



02 August 2022

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Tuesday, 02 August 2022 at 19:00 to transact the business noted below.

A link to join the meeting through the Council's remote meeting platform will follow.

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

1. Notice of Recording
This meeting will be webcast for live and subsequent broadcast on the Council's You Tube site [Live Broadcast Link](#)
2. Apologies
3. Declarations of Interest
Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.
4. Chair's Business

Matters for Decision

Development Management Decisions

5. Receive Planning Applications 5 - 18

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2021/1208/O	Dwelling & domestic garage on a farm at land approx. 55m S Of 60	REFUSE

		Annaghilla Road, Augher, for Jeff & Laura Fitzsimmons.	
5.2.	LA09/2021/1659/F	Part retrospective application for existing storage unit and proposed storage unit at 40m SW Of 68 Airfield Road, Toomebridge for Spraytec.	REFUSE

6. Receive Deferred Applications

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	Planning Reference	Proposal	Recommendation
6.1.	LA09/2021/0341/F	New site access (Revised Access) at 36 Granville Road, Dungannon for Farasha Properties Ltd.	APPROVE
6.2.	LA09/2022/0062/O	Infill dwelling and domestic garage at Site W of 35 Drummurrer Lane, Coalisland for Mr Michael Corr.	APPROVE

7. Receive Report on Consultation from DfI on Lough Neagh Sand Extraction

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8. Receive Report on Consultation from DfI on Mineral Prospecting

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Matters for Information

9 Minutes of Planning Committee held on Tuesday 5 July 2022

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Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Matters for Decision

Matters for Information

10. Minutes of Planning Committee Confidential Minutes of Meeting held on Tuesday 5 July 2022

11. Enforcement Cases Opened

12. Enforcement Cases Closed

13. Enforcement Live Case List



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1208/O	Target Date:
Proposal: Erection of dwelling & domestic garage on a farm.	Location: Land approx. 55m South of 60 Annaghilla Road Augher Co Tyrone
Referral Route: Refusal – contrary to CTY 10.	
Recommendation:	REFUSAL
Applicant Name and Address: Jeff & Laura Fitzsimmons 6 Aghnagar Road Ballygawley	Agent Name and Address: Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

The proposal is considered to be contrary to Policy CTY 10 of PPS 21. There were no representations received.

Characteristics of the Site and Area

The site is located at lands approx. 55m South of 60 Annaghilla Road, Augher. The red line of the site is a rectangular cut out portion of a larger agricultural field. There is a number of fields surrounding the site which are outlined in blue, indicating ownership. There is a number of existing farm buildings located NE of the application site, however views of these from the site are not possible. The site itself is flat throughout and the boundaries appear undefined apart from the roadside boundary which has mature hedging along it. The surrounding area is rural, scattered with single dwellings and their associated outbuildings.

Description of Proposal

Outline planning permission is sought for the erection of dwelling and domestic garage on a farm.

Planning Assessment of Policy and Other Material Considerations

Planning History

M/2000/1168/F - 50metres south of 60 Annaghilla Road, Ballygawley - Installation of 1No. 20metres high telecommunications mast, 3 No. antennae, 4 No. microwave dishes & 1No. equipment cabin within a 1.8metres high security fenced compound - PERMISSION GRANTED

There was enforcement case relating to lands approx. 75m South Of 60 Annaghilla Road with the alleged unauthorised deposition of materials and raising of ground levels in the area. The case is now closed.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were no neighbours notified under this application. At the time of writing, no third party representations have been received.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy

The Dungannon and South Tyrone Plan 2010 identifies the site as being in the rural countryside, NE of Augher. There are no other zonings or designations within the Plan.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Policy CTY 1 of PPS 21 establishes that planning permission will be granted for a dwelling on a farm where it is in accordance with Policy CTY 10. This establishes the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

- (a) the farm business is currently active and has been established for at least 6 years
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed that the business ID has been in existence for more than 6 years. DAERA have also confirmed the applicant has been claiming on the land over the last 6 years. From this information and from the site visit conducted, I am content the farm holding has been active and established for at least 6 years and that the land has been maintained in good agricultural and environmental condition.

With respect to (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application. Checks were carried out using the UNIFORM system and no historical applications have been found.

With respect to (c), the new dwelling is not considered to be visually linked with any existing farm buildings on the site and therefore the proposal fails the policy on this criterion. The proposed site is approx. 110m at the closest point to the red line of the site and the farm complex. The topography of the site means that views of the farm buildings are not visible from the site itself and therefore there is no visual linkage. The agent has provided supporting information, justifying their proposed siting. The agent refers to paragraph 5.41 of CTY 8 in PPS 21 states that a dwelling can be approved: *'where the existing group of buildings is well screened, or where a site adjacent to the group is well landscaped, permission can be granted for a dwelling even though the degree of visual linkage between the two is either limited, or virtually non-existent due to the amount of screening vegetation.'* When discussed at our internal group meeting, we did not feel that this extract from the justification and amplification within CTY 10 relates to this

specific site. In this case, we are of the view that screening does not mean the proposal should not be sited beside buildings as there is still appreciable distance between the proposed site and farm buildings. There does appear to be alternative sites which would meet with the policy contained within CTY 10 within blue lands. There are no verifiable plans that the farm business is to be expanded.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. However, we feel that the proposal fails on criterion (g) of CTY 13 where in the case of a proposed dwelling on a farm, it is not visually linked or sited to cluster with an established group of buildings on a farm. There is some degree of hedging along the northern and western boundary but it is low lying and therefore wouldn't provide a suitable degree of enclosure or integration for a dwelling at this site.

The applicant has noted that they intend to utilise the existing access from Annaghilla Road. DfI Roads were consulted and have noted no issues with the proposed access arrangement subject to condition.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked with an established group of buildings on the farm (and access to the dwelling is not obtained from an existing lane. No health and safety reasons exist to justify an alternative site not visually linked with an established group of buildings on the farm and no verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.

Signature(s)

Date:

ANNEX	
Date Valid	19th August 2021
Date First Advertised	31st August 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	
ES Requested	Yes /No
<p>Planning History</p> <p>Ref ID: LA09/2021/1208/O Proposal: Erection of dwelling & domestic garage on a farm. Address: Land approx. 55m South of 60 Annaghilla Road,Augher,Co Tyrone, Decision: Decision Date:</p> <p>Ref ID: LA04/2020/1672/F Proposal: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY - PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY - Address: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY -, Decision: Decision Date:</p> <p>Ref ID: M/2001/0207/F Proposal: O/H Three Phase Line on Wood Poles Address: Halftown Road Ballygawley (Townland of Annaghilla) Decision: Decision Date: 22.05.2001</p> <p>Ref ID: M/2000/0443/F</p>	

Proposal: Installation of 1 No. new 20m lattice telecommunications tower with 3 no antenna, 4 no radio communication dishes, 1 No. One2One equipment cabin within a 1.8m high palisade security fenced compound.

Address: 50 metres south of No. 60 Annaghilla Road, Ballygawley.

Decision:

Decision Date: 13.06.2000

Ref ID: M/2000/1168/F

Proposal: Installation of 1No. 20metres high telecommunications mast, 3 No. antennae, 4 No. microwave dishes & 1No. equipment cabin within a 1.8metres high security fenced compound.

Address: 50metres south of 60 Annaghilla Road, Ballygawley

Decision:

Decision Date: 26.01.2001

Summary of Consultee Responses

DFI Roads – content

DAERA – confirmed active and established farm business

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1659/F	Target Date:
Proposal: Part retrospective application for existing storage unit and proposed storage unit.	Location: 40m SW of 68 Airfield Road Toomebridge.
Referral Route: <ul style="list-style-type: none"> Recommended refusal 1no. Objection 	
Recommendation:	Refusal
Applicant Name and Address: Spraytec 68 Airfield Road Toomebridge	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy PED9 Criterion (d) of PPS4 and Policy FLD1 of PPS 15. One letter of representation has been received which is considered below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Rivers Agency	Advice
Non Statutory	Environmental Health MUDC	Substantive Response
Statutory	Rivers Agency	Advice

Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The application site is located in the open countryside as defined by the Magherafelt Area Plan 2015. The settlement development limits of Creagh is approximately 0.5 miles north of the site. The site comprises a portion of an agricultural field, an area of hardstanding and an existing industrial shed being used for the spray paint finish of joinery products by the established business on site "Spraytec". The surrounding area is characterised by a relatively flat landscape. The site seeks to utilise the existing access to the public road which is also used by the dwelling of No.64, 66 and 68 which are sited immediately north of the application site. Given the nature of the application site which is a cut out portion of a larger agricultural field, the southern boundary of the site are currently undefined. The predominant land use is of an industrial nature to the south and east and agricultural use to the west.

Description of Proposal

This is a full planning application seeking permission for a proposed shed, as well as retrospective planning permission for an existing storage unit located at 68 Airfield Road, Toomebridge.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The following documents provide the primary policy context for the determination of this application:

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Magherafelt Area Plan 2015

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 4: Planning and Economic Development

Planning Policy Statement 15: Planning and Flood Risk

Planning Policy Statement 21: Sustainable Development in the Countryside

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing 1 no. Objection letters had been received. The concerns detailed in the objection letters are outlined and considered below.

- The objector states the retrospective existing storage unit will have no impact on the current situation therefore he has no issue. However, he has concerns with increased traffic passing his home from the proposed storage unit stating the small shared access lane was not designed for large amounts of traffic and is just about holding up with the current traffic volume. He advises that should an alternative access be proposed there would be no concern about the proposed new unit.

DFI Roads were consulted on this application and have raised no concerns with the proposed access arrangements via the shared access lane. It is noted that the proposed use of the sheds are for storage and the P1 Form states there will be an increase of 7 vehicles to the site as a result of this proposal. It is not considered this increase in traffic would unduly impact amenity to warrant refusal. Any forthcoming approval will be conditioned to be for storage use only to protect against an inappropriate change of use and a condition will be attached restricting commercial vehicles accessing the development site prior to 07:00 hours or post 19:00 hours as recommended by

Environmental Health which would assist in protecting residential amenity from the increased traffic to and from the site.

History on Site

LA09/2020/1351/LDE - Spray paint finish of joinery products - 68 Airfield Road, Toomebridge – Permitted Development

LA09/2016/0600/F – Proposed replacement of single semi-detached dwelling to detached dwelling - Lands to rear of 62b Airfield Road, Toome – Permission Granted 23/08/16

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland – The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. SPPS advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is Industry and Business uses in the countryside that are in accordance with policies contained within PPS4- Planning and Economic Development.

