

<b>COMMITTEE ITEM</b>	<b>3.1 - ADDENDUM</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0822/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Development of 38 No. units for active elderly residents (over 55's) – 35 No. 2 Bed Apartments & 3 No. 1 Bed Apartments.
<b>SITE/LOCATION</b>	Lands approximately 100m east of No's 23, 25, 27, 29a and 29 Dublin Road, Antrim and accessed from Bridge Street, Antrim (opposite No.11 Bridge Street).
<b>APPLICANT</b>	Mainline Contracts Ltd
<b>AGENT</b>	MW Architects
<b>LAST SITE VISIT</b>	4 <sup>th</sup> December 2024
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 90340416 Email: Alicia.leathem@antrimandnewtownabbey.gov.uk
<p>The full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal  <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></p>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>Since the preparation of the Committee Report, additional information has been received including additional letters of objection with enclosures and letters of support. In total four hundred and eight (408) objections have been received and four (4) letters of support.</p> <p>The additional letters of objection raise concerns regarding the increase in flood risk, the impact on sewage infrastructure and the consequential impact upon existing neighbouring properties. Concerns were also raised regarding the impact of the development upon the Antrim Conservation Area. Details in relation to the aforementioned issues have been addressed within the earlier Committee Report.</p> <p>Video extracts and imagery have been submitted to show the impact of previous flood events including out of sewer flooding. In addition, information regarding the impacts of previous flood events and out of sewer flooding has been provided, along with a topographical survey along with imagery of vermin infestation which it is indicated was as a result of inadequate sewage infrastructure. Fundamentally the concerns relate to the cumulative impacts of development along the Six Mile Water River and the potential for the proposed development to increase the existing flood risk and sewage issues in the area.</p> <p>In relation to previous flood events and the cumulative impact of developments along the Six Mile Water, there has been no evidence provided to demonstrate that the approval of the current proposal would contribute to or exacerbate existing issues. Furthermore, DfI Rivers is the statutory body that holds information in relation to historic flooding events and has the expertise and knowledge in relation to the</p>	

cumulative impact of development within or adjacent to the floodplain and they have not objected in this regard. Additionally, NI Water initially indicated that the receiving foul sewerage network could not presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. However, NI Water and the applicant have agreed a downstream engineering solution to mitigate the foul capacity issue and has indicated that they will allow a connection for this development proposal. This solution is to be fully funded and delivered by the applicant. Thereby NI Water has raised no objections to the proposal subject to conditions. If planning permission is forthcoming, a condition requiring a connection to the public sewer is namely, Article 161 of the Water (Northern Ireland) Order 1999 with be required to be agreed with NI Water before development commences.

Other concerns raised relating to the lack of engagement from the housing provider Alpha Housing, however, a letter of support from Alpha Housing disputes this and indicates that a meeting was arranged and was postponed on two occasions. Alpha Housing go on to indicate that their aim is to establish a communication channel for ongoing engagement both during the planning process and if planning permission is forthcoming with the local community.

Additionally, letters of objection from the residents group seek a deferral of the application until such times that a follow up meeting is arranged with Council officials and the residents group. A meeting was facilitated by Officers with representatives from RAMs on 29 January 2025 as a resolution to a NIPSO complaint in relation to planning matters at the Belmont Hall development. Council Officers agreed to facilitate a further meeting with the RAMS group to discuss issues for which the Council has responsibility and also how the group itself can be supported from a community development perspective. It is not disputed that collaboration with stakeholders and departmental bodies is to be encouraged and would be beneficial to alleviating residents' concerns with ongoing issues in the area, however, any follow up meeting has no relevance to the current planning application.

## CONCLUSION

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

- The principle of the development is acceptable;
- The design and appearance on balance is considered appropriate for the site;
- The proposed development will not result in an unacceptable impact on the character and appearance of the area;
- The proposal will not create any significant impacts on neighbouring properties in relation to overlooking, loss of privacy, overshadowing or loss of light;
- The proposal complies with the policy provisions of the SPPS and PPS15 in regards to flood risk;
- On balance including mitigation and subject to a Section 76 Agreement (the finalisation of which to be delegated to Officers) adequate parking provision has been provided for the development at this location.

## RECOMMENDATION

## GRANT PLANNING PERMISSION

## PROPOSED CONDITIONS

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

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

2. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 19/1 date stamped 24<sup>th</sup> November 2023.

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

3. No 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 No. 18 date stamped 30<sup>th</sup> October 2023 and Drawing No. 19/1 date stamped 24<sup>th</sup> November 2023.

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

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

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

5. No development shall commence on site 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. A connection to the public sewer will not be permitted until the Article 161 Agreement has been authorised.

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

6. Prior to the commencement of any construction works and for the duration of the construction phase, a clearly defined buffer of at least 10m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the flood zone as identified in Drawing No. 05/3 date stamped 31<sup>st</sup> January 2025

7. If during the development works, a new source of contamination and risks are found, which had not been previously identified, works should cease and the Council's Planning Section shall be notified immediately. Any new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) Guidance, available online at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site and to control any risk to human health arising from land contamination.

8. Should an unacceptable risk to human health be identified, a remediation strategy shall be submitted to and agreed in writing before being implemented.

Reason: To control any risk to human health arising from land contamination.

9. After completing the remediation works under Condition 7 and prior to the occupation of the development, a verification report shall be submitted in 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/landcontamination-how-to-manage-the-risks>.

The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site and to control any risk to human health arising from land contamination.

