>	

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 development 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

Council Environmental Health Section- No objection.

Northern Ireland Water- Approval subject to conditions.

Department for Infrastructure Roads- No objection.

Department for Agriculture, Environment and Rural Affairs- The Farm Business ID was allocated in November 1992. The business has claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last six years. Their response also states that the proposed site is on land which payments are currently being claimed by the farm business.

Department for Communities Historic Environment Division- No objection.

Belfast International Airport- No objection.

REPRESENTATION

Four (4) 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, Layout and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Movement and Access
- 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 application site is located within the countryside outside any development 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. One of these is Policy CTY 10 which states that planning permission will be granted for a dwelling house on a farm where all of the three listed criteria can be met.

The Department for Agriculture, Environment and Rural Affairs (DAERA) advised in a consultation response dated 18th October 2022 that the associated farm has been in existence for more than 6 years, the farm business ID having been allocated in November 1992. Their response also confirms that the farm business has claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each

of the last 6 years. Their response also states that the proposed site is located on land for which payments are currently being claimed by the farm business. The Council, having regard to DAERA's response, considers that the application meets criterion (a) of CTY 10.

A site history check has been carried out on the lands submitted and shown on the farm maps and there does not appear to have been any development opportunities sold off from the farm holding. This is further confirmed by the answer to Q5 of the P1C form which states that there have been no dwellings or development opportunities sold off from the farm holding within the last 10 years. The proposal complies with CTY 10 (b).

The application site is located adjacent and directly southeast of No.76 Crosskeen Road, the main farm dwelling with a garage and agricultural buildings located beyond the dwelling. It is considered that the proposal could be sited within the proposed application site so to cluster with the established group of buildings. The proposal complies with CTY 10 (c).

Design, Layout and Impact on Character and Appearance of the Area

The proposed site must also meet the requirements of CTY 13 and CTY 14 which require all development to visually integrate into the countryside, and that any building is of an appropriate design and will not erode the rural character of the area.

The topography of the application site rises in a northeasterly direction towards the adjoining roadside boundary/curtilage boundary with No.76, whereby the land then falls quite significantly with panoramic views over Antrim Town and Lough Neagh. The dwelling and outbuildings located to the northwest of the application site would not provide any significant degree of enclosure given the change in ground levels whereby they would be partially/totally obscured as a result of the development. It is considered that when travelling north along the Crosskennan Road, the development would lack any backdrop and would appear incongruous within its surroundings and landscape. It is considered that a proposed dwelling and garage would read as a prominent feature within the landscape.

The site benefits from a 1.5m high hedgerow along the eastern (roadside) boundary, however, given the rising ground levels when travelling north along the roadway, the natural boundary will provide little integration/screening for the development. The southern and western boundaries are undefined, thereby allowing direct views of the proposal when travelling north. The proposal would rely heavily on new planting, which would require several years to reach maturity and provide a sufficient level of enclosure for the development.

Locating a dwelling and garage on such an open and exposed site is considered detrimental to the rural character of the surrounding area. Furthermore, the positioning of a development and garage at this location would create a linear form of development within the open countryside, resulting in a suburban style build-up of development. Overall, it is considered the site fails the requirements of CTY 13 and 14.

Neighbour Amenity

As the application seeks outline planning permission, limited details have been provided regarding the proposal, however, it is considered that a dwelling could be sited appropriately so not to have a detrimental impact on the amenity of any existing properties due to separation distances, topography, and existing mature boundary treatments.

Access and Parking

Access to the application site is to be gained from the Crosskennan Road and DfI Roads were consulted regarding the application and responded with no objections, subject to compliance with the attached RS1 Form.

Other Matters

The Environmental Health Section of the Council were consulted regarding the impacts of the proposal in relation to noise and odour, they have responded with no objections to the proposal.

Historic Environment Division were consulted to ascertain if there were any impacts on historic monuments, however, they have responded with no objections.

Due to the elevation of the site in the surrounding landscape Belfast International Airport were consulted regarding the proposal and responded with no objections to the proposal.

CONCLUSION

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

- The principle of the development has been established in accordance with CTY 10 of PPS21;
- It is considered a dwelling could not be accommodated within the site and integrate appropriately within the landscape, eroding the rural character of the area;
- No detrimental impact to neighbouring amenity is considered to occur given the separation distances, changes in ground level and existing boundary treatments;
- There are no road safety concerns with the proposal.

RECOMMENDATION**REFUSE OUTLINE PLANNING PERMISSION****PROPOSED REASONS FOR REFUSAL**

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new buildings would appear as prominent feature within the landscape.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 8 and CTY 14 of Planning Policy Statement 21, in that

a new dwelling, if permitted, would result in a suburban style build-up of development; and the creation of ribbon development along the Crosskennan Road.



Site Location Plan

Application Reference: LA03/2022/0610/O

Site of dwelling and garage on a farm

30m Approx South East of 76 Crosskennan Road, Antrim



Site boundary

1:1,250



PART TWO

GENERAL PLANNING MATTERS

ITEM 3.11

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during October 2022 under delegated powers together with information relating to planning appeals is **enclosed** for Members information.

One (1) appeal was upheld during October by the Planning Appeals Commission (PAC) in relation to LA03/2020/0410/O (PAC 2020/A0135) proposed site for a dwelling and attached domestic garage approximately 200m southeast of 178 Staffordstown Road, a copy of this decision is **enclosed**. One (1) further appeal was dismissed during October by the PAC in relation to LA03/2020/0007/F (2020/A0133) an agricultural building southwest of 17 Whitehill Drive, Randalstown, and a copy of this decision is also **enclosed**.

RECOMMENDATION: that the report be noted.

Prepared by: Stephanie Boyd, Planning and Economic Development Business Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

ITEM 3.12

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). Three (3) PANs were registered during October 2022 the details of which are set out below.

LA03/2022/0862/PAN

Proposed erection of 2no distribution warehouse buildings with ancillary facilities, including parking and landscaping

Land approx. 80m south of 3 Ballyearl, Newtownabbey, BT36 5SW

Montgomery Developments, 607 Antrim Road, Newtownabbey, BT36 4RF

4 October 2022

12 week expiry: 27 December 2022

LA03/2022/0863/PAN

Proposed storage and distribution facility comprising: warehousing, research and development building, offices, steel storage yard, ancillary plant equipment, parking, loading; unloading areas, landscaping and all associated site works. Relocation of existing builders' storage and farm machinery sales yard. Newt right turn land access provided via Nutts Corner Road.

50 Nutts Corner Road, Nutts Corner, Crumlin.

Hannon Group, 21 Brankinstown Road, Aghalee, BT67 0DF.

4 October 2022

12 week expiry: 27 December 2022

LA03/2022/0923/PAN

Development of 2 no. modular bed wards with link corridor to existing hospital; new 2 storey car park containing approx. 210 spaces; modular office building and electrical sub-station

Lands at Antrim Area Hospital, Bush Road, Antrim, BT41 2RL

NHSCT Antrim Area Hospital, Bush Road, Antrim, BT41 2RL

25 October 2022

12 week expiry: 17 January 2023

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

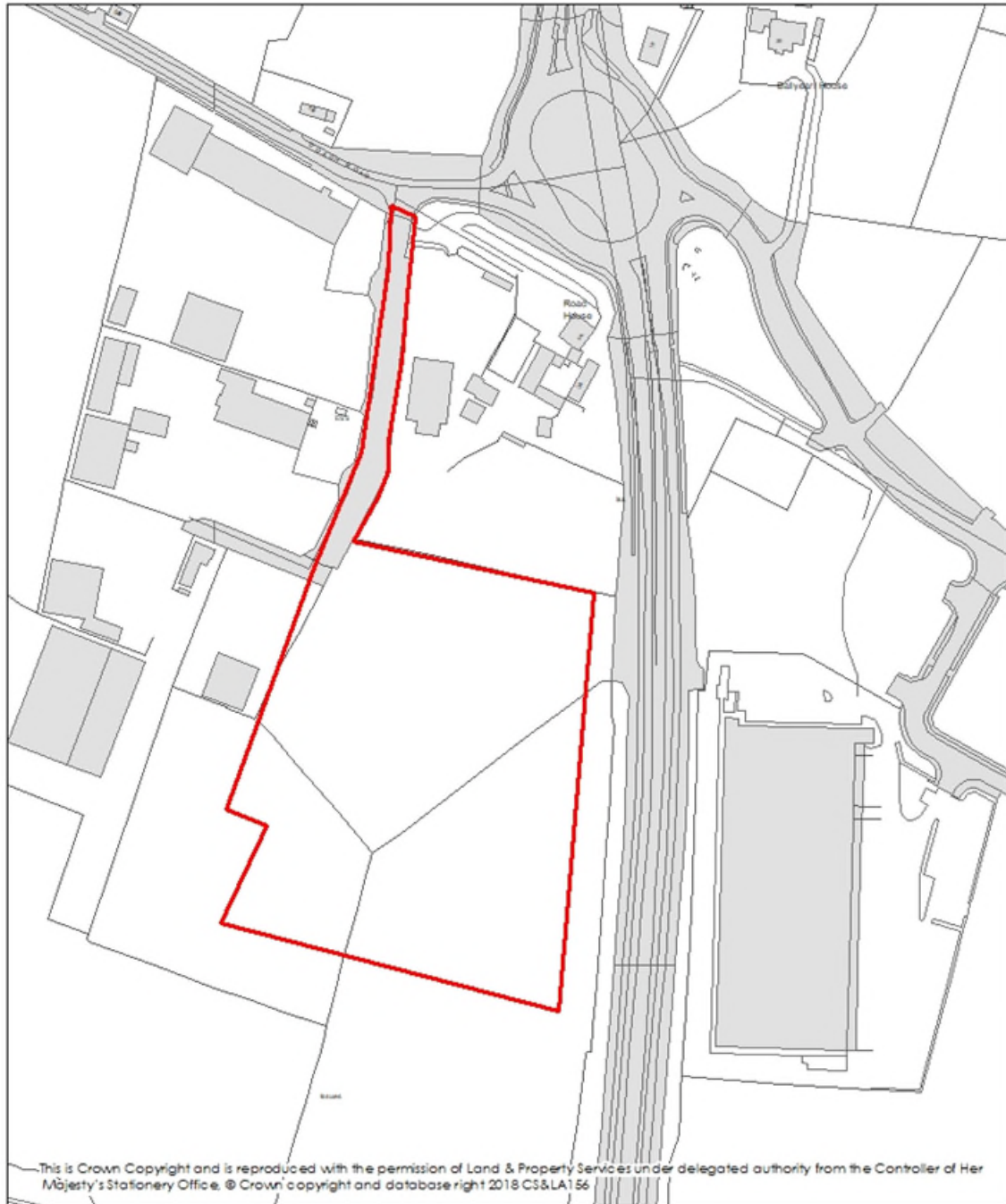
the consultation that has been undertaken regarding the application and detailing how this has influenced the proposal submitted.

RECOMMENDATION: that the report be noted.

Prepared by: Stephanie Boyd, Planning and Economic Development
Business Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning

Approved by: Majella McAlister, Director of Economic Development and
Planning



Site Location Plan


0 15 30 60 90 120 Metres



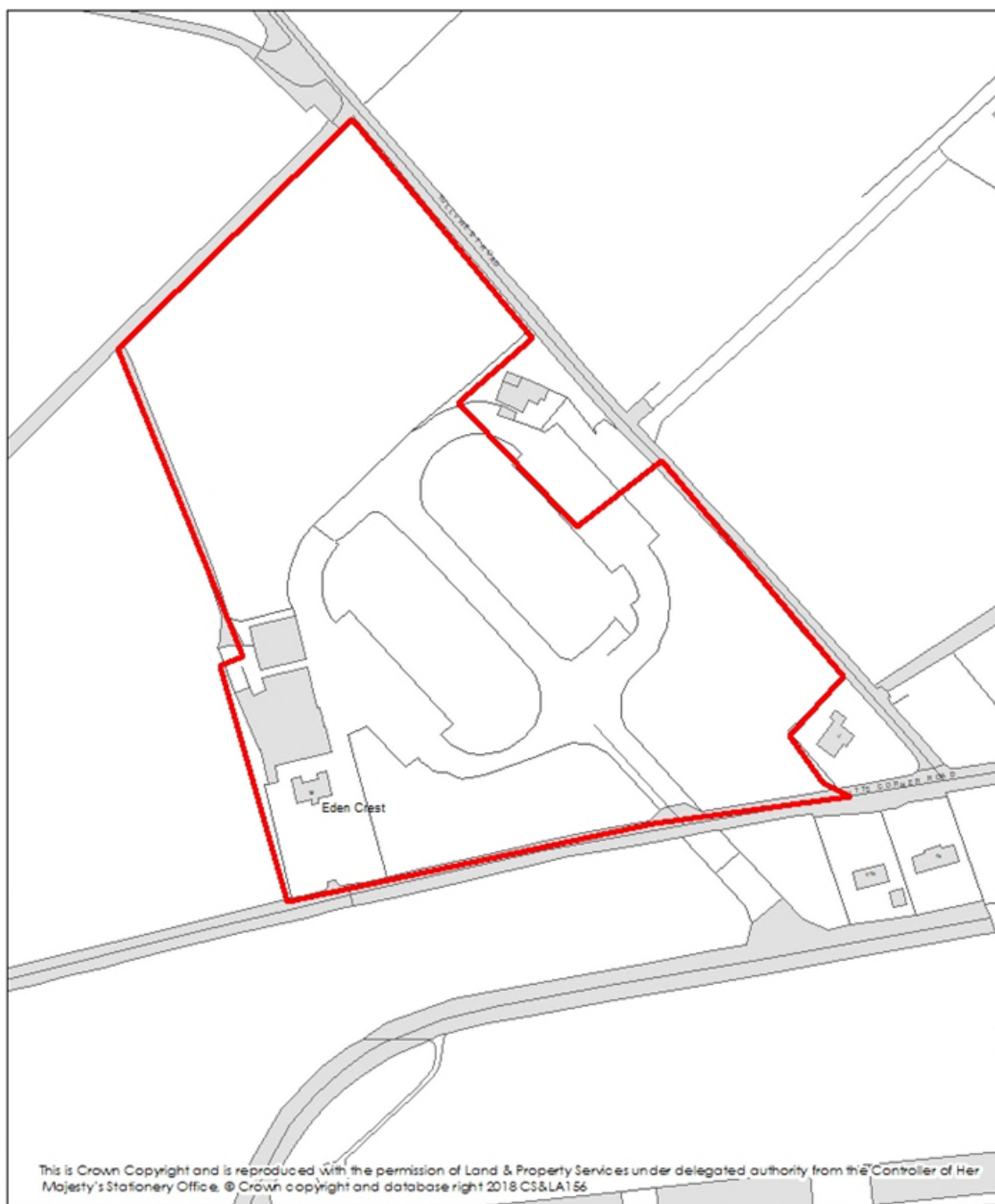
Application Reference: LA03/2022/0862/PAN

Proposal: Proposed erection of 2no distribution warehouse buildings with ancillary facilities, including parking and landscaping

Location: Land approx. 80m South of 34 Ballynure Road
Ballyearl, Newtownabbey, BT36 5SW

 Site boundary






Site Location Plan

Application Reference: LA03/2022/0863/PAN

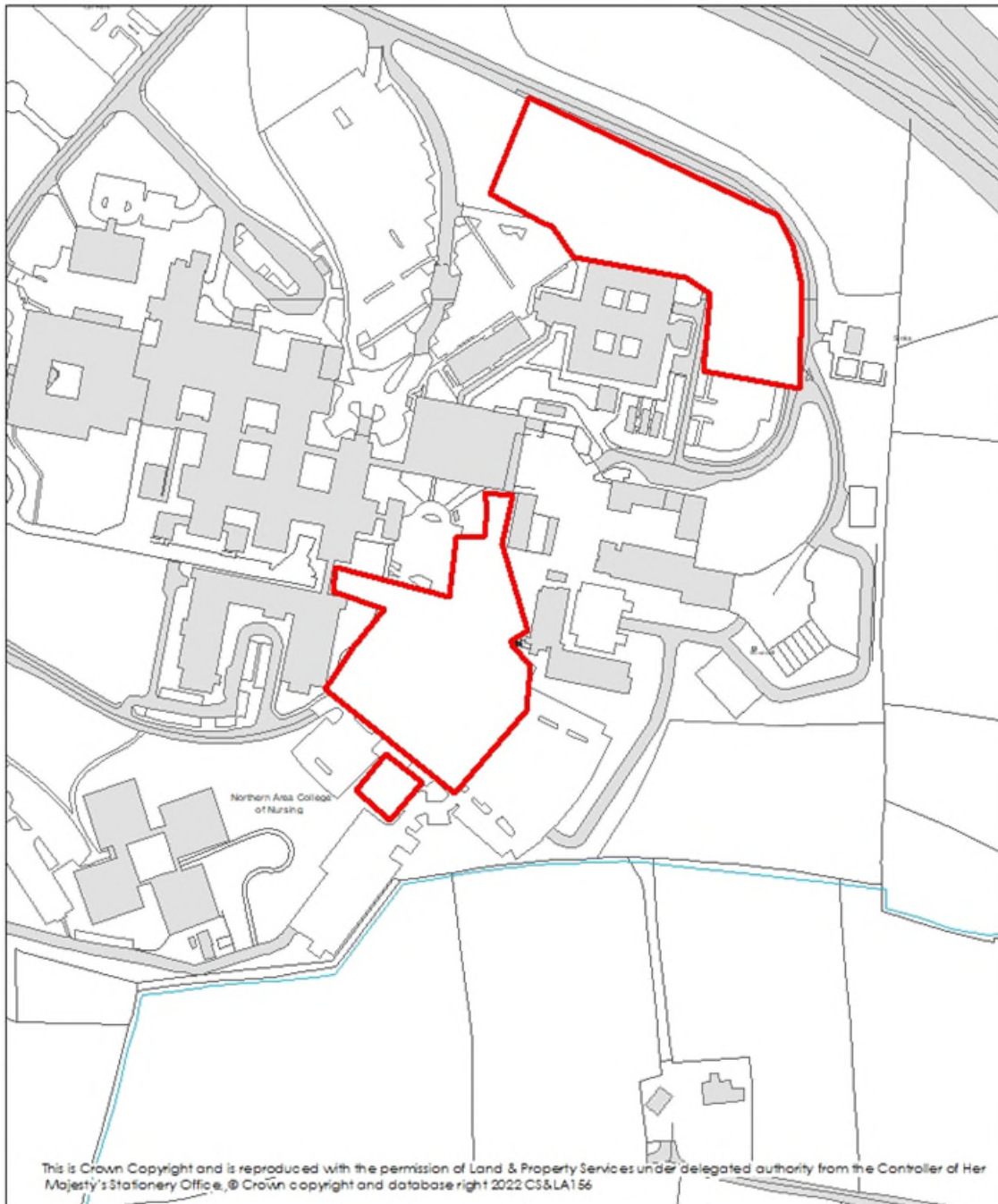
Proposal: Storage and distribution facility

Location: 50 Nutts Corner Road,
Nutts Corner, Crumlin


0 15 30 60 90 120 Metres

 Site boundary





Planning Application Reference: LA03/2022/0923/PAN

Scale: 1:2500 

Location: Lands at Antrim Area Hospital, Bush Road, Antrim, BT41 2RL

 Site Location

Proposal: Development of 2 no. modular bed wards with link corridor to existing hospital; new 2 storey car park containing approx. 210 spaces; modular office building and electrical sub-station



ITEM 3.13

P/PLAN/012/VOL2 PLANNING PORTAL GOVERNANCE BOARD

As advised previously work is ongoing on the delivery and implementation of the new Northern Ireland Planning Portal which will replace the current Northern Ireland Public Access.

The Department has advised at a meeting held on 11 November that the system is ready for 'go live'. The date is scheduled for 5 December 2022.

As previously reported there will be system downtime to facilitate the transition from the current system to the Planning Portal. The Portal closes on 18 November with read only access for both Planning Staff and the public. Training is currently being rolled out for staff and Members on the new Portal.

In order to ensure a consistent approach to the publication and availability of planning information for all citizens in NI the Planning Senior Administrative Officer Group, which includes representation from Mid Ulster District Council, have now reviewed the position and are proposing a Planning Publication Policy (copy **enclosed**) which is consistent across all Councils.

Additionally, the Planning Section has reviewed its Privacy Notice to ensure that all persons using the Planning Service are aware of our policy. A copy has been **enclosed**.

RECOMMENDATION: that the report be noted.

Prepared by: Kathryn Bradley, Economic Development and Planning
Business Support Manager

Approved by: Sharon Mossman, Deputy Director of Planning

ITEM 3.14

P/PLAN/1 DEPARTMENT FOR INFRASTRUCTURE (Dfi) PUBLIC CONSULTATION ON VALIDATION CHECKLISTS FOR PLANNING APPLICATIONS

Correspondence (enclosed) has been received from the Department for Infrastructure regarding the announcement of a public consultation on the introduction of a statutory power for Councils and the Department to provide validation checklists for planning applications. The consultation closes on 6 January 2023 and a copy of the consultation is enclosed for information.

Validation checklists will aim to improve the quality of applications being submitted and speed up the overall processing times for applications.

It has been well recognised by the Northern Ireland Audit Office and the Public Accounts Committee that there is a need to review the current validation system, which has a low bar in terms of information to be submitted to progress an application. In addition, it is the experience of Officers that a stronger validation system supported by legislation would be beneficial in relation to progressing applications.

The proposal includes amending The Planning (General Development Procedure) Order (NI) 2015 to allow a planning authority to prepare and publish checklists above the current minimum statutory requirements which would remain unchanged, setting out the additional supporting information/evidence which would be required to accompany different types of planning application. There will be some flexibility for individual Councils to take an approach that suits their local area and planning issues. In addition, the consultation raised the issue of validation disputes. This is where the applicant disputes whether the application is valid. Similar provision is made in England and Wales and the Department recommends a similar procedure in Northern Ireland to reduce the risk of Judicial Review. Further details on the options available is set out in the enclosed consultation report.

Officers consider that the introduction of validation checklists will be of benefit to the delivery of planning applications and consider that a corporate response should issue welcoming the amendment to legislation. Should the legislation be amended consideration will be given to the content of the Councils new validation checklist.

RECOMMENDATION: that Council welcomes the introduction of validation checklists and amended legislation.

Prepared by: Stephanie Boyd, Planning and Economic Development
Business Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

ITEM 3.15

P/PLAN/1 DEPARTMENT FOR INFRASTRUCTURE (Dfi) PUBLIC CONSULTATION TO PLANNING PERMITTED DEVELOPMENT RIGHTS TO PROTECT THE ENVIRONMENT

The Department for Infrastructure opened a consultation on proposed changes to the Permitted Development Rights for Domestic Microgeneration Equipment and Reverse Vending Machines (**enclosed**) on 27 October 2022. The consultation seeks views on proposals to revise permitted development rights for the installation of domestic microgeneration equipment such as heat pumps and provide new permitted development rights for reverse vending machines.

Full details of the consultation and a link to the survey are available at: <https://www.infrastructure-ni.gov.uk/consultations/consultation-changes-planning-permitted-development-rights-protect-environment-and-help-address>

The survey will be open until **5pm on Friday 23 December 2022.**

Members may wish to respond on a corporate, individual or party political basis.

Members instructions are requested.

Prepared by: Stephanie Boyd, Planning and Economic Development Business Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

ITEM 3.16

P/FP/LDP/5 LOCAL DEVELOPMENT PLAN (LDP) UPDATE - DRAFT LOCAL POLICIES PLAN – PROJECT PLAN

Members are reminded that the Council's Planning Section's Forward Planning Team has commenced work on the next stage of the Local Development Plan (LDP) process, the draft Local Policies Plan (LPP). This Plan will set out the site-specific proposals, local policy designations and reasoned proposals for uses of land that will be required to deliver the vision, objectives, spatial strategy and strategic policies that are defined in the Council's Draft Plan Strategy (DPS).

Officers discussed a preliminary LPP Project Plan at the reconvened LDP Members Steering Group which took place on 11 November 2022.

It is proposed to hold a LDP Members workshop to provide a high level overview of the next stage of the Local Development Plan process. A date will issue to all Elected Members and papers will be circulated in advance.

DfI Updates

Correspondence has been received from the Department for Infrastructure (DfI) with regard to:

- (a) Final Draft, Development Plan Practice Note 11, 'Receipt of Independent Examination Report and Adoption of a Development Plan Document' (October 2022) – **enclosed**. This guidance relates to the key requirements for the adoption of Development Plan Documents and deals primarily with procedures as well as good practice.;
- (b) NI Minerals Group - Mr. Alistair Beggs (DfI, Director of Strategic Planning Directorate) – **enclosed**. Following the DfI recommendation that this group be reconvened to assist in the collection of returns on annual mineral statement to the Department of the Economy (DfE), a meeting of the reconvened group took place on 17 November 2022 hosted by Mid and East Antrim Borough Council.

RECOMMENDATION: that the report be noted, and that a Members workshop be arranged to provide a high level overview of the Local Policies Plan.

