

A



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: H/2013/0114/F	Target Date:
Proposal: Erection of 250kw wind turbine at hub height of 31m (Submission of Noise Impact Assessment)	Location: 150m North West of 14 Curragh Road Maghera
Referral Route: This application is being presented to Committee as there have been three objections received in respect of the proposal and the development is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Ivor Hyndman 14 Curragh Road Maghera BT46 5ER	Agent Name and Address: Evergreen Biogas 40 Greenville Road Ardstraw Newtownstewart BT78 4LU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

All consultees responded positively with the exception of Environmental Health who requested a shadow flicker report which has not been provided.

Representations:

Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of issues raised by objector

Three representations have received from the one household and related to the following issues:-

- Distance from the objectors dwelling is 204m but should not be less than 10x the rotor diameter;
- Health concerns relating to shadow flicker, strobing and flashing lights;
- The visual impact.
- Wind turbine noise syndrome;

- The scale of the site location map and the site plan are questioned as both are indicated as being at 1:2500 scale.
- The neighbour notification process is questioned.
- A section of the length of the access laneway does not exist.
- A second turbine already exists further away from the objectors dwelling than the proposed turbine leaving the objectors dwelling between two turbines if the proposed turbine is approved.

Detail of the proposal:

The proposal is for the erection of a single 250Kw wind turbine with a height of 31.0m to the centre of the hub and a 30.0m rotor diameter, giving an overall height of 46.0m from the ground to the top of the rotor tip.

Site and Environs:

The site is set within a large flat field and is set to the rear of a working farmyard. The access is through the farm yard. The field is bounded by hedges ranging in height from 20.m upwards. The rear boundary of the objector's property is defined by a hedge which has been allowed to grow to a height higher than the windows in the rear of the dwelling, thereby limiting views of the turbine.

Planning Assessment of Policy and Other Material Considerations

Relevant Site Histories:

There is no previous planning approval on this site.

Consideration of Issues raised by objector

- The 10x rotor diameter relates to the distance from wind farms and not single turbines.
- Environmental Health were consulted and have not raised any issues relating to the proposed turbine having a detrimental impact on human health. The objectors dwelling lies 150° to the east of due north of the proposed turbine and therefore cannot be affected by shadow flicker. If the turbine is approved it would be normal to have an infrared light on top which is constantly light and not flashing as referred to.
- While the proposed turbine would be located NNW of the objectors property, it is noted that the rear of their dwelling faces WNW. Therefore the proposed turbine would be viewed at an angle of 45° from the rear façade of the objectors dwelling. Given that there are no windows in the north eastern gable of the objectors dwelling, in my opinion that the proposed turbine would only be visible from an oblique angle from within the objectors dwelling. Therefore, I do not agree that the proposed turbine would have a detrimental visual impact on the occupants of that dwelling. However, the turbine is located some 200m directly in the line of vision of No.18 Curragh Road and if erected would result in visual intrusion and over dominance for future occupants of this dwelling. No objections have been received in relation to this property although they would not have been neighbour notified. There would also be an element of visual intrusion from the rear of No.16A, however, this would be from the rear and at an angle.
- As advised above, Environmental Health have not raised any issues relating to human health. Issues relating to the objectors own personal health have been discussed with the Planning Manager and have been considered but as advised above, Environmental Health have not raised any issues relating to human health.
- The agent has been requested to provide amended block plans at a scale of no less than 1:500. Although the scale shown on the block plan is indeed incorrect, this is not a reason for refusal nor is does it prejudice the application in any way as dimensions can be taken off the location map which is at the correct scale of 1:2500.

- As there are no neighbours adjacent to the site none were notified. The planning application was advertised in the normal manner on 4th April 2014 in line with the statutory obligation.
- It is noted that a section of the laneway does not exist at present, however, as the access is proposed through the applicant's farmyard and adjacent fields, this is not a reason for refusal.
- It is not accepted that the objectors' property would be located between two turbines as the existing turbine is sited in excess of 450m to the south west while the proposed turbine is to be located 220m to the north east. Although the objector may be able to view both turbines from their property, their dwelling is not located anywhere close between the two sites.

The visual impact of the turbine has been considered from all the local vantage points and in doing so, it is my opinion that the turbine, while by its very nature will be highly visible, it benefits from good boundary vegetation and will be visually linked with the applicants existing farm buildings which will therefore lessens the visual impact. While there is no doubt that the proposed turbine will be viewed in the same plane as the existing turbine, they will be sufficiently well spaced so as not to create a detrimental cumulative impact.

Development Plan and Key Policy Consideration:

The site is located within an area of unzoned land in the rural area and is not within any Area of Outstanding Natural Beauty.

Other Policy and Material Considerations

The main policy considerations in the assessment of this proposal are as follows:-

- Strategic Planning Policy for Northern Ireland (SPPS)
- Regional Development Strategy – RG5, RG9
- Planning Policy Statement 2 – Planning & Nature Conservation
- Planning Policy Statement 3 (Revised) – Access, Movement & Parking
- Planning Policy Statement 18 - Renewable Energy
- PPS 18 Best Practice Guidance
- Planning Policy Statement 21 – Sustainable Development in the Countryside in relation to ancillary buildings & structures elsewhere in the countryside.
- Magherafelt Area Plan 2015
- DCAN 15 Vehicular Access Standards
- Wind Energy Development in Northern Ireland's Landscapes- supplementary Planning Guidance to accompany PPS18 'Renewable Energy' – Aug 2010.

Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council'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 as these policies are cancelled by the introduction of the SPPS.

The aim of the SPPS in relation to renewable energy is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy without compromising other environmental assets of acknowledged importance.

In decision-taking, the planning authority must carefully consider all development proposals for renewable energy development, including proposals which include micro-generation, and

passive building design measures. Consideration of all renewable energy proposals will take account of their contribution to the wider environmental benefits arising from a clean, secure energy supply; reductions in greenhouse gases and other polluting emissions; and contributions towards meeting Northern Ireland's target for use of renewable energy sources.

The factors to be considered on a case by case basis will depend on the scale of the development and its local context. In addition to those factors set out at paragraph 6.228 proposals will also be assessed in accordance with normal planning criteria, including such considerations as: access arrangements, road safety, good design, noise and shadow flicker; separation distance; cumulative impact; communications interference; and the inter-relationship between these considerations.

The proposal is for a single 250Kw wind turbine with a height of 31.0 to the centre of the hub and a 30.0m rotor diameter, giving an overall height of 46.0m from the ground to the top of the rotor tip. From guidance provided in PPS 18 Best Practice Guidance I estimate that a turbine with a capacity of 250Kw has the capability to provide electricity for approximately 160 homes. PPS 18 is supportive of projects for generating renewable energy and its aim is to facilitate the siting of renewable energy generating facilities in appropriate locations. An objective is to ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed. Policy RE1 of PPS18 states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted. It adds that development that generates energy from renewable resources will be permitted provided that the proposals will not result in an unacceptable adverse impact on :-

- (a) public safety, human health, or residential amenity;
- (b) visual amenity and landscape character;
- (c) biodiversity, nature conservation or built heritage interests;
- (d) local natural resources, such as air quality or water quality; and
- (e) public access to the countryside.

The site is not located within an Area of Outstanding Natural Beauty. The site is located in an area of improved grass land. Assessment of the visual impact of wind energy development is not restricted to designated landscapes. Policy RE1 states that the supplementary planning guidance "Wind Energy Development in Northern Ireland's Landscape's" will be taken into account in assessing all wind turbine proposals. Each landscape has a different capacity for accommodating wind energy development. The supplementary guidance places the site within the Moyola Floodplain (LCA), which is identified as No.50.

By their very nature, wind turbines are likely to be visible in the landscape. However, there are some situations where such a proposal would not result in an adverse impact on visual amenity and landscape character. The aforementioned supplementary planning guidance (SPG) identifies LCA 50 as having a high to medium overall sensitivity to wind turbine development. The location, siting, layout and design considerations advises that the north-eastern parts of this LCA may be better able to accommodate wind energy development than other areas. It recommends that any turbine development should reflect the small scale of landform features and sensitivity of church tower landmarks. Particular care should be taken to avoid adverse impacts on the setting of, or approaches to, the Sperrins. Prominent hilltops, the setting of existing built landmarks and natural heritage interests should be respected.

There will be transient views of the proposed turbine when travelling along the Curragh Road, in either a northerly or southerly direction. There will also be views of the turbine when travelling along the Gulladuff Road or the Tamnymartin Road, and also along the Drumuck Road. There is limited potential for cumulative impact of this turbine with other existing, approved and proposed turbines with the nearest turbine being 460m to the south west. However, on viewing these from

the aforementioned critical viewpoints, it is my opinion that the proposed turbine will be sufficiently well spaced from the existing turbine so as not to cause a detrimental cumulative impact. The proposed turbine will be visually linked to the applicants existing farm complex to the south east.

Assessment of the first part of policy

(a) Due to the scale, location and distance of this turbine from the nearest dwelling and public road, I do not anticipate any negative impact due to noise. Magherafelt District Council – Environmental Health Department, with reference to the submitted noise assessment which considered the objectors' and other local properties, advised noise levels were acceptable and provided suggested conditions.

(b) As the supplementary planning guidance is not intended to be prescriptive, an assessment must be made of the proposal's likely impact on visual amenity and local character. The site is located on an undulating landscape but given the topography of the land, the turbine will be visible with the turbine already erected under H/2011/0533/F. The turbine which is proposed to have a hub height of 31.0m would be most visible from the Curragh Road and the Tamnymartin Road when travelling north or south and also from the Gulladuff Road and Drummuck Road when travelling east or west. From these viewpoints a turbine would not be visually dominant in the rural landscape.

(c) The site is located on agricultural land and is not in the proximity of any archaeological monument.

(d) The proposal will not have an adverse impact on air or water quality.

(e) The proposal will not impact on public access to the countryside.

(f) the objector raised the issue of shadow flicker. As advised by environmental Health, a shadow flicker report would be necessary to provide confidence that the proposed turbine would not adversely affect residential amenity. Such a report was requested on at least three occasions but has not been provided. Therefore, the issue remains and in my opinion it cannot be stated that the proposed turbine will not adversely affect residential amenity.

(g) The objector has raised the visual impact of the turbine from their property. However, it is noted that the turbine is sited at an angle in excess of 45° to the rear of the objectors' property and whilst it is acknowledged that it will be visible from the objectors' dwelling, it is not in their direct line of view and cannot be regarded as having a detrimental impact on residential or visual amenity.

Assessment of the second part of the policy:-

(i) Also addressed under point (b) above. The proposal will go towards meeting Government targets and EU directives with regard to renewable energy production targets. Given this commitment by Government, it is important for society at large to accept wind turbines as a feature of many areas of the Region for the foreseeable future. This medium size commercial wind turbine will be visible from the Curragh Road, Gulladuff Road, Tamnymartin Road and the Drummuck Road. Due to the winding road network and existing mature roadside hedging, there will be filtered views of this proposal in the landscape.

(ii) A turbine has been erected in the region of 460m to the south-west of the proposed site and at present is the only turbine which is visible with the proposal. There is therefore limited potential for a cumulative impact with the existing turbine. It is therefore the considered opinion that the proposal will not have an unacceptable cumulative impact.

(iii) The proposal is to be located on relatively solid ground and as the site is relatively flat, therefore there is no risk of landslide or bog burst.

(iv) the proposal does not appear to be close to communications installations; radar or air traffic control systems, emergency services communications, or other telecommunication systems and will not have detrimental impact on them.

(v) the proposal is located 180m back from the public road. PPS 18 considers that for small individual turbines e.g. on a farm enterprise, the fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. In this case that

equates to $46.0\text{m} + 4.60 = 50.60\text{m}$. There are no sensitive receptors within the relevant fall distance. The proposal is not close to any railways or airports and will not have detrimental impact on them.

(vi) Addressed under point (a) above.

(vii) If approved, a condition can be attached requiring the removal of the turbine and to restore the land to its original state within 12 months of the cessation of electricity production from the turbine.

Consultee responses

Magherafelt District Councils Environmental Health Department advised that a noise assessment was required. Following the submission of the noise impact assessment, EHD advise that they have no further concerns in that regard. A shadow flicker report was also requested but to date this has not been provided despite being formally requested. As this information has not been provided to date, the issue of shadow flicker has not been satisfactorily dealt with and therefore the proposal is unacceptable as it stands.

OFCOM advised that there is the possibility of two fixed links being affected. The operators of these links were consulted and BT subsequently advised that they have no issues with the proposal. Everything Everywhere still have not responded.

No other consultees has any issues with the proposed development.

No other consultees has any issues with the proposed development.

As required by the SPPS, I have taken into account the wider environmental, economic and social benefits of the proposal. In this evidential context, appropriate weight has been given to these material considerations as they are considered to outweigh the adverse impact on the area's visual amenity and landscape character. However, due to the failure to provide the necessary information in connection with the shadow flicker issue, the proposal remains unacceptable and should therefore be refused. Accordingly I recommend that the proposal should be refused for the reason stated below:

Neighbour Notification Checked

No

Summary of Recommendation:

Insufficient information provided to allow a full assessment of the potential for the proposed turbine to cause a nuisance by way of shadow flicker.

Refusal Reason:

1. As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal, in respect of shadow flicker.

Signature(s)

Date:

ANNEX	
Date Valid	21st March 2013
Date First Advertised	4th April 2013
Date Last Advertised	
Details of Neighbour Notification (all addresses) Sam Hyndman 12 Curragh Road Curragh Maghera and Mr S Hyndman	
Date of Last Neighbour Notification	
Date of EIA Determination	18th april 2013
ES Requested	No
Planning History Ref ID: H/2013/0114/F Proposal: Erection of 250kw wind turbine at hub height of 31m Address: 150m North West of 14 Curragh Road, Maghera, Decision: Decision Date:	
Summary of Consultee Responses All consultees responded positively with the exception of Environmental Health who requested a shadow flicker report which has not been provided.	

Drawing Numbers and Title
Drawing No. DOC 01/3 Type: Further Particulars Status: Submitted
Drawing No. DOC 01 Type: Further Particulars Status: Submitted
Drawing No. 02 Type: Block/Site Survey Plans Status: Submitted
Drawing No. 01 Type: Site Location Plan Status: Submitted
Drawing No. 03 Type: Existing and Proposed Elevations 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: 4 th April 2017	Item Number:
Application ID: I/2014/0074/F	Target Date:
Proposal: Proposed alteration of existing access and laneway	Location: To the rear of 51 Knockanroe Road Stewartstown Dungannon BT71 5LX
Referral Route: Objections received to application.	
Recommendation: APPROVAL	
Applicant Name and Address: Reid Engineering Ltd 55 Knockinroe Road Stewartstown Dungannon BT71 5LX	Agent Name and Address: Ross Planning 9a Clare Lane, Cookstown, Co Tyrone BT80 8RJ
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	TNI	No objections subject to conditions
Non Statutory	EHO	Initial concerns related to the larger scheme with spray shed. Noise limits and mitigation measures proposed in related application I/2014/0246
Non Statutory	Historic Buildings	Interim comments relating to setting of gate lodge

Representations:	
Letters of Support	181
Letters of Objection	26
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 <p>The site is located approximately 5km south east of Cookstown town centre close to the small settlement of Ardtrea.</p> <p>On site is an established Reid engineering works, which appears to be primarily involved in the construction of structural steel frames. There are two buildings already built on site. One building is an office building that sits at the entrance to the business and overlooks the yard area. The other is the main engineering building, subject to a decision to retain it as built under a related application I/2014/0246/F. Storage of steel is currently provided within the yard.</p> <p>The access point and laneway into the yard area subject of this application is already in place. There are 2 other existing access points to the yard area.</p>	
Description of Proposal <p>Proposed alteration of existing access and laneway</p>	
Planning Assessment of Policy and Other Material Considerations <p>The key planning issues are as stated below and the following policies / advice have been included in this assessment:</p> <p>Shaping Our Future: Regional Development Strategy for Northern Ireland.</p> <p>Cookstown Area Plan 2010 – The site is located within the open countryside outside of a defined settlement limit.</p> <p>SPPS</p> <p>PPS 1 – General Principles</p> <p>PPS 3 – Access, Moving and Parking</p> <p>PPS 4 – Planning and Economic Development</p> <p>PPS 6.</p> <p>PPS 21 – Sustainable Development in the Countryside.</p> <p>CTY 1: Development in the Countryside</p> <p>CTY 13: Integration and Design of Buildings in the Countryside</p> <p>CTY 14: Rural Character</p> <p>DCAN 15 - Vehicular Access Standards.</p>	

The use on site has been established. Previous planning history of site is as follows:

I/2010/0091/LDE – storage and fabrication of structural steel and associated items. CLUD issued 7th April 2010.

I/2010/0253/F – proposed extension and alterations to existing engineering workshop / store and ancillary accommodation. Approved 29th November 2010.

I/2013/0110/F – proposed retention of offices for engineering works, Approved 5th July 2013.

I/2014/0246/F – application to retain the existing as built shed (recommended for approval)

LA09/2016/1015/F – Masterplan scheme to redevelop site and construct additional sheds (undetermined)

Given the planning histories on this site the principle of the engineering works has been accepted by the Council.

This application has been significantly amended having started out proposing a spray shed and repositioning of existing access. The spray shed element has been removed from the application leaving just a decision to make on the amended new access point to the site. The intention of Reid engineering is to approve accessibility for HGVs which it is proposed will use only this new access point if approved.

The SPPS at Par. 6.297 amongst other regional aims has an objective to promote road safety. Par. 6.303 advises that in assessing development proposals planning authorities must apply the Department's published guidance. Planning authorities should require the developer to submit a Transport Assessment. Such an assessment has been submitted to support this application.

Whilst the application is now only for the revised access point, Policy PED 3 of Planning Policy Statement 4 (Expansion of an Established Economic Development Use in the Countryside) is a relevant consideration.

Policy PED 3 states that:

The expansion of an established economic development use in the countryside will be permitted 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 the enterprise.

Permitting vehicular traffic associated with the established business to use this access does to an extent allow this access itself to become the defined extent of the site area. That said the access lane follows the boundary of an adjacent dwelling, (a notable visual improvement over the original arrangement which proposed an extremely exaggerated sweeping access) it itself being located between the access laneway and the yard, thus reducing the visual impact of the area into which the access lane permits deliveries etc.

Policy CTY 14 of PPS21 deals with ancillary works associated with built development and how these can damage rural character. It is accepted that new accesses are often a visible feature of new buildings in the countryside and on occasion can be more obtrusive than the building itself. Access arrangements can often raise awareness of and draw attention to new development and when read in conjunction with other existing or approved accesses can have a combined impact damaging to the rural character of the area.

This proposal as part of the related 0246 application proposes to close the unauthorised middle access to the site and in addition to limit the upper access point to non HGV traffic. In addition plans show that the present access to an adjoining dwelling at No 51 is to be re-configured to

share access with the proposed laneway representing a further reduction in the number of access points at this stretch of Knockanroe Road. There are significant benefits for road safety and the convenience of road users by restricting this access point to HGV traffic taking these large vehicles away from a below standard and otherwise narrow access adjacent to No 55 which is also shared by neighbouring residents leading to conflict in the past with entering and exiting movements from here.

The provision of a new access and laneway can have the potential to impact on the existing rural character and also on residential amenity of adjoining properties. In considering the approach to the site, and notwithstanding the requirement by TNI to provide splays of 4.5 m x 70m in both directions, it my view that the visual impact of the access arrangements are localised and relatively short given also the changes in topography as one travels along the public road.

TNI in their last response are content with splays shown on plans of 4.5m x 70m in both directions. In accepting this standard it is admitted that this also accepts a reduction of 9m over an x distance which should be 79m. This follows a site survey carried out by TNI between the 28/1/16 and 03/02/16.

Whilst this proposed access is in itself not economic development, given the access is to serve an established rural business, Policy PED 9 of PPS4 can be given some consideration I feel.

In this context a proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

- (a) it is compatible with surrounding land uses;
- (b) it does not harm the amenities of nearby residents;
- (c) it does not adversely affect features of the natural or built heritage;
- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
- (e) it does not create a noise nuisance;
- (f) it is capable of dealing 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;
- (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- (l) is designed to deter crime and promote personal safety; and
- (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

In the overall broad context I have recognised that this alternative access will lead to the safer movement of large HGV and other commercial traffic by requiring such vehicles to enter the premises only by this access point. I see the access as compatible with surrounding land uses on the basis that it is to serve an established business, while being mindful that the business is surrounded by private dwellings. Proposed soft landscaping is noted and can be secured by Condition which will help to assist integration into the landscape.

I note that Historic Buildings Unit had shown some concern in relation to the potential impacts of the access on the opposite listed gate lodge which presently appears to be in a poor state of repair. Their concerns in relation to earlier plans raised concerns about the number of existing

access points onto Knockanroe Road and how a one –way system would be desirable to reduce the scale of the proposed access on the gate lodge.

The latest site plan and access arrangements, whilst locating the access point to a location to the NE of the gate lodge, does offer the ability for the access to be provided with significantly less soil grading of that area between the new hedge line and splay than the original proposal. If a one-way system could not be provided (which it hasn't been) HBU appear to have been concerned primarily with the extent of any such grading works which would have required retaining walls. I note that drawing No 02/4 details sections which do not indicate any such requirements.

Proposed native species hedging can be secured to the rear of splays by a condition and the splays can be grassed. It is not foreseen that security fencing or any other means of enclosure are required nor are they proposed on plans. This was a further concern of HBU.

All in all the net result is that this proposal, when considered with application 0246 for the retention of the shed will see a reduction from the existing arrangement of 4 access points onto the public road to 2. The approval of this access will see the removal of the existing access which exits the site almost directly opposite the gate lodge, I see this as a further benefit which will lessen to potential for the proposed access arrangements to impact in a detrimental way on the listed gate lodge.

Objections

There have been a significant number of objections received in relation to this proposal. For the purposes of this report and the application as amended only for access I have limited by summary of these objections to those concerns raised on road safety / traffic movements and amenity.

Issues raised include:

- Means of access proposed to engineering works is contested.
- Roads/pedestrian safety concerns. Rural road network incapable of accommodating increased traffic levels.
- . Sprawling development / piecemeal development
- Detrimental to visual amenity. Loss of rural character.
- The development would result in loss of privacy due to traffic.
- Unauthorised change of use of land to commercial/industrial.
- proposal is contrary to Policy CTY13 /SPPS in terms of visual integration / impact on rural character
- applicant has insufficient control of adjoining lands for access improvements

Consideration of issues:

- TNI has been consulted with regard the proposed works and in their response dated 8th July 2016 have no objections subject to conditions.
- I have addressed the visual impact and degree to which the site is perceived to be extended as a result of this application as not being detrimental to the extent that permission should be refused. Additional soft landscaping is proposed and the existing additional access to No 51 is also removed away from Knockanroe Road onto the access lane.
- Loss of privacy concerns have to be considered in this case to relate to that part of the

access lane which enters the site to the rear of No 51 and proceeds to towards No 57. The proposed 3m high acoustic barrier proposed along this boundary and along the boundary with No 53 will significantly reduce this impact and lessen any related vehicular noise.

- this permission will not granted permission for anything other than a means of access.
- the application certificate has been amended to serve appropriate notice on adjoining landowners. Negative conditions are to be included to require visibility splays within a reasonable period of time.

Letters of support.

These are in the form of numerous copies of the same letter and are written in relation to not just this application but others currently in the planning system for Reid Engineering.

These state that Reid Engineering is an important local business which has operated from the site from the 1980's. It has sustained employment for many local people both directly and through sub-contracts. The letters go on to state that the business makes a significant contribution to the local economy and immediate rural community. It is stated that that over the years the business has had to adapt to meet health and safety demands and customer needs which has required additional indoor space for the survival of the business. The letters conclude by stating that the application will not significantly change the character of the business activities on the site or the established rural character of the area and that planning policy supports the maintenance and expansion of established economic development uses in the countryside.

The number and wide ranging various locational sources of these letters in doubt questions the weight that can be afforded to these letters. However members can of course consider the economic arguments which are presented in support of the application.

Neighbour Notification Checked

Yes

Summary of Recommendation: on balance in considered the ability of this amended access arrangement to facilitate the safer movement of HGVs entering and existing this established business approval is recommended subject to the below conditions.

Conditions.

1. The vehicular access, including visibility splays of 4.5m x 70m in both directions, shall be in place in accordance with Drawing 02/4 bearing the date stamp 18/05/2016, within 60 days from the date of this permission and this access point will remain the sole access point for all HGVs and goods deliveries to Reid Engineering.

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

2. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced 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.

3. No other development hereby permitted shall be commenced until the road widening as indicated on Drawing No02/4 bearing the date stamp 18/05/2016 have been fully completed in accordance with the approved plans.

REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.

4. Any gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

REASON: To ensure waiting vehicles do not encroach onto the carriageway.

5. The existing field gate shall be permanently closed up and repositioned at the 30m chainage mark as indicated on drawing No. 02/4 dated 18/05/2016 prior to the lawful commencement of use of the access hereby approved.

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

6. Only native species hedging shall be planted to the rear of proposed visibility splays and such planting shall take place during the first available planting season following the grant of this permission. All other planting to the edge of the access lane shall also take place during the same planting season and consist only of native species.

Reason: In the interests of visual amenity and to accord with the setting of the listed gate lodge opposite.

Signature(s)

Date:

ANNEX	
Date Valid	7th March 2014
Date First Advertised	19th March 2014
Date Last Advertised	18th May 2015
Details of Neighbour Notification (all addresses) S Henry 1 1A Ardculmer Road Coolkeeghan Alex Cooper 1 Hammond Mews,Money more Vivienne McCracken 1 Killycolp Close Loughry Cookstown Owner Occupier 1 Liscoole,Lissan Road,Cookstown,Co. Tyrone Gerard Taylor 1 Millbank,Drummullan,Money more Winston Harkness 1 Mountview Court Money more Londonderry Felma Blair 10 Cahoo Lane Cahoo Tullyhogue Hugh Wilson 10 Woodvale Road Ballymulligan Money more Garrett Laverty 101 Tamlaghtmore Road Killymenagh Stewartstown Gladys Patterson 103 Stewart Avenue Gortalowry Cookstown Kyle McCammon 104 Old Coagh Road Drumcraw Cookstown Role Formed Fabrications LTD 108 - 114 Money more Road,Magherfelt,BT45 6HJ Henry - Windell 108 - 114 Money more Road,Magherfelt,BT45 6HJ Joe Wilson 10A Woodvale Road Ballymulligan Money more The Owner/Occupier, 11 Killycolp Road Killycolp Tullyhogue The Owner/Occupier, 11 Lawford Street Money more Londonderry Owner Occupier 11 Lisbou road,Stewartstown,Dungannon,Co Tyrone Victor Bell 11A Carrydarragh Road Carrydarragh Money more Adrian Bell 11B Carrydarragh Road Carrydarragh Money more H Colgan 11B Desertlyn Road Ballymully Money more	

Elaine Reid
11C Desertlyn Road,Money more,BT45 7TY
Darrell Reid
11C Desertlyn Road,Money more,BT45 7TY
David Foster
12 Aghaveagh Road Kilsally Coagh
Robert McKinless
12 Milbank,Drummullan,Money more
Kathleen McKinless
12 Millbank,Drummullan,Money more,Co Tyrone
Melvin Lawson
12 Pinewood,Richill
Leslie Morton
12 Springvale Feenan Beg Money more
F Whinnery
13 Moorville Lisnahall Cookstown
David Simpson
14 Desertlyn Road Ballymully Money more
Noel Rafferty
14 Millbank Cottages Drummullan Money more
Eugene O'Neill
140 Killycolpy Road Aghacolumb Stewartstown
Robert Coloin
14A Hammond Street,Money more,Co Derry,BT45 7PS
Rhonda Simpson
15 Desertlyn Road Ballymully Money more
Carol Anderson
15 Knockanroe Road Tullyconnell Dungannon
Gordon Bruce
15 Littlebridge Road,Coagh
Gordon Bruce
15 Littlebridge Road,Coagh,Cookstown,Co. Tyrone
Audrey Kirkpatrick
15 Moorville Lisnahall Cookstown
George Neill
154 Dungannon Road Derrykeevan Portadown
Paul & Laura McAleece
16 Ballymoyle Road Ballymoyle Coagh
Emma McCrea
165 Coagh Road Drumbanaway Stewartstown
Mervyn Brodison
17 Agharan Road Stughan Dungannon
M McIvor
17 Cloneen Drive Money more Londonderry
Anne Bell
17 Ivybank Road Carrydarragh Money more
Linda Sands
17 Moorville Lisnahall Cookstown
Francis Foster
17 Tullyveagh Road Doorless Dungannon

Marina Abbott
17 Tullywiggan Cottages Tullywiggan Cookstown
Alan McCord
18 Moveagh Road Gortacar (Doris) Cookstown
Eamonn Moore
18 Westbury Gardens Gortalowry Cookstown
Mark Bell
19 Carrydarragh Road Ballymully Money more
Alan Hall
19 Drummullan Road Drummullan Money more
S Whyte
19 Grange Road Ardcumber Cookstown
Graeme Dallas
1A Drumad Lane Drumconvis Coagh
W J McKenzie
1B Hammond Street Money more Londonderry
Norman Brodison
2 Agharan Road Drumreagh Otr Dungannon
Christopher Rocks
2 Ardean Close Ardean Ardboe
Maurice Bell
2 Carrydarragh Road Magherascullion Money more
Sylvia Stewart
2 Dufless Road Dufless Cookstown
S D Clarke
2 Gortagilly Road Gortagilly Money more
Neville Forsythe
2 High Street, Money more, Co Londonderry
Lawson Creighton
2 Killycolp Road Gallanagh Tullyhogue
J Lawrence
2 Lawford Street Money more Londonderry
Wilkinson
2 Tullyveagh Road Drummond Dungannon
Meredith Kirkpatrick
20 Ballymaguire Road, Stewartstown, Co Tyrone
Harold Donnelly
20 Derrygonigan Road Killybearn Cookstown
Sydney Creighton
20 Drummond Road Ardvarnish Cookstown
The Owner/Occupier,
20 Dufless Road Dufless Cookstown
J McClenaghan
20 Knockanroe Road Knockanroe Dungannon
Elaine w
21 Bridger Street Money more Londonderry
Linda Ferguson
21 Carryview Urban Coagh
Thomas McWilliams
21 RockView Park, Money more, Co Londonderry

Maurice Murphy
21B Leck Road,Money more
Neal Whyte
22 Carryview Urbal Coagh
H Farr
23 Ballymaguire Road Liscausy Stewartstown
Adam Knox
23 Loup Road Doluskey Money more
Rhonda Henderson
23 Millrace Drive Money more Londonderry
Derek Brodise
23 Newmills Road Drumard Dungannon
Dolores McWilliams
23 Rock View,Money more,Co Londonderry
Ivan Stewart
24 Knockanroe Road Knockanroe Dungannon
Alan McCord
24 Rockdale Road Killyneedan Cookstown
Ivan Elliott
24 Sessiagh Road Ballymully Glebe Tullyhogue
The Owner/Occupier,
25 Ballinderry Bridge Road Coagh Londonderry
Newell
25 Ballymaguire Road Liscausy Stewartstown
Michael Wray
25 Deerfin Road Crebilly Ballymena
Colleen Lennox
25 Desertmartin Road Larrycormick Money more
Andy Mullan
25 Grange Road Ardcumber Cookstown
Lynne Morton
25 Lisboy Road Lisboy Cookstown
David Cahoon
25 Northland Drive Money more Londonderry
Geoffrey Jackson
26 Knockanroe Road Knockanroe Dungannon
Raymond Hewitt
26 Main Street Tullaghoge Tullyhogue
Richard Boyd
26 Turnabasan Road,Pomeroy,Dungannon
Chris Stewart
26 Windmill Heights Gortmerron Dungannon
G Reid
27 Ballymaguire Road Liscausy Stewartstown
Gavin Donaldson
27 Cloghog Road,Cookstown,Co. Tyrone
The Owner/Occupier,
27 Knockanroe Road Knockanroe Dungannon
Ivan Wright
27 Lisnahall Road Lisnahall Cookstown

June McGurk
27 Rock Park,Money more,Co Londonderry
J Newell
27 Tullywiggan Cottages Tullywiggan Cookstown
David Nelson
28 Drumconuis Road,Coagh,Co. Tyrone
Anne Nelson
28 Drumconvis Road Drumconvis Coagh
Trevor Nelson
28 Drumnomin e,Coagh,Co Tyrone
Valerie Murphy
28B Leck Road,Stewartstown,Dungannon,Co Tyrone,BT71 5LS
K Murphy
28B Leck Road,Stewartstown,Dungannon,Co Tyrone,BT71 5LS
Ian Ferguson
29 Ballyblagh Road,Stewartstown,Co. Tyrone
Chris McCloskey
29 Bridger Street Money more Londonderry
Joesph Graham
29 Garvaghy Crescent,Portglenone,Co Antrim
Joesph Graham
29 Garvaghy Crescent,Portglenone,Co Antrim
Silas Bell
290A Drum Road Drumshanbo Glebe Cookstown
Liam Muldoon
3 Drummullan,Money more,Co Derry
The Owner/Occupier,
3 Fortview,Portglenone
Ian Forsythe
3 Maghadone Road Ballygruby Money more
Brian Forsythe
3 Mahadone Road,Money more,Magherfelt,BT45 7SU
Derek A McCulla
3 Poplar Hill Road Grange Cookstown
Denver Willis
3 Tullyreavy Road,Pomeroy,Dungannon,Co Tyrone
Stephen Hunter
30 Drumrot Road Coltrim Money more
Valerie Stewart
30 Knockanroe Road Dufless Dungannon
Robert Henry
30 Montober road,Cookstown,Co Tyrone
Bryan Hewitt
31 Legmurn Road,Stewartstown,Co. Tyrone
Brian Brodison
31 Mineveigh Road Drumey Dungannon
Georgia Boyd
31 Windsor Terrace Coagh Tyrone
Garry Dallas
32 Aghaveagh Road Aghaveagh Coagh

Ferguson
 32 Ballyblagh Road Ballyblagh Stewartstown
 Owner Occupier
 33 Ballymaguire Road Liscausy Stewartstown
 J P H Bruce
 33 Lindesayville Road Donaghrisk Tullyhogue
 Jim Henry
 33 Lough Fea Road Tatnagilta Cookstown
 G Scott
 33 Lower Grange Road Grange Cookstown
 Caude Gillis
 33 Tullyveagh Road Dufless Dungannon
 J Blair
 34 Ballymaguire Road, Stewartstown, Co. Tyrone
 Grace McVitty
 34 Leck Road Cratley Stewartstown
 David Ferguson Cars
 35 Ballyblagh Road Ballyblagh Stewartstown
 Owner / Occupier
 35 Lower Grange Road Grange Cookstown
 Robert Ferguson
 35 Windsor Terrace Coagh Tyrone
 Francis Brodison
 36 Agharan Road Woodhill Dungannon
 Leslie McGuckin
 36 Ruskey Road, Coagh, Cookstown
 Alan Wilkinson
 37 Sessiagh Road Tullyconnell Tullyhogue
 Dorothy Bell
 38 Northland Road Moneymore Londonderry
 Norman Dallas
 39A Tamlaghtmore Road, Stewartstown, Co Tyrone, BT71 5NZ
 The Owner/Occupier,
 4 Ballynargan Road Mullaghtironey Coagh
 Thomas Stewart
 4 Dufless Road Dufless Cookstown
 J Brown
 4 Lower Grange Road Drummond Cookstown
 Arthur Rafferty
 4 Millbank, Drummullan
 Annie Rafferty
 4 Millbank, Drummullan, Moneymore, Co Londonderry
 C Nelyon
 4 Moorville Lisnahall Cookstown
 Zachary Wilson
 4 Old Millgrange, Portstewart. BT55 7GD
 Dermot Collon
 40 Littlebridge Road Drummullan Coagh
 Lisa Reid
 41 Knockanroe Road Glebe (Artrea) Dungannon

Joe Murphy
41 Littlebridge Road, Moneymore
Edward Harkness
41 Lough Fea Road Tatnagilta Cookstown
Pat Quinn
41 Toomebridge, Toome
Robert Ryan
42 Derrycrin Road Derrycrin (Conyngham) Cookstown
James Wilkinson
42 Kilcronagh Road Ballygroogan Cookstown
Uel Henry
42 Knockinroe Road, Cookstown
Eamon McCann
43 Coagh Road Lisneight Stewartstown
Mark Nesbitt
44 Ballyneill Road Belagherty The Loup
Emma Louise McCracken
44 Drumreagh Crescent Drumreagh Otra Dungannon
Ryan Muldoon
44 Littlebridge Road, Drummullan, Moneymore, Co Londonderry
Raymond Bradford
44 Tullywiggan Road Tullywiggan Cookstown
William Kirkpatrick
47 Gortnaskea Road Drumbanaway Stewartstown
Dennis Kirkpatrick
47 Gortneskea Road, Stewartstown
Hamilton Contracts
47 Shivey Road Shivey The Rock
The Owner/Occupier,
48 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
Hugo Armstrong
48 Mawillian Road Ballynewy Moneymore
Ian Ferguson
48 Tullyveagh Road Tullyveagh Dungannon
James Ferguson
49 Ballynargin Road Enniskillen Coagh
Jason Ferguson
49 Ballynargin Road, Stewartstown, Co. Tyrone
Gary Ferguson
49 Ballynargin Road, Stewartstown, Co. Tyrone
Alan Young
49 Coagh Road Drumcraw Cookstown
David & Angie Dallas
5 Bridgend Tamlaght Coagh
Owner Occupier
5 Donaghendry Road Donaghendry Stewartstown
Terry Devlin
5 Drummullan Road Drummullan Moneymore
Nigel Lindsay
5 Dufless Road Dufless Cookstown

and Ina Kirkpatrick
 5 Moorville Lisnahall Cookstown
 A Toner
 5 Mullantain View Common Moss Stewartstown
 Stephen Forsythe
 5 Old Mill Court Moneymore Londonderry
 Gareth Lawson
 5 Tillywigan Cottages, Cookstown, Co. Tyrone
 May Dallas
 5 Ural Lane Mullaghtironey Coagh
 R G Collins
 50 Grange Road Grange Cookstown
 Raymond Sloan
 50 Knockanroe Road Glebe (Artrea) Dungannon
 Raymond Sloan
 50 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Raymond Sloan
 50 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 The Owner/Occupier,
 50 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
 Raymond Sloan
 50, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 William Ferguson
 51 Ballynargan Road Enniskillen Coagh
 Hazel Young
 51 Coagh Road Drumcraw Cookstown
 Richard & Nicola McKeown
 51 Knockanroe Road Tievenagh (Main Portion) Dungannon
 The Owner/Occupier,
 51 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
 Judith Ferguson
 51A Ballynargan Road, Stewartstown, Co Tyrone, BT71 5NF
 Nigel Hagan
 52 Main Street Coagh Tyrone
 The Owner/Occupier,
 52 Soarn Road Soarn Stewartstown
 Ian Dingby
 53 Annaghone Road, Cookstown, Co. Tyrone
 G Fowley
 53 Knockanroe Road Tievenagh (Main Portion) Dungannon
 The Owner/Occupier,
 53 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
 Simon McAleece
 53 Littlebridge Road Ballygonny More Coagh
 C Fowley and J Reid
 53 and 57 Knockanroe Road, Stewartstown
 Gerard & Carla Fowley
 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Gerard and Carla Fowley
 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX

The Owner/Occupier,
 54 Littlebridge Road Ballygonny More Coagh
 William James Wilson
 54 Loup Road Ballygruby Moneymore
 Conor Wilson
 54 Loup Road, Moneymore, BT45 7SS
 Rosemary Wilson
 54 Loup Road, Moneymore
 Adrian Marshall
 54 Smith Street, Moneymore
 Orla McGrath
 54B Loup Road Ballygruby Moneymore
 Robert Newell
 55 Bridgend Tamlaght Coagh
 Carol Reid
 55 Knockanroe Road Tievenagh (Main Portion) Dungannon
 Chris Slane
 55 The Dales, Cookstown, Co. Tyrone
 J. Reid and D. Reilly
 57 / 59 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Julie Reid
 57 Knockanroe Road Tievenagh (Main Portion) Dungannon
 Julie Reid
 57 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Julie Reid
 57 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Julie Reid
 57 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
 Claire McFlynn
 57 Loup Road, Moneymore, Co Tyrone
 and Claire McFlynn
 57 Loup road, Moneymore, Co Londonderry, BT45 7SS
 Paddy Kennedy
 57 Rathbeg Gortallowry Cookstown
 Betty Anderson
 57 Soarn Road Tullyconnell Stewartstown
 Julie Reid
 57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Julie Reid
 57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Richard Gates
 57A Knockanroe Road, Stewartstown, Cookstown
 Tina Gates
 57A Knockanroe Road, Stewartstown, Cookstown
 Lynsey Hammond
 58 Ballyblagh Road Ballyveeny Stewartstown
 Owner Occupier
 58 Tullyveagh Road Tullyveagh Dungannon
 The Owner/Occupier,
 59 Knockanroe Road Tievenagh (Main Portion) Dungannon

John Glendinning
59 Loup Road Ballygruby Moneymore
Kieran Foster
6 Aghaveagh Road Kilsally Coagh
W.N Johnston
6 Ballynargan Road Mullaghtironey Coagh
James Boyd
6 Boveedy Road,Kilrea
Adrian Wilson
6 Circular Road Moneymore Londonderry
David Nealon
6 Cross Patrick Road,Drummullan,Moneymore,Co Londonderry
Alan Badger
6 Glenarny Road Drum Cookstown
N Wilson
6 Golf Terrace,Magherfelt,Co Londonderry,BT45 6ES
The Owner/Occupier,
6 Lower Grange Road Drummond Cookstown
Richard Wallace
6 Maghadone Lane Ballyeglish Moneymore
Pauline Coyle
6 Mullantain View Common Moss Stewartstown
The Owner/Occupier,
6 Tullyveagh Road Drummond Dungannon
SH Faulkner
60 Grange Road,Cookstown,Co Tyrone
Thomas Wilson
60 Grant Avenue,Randelstown,Co Londonderry
Edna Wilson
61 Loup Road Ballygruby Moneymore
James Wilson
64 Loup Road,Moneymore,Co Londonderry
The Owner/Occupier,
65 Knockanroe Road,Tullyveagh, Dungannon,Tyrone,BT71 5LX,
Joseph McKinless
66A Drumconvis Road Drumconvis Coagh
The Owner/Occupier,
67 Knockanroe Road Tullyveagh Dungannon
Paul Bruce
68 Lindesayville Road Drumraw Tullyhogue
The Owner/Occupier,
69 Knockanroe Road,Stewartstown
Valerie McAleece
69 Littlebridge Road Ballygonny More Coagh
Owner Occupier
7 Ballymaguire Road Tullyhurken Stewartstown
Mark Carson
7 Hammond Street Moneymore Londonderry
Clare Marshall
7 Old Mill Court,Moneymore,Co. Londonderry

Ryanne Davidson
7 The Crescent Coagh Tyrone
Rebecca Peeples
7 Woodvale Crescent Moneymore Londonderry
June Ferguson
73 Knockanroe Road Tullyraw Dungannon
June & Greg Ferguson
73, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5NA
Owner Occupier
75 Cooke Crescent, Cookstown, Co. Tyrone
Jonathan Ferguson
76 Killymoon Road Scotchtown Cookstown
H Lees
79 Knockanroe Road Tullyraw Dungannon
Darren Ferguson
8 Aghaveagh Road Kilsally Coagh
Chris O'Neill
8 Ballynakilly Road Annaghquin Cookstown
C Elliott
8 Bridger Street Moneymore Londonderry
Francy Wilson
8 Eglis Close Ballyrogully Moneymore
Trevor Knox
8 Magheradone Road, Moneymore
John A Hegarty
8 Magherafelt Road Moneymore Londonderry
Thomas Henry
8 Unagh Road Unagh Cookstown
Alexander Lees
83 Knockanroe Road Tullyweery Dungannon
Raymond Martin
86 Moneyhaw Road Drummullan Moneymore
The Owner/Occupier,
9 Balfad Drive, Coagh
Ryan Shirlow
9 Coolmount Drive Monrush Cookstown
Baiba Laila Neija
9 Drum Road Gortalowry Cookstown
Mary E Devlin
9 Drummullan Road Drummullan Moneymore
Mark Wilson
9 Fairlea Close Moneymore Londonderry
David Rea
9 Moneyhaw Road, Moneymore, Co Derry, BT45 7XJ
David Booth
90 Ballymaguire Road Mullaghglass Stewartstown
Reuben Bruce
90 Knockanroe Road Tullyraw Dungannon
The Owner/Occupier,
96 Knockanroe Road Tullyweery Dungannon

Ella McIvor
9A Springvale Feenan Beg Moneymore
Alan Buchan
A29 Garage Services,Dungannon Road,Cookstown,Co. Tyrone,BT80 9AE
David McReynolds
Ballynafea Road,Stewartstown
John McReynolds
Ballynafea Road,Stewartstown
Lee McReynolds
Ballynafea Road,Stewartstown
David McReynolds
Ballynafea Road,Stewartstown
Jack Lees
C/o Daphne McDonagh,15 Ballymaguire Road,Stewartstown,Tyrone,BT71 5NG
Jim Forsythe
Cookstown Road,Moneymore
Brendan Campbell
Drummullan
Deborah Nealon
Drummullan,Moneymore,Co Derry
S Devlin
Drummullan,Moneymore,Co Derry
Edele Campbell
Drummullan,Moneymore,Co. Londonderry
Norman Connor
Eastburn Drive,Ballymoney
Carla Fowley Julie Reid
Email Address
The Owner/Occupier,
Email Address
Karen Wilson
Eve Avenue,Ormeau Road,Belfast,Co Antrim
Stanley Elliott
Gowshill,Tullyhogue,Cookstown,Co. Tyrone,BT80 8sn
Z Fell
Grange Road,Cookstown,Co Tyrone
R Wylie
Grange Road,Cookstown,Co Tyrone
Fergus Ferguson
Gratley House,30 Soarn Road,Stewartstown,Co. Tyrone,BT71 5LT
C Ashfield
Henderson Court,Cookstown
Lorraine Bruce
Knockanroe Road,Stewartstown,Co. Tyrone,BT71 5NA
Derek Simpson
Mill Race,Moneymore,Co Londonderry
J Lees
Owner of Land @ Knockanroe,Stewartstown
Ryan Turkington
Turkington Engineering Ltd,Tullylagan Road,Cookstown,Co. Tyrone

Colin Turkington Turkington Livestock Systems, 14 Tullylagan Road, Sandholes, Cookstown, Co. Tyrone David Cahoon Tyrone Wholesale, Unit B, Rowan Tree, Pomeroy, BT70 3DS Carla Fowley Gerard and Carla Fowley Carla Fowley and Julie Reid Carla Fowley and Julie Reid	
Date of Last Neighbour Notification	9th June 2016
Date of EIA Determination	
ES Requested	Yes / No
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: 4 th April 2017	Item Number:
Application ID: I/2014/0246/F	Target Date:
Proposal: Proposed retention of engineering workshop to include store and ancillary accommodation and storage yard.	Location: 55 Knockanroe Road Cookstown
Referral Route: objections received to application.	
Recommendation: APPROVAL.	
Applicant Name and Address: Reid Engineering Ltd 55 Knockanroe Road Cookstown	Agent Name and Address: Ross Planning 9a Clare Lane, Cookstown, Co Tyrone BT80 8RJ
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	No objections subject to conditions
Non-statutory	Environmental Health Mid Ulster Council	No objections subject to conditions.

Representations:

Letters of Support	181
Letters of Objection	40
Number of Support Petitions and signatures	No Petitions Received

Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues The Planning Policy and Residential amenity implications of a larger shed now built than that approved in a previous permission. Road safety and traffic movements.	
Characteristics of the Site and Area <p>The site is located at no.55 Knockanroe Road, Ardtrea, Cookstown. Currently contained within the site is an established engineering works trading as Reid Engineering. The site is located on the Eastern side of the Knockanroe Road and accessed via an established laneway to the SE of no55 Knockanroe Road. At this entrance point there is a paired access- one which serves the Engineering works and office and the other serves dwellings nos 57, 57b and 59 Knockanroe Road. There is no defined boundary between the two accesses until the entrance to the yard of Engineering works- the remainder of the boundary is defined by a timber close board fence. Within the application site is a large shed/light industrial outbuilding located between and slightly to the rear of nos 55 and 53 Knockanroe Road. The shed is finished in a concrete block to lower walls with grey metal sheet cladding to upper portion and roof. The building has 2no large roller shutter door openings on the Northern and Eastern elevation- the building is fairly large in scale with a square footprint approx 20m x 20m and 8m in height. To the North of the site adjacent to the main entrance is a one and a half storey office building finished in smooth render with flat black slates to the roof. There is a concrete yard immediately to the North and East of the shed for the storage of raw materials- sheets of metal cladding and lengths of h-iron steel are being stored informally on the hardstanding while some has been stored on racks. Immediately to the West of the shed is a detached dwelling, garage and garden (no55 Knockanroe Rd). A further dwelling was approved to the rear of no 53 Knockanroe Rd- the foundations have been implemented with an access that runs along the Southern boundary of no 53. Building works on the dwelling have ceased and the land is currently being used for the storage of materials for the Engineering Works.</p>	
Description of Proposal <p>The proposal is for the retention of a shed used as an Engineering Workshop also including store, ancillary accommodation and storage yard.</p>	
Planning Assessment of Policy and Other Material Considerations SPPS PPS 1 General Principles PPS 3 Access, Movement and Parking PPS 4 Planning and Economic Development PPS 21 Sustainable Development in the Countryside Cookstown Area Plan 2010 DCAN 15 Vehicular Access Standards and all other relevant policy	
Planning history <p>I/2010/0091/LDE – Storage and fabrication of structural steel and associated items – approved 16th March 2010. I/2013/0110/F-Proposed retention of offices for Engineering Works- Approved</p>	

I/2010/0253/F-Proposed replacement engineering workshop/store and ancillary accommodation- Approved

I/2013/0357/F-Proposed Steel and Timber store- Ongoing

I/2014/0074/F-Proposed Spray Shed for Engineering Works and repositioning of access and laneway- Ongoing

LA09/2016/1015/F – Proposed reorganisation of the site (master plan application)

The proposal is for the retention of a work-shop building which was not built in accordance with plans approved under I/2010/0253/F. The height of the shed is similar to that previously approved however (300m higher) and the floor area has increased from approx 321m² to 455m². (an increase of 132m²).

Other variations from the approved plans include the introduction of a large opening to the eastern elevation, the provision of external steel rollers which allow lengths of steel to enter the shed at its northern corner, the introduction of 3 No windows to the rear elevation as opposed to the 2 windows approved to the front elevation, internal re-configuration to increase workshop floor space and relocate storage and canteen facilities into a side extension along the SE side of the shed.

A Certificate of Lawfulness (CLUD) on part of this application site I/2010/0091/LDE, granted prior to the later 2010/0253/F application to replace the earlier smaller shed which had operated within this part of the yard subject to the CLUD, provides for an unfettered use of the northern section of the yard and significantly its present access to the public road. This is an important aspect of the planning history on this site and allows the continued storage and fabrication of structural steel and associated items within the red line of the CLUD certificate. The access point at this end of the yard also falls within the CLUD area thus in my view permitting unrestricted use of it for any vehicle at a visibility standard existing at that time to the yard area identified by the CLUD boundary.

I note that a later planning permission for retention of offices I/2013/0110/F imposed an improved visibility standard to the CLUD access point, a condition which in my view was not necessary given the unrestricted CLUD relating to this access point.

An Enforcement PAC decision 2014/E0018 in relation to unauthorised material change of use of land for light industrial and storage use was dismissed on the 16th March 2015. This appeal related to an intention to extend the site into an area to the SW of this current application. The extent and distribution of noise from the premises was acknowledged by the PAC as having increased significantly with the unauthorised use of the appeal site. In addition emissions from paint spraying activities were not satisfactorily addressed. All in all the Commissioner concluded that the existing use of the appeal site was incompatible with adjacent residential land use and thus contrary to Policies with PPS4. Whilst this decision raised clear conflicts with adjoining residential land use, and indeed this matter remains to be more fully addressed in this report, it did nonetheless relate to lands beyond the current application site and the introduction of noise creating activities into areas close to adjoining dwellings. Observations by the Commissioner in relation to rural character and harm associated with the appeal site relate to the existing industrial use of the appeal site which it was also deemed could not be mitigated against by any planting scheme.

The Council are currently considering a wider 'masterplan' application for the business which includes additional buildings, an extended site and the proposed new access. No recommendation has as yet been formed on this application.

Policy Consideration

The SPPS outlines that the guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment. A regional strategic objective is to sustain a vibrant rural community by supporting rural economic development of an appropriate nature and scale. At Par 6.88 the SPPS does however acknowledge that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlement limits must be restricted. At Par. 6.91 the SPPS reminds us that all applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

PPS4

Following on from the above, PPS4 policy is the central consideration to this proposal. Policy PED2 permits proposals for economic development in the countryside in accordance with Policy PED3 (the expansion of an established economic development use) which is the policy most relevant to this application. There is no dispute by any party that the economic development use being undertaken within the application site is established.

In terms of Policy PED3 of PPS4 the expansion of an established economic development use in the countryside will be permitted were the proposal meets the following criteria;

-The scale and nature of the proposal does not harm the rural character or appearance of the local area.

When viewed from the Knockanroe Road the shed tends to dominate the vista as it has a ridge height well above the dwelling houses at no53 and 55 Knockanroe Rd. This is exacerbated by the fact that land to the rear of these properties is at a higher level. However a shed of a similar height was previously approved under I/2010/0253/F and the increase in floor space over the 2010 permission is only of some 132 sq.m including a small single storey side extension for a store and canteen area.

The overall height difference is only approx 300mm above that permitted in 2010 to highest part of the roof. I do not consider that the shed as built is to any perceivable degree significantly different in its appearance and consequent impact on the appearance of the rural area than that which would have resulted in the 2010 approved shed.

-There is no major increase in the site area of the enterprise.

Under this specific application there appears to be no increase in the curtilage of the Engineering Works.

- new buildings will be approved where these are in proportion to existing buildings and will integrate as part of the overall development

This application proposes the retention of a larger than originally approved shed – to that extent the principle of a new building is already agreed. The matter of integration is very much established by the previous 2010 approval which granted permission for a shed of some 139 sq.m smaller and only a small degree lower.

In terms of Policy PED9 of PPS4 which provides general criteria for Economic Development proposals will be required to meet the all of the following criteria;

(a) it is compatible with surrounding land uses;

This application seeks to regularise the previously approved shed on an established commercial yard. The 2010 CLUD establishes the use of the site and an albeit smaller shed. The 2010/0253/F permission granted establishes a larger shed than that which existed on site at the time of the CLUD decision. In principle this application must be considered acceptable.

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

This is a key consideration in relation to this application and is raised by third parties in relation to this application. An assessment of noise impact has been carried out to support this application. Environmental Health Department's (EHO) latest comments on this aspect are attached for your information. To summarise, a prediction of noise impact from the unit as a whole against BS4142 has been undertaken. This has predicted a difference between the typical background level and the specific source level of +23db for No 57 Knockanroe Road and +9db for No 53. It should be noted that a difference of around +10db above is likely to indicate a significant adverse impact. Whilst it is accepted by all parties that this larger constructed shed has a larger workshop floor area than the 2010 permission, EHO have asked that consideration be given to a suitably worded condition that ensures noise generated from the shed does not exceed that generated from the approved shed. In examining the 2010 application it appears to be the case that a noise level of 44db (with a 5db penalty for character of noise) was accepted by EHO based on a measure taken at No 53 (the closest property). In addition there were no objections received by the Department to that application from any residential property. Condition 8 on the EHO consultation reply to this current application in my view offers the same level of protection and would ensure noise levels do not exceed the 2010 approval acknowledged levels. Another option here would be to consider and condition a means of continuous internal noise measurement by the operator of the premises.

Environmental Health also importantly state that mitigation measures noted in the applicants noise report will result in an improvement on the current situation as presented within the report. These measures are listed in the attached EHO response and conditioned at the end of this report.

I note that the 2010/0253 approval for the replacement shed does not list any planning conditions relating to noise limits but did propose noise reducing finishes to the building. EHO have consistently made the point that the aim sound be to try and achieve an improvement on existing noise impacts being experienced at Nos 53 and 57. In simple terms members should note that the unrestricted CLUD on the site and yard and the 2010/0253 permission to replace the old shed both all must be weighed up when considering how an existing noisy operation, which it is accepted is causing a significant adverse impact, can be improved upon to create some betterment for neighbouring residents.

In considering all arguments made in support and against the analysis of noise impact, and light of EHO's view that the proposed mitigation measures will result in an improvement over current levels of noise being experienced by No 53 and 57, I conclude that this application will not harm amenities of nearby residents to any greater a degree than present operations do.

Neighbouring amenity concerns also relate to visual impact and dominance of the existing building and other ancillary works such as the 3m high acoustic wall. I have considered this very carefully and am mindful of the 2010/0253 shed approval which would have resulted In a building of proportions not exceptionally larger or taller than what has been constructed on site. Any impact is particularly critical on No 53 given its location and its rear amenity space. Again the additional floor area added beyond that approved in the 2010 application has resulted in an extension of the shed to its SE side by approx. 3.6m. This is also at a point which is furthestmost from No 53. The small canteen / store addition as a result of its size and location on the opposite side of the shed has no measurable impact on No 53 in my view. In addition, a garage and well defined hedge defines the boundary between the 2 properties. That said, the agent has proposed to remove all windows which presently are located to the elevation facing No 53 and this can be secured as a condition, also potentially improving on noise spill from the shed in this direction.

EHO are requiring a similar 3m high acoustic wall along the rear boundary of No 53 and the storage area within the site which has immunity for outdoor storage. The existing tall approx. 2.5m high leylandi hedge which presently defines this boundary will soften the impact of this wall on No 53. The exact position of this will shall be identified on the site plan via an appropriate condition.

In terms of No 57 there is the imposition of a 3m high block retaining wall needs to be considered. This will be located across the laneway and will run for a distance of some approx 120m along the boundary of the yard area. The present arrangements along this boundary consist of an approx. 2m high timber fence along the curtilage of No 57 and on its side of the laneway. A 3m wall will have a visual presence but being located across the laneway will not to an unacceptable degree impact on the amenity of No 57.

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

No adverse impacts have been identified. Any impact on Listed building at No 48 Knockanroe Road has been considered as not being of concern given significant Separation distances.

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

No risks identified.