10. All habitable rooms to the permitted development, shall be fitted with glazing including frames, capable of achieving a sound reduction from outside to inside, of at least 38dB Rw and retained for the lifetime of the development.

Reason: In order to ensure a suitable internal noise environment is achieved within each apartment.

11. All habitable rooms to the permitted development shall be fitted with passive and/or mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction from outside to inside, of at least 38dB Rw and retained for the lifetime of the development.

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

12. 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 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.

13. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under Condition 12.

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

14. 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 12. 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.

15. The proposed landscaping works as indicated on Drawing No. 5/3 date stamped 31<sup>st</sup> January 2025 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 after the commencement of development.

The proposed landscaping shall be retained thereafter at a minimum height of 2 metres for shrubs/hedges and existing trees as shown shall be retained at a minimum height of 6 metres unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal.

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

16. Prior to the commencement of any part of the development hereby approved a Landscape Management and Maintenance Plan shall be submitted in writing and approved by the Council.

The completion of all aspects of the hard and soft landscaping and open space provision shall be managed and maintained in accordance with the Landscape Management Plan, 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.

17. If any existing or planted 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.

18. No infilling or change in site levels shall take place any part of the site shown to be within the 1 in 100 year fluvial flood plain as indicated on Drawing No 05/3 date stamped 31<sup>st</sup> January 2025.

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

19. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no buildings shall be erected within the curtilage of the development hereby permitted without the grant of a separate planning permission from the Council.

Reason: The erection of buildings within the curtilage of this development requires detailed consideration to safeguard any flood risk.

20. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extension or enlargement (including alteration to roofs) shall be made to the development hereby permitted and no buildings shall be erected within the curtilage of the development hereby permitted without the grant of a separate planning permission from the Council.

Reason: The further extension of or erection of buildings within the curtilage of the development requires detailed consideration to safeguard the amenities of the surrounding area / in the interests of residential amenity.

21. The occupation of the residential units hereby approved shall be solely for the demographic of Over 55's and shall be operated by a social housing provider during the lifetime of the permission.

Reason: To ensure the level of parking is adequate to meet the needs of the residents.

<b>COMMITTEE ITEM</b>	<b>3.3 - ADDENDUM</b>
<b>APPLICATION NO</b>	<b>LA03/2024/0704/S54</b>
<b>DEA</b>	<b>THREE MILE WATER</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units (Variation of Condition 7 from planning approval LA03/2022/0726/F regarding submission of landscaping scheme).
<b>SITE/LOCATION</b>	Lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey.
<b>APPLICANT</b>	Kenmark No 2. Ltd
<b>AGENT</b>	TSA Planning Ltd
<b>LAST SITE VISIT</b>	16 January 2025
<b>CASE OFFICER</b>	Alicia Leathem Tel: 028 90340416 Email: Alicia.leathem@antrimandnewtownabbey.gov.uk
<p>The full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal  <a href="https://planningregister.planningsystemni.gov.uk">https://planningregister.planningsystemni.gov.uk</a></p>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>Since the preparation of the Committee Report, additional information has been received including three additional letters of objection and supporting information from the applicant.</p> <p>Concerns raised indicate that the measurements on the amended plans remain incorrect, however, no evidence or further explanation in this regard has been provided. The objection also contends that the inclusion of an additional 14 trees does not make up for the 50% reduction in planting area from that previously approved. The subsequent visual and biodiversity loss due to the reduction in planting area has also been highlighted.</p> <p>The objector indicates that neither the applicant nor the Council have engaged with the objector in order to reach an acceptable outcome and as such goes on to provide options together with remarks as to each options acceptability. The four options range from the movement of the existing fencing to the inclusion of a planted hedgerow. Notwithstanding the options proposed by the objector, the proposed development as submitted by the applicant forms the planning proposal which, in this instance, is considered acceptable. In relation to the lack of engagement by the applicant, it is not for the Planning Section to comment on this element, however, applicants are always encouraged to engage with nearby residents in the in the preparation of a planning application.</p> <p>Details in relation to a failure to comply with conditions on the previous grant of planning permission on the site or non-compliance with the previous Landscape Management Plan lies outside the scope of the current application.</p>	



The supporting information from the applicant highlights that further planting was carried out on site on the 17<sup>th</sup> March 2025 and contains a series of images taken from the site of the additional planting undertaken.

### **CONCLUSION**

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

- The principle of development is acceptable; and
- The amendment to the wording of condition 7 is acceptable.

### **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

### **PROPOSED CONDITIONS**

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

Reason: Retrospective permission.

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 12<sup>th</sup> 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. Within 8 weeks of this decision the 2.1-metre-high acoustic barrier as indicated in Drawing No. 01A date stamped received 19<sup>th</sup> December 2024 shall be completed in full.

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 maintained and 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 6<sup>th</sup> 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. All soft and hard landscaping incorporated within Phase One on Drawing Nos 01B and 02B date stamped 17<sup>th</sup> February 2025 shall be completed in full within the next available planting season following the date of this decision.

All soft and hard landscaping incorporated within Phases Two and Three as shown on Drawing No. 01B date stamped 17<sup>th</sup> February 2025, Drawing Nos. 03A and 04A date stamped 19<sup>th</sup> December 2024 shall be completed in full prior to the occupation of any unit within each respective phase.

The landscaping works shall be carried out to the appropriate British Standard or other recognised Codes of Practice. If any tree, shrub or hedge or other landscaped area is 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, within the next available planting season unless the Council gives its written consent to any variation.