Prepared by: Simon Thompson, Principal Planning Officer (Interim)

Agreed by: Sharon Mossman, Deputy Director of Planning

Approved by: Majella McAlister, Deputy Chief Executive of Economic Development and Planning

PART TWO
OTHER PLANNING MATTERS – IN CONFIDENCE

ITEM 3.17

**P/PLAN/1 PLANNING APPEALS COMMISSION (PAC) AND DfI RESPONSE TO
PLANNING APPEAL – IN CONFIDENCE**

ITEM 3.18

**P/PLAN/1 LA03/2022/0418/O - LANDS APPROX. 50M SOUTH EAST OF 15
CROSSHILL ROAD, CRUMLIN, BT29 4BQ – IN CONFIDENCE**

Delegated Planning Applications Decisions Issued
From: 01/10/2022 To: 31/10/2022

Reference Number	Applicant Name & Address	Location	Proposal	Application Status	Date Decision Issued
LA03/2021/0136/F	Hill Power Ltd Fairbank 108a Silesia Dhoo Tromode Douglas Isle of Man M2 5LD	Lands 500m North of 63 Boghill Road Newtownabbey BT36 4QS	Replacement of existing wind turbine (51.5m hub height and 65m tip height) approved under U/2012/0372/F with a V52 wind turbine up to 51.0m hub height and up to 77.9m tip height, electrical cabinets, hardstanding area and all other associated and ancillary works	PERMISSION GRANTED	25/10/2022
LA03/2021/0470/O	Alan Brown 42 Carmavy Road Nutts Corner Crumlin BT29 4YU	6 Laurel Lane Belfast	Site for replacement dwelling	OUTLINE PERMISSION GRANTED	24/10/2022
LA03/2021/0839/F	Lotus Homes (UK) Ltd The Factory 184 Newry Road Banbridge BT32 3NB	Lands at 25 Randalstown Road (including Unit 41 Antrim Business Park) north of Units 30-31 Antrim Business Park north west of 1 Atlantic Avenue south west of 14-18 Ferrard Green and south east of ASDA superstore Antrim	Proposed residential development of 47 no. dwellings (7 no. detached, 30 no semi- detached and 10 no. apartments), garages, open space and landscaping and all other associated site and access works	PERMISSION GRANTED	07/10/2022

LA03/2021/0898/LBC	National Trust Rowallane Garden Crossgar Road Saintfield BT24 7LH	Patterson's Spade Mill 751 Antrim Road Templepatrick BT39 0AP	Repair works required to 2no. areas of Mill Pond bank due to defective stone walls which have resulted in areas of the earth bank washing away. Proposed works consist of the excavation of silt build up from mill pond bed and diversion gateway and deposit to side of river bank. Excavation of earth to rear of defective walls and sides of bank. Defective sections of wall to be retained in situ. Clay material to be imported and positioned to front, top and behind existing stone wall and shaped to provide suitable bank. A new silt screen is to be installed to the existing sluice gate as part of the works.	CONSENT GRANTED	13/10/2022
LA03/2021/0966/F	Robert Gilliland 458 Antrim Road Newtownabbey BT36 5DA	Approx 10m South West of 458 Antrim Road (Access from Burneys Lane) Newtownabbey BT36 5DA	1 No. New Dwelling and Garage	PERMISSION GRANTED	31/10/2022
LA03/2021/1095/F	Wilson & Mawhinney Ltd 73 Liminary Road Ballymena BT42 3HN	156m west of 101 Belfast Road and 30m south of 1 Ballycraig Drive Antrim	20 no. dwellings for social housing including 16 no. semi detached, 4 no. apartments, landscaping, open space, car parking and all associated site and access works (amendment to previous planning permission LA03/2019/0291/F)	PERMISSION GRANTED	11/10/2022
LA03/2022/0008/F	JFM Construction 75 Loughbeg Road Toomebridge BT41 3TS	Lands 20m south of 10 Railway Road and 20m West of 1-11 (odds) Loughview Drive Toomebridge	Erection of residential development comprising 7no detached dwellings and 4no semi detached dwellings, landscaping, access and associated site works (10no units access via development under construction 50m south west of 37 Main Street and 1no unit accessed from Loughview Drive) (Amended and reduced proposal)	PERMISSION GRANTED	31/10/2022

LA03/2022/0011/F	Mr F Courtney 71 Rathmore Road Antrim BT41 2HX	10m South West of 71 Rathmore Road Antrim	Dwelling for business employee (Removal of condition 4 from T/2011/0075/O and condition 2 from planning approval T/2012/0087/RM relating to the occupation of the dwelling)	PERMISSION GRANTED	17/10/2022
LA03/2022/0016/F	National Trust Rowallane Garaden Crossgar Road Saintfield BT24 7LH	Patterson's Spade Mill 751 Antrim Road Templepatrick County Antrim BT39 0AP	Repair works required to 2 no. areas of Mill Pond bank due to defective stone walls resulting in areas of the earth bank washing away. Proposed works consist of the excavation of silt build up from mill pond bed and diversion gateway and deposit to side of river bank. Excavation of earth to rear of defective walls and sides of bank. Defective sections of wall to be retained in situ, repairs to be undertaken as necessary, repointing and building dependant on level required following investigation when mill pond is drained. Clay material to be imported and positioned to front, top and behind existing stone wall and shaped to provide suitable bank. A new silt screen is to be installed to the existing sluice gate as part of the works. Care will be taken throughout works to prevent potential collapse of existing walls.	PERMISSION GRANTED	10/10/2022
LA03/2022/0114/F	Kilmoon Trading Ltd 48 Drumbane Road Swatragh Maghera BT46 5NR	50m East of No. 266 Belfast Road Dunadry BT41 2RY	Proposed 2 no. replacement dwellings, garages and all associated site works	PERMISSION GRANTED	18/10/2022
LA03/2022/0173/F	Ms Claire McGlinchey 132 Doagh Road Newtownabbey BT37 9QR	Garden to the rear of 132 Doagh Road Newtownabbey BT37 9QR	Construction of two storey dwelling house with access proposed access onto Friars Wood, with off street parking provided.	PERMISSION GRANTED	18/10/2022

LA03/2022/0176/F	Schrader Electronics Ltd, Sensata Technologies Co. And JH Tu James Park Mahon Road Portadown BT62 3EH	Lands 310m East of RLC Global Point Avenue Global Point Business Park Newtownabbey BT36 5TB	Proposed research and development facility comprising of a mix of design labs, workshops, car bays, vehicle demo garage, HGV garage, technical plant, salt room, staff facilities, ancillary facilities, including access point, car parking, landscaping and all associated site works	PERMISSION GRANTED	11/10/2022
LA03/2022/0201/DC	Ballyutoag Wind Farm Ltd C/O TCI Renewables Limited The Old Throne Hospital 244 Whitewell Road Belfast BT36 7EN	Land approximately 1km North of No. 71 Ballyutoag Road Belfast Co Antrim BT14 8SS	5 wind turbines (Discharge of Condition 15 of T/2014/478/F regarding submission of bird monitoring programme)	CONDITION NOT DISCHARGED	20/10/2022
LA03/2022/0202/DC	Ballyutoag Wind Farm Ltd C/O TCI Renewables Limited The Old Throne Hospital 244 Whitewell Road Belfast BT36 7EN	Land approximately 1km North of No. 71 Ballyutoag Road Belfast Co Antrim BT14 8SS	5 wind turbines (Discharge of Condition 19 of T/2014/478/F regarding submission of final habitat management plan)	CONDITION NOT DISCHARGED	20/10/2022
LA03/2022/0205/F	Mr K McMaw 190 Hillhead Road Ballyclare BT39 9LP	Hillhead Sheds 190 Hillhead Road Ballyclare BT39 9LP	Materials storage shed	PERMISSION GRANTED	31/10/2022
LA03/2022/0215/F	Paul Edward Black 6 Oaklands Meadows Newtownabbey BT37 0XN	6 Oaklands Meadow Newtownabbey BT37 0XN	Retention of building as a storage unit (Amended Description)	PERMISSION GRANTED	31/10/2022
LA03/2022/0248/F	Education Authority Ballee Centre Ballymena BT42 2HS	Rathcoole Primary School 36 Derrycoole Way Newtownabbey BT37 9EL	New car park and drop off/pick up area including widening of existing entrance from Derrycoole Way, new entrance gates and pillars and provision of additional 1.8m high Paladin fencing within site (amended description)	PERMISSION GRANTED	27/10/2022

LA03/2022/0257/O	Mr & Mrs Martin Wilson 10 Ballycorr Heights Ballycorr Road Ballyclare BT39	Approx 50m North East of 174 Ballycorr Road Ballyclare BT39 9DF	Site for dwelling and garage on a farm	OUTLINE PERMISSION GRANTED	18/10/2022
LA03/2022/0294/F	Brayfield Developments Ltd. 739 Antrim Road Belfast BT15 4EL	Lands 137m East of 11 Aspen Park Monkstown Road Newtownabbey BT36 6AL	Erection of 3 dwellings (change of house type to sites 20-25 of planning permission LA03/2017/0061/F, with a reduction of 3 dwellings) and all other associated site works.	PERMISSION GRANTED	19/10/2022
LA03/2022/0309/DC	Clyde Shanks Second Floor 7 Exchange Place Belfast BT1 2NA	Lands adjacent to the north west of Ballyclare including lands bounded by Cogry Road/Rashee Road north of Ross Avenue/Clare Heights and north east and west of Ballyclare Rugby Club	Northern Section of Ballyclare Relief Road and Associated Works (Discharge of Condition 6 from Planning approval LA03/2018/1116/RM regarding submission of construction environmental management plan)	CONDITION NOT DISCHARGED	14/10/2022
LA03/2022/0313/F	Lambros & Louise Petrou 3 Neills Lane Greenisland BT38 8UD	3 Neills Lane Greenisland BT38 8UD	Demolition of existing outbuildings. Erection of dwelling and detached garage/gym and associated site works.	PERMISSION GRANTED	19/10/2022
LA03/2022/0314/F	Session & Committee of Greystone Road Presbyterian Church 2 Brantwood Gardens Antrim BT41 1HP	2 Brantwood Gardens Antrim BT41 1HP	Alteration and extensions to dwelling including replacement garage and boundary wall and change to vehicular and pedestrian access	PERMISSION GRANTED	17/10/2022
LA03/2022/0347/F	Bangor West Ltd Block D 17 Heron Road Belfast BT3 9LE	Lands situated between Fountain Hill and Stiles Way adjacent and south of former Antrim Cineplex 1 Fountain Hill and immediately north of Crossreagh Drive Antrim	Proposed erection of 16 no. dwellings (12 no semi-detached and 4 no. apartments), car parking, landscaping and open space and all associated site works (amendment to previous approval LA03/2020/0856/F)	PERMISSION GRANTED	10/10/2022

LA03/2022/0360/F	Brian Boyd 33 New Street Randalstown BT41 3AF	4 Craigstown Road Randalstown BT41 2AF	2 Detached houses, replacing existing detached house	PERMISSION GRANTED	18/10/2022
LA03/2022/0364/F	KCS Ltd 26 Garvagh Road Kilrea BT51 5QP	308-310 Ballyclare Road Newtownabbey BT36 4SP	Change of use from retail unit to hot food unit, and conversion of 2No. retail units into 1No. unit and associated development	PERMISSION GRANTED	31/10/2022
LA03/2022/0369/F	Titan Containers Litauen Alle 9 DK2630 Taastrup Denmark	Land 20m east of McKinney Road and 30m south of no 52A Mallusk Road and north of no 12 Mallusk Road Newtownabbey	Retrospective application for the erection of a dedicated self storage yard comprising of 20ft storage containers with integrated solar panels to the roof and ancillary office accommodation, open depot and storage area, ancillary car parking, and all associated site works	PERMISSION GRANTED	11/10/2022
LA03/2022/0370/LDE	Paul Russell 135 Hillsborough Road Lisburn BT27 5QY	6 Ballynadrentagh Road Crumlin BT29 4AP	Storage shed for roofing company within building A	DEVELOPMENT CERTIFIED	13/10/2022
LA03/2022/0452/F	Paul Toner 27 Feumore Road Deer Park Aghagallon BT28 2LH	Approximately 60m North East of 84 Largy Road Crumlin BT29 4RS	Proposed retention of temporary site cabin and storage shed, to include two steel shipping containers, used as storage and dry work areas (Amended Description)	PERMISSION GRANTED	17/10/2022
LA03/2022/0468/F	John & Robyn Rafferty 660 Shore Road Newtownabbey BT37 0PR	660 Shore Road Newtownabbey BT37 0PR	Repairs to external envelope of dwelling, perimeter fencing and walls, driveway alterations, front and rear extensions and replacement entrance porch	PERMISSION GRANTED	17/10/2022
LA03/2022/0543/F	T J Hood Transport LTD 28 Crosshill Road Crumlin BT29 4BH	28 Crosshill Road Crumlin	Retention of workshop for maintaining trailers for haulage company (amended description)	PERMISSION GRANTED	13/10/2022

LA03/2022/0563/O	Pat McKavanagh 102 Moira Road Crumlin BT29 4HG	50m North of 90 Moira Road Crumlin BT29 4HD	Proposed dwelling and garage on a farm	OUTLINE PERMISSION GRANTED	18/10/2022
LA03/2022/0590/F	Hireco 1-4 Herdman Channel Road Belfast BT3 9LG	43 Mallusk Road Newtownabbey BT36 4PP	Conversion from storage/warehouse units to office accommodation and first floor office area and associated parking	PERMISSION GRANTED	21/10/2022
LA03/2022/0606/NMC	Mr and Mrs R Heron 36 Kingsmoss Road Newtownabbey BT36 4TN	36m west of 36 Kingsmoss Road Newtownabbey BT36 4TN	Non-material change to LA03/2019/0975/F (Proposed Dwelling); Realignment of eastern boundary of site to broadly follow and retain the existing natural boundary; and reduce the approved curtilage of the dwelling	NON MATERIAL CHANGE ACCEPTED	13/10/2022
LA03/2022/0611/F	Vaughan Homes Ltd. Aercon Works 555 Antrim Road Newtownabbey BT36 4RF	Site 1 St Saviours Gate adjacent to and approximately 30m South West of 1 Parkgate Road Parkgate Ballyclare BT39 0FN	Erection of a Dwelling (Change of house type design for site no.1 from that previously approved under planning permission ref: LA03/2016/1081/F)	PERMISSION GRANTED	10/10/2022
LA03/2022/0626/F	Mr Warren McBride 20 Umgall Road Nutts Corner Crumlin BT29 4UJ	Lands 25m North West of 20 Umgall Road Nutts Corner Road Crumlin BT29 4UJ	Dwelling and garage on a farm	PERMISSION GRANTED	13/10/2022

LA03/2022/0629/DC	MKA Planning Ltd 32 Clooney Terrace Waterside Derry/Londonderry BT47 6AR	Lands 166 metres North West of no. 10 Reahill Road Newtownabbey	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. (Discharge of Condition 3 from planning approval LA03/2018/0918/F regarding submission of Archaeological Report and Condition 5 regarding submission of Landscaping Scheme)	CONDITION NOT DISCHARGED	20/10/2022
LA03/2022/0631/RM	Paul Butler 5 Glencourt Road Newtownabbey BT36 5GD	Rear of 5 Ballyrobert Road Ballyrobert	Proposed dwelling and garage	RESERVED MATTERS GRANTED	13/10/2022
LA03/2022/0651/F	David Sinnamon Centra 74 Oriel Road Antrim BT41 4HR	Centra 74 Oriel Road Antrim BT41 4HR	Alterations and construction of an extension to the rear of the existing shop and alterations to the facade	PERMISSION GRANTED	28/10/2022
LA03/2022/0655/F	Mrs Mary Cassidy 3 Carnhill Road Newtownabbey BT36 6LA	3 Carnhill Road Newtownabbey BT36 6LA	Proposed single storey granny flat extension to rear/side of existing dwelling	PERMISSION GRANTED	17/10/2022

LA03/2022/0657/F	Kenny Homes 24 Carntall Road Newtownabbey BT36 5SQ	20m South of 91 Carntall Road Newtownabbey BT36 5SD	Erection of dwelling (Change of house type from previously permitted design LA03/2020/0325/RM)	PERMISSION GRANTED	11/10/2022
LA03/2022/0659/F	Brian McKernan 11 Greenvale Terrace Ballyclare BT39 9XU	11 Greenvale Terrace Ballyclare	Retrospective planning for garden room in side garden	PERMISSION GRANTED	10/10/2022
LA03/2022/0660/DC	TSA Planning 20 May Street Belfast BT1 4NL	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	Housing development comprising 43 No. dwellings (Discharge of Condition 3 from planning approval LA03/2015/0173/F regarding implementation of Flood Risk Assessments)	CONDITION NOT DISCHARGED	13/10/2022
LA03/2022/0664/O	Miss A Griffin 48A Loughbeg Road Toomebridge BT41 3TN	100m South West of no 48A Loughbeg Road Toomebridge	Site for infill dwelling	OUTLINE PERMISSION GRANTED	18/10/2022
LA03/2022/0666/F	Cornerstone Hive 2 1530 Arlington Business Park Berkshire RG7 4SA	On footpath approximately 22m SW from junction of Forthill Drive and Fairview Road and adjacent to Spar No. 76 Fairview Road Newtownabbey BT36 6QN	Proposed replacement and relocation of existing 12.5m telecommunications column, with a 20m column (approximately 10m SW of existing location). Proposal includes the provision of 2 no. new equipment cabinets and associated ground works.	PERMISSION GRANTED	13/10/2022
LA03/2022/0667/O	Brian McKeown 13 Whitehill Drive Randalstown BT41 2EH	Approx. 70m South West of 9 Whitehill Drive Randalstown	Site of dwelling and garage (CTY2A)	OUTLINE PERMISSION GRANTED	25/10/2022

LA03/2022/0669/F	Philip Orr 20 Farmley Crescent Glengormley BT36 7TX	30 Farmley Crescent Glengormley Co Antrim BT36 7TX	Removal of existing garage and shed and erection of new double garage to include workshop, storage and entertainment space.	PERMISSION GRANTED	13/10/2022
LA03/2022/0672/F	Marianna McBride 10 Langley Hall Newtownabbey BT37 0FB	10 Langley Hall Newtownabbey BT37 0FB	Conversion of existing ground floor garage into habitable living space with access to existing first floor bedroom & WC.	PERMISSION GRANTED	10/10/2022
LA03/2022/0680/F	Emma Murray Largy Cottages 7 Largy Road Crumlin BT29 4RU	7 Largy Cottages Largy Road Crumlin BT29 4RU	Single storey side/rear extension	PERMISSION GRANTED	17/10/2022
LA03/2022/0683/LDE	SiEnergy 1 Davies Road Newtownstewart	Approx. 1km North of No. 71 Ballyutoag Road Belfast Co. Antrim BT14 8SS	42.25m2 concrete base/Hardstand for the provision of a Anemometer/Wind Monitoring Mast and Associated Hardstanding	DEVELOPMENT CERTIFIED	19/10/2022
LA03/2022/0684/F	Mr Harry Mercer 59 The Brackens Newtownabbey BT36 6SH	Lands approx. 50m NW of No.2 Holystone Road Doagh Ballyclare BT39 0SB	Proposed erection of 2 No. dwellings with integral garages and associated siteworks	PERMISSION GRANTED	31/10/2022
LA03/2022/0686/O	Mr Dominic Totten 121 Staffordstown Road Randalstown BT41 3LH	121 Staffordstown Road Randalstown BT41 3LH	Proposed dwelling to rear of 121 Staffordstown Road	OUTLINE PERMISSION GRANTED	31/10/2022
LA03/2022/0698/F	Paul McErlain 90 Roguery Road Toomebridge BT41 3PT	50m North West of 90 Roguery Road Toomebridge BT41 3PT	Site for dwelling and garage (variation of condition 6 from planning approval LA03/2021/1031/O to change ridge height limit from 5.5m to 7m)	PERMISSION REFUSED	24/10/2022

LA03/2022/0705/LDP	Buildrite C&M Ltd 8 Dunadry Road Dunadry	Land immediately north of Ballytweedy House 150 Seven Mile Straight Antrim	Proposed completion of dwelling and access approved under T/2002/0761/O and T/2005/1088/RM	DEVELOPMENT CERTIFIED	28/10/2022
LA03/2022/0707/DC	Choice Housing Ireland Ltd 37-41 May Street Belfast BT1 4DN	Site 30m west of 9 & 11 Old Mill Drive Newtownabbey BT36 7XP	Development of 1no. 5 bedroom complex needs bungalow and associated access, landscaping and site works (Discharge of Condition 7 from approval LA03/2020/0024/F regarding submission of planting plan)	CONDITION DISCHARGED	31/10/2022
LA03/2022/0709/F	Samuel Andrew McKittrick 10 Millbank Lane Omagh Co Tyrone BT79 7YD	20 Bush Manor Antrim BT41 2UA	Change of use of house from ordinary domestic to house of multiple occupancy	PERMISSION GRANTED	17/10/2022
LA03/2022/0711/F	Beechview Developments Ltd 5 Larne Road Ballynure BT39 9UA	16 and 17 Carnbank Templepatrick BT39 0FB	Retention of 2 no. domestic garages and all associated site works	PERMISSION GRANTED	28/10/2022
LA03/2022/0714/DC	Clyde Shanks Planning Development Second Floor 7 Exchange Place Belfast BT1 2NA	Castle Upton Antrim Road Templepatrick BT39 0AH	Refurbishment, alterations and two storey extension to existing dwelling (Discharge of Condition 2 of planning approval LA03/2019/1061/F regarding the submission of a Fire Safety Strategy and Method Statement.)	CONDITION NOT DISCHARGED	20/10/2022
LA03/2022/0716/A	Antrim Gospel Hall 3 Lough Road Antrim BT41 4DG	Antrim Gospel Hall 3 Lough Road Antrim BT41 4DG	1- Church name replacement over building entrance. 2 - New digital display notice board to replace existing.	CONSENT GRANTED	21/10/2022
LA03/2022/0720/F	Alexander Bell 66 Gloverstown Road Toomebridge BT41 3RB	66 Gloverstown Road Toomebridge BT41 3RB	Single storey extension to rear, right hand side of bungalow to provide dining/living room space	PERMISSION GRANTED	18/10/2022

LA03/2022/0724/F	Hartley Hall Developments 19 Church Road Portadown BT36 5HT	Land 137m North-West of no 27 Hartley Hall Avenue Greenisland	Erection of dwelling and garage (revised house type to site 162 from previously approved ref LA03/2015/0054/RM)	PERMISSION GRANTED	10/10/2022
LA03/2022/0735/F	Mr Thomas Stewart 86 Lurgan Road Crumlin BT29 4QE	86 Lurgan Road Crumlin BT29 4QE	Proposed new driveway access alteration including infilling and raising of ground level of side garden to create lawn area (Retrospective)	PERMISSION GRANTED	18/10/2022
LA03/2022/0737/RM	Caroline Armstrong Riverdale House 54-56 Ballybentragh Road Dunadry BT41 2HJ	54 Ballybentragh Road Dunadry Antrim BT41 2HJ	Proposed replacement dwelling and garage	RESERVED MATTERS GRANTED	19/10/2022
LA03/2022/0745/F	Mr and Mrs P Gass 40b Ballynoe Road Antrim BT41 2QX	40b Ballynoe Road Antrim BT41 2QX	Single storey side extension with internal refurbishment and associated external works to existing dwelling.	PERMISSION GRANTED	17/10/2022
LA03/2022/0746/F	Mr R Teeney 21 Sixmile Manor Ballyclare BT39 9US	21 Sixmile Manor Ballyclare BT39 9US	Proposed side and rear extension to existing dwelling	PERMISSION GRANTED	28/10/2022
LA03/2022/0748/LDP	Buildrite C&M Ltd 8 Dunadry Road Antrim BT41 2RR	Lands to the rear of No. 144 Seven Mile Straight Antrim	Proposed completion of dwelling and access approved under application T/2008/0555/F	DEVELOPMENT NOT CERTIFIED	13/10/2022
LA03/2022/0749/A	Jill Jones Bridal 1 Rashee Road Ballyclare BT39 9HJ	1 Rashee Road Ballyclare BT39 9HJ	Shopfront sign with backlight illumination to lettering	CONSENT GRANTED	19/10/2022
LA03/2022/0756/F	The Select Vestry C/o St John's Church The Vicarage 30 Crumlin Road Glenavy Crumlin BT29 4LG	St John's Church 110 Main Street Crumlin BT29 4UU	Extension to rear to provide accessible WC and amenities.	PERMISSION GRANTED	18/10/2022

LA03/2022/0760/F	Mr and Mrs Ed Gribbon 2 Moyra Road Doagh Ballyclare BT39 0SD	2 Moyra Road Doagh Ballyclare BT39 0SD	Proposed detached single garage	PERMISSION GRANTED	17/10/2022
LA03/2022/0761/F	Wilden Construction Block 2 Quayside Business Park Mill Street Dundalk A91 N26Y	Lands at 319-321 Loughshore Manor Shore Road Newtownabbey BT37 9RZ (West of Loughshore Manor)	Retention of road side fence	PERMISSION GRANTED	13/10/2022
LA03/2022/0765/F	Rosaleen Gilmore 51 Glebe Road West Glengormley BT36 6EH	51 Glebe Road West Glengormley BT36 6EH	Single storey rear extension	PERMISSION GRANTED	18/10/2022
LA03/2022/0767/F	Jarvis UK & Ireland 16 Ballycraigy Road Antrim BT41 1PL	16 Ballycraigy Road Antrim BT41 1PL	Proposed extension, alterations and refurbishment of existing factory	PERMISSION GRANTED	18/10/2022
LA03/2022/0772/F	David Jackson 78 Parklands Antrim BT41 4NH	78 Parklands Antrim BT41 4NH	Double storey side extension comprising ground floor garage and utility room and first floor bedroom and dressing room	PERMISSION GRANTED	18/10/2022
LA03/2022/0777/F	Mr and Mrs D Hurley C/o 14 Budore Road Stoneyford Lisburn BT28 3SZ	Lands approx. 210m North West of 33 Largy Road Crumlin BT29 4RN	Proposed dwelling and garage (Change of house type to that previously approved under T/2011/0503/RM)	PERMISSION GRANTED	11/10/2022
LA03/2022/0778/F	Vaughan Homes Ltd. Aercon Works 555 Antrim Road Newtownabbey BT36 4RF	Lands approx. 30m West of 61 Belfast Road Nutts Corner Crumlin BT29 4TJ	Proposed Dwelling (change of house type from that previously approved under application reference LA03/2019/0396/F)	PERMISSION GRANTED	31/10/2022

