



05 June 2018

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt at Mid Ulster District Council, Ballyronan Road, MAGHERAFELT, BT45 6EN on Tuesday, 05 June 2018 at 19:00 to transact the business noted below.

Yours faithfully

Anthony Tohill
Chief Executive

AGENDA

OPEN BUSINESS

1. Apologies
2. Declarations of Interest
3. Chair's Business

Matters for Decision

Development Management Decisions

4. Receive Pre Determination Hearing Report for Application LA09/2017/0936/F -
2 additional broiler poultry sheds, 4 feed bins, 2 gas tanks, biomass boiler shed and pellet bin and ancillary building; cattle shed with underground slurry tank, covered silage pit, covered yard area and general farm storage building at lands approximately 300m NW and 100m SW of 27 Terryscollop Road, Annagh, Dungannon for CAP Farms Ltd.

. Receive Pre Determination Hearing Report 9 - 24

	Planning Reference	Proposal	Recommendation
5.	Receive Planning Applications		
5.1.	LA09/2016/0504/F	Erection of garages for the	REFUSE

		storage of vintage cars at 39 Rocktown Road, Bellaghy, for Mr David Arrell	
5.2.	LA09/2016/0708/F	Change of house design to 13 sites previously approved under applications I/2006/1070 and I/2011/0308/F at lands immediately SE of the boundary of 9, 15 and 17 Edendoit Road, Pomeroy, for Altmore Developments.	APPROVE
5.3.	LA09/2016/0834/F	Development of 16no dwellings and domestic garages at lands adjacent to the Far Circular Road and Killyman Road junction, Dungannon, for Donnelly Bros	APPROVE
5.4.	LA09/2016/0866/F	Removal of conditions 8 and 9 of I/1981/0218 at Tobermore Sand and Gravel Quarry, Ballybriest, Lough Fea, Cookstown, for Tobermore Concerte Products Ltd.	APPROVE
5.5.	LA09/2016/0887/RM	5 no detached dwellings and garages, car parking, landscaping, retaining walls and associated site works at lands to the NE of 3 Old Omagh Road, Ballygawley, for Dr J Gormley	APPROVE
5.6.	LA09/2016/1060/F	Retention of mobile home and domestic modular building, storage area and associated works at lands approx. 100m NW of 24 Findermore Road, Tullynavert, Clogher, for Mr Gerry McCaughey	APPROVE
5.7.	LA09/2016/1513/F	Erection of a new store and 2 residential apartments to rear of existing premises at 2 - 4 Glen road, Maghera, for Mr Peter McKenna.	REFUSE
5.8.	LA09/2016/1686/F	Community building and changing facilities for public shared space within existing fishery at lands approx. 80m NE of 41 Gorestown Road, Dungannon, for Gorestown Lough Fishery Ltd.	REFUSE
5.9.	LA09/2016/1703/O	Change of use of waste management facility to a	REFUSE

		residential development of 8no units at 89 Clady Road, Portglenone, for Mr Martin Henry.	
5.10.	LA09/2016/1723/F	Retrospective agricultural shed at 50m W of 24 Dreenan Road, Gulladuff, for Mark Kelly.	APPROVE
5.11.	LA09/2017/0429/F	Wind turbine with a hub height of 40m (renewal of previous approval H/2012/0010/F) 55m SW of 3 Mulnavoo Road, Draperstown, for Mr Jim Jo McCullough.	APPROVE
5.12.	LA09/2017/0588/F	General engineering workshop for the manufacture of quarry plant and general engineering at 45 Craveeny Road, Ballygawley, for Capital Engineering Ltd.	APPROVE
5.13.	LA09/2017/0704/F	Extension of existing car sales and repair yard for the turning and parking of vehicles at 16a Derganagh Road, Knockloughrim, for Mr A Conway	APPROVE
5.14.	LA09/2017/0710/F	Infill/gap site for 2 dwellings and garages at 25m and 50m NE of 92 Mullan Road, Coagh, for Terence and Donna Maynes	APPROVE
5.15.	LA09/2017/0780/F	Petrol filling station and café with associated drive thru (sui generis) at lands at 108 -114 Moneymore Road, Magherafelt, for Henry Brothers Ltd.	APPROVE
5.16.	LA09/2017/0828/O	Chalet bungalow and detached garage at 40m N of 64 Glenshane Road, Knockloughrim, for Mr and Mrs A Kane.	APPROVE
5.17.	LA09/2017/0905/F	Housing development of 3 detached and 18 semi detached dwellings, upgrade to access on to Mullaghmore Road, provision of a cycle track and associated development at lands to SE Foxborough, Mullaghmore Road, Dungannon, for Westland Developments (NI) Ltd.	APPROVE
5.18.	LA09/2017/0908/F	Retention of staff car park as constructed and extension to provide additional parking space at 2 Moore Street, Aughnacloy, for Mr Leo Daly.	APPROVE

5.19.	LA09/2017/0936/F	2 additional broiler poultry sheds; 4 feed bins; 2 gas tanks; biomass boiler shed and pellet bin and ancillary building; cattle shed with underground slurry tank; covered silage pit; covered yard area and general farm storage building at lands approx. 300m NW and 100m SW of 27 Terryscollop Road, Annagh, Dungannon, for CAP Farms Ltd.	APPROVE
5.20.	LA09/2017/1244/O	Site for dwelling and garage at 90m W of 16 Derrynoid Lane, Draperstown, for Brendan McCullagh	REFUSE
5.21.	LA09/2017/1274/O	Infill site for dwelling and garage approx. 20m W of 9a Ballymoghane Lane, Magherafelt, for Mr T Johnston.	APPROVE
5.22.	LA09/2017/1275/O	Infill site for dwelling and garage approx. 20m E of 9 Ballymoghane Lane, Magherafelt, for Mr T Johnston.	APPROVE
5.23.	LA09/2017/1474/O	Dwelling and garage at 250m SE of Churchtown Road, Cookstown, for Mark Bell.	REFUSE
5.24.	LA09/2017/1543/O	Dwelling and domestic garage at site opposite 136 Aghnagar Road, Galbally, Dungannon, for Margaret Donnelly.	REFUSE
5.25.	LA09/2017/1639/F	Micro brewery and tap room, ancillary storage, additional new car parking and alterations to existing road access at lands to the rear of 96 Ballymacombs Road, Bellaghy, for Heaney Farmhouse Brewery Ltd.	APPROVE
5.26.	LA09/2017/1644/O	Single storey farm dwelling and garage 105m E of dwelling adjacent to 4 Drumane Road, Bellaghy, for James Overend.	REFUSE
5.27.	LA09/2017/1700/F	Extension to rear of dwelling at 5 Coolmount Drive, Cookstown, for Mr Brian O'Neill	APPROVE
5.28 (i).	LA09/2017/1740/F	Erection of a church hall adjacent to Church building (listed) at Dungannon Road, Aghnacloy, for Aghnacloy Presbyterian Church.	APPROVE

5.28 (ii).	LA09/2018/0049/LBC	Erection of a church hall adjacent to Church building (listed) at Dungannon Road, Aughnacloy, for Aughnacloy Presbyterian Church.	APPROVE
5.29.	LA09/2018/0020/RM	Single storey dwelling and garage 50m E of 37 Kilrea Road, Portglenone, for Richard Lowry.	APPROVE
5.30.	LA09/2018/0063/F	Clear water basin and associated infrastructure to provide a portable water storage facility at Lough Fea WTW; decommissioning and removal of Lough Fea South clear water basin and land treatment; new vehicular access from Spawell Road at 376m N of Spawell Road, Lough Fea, for NI Water.	APPROVE
5.31.	LA09/2018/0064/O	Dwelling and garage on a farm SE of 29 Crewe Road, Maghera, for Mr Alfie Shiels.	APPROVE
5.32.	LA09/2018/0077/F	Dwelling and detached domestic garage 40m S of 30A Crossowen Road, Augher, for Mr Jonathon & Mrs Lisa Winser.	APPROVE
5.33.	LA09/2018/0153/O	Dwelling and garage 72m NW of 21 Whitetown Road, Newmills, for Mr Kenneth Reid.	REFUSE
5.34.	LA09/2018/0233/O	Dwelling and detached domestic garage approx. 60m NW of 62 Annaghmakeown Road, dungannon, for Connor McGurk.	REFUSE
5.35.	LA09/2018/0261/O	Dwelling and garage at land to rear of 45 Lissan Road, Cookstown, for Mr Gary Mclvor	REFUSE
5.36.	LA09/2018/0279/F	Replacement dwelling and garage at land approx. 280m N of 34 Sessiagh Scott Road, Dungannon, for Mr Kenneth Hazelton.	APPROVE
5.37.	LA09/2018/0394/F	3 terrace dwellings and 2 apartments at 16 - 20 Lawford Street, Moneymore, for PAD (NI) Ltd.	APPROVE
5.38.	LA09/2018/0424/O	Dwelling and garage at lands 20m E of 29 Gortinure Road, Maghera, for Patrick Bradley.	APPROVE
5.39.	LA09/2018/0439/F	Relocation and change of house type to previously approved	REFUSE

	I/2014/0016/RM	
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	Planning Reference	Proposal	Recommendation
6.	Receive Deferred Applications		
6.1.	LA09/2015/0782/F	Change of use to storage and distribution unit (Class B4) at site 60m N of 52 Ballymoghlan Road, Magherafelt, for Cloane Properties Ltd.	REFUSE
6.2.	LA09/2017/0498/F	Extension to existing garage to provide new machinery store (amended description) at 100m NE of 29 Fegarran Road, Cookstown, for Granville Carson	APPROVE
6.3.	LA09/2017/0846/F	Cattle welfare unit and proposed yard area for storage at 175m SE of 66A Kilnacart road, Dungannon, for Niall McCann	APPROVE
6.4.	LA09/2017/1142/O	Dwelling and garage (infill site) at approx. 5m E of 74 Kinrush Road, Ardboe, for Ciara Curran	REFUSE
6.5.	LA09/2017/1205/O	Site for farm dwelling and double domestic garage at approx. 250m N of 10 Lecumpher Road, Moneymore, for Johnathon and Jayne Smyth.	APPROVE
6.6.	LA09/2017/1276/O	Dwelling and domestic garage at a gap site approx. 35m SE of 2d Drumard Lane, Draperstown, for Mick and Carmel McKee.	APPROVE

