



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE
HELD IN MOSSLEY MILL ON MONDAY 17 JUNE 2024 AT 6.00 PM**

In the Chair : Councillor J Archibald-Brown

Committee Members Present (In Person) : Aldermen - T Campbell and M Magill
Councillors – A Bennington, S Cosgrove, S Flanagan, R Foster, R Kinnear, R Lynch, AM Logue and B Webb

Public Speakers :

Tom Stokes	In Support/Consultant (Item 3.1)
Conor O'Hara	In Support/Consultant (Item 3.1)
Andrew Heasley	In Support/Agent (Item 3.2)
Dr Petra Corr	In Support/Applicant (Item 3.2)
Damien Day	In Support/Consultant (Item 3.2)
Paul Creagh	In Support/Applicant (Item 3.4)
Malachy McMahon	In Support/Consultant (Item 3.4)
Dermot Monaghan	In Support/Agent (Item 3.6)
John Simpson	In Support/Agent (Item 3.7)
Conor Cochrane	In Support/Consultant (Item 3.10)

Officers Present :

- Director of Economic Development and Planning - M McAlister
- Borough Lawyer & Head of Legal Services – P Casey
- Head of Planning Development Management – B Diamond
- Head of Corporate Affairs – J McIntyre
- Senior Planning Officer – J McKendry
- Senior Planning Officer – A Wilson
- Senior Planning Officer – A Leathem
- ICT Helpdesk Officer – C Bell
- Member Services Officer – C McIntyre

CHAIRPERSON'S REMARKS

The Chairperson welcomed Committee Members to the June Planning Committee Meeting. The Chairperson reminded all present of the protocol for speaking, timeframes accorded and of the audio recording procedures.

The Chairperson advised Members that Addendum reports relating to Items 3.2, 3.5 and 3.6, the Site Visit Report, and an updated speakers' list had been circulated to Members in advance of the meeting, with hard copies being made available in the Chamber.

As advised by the Borough Lawyer and Head of Legal Services on 12 June 2024, the Chairperson reminded Members that highly confidential Official Sensitive Information would be provided when the Committee would move into In Confidence during Item 3.1.

The Borough Lawyer and Head of Legal Services reminded Members about a number of issues in relation to their role as Members of the Planning Committee and their obligations under the Code of Conduct.

1 APOLOGIES

Councillor Cushinan

2 DECLARATIONS OF INTEREST

None

PART ONE PLANNING APPLICATIONS

ITEM 3.1 APPLICATION NO: LA03/2023/0524/F

PROPOSAL:	Proposed new business park to include 3 no. new storage and distribution warehouses with ancillary offices (Class B4); 5 no. new light industrial units (Class B2); 2 no. new retail showrooms with trade counter; 1 no. new research and design offices (Class B1c); and the refurbishment of and alterations to 4 no. existing storage and distribution units. Development includes roof mounted solar panels, 5 new access points onto Enkalon Road, new internal estate road (closing up existing access), HGV parking, car parking, cycle parking, new pedestrian crossing point at Randalstown Road and all associated site works.
SITE/LOCATION:	Lands at Enkalon Industrial Estate, including vacant lands to the north west. Located immediately north east of Plaskets Burn, 200m west of 150 Junction One (ASDA), 60m south east of 14 Plaskets Close and 60m north of 30 Castlewater Gardens, Antrim.
APPLICANT:	Errigal Commercial Developments Ltd.

Alicia Leathem, Senior Planning Officer introduced the Planning Report to the Committee and made a recommendation to grant planning permission.

The Chairperson informed Members that as advised by the Borough Lawyer and Head of Legal Services, Official Sensitive Information would be provided at this point which was highly confidential and should not be disclosed in the public domain; the information would be returned to Officers following consideration of the Item.

Proposed by Alderman Campbell
Seconded by Councillor Flanagan and agreed that

the meeting move into In Confidence at this point of the meeting.

The Chairperson advised that the livestream and audio recording would now cease and all Speakers left the meeting at this point.

The Head of Planning Development Management provided Members with an overview of the Official Sensitive information and responded to a number of questions from Members.

Proposed by Councillor Bennington
Seconded by Alderman Magill and agreed that

the meeting Committee move out of In Confidence at this point.