LA03/2022/0779/F	Mr & Mrs Heffron 89 Magheralane Road Randalstown Antrim BT41 2PA	89 Magheralane Road Randalstown Antrim BT41 2PA	Proposed internal and external alterations to dwelling.	PERMISSION GRANTED	18/10/2022
LA03/2022/0780/LDE	Mrs J Bryson-Sharples 1507 Grand Ocean Plaza Ocean Village Gibraltar GX11 1AA	240m west of 134 Ballymena Road Doagh	Proposed dwelling and garage (works commenced with garage)	DEVELOPMENT CERTIFIED	31/10/2022
LA03/2022/0782/F	KENEAGLES LTD Block D 17 Heron Road Belfast BT3 9LE	Units 42-45 Castle Mall 26 Market Square Antrim BT41 4DN	Amalgamation of first floor retail storage areas of Units 42-45 and Material Change of Use from retail storage to Class 1 Retail	PERMISSION GRANTED	18/10/2022
LA03/2022/0794/F	Glenoak Ltd 44 Carnanee Road Templepatrick BT39 0BZ	147 Manse Road Newtownabbey BT36 6UE	Proposed 3 No Detached Dwellings (Renewal of planning permission LA03/2017/0237/F)	PERMISSION GRANTED	21/10/2022
LA03/2022/0803/F	Mr & Mrs R Beattie 1 Toberdowney Valley Ballynure Ballyclare BT39 9TS	1 Toberdowney Valley Ballynure Ballyclare BT39 9TS	Alterations to garage and new access for same. (part retrospective application)	PERMISSION GRANTED	28/10/2022
LA03/2022/0804/DC	Studiorogers Architects Ltd. The Egg Store 1 Mountsandel Road Coleraine BT52 1JB	Land adjacent to and to the east of no 12 Lough Neagh Terrace Crumlin	Erection of apartment building to accommodate 25no apartments and associated ancillary works (Discharge of Condition 5 of planning approval LA03/2020/0333/F regarding the submission of a remediation strategy and implementation plan.)	CONDITION NOT DISCHARGED	19/10/2022
LA03/2022/0810/F	Mr John Holmes 22 Lisglass Road Ballyclare BT39 9NP	22 Lisglass Road Ballyclare BT39 9NP	Replacement dwelling	PERMISSION GRANTED	31/10/2022

LA03/2022/0818/F	Aaron McClelland Unit 9 Enkalon Industrial Estate Antrim BT41 4LD	Unit 9 Enkalon Industrial Estate BT41 4LD	Change of use to gym (variation of condition 4 from planning approval LA03/2019/0538/F: business hours to read Monday to Friday 06:00 to 21:00, Saturday 09:00 to 13:00, Sunday 10:00 to 16:00)	PERMISSION GRANTED	31/10/2022
LA03/2022/0823/LDE	Mr. L. Scott The Hill Tavern 279 Carnmoney Road Newtownabbey BT36 6JS	281 Carnmoney Road Glengormley Newtownabbey BT36 6JS	Existing use as public house, rear stores and enclosed yard area.	DEVELOPMENT CERTIFIED	18/10/2022
LA03/2022/0825/F	Blk Box Fitness 4 Cloughfern Avenue Newtownabbey BT37 0UB	4 Cloughfern Avenue Newtownabbey BT37 0UB	Retrospective approval for roof mounted flues and wall mounted vents	PERMISSION GRANTED	21/10/2022
LA03/2022/0833/DC	Studios Rogers Architects Ltd. The Egg Store 1 Mountsandel Road Coleraine BT52 1JB	Land adjacent to and to the east of no 12 Lough Neagh Terrace Crumlin	Erection of apartment building to accommodate 25no apartments and associated ancillary works (Discharge of Conditions 13 +14 from planning approval LA03/2020/0333/F regarding the submission of a Landscape Design Management Proposal)	CONDITION NOT DISCHARGED	13/10/2022
LA03/2022/0836/LDE	Mr K McMaw 190 Hillhead Road Ballyclare BT39 9LP	Hillhead Sheds 190 Hillhead Road Ballyclare BT39 9LP	Use of land for storage associated with Hillhead Sheds and retention of 1.8m high wooden fencing enclosing land.	DEVELOPMENT CERTIFIED	18/10/2022
LA03/2022/0839/NMC	KC 2021 GG Limited Aisling House 50 Stranmillis Embankment Belfast BT9 5FL	333-335 Antrim Road Glengormley BT36 5DY	Non-Material Change to Planning approval LA03/2021/0893/F (Demolition of existing buildings and construction of 63 no. apartments at 3 storey rising to 5 storey. Scheme includes a retail unit at ground floor level, parking provision, new vehicular access and associated development). Change to substitute 3 bed units for 2 bed units.	NON MATERIAL CHANGE ACCEPTED	14/10/2022

LA03/2022/0857/A	Henderson Group Property Distribution Centre Hightown Avenue Newtownabbey BT36 4RT	45 Mallusk Road Mallusk Newtownabbey BT36 4PP	Shop signage to building, banner signage to boundaries and separate free standing totem sign.	CONSENT GRANTED	31/10/2022
LA03/2022/0862/PAN	Montgomery Developments 607 Antrim Road Newtownabbey BT36 4RF	Land approx. 80m South of 34 Ballynure Road Ballyearl Newtownabbey BT36 5SW	Proposed erection of 2no distribution warehouse buildings with ancillary facilities, including parking and landscaping	PROPOSAL OF APPLICATION NOTICE IS ACCEPTABLE	13/10/2022
LA03/2022/0863/PAN	Hannon Group 21 Brankinstown Road Aghalee BT67 0DF	50 Nutts Corner Road Nutts Corner Crumlin	Proposed storage and distribution facility comprising: warehousing, research and development building, offices, steel storage yard, ancillary plant equipment, parking, loading; unloading areas, landscaping and all associated site works. Relocation of existing builders storage and farm machinery sales yard. New right turn land access provided via Nutts Corner Road	PROPOSAL OF APPLICATION NOTICE IS ACCEPTABLE	13/10/2022
LA03/2022/0867/DC	Footprint Architectural Design 181 Templepatrick Road Ballyclare BT39 0RA	"Ballyveigh" Housing Development situated to the rear of No's 5 & 7 Birch Hill Road North of Rathenraw Integrated Primary School and west of Ballygore Road Antrim BT41	Residential Development (Phase 4) of 33 units (comprising 24 apartments, 3 detached, 6 semi-detached) and associated site works. (Amended Description/Plans) (Discharge of Condition 9 of Planning Approval LA03/2021/1135/F regarding the submission of bat friendly lighting plans.)	CONDITION DISCHARGED	24/10/2022

LA03/2022/0873/A	NEXT Retail Ltd. Desford Road Enderby Leicestershire LE19 4AT	NEXT 45-60 Abbey Centre Longwood Road Newtownabbey Co. Antrim BT37 9UH	Three replacement internally illuminated signs: Sign 1 - South West Elevation individual letters affixed to brick 3.52 x 0.8 x 0.08 Sign 2 - North East Elevation individual letters affixed to brick 3.52 x 0.8 x 0.08 Sign 3 - South East (Front) Elevation individual letters affixed to glazing 3.52 x 0.08 x 0.08	CONSENT GRANTED	27/10/2022
LA03/2022/0915/DC	Mr And Mrs D Hurley	Lands approx. 210m North West of 33 Largy Road Crumlin BT29 4RN	Proposed dwelling and garage (Change of house type to that previously approved under T/2011/0503/RM) [Discharge of Condition 8 of planning approval LA03/2022/0777/F regarding the submission of a sample of the stone to be used.]	CONDITION DISCHARGED	31/10/2022

Current Appeals as at : 08/11/2022

Item No.	Reference Number	Appeal Reference	Appeal Location	Proposal (Appeal)	Appeal Type Desc	Appeal Procedure
1	LA03/2019/0833/F	2021/A0108	Land North And East Of 1A Nursery Park Antrim BT41 1QR	Proposed development of 2 no. detached dwellings	DC- Refusal of Planning Permission	Informal Hearing
2	LA03/2020/0030/F	2021/A0152	Site 40 Metres North Of No. 1 Carnbank Antrim Road Templepatrick BT39 0AP	2 detached dwellings	DC- Refusal of Planning Permission	Informal Hearing
3	LA03/2020/0349/F	2020/A0171	Lands 30m North And North East Of 21 Lenamore Drive Newtownabbey	Proposed erection of 5no. detached and 2no. semi-detached dwellings, landscaping, associated site works and access arrangements from Lenamore Drive (Amended Plans and Additional Information Received)	DC- Refusal of Planning Permission	Informal Hearing
4	LA03/2020/0385/O	2022/A0045	40m West Of 3b Lisglass Road Ballyclare BT39 9NH	Tourist Accommodation	DC- Refusal of Planning Permission	Informal Hearing
5	LA03/2020/0569/F	2021/A0121	133 Ballyutoag Road Belfast BT14 8ST	Proposed change of use from outbuilding and yard to motoring school to include; extension to curtilage, retention of extended hardstanding area and proposed extension to existing outbuilding. Proposed alteration of access onto the Lylehill Road and retention of access onto Ballyutoag Road and a 2 metre high roadside boundary gate	DC- Refusal of Planning Permission	Informal Hearing

Current Appeals as at : 08/11/2022

6	LA03/2020/0891/O	2021/A0151	Garden To Rear Of 16 Lenamore Drive Jordanstown Newtownabbey	Site for 1no detached dwelling (one and a half storey and single bay detached garage) (amended plans received)	DC- Refusal of Planning Permission	Written Reps
7	LA03/2021/0088/F	2021/A0104	62 Ferrard Meadow Antrim	Additional timber boarded fence to the existing boundary wall (Retrospective)	DC- Refusal of Planning Permission	Informal Hearing
8	LA03/2021/0224/F	2021/A0165	37 Abbeyview Muckamore Antrim BT41 4QA	Proposed replacement garage	DC- Refusal of Planning Permission	Written Reps
9	LA03/2021/0431/O	2021/A0166	40m North Of No.4 Cranfield Road Randalstown	Proposed dwelling & garage on a farm	DC- Refusal of Planning Permission	Written Reps
10	LA03/2021/0612/O	2021/A0134	Lands 80m South Of 44 Loughbeg Road Toomebridge	Infill site for 1 no. dwelling and garage under CTY 8	DC- Refusal of Planning Permission	Written Reps
11	LA03/2021/0615/O	2022/A0025	50m West Of 36 Aughnabrack Road Ballyutoag Belfast	Site for infill dwelling	DC- Refusal of Planning Permission	Written Reps
12	LA03/2021/0669/O	2022/A0003	Approx 30m S Of 89 Magheralane Road Randalstown BT41 2PA	Site for 2no infill dwelling and garages	DC- Refusal of Planning Permission	Written Reps

Current Appeals as at : 08/11/2022

13	LA03/2021/0679/O	2021/A0175	30m West Of Rashee Cemetery Springvale Road Ballyclare	Proposed infill dwelling and garage	DC- Refusal of Planning Permission	Written Reps
14	LA03/2021/0680/O	2021/A0174	40m East Of 26 Springvale Road Ballyclare	Proposed infill dwelling and garage	DC- Refusal of Planning Permission	Written Reps
15	LA03/2021/0729/O	2021/A0226	100m NE Of 3 Lisglass Road Ballyclare	Managers dwelling for existing allotments.	DC- Refusal of Planning Permission	Informal Hearing
16	LA03/2021/0805/F	2021/A0232	120m West Of 44 Rickamore Road Upper Templepatrick BT39 0JE	Dwelling and Garage	DC- Refusal of Planning Permission	Written Reps
17	LA03/2021/0938/LDE	2022/E0005	252b Seven Mile Straight Ballyutoag Crumlin Nutts Corner BT29 4YT	Established storage facility and ancillary office	DC- Refusal of Planning Permission	Written Reps
18	LA03/2021/0990/F	2022/A0033	Approx 20m West Of 42 Loughbeg Road Toomebridge BT41 3TN	Proposed dwelling	DC- Refusal of Planning Permission	Written Reps
19	LA03/2021/0993/O	2021/A0216	40m East Of 9a Creggan Road Cranfield Randalstown BT41 3LN	Proposed site for infill dwelling and domestic garage	DC- Refusal of Planning Permission	Written Reps

Current Appeals as at : 08/11/2022

20	LA03/2021/1008/F	2022/A0035	Approx. 300m South Of 7 Ballylurgan Road Randalstown BT41 2NN	Proposed farm shed for storage	DC- Refusal of Planning Permission	Written Reps
21	LA03/2021/1029/F	2021/A0218	4 Hightown Road Glengormley Co Antrim BT36 7UA	Retrospective change of use from shop unit to 2 no. ground floor flats (1 No 1P/1B unit and 1 no. 2P/1B unit) to include internal alterations to existing building	DC- Refusal of Planning Permission	Written Reps
22	LA03/2021/1039/O	2021/A0249	20m East Of 11 Cogry Road Ballyclare	New dwelling and garage (infill site)	DC- Refusal of Planning Permission	Written Reps
23	LA03/2021/1043/LDP	2022/E0003	30m SW Of 209 Castle Road Randalstown BT41 2EB	Proposed completion of elderly persons nursing home in accordance with Planning Approval LA03/2016/0902/RM.	DC- Refusal of Planning Permission	Informal Hearing
24	LA03/2021/1107/O	2022/A0048	35m Approx. South West Of 63 Craigstown Road Randalstown	Site of dwelling and garage (Site 2) [infill]	DC- Refusal of Planning Permission	Written Reps
25	LA03/2021/1115/O	2022/A0047	30m Approx North East Of 57 Craigstown Road Randalstown	Site of dwelling and garage (Site 1) infill	DC- Refusal of Planning Permission	Written Reps
26	LA03/2021/1126/O	2022/A0007	158 Staffordstown Road Cranfield Randalstown BT41 3LH	Site for replacement dwelling (superceding approval granted under LA03/2020/0866/F)	DC- Refusal of Planning Permission	Written Reps

Current Appeals as at : 08/11/2022

27	LA03/2022/0050/O	2022/A0079	50m South West Of 56 Roguary Road Toomebridge BT41 3TJ	Site for dwelling and domestic garage	DC- Refusal of Planning Permission	
28	LA03/2022/0110/LDP	2022/E0015	Land 55 Metres North- west Of No. 28 Magheralane Road Randalstown	Completion of two semi-detached dwellings (sites 6 & 7) as per planning permission T/ 2003/0576/F.	DC- Refusal of Planning Permission	Informal Hearing
29	LA03/2022/0219/O	2022/A0085	75m North West Of 91 Staffordstown Road Creggan Randalstown	Site for dwelling and garage on a farm	DC- Refusal of Planning Permission	

Appeal Decisions Notified

Date From: 01/10/2022 00:00:00 and Date To: 31/10/2022 00:00:00

ITEM NO	Reference Number	Appeal Reference	Appellant	Appeal Location	Proposal (Appeal)	Appeal Decision Date	Decision Description
1	LA03/2020/0007/F	2020/A0133	John Heatley	Approx. 130m South West Of 17 Whitehill Drive Randalstown	Agricultural building	31/10/2022	Appeal Dismissed
2	LA03/2020/0410/O	2020/A0135	Mr Richard French	Approx 200m SE Of 178 Staffordstown Road Randalstown BT41 3LT	Proposed site for a dwelling and attached domestic garage in substitution of site approved under LA03/2019/0855/O (Proposal based on Policy CTY10)	14/10/2022	Appeal Upheld



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87/91 Great Victoria Street
Belfast
BT2 7AG

Phone: 81006 (direct line)
Phone: 028 9024 4710 (switchboard)
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Website: www.pacni.gov.uk

Our reference: 2020/A0135
Planning Authority reference:
LA03/2020/0410/O
14 October 2022

Dear Sir/Madam

Re:

Appellant name: Mr Richard French

Development details: Proposed site for a dwelling and attached garage in
substitution of a site approved under LA03/2019/0855/O (Proposed based on policy
CYT10)

Site location: Approx 200m SE of 178 Staffordstown Road, Randalstown

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Kathryn McCullough
PACWAC Admin Team

Appeal Decision

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Appeal Reference: 2020/A0135
Appeal by: Mr Richard French
Appeal against: The refusal of Outline Planning Permission
Proposed Development: Site for a dwelling and attached domestic garage in substitution of site approved under LA03/2019/0855/O
Location: Approximately 200 metres South East of 178 Staffordstown Road, Randalstown, BT41 3LT
Planning Authority: Antrim and Newtownabbey Borough Council
Application Reference: LA03/2020/0410/O
Procedure: Written representations with Commissioner site visit on 15 September 2022
Decision by: Commissioner Rosemary Daly, dated 14 October 2022

Decision

1. The appeal is allowed and outline planning permission is granted, subject to the conditions set out below.

Reasons

2. The main issues in this appeal relate to whether the proposed development: -
 - is acceptable in principle in the countryside;
 - would be visually linked or sited to cluster with an established group of buildings on the farm; and
 - would integrate into the countryside.
3. Section 6 (4) of the Planning Act (Northern Ireland) 2011 requires that determination of proposals must be made in accordance with the local development plan unless material considerations indicate otherwise. The Antrim Area Plan 1984-2001 (AAP) operates as the statutory local development plan for the area where the appeal site is located. In the plan the appeal site is located in the countryside outside of any settlement limit, green belt or rural policy area as defined by the plan. The AAP contains no specific policy for residential development on farms. The policies contained in the extant plan are outdated, having been overtaken by a succession of regional policies for rural development. Accordingly, limited determining weight can be attached to the policies in the plan.
4. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing

planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. No conflict arises between the policy provisions of the SPPS and the retained policy contained in Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21) in respect of dwellings on a farm.

5. Policy CTY1 of PPS21 relates to development in the countryside and sets out a range of types of development which in principle are considered to be acceptable in the countryside that will contribute to the aims of sustainable development. One type of development is in accordance with Policy CTY10 dwellings on farms.
6. Policy CTY10 states that planning permission will be granted for a dwelling house on a farm where criteria (a) to (c) are met. No concerns were raised by the Council in respect of criteria (a) and (b) of Policy CTY10. Accordingly, the Council are satisfied that the appellant is an active farmer and that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application.
7. Outline planning permission (LA03/2019/0885/O) was granted for a two-storey dwelling and garage on the 4 December 2019. This planning permission relates to land 35 metres west of 178 Staffordstown Road. The appeal proposal seeks the substitution of this outline planning permission with a proposed dwelling on land some 200 metres south east of 178 Staffordstown Road. The new site for the proposed dwelling is position between 106 metres up to 150 metres from the nearest agricultural building on the farm depending on which part of the proposed site is measured.
8. The Council state that their core concern is that the proposal fails to comply with criterion (c) of Policy CTY10. The Council stated they are reinforced by this concern as the appellant already has planning permission (LA03/2019/0885/O) for a dwelling on a farm at a sequentially more preferable site that complies with all of the policy provisions of the SPPS and Policy CTY10 of PPS21. Criterion (c) of Policy CTY10 requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Policy CTY13 of PPS21 relates to the integration and design of buildings in the countryside and states at criterion (g) in the case of a proposed dwelling on a farm, it will be unacceptable if its not visually linked or sited to cluster within an established group of buildings on a farm.
9. There is no doubt that the approved siting (LA03/2019/0885/O) fulfils the requirements of policy in that the approved dwelling is visually linked and clusters with the established group of farm buildings at 178 Staffordstown Road. The Council's concern is that the proposed substitution site does not read as part of the established group of buildings by virtue of its separation and as a consequence the appeal site is considered to be too far removed from the farm buildings. As a result, the new dwelling therein would appear physical divorced

from the farm group when viewed from both the Staffordstown Road and the Greenan Road.

10. The appeal site is set back over some 106 metres at its closest point from the rear part of the farm buildings at 178 Staffordstown Road. It utilises the existing access from Staffordstown Road through the farm group and for the most part along an existing agricultural lane. Paragraph 5.41 of the justification and amplification of Policy CTY10 further states that to help minimise impact on character and appearance on landscape such dwellings should be positioned sensitively with an established group of buildings on a farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them. A dwelling position on the appeal site would appear removed and detached from the established farm due to its positioning on the landscape and set back from the farm group. The proposal would not form part of the integral group of farm buildings or read as visually interlinked with the buildings on the farm at 178 Staffordstown Road when viewed from the surrounding vantage points along Staffordstown Road and the Greenan Road.
11. Criterion (c) of Policy CTY10 continues to state that exceptionally consideration may be given to an alternative site elsewhere on the farm, provided 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 group of buildings. Other than desire to expand the farm the appellant did not present any documentary or persuasive evidence relating to the future expansion of the farm business.
12. The appellant's reasoning for relocating the proposed dwelling was namely for health and safety reasons for the future occupants of the house. The appellant stated that the original position of the approved dwelling was situated 50 metres from 2 Broiler Poultry Sheds, 4 feed bins, 2 Gas tanks and a biomass boiler shed with an office and generator building. The two broiler poultry units on site can house up to 74,000 broilers.
13. The appellant referred to major health risks in living close to poultry farms, hatcheries and processing plants. The appellant noted the most common complaints is the stench emanating from the farm. The appellant also noted that research shows there are bigger dangers unless the farmer has complied with the setback guidelines and other safety regulations. This evidence was not substantiated with any corroborating evidence in respect of such referred research.
14. The appellant also referred in general terms to issues arising from poultry dust; zoonotic infections; gases; offensive odour; noise; waste and dead birds; antibiotic resistant bacteria; water quality; concerns for children health and soil quality. Whilst I do not dispute all such issues may arise in respect of such intensive farming, especially in respect of large broiler/poultry houses, this evidence was presented in general terms and was not specific to the appellant's farm. Many of the concerns raised depend on good farm management. Limited weight can be

attached to this evidence in respect of the specific health and safety concerns relating to the appellant's farm.

15. The appellant referred to the Environmental Health Section (EHS) of the Council consultation response to the appeal proposal. It is noted that the EHS has no objections in principle to the proposed dwelling associated with the farm at 178 Staffordstown Road. However, the EHS does note that the proposed development is likely to experience odour on an occasion from the two broiler houses which they have estimated to be 190 metres away from the proposed site. The EHS recommend adding an informative to any decision stating that farms have the potential to cause public health nuisances from odour, noise and pests. The EHS also recommended that any dwelling is situated at a minimum 75 metres from any farm buildings and that occupants may well experience noise, odour and pests from the nearby farm. This informative was also attached to decision notice LA03/2019/0885/O for outline planning permission which the appeal proposal now seeks to substitute. I note that position of the approved dwelling (LA03/2019/0855/O) is located immediately in front of the ancillary buildings associated with the 2 broiler/poultry sheds and physically separated from the two broiler houses by some 50 metres. I also note that the appeal proposal now relates to a site that is more than 75 metres away from the farm buildings and some 190 metres from the broiler/poultry sheds.
16. The Council consider that the appellant has a misunderstanding of the EHS advice and that this is a generic statement. It is evident from both the consultation response and the decision notice in respect of the approved development (LA03/2019/0855/O) that EHS have not objected to either proposal. However, EHS have been consistent in the consideration of both proposals to stated that a dwelling should be sited more than 75 metres away from the farm buildings. The reason given for this advice is because the occupant of the dwelling may experience a public health nuisance in terms of noise, odour and pests from the nearby farm. In this case the appellant's approved dwelling is immediately adjacent to the part of the farm group where I consider there would more likely be greater concerns in respect of odour, pests and noise. Furthermore, the site approved for the appellant's dwelling is on a site that is within 75 metres of the 2 intensive broiler poultry sheds and is closer to the ancillary buildings related to this part of the farm. It is therefore logical to consider the further away from the farm especially the two broiler poultry units, the nuisance experienced from noise, odour and pests will disseminate. In these circumstances I do not find the EHS informative or advice to be generic.
17. The appellant in their statement of case referred to Map 1. This map is taken from an Air Quality Impact Assessment (AQIA) dated February 2015. A copy of which was included appendix 2 of the appellant's statement of case. The AQIA was undertaken in respect of the two broiler poultry sheds development (LA013/2015/0057/F). The appellant stated Map 1 detailed the odour associated with the broiler poultry sheds. The map of itself is poor quality and provides limited explanation of itself in respect of the odour concentration levels in the area. However, I do not accept such information can be discounted, as not providing information, to assist the consideration of odour nuisance from the two broiler poultry units.