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. The landscape areas as indicated on the stamped approved Drawing Nos. 01B & 02B date stamped 17<sup>th</sup> February 2025 and stamped approved Drawing Nos. 03A, 04A date stamped 19<sup>th</sup> December 2024 shall be managed and maintained in accordance with the Landscape Management Plan, DOC 01A received on 19<sup>th</sup> December 2024 any changes or alterations to the approved landscape

management arrangements shall be submitted to and agreed in writing by the Council.

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 within four weeks of this decision.

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 15<sup>th</sup> 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 12<sup>th</sup> 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).

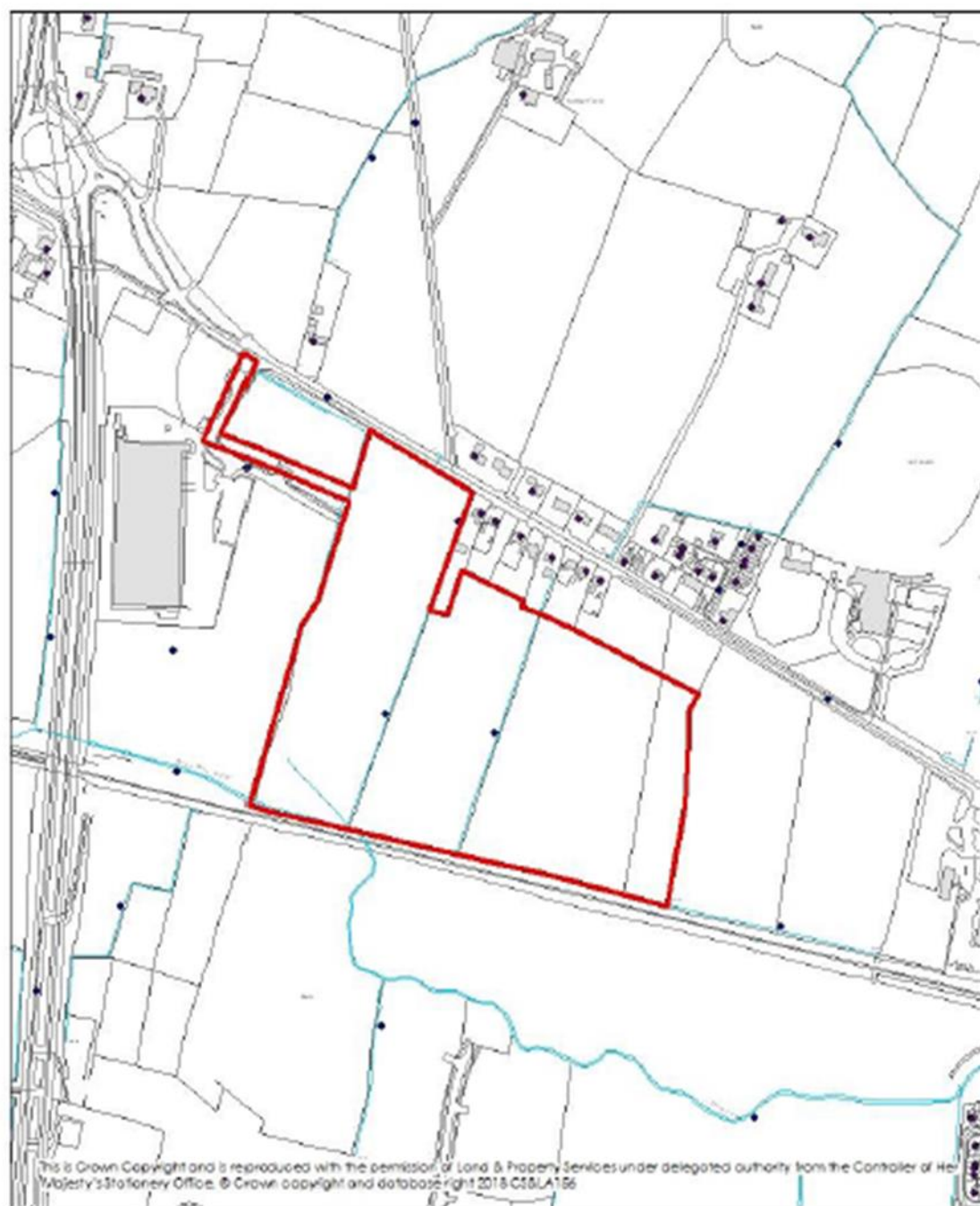
Reason: In order to protect night time amenity at nearby sensitive receptors.