The light industrial use on site has been established through the previous granted CLUD application LA09/2020/1351/LDE for a large industrial building for spray paint finish to joinery products. The proposal is for the extension of an established economic use in the countryside therefore PED3 of PPS4 applies.

PPS4 - Policy PED 3 Expansion of an Established Economic Development Use in the Countryside states permission will be granted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of enterprise. In exceptional circumstances a major expansion will be granted where it is demonstrated that;

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

The application seeks permission for two storage sheds with a total floor space of approx. 1215m². Whilst this is a large increase of floorspace; the extension to the site area does not represent a major expansion. The proposal is partially retrospective and the existing shed subject to this application and the proposed shed adjoin the established

industrial unit. It is considered the siting of the new building consolidates and integrates with the existing built form on site. The shed has a proposed ridge height of approximately 6.5m and the finishes are typical of this type of development with render and black cladding walls and kingspan roof to a similar design and scale of the existing building on site. The proposal site is located in the rural countryside, however set back from the public road and in close proximity to a large established industrial area. Given the existing landscape and scale and siting of the proposal, I do not consider the proposal will harm the rural character or appearance of the local area.

As well as the policy requirements of Policy PED 3, it is also necessary for the proposed development to comply with Policy PED 9.

Policy PED9: General Criteria for all Economic Development lists 13 criteria proposals should meet;

a) the proposal is compatible with surrounding land use;

An industrial business is established on this site. The proposed expansion for storage use is considered acceptable and compatible for this site and locality.

b) it does not harm the amenities of nearby residents;

Environmental Health have not raised any objections with respect detrimental impact on nearby neighbours subject to conditions and infromatives. The proposal is for storage use only and will be conditioned as such should approval be forthcoming therefore I do not consider there will be any significant harm to residential amenity.

c) it does not adversely affect features of the natural or built heritage;

No features of natural or built heritage have been identified which would be adversely affected by the proposed development.

d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

The site is partially located in an area at flood risk and it is not been adequately demonstrated the proposal will not cause of exacerbate flooding therefore the proposal fails to meet this criterion.

e) it does not create a noise nuisance;

As stated previously, Environmental Health have raised no concerns of potential noise nuisance to nearby residents. It is not considered that the proposal will significantly increase the existing noise within the locality and therefore will not create a noise nuisance to nearby residents.

f) it is capable of dealing satisfactorily with any emission or effluent;

Environmental Health have raised no concern that the proposal will not deal satisfactorily with any emission or effluent.

g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

h) adequate access arrangements, parking and manoeuvring areas are provided;

- i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;*

DfI Roads were consulted on this application and have responded with no objections. In light of their response, it is considered the proposal complies with PPS3 AMP2. The proposal seeks to use the existing access arrangements. It was noted from the site layout plan and on the date of the site inspection that there is a large area of hardstanding which could be used for the manoeuvring of vehicles and parking has been provided.

- j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;*

The site layout, building design, associated infrastructure and landscape arrangements are acceptable for this site and locality given the existing established business on site. It is considered the building design and associated infrastructure respects the existing built form.

- k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;*

The site layout plan details fencing which will provide adequate enclosure and is considered appropriate boundary treatment given the surrounding industrial landscape. No outside storage is proposed under this application.

- l) is designed to deter crime and promote personal safety; and*

It is the responsibility of the developer to ensure that the proposal is designed to deter crime and promote personal safety. Fencing is proposed to surround the site.

- m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.*

The proposal will satisfactorily integrate into the countryside as it will read with existing buildings and is in keeping with existing built form.

Planning Policy Statement 15: Planning and Flood Risk (Revised) – Having reviewed the online Flood Maps it was identified that the proposal site appears to lie within the 1 in 100 fluvial flood plain, therefore DfI Rivers were consulted. DfI Rivers responded advising they required a drainage assessment (DA) given the scale of the proposal and any development intended within the 1 in 100 year Fluvial Flood Plain will require Planning Authority to deem the application to be an exception or overriding regional importance before they will appraise a flood risk assessment. Having considered the exceptions provided in Policy FLD1, it was considered that the proposal did not meet any of the exceptions tests and is not of overriding regional importance. This was relayed to the agent and it was advised that we would not therefore be inviting a Flood Risk Assessment (FRA). However, the agent provided DA, as well as a FRA which challenged the accuracy of the strategic flood maps. Rivers Agency were consulted and advised that they accepted the DA however advised since a preliminary drainage design was submitted, the submission of a final DA should be conditioned if planning permission is forthcoming. Rivers Agency reviewed the FRA and advised spot levels show the site to be, for the most part, above the determined 15.38mOD level however the levels

shown are all from the part of the site that has been developed pre planning approval and therefore likely experienced infilling for the concrete yard and storage shed. No levels are shown on the as yet undeveloped part of the site which, according to LiDAR levels taken in 2010, is lower than the adjacent developed land. Rivers Agency have advised this application has involved infilling of the 1 in 100 year fluvial flood plain for the retrospective part and will involve further infilling of the 1 in 100 year fluvial flood plain for the proposed development. Policy FLD 1 of PPS 15 states the following.

'The following flood protection and management measures proposed as part of the planning application, in order to facilitate development within flood plains, will not be acceptable:

- *land raising (infilling) to elevate a site above the flood level within the undefended fluvial flood plain.'*

The agent is aware of Rivers Agency response and has provided no further supporting information. Consequently, it is considered the proposal is contrary to Policy FLD 1 of PPS 15.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered all relevant prevailing planning policy, the proposal is recommended for refusal for the reasons stated below.

Reasons for Refusal:

1. The proposal is contrary to Planning Policy Statement 4, Planning and Economic Development: Policy PED 9 - General Criteria for Economic Development, in that the proposal is located in an area of flood risk and insufficient information has been provided to demonstrate it will not cause or exacerbate flooding.
2. The proposal is contrary to Planning Policy Statement 15, Planning and Flood Risk: Policy FLD 1, in that the development is within the 1 in 100 year fluvial flood plain and it has not been demonstrated that the proposal constitutes an exception to the policy or is of overriding regional or sub regional economic importance and the proposal requires land raising (infilling) to elevate a site above the flood level within the undefended fluvial flood plain.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/0341/F	Target Date: <add date>
Proposal: Proposed new site access (Revised Access)	Location: 36 Granville Road Dungannon.
Applicant Name and Address: Farasha Properties Ltd 34 Culrevog Road Dungannon BT71 7PY	Agent name and Address: J Aidan Kelly Ltd 50 Tullycullion Rpad Dungannon BT70 3LY
Summary of Issues: New access onto a Protected Route, the proposal is for a revised access in substitution for an existing access.	
Summary of Consultee Responses: DFI Roads – recommend approval with conditions relating to private streets	
Characteristics of the Site and Area: The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with a mix of agricultural fields, interspersed with farm holdings and single rural dwellings. There is minimal development pressure in this area from the construction of single dwellings, however the Granville Road is a heavily trafficked road between Dungannon and Granville and onto the M1 motorway. The site lies just South of the settlement limits of Dungannon on the main Granville Road. It is located at number 36 Granville Road and Ballysaggart Lough to the East and Killymaddy Lough to the North West.	

The red line of the site comprises large recently constructed two storey dwelling, a concrete yards and access off the Granville Road, a treed area to the North East and a portion of a larger open field to the South West. The site rises from the roadside NW to the rear SE, there is a further yard and large agricultural shed to the rear of the site outside the red line.

Description of Proposal

This is a full application for a proposed new site access (Revised Access) at 36 Granville Road, Dungannon.

Deferred Consideration:

Members will be aware this application was before the Planning Committee in December 2021 where it was deferred for a meeting with the Planning Manager. A meeting took place on 16 December and it was explained that as the site is accessed onto a Protected Route the policy restricts new access and a new additional access would not be permitted. It was also highlighted that the proposed access would result in the loss of vegetation along the roadside. The applicant was advised to consider serving all development here off one access in substitution for the existing and moving the access to retain vegetation.

Amended plans have been submitted for new lane to access the farm buildings and the dwelling in substitution for the existing access. The proposal involves a significant improvement to the forward sight lines on the opposite side of the road for this access and will not result in the loss of any more vegetation along the east side of the road than was approved with the previous application. DFI Roads have advised they are content with this as it will provide a safer access and they will adopt the forward sight line on the opposite side of the road. The proposal includes new landscaping along the frontage of the site and the provision of a new hedge to the top of the bank on the opposite side of the road with a grassed verge. I consider it is necessary and appropriate to condition the provision of this landscaping.

Members will be aware that Policy AMP3 of PPS3 has a consequential revision in PPS21 and it does not permit new access onto the protected route network. The purpose of this is to facilitate the free movement of traffic, as additional access points could result in vehicles slowing down or stopping to turn off the road. The policy allows for replacement dwellings where there is an existing access. This proposal is to substitute the original access for this revised access. I do not consider there is provision for this within the policy, however, the proposal that is now under consideration will result in a safer access with better sight lines for traffic turning into the site. The proposal will also have the added benefit of improving visibility and increasing space for vehicles on this corner. In light of the proposed substitution being a safer access and DFI Roads having raised no concerns,

I recommend this application is granted as an exception to the Protected Routes Policy for the reasons stated above and a condition is added to ensure the existing access is permanently closed up, as this is in substitution of the existing access and the sightlines are provided and kept clear.

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. Prior to access hereby permitted becoming operational visibility splays of 2.4m x 70.0m in both directions and forward sight distance of 90.0m, shall be provided in accordance with the approved drawing No 01/5 bearing the stamp dated 14 JUN 2022. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

Reason: In the interest of road safety

3. The gradient of the access shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. Within 2 weeks of the access hereby permitted becoming operational, the existing access indicated ' X' on Drawing No 01/5 bearing the stamp dated 14 JUN 2022 shall be permanently closed and the footpath reinstated to DFI Roads satisfaction.

Reason: This road is a Protected Route where it is the policy to restrict new accesses in the interest of road safety and traffic progression.

5. During the first available planting season following the access hereby approved becoming operational all new landscaping identified in yellow on drawing No 01/5 bearing the stamp dated 14 JUN 2022 shall be provided as approved and in accordance with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the provision of a high standard of landscape.

