



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE  
HELD IN MOSSLEY MILL ON MONDAY 19 APRIL 2021 AT 6.00 PM**

- In the Chair** : Alderman T Campbell
- Committee Members Present** : Aldermen - P Brett and J Smyth  
Councillors – J Archibald-Brown, H Cushinan, S Flanagan,  
R Lynch, M Magill, R Swann and B Webb
- Non-Committee Members Present** : Councillors – A Bennington, P Dunlop, A McAuley, V McWilliam and  
N Ramsay
- Public Speakers**
- |                   |                             |
|-------------------|-----------------------------|
| Heather Grills    | In Objection (Item 3.1)     |
| Richard Drysdale  | In Objection (Item 3.1)     |
| Stephen Macartney | In Support (Agent Item 3.1) |
| Ryan McBirney     | In Support (Agent Item 3.2) |
- 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  
Senior Planning Officer – J Winters  
Legal Services Officer (Solicitor) – E Keenan  
ICT Systems Support Officer – C Bell  
ICT Helpdesk Officer – D Mason  
Member Services Officer – S Boyd

**CHAIRPERSON'S REMARKS**

The Chairperson welcomed Committee Members to the April Planning Committee Meeting. The Chairperson 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 physically attend the Planning Committee meeting. The public and the press can access those parts of the meeting which they are entitled to attend via livestream (a link to which is on the Council website). The meeting minutes and audio recording will be published on the Council's website.

The Chairperson advised Members that an Addendum report relating to Site Visits had been circulated to Members with a hard copy being made available in the Chamber, and that Item 3.3 had been withdrawn by Officers.

Members expressed their appreciation to the Head of Planning, John Linden for his dedication, professionalism and service to Council, and wished him a happy and healthy retirement.

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**

Alderman F Agnew  
Councillor R Kinnear  
Chief Executive J Dixon

## **2 DECLARATIONS OF INTEREST**

None

# **PART ONE PLANNING APPLICATIONS**

## **ITEM 3.1 APPLICATION NO: LA03/2019/0833/F**

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<b>PROPOSAL:</b>	Proposed development of 2no. detached dwellings
<b>SITE/LOCATION:</b>	Land north and east of 1A Nursery Park, Antrim
<b>APPLICANT:</b>	Katy Dawson

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Barry Diamond, Principal Planning Officer, introduced the Planning 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 –

Heather Grills	In Objection
Richard Drysdale	In Objection
Stephen Macartney	In Support (Agent)

Proposed by Alderman Brett  
Seconded by Councillor Flanagan

that planning permission be granted subject to the conditions set out in the Planning Report together with an additional condition requiring the provision of mirrors to aid visibility at the site access

on the proposal being put to the meeting 4 Members voted in favour, 5 against and 1 abstention, and the proposal was declared not carried.

A further proposal was then put to the meeting

Proposed by Alderman Smyth  
Seconded by Councillor Lynch that planning permission be refused

on the proposal being put to the meeting 5 Members voted in favour, 4 against and 1 abstention

In favour: Aldermen Campbell and Smyth  
Councillors Archibald-Brown, Lynch and Swann

Against: Alderman Brett  
Councillors Cushinan, Webb and Flanagan

Abstentions: Councillor Magill

**and it was agreed that planning permission be refused for the following reasons, the precise detail of which being delegated to Officers:**

- (a) adverse impact on the protected trees at the site and the natural heritage/biodiversity benefits afforded by these together with a consequent detrimental impact on the adjoining listed graveyard; and**
- (b) that the access arrangement and increased traffic will adversely impact road safety on Nursery Park and at its access with the Belfast Road.**

*ACTION BY: John Linden, Head of Planning*

*Councillor Archibald-Brown left the meeting during the following Item.*

### **ITEM 3.2 APPLICATION NO: LA03/2021/0107/O**

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<b>PROPOSAL:</b>	Site for infill dwelling and garage
<b>SITE/LOCATION:</b>	Lands between 142 and 144 Seven Mile Straight, Muckamore, Antrim, BT41 4QT
<b>APPLICANT:</b>	Emily Johnson

