



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE
HELD IN MOSSLEY MILL ON MONDAY 21 SEPTEMBER 2020 AT 6.00 PM**

- In the Chair** : Alderman T Campbell
- Committee Members Present** : Aldermen - F Agnew, P Brett and J Smyth
Councillors – J Archibald, H Cushinan, S Flanagan, R Kinnear,
R Lynch, M Magill, R Swann and B Webb
- Non-Committee Members Present** : Councillors – A Bennington, V McWilliam and N Ramsay
- Public Speakers** : Raymond J Mairs In Objection (Items 3.10 & 3.11)
Karen McShane In Support (Agent/Items 3.10 & 3.11)
Barry Smith In Support (Agent/Items 3.10 & 3.11)
Stephen Hughes In Support (Agent/Items 3.10 & 3.11)
- Officers Present** : Deputy Chief Executive - M McAlister
Borough Lawyer & Head of Legal Services – P Casey
Head of Planning – J Linden
Principal Planning Officer – B Diamond
System Support Officer - C Bell
ICT Change Officer – A Cole
Member Services Officer – S Boyd

CHAIRPERSON'S REMARKS

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

In order to protect public health during the current COVID-19 emergency it was not possible to allow the public or the press to attend the Planning Committee meeting. The minutes and audio recording will be published on the Council's website.

The Chairperson reminded Members that, in line with current operational procedures for the Committee, the meeting would commence at 6.00 pm to consider Part One Agenda Items, as well as any other pre-notified business arising, and that consideration of Planning Applications would commence at 6.30 pm.

The Chairperson further advised Members that Addendum reports relating to Items 3.10 and 3.11, and the Site Visit Report had been circulated to Members with hard copies being made available in the Chamber.

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

Chief Executive - J Dixon

2 DECLARATIONS OF INTEREST

Item 3.12 – Alderman Campbell

PART ONE GENERAL PLANNING MATTERS

ITEM 3.1

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during August 2020 under delegated powers was circulated for Members' attention together with information relating to planning appeals.

Members noted that the list of delegated decisions for July omitted to include a refusal for the application highlighted below that was presented to the March meeting of the Committee. Members had agreed to defer the application to allow for further consultation with DfI Rivers in relation to additional information submitted regarding site levels and flood risk and also provided delegated authority to Officers to issue either a refusal or approval decision dependent on consideration of the additional information submitted on flood risk. DfI Rivers confirmed its view that land filling had occurred at the site without the benefit of planning permission and on this basis Officers issued a refusal of planning permission under the delegated authority provided by the Committee.

APPLICATION NO	LA03/2019/0902/F
DEA	DUNSILLY
PROPOSAL	Infilling of farm land with inert material (topsoil) for land improvement
SITE/LOCATION	Lands 50m north east of No. 8 Station Park Toomebridge
APPLICANT	Mr Eugene McCann

Proposed by Alderman Brett

Seconded by Councillor Cushman and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.2

P/PLAN/1 PROPOSAL OF APPLICATION NOTICE FOR MAJOR DEVELOPMENT

Prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks' notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). One PAN was registered during July 2020 the details of which are set out below.

PAN Reference:	LA03/2020/0504/PAN
Proposal:	Proposed erection of a training unit associated with the Bridge Association Charity, comprising a mix of uses such as classrooms, workshops, canteen, kitchen, gym, offices and staff room including a new access onto Kilbegs Business Park, Kilbegs Road, Antrim
Location:	Lands adjacent to Kilbegs Industrial Estate and approximately 60m South West of Unit 22 Junction One Antrim
Applicant:	The Bridge Association
Date Received:	5 August 2020
12 week expiry:	28 October 2020

Under Section 27 of the 2011 Planning Act obligations are placed on the prospective developer to consult the community in advance of submitting a Major development planning application. Where, following the 12 week period set down in statute, an application is submitted this must be accompanied by a Pre-Application Community consultation report outlining the consultation that has been undertaken regarding the application and detailing how this has influenced the proposal submitted.

As part of its response to coronavirus, the Department for Infrastructure introduced an amendment to subordinate legislation to temporarily remove the requirement for a public event as part of the pre application community consultation (PACC).

The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 temporarily amend the Planning (Development Management) Regulations (Northern Ireland) 2015 and applies for five months (currently under review with a view to being extended). Applicants would still need to comply with other requirements to ensure communities are aware of and can input to major development proposals for their areas. However, this temporary change allows for major planning applications to continue to be submitted during the COVID-19 outbreak.

Guidance issued by the Department indicates that specific detail should be included in the PAN application indicating what consultation methods the prospective applicant is proposing to ensure that the local community is able to access, and comment on, information about a proposed development, despite the absence of a PACC public event.