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992

PSD01 -. The Department for Infrastructure has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawings No 01/5 bearing the date stamp 14 JUN 2022.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 07/12/2021	Item Number:
Application ID: LA09/2021/0341/F	Target Date:
Proposal: Proposed new site access (Revised Access)	Location: 36 Granville Road Dungannon.
Referral Route: 1. Contrary to Policy AMP 3 – Access to Protected Routes in PPS 3 – Access, Movement and Parking in that the development if permitted, would result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety. 2. Contrary to Policy CTY13 – Integration and Design of buildings in the Countryside in PPS 21 in that the development if permitted would remove trees along the roadside boundary and provide open views of the site, thus the dwelling would be a prominent feature in the landscape. 3. Contrary to Policy CTY14 – Rural Character in PPS 21 in that the development if permitted would be a prominent feature in the landscape and damage rural character.	
Recommendation:	Refusal
Applicant Name and Address: Farasha Properties Ltd 34 Culrevog Road Dungannon BT71 7PY	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Rpad Dungannon BT70 3LY
Executive Summary: The proposal will result in the creation of an additional access onto a protected route i.e. Granville Road and remove a row of established trees along the roadside boundary. The trees currently block critical views of the large two storey dwelling from the roadside and if these are removed for visibility splays the site will lack enclosure.	

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Statutory	DFI Roads - Enniskillen Office	Standing Advice

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with a mix of agricultural fields, interspersed with farm holdings and single rural dwellings. There is minimal development pressure in this area from the construction of single dwellings, however the Granville Road is a heavily trafficked road between Dungannon and Granville and onto the M1 motorway.

The site lies just South of the settlement limits of Dungannon on the main Granville Road. It is located at number 36 Granville Road and Ballysaggart Lough to the East and Killymaddy Lough to the North West.

The red line of the site comprises large derelict two storey dwelling, a concrete yards and access off the Granville Road, a treed area to the North East and a portion of a larger open field to the South West. The site rises from the roadside NW to the rear SE, there is a further yard and large agricultural shed to the rear of the site outside the red line. The replacement dwelling itself is an old two storey farm dwelling that appears to have been vacant for some time. The window have been smashed with some boarded up, however, all walls, door and window openings are fully intact. It has a dark render finish with a slate roof and a two storey rear return. The whole site is overgrow with vegetation and a small wall and gate block any entrance to the rear of the site. There is a large two storey dwelling under construction which is currently accessed via the existing farm yard access.

Along the roadside boundary is a row of established trees and the site itself is a portion of a larger agricultural field.

Description of Proposal

This is a full application for a proposed new site access (Revised Access) at 36 Granville Road, Dungannon.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

Planning History

LA09/2020/0768/F - Proposed Replacement Dwelling - 36 Granville Road, Dungannon, Co Tyrone – Permission Granted 21.10.2020

Mid Ulster Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Dungannon and South Tyrone Area Plan 2010

The site is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010 and is not within any other designations or zonings in the Plan.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.

PPS 3 – Access, Movement and Parking Policy AMP 3 – Access to Protected Routes

Planning approval LA09/2020/0768/F granted permission for a replacement dwelling which at the time of my site visit was currently under construction. As shown in figure 1 below the new dwelling has approval from an access of the existing farm yard lane at No. 36 Granville Road.



Figure 1 – Block plan from original approval LA09/2020/0768/F

In initial drawings submitted by the agent the proposal was to keep this farm access and create a new access off the Granville Road, along the southern boundary of the site. In their consultation response dated 12 April 2021 DFI roads recommended the proposal for refusal as it would create a new vehicular access onto a protected route. Following this a revised scheme was submitted as shown in figure 2 below. This proposal involves closing up the existing farm access and creating two accesses along the southern boundary. Roads responded on the 26th October 2021 stating they held the same opinion as the previous response as the revised scheme will still involve the creation of a new access onto a protected route. In an email dated 26th October 2021 the agent reiterated they would prefer to have separate entrances to the farm and the dwelling. This proposal does not meet any criteria for the exception to a protected route so I would recommend refusal.



Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement.

Planning approval LA09/2020/0768/F granted permission for a large two storey dwelling as shown in figure 3 below.



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access to the south will involve the removal of these trees to achieve the visibility splays. As shown in the images below the existing trees are providing enclosure to the dwelling and is not currently visible in critical views in both directions. The removal of the trees will open up the site and the dwelling will become prominent in the landscape. In addition, the site will lack natural boundaries which currently assist in integrating the dwelling in the landscape.



Figure 4 – Google Images of the roadside boundary of the site



Figure 5 – Photographs from the site visit showing the approved access off the existing farm lane and the row of trees along the boundary

I consider the new access is contrary to CTY 13 as it will remove the natural boundaries of the site which currently provide enclosure and the dwelling will be prominent.

CTY 14 – Rural Character

The removal of the trees along the roadside will make the dwelling under construction more prominent. The dwelling is at a higher level than the roadside and would become a prominent feature. I consider the removal of the trees and the proposed new accesses would be detrimental to the rural character of the area.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as it does not meet the policy AMP 3 – Access to Protected Routes and CTY 13 and CTY 14 in PPS 21.

Reasons for Refusal:

1. Contrary to Policy AMP 3 – Access to Protected Routes in PPS 3 – Access, Movement and Parking in that the development if permitted, would result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.
2. Contrary to Policy CTY13 – Integration and Design of buildings in the Countryside in PPS 21 in that the development if permitted would remove trees along the roadside boundary and provide open views of the site, thus the dwelling would be a prominent feature in the landscape.
3. Contrary to Policy CTY14 – Rural Character in PPS 21 in that the development if permitted would be a prominent feature in the landscape and damage rural character.

Signature(s)**Date:**



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
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50 Ballyronan Road
Magherafelt
BT45 6EN

Additional Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0062/O	Target Date: <add date>
Proposal: Infill dwelling and domestic garage as policy CTY8	Location: Site West of 35 Drummurrer Lane Coalisland
Applicant Name and Address: Mr Michael Corr 35 Drummurrer Lane Coalisland	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
Summary of Issues: The proposal is for an infill dwelling, the site is 'across the road' from some of the development that is being used to define the gap site. The interpretation of 'road frontage' is critical in the consideration of this site.	
Summary of Consultee Responses: DFI Roads - site lines of 2.4m x 45.0m and forward sight lines of 45.0m required for safe access DETI – Geological Survey (NI) – no mines or shafts within 1000m	
Characteristics of the Site and Area: The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character and is predominantly agricultural fields, farm groupings and single dwellings with a roadside frontage. There is a lot of development pressure along Drummurrer Lane and surrounding roads from the construction of single dwellings.	

The application site is a portion of a larger field with a flat topography. There is established hedging along the roadside and western boundary and the northern boundary is undefined.

Description of Proposal

This is an outline application for an Infill dwelling and domestic garage as policy CTY8 at Site West of 35 Drummurrer Lane, Coalisland.

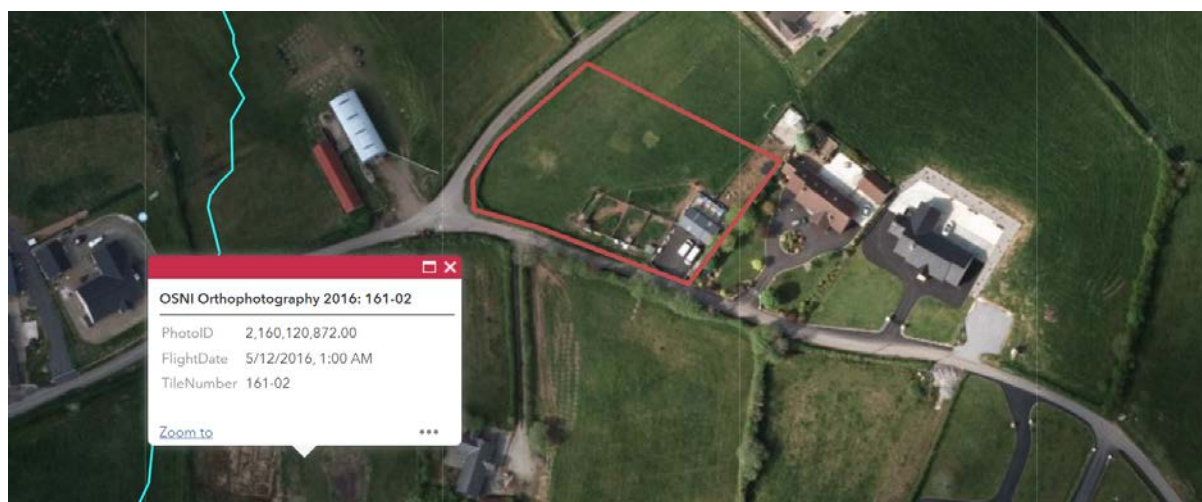
Deferred Consideration:

This application was before the Planning Committee in May 2022 and July 2022 and has been the subject of a members site visit on 18th July 2022.

At the members site visit, the critical view of the site was noted to be from the east, there is a string of development along the north side of Drummurrer Lane: established shed within the site (it has been there for over 5 years as it was on the site in the aerial photo in December 2016); chalet bungalow with detached garage to the rear immediately to east; and a bungalow further to the east (Map 1). From this view the agricultural buildings 'across the road' in the background can be viewed with these. (photo 1).



Photo 1 – view of site from east on Drummurrer Lane



Map 1 – site with development

Members will be aware that Policy CTY8 is primarily to prevent ribbon development but allows for infilling of small gap sites within a substantial and continuously built up frontage. This is defined in the policy as a line of 3 or more buildings along a road frontage. At the site visit members will have noted the existing vegetation that screens the site and other development around it. It is accepted this vegetation screens views of the development to

the east and west together, however this can be removed and also when not in leaf the visual linkages will be much more apparent. The site frontage has a width of 65m and the frontages of the 2 dwellings to the east is 77m, in light of this I consider this site could accommodate up to a maximum of 2 dwellings, respecting the overall character and plot sizes of adjacent development. The critical issue for consideration of this application, in my opinion, is what constitutes 'a road frontage'. The amplification within the policy refers to a common frontage and visual linkages as being important in deciding if a site meets the infill definition.

In this case, the aerial photographs are helpful as they show the development to the east and west of the site. It is clear the agricultural buildings to the west have a frontage to a road, the site and the development to the east also have a frontage to a road. Viewing the site on approach from the east, the road to the north is not visually apparent and as such the development does, in my opinion, appear to have a common frontage.

In view of the above, it is my recommendation this application is approved and any new dwelling is restricted in ridge height to respect the surrounding development.