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Barry Diamond, Principal 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 –

Ryan McBirney      In Support (Agent)

Proposed by Alderman Campbell  
Seconded by Councillor Flanagan that outline planning permission be refused

on the proposal being put to the meeting 7 Members voted in favour, 2 against and 0 abstentions it was agreed

**that outline planning permission be refused for the following reasons:**

- 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable**

**Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**

- 2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, in that it fails to meet with the provisions for an infill dwelling as the application site is not located within an otherwise substantial and continuously built up frontage.**
- 3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 8 and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site would, if permitted, create a ribbon of development resulting in a suburban style of build-up and further erode the rural character of the area.**

*ACTION BY: John Linden, Head of Planning*

**ITEM 3.3 APPLICATION NO: LA03/2020/0515/O**

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<b>PROPOSAL:</b>	Site for dwelling and garage on a farm
<b>SITE/LOCATION:</b>	20m North of 135 Castle Road, Randalstown
<b>APPLICANT:</b>	Mr Clifford Stewart

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The Chairperson advised Members that this application had been withdrawn by Officers.

*ACTION BY: John Linden, Head of Planning*

*Alderman Brett left and returned to the Chamber during the following item and was therefore unable to vote.*

**ITEM 3.4 APPLICATION NO: LA03/2020/0380/F**

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<b>PROPOSAL:</b>	Retrospective permission sought for change of use from retail to coffee shop
<b>SITE/LOCATION:</b>	1 – 3a Main Street, Straid
<b>APPLICANT:</b>	The Hub Coffee Shop

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Barry Diamond, Principal 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 Councillor Webb

Seconded by Alderman Smyth and unanimously agreed

that planning permission be refused for the following reason:

1. **The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (paragraphs 3.8 and 4.11), Development Control Advice Note 4 – Restaurants, Cafes and Fast Food Outlets and the Noise Policy Statement for Northern Ireland as it has not been demonstrated that the proposal will not cause a detrimental impact to the residential amenity of existing residents at Ellisfield Terrace, Ellisfield Mews and other nearby sensitive receptors on Main Street, by way of noise and odour.**

*ACTION BY: John Linden, Head of Planning*

### **ITEM 3.5 APPLICATION NO: LA03/2020/0844/LBC**

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<b>PROPOSAL:</b>	Stonework repairs to masonry arch at the North entrance of the Barbican Gate
<b>SITE/LOCATION:</b>	Barbican Gate Lodge, Market Square, 52 High Street, Antrim
<b>APPLICANT:</b>	Antrim and Newtownabbey Borough Council

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Barry Diamond, Principal Planning Officer, introduced the Planning Report to the Committee and made a recommendation to grant listed building consent.

There were no public speakers to address this item.

Proposed by Alderman Smyth

Seconded by Councillor Lynch and unanimously agreed

**that listed building consent be granted for the application subject to the conditions set out in the Planning Report.**

*ACTION BY: John Linden, Head of Planning*

## **PART TWO OTHER PLANNING MATTERS**

### **ITEM 3.6**

#### **P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS**

A list of planning decisions issued by Officers during March 2021 under delegated powers together with information relating to planning appeals was circulated for Members' information. Three appeals were dismissed by the Planning Appeals Commission during March and copies of these decisions were also circulated.

Members noted that, whilst not included in the list of current appeals, the application for a residential development of 7 units at Lenamore Drive (reference LA03/2020/0349/F) that was refused at the March Planning Committee is shown on the Planning Appeals Commission website as having been appealed. However, at time of writing the report, the Council had not yet received formal notification of this appeal from the PAC.

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

**the report be noted.**

*NO ACTION*

### **ITEM 3.7**

#### **P/PLAN/1 PROPOSAL OF APPLICATION NOTICES FOR MAJOR DEVELOPMENT**

Prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks' notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). One PAN was registered during March 2021 the details of which are set out below.

