

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2020/0398/F
DEA	DUNSILLY
COMMITTEE INTEREST	ADDENDUM REPORT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	110/33 kV cluster substation including two 90 MVA transformers, associated switchgear, fire wall, a 33 kV switch room along with associated site works including drainage, a perimeter palisade fence, internal access road and lighting.
SITE/LOCATION	Approx. 20m Southeast of No 12 Maxwells Road Ballymena, BT42 3NU
APPLICANT	SONI Ltd
AGENT	N/A
LAST SITE VISIT	27/04/2022
CASE OFFICER	Kieran O'Connell Tel: 028 9034 0423 Email: Kieran.oconnell@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Since the publication of the Planning Committee Report one (1) additional letter of objection has been received by the Planning Section. The objection letter raises concerns with the Council's Environmental Impact Assessment determination and feels that no consideration has been given with regard to indirect significant effects of the proposed development'. They further state a recent Court of Appeal Judgment Finch On Behalf of the Weald Action Group, R (On the Application Of) v Surrey County Council & Ors [2022] EWCA Civ 187 which they believe supports their position.</p> <p>Having considered the stated case, it is clear that the objectors have confused two separate and distinct processes within the EIA Regulations relating to the Screening (determination whether an Environmental Impact Assessment is necessary or not) and the Scoping (scope and level of detailed information to be provided within an environmental statement) of projects</p> <p>The proposed development does not fall neatly into any one category of development in the EIA Regulations, however, having regard to the broad purpose and wide scope of the EIA Regulations, the application was considered under Categories 3 (a), 10 (B) and 13 (a) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The Council is obliged under Regulation 12 (1) of these Regulations to make a determination as to whether an application is, or is not, EIA development. An EIA Screening Determination has been carried out (and available to view on the planning portal), this determined that the planning application is not required to be accompanied by an Environmental Statement as it is considered that there are no 'likely significant effects'. Therefore as</p>	

no Environmental Statement is considered necessary in this instance the requirements under Regulation 5(1) which are quoted by the objector are not engaged.

Officers are of the view that the application has been appropriately considered under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, therefore the concerns raised by the objectors are not determining in this instance.

RECOMMENDATION	GRANT PLANNING PERMISSION
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PROPOSED CONDITIONS

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

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

2. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: This condition is both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. The applicant should note this also includes the purchase of any waste water treatment system.

3. A final Construction Environmental Management Plan shall be agreed with the appointed contractor, must be submitted to the Council at least eight weeks prior to any works commencing. This must identify all potential risks to the adjacent watercourses and designated sites and appropriate mitigation to eliminate these risks. Appropriate areas for the storage of construction machinery, fuels/oils, refuelling areas, must be identified. The Construction Environmental Management Plan shall include a section on proposed mitigation measures to be implemented during construction and the development shall be carried out in accordance with the mitigation measures, unless otherwise agreed in writing by the Council.

Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to ensure the project will not have an adverse effect on the water environment or the integrity of any European site.

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

Reason: To protect breeding birds.

5. Within one month of the development becoming operational (and at any other time requested by planning), a noise survey shall be undertaken, submitted to and agreed in writing with the Council. This survey shall measure and report both the unweighted sound pressure level across the 1/3 octave bands and the overall A-weighted broadband sound pressure level, when measured at 1m distance in any direction from each 90MVA transformer.

Reason: In order for the protection of amenity from the harmful effects of noise.

6. The sound pressure level of each 90 MVA transformer installed at the development site, when measured at 1m distance in any direction from the transformer, shall not exceed the values contained in the table below (Values obtained from Appendix F and Table 4.9 of Document Number 03", prepared by RPS and entitled "SONI Kells Noise Impact Assessment").

1/3 octave band (Hz)	1/3 octave band sound pressure level when measured at 1m distance from transformer, unweighted (dB)
50	60
63	49
80	42
100	56
125	42
160	42
200	57
250	41
315	51
400	43
500	43
630	40
800	34
1000	37
12500	32
16000	32
20000	28
2500	24
3150	22
4000	20
5000	19
6300	20
8000	20
10000	18

Reason: In order for the protection of amenity from the harmful effects of noise.