18. The AQIA assessed the impact of odour from the poultry/broiler units on the surrounding receptors. The report identified six receptor locations in the vicinity of the poultry/broiler houses. None of the receptor locations included the appellant's farm holding. The assessment used the Simple Calculation of Atmospheric Impact Limits (SCAIL) as a screening tool to assess the potential impacts from the intensive agricultural installation. In this case it was for the two broiler poultry sheds. The results of the screening process show that detail air quality modelling was required on the site as odour concentration exceeded the target value of $<3\text{ou/m}^3$. The closest identified receptors to the two broiler poultry units were noted as receptor 2 and 3, as identified on site layout map, within appendix A of the AQIA. Both these receptors were noted to be financially involved with the broiler poultry houses. Nonetheless the SCAIL noted that in this area the odour concentration was high well in exceedance of the target value. This area also relates to where the appellant existing planning permission LA03/2019/0855/O is located. Whereas Receptors 4 and 6 are representative of the location of the proposed location for the substitution of the appellant's approved site. It is evident that the odour concentration is lower in this location. Whilst I appreciate that these results indicated air modelling is required at the broiler poultry house site and as such the odour concentration would be reduced it is notable that in the the overall conclusion of this report it states that the maximum ground level odour concentration is predicted to be primarily confined to the immediate environs of the proposed poultry unit. I accept that the two-storey farm dwelling as approved (LA03/2019/0855/O) would be located within the immediate environs of the two poultry units and this is in an area where odour concentrations are likely to be higher.
19. I also note a letter provided by the Council date stamped Planning Section received 3 Jul 2020. The letter is from the appellant's agent to the Council. In this letter the agent set out their justification for having to selected an alternative site. The letter states that his client, *"having had experience in the past couple of years living to the north east of the two existing chicken houses in the flow path of the south westerly wind that it has become clear re the need to relocate somewhere that would be a lot less affected by odours that periodically flow from the south westerly direction"*. This evidence is an indication of the appellant's experience regarding the local circumstances and where there is periodic odour from the two broiler poultry units.
20. The proposed relocation of the dwelling would be well in excess of the EHS recommendation of over 75 metres from the farm buildings inclusive of the two broiler/poultry units. However, based on the evidence before me I can conclude that the odour levels would be significantly higher in the vicinity of where the current approved site than the proposed substitution site. Taking account of the intensive scale of the two broiler poultry units which can house up to 74,000 broilers I consider the scale and size of these units would give rise to nuisance that would have an impact on the health and safety of the residents at the site where the dwelling has been approved.
21. The appellant's evidence taken alongside with the EHS advice in respect of alerting the occupant to public health nuisances from odour, noise and pests satisfies me that there is appropriate and demonstrable evidence from a competent authority to justify relocating the approved dwelling away from the farm

buildings, to an area at least over 75 metres away. No evidence was presented by either party in respect of other sites available at other groups of buildings on the farm or out farm. Accordingly, based on the evidence provided I find that the appeal proposal meets the exception test in respect of demonstrable health and safety reasons to site the approved dwelling on an alternative site elsewhere on the farm. Accordingly, the Council's first reason for refusal is not sustained in respect of the concerns relating Policy CTY10.

22. Policy CTY10 states that in such circumstances the proposed site must meet the requirements of Policy CTY13 (a-f), CTY14 and CTY16. The Council did not raise any concern in respect of Policies CTY14 Rural Character and CTY16 Development Relying on Non-Mains Sewerage. The Council's second reason for refusal related to Policy CTY13 Integration and Design of Buildings in the Countryside. The concern raised is that dwelling on the substitution site would not integrate into the countryside.
23. Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated in to the surrounding landscape. The policy goes on to state that a new building will be unacceptable in seven different circumstances (a) to (g). The Council objects to the appeal proposal on the basis of criterion (g). This criterion relates to a proposed dwelling on a farm requiring it to visually integrate or be sited to cluster with an established group of farm buildings. However, the headnote Policy CTY10 states in such circumstances the proposed site must also meet the requirements of CTY13 (a-f). This part of the policy does not refer to criterion (g). Accordingly, where a dwelling on a farm meets the exception in accordance with criterion (c), which in this case I have found the appeal proposal does, it is therefore not required to meet the double test as provided by criterion (g) of Policy CTY13.
24. Nonetheless the Council's second reason for refusal does raise concern with the proposal on the basis that a dwelling, if permitted, would not integrate into the countryside and therefore it would be contrary to Policy CTY13. The appeal is located in an area of countryside some 200 metres south east of 178 Staffordstown Road. The site is set back in the second field from both the respective Staffordstown Road and the Greenan Road. The appeal site comprises the eastern part of a flat agricultural field which gently rises towards its eastern boundary. The boundaries around the site are defined to the north, east and south by a dense mature native species hedgerow some 2 -3 metres in height. The western boundary is not defined. Along the existing agricultural lane at the point of access to the host field exists a large tall mature tree which is around 8-10 metres in height.
25. The landscape in the area is relatively open with well-defined field boundaries. From both the Staffordstown Road and the Greenan Road the existing farm group is very evident in the countryside. The appeal site when viewed from the Staffordstown Road set in the context of the surrounding field boundaries and the road side buildings. From this road a new building would not appear prominent nor does it lack established natural boundaries. From the Greenan Road (circa No 30 to 32 Greenan Road) and from its road junction with the Staffordstown Road any dwelling on the appeal site would be visible but it would be set in the context of surrounding vegetation and the backdrop of surrounding farm buildings in the

area. Notably from the Greenan Road a dwelling on the appeal site would be viewed in the context and to the front of the two broiler poultry houses and a wind turbine located on higher ground. Restricting the scale of dwelling and the attached garage to an overall height of 6 metres above the existing ground level would also assist the integration of the development. The existing vegetation along the site boundaries would substantially screen a new building of this height in this area of countryside. The proposal would not fail to blend with the landform, existing trees, buildings, slopes and other natural features that would provide a backdrop to the proposed dwelling and attached garage on the appeal site. A condition restricting the height of the proposal is therefore necessary. Likewise given the gentle sloping nature of the landscape within the site a condition requiring the submission of details relating to the existing and proposed levels at reserved matters stage would be necessary. I am not persuaded it is necessary to restrict the angle of the roof pitch to 40 degrees as details such as this can be considered through the detail design within a reserved matters application. A landscaping plan should also be provided at reserved matters stage detailing the retention and augmentation of the existing vegetation. Subject to these conditions I consider a dwelling and attached garage would satisfactorily integrate on the appeal site. The appeal proposal therefore meets the requirements of Policy CTY13 of PPS21. The Council's second reason for refusal is not sustained.

26. The proposal involves the use of an existing access which I note provides access to the rear of the farm group and runs past the two broiler poultry units. The Council have advised that visibility splays of 2.4 metres by 120 metres are required to service and provide a safe access for the proposed dwelling and attached garage. From my site inspection I note the necessary visibility splays are broadly in situ. Nonetheless, the RS1 form provided by the Council notes that 'two number TP's (telegraph poles) to be relocated critical side'. Accordingly, a condition is necessary to ensure that the required visibility splays are put in place and thereafter kept clear from obstructions in the interests of road safety.
27. In order to prevent the accumulation of dwellings on the farm a condition requiring the substitution of the previous approved two storey dwelling (LA03/2019/0885/O) for the proposed development in this appeal is reasonable and necessary.
28. As I have found, subject to conditions, the Council's first reason for refusal in respect of Policy CTY10 and the second reason for refusal in respect of Policy CTY13 are not sustained I consider that the proposal in principle is therefore an acceptable type of development that accords with the requirements of Policy CTY1 of PPS21. Accordingly, the Council's reasons for refusal are not sustained and this appeal, subject to conditions, is therefore allowed.

Conditions

- (1) Except as expressly provided for by Conditions 2, 3 and 4 the following reserved matters shall be as approved by the planning authority – the siting, design and external appearance of the dwelling and garage, the means of access thereto and the landscaping of the site.
- (2) The dwelling and attached garage hereby approved is in substitution of previous planning permission (LA03/2019/0885/O) for a two-storey dwelling at

land 35 metres west of 178 Staffordstown Road, Randalstown. Only one dwelling shall be erected on the site as outline in red as indicated on drawing 01/02 dated stamped planning section received 19 August 2020.

- (3) The ridge height of the proposed dwelling and attached garage shall not exceed 6 metres above the exiting ground level at the lowest point within its footprint.
- (4) Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point. The drawings shall also indicate the location, height and materials of any proposed retaining walls.
- (5) A 1:500 scale plan shall be submitted as part of the reserved matters application showing visibility splays of 2.4 metres by 120 metres. The visibility splays shall be clear of any obstruction including the telegraph poles to the critical side. The access as finally approved shall be put in place before the commencement of the development of the dwelling and attached garage and thereafter shall be permanently retained.
- (6) No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing:
 - a. the retention of the trees and hedgerows along the north, east and south site boundaries permanently retained above a height of 2 metres above existing ground level; and
 - b. numbers, species and sizes of trees and shrubs to be planted around the dwelling and attached garage.

The scheme of planting as finally approved shall be carried out during the first planting season after the dwelling and attached garage hereby approved is occupied. 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 planning authority gives written consent to any variation.

- (7) The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision relates to the following drawing:

- Drawing 01/2 Site Location Map Scale 1:2500 refused by Antrim and Newtownabbey Borough Council dated stamped Planning Section Received 19 August 2020.

COMMISSIONER ROSEMARY DALY

List of Documents

Planning Authority:-	"A" Statement of Case, Antrim and Newtownabbey Borough Council
	"A1" Comments, Antrim and Newtownabbey Borough Council
Appellant:-	"B" Statement of Case, CMI Ltd

Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
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T: 028 9024 4710
E: info@pacni.gov.uk

Appeal Reference:	2020/A0133
Appeal by:	Mr John Heatley
Appeal against:	The refusal of full planning permission
Proposed Development:	Agricultural building
Location:	Approx. 130m southwest of 17 Whitehill Drive, Randalstown
Application Reference:	LA03/2020/0007/F
Procedure:	Written Representations with Commissioner's site visit on 30 th September 2022
Decision by:	Commissioner B Stevenson, dated 31 st October 2022

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The third parties alleged that information that the appellant set out in his statement of case regarding the breeding of turkeys was not raised during the processing of the application for planning permission and should be treated as a new matter introduced at appeal stage. Given the nature of the issues surrounding the appeal, I consider this information to be an important material consideration that relates to issues pertaining to the Council's refusal reasons. Accordingly, I do not consider that the information is a new matter. I am therefore satisfied that this information is admissible in accordance with Section 59 of the Planning Act (Northern Ireland) 2011. No prejudice arises from admitting this information as all parties involved had an opportunity to comment on it.
3. A new block plan accompanied the appellant's statement of case. It shows the proposed building sited further north than that shown on the stamped refused drawing (Drawing No. 02/2) and a second building that is referred to as an office and store. The second building is not indicated on the stamped refused block plan (Drawing No. 02/2). However, it was proposed on the original block plan (Drawing No. 02/1) but in a different part of the site.
4. The description of the proposed development as set out on the application form (P1 Form) submitted with the application was for 'erection of agricultural shed and an ancillary office and storage building'. This was carried through to the description of proposal as advertised by the Council. However, it was not referred to on the Council's decision notice as the appellant removed the ancillary office and storage building from his application of planning permission. The re-

introduction of a second building sited as shown on the amended plan goes beyond that described on the decision notice, the appeal form and consequently the public advertisement of the appeal which all relate to a single building. The amended block plan would therefore go to the heart of the proposal. If I were to accept the amended block plan, it could give rise to prejudice to third parties as the appeal proposal would not have been correctly advertised. The amended block plan is therefore not admitted, and the appeal is assessed on the stamped refused drawings.

Reasons

5. The main issues in this appeal are whether the proposal would: -
 - be acceptable in principle in the countryside;
 - create ribbon development;
 - integrate satisfactorily into the countryside; and
 - erode the rural character of the area.
6. Section 45(1) of the Planning Act (NI) 2011 states that regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act requires that, where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Antrim Area Plan 1984-2001 (AAP) operates as the statutory LDP for the area wherein the appeal site lies. In the AAP, the appeal site is located outside any settlement limit and is within the green belt. The green belt policy contained in the AAP is outdated having been overtaken by regional policy for development in the countryside. No determining weight can therefore be attached to the provisions of the AAP.
7. The Strategic Planning Policy Statement 'Planning for Sustainable Development' (SPPS) is material to all decisions on appeals and sets out the transitional arrangements that will operate in the absence of an adopted Plan Strategy. Under the transitional arrangements, Planning Policy Statement 4 'Planning and Economic Development' (PPS4) and Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) are retained.
8. Policy CTY1 'Development in the Countryside' 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. One of these includes agricultural development in accordance with Policy CTY12. Paragraph 6.73 of the SPPS in relation to agriculture development essentially, repeats elements of Policy CTY12 of PPS21. In addition, Footnote 26 of the SPPS provides an update on the definition of what constitutes 'agricultural activity'.
9. Policy CTY1 of PPS21 also permits industry and business uses in accordance with PPS4. Paragraph 6.87 of the SPPS states that amongst others that expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside. This aligns with Policy PED4 'Expansion of an Established Economic Development Use in the Countryside' of PPS4 which permits the expansion of an established economic development use in the countryside subject to certain criteria. Accordingly, other

than the definition update, there is no conflict or change in policy direction between the provisions of the SPPS, PPS21 and PPS4. The latter two therefore provide the policy context for determining the proposed building subject to the definition update in the SPPS.

10. Policy CTY12 of PPS21 is entitled 'Agricultural and Forestry Development.' It states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it meets certain criteria. Paragraph 5.56 of the amplification text of the policy states that for the purposes of the policy the determining criteria for an active and established business will be those set out under Policy CTY10 of PPS21. Criterion (a) of Policy CTY10 requires that the farm business is currently active and has been established for at least 6 years. Paragraph 5.38 of the amplification text states that the applicant will be required to provide the farm's business identification number along with other evidence to prove active farming over the required period.
11. The appellant stated that his farm business comprises the handling of a small flock of sheep and the rearing of turkeys and pheasants. He stated that the proposed building would be used to hold feed and store machinery for his business. However, the Council considered that the appeal proposal failed to meet the first requirement of Policy CTY12 in that the proposed development would not be associated with an active and established farm business but rather with a commercial enterprise. Section 250 of the Planning Act (Northern Ireland) 2011 defines "agriculture" as including livestock breeding and keeping. Paragraph 5.39 of the justification section of Policy CTY10 has been updated by footnote 26 of the SPPS which defines 'agricultural activity' as "the production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes, or maintaining an agricultural area in a state which makes it suitable for grazing or cultivation" and so on.
12. The Department of Agriculture, Environment and Rural Affairs (DAERA) stated that a farm business ID number (664028) was issued on 10th December 2018. However, no Single Farm Payments had been claimed. No official DAERA farm maps were provided that showed the extent of the appellant's holding associated with his farm business identification number. However, the appellant presented a plan that showed compounds, buildings and runs on identified owned and leased land located around the dwelling at No. 14 Whitehill Drive.
13. With respect to his sheep farming activities, I witnessed a small number of sheep grazing in one large pen. I note that the appellant accepted that the flock of sheep is a recent venture, and that this element is not established for 6 years. Given this, the keeping of sheep cannot therefore form part of my overall consideration of agricultural activity for the purposes of meeting the policy requirements. In any case, I do not consider that the keeping of the small flock of sheep is the main activity associated with the appellant's business.
14. The appellant stated that he intends to diversify his production into ducks, geese and guinea fowl for sale to local producers who currently supply many butchers' shops. No ducks, geese or guinea fowl were spotted. Moreover, the breeding of those birds is indicated as merely an intention.

15. A pheasant flock number (UK901596) that was allocated in December 2005 was provided. During my site visit, I saw a significant number of pens with pheasants in them, and some were empty. Correspondence from DAERA dated 14th August 2020 confirmed that the appellant is producing 30,000 birds on a yearly basis and that they are sold to estates throughout Northern Ireland for the purpose of game shoots. The appellant stated that on average 16,000 pheasants are housed in the pens at any one time. This was undisputed.
16. It was disputed between the third parties and the appellant that he breeds around 400 turkeys per year for the Christmas and Easter markets. I saw a small number of turkeys in some of the pens located in front of the appellant's dwelling, but I did not see the numbers suggested. Notwithstanding this, I accept that some turkeys are probably being sold for food production albeit low numbers are likely involved in comparison to the scale and numbers associated with the rearing of pheasants. However, no persuasive evidence was presented that demonstrated that 400 turkeys had been bred in each of the last 6 years on the land. Nevertheless, given my on-site observations, the DAERA evidence and the numbers associated with the pheasants, I consider that the main activity on the land is the breeding of pheasants.
17. In *House of Lords in Earl of Normanton v Giles [1980]*, the presiding judge concluded that the breeding of pheasants for sporting purposes fell outside the definition of agricultural activity. The appellant referred to a Planning Inspectorate's decision in 2001 (DCS No: 37816226) from Wiltshire and pointed out that the Inspector considered that agriculture is defined as including the breeding and keeping of livestock without any reference to how they are killed or the purpose for which they are bred. No copy of this decision was provided so I do not know the confines within which it was reached. I am therefore not persuaded that the Wiltshire Planning Inspectorate decision takes a different approach to that set down in the judgement.
18. Notwithstanding the 2001 Wiltshire Planning Inspectorate's decision, I consider that for animals to be bred, and kept on a farm, they must be for farming purposes, that is, for food production. Given my on-site observations and the scale of the operation identified by DAERA and that they claimed that the birds are sold to estates for game shoots, I am not persuaded that the pheasants are used primarily for food. Therefore, I conclude that the breeding of pheasants on the appellant's holding is for sporting purposes, and it is not agricultural activity.
19. A third party in support of the proposal stated that grass production continues to be a growth area for the owners and the storage of hay as a feed stuff is by its nature necessary and bulky. However, no substantive evidence was presented regarding this activity that persuaded me that this is occurring on the appellant's owned and leased land over the last 6 years. The appellant stated that the land on which the birds graze is kept in good environmental condition. I observed pheasants and a small flock of sheep grazing within the enclosed wired pens. Nevertheless, I am satisfied that this is ancillary to the primary activity on the land of breeding and keeping of pheasants for recreational purposes. For the reasons given, I conclude that the use of the land is not agricultural activity. The proposed

building would therefore be related to a commercial enterprise and would not be on an active and established agricultural holding. Consequently, the appeal proposal fails the first hurdle of Policy CTY12 of PPS21.

20. It was disputed between the third parties and the appellant whether there were suitable existing buildings on the holding. In support of the proposal, the third parties stated that the proposed building would alleviate already pressurised storage facilities within the original curtilage of the owner's domiciliary residence. The appellant stated that machinery is currently stored externally. I saw equipment sitting outside around the pens. A small cabin is currently being used to store bird feed and the appellant's original garage is being used both for domestic purposes and as the hatchery. I saw some feed stored in the garage also. From my on-site observations, I am satisfied that there are no suitable existing buildings within the appellant's owned and leased lands. Notwithstanding this, I have already concluded that there is no active and established agricultural holding.
21. Whilst the third parties argued that the proposal fails to comply with the basic requirement of being located beside existing buildings on the holding, the appellant contended that the appeal proposal meets the exceptional test under Policy CTY12 of PPS21 in that it permits alternative sites away from farm buildings. However, as I have already found that the appeal proposal fails to meet the first requirement in that it is not on an active and established agricultural holding, the exceptional test is not engaged. I therefore conclude that the appeal proposal would be contrary to Policy CTY12 of PPS21. Accordingly, the Council's second reason for refusal and the third parties concerns insofar as stated are sustained.
22. The appellant alleged that fish farms that breed fish for sport have previously been accepted as farming by the Commission and the Council. He referred to appeal decision 2006/A1675 which stated that the Department relied on the reasoning in appeal decision 2002/A236. In 2002/A236, fish were being bred for food rather than primarily for sporting purposes, and it is distinguishable from this appeal. The appellant also referred to Movanager Fish Farm but provided no specific planning report or planning decision to consider. Reference to neither of these supports the appellant's argument. Besides, every case must be considered on its individual merits and the prevailing policy at the time.
23. The appellant argued that the appeal proposal would be an expansion of an established economic development use. Policy PED3 of PPS4 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. The policy also explains that a proposal for the major expansion of an existing industrial enterprise that would not meet the above policy provisions will only be permitted in exceptional circumstances.
24. For the purposes of the policy, economic development use comprises industrial, business and storage and distribution uses as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern

Ireland) 2015. This relates to Class B1: Business, Class B2: Light Industrial, Class B3: General Industrial and Class B4: Storage or Distribution. The breeding of pheasants for sporting purposes would not to my mind fall within any of those use classes and it would not fit neatly into any other use class. I therefore consider it to be a sui generis use. The preamble of PPS4 states that the policy approach and associated guidance contained within this document may be useful in assessing proposals for other sui generis employment uses. However, no employment details of the gaming bird breeding business were provided.

25. As I have concluded that the appellant is breeding pheasants not for farming purposes, the appellant's gaming bird business would have no agricultural permitted development rights under the Planning (General Permitted Development) Order (Northern Ireland) 2015 (as amended). There is no evidence of planning permission being in place or a Certificate of Lawfulness of Existing Use or Development (CLEUD) having been granted by the Council. In the absence of such, I am not persuaded that the existing business is an established sui generis employment use that is suitable for expansion under Policy PED3 of PPS4. I therefore conclude that the expansion of the appellant's pheasant rearing business is not considered acceptable in principle in the countryside and would be contrary to Policy PED3 of PPS4. Accordingly, the appellant's argument in this regard is not sustained.
26. The third parties also stated that the proposal is contrary to Policies PED4 and PED9 of PPS4. Policy PED4 'Redevelopment of an Established Economic Development Use in the Countryside' of PPS4 relates to the redevelopment of an established economic development use in the countryside. However, the building is proposed on a greenfield site therefore this policy would not be applicable. Policy PED9 'General Criteria for Economic Development' of PPS4 sets out certain criteria that a proposal for economic development use would be required to meet. Given that I have concluded that the proposal is not considered acceptable in principle in the countryside under Policy PED3 of PPS4, it is not necessary to consider Policy PED9 of PPS4. The third parties' argument in this regard are not upheld.
27. The Council contended that the appellant cannot seek the benefit of planning permission for a commercial building under PPS4 given the description of the proposal and that this brings into question the validity of the proposal. However, I do not consider it necessary to consider the validity of the proposal as I have already concluded that there is no established sui-generis use to expand in the absence of a CLEUD having been granted.
28. The appellant did not argue that there were any overriding reasons why the development was essential and could not be located in a settlement or was otherwise allocated for development in a development plan. The appeal proposal would therefore offend Policy CTY1 of PPS21. Thus, the Council's first reason for refusal is sustained.
29. The third parties argued that the proposed building would be a prominent feature in the landscape from Whitehill Drive and the M2 motorway. They suggested that the site would have to be raised. However, the infilling of lands is not part of the

appeal proposal. Criterion (a) of Policy CTY13 'Integration and Design of Buildings in the Countryside' of PPS21 states that a new building will be unacceptable where it is a prominent feature in the landscape. No planting is proposed on the block plan (Drawing No. 02/2).

30. The appeal site is cut out of a large agricultural field that is on the western side of Whitehill Drive. The southern and western boundaries of the appeal site are undefined. The eastern roadside boundary is defined by a hedgerow of approximately 2 metres in height. An overgrown hedgerow and trees of around 3-4 metres in height demarcate the northern boundary of the appeal site. Whitehill Drive is a dead-end road that terminates at the M2 motorway. The M2 motorway runs parallel to the southern boundary of the wider subject field. Beyond the appeal site, an overgrown hedgerow of approximately 3-4 metres in height and trees define the southern and western boundaries of the field. Given that Whitehill Drive comes to a dead-end and that the proposed building would be at the end of this dead-end where there is no built form and existing mature vegetation, I am broadly satisfied that the proposed building would visually integrate into the local landscape and would not offend criterion (a) of Policy CTY13 of PPS21. The third parties' concerns in this regard are not upheld.
31. Policy CTY14 'Rural Character' 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 an area subject to complying with a list of criteria. The third parties expressed concerns that the appeal proposal would result in suburban style build-up. The policy states that a new building will be unacceptable where (b) it results in a suburban style build-up of development when viewed with existing and approved buildings. As there would be no existing or approved built form close to the appeal proposal, the proposed building would read as one single entity in the landscape. Accordingly, I am satisfied that the proposal would not result in a suburban style build-up of development. Criterion (b) of Policy CTY14 is therefore not offended and the third parties concerns in this regard are not sustained.
32. The third parties considered that the appeal proposal was contrary to Policy CTY8 of PPS21. Policy CTY8 'Ribbon Development' of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.33 of the amplification text of Policy CTY8 states that a 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or are visually linked. Whilst the proposed building would not be visually linked with other buildings, it has common frontage with the dwellings at Nos. 15 and 17. I therefore find that it would create or add to a ribbon of development on the western side of Whitehill Drive.
33. Policy CTY8 cross-references with criterion (d) of Policy CTY14 'Rural Character' of PPS21. Policy CTY14 states that a new building will be unacceptable where (d) it creates or adds to a ribbon of development. Given that I have found that the appeal proposal would create or add to a ribbon of development, the proposed building would fail to meet criterion (d) of Policy CTY14. I therefore conclude that

the appeal proposal would be contrary to Policy CTY8 of PPS21 and criterion (d) of Policy CTY14. Thus, the third parties' concerns in this regard are sustained.

34. In respect of the third parties' other concerns, I am not persuaded that the design and materials of the proposed building would be unsympathetic given that its finish reflects those buildings found on farms in the countryside. The proposed building would be over approximately 100 metres away from the nearest dwelling (No. 17). Due to the significant separation distance between both properties, I am content that the appeal proposal would not be overbearing or dominant on the amenity of the neighbouring dwelling (No. 17).
35. No evidence was presented to demonstrate that the appeal proposal would have a detrimental impact on the amenity of residential dwellings in terms of noise, odour and vermin. In any case, the Council raised no objections to the proposal in this regard subject to the imposition of a condition restricting the use of the building for storage purposes only. I am satisfied that such a condition would ensure that the amenity of neighbouring dwellings would not be adversely affected by odour and vermin nuisance.
36. The third parties expressed road safety concerns as they considered that traffic movements between both parts of the farm would increase. The Department for Infrastructure (DfI) Roads raised no objections to the proposal. The proposed access is positioned at an existing field gate towards the end of a dead-end road where the nearest dwelling is over 100 metres away. As the proposal is for one building that would be associated with the existing gaming bird business, I am not persuaded that the number of traffic movements would significantly increase or that there would be any prejudice to road safety. The third parties' concerns in this regard are not sustained.
37. The supporter of the proposal considered that the proposed building would increase the ability of the farm business to maintain higher standards of bio-security as well as improved separation of ovine and avian species. However, the appeal building is not proposed to house one specific species and I am not persuaded that the appeal proposal would assist bio-security standards given that the building is proposed to house machinery and feed.
38. The third parties argued that the appellant should be required to provide a farm management plan for the control of agricultural waste and to ensure that animals/game birds are not kept at the site, and that air quality is fully protected. A condition restricting the building to storage use would overcome any third parties concerns in this regard. The third parties also stated that the subject field has problems with flooding. However, no substantive evidence was presented that demonstrated that the site is within a floodplain or is affected by surface water flooding.
39. The appellant alleged that one of the third parties has carried out unauthorised development within the vicinity. However, this matter falls outside the remit of this appeal and is for the local Council to address.