7. Receive Marine Plan Consultation

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Matters for Information

8 Minutes of Planning Meeting held on Tuesday 1 May 2018

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

Matters for Decision

9. Receive Enforcement report

Matters for Information

10. Minutes of Confidential Business of Planning Committee held on Tuesday 1 May 2018
11. Enforcement Live Case List
12. Enforcement Cases Opened
13. Enforcement Cases Closed



Pre Determination Hearing Report

Summary	
Committee Meeting Date: 5 th June 2018	Item Number:
Application ID: LA09/2017/0936/F	Target Date:
Proposal: Proposed 2No. additional broiler poultry sheds (to contain in total 74000 broilers taking the total farm capacity to 148000 broilers) with 4No. feed bins ,2No gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new covered silage pit, covered yard area and general farm storage building	Location: Lands approx. 300m North West and 100msouth west of 27 Terryscollop Road Annagh Dungannon
Summary: This is a Major application which has been recommended to Committee for approval, it is likely to have an affect on Areas of Special Scientific Interest and is subject to objection from Natural Environment Division, Department of Agriculture, Environment and Rural Affairs (DAERA). This application was brought before the Committee on 8 th January 2018 and it was resolved to approve the development subject to notification to the Department for Infrastructure (DfI), as the legislation requires. Following notification the DfI, by way of a letter dated 14 th February 2018, directed that the Council do not grant planning permission for this application (Appendix 1 of this report). Subsequently DfI, by way of a letter dated 1 st March 2018 informed the Council that it does not intend to determine the application and that the Council should continue to process the application. DfI has advised the Council that it should hold a Pre-Determination Hearing before taking a decision. Further iDfI acknowledged that NIEA did not respond to the Councils requests for information in relation to concerns it had about the development. DfI have provided NIEA concerns and have asked that these are considered as well as the cumulative impact of the proposed and existing development in any report. This is detailed in the report.	
Applicant Name and Address: CAP Farms Ltd 27 Terryscollop Road Annagh Dungannon	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN

<p>Notification and Directions:</p> <p>The Planning (Notification of Applications) Direction 2017, as amended, requires Council to notify DfI about this application. Notification was issued on 23 January 2018 and DfI responded on 14th February 2018 directing the Council not to issue the decision and on 1st March 2018 advising it did not intend to determine the application and that Section 30 of the Planning Act (NI) 2011 and regulation 7 of the Planning (Development Management) Regulations (NI) 2015 apply, this regulation requires the Council to hold a Pre-Determination Hearing before issuing any decision.</p>	
<p>Signature(s):</p>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	NIEA	Nitrogen levels exceed critical loads
Statutory	Historic Environment Division (HED)	Content
Statutory	DAERA - Omagh	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	Rivers Agency	Advice
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 NIEA have advised they require information about the impacts of the existing buildings.	
Characteristics of the Site and Area This is a working farm located in the rural area south of the village of Eglish. There are a number of existing cattle houses and agricultural buildings located beside the farm house on a hilltop position. The existing buildings are a mixture of older corrugated iron buildings and newer buildings with cladding. There is an existing concrete yard with 2m high walls located beside the existing cattle shed and silage pit. 2 poultry units are located on lower land to the NW of the main farm group, these are accessed off an existing private lane in a larger agricultural field which slopes towards the south west. The surrounding area is undulating drumlin landscape with small farm groups, poultry buildings and single houses.	
Description of Proposal The proposal involves the extension of the existing buildings to accommodate a total of 80 cows and 2 poultry units to allow housing of 74000 broilers. The extensions are to provide: <ol style="list-style-type: none"> 1) 27m x 17m building with an 8m high pitched roof over the existing concrete yard, 2) removal of the existing lean-to over the cattle pens and extension over an existing tank and extension of the tank, to create a 30m x 29m building with a 6.6m pitched roof to create an additional 12 cattle pens the building and 3) 27m x 29m building with a 11m high pitched roof over a general farm storage building and silage pit. All the buildings will have grey cladding to the upper walls and roofs and concrete to the lower walls. The proposed poultry houses are 98m x 21m with a ridge height of 6.6m, the buildings are linked on the frontage with a 6m x 6.5m building which has a 4m ridge height, behind this is 8.9m high silo for wood pellets to feed a biomass boiler contained in a 10m x 4m building that is 4m high. It is also proposed to provide 4 additional feed silos of 8.9m high and a 7m x 6m x 4m high ancillary building beside a retaining structure for the ramped vehicular access between the existing and the proposed buildings The plans also show underground storage tanks for dirty water out of the poultry units, swales to provide rain water attenuation and native species landscaping around the buildings.	
Planning Assessment of Policy and Other Material Considerations Dungannon & South Tyrone Area Plan Planning acknowledges that agriculture is an important use in the area. It does not have any policies in relation to this application but it	

identifies the site within the rural area where Planning Policy Statement 21 – Sustainable Development in the Countryside provides the policy considerations.

The Strategic Planning Policy Statement re-states the policies contained in **PPS21**, and I consider the most appropriate policy for consideration is CTY 12 which sets out criteria that allows planning permission to be granted for agricultural development subject to consideration of the status of the farm business; its impacts on the locality, neighbouring residents, natural and built heritage. Members should note the Ministers Review into the Operation of Planning Policy Statement 21 recognised there would be a significant number of planning applications for poultry houses to supply the agri-food sector. It does not provide any policy guidance but it does clearly recognise this industry is a key economic driver for the rural economy which I consider is supportive of this type of development.

The proposed development is an expansion of an existing active and established farm and the buildings are sited beside the existing buildings, are similar in size, scale and appearance to some of the existing buildings on the site and I consider the development to be appropriate to the location. The existing vegetation around the site, existing buildings on the site, topography of the landscape along with the additional landscaping proposed around the buildings will, in my view, assist the integration of the buildings into the landscape especially the cattle houses which have critical but limited views from the minor road network to the south and east. The poultry units will be seen in fleeting views from the Eglish Road, these are seen with a backdrop of rising ground and the existing units, again I consider the proposed landscaping will assist screening of these new buildings.

Members should note the expansion of the cattle houses is close to an historic monument, a rath. Historic Environment Division have been consulted and do not have any concerns with impacts from the proposed development on any historic features.

An Environmental Statement was submitted with the application which addressed noise, air quality and odour, the ecology, the water environment, transport, socio-economic impacts and waste disposal and nitrates management. The statutory agencies, except NIEA-NED have not objected to this development, provided some conditions to mitigate against possible environmental effects are attached to any planning permission. NIEA – Industrial pollution and Radiochemical Inspectorate have advised this site is the subject of a Pollution Prevention and Control Permit and it will need to be amended to take account of the new building. This is a separate regulatory regime to the Planning system. Environmental Health officers have advised the reports have indicated there will be no significant adverse impacts on sensitive dwellings from odour or noise.

PPS2 – Natural Heritage, Northern Ireland Environment Agency – NED have considered the proposed development in relation to nitrogen emission impacts on Benburb ASSI, Benburb & Mulltown ASSI, Knocknacloy ASSI and Rehaghy Wood ASSI. NIEA have advised, in a response that was only forthcoming following the notification to DfI, the nitrogen critical loads in the area exceed the upper critical level, an example for Knocknacloy ASSI, a mountain hay meadows habitat has been provided. NIEA also advised the proposal must take account of the loads from the existing development as well as the proposed development and that the existing cattle sheds have not been taken into account. The Environmental Statement submitted with the application sets out the background levels for ammonia levels measured in 2010 – 2012 and have been used to consider the proposal and the impacts from it on Rehaghy Wood, Knocknacloy and Benburb. The background levels have been calculated on the basis of the average of actual measured data over a 3 year period. Council has been advised by the consultants acting for the applicant in this matter, the background levels include the existing cattle sheds and as such they have been considered within the overall assessment of the impacts. Following notification to DfI, and the receipt of the NIEA response setting out the levels, the consultant provided revised ammonia concentration levels on 5 March 2018, these are for 2014-2016. It is notable that the most recent background levels are lower than in the original assessment, despite the 2 poultry units on the farm being constructed and contributing to these levels. NIEA were consulted with these revised figures on 4th April 2018 and have not provided any analysis or consideration of

the figures, they state ‘ there are significant challenges for the Department in considering agricultural expansion and development in areas where the critical loads of nitrogen deposition are already exceeded.’. They have not provided any response or analysis of the significance of these figures or advice on the validity of the figures or possible reasons for this reduction in the levels. Members are advised the environmental statement and the updated figures for ammonia levels acknowledge the critical loads still exceed the Predicted Environmental Concentration Guidelines, however the levels have fallen in the most recent figures and the impacts from this development and the existing buildings on the farm is assessed as having a less than 1% contribution to the overall levels of ammonia. Members should be aware that a consultee must provide evidence or substantiate any concerns they may have about a development, in this case NIEA are relying on figures that show the levels of ammonia are in exceedance of the guidelines. This is accepted by the applicants, however the applicants have provided information that shows they have assessed the cumulative impact of the proposed development and the existing development and the overall operations account for less than 1% of the ammonia figures. In view of this limited increase, on levels that are shown to be falling, I consider it is reasonable to deduce the application has been shown not to have a significant impact on the levels and as such will have a limited impact on the sites identified.