7. If the results of the noise survey required by condition 5, exceed the sound pressure levels contained in the Table in condition 6, the transformers shall cease to operate until a programme of works to achieve these levels has been submitted to and

approved in writing by the Council and implemented. A further noise survey shall be undertaken by an independent acoustic consultant within 6 months thereafter, and a report of such submitted to and agreed with the Council to demonstrate compliance with condition 6.

Reason: In order for the protection of amenity from the harmful effects of noise.

8. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

9. After completing the remediation works under Condition 8; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

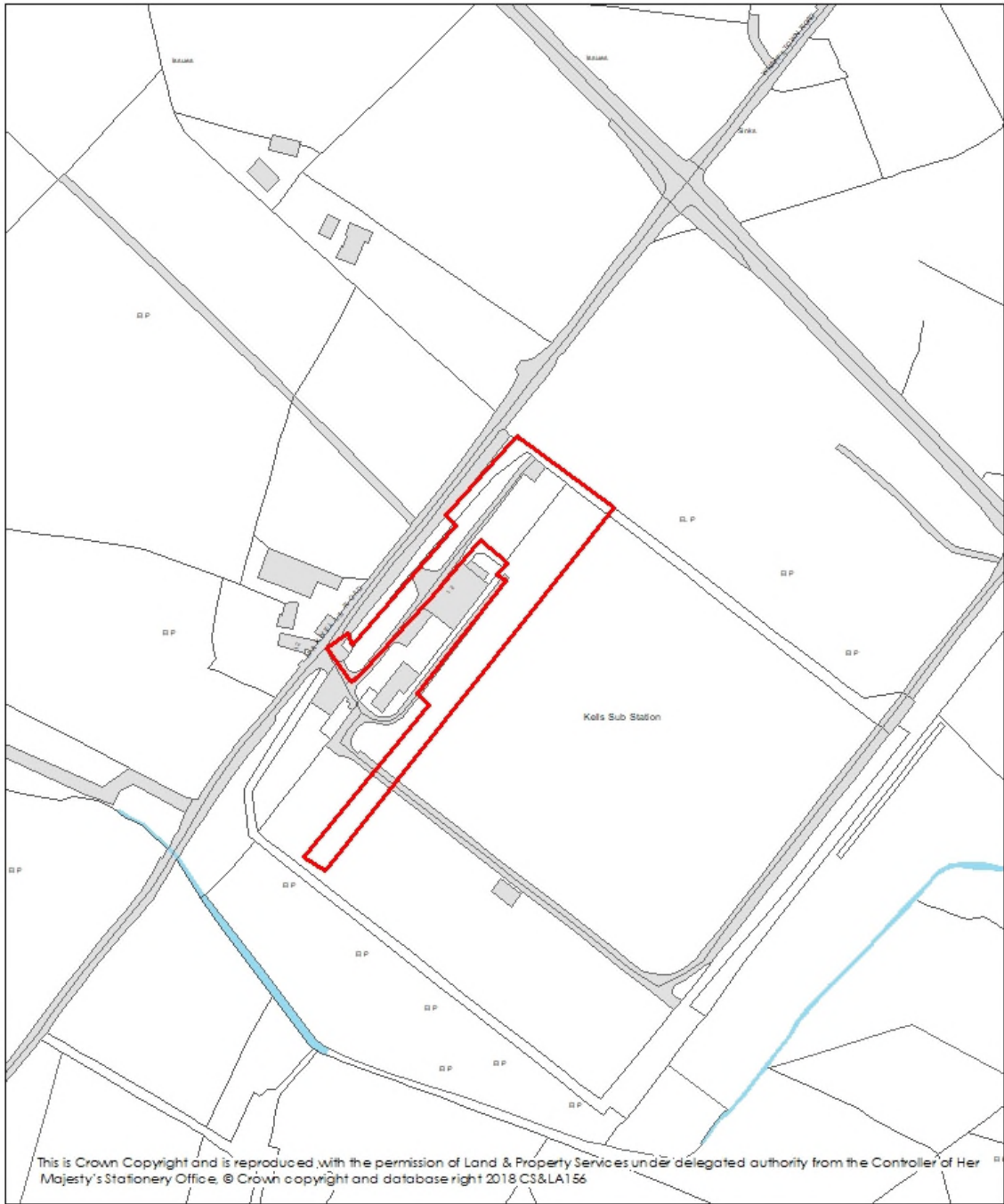
Reason: Protection of environmental receptors to ensure the site is suitable for use.