(e) it does not create a noise nuisance;

I have fully addressed this aspect earlier under part (b) (amenity)

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

No objections from EHO on these grounds

(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;

A related planning application I/2014/0074/F for a new access for heavy traffic is being considered alongside this application and is recommended for approval. This additional access has provided for an ability to restrict vehicular movements using the long established existing access to non-goods vehicles only. The layout plan has been amended to show the provision of a 3m high block wall across part of the front yard area to provide a physical impediment to larger delivery /HGV movements. A planning condition can ensure its provision and the use of this access point. This plan also shows the permanent closing up of what I would refer to as the 'middle' access presently being used to serve the site and to park vehicles on. Again a planning condition can ensure that this is carried out and remains closed. There are clearly identified access arrangements, parking and manoeuvring areas on the site plan to the satisfaction of TNI.

TNI have considered this application and having been informed of the applications intention to use only the access adjacent to No 55 for non HGV traffic have offered no objections. I understand that there is some splay provision to this access point which may not fully achieve the 2.4 x 70m in both directions. However, on the matter of the requirement to improve this access I repeat my earlier view that the CLUD on the site included this unaltered access for an unfettered use of the yard area and an albeit smaller shed.

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

I have addressed this above.

(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;

This rural location already has poor access to public transport. One must also consider that the business is established at this location by virtue of the CLUD and previous permissions.

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

The building design is similar to that approved under the 2010 application. Otherwise all other proposed arrangements identified are appropriate to this sites established use and its rural location.

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

Proposed acoustic wall along laneway to be secured by condition. Otherwise all other development located within the yard area.

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

Existing yard access and means of enclosure already long established and not altered by this proposal.

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

This application follows on from the 2010 permission – the external appearance and subsequent visual integration differences are not fatal to this application despite the current sheds larger dimensions.

Objections

Issues Raised

- Prominent visual appearance of shed -Lack of integration –Overshadowing
- encroachment of building onto third party lands /impact of noise barrier.
- Increase in scale has led to an intensification of work, traffic, noise and nuisance
- Increase in business hours with noise outside acceptable working times
- enforceability of suggested EHO planning conditions
- Hazardous substances used on-site with disregard to basic H & S regulations
- floodlighting impact
- Access, visibility splays and Road Safety
- Detrimental effect on the setting of a listed building -Third party ownership
- personal medical implications.
- already unacceptable levels of noise

Consideration of objections.

I have considered most of these concerns in my report above. A consideration of the visual impact of the shed has been discussed in the assessment above and it is not my view that a refusal on visual amenity or unacceptable visual impact on the countryside could be sustained in this case given the previous permission. It is my understanding that neighbours did not object to the 2010 application to replace the shed with a building measuring 19.7m x 16.2m and an overall height of 9m.

It is clear that the use of the site has intensified since the 2010 permission. Consideration has been given however in my report to how the CLUD provides an unfettered use of the yard area and permits the storage and fabrication of structural steel within the site (including yard). Objection letters have alleged intensification of business/works and the additional noise, smell, pollutants, traffic, unacceptable working hours which would be associated with that- Environmental Health/ Transport NI have been consulted with the relevant issues and have responded in their latest consultations raising no objections. I understand that any spraying activities have since been removed from the site. Objectors have also submitted their own noise assessment relating to the site which has been considered by EHO.

The conditions I have outlined below are in my view enforceable, necessary and reasonable and will provide, as suggested by EHO, for appropriate noise mitigation.

Floodlighting objections relate to building mounted lights – these have been investigated by EHO and it is felt that no action is required.

The Council's opinion is that the setting of the Listed Building (Gate Lodge @ Tievena House 48 Knockanroe Rd) is not compromised due to the significant separation distance and relatively marginal differences in the dimensions of the shed over that approved.

Matters surrounding a personal circumstances case associated with No 57 Knockanroe Road should be considered in closed committee if this requires further consideration.

Support letters.

A significant number of letters of support have been submitted with the application. The portal shows a total of some 313 of these but I understand that the numbers are more accurately around 181 due to some replication of uploaded letter. The letters are primarily all the same and from a wide ranging number of locations, the majority not being from the local area.

These state that Reid Engineering is an important local business which has operated from the site from the 1980's. It has sustained employment for many local people both directly and through sub-contracts. The letters go on to state that the business makes a significant contribution to the local economy and immediate rural community. It is stated that that over the years the business has had to adapt to meet health and safety demands and customer needs which has required additional indoor space for the survival of the business. The letters conclude by stating that the application will not significantly change the character of the business activities on the site or the established rural character of the area and that planning policy supports the maintenance and expansion of established economic development uses in the countryside.

The number and wide ranging various locational sources of these letters in doubt questions the weight that can be afforded to these letters. However members can of course consider the economic arguments which are presented in support of the application.

Neighbour Notification Checked	Yes
---------------------------------------	------------

Summary of Recommendation:

On balance, and in considering the site history along with the ability to suitably mitigate against a presently noisy operational business which is already having a significant detrimental impact on neighbouring amenity, I recommend Approval subject to the following conditions.

Suggested Conditions.

1. The hours of operation for the business shall be as follows:

08:00 – 18:00hrs Mon- Fri

08:00 - 14:00hrs Sat

No operations on Sundays.

Reason: In the interests of neighbouring amenity.

2. Within 60 days from the date of this permission the roller shutter door facing No.57 Knockanroe Road shall be sealed up with a double skin composite cladding (for example Kingspan RW1000 or similar) with a sound reduction performance of nominally 25dB Rw or greater. This level of sound proofing shall be maintained throughout the lifetime of the shed, with no further openings being constructed for doors, rollers or other purposes.

Reason: In the interests of neighbouring amenity.

3. Within 60 days from the date of this permission the end wall of the existing fabrication shed between the shed and 53 Knockanroe Road will have an internal wall lining applied as shown on the Henry Marshall Brown Drawing 1456-04 dated April 2014. This shall be boarding with a surface weight of at least 13kg/m² spaced at least 100mm from the existing cladding, and with a minimum 50mm thick acoustically absorbent quilt/slab in the void between the two and shall be permanently retained.

Reason: In the interests of neighbouring amenity.

4. Within 60 days from the date of this permission the existing 'outdoor saw' and associated rollers shall be relocated internally and the opening to the side of the building sealed up with a double skin composite cladding (for example Kingspan RW1000 or similar) with a sound reduction performance of nominally 25dB Rw or greater. This level of sound proofing shall be maintained throughout the lifetime of the shed with no further openings being constructed for doors, rollers or other purposes.

5. No metal working or fabrication shall be undertaken in the yard area.

Reason: In the interests of neighbouring amenity.

6. Any mobile plant being used in conjunction with the shed shall be fitted with directional broadband reversing beepers.

Reason: In the interests of neighbouring amenity.

7. Within 60 days from the date of this permission a permanent 3m high solid acoustic wall shall be fully constructed along the boundary between the yard and No.57 Knockanroe Road as per Lester Acoustic report of 18th April 2016. Prior to construction, finalised plans for this wall shall be submitted to this department for agreement.

Reason: In the interests of neighbouring amenity.

8. Within 60 days from the date of this permission a permanent 3m high solid acoustic wall shall be fully constructed along the boundary (in the location identified in blue on drawing No 04/1) between the site and No.53 Knockanroe Road. Prior to construction, finalised plans for this wall shall be submitted to this department for agreement.

Reason: In the interests of neighbouring amenity.

9. The noise associated with the engineering shed shall not exceed an LAeq (1 hour) of 44dB, with no greater than a 5dB penalty for the character of the noise when measured from the rear garden of 53 Knockanroe Road.

Reason: In the interests of neighbouring amenity.

10. There shall be no paint spraying undertaken in the yard at any time.

Reason: In the interests of neighbouring amenity.

11. Within 60 days from the date of this permission the proposed wall along parking spaces No. 9 -12 as indicated in drawing No. 04/1 designed to restrict vehicle movement via the existing access point adjacent to No 55 shall be fully completed and shall be permanently retained thereafter.

Reason: In the interests of road safety and convenience of other road users.

12. Within 60 days from the date of this permission the access adjacent to No 53 (as identified in green on drawing No 04/1) shall be permanently closed off in accordance with the details on approved plan No 04/1 date stamped 17th Feb 2017.

Reason: In the interests of road safety and convenience of other road users.

13. After a period of 60 days from the date of this permission all HGV and goods vehicles shall access the site via that access approved under related application I/2014/0074/F. No HGV or other goods vehicles shall access the site after this period via the northern entrance to the site adjacent to No. 55 Knockanroe Road.

Reason: In the interests of road safety and convenience of other road users.

14. Within 60 days from the date of this permission the existing windows along that elevation facing No 53 shall be removed and blocked-up in accordance with the details on the plan No 03/4 date stamped 17th Feb 2017.

Reason: In the interests of neighbouring amenity.

Signature(s) Melvin Bowman

Date: 23/3/17

ANNEX	
Date Valid	18th July 2014
Date First Advertised	30th July 2014
Date Last Advertised	
Details of Neighbour Notification (all addresses) S Henry 1 1A Ardculmer Road Coolkeeghan Alex Cooper 1 Hammond Mews,Money more,Co. Londonderry W J McKenzie 1 Hammond Street Money more Londonderry Vivienne McCracken 1 Killycolp Close Loughry Cookstown Gerard Taylor 1 Millbank,Drummullan,Money more Winston Harkness 1 Mountview Court Money more Londonderry Felma Blair 10 Cahoo Lane Cahoo Tullyhogue Hugh Wilson 10 Woodvale Road Ballymulligan Money more Garrett Lavery 101 Tamlaghtmore Road Killymenagh Stewartstown Gladys Patterson 103 Stewart Avenue Gortalowry Cookstown Kyle McCammon 104 Old Coagh Road Drumcraw Cookstown Henry - Windell 108 - 114 Money more Road,Magherfelt,BT45 6HJ Role Formed Fabrications LTD 108 - 114 Money more Road,Magherfelt,BT45 6HJ Joe Wilson 10A Woodvale Road Ballymulligan Money more The Owner/Occupier, 11 Killycolp Road Killycolp Tullyhogue The Owner/Occupier, 11 Lawford Street Money more Londonderry Owner Occupier 11 Lisbou road,Stewartstown,Dungannon,Co Tyrone Victor Bell 11A Carrydarragh Road Carrydarragh Money more Adrian Bell 11B Carrydarragh Road Carrydarragh Money more H Colgan 11B Desertlyn Road Ballymully Money more	

Darrell Reid
11C Desertlyn Road,Money more,BT45 7TY
Elaine Reid
11C Desertlyn Road,Money more,BT45 7TY
David Foster
12 Aghaveagh Road Kilsally Coagh
Robert McKinless
12 Milbank,Drummullan,Money more
Kathleen McKinless
12 Millbank,Drummullan,Money more,Co Tyrone
Melvin Lawson
12 Pinewood,Richill
Leslie Morton
12 Springvale Feenan Beg Money more
F Whinnery
13 Moorville Lisnahall Cookstown
David Simpson
14 Desertlyn Road Ballymully Money more
Noel Rafferty
14 Millbank Cottages Drummullan Money more
Eugene O'Neill
140 Killycolpy Road Aghacolumb Stewartstown
Robert Coloin
14A Hammond Street,Money more,Co Derry,BT45 7PS
Rhonda Simpson
15 Desertlyn Road Ballymully Money more
Carol Anderson
15 Knockanroe Road Tullyconnell Dungannon
Gordon Bruce
15 Littlebridge Road,Coagh
Gordon Bruce
15 Littlebridge Road,Coagh,Cookstown,Co. Tyrone
Audrey Kirkpatrick
15 Moorville Lisnahall Cookstown
George Neill
154 Dungannon Road Derrykeevan Portadown
Paul & Laura McAleece
16 Ballymoyle Road Ballymoyle Coagh
Emma McCrea
165 Coagh Road Drumbanaway Stewartstown
Mervyn Brodison
17 Agharan Road Stughan Dungannon
M McIvor
17 Cloneen Drive Money more Londonderry
Anne Bell
17 Ivybank Road Carrydarragh Money more
Linda Sands
17 Moorville Lisnahall Cookstown
Francis Foster
17 Tullyveagh Road Doorless Dungannon

Marina Abbott
17 Tullywiggan Cottages Tullywiggan Cookstown
Alan McCord
18 Moveagh Road Gortacar (Doris) Cookstown
Eamonn Moore
18 Westbury Gardens Gortalowry Cookstown
Mark Bell
19 Carrydarragh Road Ballymully Moneymore
Alan Hall
19 Drummullan Road Drummullan Moneymore
S Whyte
19 Grange Road Ardcumber Cookstown
Graeme Dallas
1A Drumad Lane Drumconvis Coagh
Norman Brodison
2 Agharan Road Drumreagh Otra Dungannon
Christopher Rocks
2 Ardean Close Ardean Ardboe
Maurice Bell
2 Carrydarragh Road Magherascullion Moneymore
Sylvia Stewart
2 Dufless Road Dufless Cookstown
S D Clarke
2 Gortagilly Road Gortagilly Moneymore
Neville Forsythe
2 High Street, Moneymore, Co Londonderry
Lawson Martin
2 Killycolp Road Gallanagh Tullyhogue
J Lawrence
2 Lawford Street Moneymore Londonderry
Wilkinson
2 Tullyveagh Road Drummond Dungannon
Meredith Kirkpatrick
20 Ballymaguire Road, Stewartstown, Co Tyrone
Harold Donnelly
20 Derrygonigan Road Killybearn Cookstown
Sydney Creighton
20 Drummond Road Ardvarnish Cookstown
The Owner/Occupier,
20 Dufless Road Dufless Cookstown
J McClenaghan
20 Knockanroe Road Knockanroe Dungannon
Elaine Wilson
21 Bridger Street Moneymore Londonderry
Linda Ferguson
21 Carryview Urban Coagh
Thomas McWilliams
21 RockView Park, Moneymore, Co Londonderry
Maurice Murphy
21B Leck Road, Moneymore

Neal Whyte
22 Carryview Urban Coagh
H Farr
23 Ballymaguire Road Liscausy Stewartstown
Alan Knox
23 Loup Road Doluskey Money more
Rhonda Henderson
23 Millrace Drive Money more Londonderry
Derek Brodise
23 Newmills Road Drumard Dungannon
Dolores McWilliams
23 Rock View, Money more, Co Londonderry
Ivan Stewart
24 Knockanroe Road Knockanroe Dungannon
Pamela Mullan
24 Lower Grange Road, Cookstown. BT80 8RZ
Alan McCord
24 Rockdale Road Killyneedan Cookstown
Ivan Elliott
24 Sessiagh Road Ballymully Glebe Tullyhogue
The Owner/Occupier,
25 Ballinderry Bridge Road Coagh Londonderry
Newell
25 Ballymaguire Road Liscausy Stewartstown
Michael Wray
25 Deerfin Road Crebilly Ballymena
Colleen Lennox
25 Desertmartin Road Larrycormick Money more
Andy Mullan
25 Grange Road Ardculmer Cookstown
Owner Occupier
25 Lisboy Road Lisboy Cookstown
Lynne Morton
25 Lisboy Road Lisboy Cookstown
David Cahoon
25 Northland Drive Money more Londonderry
Geoffrey Jackson
26 Knockanroe Road Knockanroe Dungannon
Raymond Hewitt
26 Main Street Tullaghoge Tullyhogue
Richard Boyd
26 Turnabasan Road, Pomeroy, Dungannon
Chris Stewart
26 Windmill Heights Gortmerron Dungannon
G Reid
27 Ballymaguire Road Liscausy Stewartstown
Gavin Donaldson
27 Cloghog Road, Cookstown, Co. Tyrone
The Owner/Occupier,
27 Knockanroe Road Knockanroe Dungannon

Ivan Wright
27 Lisnahall Road Lisnahall Cookstown
June McGurk
27 Rock Park, Moneymore, Co Londonderry
J Newell
27 Tullywiggan Cottages Tullywiggan Cookstown
David Nelson
28 Drumconuis Road, Coagh, Cookstown, Co. Tyrone
Anne Nelson
28 Drumconvis Road Drumconvis Coagh
Trevor Nelson
28 Drumnominie, Coagh, Co Tyrone
Valerie Murphy
28B Leck Road, Stewartstown, Dungannon, Co Tyrone, BT71 5LS
K Murphy
28B Leck Road, Stewartstown, Dungannon, Co Tyrone, BT71 5LS
Ian Ferguson
29 Ballyblagh Road, Stewartstown, Co. Tyrone
Chris McCloskey
29 Bridger Street Moneymore Londonderry
Joesph Graham
29 Garvaghy Crescent, Portglenone, Co Antrim
Silas Bell
290A Drum Road Drumshanbo Glebe Cookstown
Liam Muldoon
3 Drummullan, Moneymore, Co Derry
Ross Murphy
3 Dufless Road Dufless Cookstown
The Owner/Occupier,
3 Fortview, Portballintrae
Ian Forsythe
3 Maghadone Road Ballygruby Moneymore
Brian Forsythe
3 Mahadone Road, Moneymore, Magherfelt, Co Tyrone
Derek A McCulla
3 Poplar Hill Road Grange Cookstown
Denver Willis
3 Tullyreavy Road, Pomeroy, Dungannon, Co Tyrone
Stephen Hunter
30 Drumrot Road Coltrim Moneymore
Valerie Stewart
30 Knockanroe Road Dufless Dungannon
Robert Henry
30 Montober road, Cookstown, Co Tyrone
Bryan Hewitt
31 Legmurn Road, Stewartstown, Co. Tyrone
Brian Brodison
31 Mineveigh Road Drumev Dungannon
Georgia Boyd
31 Windsor Terrace Coagh Tyrone

Garry Dallas
32 Aghaveagh Road Aghaveagh Coagh
Ferguson
32 Ballyblagh Road Ballyblagh Stewartstown
Owner Occupier
33 Ballymaguire Road Liscausy Stewartstown
J P H Bruce
33 Lindesayville Road Donaghrisk Tullyhogue
Jim Henry
33 Lough Fea Road Tatnagilta Cookstown
G Scott
33 Lower Grange Road Grange Cookstown
Caude Gillis
33 Tullyveagh Road Dufless Dungannon
J Blair
34 Ballymaguire Road, Stewartstown, Co. Tyrone
Grace McVitty
34 Leck Road Cratley Stewartstown
David Ferguson Cars
35 Ballyblagh Road Ballyblagh Stewartstown
Owner / Occupier
35 Lower Grange Road Grange Cookstown
Robert Ferguson
35 Windsor Terrace Coagh Tyrone
Francis Brodison
36 Agharan Road Woodhill Dungannon
Leslie McGuckin
36 Ruskey Road, Coagh, Cookstown, Co. Tyrone
Alan Wilkinson
37 Sessiagh Road, Tullyhogue, Cookstown, Co Tyrone, BT80 8uf
Dorothy Bell
38 Northland Road Moneymore Londonderry
Norman Dallas
39A Tamlaghtmore Road, Stewartstown, Co Tyrone, BT71 5NZ
The Owner/Occupier,
4 Ballynargan Road Mullaghtironey Coagh
Thomas Stewart
4 Dufless Road Dufless Cookstown
J Brown
4 Lower Grange Road Drummond Cookstown
Arthur Rafferty
4 Millbank, Drummullan
Annie Rafferty
4 Millbank, Drummullan, Moneymore, Co Londonderry
C Nelyon
4 Moorville Lisnahall Cookstown
Zachary Wilson
4 Old Mill Grange South Mullaghacall Portstewart
Dermot Collon
40 Littlebridge Road Drummullan Coagh

Lisa Reid
41 Knockanroe Road Glebe (Artrea) Dungannon
Joe Murphy
41 Littlebridge Road, Money more
Edward Harkness
41 Lough Fea Road Tatnagilta Cookstown
Pat Quinn
41 Toomebridge, Toome
Robert Ryan
42 Derrycrin Road Derrycrin (Conyngham) Cookstown
James Wilkinson
42 Kilcronagh Road Ballygroogan Cookstown
Uel Henry
42 Knockinroe Road, Cookstown
Eamon McCann
43 Coagh Road Lisneight Stewartstown
Mark Nesbitt
44 Ballyneill Road Belagherty The Loup
Emma Louise McCracken
44 Drumreagh Crescent Drumreagh Otra Dungannon
Ryan Muldoon
44 Littlebridge Road, Drummullan, Money more, Co Londonderry
Raymond Bradford
44 Tullywiggan Road Tullywiggan Cookstown
William Kirkpatrick
47 Gortnaskea Road Drumbanaway Stewartstown
Dennis Kirkpatrick
47 Gortneskea Road, Stewartstown, Co. Tyrone
Hamilton Contracts
47 Shivey Road Shivey The Rock
Hugo Armstrong
48 Mawillian Road Ballynewy Money more
Ian Ferguson
48 Tullyveagh Road Tullyveagh Dungannon
James Ferguson
49 Ballynargin Road Enniskillen Coagh
Jason Ferguson
49 Ballynargin Road, Stewartstown, Co. Tyrone
Gary Ferguson
49 Ballynargin Road, Stewartstown, Co. Tyrone
Alan Young
49 Coagh Road Drumcraw Cookstown
David & Angie Dallas
5 Bridgend Tamlaght Coagh
Owner Occupier
5 Donaghendry Road Donaghendry Stewartstown
Terry Devlin
5 Drummullan Road Drummullan Money more
Nigel Lindsay
5 Dufless Road Dufless Cookstown

and Ina Kirkpatrick
 5 Moorville Lisnahall Cookstown
 A Toner
 5 Mullantain View Common Moss Stewartstown
 Stephen Forsythe
 5 Old Mill Court Moneymore Londonderry
 Gareth Lawson
 5 Tillywigan Cottages, Cookstown, Co. Tyrone
 May Dallas
 5 Ural Lane Mullaghtironey Coagh
 R G Collins
 50 Grange Road Grange Cookstown
 Raymond Sloan
 50 Knockanroe Road Glebe (Artrea) Dungannon
 Raymond Sloan
 50 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Raymond Sloan
 50 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Raymond Sloan
 50 Knockanroe Road, Glebe (Artrea), Dungannon, Tyrone, BT71 5LX,
 Raymond Sloan
 50 Knockanroe Road, Stewartstown, Dungannon, Co. Tyrone
 William Ferguson
 51 Ballynargan Road Enniskillen Coagh
 Hazel Young
 51 Coagh Road Drumcraw Cookstown
 The Owner/Occupier,
 51 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
 Judith Ferguson
 51A Ballynargan Road, Stewartstown, Co Tyrone, BT71 5NF
 Nigel Hagan
 52 Main Street Coagh Tyrone
 The Owner/Occupier,
 52 Soarn Road Soarn Stewartstown
 Ian Dingby
 53 Annaghone Road, Cookstown, Co. Tyrone
 Gerard and Carla Fowley
 53 Knockanroe Road Tievenagh (Main Portion) Dungannon
 Simon McAleece
 53 Littlebridge Road Ballygonny More Coagh
 Carla Fowley
 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Carla Fowley
 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 The Owner/Occupier,
 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Gerard and Carla Fowley
 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 The Owner/Occupier,
 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX

The Owner/Occupier,
53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
The Owner/Occupier,
54 Littlebridge Road Ballygonny More Coagh
William James Wilson
54 Loup Road Ballygruby Money more
Conor Wilson
54 Loup Road, Money more, BT45 7SS
Rosemary Wilson
54 Loup Road, Money more
Adrian Marshall
54 Smith Street, Money more
Orla McGrath
54B Loup Road Ballygruby Money more
Robert Newell
55 Bridgend Tamlaght Coagh
Carol Reid
55 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
Chris Slane
55 The Dales, Cookstown, Co. Tyrone
The Owner/Occupier,
57 Knockanroe Road Tievenagh (Main Portion) Dungannon
Julie Reid
57 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
Claire McFlynn
57 Loup Road, Money more, Co Tyrone, BT45 7SS
and Claire McFlynn
57 Loup road, Money more, Co Londonderry, BT45 7SS
Paddy Kennedy
57 Rathbeg Gortallowry Cookstown
Betty Anderson
57 Soarn Road Tullyconnell Stewartstown
The Owner/Occupier,
57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
The Owner/Occupier,
57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
The Owner/Occupier,
57A Knockanroe Road Tievenagh (Main Portion) Dungannon

Tina Gates
 57A Knockanroe Road, Stewartstown, Cookstown
 Richard Gates
 57A Knockanroe Road, Stewartstown, Cookstown
 The Owner/Occupier,
 57B Knockanroe Road Tievenagh (Main Portion) Dungannon
 Lynsey Hammond
 58 Ballyblagh Road Ballyveeny Stewartstown
 Owner Occupier
 58 Tullyveagh Road Tullyveagh Dungannon
 D Reilly
 59 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
 John Glendinning
 59 Loup Road Ballygruby Money more
 The Owner/Occupier,
 59, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Kieran Foster
 6 Aghaveagh Road Kilsally Coagh
 W.N Johnston
 6 Ballynargan Road Mullaghtironey Coagh
 James Boyd
 6 Boveedy Road, Kilrea
 Adrian Wilson
 6 Circular Road Money more Londonderry
 Adrian Wilson
 6 Circular Road, Money more, Londonderry, Northern Ireland, BT45 7PY
 David Nealon
 6 Cross Patrick Road, Drummullan, Money more, Co Londonderry
 Alan Badger
 6 Glenarny Road Drum Cookstown
 N Wilson
 6 Golf Terrace, Magherfelt, Co Londonderry, BT45 6ES
 The Owner/Occupier,
 6 Lower Grange Road Drummond Cookstown
 Richard Wallace
 6 Maghadone Lane Ballyeglish Money more
 Pauline Coyle
 6 Mullantain View Common Moss Stewartstown
 The Owner/Occupier,
 6 Tullyveagh Road Drummond Dungannon
 SH Faulkner
 60 Grange Road, Cookstown, Co Tyrone
 Thomas Wilson
 60 Grant Avenue, Randelstown, Co Londonderry
 Edna Wilson
 61 Loup Road Ballygruby Money more
 James Wilson
 64 Loup Road, Money more, Co Londonderry
 The Owner/Occupier,
 65 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,

Joseph McKinless
66A Drumconvis Road Drumconvis Coagh
The Owner/Occupier,
67 Knockanroe Road Tullyveagh Dungannon
Paul Bruce
68 Lindesayville Road Drumraw Tullyhogue
The Owner/Occupier,
69 Knockanroe Road, Stewartstown
Valerie McAleece
69 Littlebridge Road Ballygonny More Coagh
Owner Occupier
7 Ballymaguire Road Tullyhurken Stewartstown
Mark Carson
7 Hammond Street Moneymore Londonderry
Clare Marshall
7 Old Mill Court, Moneymore, Co. Londonderry
Ryenne Davidson
7 The Crescent Coagh Tyrone
Rebecca Peeples
7 Woodvale Crescent Moneymore Londonderry
June Ferguson
73 Knockanroe Road Tullyraw Dungannon
June & Greg Ferguson
73, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5NA
Owner Occupier
75 Cooke Crescent, Cookstown, Co Tyrone
Jonathan Ferguson
76 Killymoon Road Scotchtown Cookstown
H Lees
79 Knockanroe Road Tullyraw Dungannon
Darren Ferguson
8 Aghaveagh Road Kilsally Coagh
Chris O'Neill
8 Ballynakilly Road Annaghquin Cookstown
C Elliott
8 Bridger Street Moneymore Londonderry
Francy Wilson
8 Eglis Close Ballyrogully Moneymore
Trevor Knox
8 Magheradone Road, Moneymore
John A Hegarty
8 Magherafelt Road Moneymore Londonderry
Thomas Henry
8 Unagh Road Unagh Cookstown
Alexander Lees
83 Knockanroe Road Tullyweery Dungannon
Raymond Martin
86 Moneyhaw Road Drummullan Moneymore
The Owner/Occupier,
9 Balfad Drive, Coagh

Ryan Shirlow
9 Coolmount Drive Monrush Cookstown
Baiba Laila Neija
9 Drum Road Gortalowry Cookstown
Mary E Devlin
9 Drummullan Road Drummullan Moneymore
Mark Wilson
9 Fairlea Close Moneymore Londonderry
David Rea
9 Moneyhaw Road,Moneymore,Co Derry,BT45 7XJ
David Booth
90 Ballymaguire Road Mullaghglass Stewartstown
Reuben Bruce
90 Knockanroe Road Tullyraw Dungannon
The Owner/Occupier,
96 Knockanroe Road Tullyweery Dungannon
Ella McIvor
9A Springvale Feenan Beg Moneymore
Alan Buchan
A29 Garage Services,Dungannon Road,Cookstown,Co. Tyrone
John McReynolds
Ballynafea Road,Stewartstown
Lee McReynolds
Ballynafea Road,Stewartstown
David McReynolds
Ballynafea Road,Stewartstown
Jim Forsythe
Cookstown Road,Moneymore
Brendan Campbell
Drummullan
Deborah Nealon
Drummullan,Moneymore,Co Derry
Edele Campbell
Drummullan,Moneymore,Co Derry
S Devlin
Drummullan,Moneymore,Co. Londonderry
Norman Connor
Eastburn Drive,Ballymoney
Gerard and Carla Fowley
Email
Carla Fowley and Julie Reid
Email
Gerard and Carla Fowley
Email
Carla Fowley and Julie Reid
Email
Carla Fowley Julie Reid
Email Address
The Owner/Occupier,
Email Address

Karen Wilson
 Eve Avenue, Ormeau Road, Belfast, Co Antrim
 Stanley Elliott
 Gowshill, Tullyhogue, Cookstown, Co, Tyrone, BT80 8SN
 Z Fell
 Grange Road, Cookstown, Co Tyrone
 R Wylie
 Grange Road, Cookstown, Co Tyrone
 Fergus Ferguson
 Gratley House, 30 Soarn Road, Stewartstown, Co. Tyrone, BT71 5LT
 C Ashfield
 Henderson Court, Cookstown
 C Fowley
 Knockanroe Road, Dungannon, BT71 5LX
 Lorraine Bruce
 Knockanroe Road, Stewartstown, Co. Tyrone, BT71 5NA
 Derek Simpson
 Mill Race, Moneymore, Co Londonderry
 Carla Fowley
 On Behalf Of 53 And 57 Knockanroe Road
 J Lees
 Owner of Land @ Knockanroe, Stewartstown
 Ryan Turkington
 Turkington Engineering Ltd, Tullylagan Road, Cookstown
 Colin Turkington
 Turkington Livestock Systems, 14 Tullylagan Road, Sandholes, Cookstown, Co. Tyrone
 David Cahoon
 Tyrone Wholesale, Unit B, Rowan Tree, Pomeroy, BT70 3DS
 Anonymous

Date of Last Neighbour Notification	
--	--

Date of EIA Determination	
----------------------------------	--

ES Requested	Yes /No
---------------------	---------

Planning History

Ref ID: I/1993/0212

Proposal: 11KV Rural Spur

Address: KNOCKAROE ROAD TIEVENAGH COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2001/0426/O

Proposal: Proposed One and a Half Storey Residential Dwelling

Address: Site Opposite 48 Knockanroe Road, Ardtrea, Stewartown

Decision:

Decision Date: 10.01.2002

Ref ID: I/2014/0074/F

Proposal: Spray shed for engineering works and reposition of existing access and laneway.

Address: To the rear of 51 Knockinroe Road Stewartstown Dungannon BT71 5LX,

Decision: RL

Decision Date:

Ref ID: I/1991/0300

Proposal: Improvements to Dwelling

Address: 55 KNOCKANROE ROAD TIEVENAGH COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1993/0185

Proposal: Domestic Garage

Address: 55 KNOCKANROE ROAD, TIEVENAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2013/0110/F

Proposal: Proposed retention of offices for engineering works

Address: 55, Knockanroe Road, Stewartstown,

Decision: PG

Decision Date: 05.07.2013

Ref ID: I/2010/0253/F

Proposal: Proposed extension and alterations to existing engineering workshop/store & ancillary accommodation

Address: 55 Knockinroe Road, Cookstown, BT80 8RX

Decision:

Decision Date: 30.11.2010

Ref ID: I/1999/0058

Proposal: Dwelling and Garage

Address: 50M SOUTH EAST OF 55 KNOCKANORE ROAD TIEVENAGH
COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1990/0016

Proposal: Dwelling and Garage

Address: ADJACENT TO 55 KNOCKANROE ROAD ARDTREA COOKSTOWN

Decision:
Decision Date:

Ref ID: I/2002/0680/F
Proposal: Proposed dwelling and garage
Address: Adjacent to 55 Knockanroe Road, Stewartstown
Decision:
Decision Date: 30.12.2002

Ref ID: I/1992/0403
Proposal: Bungalow
Address: ADJACENT TO 55 KNOCKANROE ROAD ARDTREA COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1998/0529
Proposal: Proposed dwelling & garage
Address: ADJACENT TO 53 KNOCKINROE ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1994/0158
Proposal: Site for Dwelling
Address: OPPOSITE 41 KNOCKADOO ROAD MONEYMORE
Decision:
Decision Date:

Ref ID: I/2005/0705/F
Proposal: Extension to dwelling with disabled adaptations.
Address: 51 Knockinroe Road, Cookstown
Decision:
Decision Date: 26.09.2005

Ref ID: I/2002/0703/O
Proposal: Dwelling and Garage
Address: 90 Metres (approx) South East of 55 Knockinroe Road, Tievenagh, Cookstown
Decision:
Decision Date: 16.05.2003

Ref ID: I/2014/0246/F
Proposal: Proposed retention of engineering workshop to include store and ancillary accommodation and storage yard
Address: 55, Knockanroe Road, Cookstown,
Decision:

Decision Date:

Ref ID: I/2013/0357/F

Proposal: Steel and timber store for Engineering works (Amended Plans and Supporting Statement)

Address: To the rear of 57 Knockinroe Road, Dungannon,

Decision: RL

Decision Date:

Ref ID: I/2010/0447/F

Proposal: Alterations to previous approval ref: I/2008/0420RM including relocation of access

Address: 90m South East of 53 Knockanroe Road, Ardtrea, Stewartstown

Decision:

Decision Date: 10.12.2010

Ref ID: I/2004/0999/RM

Proposal: Dwelling & garage

Address: 90 Metres (approx) South East of 55 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 30.12.2004

Ref ID: I/2004/0831/O

Proposal: Site for dwelling & garage

Address: 150 Metres (approx) South East of 55 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 14.04.2005

Ref ID: I/2003/0814/O

Proposal: Proposed dwelling

Address: Lands 70m East of 48 Knockanroe Road Ardtrea Cookstown

Decision:

Decision Date: 29.03.2004

Ref ID: I/2008/0420/RM

Proposal: Single storey dwelling and garage

Address: 90m south east of 53 Knockanroe Road, Ardtrea

Decision:

Decision Date: 21.10.2008

Ref ID: I/2003/0807/O

Proposal: Dwelling and Garage

Address: 150 metres (approx) north west of 59 Knockinroe Road, Cookstown. BT80 8SR

Decision:
Decision Date: 13.11.2003

Ref ID: I/2006/0661/RM
Proposal: Dwelling & garage
Address: 150metres (approx) NW of 59 Knockinroe Road, Cookstown
Decision:
Decision Date: 19.12.2006

Ref ID: I/2004/0913/O
Proposal: proposed dwelling
Address: 90m S.E. of 53 Knockanroe Road, Cookstown
Decision:
Decision Date: 25.01.2005

Ref ID: I/2005/0634/O
Proposal: Proposed dwelling
Address: 90m SE of 53 Knockanroe Road, Cookstown
Decision:
Decision Date: 16.06.2005

Ref ID: I/2005/0301/O
Proposal: Proposed dwelling
Address: 90m SE of 53 Knockanroe Road, Cookstown
Decision:
Decision Date: 09.05.2005

Ref ID: I/2004/0597/O
Proposal: Proposed Dwelling
Address: 90m South East of 53 Knockanroe Road, Cookstown
Decision:
Decision Date: 15.09.2004

Ref ID: I/2009/0017/RM
Proposal: Proposed dwelling and garage
Address: 100m North West of 59 Knockinroe Road, Cookstown
Decision:
Decision Date: 18.08.2009

Ref ID: I/2008/0061/F
Proposal: Site for dwelling-amendment to condition No.7 in relation to Outline planning permission ref no: I/2005/0707/O to increase ridge height to 6 metres.
Address: 100 metres (approx) North West of 59 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 16.04.2008

Ref ID: I/2005/0707/O

Proposal: Proposed site for dwelling and garage (domestic)

Address: 100 metres (approx) North West of 59 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 01.02.2006

Ref ID: I/2003/0601/RM

Proposal: Replacement Dwelling

Address: 59 Knockinroe Road Tievenagh Cookstown

Decision:

Decision Date: 17.09.2003

Ref ID: I/2000/0297/O

Proposal: Replacement Dwelling

Address: 59 Knockanroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 28.07.2000

Ref ID: I/2010/0091/LDE

Proposal: Storage and fabrication of structural steel and associated items

Address: 55 Knockinroe Road, Cookstown, BT80 8RX

Decision:

Decision Date:

Ref ID: I/1992/0244

Proposal: 11 KV Rural Spur

Address: KNOCKANROE ROAD TIEVENAGH COOKSTOWN

Decision:

Decision Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2016	Item Number:
Application ID: I/2014/0413/F	Target Date:
<p>Proposal:</p> <p>Windfarm comprising 6 no. three bladed wind turbines with micro-siting and a maximum base blade to tip height of 126.5 metres. Ancillary developments include a permanent lattice anemometer mast of 80 metres height; turbine transformers; turbine bases, foundations and hardstands; widening and strengthening of existing tracks and construction of new access tracks, junctions and turning areas; a 33kV switch room control building with communications equipment, car parking and compound area; underground electrical cables and communication lines connecting wind turbines to the switch room control building; on site drainage works; upgrade of an existing entrance off Beltonanean Road for light vehicle use, use of the existing entrance to Davagh Forest off Slaght Road for main infrastructure traffic, with access tracks options through Davagh Forest; temporary set down areas, temporary material deposition areas, temporary construction compound; and all ancillary and associated development and infrastructure including general and excavation works at Beltonanean. The Proposed development also includes temporary works along the transport route to facilitate the delivery of turbine components including a realignment of a section of the Feegarran Road and widening of the junction of Feegarran and Slaght Roads, in the townlands of Ballynagilly and Beltonanean, Cookstown, Co Tyrone.</p>	<p>Location:</p> <p>Beltonanean Ballynasollus Beleevena-More and Ballynagilly Townlands Cookstown Co Tyrone</p>
<p>Referral Route:</p> <p>Recommended for refusal</p>	

Recommendation: Refusal	
Applicant Name and Address: Beltonanean Renewable Energy Limited Floor 5, City Quarter, Lapps quay, Cork	Agent Name and Address: Canavan Associates Ltd 23 Prince's Street Derry BT48 7EY
Executive Summary: All relevant issues have been considered, including objections, applicant's submission, and history surrounding the site. A Refusal has been recommended for the reasons given in the Case Officer report.	
Signature(s):	

Case Officer Report		
Site Location Plan – See Annex A		
Consultations:		
Consultation Type	Consultee	Response
Non Statutory	Landscape Architects Branch	Substantive Response Received
Non Statutory	DAERA - Countryside Management Branch	Considered - No Comment Necessary
Non Statutory	DAERA - Forestry Division	Substantive Response Received
Non Statutory	DCAL- Inland Fisheries Group	Substantive Response Received
Non Statutory	Env Health Cookstown District Council	Add Info Requested
Non Statutory	Natural Heritage	
Non Statutory	Protecting Historic Monuments	Substantive Response Received
Non Statutory	Protecting Historic Buildings	Substantive Response Received
Non Statutory	Ofcom Northern Ireland	Substantive Response Received
Non Statutory	Northern Ireland Tourist Board	Substantive Response Received
Non Statutory	Royal Society for the Protection of Birds - Headquarters	Add Info Requested
Non Statutory	Ofcom Northern Ireland	Substantive Response Received
Non Statutory	Health & Safety Executive for NI	
Non Statutory	DETI - Geological Survey (NI)	No Objection
Non Statutory	Rivers Agency	
Non Statutory	Transport NI - Enniskillen Office	Substantive Response Received
Non Statutory	NIE - Windfarm Developments	Substantive Response Received
Non Statutory	NI Water - Strategic Applications	Consulted in Error

Non Statutory	The Joint Radio Company	No Objection
Non Statutory	National Air Traffic Services	No Objection
Non Statutory	UK Crown Bodies - D.I.O. Safeguarding	No Objection
Non Statutory	DETI Energy Branch	No Objection
Non Statutory	Rivers Agency	
Non Statutory	Transport NI - Enniskillen Office	Substantive Response Received
Non Statutory	NI Water - Strategic Applications	
Non Statutory	Belfast International Airport	No Objection
Non Statutory	Arqiva Services Limited	No Objection
Non Statutory	Cable And Wireless Worldwide PLC	Considered - No Comment Necessary
Non Statutory	City of Derry Airport	No Objection
Non Statutory	DAERA - Fisheries Division	No Objection
Non Statutory	CAA - Directorate of Airspace Policy	Considered - No Comment Necessary
Non Statutory	DETI - Geological Survey (NI)	No Objection
Non Statutory	Rivers Agency	No Objection
Non Statutory	Royal Society for the Protection of Birds - Headquarters	
Non Statutory	Foyle Carlingford & Irish Lights Commission	Substantive Response Received
Non Statutory	Royal Society for the Protection of Birds - Headquarters	
Non Statutory	DAERA - Countryside Management Branch	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	NIEA	
Non Statutory	Northern Ireland Tourist Board	
Non Statutory	Shared Environmental Services	
Non Statutory	Northern Ireland Tourist Board	
Non Statutory	DETI - Geological Survey (NI)	No Objection

Non Statutory	NIEA	Substantive Response Received
Non Statutory	Historic Environment Division (HED)	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Content
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	DAERA - Forestry Division	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Royal Society for the Protection of Birds - Headquarters	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	309
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

The application is a proposal for a 6No wind turbine farm (maximum heights of 126.5m). There has been significant objection to the proposal. The agent has voluntarily submitted an Environmental Statement to address the main issues of the proposal and relevant consultees have provided feedback. A local residents group have also provided their views and objections.

The site lies in Sperrins AONB in a sensitive landscape and there are a number of residential properties nearby. It is the opinion of the Council the proposal should be refused for the reasons stated in the report.

Planning Assessment of Policy and Other Material Considerations

POLICY CONTEXT

The Strategic Planning Policy Statement for Northern Ireland "*Planning for Sustainable Development*" (SPPS) was published on 28 September 2015. Its provisions are material to planning appeal decisions. The SPPS sets out transitional arrangements that will operate until the new Councils have adopted new Plans for their areas. In the interim period, the SPPS will apply, together with policy contained in existing regional Planning Policy Statements, as listed in SPPS paragraph 1.13. The SPPS also states that the Best Practice Guidance to PPS18 "Renewable Energy" (the BPG) and supplementary planning guidance "Wind Energy Development in Northern Ireland Landscapes" (the SPG) will continue to apply. Other relevant policy context is provided by Planning Policy Statement 21 'Sustainable Development in the Countryside (PPS 21), Planning Policy Statement 2 - Natural Heritage (PPS 2), PP3 – Access and Movement, Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage (PPS 6), and Planning Policy Statement 16 - Tourism (PPS16).

Paragraph 1.12 of the SPPS states that "Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy". I acknowledge the appellants' comment that the SPPS is consistent with the now superseded Paragraph 59 of PPS1: General Principles, in that the guiding principle for Planning Authorities in determining planning applications and planning appeals respectively is that sustainable development (including renewable energy development) should be permitted, having regard to the Development Plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Policy CTY1 of PPS21 states that there is a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is renewable energy projects in accordance with PPS18. PPS18 is supported by the aforementioned BPG and SPG. The aim of PPS18 is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy. This aim is consistent with the aim of the SPPS for the siting of renewable energy facilities. Policy RE1 - Renewable Energy Development of PPS18 states that development that generates energy from renewable sources will be permitted provided the proposal will not result in an unacceptable adverse impact on five listed criteria below.

The publication Best Practise Guidance to PPS18 'Renewable Energy' was also taken into account in assessing this proposal which and the criteria for wind energy. It supplements the Planning Policy Statement covering general matters, nature conservation, landscape, ground water/geological conditions, archaeology, noise, safety, roads matters, electromagnetic production and interference, aviation interests, shadow flicker/reflected light, ice throw, tourism, construction and operational disturbance and decommissioning. These matters have been generally considered in the submitted Environmental Statement submitted with the application.

Planning Assessment of Policy

Policy RE1 of PPS18 requires that all applications for wind energy development will be required to demonstrate that they do not result in an unacceptable adverse impact on;

(a) public safety, human health, or residential amenity:

The proposal must also take in account part (vi) of PPS18, that the development will not cause significant harm to the safety or amenity of any sensitive receptors¹ (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light.

The developer has provided a detailed health & safety assessments setting out measures to be taken associated with all phases of the development project. The onus is on the contractor to comply with all relevant H&S legislation and guidance.

The proposed development will not create a significant risk of landslide or bog burst. The applicant has submitted prevention methods. NIEA: Natural heritage have raised no specific objection in relation to this issue, they asked for further details regarding the storage of surplus excavated glacial soil, and details were provided to address concerns of glacial till, and on the basis of the information provided they have no concerns.

(i) Stability and structural failure;

The policies used for assessment of this type of development state that very few accidents have occurred involving injuries to humans, those that have are to do with failure to observe manufactures and operators instructions. Paragraph 1.3.51 of the Best Practise Guide goes on the state the only source of danger to human or animal life would be the loss of a piece of the blade or exceptionally the whole blade. Many blades are composite structure with no bolts, so blade failure is therefore most unlikely.

(ii) ice throw

In relation to ice throw, which is unlikely in most sites in NI, which normally occurs when a turbine is operating at low atmospheric conditions including frost or snow. Even where icing does occur the turbines own vibration sensors are likely to detect the imbalance and inhibit the operation of the machines, so this is not considered a significant issue.

(iii) Shadow flicker

The Public Health Agency, Department of Energy and Climate Change in considering the effects of shadow flicker from turbines concluded that 'the frequency of the flickering caused by a wind turbine rotation is such that it should not cause a significant risk to health. The development should not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light.

Objections were also received in relation to the impact of shadow flicker and separation distances. PPS 18 Best Practice Guidance states that a minimum separation distance of 500m should be achieved between the nearest noise receptors and wind farms.

According to the Best Practice Guide to PPS 18 shadow flicker generally only occurs in relative proximity to sites and has only been recorded occasionally at one site in the UK.

It states in the Best Practice Guidance to Planning Policy Statement 18 - Renewable Energy that. Problems caused by shadow flicker are rare. At distances greater than 10 rotor diameters from a turbine, the potential for shadow flicker is very low. It is recommended that shadow flicker at neighbouring offices or dwellings within 500m should not exceed 30 hours per year or 30 minutes per day.

A shadow flicker report was submitted with the Environmental Statement in December 2014. The report predicted that no properties would experience shadow flicker for more than 30 hours per annum. The receptor which is most likely to be affected by shadow flicker is No. 17 Beltonanean Road, which is predicted to experience 16 hours and 7 minutes per annum, which is well below the accepted limits. However the limits set by PPS18 Best practise Guide, which recommends that shadow flicker 'at neighbouring offices or dwellings within 500m should not exceed 30 hours per year or 30 minutes per day', does not apply here as none of the proposed turbines are within a 500m distance of a dwelling in line with policy recommendations. The nearest dwelling is 756m from the proposal.

(iv) Road safety

Transport NI were consulted on the proposal and in line with PPS3 as it is important to consider the potential impact on transport routes and existing traffic movements which may occur as a result of the proposed development.

TNI have considered the applicant's traffic management plan and associated plans and are in general agreement subject to the number of conditions provided.

(V) Noise issues

An initial noise impact assessment was submitted by the agent for consideration by Environmental Health, in order to make a detailed assessment.

Further to the submission of the amended Noise Impact Assessment in October 2016, EHO has no objections to the proposal subject to robust conditions being attached to any approval. These conditions have provided two associated tables for permitted noise level limits, one applicable to the wind farm alone, and one applicable in the absence of the application I/2014/0399/F (for the single wind turbine, which was refused by Committee and is now the subject of a current appeal). The conditions would ensure the noise levels from any noise sensitive locations would be controlled.

(vi) Aviation concerns

There is no evidence that any part of the development will give rise to unacceptable electromagnetic interference to communications installations, radar or air traffic control systems, emergency services communications or other telecommunications systems. OFCOM has no objection to the proposal. NATS has no objection to the proposal. Ministry of Defence and Belfast International Airport also have no objection to the proposal. NATS and Belfast International Airport have confirmed they have no objection in terms of aviation safety.

(vii) Visual amenity, intrusion and over dominance.

The proposed turbine would have a significant impact on residential amenity of No.8 Beltonanean Road. The kitchen, dining and living area of this property face the direction of the proposed wind turbine as well as there being a rear and side garden area, where the turbine would dominant views. While the existing concrete water storage tanks to the rear and the existing evergreen trees,

will partially screen the hub of a number of the turbines, all, bar one, of the moving blades of seven turbines would be in constant view from their rear main living areas and rear & side garden.

The PAC supported this view in the recent appeal 2014/A0234 (Annex D) where they found the impact of a 119m turbine located on 295m on the contour lines, to have an unacceptable impact on No.8. The key issue as highlighted in this appeal decision was 'the constant view of the moving blades in their totality', not including the hub. As shown in photomontage in Annex E, blades would still be an 'unavoidable presence'. In this case of all but one of the 8 possible turbines, would be viewed from this property.

I am of the opinion this proposal would have a significant effect on their residential amenity and remain contrary to part (a) of RE1 in PPS18. Mid Ulster Committee supported this argument recently (Feb 17) as I/2014/0339/F was accepted as a refusal for a single turbine which had the same reason for refusal.

Objectors raised safety concerns over the potential falling of the turbines. Supplementary guidance advises that in terms of safety for smaller individual turbines a fall over distance plus 10 per cent is often used as a safe separation distance. The closest dwellings fall well outside the recommended fall over distance. This is not considered a significant enough reason to merit refusal of the proposal.

(b) Visual amenity & landscape character:

Paragraph 1.3.25 of Best Practise Guide acknowledges that wind turbines will often be highly visible and it will normally be unrealistic to seek to conceal them. It states that developers should seek to ensure that through good siting and design, landscape and visual impacts are limited and appropriate to the location.

Visual Impact assessment & Critical views

The visual assessment is concerned with assessing if there are any significant visual effects from the proposal on the landscape and from surrounding properties. By virtue of their size and scale and exposed locations wind turbines will have visual impacts. However the degree of this this will depend on many factors.

PPS18 refers to supplementary planning guidance, 'Wind Energy development in NI's landscapes' and states this should be taken into account when assessing all wind proposals. Paragraph 4.13 of PPS18 advises that wind turbines are likely to have the greatest visual effects of renewable energy development and this will vary depending on the location, landscape and setting of the proposal.

All of the proposed wind farm development site falls within the designated Sperrins AONB and Landscape Character Area (LCA) 41- Slieve Gallion as defined in NI Land Class Assessment 2000.

In terms of man-made influences nearby, there is a 60m high anemometer mast approved under I/2008/0112/F. There is also a nearby approval for a 92.5m single wind turbine which has not yet been constructed under I/2010/211/F.

In term of sensitivity to wind energy, the LCA is deemed to have a high to medium rating due to its varied character. The slopes are highly sensitive as they are exposed to long views and provide a visual focus over a wide area. It is stated care should be taken to avoid adverse impacts on views

westwards and avoid Lough Fea towards Sperrins LCA, on views of Slieve Gallion and on natural and cultural landscape features.

One such cultural landscape feature is the Beaghmore Stone circles. The proposed development will have an adverse impact upon the public access, approaches to and critical views to, from, within and across Beaghmore. If permitted it would adversely impact the setting of the site and its enjoyment by visitors. The viewpoint can be identified as VP3 on Map shown as Annex B, and can be seen in the photos of Annex J.

A number of critical viewpoints have been identified by the agent, and it is the view of the Council that from the majority of these, the wind farm would have an unacceptable visual impact.

All the views, except for VP2 and VP10, which are a consideration distance from the site, are considered critical. Cumulative impacts must also be considered in relation to the approved and current single turbine applications.

Viewpoint (VP) 1 is at Creggan. All of the six turbines will be in view over this long range view. The approved single turbine would also be viewed together with the wind farm at this VP.

VP 4 is from the layby close to Beaghmore Stone Circles. Although not as critical a view as that from the Stone Circle complex, all six turbines can be viewed, however only the upper blades of the two single turbines can be read with them.

At VP5, at Killucan Picnic Area, Dunamore Riverside Walk, all the six turbines are prominent. This is a public picnic and parking area and views would be visible at close range. There would be no significant view of the other single turbine from this VP.

On Drum Road, at VP6, there are long distance views of the wind farm, and when travelling along this main road. The turbines will be on the central ridgeline, and even with the quarry activity and other buildings between the road and the site, the turbines remain prominent.

VP7, on the southside of Beltonanean Road, adjacent to dwelling No.8, there is a direct of the turbines. The ridge of the mountain partly obscures some of the turbines hubs, however when viewed with the one approved the cumulative impact from here is unacceptable in terms of dominance for the dwelling No.8, as well as in general visual terms.

At VP8, on the eastside of Beltonanean Road, the turbines will all be at close range, with one in particular dominating views, as the mountain from here does little to screen views. There are dwellings nearby who will be affected by this view and it remains a prominent one.

On Orritor Road, at VP9, on the edge of the settlement limit, the six turbines are visible at a medium distance range. The land in between is undulating, however the wind farm sits on higher ground in the distance and are in clear view. The upper blade of the single approved turbine will be viewed from along here with the wind farm, although cumulative impact from here is minimal.

The Council have significant concerns about the visual impact on the ANOB. Recent appeal decision 2015/A0083 (Annex F) also supports the view that AONB character should be protected and in this case, a single wind turbine appeal was dismissed, due to its impact on amenity and landscape character of the Sperrins AONB. Appeal 2007/A1313 dismissed in October 2016 (Annex I) also reinforces the importance of preserving the unspoilt character of an AONB.

There are a number of dwellings within a 1km radius of the proposal and the visual impact on them will be dominant, and in addition to the general visual impact on the ANOB, the Council would have concerns over the dominant visual nature of the proposal for individual residential properties. These in particular include No 8 Beltonanean Road, 17 Beltonanean Road, 49 Corvanaghan Road & 55 Corvanaghan Road. Although outside 500m of the proposal the views are dominant and this

view is backed up by appeal decision 2015/A0166 (Annex G) where a single turbine was refused based its adverse impact on a dwelling house due to its dominance.

(c) biodiversity, nature conservation or built heritage interests;

Objectors raised much concern about the effect the proposal may have on these issues. A number of assessments were submitted relating to ecology, bats, birds, pearl mussels and archaeology. These were forwarded to the relevant experts for their consideration.

- Biodiversity & nature conservation

The site is hydrologically linked to Owenkill River SAC/ASSI and Upper Ballinderry River SAC/ASSI. The site is adjacent to Teal Lough and Slaughtfreedan Bog ASSI which are of national and international importance and are protected by Conservation (Natural Habitats) Regs (NI) 1995 (as amended) and The Environment (NI) Order 2002 and compliance should be had to the Habitats Directive.

The site is adjacent to the boundary of Teal Lough SAC/Teal Lough and Slaughtfreedan Bog ASSI and it is important to take precautions to ensure its integrity will not be damaged by any activities during the construction or thereafter. NIEA have provided conditions and informatives in line with The Conservation (Natural Habitats) Regs (NI) to ensure this will not occur.

Following the submission of the clarification of The Habitat Management enhancement plan and Construction Methods Statement, NIEA Natural Environment Division (NED) is content all their previous issues and concerns have been adequately addressed. NED has no concerns that the proposed development will have an adverse impact on natural heritage interests, and conditions have been provided to mitigate any concerns in relation to protecting birds, badgers and other wildlife.

Shared Environmental Services have completed an appropriate assessment and fully considered the application in terms of its nature, scale, timing, duration and location, and it is concluded that robust mitigation has been planned to manage silt, peat slide risk, chemical pollutants, and control drainage, during construction, operation and decommissioning, to minimise any potential impacts on the features and objectives of Owenkill River SAC and Upper Ballinderry River SAC.

- Built Heritage

The proposed site lies within an area of archaeological interest, and a number of sites are monuments can be identified within a 5km radius. Beaghmore ASAI extends northwestwards from the western boundary of the site, and the proposed access route passes through this ASAI, although there are no monuments relating to this designation along the route of the road.

The most significant site identified is Beaghmore stone circles, to the west of the development. The Stone Circles site at Beaghmore is located within the Mid Ulster cluster of stone circles. It is an international visitor attraction and is a state care monument. The site is a complex of ancient field walls and consists of seven stone circles, 10 stone alignments, 12 cairns and traces of linear stone features.

Historic Environment Division (HED) have stated the proposed development will have an unacceptable adverse impact upon the public access, approaches to and critical views to, from, within and across Beaghmore. If permitted it would adversely impact the setting of the site and its enjoyment by visitors.

The agent submitted supporting evidence in an attempt to show the proposal would not have a detrimental visual impact. These were considered by HED who felt the proposed wind farm will

remain highly visible from the stone circles dominating the landscape and skyline to the east and impacting upon the public access, approaches to, and critical views across, from and within the site. It would be remain unacceptable and contrary to the provisions of BH1 of PPS6.

The agent identified planning appeal decision 2007/A1313 for a wind farm at Mullaghturk (Annex I), which they feel identified a number of similar conclusions relating to archaeology and cultural heritage. Having reviewed this appeal I still remain in agreement with NIEA, that the current wind farm has an unacceptable visual impact. Due to its skyline position and closer distance to the Stone Circles it has a greater visual impact than the turbines at Mullaghturk.

The proposed wind farm will have a significant impact on the setting of Beaghmore stone circles as it will introduce dominant and inappropriate features in the landscape and impact on views from and across the site. It is especially pertinent given the relative absence of any other existing modern structures of a similar scale in the area.

In considering plan policy CON 4 in the Cookstown Area Plan 2010, and the impact on 'Beaghmore Area of Significant Archaeological Interest', there will be no direct impact on the stone circles. It will only be part the access that falls within this designation and it will not have a detrimental effect on any sites or monuments relating to the ASAI.

(d) local natural resources, such as air quality or water quality;

No significant issues in relation to these matters were highlighted from relevant consultees. Water Management Unit have considered the impacts of the proposal on the surface water environment and on the basis of the information provided the applicant refers and adheres to their standing advice.

(e) public access to the countryside.

Objections were raised in relation to increased traffic and road safety and the delivery of the turbines during construction phases.

The route for construction traffic to reach the site entrance is likely to be via the A29 Cookstown-Moneymore Road, Lough Fea Road and the minor Feegarron Road. The project will be accessed via 2 separate access points at Slaughter Road and at Beltonanean Road during construction and decommissioning phases.