Conditions:

1. 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:-

- i. the expiration of 5 years from the date of this permission; or
- ii. 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 Mid Ulster District Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 45.0m in both directions and a 45.0m forward sight line, shall be provided in accordance with the 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted along all new

boundaries of the site. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

5. The dwelling hereby permitted shall have a ridge height not exceeding 6.0 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

Reason: To ensure that the proposal is in keeping with the character of the area and is not prominent in the landscape.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0062/O	Target Date: <add date>
Proposal: Infill dwelling and domestic garage as policy CTY8	Location: Site West of 35 Drummurrer Lane Coalisland
Applicant Name and Address: Mr Michael Corr 35 Drummurrer Lane Coalisland	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
Summary of Issues: The proposal is for an infill dwelling but is at the end of a row of buildings and would not meet the criteria in CTY 8 for a small gap site in a row of three or more buildings. The proposal would not meet the case for other policies in PPS 21. The application site is a portion of a large field which has limited enclosure and lacks integration in the countryside.	
Summary of Consultee Responses: DFI Roads - site lines of 2.4m x 45.0m and forward sight lines of 45.0m required for safe access DETI – Geological Survey (NI) – no mines or shafts within 1000m	
Characteristics of the Site and Area: The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character and is predominantly agricultural fields, farm groupings and single dwellings with a roadside frontage. There is a lot of development pressure along Drummurrer Lane and surrounding roads from the construction of single dwellings.	

The application site is a portion of a larger field with a flat topography. There is established hedging along the roadside and western boundary and the northern boundary is undefined.

Description of Proposal

This is an outline application for an Infill dwelling and domestic garage as policy CTY8 at Site West of 35 Drummurrer Lane, Coalisland.

Deferred Consideration:

This application was before the Planning Committee in May 2022 and it was deferred to allow a meeting with the Service Director. A meeting was held, via zoom, on 12 May 2022 where the agent explained his rationale for the submission of this application. He explained the site is at a Y junction, where Drummurrer Lane comes off Annaghnaboe Road and it is not very clear who has priority. The development to the north and on the opposite side of the junction is read with the development to the east, on Drummurrer Lane.

Following a visit to the site it is noted there is a string of development along the north side of Drummerer Lane and the agricultural buildings on Annaghnaboe Road can be viewed with these, on approach from the east (photo 1). This is a very limited view in my opinion and does not give the impression of a built up frontage.



Photo 1 – view of site from east on Drummurrer Lane

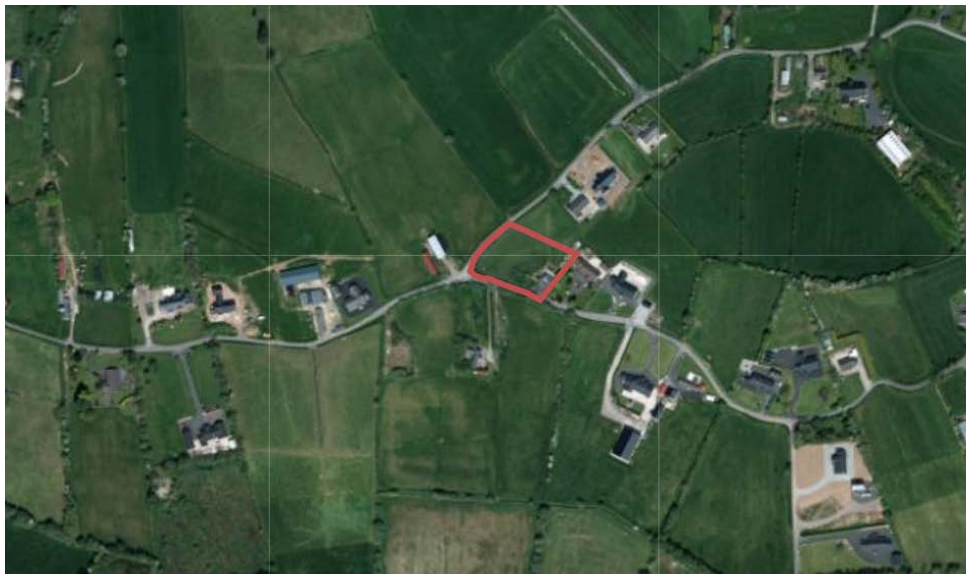
The application site provides a visual break to development, this is especially apparent on approach from the west on Annaghnaboe Road (Photos 2 and 3). The site has good roadside vegetation and even though it is low is still provides a degree of screening of the existing development along Drumurrer Lane. Any access to the proposed site will result in the loss of the majority of the hedge on the road frontage, opening this site and the other development to views which would, in my view erode the rural character here as it would begin to join the different nodes of development together as can be seen on Map 1.



Photo 2 – Amnaghnaaboe Road to west



Photo - 3 junction, site to right of photograph



Map 1 – site in relation to other development around it

No farming case has been put forward for consideration, the application site is 0.3ha in area and the only other ground that is identified as being owned by the applicant is the

dwelling immediately to the east. As indicated above the site, in my opinion provides a visual break, it does not have development on 2 sides, is not located at a cross roads or close to a focal point and as such does not meet the clustering policy either.

In view of the above, I recommend this application is refused.

Reasons for Refusal:

1. Contrary to Policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development is essential and cannot be located within a settlement.
2. Contrary to CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development.
3. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 – Sustainable Development in the Countryside in that site has a limited degree of enclosure.
4. Contrary to CTY 14 – Rural Character in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development which is detrimental to rural character.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 03/05/2022	Item Number:
Application ID: LA09/2022/0062/O	Target Date:
Proposal: Infill dwelling and domestic garage as policy CTY8	Location: Site West of 35 Drummurrer Lane Coalisland
Referral Route: <ol style="list-style-type: none">1. Contrary to Policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development is essential and cannot be located within a settlement.2. Contrary to CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development.3. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 – Sustainable Development in the Countryside in that site has a limited degree of enclosure.4. Contrary to CTY 14 – Rural Character in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development which is detrimental to rural character.	
Recommendation:	Refusal
Applicant Name and Address: Mr Michael Corr 35 Drummurrer Lane Coalisland	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
Executive Summary: The proposal is for an infill dwelling but is at the end of a row of buildings and would not meet the criteria in CTY 8 for a small gap site in a row of three or more buildings. The	

proposal would not meet the case for other policies in PPS 21. The application site is a portion of a large field which has limited enclosure and lacks integration in the countryside.

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DETI - Geological Survey (NI)	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character and is predominantly agricultural fields, farm groupings and single dwellings with a roadside frontage. There is a lot of development pressure along Drummurrer Lane and surrounding roads from the construction of single dwellings.

The application site is a portion of a larger field with a flat topography. There is established hedging along the roadside and western boundary and the northern boundary is undefined.

Description of Proposal

This is an outline application for an Infill dwelling and domestic garage as policy CTY8 at Site West of 35 Drummurrer Lane, Coalisland.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

Planning History

No planning history at the site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Dungannon and South Tyrone Area Plan 2010

The site is outside any settlement limits as defined in the Area Plan 2010 and is not within any other designations or zonings in the Plan.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill dwelling opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.

Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for one infill dwelling CTY 8 is the relevant policy in the assessment.

CTY 8 – Ribbon Development

To the east and within the boundary of the site is a building as shown below in figure 1. As shown in figure 2 the building has been on site for over five years so is immune from enforcement action. To the front of the shed is a tarmacked area which has also been in place since 2016 so I am content the shed has a frontage to the road.



Figure 1 – Photo of the shed from the site visit



Figure 2 – Spatial NI orthophotography of the site

To the east of the shed shown above is a dwelling at No. 35 with a garden so I am content this is a building with a frontage to the public road. To the east of No. 35 is another dwelling

at No. 37 which also has a garden area fronting onto the road. The site is at the end of the road and faces onto two sections of Drummurr Lane. As the application site is at the end of a row of buildings I do not consider it meets the criteria in CTY 8 for a small gap site within a row.

The application site has a roadside frontage of 64m, No. 35 has a frontage of 37m and No. 37 has a frontage of 40m. There are varying frontages along this stretch of road but I am content the application site can only accommodate up to two dwellings. I am content the proposed site has a frontage which is in character with the surrounding frontages and is capable of accommodating not more than 2 dwellings. I have no concerns about the plot size as it is similar to adjoining sites.

I consider the proposal cannot be considered an exception to policy in CTY 8 as it is not a gap site as it is located at the end of a row of buildings.

The proposal would not meet the policy in CTY 3 as there is no dwelling to be placed and I do not consider the site meets the policy in CTY2a for dwelling in a cluster.

I emailed the agent on the 3rd March 2022 and the 22nd March 2022 to ask was there a farming case at the site but no response has been received.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a cut-out of a larger field with a frontage onto two sections of Drummurr Lane. The site has a flat topography and is bounded on the south and west sides by established hedging. There are two other dwellings along this row on the same side of the road and a dwelling across the road. There is a lot of development pressure from the construction of single dwellings along this road and adjoining roads so I am of the opinion a modest sized dwelling on this site would not be a prominent feature in the landscape.

I am content the site has established boundaries and the boundary to the north is undefined as the site is a cut-out of a larger field. However this site is a portion of a larger field and lacks natural enclosure as the roadside hedging is the only boundary which would enclose the site and it would need to be removed to provide visibility splays.

The dwellings along this row are single storey so I consider a single storey dwelling would be appropriate at the site.

CTY 14 – Rural Character

As stated earlier in the assessment I am content the proposal will not be a prominent feature in the landscape. There is already a lot of development in this area so I consider another dwelling will not exacerbate the situation and create a suburban style build-up of development. As this is an outline application any details about the design would be considered at the reserved matters stage. As the site is at the end of an existing row the proposal would add to a ribbon of development which is detrimental to rural character.

PPS 3 – Access, Movement and Parking

I consulted DFI Roads as a new access is proposed. In their consultation response, they stated they had no objections subject to conditions and informatives.

Other Considerations

I checked the statutory map viewers and I am satisfied there are no other ecological, historical or flooding issues at the site.

The site is within the buffer zone for abandoned mines so I consulted Geological Survey who confirmed the site is greater than 1000m from the nearest mine.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as it does not meet the criteria in CTY1, CTY 8 And CTY 14 in PPS 21.

Reasons for Refusal:

1. Contrary to Policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development is essential and cannot be located within a settlement.
2. Contrary to CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development.
3. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 – Sustainable Development in the Countryside in that site has a limited degree of enclosure.
4. Contrary to CTY 14 – Rural Character in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development which is detrimental to rural character.

Signature(s)

Date:

Report on	An application which has been made to the Department to vary conditions 7 and 12 of original permission LA03/2017/0301/F in relation to sand extraction from Lough Neagh.
Date of Meeting	2 Aug 2022
Reporting Officer	Melvin Bowman
Contact Officer	Dr Chris Boomer.

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To inform and seek members agreement to issue a Council consultation response to the Department on an application received by it to vary 2 conditions attached to the original permission granted under LA03/2017/0310/F for sand extraction from Lough Neagh. A copy of the original decision notice is attached to this report.
2.0	Background
2.1	<p>Mid-Ulster District Council have been consulted on the 13 June 2022 by DFI on application LA02/2021/0940/F which relates to the following:</p> <p>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.</p> <p>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.</p>
2.2	Specifically the application seeks to remove condition 7 of the original permission which restricts the operations to the hours of daylight during winter months. In addition, it seeks to amend condition 12 which relates to restriction on the size of barges used for the sand extraction process.
2.3	The reasons given on the original approval for both of these 2 conditions is to ensure extraction is limited to the approved areas, and controlled, in the interests of the protection of designated sites.