Proposed by Alderman Brett
Seconded by Councillor Lynch and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.3

P/FP/LDP/19 – PUBLICATION OF THE ANNUAL HOUSING MONITOR 2020

Members recalled that the Annual Housing Monitor for the Borough is undertaken by the Forward Planning Team annually. It assists the Planning Section in understanding the amount of housing land supply that remains available within the 30 settlements of the Borough and is an important resource that helps to inform the Local Development Plan process.

The Housing Monitor takes account of all sites within settlements, where the principle of housing has been established. As a result, it includes details of the number of dwellings approved on unzoned sites (whether through extant or expired permissions), as well as information on the number of dwellings approved or that could be provided on zoned housing land. Information from Building Control commencements and completions is inputted into the survey and used to inform the results of the Monitor.

The results of the 2020 Monitor (circulated) which covers the period 1 April 2019 to 31 March 2020, indicate that there is potential for some 11,363 dwelling units and 492 hectares of housing land remaining within the settlements of the Borough. Some 530 dwellings were completed during this period, which maintained the annual housing build rate from 2018-19. Details for the individual sites were set out in a series of maps and associated tables. It was intended that the findings of the 2020 survey would now be made available to the public on the Council's website.

Proposed by Alderman Brett
Seconded by Councillor Lynch and unanimously agreed that

the Annual Housing Monitor 2020 be approved and published on the Council website.

ACTION BY: John Linden, Head of Planning

ITEM 3.4

P/FP/LDP 1 LOCAL DEVELOPMENT PLAN: QUARTERLY UPDATE JULY TO SEPTEMBER 2020

The Council's Local Development Plan LDP Timetable advises that progress reports will be submitted on a quarterly basis to the Planning Committee. This report covered the second quarter of the 2020-21 business year (July 2020 to September 2020).

Coronavirus (COVID-19) Pandemic

During the ongoing COVID-19 period, the Council's Forward Planning team continued to work on the preparation of the Local Development Plan albeit within a more limited capacity.

Preparation for Independent Examination

In preparation for Independent Examination of the draft Plan Strategy before the Planning Appeals Commission (PAC), Officers were continuing to prepare the following documentation:

1. Collation of electronic and hard copies of LDP documentation (from publication of the Statement of Community Involvement through to publication of the draft Plan Strategy);
2. Draft Plan Strategy Public Consultation Spreadsheet and Main Issues Report: A detailed summary of all the issues identified as a result of representations to the draft Plan Strategy public consultation (including counter representations) has been captured in a spreadsheet. This document on completion will provide a draft response by Officers to all the issues raised. Members are reminded that a total of 122 written representations were made in response to the formal public consultation (undertaken from 26 July to 30 September 2019) on the Council's Local Development Plan draft Plan Strategy. In addition, a summary of the main issues raised is being prepared in a separate Main Issues Report. Following consultation to be programmed with Members during October and subject to formal Council approval, it is now expected that both these documents will be submitted to the Department for Infrastructure (DfI) by the end of December. A report is being prepared for the September Council meeting detailing the key actions to be undertaken to meet the anticipated December deadline;
3. Soundness Report: In compliance with DfI's Development Plan Practice Note 6 'Soundness' (May 2017) Officers, following liaison with the Council's Legal Services team, are finalising work on a comprehensive Soundness Report relating to the draft Plan Strategy; and
4. Position Papers: A number of position papers are being finalised in relation to matters raised in consultation responses relating to the Council's approach to housing in the draft Plan Strategy with a particular focus on the implications of the refreshed Housing Growth Indicators published by the Department for Infrastructure and affordable housing. In addition, a position paper is being prepared to consider the impact of COVID 19 on the Council's evidence base for the economy.

Revised LDP Timetable

Taking account of the Chief Planner's update (No. 6) issued on 1 May 2020, in which the Department for Infrastructure permitted a further 3 months flexibility for LDP Timetables from that previously agreed, the Council agreed a revised timetable for the delivery of its Local Development Plan at its August 2020 meeting (circulated). Officers considered that it was necessary to update the LDP timetable due to the ongoing impact of COVID-19 in relation to staffing and service delivery. Based on this revision and subject to Member engagement and agreement, the anticipated submission date of the draft Plan Strategy to DfI to cause an Independent Examination before the PAC is now December 2020.

In accordance with the provisions of Part 2 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015, consultation on the revised Timetable had now taken place with the PAC which raised no comments, and it was recently submitted to Dfl seeking its agreement to the revision.

Other Matters

A draft LDP Annual Housing Monitor 2020 had now been prepared that covers the period 1 April 2019 to 31 March 2020 (Committee Item 3.3 refers).