The Chairperson advised that the livestream and audio recording would recommence and all speakers and attendees returned to the meeting.

The undernoted public speakers addressed the Committee and responded to enquiries from Members as requested –

Tom Stokes	In Support/Agent
Conor O'Hara	In Support/Consultant (for questions)

Proposed by Councillor Flanagan
Seconded by Alderman Campbell that planning permission be granted.

On the proposal being put to the meeting 11 Members voted in favour, 0 against and 0 abstentions, and it was unanimously agreed

that planning permission be granted for the application subject to the Conditions set out in the Planning Report.

ACTION BY: Sharon Mossman, Deputy Director of Planning & Building Control

ITEM 3.2 APPLICATION NO: LA03/2023/0930/F

PROPOSAL:	Erection of 134 bed centre for mental health comprising of wards, staff and visitor facilities, management and operational spaces, health and well-being facilities, external landscaping and gardens, car parking, servicing facilities and associated ancillary works.
SITE/LOCATION:	Lands to south of Antrim Area Hospital and East of Bush Manor, Bush Road, Antrim.
APPLICANT:	Northern Health & Social Care Trust.

Alicia Leathem, Senior Planning Officer, introduced the Planning Report and associated Addendum Report to the Committee and made a recommendation to grant planning permission.

The undernoted public speakers addressed the Committee and responded to enquiries from Members as requested –

Andrew Heasley	In Support/Agent
Dr Petra Corr	In Support/Applicant
Damien Day	In Support/Consultant (for questions)

Proposed by Alderman Campbell
Seconded by Councillor Flanagan that planning permission be granted.

On the proposal being put to the meeting 11 Members voted in favour, 0 against and 0 abstentions, it was unanimously agreed

that planning permission be granted for the application subject to the Conditions set out in the Addendum Planning Report.

ACTION BY: Sharon Mossman, Deputy Director of Planning & Building Control

Councillor Logue left and returned to the Chamber during Item 3.3 and was therefore unable to vote.

Councillor Lynch left the meeting at this point.

ITEM 3.3 APPLICATION NO: LA03/2023/0397/F

PROPOSAL:	Proposed demolition of 735-737 Shore Road and erection of 2 no. apartment buildings comprising of 14 no. apartments, car parking, cycle parking, landscaping and all associated work (Renewal of Planning Approval LA03/2017/0418/F).
SITE/LOCATION:	735-737 Shore Road, Newtownabbey, BT37 0PY.
APPLICANT:	McMeekin DIY Ltd.

Ashleigh Wilson, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to grant planning permission.

There were no public speakers to address this item.

Proposed by Councillor Webb

Seconded by Councillor Cosgrove that planning permission be granted.

On the proposal being put to the meeting 8 Members voted in favour, 1 against and 0 abstentions, it was agreed

that planning permission be granted for the application subject to the Conditions set out in the Planning Report.

ACTION BY: Sharon Mossman, Deputy Director of Planning & Building Control

ITEM 3.4 APPLICATION NO: LA03/2023/0861/F

PROPOSAL: 6 no. apartments.

SITE/LOCATION: 415 Antrim Road, Newtownabbey, BT36 5ED.

APPLICANT: PF Creagh Residential Property Developments.

Ashleigh Wilson, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to refuse planning permission.

The undernoted public speakers addressed the Committee and responded to enquiries from Members as requested –

Paul Creagh

In Support/Applicant

Malachy McMahon

In Support/Consultant (for questions)

Proposed by Alderman Campbell

Seconded by Councillor Bennington that planning permission be refused.

On the proposal being put to the meeting 8 Members voted in favour, 0 against and 2 abstentions, it was agreed

that planning permission be refused for the following reason:

- 1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Planning Policy Statement 7, Policy QD 1 in that it has not been demonstrated that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of its design and would have a detrimental impact on neighbouring amenity by way of overlooking and dominance.**

ACTION BY: Sharon Mossman, Deputy Director of Planning & Building Control

ITEM 3.5 APPLICATION NO: LA03/2023/0277/F

PROPOSAL: Demolition of existing buildings on site and erection of 12 No. apartments, including associated and ancillary works.

SITE/LOCATION: 28 The Square Ballyclare, BT39 9BB.

APPLICANT: Colin Fletcher.