NIEA asked for a preferred access route, which was provided by the agent. Forestry Division had no objection to either of the proposed routes, however asked for a tree felling management plan to be provided. The chosen route mainly follows an existing forest track, with details of any forest removal being provided to NIEA for comments.

Transport NI were consulted on the proposal and in line with PPS3 as it is important to consider the potential impact on transport routes and existing traffic movements which may occur as a result of the proposed development.

TNI have considered the applicant's traffic management plan and associated plans and are in general agreement subject to the number of conditions provided.

In line with PPS18 Applications for wind energy development will also be required to demonstrate all of the following criteria;

- (i) that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;
- (ii) that the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications;
- (iii) that the development will not create a significant risk of landslide or bog burst;
- (iv) that no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems;
- (v) that no part of the development will have an unacceptable impact on roads, rail or aviation safety;
- (vi) that the development will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and
- (vii) that above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

The above issues have all been considered in the planning assessment and relevant bodies consulted relating to their field of expertise. In terms of part (vii) objectors raised the issue of decommissioning. The expected life of the wind farm is 27 years. When decommissioning would take place a planning condition would normally be imposed for the removal of all turbine components, transformers and substation and the land restored.

OTHER MATERIAL CONSIDERATIONS:

A large volume of objections have been received (309 in total) outlining various issues of concern. These have been fully considered and relevant planning issues taken into account. A residents group have submitted a detailed report, and in particular they comment on the impact on tourism and impact on the economy, and the comments made by the applicant regarding these.

Much information has been submitted by the applicant and agent supporting the application and countering objectors concerns. All this information has been taken into account and fully considered in the planning assessment.

- **Impact on tourism**

Objectors have raised the issue in relation to detrimental impact on tourism in the area. The applicant has submitted a tourism impact assessment. NI Tourist Board had no specific objections or support for the proposal and directly the Council to their relevant guidelines. They do however state they have no intelligence that would support the suggestion that additional wind farms in this area would draw visitors, and they do not promote wind farms as visitor attractions.

The relevant planning policy consideration is PPS16 – Tourism and specifically TSM 8 – Safeguarding of tourism assets. It states permission will not be granted for a development which would have an adverse impact on a tourism asset. Paragraph 7.39 refers to a Tourism asset as ‘any feature associated with the built or natural environment which is of intrinsic interest to persons traveling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business and other purposes’. Beaghmore Stone Circles could be identified as such.

The wind farm proposal is contrary to Planning Policy Statement 16: Tourism, in that the site lies within the Sperrins AONB and is located approx. 1.8 miles east of the Beaghmore Stone Circles

Complex and the development would, if permitted, damage the intrinsic character and quality of these tourism assets by reason of unacceptable visual impact.

In relation to the Davagh Forest cycle routes, which objectors have concerns about, the applicant has confirmed these will not be directly affected by the wind farm proposal or access route. I am satisfied there would be direct impact on the Davagh National Trail Centre (mountain biking) due to the proposal.

- **Impact on Funding**

MUDC have been allocated £2 million heritage and lottery funding, which is intended to be used to develop the Dark Skies, Sperrins heritage site, and through this they are seeking to designate the Dark Skies as a designated heritage site, including the Stone Circles. This proposal, if approved would have a potentially detrimental impact on the surrounding area and a wind farm could potentially have a detrimental impact on the funding proposal.

- **Impact on property values**

The SPSS in Paragraph 2.3 sets out the Council's position on this matter - The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. The Council is satisfied that in this instance that the amenities of neighbouring properties would not be affected. No evidence has been submitted to demonstrate any de-valuation of properties in the locality.

- **Social and economic benefits**

Policy RE 1 states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted. Paragraph 6.225 of the SPPS states that these same benefits will be given appropriate weight in determining whether planning permission should be granted. The weighting direction in the SPPS, referring to 'appropriate weight' is clearly intended to take precedence over that contained in Policy RE1; it also post-dates the Ministerial Statements of 2009 and 2010. However, I do not disagree with the appellants' argument that 'appropriate weight' could equate to 'substantial weight', 'significant' weight', or even 'determining weight', depending on the circumstances of the case. As stated in the appellants' evidence, with regard to the benefits of a proposal, "whether it is so substantial as to outweigh any unacceptable adverse impacts is ultimately a balancing exercise for the decision-taker, based on the evidence before him or her ...".

Both the SPPS and Policy RE 1 set out a qualified presumption in favour of renewable energy development unless it would have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits of the development.

There are obvious benefits, as with the majority of wind farm applications, such a reduction in CO2 emissions and a cleaner energy supply. It will also assist in reducing NI's dependency on fossil fuels, and help it achieve its renewable energy obligations. The proposal will also provide direct and indirect employment during the construction phase and through maintenance.

The agent has identified other benefits of the proposal including;

- The local council and landowners gaining ground rents/rates from the proposed development during its lifetime of approx. 25years.
- Creation of 20 jobs, locally and regionally.
- Opportunities for rural diversification and provision of new income from sources other than farming.
- Attraction of tourists as a regional feature of interest and an educational resource.
- Roads improvements would be made, representing an investment in local infrastructure.
- Developers are committed to contributing a community fund as part of the development.

The developer has showed a willingness to enter into a planning agreement for a range of community benefits or provision of facilities for the area, and they have done this in successfully in the past with other wind energy developments. Annex H is their Community Benefit Commitment and examples of those ongoing. However no specific details have been provided for the purpose of the monetary contribution, and how the community would specifically benefit.

There is little to suggest that Northern Ireland is unlikely to progress towards both the maximum OREAP range for Onshore wind and indeed the 2020 overall target of 40%. Commissioner Beggs at the Drumadarragh Wind Farm Appeal (2013/A0169) also concluded 'while there is a way to go to meet targets, the above figures do not suggest to me that the NI targets are in danger of not being met.'

Overall, it has to be determined if the benefits highlighted outweigh any detrimental and unacceptable impact the proposal would have on the visual amenity and landscape character of the AONB, and the impact on residential amenity. When the benefits are fully considered in this case, on balance, it is my opinion, they do not outweigh the detrimental impacts caused by the proposal.

CONCLUSION

There are a number of significant views from the proposed Wind Farm and because of its scale, prominence and degree of visibility, it would not be sympathetic to the special character of this AONB. When viewed with an approved wind turbine the cumulative visual impact would be significantly detrimental in this AONB. There is an unacceptable impact on the residential amenity on a nearby dwelling, as well an unacceptable dominance on a number of properties. There would be a significant impact from Beaghmore complex and this would in turn impact on tourism. When all has been taken into account, the proposed has been recommended for refusal for the reasons stated below.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

1.The proposal is contrary to Policy RE1 of Planning Policy Statement 18 - Renewable Energy in that the development would, if permitted, have an unacceptable impact on the visual amenity and landscape character of the area, which is located within the Sperrin AONB, by reason of the scale and siting of the turbine and the sensitivity of the landscape, and also due to the cumulative impact of existing turbines, those which have permissions and those that are currently the subject of valid but undetermined applications.

2. The proposal is contrary to Policy RE1 of Planning Policy Statement 18 - Renewable Energy in that the development would, in that the development if permitted, would have a detrimental impact on the amenity of neighbouring residential occupiers, by reason of over dominance and visual intrusion.

3. The proposal is contrary to Policy RE1 of Planning Policy Statement 18 - Renewable Energy in that the development would, if permitted, have an unacceptable impact on residential amenity of nearby residential property No 8 Beltonanean Road, as a result of being overly dominant and an unavoidable presence from the rear main living/kitchen/dining rooms and garden areas.

4. The proposal is contrary to Policy NH6 of Planning Policy Statement 2- Natural Heritage & The SPPS, in that the site lies within the designated Sperrin AONB and the development would, if permitted, be detrimental to the environmental quality of the AONB by reason of lack of sensitivity to the distinct character and the landscape quality of the area.

5. The proposal is contrary to Planning Policy Statement 16: Tourism, TSM 8 Safeguarding of Tourism Assets in that the site lies within the Sperrins AONB and is in proximity to the Beaghmore Stone Circles Complex and the development would, if permitted, damage the intrinsic character and quality of these tourism assets by reason of unacceptable visual impact.

6. The proposal is contrary to Policy RE1 of Planning Policy Statement – Renewable Energy and Policy BH1 of Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage, in that the development would, if permitted, have an unacceptable adverse impact on built heritage interests by adversely impacting upon the setting, the public access and approaches to, critical public views from and within, and the enjoyment of the Beaghmore Stone Circle Complex, a regionally important monument in State Care.

Signature(s)

Date:

ANNEX	
Date Valid	29th December 2014
Date First Advertised	28th January 2015
Date Last Advertised	May 2016 – FEI
Details of Neighbour Notification (all addresses) Liam Ward 1 Ardmore Park, Hilltown, Down, Northern Ireland, BT34 5TR Eileen Ward 1 Ardmore Park, Hilltown, Down, Northern Ireland, BT34 5TR John Ward 1 Ardmore Park, Hilltown, Down, Northern Ireland, BT34 5TR Clare Ward 1 Ardmore Park, Hilltown, Down, Northern Ireland, BT34 5TR R Coyle 1 Glebe Close, Wrenningham, Norwich, Norfolk, NR16 1DP Patrick McNulty 1 Gortgonis Park Gortgonis Coalisland Francie Coulter 1 Riverside Terrace Bavan Mayobridge Niall McAleer 1 The Cloisters, University Avenue, Belfast, BT7 1GD Marian Hagan 10 Ashley Heights, Portadown, Co Armagh Eugene & Geraldine Connolly 10 Beltonanean Lane Beltonanean Cookstown Eugene Campbell 10 Emania Terrace, Armagh, Co Tyrone Elizabeth O'Kane 109 Ballyronan Road Ballymulderg More Magherafelt Edward O'Connor 11 Crossmore Green Dunlarg Keady Eugenia Pointan 11 Drumlin Walk Ringmackilroy Warrenpoint Kieran McHugh 110 Tulnacross Road Dunnamore Cookstown Brigid McNamee 111 Broughderg Road Broughderg Greencastle Trea McKee 111 Feegarron Road, Cookstown, Tyrone, Northern Ireland, BT80 9TE James McKee 111 Feegarron Road, Cookstown, Tyrone, Northern Ireland, BT80 9TE Laura McKee 111 Feegarron Road, Cookstown, Tyrone, Northern Ireland, BT80 9TE Amy McKee 111 Feegarron Road, Cookstown, Tyrone, Northern Ireland, BT80 9TE	

Eamon McKee
111 Feegarron Road, Cookstown, Tyrone, Northern Ireland, BT80 9TE
Peter Hughes
117 Moor Road Shanliss Upper Coalisland
Gary Heagney
117A Tulnacross Road,Dunamore,Cookstown
C Heagney
117a Tulnacross Road,Cookstown,Co Tyrone,BT80 9NP
Mary Morgan
12 Crossmore Green Dunlarg Keady
Ellen Moore
12 Lir Gardens Racarbry Keady
Catherine Beattie
12 Lisadavil Park, Aughnacloy, Tyrone, Northern Ireland, BT69 6AU
Alice Beattie
12 Lisadavil Park, Aughnacloy, Tyrone, Northern Ireland, BT69 6AU
Rachael Beattie
12 Lisadavil Park, Aughnacloy, Tyrone, Northern Ireland, BT69 6AU
Shirley Beattie
12 Lisadavil Park, Aughnacloy, Tyrone, Northern Ireland, BT69 6AU
Mary McVerry
12 O'Donaghue Park,Bessbrook,Newry
Kerrie McGuigan
124 Broughderg Road Broughderg Greencastle
Eilis Leddy
129 Broughderg Road Broughderg Greencastle
Joe Cunningham
13 Gortgonis Terrace Gortgonis Coalisland
Kerry McIver
13 Millvale Park,Bessbrook,Newry
Rosemary Crawley
14 High Street Ballynacraig Newry
Kylie Peebles
14 Thompson Gardens Tamnymullan Maghera
A McDermott
149 Broughderg Road Crouck Greencastle
Joseph Evans
15 Ardross,Crossmaglen
James Evans
15 Ardross,Crossmaglen
Oliver McKenna
15 Corvanaghan Road Corvanaghan Cookstown
Jacqueline Devlin
15 Mallawee Road,Clady,Co Armagh
Adrian McCracken
16 Castle Court Coolnahavil Cookstown
Pauline McCartan
16 Glenveagh Carcullion Hilltown
Kate Conway
16 Lambrook Meadows Lammy Lammy

Tierna McCavery
16 Station Avenue Dundrinne Castlewellan
Anne McCullagh
16A Limehill Road Lime Hill Pomeroy
Pat and Janette McRory
17 Beltonanean Road, Cookstown, Tyrone, Northern Ireland, BT80 9TR
Janette McRory
17 Beltonanean Road, Cookstown, Co. Tyrone, BT80 9TR
Patrick McRory
17 Beltonanean Road, Cookstown, Co. Tyrone, BT80 9TR
Matt McRory
17 Beltonanean Road, Cookstown, Tyrone, BT80 9TR
Nia McRory
17 Beltonanean Road, Cookstown, Tyrone, BT80 9TR
Janetter & Pat McRory
17 Beltonanean Road, Cookstown, bt80 9tr
Robert McKenna
17 Corvanaghan Road Corvanaghan Cookstown
Catherine McMann
17 Derrylecha Road, Newry
K Gibson
17 Knockmore Park, Carrickfergus, Antrim, Northern Ireland, BT38 8PQ
Martina Robinson
17 Maloon Manor Maloon Cookstown
Martin Robinson
17 Maloon Manor, Cookstown, Co Tyrone
Pat and Janette McCrory
17, Beltonanean Road, Cookstown, Co Tyrone, BT80 9TR
William Gallagher
19 Orchard Hill Ringmackilroy Warrenpoint
Eamonn McConway
19 Scotchtown Road Clagan Limavady
Patrick McNulty
197 Tattymoyle Road Tattymoyle Middle Omagh
B Tubby
2 Adelaide Road, Ipswich, Suffolk, England, IP4 5PR
E Lavery
2 Ashleigh Meadows Lissize Rathfriland
Nuala Dobbin
2 Liggins Road Liggins Mountfield
E Caulfield
2 Rosswood Park Rosstrevor Rostrevor
Conor Brady
20 Cavanoneill Road Cavanoneill Pomeroy
Phelim Devlin
21 Killycanavan Road, Ardboe, Dungannon, Co Tyrone
Laurence McCrory
21 Maryville Sheskinshule Sheskinshule
Kieran Quinn
21 Tullaville Tullagh Cookstown

Joan Mitchell
22 Lough Fea Road, Cookstown, Tyrone, Northern Ireland, BT80 9QL
Siobhan McQuaid
23 Dalton Road Drumarg Or Downs Armagh
Joanna Quinn
23 Tullaville Tullagh Cookstown
Patrick Higgins
25 Drumsesk Place Ringmackilroy Warrenpoint
Celine McCann
26 Brough Road Tamniaran Castledawson
Rachel Gribben
26 Clermont Gardens, Warrenpoint, Down, Northern Ireland, BT34 3LQ
M. Cullen
26 Gargrim Road Gargrim Fintona
N Foley
26 Rathbeg Gortalowry Cookstown
Anita McClelland
26 Tullymore Downs Drumarg Or Downs Armagh
Siobhan Gibney
27 Ballinlare Gardens, Newry, Co Down
PJ Cullen
27 Gargrim Road Draughton Fintona
Gareth McClorey
27 Great Georges Street, Warrenpoint, Down, Northern Ireland, BT34 3HS
Frank Delaney
27 Hilltown, Millford, Co Armagh
Johanna McCollum
27 Smyth Crescent Garvaghy Portglenone
Phelim Devlin
27 Tullaville Tullagh Cookstown
Melissa Hull
28 Leck Road, Stewartstown, Tyrone, Northern Ireland, BT71 5LS
Lyn Hadal
28 Main Street, Darkley, Co Armagh
Valerie McCloskey
28 Tullaville Tullagh Cookstown
Sheena Monaghan
3 Beaghmore Road Beagh More Cookstown
L McGuckin
3 Church Way Swatragh MAGHERA
D Killen
3 St. Malachys Villas Corporation Armagh
Colm McKey
30 Essmore Dromore Warrenpoint
Ashleen Ward
30 Glenveigh, Altnaveigh, Newry, Armagh, BT35 8GL,
Kayleigh McCrory
30 Liggins Road Liggins Mountfield
Sean South
31 Gleannsi, Rostrevor, Co Down

Ciara South
31 Gleannsi,Rostrevor,Co Down
Thomas Matin
31 Granemore Park Racarbry Keady
John Havern
32 Orchard Hill Ringmackilroy Warrenpoint
K Kelly
33 Loughgall Road Corporation Armagh
Veronica Crawley
33 St. Clares Avenue Ballynacraig Newry
Peter Loughran
34 Lisnastrain Road,Clonoe,Coalisland,Co Tyrone
Rory O'Connor
35 Hawthorne Road Tamnymullan Maghera
Dympna Moan
36 Acorn Hill,Bessbrook
Thomas Moan
36 Acornhill,Bessbrook,Newry,Co Down
Edgar Charles
36 Ballynasolus Road Ballynasollus Cookstown
Kathleen Breen
36 Ballyneill Road Ballyronan Beg The Loup
P F Warnock
37 Aghascrebagh Road Aghascrebagh Greencastle
Brigid McRory
38 Ballynasolus Road Ballynasollus Cookstown
Michael White
38 Cloughmore Park Rosstrevor Rostrevor
Phelim Mulgrew
38 Killucan Road Killucan Cookstown
Fidelma O'Kane
384, Crockanboy Road, Creggan, Tyrone, Northern Ireland, BT79 9AF
Siobhan Mulgrew
38A Killucan Road,Cookstown,Co Tyrone,BT80 9JW
Marion Fegan
39 Bryansford Gardens Ballaghbeg Newcastle
Patrick McGurk
4 Annaginny Road,Carland,Dungannon,Co Tyrone
Eileen McGurk
4 Annaginny Road,Carland,Dungannon,Co Tyrone
Sean Ward
4 Dalton Close Drumarg Or Downs Armagh
Lisa McQuaid
4 Linen Green Kennedies Milford
S Monaghan
4 Riverside Ballymaguigan MAGHERAFELT
Mary Mulgrew
40 Killucan Road Killucan Cookstown
Bernie O'Neill
40A Fingrean Road Altdrumman Sixmilecross

N Higgins
41A Upper Dromore Road, Ringmackilroy, Warrenpoint, Down, BT34 3PN
Kieran Hughes
42 Corran Road, Tassagh, Co Armagh
Sheila Hughes
42 Corran Road, Tassagh, Co Armagh
P Hughes
43 Drumgullion Avenue Lisdrumgullion Newry
Michael & Margaret McCrory
44 Ballynasolus Road, Cookstown, Tyrone, Northern Ireland, BT80 9TQ
Michael McCrory
44 Ballynasolus Road, Cookstown, Tyrone, Northern Ireland, BT80 9TQ
Margaret McCrory
44 Ballynasolus Road, Cookstown, Tyrone, Northern Ireland, BT80 9TQ
Joe Rooney
46 Canal Street Lisdrumgullion Newry
Sheila Rooney
46 Canal Street, Newry, BT35 6UF
N Fowley
47 Drum Road Gortallowry Cookstown
Shane Higgins
5 Ashgrove Hall Drumcashellone Newry
Isobell Peeples
5 Beagh Terrace Beagh (Spiritual) Maghera
James Monaghan
5 Beaghmore Road Beagh More Cookstown
Yvonne Hart
5 Beaufort Manor Drumnacanvy Portadown
Gerard Devlin
5 Parkmore Gardens Town Parks Of Magherafelt Magherafelt
Julia Smith
5 St Joseph's Place, Crossmaglen
Colm McKenna
50 Crouck Road Crouck Mountfield
Cathal Morris
51 Aghascrebagh Road Aghascrebagh Greencastle
Ciara Guy
51 Fairgreen Park Racarbry Keady
Stephen Devlin
52 Leaghan Road Leaghan Sixmilecross
Francis Corey
54A Blackrock Road, Cookstown, Co Tyrone, BT80 9NZ
Joanne Corey
54A Blackrock Road, Dunamore, Cookstown, BT80 9NZ
Brian O'Connor
55 Derrybeg Drive, Newry
Michelle Bennett
55 Lassara Heights Dromore Warrenpoint
Alice Smith
57A Killeavey Road Lisdrumgullion Newry

Joanne Donnelly
58 Ard Na Greine, Keady, Armagh
Tamm Donnelly
58 Ard Na Greine, Keady, Co Armagh
Paul Holland
6 Beagh Terrace Beagh (Spiritual) Maghera
Mary Heagney
6 Beltonanean Lane Beltonanean Cookstown
James McCorry
6 Clarkes Court, Gulladuff, Londonderry, Northern Ireland, BT45 8RH
Seamus McCorry
6 Clarkes Court, Gulladuff, Londonderry, Northern Ireland, BT45 8RH
Eilleen Healy
6 Mourne View Carcullion Hilltown
Joanne Anderson
6 Mull Court Mullinsallagh Portglenone
Kevin Gallagher
6 Orchard Hill Ringmackilroy Warrenpoint
Peter Joseph McGurk
62 Blackrock Road, Dunamore, Cookstown
Carmel Mulholland
63 Mount Pleasant Road Jordanstown Newtownabbey
Ann Devlin
66 Cladymore Road Clady More Mowhan
Gerard Rafferty
7 Crossmore Green Dunlarg Keady
Tomas Connolly
7 Green Acres, Cookstown, Co Tyrone
Patrick Connolly
7 Green Acres, Cookstown, Co Tyrone
Gertie Connolly
7 Green Acres, Cookstown, Co Tyrone
P Meenagh
7 James Street, Omagh
Helen Forsythe
7 Malcolm Villas Derganagh Knockcloghrim
Ciara South
75 Bancran Road Bancran Glebe Draperstown
Mary Potter
8 Ashwood Heights Derryloran Alias Kirktown Cookstown
Monina Connolly
8 Beltonanean Lane Beltonanean Cookstown
Anna Ward
8 Beltonanean Road Beltonanean Cookstown
Kathleen Lavery
8 Cottage Mews, Portadown
Camilla Devlin
8 Northland Row, Dungannon, BT71 6AW
Laura McCartan
8 Quaker Green Kiltarriff Rathfriland

Stephen Devlin
 8 Rathbeg Gortalowry Cookstown
 Roisin Reid
 84 Coolnafranky Park Coolnafranky Cookstown
 Tiernan McNamee
 84 Davagh Road Broughderg Draperstown
 Annie Finn
 9 Church Place Crossdened Keady
 Megan Loughran
 9 Greenagh Road,Dungannon,Co Tyrone
 Rachel Cleary
 9 Tattysallagh Road Clanabogan Lower Drumquin
 Mark Taylor
 90 Old Coagh Road, Cookstown, Tyrone, Northern Ireland, BT80 8RQ
 William Curran
 91 Chapel Street Ballynacraig Newry
 Kathleen O'Connor
 93 Ardross Park,Crossmaglen,Co Armagh
 Pearse Skidmore
 96 Clogherny Road Clogherny Glebe Upper Beragh
 Mairead McNally
 97, Feegarron Road, Cookstown, Tyrone, Northern Ireland, BT80 9TA
 F Heagney
 98 Dunnamore Road Meenascallagh Cookstown
 Patrick Connolly
 Geraldineconnolly1@btinternet.com
 Adrian O'Neill
 Greenvale Drive,Cookstown,Co Tyrone
 Kieran Devlin
 Iniscarn Road,Moneymore,Co Derry
 Joe Cunningham
 Killeeshil Road,Dungannon,Co Tyrone
 Thomas John Quinn
 Killybearn,Cookstown,Co Tyrone
 Teresa McSkeane
 Killymonaghan,Castleshane,Middletown,Co Armagh
 M Garrity
 Kinelowen Street,Keady,Co Armagh
 Margaret McCrory
 maggiemakes@gmail.com
 Michael McCrory
 mvmccrory44@googlemail.com

Date of Last Neighbour Notification	11th May 2016
Date of EIA Determination	23rd January 2015
ES Requested	Submitted voluntarily

Planning History

Ref ID: I/2013/0348/PREAPP

Proposal: A wind farm consisting of 11 no wind turbines each with a maximum overall blade to tip height of 119 metres; turbine transformers; electrical control building; communications antennae on control building, widening of existing tracks, construction of new access tracks, junctions and site entrance; turbine hardstands; underground electrical cables and communications lines; drainage works; a temporary site compound; and all ancillary developments and associated works.

Address: Beltonanean Road, lands west of cookstown, Co. Tyrone.,

Decision: EOLI

Decision Date:

Ref ID: I/2007/0239

Proposal: Request for EIA Determination for a Single Wind Turbine

Address: Beltonanean Mountain, Cookstown

Decision:

Decision Date:

Ref ID: I/2008/0684/F

Proposal: Wind farm consisting of 2 wind turbines of up to 1.3 megawatt power output (2.6 MW total) each with a maximum overall base to blade tip height of 81 metres; Ancillary developments will comprise a single meteorological mast of up to 50 metres in height, turbine transformers; turbine hardstands, site entrances with sight line provision; 2 no. electrical control kiosks, construction of new access tracks and junctions; communications antennae; underground electrical cables and communications lines connecting wind turbines to electrical control kiosks; on site drainage works; temporary site compounds and all ancillary and associated works at Beltonanean Mountain.

Address: Beltonanean Mountain, Beltonanean TD, Co Tyrone.

Decision:

Decision Date: 08.02.2010

Ref ID: I/1992/0111

Proposal: Water Bore Well

Address: 400M EAST OF JUNCTION OF SLAGHT ROAD AND FEEGARRAN ROAD
BALLYNAGILLY COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1992/0143

Proposal: Relocation of Liquid Packaging Plant

Address: 300M WEST OF 120 FEEGARRAN ROAD BALLYNAGILLY COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1990/0151

Proposal: Extension to pipeline and erection of liquid packaging plant for spring water

Address: AT JUNCTION OF SLAGHT ROAD AND FEEGARRAN ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2004/1062/F

Proposal: Extension of existing quarry for the extraction of sand & gravel. Removal of rock by blasting from north east corner of the existing quarry as part of site restoration.

Address: Lands to the south of existing sand & gravel quarry, Ballynagilly Road, Cookstown

Decision:

Decision Date: 06.03.2008

Ref ID: I/1978/0385

Proposal: 11KV O/H LINE

Address: BALLYNASOLLUS, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2014/0413/F

Proposal: Windfarm comprising 6 no. three bladed wind turbines with micro-siting and a maximum base blade to tip height of 126.5 metres. Ancillary developments include a permanent lattice anemometer mast of 80 metres height; turbine transformers; turbine bases, foundations and hardstands; widening and strengthening of existing tracks and construction of new access tracks, junctions and turning areas; a 33kV switch room control building with communications equipment, car parking and compound area; underground electrical cables and communication lines connecting wind turbines to the switch room control building; on site drainage works; upgrade of an existing entrance off Beltonanean Road for light vehicle use, use of the existing entrance to Davagh Forest off Slaght Road for main infrastructure traffic, with access tracks options through Davagh Forest; temporary set down areas, temporary material deposition areas, temporary construction compound; and all ancillary and associated development and infrastructure including general and excavation works at Beltonanean. The Proposed development also includes temporary works along the transport route to facilitate the delivery of turbine components including a realignment of a section of the Feegarran Road and widening of the junction of Feegarran and Slaght Roads, in the townlands of Ballynagilly and Beltonanean, Cookstown, Co Tyrone.

Address: Beltonanean, Ballynasollus, Beleevena-More and Ballynagilly Townlands, Cookstown, Co Tyrone,

Decision:

Decision Date:

Ref ID: I/2013/0307/F

Proposal: Variation of Condition Numbers 3 and 16 attached to planning approval

I/2004/1062/F to extend the time period (by approximately 10 years) for restoration of the

north-east corner of the existing quarry, which involves the removal of rock by blasting.
(Additional Information Received)

Address: Lands at the existing S Bell and Sons quarry, 28 Ballynagilly Road, Cookstown,

Decision:

Decision Date:

Ref ID: I/2014/0029/DETEIA

Proposal: pre-application determination as to need for environmental impact assessment for amendment to previously approved planning application I/2004/1062/F to include the extraction of rock by blasting

Address: lands at the existing S Bell and Sons quarry at Ballynagilly Road, Cookstown,

Decision: DRES

Decision Date:

Ref ID: I/2012/0414/F

Proposal: Proposed 60m high temporary lattice anemometer mast, use of existing entrance and access track accessed by quad vehicle with trailer

Address: 695m SW of 17 Beltonanean Road, Beltonanean Townland, Beltonanean Mountain, Co Tyrone,

Decision: PG

Decision Date: 31.07.2013

I/2014/0413/F

ANNEX A – Location and layout map

ANNEX B – Map of surrounding area

ANNEX C- History map and table

ANNEX D – Appeal decision 2014/A0234

ANNEX E – Photo from No.8 Beltonanean Road

ANNEX F - Appeal decision 2015/A0083

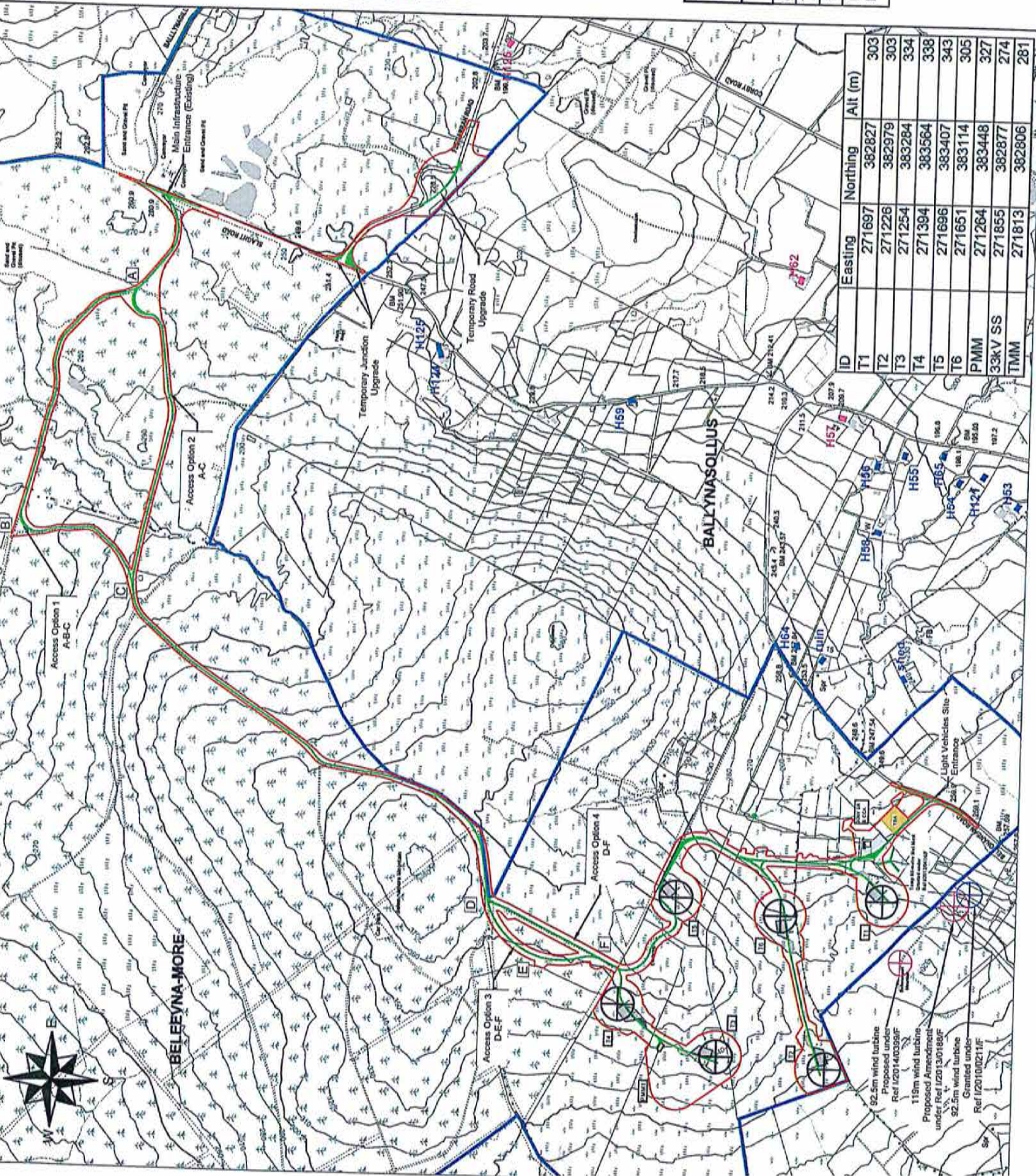
ANNEX G - Appeal decision 2015/A0166

ANNEX H – Community fund details

ANNEX I - Appeal decision Mullaghturk wind farm – 2007/A1313

ANNEX J - Archaeological viewpoint

PROPOSED BELTONANEAN ROAD RENEWABLE ENERGY PROJECT



- Legend**
- Landholding Boundary
 - Proposed Site Boundary
 - Proposed Beltonanean Wind Turbine, Hardstand & Temporary Set-down Areas
 - Proposed Permanent Met Mast & Hardstand (PMM1)
 - Proposed 33kV Switchroom (33kV SR)
 - Proposed Construction Compound Area (CCA)
 - Proposed Temporary Spoil Deposition Area (TDA)
 - Temp 60-metre Met Mast Granted under Ref I/20120414/F
 - Proposed Access Tracks
 - Proposed Wind Turbines
 - Granted Wind Turbines

Site Layout Map

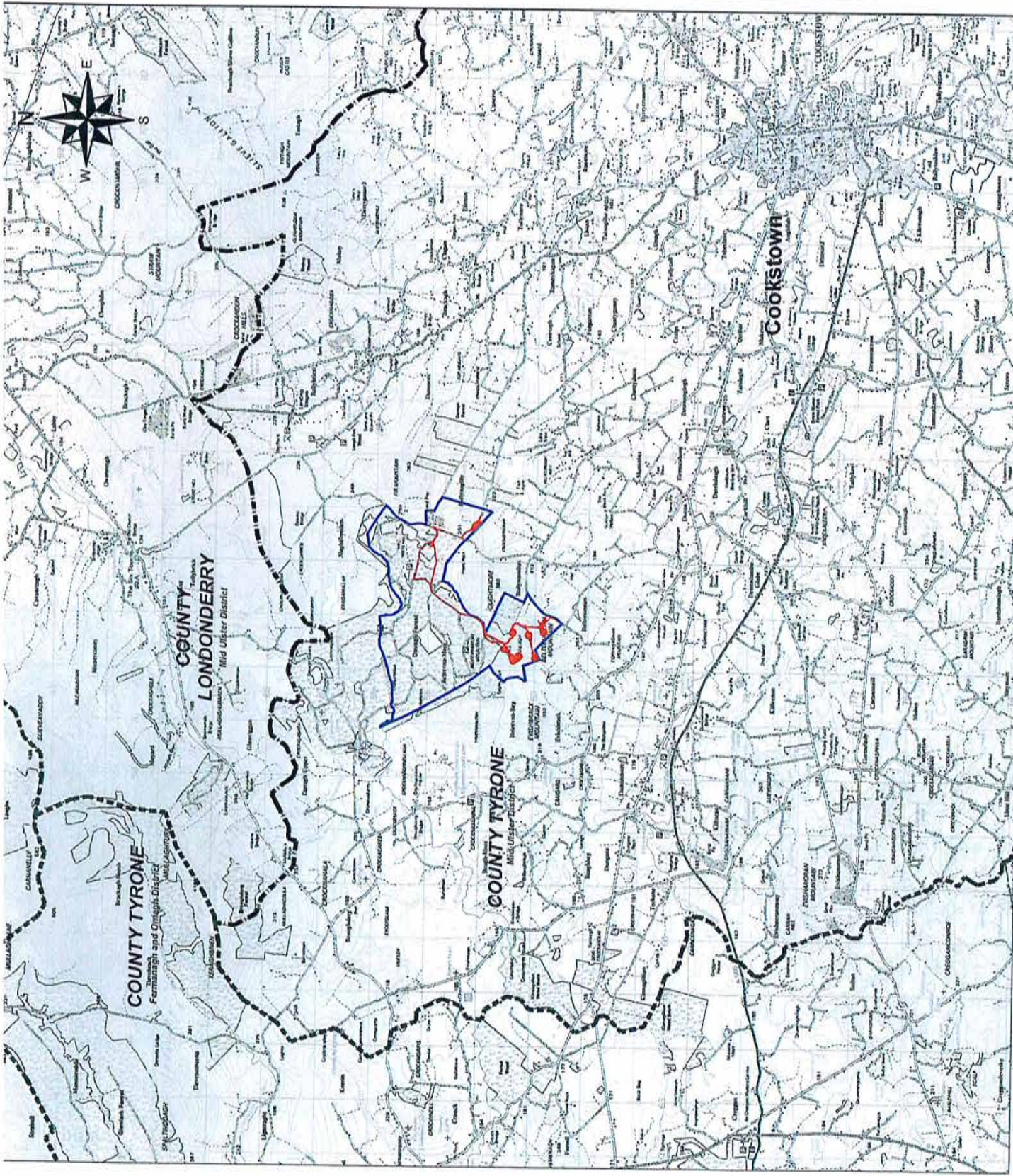
Figure 2

Scale: 1:15,000 @A4	Date: Jan 2015
Turbine Layout Ref: 6 WTs 15-01-15	
House Layout Ref: HL07	
Drawing Ref: 1404 NTS Fig 2 - 6WTs 15-01-15	
HL07.dwg	



canavan associates

ID	Easting	Northing	Alt (m)
T1	271697	382827	303
T2	271226	382979	303
T3	271254	383284	334
T4	271394	383564	338
T5	271696	383407	343
T6	271651	383114	305
PMM	271264	383448	327
33kV SS	271855	382877	274
TMM	271813	382806	281



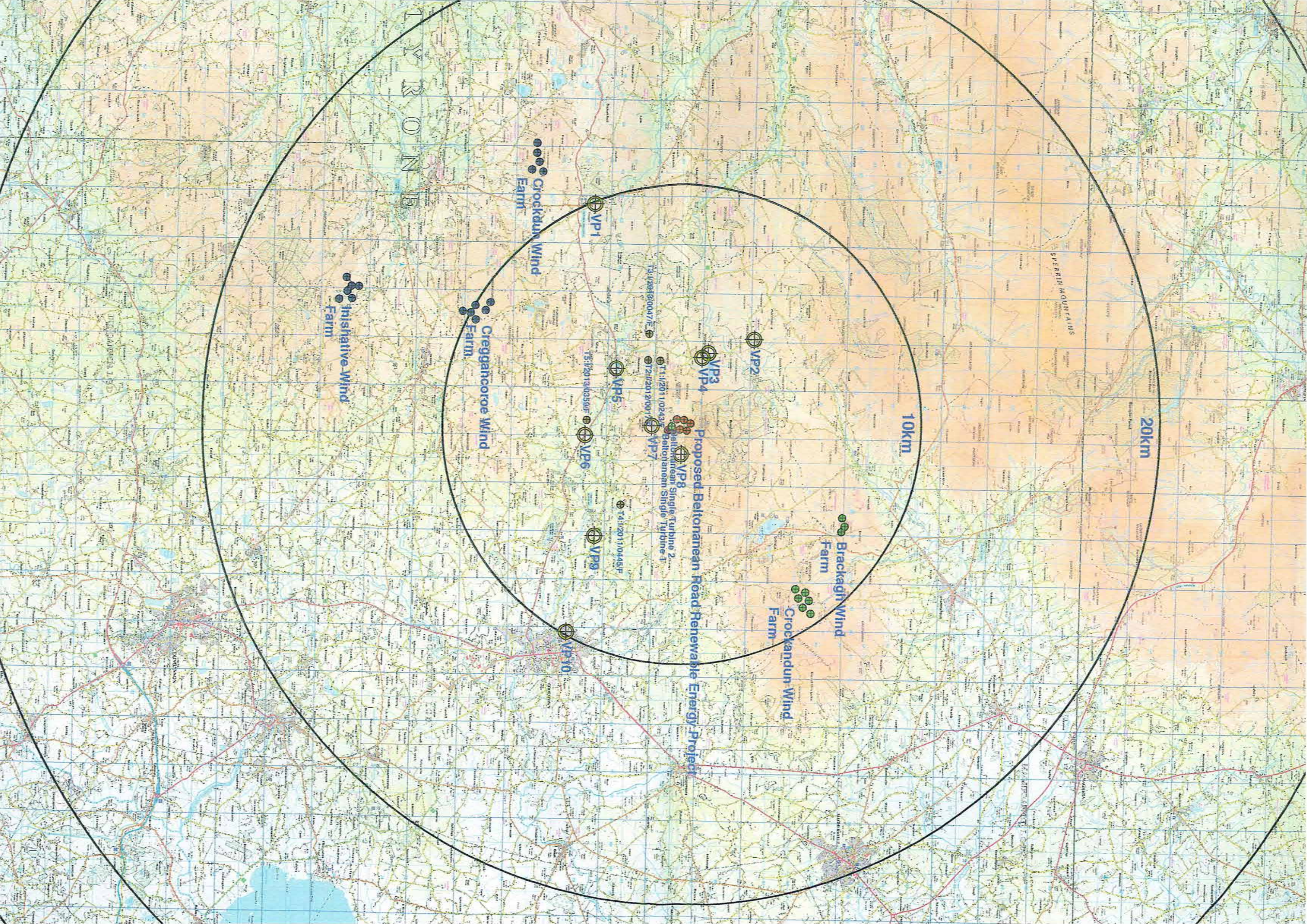
- Legend**
- Landholding Boundary
 - Proposed Site Area
 - Local Government District Boundary
 - County Boundary

Site Location Map

Figure 1

Scale: 1:100,000 @A4 Date: Jan 2015
 Turbine Layout Ref: 6 WTs 15-01-15
 Drawing Ref: 1404 NTS Fig 1 6WTs
 15-01-15.dwg










HISTORY TABLE FOR 1/2014/0399/F

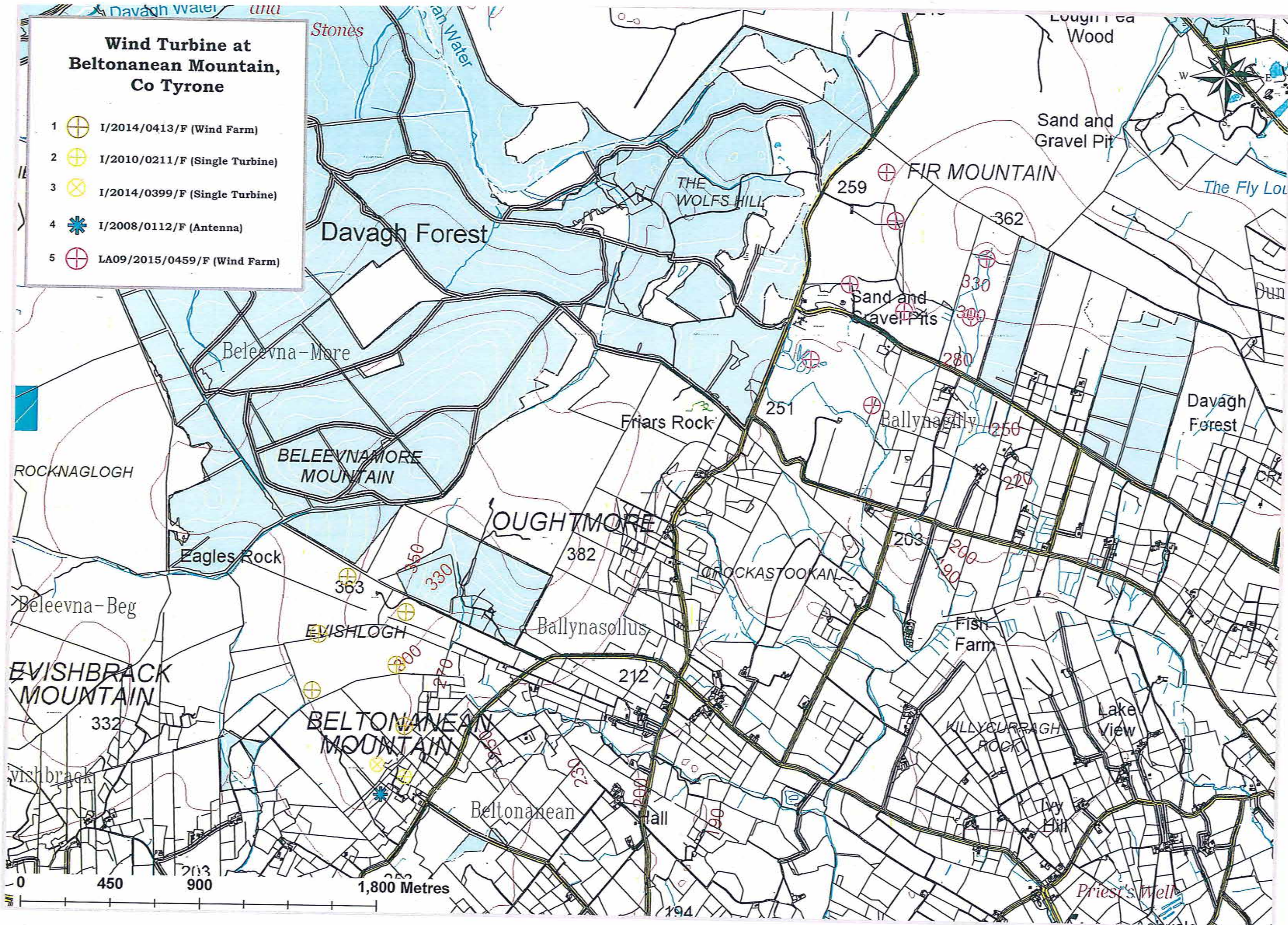
REF	LOCATION	PLANNING HISTORY	PROPOSAL	APPLICANT	DECISION
1	Beltonanean Ballynasollus Beleevna-More and Ballynagilly Townlands Cookstown Co Tyrone	1/2014/0413/F	6No three blade wind farm- maximum tip height of 126.5m (rotar blade 46.25m) Ancillary developments include an 80m permanent lattice anemometer.	Beltonanean Renewable Energy Ltd	Currently under consideration
2	Beltonanean Mountain, Beltonanean TD, Cookstown	1/2010/0211 /F 1/2013/0188/F	A single wind turbine of up to 2.3 megawatt with maximum tip of 92.5m (rotar blade of 35.5m) Relocating 1/2010/0211/F 54M N/NW increasing height to 119m (rotar blade 41m)	Mr Graham Bell	Approved on 09.05.2012 Refused on 28.01/2015 Appeal dismissed 18.12.2015

3	Beltonanean Mountain Beltonanean TD Cookstown Co Tyrone	I/2014/0399/F	A single wind turbine of up to 2.3 megawatt with maximum tip of 92.5m (rotar blade of 35.5m) to compliment approval I/2010/0211/F	Mr Graham Bell	Current application
4	Beltonanean Mountain Beltonanean TD Cookstown Co Tyrone	I/2008/0112/F	Proposed construction and installation of 60m high anemometer.	Mr Graham Bell	Approved 22.08.2008
5	Stanley Bell & Sons Quarry 28 Ballynagilly rd, Townland Lissan Cookstown	LA09/2015/0459/F	8No three blade wind farm- maximum tip height of 126.5m (rotar blade 46.25m) Ancillary developments include an 80m	Ballynagilly Wind Energy Ltd	Currently under consideration

				permanent lattice anemometer.		
--	--	--	--	----------------------------------	--	--

Wind Turbine at Beltonanean Mountain, Co Tyrone

- 1  I/2014/0413/F (Wind Farm)
- 2  I/2010/0211/F (Single Turbine)
- 3  I/2014/0399/F (Single Turbine)
- 4  I/2008/0112/F (Antenna)
- 5  LA09/2015/0459/F (Wind Farm)



Appeal Reference:	2014/A0234.
Appeal by:	Mr Graham Bell against the refusal of full planning permission.
Development:	Relocation of previously approved turbine (Planning reference I/2010/0211/F) 54m NNW and increasing overall base to blade tip height to 119m and addition of proposed new electrical substation with underground cables and communication cables.
Location:	Lands at Beltonanean, Cookstown
Planning Authority:	Department of the Environment
Application Reference:	I/2013/0188/F
Procedure:	Written Representations and Accompanied Site Visit on 5 August 2015
Decision by:	Commissioner Brigid McGlinchey dated 18 December 2015.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A determination under the Planning (Environmental Impact Assessment) Regulations (NI) 2012 was carried out on the proposed development and it was deemed that an Environmental Statement was not required. Albeit that the appeal proposal before me is an amendment to a scheme already approved under I/2010/0211/F and is broadly similar, it incorporates additional elements consisting of an electrical substation close to the access from Beltonanean Road and associated underground cable works to connect the turbine to it. I note that the location of the substation is in proximity to an existing agricultural shed and that the associated land is in agricultural use with evidence of grazing by sheep. I am therefore satisfied that there is no blanket bog on the site. Whilst the site is located within the Upper Ballinderry Special Area of Conservation catchment, the consultation response from Natural Heritage within the DOE stated that a Habitat Regulations Assessment has been carried out and has concluded that there are unlikely to be significant impacts on any designated site from this proposal. It also indicated that the proposed development does not present a significant level of risk to species of conservation importance. I am therefore satisfied that the nil determination under the EIA regulations taken by the planning authority is correct and that an environmental statement is not required.

Reasoning

3. The main issue in this appeal are whether the development would have a detrimental impact on the visual amenity and landscape character of the area. Other issues raised relating to archaeology and residential amenity are material consideration before

4. The appellant has extant planning permission for a turbine with the base to blade tip height of 92.5m. Whilst the approved turbine is sited approximately on the 290m contour line on the accompanying site location map, a notation on the drawing states that the elevation of the turbine as being 296m indicating that an element of infilling is required to create the turbine base. That approval has not been implemented. The appeal proposal entails relocating the turbine and amending its height. The proposed turbine has a blade height tip of 119m. Its altitude as notated on the accompanying site location map is 300m which is comparable to the contour height at that location and indicates that no infilling is proposed. Taking account of the differential in the height of the turbines and the indicated elevation of the bases, the appeal proposal would appear 30.5m higher in the landscape than the approved turbine (and not 36.5m as indicated by the planning authority). This is the basis for my assessment.
5. The appeal site is located in the countryside as defined in the Cookstown Area Plan 2010 (CAP). An objector referred to Policy CON4 in CAP entitled 'Area of Significant Archaeological Interest' which relates to a designation at Beaghmore identified in Map No.27 that incorporates the most extensive stone circle complex in Northern Ireland. The appeal site however lies outside this defined area and Policy CON4 therefore does not apply in this case. The plan is silent on wind turbine development. The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining the appeal. 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.
6. 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 renewable energy projects in accordance with Planning Policy Statement 18: Renewable Energy (PPS18). PPS18 is supported by a Best Practice Guide (BPG) and a supplementary planning guidance document Wind Energy Development in Northern Ireland Landscapes (SPG).
7. The appeal site lies within the Sperrins Area of Outstanding Natural Beauty (AONB). Paragraph 6.223 of the SPPS states that a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as AONBs and their wider settings. It states that in such sensitive landscapes, it may (my emphasis) be difficult to accommodate renewable energy proposals, including wind turbines without detriment to the region's cultural and natural heritage assets. This reflects the wording previously set out in the BFG and is therefore a consideration before me. The continued adoption of the word 'may' indicates to me that the SPPS policy does not place a ban on such development in AONBs. Paragraph 6.225 of the SPPS states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.
8. Policy RE1 of PPS18 indicates that renewable energy development will be permitted provided it will not result in an unacceptable adverse impact on five criteria. Criterion (b) relates to visual amenity and landscape character whilst criterion (a) encompasses residential amenity. The policy goes on to indicate that compliance with an additional seven criteria is required for wind energy development proposals. Criterion (i) requires demonstration that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines and criterion

(ii) requires that the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications. The overall wording and thrust of the policy suggests that some degree of adverse impact may be acceptable.

9. Paragraph 1.3.25 of the BPG acknowledges that wind turbines will often be highly visible and it will normally be unrealistic to seek to conceal them. It indicates that the general perception of wind farms in an open landscape as likely to be a prominent feature up to 2kms and relatively prominent up to 2-5kms. However, it goes on to state that developers should seek to ensure that through good siting and design, landscape and visual impacts are limited and appropriate to the location. The SPG provides a description of the sensitivity of the Northern Ireland's landscape to wind energy development in terms of the extent to which the inherent character and visual amenity of each Landscape Character Area (LCA) is vulnerable to change due to such development. The appeal site is located within LCA 41: Slieve Gallion which is indicated to have a high to medium sensitivity. The SPG however acknowledges that there is considerable variation in sensitivity level across any area and that areas of higher or lower sensitivity may also exist. The appeal site lies within the south-western part of LCA 41. The assessment of the SPG states that the south-western outlier hills although adversely affected by sand and gravel extraction and forestry, are visibly prominent thus increasing the sensitivity of this area to wind energy development. I judge that Beltonanean Mountain represents one of these outlier hills and, despite the presence of two quarries and Davagh Forest, I accept the planning authority's assertion that this part of the LCA is a sensitive landscape.
10. The appellant prepared a zone of theoretical visibility map and submitted ten photomontages illustrating how the proposed turbine and the approved turbine will appear in the landscape from ten locations within a 10km radius of the appeal site (VP1-10). Whilst these were accompanied by a comparative visual assessment which set out a scoring of the landscape/receptor sensitivity, visual resource change magnitude/presence and the significance of the visual effect, no information was provided as to what factors were taken into account in determining the rating system that was applied. Whilst taking cognisance of these and the other parties' conclusions, I have made my own assessment of each of the identified viewpoints. Though the appellant stated that most applications for wind farms are now for turbines up to 125m some of which have been approved in AONBs, I must make my assessment of the appeal proposal in the physical context of this appeal.
11. From the long distance perspectives (VP1 near Creggan and VP7 outside Cookstown), the visual context would be predominantly the broad panorama of the undulating landscape. Though the proposed turbine would appear on the skyline, its differential visual impact to that of the approved scheme would be negligible. Three medium range viewpoints from over 5km away from the appeal site were identified. Though the proposed turbine would be dominant on the skyline from VP8 near Orritor and VP9 from Kildress Church, I judge that its relative visual impact to that of the approved scheme would be moderate. Due to the intervening topography the approved turbine would not be discernible from VP5 at the crossroads near Davagh Forest. Notwithstanding, that the proposed turbine would be visible on the skyline from this viewpoint, the impact would be moderate as only the blades would be discernible. I am satisfied that the visual and landscape impacts from these long and medium distant views of the proposed amended scheme when considered against the impact of that previously approved turbine would be moderate and therefore not unacceptable. I am reinforced in this opinion as the consultation response from the Landscape Architects within Natural Heritage (LANH) of the DOE advised that the proposed turbine would have a limited additional visual impact on medium and long range views.
12. The other five identified viewpoints are taken from shorter range perspectives within 3.5km of the appeal site. I agree with the objectors that the spinning element of the wind turbine would become more distinct over these shorter range views as the rotating blades draw the

eye towards them increasing the visual impact. The approved scheme would not be visible from VP6 to the west close to Beaghmore Stone Circles given the intervening elevated landform. Whilst the proposed amendments would result in the tips of the blades being discernible above the ridgeline from this perspective, the resulting visual impact would be limited. The appeal proposal therefore would not detract from the character and appearance of this distinctive historic landscape. I am reinforced in this opinion given the consultation response from Historic Monuments Unit of the DOE which stated that the proposal would not result in an adverse impact on archaeological sites and monuments in the landscape.

13. The other four shorter range views are from perspectives to the south/southwest of the appeal site. From VP4 at the entrance to the Dunamore Riverside Walk and from VP3 on Tullnacross Road, the development on Beltonanean Mountain would be viewed in the context of the existing farm buildings, houses and the tall structure associated with one of the quarries which are all positioned in the foreground. Whilst the approved scheme would undoubtedly have a visual impact, the appeal proposal would be significantly higher (approximately 28% higher) than the approved turbine and than any other built or landscape features in the vicinity. I consider that would result in a significantly larger feature on the skyline that would overwhelm and significantly alter the landscape of its immediate surroundings creating an unacceptable adverse impact.
14. This relative visual impact is magnified, when viewed from VP2, 725m from the appeal site on the approach from the south on Beltonanean Road. The existing 60m high anemometer mast sited approximately 250m to the northeast of the approved turbine provides a useful guide in making a relative visual assessment of the scale and height between the approved and the proposed turbine from this perspective. The appeal proposal, like the approved scheme, would be seen almost in its entirety occupying a crestline position without the benefit of backdrop as illustrated in the appellant's photo montage. I do not however accept that the proposed height increase and upper elevation relocation would be a proportionate increase of no significance in terms of visual impact as argued by the appellant. I judge that the additional 30.5m would result in the proposal being a stark, overly dominant structure in the landscape and cause visual harm due to its scale and size. I found that the other built features comprising dwellings and the concrete water tanks visible in the vicinity of Beltonanean Mountain from this perspective would not render the amended proposal acceptable.
15. The final identified viewpoint VP10 is closer (being 628m away from the appeal site) and photomontage illustrates that the mass of Beltonanean Mountain provides partial screening with only one blade at a time being discernible over the landform limiting the visual impact when viewed from this perspective. Nonetheless, based on my consideration of other short range viewpoints identified by the appellant I judge that the proposed relocation and height amendment will have significant visual impact and would represent an unacceptable change in the receiving landscape. I consider that the introduction of a significantly greater sizeable structure into this landscape would unacceptably impinge on the skyline when viewed from three of the identified close range viewpoints. The increased adverse impact could not be absorbed into the landscape. Albeit that the proposal is located on a slope of Beltonanean Mountain that is on the edge of and orientated away from the rest of the AONB, it lies within the designated landscape and would be detrimental to the scenic quality of this natural asset. I consider that it would overwhelm and significantly alter the landscape of its immediate surroundings and have a detrimental effect on the overall character of the LCA. Whilst other turbines up to a height of 125m have been approved in other AONB areas as referred to by the appellant, these proposals have been considered within their own physical context. I conclude that the proposed turbine in its context would have an unacceptable adverse effect on the visual amenity and landscape character of this rural area at odds with criterion (b) of Policy RE1.