Whilst the Forward Planning Team continued to engage electronically with statutory agencies during the pandemic regarding Plan matters and cross boundary issues, no formal meetings took place during this quarter.

Proposed by Councillor Magill

Seconded by Alderman Brett and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.5

REGIONALLY SIGNIFICANT PLANNING APPLICATION REFERENCE LA03/2017/0310/F: LOUGH NEAGH SAND EXTRACTION – CONSULTATION BY DEPARTMENT FOR INFRASTRUCTURE UNDER SECTION 76 (3) OF THE PLANNING (NI) ACT 2011

Members recalled that a report was taken to the June Special Council meeting on the following regionally significant planning application submitted in March 2017 (details below) relating to sand extraction at Lough Neagh that was currently being processed by Dfl.

Application Reference: LA03/2017/0310/F

Proposal: Application for the extraction, transportation and working of sand and gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km², in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material.

Location: Lough Neagh within the Mid Ulster District Council Antrim and Newtownabbey Borough Council Armagh, Banbridge and Craigavon Borough Council and Lisburn and Castlereagh City Council Areas

Applicant: Lough Neagh Sand Traders Ltd

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

The report in June provided information on the background to this case as well as general information relating to Planning Agreements under Section 76 of the

Planning Act (NI) 2011. Members were advised at that time that the Department had issued a consultation to the Council as well as to Mid Ulster District Council, Armagh, Banbridge and Craigavon Borough Council and Lisburn and Castlereagh City Council, under Section 76(3) of the 2011 Planning Act regarding matters considered necessary for inclusion within a Section 76 Planning Agreement should the Minister determine to grant planning permission in this case.

At the June meeting Members agreed not to provide a corporate view on the proposed contents of the Section 76 Agreement and that individual Members or parties could express their own views directly to DfI on the case if they wished to.

The Department had now written to the Council again attaching a draft copy of the proposed Section 76 Planning Agreement negotiated with the applicant, the Lough Neagh Sand Traders (copies of letters and draft Section 76 Agreement circulated) and asking for any comments the Council may wish to make.

Once again the Department has stressed that this consultation is on a 'without prejudice' basis and that no decision had been reached on the proposal. A Section 76 Agreement does not, in itself, confer planning permission nor does it determine the outcome of a related planning application.

Given that the Council had recently indicated that it does wish to provide a corporate view on the proposed contents of the Section 76 Agreement the most recent correspondence together with the contents of the draft Section 76 Planning Agreement proposed was being reported to Members for information.

Proposed by Alderman Brett

Seconded by Councillor Flanagan and unanimously agreed that

the report be noted and the Department be advised again that the Council has agreed to take no corporate view on this matter.

ACTION BY: John Linden, Head of Planning

ITEM 3.6

P/PLAN/1 RECENT NI HERITAGE SECTOR PUBLICATIONS

Mr Ian Greenway, Director of the Historic Environment Division in the Department for Communities had recently written to the Head of Planning (copy circulated) to advise of the following recent publications by the NI Heritage Delivers programme.

1. NI Heritage Statistics (as recorded on 31 March 2019); and
2. Treasure the Past: Enrich the Future

Both documents provide useful information about Northern Ireland's unique heritage, its known extent, how we are collectively managing it and how to realise its potential. They also consider how our heritage can continue to contribute to our economy, society and environment. They can be accessed at the NI Heritage Delivers website via the following link <https://niheritagedelivers.org/publications>

Proposed by Alderman Brett
Seconded by Councillor Magill and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.7

P/PLAN/1 CORRESPONDENCE ON THE DAERA PROTOCOL FOR AMMONIA EMITTING PROJECTS

The Minister of Agriculture, Environment and Rural Affairs, Edwin Poots, wrote to the Chief Executive of Mid and East Antrim Borough Council, Anne Donaghy, in late July 2020 (copy circulated) to update the Council, which hosts the Shared Environmental Services team, about the ongoing review by his Department of its Protocol for assessing the impacts of ammonia emissions on habitats. The Minister advised that he anticipated a public consultation on a new Protocol during the Autumn and Officers understand this is likely to commence at the end of October/start of November. In the interim Minister Poots had confirmed that his Officials will continue to apply the existing Protocol in providing statutory planning advice to consultations made on relevant planning applications.

On foot of this Ministerial correspondence, Friends of the Earth had written to all Councils in Northern Ireland (copy circulated) raising its concerns about this matter and highlighting that it considers any planning decision based solely on the Department's current Protocol may be vulnerable to legal challenge.