10. All hard and soft landscape works shall be carried out in accordance with the approved drawing No. 14, and the appropriate British Standard or other recognized Codes of Practice. The works shall be carried out during the first planting season following the occupation of the dwelling hereby approved.

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


11. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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



Location Map

Planning Application Reference: LA03/2020/0398/F
 proposal: 110/33 kV cluster substation
 Location: Approx. 20m Southeast of No 12 Maxwells Road
 Ballymena, BT42 3NU

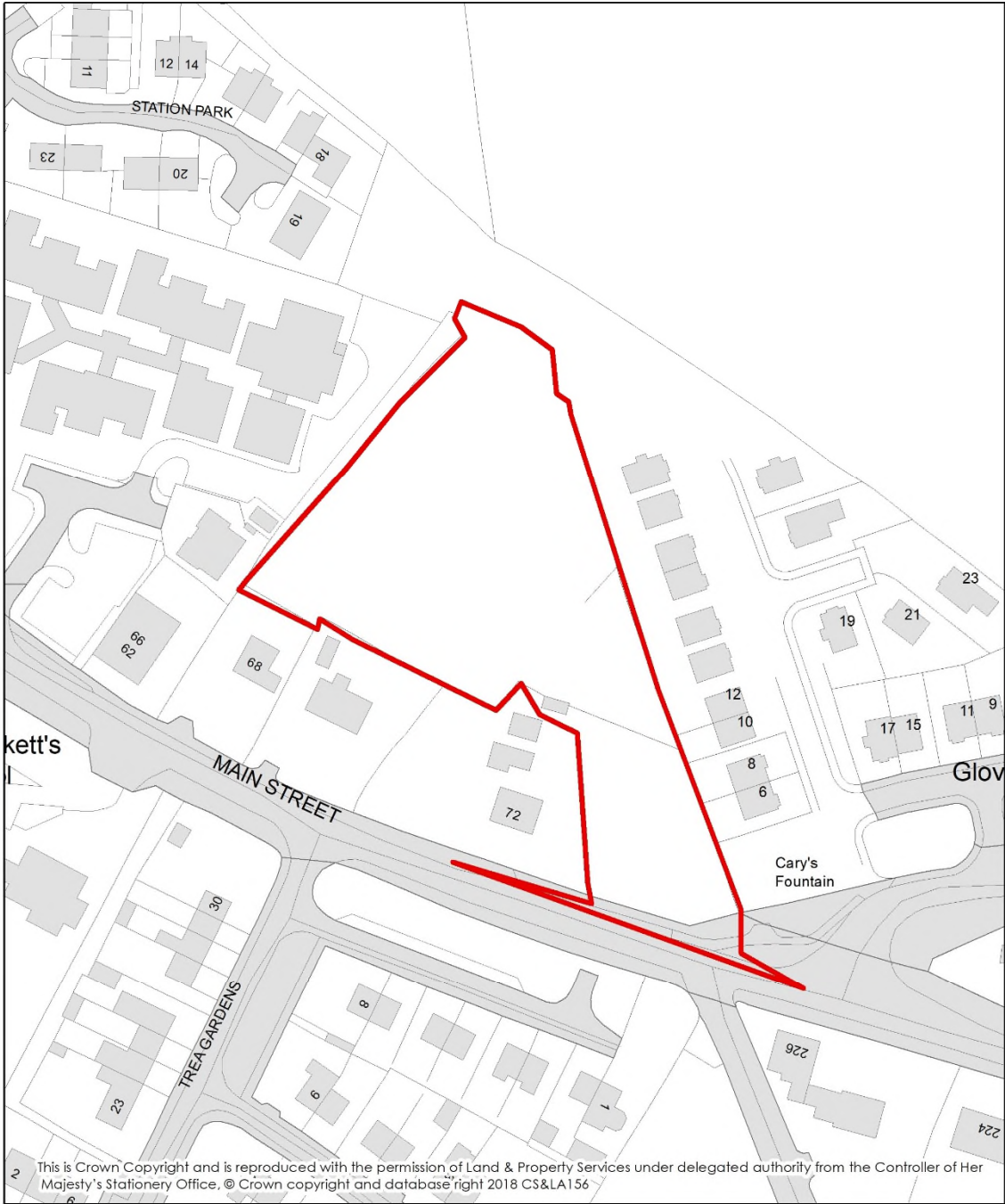
 Site Boundary



For Information Only



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2021/0811/O
DEA	DUNSILLY
COMMITTEE INTEREST	ADDENDUM REPORT
RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSAL	Site for residential development
SITE/LOCATION	Lands to rear of 68-72 Main Street Toomebridge
APPLICANT	C & C Properties
AGENT	E C Birt
LAST SITE VISIT	24th September 2021
CASE OFFICER	Kieran O'Connell Tel: 028 903 40423 Email: Kieran.oconnell@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Following a review of the application, it is considered necessary to impose a condition relating to the provision of NIW infrastructure. The application documentation indicates that the applicant has completed the Waste Water Impact Assessment process and is in receipt of an engineered solution (storm offsetting) which will allow for this development to proceed. A condition is considered necessary to ensure that the necessary infrastructure can be put in place to serve this development. The proposed additional condition is included below.</p> <p>No development shall commence until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from the development.</p> <p>Reason: To ensure adequate waste water treatment capacity is available.</p>	

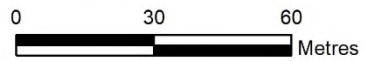


Site Location Plan

Application Reference: LA03/2021/0811/O

Site for residential development

Lands to rear of 68-72 Main Street
Toomebridge



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2022/0219/O
DEA	DUNSILLY
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	REFUSE PLANNING PERMISSION

PROPOSAL	Site for dwelling and garage on a farm
SITE/LOCATION	75m North West of 91 Staffordstown Road, Creggan, Randalstown
APPLICANT	Rodger Dougan
AGENT	CMI Planners Ltd
LAST SITE VISIT	8 TH April 2022
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@antrimandnewtownabbey.gov.uk

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