16. In terms of cumulative effects with approved and existing turbines, given that the proposed turbine lies within the red outline of the identified application site of the approved turbine in close proximity, I am satisfied that only one turbine can be accommodated on the site. This could theoretically be controlled by condition. Criterion (ii) of Policy RE1 however requires that the applications for wind energy developments demonstrate that the development has taken into consideration undetermined valid applications. There are two other planning applications for proposed wind turbines sited close to the appeal site which have been submitted to the planning authority for consideration in December 2014 but have not yet been determined. As the outcome of these applications is unpredicted and unknown, I can attach little weight to these proposals. I conclude that the proposed turbine would as a single isolated element, have a detrimental effect on landscape character.
17. Under Criterion (vi) of Policy RE1, key matters to be addressed are that the development will not cause significant harm to the safety or amenity of any sensitive receptors arising from inter alia noise and shadow flicker. Policy RE1 states that for a wind farm development a separation distance of 10 times the rotar diameter to occupied property, with a minimum distance of not less than 500m, will generally apply. The closest dwellings (Nos.8 and 10 Beltonanean Road and No. 49 Corvaghan Road indicated as H4, H89 and H7 on the accompanying drawings) are positioned over 500m from the proposed turbine although within the 10 rotar diameter distance. The appellant submitted an Assessment of Shadow Flicker which concluded that none of these receptors would be affected by shadow flicker. The submitted Noise Impact Assessment and the accompanying footprint of noise emission map concluded that the predicted noise levels at the nearest dwellings are within acceptable levels. As the nearest sensitive receptors are removed by a greater distance than the minimum recommended by guidance and Environmental Health indicated that it had no objection subject to conditions, I am satisfied that there would be no significant adverse effects from shadow flicker or noise.
18. In respect of the visual amenity of the sensitive receptors, I note that in its consultation response LANH stated that residents living within relative proximity of the proposed turbine at distances up to 3.5km will experience a noticeable and significant increase in visual impact. The appellant prepared a summary table of the impacts on visual amenity of the three nearest dwellings. One of these, No.8 Beltonanean Road, is positioned approximately 745m from the proposed turbine. The appellant's observations were that this dwelling faces away from the turbine and therefore the main living area of the dwelling will not have any views of the turbine. However, this is incorrect as the kitchen and dining area positioned to the rear of this dwelling directly face the turbine. Consequently, I consider that the appellant's visual 'overbearance' analysis is formed on a false premise. Whilst the concrete water storage tanks on land outside the curtilage of this residential property would partially screen the hub of the proposed turbine, the moving blades in their totality would be in constant view and would dominate the view from these main living rooms and from the rear garden of the property. The proposal would introduce a substantial change with harm arising from the combination of increase in scale with longer blades and positioning on higher ground than that previously approved. I consider that the proposal would have a overly dominant and unavoidable presence in main views from the house and garden and would have a significant adverse effect on residential amenity of the occupants at odds with Criterion (a) of Policy RE1.
19. Paragraph 6.225 of the SPPS states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted. The appellant identified a number of benefits from the proposal including 2.3MW of energy, contribution to government's targets for renewable energy supplies and creation of jobs for those involved with the construction and operation of the turbine and indirect benefits to the local economy. Whilst the target of achieving 20% of Northern Ireland's electricity production from renewable energy has already been met, I do not consider this to be an

upper limit and I accept that the appeal proposal would be a more productive wind energy generator than the approved turbine. I have identified significant and adverse harm to the landscape and to residential amenity of the occupants of No.8 Beltonanean Road. In the overall planning balance, I find that the sum of these adverse impacts would not be outweighed by the benefits. I conclude that the proposal does not represent a renewable energy project in accordance with Policy RE1 of PPS18. The reason for refusal and the objector's stated concern on residential amenity under this policy are sustained and determining in this appeal.

This decision relates to the following drawings submitted with the application:

- 01 (01) - 1:20,000 scale Site location plan
- 02 (02) - 1:2,500 scale site location plan
- 03 (03) - 1:500 scale Site layout and drainage details
- 04 (04) - 1:200 scale Wind turbine elevations
- 05 (05) - 1:200 scale Wind turbine plan view
- 06 (06-1) - 1:100 scale Proposed 33kV electrical control building plan and section
- 07 (06-2) - 1:100 scale Proposed 33kV electrical control building elevations
- 08 (06-3) - 1:50 scale Proposed 33kV electrical control building cess pit details
- 09 (07) - 1:100/1:200 scale Road construction details
- 10 (08) - 1:500 scale Entrance details and visibility splays
- Figure 2 - 1:7,500 scale Footprint of Noise Emission from Turbine

COMMISSIONER BRIGID McGLINCHEY

APPEARANCES AT SITE VISIT

Planning Authority: E McCullough

Objectors: G Connolly (plus 2 children & sister), No.10 Beltonanean Lane
G Ward (plus wife & 2 children), No.8 Beltonanean Road
J McRory, No.17 Beltonanean Road
A O'Neill, representing K Connolly

Appellant: G Bell, Appellant
S Canavan, Agent

DOCUMENTS

Planning Authority: C1 - Statement of case
C2 - Sample condition submitted at site visit
C3 - Comments on introduction of SPPS

Objectors: Obj1 - Statement of case, Connolly family, No.10 Beltonanean Lane
Obj1a - Comments on introduction of SPPS

Obj2 - Statement of case, McRory family, No.17 Beltonanean Road
Obj2a - Comments on introduction of SPPS

Obj3 - Statement of case, Ward family, No.8 Beltonanean Road
Obj3a - Rebuttal
Obj3b - Comments on introduction of SPPS

Appellant: A1 - Statement of case
A2 - Rebuttal
A3 - Comments on introduction of SPPS

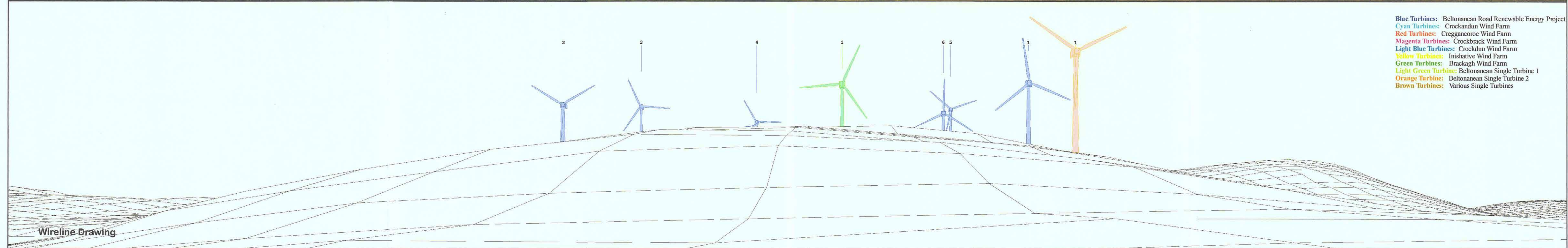


Figure 27:
Viewpoint 7 - Cumulative Photomontage (Beltonanean Road, south of site)

OS Reference: 271514E, 381929N
 Eye Level: 251m AOD
 Direction of View: 358 degrees
 Nearest Turbine: 916m to Turbine T1

Horizontal field of View: 90° (Cylindrical Projection)
 Principal distance: 522mm
 Paper Size: 841x 297mm (A1)
 Correct Printed Image Size: 820 x 260mm

Camera: Nikon EOS 6D
 Lens: 50mm (Nikon f/1.8)
 Camera height: 1.5m AGL
 Date & Time: 14/11/2014 14:55



Planning Appeals
Commission

Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference: 2015/A0083
Appeal by: Mr David Lennox
Appeal against: The refusal of full planning permission.
Proposed Development: The installation of a wind turbine of up to 3MW capacity on a tubular tower with a hub height of up to 80m and a blade height of up to 125m
Location: Land 860m north of 24c Dirnan Road, Cookstown
Planning Authority: Department of the Environment (NI)
Application Reference: I/2014/0226/F
Procedure: Informal Hearing on 8 December 2015.
Decision by: Commissioner George Scott dated 8 July 2016

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are the impact the proposal would have on the visual amenity and landscape character of the area balanced against the environmental, economic and social benefits it offers.
3. The Cookstown Area Plan 2010 (CAP) currently serves as the local development plan for the area within which the appeal site lies. It identifies that the site lies within the Sperrins Area of Outstanding Natural Beauty (AONB) but there are no other environmental designations in CAP relevant to the proposal and it is silent on the subject of renewable energy. The plan therefore provides only limited assistance in dealing with the appeal and I turn now to other material considerations.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. During this transitional period planning authorities will apply the SPPS and retained planning policy statements (PPSs). The relevant retained policy documents in this case are PPS 21 *Planning Policy in the Countryside*, PPS 18 *Renewable Energy* and PPS 2 *Natural Heritage*. It should be noted that any conflict between the SPPS and a retained policy must be resolved in favour of the SPPS, including circumstances where the SPPS introduces a change in policy direction and/or provides a policy clarification.



5. Policy CTY 1 of PPS 21 directs that renewable energy projects in the countryside will be granted in accordance with policies contained in PPS 18. Proposals satisfactorily meeting PPS 18's requirements are therefore developments acceptable in principle in the countryside. PPS 18 is supported by the *Best Practice Guide* (BPG) providing background information on renewable energy technologies. Also of relevance is the *Supplementary Planning Guidance* (SPG) '*Wind Energy Development in Northern Ireland's Landscapes*'.
6. The aim of PPS 18 is consistent with the aim of the SPPS to site renewable energy generating facilities in appropriate locations in order to achieve NI's renewable energy targets and to realise the potential benefits of renewable energy without compromising other environmental assets of acknowledged importance. Both the SPPS and Policy RE 1 of PPS 18 set out a qualified presumption in favour of renewable energy development unless it would have unacceptable adverse effects, which are not outweighed by the local and wider environmental, economic and social benefits of the development. In relation to such benefits, Policy RE1 advises that these material considerations be given 'significant' weight in determining an application. The SPPS however advises that they be given 'appropriate' weight.

Environmental, Economic and Social Benefits

7. The appellant outlined a series of benefits likely to arise from the granting of permission for the proposed turbine. Some of those benefits are self evident, such as a reduction in CO₂ emissions (4,100,000kgs per year) and a cleaner energy supply. It would also assist Northern Ireland to reduce its fossil fuel dependency, achieve its renewable energy obligations and enhance the diversity and security of its energy supply. While the proposal would provide revenue to the appellant it also offers direct and indirect jobs during the construction phase and spin-off maintenance work. The claim that it would provide electricity for the equivalent of 2,180 people (17% of households in Cookstown) was not disputed. Nor was there any disagreement that it would assist in the establishment of a distributed electricity network supplying the local area and the needs of the community. Likewise there was no dispute over the claims of the Appellant that he has support for his proposal from the local community and from a number of local councillors.
8. All of the above factors represent positive benefits favouring the appeal proposal and merit the attachment of considerable weight to them. What remains to determine, though, is, whether those benefits justify allowing the appeal and in so doing override the visual amenity and landscape character concerns expressed by the Planning Authority.

Visual Amenity and Landscape Character

9. Both reasons for refusal make reference to the detrimental impact that the proposal would have on the Sperrins AONB; the first reason relying on Policy RE 1 of PPS 18 and the second on Policy NH6 of PPS 2. The SPG states, in paragraph 6.223, that a cautious approach for renewable energy development proposals will apply within an AONB and that in such sensitive landscapes it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region's cultural and natural heritage assets. An almost identical statement is contained in paragraph 1.3.23 of the BPG, which although guidance and not policy, is intended to be read in conjunction with PPS 18, as set out in the

headnote to Policy RE 1 of PPS 18. Policy RE 1 also states that natural heritage considerations are set out in PPS 2. Policy NH 6 of PPS 2 is entitled 'Areas of Outstanding Natural Beauty' and states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and where a number of policy criteria are met. I am therefore satisfied that, given its location within the Sperrins AONB, a cautious approach to the appeal proposal is merited in policy terms. That said the proposal still stands to be considered on its own merits and in the context of its wider environmental, economic and social benefits.

10. The appeal site is located on the southern slopes of Slieve Gallion, to the SSW of its summit, on rising and open land. The base of the turbine would sit at approximately 395m AOD. Given that the proposed turbine would have a height of 125m to blade tip and an 80m hub height it is inevitable that the turbine would be visible over a wide area. That in itself does not make the proposal unacceptable as there is no landscape into which a turbine of this scale would not read as a new and distinctive feature.
11. Planning permission has been granted on the same land holding as the appeal site for a turbine with a blade tip height of 67m and a hub height of 40m ((LA09/2015/0170/F on 27 August 2015). The approved turbine is, however, half the height of the appeal proposal. The difference in size and scale between the two proposals and the fact that the approved turbine is to be sited on the lower hillside slopes and on less elevated ground does not make them directly comparable in terms of visual impact. While I accept that appeal proposal offers significantly greater power output and energy efficiency compared to the smaller approved turbine this in itself does not justify setting aside the greater visual impact of the appeal proposal.
12. Planning permission has previously been granted for a wind farm of 6 turbines with a blade tip height of 125m to the NW of the appeal site (H/2010/009/F). It is not, however, directly comparable to the appeal proposal as it lies over the ridgeline from the appeal site, to the NW of Slieve Gallion and on lower lying ground. The SPG provides a classification of Northern Ireland's various 'Landscape Character Areas' (LCA) and gives guidance as to each LCA's sensitivity to wind energy development. The appeal site and that of the approved wind farm both fall within LCA 41 (South Sperrins). The SPG indicates that north-western slopes of Slieve Gallion, on which the wind farm site is located, are somewhat less sensitive to wind energy development due to their more rounded topography and lower visual prominence. In contrast the LCA identifies the southern slopes of Slieve Gallion, within which the appeal site lies, as being highly sensitive to wind energy development. Accordingly I am not persuaded that the wind farm approval justifies a similar outcome for the appeal proposal. Likewise other approvals in the general area for single turbines are not directly comparable, being either on much lower and less exposed ground and/or considerably smaller in scale.
13. I agree with the general thrust of the appellant's landscape analysis that the proposed turbine will be most readily seen from the more immediate roads to the south, south-west and south-east of the appeal site, as identified by the appellant's viewpoints 1-8 inclusive and supporting photomontages. I also accept that Slieve Gallion blocks out views of the site from the north and north-east. Given the

greater separation distance, speed of traffic, more acute angles of view and the filtering of intervening vegetation and landform I am not persuaded that those additional viewpoints identified by the Planning Authority to the north of Moneymore, along the A29 and A31 respectively, and on the A29 between Moneymore and Cookstown, are so unacceptable as to merit refusal of the proposal on the grounds of visual impact.

14. The B162 runs NW from Cookstown to Lough Fea. While intervening vegetation and the undulating nature of the road filters views of the appeal proposal there are, as the Appellant acknowledges, sustained views of the site. Viewpoints 3-6 demonstrate the open and unspoilt nature of the landscape surrounding the appeal site and the photomontages show that the upper portions of the turbine, including the blades, would be seen against the skyline. The comparative photomontage images of the appeal proposal and the August 2015 approved turbine illustrate, particularly in viewpoints 5 and 6, that the lower slope location and lesser height of the approved turbine would have much less visual impact than that of the appeal proposal. While views of the approved turbine from Viewpoints 3 and 4 show it on a localised crestline this does not justify permitting the appeal proposal given the wider views seen along the B162.
15. The appeal proposal is likely to read as being on the skyline and as a prominent feature as seen from the Planning Authority's Viewpoint 6, looking eastwards from Lough Fea/Slaght Road junction. The approved wind farm would also be visible from this viewpoint but set in a different context being on generally lower ground and with a backdrop of landform.
16. Viewpoints 1 and 2 are located along Dirnan Road and are more immediate to the site. The photographic images provided by the Appellant demonstrate very readily the degree of visual impact the proposed turbine would have on what is an open and unspoilt landscape. Travelling along Dirnan Road from its junction with Churchtown Road (Viewpoint 2) the lower portion of the turbine tower would initially sit below the crestline but by Viewpoint 1 practically the whole of the turbine would sit prominently right on the skyline. This would have a detrimental impact on the character of the surrounding landscape. The August 2015 approval would also be highly visible at these viewpoints but being half the height of the appeal proposal and sited on lower ground the visual impact would not be nearly as significant.
17. Viewpoints 7 and 8 from the Tullynure Road junction and Turnaface Road represent a similar mid distance broader view of Slieve Gallion. While these views demonstrate that the proposal is to be sited on the middle slopes of Slieve Gallion they also show the differentiation in scale and elevation of the approved smaller turbine and that of the appeal proposal. A similar impression would be gained from the additional viewpoints identified by the Planning Authority along Turnaface Road and from Muff Road travelling NW, albeit those views are more distant and not quite so obvious when visibility is limited.
18. My visual assessment of the appeal proposal leads me to conclude that while a number of the critical viewpoints identified by the Planning Authority are not fatal to it, for the reasons set out above, there remain a number of significant views from which the proposed turbine, because of its size, prominence and degree of

visibility, would not be sympathetic to or in harmony with the special character of the AONB and its visual amenity and landscape character.

Conclusion

19. The appeal proposal offers environmental, social and economic benefits to which considerable weight should be attached. However, the benefits do not outweigh the detrimental and unacceptable impact that the proposal would have on the visual amenity and landscape character of the AONB. Consequently, I conclude that the Council's first and second reasons for refusal, based on Policy RE 1 of PPS 18 and Policy NH 6 of PPS 2, are sustained. Accordingly the appeal must fail.

This decision is based on the following drawings:-

- Drg No. 01 1:5,000 scale site location plan date stamped received 2/7/14
- Drg No. 02 1:1250 scale block plan date stamped received 2/7/14
- Drg No. 03 Elevations (not to scale) date stamped received 2/7/14
- Drg No. 04 1:5,000 scale shadow flicker zone date stamped received 2/7/14

COMMISSIONER GEORGE SCOTT

List of Appearances

Mid Ulster Council Planning Department: -	Mr Melvin Bowman
Appellant: -	Mr Damien McLoughlin – Resolve Planning and Development
	Mr Declan Brady – Ayr Power Ltd

List of Documents

Planning Authority:	"A1"	Statement of Case and appendices
Appellant: -	B1	Statement of Case and appendices
	B2	Visual Assessment
	B3	Photographic image of Council Viewpoint 6, submitted at hearing.

Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference: 2015/A0166
Appeal by: JJ Loughran
Appeal Against: The refusal of full planning permission.
Proposed Development: Single wind turbine (225kw) with a maximum hub height of up to 42m and maximum tip height of 55.5m, new access track of 4.0m from existing factory yard turbine, turbine assembly area, NIE kiosk and other ancillary works.
Location: 300m north of no. 156 Drum Road, Drumard Townland, Cookstown.
Planning Authority: Mid Ulster District Council
Application Reference: I/2012/0463/F
Procedure: Written Representations and Commissioner's site visit of 25 May 2016
Decision by: Commissioner Alistair Beggs, dated 6 June 2016

Decision

1. The appeal is dismissed.

Preliminary Points

2. In relation to objectors' concerns in relation to the appeal application's documentation there is no requirement that application descriptions have to be referenced to their nearest property. As the proposed turbine is about 300m north of the actual dwelling at No. 156 Drum Road the site's location as referenced in the amended P1 form and subsequent advertisement is accurate. A reasonably intelligent and careful local reader would be aware of the nature of the proposal in line with the case law of *Morelli v DOE [1997] NI 159*. The evidence does not demonstrate that the application's location as described was the reason one eventual objector was initially unaware of the application. From the copies of the advert submitted the amended application was, as required by legislation, advertised in a local newspaper by the Council.
3. As required by legislation the plans provided by the appellant are sufficient to identify the land to which it relates. It is clear from them that access to the site is to be achieved via the existing factory yard and its access. That the application's red line does not join to the public road is not critical to determining the application. While the dwelling at No 153a was not identified on a location map it was not built at the time of the application's submission. Also, and in any event, it is referred to in evidence and evident to any decision maker visiting the area.

4. While parts of the amended P1 form could have been more carefully addressed there are no fundamental flaws which would prevent consideration of the appeal. In relation to Question 5, the nature of proposed access is clear from looking at the documents as a whole. A failure to state where a few square meters of floorspace were being created is not critical – in any event a look at the original P1 form shows this relates to an ancillary NIE kiosk. As for Question 25, issues surrounding traffic generation commonly evolve and are considered in more detail as an application is processed.
5. In relation to concerns about neighbour notification, given the distance of the appeal site from other occupied buildings the occupiers of Nos. 153 and 153a (and more distant properties) would not have to have been notified under the previous non-statutory neighbour notification scheme, or the Council's current statutory scheme. The occupiers at 153 and 153a objectors were in any event aware of the proposal having objected to the application and appeal.
6. Given the above there is no reason that the proposal cannot be considered further.

Environmental Assessment

7. As the turbine is over 15m high it falls to be considered as Schedule 2 development in terms of the Planning (Environmental Impact Assessment) Regulations) (NI) 2015. The Department of the Environment (DOE) issued a determination on the 31 December 2012 that the proposal was unlikely to have a significant environmental impact. The amended plans and information submitted in July 2015 reduced the scale of the proposed turbine, but it remains Schedule 2 development. It is acknowledged that the Appellants' submitted two other (and since approved) single turbine planning applications on their land holdings in the wider at the same time as submitting the appeal application. All three proposals as described in the application forms at that point referred to farm diversification. However, on the information before me and given the distances between the turbines they do not present themselves as integral parts of the same development. I have no reason to disagree with the Department's approach of issuing an EIA determination relating only to the appeal turbine.
8. In relation to Schedule 2 development the Regulations require the criteria in its Schedule 3 to be taken into account in determining whether significant environmental effects are likely. Third parties referred to a number of issues which they contended meant that an EIA was required - the turbine's height; potential noise; potential shadow flicker; visual impacts (individual and cumulative); and residential amenity and ecology impacts etc. They also referred to grid connections, construction techniques, transportation and decommissioning. However, their evidence in this regard does not demonstrate significant environmental effects or that the proposal, if approved, would require potentially unusual mitigation measures to be in place. In considering Schedule 3 and all the information before me there is no reason to disagree with the planning authority's determination that the proposal individually or cumulatively with other turbines are likely to have a significant environmental impact. Accordingly the appeal application is not an EIA application.

Reasoning

9. The main issues in this appeal are the environmental, economic and social benefits of the proposal, visual and residential amenity and tourism. To avoid prejudice to the decision making process no comment is made on the merits of the current application for a smaller turbine at the same location.
10. The *Cookstown Area Plan 2010* (CAP) contains no policies relevant to renewable energy proposals. The *Strategic Planning Policy Statement for Northern Ireland 2015* (SPPS) states the Department's regional policy on important planning matters. Any conflict between the SPPS and any retained Planning Policy Statement (PPS) must be resolved in favour of the provisions of the SPPS. Where such a conflict occurs it is noted below.
11. Policy CTY1 of PPS21 directs that renewable energy projects in the countryside will be granted in accordance with policies contained in *Planning Policy Statement 18 - Renewable Energy* (PPS18). Proposals satisfactorily meeting PPS18's requirements are therefore developments acceptable in principle in the countryside. PPS18 is supported by the *Best Practice Guide* (BPG) providing background information on renewable energy technologies. Also of relevance is the *Supplementary Planning Guidance* (SPG) '*Wind Energy Development in Northern Ireland's Landscapes*'.
12. PPS18's aim (consistent with that of the SPPS) is to facilitate the siting of renewable energy generating facilities in appropriate locations in order to achieve renewable energy targets and to realise the benefits of renewable energy. Its Policy RE1 indicates that renewable energy proposals will be permitted provided they will not result in an unacceptable adverse impact on specified criteria - the criteria relevant to this appeal are public safety, human health or residential amenity, visual amenity and landscape character, biodiversity, nature conservation, built heritage interests and local natural resources. Both documents set out a qualified presumption in favour of renewable energy development unless they would have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits of the development. In relation to such benefits, Policy RE1 advises that these material considerations be given 'significant' weight in determining an application. The SPPS however advises that they be given 'appropriate' weight.
13. Policy RE1 also advises that for wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply. This proposal however is for a single turbine, not a wind farm.
14. Objectors referred to the evidence provided to, and the conclusions reached by the NI Assembly's Environment Committee in relation to wind turbines. They also presented evidence questioning the efficacy and appropriateness of the provisions of PPS18 and its associated BPG in matters related to, for example, separation distances, noise and shadow flicker. It is also acknowledged that a number of countries, people and bodies promote other standards in relation to wind turbines, and that the timescale for the submission of evidence for a review of Strategic Planning Policy related to Renewable Energy has just ended. However, the NI Executive has decided that the SPPS, and PPS18 and its associated documents

provide the current guidance on which to assess wind turbines in this jurisdiction. It is not for this appeal to assess the merits of that guidance, though I bear in mind whether any of the evidence specific to these appeals suggests that the general methodology in these documents needs to be adjusted to accurately predict the proposals' impacts.

Economic Case

15. The Appellant's statement of case and rebuttal documents set out an economic case for the turbine which the Appellants indicate would supply their business and the grid. The proposal would contribute to the renewable energy target set out in the 2010 Strategy Energy Framework (SEF) – that 40% of electricity consumption is from renewable resources by 2020. The turbine would also assist in meeting government targets for reducing carbon footprints. It is accepted that the Appellants' company, JJ Loughran, is successful and has expansion plans and that recent investment has provided an upgraded electric transformer which could also serve the proposed turbine. The direct and indirect benefits referred to by the appellants include the turbine acting as a symbol of the company's interests, increased sustainability, assisting business growth and diversification, reduced overheads, increased efficiencies and the use of the turbine to assist workforce training. It is also accepted that the proposed turbine (and the process to get it) represents a significant financial commitment for the business, and that there would be wider contribution to the economy through the construction process and purchase of materials. I have no reason to consider that the proposal would not be financially viable for the Appellants. There are therefore a range of benefits to which appropriate weight must be given.

Visual Amenity

16. The Council's sole reason for refusal relates to the impact upon nearby residential occupiers by reason of dominance and visual intrusion – their statement of case focused only on impacts on the dwelling at No. 156. Objectors raised concerns about impacts on Nos. 153 and 153a and wider individual and cumulative views. While the Appellant's noted that the Council's statement of case was written by the same case officer who had recommended approval of the application a case officer's report is not the final decision of the Council and I attach little weight to the Appellants' reference to this.
17. Of the various photomontages submitted no weight is given to those in the objectors' original *statement of case*. It is not clear how the height of the turbine shown on them was arrived at. Also, no weight is given to those in the Appellants' *statement of case* as they state that they relate to a smaller turbine with a 31m hub height. In relation to those in the Appellant's rebuttal statement, whether or not they are based on photographs taken without landowners' permission they are evidence submitted to this appeal which must be considered. In terms of their accuracy Park Hood admitted that the turbine details table on the montages were wrong – the hub height in the table was 41m instead of 42m. It was also advised that an errant contour line had obscured the lower portion of the wind turbine on the wireframe images. Park Hood maintained that this made no difference to the depicted wind turbine height and that the montages could be relied upon.
18. The objectors' montages (in their *further statement of case*) indicate that the turbine's visual impact would be greater than that indicated by the Appellants. It is borne in mind that these montages are not based on digital information, but on

proportional length measurements - from a photograph showing a former 10 metre mast on the same location as the proposed turbine. I have considered the competing montages against what was seen at my site visit. Having regard to the nature of the site, the scale of the adjacent factory and a similar turbine close to Drum Manor Forest Park I judge that visually the proposed turbine is likely to be closer to the height suggested by the objectors as opposed to that suggested by the Appellants. I proceed on that basis.

19. While situated behind the JJ Loughran factory the turbine lies in an openly viewed field when travelling along the Drum Road when close to the site. However, given the relatively short distances over which such views are available the visual impacts would not be unacceptable. From longer distances vegetation will reduce visual impacts acceptably in this wider rural landscape.
20. In relation to views of the turbine from the elevated No. 156 Drum Road this property sits almost directly across the road from the appeal site. A number of living areas and bedrooms face towards it. Notwithstanding topography, the background of Slieve Gallion, the presence of garden vegetation and the factory the turbine would from some front garden and ground floor views be a dominant feature in the landscape. This impact would be more obvious from the higher front bedroom windows. The eye would also inevitably be drawn to the turbine when the blades are rotating. It is accepted that the front garden is not the main play area and is adjacent a busy road. However, notwithstanding this, and in considering the nature and use of the garden and affected rooms the turbine would be an ever present overbearing presence detrimental to residential amenity and the attractiveness of the dwelling's living environment overall. This conclusion is not altered by the dwelling itself being more than 10 rotor diameters away from the turbine. Other views from the property are not judged critical.
21. The dwelling at No. 153 has an extensive garden and the conservatory areas to the side of the dwelling would also allow for views towards the turbine which would be a significant presence in the landscape. However, given the distance and angles of view towards the turbine and the intervening substantial boundary vegetation which would filter / screen the lower parts of the turbine this impact would not be unacceptable. I am not persuaded that the presence of the turbine would impact unduly upon the enjoyment of the dwelling or its garden.
22. At the dwelling at No. 153a Drum Road the turbine would be most visible from its side garden and patio area which appear as the most frequently used outside areas of the property. Again given the distance and angles of view towards the turbine and the intervening substantial boundary vegetation which would filter / screen the lower parts of the turbine this impact would not be unacceptable. In the above mentioned context views of the turbine from the sun room, kitchen/living room and upstairs bedrooms would not be unacceptable. I am not persuaded that the presence of the turbine would impact unduly upon the enjoyment of the dwelling or its garden.
23. In terms of cumulative impacts in travelling the Drum Road the distance and positioning of the five approved and built single turbines is such that they would not be perceived as a ribbon of turbine development. Any sequential awareness of the turbines would be insufficient to detrimentally affect the visual amenity and landscape character of the wider area.

24. I concur with the concerns of the Department and the objectors insofar as is stated above in relation to the proposal's impact on No 156.

Tourism

25. Objectors raised Policy TSM8 of PPS16. This states that planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset such as to significantly compromise its tourism value. However, notwithstanding the impacts on No 156, I have concluded that the individual and cumulative visual impacts of the proposal are otherwise acceptable. I am not persuaded that the proposal would deter significant numbers of visitors or that the tourist value of the Sperrins, the Drum Manor forest Park, the Wellbrook Beetling Mill or Davagh Forest Park would be unacceptably compromised.

Noise

26. The BPG's indicates that as a matter of best practice for wind farm development, a separation distance of 10 times rotor diameter to occupied property (with a minimum distance of not less than 500m) will normally be applied. However the proposal is for a single turbine not a wind farm.
27. The BPG advises that the report, '*The Assessment and Rating of Noise from Wind Farms*' (ETSU), should be used in the assessment and rating of noise from wind energy developments. It sets out a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development. The Institute of Acoustics: *A Good Practice Guide to the application of ETSU-R-97 for the Assessment and Rating of wind Turbine Noise* (IOAGPG) gives detailed recommendations with regard to the factors to be taken into consideration in undertaking an ETSU-R-97 assessment.
28. A number of noise reports and letters submitted by the Appellants and objectors refer to these documents. The most recent detailed noise assessment submitted was in the Marshall Day Noise Rebuttal Letter of 31 March 2016 on behalf of the appellant. This assessment was based on background noise monitoring carried out in the amenity area of No 153a, the closest noise sensitive property, in late 2015. Previous assessments had been based on background data from a representative location. The Council advised that the late 2015 survey was undertaken at a more representative location for the application, and the background noise survey was conducted over a longer period to give a better reflection of background noise levels at all relevant wind speeds. This most recent assessment's noise predictions for a Vestas V27 turbine with a hub height of 42m indicates that there would be no exceedance of either the day-time or night-time noise limit at any wind speed.
29. Whilst I acknowledge the third party concerns over previous assessments there is no detailed evidence to challenging the Appellants' most recent assessment. Nor have the Environmental Health Department indicated any opposition to its findings. All-in-all, I see no reason to set aside its findings or the framework set out by ETSU-R-97.

30. Noise, depending upon a number of factors could exacerbate or cause sleep deprivation and other health issues. In this case one nearby resident has tinnitus and a heightened sensitivity to low frequency noise, and one family have been advised by a consultant to take all measures necessary to preserve their child's remaining hearing levels. These persons sleep in bedrooms facing the proposed turbine. However, no medical evidence has been submitted to show that noise (including low frequency noise) would have an unacceptable impact upon the health of nearby residents. The BPG and ETSU-R-97 advise that there is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health. There are no specific studies relevant to this appeal to demonstrate otherwise.
31. In conclusion it has not been demonstrated that there would be unacceptable noise impacts upon nearby dwellings or residents.

Shadow Flicker

32. Under certain conditions the sun may pass behind the rotating rotors of a wind turbine and cast a flickering shadow over neighbouring properties. The BPG advises that this only occurs inside buildings where the flicker appears through a narrow window opening. It recommends that shadow flicker at dwellings within 500m of a turbine should not exceed 30 hours per year or 30 minutes per day. It also notes that such problems are rare and that at distances greater than 10 rotor diameters from a turbine the potential for shadow flicker is very low – though this does not mean that it will not occur at such distances.
33. Third parties noted the difference in distance between the distances used in the noise assessments and the shadow flicker assessments. However the former quote distances to curtilage boundaries, the latter are based on distances to potentially affected buildings as shadow flicker occurs within buildings. In any event, parts of the dwelling at No. 153a are within 10 rotor diameters of the appeal turbine. As the third parties noted the first shadow flicker assessment by CD Consulting found that, in relation to the dwelling at No. 153a, a worst case shadow flicker based on daylight hours is predicted as 17.05 hours per year with a maximum of 24 minutes a day. This is under the recommended durations in the BPG. The assessment concluded that shadow flicker will not have any significant impact on any dwellings / consented development in proximity to the proposed development. The consultants' suggestion of a condition for the installation of a shadow flicker control module does not alter this conclusion.
34. It is unclear why the Appellant's commissioned the later Park Hood assessment. This uses different software from the first assessment, but it does not to my mind fundamentally contradict it. Its differing presentation focuses on showing areas where shadow flicker would be equal to or exceed 30 hours per year or 30 minutes per day as opposed to identifying the exact impact at No. 153a. This assessment concludes that no residential properties are affected by the proposal above the maximum durations of hours or days as set out in the BPG. Park Hood have carried out a shadow flicker assessment for a smaller turbine on the same site – undetermined planning application LA09/2015/1085 refers. That assessment's shadow flicker map shows a larger area affected by shadow flicker for equal to or more than 30 hours a year than that shown in this appeal. However, in such a technical area of assessment I am not persuaded that it can just be assumed that their findings in relation to the appeal turbine are therefore incorrect. Also, both

the Park Hood and CD Consulting assessments are worst case scenarios. As such a range of variables such as weather conditions, intervening vegetation and periods when the turbine are not operating mean that the actual occurrence of shadow flicker is likely to be much less than the worst case scenarios presented.

35. Given the above and in the absence of a detailed analysis demonstrating otherwise it is concluded that shadow flicker is unlikely to be a problem at any nearby dwelling.

Health and Safety

36. Objectors noted that turbines have the potential to be unsafe and that the separation distances from dwellings in the event of an incident were inadequate. Reference was made to turbine failures including those at Screggah Wind Farm and in Donegal as well. However, the information presented does not persuade me that the appeal turbine would be inherently unsafe or that the turbine's separation from dwellings was insufficient. While the third parties judged that the Northern Ireland Health and Safety Executive (NIHSE) response was incomplete it is clear that they had no comment to make on the proposal.
37. Noise impacts have been considered above, and in relation to other health issues there is no medical evidence before this appeal to suggest that proposed turbine would have any adverse impact on the physical or mental health of nearby residents. While the perception of harm is a material consideration, I am not persuaded that it is sufficient in this case to warrant refusal of the turbine.

Other Issues

38. While generalised concerns were raised by objectors the Northern Ireland Environment Agency (NIEA) has undertaken Habitats Regulations Assessment (HRA) Stage 1: Test of Likely Significance (Screenings). They concluded that, subject to conditions, there will be no adverse effects on the integrity of either the Upper Ballinderry River Special Area of Conservation or the Upper Ballinderry River Area of Special Scientific Interest (ASSI). They also concluded that the turbine blades would be sufficiently far away from bat habitats. There is no evidence to demonstrate that local bird populations would be adversely impacted upon.
39. Roads service have no objections to the proposal and I see no reason why the proposal would add significantly to road traffic or that vehicles delivering the turbine would conflict with the usual comings and goings from the factory.
40. Generalised concerns were raised about property prices should the proposal be approved. Many factors can determine property values and there is no evidence from, for example, estate agents suggesting that property values in the vicinity of the appeal proposals would fall if turbine were approved. I therefore give these concerns little weight. Impacts upon residential amenity are considered elsewhere.

Conclusion

41. I bear in mind the SPSS's positive approach towards supporting sustainable economic development, and while the Appellant's evidence does not persuade me that it is imperative for the company to get a positive decision from the appeal process the economic benefits must be weighed against the negative impacts the turbine would have on the dwelling at No 156. The support letters of local

politicians are also borne in mind as is a previous approval on the site for a 5kW turbine. However, I find that the benefits do not outweigh the adverse impact on the dwelling at No 156 which I judge to be unacceptable. As such the proposal does not comply with the SPPS or PPS18. Whilst other appeal decisions have been referred to in evidence this decision is based on the facts of this case. The Council's reason for refusal and the associated concerns of the objectors' are sustained insofar as indicated above. Accordingly the appeal must fail.

This decision is based on the following drawings refused by the Council on 7 September 2015:-

<u>Council Ref</u>	<u>Scale</u>	<u>Title</u>
01	1:12000@A3	Site Location Map
02	1:2500@A2	Site Location Map
03	1:500@A1	Site Layout Map
04/02	1:200	Plan & Elevations
05	1:50@A4	Proposed NIE Kiosk
06	1:50	Wind Turbine Base Reinforcement Details

COMMISSIONER ALISTAIR BEGGS

List of Documents

Planning Authority:-	"A" Statement of Case and associated appendices. "B" Rebuttal "C" Further Rebuttal
Appellants:-	"D" Statement of Case "E" Rebuttal "F" Park Hood e-mail of 18/4/2016
Third parties	"G" Statement of Case "H" Rebuttal "I" Further Rebuttal "J" Statement of case Mr Burns.



Brookfield Community Benefit Commitment

October 2016

The Beltonanean Road wind farm project is being developed as part of joint venture between Brookfield Renewable and Island Renewable Energy.

As long term owners, developers and operators of renewable energy assets Brookfield Renewable seek to be active partners in the communities in which we develop projects and operate.

We believe in giving back to the communities in which we work and have established a community benefit fund in accordance with the Northern Ireland Renewables Industry Group (NIRIG) *Community Commitment Protocol*.

The Community Commitment guidelines apply to onshore wind energy projects of 5MW and above reaching commercial operation with support to a value of at least £1000 MW of installed capacity per annum, indexed to the lifetime of the project.

We emphasise support to organisations that engage in:

- Community services
- Educational programmes
- Medical and health assistance
- Energy efficiency and sustainability

Funding will commence in the first year of operation and will be reviewed every five years.

All proposals for community benefit funding must be submitted in writing to Brookfield Renewable and include an outline of the project for which funding is being sought and include project costs. Proposals are evaluated by an internal committee which meets on a quarterly basis.

To date, in 2016 Brookfield Renewable has assisted 17 community organisations located near our wind farms with funding for a variety of projects including; village enhancement, community shows, health & safety initiatives, the refurbishment of local schools and community centres and the development of a children's playground, elderly day-care facilities and sport facilities

We also annually hold open days, inviting school groups and the local community to visit wind farms (e.g. 2016 visits include Kill Hill Windfarm County Tipperary and Knockacummer wind farm in County Cork). We also work closely with GSNi and have facilitate educational site visits for students to Owenreagh Windfarm, Strabane.

Below is a selection of some of our ongoing community benefit funding commitments:

Lisheen wind farm in County Tipperary

Lisheen wind farm became operational in 2009. As part of the planning process, a Community Fund known as the Moyle/Templetohy Community Trust Fund was established in 2009. An annual fund of €33,764 is currently administered by North Tipperary County Council. Over the lifetime of the project it is estimated that approximately €600,000 will be contributed to the local community.

In 2013 a second wind farm, known as Lisheen II, was completed and a further payment of €20,586 to the Community Trust Fund is made annually. The community funding has been highly successful to date, with tangible benefits visible in the local area supporting numerous local clubs and community projects.

Seegronan wind farm in County Tyrone

Our most recently completed wind farm in Northern Ireland has supported the following groups to date

- £34,750 payment to the Aghyaran Development Association
- £1000 towards a 5k run organised by the local community with proceeds supporting the Comfort and Terminally ill fund in Castlederg and the Palliative Care unit in Omagh Hospital
- £3000 to the Strabane & District Special Olympics Club to assist in fundraising for a mini-bus

Booltiagh wind farm in County Clare

Since it's completion in 2005, a community fund was established for the Kilmaley Meitheal community group who receive an annual payment of €12,500. An extension to this wind farm in 2013 was completed and a further payment of €3,303 is also made annually to the Kilmaley Angling Group which has enabled the group to re-stock fish supplies and complete the construction of a jetty.

Community Benefit Funding

Brookfield 4

Knockacummer wind farm in County Cork

The Knockacummer wind farm was completed in 2014. There are three villages located near the wind farm receiving annual community benefit funding:

- Rockchapel Community Group €20,000
- Meelin Community Group €15,000
- Glas Community Group €10,000

Sliabh Sneacht Centre located near Sorne wind farm in County Donegal

The Sliabh Sneacht Centre is a community heritage centre based in Inishowen in County Donegal, developed to create a social and recreation centre for a local community affected by emigration and high unemployment.

In 2014 our community benefit donation of €10,000 enabled the centre to be furnished upon completion. A further donation of €5000 was made in 2016 to assist in the setting up on an IT room.

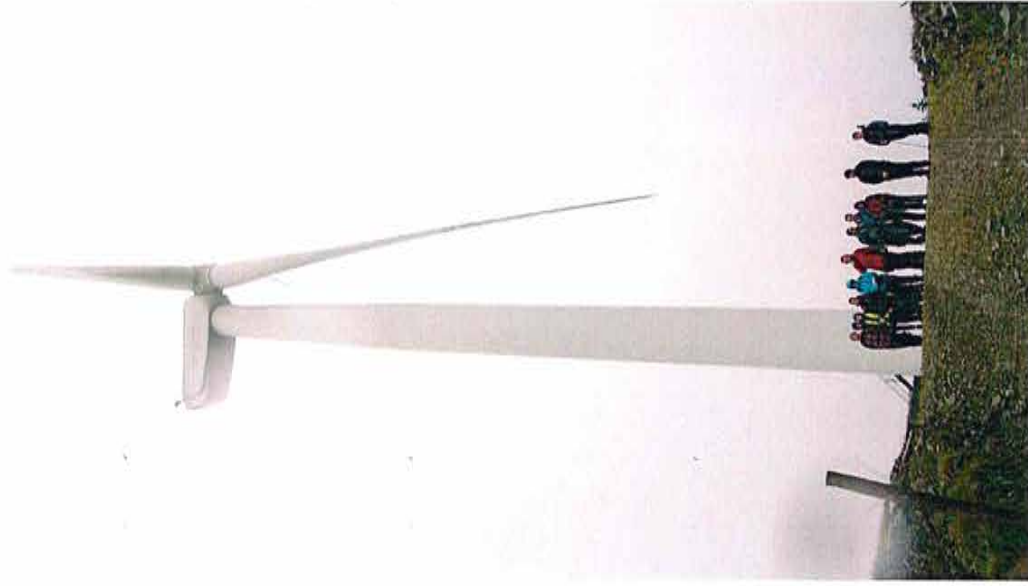
Kilcommon Windwalker Hub & Trailhead located near Garracummer wind farm in County Tipperary

After commissioning consultants to produce a development plan for the village the Kilcommon Community Council received funding of €25,000 to aid in the development of a walking trail. Welcoming the wind farm to the community the project was named the Kilcommon Windwalker Hub & Trailhead.

Mullinavat Children's Playground located near Ballymartin wind farm in County Kilkenny

A community group in the village of Mullinavat applied for funding to refurbish an existing playground. The group had extensively fundraised in the locality and also received a grant to support the project. The donation of €10,000 from Brookfield assisted in progressing the refurbishment which is currently under development.

Brookfield Windfarm Open days



Hollyford Hillfest Hill Walk 2016



GSNI Site Visit to Owenreagh Windfarm, Strabane, 2016



Killhill Windfarm Open day, 2016



Planning Appeals
Commission

Appeal Decision

3 Planning Office
RECEIVED

7 OCT 2016

File No...
Mid Ulster District Council

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference: 2007/A1313
Appeal by: Messrs M & B Quinn
Appeal against: The refusal of full planning permission
Proposed Development: Wind farm development with all associated ancillary works.
Location: Mullaghturk Mountain approx 11km SW of Draperstown and 16km NW of Cookstown.
Planning Authority: DOE Planning Service until March 2015; Mid Ulster District Council thereafter.
Application Reference: H/2004/1395/F
Procedure: Informal Hearing on 20th January 2016
Decision by: Commissioner Andy Speirs, dated 3rd October 2016

Decision

1. The appeal is dismissed.

Background

2. Commissioner Fitzsimons issued a decision on this appeal on 20th July 2011. Following a judicial review, that decision was quashed by the court and remitted for reconsideration. Contrary to the Council's expressed view at the hearing, the decision of 2011 was quashed in its entirety and I have thus been required to consider the appeal afresh, taking account of the various written submissions from the date the appeal was first received, together with evidence gleaned at the hearing on 20th January 2016. This includes the submissions of third parties not involved in the earlier appeal process.

Preliminary matters

3. An objector indicated that his property had been included within the red line indicated on the site location plan but that he had not received notification regarding the proposal. At the hearing it was confirmed that the property lies

outwith the red line. It is also clear that the occupant is well aware of the proposal, he participated in the hearing, and no prejudice has arisen.

4. The DoE decision notice dated 17th August 2007 cited 4 reasons for refusal. Following the court's decision on the judicial review of the PAC's first decision, Mid Ulster District Council amended and added to the original reasons. The amended reasons for refusal are:
 1. The proposal is contrary to Policy RE1 of the Department's Planning Policy Statement 18 - Renewable Energy in that the development would, if permitted, have an unacceptable impact on the visual amenity and landscape character of the area, which is located within the Sperrins AONB, by reason of the number, scale, size and siting of the turbines and sensitivity of the landscape.
 2. The proposal is contrary to Policy NH6 of Planning Policy Statement 2 - Natural Heritage in that the site lies within the designated Sperrins AONB and the development would, if permitted, be detrimental to the environmental quality of the AONB by reason of lack of sensitivity to the distinct character and the landscape quality of the area.
 3. The proposal is contrary to Planning Policy Statement 16: Tourism, TSM 8 Safeguarding of Tourism Assets in that the site lies within the Sperrins AONB and is in proximity to the Beaghmore Stone Circles Complex and the development would, if permitted, damage the intrinsic character and quality of these tourism assets by reason of unacceptable visual impact.
 4. The proposal is contrary to Policy RE1 of Planning Policy Statement - Renewable Energy and Policy BH1 of Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage, in that the development would, if permitted, have an unacceptable adverse impact on built heritage interests by adversely impacting upon the setting, the public access and approaches to, critical public views from and within, and the enjoyment of the Beaghmore Stone Circle Complex, a regionally important monument in State Care.
 5. The proposal is contrary to Policy RE1 of PPS18 - Renewable Energy, and Policy NH5 of PPS2: Natural Heritage, in that the development, if permitted, would have an unacceptable adverse impact on biodiversity and nature conservation interests (blanket bog and upland heathland priority habitats) within the site, and insufficient information has been submitted to establish otherwise.
 6. The proposal, if approved, would be contrary to PPS18 in that insufficient information has been submitted to demonstrate that the proposed development will not cause significant harm to the safety or amenity of any sensitive receptors including future occupants of committed sites, arising from noise, as the essential elements of undertaking a robust, site specific background noise level survey and wind farm predicted noise impacts are absent from the submitted noise impact assessment.

Reasons

5. An Environmental Statement (ES) accompanied the application and Further Environmental Information (FEI) was submitted during the processing of the planning application in April 2006. Following the judicial review, the appellants again submitted FEI in December 2010 and October 2014 and a Consolidated ES in July 2015. All of the environmental information was open to scrutiny by any party. As required by Regulation 4 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015, I have, in reaching this decision, taken into consideration the environmental information presented by all the parties in relation to the application and appeal. The planning authority has no statutory requirement to produce an ES for the proposal; its statutory duty is to consider all environmental information, as is also the case for the Commission in this appeal. Objectors argued that the appellants' ES should have considered alternative sites. However, there is no statutory requirement for them to have done so. Wind turbines are a widely utilised form of renewable energy development and policy recognises this. Sites are considered on their individual merits in the context of that policy.
6. The main issues in this appeal are:
 - The impact of the proposed turbines on visual amenity and landscape character in the Sperrins Area of Outstanding Natural Beauty (AONB);
 - The impact of the proposal on the archaeological and cultural heritage of the area;
 - The impact of the proposal on tourism and tourist assets in the area;
 - The impact of the proposal on biodiversity and nature conservation interests;
 - The effect of the proposal on residential amenity by reason of noise and shadow flicker;
 - The effect of the proposal on the safety of road users; and,
 - The significance of the economic and other benefits of the proposal.
7. In accordance with Section 45 of the Planning Act (Northern Ireland) 2011, the decision maker must, in dealing with an application for planning permission, have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6 of the 2011 Act indicates that where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The site lies within what was previously Magherafelt District (now included within the new Mid Ulster District Council Area). The Magherafelt Area Plan 2015 (MAP) currently operates as the local development plan for the area and, in the circumstances, the provisions of the plan apply in respect of development proposals. The site lies in the rural area identified in the MAP, outwith any policy area or environmental designation. The MAP is silent on the subject of renewable energy development and is therefore of limited assistance in determining this appeal.

8. The Strategic Planning Policy Statement for Northern Ireland "*Planning for Sustainable Development*" (SPPS) was published on 28 September 2015. Its provisions are material to planning appeal decisions. The SPPS sets out transitional arrangements that will operate until the new Councils have adopted new Plans for their areas. In the interim period, the SPPS will apply, together with policy contained in existing regional Planning Policy Statements, as listed in SPPS paragraph 1.13. The SPPS also states that the Best Practice Guidance to PPS18 "Renewable Energy" (the BPG) and supplementary planning guidance "Wind Energy Development in Northern Ireland Landscapes" (the SPG) will continue to apply. Other relevant policy context is provided by Planning Policy Statement 21 'Sustainable Development in the Countryside (PPS 21), Planning Policy Statement 2 - Natural Heritage (PPS 2), Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage (PPS 6), and Planning Policy Statement 16 - Tourism (PPS16).
9. Paragraph 1.12 of the SPPS states that "Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy". I acknowledge the appellants' comment that the SPPS is consistent with the now superseded Paragraph 59 of PPS1: General Principles, in that the guiding principle for Planning Authorities and the PAC in determining planning applications and planning appeals respectively is that sustainable development (including renewable energy development) should be permitted, having regard to the Development Plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
10. Policy CTY1 of PPS21 states that there is a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is renewable energy projects in accordance with PPS18. PPS18 is supported by the aforementioned BPG and SPG. The aim of PPS18 is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy. This aim is consistent with the aim of the SPPS for the siting of renewable energy facilities. Policy RE1 - Renewable Energy Development of PPS18 states that development that generates energy from renewable sources will be permitted provided the proposal will not result in an unacceptable adverse impact on five listed criteria.

11. Policy RE 1 states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted. Paragraph 6.225 of the SPPS states that these same benefits will be given appropriate weight in determining whether planning permission should be granted. The weighting direction in the SPPS, referring to 'appropriate weight' is clearly intended to take precedence over that contained in Policy RE1; it also post-dates the Ministerial Statements of 2009 and 2010. However, I do not disagree with the appellants' argument that 'appropriate weight' could equate to 'substantial weight', 'significant' weight', or even 'determining weight', depending on the circumstances of the case. As stated in the appellants' evidence, with regard to the benefits of a proposal, "whether it is so substantial as to outweigh any unacceptable adverse impacts is ultimately a balancing exercise for the decision-taker, based on the evidence before him or her ...".
12. Both the SPPS and Policy RE 1 set out a qualified presumption in favour of renewable energy development unless it would have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits of the development.

The economic and other benefits of the proposal

13. The appellants submitted a summary of the likely economic, social and environmental benefits of the proposal as follows:-
 - A contribution towards Northern Ireland target of 40% electricity consumption from renewable sources by 2020 as outlined in DETI's Strategy Energy Framework 2010 in-line with mandatory EU renewable targets;
 - Overall capital spend during the construction phase of circa £14.59M with circa £7.76M likely to be spent in Northern Ireland;
 - 84 direct job years created or sustained during the 18 month construction phase. Associated wages and Gross Value Added (GVA) of £1.66M and £3M respectively;
 - Total (direct, indirect and induced) benefits from the 18 month construction phase including the creation or sustainment of 162 total job years, £2.99M of wages and £5.72M of GVA for the Northern Ireland economy;
 - The operational stage will see the creation or sustainment of 3 direct jobs, £0.16M of direct wages and £0.48M of direct GVA per annum;
 - The estimated total (direct and indirect) benefits from the on-going operation of the development includes the creation or sustainment of 17 jobs, £0.46M of wages per annum and £1.20M of GVA per annum;
 - £14.50M in terms of wages and £35.56M of GVA for Northern Ireland, accounting for activity during both the construction phase and the on-going operational phase over the lifetime of the project (25no. years);
 - The Treasury will benefit from increased taxes and benefit savings;
 - The total fiscal benefit is estimated at £1.68-2.1SM during the construction phase and £5.90-7.1SM from the ongoing phase over the project lifetime;

- Tax revenue is estimated at £1.20M during the construction phase and £4.60M from the ongoing phase over the lifetime of the project;
- The savings in unemployment benefits would be in the range of £0.48M - 0.96M during the construction phase and £1.30-2.55M from the ongoing phase over the lifetime of the project;
- The local District Council will receive increased rates revenue ranging from £1.05 - £1.44M over the lifetime of the project;
- Electricity production of between 24.3 - 29.4 million units per year (24,300-29,400 MWh), meeting the needs of 5,700 to 8,900 homes;
- Reduction of CO2 emissions by between 10,400 and 12,700 tonnes each year - this equates to between 260,000 - 317,500 tonnes over the operational life of the turbines to comply with national and international climate change objectives;
- Help avoid pollutant emissions such as Sulphur Dioxide and Nitrogen Dioxide associated with burning fuels; and finally,
- A commitment to contribute £5,000 per MW which would equate to £52,500 per annum to a dedicated 'community fund' over the lifetime of the wind farm (i.e. £1,312,500). This would be established through a separate legally binding agreement in discussion with the local community and the Council.

In addition to the above, the appellants pointed out that, if they were required to fund the full cost of a second electricity transformer, the additional spend would increase many of the above benefits. The objectors cast doubt on the methodology used to arrive at the above figures, citing reliance on estimates and assumptions as being inappropriate. I accept that figures based on assumptions and estimates could suffer from a degree of unreliability; however it appears that the Oxford Economics report is based on the best information available.

14. Neither the issues of the general efficacy and strategic economic benefits of wind turbine development, nor the rationale for the government's stated renewables target are matters for this appeal. I do not consider that the turbines themselves would constitute a benefit to the tourism industry in terms of representing a visitor attraction; wind farms and turbines are commonplace in Northern Ireland today. The Council's evidence called into question various aspects of the appellants' claimed benefits. Nevertheless, the evidence from DOE Economics Branch recognised that the proposal would appear to have the potential to bring an economic benefit to the local area and Northern Ireland as a whole. I do not consider that economic benefit should only weigh in favour of the proposal if it relates to the Mid Ulster District. I acknowledge that widely accepted methodology exists for calculating job creation and that this has been used on the appellants' behalf.
15. I recognise that there could be an element of 'leakage' in terms of the anticipated extent of construction expenditure retained in Northern Ireland and there is evidence that this has been lower in other cases than that claimed for the appeal proposal. Studies have indicated regional retention rates of 25% - 30% may be anticipated and retention rates for several other wind farms in NI ranged from 26% - 28%. However, as recognised by DOE Economics Branch, the appellants

have an affiliated construction partner based in NI and they intend to complete as much of the work as they can whilst sub-contracting to local companies where possible. This would result in a lower level of leakage than in the other cases cited.

16. The issue of jobs displacement from other electricity generating businesses was also raised, the argument being that less electricity would be produced by 'traditional' methods and this would have a knock-on effect on jobs. It was submitted that it could result in increased costs of electricity to consumers. To my mind, the quantum of displacement caused by the operation of 7 turbines could only be relatively small and I am not persuaded that this would be a major disbenefit. With regard to displacement of rates, this is likely to occur within NI and there would be no significant overall loss to the regional economy. I accept that tax revenue for the treasury may not find its way back to NI; however this is a small element in the overall package of benefits presented.
17. Whilst the study undertaken by Oxford Economics may not have taken into account the impact of the subsidies paid to renewable energy producers through the Northern Ireland Renewables Obligation, DOE Economics Branch conceded that the impact of the appeal proposal on the cost of electricity to consumer would be insignificant.
18. The viability of, and funding for, the proposal was called into question by objectors. A director from Creagh Concrete was present at the hearing and confirmed that the company has finance in place to commence the scheme if approval is granted. I am not persuaded that the proposal is merely speculative.
19. The appellants argued that, although there have been a significant number of consented wind farms in Northern Ireland, many have not been implemented and are unlikely to be implemented be due to lack of grid connection. It was submitted that a connection for Mullaghturk is technically possible via a new cluster sub-station at Tremoge and this was confirmed by the Northern Ireland Electricity representative at the hearing. I note that payment for a second transformer will be required of whichever operator exceeds the capacity of the existing Tremoge transformer. I accept that a grid connection would not be an impediment and that the proposal could feasibly be linked to the electricity grid within the 2 to 3 years quoted by the appellants. The proposal could, theoretically, contribute to the NI renewable target.
20. The appellants questioned the view that currently operational wind farms, coupled with the significant number of consented wind farms, would ensure that the 40% target for 2020 stands a reasonable prospect of being met without the need to consent further wind development proposals. It was argued that the 40% target is based on operational, rather than consented generation; many of the extant permissions will not be delivered, primarily due to issues associated with grid connections; the 40% figure is a minimum target not a cap; and the change in subsidy regime and the increase in rates will mean that many consents will not

prove economic to implement. I recognise that there is no 'need' test in policy for wind energy. Whilst I accept that debate as to whether the 2020 target is likely to be achieved would be irrelevant for proposals for wind development which would not cause unacceptable environmental impacts, the converse would be the case where environmental impacts were found to be unacceptable.