The Council has a number of current planning applications where the Department's Protocol is engaged. Such applications are also subject to consultation with the Shared Environmental Services team, based in Ballymena, that is responsible for undertaking Habitats Regulation Assessment on behalf of the Council. Officers advised that all such applications will continue to be assessed on their individual merits taking account of consultation responses received, public comments and all other material considerations, including application of the Precautionary Approach outlined in the Strategic Planning Policy Statement. Members noted that this matter is also under discussion with Officials in the Department for Infrastructure through the auspices of the Strategic Planning Group.

Proposed by Alderman Brett
Seconded by Councillor Flanagan and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.8

P/PLAN/055 CORRESPONDENCE FROM DFI RE HAZARDOUS SUBSTANCES CONSENT

The Chief Planner in the Department for Infrastructure, Angus Kerr, wrote to the Head of Planning in July (copy circulated) regarding the Battery Energy Storage System (BESS) approved on appeal at Doagh Road, Kells by the Planning Appeals Commission in November 2019 and the potential need for the developer to obtain consent from the Council, known as Hazardous Substances Consent (HSC), under the provisions of the Planning (Hazardous Substances) (No.2) Regulations (NI) 2015.

Members noted that Officers in the Planning Section had already been engaged with Officials in the Health and Safety Executive (HSENI) on foot of correspondence received from local residents on this matter.

Following this engagement and on foot of the Department's letter the Planning Section wrote to the agent for the Kells BESS (copy circulated) seeking additional information to allow it to consider whether HSC is required in this case. It is understood that the information requested is currently being prepared by the agent, although at time of writing a response was still awaited. Once received the Council will consult with HSENI on this matter and will subsequently update the Committee on the outcome of its consideration.

Proposed by Alderman Brett

Seconded by Councillor Magill and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.9

P/PLAN/23 PROPOSED REVIEW OF PLANNING SCHEME OF DELEGATION

Members were aware that the Council's Scheme of Delegation for Planning Matters makes provision for the majority of planning applications in the Local category of development to be determined by the Head of Planning and other nominated senior officers.

Under Planning Legislation, the Council is required to review its Planning Scheme of Delegation (SOD) every three years. Members recalled that the last revision to the SOD agreed with the Department for Infrastructure took effect in May 2017 (circulated).

Officers were currently considering any minor technical changes required to the current SOD with the Council's Legal Services and then intended to convene a short meeting with Members of the Committee at a time and date to be agreed to discuss this matter in more detail.

Following a question from a Member the Head of Planning provided clarity to Members on the Scheme of Delegation and asked that any matters which Members

wished to be addressed should be sent to himself or the Principal Planning Officer, Barry Diamond. These matters would be included for consideration at the planned meeting anticipated to take place prior to October's Planning Committee meeting, or another time suitable for Members.

Proposed by Councillor Lynch
Seconded by Councillor Magill and unanimously agreed that

the report be noted.

ACTION BY: John Linden, Head of Planning

The Chairperson took the Part One Supplementary report at this point of the meeting.

ITEM 3.12 PART 1

P/PLAN/1 DIRECTION BY DFI IN RELATION TO ASDA APPLICATION LA03/2018/0842/F

Members were reminded that the Department for Infrastructure served a Direction on the Council regarding planning application LA03/2018/0842/F on 17 August 2020 just before the scheduled Committee meeting.

In response to the concerns raised by the Council outlined in the letter issued by the Chief Executive on 24 August, a copy of which was circulated, the Minister for Infrastructure, Mrs Nicola Mallon had responded (copy circulated).

Members noted that the Minister had indicated that the assessment of the application would be completed as soon as possible and the application remains with Antrim and Newtownabbey Borough Council.

Retail NI had also written directly to the Department regarding the application and a copy of this correspondence was circulated for Members' information.

Proposed by Alderman Brett
Seconded by Councillor Flanagan and unanimously agreed that

the report be noted.

NO ACTION

ITEM 4.0

ANY OTHER BUSINESS

The Chairperson sought the Committee's agreement to a proposal that future meetings of the Planning Committee commence with consideration of Planning Applications at 6.00pm, and that this be directly followed, without break, by General Planning Matters, AOB and any in Confidence Items arising.

Proposed by Alderman Campbell
Seconded by Alderman Brett and unanimously agreed that

future meetings of the Planning Committee commence with consideration of Planning Applications at 6.00pm, and that this be directly followed, without break, by General Planning Matters, AOB and any in Confidence Items arising.

There being no other business the Chairperson advised that there would be a short interval, when the remainder of Committee business would resume.

Alderman Smyth joined the meeting at this point.