Ashleigh Wilson, Senior Planning Officer, introduced the Planning Report and associated Addendum Report to the Committee and made a recommendation to refuse planning permission.

There were no public speakers to address this item.

Proposed by Councillor Flanagan
Seconded by Councillor Webb that planning permission be refused.

On the proposal being put to the meeting 10 Members voted in favour, 0 against and 0 abstentions, it was unanimously agreed

that planning permission be refused for the following reason:

- 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and criterion (f) of Policy QD 1 of Planning Policy Statement 7 Quality Residential Environments, and Policy AMP 7 of PPS 3, in that inadequate parking has been provided for this development.**

ACTION BY: Sharon Mossman, Deputy Director of Planning & Building Control

ITEM 3.6 APPLICATION NO: LA03/2024/0094/F

PROPOSAL: Erection of 4no retirement bungalows, parking, landscaping, and associated site works (in substitution for nursing home approved under LA03/2016/0902/RM).

SITE/LOCATION: Land 40 metres east of No. 1 Castle Lodge, Randalstown.

APPLICANT: JFM Construction.

Johanne McKendry, Senior Planning Officer, introduced the Planning Report and associated Addendum Report to the Committee and made a recommendation to refuse planning permission.

The undernoted public speaker addressed the Committee and responded to enquiries from Members as requested –

Dermot Monaghan

In Support/Agent

Proposed by Councillor Foster

Seconded by Alderman Campbell that planning permission be refused.

On the proposal being put to the meeting 10 Members voted in favour, 0 against and 0 abstentions, it was unanimously agreed

that planning permission be refused for the following reason:

- 1. The proposal is contrary to the 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.**

ACTION BY: Sharon Mossman, Deputy Director of Planning & Building Control

Councillor Foster left and returned to the Chamber during Item 3.7 and was therefore unable to vote.

ITEM 3.7 APPLICATION NO: LA03/2023/0883/O

PROPOSAL:	Site for Dwelling and Garage.
SITE/LOCATION:	159m East of 28 Tardree Road, Kells, Ballymena.
APPLICANT:	Mr M Murphy.

Johanne McKendry, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to refuse outline planning permission.

The undernoted public speaker addressed the Committee and responded to enquiries from Members as requested –

John Simpson

In Support/Agent

Proposed by Councillor Kinnear

Seconded by Councillor Flanagan that outline planning permission be refused.

On the proposal being put to the meeting 9 Members voted in favour, 0 against and 0 abstentions, it was unanimously agreed

that outline planning permission be refused for the following reasons:

- 1. The proposal is contrary to the 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 provisions contained within the Strategic Planning Policy Statement and fails to meet the provisions for a dwelling on a farm in accordance with Policy CTY 10 of Planning Policy Statement 21, Sustainable**

Development in the Countryside, in that the application site is not visually linked or sited to cluster with an established group of buildings on the farm and it has not be successfully demonstrated that there is any exceptional reason as to why an alternative site away from the farm would be permitted.

- 3. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would fail to integrate into the countryside as the site lacks long established natural boundaries or any substantial backdrop.**
- 4. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policy CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a new dwelling on the site would be a prominent feature in the landscape.**

ACTION BY: Sharon Mossman, Deputy Director of Planning & Building Control

Councillor Flanagan left the Chamber during Item 3.8 and was therefore unable to vote.

ITEM 3.8 APPLICATION NO: LA03/2024/0253/O

PROPOSAL:	Site for 2 No. dwellings.
SITE/LOCATION:	100m SE of 111 Seven Mile Straight, Muckamore, Antrim, BT41 4QT.
APPLICANT:	Rosha O'Kane.

Johanne McKendry, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to refuse outline planning permission.

There were no public speakers to address this item.

Proposed by Councillor Webb

Seconded by Councillor Bennington that outline planning permission be refused.

On the proposal being put to the meeting 9 Members voted in favour, 0 against and 0 abstentions, it was unanimously agreed

that outline planning permission be refused for the following reasons:

- 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 provisions contained within the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that two dwellings on this site, if permitted, would fail to integrate into the countryside.**
- 4. 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, Sustainable Development in the Countryside, in that the buildings would add to an existing ribbon of development within the countryside.**
- 5. 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.**

ACTION BY: Sharon Mossman, Deputy Director of Planning & Building Control

Councillor Flanagan returned to the Chamber during Item 3.9 and was therefore unable to vote.