<b>PAN Reference:</b>	LA03/2021/0300/PAN
<b>Proposal:</b>	Steel distribution warehouse with ancillary office
<b>Location:</b>	50 Nutts Corner Road, Crumlin (and lands adjacent to the east and north)
<b>Applicant:</b>	Hannon Steel Ltd
<b>Date Received:</b>	31 March 2021
<b>12 week expiry:</b>	23 June 2021

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

As part of its response to Coronavirus, the Department for Infrastructure (DfI) introduced an amendment to subordinate legislation during 2020 to temporarily remove the requirement for a public event as part of the pre application community consultation (PACC). The initial Departmental Regulations were subsequently extended on 1 October 2020 and more recently the Infrastructure Minister, Nichola Mallon, announced on 9 March that the temporary suspension of the PACC requirement was being further extended in light of continuing restrictions associated with coronavirus.

The Planning (Development Management) (Temporary Modifications) (Coronavirus) (Amendment) Regulations (Northern Ireland) 2021 temporarily amend the Planning (Development Management) Regulations (Northern Ireland) 2015 and will now apply until 30 September 2021. As with the previous Regulations applicants will still need to comply with other requirements to ensure communities are aware of and can input to major development proposals for their areas. However, this temporary change will allow major planning applications to continue to be submitted during the COVID-19 outbreak.

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

Proposed by Alderman Brett

Seconded by Councillor Magill and unanimously agreed that

**the report be noted.**

*NO ACTION*

### **ITEM 3.8**

#### **P/PLAN/1 - NORTHERN IRELAND PLANNING STATISTICS 2020/21 – THIRD QUARTERLY BULLETIN FOR THE PERIOD OCTOBER – DECEMBER 2020**

The third quarterly provisional planning statistics for 2020/21 produced by the Analysis, Statistics and Research Branch of the Department for Infrastructure (DfI), a copy of which was circulated, were released on 25 March 2021.

The Quarterly Bulletin advises that planning activity and processing performance during the first three quarters of 2020/21 were impacted by the restrictions put in place due to the coronavirus pandemic. It indicates that this should be borne in mind and caution taken when interpreting these figures and when making comparisons with other time periods and performance across Councils.

The figures showed that during the period from October to December 2020, the total number of planning applications received in Northern Ireland was 3,602, marking an increase of some 10% on the previous quarter (July – Sept), and an increase of some 20% on the number received during the same quarter in 2019/20. The total number of decisions issued during this period was 2,992, an increase of almost 25% on the previous quarter, but only slightly down from the number of decisions issued in the same period last year.

During the third quarter a total of 196 new applications were received by Antrim and Newtownabbey Borough Council (similar to the number of applications received for the same period last year and therefore below the NI trend) whilst 153 decisions were issued. Whilst this marks an improvement in the number of decisions issued over the last quarter, it is some 20% less than the number of applications submitted and reflects the impact of the staff furlough scheme which only concluded towards the end of the quarter.

In relation to performance against statutory targets the Department for Infrastructure (DfI) figures confirm that no major applications were decided by the Council during the third quarter. As a consequence, the Council's performance remains as reported for Quarter 2, namely that it took on average 20.8 weeks to process and decide **Major** planning applications up to and including the third quarter against the target of 30 weeks.

Whilst this performance at first reading reflects well when judged against previous years and the other Councils, Members as previously advised, are aware that the figures related to a very small number of Major applications (only two applications by the end of the third quarter). Furthermore, the Planning Committee has recently determined three Major applications, all of which were over 2 years old, and this will now impact significantly on the year-end figures. As a consequence, Officers would advise that the Council will not meet the 30 week Major performance target for 2020/21, although 40% (2 of the 5 Major applications determined) have been processed within target.