Shared Environmental Service have advised the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43(1) of the Conservation (Natural Habitat, etc) Regulations (NI) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site. In light of this I am content the proposal meets with policies contained in PPS2.

PPS3 – Access, Movement and Parking, TNI consider the access point, where it meets the minor road is sub-standard as the existing visibility splays are not adequate. A proposed improvements to the access is acceptable provided it is carried out prior to the commencement of development and I consider it is reasonable to condition the provision of these improvements.

PPS15 – Planning and Flood Risk, due to the size of the proposed development, policy FLD3 places a requirement for a drainage assessment to be carried out to demonstrate adequate measures are put in place to mitigate against flooding. The proposal includes a storm water attenuation system which DARD (NI) Rivers Agency accepts and have they not offered any objections to the proposal. I am content a condition requiring the provision of the flood attenuation scheme is required to ensure this is provided.

Having carefully considered all of the above, I recommend the committee approve this development.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval with conditions as set out in the report.

Conditions/Reasons for Refusal:

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 2.4m x 33.0m and 33.0m forward sight line shall be provided in accordance with Drawing No 02 Rev 01 bearing the stamp dated 27 SEP 2017, prior to the commencement of any works or 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 levels 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 hard and soft landscape works shall be carried out in accordance with the details as shown on drawing No 02 Rev 1 bearing the stamp dated 27 SEP 2017 and the appropriate British Standard or other recognised Codes of Practice. The landscaping shown around the new cattle houses shall be carried out prior to any of the cattle houses becoming operational and the landscaping around the new poultry houses shall be carried out prior to any of the poultry houses becoming operational. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

4. Prior to the construction of any of the poultry buildings or laying of any concrete surfaces associated with the poultry units, the storm water drainage run and swale located beside the poultry buildings as detailed on drawing no 02 REV 1 bearing the stamp dated 27 SEP 2017 shall be provided as detailed.

Reason: To attenuate the storm water from the site and reduce the risk of flooding.

5. Prior to the construction of any of the cattle houses or laying of any concrete surfaces associated with the cattle houses, the storm water drainage run and swale located beside the cattle houses as detailed on drawing no 02 REV 1 bearing the stamp dated 27 SEP 2017 shall be provided as detailed.

Reason: To attenuate the storm water from the site and reduce the risk of flooding.

6. Prior to the poultry houses hereby approved becoming operational the washings tank shown on drawing no 02 REV 1 bearing the stamp dated 27 SEP 2017 shall be provided with no overflow or outfall permitted to the adjoining waterways. All dirty water generated on this site by these buildings must be collected in the tank.

Reason: To ensure there are no adverse impacts on the selection features of Lough Neagh ASSI and Lough Neagh and Lough Beg SPA.

Informatives

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

2. The applicant will be required to obtain a Pollution Prevention and Control (PPC) permit variation prior to first operating the expanded facility.

3. Your attention is drawn to Standing Advice Notes 12, 23, 4, 11, 5 and 18 published by NIEA and available to view of NI Planning Portal under NIEA Guidance.

Signature(s)

Date:

ANNEX	
Date Valid	7th July 2017
Date First Advertised	27th July 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 25 Terryscollop Road,Annagh,Dungannon,Tyrone,BT71 7QQ	
Date of Last Neighbour Notification	26th July 2017
Date of EIA Determination	
ES Requested	Submitted
Planning History Ref ID: LA09/2017/0936/F Proposal: Proposed 2No. additional broiler poultry sheds (to contain in total 74000 broilers taking the total farm capacity to 148000 broilers) with 4No. feed bins ,2No gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new covered silage pit, covered yard area and general farm storage building Address: Lands approx. 300m North West and 100msouth west of 27 Terryscollop Road, Annagh, Dungannon, Decision: Decision Date: Ref ID: LA09/2017/0285/PAN Proposal: Proposed 2No. broiler poultry sheds with 4 feed bins 2No. gas tanks, office and changing building (to contain in total 74000 broilers, taking the total farm capacity to 148000 broiler birds) and proposed cattle shed with underground slurry tank (t0 contain 80 beef cattle). New covered silage pit, covered yard area and a general farm storage building. Address: Land approx. 300m NW and 100n SW of 27 Terryscollop Road Annagh, Dungannon, Decision: PANACC Decision Date: Ref ID: M/2006/0692/O Proposal: Dwelling & Garage	

Address: Land approx 50m NW of 27 Terryscollop Road, Dungannon

Decision:

Decision Date: 22.05.2007

Ref ID: M/2011/0073/F

Proposal: Proposed single storey extension to side of dwelling and 2 storey extension to rear with covered area on ground and bedroom above plus internal alterations

Address: 27 Terryscollop Road, Dungannon,

Decision:

Decision Date: 15.03.2011

Ref ID: M/1991/4027

Proposal: Alteration to Dwelling

Address: 27 TERRYSCALLOP ROAD, DUNGANNON.

Decision:

Decision Date:

Ref ID: M/2012/0340/F

Proposal: Proposed 2no. Select Farm Poultry Sheds, 4 no. feed bins and an ancillary building with biomass boiler, standby generator, office and changing facilities,(each poultry shed will contain 25850 chickens

Address: Land approx 300m North West of 27 Terryscallop Road, Dungannon,

Decision: MAA

Decision Date: 13.08.2012

Summary of Consultee Responses

NIEA – content with conditions,
unable to consider the impacts of the development on designated sites, nitrogen loads exceeded, requires consideration of the cumulative impacts if the existing and proposed development
will be subject to PPC

TNI – access improvements to be provided

EHO – no significant odour or noise impacts

SES – can be screened out for impacts on European sites

HED – content

DARD – active and established farm

Rivers –no reason to object on flooding or drainage perspective

Drawing Numbers and Title

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 02 Rev 1
Type: Site Layout or Block Plan
Status: Submitted

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

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department: 23rd January 2018
Response of Department: 14th February 2018, 1st March 2018

APPENDIX 1 – Dfl correspondence

Strategic Planning Division



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

Phelim Marrion
Planning Department
Mid Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

DfI Planning
First Floor, Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Tel: 0300 200 7830

phelim.marrion@midulstercouncil.org

Your ref: N/A

Our ref: LA09/2017/0936/F

Date: 14 February 2018

Dear Mr Marrion,

Re: Article 17 of the Planning (General Development Procedure) Order (NI) 2015 in relation to: Planning Application LA09/2017/0936/F Proposed 2No. additional broiler poultry sheds (to contain in total 74000 broilers taking the total farm capacity to 148000 broilers) with 4No. feed bins, 2No gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new covered silage pit, covered yard area and general farm storage building. Lands approx. 300m North West and 100m south west of 27 Terryscollop Road, Annagh, Dungannon for CAP Farms Ltd.

Thank you for your notification of 23 January 2018. The proposal was presented to the Mid Ulster District Council Planning Committee on 8th January 2018 and recommended for approval.

The Department, in exercise of the powers conferred on it by Article 17 of the Planning (General Development Procedure) Order (NI) 2015, hereby direct that Mid Ulster District Council do not grant planning permission for this application. The Department will be in contact in due course.

Yours sincerely

Eamon Lynch
Strategic Planning Division



E-mail: planning@infrastructure-ni.gov.uk
Website: www.planningni.gov.uk

Strategic Planning Division



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

Phelim Marrion
Planning Department
Mid Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

DfI Planning
First Floor, Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Tel: 0300 200 7830

Your ref: N/A

Our ref: LA09/2017/0936/F

Date: 01 March 2018

Dear Mr Marrion

ARTICLE 17 OF THE PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER (NI) 2015

ReF: LA09/2017/0936/F- Proposed 2No. additional broiler poultry sheds (to contain in total 74000 broilers taking the total farm capacity to 148000 broilers) with 4No. feed bins ,2No gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new covered silage pit, covered yard area and general farm storage building, Lands approx. 300m North West and 100m south west of 27 Terryscollop Road, Annagh, Dungannon for CAP Farms Ltd.

Further to the Department's direction under Article 17 of The Planning (General Development Procedure) Order (NI) 2015, issued on 14 February 2018, the Department hereby notifies the Council that it does not intend to determine the above application under section 29 (1) of the 2011 Planning Act. The Council should therefore continue to process the subject application.

You will note that section 30 of the 2011 Planning Act (Pre-determination hearings) and Regulation 7 of The Planning (Development Management) Regulations (NI) 2015, as amended, are now applicable to the application.

In reviewing the correspondence the Department has a number of observations to make about the application that Council should consider in preparing for the pre-determination hearings:

1. It is noted that the Development Management Officer Report (DMOR) summarises NIEA's position as not having raised any concerns about the development. The report includes reference to clarification having been sought from NIEA on the additional information needed for them to fully consider the impacts and adds that no comment was received. The Natural Heritage section of the report concludes that NIEA (NED) do not have any concerns with the proposed development.

As a result of the notification from Mid Ulster District Council, the Department contacted NIEA for clarification on their position. NIEA provided clarification in an email which you will have received on 12 February 2018 (copy attached). Contrary to the DMOR conclusion, in their email NIEA have set out a substantive objection to the proposal. The email notes that NIEA have not yet been re-consulted with the requested further information and goes on to detail the NIEA position.

2. The DMOR also indicates that NIEA have advised that the existing cattle sheds have not been considered in terms of the cumulative impact of the scheme. Council should satisfy themselves that the report has properly considered the cumulative impacts of the proposed development.

In due course, I would be grateful if you would advise the Department of the date of the pre-determination hearing.