ITEM 3.9 APPLICATION NO: LA03/2023/0890/F

PROPOSAL: Expansion of curtilage and extension to dwelling.
SITE/LOCATION: 3 Woodgreen, Antrim, BT41 1NN.
APPLICANT: Mr A McWilliams.

Johanne McKendry, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to refuse planning permission.

There were no public speakers to address this item.

Proposed by Alderman Campbell

Seconded by Councillor Bennington that planning permission be refused.

On the proposal being put to the meeting 9 Members voted in favour, 0 against and 0 abstentions, it was unanimously agreed

that planning permission be refused for the following reason:

- 1. The proposal is contrary to the provisions contained within Policy OS 1 of PPS 8: Open Space, Sport and Outdoor Recreation in that it has not been demonstrated that the redevelopment would bring substantial community benefits that outweighs the loss of open space or that the loss of open space will not have an impact the amenity, character or biodiversity of the area.**

ACTION BY: Sharon Mossman, Deputy Director of Planning & Building Control

ITEM 3.10 APPLICATION NO: LA03/2024/0230/O

PROPOSAL: Site for replacement dwelling.
SITE/LOCATION: 110m NE of No. 25 Ballykennedy Road, Nutts Corner, Crumlin, BT29 4SU.
APPLICANT: Colum Mullan.

Johanne McKendry, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to refuse outline planning permission.

The undernoted public speaker addressed the Committee and responded to enquiries from Members as requested –

Conor Cochrane

In Support/Consultant

Proposed by Councillor Flanagan

Seconded by Councillor Bennington that outline planning permission be refused.

On the proposal being put to the meeting 10 Members voted in favour, 0 against and 0 abstentions, it was unanimously agreed

that outline planning permission be refused for the following reasons:

- 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 is 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 3 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the structure to be replaced does not exhibit the essential characteristics of a dwelling and all external structural walls are not substantially intact.**

ACTION BY: Sharon Mossman, Deputy Director of Planning & Building Control

PART TWO OTHER PLANNING MATTERS

ITEM 3.11

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS MAY 2024

1. Purpose

The purpose of this report was to update Members on the planning applications decided under delegated powers and decisions issued by the PAC in May 2024.

2. Delegated Decisions of Council

A list of planning decisions issued by Officers during May 2024 under delegated powers together with information relating to planning appeals was circulated for Members' information.

3. Planning Appeal Commission Decisions

One (1) appeal was dismissed during May 2024 by the Planning Appeals Commission (PAC).

Planning application:	LA03/2023/0316/F
PAC reference:	2023/A0088
Proposed Development:	Erection of stable and riding area for personal use
Location:	50m North West of 5C Ballyquillan Road, Crumlin
Date of Appeal Submission:	15/12/2023
Date of Appeal Decision:	29/05/2024

A copy of the decision was circulated.

Proposed by Alderman Campbell
Seconded by Councillor Webb and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.12

P/PLAN/1 THE DEPARTMENT FOR INFRASTRUCTURE, EASTERN TRANSPORT PLAN PROJECT BOARD MEETING

1. Purpose

The purpose of this report was to update Members on recent progress concerning the Eastern Transport Plan (ETP) 2035.

2. Introduction/Background

A meeting of the ETP (formerly Belfast Metropolitan Transport Plan) Project Board took place 'in person' at DfI Headquarters, Clarence Court, Belfast on 23 May 2024 with Council Officers in attendance. DfI Transport Planning Modelling Unit (TPMU) hosted the meeting the focus of which was to review progress on the draft ETP 2035.

The ETP 2035 aimed to ensure that the transport network would meet the needs of the people and businesses living, working and visiting the ETP area, both now and into the future. The ETP also supported the preparation of Local Development Plans for the five (5) Councils within the Belfast Metropolitan Area, as well as setting out the Department's proposals for the framework for transport policy and investment decisions up until 2023 in the ETP area. At September 2023 Planning Committee a report was brought to Members' attention to advise that a draft of the ETP had launched on 4 September 2023 for an 8-week public consultation period; at the time, Members agreed to respond on an individual or party political basis.