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: LA03/2024/0704/S54

0 140 280 Metres

Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.6 - ADDENDUM</b>
<b>APPLICATION NO</b>	<b>LA03/2024/0435/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed erection of a 79 MW Battery Energy Storage System (BESS) Facility including MV skids (transformer and inverter), outdoor switchgear compound, DNO substation control room, welfare unit, spare parts container, switch room, new site boundary fencing, new access, and ancillary development works
<b>SITE/LOCATION</b>	Lands approximately 342m southeast of Kells Substation and approximately 105m east of 43 Doagh Road, Kells, Ballymena BT42 3PP
<b>APPLICANT</b>	Green Frog Power (Kells) Limited
<b>AGENT</b>	Gravis Planning
<b>LAST SITE VISIT</b>	19 <sup>th</sup> July 2024
<b>CASE OFFICER</b>	Morgan Poots Tel: 028 90340419 Email: <a href="mailto:morgan.poots@antrimandnewtownabbey.gov.uk">morgan.poots@antrimandnewtownabbey.gov.uk</a>
<b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal</b> <a href="https://planningregister.planningsystemni.gov.uk/application/689261">https://planningregister.planningsystemni.gov.uk/application/689261</a>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>Following the publication of the Committee Report, additional supporting information was submitted by the agent.</p> <p>It is detailed within their letter dated 12<sup>th</sup> March that the proposal represents approx. £50 million investment into Northern Ireland Renewable Infrastructure, will generate approximately £100k in rates revenue to the Council and is considered that without the provision of additional BESS facilities, Northern Ireland will not reach its climate change targets or reduce its dependence on fossil fuels. It is acknowledged that the proposal has a number of economic and environmental benefits, however, it is the economic and environmental benefits do not mean that BESS facilities will be allowed in every case.</p> <p>It is also detailed within the letter dated 12<sup>th</sup> March that no feedback was provided on the alternative sites assessment. The application was received with a Planning Supporting Statement (Document 01, date stamped 14<sup>th</sup> June 2024), which outlined that</p> <p><i>"The applicant undertook an extensive site search of the lands surrounding the Kells substation and wider area. The site location was identified as the most appropriate site available to the applicant for the development, given its proximity to the sub-station, topography, existing field boundaries and setbacks from residential development."</i></p>	

Further information was requested from the agent in relation to Policy PSU 8 and the site selection process. The agent submitted Document 15, date stamped 27<sup>th</sup> September 2024 which details that the applicant undertook a site search of the lands surrounding the Kells Substation and the wider area and 19no. alternative sites were considered. The site selection process is considered within the Committee Report.

The Council has considered the originally submitted information and the further information submitted on the 27<sup>th</sup> September 2024 and do not consider that it has been satisfactorily demonstrated that a thorough exploration of alternative sites has been carried out. It is therefore considered that the principle of development is not acceptable, and the proposal is contrary to Policy PSU 8 of PSRNI.

It is also detailed within the letter dated 12<sup>th</sup> March that in terms of visual impact, the majority of the developments are setback from the road and will be largely screened along all boundaries due to the retention of vegetation along the field boundaries. It is noted that the applicant would be willing to revisit the landscaping scheme and provide photomontages to demonstrate the site can be visually integrated.

Whilst it is acknowledged that the main body of the development is set back approximately 70m from the roadside, the subject land rises in a northeasterly direction away from the public road meaning part of the application site is located on higher lands than the rest. Therefore, the main area of the development will be highly visible along the Doagh Road. As noted within the Committee Report, with the removal of the roadside hedging, the proposed development would appear prominent, with the facility being incongruous in the landscape due to its industrial appearance. Due to the lack of an appropriate level of integration, the industrial appearance of the facility would be highly obvious and would lead to a noticeable erosion of the rural character of the area. The proposal seeks to industrialise the neighbouring rural area, the effects of which would be perceptible from both public viewpoints and from adjacent private properties.

Whilst it is accepted that there is a need for this type of facility, the Council considers that the size, scale and massing of the proposed BESS is not subordinate to development in the surrounding rural area, and the site lacks an appropriate level of integration.

The agent also refers to the outstanding consultation responses. At the time of the publication of the Committee Report, DAERA Water Management Unit, SES and DfI Rivers remained outstanding, since then Water Management Unit and SES have responded. SES have indicated that further information is required in the form of a consultation response from the Northern Ireland Fire and Rescue Service, as outlined in the Committee Report, NIFRS only provide standing advice and were therefore not consulted on the application.

It is noted that DfI Rivers is outstanding on the amended Drainage Assessment, Document 16/1 date stamped 21<sup>st</sup> February 2025. Whilst their comments remain outstanding, DfI Rivers were consulted on the original Drainage Assessment, Document 16 and raised no objections. It is therefore considered that any outstanding consultation response is not considered to be significant and is not noted as a reason for refusal in this instance.

The agent also refers to the Planning Committee meeting following a bank holiday and the fact that the Committee Report was not made available at the time of informing the agent. The Planning Committee meeting is scheduled for Tuesday 18<sup>th</sup> March 2025, given the bank holiday on Monday 17<sup>th</sup> March 2025, this is not considered to prejudice the applicant in any way. Furthermore, the Committee Report was made available on the Council's website by Wednesday 12<sup>th</sup> March 2025 as outlined on the published schedule which was available on the Council's website at the time of notifying the agent.

The recommendation remains to refuse planning permission.

### **CONCLUSION**

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

- The principle of the development is not considered to be acceptable in line with PSU 8;
- The design and appearance of the proposed development is not acceptable;
- The proposed development will have an unacceptable impact on the visual appearance of the rural area;
- The proposal will not result in an unacceptable impact on neighbour amenity by reason of fire risk;
- There are no significant concerns relating to access of the site; and
- There is no significant flood risk associated with the site.

### **RECOMMENDATION**

### **REFUSE PLANNING PERMISSION**

### **PROPOSED REFUSAL REASONS**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy PSU 8 of the Planning Strategy for Rural Northern Ireland in that this proposal is not sited with existing electrical infrastructure in the area and it has not been satisfactorily demonstrated that a thorough exploration of alternative sites has been carried out and there will be a detrimental impact on the visual landscape.
2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement, Policy CTY 13 and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the application site lacks a sufficient level of integration and the proposed development would result in an unacceptable detrimental impact on visual amenity and character of the rural area.