3.0	Main Report
3.1	<p>Whilst it is noted that the specific reasons on the decision notice for both conditions 7 and 12 relate to the need to control extraction and protect designated sites, in reading all the conditions attached to the original sand extraction permission, it is clear that other conditions ultimately control the total amount of sand extraction that can take place from the lough.</p>
3.2	<p>It is of course also important however that all other potential impacts of amending condition 7 are assessed and as such I consulted our Environmental Health Department for their view on whether amending this condition could impact on residential amenity for those who live on the lough shore / dock areas. They have responding presenting no objections given that the Noise Impact Assessment which accompanies the application demonstrates that the removal of this condition will not impact on residential amenity. I note that the DFI have sought the views of NIEA on any natural heritage impacts associated with this variation and would trust that their comments will be carefully considered in any decision reached by the Department. As such I would suggest to members that in respect of condition 7 which seeks to removal of daylight only operating hours that the Council offer no objections.</p>
3.3	<p>In relation to the variation of Condition 12 which states: <i>‘Only barges of the dimensions specified in Table 2.1 of the Environmental Statement shall be permitted to extract mineral from the permitted areas. Any Barge to be replaced shall be of no greater dimensions than that which it replaces: Reason: To ensure extraction is controlled in the interests of protection of the designated sites.</i></p> <p>I do not foresee any obvious implications relating to the amount of extraction which is still conditioned by the original permission given that Conditions 8 to 10 of that permission provide the means by which the total amount of sand which can be taken from the approved extraction areas is ultimately controlled (1.5 million tonnes in any calendar year) and a requirement to cease extraction once this 1.5m Tonnes is extracted.</p>
3.4	<p>The use of larger barges, which may give rise to other concerns such as natural heritage or neighbouring amenity, remains a matter for NIEA and EHD to provide comment on. I note that DFI have sought these views. Our own Environmental Health Department have assessed the submitted noise report which accompanies this application and have indicated that, whilst they offer no objections to the variation of this condition, that any new barges or replacement barges have a sound power limit of 105 db (A) and that this is included within any variation of this condition. I note that other neighbouring Councils have offered no objections to the application.</p>

4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human:N.A
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	<p>That members agree to issue the following consultation response to DFI:</p> <p>Mid-Ulster District Council have no objections to this application subject to the Department ensuring all appropriate assessments of any impacts on the natural environment / designated sites is carried out and that in varying Condition 12 that any new barge or replacement barge shall have a sound power limit of 105 db (A) secured by any varied condition.</p>
6.0	Documents Attached & References
6.1	Appendix 1 - Copy of LA03/2017/0310/F Permission.

APPROVAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA03/2017/0310/F**

Date of Application: **16th March 2017**

Site of Proposed
Development:

**Lough Neagh
within the Mid Ulster District Council
Antrim and Newtownabbey Borough Council
Armagh Banbridge and Craigavon Borough Council and
Lisburn and Castlereagh Council Areas**

Description of 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.**

Applicant: **Lough Neagh Sand Traders Ltd**
Address: **C/O Carson McDowell LLP
Murray House
4 Murray Street
Belfast
BT1 6DN**

Agent: **Quarryplan Ltd**
Address: **6 Saintfield Road
Crossgar
Downpatrick
BT30 9HY**

Drawing Ref: **01**

The Department for Infrastructure in pursuance of its powers under the above-mentioned Act
hereby

GRANTS PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to
compliance with the following conditions which are imposed for the reasons stated:



1. Extraction of sand and gravel shall cease by 10 May 2032.

Reason: To limit the duration of the development in the interests of protection of the designated sites.

2. Extraction of sand and gravel shall be limited to the two shaded areas edged in black and hatched orange identified in the Legend as Proposed Extraction/Dredging Area ('the permitted areas') as indicated on stamped approved Drawing 01 received on 15 May 2017.

Reason: To ensure extraction is controlled in the interests of protection of the designated sites.

3. Extraction shall only be permitted to the extent that any sand and gravel extracted from the permitted areas is landed at any of the 8 landing sites assessed in the Environmental Statement (April 2017) and which are subject to the Agreement dated 6 January 2021 made under Section 76 of Planning (Northern Ireland) Act 2011 in connection with this planning permission.

Reason: To ensure land based operations are controlled in the interests of protection of the designated sites and to correspond with the assessed environmental effects.

4. Extraction operations shall be monitored through the use of an Electronic Monitoring System (EMS). Other than when the barge is moored at the quay, all dredging related activities (including pumping, priming and other operations of the boom/winch/pump mechanisms) must be carried out only within the permitted areas.

Reason: To ensure extraction is controlled in the interests of protection of the designated sites.

5. Details of the Electronic Monitoring System (EMS) including the time period for implementation shall be submitted to the Department within 28 days of the date of this permission for approval in writing. The EMS should be fully implemented within the timeframe agreed. All extraction shall cease within 1 day of the date for submission if the EMS details are not submitted or within 1 day of the agreed implementation date if not fully implemented by the agreed date. The EMS shall include details of:

- the equipment proposed to be used;
- the method of recording data;
- the method of reporting operations; and
- identification of operations taking place outside the permitted areas.

The current EMS shall remain in operation until the agreed implementation date. If within 3 months of the date of the decision, an implementation date has not been agreed, all extraction activity shall cease.

Reason: To ensure that the proposed development is appropriately monitored in the interests of protection of the designated sites.



6. The applicant shall, upon receipt of a written request from the Department make available within 7 days any reports generated from the EMS system in condition 5, for any period.

Reason: To ensure extraction is limited to the approved area in the interests of protection of the designated sites.

7. Between 1 October and 31 March barges shall not leave dock earlier than sunrise or return later than sunset. (Sunrise and sunset are defined as the time stated by HM Nautical Almanac Office for the City of Belfast).

Reason: To avoid disturbance of the site selection features of the designated sites.

8. Extraction of sand and gravel shall be limited to a maximum of 1.5 million tonnes per calendar year. The Department shall be provided with a written report by 31 January of the following year, which shall detail the tonnage extracted in the previous calendar year. Details of the structure of the report shall be submitted to the Department within 28 days of the date of this permission for approval in writing. All extraction shall cease within 1 day of the date for submission if the written report is not submitted within the stated timescales.

Reason: To ensure the volume of extraction is limited in the interests of protection of the designated sites.

9. The Department shall be notified in writing within 14 days when total extraction has reached 1.3 million tonnes in each calendar year.

Reason: To ensure the volume of extraction is monitored in the interests of protection of the designated sites.

10. All extraction shall cease when total extraction has reached 1.5 million tonnes in any calendar year. The Department shall be notified in writing within 7 days of having reached the 1.5 million tonne limit.

Reason: To ensure the volume of extraction is limited in the interests of protection of the designated sites.

11. No more than 15 barges shall operate to extract mineral within the permitted areas at any time.

Reason: To ensure extraction is controlled in the interests of protection of the designated sites.

12. Only barges of the dimensions specified in Table 2.1 of Chapter 2, Volume 2 of the Environmental Statement (April 2017) shall be permitted to extract mineral from the permitted areas. Any barge to be replaced shall be of no greater dimensions than that which it replaces.

Reason: To ensure extraction is controlled in the interests of protection of the designated sites.



13. The barges, as detailed in Condition 12, shall not operate after 3pm on Saturdays, all day Sundays or on any Bank Holiday.

Reason: In the interests of residential amenity.

14. An Emergency Response Plan (ERP) for all offshore activities shall be submitted to the Department within 28 days of the date of this permission for approval in writing. The ERP shall be fully implemented within an agreed period. All extraction shall cease within 1 day of the date for submission if the ERP details are not submitted or within 1 day of the agreed implementation date if not fully implemented by the agreed date. The agreed ERP must be available for inspection at all times on each vessel.

Reason: To ensure protection of the designated sites

15. Within 28 days of this permission the developer shall submit to the Department in writing an archaeological programme which shall be in accordance with the British Marine Aggregate Producers Association (BMAPA) Protocol for Reporting finds of Archaeological interest (BMAPA and English Heritage 2005) provided at Appendix IV of Appendix 11.1 of the Environmental Statement submitted on 10 May 2017. The agreed programme shall be implemented and operated for the duration of the development hereby permitted.

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

16. Access shall be afforded to the site and barges at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition or agreement, is completed in accordance with the approved programme.

17. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 15. These measures shall be implemented and a final archaeological report shall be submitted to the Department within 12 months of the completion of archaeological site works.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

Informatives

1. A Section 76 Planning Agreement under the Planning (Northern Ireland) Act 2011 has been made to ensure that from the Commencement of Development the applicants shall adhere to a number of commitments at the 8 landing sites. A copy of the Section 76 Planning Agreement has been registered as a statutory charge and is available through Land and Property Services.

2. This permission is limited by the terms of the conditions, and Conditions 1, 2 and 3 in particular, to ensure that it corresponds to the development for which permission was sought and to ensure that what is permitted corresponds with the effects that have been assessed



both as part of the EIA and HRA processes and considered in the decision to grant planning permission. Extraction of sand and gravel in the permitted areas is only allowed in association with the 8 landing sites subject to consideration in the planning process and as regulated by the terms of this permission and the Section 76 Agreement. Any extraction taking place outside the permitted areas, and not landed on one of those landing sites, will be development without planning permission and constitute a breach of planning control.

3. Bats and Otters

The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- Deliberately to capture, injure or kill a wild animal of a European protected species, which includes the otter (*Lutra lutra*) and all species of bat;
- Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- Deliberately to disturb such an animal in such a way as to be likely to;
- affect the local distribution or abundance of the species to which it belongs;
- Impair its ability to survive, breed or reproduce, or rear or care for its young; or
- Impair its ability to hibernate or migrate;
- Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat and/or otter activity on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605

4. BADGER

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*).
- damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

When a licence may be required:

Any works within 25 metres of a badger sett will require a wildlife licence to be obtained from NIEA. Licence applications should be made to the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605



5. Birds

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1 March and 31 August.

6. SMOOTH NEWT

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the smooth or common newt (*Lissotriton vulgaris*, formerly *Triturus vulgaris*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which newts use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a newt while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of newts on the site, all works must cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

7. The applicant should be aware of Section 47 of the Fisheries Act (NI) 1966, which covers their responsibilities relating to Penalties for pollution and the consequences of causing or permitting the release of any deleterious materials into any waters. It is an offence under Section 47 of this Act to cause pollution which is subsequently shown to have a deleterious effect on fish stocks.