Officers from the Forward Planning Team continued to engage on an ongoing basis with representatives from TPMU and their consultants, Atkins-Realis, in the development of the ETP within the Borough.

3. Key Issues

At the meeting, board members were updated on progress of the ETP including a summary of the findings of the ETP public consultation phase. A copy of the ETP Launch Engagement Report (May 2024) was circulated along with a copy of the agreed previous minutes held on 15 March 2023.

The Launch Engagement Report indicated that out of 518 public consultation responses, 60 responses had been received from within Antrim and Newtownabbey Borough. This response rate was a slight under-representation of the Borough's population as a percentage of the entire population of the ETP area, a trend that had been seen in neighbouring Mid and East Antrim Council area. The report attributed this pattern to the more rural nature of these Council areas.

4. Summary

A meeting of the ETP took place on 23 May 2024 and a copy of the Launch Engagement Report was circulated.

Proposed by Alderman Campbell
Seconded by Councillor Webb and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.13

P/PLAN/1 PLANNING FEES UPDATE

1. Purpose

The purpose of this report was to update Members regarding a 4% increase to planning fees made by the Department of Infrastructure, effective from 31 May 2024.

1. Background

The Department for Infrastructure had informed the Council that they had made legislative changes to apply a one-year inflationary uplift to planning fees (circulated).

2. Key Issues

Planning Fees in Northern Ireland were set in Statutory Rule, The Planning (Fees) Regulations (Northern Ireland) 2015. Annually the Department for Infrastructure applied an inflationary uplift across all fee categories.

An inflationary uplift of approximately 4% has been applied across all planning fee categories. This was based on CPI as at January 2024.

To enable this the Department for Infrastructure had made a Statutory Rule entitled 'The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024' (S.R. 2024 No. 108) which came into operation on 31 May 2024 (circulated).

The planning portal had been successfully updated to reflect the new fees with effect from 31 May 2024.

Proposed by Alderman Campbell

Seconded by Councillor Webb and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.14

FI/FIN/4 BUDGET REPORT – QUARTER 4 APRIL 2023 TO MARCH 2024

1. Purpose

The purpose of this report was to provide financial performance information at quarter four (April 2023 – March 2024) for Planning and Building Control.

2. Introduction

As agreed at the August Council meeting, quarterly budget reports would be presented to the relevant Committee or Working Group with financial reports being made available to all Members.

3. Summary

The budget report for Period 12 had not included adjustments required to arrive at the final financial position of the Council for the 2023/24 financial year. These adjustments included final accruals of expenditure incurred and grants and debts invoiced after 31 March 2024, contributions to or from reserves, and prepayments of expenditure and income.

Budget reports for Planning and Building Control for Quarter 4 – April 2023 to March 2024 were circulated for Members' information.

Proposed by Alderman Campbell

Seconded by Councillor Webb and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.15

F/FP/LDP30 PROVISIONAL TREE PRESERVATION ORDER AT LANDS IMMEDIATELY WEST OF 15B AND 17 BALLYVESSEY ROAD AND 92 BALLYCRAIGY ROAD, BALLYCRAIGY (TPO/2024/0009/LA03)

1. Purpose

The purpose of this report was to advise Members that the Planning Section had served a Provisional Tree Preservation Order on 3 June 2024 at lands immediately west of 15B and 17 Ballyvesey Road, and 92 Ballycraigy Road, Ballycraigy under the Council's Scheme of Delegation.

2. Introduction/Background

Section 122 of The Planning Act (Northern Ireland) 2011 empowers the Council to make provision for the preservation of trees or woodlands where it appeared that it is expedient in the interests of amenity through a Tree Preservation Order (TPO). The purpose of such an Order was to preserve the trees on a particular site and to prohibit the cutting down, lopping, uprooting, wilful damage or wilful destruction of the trees.

Officers had identified a notable band of mature trees (map circulated) in relation to an existing TPO that blanketed the settlement of Ballycraigy. It was the view of Officers that this band of trees offered significant visual aesthetic to both the immediate and local area. They softened the transition between countryside and the built urban form of Ballycraigy, whilst providing privacy and shelter for the dwellings. The trees also reflected a tangible link to the historic past with the significance of this band of trees annotated on the Ordinance Survey (NI) 1st Edition Map, which was published in 1832. Officers considered that these trees may be under threat. Therefore, a new Provisional TPO was placed on the band of trees on 03 June 2024 to protect them; a copy of the notice and relevant map had been circulated for Members' information. Having taken effect on 03 June 2024, the

Provisional TPO shall continue being in force by virtue of Section 123 of The Planning Act (NI) 2011 until the expiration of six (6) months (beginning on the date on which the Order was made or until the date on which the Order had been confirmed by the Council, whichever occurred first).