<b>COMMITTEE ITEM</b>	<b>3.07</b>
<b>APPLICATION NO</b>	<b>LA03/2024/0182/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Battery Energy Storage System (BESS) Facility 100MW including, transformers, switch and control Room, lighting and CCTV, new site boundary fencing, new access, and ancillary development works.
<b>SITE/LOCATION</b>	Lands approx. 80m west of 92 Parkgate Road, Kells, Ballymena, BT42 3PG.
<b>APPLICANT</b>	Heron Storage Ltd
<b>AGENT</b>	Gravis Planning
<b>LAST SITE VISIT</b>	19 June 2024
<b>CASE OFFICER</b>	Sairead de Brún Tel: 028 9034 0406 Email: Sairead.debrun@antrimandnewtownabbey.gov.uk
<p>The full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal</p> <p><a href="https://planningregister.planningsystemni.gov.uk/application/685760">https://planningregister.planningsystemni.gov.uk/application/685760</a></p>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>Following the circulation of the Planning Committee Report, the agent submitted a letter via email on 12th March 2025 seeking a deferral of the application to allow further consideration of the proposal. No new or additional information has been received by the Council. In their letter, the agent has stated that they have received no feedback on the application since it was submitted in March 2024, and a deferral is being sought to allow for the applicant to submit additional information. A letter of objection was also received on the 14<sup>th</sup> March 2025.</p> <p>The case officer has engaged with the agent on a number of occasions following receipt of the application, and the issues of the site selection process and the fire suppression method, amongst others, were first raised with the agent back in August 2024.</p> <p>The Council has acknowledged that the agent has included a number of alternative sites within the site section process, however, it is considered that these sites are limited to a corridor of fields southwest of Kells substation and at a considerable distance from the substation. Whilst a sequential assessment has been received, it has failed to satisfactorily demonstrate that an exhaustive exploration of alternative sites had been carried out, and therefore the principle of development could not be established.</p> <p>As there are concerns with the principle of development, the agent was not requested to provide any design amendments. Aside from the principle of development, the design of such BESS developments are typically standard, and it is unclear how the agent could amend the design of the proposal to ensure that it</p>	

was appropriate for the rural area. In addition, the removal of the roadside vegetation to provide the necessary visibility splays will create an open site. In their letter, the agent refers to the 'provision of new hedges' in an attempt to afford some level of integration, however, new planting would not mitigate the impact of this incongruous industrial style development. In addition, the proposed acoustic fence would also have a detrimental impact on the visual amenity of this rural landscape.

With regards to the fire suppression method, the agent has stated in their letter that no feedback was given to indicate that this proposed method was considered insufficient, nor was the Northern Ireland Fire and Rescue Service (NIFRS) consulted with the application. Formal consultation with the NIFRS is not required as they have issued standing advice relating to BESS facilities, and it is stated within this advice that 'whilst gaseous suppression systems have been proposed previously, current research indicates the installation of water based suppression systems for fires involving cell modules is more effective'. **This standing advice is publicly available.**

A letter of objection was received on the 14<sup>th</sup> March 2025. The letter of objection refers to the Committee Report which makes reference to the alternative site assessment. It is detailed that the applicant did not consider the possibility of extending Kells BESS and the objector states that it would appear that the Council believe that Kells BESS facility should be considered as a hub for future BESS development. The objector makes reference to the health and environmental risks that may arise from concentrating BESS developments in a single location.

The Council have considered the agent's site selection assessment as detailed within the Committee Report and noted that a number of sites were dismissed and the possibility of extending the existing Kells BESS facility at the Doagh Road was not considered. In line with Policy PSU 8 of the PSRNI a thorough site selection process is required and the agent should outline which sites were considered and why they were discounted and it is not up to the Council to discount sites on behalf of the applicant. It was merely noted as an option which was not considered by the agent and not that this is the approach necessarily required from the Council.

The objector refers to the Committee Report and details that the Council has wrongly presented the PAC decision for the Kells BESS (Appeal Reference 2018/A0248) which details that the most efficient way to connect a battery storage facility to the system is to use an under the fence cable. The objector details that this statement was made by the appellant within their supporting statement, as opposed to it being a decision from the PAC. It is accepted that the PAC refer to the appellant's submission in this regard and that it was not necessarily the position of the PAC.

The recommendation remains to refusal planning permission.

## **CONCLUSION**

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

- The principle of the development is not considered to be acceptable;