40. All in all, as I have not found that the appeal proposal would be acceptable in principle and no persuasive overriding reasons were advanced that justified why the development is essential and could not be located in a settlement, the appeal proposal offends Policies CTY1 and CTY12 of PPS21 and this is determining. The appeal must therefore fail.

This decision is based on:

- Drawing 01/1 at scale 1:2500 stamped received by the Council on 08 March 2020
- Drawing 02/2 at scale 1:500 stamped received by the Council on 22 June 2020; and
- Drawing 03 at scale 1:100 stamped received by the Council on 30 December 2019.

COMMISSIONER B STEVENSON

List of Documents

Planning Authority: -

“A” Statement of Case
Antrim and Newtownabbey Borough Council

“B” Rebuttal Statement
Antrim and Newtownabbey Borough Council

Appellant: -

“C” Statement of Case
CMI Planning Ltd

“D” Statement of Case
Mr & Mrs Heatley

Third Parties: -

“E” Statement of Case
Mr J McAteer

“F” Rebuttal Statement
Mr J McAteer

“G” Statement of Case
Mr B McKeown

“H” Statement of Case
Jos. C. M. Hughes

Planning Publication Policy

As part of the process of managing and determining planning and tree work applications, the Northern Ireland Councils (Planning Authorities) are required by law and in the public interest, to publish planning applications and supporting documents so that they are available to view on the Planning System. This includes comments received on planning applications.

The way we process sensitive and personal data and Special Category Information will be considered under the UK General Data Protection Regulation (UK GDPR), tailored by the Data Protection Act 2018.

Criteria for Redaction

The Planning Authorities will take extreme care when publishing sensitive personal data and Special Category Information on the Planning System. The following data will be redacted [blacked out so that it cannot be seen in all instances, using electronic methods] or the document withheld i.e. it will not be published on the Planning System:

- signatures (hand written and electronic);
- personal telephone numbers including mobile phone numbers (this does not include commercial or business phone numbers);
- personal email addresses (this does not include commercial or business email address);
- registration plates on motor vehicles;
- identification of children's/youth's information (photographs);
- children's names and ages;
- DAERA Farm Business Identification number;

Planning Publication Policy

- where there are security implications on a planning application site;
- information relating to an enforcement issue;
- personal information irrelevant to the planning application; and
- criminal offence data.

This list of data is not conclusive.

Sensitive information/Special Category Information

Some planning applications are likely to contain sensitive personal data and Special Category Information. This will be redacted [blacked out so that it cannot be seen when published] or the complete document withheld, whichever is most appropriate.

Sensitive personal data and Special Category Information could include:

- medical details of any living person;
- bank statements;
- tenancy agreements;
- lifestyle details which reveal a health aspect e.g. needs a carer or has poor health;
- education details where a name identifies the child;
- environmentally sensitive data; and
- details of any criminal convictions.

Sensitive personal data and Special Category Information considered as part of the decision-making process will be retained on file.

Sensitive personal data and Special Category Information not material to the decision-making process will be redacted and not held on file.

Planning Publication Policy

Representations

To deliver a consistent approach when dealing with comments on Planning applications, the Planning Authorities will deal with representations received in the following manner:

- Personal Data will be redacted as set out above, names and addresses of senders will be published (unless anonymity is requested – see notes below);
- If a representation contains information that may be defamatory, malicious, inaccurate or libellous, the communication may be returned to sender along with the letter at *Annex A*, explaining that it cannot be accepted;
- Anonymous representations will be considered and published;
- Where details of the sender have been provided but anonymity is requested, the representation will be anonymised for publication with personal data removed.
- The planning authority will use its discretion when considering whether to publish photographs accompanying a representation but where photographs are published, they will be subject to redaction criteria as set out above; and

Copy document requests

All personal data will be redacted when providing copies of planning applications and supporting documentation.

Planning Publication Policy

ANNEX A

Our reference:

Dear

PLANNING APPLICATION REFERENCE:

Please find enclosed your objection letter to the above planning application.

This has been returned to you as it contains issues that could be considered _____ and are not relevant Planning considerations.

Please re submit your objection ensuring it relates to relevant planning matters and does not contravene the guidance within our Planning Publication Policy regarding personal or sensitive information and Special Category Information as per General Data Protection Regulations.

Kind regards

Planning Business Support Team

Antrim and Newtownabbey Borough Council – Planning Section

This privacy notice is to let you know how the Council will look after your personal information which we collect from you for the purpose of processing planning and associated applications. This is in accordance with the Planning Act (NI) 2011 and related subordinate legislation which entitles the Council to carry out this process. All information collected and processed may be subject to audit.

The Department for Infrastructure and the 10 Northern Ireland Councils are joint Data Controllers under the General Protection Regulations (GDPR) for the personal data gathered to enable the processing of applications for any permission, consent, approval or determination; enforcement cases; or Tree Preservation Orders. Our lawful basis for processing the data is the compliance with a legal obligation under the Planning Act (NI) 2011.

The Department for Infrastructure & NI Councils Planning Privacy Notice can be viewed at: www.planningsystemni.gov.uk

Antrim and Newtownabbey also operates an Open File Policy with regard to planning applications. This means that you can view planning applications files by appointment at the Council Office during normal working hours. When making an appointment the Council will only hold personal contact details such as your name, contact telephone number or email address for the purpose of the appointment. These details will not be retained when the appointment has taken place and any follow up action which may have been agreed, such as the provision of photocopies of documentation, has been concluded.

Information on the file relating to the development proposal including any letters of support or objection will be open to view without redaction. Information relating to legal and policy advice or information considered to be commercially sensitive or personally sensitive such as medical information may be withheld under the relevant governing legislation i.e. Data Protection Act, Freedom of Information Act 2000, Environmental Information Regulations 2004.

The Council may also process the information for research purposes carried out in the public interest. All information will be held in accordance with the Council's retention and disposal schedule and will be disposed of securely when no longer required <http://www.antrimandnewtownabbey.gov.uk/Council/Freedom-of-Information>

You have a number of rights with regard to data we hold on you – for further information see the Information Commissioner's website <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

If at any point you believe the information we process on you is incorrect you can request to see this information and even have it corrected or deleted. If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter.

Data Protection Officer
Antrim Civic Centre
50 Stiles Way
Antrim and Newtownabbey Borough Council BT41 2UB
T: 028 94 463113
E: DPO@antrimandnewtownabbey.gov.uk

If you are not satisfied with our response, or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner's Office (ICO)

Regional Planning Directorate



Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB
Tel: 0300 200 7830

7 November 2022

Dear Sir/Madam

CONSULTATION ON VALIDATION CHECKLISTS FOR PLANNING APPLICATIONS

I am writing to inform you that the Department for Infrastructure has issued a public consultation paper on proposals to amend The Planning (General Development Procedure) Order (NI) 2015 to introduce validation checklists for planning applications submitted to councils and the Department.

A validation checklist will provide guidance to applicants about the level and type of information required to be submitted with a planning application. The requirements are intended to be proportionate to the nature and scale of the proposal. The consultation also seeks views on an associated dispute mechanism where an applicant **does not** agree with a planning authority's decision not to validate an application where it considers the information submitted to be incomplete.

Copies of the Consultation Paper may be downloaded from the website at:
<https://www.infrastructure-ni.gov.uk/consultations/consultation-changes-improve-quality-planning-applications>

Alternatively you can request a copy by telephone: (028) 90540563, by text phone: (028) 90540642; by email: Legislation.planning@infrastructure-ni.gov.uk or from the postal address below.

Validation Checklists for Planning Applications Consultation
Regional Planning Directorate
Room 1-08
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

The closing date for the receipt of comments is 6 January 2023.

You have received this notification because your contact details are contained on a list of consultees used by DfI Planning when issuing public consultations, surveys, questionnaires, etc.

If you no longer wish to receive these notifications, your details can be removed by notifying the department using the same contact details as above.

Yours sincerely

ANGUS KERR
Chief Planner
& Director of Regional Planning

PUBLIC CONSULTATION

PLANNING APPLICATION VALIDATION CHECKLISTS

Date: November 2022

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ANNEX A – Screening for Equality Impact Assessment

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Responding to this consultation document

How to Respond

You are invited to send your views on this consultation document. Comments should reflect the structure of the document as far as possible with references to question numbers and paragraph numbers where relevant.

All responses should be made in writing and submitted to the Department no later than 6 January 2023 in one of the following ways:

1. **Where possible online via Citizen Space**
2. By e-mail to: **Legislation.Planning@infrastructure-ni.gov.uk**
3. By post to:
**Public Consultation
Planning Applications - Validation Checklists
Regional Planning Directorate
Room 1-08
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB**

In keeping with government policy on openness, responses to this consultation may be made available on request or published on the Department's website at:

[Planning Legislation | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/planning-legislation).

We look forward to receiving responses to the proposals and issues raised within this consultation document. Additional copies of the consultation document can be downloaded from the Department's website at:

[Planning Legislation | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/planning-legislation) or requested via the postal address, e-mail as above, by telephone on (028) 90540563 or by Text phone (028) 90540642.

This document is available in alternative formats. Please contact us using the contact details above to discuss your requirements.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should be directed to the postal or e-mail addresses above.

Confidentiality and Data Protection

Information contained in your response may be made public by DfI. If you do not want all or part of your response made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your correspondence will be taken to apply only to information in your response for which confidentiality has been specifically requested. Information provided in response to this consultation, excluding personal information, may be subject to publication or disclosure in accordance with the access to information regimes (this is primarily the Freedom of Information Act 2000 (FOIA)).

The Department will process your personal data in line with the Department's Privacy Notice ([DfI Privacy | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/infrastructure-privacy-notice)). Personal data provided in response to this consultation will not be published. If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

As indicated above, the Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraph below as it will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation or a call for evidence. The Department cannot automatically consider as confidential information supplied to it in response

to a consultation or a call for evidence. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, excluding information about your identity, should be made public or treated as confidential

Impact Assessments

Government bodies are required to screen the impact of new policies and legislation against a wide range of criteria, including equality and human rights.

Equality Impact Assessment Screening and a Preliminary Regulatory Impact Assessment have been undertaken and are set out at Annexes A and B to this consultation paper. The Department believes that there would be no differential impact in rural areas or on rural communities.

The Department also considers that the proposals laid out in this document are fully compliant with the Human Rights Act 1998.

The Department welcomes views and comments on whether the conclusions contained in the above assessments are correct.

1 Introduction

Purpose of the consultation

- 1.1 This consultation forms part of the Department's Planning Improvement Programme aimed at creating an efficient, effective and equitable planning system trusted to deliver high quality, sustainable, inclusive and healthy places.
- 1.2 Earlier this year a series of reports highlighted the need to improve the quality of planning applications entering the planning system and the potential benefits this could bring in terms of improving processing times, the quality of decisions and in turn the delivery of development on the ground.
- 1.3 In addition, in January 2022 the Department published its first Review of the Implementation of the Planning Act (NI) 2011 (the Review) which contained 16 recommendations aimed at improving the planning system. The Review, which was informed by a wide range of stakeholders, recognised the importance of front-loading the planning application process to ensure applications are accompanied with all necessary supporting documentation needed to reach a decision at the point of submission.
- 1.4 The Review considered that validation checklists, which are part of the planning legislation framework in other jurisdictions, could be an important tool in improving the quality and completeness of planning applications coming into the system. The Department stated in the review report:
The Department will bring forward proposals to introduce 'validation checklists' and will seek to advance policy development at the earliest opportunity.
- 1.5 Further reports on the Northern Ireland planning system by the Northern Ireland Audit Office (NIAO)¹ (February 2022), and the Public Accounts Committee (PAC) (March 2022)², both referenced the need for, and benefits of, the introduction of validation checklists.
- 1.6 The NIAO stated during its work, that it encountered a strong consensus which consistently spoke about the "low bar" set for the information required to make a legally valid planning application in Northern Ireland.

¹ <https://www.niauditoffice.gov.uk/publications/planning-northern-ireland>

² <http://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/pac/reports/planning-in-ni/public-accounts-committee---planning-in-northern-ireland.pdf>

- 1.7 The NIAO further reported there was a view that the criteria set out in the Planning Act was too narrowly prescribed and did not require key supporting documentation – such as flood risk assessments, environmental statements and transport assessments - to be provided with applications at the point of submission. This means that potentially ‘incomplete’ applications must be accepted by a planning authority (having met the minimum statutory requirements) and from which, the time period for statutory processing begins.
- 1.8 The NIAO believe this contributes to inefficiency and poor processing times in a number of ways:
- statutory consultees are often expected to provide a substantive response to planning applications where essential supporting information is missing;
 - consultees are spending time on poor quality or incomplete applications, and often have to be consulted multiple times on the same application; and
 - applications which arrive at the planning committee for a decision often have to be deferred to allow supporting information to be provided.
- 1.9 The NIAO considered if the planning system continues to accept poor quality applications, this creates a culture of speculative applications, whereby the system is being used to effectively “MOT” projects and determine the assessments required.
- 1.10 The PAC report published on 24 March 2022 stated that the Committee had significant concerns around the evidence it heard of widespread issues with the quality of applications entering and progressing through the planning system. It believes that allowing poor quality applications risks poor quality development, can “clog up” the system, and is designed to allow multiple amendments at every stage of the process, including right up to appeal.
- 1.11 The PAC considered that presently the planning system does not sufficiently encourage good quality applications and a robust mechanism is needed to stop poor quality applications entering the system in the first place. It recommended that the Department and local government implement immediate changes to improve the quality of applications entering the system and believe the introduction of validation checklists is one way to do this.

1.12 The PAC and NIAO reports cited the example of Belfast City Council's introduction of an Application Checklist on an administrative basis, and the subsequent improved performance it achieved against statutory targets.

Current validation requirements

1.13 The format of an application for planning permission is provided for by section 40 of the Planning Act, while the detailed form and content of a planning application is specified in Article 3 of the Planning (General Development Procedure) Order (NI) 2015. Similar provision is made for applications for listed building consent via section 86 of the Planning Act, in tandem with Regulations 2 and 3 of the Planning (Listed Buildings) Regulations (NI) 2015.

1.14 These requirements set out what information or evidence must be submitted with applications for planning permission or other consents to make an application 'valid' before it can be considered by a planning authority. An application for planning permission is to contain:

- a written description of the development;
- an address or location of the land;
- the name and address of the applicant;
- a plan sufficient to identify the land;
- such other plans and drawings necessary to describe the development;
- a design/access statement, where required;
- a certificate under Article 9; and
- any fee.

1.15 Whenever a planning application becomes 'valid' the timeframe for processing the application commences. It is against this timeframe that performance is measured, and also for the purposes for appeals against 'non-determination' of an application. However, many applications when submitted do not contain all the information needed to determine them. This can result in further request(s) to the applicant which can subsequently lead to delays in processing with a consequent negative impact on resources and efficiency.

Belfast City Council Approach

- 1.16 Following discussion with the Department in 2017/18, Belfast City Council introduced a pilot 'Application Checklist' on a non-statutory / administrative basis. The Application Checklist was in the form of a comprehensive guide for applicants which set out the information required to be submitted with any given type of planning application, according to its characteristics, scale and spatial constraints. Essentially based on the principle of validation checklists in England and Wales but without the statutory weight. The Council's Application Checklist was implemented in three phases:
- **Phase I** (January 2019) applied to certain large-scale local planning applications;
 - **Phase II** (May 2019) applied to certain major planning applications; and
 - **Phase III** (April 2021) applied to all planning applications excluding certain householder and other minor applications / consents.³
- 1.17 Following monitoring of the performance of the checklist regime, the Council concluded that since its introduction, the Application Checklist has been very positively received by consultees and customers who were less likely to submit an incomplete application. It also concluded that it had a significant positive impact on the Council's delivery of its Development Management service, and in most cases it allowed the Council to secure the additional supporting information upfront, resulting in less delays to the application process and less pressure on statutory and non-statutory consultees.

2. Planning Performance

- 2.1 The Department regularly publishes reports on the volume of planning applications received and decisions issued. They include geographic detail at Local Government District and Assembly Constituency levels.⁴
- 2.2 Whilst there has been an overall improvement in 2021/22 compared to 2020/21, there is no doubt that processing times for applications in the planning system, particularly for major and economically sensitive applications, is causing frustration with stakeholders,

³ <https://www.belfastcity.gov.uk/planning-and-building-control/planning/applying-for-planning-permission/application-checklist>

⁴ <https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics>

given the impacts that this has on economic development and post-COVID recovery.

- 2.3 The Department acknowledges that it is important that everything possible is done to keep improving the timeframes for processing applications and to do so jointly with councils, statutory consultees and other stakeholders.

3 The proposal

- 3.1. The purpose of this consultation is to seek your views on the Department's proposal to amend The Planning (General Development Procedure) Order (NI) 2015 to provide for the introduction of 'validation checklists' to address 'poor quality' or 'incomplete' applications entering the planning system.
- 3.2. A validation checklist will provide guidance to applicants about the level and type of information required to be submitted with a planning application. The requirements are intended to be proportionate to the nature and scale of the proposal.
- 3.3. The proposed amending Order would enable a planning authority (council or the Department) to prepare and publish 'checklists', above the current minimum statutory requirements which would remain unchanged, setting out the additional supporting information / evidence which would be required to accompany different types of planning application e.g. specific to its siting, the type of development proposed etc. There will be some flexibility for individual councils to take an approach that suits their local area and planning issues.
- 3.4. The legislation will require that an applicant needs to provide the information (on a validation checklist) where it is reasonable, having regard, in particular, to the nature and scale of the proposed development; and about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 3.5. The overall objective of such an amendment is to enhance the quality of applications entering the system, to front-load the decision making process, which should result in better processing times and more efficient consultee responses. Applications will not be considered valid until they comply with the required information contained in the published checklists and, therefore, the clock will not start ticking in terms of meeting statutory processing time targets. Ultimately, the requirement to ensure applications are

accompanied by all necessary information should result in overall improved planning performance.

3.6. The benefits of validation checklists are generally accepted as follows:

- they set out the scope of information required at the outset to ensure a ‘fit for purpose’ submission;
- they enable the planning authority to have all the necessary information to determine the application and to draft the planning permission and conditions appropriately;
- they minimise the need for further submission of additional information during the life of the application which avoids unnecessary delay in the determination of applications;
- they provide applicants with certainty as to the level of information required and the likely overall investment needed prior to the application submission; and
- they ensure that the appropriate information is provided with an application to assist interested parties, including consultees, in their consideration of development proposals.

4. Validation Disputes

4.1. Legislation in England & Wales also provides applicants with a right to dispute ‘non-validated’ applications – these are applications where there is a dispute between the applicant and the planning authority as to whether the application is ‘valid’.

4.2. The Department is of the opinion that the introduction of validation checklists here would also require a similar ‘validation dispute’ mechanism, otherwise the only recourse available to an applicant would be judicial review proceedings. Including a dispute mechanism within the amending Order would avert the need for such challenges and would uphold an applicant’s European Convention on Human Rights Article 6 right to a fair trial.

4.3. In England, where a local planning authority requires particulars or evidence to be included with an application and the applicant disputes the need for such evidence, the applicant can serve a notice on the planning authority saying why the additional information which has been requested is considered unreasonable and requesting that the requirement be waived. The planning authority can then notify the applicant that it either no longer requires the information, called "*a validation notice*" or one saying the information is still required, "*a non-validation notice*".

- 4.4. After the statutory time period for determining the application has expired from the date of the non-validation notice, the applicant can appeal against non-determination (this is basically the same procedure as if the application has been refused). The person considering such an appeal will consider both the dispute regarding ‘validity’ and the merits of the application itself (although if it is decided that the local planning authority was correct in determining that the application was invalid, the appeal will be automatically dismissed). The procedure for the determination of validation appeals is set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.⁵
- 4.5. In contrast, legislation in Wales provides for a ‘stand-alone’ dispute mechanism which deals solely with consideration of the information requirements. Where the planning authority thinks the application (or anything accompanying it) does not comply with a validation requirement, the authority must give the applicant notice to that effect. The applicant can either provide the information, or appeal the non-validation of the application within two weeks from the date of the notice. The procedure for the determination of validation appeals made to the Welsh Ministers (under section 62ZB of the Town and Country Planning Act 1990) is set out in The Town and Country Planning (Validation Appeals Procedure) (Wales) Regulations 2016.⁶
- 4.6. Evidence from Wales demonstrates that the number of ‘non-validation’ appeals determined by the Planning Inspectorate there has averaged 6 per year from 2016-2021.⁷

5. SUMMARY

- 5.1. In summary, the Department’s overall objective for the proposed amendment is to provide the statutory basis for a planning authority to be able to prepare and publish a validation check list to address ‘poor quality’ or ‘incomplete’ applications entering the planning system. Once in place, the Department expects that this will improve the quality of applications coming into the system and overcome avoidable delays in the processing of applications for planning permission by front-loading applications with all the evidence and information deemed necessary for their determination. This approach should also lead to improved statutory consultee response times, reduce the need for re-consultations and improve the time taken to reach planning decisions.

⁵ [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

⁶ <https://www.legislation.gov.uk/wsi/2016/60/made>

⁷ <https://gov.wales/sites/default/files/publications/2021-04/non-validation-appeals-register.pdf>

Consultation Questions

Question 1:

Do you agree with the proposal to provide a statutory basis for planning authorities to introduce a Validation Checklist for planning applications?

Yes ☐ No ☐

(Please provide reasons for your answer.)

Question 2:

Do you agree that a 'dispute mechanism' should be available to applicants who disagree with the information/evidence requirements to be submitted with an application?

Yes ☐ No ☐

(Please provides reasons for you answer.)

If you answered 'Yes' to Question 2, please go to Question 3.

Question 3:

Would you prefer a dispute mechanism linked to 'non-determination' of the application as in England (see para 4.3-4.4 above) or a 'stand-alone' approach as in Wales (see para 4.5 above)?

'Non-determination' dispute ☐ 'Stand-Alone' dispute ☐

(Please provides reasons for you answer.)

Question 4:

From the list below, please select the category of respondent most appropriate to you.

Business and development interests ☐

Resident/community groups/voluntary organisations ☐

Environment and heritage groups ☐

Political party/elected representative ☐

Council ☐

Statutory consultee ☐

Applicant ☐

Architect/Planning consultancy/Agent ☐

Other ☐

ANNEX A

DEPARTMENT FOR INFRASTRUCTURE

SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

The purpose of this form is to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for quarterly consultation on the outcome of the screening exercise, and will be referenced in the biannual review of progress made to the Minister and in the Annual Report to the Equality Commission.

Further advice on completion of this form and the screening process including relevant contact information can be accessed via the Department for Infrastructure (DfI) Intranet site.

HUMAN RIGHTS ACT

When considering the impact of this policy you should also consider if there would be any Human Rights implications. Guidance is at:

- <https://www.executiveoffice-ni.gov.uk/articles/human-rights-and-public-authorities>

Should this be appropriate you will need to complete a Human Rights Impact Assessment. A template is at:

- <https://www.executiveoffice-ni.gov.uk/publications/human-rights-impact-assessment-proforma>

Don't forget to Rural Proof.

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

Planning Applications – Validation Checklists

Is this an existing, revised or a new policy?

New Policy

What is it trying to achieve? (intended aims/outcomes)

The aim of the policy is to bring forward an amendment to Article 3 of the Planning (General Development Procedure) Order (NI) 2015 (GDPO) to provide councils and the Department with the authority to prepare and publish “validation checklists”, to address ‘poor quality’ or ‘incomplete’ applications entering the planning system. A Validation Checklist provides guidance about the level and type of information required to be submitted with a planning application, in order to provide a degree of certainty and clarity to assist applicants. The requirements should be proportionate to the nature and scale of the development proposal.

The overall outcome of the proposed amendment is to overcome delays in the processing of applications for planning permission, by front-loading applications with all the evidence and information deemed necessary to determine the applications. This should lead to improved statutory consultee response times, (that is, the time taken by, for example: Roads, Water and Environmental Health to comment on a development proposal), reduce the need to re-consult statutory consultees, and improve the time taken to reach decisions. An associated dispute mechanism may also prove necessary which will also be consulted upon. This will provide an applicant with a means in which to dispute a decision by a planning authority not to validate a planning application where it determines that the information provided is insufficient or incomplete.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

No

Who initiated or wrote the policy?

The Department for Infrastructure (the Department)

Who owns and who implements the policy?

The Department for Infrastructure / councils.

Background

The performance of the planning system in processing planning applications has been highlighted through various examinations/findings of the NI planning system: the Northern Ireland Audit Office (NIAO)⁸ Report on 1 February 2022; and the Public Accounts Committee (PAC)⁹ Report on 24 March 2022.

The Department regularly publishes statistics on planning performance¹⁰. Whilst there has been an overall improvement in 2021/22 compared to 2020/21, there is no doubt that processing times for applications in the planning system, particularly for major and economically sensitive applications, is causing frustration among stakeholders, given the impacts that this has on economic development and post COVID recovery.

The Department acknowledges that it is important that everything possible is done to keep improving the timeframes for processing applications and to do so jointly with councils, statutory consultees and other stakeholders.