The Dfl figures show that the Council took on average 10.8 weeks to process and decide **Local** planning applications up to and including the third quarter against the target of 15 weeks and also show that some 70% of Local applications were processed within 15 weeks. Once again these figures should be read with some caution at this time as they relate to a smaller number of decisions taken relative to the number of applications received during the year to date as a result of the introduction of furlough within the Planning Section. Nevertheless, the third quarter performance continues to rank among the top three of the 11 Councils and reflects well against the average processing time of 17.8 weeks across all Councils.

In relation to enforcement the Dfl figures highlight that the Council's planning enforcement team took an average of 22.4 weeks to process 70% of enforcement cases to target conclusion. Whilst, at first reading this performance remains in target and compares reasonably with the average processing time of 40.4 weeks among all Councils, as previously reported the Section continued to experience a significant drop in the number of cases dealt with in absolute terms during the Quarter. As a consequence, there were a large number of enforcement cases outstanding at the end of the quarter which remain to be processed.

Overall, Members noted that the impact of the coronavirus on the Planning Section resources together with the introduction of the staff furlough scheme in late May combined with enforcement work being limited to priority cases at that time had inevitably impacted on overall performance in recent months. As such and as the Quarterly Bulletin advised, the performance results for the year to date should be read with a degree of caution as it is anticipated performance will be shown to have declined across Northern Ireland as a result of the impact of coronavirus.

Proposed by Alderman Brett

Seconded by Councillor Magill and unanimously agreed that

**the report be noted.**

*NO ACTION*

### **ITEM 3.9**

#### **P/FP/LDP/1 LOCAL DEVELOPMENT PLAN: QUARTERLY UPDATE JANUARY - MARCH 2021**

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 covers the final quarter of the 2020-2021 business year (January to March 2021).



## **Submission of the Draft Plan Strategy to the Department for Infrastructure and Preparation for Independent Examination**

Following the update to Members in February 2021 regarding the LDP Draft Plan Strategy document (DPS), Officers subsequently updated the submission documentation following the receipt of legal advice. The updated documentation was submitted for further legal review and was then submitted to the Department on 8 March 2021 seeking it to cause an Independent Examination into the DPS in accordance with the statutory provisions of the Planning Act (Northern Ireland) 2011 the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

Notification letters were sent to all statutory consultees in the LDP process, as well as those who made representations and submissions at the counter-representation stage to the DPS. Section 75 and Rural Needs groups were also updated, as well as those individuals/groups listed on the Council's Community Involvement database for the purposes of best practice. The submission stage was also subject to a Public Notice in the local press which was also made available on the Council's website.

This Council is the third in Northern Ireland to submit its DPS to the Department, following submissions made by Belfast City Council and Fermanagh and Omagh District Council.

## **Cross Boundary Local Development Plan Issues**

Members were advised of the following progress updates with regard to the Local Development Plans of neighbouring councils:

1. Belfast City Council: The Independent Examination sessions before the Planning Appeals Commission (PAC) in relation to the BCC DPS took place between the following dates: 16 November to 27 November 2020, and 18 January to 19 March 2021. Due to the ongoing COVID-19 pandemic, these sessions took place via remote hearings. The PAC will now consider its findings and forward a report later this year to DfI, regarding the potential adoption of the BCC Plan Strategy.
2. Lisburn and Castlereagh City Council sent correspondence to the Council on 22 March 2021, indicating that it has also now submitted documentation to DfI seeking it to cause an Independent Examination into its DPS.
3. Mid and East Antrim Borough Council anticipates that supporting documentation will be submitted to DfI in Quarter 1 of the 2021-2022 business year seeking it to cause an Independent Examination into its DPS.

## **Other Matters**

During January to March 2021 the Forward Planning Team attended the following meetings where LDP related matters and cross boundary issues were discussed:

1. The ANBC Climate Change Working Group met remotely on 2 March 2021. Members and Officers discussed a range of issues, including a review of the draft Climate Change Action Plan.
2. The latest LDP Steering Group meeting took place remotely on 9 March 2021. Officers provided an update on the progress of the LDP to date and outlined the next key stages in the process.