Meeting reconvened at 6.30pm

CHAIRPERSON'S REMARKS

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

In order to protect public health during the current COVID-19 emergency it was not possible to allow the public or the press to attend the Planning Committee meeting. The minutes and audio recording will be published on the Council's website.

The Chairperson further advised Members that Addendum reports relating to Items 3.10 & 3.11 and the Site Visit Report had been circulated to Members with hard copies being made available in the Chamber.

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

Chief Executive - J Dixon

2 DECLARATIONS OF INTEREST

None

PART TWO PLANNING APPLICATIONS

ITEM 3.10 APPLICATION NO: LA03/2019/0411/F

PROPOSAL:	Proposed new residential development comprising 11 no. 3 bedroom townhouses together with associated car parking and landscaping (Variation of Condition 14 from approval LA03/2015/0601/F regarding visibility splays)
SITE/LOCATION:	The Old Mill 53 Mill Road Crumlin
APPLICANT:	Firestone Construction

Barry Diamond, Principal Planning Officer, introduced the Planning Report and associated Addendum 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 –

Raymond J Mairs	In Objection
Karen McShane	In Support/Agent
Barry Smith	In Support/Agent
Stephen Hughes	In Support/Agent

Proposed by Councillor Webb

Seconded by Alderman Campbell that planning permission be refused for the reason outlined in the Planning Reports and a decision to this effect issued unless an agreement between the parties (i.e. the developer and adjacent landowner) is reached within three (3) weeks of the Committee meeting in relation to the removal of the wall and vegetation to facilitate provision of a sight splay that accords with the Addendum Report. If agreement is reached by the parties, then authority to issue a grant of planning permission is delegated to Officers subject to the imposition of standard conditions.

In favour: Alderman Campbell
Councillors - Flanagan, Lynch, Magill, Swann and Webb

Against: Aldermen - Agnew, Brett and Smyth
Councillors – Archibald, Cushinan and Kinnear

on the proposal being put to the meeting 6 Members voted in favour, 6 against and 0 abstentions, the Chairperson used his casting vote in favour of the proposal and it was agreed

that planning permission be refused for the reason outlined in the Planning Reports and a decision to this effect issued unless an agreement between the parties (i.e. the developer and adjacent landowner) is reached within three (3) weeks of the Committee meeting in relation to the removal of the wall and vegetation to facilitate provision of a sight splay that accords with the Addendum Report. If agreement is reached by the parties, then authority to issue a grant of planning permission is delegated to Officers subject to the imposition of standard conditions.

ACTION BY: John Linden, Head of Planning

ITEM 3.11 APPLICATION NO: LA03/2019/0361/F

PROPOSAL: Residential development comprising 11 no 3 bedroom townhouses with associated car parking and landscaping (change of house types to that approved under application ref LA03/2015/0601/F)

SITE/LOCATION: The Old Mill, 53 Mill Road, Crumlin

APPLICANT: Firestone Construction Ltd

Barry Diamond, Principal Planning Officer, introduced the Planning Report and associated Addendum 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 –

Raymond J Mairs	In Objection
Karen McShane	In Support/Agent
Barry Smith	In Support/Agent
Stephen Hughes	In Support/Agent

Proposed by Alderman Campbell

Seconded by Councillor Webb that planning permission be refused for the reason outlined in the Planning Reports and a decision to this effect issued unless an agreement between the parties (i.e. the developer and adjacent landowner) is reached within three (3) weeks of the Committee meeting in relation to the removal of the wall and vegetation to facilitate provision of a sight splay that accords with the Addendum Report. If agreement is reached by the parties, then authority to issue a grant of planning permission is delegated to Officers subject to the imposition of standard conditions.

In favour: Alderman Campbell
Councillors - Flanagan, Lynch, Magill, Swann and Webb

Against: Aldermen - Agnew, Brett and Smyth
Councillors – Archibald, Cushinan and Kinnear

on the proposal being put to the meeting 6 Members voted in favour, 6 against and 0 abstentions, the Chairperson used his casting vote in favour of the proposal and it was agreed

that planning permission be refused for the reason outlined in the Planning Reports and a decision to this effect issued unless an agreement between the parties (i.e. the developer and adjacent landowner) is reached within three (3) weeks of the Committee meeting in relation to the removal of the wall and vegetation to facilitate provision of a sight splay that accords with the Addendum Report. If agreement is reached by the parties, then authority to issue a grant of planning permission is delegated to Officers subject to the imposition of standard conditions.

ACTION BY: John Linden, Head of Planning

There being no further Committee business the Chairperson thanked Members for their attendance, and particularly the Planning, Administration and IT Officers for their expertise and continued support, and, the meeting concluded at 7.30 pm.

MAYOR