Alongside the external reports mentioned above, the Department published its first report on the Review of the Implementation of the Planning Act (NI) 2011

⁸ <https://www.niauditoffice.gov.uk/publications/planning-northern-ireland>

⁹ <http://http://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/pac/reports/planning-in-ni/public-accounts-committee---planning-in-northern-ireland.pdf>

¹⁰ <https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics>

(the review report) in January 2022 which, contained 16 recommendations aimed at improving the planning system¹¹.

This proposal forms part of the Department's ongoing planning improvement agenda and flows from recommendation PT3-5 set out in the review report dealing with actions to improve the quality and completeness of planning applications:

Recommendation PT3-5 of the Review Report: *The Department will bring forward proposals to introduce 'validation checklists' and will seek to advance policy development at the earliest opportunity.*

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

- Financial
- Legislative

The introduction of validation checklists to planning applications will result in extra **up-front** costs to applicants, in that it will require all necessary evidence and information needed to determine the proposal, to accompany the application at the time of its submission. This would be in contrast to councils seeking the required information at a date after the application has been made, usually, (but not exclusively) prompted by responses from statutory consultees, leading to delays in processing.

Amendment to Article 3 of the Planning (General Development Procedure) Order (NI) 2015.

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please delete as appropriate)

- staff
- service users

other public sector organisations

¹¹ <https://www.infrastructure-ni.gov.uk/publications/review-planning-act-ni-2011-report>

Other policies with a bearing on this policy

- None
- Not applicable

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to [signpost to S75 data](#).

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Religious belief: This proposal forms part of the Department's ongoing planning improvement agenda and flows from recommendation PT3-5 set out in the review report dealing with actions to improve the quality and completeness of planning applications. It also responds to the findings set out in both the NIAO and PAC Reports published earlier in 2022.

Recommendation PT3-5 of the Review Report: *“The Department will bring forward proposals to introduce ‘validation checklists’ and will seek to advance policy development at the earliest opportunity.”*

Such legislative provisions have been successfully introduced in other jurisdictions for a number of years (England & Wales), with further advice and guidance on the local information requirements for planning applications also set out in the National Planning Policy Framework¹² (England).

There is no evidence to suggest that the amendment proposed to the GDPO of itself or generally, is more or less likely to adversely impact upon any s.75 group(s). The requirements are to be kept to the minimum needed to make decisions, and are usually reviewed at least every two years. Planning authorities are also only to request supporting information that is relevant, necessary and material to the application in question.

The requirement to front-load the application process with the information/evidence needed to reach a sound decision will apply equally to every applicant, and will be specific to the type of application made, and the nature, scale and location of the proposed development. Each and every planning application is considered on its own individual merits, and the potential equality impacts will form part of that decision-making process.

The Department does not therefore envisage any significant, adverse or unequal impact of this policy upon any s.75 category.

¹² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Political Opinion: As above

Racial Group: As above

Age: As above

Marital Status: As above

Sexual Orientation: As above

Men & Women generally: As above

Disability: As above

Dependants: As above

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

Religious belief: None – no equality issues identified as the information requirements i.e. in the Validation Checklists, to be published by planning authorities will be applicable to all those making a planning application.

Political Opinion: As above

Racial Group: As above

Age: As above

Marital status: As above

Sexual orientation: As above

Men and Women Generally: As above

Disability: As above

Dependants: As above

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;

- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1. **What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?**

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: None identified. The policy proposal will apply equally to all planning applications and not impact on equality of opportunity for applicants.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**: As above

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: As above

What is the level of impact? None

Details of the likely policy impacts on **Age**: As above

What is the level of impact? None

Details of the likely policy impacts on **Marital Status**: As above

What is the level of impact? None

Details of the likely policy impacts on **Sexual Orientation**: As above

What is the level of impact? None

Details of the likely policy impacts on **Men and Women**: As above

What is the level of impact? None

Details of the likely policy impacts on **Disability**: As above

What is the level of impact? None

Details of the likely policy impacts on **Dependants**: As above

What is the level of impact? None

2. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories? Yes/No**

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

Religious Belief - No

The proposed policy will apply equally to all users of the planning system. There is no opportunity to better promote equality of opportunity for applicants.

Political Opinion – No, as above

Racial Group – No, as above

Age – No, as above

Marital Status – No, as above

Sexual Orientation – No, as above

Men and Women generally - No, as above

Disability - No, as above

Dependants No, as above

3. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: None. The Policy is introducing a Validation checklist for planning applications in order to improve the planning process.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**: None. The Policy is introducing a Validation checklist for planning applications in order to improve the planning process.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: None. The Policy is introducing a Validation checklist for planning applications in order to improve the planning process.

What is the level of impact? None

4. **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

Religious Belief – No - The Policy is introducing a Validation checklist for planning applications in order to improve the planning process. Effects people of all religious beliefs equally.

Political Opinion – No - The Policy is introducing a Validation checklist for planning applications in order to improve the planning process. Effects people of all political opinions equally.

Racial Group - – No - The Policy is introducing a Validation checklist for planning applications in order to improve the planning process. Effects people of all racial groups equally.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

N/A

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

There is no evidence that the policy has any impact on people with multiple identities.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The Department does not envisage or consider that there are likely to be any specific significant negative, adverse or unequal impacts associated with this policy. The proposed amendment to the Planning (General Development Procedure) Order (NI) 2015 will apply equally to all users of the planning system and there is no evidence that it will have any significant impact in terms of equality of opportunity or good relations.

An associated dispute mechanism would also provide a level of assurance that the information requirements are proportionate and material to the proposed application, and would avert the need for judicial challenges and would also uphold an applicant's European Court of Human Rights Article 6 right to a fair trial.

In line with the Equality Commission NI guidance "regular and ongoing monitoring and screening of each major project will be undertaken to examine any equality impacts".

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

As above

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

Not applicable

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy. Not applicable

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion [Author pick 1 2 or 3 if a full EQIA is to take place]

Effect on equality of opportunity and good relations **Rating 1**

Social need **Rating 1**

Effect on people's daily lives **Rating 1**

Relevance to a public authority's functions **Rating 1**

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities? No

If yes, please provide details.

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5 - Approval and authorisation

Screened by: Tom Mathews
Position/Job Title: SPTO
Date: 27 October 2022

Approved by: Irene Kennedy
Position/Job Title: Grade 7
Date: 27 October 2022

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.

For Equality Team Completion:

Date Received:	25 October 2022
Amendments Requested:	Yes
Date Returned to Business Area:	28 October 2022
Date Final Version Received / Confirmed:	2 November 2022
Date Published on DfI's Section 75 webpage:	2 November 2022

Title: Planning Applications – Validation Checklists	Regulatory Impact Assessment (RIA)	
	Date: 2 November 2022	
	Type of measure: Secondary Legislation	
Lead department or agency: Department for Infrastructure	Stage: Development	
	Source of intervention: Domestic NI	
Other departments or agencies: N/A	Contact details: Irene Kennedy	
	Regional Planning Directorate Room 1-01 Clarence Court 10-18 Adelaide Street Belfast BT2 8GB	

Summary Intervention and Options

What is the problem under consideration? Why is government intervention necessary? (7 lines maximum) The performance of the planning system in processing planning applications has been highlighted through various examinations/findings by the Northern Ireland Audit Office (NIAO), and the Public Accounts Committee in 2022. A number of recommendations from the first Report on the Implementation of the Planning Act 2011 (Jan 2022), also committed to developing policy aimed at improving performance. Poor performance has in part, been attributed to poor quality or incomplete applications entering the system. It is proposed to empower planning authorities to prepare and publish planning validation checklists to address the matter. This will ensure that applications entering the system will be required, from the outset, to include all information/evidence needed to reach a sound decision. The requirements will be proportionate to the nature and scale of the development proposal.		
What are the policy objectives and the intended effects? (7 lines maximum) The overall objective and outcome of the proposed policy is to overcome delays in the processing of applications for planning permission and other consents, by front-loading applications with all the evidence and information deemed necessary to determine the applications. This approach should also lead to improved statutory consultee response times, and reduce the need for re-consultations, and improve the time to reach decisions. This will be achieved by way of an amendment to Article 3 of the Planning (General Development Procedure) Order (NI) 2015 (GDPO). An associated dispute mechanism may also prove necessary which, will also be consulted upon.		
What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) (10 lines maximum) There were 3 options considered for planning application requirements: <ul style="list-style-type: none"> • Option 1 – Do nothing and maintain current (minimum) application requirements (i.e. maintain the status quo); • Option 2 – Encourage introduction of validation checklists on a non-statutory, administrative basis; and • Option 3 – Place validation checklists on a legislative basis by way of amendment to the GDPO 2015. The preferred option. 		
Will the policy be reviewed? It will be reviewed		If applicable, set review date: 2025

Cost of Preferred (or more likely) Option		
Total outlay cost for business £m	Total net cost to business per year £m	Annual cost for implementation by Regulator £m
£0	£0	£0

Does Implementation go beyond minimum EU requirements?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Is this measure likely to impact on trade and investment?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

Are any of these organisations in scope?	Micro Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Small Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Medium Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Large Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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The final RIA supporting legislation must be attached to the Explanatory Memorandum and published with it.

Approved by:

Date:

Summary: Analysis and Evidence

Policy Option 1

Description: Do nothing and maintain current (minimum) application requirements.

ECONOMIC ASSESSMENT (Option 1)

Costs (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised costs by ‘main affected groups’ Maximum 5 lines There are no new monetised costs with this option, and a planning application will only need to include the current minimum requirements, set out under Art.3 of the GDPO, together with the appropriate planning fee. Further information/evidence requirements (where necessary), will be sought from the applicant after validation and during processing.				
Other key non-monetised costs by ‘main affected groups’ Maximum 5 lines To maintain the current position would not advance a recommendation in the Review Report; findings from the NIAO/ PAC reports and likely draw criticism from many stakeholders in the planning system, particularly local councils. Potentially incomplete or poor quality planning applications would continue to be submitted, causing delay in processing times and adversely impacting planning performance.				
Benefits (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised benefits by ‘main affected groups’ Maximum 5 lines It is difficult to measure / quantify any monetary benefits or effects of maintaining the current provision under the GDPO. Under this option, the existing regime will continue but without the benefit of potential amendments which otherwise may have been introduced.				
Other key non-monetised benefits by ‘main affected groups’ Maximum 5 lines Maintaining the existing application requirements, while generally beneficial to potential applicants, will overall be disadvantageous to the planning system as a whole, statutory consultee response times and council performance, in comparison to other jurisdictions where validation checklists have already been implemented.				
Key Assumptions, Sensitivities, Risks Maximum 5 lines It is not unreasonable to assume that maintaining the existing application requirements would be disadvantageous overall to local business in that, unnecessary delays in the processing of planning applications would continue affecting overall performance.				

BUSINESS ASSESSMENT (Option 1)

Direct Impact on business (Equivalent Annual) £m			
Costs:	Benefits:	Net:	Cannot be quantified monetarily but is assumed it would be disadvantageous in comparison to other jurisdictions where validation checklists are in place.

Cross Border Issues (Option 1)

How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) Maximum 3 lines

The current minimum application requirements set out in Art.3 of the GDPO 2015, and s.40 of the Planning Act are similar to those in other jurisdictions. However, other jurisdictions have introduced validation checklists for some time now. The option to maintain only current minimum requirements here will mean that locally, NI will not keep pace with nor take account of changes / approaches elsewhere.

Summary: Analysis and Evidence**Policy Option 2**

Description: Encourage an administrative approach to validation check-lists

ECONOMIC ASSESSMENT (Option 2)

Costs (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				

Description and scale of key monetised costs by 'main affected groups' Maximum 5 lines

The introduction of validation check-lists, on a **non-legislative / administrative** approach would likely improve the quality of applications, and could result in improved processing times, consultee response times, and overall planning performance. Evidence from Belfast City Council's pilot exercise, undertaken between 2020/21 in this regard supports this conclusion. Councils would bear the costs with this option, however, without statutory weight, applicants would not be bound to provide the additional information/evidence sought. In such circumstances, existing minimum information set out under Art.3 of the GDPO, together with the appropriate planning fee would only be necessary. Further information/evidence requirements (where necessary), will be sought from the applicant after validation, and during processing.

Other key non-monetised costs by 'main affected groups' Maximum 5 lines

This option would not advance a recommendation in the Review Report; nor develop findings from the NIAO/ PAC reports and likely draw criticism from many stakeholders in the planning system, particularly local councils. Potentially incomplete or poor quality planning applications would continue to be submitted, causing delay in processing times and adversely impacting planning performance.

Not to undertake to improve the quality and completeness of planning applications does not fulfil a departmental commitment, and will not ensure that the legislation remains appropriate to the local context. Changes (if any) to similar legislation in other jurisdictions will not be factored in to any assessment.

Benefits (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				

Description and scale of key monetised benefits by 'main affected groups' Maximum 5 lines

It is difficult to measure / quantify any monetary benefits or effects of this option. Under this option, potential enhanced information/evidence would be sought, but without the benefit of a legislative footing would require the willing participation of applicants to the planning system.

Other key non-monetised benefits by 'main affected groups' Maximum 5 lines

The introduction of validation check-lists on a **non-legislative / administrative** approach would likely improve the quality of applications, and could result in improved processing times, consultee response times, and overall planning performance. This option, while generally beneficial to the planning system, will overall be disadvantageous in comparison to other jurisdictions where statutory validation checklists have already been successfully implemented.

Key Assumptions, Sensitivities, Risks Maximum 5 lines

It is not unreasonable to assume that a voluntary approach to the introduction of validation checklists could benefit the planning system and decision-making, however without a statutory footing it requires the active participation of all applicants which, is not guaranteed.

BUSINESS ASSESSMENT (Option 2)

Direct Impact on business (Equivalent Annual) £m				
Costs:	Benefits:	Net:		Cannot be quantified monetarily but is assumed it would be disadvantageous in comparison to other jurisdictions where statutory validation checklists are in place.

Cross Border Issues (Option 2)**How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland)** Maximum 3 lines

The current minimum application requirements set out in Art.3 of the GDPO 2015, and s.40 of the Planning Act are similar to those in other jurisdictions. However, other jurisdictions have introduced statutory validation checklists for some time now. This option would mean that locally, NI will not keep pace with nor take account of changes / approaches elsewhere.

Summary: Analysis and Evidence

Policy Option 3

Description: Legislate for validation checklists

ECONOMIC ASSESSMENT (Option 3)

Costs (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised costs by ‘main affected groups’ Maximum 5 lines The introduction of validation checklists on a legislative basis would improve the quality of planning applications entering the system, resulting in improved application processing times, consultee response times, and the overall performance within the planning system. Planning authorities would bear the costs with this option, of preparing and publishing validation checklists. With statutory weight however, applicants would be bound to provide the additional information/evidence sought from the outset, without which, applications would be deemed invalid.				
Other key non-monetised costs by ‘main affected groups’ Maximum 5 lines There are no appreciable non-monetised costs associated with this option. Potentially incomplete or poor quality planning applications would be deemed invalid and not entered into the planning system.				
Benefits (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised benefits by ‘main affected groups’ Maximum 5 lines It is difficult to measure / quantify the monetary benefits or effects of this option. A statutory requirement empowering councils to set out the additional supporting information / evidence to accompany different types of planning application, and specific to particular types of development would enhance the quality of applications, front-loads the application process, and should result in better processing times, and consultee response times. This ultimately should also result in improved planning performance giving greater certainty to applicants and other stakeholders.				
Other key non-monetised benefits by ‘main affected groups’ Maximum 5 lines As above.				
Key Assumptions, Sensitivities, Risks Maximum 5 lines There are no appreciable sensibilities or risks associated with this option.				

BUSINESS ASSESSMENT (Option 3)

Direct Impact on business (Equivalent Annual) £m				
Costs:	Benefits:	Net:		Cannot be quantified monetarily but is it would bring the approach in NI in to line with other jurisdictions where statutory validation checklists are in place.

Cross Border Issues (Option 3)**How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) Maximum 3 lines**

The current minimum application requirements set out in Art.3 of the GDPO 2015 are similar to those in other jurisdictions. However, other jurisdictions have introduced statutory validation checklists for some time now. This option would mean that locally, NI will keep pace with approaches elsewhere.

Evidence Base

The performance of the planning system in processing planning applications has been highlighted through various examinations/findings of the NI planning system by the Northern Ireland Audit Office (NIAO), and the Public Accounts Committee in 2022. A number of recommendations from the first Report on the Implementation of the Planning Act 2011 (Jan 2022), also committed to developing policy aimed at improving performance. Poor performance has in part, been attributed to poor quality or incomplete applications entering the system.

It is proposed to empower planning authorities to prepare and publish planning validation checklists to address the matter. This will ensure that applications entering the system will be required, from the outset, to include all information/evidence needed to reach a sound decision. The requirements will be proportionate to the nature and scale of the development proposal. An associated dispute mechanism may also prove necessary which will also be consulted upon.

Legislating for validation check-lists (similar to that in other jurisdictions) advances a recommendation from the Review Report, and takes into account the findings from the NIAO and PAC reports. Evidence from Belfast City Council's pilot exercise further supports legislative change in this regard. A statutory requirement empowering planning authorities to set out the additional supporting information / evidence to accompany different types of planning application, and specific to particular types of development would enhance the quality of applications, front-loads the application process, and should result in better processing times, and consultee response times. This ultimately should also result in improved planning performance across all the planning system. By definition, legislative provisions would also enable a planning authority to reject / invalidate an incomplete planning application, and to request the applicant submit the requisite information. Any failure to meet such requirements could result in the application and fee being returned. This would ensure that such applications do not affect processing times nor overall planning performance.

Options

Three options were considered:

Option 1 – Do nothing and maintain current planning application requirements;

Option 2 – Encourage an administrative approach to validation check-lists across all planning authorities.

Option 3 - Legislate for validation check-lists across all planning authorities

Belfast City Council Pilot Project

Belfast City Council (BCC) review of its implementation of validation checklists on an administrative basis identified that one of the most significant contributing factors in delaying the planning application process was the poor quality of applications on submission. In particular, applications have often been “incomplete” and not supported by the information required by planning policy and best practice. This means that applications cannot be given a positive determination at the first time of asking and there are inevitably delays as the information is sought and finally submitted. This also places unnecessary burdens on already stretched statutory consultees, wasting their time and resources on reviewing incomplete applications.

BCC Planning Service published its *Application Checklist in 2018*, which provided guidance to customers on which information they need to submit with their application, depending on its characteristics, scale and spatial constraints. Information requirements were divided into two categories: “Basic Requirements” – necessary to make the application valid in accordance with planning legislation; and “Other supporting information” – required by planning policy and best practice so that the application can be fully considered. Applications were checked on receipt and if information was missing then the applicant was requested to provide it within 14 days otherwise the application was returned along with the planning fee. Applicants were asked to resubmit the application only when all the information was available.

Feedback from customers was generally very positive. Agents and architects saw significant value in the Council publishing a list of documents required with planning applications. It assisted them when pricing work and justifying to their client which information is needed. Agents said that they are now less likely to submit an incomplete application to BCC because they know the Council will send it back. Constructive feedback includes the need for officers to apply the Application Checklist proportionately and that it must not be used as a simple administrative tick-list – information was only required where it is fundamentally needed.

Feedback from consultees and staff has also been positive. Statutory consultees were very supportive of the Application Checklist as a means to frontload information and improve the quality of applications, thereby making the assessment process much more efficient. They unanimously support legislative change to improve information requirements at the beginning of the process.

BCC concluded that the Application Checklist has been a significant success in improving the quality of planning applications. It has had a marked positive effect on determination times and performance. It has also begun to shift the culture and attitude of customers towards submitting much better quality planning application at the outset of the process.

BCCs review was shared with the Department for Infrastructure in support of its case for a change to planning legislation, aimed at improving information requirements on submission of planning applications

Preferred Option

Overall, Option 3 is considered to be the preferred option as it would meet the policy objectives outlined above.

Benefits for planning authorities: reduced number / processing of planning applications

The benefits of preparing validation checklists are that it:

- scopes the information required at the outset to ensure a 'fit for purpose' submission;
- enables the planning authority to have all the necessary information to determine the application and to draft the planning permission and conditions appropriately;
- minimises the need for further submission of additional information during the life of the application which avoids any unnecessary delays in the determination of applications;
- provides applicants with certainty as to the level of information required and the likely overall cost of the application submission; and
- ensures that the appropriate information is provided with an application to assist interested parties, including consultees, in their consideration of development proposals.

These benefits will result in reduced processing times and improved planning performance, together with improved statutory consultee response times.

Equality Impact Assessment

The Department's initial screening for equality impacts considers that the proposals will not discriminate unlawfully, unfairly or unjustifiably against any sections of the community specified in Section 75 of the Northern Ireland Act 1998.

Impact on businesses

There may be positive impacts for businesses from quicker decision-making on planning applications.

Rural proofing

The Department considers that the proposals would have no differential or adverse impact in rural areas or on rural communities.



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REVIEW OF PERMITTED DEVELOPMENT RIGHTS

- **Domestic Microgeneration Equipment**
 - **Air Source Heat Pumps**
 - **Ground or Water Source Heat Pumps**
- **Reverse Vending Machines**

Date: October 2022



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Responding to this consultation document

How to Respond

You are invited to send your views on this consultation document. Comments should reflect the structure of the document as far as possible with references to question numbers and paragraph numbers where relevant.

All responses should be made in writing and submitted to the Department no later than 23rd December 2022 in one of the following ways:

1. **Where possible online via Citizen Space.**
2. **By e-mail to: Legislation.planning@infrastructure-ni.gov.uk**
3. **By post to:**
Permitted Development Rights Consultation
Regional Planning Directorate
Room 1-08
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

In keeping with government policy on openness, responses to this consultation may be made available on request or published on the Department's website at:

Planning Legislation | Department for Infrastructure (infrastructure-ni.gov.uk).

We look forward to receiving responses to the proposals and issues raised within this consultation document. Additional copies of the consultation document can be downloaded from the Department's website at:

Planning Legislation | Department for Infrastructure (infrastructure-ni.gov.uk)
or requested via the postal address, e-mail as above, by telephone on (028) 90540563 or by Text phone (028) 90540642.

This document is available in alternative formats. Please contact us using the contact details above to discuss your requirements.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should also be directed to the postal or e-mail addresses above.

Confidentiality and Data Protection

Information contained in your response may be made public by DfI. If you do not want all or part of your response made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your correspondence will be taken to apply only to information in your response for which confidentiality has been specifically requested. Information provided in response to this consultation, excluding personal information, may be subject to publication or disclosure in accordance with the access to information regimes (this is primarily the Freedom of Information Act 2000 (FOIA)).

The Department will process your personal data in line with the Department's Privacy Notice (DfI Privacy | Department for Infrastructure ([infrastructure-ni.gov.uk](https://www.infrastructure-ni.gov.uk))). Personal data provided in response to this consultation will not be published. If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

As indicated above, the Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraph below and it will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation or a call for evidence. The Department cannot automatically consider as confidential information supplied to it in response to a consultation or a call for evidence. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, excluding information about your identity, should be made public or treated as confidential.

Impact Assessments

Government bodies are required to screen the impact of new policies and legislation against a wide range of criteria, including equality and human rights.

Equality Impact Assessment Screening and a Preliminary Regulatory Impact Assessment have been undertaken and are set out at Annexes C and D to this consultation paper. The Department believes that there would be no differential impact in rural areas or on rural communities.

The Department also considers that the proposals laid out in this document are fully compliant with the Human Rights Act 1998.

The Department welcomes views and comments on whether the conclusions

contained in the above assessments are correct.

Introduction

Purpose of the consultation

- 1.1 The Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO) sets out types of development which can be undertaken without requiring a planning application. These are referred to as permitted development rights and often relate to minor building works that have minimal impact to amenity and the environment. In most cases permitted development rights are subject to conditions and limitations specified in the GPDO. These may, for example, specify the maximum size or scale of what is permitted, restrict or dis-apply the rights in certain locations (e.g. conservation areas, World Heritage Sites etc.) or provide that the permitted development rights only apply to certain developers (e.g. councils, or statutory undertakers). Proposed developments that do not fall within the scope of permitted development rights including any conditions, must be the subject of a planning application.
- 1.2 This consultation document forms part of the continuing review of permitted development rights being undertaken by the Department for Infrastructure. The Department is seeking your views on proposed changes in relation to permitted development rights for:
- installation of domestic microgeneration equipment; and
 - reverse vending machines.

A copy of the draft Order can be found at Annex A.

Installation of domestic microgeneration equipment

- 1.3 The Executive published an Energy Strategy on 16 December 2021, and its accompanying Action Plan was published on 20 January 2022. This Action Plan contained a commitment for the Department for Infrastructure to review permitted development legislation for low carbon heat installations to ensure it is up to date and fit for purpose.

- 1.4 The review has now been completed and this consultation document sets out the Department for Infrastructure's proposals for changes to the nature and scale of permitted development rights for the installation, alteration or replacement of heat pumps (air source and ground or water) to align with modern standards and requirements.
- 1.5 Permitted development rights are currently provided for the installation of domestic microgeneration equipment and can be viewed in Part 2 of the Schedule to GPDO at:
The Planning (General Permitted Development) Order (Northern Ireland) 2015 (legislation.gov.uk)

Reverse vending machines

- 1.6 The Department of Agriculture, Environment and Rural Affairs has plans to introduce a Deposit Return Scheme for single-use drinks containers alongside England and Wales in 2024. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimized.
- 1.7 Deposit Return Scheme retailers will be responsible for providing a means to take back containers, usually through reverse vending machines, or for small premises through manual take back. If retailers are required to apply for planning permission for reverse vending machines outside of their premises it could result in delays to the scheme implementation and represent an additional cost to retailers.
- 1.8 This consultation is also proposing adding a new Class D to Part 3 (minor operations) of the Schedule to the GPDO specifically for reverse vending machines subject to certain limitations and conditions.