Yours sincerely



Eamon Lynch
Principal Planner
Strategic Planning Division

Enc/ NIEA email



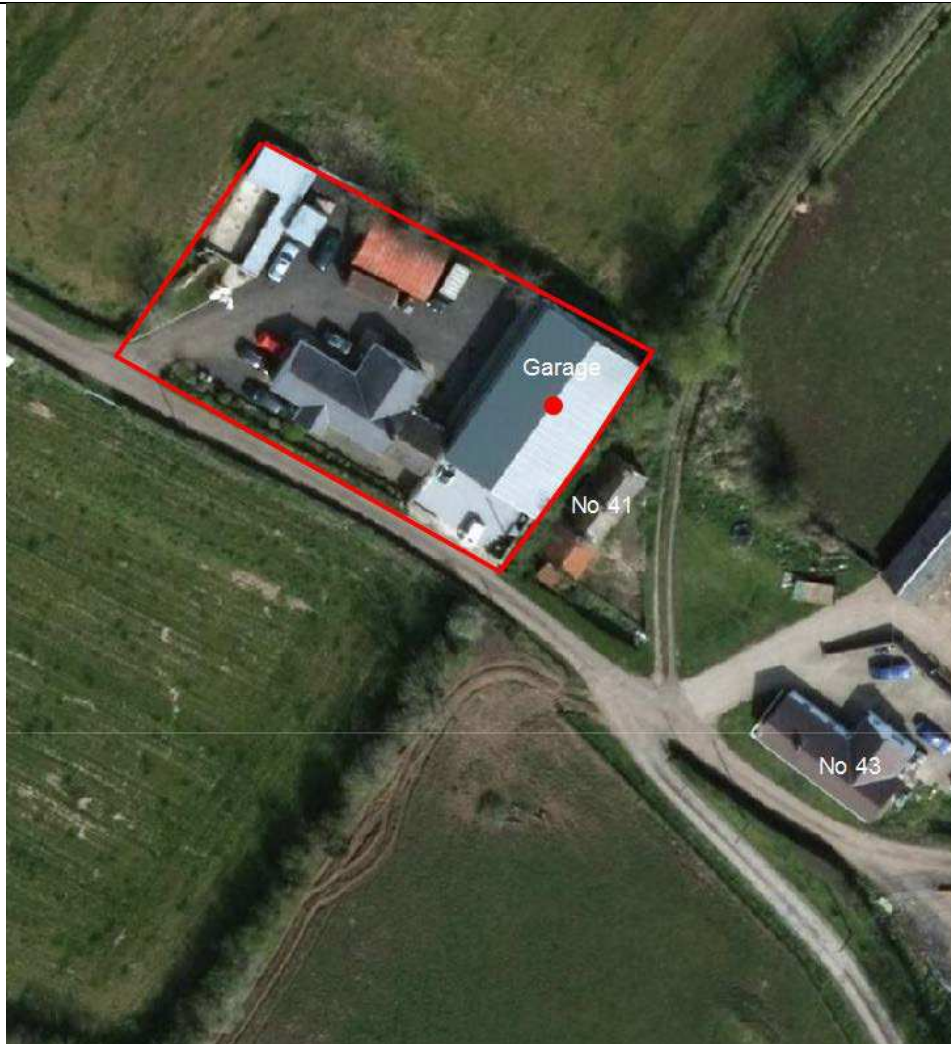
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0504/F	Target Date:
Proposal: Erection of garage for the storage of vintage cars (retrospective)	Location: 39 Rocktown Road Bellaghy
Referral Route: Contrary to Policy EXT I criteria (a) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations	
Recommendation:	Refusal
Applicant Name and Address: Mr David Arrell 39 Rocktown Road Bellaghy BT45 8LP	Agent Name and Address: J E McKernan and Son 25 Market Road Ballymena BT43 6EL
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - 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 – No issues

Characteristics of the Site and Area

The irregular shaped site is situated in the open countryside, approx. 3.30km W of the development limit (SDL) of the village of Bellaghy and approx. 2.70km E of Knockloughrim as designated in the Magherafelt Area Plan (MAP) 2015 (DOE, December 2011: Map No. 1). The site is located off Rocktown Road at the end of a dead-end road. The surrounding area is

characterised by undulating agricultural land. On site there is a modest detached bungalow with larger commercial-type building to the side and rear along the eastern elevation. There is a red corrugated agricultural building to the southern elevation.

Description of Proposal

The garage is a rectangular structure with a footprint measuring approximately 27m x 12m on the ground floor and on the first floor it is slightly smaller measuring 20.5m x 12m which gives a combined floor area of 570sqm. The ridge height is 5.3m above ground level. The wall finish is predominately block wall construction except for the first floor western elevation which is finished in tinted glass and the roof finish is grey plastic box profile. 3 No 6m x 2m roller shutter doors are located on the ground floor western elevation and due to the road sitting at a higher level than the rear yard area, a 7m x 2.5m roller shutter door is located on the first floor gable elevation adjacent to the public road and provides vehicular access onto the first floor.



Planning Assessment of Policy and Other Material Considerations

Relevant Site History:

H/2014/0039/CA – Current enforcement case for unauthorised building for storage of motor vehicles in association with car hire business. Further action will depend on the outcome of subject planning application LA09/2016/0504/F.

Representations:

2 neighbour notification letters were sent to the occupiers of Nos 41 & 43 Rocktown Road, Bellaghy.

Policy Considerations

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Magherafelt Area Plan 2010: The site is located within open countryside. There are no other designations on the site.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. There are a range of types of development which in principle are considered to be acceptable in the countryside. The proposal does not involve an extension to or alteration of the existing dwelling. However the preamble to the first Addendum to PPS7, entitled 'Residential Extensions and Alterations' states that proposals for a domestic garage or outbuilding, or other development ancillary to a residential property will also be considered under the provisions of this addendum. Guidance in paragraph A1 of Annex A refers to buildings within the residential curtilage, such as domestic garages and other associated outbuildings. Paragraph A13 states 'in the countryside, ancillary buildings should be designed as part of the overall layout to result in an integrated group of buildings'.

The application seeks to regularise the erection of an unauthorised two storey garage (for domestic use). There is on-going enforcement action alleging the building is being used for storing motoring vehicles in association with a car hire business. As this application has been submitted under householder development it will not remedy the breach.

The garage is located within the residential curtilage of No 39 Rocktown Road and will be grouped besides a small single storey roadside dwelling and two smaller outbuildings located to the rear. The garage sits at slightly lower level than the public road and approaching the site in an easterly direction views of the garage will be restricted by the existing dwelling, however once you pass by the dwelling the scale of the front elevation of the garage comes into full view. An old dwelling and the vegetation along the eastern boundary of the site will help screen the garage travelling in the opposite direction.

In terms of design, materials and scale the garage is more akin to an industrial/commercial building and because of its size, materials and industrial character, the garage does not appear as subordinate in scale, similar in style or sympathetic with the built form and appearance of the existing dwelling or the other small buildings within the curtilage. The garage appears excessively large and overbearing and detracts from the appearance and character of the surrounding area, therefore is contrary to Policy EXT1 of the Addendum.

The amenity and privacy of existing residents in the area will not be adversely impacted by this proposal. However there is an unoccupied dwelling located a short distance east of the site and there is less than a 5m separation distance between both buildings. Just because the dwelling is unoccupied at present does not mean that its residential amenity is not worthy of consideration to that of an occupied dwelling. The height of the garage is higher than the dwelling and as a result would have an adverse impact on residential amenity by way of dominance, visual intrusion, overshadowing and loss of light

There has been no unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality and sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Immunity

The applicant argues that the garage has been in place for over five years and therefore it is immune from enforcement action. In order for the garage to be considered immune from enforcement action the applicant will need to demonstrate that the building was substantially completed beyond reasonable doubt before the 24th April 2011, five years before the Enforcement Notice took effect. To support the applicant's claim, an OS aerial photograph flown on Saturday 9th April 2011 and two invoices were submitted. One invoice is for a roller shutter door supplied and fitted by Limavady Roller Doors on the 15th April 2011 and the other invoice is for purlins and roof sheeting supplied and fitted by Raymond Archer Joinery Contractor.



Flown: 9th April 2011

The image of the garage on the aerial photograph shows what appears to be a concrete flat roof structure with a red barrel roof shed located on top. There appears to be no construction work taking place on the day the aerial photograph was taken. As the photograph was taken on a Saturday, it is reasonable to assume that work to erect the upper half of the building would not have commenced until the following Monday which was the 11th April. Prior to fitting the purlins and sheeting, a steel frame structure would needed to have been erected which on its own would be significant amount of work. However no evidence has been submitted to demonstrate when the steel frame structure was erected. This cast doubt on the credibility of the receipt provided by the Raymond Archer Joinery which states that the work was completed on Thursday 14th April 2011, 5 days after the aerial photograph was taken. The fitting of the roof sheeting and purlins along with a roller shutter door on their own would be enough to demonstrate that the garage was substantially completed before the 24th of April. Other substantial works such as the erection of the external walls would also needed to have been completed. On the balance of probability it is highly unlikely that such a large volume of work could have been undertaken in such a short period of time. Therefore, the applicant has not demonstrated beyond reasonable doubt that the building had been completed before the 24th April 2011

Neighbour Notification Checked	Yes
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Summary of Recommendation: I recommend refusal - contrary to Policy EXT 1 criteria (a) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations

Reason for Refusal:

The proposal is contrary to Policy EXT 1 criteria (a) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, in that the design of the garage is not sympathetic with the built form and appearance of the existing property and will detract from the character and appearance of the surrounding area.

The proposal is contrary to Policy EXT 1 criteria (a) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, in that the garage would adversely affect the residential amenity of any future occupiers of the neighbouring dwelling by reason of over dominance, visual intrusion, overshadowing and loss of light.