21. I was provided with information at the hearing, confirming that in late 2015, NI was achieving 24% renewable generation against the 2020 target of 40%. Objectors argued that the latter target should not be imposed as it may be abolished by the assembly after the 2016 elections; to my knowledge this has not occurred. It was disputed whether or not the 2020 target is capable of being met. Regardless of this, I accept that the proposal would make a contribution towards achieving a higher percentage of renewable energy generation, which is the government's aspiration. The likelihood of early connection would count as a benefit and weigh in favour of the proposal.
22. Although the cited benefits from the proposal may only represent a very small percentage of the total NI economy, it must be recognised that the latter is a sum of its many constituent parts. I acknowledge that there could be some loss to the local economy if the proposal resulted in a drop in visitor numbers to the area. Notwithstanding this, taking account of the fiscal and economic benefits and the other wider environmental and social benefits cited by the appellants, the extent and scope of which in this case are substantial, I consider that it is appropriate to attach **significant weight** to these considerations in the context of determining this appeal.
23. The appellants offered to provide a 'Mullaghturk Wind Farm Community Fund', via a legal agreement, for a period of 25 years for the area within a 25 mile radius of the appeal site. Although paragraph 5.71 of the SPPS states that community benefits cannot be considered material considerations in decision-taking this is contradicted by the statement in paragraph 6.225 that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations. Submissions were made regarding the materiality of the fund in my consideration of this appeal. My conclusion in the preceding paragraph stands regardless of whether or not the proposed fund is taken into account.

Landscape impact

24. The appeal site is located on the south-east facing slopes of Mullaghturk Mountain, which rises away from Sixtowns Road. It comprises land falling roughly between the 200m and 400m contours. The lower parts of the site are primarily in coniferous forest with the upper portion comprising open peat/bogland. The site and surroundings lie within the Sperrins Area of Outstanding Natural Beauty (AONB).

25. With regard to AONBs, the SPPS states in paragraph 6.187 that development proposals within same must be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. Paragraph 6.188 states that "in assessing proposals, including cumulative impacts in such areas, account will also be taken of the Landscape Character Assessments and any other relevant guidance". It is important to recognise that there is no embargo on wind energy development within AONBs.
26. Policy RE1 and its accompanying text makes no specific mention of AONBs; however, the BPG at paragraph 1.3.23 advocates a cautious approach as being necessary in relation to those landscapes which are of designated significant value, such as AONBs. The SPPS retains the policy provisions of PPS18. The "cautious approach" in AONBs advocated by the BPG has now been included in the SPPS strategic policy for Renewable Energy at paragraph 6.223. The paragraph does not define what is meant by a cautious approach, but refers specifically to the potential difficulty in accommodating wind energy proposals in such sensitive landscapes without detriment to the region's cultural and natural heritage.
27. Policy NH6 of PPS2 relates to AONBs and indicates that planning permission will be granted where it is of appropriate design, size and scale for the locality. It sets out three specific criteria that should be met. Criterion (a) requires that the siting and scale of the proposal be sympathetic to the special character of the AONB in general and of the particular locality. Criterion (b) requires that the development respects or conserves features of importance to the character, appearance or heritage of the landscape.
28. The SPPS recognises that wind farms by their nature are highly visible yet this in itself should not preclude them as acceptable features in the landscape. Paragraph 6.222 of the SPPS indicates that particular care should be taken when considering the potential impact of renewable energy proposals on the landscape; some landscapes may be able to accommodate wind turbines more easily than others by dint of topography, landform and restricted visibility. Paragraph 6.230 of the SPPS recognises that the visual impact of wind farm development will not always give rise to negative effects.
29. Both the SPPS and policy RE1 of PPS18 state that renewable energy developments should not result in an unacceptable adverse impact on visual amenity and landscape character. Policy RE1 recognises the dominating and prominent nature of wind energy development. It states: "of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects". It goes on to say that "in assessing planning applications, the Department recognises that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that some of these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines".

30. Paragraph 1.3.18 of the BPG recognises that there are no landscapes into which a wind farm will not introduce a new and distinctive feature and that the need for development of renewable energy resources means that it is important for society at large to accept wind energy proposals as a feature of many parts of NI for the foreseeable future. However, the BPG also states that "this is not to suggest that areas valued for their particular landscape and/or nature conservation interest will have to be sacrificed". The BPG attempts to provide a general guide to the effect which distance has on the perception of the development in an open landscape. It states that at up to 2kms, turbines are likely to be prominent features; at 2 - 5km, relatively prominent; and at 5 - 15km, prominent in clear visibility and seen as part of the wider landscape.
31. Policy RE1 refers to the SPG, which provides supplementary planning guidance on the landscape and visual analysis process, and the indicative type of development that may be appropriate. The SPG describes key landscape characteristics of landscape character areas (LCAs) across Northern Ireland. The document also provides an analysis of the sensitivity of these LCAs to wind energy development. In terms of considering sensitivity, the SPG indicates that "Landscape sensitivity to wind energy development depends on many factors. Each landscape has its own sensitivities, depending on its landform and landcover as well as on a range of other characteristics and values including, for example, enclosure, visibility, condition, scenic and perceptual qualities, natural and cultural heritage features and cultural associations. Importantly, sensitivity depends on landscape character as well as on landscape values".
32. The appeal site is situated within LCA 24 - 'South Sperrins'. With regard to the latter, the document describes the area as having large scale, broad, rounded ridges rising to over 550m AOD and forming a backdrop to more intimate valley landscapes of Owenkillew and Owenreagh Rivers. The LCA is cited as having, inter alia, a simple upland landform, with deep, branching gullies and open mountain skylines tightly enclosing valley landscapes. Notably, the document recognises that the LCA contains "few intrusive influences except for forestry in the upper valley reaches, which disrupts some skylines", and, "upland edges enclose and form prominent skylines above the river valleys, especially in the northern half of the LCA".
33. The character assessment also refers to the "strong sense of tranquillity throughout due to the area's remoteness and inaccessibility", and the "wild character on ridge tops and in upper valley reaches, although this character is affected by forestry in some areas". In terms of overall sensitivity to wind energy development, the SPG states that "while the large scale and relatively simple landform and landcover of this LCA are in theory suited to wind energy development, most of the area of this LCA has an unspoilt character and many valued characteristics and features that make it highly sensitive to change..... wind energy development on the slopes or tops above could potentially have an overwhelming landscape impact. Further east, where the valleys have a more open form and where there is extensive forestry, the character of the landscape

appears better suited to wind energy development. However this is outweighed by the very wide visibility of this part of the South Sperrins. *In views from the south particularly, Mullaghturk and Carnanelly appear as focal points, and the landscape is very sensitive to wind energy development* (my emphasis). The document judges the overall sensitivity of LCA 24 to be high.

34. The SPG does not rule out wind energy development within LCA 24. However, it indicates that "ideally, turbines should be associated with and reflect the scale of groups of buildings and trees or forestry plantation. Care should be taken to avoid adverse impacts on the extremely sensitive skylines and the open, exposed and largely uninhabited landscapes of the upper slopes. Care should also be taken to avoid adverse effects on the character and setting of features of natural and cultural heritage landscape interest (as noted in this section), on the area's sense of wildness, and on views from the South Sperrins Way".
35. Various submissions made for the appellants contained visual analyses of the potential impact of the proposed wind farm. The final position was that twenty identified critical viewpoints had been agreed with the planning authority. I was also requested to view the site from viewpoint 10 at Crockmore, as detailed in the Park-Hood report dated March 2010. At the hearing, objectors drew my attention to additional views that they considered to be critical. Notwithstanding criticism by the objectors of the visual analyses submitted by the appellants, I am satisfied that the methodology used to produce same was valid and accorded with standards recognised throughout the UK. The ZTV maps, wireframes, photomontages and visual representations produced have assisted me in assessing the likely impact of the proposal. The appellants have also attempted to apply particular terminology and criteria to provide an evaluation of impact in tabular form. Inevitably, subjective judgement determines the application of the terminology used. Ultimately, my conclusions have relied on my observations from the site's surroundings. The LVIA produced for the appellants shows the Zone of Theoretical Visibility (ZTV) for the proposal. This relies on contour data, and does not take account of the screening effect of topography, vegetation or other landscape features. The proposed turbines would not be visible from all parts of the ZTV plotted on the plan.
36. I do not accept that Mullaghturk Mountain and its surroundings are unremarkable or typical features in the Northern Ireland countryside. The LCA recognises the wild and tranquil character of much of the area and its inclusion within the Sperrins AONB is indicative of its natural beauty.

Assessment of viewpoints

37. Static viewpoint 17 is located on a minor road around 3.5km north west of the nearest turbine. The north-facing side of Mullaghturk Mountain can be seen on the horizon. There is much evidence of forestry activities around this location, which have somewhat changed the natural character of the landscape. Given that only the upper parts or blade tips of 4 - 5 turbines would be seen from this

remote location, I am not persuaded that the proposal would have an unacceptable visual impact. From viewpoints 18, 19, and 20, the proposal would be viewed over a distance of 11km or more. There is intervening built development and much evidence of human intervention in the landscape. I consider that from these distant viewpoints, the turbines would be seen as part of a wider vista and I am not persuaded that their impact on the character of the landscape would be unacceptable. I reach the same conclusions, for similar reasons, in respect of viewpoints 9, 10, and 11 and at Bancran Glebe and Brackagh. From viewpoint 8 the turbines would be visible on the skyline. However, this static viewpoint is some 5km from the site and, again, there is much evidence of human activity in the countryside, which has eroded the sense of wildness and tranquility of the landscape. I do not consider views from this location to be critical.

38. Static viewpoint 15 is located approximately 5km south of the appeal site, at the visitor entrance to the Beaghmore Stone Circles. From this location, and approaches to it from the south, Mullaghturk mountain is discernible on the northern horizon, viewed across the valley. Given the distance of the viewpoint from Mullaghturk mountain I am satisfied that, although the turbines would be seen on the horizon, they would read as part of a wider vista, containing built development, afforested areas, and other signs of human intervention in the landscape. I do not consider that the turbines would have a detrimental impact on amenity or landscape character when seen from this location.
39. Viewpoint 16 is located on Sixtowns Road, close to tourist amenities. Travelling northeast from this viewpoint, Mullaghturk mountain dominates the skyline and the proposed turbines would protrude above the horizon. However, there is significant roadside development and readily perceptible evidence of human activity in the landscape. As a result, the wild, unspoiled character of the landscape has been significantly eroded and I consider that, in this visual context, the proposal is acceptable. The viewpoint at Crockmore mountain is around 7km from the appeal site and is located at the end of a very minor roadway. I have utilised the Park-Hood wireframe diagram in making my assessment. This demonstrates that the upper parts of the turbines would be visible, intruding just into the skyline. Given this, the remote nature of this critical vantage point, and the reduced scale of the turbines when viewed over distance, I do not find this viewpoint to be critical in terms of impact on the landscape.
40. Objectors referred to views of the site from the Moneyconey Road and the old church yard at Cavanreagh Rd. These range from between 3km and 5km, approximately, from the proposed turbines. Although the site can be readily seen through gaps in roadside hedges, it is viewed alongside dwellings, farm buildings, telephone and electricity lines, fencing and field gates. The landscape evinces much human intervention and the wild, tranquil nature of land closer to the appeal site, and to its south and southwest, is not readily apparent. I do not find the proposal visually unacceptable from these vantage points.

41. Viewpoints 12 and 13 are located on the shores of Lough Fea, 7.2 and 7.8 kilometres from the proposed wind turbines, respectively. Lough Fea is an important amenity site and facilities for visitors include car parking, walkways, picnic and recreation areas and play facilities. There are uninterrupted views over the lough and intervening land (mostly peat bog) towards Mullaghturk mountain, which sits on the skyline. An unbroken vista of undeveloped countryside can be appreciated and to my mind there is a sense of tranquillity and absence of built development of a nature increasingly rarely found in Northern Ireland. Notwithstanding the distance away, I judge that the proposed development would significantly detract from the tranquil, virgin character of the landscape seen from viewpoints and amenity/recreation facilities at Lough Fea. I conclude similarly in respect of views from Tullybrick Road, particularly when travelling north from viewpoint 1. At this location, Mullaghturk mountain is visible on the horizon, seen over an almost unbroken vista of open moorland and peat bog. The latter evinces a strong sense of wildness and tranquillity and I judge that, even over a distance of around 6km the proposed turbines would have a disproportionate and significant adverse impact on landscape character. From the above vantage points the proposal would appear unsympathetic to the character of the Sperrins AONB.
42. Travelling northwards from viewpoint 15 the appeal site can be seen along significant lengths of Blackrock Road until reaching static viewpoint 5. This is significantly closer to the appeal site at around 3.1km. Here, Mullaghturk mountain and the ridgeline to its west dominates the horizon. The turbines would rise into the skyline and their height and movement would render them prominent and readily perceptible. This visual impact would also be discerned from significant stretches of Davagh Road between viewpoints 5 and 6 and at viewpoint 7. Views from the latter and from Blackrock Road, particularly between static viewpoint 5 and viewpoint 4 at Sixtowns Road provide an appreciation of the relatively wild and largely unspoiled character of the local landscape; at these closer viewpoints, the proposal would not be seen as part of a wider panorama, but would instead have a significant detrimental and overwhelming impact on the aforementioned character. Photomontage No.10A, prepared for the appellants, provides a very accurate representation of the likely impact of the proposal on the skyline when seen from viewpoint 4, which is located 2.7km from the nearest proposed turbine.
43. Viewpoints 2 and 3 are located on Sixtowns Road, less than 2km from the appeal site. Travelling east at viewpoint 3, the character of the landscape is open and windswept and largely retains its sense of wildness and tranquillity. Travelling west at viewpoint 2, the natural character is less well preserved. Along this stretch of Sixtowns Road, Mullaghturk mountain is a prominent and dominant feature in the landscape. It looms on the horizon over Sixtowns Road. The seven turbines would be seen as large-scale industrial features protruding well into the skyline. Whilst the BPG recognises that at up to 2km distance, turbines will be prominent, this is not to imply that every proposal would be acceptable at close range. In this case the number, scale, and position on top of the most dominant landscape feature in the locality, combined with their verticality and movement,

would render them unacceptably conspicuous and overdominant. I note from the Visual Effects Summary produced by Park-Hood in October 2014 that, seen from viewpoints 2, 3, 4, 5, 6, and 7, the proposal was deemed likely to have a significant visual effect.

44. I have concluded that from various locations, the proposal would be seen to have a seriously detrimental impact on visual amenity in this LCA and would be unsympathetic to the special character of the Sperrins AONB in general and of the particular locality, where a cautious approach to wind development is advocated. It would fail to respect and conserve features of importance to the character and appearance of the landscape.
45. Whilst there was no reason for refusal relating to same, objectors referred to the potential cumulative impact of the proposal when considered together with other consented wind energy development in the surrounding area and further afield. No specific viewpoints were raised, but it was argued that turbines within the ZTV of the Mullaghturk proposal would result in an unacceptable visual impact, and this had not been properly addressed by the appellants. PPS 18 policy RE1 requires demonstration that a proposal "has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications".
46. The BPG does not define what constitutes 'the area' referred to in paragraph 1.3.36. Paragraph 1.3.33 offers some clarification where it states that "the cumulative impact of a number of neighbouring developments is an important material consideration. The nature and character of the location, and the landscape in which a development is located, will in part determine the acceptability or otherwise of siting proposals in proximity to each other". To my mind the use of the words 'neighbouring' and 'proximity' would indicate that in considering the issue of cumulative impact, the focus should primarily be on the area within which the proposal is located. Section 3.2 of the SPG provides further guidance on the matter and states that "separation distances ranging from 6km (for smaller sites in landscapes with some enclosure) to 12km (for larger sites in open exposed landscapes) are desirable to prevent the landscape becoming dominated by wind farms and to reduce intervisibility", and "the Department considers that judgements on cumulative impacts must be made on a case-by-case basis taking account of the specific character of the landscape and the siting, layout and intervisibility of the proposed wind energy development with other wind energy developments in the same LCA, in neighbouring LCAs, in the Republic of Ireland and - offshore". Clearly, guidance anticipates cumulative impact being a product of turbine numbers and separation distance.
47. At the hearing the Council indicated that it had not considered cumulative impact to be an issue in this case as the area is an open landscape and the SPG guidance on separation distances was met. I note the statement in the SPG that, at the time of its publication in 2010, there were no issues in respect of cumulative impact in LCA24. The information supplied to me post-hearing by the

Council indicates that no wind farms have been approved within LCA24. The closest consented turbines to the appeal site are at Brackagh Quarry and Crockandun, 7.5km and 11 km from the appeal site, respectively. Objectors made reference to other approved single turbines but I was not provided with sufficient detail to identify these; it is not for the PAC to research planning approvals. Although there would be a degree of intervisibility between the Brackagh, Crockandun, and Mullaghturk wind farms when seen from various vantage points in the area, the separation distances are adequate to ensure that there would be no sense of turbines becoming overdominant in the wider landscape. Other approved wind farms cited in written evidence by objectors ranged from between 15km and 24km from the appeal site and I am not persuaded that these would lead to an unacceptable cumulative impact relative to the locality of the appeal site.

Impact on archaeology and heritage

48. NIEA evidence referred to conflict between the proposal and policy CON 4 of the Cookstown Area Plan 2010. This policy cannot be attributed any weight in this appeal as the site lies outwith the former Cookstown District Council area.
49. Policy RE1 of PPS 18 states that renewable energy development will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on, inter alia, built heritage interests.
50. With regard to archaeology, paragraph 3.1 of PPS6 indicates that sites and monuments were important to the people who built them and were closely related to their landscape. "Natural features, hills, valleys and sources of water form part of the wider setting of these sites, i.e. the area of historic landscape within which they functioned, and can help us to understand them". Paragraph 3.2 goes on to state that the surroundings of any site or monument can provide further evidence about why that particular location was chosen for use and how it was used. Paragraph 3.3 points to the need to consider whether a development proposal would result in an inappropriate change to the setting of a site or monument and whether the existing quality and character of the site or monument would be retained. Importantly, the PPS refers to "the many demands of modern society" and striking a right balance.
51. Policy BH1 of PPS6 is entitled 'The Preservation of Archaeological Remains of Regional Importance and their Settings'. It indicates that "the Department will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances".

52. Paragraph 3.6 of PPS6 indicates that, in assessing proposals for development in the vicinity of monuments, the Department will pay particular attention to the impact of the proposal on:- the critical views of, and from the site or monument; the access and public approaches to the site or monument; and, the understanding and enjoyment of the site or monument by visitors.
53. The site known as the Beaghmore Stone Circles contains a cluster of stone circles, cairns and stone rows which have been dated to the Bronze Age. It also contains some earlier features, thought to be Neolithic in date. The site is a scheduled monument and is in state care. As stated in the appellants' evidence, Beaghmore is probably the best known example of a class of stone circles that is typical of the higher land in the adjoining parts of Londonderry, Tyrone and eastern Fermanagh; also, it is one of only two major concentrations of stone circles in Ireland, the other being in West Cork and Kerry. The importance of the site is recognised by all parties in this appeal. In terms of the distance from the Beaghmore site to the proposed wind farm, several different figures have been cited by various parties. Having considered these, and examined an Ordnance Survey plan, I consider that a separation distance of 5km would appear to be a reasonably accurate figure.
54. I note the point made by an objector that the BPG refers to wind farm development within 2-5 km as being relatively prominent. The BPG cites this as a 'general perception' in an open landscape but also recognises that the particular characteristics of the proposal and landscape need to be assessed. It also indicates, in the same table (page 17) that at 5-15km a wind farm might, inter alia, be seen as part of the wider landscape. The Sinclair-Thomas matrices referred to by the parties are not, in themselves, determinants of visual impact. This can only be assessed by visual observation in the landscape context.
55. NIEA Historic Monuments Unit argued that the proposed development would have an adverse visual impact upon the public access, approaches to, and critical public views to, from, within, and across the Beaghmore stone circles complex. It was posited that the development would adversely impact the setting of the site and its enjoyment by visitors. The third parties concurred with the NIEA position that the analysis of the impact on the stone circles site, provided for the appellants, presented flawed conclusions. Both the NIEA Historic Monuments Unit and the third party objectors argued that the Commission's earlier decision misinterpreted what is meant by the setting of a monument in state care, limiting the assessment to the impact on the functional setting and not the visual setting.
56. As stated by Historic Monuments Unit of NIEA, PPS6 was published in 1999 and, like other archaeological publications of its time, did not contain specific detailed guidance on the wider issue of setting. From the evidence presented, it is clear to me that the monument has a twofold setting - functional and visual. I accept that the visual setting of the monument is the landscape within which it lies and it could reasonably be argued that this extends as far as the appeal site. HMU maintained that the proposed development, with an industrial nature

incorporating tall structures with moving components, would be inappropriate in the agricultural landscape setting of the monument and would introduce dominant and inappropriate features in the landscape, adversely impacting upon viewpoints from and across the site; this being especially pertinent given the relative absence of any other existing modern structures of a similar scale in the area. Attempts have been made by parties in this appeal to formulate a methodology for assessing the impact of the proposal upon the Beaghmore circles with conclusions ranging from 'negligible' to 'adverse' impact. This indicates the large element of subjectivity involved in making an assessment.

57. There is evidence that the function of some of the linear features relates to a southwest-northeast axis, associated with sunrise at the summer solstice. I accept the appellants' submission that appreciation of this would not be directly or appreciably affected by the proposal, which would lie almost due north of the monument. There are also submissions that this is not the case and that other functional alignments exist on the site. Even if the latter is correct, the important question in this appeal is whether the proposed turbines would have a detrimental impact on the function or appreciation of the monument. In my opinion, turbines located 5km distant would not affect the appreciation of the small scale of the standing stones at Beaghmore; the latter is readily apparent, viewing the monument in its immediate surroundings. It is not tenable to argue that other, as yet undiscovered, features exist at the monument, which may or may not have a function involving direct views towards the appeal site.
58. I would agree with the analysis put forward by the appellants that, although the wider rural landscape will be changed by the addition of large moving structures in countryside characterised by small and scattered buildings, the turbines would be seen at a distance of 5 km, towards the outer limits of the landscape setting of the stone circles. In this context the overall rural character of the monument's setting would not be unduly affected. I also agree that this wider landscape is not an 'unaltered setting' in the sense used by English Heritage. It already contains modern landscape features that are visible from the stone circles, such as blocks of coniferous forestry, telephone lines, buildings and roads, upon which vehicles can be seen moving. Vehicles in the monument's car park are in full view, as are modern entrance features. The countryside itself has also changed dramatically since the time of the monument's creation; a modern agricultural landscape is not what the creators of the stone circles would have viewed. I am not persuaded that the presence of the proposed turbines would significantly impact on the appreciation or understanding of the Beaghmore stone circles in the wider landscape. I am not convinced that the visual relationship between the monument and its physical surroundings would be impaired by the proposal. I judge that the connections between the natural landscape, the archaeological landscape, and the skyline would still be apparent to visitors if the proposed turbines were constructed on the appeal site.
59. I was presented with much evidence regarding the impact of the proposal on the approaches to the stone circles site and on its associated car park. The

approaches are via a tarmacadam public road, which is obviously a modern feature. On arriving at the car park, one is greeted by a set of modern steel railings, an entrance gate, and explanatory signposting. I have concluded that the proposal would not have an unacceptable impact on visual amenity when seen from viewpoint 15. I do not accept that wind turbines located some 5km distant have an unacceptably greater impact on the visual setting of the monument than other clearly modern development in the landscape. I am satisfied that views of, and from the monument; the access and public approaches to monument; and, the understanding and enjoyment of the monument by visitors would not be unduly impaired as a result of the proposal.

60. The issue of the cumulative impact of wind farms on the monument was also raised - in particular in respect of the proposals at Brackagh and Crockandun, which are located 9 km and 11 km respectively to the north-east of Beaghmore. The appellants provided an analysis, wireframe diagrams and photomontages to predict visibility of these schemes. It was submitted that the Brackagh turbines would not be visible from the western end of the stone circles due to screening by topography; looking eastwards, visibility would be limited due to the presence of Davagh forest. With regard to Crockandun, the wireframe and photo analyses show that visibility would be limited to the blades of three turbines. I agree with the appellants that, given the level of screening and the 11 km separation distance, the Crockandun wind farm would be effectively invisible from Beaghmore. Given all of the foregoing, I conclude that the proposal is not contrary to policy BR1 of PPS6 and that the Council's 4th reason for refusal has not been sustained.
61. The potential impact of the proposal on other heritage sites, both individually, and cumulatively, was also raised. The dual court tomb at Ballybriest is a scheduled monument. Evidence points to its role for burial and ritualistic purposes. It is located less than 2km from the approved turbines at Brackagh Quarry and roughly 2-2.5km from the wind farm at Crockandun. These latter two wind energy proposals would be clearly seen at a significantly closer range than the proposal at Mullaghturk. I do not consider that the appeal proposal, located 7.5km from the dual court tomb, would impair the understanding of the monument in its immediate setting, or its place in the wider landscape. I am not persuaded that a visitor's ability to appreciate the site chosen for this tomb and its relationship to the wider landscape would be eroded to any appreciable degree. The Mullaghturk proposal would not interfere with appreciation of the alignment of the monument. Approaches to the monument on Ballybriest Road would not suffer any adverse impact. I observed that a significant amount of modern development exists to the north of Ballybriest and this is readily apparent in the landscape.
62. Saint Patrick's Lough is located around 6.5km from the proposal at Mullaghturk. The lough is a place of pilgrimage and has stations of the cross, forming a circuit of its shore. It is enclosed in a shallow hollow in the landscape, which isolates it in its surroundings. It has a remote and tranquil atmosphere and I agree with the appellants that it has a strong 'sense of place' sympathetic to its role as a place

of quiet prayer and contemplation. The proposed turbines at Mullaghturk would be seen, rising up the hillside and protruding into the skyline in the west. The approved turbines at Brackagh and Crockandun would have a significantly greater visual presence than the appeal proposal when seen from the laugh. Brackagh, in particular, is located less than 0.5km to the south-east. The laugh has a primarily religious function and I am not persuaded that the wind farm at Mullaghturk would impinge on this to any appreciable degree or significantly adversely affect the visitor experience.

63. An objector referred to the stone circles at Broughderg. These are located roughly 5km southwest of the appeal site on private land. Whilst the proposed turbines would be visible from the circles, in view of the separation distance I am not persuaded that either their immediate setting or their wider landscape setting would be unacceptably adversely affected by the turbines so as to result in an inappropriate setting or render visitors incapable of appreciating them. Other archaeology at Broughderg, within the Area of Significant Archaeological Interest, was referred to in the statements of case; however, none was specifically identified. I am not persuaded that the objections to the proposal, based on impact on archaeology and heritage, are sustained.

Impact on tourism assets

64. The Council and objectors considered that the unacceptable visual impact of the proposal would be damaging to the tourism assets of the area and the Sperrins AONB. Reference was made to the Tyrone and Sperrins Tourism Destination Management Plan (2013) and this has been endorsed by, inter alia, Mid Ulster District Council and the Northern Ireland Tourist Board (NITB). The vision of the Tyrone & The Sperrins Destination Plan is 'The natural Irish outdoors - an inspirational, iconic and ancient landscape where adventure is the everyday and every journey unearths our culture.' As NITB pointed out, "the plan focuses on emphasising the history, heritage, archaeology and cultural associations of Tyrone and the Sperrins while appealing to a broader Irish, not solely Northern Irish, appetite and market". Whilst I acknowledge that the plan, in its SWOT analysis, identifies wind farm development as a threat to tourism in Tyrone and the Sperrins, no specific geographical areas of concern are identified; in addition, the tourism plan cannot override planning policy.
65. I note the comments of NITB that "at a strategic level, Tyrone and the Sperrins is promoted by NITB as an area rich in archaeological heritage and natural beauty... with the combination of rolling hills, scenic countryside, and lush river valleys, it is a peaceful and serene place where you can truly escape from the pressures of modern living.", and that "locally, the tourism offer is based on the scenery and opportunities for outdoor recreation whilst accommodating a niche interest in archaeological and natural history". As I have already stated, I do not consider that the turbines themselves would represent a benefit to the tourism industry in terms of representing a visitor attraction as wind farms and turbines are commonplace in Northern Ireland today.

66. Planning Policy Statement 16: Tourism (PPS16) policy TSM 8 'Safeguarding of Tourism Assets' states that planning permission will not be granted for development that would in itself, or in combination with existing and approved development in the locality, have an adverse impact on a tourism asset (as defined in paragraph 7.39 and in Appendix 1 - Glossary of Terms) such as to significantly compromise its tourism value. In reality, adverse visual impact and *significant* negative impact on tourism assets need not necessarily always coincide. Paragraph 7.39 of PPS16 refers to a tourism asset as "any feature associated with the built or natural environment which is of intrinsic interest to tourists". The Glossary to PPS16 states that tourism is defined as "the activities of persons travelling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business and other purposes (World Tourism Organisation)" and that the term 'tourist' refers to both overnight visitors and same day visitors. To my mind, if a tourist can include a day-tripper, the places visited by those persons could logically be considered to be tourist assets.
67. Paragraph 1.3.80 of the BPG relates to recreation and tourism and indicates that wind energy development is not necessarily incompatible with tourism and leisure interests. It also refers to the results of survey work conducted in 2003 in the Republic of Ireland which indicated that tourism and wind energy can co-exist happily. Paragraph 1.3.81 states that "judgment of acceptability based on landscape protection should provide adequate protection for tourism interests. The threshold of landscape protection is generally more sensitive to wind farm development than tourism....".
68. I was advised that in a study undertaken for the NITB in 2011, it was found that 52% of domestic visitors and 48% of ROI visitors would be happy to visit an area with wind turbines. The results also showed that 5% of domestic tourists and 3% of visitors from ROI would avoid returning to areas with wind farms. NITB took the view that the study results were largely inconclusive with regard to visitor attitudes to wind farms. Evidence for the appellant stated that similar conclusions were reached in studies undertaken in the ROI; 47% of tourists considered wind farms to have a positive impact and 10% felt they had a very negative impact. Whilst these figures demonstrate the differences in public perceptions of wind farms, they could not reasonably be applied in every instance where a wind farm is proposed. The nature of the tourism assets likely to be affected must be considered in the specific context of the case.
69. The Boughderg Area Development Association (BADA) stated that it had carried out surveys and market research among visitors and claimed that one of the main attractions of the area is the unspoilt nature and sense of wilderness they experience during their visit. Evidence indicated that "feedback from the visitors has revealed that a windfarm in this area would have a profound detrimental effect upon our project. The presence of a windfarm would impinge on the environmental, social and economic gains that are being currently generated and

would result in further harm and loss by visitors being deterred due to the adverse effects upon the landscape".

70. I was presented with a document entitled 'Protecting the Irish Environment and Landscape - A Critical Issue for Irish Tourism' (August 2014). My attention was drawn to a recommendation for designation of AONBs in ROI as a means to protect scenic landscapes. The document refers to wind turbines as potentially serious threats to tourism when badly sited. It also emphasises the importance of beautiful scenery to the Irish Tourism industry and provides analysis of reports indicating that wind development may have a negative impact on visitors choosing to visit an area. Whilst I acknowledge the content of this document, it relates to the situation in ROI and has no statutory standing in Northern Ireland. AONB policy does not necessarily preclude wind energy development, nor does tourism policy.
71. I acknowledge that Mid Ulster District Council and the NITB are actively trying to encourage and grow the tourism industry in the area. 'Tyrone and the Sperrins' has been identified as a Key Tourism Area in strategic tourism policy. That it may be underperforming as a tourist destination is not indicative that any lesser importance should be ascribed to tourist assets in the area in terms of planning policy. The latter does not differentiate between more or less intensively visited assets. The Davagh Forest facilities, Lough Fea and the Beaghmore stone circles were amongst the locations specifically referred to as potentially being affected by the proposal. Reference was also made to sites included in the Broughderg Area of Significant Archaeological Interest (ASAI). Parts of the Sixtowns, Davagh, Tullybrick, Lough Fea and Blackrock Roads to the south of Mullaghturk are signposted as East Sperrins Scenic Driving Route. Whether being visited by local residents or by persons from further afield, I consider that the aforementioned features would be of intrinsic interest to tourists.
72. I have already concluded that the proposal would not have an unacceptable visual impact, adversely affecting the appreciation and understanding of the Beaghmore stone circles, Lough Patrick, Ballybriest Dual Court Tomb and the stone circles at Broughderg. Davagh Forest and its associated facilities provide for recreation with forest trails, a play area, and other visitor amenities. In my opinion, persons visiting the forest would be likely to do so to use those facilities and I consider it unlikely that the proposed turbines would result in any significant reduction in visitor or tourist numbers. I conclude similarly in respect of Lough Fea. The East Sperrins Scenic Driving Route is part of a wider, interlinked network of roads throughout the Sperrins and I accept that many users of these routes do so in order to appreciate the landscape, scenery, and natural beauty of the AONB. Other than assertion, there is no convincing evidence before me that a significant proportion of visitors and tourists would be likely to cease using these routes as a result of wind turbines being erected at Mullaghturk.
73. Objectors referred to the 'Dark Skies' over the area and their potential in terms of astronomy and attracting visitors. I am not persuaded that the proposed turbines

would represent a significant physical intrusion into the night sky. Astronomers can position their equipment to avoid obstructions. In any event, the night sky is a moving object. With regard to lighting of the turbines for aircraft safety, I was advised by the appellants that infra-red lighting could be used. I judge that a technical solution would be possible and am not persuaded that the matter should weigh against the proposal.

74. I was not provided with any figures or detail regarding the visitor survey conducted by BADA. Surveys conducted in the ROI and for the NITB indicate that visitor numbers could be affected by the presence of wind turbines; however, as the NITB has stated, the results are inconclusive. The Mintel study indicated that a small number of visitors (3-5%) would be averse to the presence of turbines. Whilst I accept that the proposal would have an unacceptable impact on visual amenity when viewed from certain vantage points, on the basis of the information before me, and my consideration of the nature of the visitor attractions in the locality, I am not persuaded that the tourist value of the tourist assets in the area would be *significantly* (my emphasis) compromised by the proposal. I find that the Council's 3rd reason for refusal, and the related objections to the proposal, have not been sustained.

Nature conservation

75. PPS18 policy RE1 indicates that development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on, inter alia, biodiversity and nature conservation. It also states that any development on active peatland will not be permitted unless there are imperative reasons of overriding public interest.
76. Objectors expressed concerns about the proposal's potential impact on specific birds and mammals but provided no evidence on how it would be likely to affect habitats and the consequent implications for the species at population level. The proposal's potential impact on flora, fauna, and habitat was examined in the ES and FEI.
77. The Council and representative from NIEA confirmed that the concerns expressed in the fifth reason for refusal had been addressed. NIEA was content that all information required to demonstrate the acceptability of the proposal had been provided; from a nature conservation perspective, the proposal could be approved, subject to mitigating conditions. I was advised that concerns regarding the dates of the various ecological surveys were unfounded and the representative at the hearing confirmed she was entirely up-to-date with conditions at the site. No compelling evidence was forthcoming from the third party objectors to persuade me that the conclusions of NIEA were unsafe.
78. With regard to the issue of development on active peatland, I was informed by the NIEA representative that the majority of this had been destroyed by past

activity on the site and that the matter was not an impediment to the proposal. This was disputed by the objectors but the assertion was not supported by any evidence to demonstrate that the NIEA witness was incorrect. The most recent Peatland Condition Report (2015) bears out the evidence from NIEA. I do not comment on the legality of the appellants' activity on the site. I find that the fifth reason for refusal is not sustained.

Residential amenity

79. There is a requirement at paragraph 6.224 of the SPPS and criterion (a) of the policy headnote of RE 1 that the proposal will not result in "an unacceptable adverse impact on ... human health, or residential amenity".
80. Paragraph 1.3.46, of the BPG refers to the report "The Assessment and Rating of Noise from Wind Farms" (ETSU-R-97), which formed the basis for the appellants' noise report. ETSU-R-97 describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to sensitive receptors, without placing unreasonable restrictions on wind farm development. The BPG adds that this document should be used in the assessment and rating noise from wind energy developments. An objector submitted that the entire planning process currently dealing with wind proposals is unlawful, as the ETSU-R-97 guidelines are not fit for purpose. It was also argued that planning guidance is flawed. However, this appeal is not a forum for questioning the content of planning policy or guidance.
81. The sixth reason for refusal was added by Mid Ulster District Council as there had been a concern regarding impact on sensitive receptors in the vicinity of the proposed turbines. The objectors had also claimed that a dwelling had been excluded from the noise report prepared for the appellants. The appellants' noise consultant confirmed that No.265 Sixtowns Road had been considered in the latest Hoare Lee study; it was also pointed out that the dwelling in question is 760m from the nearest turbine. At the hearing, the Council's Environmental Health representative indicated satisfaction regarding the noise and vibration report and confirmed that the proposal was now acceptable to the EH Department, subject to the imposition of conditions to control noise. Third party objectors, however, maintained that the turbines would affect neighbours by reason of health effects, noise impacts, infrasound, low frequency noise, amplitude modulation, shadow flicker, and visual impacts. I was not presented with any evidence to demonstrate that the conclusions of the appellants' noise and vibration report were flawed.
82. Due to the position of the proposed turbines relative to sensitive receptors, I am not persuaded that shadow flicker would be an issue, notwithstanding the elevated position of the hubs/blades. As paragraph 1.3.73 of the PPS18 BPG points out, shadow flicker generally only occurs in relative proximity to sites and only properties within 130 degrees either side of north relative to the turbines are affected. It adds that at distances greater than 10 times rotor diameter the

potential for shadow flicker is very low. The turbines in this case exceed the guidance separation distance from the nearest dwellings.

83. The resident at No.265 Sixtowns Road expressed concern over the potential impacts of flickering light, infrasound and blade chop, particularly on his son who has been diagnosed with Asperger's Syndrome and with suspected ADHD. I have commented on shadow flicker above. The representative from Mid Ulster District Council EH Department indicated that, depending on wind direction, there could be some noise impact at No.265; however, he was unable to confirm whether or not the objector's son would be affected. The appellants' representative stated that there is no scientific evidence that infrasound from turbines can exacerbate the abovementioned conditions. I accept that 'thumping' from amplitude modulation could be dealt with by condition. The objector was unable to furnish the hearing with any evidence to support his assertions and in the absence of this, I cannot reject the proposal on the basis argued. Similarly, there is no evidence to support the assertion that the proposal would be harmful to human health by reason of electromagnetic radiation.
84. As there is no evidence to demonstrate that the proposed development would unduly harm residential amenity, and in the absence of any valuation evidence to the contrary, I am not persuaded that it would significantly devalue property prices. I find that the Council's *si Fi* reason for refusal has not been sustained.

The effect of the proposal on the safety of road users

85. PPS18 policy RE1 states that applications for wind energy proposals will be required to demonstrate, *inter alia*, that no part of the development will have an unacceptable impact on road safety. The PPS18 BPG refers to the proximity of wind turbines to roads. Paragraph 1.3.54 states that wind turbines erected in accordance with best engineering practice should be set-back at least falling-over distance plus 10% from the edge of any public road, public right of way or railway line so as to achieve maximum safety. The proposal complies with this. Concern was expressed by objectors in respect of the potential effect of the proposal on car drivers, who may be distracted by the turbines and the movement of the blades. The proposed turbines would be around 700m from Sixtowns Road. As the BPG recognises, drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attention. Trees, hedges, and other roadside features can also result in light flickering in drivers' vision. Drivers are expected to take reasonable care to ensure their own and others' safety. I do not consider that the objections citing this issue are sustained. I note that Transport ISII as no objection to the proposal.

Other matters

86. The structural integrity of any turbines, if approved, is not a matter I can consider.

87. PPS18 policy RE1 states that applications for wind energy proposals will be required to demonstrate, inter alia, that "the development will not create a significant risk of landslide or bog burst. Concerns were raised by objectors in these respects. A report on Peat Stability dated November 2010 was provided as part of the appellants' submissions. This concluded that, subject to mitigation measures, which could be secured through conditions, the site was suitable for the development, which could be ranked 'insignificant' in terms of hazard. The objectors questioned the conclusions of the report and cited previous historical incidences of landslides in the Sperrins. Flash flooding and summer storms occurred; people had drowned in the Glenelly Valley and there had been a flood off Mullaghturk mountain 20 years ago. Interfering with blanket bog, it was submitted, would result in instability.
88. The purpose of the Peat Stability report was precisely to assess the risks of instability. The mitigation measures proposed were designed to preclude significant hazards. In the absence of any evidence to demonstrate that the conclusions of the report are flawed, the objections relating to this issue cannot be sustained.
89. Third parties claimed that the proposal could adversely affect water quality in the area; however I was not provided with any evidence to substantiate this claim. Similarly, risk of flooding was raised in written objections but no explanation of specific concerns was provided. The need for any additional planning permissions associated with the subject proposal is a matter for the Council and appellants.

Conclusion

90. The site and its surroundings lie within the Sperrins AONB and this is reflective of the special character and scenic attractiveness of much of the area. From a considerable number of the identified views of the appeal site, whilst both static and in transit, I observed that the landscape is very largely unspoiled, uncommonly free from built or other development, and exhibits a wild, remote and tranquil character. The Landscape Character Assessment has identified the unspoiled parts of LCA24 as being highly sensitive to change and refers specifically to views of Mullaghturk from the south as being important. I find this to be a sound analysis. I have accepted that the proposal would contribute towards meeting Ni's renewable energy targets. Whilst I attach significant weight to the substantial economic, environmental and social benefits that would accrue as a result of the proposed wind farm, I consider these are outweighed by the impact on the landscape in LCA24 and the Sperrins AONB. This would be the case even if the proposed community fund were to be taken into account. The unacceptable detriment to visual amenity is determining in this case. The proposal conflicts with PPS18 policy RE1 and PPS2 policy NH6. The Council's first and second reasons for refusal are sustained and the appeal must fail.

91. I acknowledge the letters of support from local businesses and elected representatives in respect of the positive economic benefits that could result from the proposal. These do not lead me to reach an alternative conclusion.
92. The appellants referred to other appeal decisions, where the benefits of wind development proposals were held to outweigh visual objections within AONBs. From a visual perspective, each wind farm proposal requires to be considered in its particular landscape context. I am not persuaded that the circumstances in those cases were directly comparable to those pertaining in the case of the -proposal before me.
93. It was argued by the appellants that the anticipated 25 year life span of the proposed turbines would render them a temporary feature in the landscape. In my opinion, 25 years is a lengthy period and could readily be interpreted as the span of a human generation. I consider that the degree of detriment to the character of the t CA and **AONB** would be so significant as a result of the proposal that even a 25 year limited consent could not be warranted.

This decision relates to the following drawings, all stamped refused by the Department on 11th August 2007: -

Fig. C1a - Site Layout and boundary detail at scales 1:2500 and 1:10000 dated 31/10/06

Fig. C2 - Access to Site (not to scale)

Fig. C3 - Site Access at scale 1:200

Fig. C3a Site Access at approx. scale 1:500

Fig. C4 - Temporary Contractor Compound at scale 1:200

Fig. C5 - Track Sections at scale 1:500

Fig. C6 Site Cross Drains at scale 1:100

Fig. C7 Typical Wind Turbine Foundation at scales 1:100 and 1:200

Fig. C8 Transformer Housing at scale 1:50

Fig. C9 Switchroom and Compound at scale 1:50

Fig. C10 Typical Cable Trench Details at scales 1:10 and 1:20

Fig. C11 - Typical Wind Turbine Detail at scale 1:500

Fig. C12 - Typical Met Mast Detail at scales 1:50 and 1:400

Fig. C13 Crane Hardstanding at scale 1:500

Fig. C14 Construction Programme

COMMISSIONER ANDY SPEIRS

List Of Documents

DOE Planning Service/Mid Ulster DC:

- Doc A - Statement of case with appendices, Mid Ulster DC, May 2015
- Doc B - Statement of case with appendices, Historic Environment Division, HMU, May 2015
- Doc C - Submission on SPPS with appendices, December 2015
- Doc D - Statement of case, Historic Environment Division, HMU, September 2015
- Doc E - Comments on SPPS, Historic monuments Unit, January 2016
- Doc F - Schedule of Wind Farm Applications (with plan), Mid Ulster DC, February 2016
- Doc G - Letter from Prof. G Cooney to PAC, September 2015 (copy provided at hearing, January 2016)
- Doc H - List of suggested noise conditions submitted at hearing by Dr C Jordan, EH Department Mid Ulster DC, January 2016
- Doc I - Statement of case, Planning Service, April 2010

Third Parties:

- TP 1 - Statement of case, BADA, May 2015
- TP 2 - Statement of case, West Tyrone Against Wind Turbines, May 2015
- TP 3 - Statement of Case with appendices, BADA May 2015
- TP 4 - Statement of case, J Clarke, May 2015
- TP 5 - Comments on SPPS with appendix, BADA, January 2016
- TP 6 - Comments on SPPS, S & J Clarke, January 2016
- TP 7 - Comments on SPPS, M Church, January 2016
- Comments on FEI November 2014:
 - TP 8 - J Quinn,
 - TP 9- BADA
 - TP 10 - J Lavery
 - TP 11 - TD Hayes
 - TP 12 -AM Hayes
 - TP 13 - S Clarke and MB McKenna
- TP 14 - 'Protecting the Irish Environment and Landscape, Submitted at hearing by S Clarke, January 2016
- TP 15 - Document relating to Renewable energy generation submitted at hearing by A Macauley, January 2016

Appellants:

- APP 1 - Statement of case with appendices (Farningham Planning), May 2015
- APP 2 - Comments on SPPS with appendices, Farningham Planning, January 2016
- APP 3 - Copy of draft Community Fund Agreement submitted at hearing, January 2016
- APP 4 - Copy of draft Declaration of Trust submitted at hearing, January 2016
- APP 5 - Statement of case with appendices (Pragma Planning), April 2010
- APP 6 - Park Hood Drawings at scale 1:50000 provided to Commissioner Fitzsimons at earlier hearing

Attendance at Hearing

Mid Ulster

District Council -

Dr C Boomer, Planning Department
Mr M Bowman, " "
Mr P Logue, NIEA Archaeologist
Dr C Hempsey, NIEA Natural Environment
Mr M Brown, Mid Ulster DC Tourism Department
Dr C Jordan, Mid Ulster DC Environmental Health Department
Mr G Vance, ORD Economics Branch
Professor G Cooney, Historic Monuments Council

Third Parties -

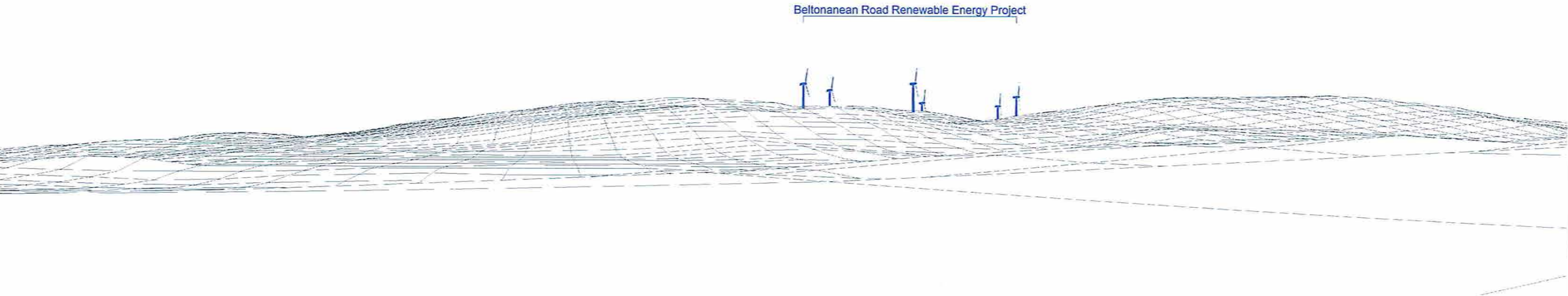
Mr A Macauley, NIE
Ms C McCoy, Community Places
Mr C Bradley, " "
Mr M Church, 265 Sixtowns Road
Councillor S Clarke (representing residents)
Mr J Quinn, BADA
Mrs P Mercer, 14 Moyarg Road, Sixtowns

Appellants -

Mr W Orbinson QC instructed by TLT Solicitors
Mr A Ryan, Instructing Solicitor
Mr A Farningham, Farningham Planning
Dr S Carter, Headland Archaeology
Mr M McCullough, Oxford Economics
Mr R Mullan, Mullan Grid
Mr A Sunbury, Park-Hood Associates
Dr S Ross, Ross Environmental Associates
Dr C Spouncer, Spouncer Associates
Mr A Pender CHL Consulting
Mr A Bullmore, Hoare Lea



Vireframe - from TYR 20_04



<p>PROPOSED BELTONANEAN ROAD RENEWABLE ENERGY PROJECT</p> <p>January 2015</p>	<p>OSNI Licence No: 703</p> <p>Map not to scale</p>	<p>Viewpoint data:</p> <p>Location: 268492,384258</p> <p>Elevation: 193mAOD</p> <p>Direction to centre of image: 102.5°</p> <p>Included angle: 86°</p> <p>Projection: cylindrical</p> <p>Viewing distance: 266mm @ A3</p> <p>Distance to nearest Turbine: 2928m to T3</p> <p>Turbine Layout : 6WTs 15-01-15</p> <p>Turbine Hub height: 80m</p> <p>Turbine Blade Diameter: 93m</p> <p>Turbine Blade Tip Height: 126.5m</p>	<p>Turbine data:</p> <p>■ Beltonanean Road Renewable Energy Project</p> <p>↔ Lines show extent of existing wind farms and proposed wind turbines visible and are coloured as above</p>	<p>Figure A4</p> <p>Archaeological Viewpoint From TYR 20:04</p> <p>1404 Fig A4 - TYR 20_04</p>
---	---	---	--	--



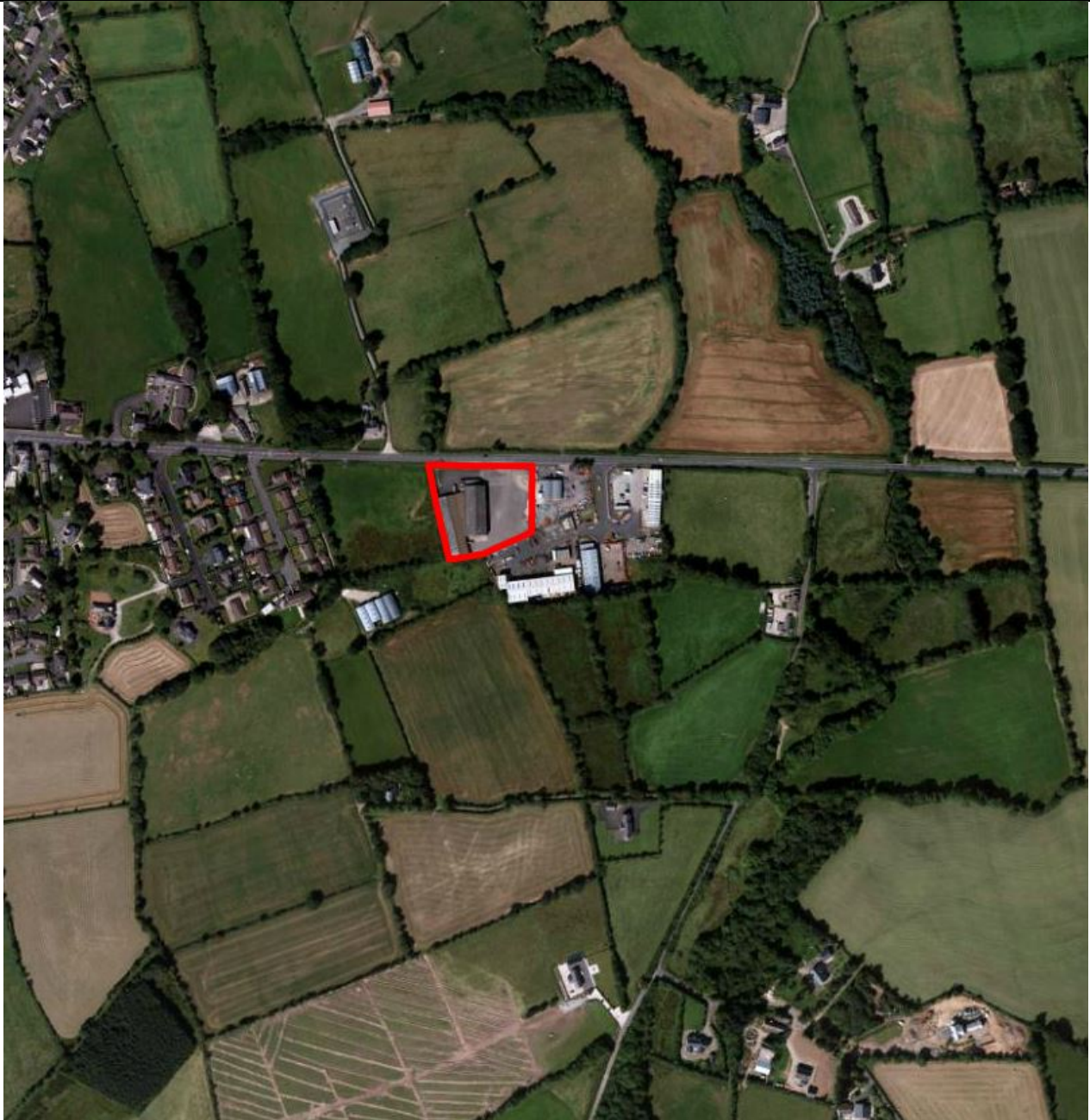
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: H/2015/0054/F	Target Date:
Proposal: Proposed extension to front of existing agricultural sales yard to provide farm shop, canteen and additional livestock pens	Location: Adjacent to 57 Magherafelt Road Draperstown
Referral Route: Objections received	
Recommendation: Approval	
Applicant Name and Address: Mr Michael O'Kane C/o.agent	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response

Representations:

Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues Objections received.	
Characteristics of the Site and Area Site is located on the roadside of Magherafelt Road on the outskirts of Draperstown town but still within the development limits. According to the Magherafelt Area Plan 2015 this site and the land immediately adjacent to the east is zoned as major area of existing industry. The site itself is a relatively large site with currently the main building located slightly to the western side of the site and existing pens on the western boundary, there is an existing large area free for parking on the eastern portion of the site. The site is bounded by post and wire fencing to all sides. The land directly adjacent to the west of the site is zoned for industrial land as per the Magherafelt Area plan. The site is located on the roadside of Magherafelt Road.	
Description of Proposal Full application for 'Proposed extension to front of existing agricultural sales yard'.	
Planning Assessment of Policy and Other Material Considerations I have assessed this proposal under the following policies: Magherafelt Area Plan 2015 Planning Policy Statement 1 - General Principles Planning Policy Statement 4 - Planning _ Economic Development (PED 9) This proposal is for the expansion of an established economic development. The scale and nature of the proposal is compatible with surrounding land uses as this is existing industrial land with adjacent land designated as an industrial land use area. The proposed extension should not harm the amenities of nearby residents nor be any potential for adverse effect on natural or built heritage. The proposal is not located in an area at flood risks nor would it cause or exacerbate flooding. Although the extension would of course increase noise levels it would not create a noise nuisance. Any effluent potential will be dealt with as existing. Mid Ulster District Council Environmental Health were consulted on 9th March 2015 and responded with no objections to this. They did comment that the proposed development must satisfy the requirements of the Health and Safety at work (NI) Order 1978 and the Regulations made thereunder. Transportni were consulted with this proposal on 9th March 2015 and responded with no objections thus indicating the existing road network can safely handle any extra vehicular traffic the proposal will generate and that adequate access arrangements, parking and manoeuvring areas are provided. Following the receipt of objections Transportni were reconsulted, they responded on 19th October 2015 querying information originally presented with the application. Revised information was submitted and Transportni reconsulted, they responded on 01.02.2016	

requesting a Traffic impact assessment form to be submitted. The TAF was received 17.02.2017 and Transportni reconsulted, they responded on 15.03.2017 stating'

Given the current information on the TAF and the P1 form , we are of the opinion that this proposal is not going to generate any significant extra traffic as the canteen and farm shop will predominantly be utilised by customers already on site, and there are sufficient parking facilities at all times outside of market days. Consequently Transportni have no objections.'

Existing boundaries are proposed to remain in situ.

The scale and nature of the proposal does respect the scale, design and materials of the original building on the site.

This proposal would provide employment opportunities for urban population and the rural hinterland.

This proposal was advertised in the local press on 12th March 2015.

Recommendation: Approve

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval recommended

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.

Informatives

1.The onus is on the householder/developer to find out if there is existing water and sewer infrastructure within their property. It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water. House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service. Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the householder/developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full costs, company overheads, etc. It is the responsibility of the house builder/builder/developer to establish if existing public watermains, foul/storm sewers, together

with appropriate waste water treatment facilities, have adequate capacity to serve the proposal. To establish how best any development may be served by existing public water and sewerage infrastructure, a Pre Development Enquiry (PDE) would require to be submitted. There is a charge for this service. If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NI Water to extend the public watermain or foul/storm sewer system to service your development. This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and sewers. Septic Tank emptying. The applicant must provide a hard standing area with a 3.5m wide access capable of supporting the weight of a sludge tanker within 30 metres of the septic tank.

If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers

2.The proposed development must satisfy the requirements of the Health and Safety at Work (NI) Order 1978 and the Regulations made thereunder.

3.This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

4.This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)

Date:

ANNEX	
Date Valid	27th February 2015
Date First Advertised	12th March 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) John McConnell 42 Cahore Road, Draperstown, Londonderry, Northern Ireland, BT45 7LY John McConnell 42, Cahore Road, Draperstown, Londonderry, Northern Ireland, BT45 7LY The Owner/Occupier, 50 Magherafelt Road Moyheeland Draperstown The Owner/Occupier, 57 Magherafelt Road Moyheeland Draperstown Brendan McKenna 59, Magherafelt Road, Draperstown, Londonderry, Northern Ireland, BT45 7JT	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: H/1980/0177 Proposal: ELECTRICITY SUBSTATION (MC/T 6346) Address: DRAPERSTOWN METAL FABRICATIONS, DESERTMARTIN ROAD, DRAPERSTOWN Decision: Decision Date: Ref ID: H/2002/0784/F Proposal: Extension to workshop. (Retrospective) Address: Sperrin Galvanisers Ltd., Unit 5, Industrial Estate, Magherafelt Road, Draperstown. Decision: Decision Date: 19.03.2003 Ref ID: H/2008/0532/F Proposal: Restropective application for a covered structure over existing livestock pens to existing agricultural sales yard. Address: Adjacent to no.57 Magherafelt Road, Draperstown.	

Decision:
Decision Date: 15.04.2009

Ref ID: H/1977/0108
Proposal: STEEL FABRICATION BUILDING
Address: MAGHERAFELT ROAD, DRAPERSTOWN
Decision:
Decision Date:

Ref ID: H/1995/0105
Proposal: SERVICE ROAD TO INDUSTRIAL ESTATE
Address: MAGHERAFELT ROAD DRAPERSTOWN
Decision:
Decision Date:

Ref ID: H/2015/0054/F
Proposal: Proposed extension to front of existing agricultural sales yard to provide farm shop, canteen and additional livestock pens
Address: Adjacent to 57 Magherafelt Road, Draperstown,
Decision:
Decision Date:

Summary of Consultee Responses

Consultees:

Mid Ulster District Council Environmental Health Department were consulted on 9th March 2015 and responded as discussed above.