3. The fifteenth meeting of the Metropolitan Area Spatial Working Group met remotely on 12 February 2021 and was hosted by LCCC. A range of groups provided a general update including:
  - ANBC and LCCC would shortly be submitting their DPSs to DfI.
  - DfI (Planning): Preparing a draft Practice Note regarding the adoption of DPS and supporting documentation once the PAC has completed its IE report into the BCC DPS. No timescales were indicated for its publication.
  - DfI (TPMU): provided an overview of the Belfast Metropolitan Transport Plan. Recognised delays to the project and indicated a wish to align with the Local Policies Plans that will be prepared by Councils in due course.
4. The latest meeting of the Coastal Forum Working Group took place remotely on 26 January 2021. Items for discussion included updates on:
  - The draft Coastal Forum Programme, the Coastal Management Baseline (LIDAR Project & Coastal Observatory) and the Peace Plus Programme Application.
  - It was agreed that the next meeting would take place in late Spring 2021; date and venue of which to be confirmed.

Proposed by Alderman Brett

Seconded by Councillor Magill and unanimously agreed that

**the report be noted.**

NO ACTION

### ITEM 3.10

#### **P/PLAN/58 JUDICIAL REVIEW OF DFI PLANNING ON MATTERS RELATING TO BATTERY STORAGE AND ELECTRICITY GENERATION**

The Council has received a copy of a Pre-Action Protocol letter which has been served on DfI Planning following the publication of the Chief Planner's Update (CPU) on 16 December 2020 which included a "clarification" on the status of Battery Energy Storage Systems (BESS) in Northern Ireland with respect to Sections 25 and 26 of the Planning (NI) Act 2011 (the 2011 Act) and Regulations 2 and 5 and the Schedule to the Planning (Development Management) Regulations (Northern Ireland) 2015 (as amended).

*The CPU stated that "for the purposes of planning in Northern Ireland the Department considered that electricity storage development falls within the meaning of an "electricity generating station". It further states that "Local Planning Authorities (LPAs) are, therefore, advised to adopt this position when processing applications for electricity storage facilities (such as battery energy storage systems). The practical effects of this are that proposals for electricity storage should be considered 'electricity generation' when considering the hierarchy of development and associated provisions of the [2011 Act and the DMR]."*

As a result, BESS are now considered by the Department to fall within paragraph 2 of the table in Schedule 2 as "major development" where capacity is or exceeds 5MW or "regionally significant" development where capacity is or exceeds 30MW.

The clarification provided within the CPU represents a significant shift in the categorisation and processing of these types of applications by Councils which has led to the DfI position being legally challenged. The challenge is being taken by ABO Wind N.I. Ltd and Energia Renewables Company 1 Limited which have commercial interests in the energy sector.

The Council has processed one such application at Doagh Road, Kells (reference: LA03/2018/0984/F) which was treated as a Local application. That application was refused by the Planning Committee in March 2019 and was subsequently appealed to the Planning Appeals Commission (PAC). Following consideration of a range of matters including whether the BESS was electricity storage or generation, the PAC decided that the appeal should be allowed.

A further application for a BESS Ref: LA03/2020/0858/F is under consideration by the Council and is located on lands at Dunore Road, Crumlin.

Whilst the Pre-Action Protocol letter served on DfI Planning was copied to the Council, Officers now understand that formal Judicial Review proceedings have been lodged with the High Court.

Officers pointed out that it is the position of DfI as outlined in the CPU that it is under challenge, rather than any decision of the Council. Furthermore, the Council is not a respondent to the proceedings nor is it a Notice Party. However, Officers will be interested in the outcome of the challenge as this may have the implications for how applications for BESS are to be processed in future and will keep Members briefed on this matter.

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

**the report be noted.**

*NO ACTION*

#### **Any Other Business**

The Head of Planning advised Members about the Next Steps for Planning Policy in Northern Ireland seminar which is taking place virtually on Wednesday 16 June 2021. Members were requested to inform their intention of attendance to the Chairperson of the Planning Committee.