Signature(s)

Date:

ANNEX	
Date Valid	13th April 2016
Date First Advertised	28th April 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 41 Rocktown Road Rocktown Bellaghy The Owner/Occupier, 43 Rocktown Road, Rocktown, Bellaghy, Londonderry, BT45 8LP,	
Date of Last Neighbour Notification	26th April 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/1990/0539 Proposal: ALTS AND ADDS TO BUNGALOW Address: 39 ROCKTOWN ROAD CASTLEDAWSON Decision: Decision Date: Ref ID: H/2000/0699/O Proposal: Site of dwelling and garage Address: Site adjacent to 43 Rocktown Road, Knockloughrim Decision: Decision Date: 21.11.2000 Ref ID: H/2001/0114/RM Proposal: Dwelling And Garage Address: Adjacent To 43 Rocktown Road, Knockloughrim Decision: Decision Date: 27.03.2001 Ref ID: H/2005/0285/O Proposal: Site of Dwelling and Garage Address: Approximately 110m South East of, 45 Rocktown Road, Bellaghy Decision: Decision Date: Ref ID: H/2014/0194/O Proposal: One and a half storey farm dwelling and garage Address: 40m north west of 39 Rocktown Road Bellaghy, Decision: PG	

Decision Date: 13.01.2016

Ref ID: LA09/2016/0504/F

Proposal: Erection of garages for the storage of vintage cars (retrospective)

Address: 39 Rocktown Road, Bellaghy,

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Proposed Plans

Status: Submitted

Drawing No. 03

Type: Proposed Elevations

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: 05/06/2018	Item Number:
Application ID: LA09/2016/0708/F	Target Date:
Proposal: Change of house design to 13 sites previously approved under applications I/2006/1070 and I/2011/0308/F (Drainage Assessment Info)	Location: Lands immediately south east of the boundary of 9 15 and 17 Edendoit Road Pomeroy
Referral Route: Application has received 3 objection letters.	
Recommendation:	APPROVE
Applicant Name and Address: Altmore Developments 45 Altmore Road Pomeroy	Agent Name and Address: Build Design Solutions 76 Main Street Pomeroy BT70 2QP
Executive Summary: This application is for the change of house design and variation to floor level of 13 dwellings within an approved housing development at lands to the immediate east of Edendoit Road, Pomeroy, Co. Tyrone. Having considered the proposal against the provisions contained within prevailing planning policy and having considered the information submitted with the application, I am recommending that the proposal is approved.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Rivers Agency	Advice

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

Department for Infrastructure Roads and Rivers have been consulted on this application and have returned comment. There has been 3 letters of objection received on the file and all other material considerations have been assessed within the determination below.

Characteristics of the Site and Area

The application site is located to the eastern boundary of the village of Pomeroy and within the settlement limits of the village, as identified within the Cookstown Area Plan 2010. The site address is lands to the immediate south east of the boundary of No's 9, 15, and 17 Edendoit Road, Pomeroy, Co. Tyrone. The Edendoit Road runs along the east of the site area and the Tandragee Road runs along the southern boundary of the site. The site is accessed via the Tandragee Road.

The site is surrounded by a mix of land uses including, industrial, community/educational, ecclesial, and residential. In terms of site boundaries the site is bound on its eastern side by a recently planted forest area. The northern and southern boundaries are open into the wider development site and the western boundary includes a mature hedgerow and fence line.

The site area has been cleared and development works have commenced on the site and the surrounding site area. In terms of elevation the site generally falls from north to south.

Description of Proposal

The proposal is for the provision of raised floor levels and change of house design to 13 sites previously approved within a previously approved housing development at lands south east of Edendoit Road, Pomeroy. The previously approved scheme was approved under applications I/2006/1070/F and I/2011/0308/F and the proposed changes under this scheme have been set out below.

Proposed changes from previously approved scheme

Change of House Design

In terms of the change of house design, the three sets of semidetached houses to the east of the site have been altered to House Type F, which includes a smaller front projection with natural sandstone cladding. Quoin stones have also been removed. The detached house to the north east of the site area has been changed to House Type A and includes a revised roof type and reduced ridge height. The previously approved dwelling included a hipped roof and a ridge height of 8m from ground level the proposed dwelling incorporates an open gable ridge and a ridge height of 7.5m. House Type C to the west of the site area have been changed to House Type F within the current proposal, this includes the provision of a double front projection with sandstone cladding. Open space and landscaping provision around the site and the individual units, remains as previously approved.

Floor Levels

It is proposed to raise the floor levels across the site area by an average of 1.1m. The Finished Floor Level (FFL) of the semidetached properties to the west of the site area had a previously approved FFL of 100.0 and this has changed to 101.0 and 101.2 respectively. The detached property to the north east was previously approved with a FFL of 100.2 and this has been altered to 100.8. The other sets of semidetached properties to the east of the site are changing from 99.9, 99.9, and 99.8 to 100.8, 100.6 and 100.4 respectively. The direction and fall of elevation on the site remains as previously approved. It is also noted that the levels across the wider development have been altered and these have been considered within the drainage assessment submitted with the application (21.03.2018).

Planning Assessment of Policy and Other Material Considerations

Assessment

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

1. Cookstown Area Plan 2010.
2. Strategic Planning Policy Statement (SPPS).
3. Planning Policy Statement (PPS) 7 - Quality Residential Environments.
4. PPS 15 – Planning and Flood Risk.
5. Development Control Advice Note (DCAN) 8 - Housing in existing urban areas.

Planning History

The original planning approval on this site was approved by the Department under planning ref: I/2006/1070/F on 03/01/2008. A second approval was granted under I/2011/0308/F on 18/06/2013 and relates to an area to the immediate south of this proposal.

Representations

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, 3 objections were received from one objector to the scheme.

Consideration

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 7 and PPS 15 has been retained under transitional arrangements.

PPS 7

Policy QD 1 of PPS 7 outlines that all proposals for residential development will be expected to conform to a set list of criteria (a – i).

The application relates to a previously approved housing development at lands east of Edendoit Road, Pomeroy. The site is located on urban Whiteland as identified within the Cookstown Area Plan 2010. The proposal would not add to development pressure in this area and would not result in the intensification of the site. The proposal does not seek to add to any further residential units when compared to that already approved on the site. The level of landscaping and open space provision within the site, remains as approved.

The application relates to proposed house design changes to 13 previously approved dwellings as well as alterations to floor levels. The specific changes proposed under this application have been documented above.

I note that the proposed changes to the dwellings are relatively minor and in general terms the proposal will not introduce a significant change when compared with what has been previously approved on the site. The introduction of the amended house designs and the alteration of finishes thereon are not considered to be a significant departure from the previous approval. The most significant change in house design relates to the detached property to the north east of the application site and this includes a revised roof design. I consider that the revised roof is in keeping with the surrounding development and I am satisfied that it satisfactorily integrates within the context of the surrounding scheme.

In terms of neighbouring amenity the proposal does not pose any more of a negative impact on the amenity of local neighbouring dwellings to that which was previously approved and as such a refusal could not be sustained on these grounds. The proposed dwellings are the same size and scale and located on the same sites as those which were previously approved and the relatively minor alteration to floor levels does not bring about concerns relative to overlooking, dominance or privacy concerns.

In terms of integration and design, the proposal will not detract from the existing character of the area. Again, because the proposal is very similar in nature to that previously approved the level of comparable impact will be negligible. The proposal does not give rise to the potential for any negative impact on the character or visual amenity of this area and its surrounding setting. No

features of archaeological or built heritage interest have been identified within or in close proximity to the site and as such I am content that the proposed alterations will not detract from the built or natural heritage of the area.

The general layout of the development in terms of road, parking and walkway locations and provision has not been altered under this scheme and the materials to be used in the construction of the dwellings is in keeping with the surrounding dwellings. I am content that the ability to access local neighbourhood facilities and the movement pattern of the site is not altered or negatively impacted upon.

PPS 15

The proposed development involves a modest increase to the floor level of the dwellings. The average increase in floor level is measured at 1.1m and again the changes proposed under this application are documented within the description of the proposal, above.

A key consideration in terms of the variation to the levels of the site is drainage and any potential impact on the ability of the site to adequately discharge of surface water. It is noted that flooding can occur at times of intensified rainfall and drainage within the site should be designed in a way which ensures that there is no flood risk to or from the development.

PPS 15 outlines a set of policy considerations which must be taken into account when assessing planning applications which may have flooding implications. Although the proposed development encompasses only 13 dwellings within the wider approved scheme, it is important from a flood risk and drainage perspective that the development takes account of the entirety of the site. A revised Drainage Assessment has been provided with this application and the revised report takes account of the altered floor levels included within this scheme. Department for Infrastructure Rivers, who are the competent authority in assessing the application from a drainage and flood risk perspective, have been consulted and returned comment on the application. Rivers have no objection to the proposal.

The Strategic Flood Map for NI has indicated that the application site is located outside of any fluvial flood plain. This has been confirmed by Rivers and on that basis I am content that the proposal meets with Policy FLD 1 of PPS 15 – Development in Flood Plains.

Policy FLD 2 of PPS 15 outlines that the Planning Authority will not permit development that impede upon the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance. Rivers have highlighted that this part of the policy is not applicable to this site as the red line of the site does not traverse any water courses. It is noted however that the southern side of the wider development traverses a water course to the south. This has been considered and approved within the previous planning approvals on the site.

In terms of Policy FLD 3 (Development and Surface Water (Pluvial) Flood Risk outside Flood Plains) of PPS 15 the applicant has provided a revised Drainage Assessment (DA) which outlines how the site relates to flood risk to and from the development. In terms of flood risk to the development the report has outlined that the risk of pluvial flooding entering the site is considered to be low.

In terms of flood risk from the development the applicant has outlined that the total runoff from the site will not exceed the existing Greenfield run off rate of 25.0l/s. In order to achieve this run off rate the proposal includes a storm water attenuation system. This system includes two separate discharge points, hydro brakes and storm sewers which provide for attenuation. The DA has also outlined that the required storage volume on site for a 30 year storm event, with a 300mm freeboard and a 10% allowance for climate change, would be 317.67m³ – this is provided for within the proposed sewer attenuation design. DFI Rivers have outlined that they accept the logic of the report and have no reason to disagree with its conclusions. I am content that the proposal

includes an adequate surface water attenuation design and that the surface water discharge of the site will not exceed the existing run off rates.