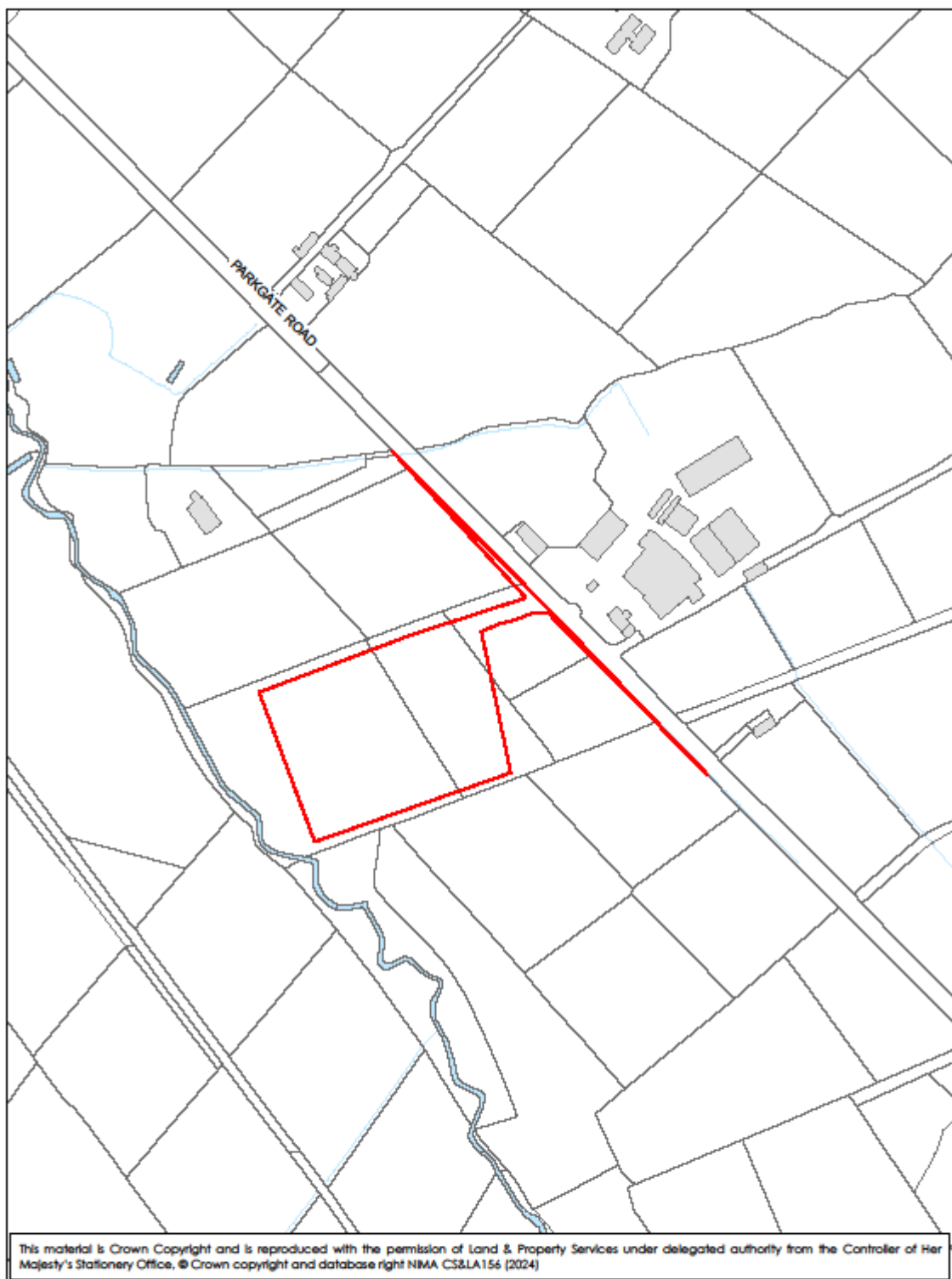
- The design and appearance of the proposed development is not acceptable;
- The proposed development will have an unacceptable impact on the visual appearance of the rural area;
- The proposal will result in an unacceptable impact on neighbour amenity by reason of fire risk;
- There are no significant concerns relating to access, road safety matters and parking; and
- There is no significant flood risk associated with the site.

#### **RECOMMENDATION**

#### **REFUSE PLANNING PERMISSION**

#### **PROPOSED REFUSAL REASONS**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy PSU 8 of the Planning Strategy for Rural Northern Ireland in that this proposal is not sited with existing electrical infrastructure in the area and it has not been satisfactorily demonstrated that a thorough exploration of alternative sites has been carried out and there will be a detrimental impact on the visual landscape.
2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement, Policy CTY 13 and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the application site lacks a sufficient level of integration and the proposed development would result in an unacceptable detrimental impact on visual amenity and character of the rural area.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy PSU 8 of the Planning Strategy for Rural Northern Ireland in that it has not been satisfactorily demonstrated that there is a sufficient fire suppression system and the proposed works could cause detrimental harm to residential amenity by way of fire risk.



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### Site Location Plan

1:2,500

Reference: LA03/2024/0182/F

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.10 - ADDENDUM</b>
<b>APPLICATION NO</b>	<b>LA03/2024/0709/O</b>
<b>DEA</b>	<b>THREE MILE WATER</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO THE ADDENDUM TO THE COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>REFUSE FULL PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site for dwelling and garage on a farm
<b>SITE/LOCATION</b>	Lands approx. 25m S of 27 Sallybush Road, Newtownabbey, BT36 4TS
<b>APPLICANT</b>	Arthur Magill
<b>AGENT</b>	Applicant is agent
<b>LAST SITE VISIT</b>	29 <sup>th</sup> October 2024
<b>CASE OFFICER</b>	Harry Russell Tel: 028 903 40408 Email: <a href="mailto:harry.russell@antrimandnewtownabbey.gov.uk">harry.russell@antrimandnewtownabbey.gov.uk</a>
<p><b>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: <a href="https://planningregister.planningsystemni.gov.uk/application/692771">https://planningregister.planningsystemni.gov.uk/application/692771</a></b></p>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>At the January 2025 Planning Committee meeting, Members took the decision to defer this application to allow the applicant to submit additional information and for further engagement with Officers. Additional information was submitted on 20th February 2025 by the applicant and this information was addressed within the first addendum to the Committee Report. The applicant subsequently submitted further additional information on the 13th March 2025 including a site location plan and indicative access plan.</p> <p>The amended Site Location Plan, Drawing No. 01/1 date stamped 13th March 2025, indicates that No. 29 Sallybush Road is within the lands of owned by the applicant. A land registry check indicates that this property is owned by a Josh Magill rather than the applicant Arthur Magill. DAERA has clarified within an email that only Arthur Magill is registered to the farm business ID. Accordingly, whilst the owner of No. 29 may be a family member of the applicant, they are not registered on the farm business ID and therefore No. 29 Sallybush Road and its associated outbuildings are not considered established buildings on the farm.</p> <p>The red line of the application site has been extended within the amended Site Location Plan (Drawing No. 01/1, date stamped 13th March 2025) to accommodate an approximately 30m long laneway which projects from the southern boundary of the site to achieve the required visibility splays. The amended access plan (Drawing 03, date stamped 13th March 2025) indicates that taking the access to the site from this location would no longer require Certificate C to be completed nor notice to be served upon No. 27 Sallybush Road. DfI Roads has not been consulted with regards to this amended plan, however, it is considered that the refusal reason could be removed, as the provision of the required visibility splays could be dealt with by way of</p>	

negative condition if planning permission were to be granted. The condition would require the required visibility splays to be in place before any development can commence.