8. It is advisable that all waste water generated on vessels is stored on board and only discharged at the relevant processing wharves into suitable treatment or storage facilities, prior to off-site removal by an appropriately licensed waste carrier.

9. It is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and/or three months imprisonment.



10. The applicant is advised that under Article 11 of the Roads (NI) Order 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road as a result of extraordinary traffic generated by the proposed development. The applicant should contact DfI Roads local Section offices in order that an agreement may be reached regarding maintenance costs and incurred expenses in consequence of any damage caused to the public road.

11. For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, please contact Historical Environment Division (HED) (Ref: SM11/1 Lough Neagh Dredging).

Application for an excavation licence, required under the Historic Monuments and Archaeological Objects (NI) Order 1995, should be submitted to HED.

12. When making this decision the Department has taken into consideration environmental information within the terms of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.

13. Reference to the "Environmental Statement" relates to the Environmental Statement which was submitted with the application (ES April 2017) and additional information received by the Department on 14 November 2017.

Dated: 6th January 2021

Authorised Officer



Report on	DFIs consultation with MUDC regarding their notice of intention dated 31st May 2022 to award two Mineral Prospecting licences to Karelian Diamond Resources Limited
Date of Meeting	2 Aug 2022
Reporting Officer	Melvin Bowman
Contact Officer	Dr Chris Boomer.

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	The purpose of this report is to provide members with information regarding the Department for the Economy's consultation regarding their notice of intention dated 31 st May 2022 to award two Mineral Prospecting licences to Karelian Diamond Resources Limited and advise of our response.
2.0	Background
2.1	<p>The application sites are located within Counties Tyrone and Fermanagh. A map showing the areas covered by the proposed licences is attached in Annex B.</p> <p>The proposed Work Programmes in the current applications indicate that the exploration targets are base metals and diamonds. Mineral Prospecting licences are normally granted for a period of 6 years. Licensees are required to carry out an agreed scheme of prospecting and to report the results of their Work Programmes to the Department on an annual basis or more frequently.</p> <p>The two licences are known as KDRA2/22 and KDRA3/22.</p>
2.2	<p>The Public Notice advising that the Department intends to grant the two Mineral Prospecting licences appeared in the first publication of the following newspapers in weeks commencing 06th June 2022 and 13th June 2022;</p> <ul style="list-style-type: none"> • The Belfast Gazette • Tyrone Courier • Mid Ulster Mail • Tyrone Constitution • Dungannon Herald • Ulster Herald • Fermanagh Herald • Impartial Reporter

	A copy of the Public Notice has been attached at Appendix C.
2.3	Council's response must be issued to DFE before 28th August 2022.
3.0	Main Report
3.1	Members should be aware that there is a strong likelihood that these prospecting licenses will be granted by the Department but that this does not confer any kind of planning permission for mineral extraction. Having said that, the Council would express concern at the lack of direct involvement with the local community in relation to the statutory process for granting these licenses.
3.2	Whilst the prospecting licenses relate only to investigations by Karelian, they do not represent any permission for development or extraction and therefore, the Council has limited planning grounds in which to object. However, members should be aware that on 26th October 2017, a meeting of Council devolved authority to Planning Committee to respond in relation to the matter of earlier prospecting licenses. It was resolved that we should respond not solely on the grounds of planning concerns but that our response should also reflect and be inclusive of the views of other stakeholders such as the local community.
3.3	In addition, during a meeting of Planning Committee of Mid Ulster District Council held on 1st March 2022 it was agreed that the Council has concerns at issuing licenses prior to the outcome of public inquiry into Dalradian and feels that until the results of the public enquiry have been heard it is not sensible to keep issuing mineral exploration licenses.
3.4	<p>Mid Ulster Local Development Plan 2030 – Draft Plan Strategy</p> <p>It is important to draw attention to Policy MIN3 within our Mid Ulster Local Development Plan 2030 – Draft Plan Strategy, which states that a precautionary approach will be adopted in relation to applications to extract valuable minerals and hydrocarbons. The policy also goes on to state that the use of chemicals or unconventional hydrocarbon extraction will not be permitted until there is sufficient evidence on all environmental impacts.</p>
3.5	Some of the main reasons for opposition relates to environmental damage including impact on visual amenity, loss of peatland, impact on wildlife as well as traffic concerns. There also would be concerns regarding impact on public health and the negative impact that the proposal would have on tourism in the wider Sperrins region.

3.6	<p>Members should be aware that the Council has previously adopted the following position in relation to similar exploration licenses and that we would again endorse this position;</p> <p><i>The Council objects to the proposed Mineral prospecting licenses and also opposes the issue of all mineral prospecting licenses across the District. The reason for the Councils opposition is that they offer no benefit to the local community and the issue of prospecting can cause division in communities and conflict among neighbours.</i></p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human:N.A
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	<p>We remain of the opinion that the Department should not grant approval for either Mineral Prospecting Licence Applications KDRA2/22 or kdra3/22 and would suggest that a representation be submitted to the Department on behalf of the Council on, or before 28th August 2022. Members are referred to the attached draft response in Appendix A.</p> <p>This representation should clearly reaffirm the Councils precautionary approach in relation to applications to extract valuable minerals and hydrocarbons.</p>
6.0	Documents Attached & References
6.1	<p>Appendix A – Letter to DfE forming the Councils response to the public consultation</p> <p>Appendix B - Map showing the areas covered by KDRA2/22 and KDRA3/22</p> <p>Appendix C – A copy of the public notice issued by DfE</p>

Appendix A

Letter to DfE forming Councils response to the public consultation



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster District Council
Planning Department
Local Development Plan Team
50 Ballyronan Road
Magherafelt
BT45 6EN
Tel – 03000 132 132
Email –

developmentplan@midulstercouncil.org

Mark Wilson
Minerals and Petroleum Branch
Room 9
Dundonald House
Upper Newtownards Road
Belfast
BT4 3SB

August 2022

Dear Mr Wilson

THE MINERAL DEVELOPMENT ACT (NORTHERN IRELAND) 1969 NOTICE OF INTENTION TO AWARD TWO MINERAL PROSPECTING LICENCES TO KARELIAN DIAMOND RESOURCES LIMITED

APPLICATION REFERENCES: KDRA2/22 and KDRA3/22

Thank you for your letter dated 31st May 2022, advising Mid Ulster District Council of the Departments intention to grant the above mentioned prospect licenses.

Whilst the Council note that the Department intends to grant these licenses, we would request that the contents of this representation, which is sent with the agreement of our elected members is given full consideration.

Whilst the prospecting licenses relate only to investigations by Karelian Diamond Resources Limited, they do not represent any permission for development or extraction and therefore, the Council has limited planning grounds on which to object. However, on 26th October 2017, a meeting of Council devolved authority to Planning Committee to respond in relation to the matter of earlier prospecting licenses. It was resolved that we should respond not solely on the grounds of planning concerns but that our response should also reflect and be inclusive of the views of other stakeholders such as the local community.

We would ask the Department to recognise the heightened levels of fear and concern felt within local communities in this area over the issues surrounding this type of mining and the activities of mining companies. We feel that community

involvement in every aspect of the statutory process involving the exploration of valuable minerals is something that should not be overlooked.

Mid Ulster District Council has adopted a previous position in relation to similar exploration licenses and it is expressed below;

The Council objects to the proposed Mineral Prospecting license and also opposes the issue of all mineral prospecting licenses across the District. The reason for the Councils opposition is that it offees no benefit to the local community and the issue of prospecting can cause division in communities and conflict among neighbours.

The elected members of the Planning Committee have expressed concern at the proliferation of these prospecting licenses. They are also concerned at accounts that following the grant of licenses at other locations, activity has extended beyond that permitted by these licenses and indeed, materials have been said to have been removed from the ground at other locations – activity that clearly goes beyond the remit of prospecting.

The members are concerned that the ‘cart is being put before the horse’ with the continued granting of these licenses and are of the opinion that until a definitive outcome is achieved from the upcoming public enquiry into the proposed goldmining operation near Greencastle, that no further licenses should be granted at this stage.

If the Department proceeds with their intention to grant these licenses then the Councils position is that Karelian should engage in more extensive community involvement such as mandatory notification being served on landowners prior to entering their land as well as prior notification being provided of overhead surveillance which can be intrusive and intimidating for local communities involved.

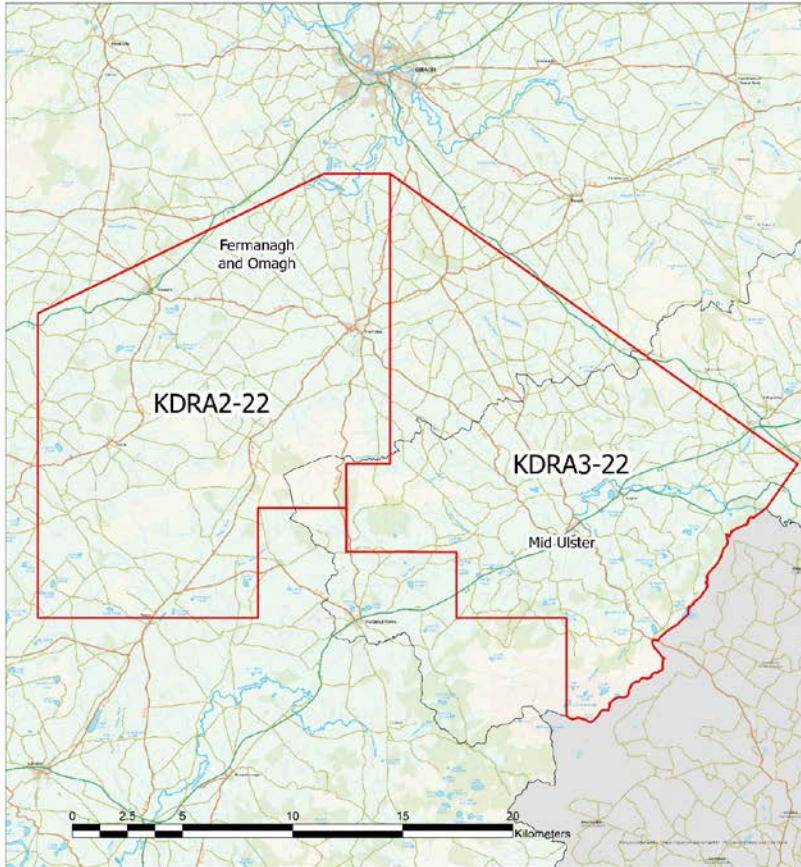
Yours Sincerely,

Dr. Chris Boomer

Service Director - Planning

APPENDIX B

Map showing the areas covered by KDRA2/22 & KDRA3/22



Karelian Diamond Resources
2022 Mineral Licence Application Areas



APPENDIX C

A copy of the Public Notice



Department for the
Economy
www.economy-ni.gov.uk

Mineral Development Act (NI) 1969

In exercise of its powers under Section 11 of the above Act, the Department for the Economy (the Department) proposes to grant two Mineral Prospecting Licences in Counties Tyrone and Fermanagh.