FLD 4 of PPS 15 outlines that artificial modification of watercourses will only be accepted in exceptional circumstances. It is noted that there are no culverting or artificial modification works proposed within this application, however culverting works have been approved on the southern part of the site. These works were subject to consideration under the previous planning approval and were deemed acceptable. I am content that the proposal is compliant with the provisions included within FLD 4. FLD 5 of PPS 15 is relative to development proposals in proximity to reservoirs and as such is not applicable in the determination of this application.

On the basis of that above I am content that the proposal is compliant with the policy contained within PPS 15 – Planning and Flood Risk.

Access

The proposal includes the use of the existing approved access to the site, as established in the earlier I/2011/0308/F and I/2006/1070/F approvals. DFI Roads have been consulted on this application and have responded highlighting that they have no objection to the proposal subject to conditions. There is no intensification of the site and as such I am content that the proposal is compliant with the policy provision contained within PPS 3 – Access, Movement and Parking.

Consideration of Representation(s)

A total of three letters of objection have been received on this application from one objector. The objector is an occupant of a neighbouring property at No. 9 Edendoit Road and concerns have been raised in relation to the size of the development, site boundary works and a number of flooding concerns.

The objector has outlined concerns about what is being proposed within this application and the changes to the wider approved development. The proposal to be considered relates to the application site outlined in red on Drawing No. 01 (17.05.2016) and the alteration of house design of the 13 dwellings included in the site as well as changes to floor level. Because there are changes to levels included within the application an amended Drainage Assessment was requested which relates to the development site as a whole, however the proposed changes are within the site outlined in red.

Drawing No. 02 Rev 1 (18/07/2018) outlines that the western boundary of the site which makes up part of the boundary with No. 9 Edendoit Road is to include a fence and also the retention of the existing trees/vegetation along the boundary. This is in line with that approved under planning approval M/2011/0308/F, which relates to the southern part of the western site boundary. I consider the proposed boundary works to be appropriate to the nature and scale of development and the retention of the existing natural features is a welcome feature.

Site drainage and flooding has been considered within the assessment above. The objector has raised concerns about his own property from flood risk, as well as concerns about the route of diverted runoff, the capacity of the existing drainage system surrounding the site and the route of sewage effluent. As identified above the proposed storm water runoff from the development will not exceed the existing Greenfield runoff of the site and the runoff will be discharged into an existing watercourse to the south of the site (2 Discharge Points). There will be no intensification of runoff from the site and as such the existing drainage system will not be negatively impacted upon. It is proposed to dispose of sewage effluent from the site to the existing mains sewage system for Pomeroy, a separate consent to discharge will be required for this. Again I note that the site is not being intensified under this proposal.

I am satisfied that each of the concerns raised by the objector have been considered within the determination above.

<p>Conclusion The proposal is deemed to comply with the policy provision outlined above and approval is recommended.</p>
<p>Neighbour Notification Checked</p> <p style="text-align: right;">Yes</p>
<p>Summary of Recommendation:</p> <p>Approval is recommended, subject to the conditions set out below.</p>
<p>Conditions/Reasons for Refusal: Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The existing mature trees and vegetation as annotated on Drawing No. 02 Rev 1, date stamped 18/07/2016 shall be retained. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.</p> <p>Reason: In the interests of visual amenity.</p> <p>3. All planting and landscaping comprised in the approved details of drawing No. 02 Rev 1 bearing the date stamp 18/07/2016, shall be carried out during the first planting season following the commencement of the development and any tree, shrub or hedge, which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>4. The vehicular access, including visibility splays of 2.4m x 70m towards the village and 4.5 x 90m away from the village and forward sight distance of 90m, shall be in place, in accordance with Drawing No. 06 bearing the date stamp 23rd February 2017, prior to the commencement of any other works or other development hereby permitted.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>5. 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.</p>

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

6. The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 06 bearing the date stamp 23rd February 2017.

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

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. 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.

4. The Applicant's attention is drawn to the comments made by DFI Roads (15/03/2017) and DFI Rivers (01/05/2018) on this application.

Signature(s)

Date:

ANNEX	
Date Valid	17th May 2016
Date First Advertised	2nd June 2016
Date Last Advertised	3rd August 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 The Rowan Tree Centre,Pomeroy,Tyrone,, The Owner/Occupier, 15 Edendoit Road,Cavanakeeran,Pomeroy,Tyrone,BT70 2RW, The Owner/Occupier, 2 The Rowan Tree Centre,Pomeroy,Tyrone,, The Owner/Occupier, 3 The Rowan Tree Centre,Pomeroy,Tyrone,, The Owner/Occupier, 4 The Rowan Tree Centre,Pomeroy,Tyrone,, The Owner/Occupier, 5 The Rowan Tree Centre,Pomeroy,Tyrone,, The Owner/Occupier, 6 The Rowan Tree Centre,Pomeroy,Tyrone,, The Owner/Occupier, 7 The Rowan Tree Centre,Pomeroy,Tyrone,, The Owner/Occupier, 8 The Rowan Tree Centre,Pomeroy,Tyrone,, The Owner/Occupier, 9 Edendoit Road Cavanakeeran Pomeroy Gerard McDonald 9 Edendoit Road, Pomeroy, Tyrone, Northern Ireland, BT70 2RW Gerard McDonald 9, Edendoit Road, Pomeroy, Tyrone, Northern Ireland, BT70 2RW Gerard McDonald 9, Edendoit Road, Pomeroy, Tyrone, Northern Ireland, BT70 2RW The Owner/Occupier, Unit 1, Forest Park Industrial Estate, Pomeroy, BT70 3DR	
Date of Last Neighbour Notification	4th April 2018
Date of EIA Determination	N/a
ES Requested	No

Planning History

Ref ID: LA09/2016/0708/F

Proposal: Change of house design to 13 sites previously approved under applications I/2006/1070 and I/2011/0308/F

Address: Lands immediately south east of the boundary of 9,15 and 17 Edendoit Road, Pomeroy,

Decision:

Decision Date:

Ref ID: I/2011/0308/F

Proposal: Change of layout to 14 No dwellings from that previously approved under app no I/2006/1070 and change of access road position

Address: Lands immediately south east of the boundary of 9, 15 and 17 Edendoit Road, Pomeroy, Co Tyrone,

Decision: PG

Decision Date: 19.06.2013

Ref ID: I/2006/1070/F

Proposal: Housing development, site road and associated works (57 Units).

Address: Lands immediately south east of the boundaries of 9, 15 & 17 Edendoit Road, Pomeroy

Decision: PG

Decision Date: 03.01.2008

Summary of Consultee Responses

CONSULTATION RESPONSES								
Consultn Type	Consultee	Consulted	Target Reply	Rev Target	Date Reply	Response	Response Type	Substantive
Statutory	DFI Roads - Enniskillen	19.07.2016	09.08.2016		17.01.2017	Advice	Final Substantiv	Yes
Statutory	DFI Roads - Enniskillen	02.03.2017	23.03.2017		15.03.2017	Advice	Final Substantiv	Yes
Statutory	Rivers Agency	04.04.2018	25.04.2018		02.05.2018	Advice	Final Substantiv	Yes
Non Statutory	Rivers Agency	05.09.2017	26.09.2017		14.09.2017	Substantive Respc	Final Substantiv	

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02 REV 1

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 03

Type: Elevations and Floor Plans

Status: Approved

Drawing No. 04

Type: Elevations and Floor Plans

Status: Approved

Drawing No. 05

Type: Elevations and Floor Plans

Status: Approved

Drawing No. 06

Type: Proposed Plans

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: LA09/2016/0834/F	Target Date:
Proposal: Proposed development of 16 no semi-detached two storey dwellings and domestic garages	Location: The lands adjacent to the Far Circular Road and Killyman Road junction Dungannon
Referral Route: Objection received and contrary to the Area Plan	
Recommendation:	Approve
Applicant Name and Address: Donnelly Bros 59 Moy Road Dungannon	Agent Name and Address: McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary: This site is partly on land zoned for industry, however it has been approved by the Department for housing. An objection to pedestrian safety due to inadequate footpath provision has been received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Internal roads will be adopted, no issues of road safety raised
Non Statutory	Environmental Health Mid Ulster Council	Acoustic barrier to be provided along boundary with industrial site, noise from pumping station considered.
Non Statutory	NI Water - Multi Units West - Planning Consultations	Capacity available at Dungannon WWTW
Non Statutory	Rivers Agency	Storm water to be discharged into NI Water system, no issues from Rivers