Since the publication of the Planning Committee Report, Northern Ireland Water have indicated that they can no longer sustain the reason for refusal which they put forward in relation to the potential adverse impacts on the proposed dwelling from the nearby Waste Water Treatment Works.

The fourth refusal reason read:

'The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy WM5 of Planning Policy Statement 11 Planning and Waste Management, in that insufficient information has been provided in order to determine if the proposed development would be adversely impacted by an existing Wastewater Treatment Works.'

The agent had submitted additional information relating to the fourth refusal reason as recommended by NI Water's consultation response received during the assessment of the application. The additional information comprises an email chain between the agent and NI Water regarding the location of the Waste Water Treatment Works (WWTW) in proximity to the application site. An email received from the Team Lead from NI Water to the agent on the 14th June 2022 indicates that given the odour boundary from the WWTW only encompasses part of the proposed laneway for the development then an odour assessment would not be required.

The agent had sought a re-consultation with NI Water on this basis, however the written confirmation supplied within the email chain submitted by the agent to the Council on the 14th June 2022 is considered sufficient to remove the fourth refusal reason.

Given that the principle of development still remains unacceptable with regards to policy CTY 10, CTY 13 and CTY 14 of PPS21, it is considered that refusal reasons 1-3 outlined below have been sustained and a refusal is recommended.

CONCLUSION

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

- Sufficient evidence has been provided to remove the need for an odour assessment and NI Water's recommended refusal reason is removed.
- The principle of development remains unacceptable as the proposal is contrary to CTY 1, 10, CTY 13 and CTY 14 of PPS 21 and the reasons for refusal outlined below are sustained.

RECOMMENDATION

REFUSE PLANNING PERMISSION

REFUSAL 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 provisions contained in the Strategic Planning Policy Statement and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that i) the principle of an active and established farm has not been demonstrated, and ii) it has not been demonstrated that no dwellings or development opportunities have been sold off from the farm holding within 10 years.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works (the proposed access and laneway) associated with the proposal would not integrate with their surroundings and would be of detriment to the rural character of the area.