Details of the applications, including a map showing the areas covered by the proposed licences is available at: <https://www.economy-ni.gov.uk/consultations> by following the link to Mineral Prospecting Licences KDRA2/22 and KDRA3/22.

This information may also be inspected in hard copy at an office in the locality. This will be done by appointment only and anyone wishing to avail of this facility should contact the Department on 028 9052 9377 to arrange.

Any person may make representations to the Department about the proposed licences, this should be done on or before 28 August 2022, either by email to MPLconsultation@economy-ni.gov.uk or by letter to the Department for the Economy, Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB, please note that email correspondence is preferred.

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 July 2022 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present	Councillor Mallaghan, Chair
	Councillors Bell*, Black*, Clarke*, Colvin*, Corry, Cuthbertson, Glasgow, Martin*, McFlynn, McKinney, D McPeake, S McPeake, Quinn* and Robinson
Officers in Attendance	Dr Boomer, Service Director of Planning Mr Bowman, Head of Strategic Planning Ms Doyle, Head of Local Planning Mr Marrion, Senior Planning Officer Ms Scott, Council Solicitor Ms McNamee, ICT Support** Mrs Forde, Member Support Officer Mr Stewart, Enforcement Officer Mr McClean, Enforcement Officer
Others in Attendance	LA09/2020/0557/F Les Ross LA09/2020/0557/F Dr Louise O’Kane LA09/2020/0729/F Chris Cassidy LA09/2020/0729/F Sharon Trainor LA09/2020/0729/F Councillor M Quinn LA09/2021/0634/F Paul Heron OJQ Architecture LA09/2021/1098/F Chris Cassidy LA09/2021/1618/F Hayley Dallas LA09/2021/1618/F Dr Louise O’Kane LA09/2021/1801/O Councillor Anne Forde LA09/2022/0062/O Chris Cassidy

* Denotes members and members of the public present in remote attendance

** Denotes Officers present by remote means

*** Denotes others present by remote means

The meeting commenced at 7.00 pm

P086/22 Notice of Recording

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council’s You Tube site.

P087/22 Apologies

None

P088/22 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

Councillor Clarke declared an interest in agenda item 6 - L09/2021/0134CA – Unauthorised use of land as a fun farm with associated sale of food and drink. Unauthorised hardcored area used for the parking and movement of vehicles in association with the unauthorised use. At land approximately 250m North East of 260 Drum Road, Cookstown, Co. Tyrone.

Councillor S McPeake declared an interest in agenda item 5.10 - LA09/2021/1098/F Change of house type from previously approved red: H/2005/0910/F & A/1062/PAC, & garage with alterations to previously approved access & laneway at approx. 180m SE of 28 Broagh Road, Knockloughrim, for Rory McPeake

P089/22 Chair's Business

The SD: Planning advised that the new planning system was now operational and also highlighted that it offered a property certificate service. He highlighted that the project had been completed within both budget and timescale a remarkable achievement given that the Department for Infrastructure to date had not went live with their portal.

The SD: Planning advised that applications had been delayed but the planning team were now beginning to process new applications and as with any new system there would be issues during the induction period.

The SD: Planning advised that the letter as per agreed at committee in June had been issued to the public accounts committee. He also provided an update on appeal cases and also advised on updates received in relation to occupancy conditions in relation to planning applications.

The Chair referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting –

Agenda Item 5.5 - LA09/2021/0268/F - Proposed replacement of existing turbine approved under I/2014/0394/F with an EWT DW54 250KW turbine comprising of a 50m hub height and blade span of 27m (overall tip height of 77m). Approximately 210m South East of 40 Gortagammon Road Cookstown for Arena Capital

Agenda Item 5.8 - LA09/2021/0860/O - Dwelling and garage at site adjacent to 27 Waterfoot Road, Ballymaguigan for Mr Jim O'Neill

Agenda Item 5.11 - LA09/2021/1149/F - New access at 11a Strawmore Lane, Doon, Draperstown for E Kelly Esq.

Agenda Item 5.12 - LA09/2021/1284/F - Dwelling at rear of 123 Creagh Road, Newbridge, Magherafelt for Ms Emma Gribbin

Agenda Item 5.15 - LA09/2021/1408/F - Retrospective application for erected farm building and cattle crush at lands opposite 63 Oldtown Road, Bellaghy for Mr Pascal Diamond

Agenda Item 5.18 - LA09/2021/1657/F - General purpose storage unit and associated works in association with an established business at 25m NE of 9 Farlough Road, Dungannon for Terramac Fabrication Ltd

Agenda Item 5.20 - LA09/2021/1678/F - Two storey dwelling and attached garage at S of 179 Coash Road, Killyman, Dungannon for Mr Stephen McAliskey

Agenda Item 5.21 - LA09/2021/1757/O - Dwelling & garage on a farm at 25m NW of 155 Gulladuff Road, Bellaghy for Mr Silias Overend

Agenda Item 5.24 - LA09/2022/0097/O - Site for a dwelling and domestic garage at site 50m S of 105 Culnady Road, Maghera for Mr Thomas Patterson

Agenda Item 5.26 - LA09/2022/0186/O - Dwelling & garage at 25m SW of 12a Gortnahurk Road, Draperstown for Ms Marie Scullin

Agenda Item 5.27 - LA09/2022/0381/F - Double infill for dwellings and garages at 170m SW of 219 Dungannon Road, Cabragh for Mr Brendan Goan

The SD: Planning also recommended a deferral for agenda item 5.17 - LA09/2021/1618/F Storage shed, yard repositioning of existing saw and associated ancillary works adjacent to 51 Knockanroe Road, Cookstown, for Reid Engineering Ltd - advising that given a proposal had been received regarding possible conditions for which environmental health would have to be consulted it was recommended to defer.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That aforementioned applications be deferred.

Matters for Decision

P090/22 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

Declaration of Interest

Councillors present declared an interest in planning application LA09/2018/1384/F.

LA09/2018/1384/F Demolition of Existing Building to Erect 7 Based Primary School (Single Unit), Nursery (Single Unit) and Playground. The Access Road is Existing to the Site and will form part of another Planning Application submitted by Mid Ulster Council, Site fronts onto Gortgonis Road adjacent to Sports Field on Existing Community Centre Site Gortgonis, Coalisland for Gaelscoil Uni Neill

Members considered previously circulated report on planning application LA09/2018/1384/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Corry and

Resolved That planning application LA09/2018/1384/F be approved subject to conditions as per the officer's report.

LA09/2020/0557/F Retention of filtration unit for a plasma cutter including its proposed enclosure at 51 and 55 Knockanroe Road, Cookstown, for Reid Engineering Ltd

Members considered previously circulated report on planning application LA09/2020/0557/F which had a recommendation for approval.

Mr Marrion drew attention to detail in the addendum outlining reasonable conditions to be included in the recommendation.

The Chair advised that a request to speak had been received by two different parties, one in support and one against the application.

The Chair advised that Dr Louise O'Kane was in attendance to speak against the application and invited her to address the committee.

Dr O'Kane stated that as the condition submitted as aforementioned had been included she was content but sought clarity regarding the enclosure to be accepted.

The Chair advised that Les Ross was in attendance to speak in favour of the application and invited him to address the committee.

Mr Ross advised that they would agree the conditions as outlined by Mr Marrion.

Councillor McFlynn sought clarity as to how Council would ensure the conditions were put in place.

In response the SD: Planning advised that Council would investigate if complaints were received.

Proposed by Councillor McKinney
Seconded by Councillor Cuthbertson and

Resolved That planning application LA09/2020/0557/F be approved subject to conditions as per the officer's report and addendum.

Declaration of Interest

Councillor Quinn declared an interest in application LA09/2020/0729/F given that he had received approaches regarding it.

LA09/2020/0729/F 5 detached dwellings and garages (inclusion of footpath along public road), at 40m W of 16 Annaghmore Road, Coalisland, for Mr Conor Tennyson

Members considered previously circulated report on planning application LA09/2020/0729/F which had a recommendation for approval. Mr Marrion drew attention to the addendum advising that objections had been received regarding road safety aspects but these had been addressed. He also highlighted the footpath added on request by the Department for Infrastructure who would adopt it but advised they would not adopt the road as was the stance if there was less than five dwellings.

The Chair advised that a request to speak had been received by 2 different parties, one in support and one against the application.

Councillor Quinn stated that he had been approached regarding the application and that some residents were unhappy and proposed that a site meeting may resolve difficulties.

The Chair advised that Mr Chris Cassidy was in attendance to speak in favour of the application and invited him to address the committee.

Mr Cassidy said he had worked closely with the planners and had considered concerns raised by objectors. He said the boundary of the site would be planted out, the dwellings would be in character with others in the area, spoke of the separation distance together with the communal and private amenities at each dwelling. He advised that DfI had been consulted that the grass verge and path were acceptable and urged Members to accept the report.

In response to the SD: Planning query Mr Marrion advised that DfI had now agreed the roads proposals. The SD: Planning said he was unsure as to what would be achieved by accommodating a meeting.

Councillor Colvin expressed concern in relation to DfI not adopting the road and gave examples of works such as a housing development in Cookstown was emphatic that agreement should be filtered in that roads be finished to acceptable standard. He also highlighted that people have to bring their bins to the edge of the road way if areas are not adopted.

The SD: Planning said he understood Councillor Colvin's concerns but there was only 5 dwellings and the criteria was six or more for adoption. Mr Marrion confirmed

that there was conditions regarding the maintenance of open spaces but no conditions were added to the road way.

The SD: Planning said that the management plan could be amended to agree open space and maintenance of roadway as although not common practise it was reasonable.

Councillor McFlynn stated that there appeared to be animosity between developer and residents and as had happened in the past she would propose to defer for one month to allow discussion to convene. In response the SD: Planning said he would be reluctant to be a medium between both parties as ultimately all blame the council and reiterated the suggestion of further condition.

Councillor Clarke stated that even the best of roads do not last a lifetime and highlighted Curran Terrace in Dungannon which the Council although not its remit had to bring to an acceptable standard.

Proposed by Councillor Quinn
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0729/F be deferred for office meeting.