Transportni were consulted on 9th March 2015 and also responded as discussed above.

NI Water were consulted on 9th March 2015 and responded with advice and no objections.

Relevant neighbours, Nos 50 _ 57 Magherafelt Road were notified of this proposal on 10th March 2015 no representations were received from these neighbours.

Objections received: Objections were received from the residents of No 42 Cahore Road and No 59 Magherafelt Road, the main points raised were:

- Traffic congestion and safety issues
- Parking shortfall currently which will be made worse if approval granted for this proposal
- No need recognised for proposed farmshop as there are already 2 in existence within the local area.

These objections were seen by Transportni and they responded on 19th October 2015 querying information originally presented with the application. Revised information was submitted and Transportni reconsulted, they responded on 01.02.2016 requesting a Traffic impact assessment form to be submitted. The TAF was received 17.02.2017 and Transportni reconsulted, they responded on 15.03.2017 stating'

Given the current information on the TAF and the P1 form , we are of the opinion that this proposal is not going to generate any significant extra traffic as the canteen and farm shop will predominantly be utilised by customers already on site, and there are sufficient parking facilities at all times outside of market days. Consequently Transportni have no objections.'

Drawing Numbers and Title

Drawing No. 02/1
Type: Site Layout or Block Plan
Status: Approved

Drawing No. 02
Type: Site Layout or Block Plan
Status: Approved

Drawing No. 03
Type: Proposed Elevations
Status: Approved

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: LA09/2016/0690/F	Target Date:
Proposal: Proposed retrospective application for beauty salon and car sales area with associated office and valet facility	Location: Adjacent to 3 Killymuck Road Upperlands Maghera
Referral Route: Refusal recommended & objection received.	
Recommendation:	REFUSE
Applicant Name and Address: Mr B McCloskey 96 Drumagarner Road Kilrea BT51 5TE	Agent Name and Address: DM Kearney Design 2a Coleraine Road Maghera BT46 5BN
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report**Site Location Plan****Consultations:**

Consultation Type	Consultee	Response

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
Summary of Issues Refusal recommended – contrary to CTY 1 PPS21, CTY 11 & CTY14 of PPS21, PPS4	
Characteristics of the Site and Area <p>The application is for a retrospective application for a beauty salon and car sales area with associated office and valet facility, the site is located to the rear of No 3 Killymuck Road and is within the rural countryside.</p> <p>No 3 Killymuck Road is a modest detached bungalow on the roadside, there is a large concrete yard to the rear of the dwelling which has several detached buildings, one for the beauty salon located within the western corner of the red line and directly behind a neighbouring dwelling at No 2 Glasshill Crescent and one for valeting business with car sales located in the North east corner of the site. There is a large building within the yard however this is outside the red line of the application site and is subject to enforcement at present.</p> <p>To the rear of the site is a cattle handling pen and agricultural land within the applicant's ownership.</p> <p>The site itself is surrounded by mature vegetation and as such there are no critical views from any neighbouring public viewpoints.</p>	
Description of Proposal <p>Full application for 'proposed retrospective application for a beauty salon and car sales area with associated office and valet facility to the rear of 3 Killymuck Road, Upperlands, Maghera'.</p>	
Planning Assessment of Policy and Other Material Considerations <p>I have assessed this proposal under the following:</p> <p>SPSS Magherafelt Area Plan 2015 Planning Policy Statement 1 - General Principles Planning Policy Statement 21 - Sustainable development in the countryside Planning Policy Statement 4 - Planning and Economic development</p> <p>This proposal site is within the rural remainder as defined in the Magherafelt Area Plan 2015. The businesses are operating at present, this is a retrospective application, the car business is advertised as 'U Car' and the beauty salon as 'Bellarose', small advertisements are in place at the entrance to the sight.</p>	

Site History - There are two current enforcement cases within the red line of this application site - LA09/2016/0030/CA _ LA09/2015/0193/CA

Consultations: - NI Roads were asked to comment and responded on 05.09.2016 requesting additional info as the applicant has failed to demonstrate that a safe access can be provided onto the Killymuvk Road. This has not been sought from the applicant/agent.

Environmental Health were asked to comment and responded on 09.06.2016 with no objections

NI Water were asked to comment and responded on 25.05.2016 with no objections

DARDni were asked to comment and responded on 25.05.2016 stating that the farm business has been established for over 5 years and is active.

In line with legislation this proposal was advertised in several local press publications during May 2016.

Neighbours: Owners/Occupiers of Nos 1, 2 _ 3 Glasshill Crescent, No 2 _ No 4 Killymuck Road and No 203 Drumagarner Road were all notified of the proposal on 24.05.2016. One objection has been received from the owner/occupier of No 2 Glasshill Crescent, the main points raised are:

- increased levels of traffic, in the form of cars and goods vehicles causing concerns for safety
- noise nuisance from both businesses and related traffic
- light pollution caused by tall floodlights
- commercial activity in a rural location

The car valeting building is approximately 4metres in height and with a floor space of approx. 73.81m2. The finish/design of this building is green metal like a prefabricated garage.

The beauty salon is approximately 4metres in height and with a floor space of approx. 56.64m2. The finish and design of this building is one of the appearance of a wooden cabin.

A vehicle sales business is considered as Sui Generis as stated within the Planning (Use Classes) Order (NI) 2015.

Under CTY 1 of PPS21 planning permission will be granted for a farm diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm, and 4 points of criteria need to be adhered to. The farm business should be currently active and established - following consultation with DARD they have confirmed that the farm business owner has an active and established farm business for over 6 years. In terms of character and scale the buildings are appropriate for their location and do not have any adverse impact on natural or built heritage. One neighbouring property has submitted an objection to this application stating that the business premises are causing problems arising from noise, smell and pollution, I would agree that these uses would produce these nuisances and are not suitable for this rural location.

In addition the applicant has not demonstrated why existing buildings within the farm holding could not be re-used or adapted rather than 2 completely new buildings a point which is at odds to this policy. This point should be addressed before it could be judged if the new buildings to be an exception, however CTY 11 does state that 'the countryside is not spoilt by the unfettered development of urban uses', beauty salons and vehicle sales and valeting are an urban use and not considered a rural use and as such do not comply with CTY 11 of PPS21.

Under CTY 13 of PPS21 planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This particular proposal is easier to assess as the buildings are already on site. The site has a mature vegetative boundary on the southern side and existing buildings and/or dwellings

on the northern and eastern boundaries as such there are no critical views of the site from any neighbouring or surrounding public vantage points, nor is the site a prominent feature in the surrounding landscape.

Under CTY 14 planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The buildings being used for the two businesses in this proposal are not in my opinion prominent in the landscape however I do consider them to erode the rural character of the area as the urban use is not suited to this rural location.

The two business are located within a large yard area not affiliated with the dwelling on site and so could not be defined as home working, they are both independent businesses and the business use is not secondary to the main use of the dwelling. The both uses would attract more than occasional visitors to the site.

Under PPS4 development on land outside a village or smaller rural settlement will be permitted where it is demonstrated that there is no suitable site within the settlement, in this case this has not been demonstrated. In addition the proposal should benefit the local economy or contribute to community regeneration, however this proposal does not do either. Finally to be acceptable the development should be clearly associated with the settlement, this proposal site is not associated with any neighbouring settlements at all and so does not comply with this policy.

The objector has argued that the businesses do harm his amenities, although Environmental Health do not have any objections to the proposal.

Recommendation: Refusal

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal – contrary to CTY 1, 11, 14 of PPS21 & PPS4

Reasons for Refusal:

1. To be used in addition to reasons for refusal for Policies CTY13, CTY14, CTY8 where there are no overriding reasons why the development is essential.

The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not demonstrated that it is to be run in conjunction with the agricultural operations on the farm and it does not involve the re-use or adaptation of existing farm buildings and it has not been demonstrated that there are no other buildings available to accommodate the proposal.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would result in a detrimental change to (further erode) the rural character of the countryside.

4. The proposal is contrary to the Department's Planning Policy Statement 4, Industrial Development, in that the development would, if permitted, be incompatible with the character of the surrounding area.

Signature(s)

Date:

ANNEX	
Date Valid	13th May 2016
Date First Advertised	25th May 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Glasshill Crescent Killygullib Glebe Kilrea The Owner/Occupier, 2 Glasshill Crescent Killygullib Glebe Kilrea The Owner/Occupier, 2 Killymuck Road, Upperlands K Kyle 2, Glasshill Crescent, Kilrea, Londonderry, Northern Ireland, BT51 5UR The Owner/Occupier, 203 Drumagarner Road Killygullib Glebe Kilrea The Owner/Occupier, 3 Glasshill Crescent, Killymuck Road The Owner/Occupier, 4 Killymuck Road, Upperlands	
Date of Last Neighbour Notification	24th May 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2002/0507/F Proposal: Dwelling and garage Address: Adjacent to No 3 Killymuck Road, Kilrea Decision: Decision Date: 16.09.2002 Ref ID: H/2001/0618/O Proposal: Site For Dwelling Address: Adjacent To No.3 Killymuck Road, Kilrea Decision: Decision Date: 23.09.2001 Ref ID: H/2002/0505/F Proposal: Dwelling and Garage	

Address: Killymuck Road, Kilrea, (Adjacent to No 3)

Decision:

Decision Date: 18.08.2002

Ref ID: H/2001/0617/O

Proposal: Site For Dwelling

Address: Adjacent To No. 3 Killymuck Road, Kilrea

Decision:

Decision Date: 23.09.2001

Ref ID: H/2013/0033/O

Proposal: Proposed site of infill dwelling and garage for residential purposes

Address: Approx 120m South West of 201 Drumagarner Road, Kilrea,

Decision: WITHDR

Decision Date: 11.09.2013

Ref ID: LA09/2016/0690/F

Proposal: Proposed retrospective application for beauty salon and car sales area with associated office and valet facility

Address: Adjacent to 3 Killymuck Road, Upperlands, Maghera,

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 02

Type: Farm Boundary Map

Status: Submitted

Drawing No. 01

Type: Site & Detailed Drawings

Status: Approved

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: 4/4/17	Item Number:
Application ID: LA09/2016/0704/O	Target Date:
Proposal: Proposed single storey dwelling and domestic garage	Location: 50m North East of 31A Springhill Road Moneymore Magherafelt
Referral Route: Objection received	
Recommendation: Approval	
Applicant Name and Address: George McGarvey 31a Springhill Road Moneymore Magherafelt	Agent Name and Address: M J Fullerton 12 Rainey Court Magherafelt BT45 5BX
Executive Summary: One objection received. Proposal complies with SPPS and PPS 21. Approval recommended.	
Signature(s): <i>N. Hasson</i>	

Case Officer Report

Site Location Plan



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

Summary of Issues

One objection has been received to this planning application. The objection raised the following issues:

- The site area on the P1 form is incorrect.
- The applicant owns other land adjoining the site, but has not declared this on the P1 form.
- The P1 form incorrectly states that the applicant is in possession of every part of the land to which the application relates. The objector states that he owns the private laneway that will be used to access the proposed site.
- The objector has concerns for the sustainability and viability of his farm business should the application be approved. The objector raises the prospect of potential complaints regarding the loading / unloading of cattle, mixing and spreading of slurry and blocking of entrance to the dwelling whilst these activities are taking place. The slurry mixing manhole and shed doors are located at the entrance to the dwelling.
- The proposed development infringes on the objector's permitted development rights for the expansion of his farm.
- The proposed development is located next to the Springhill road waste water treatment works. The objector enquires if a Cordon sanitaire is required in this instance.
- The objector asks for clarification on who will have the main rights if complaints over noise, traffic, smells and access are received in future, should the development get approval.

Characteristics of the Site and Area

The site is located approximately 2km south east of Moneymore in the open countryside as defined by the Magherafelt Area Plan 2015. The site is a triangular shaped field that is accessed via an existing private laneway. The site is bounded by a post and wire fence, apart from the rear (western) boundary which is defined by the end wall of an agricultural shed. The site is located approximately 70 metres from the Springhill Road.

The surrounding area is characterised mainly by residential development, despite the countryside location. There is also a working farm and a fuel business within the immediate locality of the site. Springhill road waste water treatment plant is located immediately to the east of the site, separated by the access to a dwelling at No. 31A Springhill road.

Description of Proposal

The proposal is for a single storey dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Site History:

No relevant site history

Development Plan and Key Policy

Considerations: Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

PPS 21 Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking

The application is for an infill dwelling. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development in the countryside is controlled under the provisions of the SPPS and PPS 21 Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council'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'.

Under PPS 21, planning permission will be granted for the development of a gap site within an otherwise substantial and continually built up frontage in accordance with policy CTY 8. The submission suggests that the applicant wishes this proposed development to be considered as an infill dwelling in line with CTY 8.

CTY 8 specifically relates to 'ribbon development'. The policy states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. The

policy defines a substantial and built up frontage as a line of 3 or more buildings along a road frontage without accompanying development to the rear. Para 5.33 states that a road frontage includes a footpath or private lane.

This proposed development appears to rely on the private laneway as the road frontage. The laneway is accessed from the Springhill road, immediately north of No. 1 Springhill Houses. As one enters the laneway, the gable wall of No. 1 Springhill Houses faces the lane and the boundary is defined by a hedgerow. There are other smaller outbuildings located within the rear garden. PAC reference 2013/A0248 states that 'a building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road'. Although this dwelling faces onto the Springhill road, I am persuaded that the dwelling also has a frontage onto the lane, taking into account the above corporate PAC decision. A waste water treatment plant is located further along the lane and the proposed site is located in the next field, with another laneway to another dwelling further south located between the plant and the site. A large agricultural shed is located immediately beside the proposed site, further along the laneway. The laneway turns at a 90 degree angle northwards, where there is a shed and a dwelling located further along the laneway. When viewed from the Springhill Road, there is a visual linkage between the buildings and there is a common frontage along the laneway. I am persuaded that the proposed site does represent an exception, in accordance with PPS 8.

Policy CTY 13 provides guidance on the integration and design of buildings in the countryside and CTY 14 provides guidance on rural character. The site is not overly prominent, however public views are achievable. When viewed from the Springhill Road, the site is read against the existing dwellings at No. 31 and 31A and the existing agricultural shed. From this vantage point, the existing buildings have a low profile and it is my opinion that a ridge height condition of 6 metres from FFL should be placed on any potential approval. The site does lack established natural boundaries, however it does benefit from a degree of enclosure provided by the existing buildings, which also create a backdrop. The existing development pattern of the immediate locality is characterised mainly by residential development, coupled with the nearby fuel business and the farm immediately adjacent to the site. I am content that the proposal passes the tests of policies CTY 13 and CTY 14.

The objector alleges discrepancies with the land ownership information initially submitted with the application. The agent has clarified the extent of the applicant's land ownership and notice has belatedly been served on the owner of the laneway, who also happens to be the objector.

The objection specifies activities associated with his farm that will take place within and beside the agricultural shed, immediately adjacent to the proposed site. The loading / unloading of cattle and the mixing and spreading of slurry will take place adjacent to the site. The entrance to the dwelling may potentially be blocked when these activities are taking place, as the slurry mixing manhole and shed doors are located beside the entrance. The submitted block plan indicates two potential access points to the dwelling so the applicant could potentially avoid any traffic issues by using the other access. The consultation response from MUDC Environmental Health acknowledged the issues and advised that the applicant should take sufficient measures to ensure the matters are adequately addressed. It is likely that a potential occupant of the dwelling may experience some nuisance from the adjacent farm, however in this case, I am content that the applicant is already aware of these potential issues and it is a case of 'buyer beware' for any potential purchasers.

The objector also has concerns that the proposal will impinge on his agricultural permitted development rights. I do not consider this is a material consideration to this planning application. The objector enquires if a cordon sanitaire is required as the proposal is located next to the Springhill road waste water treatment works. NI Water and MUDC Environmental Health have no objections to the development and I am unaware that a cordon sanitaire is in place.

I have also raised the prospect of potential future complaints about noise and odour with Environmental Health.	
Neighbour Notification Checked	Yes
Summary of Recommendation: I am satisfied that the proposed development is acceptable in principle in accordance with PPS 21. Whilst I am persuaded that the nearby farm will have some impact on the residential amenity of the occupiers of the proposed dwelling, on balance, I am minded to recommend approval for this proposed development for the reasons outlined above.	
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 the 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. The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level. Reason: To ensure that the development is not prominent in the landscape. 4. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users. 5. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council, and all tree and shrub planting shall be carried out in accordance with those details and at those times. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape. 6. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.	

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

Informatives

1.This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

2.This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

3.This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.

4. It is noted that there is one objection to this proposal citing odours and potential run off from agricultural sheds adjoining the proposed dwelling. The applicant should take due note of the concerns raised and should ensure that sufficient measures are considered in any full application to ensure that these matters will be adequately addressed.

The Environmental Health Department has no further objection in principle to the above proposed development subject to the following:

1. A Consent to Discharge Sewage Effluent being obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999.

2. Any new or existing septic tank unit being a minimum of 15 metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.

3. A legal agreement being obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.

4. The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.

5.Planning Service receiving confirmation from Northern Ireland Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared. (The District Council cannot approve plans for housing development unless a satisfactory water supply is available).

5.The applicant's attention is drawn to the attached information note from Northern Ireland Water.

Signature(s) <i>N. Hasson</i>
Date: 23/03/17

ANNEX	
Date Valid	16th May 2016
Date First Advertised	2nd June 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Springhill Houses Ballindrum Moneymore The Owner/Occupier, 2 Springhill Houses Ballindrum Moneymore The Owner/Occupier, 29 Springhill Road Ballindrum Moneymore The Owner/Occupier, 3 Springhill Houses Ballindrum Moneymore The Owner/Occupier, 31 Springhill Road Ballindrum Moneymore Ronald McGarvey 31, Springhill Road, Moneymore, Londonderry, Northern Ireland, BT45 7NH The Owner/Occupier, 37 Springhill Road Ballindrum Moneymore The Owner/Occupier, 4 Springhill Houses Ballindrum Moneymore The Owner/Occupier, 46 Springhill Road Ballindrum Moneymore The Owner/Occupier, Maple Lodge 44 Springhill Road Ballindrum	
Date of Last Neighbour Notification	13th June 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: I/2009/0189/LDP Proposal: The existing wastewater treatment works located to the rear of Springhill Houses on the Springhill Road is to be replaced with a new RBC works in order to meet future requirements. The proposed RBC works will consist of a new KEE 0450 NuDisc unit, kiosk, telemetry mounting column, lighting unit and a number of covered chambers including a sample point, overflow and screening chamber. The existing access road will be resurfaced with a concrete finish and a lay-by constructed adjacent to the works to improve vehicle access. No new buildings are proposed and control equipment will be contained within a new kiosk. No new structures will exceed 15m in height.	

Address: Springhill Road WwTW, Springhill Road, Money more, Magherafelt, BT45 7NH.
The site occupies an area of 0.0133 hectares

Decision:

Decision Date:

Ref ID: I/2009/0109/O

Proposal: Replacement dwelling house and detached domestic garage

Address: 130m south-east of 31 Springhill Road, Money more, Magherafelt, BT45 7NH

Decision:

Decision Date: 18.05.2010

Ref ID: I/2011/0324/RM

Proposal: Proposed retirement dwelling and domestic garage.

Address: Adjacent to 31 Springhill Road Money more Magherafelt.,

Decision:

Decision Date: 08.12.2011

Ref ID: I/2001/0645/F

Proposal: New access onto Springhill Road

Address: 31 Springhill Road Money more

Decision:

Decision Date: 13.06.2002

Ref ID: I/2004/0540/A

Proposal: sign attached to gate - flat

Address: 140.000m north east of 31 Springhill Road, Money more

Decision:

Decision Date: 08.09.2004

Ref ID: I/2005/0074/F

Proposal: Retention of 3 oil storage tanks for the storage and distrubution of home heating oil and retention of derv pump for servicing to be used solely for vehicles required for the operation of the business on site.

Address: 31 Springhill Road, Money more, Magherafelt

Decision:

Decision Date: 16.05.2006

Ref ID: LA09/2016/0704/O

Proposal: Proposed single storey dwelling and domestic garage

Address: 50m North East of 31A Springhill Road, Money more, Magherafelt,

Decision:

Decision Date:

Ref ID: I/2012/0297/F

Proposal: Overhead domestic single phase line on wooden poles (11/6762)
Address: 95m SW of 37 Springhill Road, Ballindrum, Moneymore,
Decision: PG
Decision Date: 19.09.2012

Ref ID: I/2011/0492/A
Proposal: Free standing sign advertising coal, heating oil, etc
Address: 135 Metres North East of 31 Springhill Road, Moneymore, Magherafelt, BT45 7NH,
Decision: CG
Decision Date: 21.11.2012

Summary of Consultee Responses

Transport NI have no objection to the development, subject to conditions and informatives. Historic Environment Division were consulted because the site lies in close proximity to an archaeological site or monument, however HED have no objections. NI Water and MUDC EHO have no objections, subject to informatives.

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: LA09/2016/0950/F	Target Date: 19.10.2016
Proposal: Temporary permission for siting of a static caravan unit	Location: Site adjacent and north of 91 Brackaville Road Coalisland
Referral Route: 3 rd Party Objections	
Recommendation:	Approve
Applicant Name and Address: Mr and Mrs Thomas Maughan C/o.43 Gortview Park Coalisland	Agent Name and Address: McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
Case Officer: Paul McClean	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

Letters of Objection

2

Summary of Issues

2 letters of objection have been received and will be considered in the main body of the report.

Description of proposal

This is a full planning application for the temporary permission for siting of a static caravan unit, to act as a single unit of accommodation.

Characteristics of Site and Area

The site is located within the development limits of Coalisland with proposed access through Roadbeg Park, off the Brackaville Road. The site is defined by new constructed 2m high (aprox.) vertical timber fencing along all boundaries except along the access point which is gated with an agricultural style galvanised field gate. A static caravan fronts onto the access point, and backs onto No. 91 Brackaville Road to the east. No. 91 is a modest single storey dwelling and is not visible due to mature tree cover. The site rises gently from the access point to the east, where existing concrete foundations are visible to the eastern portion of the site. North of the site is an area of unused waste land that has been recently filled, hard cored and planted around the periphery.

Beyond the eastern boundary is an earth banking beyond which is Shanoch Park, defined by detached and semi-detached 2 storey dwellings. Dwellings along Roanbeg is defined by terraced and semi-detached 2 storey dwellings with on-street parking. No.s 91 and 89 Brackaville are single storey detached dwellings.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Dungannon and South Tyrone Area Plan 2010- the site is located on unzoned land and is located within the development limits of Coalisland.

Relevant Planning Permission

LA09/2016/1547/F- dwelling and garage, this full planning application is for a permanent dwelling on the subject site. This decision is pending at present.

Key Planning Policy

As the proposal is located within the development limits of Coalisland and is for a single unit of accommodation the policy provisions of PPS7- Quality Residential Environments and addendum to PPS7- Safeguarding the Character of Established Residential Areas apply.

It is important to note that the newly published Strategic Planning Policy for Northern Ireland (SPPS) states that the policy provisions of PPS7 are retained until such times as a Plan Strategy for the whole of the council area has been adopted.

The static caravan is currently on site and is being lived in. The caravan is sited close to the SW boundary of No. 91 Brackville Road. Normally, a greater separation distance from a shared boundary is required so as to protect residential amenity of both properties. However, given the size and scale of the proposal, the fact that the caravan will only be retained for a temporary period (3 years), and mature tree cover to provide privacy, it is my view that this proposal is acceptable in this instance. A full planning application also exists on the same site, by the same applicant, for 1 no. single storey dwelling. It is the applicants intention to live in the mobile home until the permanent dwelling is completed, and in my view a 3 year period is sufficient and reasonable period of time for this to take place.

In my view it is reasonable to allow for the provision of temporary residential accommodation pending the development of a permanent dwelling. Therefore, subject to LA09/2016/1547/F being granted and built, I recommend that permission be granted for a period of not more than 3 years for the retention of this caravan.

No features of archaeology or built heritage will be negatively impacted. NIEA HED were consulted and have no objections to this proposal. It is determined that adequate provision is made for private open space within the boundary of the development. The movement pattern can support walking and cycling, meet the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport. Adequate and appropriate provision is made for parking. While the design is not acceptable for the site or locality, it will only be for a temporary period until such times as a more permanent dwelling is constructed. The layout is designed to deter crime and promote personal safety, as there is a 2m high timber fence surrounding the site.

Other Considerations

The site is not subject to flooding and there are no contamination, human health or ecology concerns to consider.

TransportNI raise no objections to this proposal and suggest 3 planning informatives should permission be granted. Environmental Health and Northern Ireland Water have no objections to this proposal subject to the inclusion of standard informatives.

Abandoned mines are prevalent in the area and GSNI were consulted for comment and have no concern about underground mine shafts in this instance.

3rd party objections have been received;

- concern is raised that development currently carried out on site is not in accordance with what has already been granted permission. Having carried out a history search on this site, I am not aware of any previous permissions granted on this site and am of the opinion that no commenced or live planning permissions will be prejudiced by this proposal.

- concern is raised that the proposal will not be temporary. Should permission be granted, then conditions will be attached limiting the permission to a 3 year period, and for the building on site

to be removed after this time. The description of the proposal also reflects that the proposal will be for a temporary period. Should the land owner not comply with the permission or attached conditions, then they will be open to enforcement action from Mid Ulster Council Planning Enforcement Team. It will be a matter for the Enforcement Team on what action is taken should they be alerted to any breach of planning legislation.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission be granted for a 3 year temporary period only subject to the following conditions.

Conditions

1. The permission hereby granted shall be for a limited period of 3 years only from the date of this planning permission.

Reason: To safeguard the residential amenity and character of the area, and, to enable Council to consider the development in the light of circumstances then prevailing.

2. The building /mobile home/static caravan, hereby permitted, shall be removed from the land within 3 years from the date of this permission unless otherwise agreed in writing by Mid Ulster Council.

Reason: To safeguard the residential amenity and character of the area.

Signature(s)

Date:

ANNEX	
Date Valid	6th July 2016
Date First Advertised	21st July 2016
Date Last Advertised	2nd March 2017
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Shanoch Close,Brackaville,Coalisland,Tyrone,BT71 4HX, The Owner/Occupier, 11 Shanoch Close,Brackaville,Coalisland,Tyrone,BT71 4HX, The Owner/Occupier, 12 Shanoch Close,Brackaville,Coalisland,Tyrone,BT71 4HX, The Owner/Occupier, 14 Roan Beg Brackaville Coalisland The Owner/Occupier, 14 Shanoch Close,Brackaville,Coalisland,Tyrone,BT71 4HX, The Owner/Occupier, 25 The Shanoch,Brackaville,Coalisland,Tyrone,BT71 4XA, The Owner/Occupier, 27 The Shanoch,Brackaville,Coalisland,Tyrone,BT71 4XA, The Owner/Occupier, 29 The Shanoch,Brackaville,Coalisland,Tyrone,BT71 4XA, The Owner/Occupier, 31 The Shanoch,Brackaville,Coalisland,Tyrone,BT71 4XA, The Owner/Occupier, 33 The Shanoch,Brackaville,Coalisland,Tyrone,BT71 4XA, The Owner/Occupier, 35 The Shanoch,Brackaville,Coalisland,Tyrone,BT71 4XA, The Owner/Occupier, 37 The Shanoch,Brackaville,Coalisland,Tyrone,BT71 4XA, The Owner/Occupier, 39 The Shanoch,Brackaville,Coalisland,Tyrone,BT71 4XA, The Owner/Occupier, 41 The Shanoch,Brackaville,Coalisland,Tyrone,BT71 4XA, The Owner/Occupier, 44 The Shanoch,Brackaville,Coalisland,Tyrone,BT71 4XA, The Owner/Occupier, 46 The Shanoch,Brackaville,Coalisland,Tyrone,BT71 4XA, The Owner/Occupier, 49 The Shanoch,Brackaville,Coalisland,Tyrone,BT71 4XA, The Owner/Occupier, 51 The Shanoch,Brackaville,Coalisland,Tyrone,BT71 4XA, Bridie McCrory 51, The Shanoch, Coalisland, Tyrone, Northern Ireland, BT71 4XA The Owner/Occupier, 53 The Shanoch,Brackaville,Coalisland,Tyrone,BT71 4XA,	

<p>The Owner/Occupier, 53, The Shanoch, Coalisland, Tyrone, Northern Ireland, BT71 4XA The Owner/Occupier, 55 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA, The Owner/Occupier, 8 Shanoch Close, Brackaville, Coalisland, Tyrone, BT71 4HX, The Owner/Occupier, 9 Shanoch Close, Brackaville, Coalisland, Tyrone, BT71 4HX, The Owner/Occupier, 91 Brackaville Road Brackaville Coalisland The Owner/Occupier, Cashleigh 89 Brackaville Road Brackaville</p>	
Date of Last Neighbour Notification	16th February 2017



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1547/F	Target Date: 14.02.2017
Proposal: Dwelling and Domestic Garage	Location: Site adjacent and north of 91 Brackaville Road Coalisland
Referral Route: Proposal to be viewed in tandem with LA09/2016/0950/F	
Recommendation:	Approval
Applicant Name and Address: Mr Thomas Maughan 43 Gortview Park Coalisland BT71 4UE	Agent Name and Address: McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
Case Officer: Paul McClean	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

Letters of Objection	None Received
----------------------	---------------

Description of proposal

This is a full planning application for a Dwelling and Domestic Garage

Characteristics of Site and Area

The site is located within the development limits of Coalisland with proposed access through Roadbeg Park, off the Brackaville Road. The site is defined by new constructed 2m high (aprox.) vertical timber fencing along all boundaries except along the access point which is gated with an agricultural style galvanised field gate. A static caravan fronts onto the access point, and backs onto No. 91 Brackaville Road to the east. No. 91 is a modest single storey dwelling and is not visible due to mature tree cover. The site rises gently from the access point to the east, where existing concrete foundations are visible to the eastern portion of the site. North of the site is an area of unused waste land that has been recently filled, hard cored and planted around the periphery.

Beyond the eastern boundary is an earth banking beyond which is Shanoch Park, defined by detached and semi-detached 2 storey dwellings. Dwellings along Roanbeg is defined by terraced and semi-detached 2 storey dwellings with on-street parking. No.s 91 and 89 Brackaville are single storey detached dwellings.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Dungannon and South Tyrone Area Plan 2010- the site is located on unzoned land and is located within the development limits of Coalisland.

Relevant Planning Permission

LA09/2016/0950/F- temporary static caravan. This decision is pending at present.

Key Planning Policy

As the proposal is located within the development limits of Coalisland and is for a single unit of accommodation the policy provisions of PPS7- Quality Residential Environments and addendum to PPS7- Safeguarding the Character of Established Residential Areas apply.

It is important to note that the newly published Strategic Planning Policy for Northern Ireland (SPPS) states that the policy provisions of PPS7 are retained until such times as a Plan Strategy for the whole of the council area has been adopted.

The initial submission by the applicant/agent showed the siting of the proposed dwelling tight to the north eastern corner of the site. While this siting would not have had a detrimental impact on properties to the east in terms of overlooking and overshadowing (due to the presence of an earth banking) there was little to no provision for private rear amenity space, and the layout did not lend itself to a quality residential layout on terms of policy QD1 of PPS7 and Creating Places Design Guide.

The proposal has now been amended with the dwelling pulled to the SW, providing a greater separation distance between the proposal and development in Shanoch Park and a more meaningful private rear amenity space.

No features of archaeology or built heritage will be negatively impacted. NIEA HED were consulted under LA09/2016/0950/F (which encompasses land relating to the same site) and have no objections to this proposal. It is determined that adequate provision is made for private open space within the development. The movement pattern can support walking and cycling, meet the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport. Adequate and appropriate provision is made for parking. The design is acceptable for the site or locality, is modest, and views of the dwelling will be limited from surrounding vantage points given the existing boundary to the site. The layout is designed to deter crime and promote personal safety. The proposal will not have a detrimental impact on surrounding land uses.

The proposed access to the site will run parallel to the boundary of No. 91 Brackaville Road. Given the existence of a 2m high fence line, it is my view that there is adequate privacy provided between these two properties so that both amenities are sufficiently protected.

Other Considerations

The site is not subject to flooding and there are no contamination, human health or ecology concerns to consider.

TransportNI raise no objections to this proposal and suggest 3 planning informatives should permission be granted. Environmental Health and Northern Ireland Water have no objections to this proposal subject to the inclusion of standard informatives.

Abandoned mines are prevalent in the area and GSNI were consulted for comment (under LA09/2016/0950/F) and have no concern about underground mine shafts in this instance.

No 3rd party objections have been received under this planning application.

Neighbour Notification Checked**Yes****Summary of Recommendation:**

That planning permission be granted subject to the following conditions.

Conditions

1.As required by Section 61 of the Planning Act (Northern-Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2.The existing 1.8m high close board timber fence, as indicated in drawing No 01 rev1 date received 19th January 2017, shall be permanently retained unless otherwise agreed by Mid Ulster Council in writing.

Reason: To safeguard existing and proposed private residential amenity.

3.During the first available planting season after the commencement of development on site, all trees and hedges indicated in drawing No 01 rev1 date received 19th January 2017, shall be planted as shown and be permanently retained thereafter.

Reason: In the interest of visual amenity.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	1st November 2016
Date First Advertised	17th November 2016
Date Last Advertised	2nd March 2017
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Shanoch Close, Brackaville, Coalisland, Tyrone, BT71 4HX, The Owner/Occupier, 11 Shanoch Close, Brackaville, Coalisland, Tyrone, BT71 4HX, The Owner/Occupier, 12 Shanoch Close, Brackaville, Coalisland, Tyrone, BT71 4HX, The Owner/Occupier, 14 Roan Beg, Brackaville, Coalisland, Tyrone, BT71 4NY, The Owner/Occupier, 14 Shanoch Close, Brackaville, Coalisland, Tyrone, BT71 4HX, The Owner/Occupier, 25 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA, The Owner/Occupier, 27 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA, The Owner/Occupier, 29 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA, The Owner/Occupier, 31 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA, The Owner/Occupier, 33 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA, The Owner/Occupier, 35 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA, The Owner/Occupier, 37 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA, The Owner/Occupier, 39 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA, The Owner/Occupier, 41 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA, The Owner/Occupier, 44 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA, The Owner/Occupier, 46 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA, The Owner/Occupier, 49 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA, The Owner/Occupier, 51 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA, The Owner/Occupier, 53 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA, The Owner/Occupier, 55 The Shanoch, Brackaville, Coalisland, Tyrone, BT71 4XA,	

The Owner/Occupier, 8 Shanoch Close,Brackaville,Coalisland,Tyrone,BT71 4HX, The Owner/Occupier, 89 Brackaville Road,Brackaville,Coalisland,Tyrone,BT71 4NJ, The Owner/Occupier, 9 Shanoch Close,Brackaville,Coalisland,Tyrone,BT71 4HX, The Owner/Occupier, 91 Brackaville Road,Brackaville,Coalisland,DUNGANNON,Co. Tyrone,BT71 4NJ The Owner/Occupier, 91 Brackaville Road,Brackaville,Coalisland,Tyrone,BT71 4NJ,	
Date of Last Neighbour Notification	16th February 2017



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1136/F	Target Date:
Proposal: New single storey stand alone coffee shop unit	Location: Oaks Retail Park Oaks Road Dungannon
Referral Route: Recommend refusal.	
Recommendation: Refusal.	
Applicant Name and Address: MBCC Foods (Ireland)Ltd 7 Coates Crescent Edinburgh EH3 7AL	Agent Name and Address: McCarter Hamill Architects 44 Circular Road Dungannon BT71 6BE
Executive Summary: The proposal will result in the requirement for 39 car parking spaces and will displace 21 existing car parking spaces, resulting in a total requirement of 60 spaces of which none have been provided. The proposal does not meet the requirements of PPS 3 Access, Movement and Parking or supplementary guidance - Parking Standards I therefore recommend refusal for the following reasons. -The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would lead to vehicles parked on the highway at or near a road junction thus interfering with the free flow of traffic on the main road and the visibility of traffic entering or leaving the minor road. -The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking turning loading and unloading of vehicles which would be attracted to the site.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
	TNI	Recommend refusal.
	Geological survey	Content

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

No representations received.

Characteristics of the Site and Area

The site is located in the car park of Oaks Retail centre within the settlement limits of Dungannon. It is in an area largely characterised by retail and commercial development with residential development in close proximity to the site on Oaks Road. The shopping district includes the Oaks centre, which includes retail units, a supermarket as well as a petrol station, hot food restaurant and takeaway, a cinema and children's play centre.

Description of Proposal

New single storey stand alone coffee shop unit.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan
- SPPS: Planning for Sustainable Development
- PPS 3: Access, Movement and Parking
- Parking Standards

The Dungannon and South Tyrone Area Plan (2010) identifies the site within the development limits of Dungannon which gives favourable consideration to development subject to local plan policies. It is located within an area designated as a District Shopping Centre which relates to Plan policy RSO 4 which states – development proposals will be determined in accordance with the provisions of prevailing regional planning policy.

The Strategic Planning Policy Statement published in September 2015 supersedes PPS 5 – retailing and Town Centres and is the main policy consideration for the development proposal. In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and occupied premises on neighbouring land were consulted by letter.

The proposal is for an independent coffee shop situated within the car park of the Oaks Retail centre. It does not fall within any of the use classes outlined in the schedule of Planning (Use Classes) Order 2015, but is defined as sui generis. The SPPS outlines one of its core principals as Supporting Sustainable Economic Growth. It states,

Planning authorities should therefore take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. The proposal would complement existing development and bring job creation which would contribute to key objectives of the SPPS and in principle would be acceptable. However the proposal, must also comply with the requirements of PPS 3 Access, Movement and Parking and supplementary guidance – *Parking Standards* which are considered and discussed as follows. Published guidance - *Parking Standards* sets out requirements under Restaurants inside the development limits as 1 space for every 5m² NFA, 1 lorry space when >500 m GFA and a minimum of 2 cycle parking per unit.

Transport NI were consulted and recommend refusal, stating that the proposal will result in the loss of 21 parking spaces and there is a requirement for 46 spaces, leaving a shortfall of 67 spaces. A Transport Statement completed by Atkins was subsequently received on 23 Jan 2017 from the agent. The assessment firstly contests the requirement of 46 spaces as noted by TNI. It argues that Net Floor Area = Net Retail Floorspace and consequently only 39 parking spaces are required.

Planning Guidance – *Parking Standards* fails to explicitly state what NFA (referred to in the standards table) stands for or equates to, however it does state that “for the purposes of interpretation of the attached standards” and provides the following definition, “Net Retail Floorspace is the area for the sale and display of goods, check-out, counters, packing zones, circulation space from check-outs to exit lobby, fitting rooms and information areas. Net retail floorspace shall be calculated by way of internal measurement to the inner face of the wall.” It is therefore reasonable to accept, given the absence of any other definition referring to Net, that NFA is defined as above - as Net Retail Floorspace.

The Net Retail Floorspace proposed totals 194m² which subsequently requires 39 car parking spaces. The Transport Assessment received, states that the development proposal has been redesigned and now only displace 18 as opposed to 21 spaces. However no amended drawings have been received, thus the proposal will still cause the displacement of 21 spaces.

The parking requirements and parking displacement, equates to a requirement of a total of 60 spaces. No car parking spaces have been provided within the red line application site.

The Transport Assessment provides a comparison between the requirement outlined by Parking Standards and the actual spaces provided, which illustrate the provision of only 29% - with just 296 spaces provided of 1024 required. It is notable that the figures provided are based on some assumptions in relation to use classes and the categories outlined in the parking standards table. By this logic, the report argues that the same factor of reduction should apply to the development proposal and just 29% of the 29 spaces should be required, i.e. 11 spaces. However, I do not agree that the deficit in car parking spaces illustrated agree may serve as a basis for a relaxation in requirements outlined in Parking Standards. It is my view that this approach would further exacerbate the problem which has been illustrated as a significant deficit in car parking provision.

A parking survey was carried out on Thursday 24th November and Saturday 26th November 2016. The least amount of car parking spaces was recorded on Saturday 26th November 2016 at 3pm with only 15 spaces available. The report also notes that a temporary event was in place on the day of survey which caused the displacement of 18 spaces. It argues that the number of car parking available would have been 33.

While the report argues that the survey was carried out on the start of the run up to Christmas and in the busier months, it is arguable that a survey completed immediately prior to Christmas who have presented less favourable results. When considering road safety I consider it necessary to adopt a precautionary approach which illustrates the worst case scenario. Policy AMP 7 Car Parking and Servicing Arrangements of PPS 3 states, that a reduced level of car parking provision may be acceptable where shared car parking is a viable option. The Transport Assessment states that the busy periods for Costa Coffee are between 8.30am – 11am and 12.30pm – 2pm. The report further notes in paragraph 2.31, During a Saturday, with the development in place, the car park has the potential to have 4 free spaces. This calculation is based on a requirement for 29 spaces with a theoretical reduction of 71% applied to the parking requirements reducing spaces from 39 to 11, plus the displacement of 18 spaces.

As previously noted, I do not agree with the figures presented but consider the total parking requirement to be 60 spaces, which is made up of 39 (required by Parking Standards) + 21 displaced).

While I agree that shared parking is a viable option and the development would avail of customers already attending the Oaks centre however I also consider the proposal to have the potential to attract visitors and generate parking demand in its own right. Policy AMP 7 does not stipulate what level of reduction should be applied but states, "Where parking reduction is considered acceptable in principle the Department will negotiate the precise level of reduction with developers. Account will be taken of the specific characteristics of the development, its location and its accessibility to means of travel other than the private car, including any measures proposed to promote alternative transport modes."

In its current format the proposal will result in a shortfall of 60 car parking spaces. A reduction in parking would not suffice given none of the 39 spaces required have been provided and a further 21 spaces will be displaced.

Furthermore permission was granted under planning reference M/2011/0324/F for 4 retail units at the Oaks Retail Park. Two units (Funky Monkeys and Home Bargains) were constructed and are in use, and the other two have the potential to be developed. The existing units are accessible from and utilise the existing car park. The other two units if developed would also rely on existing car parking facilities. In addition there are vacant units within the Oaks centre which have the potential to generate additional traffic which would also rely on existing parking facilities.

Transport NI were re-consulted and returned a response stating their original response remains in force –

-The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would lead to vehicles parked on the highway at or near a road junction thus interfering with the free flow of traffic on the main road and the visibility of traffic entering or leaving the minor road.

-The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking turning loading and unloading of vehicles which would be attracted to the site.

Neighbour Notification Checked

Yes

Summary of Recommendation:

In conclusion I do not consider the proposal to be acceptable and I recommend refusal.

Refusal Reasons

-The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would lead to vehicles parked on the highway at or near a road junction thus interfering with the free flow of traffic on the main road and the visibility of traffic entering or leaving the minor road.

-The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking turning loading and unloading of vehicles which would be attracted to the site.

Signature(s)

Date:

ANNEX	
Date Valid	16th August 2016
Date First Advertised	1st September 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, Sainburys Petrol Station, Oaks Retail Park, Oaks Road, Dungannon	
Date of Last Neighbour Notification	18th August 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/2014/0138/F Proposal: Reconfiguration of previously approved retail park (ref: M/2011/0324/F) in order to create a standalone unit (Unit 3) and amendments to service yard Address: The Oaks retail Park, Dungannon, Decision: PG Decision Date: 04.12.2014 Ref ID: M/2012/0527/F Proposal: Application under Article 28 of the Planning (NI) Order 1991 to vary condition 3 of M/2011/0324/F. Address: Unit 3 Oaks Retail Park, Oaks Road, Dungannon, Decision: PG Decision Date: 03.12.2012 Ref ID: M/2011/0710/F Proposal: Application under Article 28 of the Planning (NI) Order 1991 to vary condition 3 to M/2011/0324/F to permit the sale of non bulky items from Unit 3 Address: Oaks Retail Park, Oaks Road, Dungannon, Decision: PG Decision Date: 19.09.2012 Ref ID: M/2011/0689/F Proposal: Application under Article 28 of the Planning (NI) Order 1991 to vary condition 2 attached to M/2011/0324/F - amended description. Address: Oaks Retail Park, Oaks Road, Dungannon,	

Decision:

Decision Date: 22.02.2012

Ref ID: M/2011/0324/F

Proposal: Amendments to previously approved scheme M/2008/0576/F to reconfigure approved retail floorspace and relocate approved children's activity centre

Address: Oaks Retail Park, Oaks Road, Dungannon,

Decision:

Decision Date: 11.10.2011

Ref ID: M/2008/0576/F

Proposal: Reconfiguration of approval retail warehousing approval under full planning permission M/2003/0940/F with addition of 381sqm gross retail floorspace and childrens activity centre, landscaping and ancillary works.

Address: Oaks Retail Park, Oaks Road, Dungannon

Decision:

Decision Date: 21.01.2010

Ref ID: M/2008/0344/A

Proposal: Rebranding signage to include canopy signs, shop signs, and totem sign.

Address: Existing petrol filling station, Oaks Retail Park, Oaks Road, Dungannon. BT71 4AR.

Decision:

Decision Date: 19.05.2008

Ref ID: M/2008/0342/A

Proposal: Canopy and shop signs

Address: Replacement petrol filling station, Oaks Retail Park, Oaks Road, Dungannon

Decision:

Decision Date: 19.05.2008

Ref ID: M/2008/0341/F

Proposal: Erection of replacement petrol filling station and ancillary works

Address: Petrol filling station, entrance to Oaks Retail Park, Oaks Road, Dungannon

Decision:

Decision Date: 23.05.2008

Ref ID: M/2007/0743/A

Proposal: Erection of proposed restaurant signage - 3 no. projecting signs in total

Address: Unit 4, Oaks Retail Park, Oaks Road, Dungannon

Decision:

Decision Date: 27.12.2007

Ref ID: M/2007/0646/F

Proposal: Erection of restaurant

Address: Unit 4, Oaks Retail Park, Oaks Road, Dungannon

Decision:

Decision Date: 27.12.2007

Ref ID: M/2007/0613/Q

Proposal: Dungannon Town Centre Health Check Planning Search

Address: Dungannon Town Centre

Decision:

Decision Date:

Ref ID: M/2007/0409/F

Proposal: Existing creche to be change of use & Winecellar within foodstore relocated to Creche area. Additional space created through moving existing wine cellar to revert back to foodstore.

Address: Anchor unit Curley's Supermarket The Oaks Centre, Oaks Road, Dungannon, Co.Tyrone

Decision:

Decision Date: 23.05.2007

Ref ID: M/2005/2136/F

Proposal: Erection of replacement retail units and provision of additional car parking without compliance with condition 2 attached to planning permission M/2003/0940/F

Address: Oaks Retail Park, Oaks Road, Dungannon

Decision:

Decision Date: 24.10.2006

Ref ID: M/2005/1374/F

Proposal: Internal car park and service road alterations

Address: Oaks Retail Park, Oaks Road, Dungannon

Decision:

Decision Date: 01.10.2005

Ref ID: M/2003/0940/F

Proposal: Erection of replacement retail units and Provision of additional car parking

Address: Oaks Retail Park Oaks Road Dungannon

Decision:

Decision Date: 03.03.2005

Ref ID: M/1999/0277

Proposal: Cineplex

Address: OAKS RETAIL PARK OAKS ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1997/0818

Proposal: Demolition, internal alterations and extension to shopping centre to facilitate new entrance, re-organisation of units and re-location of toilet facilities

Address: OAKS CENTRE,OAKS ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1992/6023

Proposal: Subdivision of Old Tyrone Crystal Factory Oaks Road Dungannon

Address: Oaks Road Dungannon

Decision:

Decision Date:

Ref ID: M/1992/0702

Proposal: Change of use from office and toilet block to cafe

Address: OLD TYRONE CRYSTAL FACTORY OAKS ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1992/0535

Proposal: Change of use from Crystal factory to 3 No light industrial units plus a tyre and exhaust centre

Address: THE OLD TYRONE CRYSTAL FACTORY COALISLAND ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1978/0134

Proposal: CHANGE OF USE OF EXISTING FACTORY AND PROPOSED GAS SCRUBBER AND ACID PL

Address: DWEK'S FACTORY, OAKS ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: LA09/2016/1136/F

Proposal: New single storey stand alone coffee shop unit

Address: Oaks Retail Park, Oaks Road, Dungannon,

Decision:

Decision Date:

Summary of Consultee Responses

TNI recommend refusal.

Drawing Numbers and Title

Drawing No. 02
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 01
Type: Site Location Plan
Status: Submitted

Drawing No. 03
Type: Proposed Floor Plans
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: LA09/2016/1195/F	Target Date: 09.12.2016
Proposal: Proposed extension to existing church building to provide church hall, toilet facilities, chair store and additional Sunday school rooms	Location: Cookstown Independent Methodist Church Morgan's Hill Road Cookstown
Referral Route: 3rd Party Objection and recommendation to refuse	
Recommendation:	Refuse
Applicant Name and Address: Rev. Macolm Patterson Ebenezer 29 The Dales Cookstown BT80 8TF	Agent Name and Address:
Case Officer: Paul McClean	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

Letters of Objection

1

Summary of Issues

Concerns about onstreet parking raised, leading to road safety issues.

Description of proposal

This is a full planning application for the extension to the Independent Methodist Church on the Morgans Hill Road, Cookstown.

Characteristics of Site and Area

The site is located within the Development Limits of Cookstown as defined in the Cookstown Area Plan 2010, on unzoned land. Currently on site is Cookstown Independent Methodist Church, which is located on a corner site with Morgans Hill Road and Lissan Drive. Currently, vehicular access is obtained from Lissan Drive, and there is pedestrian access from Morgans Hill Road. A 1m high dashed block wall bounds the roadside boundaries to the site which are also served by public foot paths. The eastern boundary is shared with RT Autoparts parking yard and is defined by 2.5m high security fencing with razor wire on top. The northern boundary is shared with a single storey dwelling, No. 21 Lissan Drive, and is defined by a 1m high ranch style timber fence and a dashed wall of a flat roofed garage.

North of the site is defined by residential development. Adjacent and west is a Petrol filling station/off licence/convenience store. Further west is mostly residential fronting onto Morgans Hill Road. South is mostly residential. East is a mix of landuses, including an Autoparts business, Cookstown Housing Executive Office, and another petrol filling station. To the South is Cookstown Town Centre proper as defined in the area plan.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Cookstown Area Plan 2010- The site is located on unzoned land within the development limits of Cookstown.

Relevant Planning History

None to consider

Key Planning Policy

Policy DES 2 Townscape of A Planning Strategy for Rural NI is applicable in this instance and the proposal will be assessed against its contribution to townscape and sensitivity to the character of the area surrounding the site in terms of design, scale and use of materials. The proposal involves the expansion of an existing Church building towards Lissan Drive. The existing building has a ridge height of 7.5m, a symmetrical roof pitch, rectangular floor plan and measures approx. 255 sqm on the ground floor. There are 2 storey sections at either end of the building, and 2 storey void in the centre to cater for the congregation.

The proposal will extend 7.7m towards Lissan Drive, increasing the ground floor area by approx. 135 sqm, to provide a new hall area with folding partition to cater for a larger congregation, crèche, kitchen and toilet facilities on the ground floor, and, additional school rooms on the first floor. The proposed materials will match those of the existing building. The extension will also displace existing car parking spaces within the existing curtilage of the site.

This area of Cookstown is characterised by mixed uses including residential, business, commercial including 2 petrol filling stations and associated shops, and government offices. North of the site is a row of single storey dwellings onto Lissan Drive. In terms of the impact of the extension design on the existing visual amenity and character of the area it will not have a detrimental impact given its context along a busy thoroughfare and the design of surrounding buildings. The extension is sympathetic to the current size and scale of the building and materials will match existing. The proposal will not impact on any Conservation Areas or Areas of Townscape Character, or, on any listed buildings. Vistas or important streetscape will not be impacted upon and the design is acceptable.

Consideration has been given to potential impacts of the extension on the amenity of No. 21 Lissan Drive. In my view the 2 storey element of the extension is of sufficient distance from No. 21 to have an overbearing or over dominant impact on this property. The eaves are 5m in height and the extension will come level with the front building line of this property with a separation distance of around 7metres. This kind of relationship between buildings are often found to be acceptable in housing developments where 2 storey dwellings are sited beside single storey dwellings. In my view, the 2 windows will overlook the front of No. 21. There is also a garage to the rear of No. 21 which will also assist with limiting any views into the rear of this property from these windows. 3 windows exist at first floor on this building, which serve 2 School Rooms, and are located more towards the rear of No. 21. The new windows in the extension will be more towards the front of No. 21 where impacts on overlooking of private amenity space will be less and in my view are acceptable.

Transport NI were consulted on this proposal in terms of the displacement of parking within the site. Initially Transport NI required additional information including a new car parking location for vehicles that would be displaced due to the extension. On request of this information Rev. Malcolm Patterson provided a letter to persuade the Planning Authority and Transport NI that sufficient opportunities existed for parking within the immediate area and that the hours of operation for use of the building would be at a time when the public road network would not be experiencing high volumes of traffic, and mostly on a Sunday. Transport NI were re-consulted on this letter and have not been persuaded that people using this Church could park in a safe place off the public road. Given its location close to a busy road junction and main traffic route,

Transport NI have recommended that planning permission be refused as it has not been demonstrated that adequate provision can be made clear of the highway for the parking of vehicles and would therefore interfere with the free flow of traffic which would prejudice the safety and convenience of road users. Pedestrians also cross the Morgans Hill road at this point from housing on the opposite side of the road, to use the Petrol Filling Station and associated facilities. On street parking would also limit visibility of motorists which could prejudice the safety of all road users. The proposal is contrary to DES 2 of PSRNI and PPS3 Access, Movement and Parking.

No details have been supplied on the 'crèche' area identified in off the foyer area on the proposed ground floor plan (drawing No. 02 date received 26.08.2016). A P1D - Planning Application (Additional Information required in respect of applications for Crèches and Day Nurseries, Nursing and Residential Homes) has not been provided and this part of the proposal has not been included in the description of the proposal. Should Council agree to set aside parking provision requirements, this element of the proposal will have to be further explored to see if the Crèche will operate in its own right, or only when the Church is being used. Hours of operation of the crèche and numbers of children and staff using it may have to be conditioned.

Other considerations

The site is not subject to flooding. There are no land contamination or public health issues to consider. No trees or wildlife will be impacted by this proposal.

A 3rd party planning objection has been received by No. 21 Lissan Drive. The objection concentrates on parking issues only and does not object to the extension of the Church so long as there is acceptable alternative arrangements made for the safe parking of vehicles in the area. The objector states that at present there is a parking shortfall with vehicles parking along Lissan Drive. Due to competing parking demands, including from the adjacent petrol filling station and associated shop the situation has become worse over time as the Church has attracted a larger congregation. This situation will be made worse as further vehicles will be displaced onto the public road due to the extension. These concerns are covered above and Transport NI recommends the application be refused. However the Committee should be mindful that the Rev. Patterson argues that this will not result in the need for additional parking space and on street parking is available. It is my view the extension would displace 12 on site spaces and for this reason advise the Committee to follow Transport NI's advice as on street parking could prejudice movement on Morgans Hill Road and adjacent streets.

Neighbour Notification Checked	Yes
---------------------------------------	------------

Summary of Recommendation:

That planning permission be refused for the following reasons.

Reasons for Refusal:

1.The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking of vehicles which would be attracted to the site.

2.The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would lead to vehicles parked on the highway at or near a road junction thus interfering with the free flow of traffic on the main road and the visibility of traffic entering or leaving the minor road.

Signature(s)

Date:

ANNEX	
Date Valid	26th August 2016
Date First Advertised	15th September 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Millburn Park, Cookstown, Tyrone, BT80 8HQ, The Owner/Occupier, 1 Morgans Hill Road, Cookstown, Tyrone, BT80 8HD, The Owner/Occupier, 17 Morgans Hill Road, Cookstown, Tyrone, BT80 8HA, The Owner/Occupier, 2 Millburn Park, Cookstown, Tyrone, BT80 8HQ, The Owner/Occupier, 21 Lissan Drive, Cookstown, Tyrone, BT80 8ET, The Owner/Occupier, 21 Morgans Hill Road, Cookstown, Tyrone, BT80 8HA, E Shuter 21, Lissan Drive, Cookstown, Tyrone, Northern Ireland, BT80 8ET The Owner/Occupier, 22 Lissan Drive, Cookstown, Tyrone, BT80 8ET, The Owner/Occupier, 54 Morgans Hill Road, Cookstown, Tyrone, BT80 8HH, The Owner/Occupier, 56 Morgans Hill Road, Cookstown, Tyrone, BT80 8HH,	
Date of Last Neighbour Notification	13th January 2017



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1300/O	Target Date:
Proposal: Proposed New Dwelling	Location: Site at 20 M NE of 49 Brough Road and Adjacent to Brough Road Crossroads Castledawson
Referral Route: Refusal recommended – contrary to CTY 1, CTY 2a, CTY 8, CTY 13 & CTY 14 of PPS21	
Recommendation: Refusal	
Applicant Name and Address: Cathal McOscar 17 The Cairns Castledawson Magherafelt BT45 8RZ	Agent Name and Address: Newline Architects 48 Main Street Castledawson Magherafelt BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	

Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	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	
Summary of Issues		
<p>Characteristics of the Site and Area</p> <p>The proposal site is located on the roadside of Brough road, Castledawson. Immediately adjacent on the southern boundary of the site is the A6 road, while directly on the NE boundary there are four dwellings and one large detached garage. The site has no existing vegetation on any of the site boundaries however it has a high close boarded fence surrounding the site and securely locked gates, the site is currently being used as a storage yard for builders materials and there is a detached 2 storey garage immediately adjacent the proposal site although it appeared as if the upstairs may have been used as for an office or dwelling - this has been referred to our enforcement team.</p>		
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>I have assessed this proposal under the following:</p> <p>SPSS Magherafelt Area Plan 2015 Planning Policy Statement 1 - General Principles Planning Policy Statement 21 - Sustainable development in the countryside.</p> <p>Neighbours - owners/occupiers notified of this proposal were Nos. 45, 49, 49A _ 51 Brough Road</p> <p>When carrying out my site visit on 14.12.2016 it was observed that the proposal site had a close boarded high fence securing the entire site and locked gates, also within the hardcored yard building materials were being stored, a use which has not been approved. This matter has been referred to enforcement for investigation (LA09/2016/0220/CA).</p> <p>As this proposal site is located within the countryside as defined in the Magherafelt Area Plan (2015) the policy it is considered under is Planning Policy Statement 21 - Sustainable development in the countryside. Within this policy there are a range of types of development which in principle are considered to be acceptable in the countryside. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. One of the categories of development which may be considered acceptable is 'new dwellings in existing clusters', under this category</p>		

planning permission will be granted for a dwelling at an existing cluster of development provided 6 criteria are all met. I have considered each of these in terms of the proposed site below:

1. the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings - the proposal site lies outside of a farm and does consist of four or more buildings of which at least three are dwelling and so complies with this point of the criteria.
2. the cluster appears as a visual entity in the local landscape - currently the proposal site is securely fenced and gated and being used as a builders yard (without planning approval). All the neighbouring development is viewed as a line of development side by side and so complies with this portion of the criteria.
3. the cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads - the proposal site is located at a staggered cross roads and so complies with this element of the criteria
4. the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster - this proposal site is bounded on the southern boundary by development, no other sides are bounded and as such fails to meet this criteria.
5. development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside - it is my opinion that development on this site would significantly alter the surrounding character.
6. development would not adversely impact on residential amenity - residential amenity would not be impacted should an approval be granted on the proposal site.