Installation of domestic microgeneration equipment

- 2.1 In Northern Ireland Part 2 of the Schedule to the GPDO currently provides permitted development rights for air source heat pumps (Class G) and ground or water source heat pumps (Class F) subject to a number of limitations and conditions (See Annex B). Although the position in the other UK planning jurisdictions varies from one to another it is apparent that the current system of permitted development rights in Northern Ireland is the most restrictive.

Air source heat pumps

- 2.2 Air source heat pumps (ASHP) are a low carbon technology that extract heat energy from the air in order to warm houses and provide hot water. The ASHP Unit essentially needs to be fitted outside the house on a wall or on the ground with enough space to ensure a good flow of air.
- 2.3 The current permitted development rights for ASHP were added in March 2014 to provide permitted development rights for the installation, alteration or replacement of an air source heat pump within the curtilage of a dwellinghouse subject to certain conditions and limitations.
- 2.4 The permitted development rights allow for one ASHP within the curtilage of a dwellinghouse. Development is not permitted if:-
- any part of an ASHP would be less than 30 metres from another dwellinghouse;
 - any part would be situated on land forward of a wall which faces onto a road and forms either the principal elevation or a side elevation of the original dwellinghouse;

- any part of an ASHP within a World Heritage Site or conservation area faces onto and is visible from a road;
- the external unit would exceed 2 metres in height;
- installed on a roof; or
- situated within the curtilage of a listed building unless listed building consent has previously been granted.

The ASHP must be used to provide heat for use within the curtilage of the dwellinghouse and the equipment must be removed when no longer needed for, or capable of, domestic microgeneration.

- 2.5 Northern Ireland is currently out of step with the other jurisdictions in these islands in relation to ASHP. Currently to avail of permitted development rights in the North an ASHP must be sited at least 30 metres from another dwelling. In England it is now 1 metre, while Scotland and the South have no distance restriction and Wales 3 metres.
- 2.6 The current distance restrictions in the other jurisdictions take into account new technology advances within heat pumps and require that the ASHP must comply with the Microgeneration Certification Scheme (MCS) Planning Standards or equivalent standards. This in particular applies in relation to noise outputs of ASHPs.
- 2.7 The MCS scheme certifies, quality assures and provides consumer protection for microgeneration installations and installers. These consist of small scale renewable electricity technologies such as solar PV, biomass, wind, heat pumps and battery storage.
- 2.8 The MCS requires that the equipment and installers are certified and registered, and that the installer carries out a number of sound level calculations at the time the equipment is installed. MCS certification is a mark of quality and demonstrates compliance to industry standards

including the quality of products and competence of installers in the renewable technology sector. Making use of the MCS certification scheme in the permitted development rights should provide a threshold for sound consideration that neighbours of ASHP will find acceptable.

Proposals

2.9 We are proposing:-

- that the ASHP must comply with MCS Planning Standards or equivalent standards;
- any part of the ASHP would be at least 1 metre from another dwellinghouse; and
- to increase the height restriction from 2 metres to 3 metres.

The other restrictions and conditions including those in relation to World Heritage Sites, conservation areas and listed buildings will remain unchanged.

Question 1: Do you agree with the above proposals in relation to air source heat pumps?

Question 2: Do you have any additional amendments which you believe should be included? Please provide reasons.

Ground or water source heat pumps

2.10 The current permitted development rights for ground and water source heat pumps are detailed in Class F of Part 2 of the Schedule to the GPDO. This provides permitted development rights for the provision of a ground or water source heat pump within the curtilage of a dwellinghouse subject to certain conditions and limitations.

Development is not permitted if:

- any part of the heat pump or its housing would be within 3 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;
- any part of the heat pump or its housing would be nearer to a road which bounds the curtilage than the part of the dwellinghouse nearest to that road;
- it would involve the provision of any heat pump within an area of special scientific interest or a site of archaeological interest; or
- the dwellinghouse is within the curtilage of a listed building unless listed building consent for the development has previously been granted.

2.11 The permitted development right is also subject to the conditions that the heat pump would be used to provide heat for use within the curtilage of the dwellinghouse and when no longer used to provide heat it must be removed as soon as reasonably practicable.

2.12 A ground source heat pump (GSHP) needs space for the ground loops for a horizontal collector – generally the available land needs to be at least two and a half times larger than the entire floor area of the property. There also needs to be space for a plant room to hold the heat pump and cylinder. Because of this, only larger properties or those in a rural location are generally suited to a GSHP. The alternative is to

drill a series of vertical boreholes that will carry the ground collector pipe.

- 2.13 A water source heat pump uses submerged pipework to absorb energy from water sources such as lakes, ponds, rivers, aquifers and mine water. It is essentially the same unit as a GSHP, however, the heat source they use and the way they collect the heat is different.
- 2.14 The North is currently out of step with the other jurisdictions in relation to ground and water source heat pumps which are currently permitted development in Scotland, England and Wales with no conditions or limitations. In the South exempted development is provided for the installation on or within the curtilage of a house of a ground heat pump system (horizontal and vertical) subject to certain restrictions.

Proposals

- 2.15 We are proposing to align the permitted development rights with Scotland, England and Wales and propose to provide permitted development rights for the provision of a ground or water source heat pump within the curtilage of a dwellinghouse with no conditions or limitations.

Question 3: Do you agree with the above proposals in relation to ground or water source heat pumps?

Domestic Wind Turbines

- 3.1 There are currently no permitted development rights in the North for domestic wind turbines reflecting the fact that such development can raise issues, including in relation to visual amenity, noise and interference with air navigation systems, which may be more appropriately considered in the context of a planning application.

- 3.2 Scotland, England and Wales do provide permitted development rights for domestic wind turbines subject to a number of limitations and conditions. In the South, exempted development provides for a wind turbine within the curtilage of a house subject to a number of restrictions.

Proposals

- 3.3 The Department does not intend to bring forward proposals to provide for permitted development rights for domestic wind turbines at this time, but is seeking views on whether there is a demand or need for the introduction of such a right in the North.

Question 4: If you have any views on whether permitted development rights for domestic wind turbines should be considered please provide details.

Reverse Vending Machines

- 4.1 Part 3 of the Schedule to the GPDO currently provides permitted development rights for Minor Operations.
- 4.2 The Department of Agriculture, Environment and Rural Affairs (DAERA) has plans to introduce a Deposit Return Scheme (DRS) for single-use drinks containers alongside England and Wales in 2024. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimised.
- 4.3 DAERA advise the proposals for DRS will reduce costs of handling litter to the rate payer and reduce littering of DRS containers by increasing recycling of drinks containers from 70% to 90%.

- 4.4 If retailers are required to apply for planning permission for reverse vending machines outside of their premises it could result in delays to the scheme implementation and represent an additional cost to retailers.

Proposals

- 4.5 The Department proposes adding a new Class D to Part 3 (minor operations) of the Schedule to the GPDO specifically to allow for the installation, alteration or replacement of a reverse vending machine (RVM) in a wall of a shop or within the curtilage of a shop, subject to certain limitations and conditions. This is in line with the current permitted development rights in Scotland.
- 4.6 We are proposing:
- there should be no limit to the number of RVM that can be installed within the curtilage of a shop;
 - in the case of a RVM installed in the wall of a shop, any part of the development must not exceed 2 metres beyond the outer surface of that wall;
 - the RVM must not exceed 4 metres in height;
 - the footprint of the RVM must not exceed 80 square metres;
 - it must not face onto and be within 5 metres of a road;
 - the RVM must not be situated within 15 metres of the curtilage of a building used for residential purposes; and
 - the permitted development right would not apply to the proposed installation of a RVM in a World Heritage Site, conservation area, an area of special scientific interest or a site of archaeological interest or within the curtilage of a listed building unless listed building consent has been granted.

Question 5: Do you agree with the introduction of a new permitted development right for reverse vending machines?

Question 6: Do you have any amendments or additional restrictions you would propose to the permitted development right? Please provide reasons.

Overview of Consultation Questions

Question 1: Do you agree with the above proposals in relation to air source heat pumps?	12
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Question 4: If you have views on whether permitted development rights for domestic wind turbines should be considered please provide details?	15
Question 5: Do you agree with the introduction of a new permitted development right for reverse vending machines?.....	17
Question 6: Do you have any amendments or additional restrictions you would propose to the permitted development right? Please provide reasons.....	17

If you disagree with any of these proposals it would be helpful to explain why.

Annex A – Draft Statutory Rule

STATUTORY RULES OF NORTHERN IRELAND

2023 No.

PLANNING

The Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2023

Made - - - - - ?? 2023

Coming into operation - - - - - ?? 2023

The Department for Infrastructure makes the following Order in exercise of the powers conferred by sections 32 and 247(6) of the Planning Act (Northern Ireland) 2011(a) and now vested in it(b).

Citation and commencement

1. This Order may be cited as the Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2016 and comes into operation on ?? 2023.

Amendment of the Planning (General Permitted Development) Order (Northern Ireland) 2015

2.-(1) The Planning (General Permitted Development) Order (Northern Ireland) 2015(c) is amended in accordance with paragraph (2).

(1) In the Schedule (development permitted under Article 3)—

- (a) Part 2 (installation of domestic microgeneration equipment) is amended in accordance with Schedule 1; and
- (b) Part 3 (Minor Operations) is amended in accordance with Schedule 2.

Sealed with the Official Seal of the Department for Infrastructure on ?? 2023.

A senior officer of the Department for Infrastructure

(a) 2011 c.25 (N.I.)

(b) S.R. 2016 No.76, article 8(1)(b) and Schedule 5, Part 2

(c) S.R. 2015 No. 70 as amended by S.R. 2020 No.292

SCHEDULE 1

Article 2(2)(a)

AMENDMENTS TO PART 2 OF THE SCHEDULE TO THE PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER (NORTHERN IRELAND) 2015

3. For Class F and Class G substitute—

“Class F

Permitted development	F.	The installation, alteration or replacement of a ground or water source heat pump within the curtilage of a dwellinghouse.
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Class G

Permitted development	G.	The installation, alteration or replacement of an air source heat pump within the curtilage of a dwellinghouse.
------------------------------	-----------	--

Development not permitted

- | | |
|-----|---|
| G.1 | Development is not permitted by Class G if— |
|-----|---|
- (a) it would result in the presence within the curtilage of more than one air source heat pump;
 - (b) any part of the air source heat pump would be less than one metre from a dwellinghouse (other than the dwellinghouse on which the air source heat pump is being installed or replaced);
 - (c) any part of the air source heat pump would be situated on land forward of a wall which—
 - (i) faces onto a road; and
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse.
 - (d) in the case of a dwellinghouse within a World Heritage Site or conservation area and any part of the air source heat pump faces onto and is visible from a road;
 - (e) the external unit of the air source heat pump would exceed 3 metres in height
 - (f) the air source heat pump would be installed on a roof; or
 - (g) the air source heat pump would be situated within the curtilage of a listed building unless listed building consent for the development has previously been granted.

Conditions

- | | |
|-----|--|
| G.2 | Development is permitted by Class G subject to the following conditions— |
|-----|--|
- (a) the air source heat pump would be used to provide heat for use within the curtilage of

the dwellinghouse; and

- (b) when no longer used to provide heat it shall be removed as soon as reasonably practicable; and
- (c) the air source heat pump must comply with MCS planning standards or equivalent standards.

Interpretation of Class G	G. 3	For the purposes of Class G “MCS Planning Standards” means the product and installation standards for air source heat pumps specified in Microgeneration Certification Scheme MCS 020 ¹ ;
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¹ Issue 1.3 dated 19th June 2019 at MCS-020.pdf (mcs-certified.com)

SCHEDULE 2

Article 2(2)(b)

AMENDMENT TO PART 3 OF THE SCHEDULE TO THE PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER (NORTHERN IRELAND) 2015

Amendments in relation to shops, financial or professional services establishments

1. After Class C insert—

“Class D

Permitted development

D. The installation, alteration or replacement of a reverse vending machine in a wall of a shop or within the curtilage of a shop

Development not permitted

- D.1.** Development is not permitted by Class D if—
- (a) the reverse vending machine would exceed 4 metres in height;
 - (b) its footprint would exceed 80 square metres;
 - (c) in the case of a reverse vending machine installed in the wall of a shop, any part of the development would protrude 2 metres beyond the outer surface of the wall;
 - (d) it would be situated within 15 metres of the curtilage of a building used for residential purposes;
 - (e) it would face onto and be within 5 metres of a road;
 - (f) the development would be within the curtilage of a listed building unless listed building consent has previously been granted; or
 - (g) the development would be within a conservation area, a World Heritage Site, an area of special scientific interest or a site of archaeological interest.

Conditions

- D.2.** Development is permitted by Class D subject to the following conditions—
- (a) where the reverse vending machine is no longer in operation the development must be removed as soon as reasonably practicable; and
 - (b) the land on which the development was situated, including any wall in which the development was installed must, as soon as reasonably practicable and so far as reasonably practicable, be reinstated to its condition before the development was carried out.

Interpretation of Class D

- D.3.** For the purposes of Class D—
“footprint” means an area of ground covered by

the development;

“reverse vending machine” means a machine for the purpose of accepting scheme packaging, reimbursing deposits for each item of scheme packaging accepted and retaining the scheme packaging for collection within the meaning of the [Deposit and Return Scheme Regulations] and any associated enclosure, building, canopy or other structure;

“scheme packaging” has the meaning given in [regulation xx of the Deposit and Return Scheme Regulations];

“shop” means a building used for any purpose within Class A1 of the Schedule to the Use Classes Order.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Planning (General Permitted Development) Order (Northern Ireland) 2015 (“the 2015 Order”).

Schedule 1 of this Order amends by substitution Class F and Class G of Part 2 of the Schedule to expand the scopes of that permitted development.

Schedule 2 of this Order amends Part 3 (Minor operations) of the Schedule to the 2015 Order to expand the scope of that permitted development by adding a new Class D (Reverse vending machines).

The Explanatory Memorandum is available alongside the Order on the government’s website www.legislation.gov.uk

The Planning (General Permitted Development) Order (Northern Ireland) 2015

Part 2 Installation of domestic microgeneration equipment

Class F Permitted development	F.	The provision of a ground or water source heat pump within the curtilage of a dwellinghouse.
Development not permitted	F.1	<p>Development is not permitted by Class F if—</p> <ul style="list-style-type: none"> (a) any part of the heat pump or its housing would be within 3 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height; (b) any part of the heat pump or its housing would be nearer to a road which bounds the curtilage than the part of the dwellinghouse nearest to that road; (c) it would involve the provision of any heat pump within an area of special scientific interest or a site of archaeological interest; or (d) the heat pump would be situated within the curtilage of a listed building unless listed building consent for the development has previously been granted.
Conditions	F.2	<p>Development is permitted by Class F subject to the following conditions—</p> <ul style="list-style-type: none"> (a) the heat pump would be used to provide heat for use within the curtilage of the dwellinghouse; and (b) when no longer used to provide heat it shall be removed as soon as reasonably practicable.
Class G Permitted development	G.	The installation, alteration or replacement of an air source heat pump within the curtilage of a dwellinghouse.
Development not permitted	G.1	<p>Development is not permitted by Class G if—</p> <ul style="list-style-type: none"> (a) it would result in the presence within the curtilage of more than one air source heat pump; (b) any part of the air source heat pump would be less than 30 metres from a dwellinghouse (other than the dwellinghouse on which the air source

heat pump is being installed, altered or replaced);

- (c) any part of the air source heat pump would be situated on land forward of a wall which—
 - (i) faces onto a road; and
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- (d) in the case of a dwellinghouse within a World Heritage Site or conservation area any part of the air source heat pump faces onto and is visible from a road;
- (e) the external unit of the air source heat pump would exceed 2 metres in height;
- (f) the air source heat pump would be installed on a roof;
- (g) the air source heat pump would be situated within the curtilage of a listed building unless listed building consent for the development has previously been granted.

Conditions

G.2

Development is permitted by Class G subject to the following conditions—

- (a) the air source heat pump would be used to provide heat for use within the curtilage of the dwellinghouse; and
- (b) when no longer used to provide heat it shall be removed as soon as reasonably practicable.

Annex C – Screening for Equality Impact Assessment

DEPARTMENT FOR INFRASTRUCTURE

SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

The purpose of this form is to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for quarterly consultation on the outcome of the screening exercise, and will be referenced in the biannual review of progress made to the Minister and in the Annual Report to the Equality Commission.

Further advice on completion of this form and the screening process including relevant contact information can be accessed via the Department for Infrastructure (DfI) Intranet site.

HUMAN RIGHTS ACT

When considering the impact of this policy you should also consider if there would be any Human Rights implications. Guidance is at:

- <https://www.executiveoffice-ni.gov.uk/articles/human-rights-and-public-authorities>

Should this be appropriate you will need to complete a Human Rights Impact Assessment. A template is at:

- <https://www.executiveoffice-ni.gov.uk/publications/human-rights-impact-assessment-proforma>

Don't forget to Rural Proof.

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

Review of Permitted Development Rights

Is this an existing, revised or a new policy?

Existing Policy

What is it trying to achieve? (intended aims/outcomes)

To amend permitted development rights for (1) Installation of domestic microgeneration equipment; and (2) To add new permitted development rights for Reverse Vending Machines.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

No

Who initiated or wrote the policy?

The former Department of the Environment

Who owns and who implements the policy?

The Department for Infrastructure owns the policy. The Department for Infrastructure, Council Planning Departments and the relevant sectors of the

development industry/economy are the main groups/organisations that implement the policy.

Background

This policy relates solely to amendments to the Planning (General Permitted Development) Order (NI) 2015 (GPDO) and is part of the Department's ongoing programme of expanding the scope of the permitted development regime. The Department is consulting on amendments to the GPDO. This is part of the Department's approach to better regulation, and is intended to provide a considered balance between lightening the regulatory burden on businesses and individuals (and reducing any associated costs) and protecting the environment, amenity and public safety.

The consultation document is seeking your views on proposals in relation to permitted development rights for:

- Installation of domestic microgeneration equipment; and
- Reverse vending machines (RVM).

Domestic Microgeneration – Heat Pumps

The Department for Infrastructure is reviewing permitted development legislation for domestic low carbon heat installations to ensure it is up to date and fit for purpose and is consulting on changes to the nature and scale of permitted development rights for the installation, alteration or replacement of heat pumps to align with modern standards and requirements.

This policy proposes to change the nature and scale of permitted development rights for the installation, alteration or replacement of heat pumps to align with modern standards and requirements particularly in relation to noise emissions. any specifics on this. This will make it easier and quicker for homeowners to install heat pumps.

Reverse Vending Machines

The Department of Agriculture, Environment and Rural Affairs has plans to introduce a Deposit Return Scheme (DRS) for single-use drinks containers alongside England and Wales in 2024. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimized.

DRS retailers will be responsible for providing means to take back containers, usually through RVM, or for small premises through manual take back. If permitted development rights are not provided retailers will be required to apply

for planning permission for RVM outside of their premises which would result in delays to the scheme implementation and represent an additional cost to retailers.

The Department for Infrastructure is proposing to introduce permitted development rights for RVM to facilitate this Deposit Return Scheme.

This policy proposes to add a new Class D to Part 3 (minor operations) of the Schedule to the GPDO specifically for RVM subject to certain limitations and conditions. These include:

- in the case of a RVM installed in the wall of a shop, any part of the development must not exceed 2 metres beyond the outer surface of that wall;
- the RVM must not exceed 4 metres in height;
- the footprint of the RVM must not exceed 80 square metres;
- it must not face onto and be within 5 metres of a road;
- the RVM must not be situated within 15 metres of the curtilage of a building used for residential purposes; and
- the permitted development right would not apply to the proposed installation of a RVM in a World Heritage Site, conservation area, an area of special scientific interest or a site of archaeological interest or within the curtilage of a listed building unless listed building consent has been granted.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they (please delete as appropriate)

Legislative – The implementation of the policy will require amendments to subordinate legislation

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please delete as appropriate)

Staff Yes

service users Yes

other public sector organisations Yes

voluntary/community/trade unions No

other, please specify Yes – businesses, in particular Retailers and the providers and installers of heat pumps

Other policies with a bearing on this policy

- what are they? The Department of Agriculture, Environment and Rural Affairs Deposit Return Scheme (DRS) for single-use drinks containers. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimized.

Department for the Economy who are leading on the Executive's Energy Strategy. The Energy Strategy was published on 16 December 2021, and its accompanying Action Plan was published on 20 January 2022. This Action Plan contained a commitment for the Department for Infrastructure who hold responsibility for the GPDO to review permitted development legislation for low carbon heat installations to ensure it is up to date and fit for purpose.

- who owns them?

The Department of Agriculture, Environment and Rural Affairs
Department for the Economy
Department for Infrastructure

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to signpost to S75 data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Religious belief evidence / information:

The Department does not envisage or consider that there are likely to be any specific negative impacts associated with this policy.

There is no evidence to suggest that expanding the scope of the permitted development regime of itself, or generally, is more or less likely to adversely impact upon any s.75 group(s).

The Department does not therefore envisage any significant, adverse or unequal impact of these changes upon any s.75 category

Political Opinion evidence / information:

As above

Racial Group evidence / information:

As Above

Age evidence / information:

As above

Marital Status evidence / information:

As above

Sexual Orientation evidence / information:

As above

Men & Women generally evidence / information:

As above

Disability evidence / information:

As above

Dependants evidence / information:

As above

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

Religious belief

None – The policy relates solely to the permitted development rights for domestic heat pumps and RVM. No equality issues identified by expanding the scope of permitted development rights as the changes will be available to all potential users of the planning system. In line with the Equality Commission NI guidance, regular and ongoing monitoring and screening of each policy will be undertaken to examine any potential equality impacts. DAERAs Deposit Return Scheme will mean retailers will be responsible for providing means to take back containers, usually through RVM, or for small premises through manual take back.

Political Opinion

As above

Racial Group

As above

Age

As above

Marital status

As above

Sexual orientation

As above

Men and Women Generally

As above

Disability

As above

Dependants

As above

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;

- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**:

None – Expanding the scope of permitted development rights will be available equally to all potential users of the planning system who wish to install a domestic heat pump or require a RVM.

What is the level of impact? None – as above

Details of the likely policy impacts on **Political Opinion**: None – as above

What is the level of impact? As Above - None

Details of the likely policy impacts on **Racial Group**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Age**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Marital Status**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Sexual Orientation**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Men and Women**: None – as above

What is the level of impact? **None**

Details of the likely policy impacts on **Disability**: **None – as above**

What is the level of impact? **None**

Details of the likely policy impacts on **Dependants**: **None – as above**

What is the level of impact? **None**

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories? Yes/No

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

Religious Belief – No: The relaxation of permitted development rights is part of the Department's commitment to the Executive's Energy Strategy to review permitted development legislation for low carbon heat installations to ensure it is up to date and fit for purpose and aligns with modern standards and requirements.

Proposals for a new permitted development right for reverse vending machines are to facilitate the Department of Agriculture, Environment and Rural Affairs plans to introduce a Deposit Return Scheme (DRS) for single-use drinks containers. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimised.

There is no opportunity to better promote equality of opportunity.

Political Opinion - No: as above.

Racial Group - No: as above.

Age - No: as above.

Marital Status - No: as above.

Sexual Orientation - No: as above.

Men and Women generally - No: as above.

Disability - No: as above.

Dependants - No: as above.

3. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: None as the policy driving these changes is aimed at protecting the environment by encouraging the use of low carbon heat technologies and promoting the recycling of drinks containers. The proposed changes will apply equally to all potential users of the planning system applying for permitted development rights under amendments to the Planning (General Permitted Development) Order (NI) 2015.

There are no identified opportunities to promote good relations between persons of different religious belief.

What is the level of impact? None.

Details of the likely policy impacts on **Political Opinion**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: None – as above

What is the level of impact? None

4. **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

Religious Belief – No - The policy driving these changes is aimed at protecting the environment by encouraging the use of low carbon heat technologies and promoting the recycling of drinks containers. The proposed changes will apply equally to all potential users of the planning system applying for permitted development rights under amendments to the Planning (General Permitted Development) Order (NI) 2015.

Political Opinion - No – as above.

Racial Group - No – as above.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category.

Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

There is no evidence that the policy has any impact on people with multiple identities.

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

None.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The Department does not envisage or consider that there are likely to be any specific significant negative, adverse or unequal impacts associated with this policy. The expansion of the scope of permitted development rights are to facilitate policies to improve the environment and encourage recycling.

There is no evidence that existing or enhanced permitted development rights have any impact in terms of equality of opportunity or good relations. The policy will be subject to public consultation and any S75 issues raised will be considered.

In line with the Equality Commission NI guidance “regular and ongoing monitoring and screening of each major project will be undertaken to examine any equality impacts”

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

As above

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

N/A

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

N/A

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion [Author pick 1 2 or 3 if a full EQIA is to take place]

Effect on equality of opportunity and good relations	Rating 1, 2 or 3
Social need	Rating 1, 2 or 3
Effect on people's daily lives	Rating 1, 2 or 3
Relevance to a public authority's functions	Rating 1, 2 or 3

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

No

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5 - Approval and authorisation

Screened by: [David Doherty](#)

Position/Job Title: [Deputy Principal Planning](#)

Date: 17 [October 2022](#)

Approved by: [Irene Kennedy](#)

Position/Job Title: [Assistant Director](#)

Date: 17 [October 2022](#)

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.