Officers would continue to progress this Provisional TPO, and Members would be updated in due course as to whether this Provisional TPO had been confirmed or not.

Proposed by Alderman Campbell
Seconded by Councillor Webb and unanimously agreed that

the report be noted.

NO ACTION

PROPOSAL TO PROCEED 'IN CONFIDENCE'

Proposed by Councillor Foster
Seconded by Councillor Bennington and agreed that

the following Committee business be taken In Confidence.

The Chairperson advised that the livestream and audio recording would now cease.

PART TWO OTHER PLANNING MATTERS – IN CONFIDENCE

ITEM 3.16

P/PLAN/1 PLANNING IMPROVEMENT PROGRAMME UPDATE – IN CONFIDENCE

1. Purpose

The purpose of this report was to update Members on the Department for Infrastructure (DfI) Planning Improvement Programme and the Council's Planning Improvement Programme.

2. Introduction/Background

Following a number of public reports, DfI was bringing forward a Planning Improvement Programme alongside Local Government. A number of work streams had been on-going and progress was reported to a Regional Commission and an oversight Project Programme Board. The Permanent Secretary Dr. Denis McMahon and senior officials from DfI had been invited to attend the Public Accounts Committee (PAC) on 13 June to discuss the Memorandum of Reply (MOR) on the 'Planning in NI' report. The PAC had indicated that they wished to discuss the timelines/progress of the Planning Improvement Work Programme at that meeting. In that regard and as part of his preparations, Denis McMahon, DfI Permanent Secretary, had joined the recent Project Programme Board and welcomed the positive engagement during the meeting.

The Department had highlighted that there was a need to present the work that DfI and the Councils had been doing on planning improvement as positively as possible at the PAC and that the expectation was that the PAC should focus on the role of the Department and the Minister's response in the MOR; it was likely that they would also raise issues that related to local government.

Therefore all Councils had been asked to give an update on the progress of their Business as Usual items by Friday 7 June 2024.

3. Key Issues

The Council previously provided an update in 2022 and a further updated response had been circulated for information. The Department had also asked for an update regarding other planning efficiency and effectiveness measures within the Council and a letter (circulated) had been issued to the Department giving an update on the Council's own internal planning improvement programme. Whilst welcoming the continued improvements to the planning system, it had been highlighted that there were concerns in relation to the delivery of the Council's Local Development Plan once the Plan was submitted to the Department for Infrastructure to the point of adoption; these had previously been raised by the former Chairperson of the Planning Committee, Councillor Foster.

In terms of the Council's own Planning Improvement Programme, a rolling programme had been previously reported to the Planning Committee. Officers were in the final stages of preparing a new validation checklist to be brought forward for Members' consideration.

4. Summary

In advance of the DfI Permanent Secretary attending the PAC in relation to planning, Officers had submitted an updated position on the Council's actions to date to improve the planning system as well as a letter raising concerns about the delays in the processing of the Council's new Local Development Plan.

Proposed by Councillor Bennington

Seconded by Councillor Foster and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.17

FP/FP/LDP1 FLOOD INUNDATION – IN CONFIDENCE

1. Purpose

The purpose of the report was to seek a decision from Members on whether the consultation response of Department for Infrastructure (DfI) Rivers should be treated as a significant objection to the application.

2. Introduction/Background

The Planning (Notification of Applications) Direction 2017 requires the Council where there is a significant (emphasis) objection by a Statutory Consultee against the granting of a major application, to refer itself to the Department in a number of instances and not to grant planning permission within a 28 day period or such time period as is extended by the Department; the stipulated instances included flood risk.

Consideration of this matter relied on the detail of the report provided to Members for Item 3.1 and the consultation response from Dfl Rivers (circulated).