In conclusion the proposal fails to meet all the above criteria and so does not comply with CTY 2a of PPS21.

In addition under CTY 8 of PPS21 it is stated that planning permission will be refused for a building which creates or adds to a ribbon development. It is my opinion that there is a ribbon of development already in existence adjacent to the proposal site and a further approval would extend this ribbon. Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built up appearance to roads, footpaths and private laneways and this is a strong example of this problem.

In addition it was felt necessary to consult Transportni with this proposal, they responded on 22.12.2016 stating that a portion of the land within the proposal lies within the line of the A6 road improvement scheme and may be subject to a vesting order.' Following consideration of these comments it is considered that should an approval be granted here it may prejudice a potential future road scheme.

In addition this proposal should be assessed under CTY 13 - Integration and design of buildings in the countryside. This part of the policy states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This is an outline application and so design will not be considered at this stage however it is worth noting that the adjacent properties are all single storey. In terms then of integration a new building will be unacceptable where:

- it is a prominent feature in the landscape - this proposal site would not be considered a prominent site.
- the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape - this proposal site has no natural long established boundaries to provide integration or enclosure and so fails to meet this particular criteria.
- it relies primarily on the use of new landscaping for integration - as previously stated this proposal site has no existing boundaries or landscaping and so would have to rely primarily on the use of new landscaping for integration and as such would be unacceptable.

- ancillary works do not integrate with their surroundings - the site would be accessed directly off the Brough road.
- the design of the building is inappropriate for the site and its locality - the design of the building if approved would be considered at reserved matters stage.
- it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop - this site has no natural backdrop or existing landform or existing trees to benefit from and so is considered unacceptable.

Finally planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Under CTY 14 of PPS21 it states that a new building will be unacceptable where it is unduly prominent in the landscape - this proposal site would not be unduly prominent in the landscape; where it results in a suburban style build-up of development when viewed with existing and approved buildings - this site should approval be granted would add to the built up appearance at this particular location; it does not respect the traditional pattern of settlement exhibited in that area - roadside development appears to be commonplace; it creates or adds to a ribbon of development - this proposal would extend the ribbon of development already in place at this location; the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character - the ancillary works would not damage the rural character.

Having considered all of the points above I feel this proposal is contrary to PPS21, in particular CTY 1, CTY 2a, CTY 8, CTY 13 & CTY 14 and would recommend a refusal in this case.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal recommended – contrary to CTY 1, CTY 2a, CTY 8, CTY 13 & CTY 14 of PPS21

Reasons for Refusal:

1. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Brough Road.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and 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.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

4. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.

5. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Signature(s)

Date:

ANNEX	
Date Valid	19th September 2016
Date First Advertised	6th October 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 45 Brough Road Tamniaran Castledawson The Owner/Occupier, 49 Brough Road Tamniaran Castledawson The Owner/Occupier, 49A Brough Road, Castledawson The Owner/Occupier, 51 Brough Road, Castledawson	
Date of Last Neighbour Notification	5th October 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2015/1122/O Proposal: Proposed single dwelling and garage in line with policy CTY2A Address: 50m NE of 10 The Cairns, Brough Road, Castledawson, Decision: Decision Date: Ref ID: LA09/2016/1300/O Proposal: Proposed New Dwelling Address: Site at 20 M NE of 49 Brough Road and Adjacent to Brough Road Crossroads, Castledawson, Decision: Decision Date: Ref ID: LA09/2015/0057/RM Proposal: Proposed dwelling and garage Address: Rear of 15 The Cairns, Castledawson, Decision: PG Decision Date: 23.06.2015 Ref ID: H/1986/0062	

Proposal: Site of dwelling
Address: BALLYNEASE ROAD PORTGLENONE
Decision:
Decision Date:

Ref ID: H/2002/0589/F
Proposal: Dwelling and Garage
Address: Adjacent to 47c Brough Road, Castledawson
Decision:
Decision Date: 07.11.2002

Ref ID: H/2003/0980/O
Proposal: Site of two-storey dwelling and detached garage.
Address: Adjacent to 47c Brough Road, Castledawson.
Decision:
Decision Date: 17.06.2004

Ref ID: H/2007/0454/RM
Proposal: Dwelling and detached garage.
Address: Adjacent to 47C Brough Road, Castledawson
Decision:
Decision Date: 25.09.2007

Ref ID: H/1995/0055
Proposal: SITE OF DWELLING
Address: ADJ TO LANEWAY OF 47 BROUGH ROAD CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1996/0438
Proposal: SITE OF DWELLING
Address: ADJ TO 47 BROAGH ROAD CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/2001/0524/O
Proposal: Site Of One And A Half Storey Dwelling And Garage.
Address: Adjacent To 47c Brough Road, Castledawson.
Decision:
Decision Date: 19.02.2002

Ref ID: H/1997/0507
Proposal: SITE OF DWELLING AND GARAGE
Address: ADJ 47A BROUGH ROAD CASTLEDAWSON

Decision:
Decision Date:

Ref ID: H/1998/0248
Proposal: DWELLING
Address: 70M SOUTH OF 49 BROUGH ROAD CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1998/0534
Proposal: DWELLING AND GARAGE
Address: ADJACENT TO 147A BROUGH ROAD CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/2000/0337/F
Proposal: Single Storey Dwelling And Detached Garage
Address: Adjacent To 47B Brough Road, Castledawson
Decision:
Decision Date: 22.08.2000

Ref ID: H/1995/0328
Proposal: DWELLING AND GARAGE
Address: ADJ 47 BROUGH ROAD CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/2003/0862/O
Proposal: Site of dwelling and garage.
Address: 150m South of 47 Brough Road, Castledawson.
Decision:
Decision Date: 14.10.2004

Ref ID: H/1994/0518
Proposal: SITE OF DWELLING
Address: ADJ TO BROUGH ROAD CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1999/0200
Proposal: SITE OF DWELLING AND GARAGE
Address: ADJ TO 49A BROUGH ROAD CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1993/6086

Proposal: SITE OF DWELLING BETWEEN 49+49A BREAGH ROAD CASTLEDAWSON

Address: BETWEEN 49+49A BREAGH ROAD

Decision:

Decision Date:

Ref ID: H/1989/0220

Proposal: SITE OF RETIREMENT BUNGALOW

Address: ADJ TO 49 BROUGH ROAD CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2002/0592/RM

Proposal: Dwelling

Address: Adjacent to 49a Brough Road, Castledawson.

Decision:

Decision Date: 11.10.2002

Ref ID: H/2005/0353/O

Proposal: Site of Dwelling and Garage

Address: Approx 32m North East of 49 Brough Road, Castledawson

Decision:

Decision Date:

Ref ID: H/2003/0106/RM

Proposal: Site of dwelling and garage.

Address: 30m East of 47 Brough Road, Tamhiarah, Castledawson.

Decision:

Decision Date: 28.08.2003

Ref ID: H/1999/0644/O

Proposal: Site of dwelling

Address: Adjacent To 47 Broagh Road, Castledawson

Decision:

Decision Date: 13.04.2000

Ref ID: H/1997/0652

Proposal: SITE OF BUNGALOW

Address: ADJACENT TO 47 BROAGH ROAD CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2001/0264/RM
Proposal: Dwelling and garage
Address: Adjacent to 48 Broagh Road, Castledawson
Decision:
Decision Date: 20.06.2001

Ref ID: H/1999/0713/O
Proposal: Site Of Dwelling and Garage
Address: 30M East Of 47 Brough Road, Tamnaran, Castledawson, Northern Ireland, BT45 8ER
Decision:
Decision Date: 11.02.2000

Ref ID: H/2000/0376/O
Proposal: Site of Dwelling and Garage
Address: Adjacent to 48 Broagh Road, Castledawson
Decision:
Decision Date: 25.10.2000

Ref ID: H/1983/0125
Proposal: GARAGE
Address: 49 BROUGH ROAD, CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/2013/0398/O
Proposal: Proposed site of dwelling and garage linked/clustered with local focal point
Address: Rear of 15 The Cairns, Castledawson,
Decision: PG
Decision Date: 06.02.2015

Ref ID: H/2012/0167/F
Proposal: Proposed erection of a builders store
Address: Adjacent to no. 49 Brough Road Castledawson,
Decision: PG
Decision Date: 25.03.2013

Ref ID: H/2013/0210/F
Proposal: Relocation of existing builder's yard to site at 49 Broagh Road, to include retention of builders store, office and domestic garage and retention of hardcoring and fencing of surrounding area for parking.
Address: 49 Broagh Road, Castledawson, BT45 8FD,
Decision: WITHDR
Decision Date: 12.03.2014

Summary of Consultee Responses
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Approved
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1416/O	Target Date:
Proposal: Dwelling	Location: 60m NW of 70 Cullenramer Road Lisgallon Dungannon
Referral Route: Refusal.	
Recommendation:	Refuse
Applicant Name and Address: Sarah Morris 70 Cullenramer Road Lisgallon Dungannon BT70 1SD	Agent Name and Address: Peter McGaughey 31 Gortnasaor Dungannon BT71 6DA
Executive Summary: The proposal is contrary to Policy CTY6 – Special Personal or Domestic Circumstances, of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are alternative solutions which meet the particular circumstances of the case and genuine hardship would not be caused if planning permission were refused.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response

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

No representations received.

Characteristics of the Site and Area

This application site measures 0.2Ha and is a portion of a larger agricultural field. It is located approximately 4Km south-west of Castlecaufield in an area which is largely characterised by agricultural land, dispersed rural settlement and farm holdings. In the immediate vicinity there are 3 no. dwelling houses located along the Cullenrammer Road, on the opposite side of the road.

The topography of the land falls from the public road northwards, placing the site at a slightly lower level than the road. It is a roadside plot, bounded by a laneway to the west. Site boundaries are marked by existing hedgerows with exception of the eastern red line site boundary which is undefined.

Relevant Site History

No relevant planning history on this site.

Description of Proposal Site for a single dwelling house.
Planning Assessment of Policy and Other Material Considerations -SPPS -Dungannon and South Tyrone Area Plan -PPS3: Access, Movement and Parking -PPS 21: Sustainable Development in the Countryside The site lies in the countryside outside of any settlement limit defined in the Dungannon and South Tyrone Area Plan 2015. In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and occupied premises on neighbouring land were consulted by letter. The SPPS published 2015 retains PPS21: Sustainable Development in the Countryside which is applicable to the proposed development. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It continues noting that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these include a dwelling based on special personal or domestic circumstances in accordance with Policy CTY6. Policy CTY 6 states, "Planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met: (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and (b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances. All permissions granted under this policy will be subject to a condition restricting the occupation of the dwelling to a named individual and their dependents." The original application was received with the red line around the application site and blue hatched lines over the remaining agricultural field, a small wedge shaped piece of land adjacent, the dwelling and site curtilage of 70 Cullenrammer road and a treed area / plot of land directly opposite. Upon further investigation it was noted by the applicant Ms Sarah Morris that she was not in ownership of the land outlined in red nor hatched blue but her mother who resided at no.70 owned the land depicted with exception of the plot directly opposite the site which was owned by her sister, who lived at no.74 Cullenrammer Road adjacent. A revised location map was received with the land opposite the land (owned by her sister) removed along with an amended P1 indicating notice was served on her mother at no.70 Cullenrammer Road. Upon enquiry with the applicant, a case for special personal and domestic circumstances was submitted. Additional information including 4 no. letters and 1 email were received. The information detailed special personal and domestic circumstances which substantiated the need for the applicant to live in proximity to no.70 Cullenrammer Road. The option of the provision of an annex to no.70 was explored with the applicant, however a separate dwelling was indicated as the preferred option. While I am satisfied that there is a case of need for accommodation in

proximity to no.70, I consider the option of an annex or indeed the plot of land immediately opposite which is owned by the applicants sister - resident of no.74 Cullenrammer to provide alternative solutions to the specific circumstances of the case.

This plot of land is in my view an infill site which meets the requirements of policy CTY8 of PPS21 which states,

“Planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. In certain circumstances it may also be acceptable to consider the infilling of such a small gap site with an appropriate economic development proposal including light industry where this is of a scale in keeping with adjoining development, is of a high standard of design, would not impact adversely on the amenities of neighbouring residents and meets other planning and environmental requirements.”

The site although currently planted out in trees is sufficient to accommodate one, possibly two dwellings which are similar in terms of their plot size to existing development. The plot of land is located within a substantial and continuously built up frontage, which includes 3 no. dwellings - no. 70, 74 and 76 Cullenrammer Road.

I acknowledge the land immediately opposite is owned by the applicant's sister however in my view it would comply with policy CTY 8 of PPS21, accommodating one possibly two dwellings and offering an alternative solution to the particular family circumstances presented thus, genuine hardship would not be caused if planning permission were refused.

Neighbour Notification Checked	Yes
---------------------------------------	------------

Summary of Recommendation:

I recommend that planning permission is refused on the grounds that the proposal is contrary to Policy CTY6 of Planning Policy Statement 21 as there are alternative solutions to meet the particular circumstances of the case.

Reasons for Refusal:

The proposal is contrary to Policy CTY6 – Special Personal or Domestic Circumstances, of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are alternative solutions which meet the particular circumstances of the case and genuine hardship would not be caused if planning permission were refused.

Signature(s)

Date:

ANNEX	
Date Valid	6th October 2016
Date First Advertised	20th October 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) None	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/1987/0255 Proposal: DWELLING Address: CULLENRAMER ROAD, LISGALLON, DUNGANNON Decision: Decision Date: Ref ID: LA09/2016/1416/O Proposal: Dwelling Address: 60m NW of 70 Cullenramer Road, Lisgallon, Dungannon, Decision: Decision Date:	
Summary of Consultee Responses Transport NI were consulted and are content with the proposal subject to conditions.	
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: LA09/2016/1539/F	Target Date:
Proposal: Proposed Dwelling House (amended drawing)	Location: North and adjacent to 20 Lisnagowan Road Carland Dungannon
Referral Route: Objections Received	
Recommendation:	Approval
Applicant Name and Address: Gary Devannev 15 Redding Grove Crownhill Milton Keynes MK80DH	Agent Name and Address: J. Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response

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

Summary of Issues

One representation was made from the resident at number 8 Lisnagowan Road and raised a number of concerns;

- the location of soakaways
- visibility splays and site entrance inc position of tree and RT Sign.
- local business and school traffic parking along roadside

Characteristics of the Site and Area

The site comprises an irregular shaped field to the north of and adjacent to number 20 Lisnagowan Road, Dungannon. The site rises very gently from the North and is currently used as agricultural grazing. The site is enclosed by a timber post and wire fence on all sides with a small bank along the roadside. There is also a large tree along the middle of the roadside elevation. There is an agricultural gate allowing access in the North East corner of the field and a small block shed with a tin roof located in the south corner.

The site lies within the development limits of Carland along the Northern outskirts. It abuts a residential dwelling to the south and the remaining sides abut agricultural fields. Within a short distance to the south there is a school, a factory and some other business premises as well as numerous residential dwellings.

Description of Proposal

The proposal seeks planning permission for a dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

The proposal lies within the development limit of Carland on 'whiteland' as depicted in the Dungannon Area Plan 2010.

Relevant planning policies relating to the proposal include: -

1. Shaping Our Future - Regional Development Strategy for Northern Ireland 2025.
2. The Dungannon Area Plan 2010.
3. Planning Policy Statement 1 - General Principles.
4. Planning Policy Statement 3 - Access, Movement and Parking.
5. Planning Policy Statement 7 - Quality Residential Environments.
6. Planning Policy Statement 8 - Open Space, Sport and Recreation.
7. Planning Policy Statement 12 - Housing in Settlement.

The above policy and associated guidance seeks to achieve a high quality living environment which responds to the following objectives in residential development.

- The creation of a distinctive environment with a strong sense of place;
- A high quality in the overall layout, form and design of the buildings and surrounding spaces;
- A human scale of development with building groups designed to have strong associations in plan and elevation and;
- A movement pattern which supports walking and cycling; incorporates pedestrian priority through traffic calming; and has convenient access to public transport;
- Residential development in urban areas to respect its immediate setting in order to avoid a level of intensification, which can adversely affect local townscape character and identity.

History

There is no history on this site.

One representation was made from the resident at number 8 Lisnagowan Road and raised a number of concerns;

- the location of soakaways
- visibility splays and site entrance inc position of tree and RT Sign.
- local business and school traffic parking along roadside

With regards to the soakaways the agent has submitted amended drawings to show the soakaways within the boundaries of the site and will not cross onto land surrounding. This should alleviate any concerns of this nature.

With regards to the visibility splays and the safety of the site entrance. Transport NI have been consulted and have responded with no objections subject to conditions. Splays of 2 metre by 65 metres have been shown on the drawings and the applicant does not require control of any lands outside their ownership to provide these.

With regards to the objectors concerns over the excessive amounts of vehicular traffic and parking concerns along the roadside to the front of this site. The site plan shows parking and turning for over 2 cars on site, in addition TNI have no concerns over parking.

The policy assessment for this application would be based mainly around PPS1, PPS3 and PPS7. The proposal being located within a development limit needs no case or cause to be developed and given the proposed location of the dwelling on the site and the attributes of the site and existing development, it is not a concern that the proposal will compromise surrounding amenities or suffer from a lack of amenity - this complies with both PPS1 and PPS7.

Plan Policy SETT 1 states that;

“Favourable consideration will be given to development proposals within settlement limits including zoned sites provided the following criteria are met:

- the proposal is sensitive to the size, character and function of the settlement in terms of scale, form, design and use of materials;
- the proposal respects the opportunities and constraints of the specific site and its surroundings and, where appropriate, considers the potential for the creation of a new sense of place through sensitive design;
- there is no significant detrimental affect on amenities;
- there is no significant conflict with recognised conservation interests there are satisfactory arrangements for access, parking and sewage disposal;
- where appropriate, any additional infrastructure necessary to accommodate the proposal is provided by the developer; and

the proposal is in accordance with prevailing regional planning policy and the policies, requirements and guidance contained in Part 3 of the Plan.

It is my opinion that the proposal is acceptable in terms of the above criteria and will not be of detriment to proposed occupants or those existing around the site, either in terms of amenity space or overlooking.

In addition the proposal provides comprehensive landscaping which helps the site provide an attractive living environment as well as help define the edge of the settlement area.

Recommendation approval

Neighbour Notification Checked**Yes****Summary of Recommendation:**

It is my opinion that the proposal is acceptable in terms of PPS1, PPS3, PPS7 and the local plan and will not be of detriment to proposed occupants or those existing around the site, either in terms of amenity space or overlooking.

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. The vehicular access, including visibility splays of (2.0m * 65.0m) and any forward sight distance shall be provided in accordance with Drawing No 03A bearing the date stamp 21/02/2017, prior to the commencement of any other development hereby permitted. 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.

3. All planting comprised in the approved plans shall be carried out in the first planting season following the commencement of the building and any trees or shrubs which, within a period of 5 years from the occupation of the building, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. TNI Informatives

The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Regional Development for which separate permissions and arrangements are required.

Notwithstanding the terms and conditions of the Councils approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Main Street, Moygashel, Dungannon.

A monetary deposit will be required to cover works on the public road.

Provision shall be made to the satisfaction of Roads Service, to ensure that surface water does not flow from the site onto the public road, in the interest of public safety and traffic management.

Provision shall be made to the satisfaction of Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site, in the interest of public safety and traffic management.

4. Environmental Health Informatives

1. A Consent to Discharge Sewage Effluent being obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999.

2. Any new or existing septic tank unit being a minimum of 15 metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.

3. A legal agreement being obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.

4. The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.

5. Planning department receiving confirmation from Northern Ireland Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared. (The District Council cannot approve plans for housing development unless a satisfactory water supply is available)

Signature(s)

Date:

ANNEX	
Date Valid	31st October 2016
Date First Advertised	17th November 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 16 Lisnagowan Road Lisboy Dungannon The Owner/Occupier, 18 Lisnagowan Road Lisboy Dungannon The Owner/Occupier, 20 Lisnagowan Road,Lisnagowan,Dungannon,Tyrone,BT70 3LH, The Owner/Occupier, 24 Lisnagowan Road Lisboy Dungannon The Owner/Occupier, 24 Lisnagowan Road,Lisboy,Dungannon,Tyrone,BT70 3LH, Joseph McQuaid 8 Lisnagowan Road, Dungannon, Tyrone, Northern Ireland, BT70 3LH	
Date of Last Neighbour Notification	2nd March 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/1539/F Proposal: Proposed Dwelling House Address: North and adjacent to 20 Lisnagowan Road Carland Dungannon, Decision: Decision Date: Ref ID: M/1974/0485 Proposal: IMPROVEMENTS AND EXTENSION TO DWELLING Address: LISNAGOWAN, CARLAND, DUNGANNON Decision: Decision Date: Ref ID: M/2008/0973/F Proposal: Proposed 2 No. detached two storey dwellings and alterations to parking area of existing dwelling Address: 20 Lisnagowan Road, Carland, Dungannon, Co Tyrone	

Decision:
Decision Date: 18.11.2007

Summary of Consultee Responses

TNI and Environmental Health have been consulted and have responded with no objections.

Drawing Numbers and Title

Drawing No. 01
Type: Site Location Plan
Status: Submitted

Drawing No. 03A
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 02
Type: Proposed Floor Plans
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: 4/4/17	Item Number:
Application ID: LA09/2016/1667/O	Target Date:
Proposal: Proposed single dwelling and domestic garage / store based on policy CTY 2A -Cluster	Location: 78mts North of no 8 Shore Road, Ballinderry Bridge, Cookstown
Referral Route: Recommended for Refusal	
Recommendation: Refusal	
Applicant Name and Address: Mrs Patricia McCusker 74 Ballygillan Road Coagh Cookstown BT80 0AS	Agent Name and Address: CMI Planners Ltd Unit C5 The Rainey Centre 80 - 82 Rainey Street Magherafelt BT45 5AJ
Executive Summary: Proposal in conflict with Policy CTY 2a of PPS 21.	
Signature(s): <i>N. Hasson</i>	

Case Officer Report

Site Location Plan



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

No representations received.

Characteristics of the Site and Area

The site is located immediately north of the settlement limits of Ballylifford, as defined by the Magherafelt Area Plan. Consequently, the site is designated as countryside. The site slopes gently from east to west towards an open drain which runs along the entire western boundary of the site. The western boundary is defined by a hedgerow, the southern boundary is defined by a post and wire fence and the remaining boundaries are undefined. The land immediately to the south has a covering of mature trees which create a backdrop to the site when viewed from the north.

The surrounding lands to the south are characterised by development within the settlement of Ballylifford, particularly residential development, a group of farm buildings and a Church and Church Hall. The Church Hall is located 80 metres from the proposed site. There is an existing two storey detached dwelling located immediately adjacent to the site, but in the designated countryside. The proposed site will have a boundary with this existing dwelling.

Description of Proposal

The proposal is an outline application for a single storey dwelling and garage / store based on policy CTY 2a. The existing open drain is proposed to be culverted to provide access from Belagherty Road.

Planning Assessment of Policy and Other Material Considerations

Site History:

No relevant site history.

Development Plan and Key Policy Considerations:

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

PPS 21 Sustainable Development in the countryside

The application is for a new dwelling in an existing cluster. The site is located in the open countryside and designated 'Countryside Policy Area' as defined by the Cookstown Area Plan 2010. Development in the countryside is controlled under the provisions of the SPPS and PPS 21 Sustainable Development in the countryside and must have regard to the Development plan. The Plan states that development proposals within Countryside Policy Areas (CPAs) will be restricted in accordance with the provisions of prevailing regional planning policy.

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council'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 new dwellings in existing clusters. 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 permission will be granted for a dwelling at an existing cluster of development provided a list of criteria are met. It appears that this cluster of development includes farm buildings, as shown on Drawing No. 01/01. The cluster consists of more than 4 buildings, some of which are located within the development limit. In my opinion, there are only two dwellings located within this cluster, specifically No. 8 and 16 Shore Road. Furthermore, the cluster includes a group of farm buildings, a church and a church hall. The applicant's submission indicates that an additional two dwellings are located within the cluster, specifically No. 6 Belagherty Road and No. 5 Brookmount Road. I do not agree with this assessment. No. 5 Brookmount Road is located approximately 30 metres to the west of the church and there is no shared boundary. There is no relationship between the proposed site and No. 5 Brookmount Road. No. 6 Belagherty Road is located approximately 100 metres north west of the proposed siting of the new dwelling, approximately 80 metres north of the existing farm buildings and approximately 120 metres east north east of 16 Shore Road. The dwelling is also set back approximately 50 metres from the Belagherty Road. The separation distances mean that the cluster does not appear as a visual entity in the local landscape, when the dwelling at No. 6 Belagherty Road is relied upon for a policy test of CTY 2a.

I agree that the cluster is associated with a focal point, specifically St. John's Church and Church Hall. The proposed site provides a suitable degree of enclosure and is bounded on at least two sides by other development in the cluster, with No. 8 Shore road to the south and No. 16 to the east. I also agree that development of the site can be absorbed into the existing cluster through

rounding off and will not significantly alter the existing character. I am also content that the proposed development will not adversely impact on residential amenity.

In summary, it is my opinion that this proposal does not comply with all the tests of policy CTY 2a as the existing cluster includes farm buildings and consists of only two dwellings and does not appear as a visual entity in the landscape when one includes a third dwelling.

Policy CTY 13 provides guidance on the integration and design of buildings in the countryside and CTY 14 provides guidance on rural character. I am persuaded that the proposal will have the ability to integrate with a ridge height restriction and will have no detrimental impact on rural character.

The proposed site is located immediately outside the development limit of Ballylifford, and CTY 15 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. At present, the settlement limit is defined by a strong mature tree boundary adjacent to the site. However, it is my opinion that the presence of the dwelling at No. 16 Shore road already mars the distinction between the settlement and surrounding countryside, and I am content that this proposal could actually be treated as an exception to this policy.

Part of the site lies within the surface water flood zone. DFI Rivers Agency are content that the proposal does not require a drainage assessment, however they advise that the developer should appoint a competent professional to carry out an assessment of flood risk. The proposed access is over the existing field drain which would need to be culverted. Policy FLD 4 of PPS 15 permits culverting where it is necessary provide access to a development site. The Council also consulted with DFI Transport NI, NI Water and MUDC Environmental Health, who each have no objections to the proposal.

Three neighbours were notified of the proposed development. No representations were received.

Neighbour Notification Checked

Yes

Summary of Recommendation:

It is my opinion that the proposal does not satisfy the policy tests of CTY 2a of PPS 21, therefore I recommend refusal of this proposed development.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings and the cluster does not appear as a visual entity in the local landscape.

Signature(s) N. Hasson

Date: 23/03/17

ANNEX	
Date Valid	24th November 2016
Date First Advertised	7th December 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Shore Road, Killymuck, Ballyronan, Magherafelt, Londonderry, BT80 0AZ The Owner/Occupier, 12 Shore Road, Killymuck, Ballyronan, Magherafelt, Londonderry, BT80 0AZ The Owner/Occupier, 16 Shore Road, Killymuck, Ballyronan, Magherafelt, Londonderry, BT80 0AZ, The Owner/Occupier, 2 Bellagherty Road, Ballinderry Bridge, Cookstown, BT80 0AZ The Owner/Occupier, 2 Bellagherty Road, Ballinderry Bridge, Cookstown, BT80 0AZ The Owner/Occupier, 2 Bellagherty Road, Ballinderry Bridge, Cookstown, BT80 0AZ The Owner/Occupier, 2 Bellagherty Road, Ballinderry Bridge, Cookstown, BT80 0AZ The Owner/Occupier, 4 Bellagherty Road, Ballinderry Bridge, Cookstown, BT80 0AZ The Owner/Occupier, 6 Bellagherty Road, Ballinderry Bridge, Cookstown, BT80 0AZ The Owner/Occupier, 8 Shore Road Killymuck Ballyronan	
Date of Last Neighbour Notification	15th December 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/1667/O Proposal: Proposed single dwelling and domestic garage / store based on policy CTY 2A -Cluster Address: 78mts North of no 8 Shore Road, Ballinderry Bridge, Cookstown, Decision: Decision Date: Ref ID: I/2000/0165/F Proposal: Proposed Dwelling and Garage	

Address: Approximately 120 M North East of 8 Shore Road, Ballydonnell, Ballyronan
Decision:
Decision Date: 05.10.2000

Ref ID: LA09/2016/0684/O
Proposal: 2No. two storey dwellings and garages
Address: 45m North of 8 Shore Road, Ballinderry Bridge, Cookstown,
Decision:
Decision Date:

Summary of Consultee Responses

DFI Rivers Agency are content that the proposal does not require a drainage assessment, however they advise that the developer should appoint a competent professional to carry out an assessment of flood risk. The proposed access is over the existing field drain which would need to be culverted. Policy FLD 4 of PPS 15 permits culverting where it is necessary provide access to a development site. The Council also consulted with DFI Transport NI, NI Water and MUDC Environmental Health, who each have no objections to the proposal.

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:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1678/O	Target Date:
Proposal: Proposed dwelling and garage	Location: Lands approximately 70m West of no 73 Gorestown Road Moy Dungannon
Referral Route: The agent's wife is a planning officer within Mid-Ulster Council and is currently off on a one year career break following maternity.	
Recommendation:	Approval with conditions.
Applicant Name and Address: Mr Paul Mallon 73 Gorestown Road Moy Dungannon	Agent Name and Address: Paul McKernan 25 Keady Road Armagh BT60 4AA
Executive Summary: In my view the application for a dwelling and garage on a farm, with the conditions recommended within this report, satisfies policy requirements. I therefore recommend permission is granted.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
	TNI	Content – with condition.

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

No representations received.

Characteristics of the Site and Area

The application site is located approximately 2km west of The Moy in an area largely characterised by agricultural land, dispersed settlement and farm holdings. It is a large agricultural field, extending 0.6 hectares in area and it is located along the roadside. The site is relatively flat and boundaries are marked by existing hedgerows. Along the northern and roadside boundary there is a small stream. Access is via an existing farm laneway located adjacent to no.73 Gorestown road or via a field gate from the adjacent field. To the south east of the site, is a farm yard with a number of building / outbuildings.

Description of Proposal

The proposal is an outline application for a farm dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan
- SPPS: Planning for Sustainable Development
- PPS 3: Access, Movement and Parking
- PPS 21: Sustainable Development in the Countryside

The site lies in the countryside outside of any settlement limit defined in the statutory Dungannon and South Tyrone Area Plan 2015. In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and no occupied premises on neighbouring land were evident.

Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) applies to the development. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It continues to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is a dwelling on a farm in accordance with Policy CTY10 which is the main policy consideration for the proposal. It states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

(a) the farm business is currently active and has been established for at least 6 years;

Farm Maps relating to the land encompassed in the farm business including the proposed site, were received along with the application. The applicant is Mr Paul Mallon who resides at 73 Gorestown Road. The farm business is registered to Mrs E & Messers P & F Mallon, 25 Gorestown Road, Dungannon. It has been confirmed through consultation with DEARA that the farm Business ID identified on Form P1C has been in existence for more than 6 years. DEARA also confirmed the farm business claimed either Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. I am satisfied that the information presented satisfactorily demonstrates 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;

A search of the Farm Business ID associated with this application returned no results. A desk top review of the farm land outlined on the maps submitted (dated 15/10/2014) shows no history of any development sites with planning permission. I am therefore satisfied that there are no dwellings or development opportunities sold off from the farm holding from 25 Nov 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.

The application site outlined in red encompasses a large agricultural field, extending 0.6 Hectares, located along the roadside. To the south east of this field there are three no. farm buildings and some outbuildings which are under the ownership of the applicant. To the east, two fields away is the applicant's dwelling house. The field adjacent to no.73 Gorestown Road, is the closest in proximity to the existing cluster of buildings. However, the policy does not require the closest parcel of land to be utilised but requires a new building to visually link or be sited to cluster with the established group of buildings on the farm. I consider a dwelling and garage located in the southern portion of the red line site, immediately north west of the existing farm

sheds would visually link with these buildings. I therefore recommend a siting condition is imposed on any permission granted.

Existing farm buildings are accessible via a laneway which also serves the applicants dwelling. This laneway continues through the farmyard and along the southern boundary of the application site. It also serves other land and buildings not under the ownership of the applicant. The policy states where practicable, access to the dwelling should be obtained from an existing lane. I do not consider in this case access via the existing laneway is practicable given it extends through the existing farmyard. A new access from the public road would therefore be acceptable.

Policy CTY 13 – Integration and Design of Buildings in the Countryside and CTY 14 – Rural Character of PPS21 are also applicable and considered.

I consider that a dwelling and garage located in the southern end of the application site will integrate and visually link with existing buildings on the farm. Given the large area of the application site, I recommend the curtilage of the site is restricted by condition, to avoid an expansive site curtilage which would be contrary to the character of the area. I also recommend the new access laneway should extend along the existing eastern site boundary which is marked by hedgerow. Residential development in the immediate vicinity, including the applicants dwelling no. 73 Gorestown Road are characterised by bungalows, I therefore recommend the ridge height of the proposal is restricted to single storey, at 5.5metres above finished floor level.

PPS 3 sets out policies in relation to access, movement and parking. Transport NI were consulted and have returned no objections subject to condition, with the access point from the public road to incorporate 2.4 x 80m visibility splays. In relation to parking, there will be sufficient space within the curtilage of the site for the parking and manoeuvring of vehicles.

In conclusion I recommend permission is granted with the aforementioned conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend permission is granted with conditions.

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 the 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. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

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

4. The dwelling hereby permitted shall have a ridge height of not greater than 5.5 metres above finished floor level and shall be designed and landscaped in accordance with the Department of Environments Building on Tradition Sustainable Design Guide for the Northern Ireland Countryside.

Reason: In the interests of visual amenity and to ensure the proposed dwelling is not prominent in the landscape.

5. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

6. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development hereby approved at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual amenity.

7. The proposed dwelling shall be sited in the area shaded green and the site curtilage shall not extend beyond the area marked orange on the approved drawing no. 01 bearing the date stamp 29th Nov 2016.

Reason: To maintain the character of the area and to be visually linked with the farm cluster.

8. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4 metres x 80 metres in both directions and any forward sight distance shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. 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: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

9. The new access laneway shall be located along the eastern boundary of the site outlined in red on drawing no. 01 bearing the date stamp 29th Nov 2016.

Reason: To aid integration and maintain the character of the area.

Signature(s)

Date:

ANNEX	
Date Valid	29th November 2016
Date First Advertised	15th December 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 75 Gorestown Road, Gorestown, Dungannon, Tyrone, BT71 7EX	
Date of Last Neighbour Notification	13th December 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/1678/O Proposal: Proposed dwelling and garage Address: Lands approximately 70m West of no 73 Gorestown Road, Moy, Dungannon, Decision: Decision Date: Ref ID: M/1978/0030 Proposal: 11KV O/H LINE, MV O/H LINE Address: GORESTOWN, DUNGANNON Decision: Decision Date: Ref ID: M/2002/1242/O Proposal: Proposed site for dwelling Address: 100 Metres West of 73 Gorestown Road, Moy, Dungannon Decision: Decision Date: 29.01.2003 Ref ID: M/2003/1528/F Proposal: 11KV Supply Address: 400m South / West of 75 Gorestown Road Moy Co. Tyrone Decision: Decision Date: 09.02.2004	

Ref ID: M/1991/0473
Proposal: Extension to dwelling
Address: 71 GORESTOWN ROAD DUNGANNON
Decision:
Decision Date:

Summary of Consultee Responses

Transport NI – content subject to conditions.

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:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1680/A	Target Date:
Proposal: Retention of temporary mobile hoarding on flatbed lorry for a period of 12 months	Location: 95m East of Approx of 51 Castledawson Road Magherafelt BT45 6PB
Referral Route: Refusal Recommended – Contrary to the SPPS and PPS 17	
Recommendation:	Refuse
Applicant Name and Address: DMD Developments 44 Tobermore Road Magherafelt BT45 5HB	Agent Name and Address: Vision Design 31 Rainey Street Magherafelt BT45 5HB
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI – Enniskillen Office	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

Summary of Issues

The proposal fails under policy Planning Policy Statement (PPS) 17 – Control of Outdoor Advertisements in that if permitted would have a detrimental impact upon the visual amenity of the locality.

Characteristics of the Site and Area

The site is located at 95m east approximately from 51 Castledawson road, it is within the development limits of Magherafelt and is designated white land as per the Magherafelt Area Plan 2015. The surrounding area is characterised by a mixed nature of development, inclusive commercial, industrial and three nearby schools. With lands zoned for industry to the north with a

filling station and existing Lidl store to the west. Within the area there is already existing advertisements, one large advertisement board located at Lidl and advertisements for both the Lidl and filling station.

Representations

No representations were received on this application.

Description of Proposal

The application seeks consent to display an advertisement. The proposal relates to the retention of a temporary mobile hoarding on a flatbed lorry for the period of 12 months. The sign measures 3x6m and sits on a flatbed lorry but the total height of the sign will be 3.975m from ground level. The sign seeks to promote the recently approved housing development located at the Tobermore Road, Magherafelt which is some distance from the location of the advertisement.

Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS):
2. Magherafelt Area Plan 2015:
3. Planning Policy Statement (PPS) 17 – Control of Outdoor Advertisements:

The SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS states that the regional strategic objectives for the control of advertisements are to:

- ensure that outdoor advertisements respect the amenity and do not prejudice public safety, including road safety; and
- help everyone involved in the display of outdoor advertisements contribute positively to the appearance of a well-cared for and attractive environment in our cities, towns, villages and countryside.

PPS 17 lays out the planning policy and guidance for the control of outdoor advertisements. Policy AD 1 Amenity and Public Safety states consent will be given for the display of an advertisement where:

- i. It respects amenity, when assessed in the context of the general characteristics of the locality; and
- ii. It does not prejudice public safety.

The guidance set out in Annex A for different categories of outdoor advertisement will be taken into account in assessing the proposal.

Amenity

When assessing the amenity impact of an advertisement or sign it must take account of all of the following matters:

- (a) the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest;

In terms of this site it is located in close proximity to MT 34 Local Landscape policy therefore this

must be considered when assessing this application. It is felt that the proposed advertisement could adversely affect this LLPA as it is noted in the Magherafelt Area Plan 2015 as the “the most distinctive part of the town and makes a major contribution to its sense of place, and provide an outstanding approach to the town from the main A6 road”. In that it is the impact on this approach to town which is of concern in this application, due to size and scale it is felt on balance that it will not have an adverse impact on the LLPA.

(b) the position of the advertisement on the host building and its scale and size in relation to that building;

This application is not on a building.

(c) the cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter;

There are other examples of advertisements and it is felt that this sign will add to the existing clutter of signage in the area. This is especially the case on the approach to Magherafelt from Castledawson, as you already have signage from LIDL and the Texaco petrol station. Therefore the proposed sign would appear to further add to the clutter of signage and therefore deemed as unacceptable.

(d) the size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area;

On balance of the proposed hoarding with the surrounding area it is felt that it not in keeping with the area as it appears dominant and the size and scale are not reflective of the area.

(e) the design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached;

As mentioned the advertisement is not located on a building.

(f) in the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located; and

The hoarding is located on the back of a flatbed lorry and it is felt that the size, design and materials of the advertisement and structure will have an adverse impact on the appearance and character of the area in which it is located. From this the design and materials used on this structure are deemed unacceptable.

(g) the impact of the advertisement, including its size, scale and levels of illumination, on the amenities of people living nearby and the potential for light pollution.

The sign is not illuminated.

Public Safety

Transport NI were consulted and responded to the proposal with no objections therefore it is considered that there are no public safety risks.

Even though the proposed application proposes the retention of the mobile hoarding for a period of 12 months, it is felt on balance of the policy that it has failed to comply with the criteria set out in the SPPS and PPS 17. It has been discussed and agreed that the mobile hoarding does not respect the amenity when assessed in the context of the general characteristics of its locality and adds to an existing clutter of signage. Reasoning for this is that the application in terms of its size, scale, dominance and the materials used in the advertisement and the structure in which

the advertisement is a part of. From this it felt that the advertisement will have an adverse impact on the visual amenity and as a result I recommend refusal for the application and the advertisement needs to be removed. Despite seeking temporary permission, this does not reduce the signs visual impact and could put the Council in a position where it would be difficult to resist other such temporary permissions if approval is granted.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

1.The proposal is contrary to the Strategic Planning Policy Statement and to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD1, in that it will, if consented, have a detrimental impact upon the visual amenity of the locality and lead to clutter.

Signature(s)

Date:

ANNEX	
Date Valid	28th November 2016
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1680/A Proposal: Retention of temporary mobile hoarding on flatbed lorry for a period of 12 months Address: 95m East of Approx of 51 Castledawson Road Magherafelt BT45 6PB, Decision: Decision Date: Ref ID: H/2014/0358/O Proposal: Drive through restaurant, associated car park, picnic area and improved access to Lidl. Address: Site adjacent and North East of Lidl car park, Castledawson Road, Magherafelt., Decision: Decision Date: Ref ID: H/2014/0354/F Proposal: Alterations to existing retail building involving extension, elevational changes, roof changes and removal of part of first floor (no increase in total floorspace). Provision of new car park and service yard. Amendments to road layout involving improved access to Castledawson Road, improved accesses to Lidl and new link road to Station Road Industrial Estate. Address: Forbes Furniture Retail Building (Station Road Industrial Estate) and land to the immediate south of it bounded by the existing Lidl Store and Castledawson Road	

Magherafelt,
Decision: AU
Decision Date:

Ref ID: H/2011/0104/O

Proposal: Demolition of existing furniture store and erection of supermarket, associated parking and amended access

Address: Lands including Forbes Furniture Store the existing Lidl store and vacant site to its immediate east at Castledawson Road Magherafelt BT45 5EY,

Decision: PR

Decision Date:

Ref ID: H/2011/0065/PREAPP

Proposal: Pre-Application meeting for 60,000 sq ft retail unit, fast food takeaway unit and realignment of Castledawson Road

Address: Castledawson Road, Magherafelt,

Decision: ESA

Decision Date:

Ref ID: H/2011/0019/PREAPP

Proposal: 60,000 sq ft retail unit, fast food takeaway unit and re alignment of Castledawson Road

Address: Castledawson Road, Magherafelt,

Decision:

Decision Date:

Ref ID: H/2003/0404/F

Proposal: Proposed Extension to South East Side of Existing Showroom to Include Bulky Goods Retail Unit and Furniture Showroom. Also Proposed Bulky Goods Unit to South of Existing Showroom.

Address: Units 1 & 2 Station Road Industrial Estate and lands to the south east fronting Castledawson Road.

Decision:

Decision Date: 01.11.2006

Ref ID: H/1995/6049

Proposal: PROPOSED HOTEL CASTLEDAWSON ROAD MAGHERAFELT

Address: CASTLEDAWSON ROAD

Decision:

Decision Date:

Ref ID: H/1994/6075

Proposal: SITE OF INDUSTRIAL UNITS CASTLEDAWSON ROAD MAGHERAFELT

Address: CASTLEDAWSON ROAD MAGHERAFELT

Decision:

Decision Date:
Summary of Consultee Responses
Drawing Numbers and Title
Drawing No. Type: Status: Submitted
Drawing No. Type: Status: Submitted
Drawing No. Type: Status: Submitted
Drawing No. Type: Status: Submitted
Drawing No. Type: Status: Submitted
Drawing No. 01 Type: Site Location Plan Status: Submitted
Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted
Drawing No. 03 Type: Sign Details Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1682/RM	Target Date:
Proposal: Proposed dwelling and domestic garage	Location: Lands 15m West of 26 Drumkee Road Dungannon
Referral Route: Objection received.	
Recommendation: Approve with conditions	
Applicant Name and Address: Mr Neil Kearney c/o 26 Drumkee Road Dungannon	Agent Name and Address: Dennis O'Neill 90 Gortgonis Road Coalisland BT71 4QG
Executive Summary: The proposed development can be justified in policy terms and the concerns presented by the neighbouring property have been satisfactorily addressed. It is therefore recommended that permission is granted subject to conditions.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
	TNI	Recommend provision of lay-by at access and drainage measures which have been provided.
	DETI	No objections.

Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and adjoining land owners were consulted by letter. One objection was received as follows;

22 Drumkee Road: I note the plans are for a storey and half dwelling and includes a balcony and rooflights to the rear. I wish to raise a strenuous objection. The proposal will grossly and grotesquely interfere with the privacy of our house which is otherwise very secluded. The rooflights and the balcony with French doors will directly overlook us. This is an unacceptable invasion of our privacy. I cannot accept the scheme in its current form and request a revision.

Characteristics of the Site and Area

This application site is located 15m West of No 26 Drumkee Road, Dungannon, sitting north and east of a T junction. It is a rectangular portion of land which is the front and side garden area associated with No 26. This is a two storey dwelling with a substantial front garden which contains many trees. The northern boundary is treed, beyond which sits a bungalow at No 22 Drumkee Road. The eastern boundary is undefined on the ground and the southern roadside boundary comprises a post fence with some trees interspersed.

The site located approximately 2 kilometres south east of The Bush and is white land in the Dungannon and South Tyrone Area Plan. The surrounding area is flat agricultural land with dwellings in the immediate vicinity sited mostly along the northern roadside, with some located off laneways on farm holdings.

Description of Proposal

Permission is sought under Reserved Matters for a dwelling and garage on the site. Outline permission was granted under application LA09/2015/0525/O following a deferral from the December 2015 Planning Committee.

The scheme involves the construction of a chalet style bungalow with dormers in the roof and a ridge level to a height of 6.8m. The house would feature a two storey front gable porch and long two storey rear return. Access would be onto Drumkee Road.

Planning Assessment of Policy and Other Material Considerations

This application was granted outline permission under LA09/2015/0525/O. The general principle of the development has thus been established. This assessment will address the requirements of policy CTY 13 of PPS21 with regards to integration, design and further expanded upon in DOE design guide, Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside. The amenity of adjoining residents is also of importance and regard must be given to the objection received. This assessment will also be mindful of any restrictions imposed by way of condition on the Outline Consent.

Integration and Design

The policy framework in relation to new dwellings firstly requires that any new building does not become a prominent feature in the landscape. This site benefits from a heavy backdrop of trees and is located within an established group of houses. The new dwelling will not be a prominent feature in the landscape. There are well established hedgerows augmented by trees to north, east and western site boundaries which will aid integration. This development will not rely on new landscaping for integration and the existing trees which are shown as retained will provide a natural backdrop to the proposed dwelling.

In terms of design the height of the ridge was restricted at outline stage to 6.5m above ground level. This scheme has a ridge height of 6.5m from finished floor level and f.f.l proposed is equal to existing ground level. Proposed ground level is subsequently 0.3m lower than existing ground level, thus the condition on the outline permission is satisfied.

The proposal for a chalet style bungalow with dormer windows although not desirable in the countryside, in this instance can be justified due to existing development which includes bungalows with dormer windows extending through the roof located immediately west and directly opposite. In this instance, the proposal would be in keeping with the existing character of the area.

Amenity

Concern has been expressed from the residents to the rear of the site, at No22 Drumkee Road, about impact on their amenity from the rear roof lights and balcony area. It was noted on site, and on the submitted plans, that a fairly solid screen of trees exists between the proposed dwelling and No22, however some trees which traversed the centre of the site appear to have been removed at the time of site visit. Well established trees to the north and western site boundaries have been retained and provide screening of views in and out of the site. The distance from the rear elevation of the proposed dwelling to the front elevation of No22 is approximately 42.0m, however the amenity space associated with no. 22 is 19m from the rear return of the proposed dwelling. It is considered that the balcony proposed, could potentially facilitate overlooking on the neighbours residential amenity space, thus a revised design was sought and received with the balcony removed, in addition the balcony doors were replaced with smaller sized windows. I consider these measures satisfactorily address the concerns of the neighbouring property and do not consider the roof lights proposed to the master bedroom will facilitate any overlooking on the neighbouring property.

Access, Movement and Parking

Transport NI were consulted and responded with a recommendation for the provision of a layby at the access and drainage measures. These have been provided as indicated on drawing 01C date received 22/03/2017. There is satisfactory provision for the parking and the manoeuvring of vehicles within the curtilage of the site. Safe access should be conditioned within any permission through the provision of recommended visibility splays and any forward sight distance before the commencement of any development.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposed development can be justified in policy terms and the concerns presented by the neighbouring property have been satisfactorily addressed. It is therefore recommended that permission is granted subject to conditions.

Conditions

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

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

2. All existing trees and hedgerows shown to be retained on drawing No. 01C bearing the date stamp 22 March 2017 shall be permanently retained intact and no lopping, topping, felling or removal shall be carried out without the prior written approval of Mid Ulster District Council.

Reason: To ensure the development integrates into the countryside and to safeguard the amenity of adjoining residents.

3. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4mx 80.0m in both directions and any forward sight distance shall be provided in accordance with the details as shown on drawing No. 01C bearing the date stamp 22nd March 2017. 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: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

Signature(s)

Date:

ANNEX	
Date Valid	29th November 2016
Date First Advertised	15th December 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 18 Drumkee Road, Drumkee, Dungannon, Tyrone, BT71 6JA The Owner/Occupier, 22 Drumkee Road, Drumkee, Dungannon, Tyrone, BT71 6JA, Robert Campbell 22 Drumkee Road, Dungannon, Co. Tyrone, BT71 6JA Robert Campbell 22 Drumkee Road, Dungannon, Co. Tyrone, BT71 6JA The Owner/Occupier, 26 Drumkee Road Drumkee Dungannon The Owner/Occupier, 28 Drumkee Road Drumkee Dungannon The Owner/Occupier, 29 Drumkee Road, Drumkee, Dungannon, Tyrone, BT71 6JA,	
Date of Last Neighbour Notification	13th December 2016
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2016/1682/RM

Proposal: Proposed dwelling and domestic garage

Address: Lands 15m West of 26 Drumkee Road, Dungannon,

Decision:

Decision Date:

Ref ID: M/1992/0202

Proposal: Extension and improvements to Dwelling

Address: 26 DRUMKEE ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2006/2163/RM

Proposal: Dwelling House.

Address: Adjacent to 26 Drumkee Road, Killyman, Dungannon

Decision:

Decision Date: 13.03.2007

Ref ID: M/2004/0047/O

Proposal: 1 No. Dwelling House (Renewal of previously approved application no:- M/2001/0056/O)

Address: Adjacent to 26 Drumkee Road, Killyman, Dungannon.

Decision:

Decision Date: 03.03.2004

Ref ID: M/2001/0056/O

Proposal: Proposed dwelling

Address: Adjacent to 26 Drumkee Road Killyman

Decision:

Decision Date: 27.03.2001

Ref ID: M/2015/0158/O

Proposal: Proposed Dwelling (CTY8 Ribbon Development)

Address: Between 22 and 26 Drumkee Road, Dungannon,

Decision: PR

Decision Date: 09.07.2015

Ref ID: LA09/2015/0525/O

Proposal: Proposed dwelling and garage

Address: 15m West of 26 Drumkee Road, Dungannon,

Decision: PG

Decision Date: 16.06.2016

Summary of Consultee Responses

DETI have confirmed that this development could proceed safely and is not in the vicinity of any abandoned mines.

TNI recommended provision of a lay by and drainage measures, which have been included on drawing 01C date received 22/03/2017.

Drawing Numbers and Title

Drawing No. 02B
Type: Proposed Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 01C
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: LA09/2016/1700/O	Target Date:
Proposal: Farm dwelling	Location: 100m North East of 28 Thornhill Road Carland Dungannon
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: John Donaghy 24 Thornhill Road Carland Dungannon BT70 3LW	Agent Name and Address: Harrington Building Design 26 Lisnastrane Park Coalisland BT71 4PW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response

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 none		
Characteristics of the Site and Area <p>The site comprises a small square cut out of a larger agricultural field located approx. 100m north of number 24 Thornhill Road, Carland, Dungannon. The site has a gentle slope from the roadside north, to the associated farm yard to the south. The site has no defined boundaries on the south and east with only a low cropped hedge to the north and west. There is a number of farm sheds located approx. 50 metres to the south with the associated farm dwelling located behind this. The access for this farm holding is along the western boundary of the site.</p> <p>The site lies within the open countryside to the West of Carland and a short distance to the North of Dungannon. The area is rural in nature with the landscape primarily in agricultural use with a scattering of single dwellings located along the roadside.</p>		
Description of Proposal The proposal seeks planning permission for a farm dwelling and garage.		
Planning Assessment of Policy and Other Material Considerations <p>Given the rural location of application site the nature of the proposal the application shall be assessed under Planning Policy Statement 21- Sustainable Development in the Countryside and in particular with the following;</p> <ul style="list-style-type: none"> • Policy CTY1- Development in the Countryside; • Policy CTY10 - Dwellings on Farms; • Policy CTY13- Integration and Design of Buildings in the Countryside; and • Policy CTY14 - Rural Character. <p>Policy CTY1 provides clarification on which types of development are acceptable in the countryside, such as a dwelling on a farm, a dwelling to meet the needs of a non agri-business, a dwelling based on personal and domestic circumstances, a replacement dwelling or if the site could be considered a small gap site within a substantial and built up frontage. In this instance the application is for a farm dwelling and therefore must be considered against Policy CTY10 of PPS21.</p>		

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can 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; and
- (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.

With respect to (a) it is considered that this policy criteria is met as the applicant has provided an Agricultural Business Identification number and received Single Farm Payments. Dard have been consulted and have confirmed that the farm business claims single farm payment, and the bus id has been in existence for more than 6 years.

With respect to (b) there are no records indicating that any dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within 10 years of the date of the application.

With respect to (c) it is noted that the application site is located over 50 metres away from the nearest building on the farm yard. The application proposes a new access onto the Thornhill road, alternative siting nearer to the existing farm yard would allow the site to use the existing access.

The applicant has stated on their P1C form that they have chosen this site as they do not want to limit future expansion of the farm holding, away from odour nuisance, as well as the other land has poor ground conditions.

With regards to this argument, point one regarding the expansion, the farm holding has agricultural fields on all sides so a single site would not limit expansion. Regarding point two, there are other options available within the holding which could be located adjacent to the farm, accessing off the existing laneway and would suffer no more from odour nuisance. And finally, regarding the ground condition, it is my opinion that there is very little if any difference in the ground condition of the fields surrounding the holding and this site at the end of the road.

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. CTY10 proposals, even if sited with existing buildings, are required to meet the integration requirements of Policy CTY13.

The site exhibits only a low level of boundary vegetation cover, with only a low cropped hedge along the road frontage and lane way, the bulk of the site is extremely open and exposed from the roadside, with long critical view from both directions. With the existing farm yard and buildings over 50 metres away to the rear they would not act as a backdrop, and there are definitely better sites available within the farm holding. It is my opinion that the site is too open and exposed and therefore would not have the capacity to absorb a dwelling at this location.

The application was advertised on 15.12.2016 and Neighbour Notifications were issued on 08.12.2016 however no representations were received in respect to this application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Contrary to PPS21 – Policies CTY10 and CTY13

Refusal Reasons

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 site is sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.

2. 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 would rely primarily on the use of new landscaping for integration.

Signature(s)

Date:

ANNEX	
Date Valid	1st December 2016
Date First Advertised	15th December 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 24 Thornhill Road, Lisnagleer, Pomeroy, Tyrone, BT70 3LW, The Owner/Occupier, 28 Thornhill Road Thornhill Glebe Pomeroy	
Date of Last Neighbour Notification	8th December 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: M/2007/0897/F Proposal: Removal of condition 5 from outline permission M/04/2016/0 Address: 140m North of 24 Thornhill Road, Dungannon Decision: Decision Date: 17.10.2007 Ref ID: M/2007/0106/F Proposal: Amendment of condition 5 in outline approval M/2004/2016/O and reduction of site area. Address: 140m North of 24 Thornhill Road, Dungannon. Decision: Decision Date: 09.07.2007 Ref ID: M/2004/2016/O Proposal: Proposed dwelling house Address: 140m North of 24 Thornhill Road, Dungannon Decision: Decision Date: 10.05.2005 Ref ID: M/1979/0673 Proposal: REPLACEMENT FARM DWELLING Address: LISNAGLEER, CARLAND, DUNGANNON Decision:	

Decision Date:

Ref ID: LA09/2016/1700/O

Proposal: Farm dwelling

Address: 100m North East of 28 Thornhill Road, Carland, Dungannon,

Decision:

Decision Date:

Summary of Consultee Responses

TNI, Env Health and DARD have been consulted and have responded with no objection.

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: LA09/2016/1811/F	Target Date:
Proposal: Removal of condition no 3 of planning permission LA09/2015/0885/F (in relation to visibility splays)	Location: Approx. 350m south of the Dale Farm complex 139 Moneymore Road Cookstown
Referral Route: Objection received	
Recommendation: APPROVAL	
Applicant Name and Address: Solar Farm DFD Ltd 7 Glenmore Manor Lisburn	Agent Name and Address: Strategic Planning 1 Pavilions Office Park Kinnegar Drive Hollywood BT18 9JQ
Signature(s):	

Case Officer Report		
Site Location Plan – Annex B		
Consultations: TNI		
Consultation Type	Consultee	Response
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	
<p>Characteristics of the Site and Area</p> <p>The condition to the removed relates to a site on Moneymore Road, Cookstown, which has approval for a solar farm under LA09/15/0885/F.</p> <p>There is also a current application in (LA09/16/1816/F) for ' extension to the existing vehicular lane to provide access to the approved Dale farm solar farm'. This utilises a current access. This application is also being recommended for approval.</p>		
<p>Description of Proposal</p> <p>Removal of condition no 3 of planning permission LA09/2015/0885/F (relating to Visibility splays)</p>		
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>SPPS & PPS3</p> <p>This application seeks to removal of a pre-commencement condition on the original Solar Farm approval, requiring the construction of the access before further development on the site. The application (and LA09/16/1816/F) appears to have been submitted in order to provide alternative access and overcome difficulties in achieving agreement between the land owners relating to the access on Lismoney Road.</p> <p>In relation to the serving of notice on all landowners of the approved solar farm and access LA09/2015/0885/f, the agent advised they had served notice on all landowners they were aware of at the time, and the objectors agent indicated they had no objection in principle to the solar farm and the unresolved issues related to the access only. Given this is the case, Dr.Boomer states the land owner has not been prejudiced from protecting his interests and it would not be expedient for the Council to take any further action.</p> <p>5.15 of PPS 3 AMP 2 states 'Whatever the type of access, good visibility is also essential for the safety and convenience of all road users. The Department will expect applicants to have control over the land required to provide the requisite visibility splays and ensure that they are retained free of any obstruction. A condition will normally be imposed requiring that no development shall</p>		

take place until the works required to provide access, including visibility splays, have been carried out'.