For Equality Team Completion:

Date Received:

Amendments Requested: Yes / No

Date Returned to Business Area:

Date Final Version Received / Confirmed:

Date Published on DfI's Section 75 webpage:

Annex D

Title: Review of Permitted Development Rights	Regulatory Impact Assessment (RIA)
	Date: October 2022
	Type of measure: Subordinate Legislation
Lead department or agency: Department for Infrastructure	Stage: Initial
	Source of intervention: Domestic NI
Other departments or agencies: N/A	Contact details: Irene Kennedy

Summary Intervention and Options

What is the problem under consideration? Why is government intervention necessary? (7 lines maximum)

This intervention fulfils a Departmental commitment to review the Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO) to provide enhanced permitted development rights (PDR) for heat pumps to ensure they are up to date and fit for purpose to align with modern standards and requirements. It also provides a new permitted development right for reverse vending machines (RVM). This is in line with the Department's approach to better regulation which is intended to provide a considered balance between lightening the regulatory burden on businesses and individuals and protecting the environment, amenity and public safety.

What are the policy objectives and the intended effects? (7 lines maximum)

The relaxation of permitted development rights is part of the Department's commitment to the Executive's Energy Strategy to review PDR for low carbon heat installations to ensure it is up to date and fit for purpose. Proposals for a new PDR for RVM are to facilitate the Department of Agriculture, Environment and Rural Affairs plans to introduce a Deposit Return Scheme for single-use drinks containers. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling. It is difficult to measure/quantify the monetary benefits or effects of any proposed changes as the level of future planning applications cannot be accurately predicted, however, it is not unreasonable to conclude that any further relaxations would be positive overall.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) (10 lines maximum)

Essentially there are two options:

- Option 1 - Do nothing (maintain the status quo); and
- Option 2 - Review the GPDO.

The review fulfils the Departmental commitment to review PDR for low carbon heat installations.

The review will facilitate the installation of RVM in a significant number of cases and allow the industry greater certainty that they will be able to meet potential statutory obligations.

Not to review the legislation, nor to consider in line with changes in other jurisdictions may be disadvantageous to local business and therefore is not an option.

Will the policy be reviewed? It will be reviewed

If applicable, set review date: January 2023

Cost of Preferred (or more likely) Option		
Total outlay cost for business £m	Total net cost to business per year £m	Annual cost for implementation by Regulator £m

Does Implementation go beyond minimum EU requirements?		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Is this measure likely to impact on trade and investment?		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Are any of these organisations in scope?	Micro Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Small Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Medium Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
			Large Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

The final RIA supporting legislation must be attached to the Explanatory Memorandum and published with it.

Approved by: Date:

Summary: Analysis and Evidence
Description:

Policy Option 2

ECONOMIC ASSESSMENT (Option)

Costs (£m)	Total Transitional (Policy) (constant price) Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best			
Description and scale of key monetised costs by ‘main affected groups’ Maximum 5 lines It is not possible to quantify the monetary costs to the main affected groups of this option as it is predicated on whether an application for planning permission would have been forthcoming and if associated costs then removed under permitted development. There will be a cost to business in relation to heat pumps in undertaking the microgeneration certification compliance procedure, however this should be less onerous than the costs associated with planning applications.			
Other key non-monetised costs by ‘main affected groups’ Maximum 5 lines None.			
Benefits (£m)	Total Transitional (Policy) (constant price) Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best			
Description and scale of key monetised benefits by ‘main affected groups’ Maximum 5 lines It is difficult to measure / quantify the monetary benefits or effects of any proposed changes (as this is reliant on the number of applications for planning permission which would otherwise be required) however it is not unreasonable to conclude that the relaxations would be positive overall. A significant number of retailers would benefit from not having to expend the costs associated with preparing and submitting a planning application for RVM. Home owners would benefit from not having to pay for the planning application for heat pumps.			
Other key non-monetised benefits by ‘main affected groups’ Maximum 5 lines The introduction of additional or extended permitted development rights will allow certain forms of development to proceed without the requirement or administrative burden on business or homeowners to submit an application seeking planning permission and await a council's determination. Less regulatory burden for both the regulator and to the person / business intending to undertake the permitted development derived from further relaxations of permitted development rights.			
Key Assumptions, Sensitivities, Risks Maximum 5 lines It is not unreasonable to assume that any extension / relaxations to the existing permitted development regime would be positive overall. Certain condition and limitations imposed on permitted development rights ensures that sensitivities and risks associated with deregulating some types of development are identified and mitigated.			

BUSINESS ASSESSMENT (Option)

Direct Impact on business (Equivalent Annual) £m				
Costs:	Benefits:	Net:		Cannot be quantified monetarily but is assumed can only be positive if planning requirements are reduced.

Cross Border Issues (Option 2)

How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) Maximum 3 lines

This option will bring NI closer to the equivalent legislation in other jurisdictions. Any proposals to further relax permitted development locally will take account of changes / advancements elsewhere.

Evidence Base

The planning system provides a mechanism through which the impacts of development to third parties can be taken into consideration when new development is proposed. The planning system plays an important role in promoting the efficient use of land and considering and mitigating the adverse impacts that development can have. However, applying for planning permission places an administrative burden on business / home owners.

Where a development has little or limited adverse impact or the impacts can be controlled in a way that does not require detailed assessment of each proposal, the requirement to obtain planning permission can often place additional burdens and costs on business and other applicants that are disproportionate to the likely potential impacts.

The planning system aims to achieve proportionality by exercising different degrees of control over types of development with different degrees of impact. The requirement for councils' scrutiny of development proposals with little or limited adverse impact is removed using permitted development rights. Permitted development rights are a deregulatory tool to grant automatic planning permission for development that complies with certain specified limitations and conditions that are set out in legislation, which in Northern Ireland is the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015.

Policy issue under consideration and objectives

The policy issue under consideration is whether the thresholds that govern the available permitted development rights for the following types of development remain appropriate to the local context:

- the installation of domestic microgeneration equipment; and
- reverse vending machines.

The policy objective is to deregulate by removing more development from the requirement for planning permission from councils by increasing permitted development thresholds. This is intended to reduce the administrative and financial burden of the planning system on businesses and the public. The specific benefits include:

- homeowners will not have to meet the costs for planning applications up front or as part of an installation cost for installing domestic heat pumps;

- retail outlets will have greater certainty that they could meet the statutory requirements of the Deposit Return Scheme;
- reduced costs associated with preparing and submitting a planning application; and
- reducing the need for councils to assess planning applications for development with limited impacts allowing them to concentrate on larger development of more strategic benefit to their local area.

Options

Two options were considered;

Option 1 - Do nothing: make no changes to permitted development rights,

Option 2 – Extend permitted development rights

Installation of domestic microgeneration equipment

The Executive published an Energy Strategy on 16 December 2021, and its accompanying Action Plan was published on 20 January 2022. This Action Plan contained a commitment for the Department for Infrastructure to review permitted development legislation for low carbon heat installations to ensure it is up to date and fit for purpose.

The review has now been completed and the Department is proposing changes to the nature and scale of permitted development rights for the installation, alteration or replacement of heat pumps to align with modern standards and requirements.

Air Source Heat Pumps

Air source heat pumps (ASHP) are a low carbon technology that extract heat energy from the air in order to warm houses and provide hot water. The ASHP Unit essentially needs to be fitted outside the home on a wall or on the ground with enough space to ensure a good flow of air.

Although the position in the other UK planning jurisdictions varies from one to another it is apparent that the current system of permitted development rights in Northern Ireland is the most restrictive.

The Department proposes to amend the permitted development rights so that:

- the air source heat pump must comply with MCS Planning Standards or equivalent standards;
- any part of the air source heat pump would be at least 1 metre from a dwellinghouse;
- the height restriction is increased from 2 metres to 3 metres.

The other restrictions and conditions including those in relation to World Heritage Sites, conservation areas and listed buildings will remain unchanged

Ground or water source heat pumps

A ground source heat pump (GSHP) needs space for the ground loops for a horizontal collector – the available land needs to be at least two and a half times larger than the entire floor area of the property. There also needs to be space for a plant room to hold the heat pump and cylinder. Because of this, only larger properties or those in a rural location are generally suited to a GSHP. The alternative is to drill a series of vertical boreholes that will carry the ground collector pipe.

A water source heat pump uses submerged pipework to absorb energy from water sources such as lakes, ponds, rivers, aquifers and mine water. It is generally the same unit as a

ground source heat pump, however, the heat source they use and the way they collect the heat is different.

Northern Ireland is currently out of step with the other jurisdictions in relation to ground and water source heat pumps which are currently permitted development in Scotland, England and Wales with no conditions or limitations.

The Department is proposing to align the permitted development rights with Scotland, England and Wales and propose to provide permitted development rights for the provision of a ground or water source heat pump within the curtilage of a dwellinghouse with no conditions or limitations.

Reverse Vending Machines

The Department of Agriculture, Environment and Rural Affairs has plans to introduce a Deposit Return Scheme (DRS) for single-use drinks containers alongside England and Wales in 2024. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimised.

If retailers are required to apply for planning permission for reverse vending machines outside of their premises it could result in delays to the scheme implementation and represent an additional cost to retailers.

The Department propose adding a new Class D to Part 3 (minor operations) of the Schedule to the GPDO specifically for reverse vending machines subject to certain limitations and condition. The Department is proposing:

- there should be no limit to the number of RVM that can be installed within the curtilage of a shop;
- in the case of a RVM installed in the wall of a shop, any part of the development must not exceed 2 metres beyond the outer surface of that wall or equivalent standards;
- the footprint of the RVM must not exceed 80 square metres;
- it must not face onto and be within 5 metres of a road;
- the RVM must not be situated within 15 metres of the curtilage of a building used for residential purposes; and

the permitted development right would not apply to the proposed installation of a RVM in an area of special scientific interest or a site of archaeological interest or the curtilage of a listed building unless listed building consent has been granted.

Preferred Option

Overall, Option 2 is considered to be the preferred option as it would meet the policy objectives outlined above.

Benefits for councils: reduced number / processing of planning applications

Councils will benefit from a reduced number of planning applications for the types of development which otherwise would previously had fallen beyond the existing permitted development regime, therefore freeing-up resources.

Costs to communities: amenity impacts of additional extensions

Appropriate limitations and conditions to permitted development rights will apply in sensitive areas such as:

- a World Heritage Site;

- a conservation area;
- an area of special scientific interest;
- a site of archaeological interest; or
- within the curtilage of a listed building.

If, in exceptional circumstances, it is clearly demonstrated that the permitted development rights are materially harmful in a particular locality, councils can consult with their communities on using a direction under Article 4 of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (“the 2015 Order”) to withdraw the rights. Removal of the rights in exceptional circumstances allows all the potential planning impacts of the development to be considered locally by requiring submission of a planning application(s).

Impact on small firms

There may be positive impacts for small firms who install domestic heat pumps. In addition small firms involved in the supply chains of these firms could benefit.

Development Plan

Practice Note 11

PRACTICE NOTE

11

Receipt of Independent Examination Report and Adoption of a Development Plan Document

October 2022

1. Preamble

- 1.1. This Development Plan Practice Note is designed to guide planning officers and relevant users through the key requirements for the adoption of Development Plan Documents and deals primarily with procedures as well as good practice. It forms part of a series of practice notes stemming from the **Planning Act (Northern Ireland) 2011** (the 2011 Act) and any related subordinate legislation. The emphasis is very much on advice but where explicit legislative requirements must be followed these will be made clear.
- 1.2. Where appropriate this practice note will therefore highlight:
- Relevant legislation;
 - Procedural guidance;
 - Definitions;
 - Best practice examples / relevant case law.
- 1.3. This guidance is not intended to replace the need for judgement by planning officers in the local development plan making process. Nor is it intended to be a source of definitive legal advice. Reference should be made to the actual legislation referred to in this document and if any discrepancy or conflict exists between the Practice Note¹ and legislation the provisions of the legislation will prevail.

¹ Please ensure you are considering the most up to date version of this practice note available on the Planning Portal at www.planningni.gov.uk and the most up to date legislation on the legislation website at www.legislation.gov.uk, which is also accessible via the Planning Portal.

2. Introduction

- 2.1. Once a draft Development Plan Document (DPD) has been submitted to the Department and an Independent Examination (IE) has been caused, the Planning Appeals Commission (PAC) or person appointed by the Department, will move forward with facilitating the IE. A report on the Examiner's findings and recommendations will be provided to the Department. This practice note focuses on the key legislative requirements in relation to the consideration of the IE report and adoption of a DPD by a council. It recognises the fact that the new LDP process is still developing and therefore provides for a degree of flexibility. When the system has had an opportunity to mature the Department will then be in a position to provide more detailed guidance on this stage of the process.

3. Legislative context

- 3.1. **Part 2 of the 2011 Act** sets out the legislative provisions for local development plans^[1]. In relation to the IE recommendations and the Department's consideration of the recommendations and subsequent direction to a council, the provisions are set out in **Section 10(8)** and **Section 12 of the 2011 Act**.
- 3.2. **Regulation 24 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 Regulations** sets out the requirements for the adoption of a development plan document by the council. Further details of each legislative requirement will be highlighted and set out below.

4. IE Recommendations to the Department under Section 10(8) of the Act

- 4.1. Once an IE has concluded, **Section 10(8) of the 2011 Act** states that the person appointed to carry out the examination must-

- a) Make recommendations;

^[1] Table 1 of Development Plan Practice Note 01 outlines the 'Key Legislative Requirements for a Local Development Plan' and Figure 3 outlines the 'Key Stages in the Local Development Plan Process', where the IE of the PS comprises part of Stage 2 and the IE of the LPP comprises part of Stage 3 of the four stage Local Development Plan process, respectively.

- b) Give reasons for the recommendations.

4.2. This will form part of a report and will be sent to the Department after the conclusion of an IE in line with regulation 24(1) of the LDP Regulations. The report will be expected to:

- Reach clear, reasoned conclusions on the DPD's compliance with the statutory requirements and whether it is sound; and
- Present recommendations on any necessary modifications to the DPD's which are required to overcome any correctable shortcomings in regard to statutory requirements or soundness

4.3. When assessing the soundness of a draft DPD, the Examiner will exercise their professional judgement based on the evidence presented. As set out in s 10(6) of the Act, the purpose of the independent examination is to determine in respect of the DPD, whether it satisfies the requirements of s.7 & 8 or as the case may be, s. 7 & 9, and any regulations under section 22 relating to the preparation of DPD, and whether it is sound.

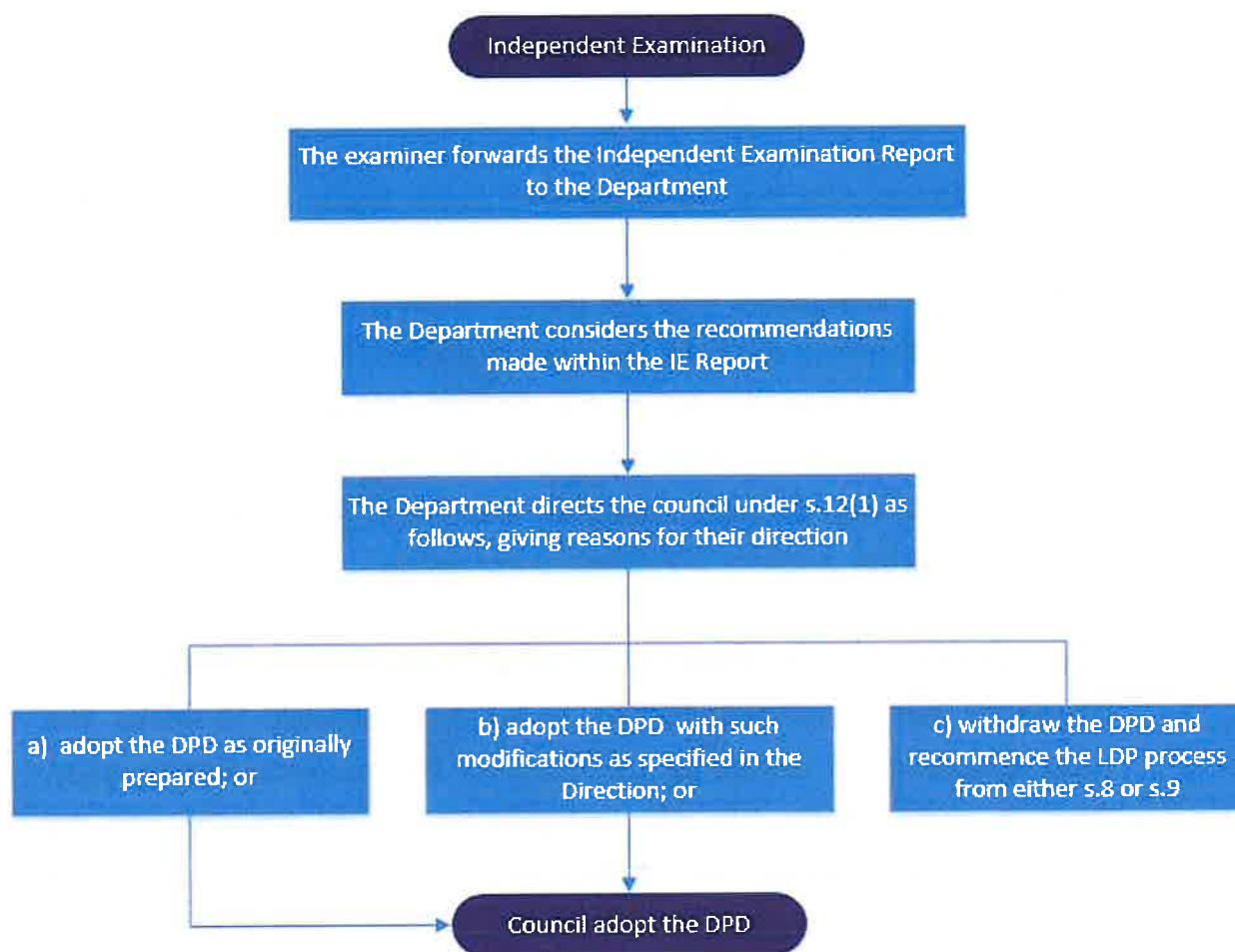
4.4. It should be noted that a degree of flexibility may be required around the timescale for this part of the process given the potential scope and nature of recommendations on any necessary modifications set out in the IE report.

5. Direction issued by the Department under section 12 of the 2011 Act

5.1. **Section 12(1)** states that the Department must consider the recommendations made under section 10(8) and direct the council to-

- a) Adopt the development plan document as originally prepared;
- b) Adopt the development plan document with such modifications as may be specified in the direction; or
- c) Withdraw the development plan document.

Fig 1 – DPD Adoption Flow chart



- 5.2. **Section 12(2)** states that the Department must give reasons for any direction given. The Department will consider the recommendations made within the report and direct the council accordingly.
- 5.3. In carrying out this consideration, the Department will be guided by the rigor of the IE process and its key powers and functions in the important role of the adoption of the local development plans, to ensure orderly and consistent development of land and the planning of that development. The Department must consider the recommendations made in the context of the report, and also consider the need to exercise ministerial powers of intervention.

- 5.4. The Department will also be guided by its legal requirements, and the reasons and recommendations of the IE report which has fully examined the evidence at IE, guided by the objective of furthering sustainable development and promotion or improvement of well-being.
- 5.5. It is important to note that the Department is not bound by the Examiners recommendations, although the ability to rewrite the plan at this point is limited. In the event of a departure from the recommendations within the report, the Department will provide clear reasoning and justification for this. For example, a departure from the recommendations may be warranted where new regional or strategic policy has come into effect during the IE process. As the LDP process evolves, there may be other instances that arise where departures are necessary, and this guidance will be kept under review.
- 5.6. The timeframe for the Department's consideration is not prescribed although the intention is that this consideration should take approximately 12 weeks. The exact timeframe will depend on the nature of the recommendations made. Councils should factor this into timetables to ensure flexibility and the Department will liaise with individual Councils to provide an indication of when its consideration will be concluded.
- 5.7. As set out above at paras 5.5 & 5.6, there will be a range of complex matters within the report and its recommendations for consideration. Therefore, where necessary, the Department **may**, in confidence, grant the council a two week period for fact checking aspects of the report immediately prior to issuing its Direction to the Council.
- 5.8. The primary purpose of the fact-checking exercise is to enable the council to highlight any factual errors or inconsistencies in the report. The council may not question the conclusions and recommendations in the report, as this is not an opportunity to revisit any of the discussions held during the IE process. The council should not share or publish the report at this stage for the reasons set out in para 5.5, as it does not constitute the Department's Direction, which is the final decision.

- 5.9. The initial publicity of the IE report however will be the responsibility of the individual council once the council receive the Department's Direction, as set out below at paragraph 6.4.

6. Requirements to be met by the council after the receipt of the Department's direction

- 6.1. Section 12(3) states that the council must comply with a direction given by the Department. Where this direction issued is to adopt the DPD, either as originally prepared or with modifications, under Section 12(4) this must be by resolution of the Council (which is full Council) and must be done as soon as reasonably practicable after the receipt of the Department's direction under section 12(1)(a) or (b) in accordance with regulation 24(2).
- 6.2. There is currently no prescribed timeframe for the adoption of a DPD, however time required will be dependent on any work associated with the adoption process. For example, any additional consultation that may be required as a result of the IE processor the preparation of Supplementary Planning Guidance (SPG) to sit alongside the PS. The Council may wish to publish a copy of the IE report and Direction prior to adoption for information and decision making purposes.
- 6.3. As prescribed in Section 8(7) and 9(8), a plan strategy, or a local policies plan, is only a plan strategy or a local policies plan, when adopted by resolution of the council (full council) or approved by the Department under Section 16(6) under the Department's default powers. It will be a matter for the planning authority to determine the weight to be given to the draft DPD or individual policies once the Department issues a direction to a Council to adopt as originally prepared or adopted with modifications. At this stage a council will have the IE report and the Department's Direction and both of these together provide a clear indication of the policies of that will be adopted. Therefore a decision maker may give weight to draft policies informed by the IE report and Direction prior to adoption.

6.4. Regulation 24(3) sets out the requirements that must be met by the council on the date on which they adopt the DPD, including requirements for publicity and advertising of the DPD and other reports as prescribed. It states that the following documents must be made available for inspection at the council's principal offices and in such other places within the district of the council as the council considers appropriate;

- The DPD,
- A statement prepared by the council specifying the date on which the DPD was adopted,
- the report under section 8(6)(b) or 9(7)(b),
- the recommendations made and the reasons for those recommendations under section 10(8), and
- the Department's direction under section 12(1)(a) or (b).

6.5. In accordance with regulation 24(3)(c) the council must publish the above information on its website. It must also give notice in the Belfast Gazette and by local advertisement of the statement prepared by the council specifying the date on which the DPD was adopted and details of where and when it can be inspected in line with regulation 24(3)(d).

6.6. In accordance with regulation 24(3)(e), the council must send to the Department a copy of each of the documents referred to above and in regulation 24(3)(a). They must also, in accordance with regulation 24(f), notify any person who has asked to be notified of the adoption of the DPD.

7. Adoption of Plan Strategy

- 7.1. As set out in the Schedule to the LDP Regulations (Regulation 32 Transitional Arrangements), when the plan strategy is adopted by a council or approved by the Department, a reference to the LDP is a reference to the departmental development plan and the newly adopted plan strategy read together (3(a)).
- 7.2. Furthermore any conflict between a policy contained in a departmental development plan, and those of the plan strategy must be resolved in favour of the plan strategy, (3(b)).
- 7.3. When a council adopts its Plan Strategy, policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.
- 7.4. Upon adoption of the Plan Strategy a variety of documents, including the RDS and SPPS will be material considerations which must be weighted by decision makers in considering planning proposals.

8. Adoption of Local Policies Plan

- 8.1. When a Council adopts the local policies plan for its district the relevant departmental development plan/s shall cease to have effect in its/their entirety.
- 8.2. When both a Plan Strategy (PS) and Local Policies Plan (LPP) are adopted together they comprise the local development plan (LDP) for a given council area.

9. Monitoring

- 9.1. The final stage in the local development plan preparation process is monitoring and review which are essential in establishing whether the objectives in the local development plan are being achieved and if any changes are required.

9.2. Monitoring is a continuous process and does not end once a DPD is adopted. Monitoring and review should be an ongoing function of the plan led system and is a vital aspect of evidence based policy making.

9.3. It represents an essential feedback loop within the cyclical process of achieving sustainable development and achievement of the plan objectives.

10. Monitoring of PS

10.1. **Section 3 of the 2011 Act** sets out the survey and information which a council must keep under review. Therefore in considering what has been tested at IE, a council must undertake comprehensive and reliable monitoring of the PS in order to establish how the objectives are being achieved and determine whether any changes are required to ensure the continued delivery of the PS.

10.2. All councils will have identified a range of different requirements within their monitoring frameworks, this will assist in the plan, monitor manage approach advocated by the SPPS and in ongoing review of evidence base which inform emerging draft policies to be contained within the LPP.

11. Monitoring of LPP

11.1. The successful monitoring and review of the PS framework will then assist the fuller details which should be provided in the LPP monitoring framework.

11.2. A further Development Plan Practice Note (DPPN) in relation to monitoring will set out more detail regarding guidance and legislative requirements.

Strategic Planning Directorate



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Your reference:

Our reference:

04 October 2022

Dear Mr Duffy

Minerals Working Group

Further to your correspondence dated 9 September 2022, I am responding of behalf of Angus Kerr.

My officials have now met with DfE officials to discuss the next steps, and intend to raise this matter with councils at the next Development Plan Working Group. It is agreed the Minerals Working Group should be reconvened to review of the Terms of Reference and consider the framework in which this body of work can best advance.

I wish to acknowledge that the progress of this group has been impacted by the pandemic, and I also understand this has impacted the collection of returns on Annual Mineral Statements to DfE which had assisted councils in the collection of the LDP evidence base.

The Department is committed to engaging with councils and assist where they can to move this forward.

Yours sincerely

Alistair Beggs

ALISTAIR BEGGS
Director of
Strategic Planning Directorate