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

**approval be given for attendance at the virtual Next Steps for Planning Policy in Northern Ireland seminar on Wednesday 16 June 2021 by relevant Officers and the Chairperson and Vice Chairperson of Planning or their nominees.**

*ACTION BY: John Linden, Head of Planning*

## **PROPOSAL TO PROCEED 'IN CONFIDENCE'**

Proposed by Alderman Brett  
Seconded by Councillor Magill and unanimously 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 3.11**

#### **P/FP/LDP/79 LOCAL DEVELOPMENT PLAN (LDP) STEERING GROUP - IN CONFIDENCE**

The most recent meeting of the LDP Steering Group took place on 9 March 2021.

The Steering Group was updated on the submission of the Draft Plan Strategy and associated documentation to the Department for Infrastructure on 8 March 2021.

A copy of the Minutes and relevant documentation were circulated for information.

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

**the report be noted.**

*NO ACTION*

### **ITEM 3.12**

#### **P/FP/LDP/96 REVIEW OF THE IMPLEMENTATION OF THE PLANNING ACT (NI) 2011 - CALL FOR EVIDENCE - IN CONFIDENCE**

Members were advised that the Department for Infrastructure (DfI) is currently undertaking a review of the implementation of the Planning Act (NI) 2011 as required by Section 228 of the Act. To inform consideration of this review DfI has issued a Call for Evidence (copy circulated).

Members are aware that the planning system in Northern Ireland was fundamentally reformed in 2015 with the transfer of responsibility for most local planning decisions and plan making processes to the 11 Councils. This reform represented the most fundamental change in the planning system in Northern Ireland in over 30 years and was accompanied by significant new primary legislation in the form of the Planning (NI) Act 2011, together with a raft of other supporting subordinate legislation, all of which came into effect on 1 April 2015.

The Planning Act 2011 (Review) Regulations (Northern Ireland) 2020 specify that the review must:

- consider the objectives intended to be achieved by the Planning Act;
- assess the extent to which those objectives have been achieved; and

- assess whether it is appropriate to retain, amend or repeal any of the provisions of the 2011 Act, in order to achieve these objectives.

The review also provides an opportunity to consider any improvements that may be required to the way in which the Planning Act has been commenced and implemented through accompanying subordinate legislation. In addition, the review will consider issues with the planning system that have arisen as a result of the Coronavirus (COVID-19) pandemic.

The call for evidence was initially due to close on 15 March, but this was subsequently extended to 16 April 2021. As a consequence of this timescale Officers from the Council's Planning Section have responded to DfI with an interim draft response which is subject to ratification by the Council (copy circulated).

The draft response is detailed in nature addressing both strategic and more minor operational and technical matters that Officers consider require to be considered as part of the DfI review. In summary, the key matters highlighted in the response are as follows:

- The need for a fundamental review of the Local Development Plan making process as the new system is not delivering as anticipated.
- The potential to introduce an Infrastructure Fund/Levy for developer contributions to assist with funding for much needed regional and local infrastructure improvements.
- The need for the introduction of local validation checklists to 'front load' planning applications and improve the quality of information submitted.
- The need for greater clarity in legislation as to when information and representations can be submitted to prevent last minute information delaying the decision making process.
- The need for greater clarity in legislation in relation to submission of additional information during appeals and at other stages in the planning application decision making process.
- The need for a review of planning fees. This should encompass the current schedule of fees, the introduction of fees for the submission of non-material change applications, discharges of condition applications etc, as well as an enhanced fee level for retrospective planning applications.
- There should be a review of the extent of reserved powers held by the Department and greater guidance as to when these powers will be used.
- The removal of the requirement for Councils to hold a mandatory Pre-Determination Hearing following the return of an application from the Department to a Council for decision.