The Dfl Rivers consultation response in relation to FLD 5 referred to the proposed development as [REDACTED]

At no point within the consultation had Dfl Rivers stated that they had a significant objection to the planning application. [REDACTED]

Dfl Rivers' response highlighted concerns in relation to one aspect only (reservoir inundation) , Dfl Rivers had raised no concerns in relation to the remaining Policy provisions FLD 1, FLD 2, FLD 3 or FLD 4, thereby when read in its entirety, Dfl Rivers' response did not appear to read as a significant objection to the wider proposal.

Additionally, paragraph 1.2 of Dfl Rivers Technical Guidance Note 25 - The Practical Application of Strategic Planning Policy in Proximity to Reservoirs (TGN25) stated 'The advice which Dfl Rivers provides to Planning Authorities is a material consideration; the relevance and weight to be accorded to it is a matter for the Planning Authority.' Officers considered that the wording of TGN25 placed the significance of materiality with the Council. The details of consideration given to Dfl Rivers' response and assessment of all material considerations was set out in full within the Committee Report with Officers reaching a balanced conclusion that the concerns could be mitigated through the use of mitigation measures and stipulated conditions.

Officers were also aware of a number of applications within Ards and North Down (ANDBC) Council area in which Dfl Rivers raised similar concerns regarding Policy FLD 5, on two major planning applications. ANDBC Council on the first application (LA06/2020/0097/F) referred itself to Dfl, and were issued with a 'holding direction' not to grant planning permission until further advised in order to allow the Department time to consider if the application was required to be 'called in' to the Department for consideration. After a lengthy period of time (one year), the then Minister indicated that it was not necessary for the application to be 'called-in' to the Department for determination. The Minister in that case indicated the application in question did not raise issues of such importance that its impact would be considered to extend to a regional or sub-regional level. In relation to the second application ANDBC did not refer to the Department and the decision to grant planning permission issued following their Planning Committee meeting.

In the example case above the former Minister for DfI indicated that the issues had not raised any regional or sub-regional importance. In this case the proposed development would only be affected by reservoir inundation, it would not cause it. During a flood inundation event the development of the site would not displace water to other locations, rather it would have additional flood storage capacity which would alleviate flooding from other locations.

Officers had informed DfI Rivers verbally and in writing on 6 June that the Officer's recommendation would be that planning permission should be granted and invited them to take up speaking rights if they wished to address the Committee on any issue.

3. Conclusion

In conclusion, DfI Rivers had not stated that they had a significant objection, the text within TGN 25 on the issue of reservoir inundation referred to the weight to be attributed to the reservoir issue as a matter for the Council. Previous decisions had not been called-in by the Department with the former Minister setting a bar of sub regional importance. Lastly the statutory agency that had raised the concern had been advised of the recommendation with sufficient notice to take action.

Members' instructions were requested.

Proposed by Councillor Foster

Seconded by Councillor Flanagan and unanimously agreed that

the consultation response from the Department for Infrastructure Rivers should not be treated as a significant objection to the application.

ACTION BY: Sharon Mossman, Deputy Director of Planning & Building Control

PART ONE DECISION ON ENFORCEMENT CASE – IN CONFIDENCE

ITEM 3.18 IN CONFIDENCE ENFORCEMENT CASE: [REDACTED]

Barry Diamond, Head of Planning Development Management, introduced the Enforcement Report to the Committee and made a recommendation that enforcement action be progressed in this case as outlined in the report with the detail of this delegated to appointed Officers.

Proposed by Councillor Foster

Seconded by Alderman Campbell and unanimously agreed

that enforcement action to regularise the current breach of planning control and any future breach at the site in question or by the same owner/operator on lands adjacent to or in the vicinity of the site, be progressed in this case as outlined in the report with the detail of this delegated to appointed Officers.

ACTION BY: Simon Thompson, Local Development Plan & Enforcement Manager

PROPOSAL TO MOVE OUT OF 'IN CONFIDENCE'

Proposed by Councillor Bennington
Seconded by Councillor Foster and agreed that

any remaining Committee business be conducted in Open Session.

The Chairperson advised that the audio recording would recommence.

There being no further Committee business the Chairperson thanked Members for their attendance and the meeting concluded at 8.25pm.

MAYOR

Council Minutes have been redacted in accordance with the Freedom of Information Act 2000, the Data Protection Act 2018, the General Data Protection Regulation, and legal advice.