As indicated above, the alternative access arrangements results in the extension of the application site and the provision of a 30m long laneway from the southern site boundary. As the existing roadside vegetation is required to be cleared to facilitate visibility splays, this laneway would rely primarily on new planting to both its western and eastern boundaries in order to integrate into the countryside. The laneway would also intrude further into the existing countryside when viewed from the Sallybush Road. As such, an additional reason for refusal is to be added as it is considered the proposed access arrangements do not comply with Policy CTY 13 and CTY 14 in that the proposed laneway does not sympathetically integrate with its surroundings and would be detrimental to the rural character.

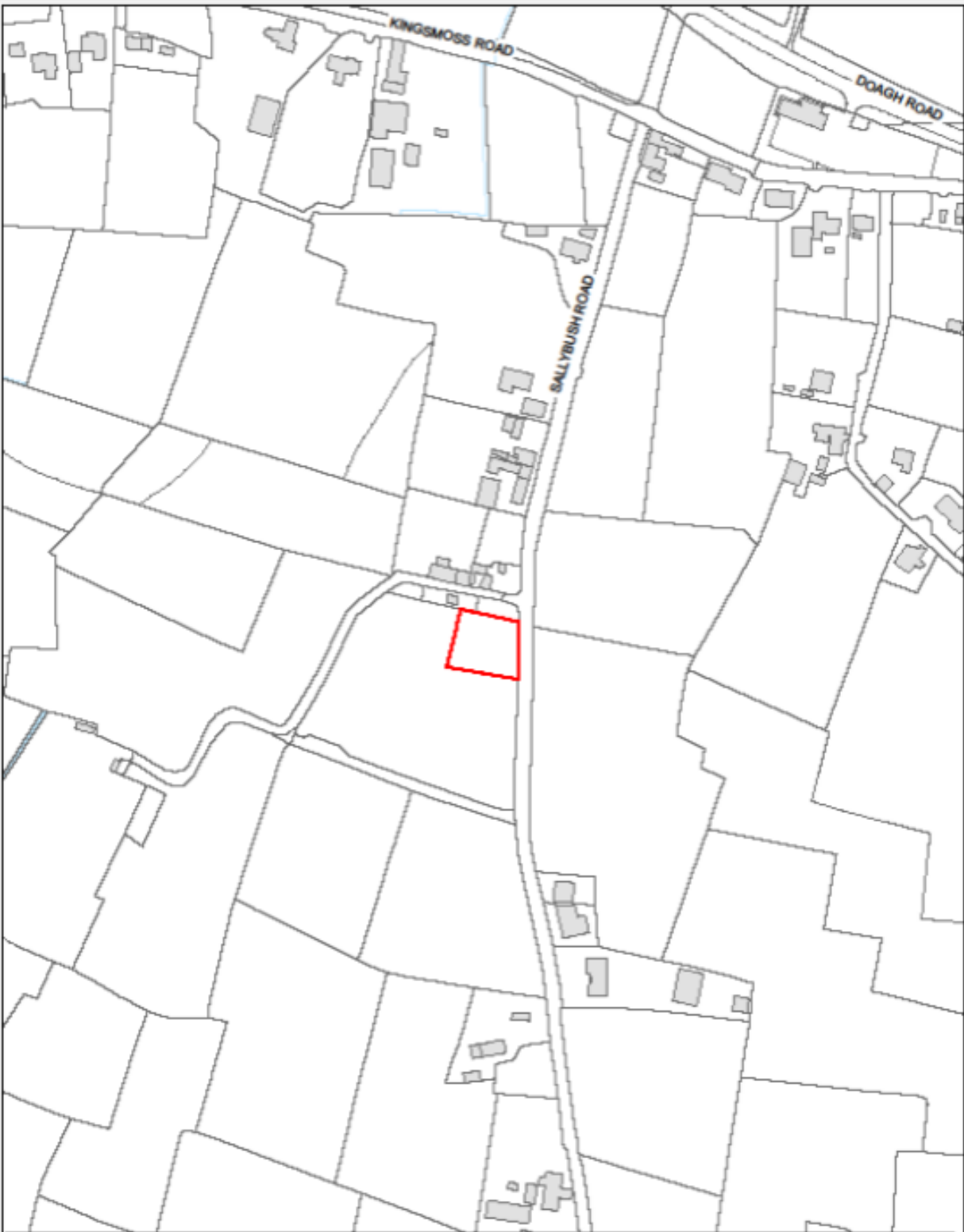
Accordingly, it is considered that the application is contrary to Policies CTY 8, CTY 10, CTY 13 and CTY 14 of PPS 21, and Policy NH 5 of PPS 2 and the recommendation to refuse planning permission remains. The refusal reasons relating to the principle of development, the ribboning of the development and the loss of a priority habitat are retained. The refusal reason relating to the provision of visibility splays has been removed and a refusal reason relating to a lack of integration and impact upon rural character has been added.