Proposed by Alderman Brett

Seconded by Councillor Lynch and unanimously agreed that

**the draft response be approved.**

*ACTION BY: John Linden, Head of Planning*

### **ITEM 3.13**

**P/PLAN/34 PLANNING ENFORCEMENT REPORT 2020-21 - QUARTER 3 – IN CONFIDENCE**

The Northern Ireland Planning Statistics Q3 Statistical Bulletin was released on 25 March 2021 by the Department for Infrastructure's Analysis, Statistics and Research Branch. It includes information on the Council's performance on enforcement cases measured against the statutory performance targets set by DfI.

The Quarter 3 report was circulated, and in view of the sensitive nature of some of this information it was presented in confidence.

The DfI figures indicate that the Council has concluded 83.3% of cases within the statutory target of 39 weeks during Quarter 3 and this compares with 97.8% during the same period last year.

The statistics also highlighted that the Council's planning enforcement team opened 154 cases during Quarter 3, compared to 98 during the same period last year. However only 11 cases were concluded, compared to 145 during the same period last year.

As Members were aware the work of the Planning Enforcement Section during much of the quarter continued to be affected due to the impact of coronavirus. However, extra resources have since been directed towards the enforcement service as part of the overall Recovery Plan agreed by Members for the Planning Section.

Members recalled that at the February Committee meeting Officers agreed to bring forward additional information as part of the Quarterly Report regarding the current number of live Enforcement cases and their status. A Progress Report on the current position of the Planning Enforcement Section was appended to the Quarter 3 enclosure.

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

**the report be noted.**

*NO ACTION*

**ITEM 3.14**

**LA03/2020/0109/CA** [REDACTED]

[REDACTED]

[REDACTED]



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

**the report be noted.**

*NO ACTION*

## **PART ONE – DECISIONS ON ENFORCEMENT CASES - IN CONFIDENCE**

### **ITEM 3.15 - ENFORCEMENT CASE: LA03/2020/0067/CA**

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Judith Winters, Senior Planning Officer, introduced the Enforcement Report to the Committee and made a recommendation that authority be granted to progress enforcement action to regularise the breach of planning control, the detail of which is delegated to appointed Officers.

Proposed by Alderman Smyth  
Seconded by Councillor Lynch and unanimously agreed

**that enforcement action be progressed in this case as outlined in the report with the detail of this delegated to appointed Officers.**

*ACTION BY: John Linden, Head of Planning*

### **ITEM 3.16 - ENFORCEMENT CASE: LA03/2020/0069/CA**

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Judith Winters, Senior Planning Officer, introduced the Enforcement Report to the Committee and made a recommendation that authority be granted to progress enforcement action to regularise the breach of planning control, the detail of which is delegated to appointed Officers.

Following discussion on this case, the Head of Planning was requested by a Member to consider the provision of information relating to planning restrictions/regulations for fences on the Council's website to assist public understanding.

Proposed by Councillor Webb  
Seconded by Alderman Brett and unanimously agreed

**that enforcement action be progressed in this case as outlined in the report with the detail of this delegated to appointed Officers.**

*ACTION BY: John Linden, Head of Planning*

**ITEM 3.17 - ENFORCEMENT CASE: LA03/2020/0081/CA**

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Judith Winters, Senior Planning Officer, introduced the Enforcement Report to the Committee and made a recommendation that authority be granted to progress enforcement action to regularise the breach of planning control, the detail of which is delegated to appointed Officers.

Proposed by Alderman Brett  
Seconded by Councillor Lynch and unanimously agreed

**that enforcement action be progressed in this case as outlined in the report with the detail of this delegated to appointed Officers.**

*ACTION BY: John Linden, Head of Planning*

**PROPOSAL TO MOVE OUT OF 'IN CONFIDENCE'**

Proposed by Alderman Brett  
Seconded by Councillor Magill and unanimously agreed

**that any remaining Committee business be conducted in Open Session.**

**The Chairperson advised that audio recording would recommence.**

There being no further Committee business the Chairperson thanked Members for their attendance and the meeting concluded at 7.26 pm.

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**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.***