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 Concern that footpaths are not adequate to support 16 houses and unsafe due to heavy traffic to industrial estate.	
Characteristics of the Site and Area <p>The application site is a triangular shaped site at the junction of the Far Circular Road and the Killyman Road in Dungannon. It contains a vacant single storey dwelling, with roofspace accommodation and a detached double garage and these both face onto the Killyman Road. The remainder of the site has been cleared and levelled. Boundaries of the site are post and wire fences, a close board fence between the site and the adjacent dwelling and a man-made earth bank to the west. A watercourse has been culverted along the west side of the site.</p> <p>The area is predominantly industrial in appearance and character with Donnelly Bros and Taxi Bus Conversions located in a new industrial building to the west, off Far Circular Road and Starplans Factory and showroom and the Moy Park Chicken processing plant are located further west, off Killyman Road, as is the remainder of the Killyman Road Industrial Estate. There are residential developments close by, 3 detached bungalows with detached garages immediately west and a pair of semi-detached cottages further west. A modern flat roofed bungalow, a bungalow with a modern extension to the front and a small cottage within a single storey group of buildings are on the opposite side of Killyman Road. On the opposite side of Far Circular Road is agricultural land. A footpath is located on the opposite side of the road that provides a link into the existing network in Dungannon.</p>	
Description of Proposal <p>The proposal is for the erection of 16 no 2 storey dwellings; 2 detached and 7 pairs of semi-detached. 7 dwellings are accessed off Killyman Road and the other 9 are off a private estate road that is accessed from Far Circular Road. 6 pairs of the semi-detached dwellings have the appearance of detached 2 storey dwelling with central 2 storey front projections and a dummy front door. They are finished with painted smooth render walls and flat roof tiles. The detached dwelling accessed off the estate road is similar in appearance to the semi detached properties, though it has a bay window in the side gable facing Far Circular Road. The semi detached dwellings that face onto Killyman Road have paired accesses to give the appearance of detached properties. The dwelling at the junction is a narrow 2 storey dwelling with a single storey side extension, roof projections over the upstairs windows and clipped eaves. It is proposed to be finished with painted smooth render walls and flat roof tiles. The remaining pair of semi detached dwellings in the development are staggered and are plain with no projections. The proposal also includes a play park with 4 pieces of play equipment and benches fenced off by park railings and in a landscaped area.</p> <p>The proposal includes a landscaping scheme along the site boundaries, within the development sites and on boundaries within the development.</p>	
Planning Assessment of Policy and Other Material Considerations	
Planning History	

Planning permission was granted on this site, under 3 separate applications for 10 no detached 2 storey dwellings:

- M/2008/0557/O and M/2010/03333/RM granted permission for 5 dwellings
- M/2010/0332/F granted permission for 2 dwellings, and
- M/2008/1158/O and M/2010/0336/RM granted permission for 3 dwellings

Policy Consideration

The proposal should be considered against the policies in the Dungannon & South Tyrone Area Plan 2010 (DSTAP), which is the extant plan for the area. Other policies for consideration are contained in the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 3 (PPS3) – Access, Movement & Parking, Planning Policy Statement 7 (PPS7) – Quality Residential Environments, PPS7 Addendum – Safeguarding the Character of Established Residential Areas, Planning Policy Statement 8 (PPS8) – Openspace, Sport and Outdoor Recreation, Planning Policy Statement 12 (PPS12) and Planning Policy Statement 13 (PPS13) and Planning Policy Statement 15 – Planning & Flood Risk. Other guidance documents include Creating Place, DCAN 8 and DCAN 15.

The Dungannon and South Tyrone Area Plan 2010 is the extant plan for the area, the site is located within the settlement limits for Dungannon as defined by SETT1, part of the site is whiteland, with no designated use and the remainder is zoned industrial land – DI02. Members are advised that the Department granted planning permission for housing on this site, contrary to the zoning in the area plan and there have not been any changes in the policy for housing or the area plan for Dungannon since those approvals. These facts must be given determining weight in the consideration of this application and as such I consider it is reasonable to set aside the area plan zoning in this instance as the previous planning permissions distinguish this site from any other zoned industrial lands in the DSTAP. I consider housing is acceptable in principle on this site.

The developer has provided an analysis of the site constraints and assets which have formed the basis of the layout and design for the scheme. The semi detached dwellings will have the appearance of detached properties which will give the impression of less dense development. While the residential development around the site is single storey with roof space accommodation, PPS12 promotes higher density development in the urban centres and the Department deemed it acceptable for 2 storey houses in this location. In view of this I consider 2 storey houses are appropriate to this area. The finishes of the houses could be classed as an urban or rural feature, as the walls will be painted, there is the potential for the home owners to increase the variation by using different colour schemes. While the development is dominated by one house type, I consider the variations do provide interest and can be accepted. The site is relatively flat and back to back spacing of 20 meters provides houses with 10m deep back gardens, this is advocated in Creating Places and coupled with the landscaping scheme will limit the potential for over looking and over shadowing and provide a suitable amount of private amenity space. The dwellings have side to side separation both within the proposed development and also in relation to the existing development of 7 meters. I consider this, along with screen fences between the properties will limit the potential for overlooking or loss of privacy.

PPS 8 advocates 10% of the site area for open space in developments of over 25 houses and appropriate scales on a case by case basis. Members are advised, this site sits at the outer edge of Dungannon with limited residential development or recreational development in close proximity to it. The developer has proposed a children's play area within an area of landscaping that fronts onto the Far Circular Road, it is also proposed to provide a landscaped bank along the west boundary of the site. Taking these areas into account I consider this is an appropriate amount of open space for this development. As indicated above, this site does not have any

recognised features of natural or built heritage interest as it has already been cleared and a watercourse along the west boundary the site has been culverted.

Parking for the houses is in-curtilage and each house has 2 spaces clear of the public road, for parking. There are other spaces available on the public road within the site, for visitor parking. Taking into account the guidance in Creating Places for 3 and 4 bedroom properties with in-curtilage parking, I consider the parking provisions is not fully met and this could be provided by removing the play area and keeping it as a car park. I do not consider that would best serve the occupants on the development and as such I consider the shortfall in parking is acceptable here, given the benefits from the provision of a play area.

I note the objectors concerns about the amount of traffic using the road, however this development will provide a footpath along its entire frontage on both roads and will tie into the existing footpath on this side of Far Circular Road and provides a crossing point on the Killyman Road that links to the existing footway network. Roads engineers have not raised any concerns about this arrangement on road safety grounds.

Members should note this site is close to existing industry and there will be conflicts between the industry and the residential development, however the Department deemed it acceptable to site houses beside industry and as such the developer has an expectation that planning will be forthcoming again. Noise from the adjacent industry will be mitigated to some degree by the earth bund, the landscaping belt will not provide much in the way of attenuation, however it will screen the view of the industrial development from the proposed development. Given the expectation of the developer, I consider the mitigation measures proposed will assist in ameliorating the impacts, though it is accepted this will not totally resolve the issue and residents may experience some disturbance from time to time.

Taking into account all the relevant facts, in particular the previous planning permission on the site for residential development, contrary to the area plan, I recommend the application is approved.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve with conditions

Conditions:

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

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

2. Prior to the commencement of any other development hereby approved, the vehicular accesses, including visibility splays of :
 - 4.5m x 160.0m in both directions and forward sight distance of 160.0m, where the access to the estate road meets the Far Circular Road;
 - 2.4m x 60.0m in both directions for units 1 and 2;
 - 2.4m x 45.0m to the south east and 2.4m x 60.0m to the west for units 3 and 4; and
 - 2.4m x 33.0m to the south east and 2.4m x 60.0m to the west for units 5, 6 and 7shall be provided in accordance with the details shown on drawing No 08 Rev 4 bearing the stamp dated 23 MAR 2018. 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 levels 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. The gradients of the accesses shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

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

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

5. Prior to the occupation of any of the dwellings on sites 8, 9, 10, 11, 12, 13, 14 or 15 the play area and equipment, as generally indicated on drawing No 10 bearing the stamp dated 15 DEC 2017, shall be provided in accordance with a scheme to be agreed in writing with Mid Ulster District Council.

Reason: In the interests of resident's amenity.

6. None of the dwellings hereby approved shall be occupied until a connection to the existing NI Water foul sewer system has been provided.

Reason: To prevent pollution and to ensure waste water from the development is properly dealt with.

7. All hard and soft landscape works shall be carried out in accordance with the details shown on drawing no 02REV1 bearing the stamp dated 29 AUG 2017 and a landscaping schedule (to be agreed in writing with the Council prior the commencement of any development on this site) to the appropriate British Standard or other recognised Codes of Practise. The works within each individual site shall be carried out prior to the occupation of the dwelling on that site and the landscaping on the open space area shall be provided prior to 10 of the dwellings hereby approved becoming occupied. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

8. No permanent structures or landscaping shall be provided within the area identified cross-hatched in red on drawing No 02REV1 bearing the stamp dated 29 AUG 2017.

Reason: To allow access to the culvert in this location.

9. The 2 metre high earth bank as indicated in blue on drawing No 02Rev 1 bearing the stamp dated 29 AUG 2017 shall be permanently retained.

Reason: In the interests of residential amenity.

10. Prior to the commencement of the erection of any of the dwellings hereby approved the drainage scheme as shown on drawing No 09 bearing the stamp dated 18 OCT 2017 shall be provided in accordance with those details.

Reason: To ensure the development does not contribute to flooding.

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

11. The Department for Infrastructure has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 08 Rev 4, bearing the date stamp 23 MAR 2018.

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

12. No other works hereby permitted shall be occupied until the works necessary for the improvements to a public road have been completed in accordance with the details outlined blue on Drawing No 08 Rev 4 bearing the stamp dated 23 MAR 2018.

The Department for Infrastructure has attached to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3(4C).

Reason To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

Signature(s)

Date:

ANNEX	
Date Valid	10th June 2016
Date First Advertised	23rd June 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 177 Killyman Road Coolhill Dungannon The Owner/Occupier, 179 Killyman Road Coolhill Dungannon The Owner/Occupier, 181 Killyman Road, Coolhill, Dungannon, Tyrone, BT71 6LN The Owner/Occupier, 183 Killyman Road Coolhill Dungannon The Owner/Occupier, 185 Killyman Road Coolhill Dungannon The Owner/Occupier, 187 Killyman Road Coolhill Dungannon The Owner/Occupier, 190 Killyman Road Coolcush Dungannon The Owner/Occupier, 190A Killyman Road, Coolcush, Dungannon, Tyrone, BT71 6LN, The Owner/Occupier, 192 Killyman Road Coolcush Dungannon Trevor McLaughlin 194 Killyman Road, Dungannon, Tyrone, Northern Ireland, BT71 6LN The Owner/Occupier, 194 Killyman Road, Coolcush, Dungannon, Tyrone, BT71 6LN, The Owner/Occupier, 39 Far Circular Road, Dungannon The Owner/Occupier, Donnelly Group Tyre Services, Killyman Road, Dungannon The Owner/Occupier, TBC Conversions, 50 Far Circular Road, Dungannon	
Date of Last Neighbour Notification	27th July 2016
Date of EIA Determination	9 Aug 2016
ES Requested	No

Planning History

Ref ID: LA09/2016/0834/F

Proposal: Proposed development of 16 no semi-detached two storey dwellings and domestic garages

Address: The lands adjacent to the Far Circular Road and Killyman Road junction Dungannon,

Decision:

Decision Date:

Ref ID: M/2008/1247/F

Proposal: Proposed new industrial road to facilitate six future industrial units.