<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
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<b>PROPOSED REASONS OF REFUSAL</b>
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1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 and Policy CTY 10 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal does not visually link or cluster with an existing group of buildings on a farm.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 & CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal, if permitted, would add to an existing ribbon of development along the Sallybush Road.
3. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy NH5 of Planning Policy Statement 2, Natural Heritage, in that the proposal will result in the loss of a priority habitat.
4. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed access fails to blend with the landform and will not integrate into the surrounding landscape and would have a detrimental impact upon rural character.





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### Site Location Plan

1:2,500

Reference: LA03/2024/0709/O

 Site Location



<b>COMMITTEE ITEM</b>	<b>3.13 - ADDENDUM</b>
<b>APPLICATION NO</b>	<b>LA03/2024/0886/O</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Dwelling and garage
<b>SITE/LOCATION</b>	Lands approx. 40m East of No. 66 and approx. 30m SW of No. 66a Shore Road, Toomebridge, Antrim, BT41 3NW
<b>APPLICANT</b>	Barry Murray
<b>AGENT</b>	Austin Mullan
<b>LAST SITE VISIT</b>	16.01.2025
<b>CASE OFFICER</b>	Harry Russell Tel: 028 903 40408 Email: <a href="mailto:harry.russell@antrimandnewtownabbey.gov.uk">harry.russell@antrimandnewtownabbey.gov.uk</a>
<p><b>The full details of this application, including the application forms, relevant drawings, consultation responses and any representations made are available to view at the Northern Ireland Planning Portal:</b>  <a href="https://planningregister.planningsystemni.gov.uk/application/694896">https://planningregister.planningsystemni.gov.uk/application/694896</a></p>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>Following the circulation of the Planning Committee Report, the applicant's agent submitted further information in support of the application within a Supporting Statement, Document 01 date stamped 14th March 2025.</p> <p>The development proposal was initially assessed under Policy CTY 8 of PPS 21, which is set out within the Committee Report, however, the agent states within the Supporting Statement that they are of the opinion that the proposal is in accordance with Policy CTY 2a of PPS 21.</p> <p>Policy CTY2a states that planning permission will be granted for a dwelling in an existing cluster of development provided a number of criteria are met. The first criterion requires the cluster of development to lie outside a farm and consists of four or more buildings (not including ancillary buildings) of which at least three are dwellings. In this instance it is considered that the site lies within a cluster of six dwellings to include Nos. 66a, 66, 68, 64, 62, and 60a Shore Road.</p> <p>The second criterion requires the cluster to appear as a visual entity in the local landscape and the agent contends that the proposal complies with this criterion. It is considered however, that given the set back distance of much of the cluster from the Shore road, along with the mature roadside and intervening vegetation, that the cluster does not read as visual entity within the local landscape when viewed from the Shore Road.</p> <p>The third criterion requires the cluster to be associated with a focal point such as a social/community building/facility, or for it to be located at a crossroads. The cluster is not associated with any form of social or community building and it is not located at a crossroads. The agent acknowledges that the application site has no focal point, however, he indicates that the Planning Appeals Commission (PAC) has made an exception to development proposals considered under Policy CTY 2a where there</p>	

is no focal point. Within the Supporting Statement, the agent refers to PAC decision reference 2017/A0222 where such an exception was made. However, with regards to this decision the PAC considered the proposal to meet all the other policy requirements of Policy CTY 2a and therefore it considered the proposal to comply with the overall thrust of the policy. In this instance, the policy is not considered to comply with either criterion two or criterion three and therefore the proposal is not considered to comply with the overall thrust of the policy.

The fourth criterion requires the site to provide a suitable degree of enclosure and to be bounded on at least two sides with other development in the cluster. The fifth criterion requires the development of the site to be absorbed into the existing cluster through rounding off and consolidation and for it not to significantly alter its existing character, or visually intrude into the open countryside. The proposed development is considered to comply with both these criteria.

In spite of the additional information submitted by the agent, it is still considered that the proposal is contrary to the policy requirements of Policy CTY 8 of PPS 21 in that the application site is not considered to be a gap within an otherwise substantial and continuously built up frontage. An additional refusal reason has been added as the proposal is contrary to the policy requirements of Policy CTY 2a in that the cluster does not appear as a visual entity in the local landscape and it is not associated with a focal point or located at a crossroads.

## **CONCLUSION**

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

- The principle of the development has not been established in accordance with the policy provisions of Policies CTY2a or CTY 8;
- The proposal integrates satisfactorily into the surrounding landscape;
- It is considered that the proposal will integrate appropriately with the surrounding landscape;
- The proposal is not considered to result in adverse impacts on neighbouring properties; and
- It has not been demonstrated that access to the site would not prejudice road safety and is therefore contrary to Policy AMP 2 of PPS 3.

## **RECOMMENDATION**

## **REFUSE OUTLINE PLANNING PERMISSION**

## **PROPOSED REASONS FOR REFUSAL**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not represent a gap site within an otherwise substantial and continuously built up frontage.
3. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 2a of Planning Policy Statement 21,

Sustainable Development in the Countryside, in that the application site is not located within a cluster which appears as a visual entity in the landscape; and is not located within a cluster which is associated with a focal point or located a crossroads.

4. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policy AMP 2 of Planning Policy Statement 3, in that it has not been demonstrated that access to the site would not prejudice road safety.