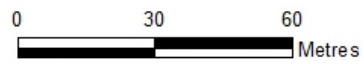



Site Location Plan

Application Reference: LA03/2022/0219/O

Site for dwelling and garage on a farm

75m North West of 91 Staffordstown Road Creggan Randalstown



 Site boundary



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2022/0149/O
DEA	DUNSILLY
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	APPROVE OUTLINE PLANNING PERMISSION

PROPOSAL	Site for dwelling and garage on a farm (under policy CTY 10) and associated siteworks.
SITE/LOCATION	40m SE of 8 Ladyhill Road, Antrim, BT41 2RF
APPLICANT	Len Ireland
AGENT	Richard Burnside Architecture
LAST SITE VISIT	6 th May 2022
CASE OFFICER	Michael Tomlinson Tel: 028 903 40442 Email: Michael.tomlinson@antrimandnewtownabbey.gov.uk

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

Since the publication of the Committee Report additional information has been submitted by the agent on 17th June 2022 in the form of additional receipts, invoices and cover letters to supplement the original evidence referred to within the Committee Report.

The additional invoices include:

- Hedgecutting in November 2016; October 2017; September 2018; October 19 and September 2020 by both an S Malone and Glorious Gardens NI;
- Fertilising fields in March 2016, March 2017, January 2018, January 2019 February 2020, February 2021 and March 2022 by Glorious Gardens NI;
- Drainage repair in August 2016 by Glorious Gardens NI;
- Clearance of watercourse and hardcore field entry in January 2017 by S.J.McIntyre Groundwork & Agricultural Contractor;
- Spiking fields in October 2018 by David J. McKay & Son Agricultural Contractor;
- Topping fields in September 2018, August 2019 and May & August 2022 by Glorious Gardens NI;
- Maintenance of fencing in February 2020 by Glorious Gardens NI;
- Spraying weeds along roadside in May 2022 and ditch repair in February 2021 by Glorious Gardens NI;
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The additional receipts include;

- Sheep wire and weed killer from Islandbawn Stores in January 2020;
- Fencing posts and barbed wire in March 2020;
- Quarry stones in January 2021;

- Weedkiller in July 2021

It is accepted that the additional information provided establishes that farming activity over the last six years. When taken in totality with the original information submitted, there is a series of ongoing works to maintain the land in good agricultural and environmental condition. The evidence submitted demonstrates farming activity over the requisite 6 year period.

The previous recommendation to refuse outline planning permission included one refusal reason which was based on the lack of evidence to support that the farm business was in fact active and established. As a consequence of the evidence submitted as outlined above, the previous recommendation has now been altered to a recommend the grant of outline planning permission with proposed conditions.

CONCLUSION

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

- The information submitted by the agent is considered, when taken in totality to be an acceptable level of evidence to demonstrate that the farm is active and established.

RECOMMENDATION

GRANT OUTLINE PLANNING PERMISSION

PROPOSED CONDITIONS

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- a. the expiration of 5 years from the date of this permission; or
- b. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: To enable the Council to consider in detail the proposed development of the site.

3. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access location to be constructed and other requirements in accordance with the attached RS1 form.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

5. The proposed dwellings shall have a ridge height of no more than 6.0 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

6. The existing hedgerow along the southern and eastern boundary of the application site shall be retained for the lifetime of the development at a minimum height of 2 metres for hedging and 4 metres for trees and shall be allowed to grow on or as agreed in writing with the Council.

Reason: In the interests of integration and visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

7. If any retained hedge/tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another hedge/tree in the same location and of a species and size as specified by the Council.

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

8. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council and all tree and shrub planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and to aid with integration of the new dwelling house.

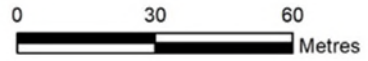


Location Map

Reference: LA03/2022/0149/O

Location: 40m SE of 8 Ladyhill Road, Antrim, BT41 2RF

Proposal: Site for dwelling and garage on a farm (under policy CTY10) and associated siteworks



 Site Boundary