LA09/2020/1235/F Double site for dwellings and garages at 31m SE of 11 Magheracastle Loanin Brockagh Coalisland, for John Hagan

Members considered previously circulated report on planning application LA09/2020/1235/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/1235/F be approved subject to conditions as per the officer's report.

LA09/2021/0268/F Replacement of existing turbine (approved I/2014/0394/F) with an EWT DW54 250KW turbine with 40m hub height and blade span of 27m (overall tip height of 67m). (amended description), at approx 210m SE of 40 Gortagammon Road, Cookstown, for Arena Capital Partners

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/0634/F Sand and gravel washing unit, associated fixed plant and new filtration/settlement pond, within existing sand and gravel washing quarry at 320m N of 17 Brackaghlistlea Road, Draperstown, for Mclvor Sand & Gravel

Members considered previously circulated report on planning application LA09/2021/0634/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/202/0634/F be approved subject to conditions as per the officer's report.

LA09/2021/0818/F Replacement of previously approved detached dwelling to with a pair of semi-detached dwellings at site at 29 Tullybrae Manor, Caledon Road, Aughnacloy, for S & J Developments

Members considered previously circulated report on planning application LA09/2021/0818/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor McKinney and

Resolved That planning application LA09/202/0818/F be approved subject to conditions as per the officer's report.

LA09/2021/0860/O Dwelling and garage at site adjacent to 27 Waterfoot Road, Ballymaguigan, for Jim O'Neill

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/0907/F Residential development of 6 detached dwellings, garages and associated works at land adjacent to & to the rear of 24 Mullan Road, Ballinderry, Coagh for Mr George Buick

Members considered previously circulated report on planning application LA09/2021/0907/F which had a recommendation for approval.

Proposed by Councillor Glasgow
Seconded by Councillor McFlynn and

Resolved That planning application LA09/202/0907/F be approved subject to conditions as per the officer's report.

LA09/2021/1098/F Change of house type from previously approved red: H/2005/0910/F & A/1062/PAC, & garage with alterations to previously approved access & laneway at approx. 180m SE of 28 Broagh Road, Knockloughrim, for Rory McPeake

Members considered previously circulated report on planning application LA09/2021/1098/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/202/1098/F be approved subject to conditions as per the officer's report.

LA09/2021/1149/F New Access at 11a Strawmore Lane, Doon, Drapestown for E Kelly Esq.

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1284/F Dwelling at Rear of 123 Creagh Road, Newbridge, Magherafelt for Emma Gribbin

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1352/RM Dwelling and Garage at 60m W of 28 Dirnan Road, Cookstown for Greg Donaghy

Members considered previously circulated report on planning application LA09/2021/1352/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/202/1352/F be approved subject to conditions as per the officer's report.

LA09/2021/1372/F Retention of lean-to shed to the high bay area to facilitate kit assembly & retention of extension to the docking area at 7 Corchoney Road, Cookstown for Meteor Electrical

Members considered previously circulated report on planning application LA09/2021/1372/F which had a recommendation for approval.

Proposed by Councillor Glasgow
Seconded by Councillor McFlynn and

Resolved That planning application LA09/202/1372/F be approved subject to conditions as per the officer's report.

LA09/2021/1408/F Retrospective application for erected farm building and cattle crush at lands opposite 63 Oldtown Road, Bellaghy for Mr Pascal Diamond

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1519/F Extension to existing campervan park to provide 6 shepherds huts styled sleeping accommodation with carparking using existing approved access onto Garvagh Road at lands 60m N of 10 Kilrea Road, Swatragh, for Friel's Bar and Restaurant

Members considered previously circulated report on planning application LA09/2021/1519/F which had a recommendation for approval.

The SD: Planning advised that water service were increasing objecting to applications. In this case they asked for an odour impact assessment but given the sewage works was on the opposite side of the village and it was a minor expansion to the facilities, in his view this was unreasonable. He highlighted that that increasingly planning was having to broker a way forward on Water matters.

Proposed by Councillor S McPeake
Seconded by Councillor Corry and

Resolved That planning application LA09/2021/1519/F be approved subject to conditions as per the officer's report.

LA09/2021/1618/F Storage shed, yard repositioning of existing saw and associated ancillary works adjacent to 51 Knockanroe Road, Cookstown, for Reid Engineering Ltd

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1657/F General purpose storage unit & associated works in association with an established business at 25m NE of 9 Farlough Road Dungannon, for Terramac Fabrication Ltd

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1672/F Change of house type and relocation of dwelling and domestic garage (approved M/2013/0414/F) at approx. 100m N of 34 Ferry Road, Coalisland, for Mr Patrick and Mrs Lisa Trainor

Mr Marrion (SPO) presented a report on planning application LA09/2021/1672/F advising that it was recommended for refusal.

Councillor S McPeake proposed that as this was the only refusal which had not been deferred it should be deferred for an office meeting to ensure applicant had opportunity for office meeting.

Proposed by Councillor S McPeake
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/1672/F be deferred for office meeting

LA09/2021/1678/F Two storey dwelling and attached garage at S of 179 Coash Road, Killyman, Dungannon, for Stephen Mc Aliskey

Agreed that application be deferred for an office meeting earlier in meeting.

LA092021/1757/O Dwelling & garage on a farm at 25m NW of 155 Gulladuff Road, Bellaghy for Mr Silis Overend

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1780/O Domestic dwelling and garage in a farm at 30m N of 2 Gortinure Road, Maghera, for Mary Louise Jackson

Members considered previously circulated report on planning application LA09/2021/1780/O which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Corry and

Resolved That planning application LA09/2021/1780/O be approved subject to conditions as per the officer's report.

LA09/2021/1801/O Dwelling and garage on a farm at 140m SW of 8 Lurganagoose Road, Knockloughrim, Magherafelt for Mr N McLean

Members considered previously circulated report on planning application LA09/2021/1801/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2021/1801/O be approved subject to conditions as per the officer's report.

LA09/2022/0097/O Site for a dwelling and domestic garage at site 50m S of 105 Culnady Road, Maghera for Mr Thomas Patterson

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0144/F Dwelling on approved site (LA09/2016/0999/O) at approx 80m SW of 39 Mountjoy Road Dungannon, for Killen Developments

Members considered previously circulated report on planning application LA09/2022/0144/F which had a recommendation for approval.

Proposed by Councillor Corry
Seconded by Councillor McKinney and

Resolved That planning application LA09/2022/0144/F be approved subject to conditions as per the officer's report.

LA09/2022/0186/O Dwelling & garage at 25m SW of 12a Gortnahurk Road, Draperstown for Marie Scullin

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0381/F Double infill for dwellings and garages at 170m SW of 219 Dungannon Road, Cabragh for Brendan Goan

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0545/F Single Storey rear extension to dwelling 21 Ballynacross Road, Knockloughrim, for Carol Garland

Members considered previously circulated report on planning application LA09/2022/0545/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2022/0545/F be approved subject to conditions as per the officer's report.

Receive Deferred Applications

LA09/2020/1570/O Site for dwelling and garage, 20m SW of 128 Lisaclare Road, Lisaclare, Dungannon for Joe Quinn

Members considered previously circulated report on planning application LA09/2020/1570/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/1570/O be approved subject to conditions as per the officer's report.

LA09/2021/1228/O Site for new dwelling on a farm, to rear of 45 Kinturk Road, Coagh, Cookstown for Mr Brian O'Hara

Members considered previously circulated report on planning application LA09/2021/1228/O which had a recommendation for approval.

Proposed by Councillor Corry
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/1228/O be approved subject to conditions as per the officer's report.

LA09/2022/0062/O Infill dwelling and domestic garage at site W of 35 Drummurrer Lane, Coalisland for Mr Michael Corr

Mr Marrion (SPO) presented a report on planning application LA09/2022/0062/O advising that it was recommended for refusal. He requested that Members note the detail within the addendum stating that there is no gap and drawing attention to the map said the visual break should be protected.

The Chair advised that a request to speak in favour of the application had been received and invited Mr Chris Cassidy to address the committee.

Mr Cassidy stated that the application sits on a corner with a shared boundary. He advised that the site was acceptable in relation to roads, that the site had frontage and made reference to two houses one numbered 33. He said the site had similar frontage to that of nearby flats and requested that Members reconsider.

Councillor McFlynn said it was difficult to visualize from the map and proposed that Members participate in a site visit.

Councillor S McPeake seconded the proposal for a site visit saying there was a number of buildings which adds to the complexities of the application.

The Chair, Councillor Mallaghan concurred.

Councillor Quinn said that he was familiar with the site and expressed concerns regarding entrance and traffic exiting.

The SD: Planning sought clarity as to what Dfl had requested. In response Mr Marrion clarified that the requirement of site lines.

In response to Councillor McKinney's query the SD: Planning said that Dfl would not request what could not be achieved.

Councillor Cuthbertson left the meeting at 7.45 pm

Proposed by Councillor McFlynn
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2022/0062/0 be deferred to site meeting.

P091/22 Receive Review of Scheme of Delegation

The SD: Planning presented previously circulated report to consider a revised Scheme of Delegation for Planning functions, before it goes on to Policy and Recourses and Full Council for agreement.

Councillor S McPeake stated that the scheme of delegation had been discussed at workshop and he would be happy to propose.

Councillor Glasgow stated why change what was working.

Proposed by Councillor S McPeake
Seconded by Councillor Glasgow and

Resolved To approve that the revised scheme be forwarded to P&R Committee, full Council and the Department for decision.

Matters for Information

P092/22 Minutes of Planning Committee held on Tuesday 7 June 2022

Members noted minutes of Planning Committee held on Tuesday 7 June 2022.

Live broadcast ended at 7.51 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Robinson
Seconded by Councillor Clarke and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to

withdraw from the meeting whilst Members consider items P093/22 to P095/22.

Matters for Decision

P093/22 Receive Report on Local Development Plan
P094/22 Receive Enforcement Report

Matter for Information

P095/22 Minutes of Planning Committee Confidential Minutes of
Meeting held on Tuesday 7 June 2022

P085/22 Duration of Meeting

The meeting was called for 7 pm and concluded at 8.31 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Magherafelt and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.

- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 5 July 2022

Additional information has been received on the following items since the agenda was issued.

Chairs Business –

- Letter to Public Accounts Committee and report
- PAC decisions and reports for 2021/E0016 for Barry O'Neill and 2020/E0035 for James Murphy

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.2	Additional comments from J Reid	Members to note and discuss
5.3	Additional comment received from S Trainor	Members to note
5.17	Additional comments from J Reid	Members to note and discuss
6.3	The roads are all Drummurrer Lane, not Annaghnaboe Road as referred to in the report.	Members to note

Closed Business –