Transport NI have stated the removal of condition 3 of LA09/2015/0885/F will depend upon the MUDC decision on another application for an alternate access under LA09/2016/1816/F, which is also being recommended for approval.

The TAF submitted as part of LA09/2016/1816/F does address the main issues in respect of the existing access onto the A29 and TNI would be content to recommend approval subject to a condition requiring that the applicant agree a Traffic Management Plan with DfI Transport NI prior to commencement of any works.

MUDC are content to approve LA09/16/1816/F as an extension to the existing vehicular lane to provide access to the approved Solar Farm. This being the case, TNI would have no objection to approval subject to conditions stated above for the removal of the existing condition on LA09/16/0885/F.

Annex A is a letter of support and clarification from the applicant.

Approval is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

This condition can be removed, however a condition should replace it to ensure the alternative access approved under LA09/2016/1816/F is adhered to.

Conditions

1. The access and visibility splays on Lismoney Road will not need to be provided prior to commencement of the development of this solar farm, providing the alternative access on to the Moneymore Road is provided in accordance with stamped approved 01 dated 23 December 2016, ref LA09/2016/1816/F

Reason: In the interests of road safety.

2. All other conditions (excluding No.3) and informatives of LA09/2016/0885/F should be adhered to.

Reason: To ensure all conditions of the original approval are met.

Signature(s)

Date:

ANNEX	
Date Valid	22nd December 2016
Date First Advertised	12th January 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Riverside, Moneymore Road, Cookstown The Owner/Occupier, 103 Moneymore Road Ballymenagh Cookstown The Owner/Occupier, 12 Lismoney Road Lismoney Cookstown The Owner/Occupier, 131 Moneymore Road,Dunman,Cookstown,Londonderry,BT80 9UU, The Owner/Occupier, 133 Moneymore Road,Dunman,Cookstown,Londonderry,BT80 9UU, The Owner/Occupier, 135 Moneymore Road Dunman Cookstown The Owner/Occupier, 137 Moneymore Road Dunman Cookstown The Owner/Occupier, 139 Moneymore Road,Dunman,Cookstown,Londonderry,BT80 9UU, The Owner/Occupier, 17 Riverside, Cookstown The Owner/Occupier, 21 Lismoney Road,Lismoney,Cookstown,Londonderry,BT80 8RH, The Owner/Occupier, 26 Lismoney Road,Lismoney,Cookstown,Londonderry,BT80 8RH, The Owner/Occupier, 30 Lismoney Road,Lismoney,Cookstown,Londonderry,BT80 8RH, The Owner/Occupier, 35 Lismoney Road,Lismoney,Cookstown,Londonderry,BT80 8RH, The Owner/Occupier, 6 Riverside, Moneymore Road, Cookstown The Owner/Occupier, 7 Riverside, Moneymore Road, Cookstown The Owner/Occupier, 8 Riverside, Moneymore Road, Cookstown The Owner/Occupier, 9 Riverside, Moneymore Road, Cookstown Les Ross Ross Planning,Head Office,9a Clare Lane,Cookstown,BT80 8RJ The Owner/Occupier, Westmount Construction Ltd 15 Limekilm Lane Cookstown	

Date of Last Neighbour Notification	13th January 2017
Date of EIA Determination	
ES Requested	No
Planning History <p>Ref ID: LA09/2016/0468/PAN Proposal: Proposed gas pipeline to supply natural gas to west of Northern Ireland Address: High pressure (HP) gas transmission pipeline of approximately 80 kilometres in length between Portadown and Tullykenneye (just west of Fivemiletown). Intermediate pressure (IP) gas pipeline, approximately 100 kilometres in length from HP I Decision: Decision Date:</p> <p>Ref ID: LA09/2016/1811/F Proposal: Removal of condition no 3 of planning permission LA09/2015/0885/F Address: Approx. 350m south of the Dale Farm complex, 139 Moneymore Road, Cookstown, Decision: Decision Date:</p> <p>Ref ID: LA09/2016/1816/F Proposal: Extension of an existing vehicular lane to provide access to the approved Dale Solar Farm (LA09/2015/0885/F) Address: Dale Farm, Moneymore Road, Cookstown, Decision: Decision Date:</p> <p>Ref ID: LA09/2016/0758/PAD Proposal: Extension to existing dairy and factory to provide; an extension to production lines for cheese processing; additional cold storage warehousing; reconfiguration of dispatch bay; and relocation of powder store (approved under I/2013/0124/F) Address: Dale Farm Ltd, Dunman Bridge, 139 Moneymore Road, Cookstown, Decision: Decision Date:</p> <p>Ref ID: LA09/2016/1009/PAN Proposal: Proposed extension to existing dairy and factory to provide an extension to production lines for cheese processing ,additional cold storage warehousing, reconfiguration of dispatch bay and relocation of powder store (approved under I/2013/0124/F) Address: 138 Moneymore Road, Dunman Bridge, Cookstown, Decision: Decision Date:</p>	

Ref ID: LA09/2016/1650/F

Proposal: Extension of the existing Dale Farm dairy and factory facility at Dunman Bridge, Moneymore Road to provide; additional cold storage warehousing; reconfiguration of dispatch bay; new palletising line; and relocation of powder store (Approved under I/2013/0124/F)

Address: Lands at 139 Moneymore Road, Dunman Bridge, Cookstown,

Decision:

Decision Date:

Ref ID: I/2013/0362/F

Proposal: Proposed extension to existing factory including ground floor hygiene facilities and first floor office

Address: 139 Moneymore Road, Dunman, Cookstown,

Decision: PG

Decision Date: 25.03.2014

Ref ID: I/2014/0334/F

Proposal: Proposed replacement of existing chain boundary fence with new acoustic fence

Address: Dunman Factory, 139, Moneymore Road, Dunman, Cookstown,

Decision: PG

Decision Date: 04.06.2015

Ref ID: I/2012/0439/F

Proposal: Proposed storage tanks serving existing milk processing factory

Address: 139, Moneymore Road, Dunman, Cookstown,

Decision: PG

Decision Date: 21.01.2013

Ref ID: LA09/2015/0885/F

Proposal: Installation and operation of a 4.9MWp solar farm and associated infrastructure including photovoltaic panels, mounting frames, 3 no. control rooms, fencing pole mounted security cameras, underground and over ground electricity cables.

Address: Approx. 350m south of the Dale Farm complex, 139 Moneymore Road, Cookstown,

Decision: PG

Decision Date: 25.01.2016

Ref ID: LA09/2015/0676/PAD

Proposal: Solar Farm

Address: Dale Farm Factory, Moneymore Road, Cookstown,

Decision:

Decision Date:

Ref ID: I/2013/0200/F

Proposal: Proposed alterations to milk reception site including 6 no. new tanks, new water treatment/chilled water building and new switch room building. Proposed chemical compound to the rear of the existing main factory. Proposed 9 no. tanks to the rear of the existing main factory (adjacent to the existing CIP tanks). Retention of 5 no. tanks to the front of the main factory

Address: 139 Moneymore Road, Dunman, Cookstown,

Decision: PG

Decision Date: 12.06.2014

Ref ID: I/1993/6027

Proposal: Industrial Sites Cloghog Road Cookstown

Address: Cloghog Road Cookstown

Decision:

Decision Date:

Ref ID: I/2013/0124/F

Proposal: Proposed extension and alterations to existing powder store and dispatch at existing factory

Address: 139 Moneymore Road, Dunman, Cookstown BT80 9UU,

Decision: PG

Decision Date: 11.09.2013

Ref ID: I/2012/0449/F

Proposal: Proposed upgrade of existing drying facilities within existing cheese processing factory

Address: 139 Moneymore Road, Dunman, Cookstown BT80 9UU,

Decision: PG

Decision Date: 21.01.2013

Ref ID: I/2012/0376/A

Proposal: 1 no. wall mounted illuminated company logo in substitution of previously approved planning application I/2011/0399/A

Address: Dale Farm Ltd, 139, Moneymore Road, Dunman, Cookstown,

Decision: CR

Decision Date: 19.04.2013

Ref ID: I/2009/0371/F

Proposal: Free range hen house with associated feed bins

Address: Approx 100m WSW of 33 Lismoney Road, Cookstown

Decision:

Decision Date: 20.10.2009

Ref ID: I/2009/0097/F

Proposal: Free range hen house with associated feed bins
Address: Approx 270m NW of 33 Lismoney Road, Cookstown
Decision:
Decision Date: 15.05.2009

Ref ID: I/2000/0436/O
Proposal: Site for Farm Dwelling
Address: 200 M North of 33 Lismoney Road, Cookstown
Decision:
Decision Date: 01.03.2001

Ref ID: I/2012/0073/F
Proposal: Overhead commercial three phase line on wooden poles (10/15397)
Address: 33 Lismoney Road, Lismoney, Cookstown,
Decision:
Decision Date: 01.05.2012

Ref ID: I/1996/0277
Proposal: Site for dwelling
Address: LISMONEY ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2011/0399/A
Proposal: 1 no wall mounted non illuminated company logo
Address: Dale Farm Ltd, 139 Moneymore Road, Dunman, Cookstown,
Decision:
Decision Date: 06.04.2012

Ref ID: I/1976/0290
Proposal: ERECTION OF BRICK STORE FOR OIL, ACID AND DETERGENT
Address: MILK PRODUCTS FACTORY, DUNMAN BRIDGE, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1977/0406
Proposal: PUMPHOUSE AND FILTER ROOMS
Address: DUNMAN BRIDGE, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2012/0068/F
Proposal: Proposed 2 storey extension to existing factory
Address: 139 Moneymore Road, Dunaman, Cookstown,

Decision:
Decision Date: 08.06.2012

Ref ID: I/2006/0054/Q
Proposal: Feasibility Study on Wind Generation
Address: Dale Farm Cookstown factory
Decision:
Decision Date:

Ref ID: I/2007/0102/F
Proposal: Instalation of 4 new stainless steel tanks.
Address: 139 Moneymore Road, Cookstown, Co.Tyrone.
Decision:
Decision Date: 18.06.2007

Ref ID: I/1981/0210
Proposal: EXTENSION TO DAIRY EFFLUENT PLANT COMPRISING ONE CIRCULAR STEEL TANK ON
Address: 137 MONEYMORE ROAD, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1974/0001
Proposal: ERECTION OF SEWAGE WORKS TO TREAT FACTORY EFFLUENT
Address: DUNMANBRIDGE, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1975/0054
Proposal: TEMPORARY CHANGE OF USE FROM DWELLING TO OFFICE
Address: 137 MONEYMORE ROAD, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2004/1004/LDP
Proposal: refurbishment of powder bagging area (existing) to include new floors ceilings, partition walls & insulated panels to segregate existing area into two different hygiene areas - include for repositioned & new equipment
Address: Dunman Factory, 139 Moneymore Road, Cookstown
Decision:
Decision Date:

Ref ID: I/2006/1037/LDP

Proposal: Installation of additional items of cheese processing equipment and the upgrade of associated process control system. 2No additional cats. 2No additional block foaming machines & conveyor extension. Control system for the above upgraded equipment

Address: Dunman Factory, 139 Moneymore Road, Cookstown

Decision:

Decision Date:

Ref ID: I/1987/0033

Proposal: REPLACEMENT MILK EVAPORATING PLANT

Address: DUNMAN MILK MARKETING BOARD FACTORY, 139 MONEYMORE ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1989/0461

Proposal: Replacement Steel Chimney

Address: DUNMANBRIDGE FACTORY 139 MONEYMORE ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1974/0087

Proposal: ERECTION OF AMENITIES BUILDING

Address: MILK PRODUCTS FACTORY, DUNMENBRIDGE, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1999/0020

Proposal: Construction of electrical transformer room

Address: 139 MONEYMORE ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1998/0154

Proposal: Extension to factory to provide evaporator plant

Address: DROMONA QUALITY FOODS LTD DUNMAN FACTORY 139 MONEYMORE ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1993/0400

Proposal: Storage extension to cheese factory to include loading facilities

Address: DUNMAN FACTORY, 139 MONEYMORE ROAD, COOKSTOWN.

Decision:

Decision Date:

Ref ID: I/1998/0296

Proposal: Wet Scrubber and Flue

Address: DUNMAN FACTORY 139 MONEYMORE ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1998/4052

Proposal: Proposed Electrical Switch Room

Address: 139 MONEYMORE ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2002/0402/F

Proposal: Proposed masonry wall to replace chainlink fence

Address: DunmanBridge Factory, 139 Moneymore Road, Cookstown

Decision:

Decision Date: 12.09.2002

Ref ID: I/1987/0359

Proposal: STEEL STRUCTURE FOR STORAGE

Address: MONEYMORE ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2009/0559/F

Proposal: Roof alteration to main factory building.

Address: 139 Moneymore Road, Cookstown, Co Tyrone, BT80 944

Decision:

Decision Date: 27.11.2009

Ref ID: I/2009/0186/F

Proposal: Roof alteration to main factory to accommodate installation of modern production equipment and the installation of 2 no additional storage tanks

Address: 139 Moneymore Road, Cookstown, Co Tyrone, BT80 944

Decision:

Decision Date: 10.07.2009

Ref ID: I/1999/0377

Proposal: 11KV Interconnector

Address: LOCATED IN THE TOWNLANDS OF DRUMGARRELL, LISMONEY IN THE DISTRICT OF COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1997/0397

Proposal: Chemical Storage Compound

Address: 141 MONEYMORE ROAD COOKSTOWN

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 01

Type: Site & Detailed Drawings

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

Our ref. C03616
Your ref. LA09/2016/1816/F

21st March 2017

Mr Chris Boomer
Planning Manager
Mid Ulster Local Planning Office
Mid Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Dear Chris,

**EXTENSION OF AN EXISTING VEHICULAR LANE TO PROVIDE ACCESS INTO THE
APPROVED DALE SOLAR FARM (LA09/2015/0885/F)**

I refer to your correspondence dated 13th March regarding the above application. The following comments are made in relation to the two matters raised:

1. *Certificate of Ownership for the Approved Solar Farm (LA09/2015/0885/F)*

A Certificate of Ownership constitutes a statement of ownership and not a proof of ownership. In accordance with Section 42 of the Planning Act (NI) 2011, the planning authority must not entertain an application for planning permission unless it is accompanied by a certificate of ownership.

A completed certificate of ownership accompanied the approved solar farm planning application LA09/2015/0885/F. Certificate C was completed and notice was served on all listed landowners. The applicant believed that the names listed in Certificate C covered all of the relevant persons. The planning application was publicly advertised in the local newspaper and neighbours were notified. As such, there was ample opportunity for anyone to challenge the notice during the processing of the application. However, no persons came forward and your office rightfully continued to entertain the application, and subsequently, issued a decision notice.

Whilst two landowners – Mr Greer and Mr Millar - have since come forward to imply that they own the original access lane, their appointed consultant Ross Planning has made it clear that his clients have no issue with the principle of the solar farm and are purely interested in striking a deal on use of the original access. We understand Mr Greer owns the farm at 33 Lismoney Road while Mr Millar resides at 26 Lismoney Road. Both addresses were listed on the neighbour notification part of the original application form.

In light of the above, no prejudice has been caused to any third parties during the processing of the original application. The Certificate of Ownership was clearly a true statement at that time.

2. Access from Dale Farm

The Dale Farm creamery is accessed from the A29 Moneymore Road which is designated as 'other dual carriageway'. Dale Farm accesses this part of the road within the settlement limit of Dunman. PPS21 relates to policies for development in the countryside, and so, the category referred to in PPS21 Annex 1 is not relevant as it relates to "Other Protected Routes – Outside Settlement Limits". Hence, there is no policy requirement under this application to direct the access to an adjacent minor road.

In Policy AMP 3 of PPS 3, the category titled "Other Dual Carriageways, Ring Roads, Through-Passes and By-Passes – All locations" is applicable.

Policy AMP 3 states that for an existing access, planning permission will only be granted for a development proposal involving intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance. Hence, any intensification of the existing access will only be granted in exceptional circumstances or where the proposal is of regional significance. Should there not be any intensification, then there is no need to demonstrate that the proposal is one of exceptional circumstances or of regional significance.

As per your letter, intensification is considered to occur where a proposed development would increase the traffic flow using an access by 5% or more. Construction traffic will be managed by a traffic management plan via a suitably worded planning condition. The traffic management plan can be agreed to ensure construction traffic numbers are below the 5% threshold. During the operation of the solar farm, there will be one van per month to inspect the site, which is well below the 5% threshold.

We also note that one of the planning committee members referred to future plans for an expansion of the Dale Farm creamery. An application is pending for the extension of the existing Dale Farm dairy and factory facility (LA09/2016/1650/F). Our traffic consultant has reviewed the application and remains of the opinion that the 5% threshold will not be exceeded during the operational phase. As such, the proposal is compliant with Policy AMP3 of PPS3.

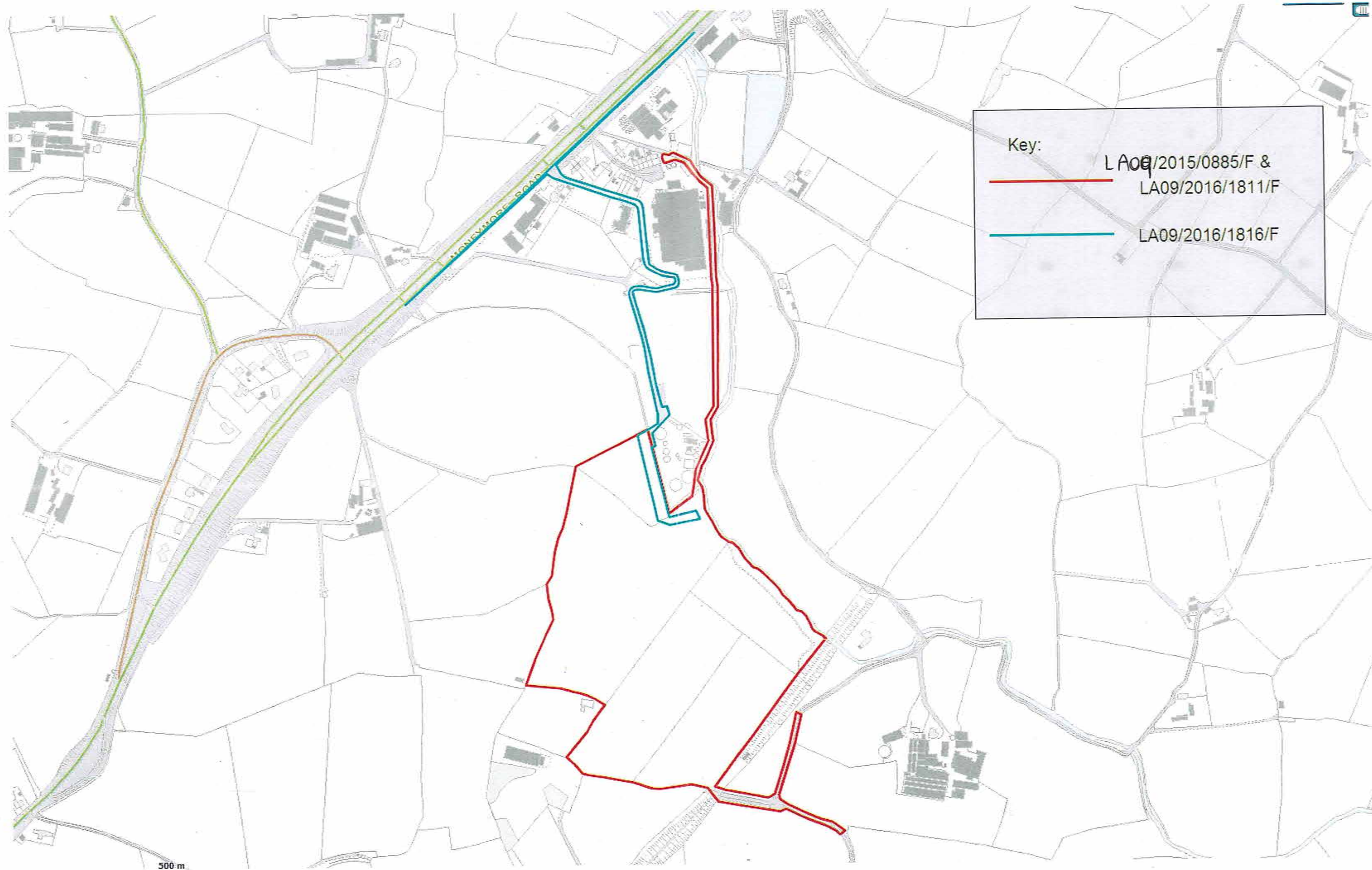
Finally, post-planning permission it typically takes greater than twelve months to develop and execute a project including the undertaking of legal, financial, construction and commissioning of the development. Hence, should a decision on the applications be delayed any further, there is a genuine risk of the project not going ahead given the short window remaining to achieve the Renewable Obligations Certificate.

Whilst we would be grateful if the above points could be taken into account in advance of the next planning committee meeting, we would welcome a positive decision reached on both applications at the April committee to avoid any potential risk to the commissioning of the solar farm.

Yours sincerely,



Strategic Planning





Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0035/O	Target Date:
Proposal: Infill/Gap Site for Dwelling (ridge height 6.5m) and Domestic Garage based on Policy CTY8	Location: Adjacent to 231 Shore Road Ballymaguigan Magherafelt
Referral Route: Conflict with Policy – Deemed as an exception	
Recommendation:	APPROVE
Applicant Name and Address: Mr Adrian Martin 8a Waterfoot Road Ballymaguigan Magherafelt BT45 6LF	Agent Name and Address: CMI Planners Ltd Unit C5 80-82 Rainey Street Magherafelt BT45 5AJ
Executive Summary: Conflict with policy. Recommendation to approve.	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI – Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water – Single Units West – Planning Consultations	No Objection

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

Conflict with Magherafelt Area Plan 2015 – deemed as an exception.

Characteristics of the Site and Area

The site is located just outside the settlement limits of Ballymaguigan, therefore located be within the open countryside as defined by the Magherafelt Area Plan 2015. Ballymaguigan settlement limit is divided into three separate areas; the site abuts the central section of the development limit. The site is relatively flat and is bounded by hedging along the laneway and western and eastern boundaries, with the northern boundary being defined by mature trees and hedging. The area is defined by mixed uses, with residential and agricultural in the immediate setting with a school and GAA grounds in close proximity.

Representations

There were seven notification letter were sent out however no representations were received on this application.

Description of Proposal

This is an outline application for an infill and detached garage, located at lands adjacent to No. 231 Shore Road Ballymaguigan.

Planning Assessment of Policy and Other Material Considerations

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21 Sustainable Development in the Countryside

The application is for an infill dwelling and garage. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development in the countryside is controlled under the provisions of the SPPS and PPS 21 Sustainable Development in the countryside.

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'.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

In reviewing the proposed site it has been agreed that the site is only capable to accommodate a maximum of two dwellings in which only dwelling has been applied for. Under CTY 8 this application is relying on buildings on the urban edge, within the settlement limits to form part of the continuous and substantial built up frontage. This policy applies to development in the countryside and so to use the buildings to the west of the site, which are within the settlement limits, would not comply with it. The settlement limits were designated to protect urban sprawl

into the countryside. However this case shares similarities with a case in Moortown (LA09/2015/1163/O) which put forward an alternative argument that the proposal would do little to change the character of the rural character nor did it cause urban sprawl and is contained within one gap which was agreed by the Planning Committee. Similarly to this case the same argument could be applied, it is contained within one gap, it will not result in urban sprawl as Nos 233 and 235 will provide an urban edge and finally it will not have adverse impact on the rural character. On balance and discussions with the planning manager that this even though this is not acceptable under CTY 8 that it can be deemed as an exception in that it rounds off the settlement limit.

The proposed development must also comply with policies CTY 13 and 14, in that CTY 13 states that the proposed development is able to visually integrate into the surrounding landscape and be of appropriate design. As mentioned the proposed site benefits from existing vegetation on all boundaries which should be retained as much as possible however it is felt necessary to request a programme of works for landscaping to ensure integration. As this is an outline application only an approximate location has been identified but no design or size identified this will be a matter for the "reserved matters" application. In the P1 form the applicant has applied for a dwelling with a ridge height of 6.5m which I find acceptable as it is reflective of the area.

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. As the site benefits from existing vegetation on all boundaries and the relative flat nature of the existing ground I feel that the development will not be unduly prominent in the landscape. The development will not result in a suburban style of build-up of development when viewed with the existing development as the development is located in a gap site. As a result, it is my opinion that the local landscape has the capacity to absorb further development in this location. Despite the concerns regarding the settlement lines in this location it is felt that the development is still able to respect the traditional pattern of settlement exhibited in the local area.

CTY 15 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. In terms of the proposal as it is located down an existing laneway and the fact the laneway ends with No 235 it is clear that the proposal will not result in urban sprawl. As mentioned the proposal does not mar the distinction between the settlement limit and countryside, rather as agreed it rounds off the settlement limit. As a result I am content that the proposal complies with CTY 15.

Consultations were also sent to Transport NI, NI Water and Environmental Health however all have returned with no objection subject to conditions and informatives.

I have no flooding, ecological or residential amenity concerns.

On balance, as this is deemed as an exception, I recommend approval for this application.

Neighbour Notification Checked	Yes
---------------------------------------	------------

Summary of Recommendation:
Approval - brought forward to committee
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 the 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. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

4. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development hereby approved at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time their removal. All landscaping shall take place within the first planting season after the commencement of the development.

Reason: In the interests of visual amenity.

5. The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development is not prominent and satisfactorily integrated into the landscape.

6. The depth of the underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

2. This permission authorises only private domestic use of the [proposed garage/premises] and does not confer approval on the carrying out of trade or business therefrom.

3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing

legislation as may be administered by the Council or other statutory authority.

5. The applicant's attention is drawn to the attached information note from Northern Ireland Water.

6. The applicant's attention is drawn to the attached information note from Environmental Health.

Signature(s)

Date:

ANNEX	
Date Valid	10th January 2017
Date First Advertised	26th January 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 233 Shore Road Ballymaguigan Ballyronan The Owner/Occupier, 235 Shore Road Ballymaguigan Ballyronan The Owner/Occupier, 235A Shore Road Ballymaguigan Ballyronan The Owner/Occupier, 235b Shore Road, Ballymaguigan, Ballyronan, Magherafelt, Londonderry, BT45 6LL The Owner/Occupier, 237 Shore Road Ballymaguigan Ballyronan The Owner/Occupier, 237A Shore Road Ballymaguigan Ballyronan The Owner/Occupier, 237B Shore Road Ballymaguigan Ballyronan	
Date of Last Neighbour Notification	19th January 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0035/O Proposal: Infill/Gap Site for Dwelling (ridge height 6.5m) and Domestic Garage based on Policy CTY8 Address: Adjacent to 231 Shore Road, Ballymaguigan, Magherafelt, Decision: Decision Date: Ref ID: H/2002/0810/F Proposal: Replacement Dwelling and Garage Address: 233A Shore Road, Ballymaguigan Decision: Decision Date: 16.10.2002	

Ref ID: H/2004/1070/F
Proposal: Extension and Renovations to Dwelling.
Address: 231 Shore Road, Ballyronan.
Decision:
Decision Date: 25.11.2004

Ref ID: H/1998/0425
Proposal: DWELLING
Address: ADJACENT TO 237A SHORE ROAD BALLYMAGUIGAN
Decision:
Decision Date:

Ref ID: H/1997/0146
Proposal: SITE OF DWELLING
Address: ADJ TO 237A SHORE ROAD BALLYGUIGAN MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1995/0536
Proposal: BUNGALOW AND GARAGE
Address: ADJ 237 SHORE ROAD BALLYMAGUIGAN
Decision:
Decision Date:

Ref ID: H/1988/0575
Proposal: SITE OF DWELLING
Address: ADJ TO 237 SHORE ROAD BALLYMAGUIGAN MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/2001/0110/RM
Proposal: Dwelling and Garage
Address: Shore Road Ballyronan
Decision:
Decision Date: 21.03.2001

Ref ID: H/2000/0759/O
Proposal: Site of dwelling and garage
Address: behind 235 Shore Road, Ballyronan
Decision:
Decision Date: 25.01.2001

Ref ID: H/1973/0162
Proposal: LV/MV O/H LINE (C.2151)

Address: BALLYMAGUIGAN, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2006/0073/RM

Proposal: Dwelling & Garage.

Address: 50m NE of 237 Shore Road, Ballyronan.

Decision:

Decision Date: 19.05.2006

Ref ID: H/2004/0394/O

Proposal: Site of dwelling and garage.

Address: 50m NE of 237 Shore Road, Ballyronan.

Decision:

Decision Date: 21.12.2005

Ref ID: H/1994/0567

Proposal: SITE OF DWELLING

Address: BEHIND 237 SHORE ROAD BALLYMAGUIGAN

Decision:

Decision Date:

Ref ID: H/2000/0776/Q

Proposal: Site for dwelling

Address: Adjacent to 225 Shore Road Ballyronan

Decision:

Decision Date:

Ref ID: H/2001/0142/F

Proposal: Car Park

Address: St Treas Primary School 225 Shore Road Ballyronan

Decision:

Decision Date: 13.04.2001

Ref ID: H/1974/0410

Proposal: SECTIONAL PRE-FABRICATED DWELLING

Address: SHORE ROAD, BALLYRONAN, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1977/0026

Proposal: NON-SUBSIDY BUNGALOW

Address: SHORE ROAD, BALLYRONAN

Decision:

Decision Date:

Ref ID: H/2006/0517/F

Proposal: Extension to school together with provision of disabled passenger lift and associated works

Address: St. Trea's Primary School, 225 Shore Road, Ballyronan, Magherafelt

Decision:

Decision Date: 18.09.2006

Ref ID: H/2014/0014/F

Proposal: The erection of a double mobile classroom with associated wc, storage, LPG compound and new 6m high fence along the boundary of the existing car park

Address: 225 Shore Road, Ballyronan, Magherafelt,

Decision: PG

Decision Date: 18.03.2014

Ref ID: H/1994/6141

Proposal: SITE OF DWELLING 34 CORRICK ROAD STRAW DRAPERSTOWN

Address: 34 CORRICK ROAD

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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: LA09/2017/0039/O	Target Date:
Proposal: Reposition of previously approved planning permission for replacement dwelling for the lands to the west of 12 Drumnacannon Road, Kilrea BT46 5TD, so supersede previous approval H/2014/0161/O	Location: Lands 85m West of 12 Drumnacannon Road Upperlands Maghera
Referral Route: Refusal Recommended – Contrary to CTY 13 and CTY 14 of PPS 21	
Recommendation:	REFUSE
Applicant Name and Address: Ian and Heather Millar 12 Tamlaght Road Kilrea BT51 5UL	Agent Name and Address: Gerard McPeake Architectural Ltd 31a Main Street Limavady BT49 0EP
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water – Single Units West – Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Transport NI – Enniskillen Office	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

Summary of Issues

Contrary to CTY 13 and CTY 14 of PPS 21.

Characteristics of the Site and Area

The site is located 85m west of 12 Drumnacannon road, Kilrea, outside the settlement limit of both Kilrea and Upperlands and defined to be within the open countryside as per Magherafelt Area Plan 2015. The site proposes to use the existing access however with alterations to this access. The western and southern boundaries are undefined as the site is located within a corner of a larger agricultural field, with the eastern boundary being defined by post and wire fencing with mature hedging. The northern boundary remains relatively undefined, there are some scattering of trees which have been cut to approximately 1m in places. The site falls from the north to south. The surrounding area is predominately agricultural uses with a scattering of residential dwellings.

Worth noting that on inspection of the dwelling that the building due to be replaced in both approvals H/2014/0161/ and H/2013/0007/O appears to since been demolished as no evidence of a dwelling existed.

Representations

There was only one neighbour notification sent out however no representations were received on this application.

Relevant planning history

H/2014/0161/O – Off site replacement dwelling and new access (in substitution of previously approved replacement dwelling H/2013/0007/O). – Approved 23/09/2014

H/2013/0007/O – Replacement dwelling and garage on site of disused dwelling, with access and splay onto adjacent lane. – Approved 31.05/13.

Description of Proposal

This is an outline application for the repositioning of the previously approved replacement approved under H/2014/0161/O at the site west of 12 Drumnacanon road, Kilrea.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21 Sustainable Development in the Countryside

CTY 3 – Replacement Dwellings

CTY 13 – Integration and Design of Buildings in the Countryside; and

CTY14 – Rural Character

PPS 3 – Access, Movement and Parking

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'.

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 area acceptable in the countryside. In this instance the application is for a replacement dwelling and as a result the development must be considered under CTY 3 of PPS 21. However the principle of development has already been established through the approval of H/2014/0161/O. Despite this the development must still comply with policies CTY 3, 13 and 14 of PPS 21. In terms of CTY 3 it is felt that the proposed new location will have a significantly greater visual impact than that of the dwelling that is to be replaced, from this it fails under CTY 3 as a result.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is only an outline application the design and exact siting have not been identified. However it is felt that due to its landform that a dwelling on this site would be quite prominent in the landscape and will require heavily on new landscaping to ensure integration. The removal of the tree boundary between the previously approved site and this application site has been fatal to the ability of a dwelling to achieve a satisfactory degree of integration and avoid undue prominence. From this I feel that the application fails to meet this criteria of CTY 13

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. Again it is felt that the proposed development in its current location will be unduly prominent in the landscape and would adversely impact on the rural character of the area. There are no underlining reasons in to why the site is required to be brought forward from what was previously approved under H/2014/0161/O. From this the application also fails to meet the criteria of CTY 14.

The applicant can still proceed to submit a reserved matters application on the previous approval site having secured this under H/2014/0161/O

PPS 3 – Access, Movement and Parking;

Transport NI stated that they had no objection subject to conditions and informatives.

Consultations were sent to Environmental Health, NI Water, and all responses were received with no objection subject to conditions and informatives.

As the proposal has failed to demonstrate how it complies with policies CTY 13 and 14 of PPS 21, therefore I recommend refusal.

Neighbour Notification Checked	Yes
Summary of Recommendation:	
Refusal	
Reasons for Refusal:	
<p>1. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed building is a prominent feature in the landscape; the proposed building relies primarily on the use of new landscaping for integration; and therefore would not visually integrate into the surrounding landscape.</p> <p>2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable</p>	

Development in the Countryside in that: the (building) would, if permitted, be unduly prominent in the landscape; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

3. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the chosen site will result in any future dwelling having a significantly greater visual impact than the existing building.

Signature(s)

Date:

ANNEX	
Date Valid	11th January 2017
Date First Advertised	26th January 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Drumnacanon Road Killymuck Glebe Upperlands	
Date of Last Neighbour Notification	19th January 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0039/O Proposal: Relocation of existing dwelling 30m West from current position at Drumnacannon Road Address: Lands 85m West of 12 Drumnacannon Road, Upperlands, Maghera, Decision: Decision Date: Ref ID: H/2003/0382/F Proposal: Extension To Dwelling Address: 10 Drumnacanon Road, Upperlands, Maghera. Decision: Decision Date: 24.07.2003 Ref ID: H/1994/0530 Proposal: SITE OF REPLACEMENT BUNGALOW Address: ADJ TO 10 DRUMNACANNON ROAD UPPERLANDS Decision: Decision Date: Ref ID: H/2014/0161/O Proposal: Off Site Replacement Dwelling and New Access (in Substitution of previously approved replacement dwelling H/2013/0007/O)	

Address: Lands 101m West of 12 Drumnacannon Road, Kilrea,
Decision: PG
Decision Date: 23.09.2014

Ref ID: H/2013/0007/O

Proposal: Replacement dwelling and garage on site of disused dwelling, with access and
splays onto adjacent lane

Address: 100m North West of 12 Drumnacanon Road, Upperlands, Maghera, BT46
5TD.,

Decision: PG

Decision Date: 31.05.2013

Ref ID: LA09/2015/0994/F

Proposal: Proposed replacement dwelling and garage

Address: Approx 30m East of 10 Drumnacanon Road, Upperlands, Maghera,

Decision: PG

Decision Date: 17.10.2016

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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: LA09/2017/0040/O	Target Date:
Proposal: Proposed two storey dwelling and garage	Location: Site adjacent to Maghera Granite Works and Showroom 20 Falgortrevy Road Maghera
Referral Route: Refusal Recommended – Contrary to CTY 1, CTY7, CTY 8, CTY 13 and CTY 14 of PPS 21.	
Recommendation:	REFUSE
Applicant Name and Address: Matthew O'Kane Maghera Granite 20 Falgortrevy Road Maghera BT46 5JW	Agent Name and Address: Brian Baird Architect 10 Fermoyale Drive Coleraine BT51 3JW
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI – Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water – Single Units West – Planning Consultations	No Objection

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

Refusal recommended - Contrary to CTY 1, 7, 8, 13 and 14 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 325m south east of the settlement of Glen and approximately 1.1km south west of Maghera in the open countryside as defined by the Magherafelt Area Plan 2015. The site is located in the front half of a large agricultural field, adjacent to Maghera Granite works and showroom. The northern, western and southern boundary are defined mature hedging whilst the eastern is defined by an area of hardstanding with materials and storage containers belonging to Maghera Granite. The immediate locality is characterised by residential development and agricultural uses predominately with Maghera Granite adjacent.

Representations

There were two notification letters sent out however no representations were received on this application.

Description of Proposal

This is an outline application for a two storey dwelling and garage located at the site adjacent to Maghera Granite Works and Showroom located at 20 Falgortrevy Road, Maghera. In the Design and Access statement the applicant intends for the house to be considered under Regional Planning Policy HOU 11 however the provisions of PPS 21 takes precedence over this policy therefore the application will be considered under CTY 7.

Planning Assessment of Policy and Other Material Considerations

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21 Sustainable Development in the Countryside

This application was originally asked to be considered under Regional Planning Policy HOU 11 however the provisions of PPS 21 takes precedence over this policy and therefore the dwelling and garage will be considered under policy CTY 7. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development in the countryside is controlled under the provisions of the SPPS and PPS 21 Sustainable Development in the countryside.

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'.

Policy CTY 7 states that the planning permission will be granted for a dwelling in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work. CTY7 goes on to state that where such a need is accepted the dwelling house will need to be located beside, or within, the boundaries of the business enterprise and integrate with the

buildings on the site. Planning permission granted under this policy will be subject to a condition restricting occupation of the dwelling for the use of the business.

The applicant put forward the argument that the proposed dwelling is necessary due to the present owners Mr and Mrs O'Kane who live in the adjacent dwelling, are preparing for retirement due to ill health wherein their son who the dwelling is to be for will take over the business. The agent states that the business requires continual immediate on-site oversight which is currently during its extended daily long hours of operation which is being done by Mr and Mrs O'Kane. Therefore the proposed dwelling is to accommodate their son Matthew and his family to allow him to take over the business and provide the necessary on-site oversight. The main concerns with this proposal is in conducting a review of the operating hours, Maghera Granite website states that the latest they open is at 8pm on a Thursday wherein it is usually to 5pm whilst being closed on Sundays, making the argument for on-site oversight during its daily extended operating hours questionable. This in addition with the fact the site is located only approximately 325m from the settlement of Glen and 1.1km of Maghera therefore begs the question why the son could not live within one of these settlements and a satisfactory need. In addition no indication has been provided as to where the son currently resides. On balance of the policy and discussions with the principal planner, the applicant has failed to show a need for a house to be located in this location. Given the housing opportunities in two nearby settlements and the fact the operating hours do not appear to be beyond that of normal operating hours for this type of business. No evidence has been submitted to demonstrate why the applicant cannot consider a nearby settlement, from this I deem the application to fail under CTY 7 of PPS 21 for these reasons.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. This application also fails under this policy as any development approved within the red line would be seen to add to the ribbon of development created by Nos. 20, 21 and 22, in that the gap is too big and would be able to accommodate more than a maximum of two dwellings.

The proposal must comply with CTY 13 which states that the proposed development is able to visually integrate into the surrounding landscape and of appropriate design. As the application is an outline therefore the design has not been identified however the applicant has indicated proposed siting of the dwelling and garage and confirmed that the dwelling is to be two storey. The site is relatively flat but does have a rich mature hedging along the northern, western and southern boundary which will provide some enclosure and a backdrop. However I feel a two storey dwelling in this location would appear too prominent and only a single storey or storey and a half would be deemed as acceptable.

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. As stated I hold the belief that due to the flat nature of the site that a two storey dwelling would appear unduly prominent in the landscape. The proposed development will not result in a suburban style of development when viewed with the existing buildings however it will create a ribbon of development which is deemed as unacceptable. It is my opinion that the proposed development fails both CTY 13 and CTY 14 due to visual prominence.

Consultations were also sent to Transport NI, NI Water and Environmental Health however all have returned with no objection subject to conditions and informatives.

I have no flooding, ecological or residential amenity concerns.

On balance, the proposal fails with the policy requirements of PPS 21, therefore I recommend refusal for this development.

Neighbour Notification Checked	Yes
Summary of Recommendation:	
Refusal	
Conditions/Reasons for Refusal: <ol style="list-style-type: none"> 1. The proposal is contrary to Policies CTY1 and CTY7 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 there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work. 2. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Falgortrevy Road, and does not represent a gap site. 4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and that the (building) would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside. 5. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape. 	
Signature(s)	
Date:	

ANNEX	
Date Valid	11th January 2017
Date First Advertised	26th January 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 20 Falgortrevy Road Fallagloon Maghera The Owner/Occupier, 21 Falgortrevy Road, Fallagloon, Maghera, Londonderry, BT465JW	
Date of Last Neighbour Notification	19th January 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0040/O Proposal: Proposed two storey dwelling and garage Address: Site adjacent to Maghera Granite Works and Showroom 20 Falgortrevy Road, Maghera, Decision: Decision Date: Ref ID: H/1982/0294 Proposal: SITE OF DWELLING HOUSE Address: FALGORTREVY ROAD, FALGORTREVY, MAGHERA Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 01
Type: Site Location Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

B

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2016/0648/O	Target Date: <add date>
Proposal: Replacement Dwelling	Location: Approx. 100 m north of 102 Glassdrummond Road Aughnacloy
Applicant Name and Address: Mr Jason Stinson 102 Glassdrummond Road Aughnacloy BT69 6DE	Agent name and Address: Gibson Design & Build 25 Ballinderry Bridge Road Coagh BT80 0BR
Summary of Issues: No buildings exist on the site that meet the essential characteristics of a dwelling and a farming case has not been substantiated.	
Summary of Consultee Responses: TNI – access to meet appropriate standard	
Characteristics of the Site and Area: Characteristics of Site/Area The application site is located at a very remote location within open countryside as identified in the Dungannon & South Tyrone Area Plan 2010. The site is accessed from Glassdrummond Road through a gated entrance to an agricultural field and is located some 90.0m from the road at an elevated position. The site contains a small shed and there are the remnants of another building, the part of two walls, nearby.	
Description of Proposal Description of Proposal The applicant seeks consent for a replacement dwelling in lieu of the existing building on site.	

Deferred Consideration:

Members are advised that following a deferral of this application in September 2016 a meeting was convened with the applicant to explore the merits of the case and if any opportunities in support of a dwelling under other policies could be considered.

It is quite clear there is no dwelling existing that could be replaced, there is one intact building on the site which has a corrugated iron roof and block built walls. Inside the building is set out with 2 stalls and it is clear the height of the window was not for domestic purposes. This building does not exhibit the essential characteristics of a dwelling.

2 walls of another building remain on the site, it was stone built with brick dressing around the window opening in the remaining gable wall. The internal arrangements of the building also has 2 stalls and this building does not have the essential characteristics of a dwelling and it is not substantially intact. Members should note there is no dwelling here to be replaced.

At the office meeting, discussions revolved around the possibility of a dwelling on a farm and the agent and applicant were asked to submit additional information to allow further consideration of a case under Policy CTY10. Despite a request in December 2016 and again in February 2017 no information was presented to further this case. I am therefore unable to consider a dwelling on the farm as being acceptable.

Therefore a recommendation to refuse planning permission is being presented to the committee.

Reasons for Refusal:**Refusal Reasons**

1. The proposal site does not benefit from having a building which exhibits the essential characteristics of a dwelling which is substantially intact and as such a replacement dwelling on the site would be contrary to guidance contained in policy CTY3 "Replacement Dwellings" of PPS21.
2. 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 farm business is currently active and has been established for at least six years and other dwellings or development opportunities have not been sold off from the farm holding within 10 years of the date of the application.

Signature(s):**Date**



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer:	
Emma McCullagh	
Application ID: LA09/2016/1816/F	Target Date:
Proposal: Extension of an existing vehicular lane to provide access to the approved Dale Farm Solar Farm (LA09/2015/0885/F)	Location: Dale Farm Moneymore Road Cookstown
Applicant Name and Address: Solar Farm DFD Ltd 7 Glenmore Manor Lisburn	Agent name and Address: Strategic Planning 1 Pavilions Office Park Kinnegar Drive Holywood BT18 9JQ
Summary of Consultee Responses:	
TNI have provided clarification on their consultation response that no relevant policy has been breached.	
Characteristics of the Site and Area:	
<p>The site is in a rural location, located approx 350m south of the Dale Farm complex on Moneymore Road, Cookstown. The access leads to a site that has approval for a solar farm under LA09/16/0885/F.</p> <p>The previously approved access is approx 90m east of the existing access to be used as part of this proposal. The existing entrance site access to be used is adjacent to 137 Moneymore Road, and there is an existing connecting road to the approved site. Existing Visibility splays are shown of 4.5 m x 295m.</p>	

Description of Proposal

Extension of an existing vehicular lane to provide access to the approved Dale farm Solar Farm (LA09/2015/0885/F)

Deferred Consideration:

Folwing the presentation of this application as an Approval to Committee in February, it was deferred to clarify a number of issues raised at the meeting.

A letter was sent to the objector and agent from the Area Planning Manager on 13 March 2017 expressing his views on the relevant issues;

- In relation to the serving of notice on all landowners of the approved solar farm and access LA09/2015/0885/f, the agent advised they had served notice on all landowners they were aware of at the time, and the objectors agent indicated they had no objection in principle to the solar farm and the unresolved issues related to the access only. Given this is the case, Dr.Boomer states the land owner has not been prejudiced from protecting his interests and it would not be expedient for the Council to take any further action.

- The objector has the view that the new access route in LA09/2016/1816/F represents an intensification onto a protected route and should not be permitted in light of the alternative access approved under LA09/2016/0885/F. Policy PPS3 - AMP3 clearly shows this a dual carriageway and that planning permission will only be granted for an intensification of an existing access in exceptional circumstance or where the proposal is of regional significance. As set out in Paragraph 1.2 of DCAN 15, intensification is considered to occur when a proposed development would increase traffic flow using an access by 5% or more. Transport NI in response to the query, have confirmed they assessed the application under both PPS3 AMP3 and its consequential revision in Annex 1 to PPS21 and found that neither of the policies were breached because the number of trips by the proposed solar farm did not exceed the 5% threshold after the construction phase. During the construction phase they recommend a condition requiring traffic management. It should be noted that Annex 1 relates to protected routes other than motorways, dual carriage ways, ring roads, through passes and by-passes outside settlement limits.

Both parties were given until 21 March to make comments on the letter. Annex A is a letter of support and clarification from the applicant, agreeing the proposal is in compliance with PPS3.

Accordingly the application is recommended for Approval.

Conditions

1. The access and visibility splays here by approved in stamped dated 01 dated 23 Dec 2016, shall be in place prior to the commencement of development of approval LA09/2016/0885/F.

Reason: In the interests of road safety.

2. A detailed programme of works and an associated traffic management plan shall be submitted to and agreed by DfI Transport NI, prior to the commencement of any element of road works. The plan shall be submitted to Traffic Section (Mid Ulster Council Area), Co. Hall, Drumragh Avenue, Omagh, BT79 7AF.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

Signature(s):

Date

Our ref. C03616
Your ref. LA09/2016/1816/F

21st March 2017

Mr Chris Boomer
Planning Manager
Mid Ulster Local Planning Office
Mid Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Dear Chris,

**EXTENSION OF AN EXISTING VEHICULAR LANE TO PROVIDE ACCESS INTO THE
APPROVED DALE SOLAR FARM (LA09/2015/0885/F)**

I refer to your correspondence dated 13th March regarding the above application. The following comments are made in relation to the two matters raised:

1. *Certificate of Ownership for the Approved Solar Farm (LA09/2015/0885/F)*

A Certificate of Ownership constitutes a statement of ownership and not a proof of ownership. In accordance with Section 42 of the Planning Act (NI) 2011, the planning authority must not entertain an application for planning permission unless it is accompanied by a certificate of ownership.

A completed certificate of ownership accompanied the approved solar farm planning application LA09/2015/0885/F. Certificate C was completed and notice was served on all listed landowners. The applicant believed that the names listed in Certificate C covered all of the relevant persons. The planning application was publicly advertised in the local newspaper and neighbours were notified. As such, there was ample opportunity for anyone to challenge the notice during the processing of the application. However, no persons came forward and your office rightfully continued to entertain the application, and subsequently, issued a decision notice.

Whilst two landowners – Mr Greer and Mr Millar - have since come forward to imply that they own the original access lane, their appointed consultant Ross Planning has made it clear that his clients have no issue with the principle of the solar farm and are purely interested in striking a deal on use of the original access. We understand Mr Greer owns the farm at 33 Lismoney Road while Mr Millar resides at 26 Lismoney Road. Both addresses were listed on the neighbour notification part of the original application form.

In light of the above, no prejudice has been caused to any third parties during the processing of the original application. The Certificate of Ownership was clearly a true statement at that time.

2. Access from Dale Farm

The Dale Farm creamery is accessed from the A29 Moneymore Road which is designated as 'other dual carriageway'. Dale Farm accesses this part of the road within the settlement limit of Dunman. PPS21 relates to policies for development in the countryside, and so, the category referred to in PPS21 Annex 1 is not relevant as it relates to "Other Protected Routes – Outside Settlement Limits". Hence, there is no policy requirement under this application to direct the access to an adjacent minor road.

In Policy AMP 3 of PPS 3, the category titled "Other Dual Carriageways, Ring Roads, Through-Passes and By-Passes – All locations" is applicable.

Policy AMP 3 states that for an existing access, planning permission will only be granted for a development proposal involving intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance. Hence, any intensification of the existing access will only be granted in exceptional circumstances or where the proposal is of regional significance. Should there not be any intensification, then there is no need to demonstrate that the proposal is one of exceptional circumstances or of regional significance.

As per your letter, intensification is considered to occur where a proposed development would increase the traffic flow using an access by 5% or more. Construction traffic will be managed by a traffic management plan via a suitably worded planning condition. The traffic management plan can be agreed to ensure construction traffic numbers are below the 5% threshold. During the operation of the solar farm, there will be one van per month to inspect the site, which is well below the 5% threshold.

We also note that one of the planning committee members referred to future plans for an expansion of the Dale Farm creamery. An application is pending for the extension of the existing Dale Farm dairy and factory facility (LA09/2016/1650/F). Our traffic consultant has reviewed the application and remains of the opinion that the 5% threshold will not be exceeded during the operational phase. As such, the proposal is compliant with Policy AMP3 of PPS3.

Finally, post-planning permission it typically takes greater than twelve months to develop and execute a project including the undertaking of legal, financial, construction and commissioning of the development. Hence, should a decision on the applications be delayed any further, there is a genuine risk of the project not going ahead given the short window remaining to achieve the Renewable Obligations Certificate.

Whilst we would be grateful if the above points could be taken into account in advance of the next planning committee meeting, we would welcome a positive decision reached on both applications at the April committee to avoid any potential risk to the commissioning of the solar farm.

Yours sincerely,



Strategic Planning

C

Subject	Council Response to Antrim and Newtownabbey Borough Council's Local Development Plan Preferred Options Paper
Date	March 2017
Reporting Officer	Chris Boomer, Planning Manager
Contact Officer	Sinead McEvoy, Head of Development Plan & Enforcement

1	Purpose of Report
1.1	In accordance with the requirements of Regulation 10 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015, local councils are required to consult with consultation bodies, which includes the council for any district which adjoins that council carrying out the consultation, before a Council prepares its development plan.
1.2	The purpose of this report is to provide members with a consultation response to the Antrim and Newtownabbey Borough Council's Local Development Plan Preferred Options Paper which was launched on 18 th January 2017 and the consultation period closes on 12 th April 2017.

2	Background
2.1	In preparing their development plan a council has a statutory duty to consult adjoining councils on their Preferred Options Paper.
2.2	<p>Members will recall that the shared common issues with adjoining councils were discussed and agreed in a paper presented to committee on 13th June 2016 and those issues formed the basis of Regulation 9, Pre-POP consultation between our council and Antrim and Newtownabbey Borough Council (ANBC). At that stage it was agreed that the cross boundary issues with ANBC were: Lough Neagh, Lough Beg, Transport and Connectivity and Flooding. ANBC have since published their Preferred Options Paper and presented a series of preferred options on the main planning issues within that district, upon which MUDC has the opportunity to comment.</p> <p>Based on the issues agreed at the meeting on 13th June 2016 it is recommended that a response be sent to ANBC based on information set out below within the key issues section.</p>

3	Key Issues
3.1	<p>ANBC have published their POP and within it have provided a series of Main Issues and Options falling under a series of subject headings. With particular reference to the cross boundary issues previously agreed the important issues in the ANBC POP are:</p> <ul style="list-style-type: none"> • Lough Neagh • Lough Beg • Transport & Connectivity • Flooding
3.2	<p><u>Lough Neagh / Lough Beg</u></p> <p>There are a number of policy topics which have the potential to impact upon the shared environmental assets of Lough Neagh and Lough beg, namely; Minerals, Tourism, Renewables.</p> <p><u>Minerals Development</u></p> <p>As part of their policy development ANBC have stated that their preferred policy direction with regards minerals development would be to carry forward the policies contained within the Minerals section of the Planning Strategy for Rural Northern Ireland (PSRNI).</p> <p>Under the topic heading of Environmental Resources the ANBC POP highlights that there are a number of mineral resources associated with or located close to Lough Neagh. MUDC acknowledge that there is a requirement to maintain a balance between the economic benefits of such development, alongside the environmental impacts associated with minerals development. Given the potentially intrusive impacts of minerals development it is important that both councils should agree a sustainable means of accommodating an appropriate level of minerals development which will not impact negatively upon the environmental value of both Lough Neagh and Lough Beg.</p> <p>With regards valuable minerals (e.g. oil, gas, lignite, gold) the PSRNI states that there will <i>'not be a presumption against their exploitation in any area.'</i> Mid Ulster District Council would be concerned that to adopt such a policy approach could impact adversely on the environmental integrity of Lough Neagh / Lough Beg. Given the shared nature of these important environmental assets it is essential that a co-ordinated policy approach is adopted by all councils that border both Lough Neagh / Lough Beg. As such MUDC have decided to establish a forum to discuss Lough Neagh and an invite on this will have issued to you by now. We would welcome discussion of the levels of environmental protection and what minerals excavation, if any, should take place at the first meeting of the forum. This forum will also explore tourism opportunities on the Lough.</p> <p><u>Renewables</u></p> <p>MUDC acknowledges that wind energy development has an important role to play in the economic development of Northern Ireland as a whole and that it is important</p>

	<p>to facilitate such development in appropriate locations, although this council are of the opinion that this should not be achieved at the expense of the environment.</p> <p>MUDC considers Lough Neagh and Lough Beg as important shared landscapes that are particularly susceptible to the potential adverse visual impacts of all forms of development. Development of renewable energy proposals and also high structures, are particularly important considerations in these areas.</p> <p>The policy approach of ANBC to adopt the existing policy thrust of PPS 18 is noted and whilst it is generally accepted that this would provide a sufficiently robust level of protection for the majority of our landscapes, there are specific vulnerable landscapes which require additional protection.</p> <p>In addition to the existing European and National designations already protecting Lough Neagh / Lough Beg, MUDC has proposed the introduction of a Special Countryside Area along the entire length of the district's loughshore and would welcome a similar approach from other councils which adjoin Lough Neagh / Lough Beg. MUDC is of the view that this is an appropriate approach for this area as it is tailored to further protect those areas most vulnerable to certain types of development. MUDC would encourage a similar designation along ANBC's loughshore as this would add further protection to our shared environmental assets from all forms of development.</p> <p>Should ANBC wish to explore this policy approach Mid Ulster District Council would welcome the opportunity to work with ANBC on the development of SCA's which are contiguous across council boundaries.</p>
3.3	<p><u>Transport and Connectivity</u></p> <p>As part of ANBC's policy development the policy provisions within PPS 3 have been found to be generally acceptable. The ANBC POP highlights the importance of integrating transportation with land use to help reduce the impact of climate change, encourage accessibility for all, improve health and wellbeing and improve social inclusion. MUDC would agree that the effective integration of transportation and land use has a major role to play in achieving these goals.</p> <p>Given that the use of the private car dominates modal choice within both districts, an obvious shared goal of both districts would be to encourage the continued development of the A6 key transport corridor. MUDC would welcome ANBC's intention to utilise the LDP to protect land for future transport proposals and transport uses as MUDC has set out similar intentions within our own POP. The improvement of shared road network will continue to be an ongoing cross boundary issue for both councils.</p>
3.4	<p><u>Flooding</u></p> <p>ANBC has reviewed the current operational policies relating to flooding as set out in PPS 15 and concluded, with one exception (FLD 5 – Reservoir Flood Inundation Areas), that the broad thrust and direction of current operational planning policy is generally acceptable. ANBC has highlighted that the current policy approach in relation to development proposals in proximity to reservoirs places a considerable burden on planning applications. MUDC concur with this position as it is of the view</p>

	that this policy approach would be unduly onerous on the applicant and that a better option would be to focus on the regulatory system for a solution to the problem. MUDC agree with ANBC that further discussions with the Department of Infrastructure are necessary to ascertain whether reservoirs legislation is a more appropriate mechanism to deal with this matter. Further discussion of this issue at the forthcoming Lough Neagh Forum would be welcomed.
--	--

4	Resources
4.1	<u>Financial</u> None
4.2	<u>Human</u> None
4.3	<u>Basis for Professional/ Consultancy Support</u> None
4.4	<u>Other</u> None

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	Members are requested to note the contents of this report and agree that a response is issued to ANBC in line with the contents.

7	List of Documents Attached
7.1	N/A