Address: 140m North East of 33 for Circular Road, Dungannon

Decision:

Decision Date: 27.05.2009

Ref ID: M/2008/0557/O

Proposal: Proposed 6 No two storey detached dwellings

Address: 200m north west of 39 Far Circular Road, Dungannon

Decision:

Decision Date: 19.08.2008

Ref ID: M/2010/0333/RM

Proposal: Proposed 5 no 2 storey dwellings

Address: 200m north west of 39 Far Circular Road, Dungannon

Decision:

Decision Date: 02.06.2010

Ref ID: M/2007/1046/O

Proposal: Proposed 2no. two storey detached dwellings

Address: Adjacent to 191 Killyman Road, Dungannon

Decision:

Decision Date: 13.12.2007

Ref ID: M/2010/0332/F

Proposal: Proposed 2 no. two storey detached dwellings

Address: Adjacent to 191 Killyman Road, Dungannon

Decision:

Decision Date: 02.06.2010

Ref ID: M/1979/0882

Proposal: PROPOSED GARAGE/UTILITY ROOM

Address: COOLHILL, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1978/042701
Proposal: BUNGALOW
Address: COOLHILL, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1978/0427
Proposal: ERECTION OF DWELLING
Address: COOLHILL, DUNGANNON
Decision:
Decision Date:

Ref ID: M/2006/1225/O
Proposal: Dwelling and detached garage
Address: Adjacent to 191 Killyman Road, Dungannon
Decision:
Decision Date: 14.09.2006

Ref ID: M/2008/1158/O
Proposal: Proposed Demolition of existing single storey dwelling and garage and erection of 3 No two storey detached dwellings
Address: 191 Killyman Road, Dungannon
Decision:
Decision Date: 15.12.2008

Ref ID: M/2010/0336/RM
Proposal: Proposed demolition of existing single storey dwelling and garage and erection of 3 no. two storey detached dwellings
Address: 191 Killyman Road, Dungannon
Decision:
Decision Date: 02.06.2010

Ref ID: M/2008/1022/LDP
Proposal: Improvements to Moygashel Waste Water Treatment Works
Address: Moygashel WWTW, 12 Moygashel Lane, Moygashel, Dungannon
Decision:
Decision Date:

Ref ID: M/2012/0578/F
Proposal: Proposed Engineering Workshop for the Manufacture and Adaption of Vehicles for Disabled Access Provision
Address: 140m N.E of 33 Far Circular Road, Dungannon,
Decision: PG

Decision Date: 16.01.2013

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:

Summary of Consultee Responses

NI Water – connection to network available

Roads – roads to be adopted and improvements to be carried out

EHO – lighting and noise issues may impact on the development due to close proximity to industry

Rivers – storm sewers to NI Water network, attenuation proposed acceptable

Drawing Numbers and Title

Drawing No. 04 Rev 1
Type: Floor Plans and Elevations
Status: Submitted

Drawing No. 06 Rev 1
Type: Proposed Floor Plans and Elevations
Status: Submitted

Drawing No. 03
Type: Concept Plan
Status: Submitted

Drawing No. 02 Rev 1
Type: Site Layout
Status: Submitted

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

Drawing No. 08 Rev 4
Type: PSD's
Status: Submitted

Drawing No. 07 Rev 1
Type: Proposed Elevations and Elevations
Status: Submitted

Drawing No. 05 Rev 1
Type: Proposed Floor Plans and Elevations
Status: Submitted

Drawing No. 09
Type: Drainage Plan
Status: Submitted

Drawing No. 10
Type: Drainage Plan
Status: Submitted

Drawing No. 11
Type: Drainage 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: LA09/2016/0866/F	Target Date:
Proposal: Remove conditions 8 and 9 of I/1981/0218	Location: Tobermore Sand and Gravel Quarry, Ballybriest, Lough Fea, Cookstown
Referral Route: Major Application	
Recommendation:	APPROVE
Applicant Name and Address: Tobermore Concrete Products Ltd 2 Lisnamuck Road Tobermore	Agent Name and Address: Quarryplan Ltd 6 Saintfield Road Crossgar BT30 9HY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Rivers Agency	Advice
Non Statutory	Historic Environment Division (HED)	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	Environmental Health Mid Ulster Council	Content
Non Statutory	DETI - Geological Survey (NI)	No Objection
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	Error
Statutory	Rivers Agency	Advice
Statutory	NI Water - Strategic Applications	Advice
Non Statutory	Environmental Health Mid Ulster Council	No objection
Non Statutory	NI Water - Strategic Applications	No objection
Statutory	Environmental Health Mid Ulster Council	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 Ecology, visual impact, future restoration and realignment of the Fea Burn.	
Characteristics of the Site and Area The application site is at Tobermore Concrete Sand and Gravel Quarry. The quarry is in the rural area and within the Sperrins AONB immediately adjacent to Lough Fea and c.1km north of Lissan/Churchtown. The character of the immediate area is a mix of small farm holdings, residential properties, Lough Fea and agricultural fields. In the wider area the character is similar but there are also a small number of additional quarries owned by separate operators.	
Description of Proposal This application is for the removal of conditions 8 and 9 of I/1981/0218. Essentially this is to permit quarrying operations within areas hatched in blue under the 1981 approval and a change in the high water level of the pond coloured in blue under that approval and a change to the existing ground level both of which were to protect the interest of the amenity of the area.	
Planning Assessment of Policy and Other Material Considerations Strategic Planning Policy Statement Cookstown Area Plan 2010 A Planning Strategy for Rural Northern Ireland. Planning Policy Statement 2 - Natural Heritage Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage Planning Policy Statement 21 - Sustainable Development in the Countryside The SPPS is a statement of the Department's policy on important planning matters that should be addressed across NI. The SPPS acknowledges that the minerals industry makes an essential contribution to the economy and to our quality of life, providing primary minerals for construction, such as sand, gravel and crushed rock, and other uses and is also a valued provider of jobs and employment, particularly in rural areas. Minerals can only be extracted from sites where they occur, and there may be limited opportunities for consideration of alternative sites with a further challenge being the restoration of sites upon completion of work associated with the extraction and processing of materials. The regional strategic objectives for minerals development are to: <ul style="list-style-type: none"> - Facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment; - Minimise the impacts of minerals development on local communities, landscape quality, build and natural heritage, and the water environment; and - Secure the sustainable and safe restoration, including the appropriate re-use of mineral sites, at the earliest opportunity. 	

The application site is split between what is known as Landholding 3 (L3) and Landholding 4 (L4). It is located in an Area of Outstanding Natural Beauty. L3 is in an Area of Constraint on Mineral Developments as identified in the Cookstown Area Plan 2010. The Cookstown Area Plan identifies the former Cookstown District as one of the main mineral sources of sand and gravel in NI.

The landholdings 1, 2, 3 and 4 at Lough Fea are the applicant's sole current internal supply of sand and gravel. Tobermore Concrete Products is a paving and walling manufacturer specialising in the supply of landscaping materials including block paving, paving flags, kerbs, edging and walling products for both the domestic and commercial markets throughout the UK and Ireland. It states that it employs some 150-160 staff in the local Mid Ulster Area, 10 of which at the quarry. The company produces their own base aggregate material from the Lough Fea Quarry site which is then transported 10 miles to the Company's production yard in Tobermore. The base aggregate material provided by Lough Fea quarry is the mineral resources which underpins the company's business. They require between 300,000 and 500,000 tonnes per annum of sand and gravel from L3 and L4.

Planning Approval was granted under planning reference I/218/81 for a sand and gravel pit subject to a number of conditions. This application seeks to the removal of conditions 8 and 9 which read as follows:

8) There shall be no quarrying operations of any nature within the areas hatched blue on the approved plan.

Reason: In the interest of the amenity of the area.

9) Within 50ft of the high water level of the pond coloured blue on the approved plan there shall be no change in the existing ground level. Where extraction has already occurred within 50ft of the pond the area shall be backfilled up to the original ground level within one year of the date of this permission.

Reason: To retain the pond in the interest of the amenity of the area.

A lough, within the red line application area, was drained by the Applicant with the intention of extracting the mineral located beneath the same. This application is seeking to provide compensation for the loss of the Lough and modernise the grant of planning permission and conditions under which the extant operations take place. This application is seeking to do the following:

- Remedy an historical breach of existing planning condition involving the unconsented draining of a small lough within the site;
- Provide compensation for the historical removal of the lough by way of retention of an existing lough within the north of the site which is currently permitted for removal; and
- Provide a final restoration concept/plan.

Sand and gravels are currently being extracted from the quarry faces in L3 and L4 with the use of an excavator. Excavated mineral is transported via dump-truck to a fixed screening plant in L2 where it is washed and screened into a series of graded quarry product. The application proposes to continue these operations. The final restoration of the site will contain two water features within the red line boundary. Unlike the lough, which has been removed, the water features will be groundwater fed. Some of the lands will be returned to or remain as agricultural lands.

Policy MIN 1 of A Planning Strategy for Rural NI (PSRNI), states that extensions to existing mineral workings which minimise environmental disturbance in the countryside will normally be preferred to new workings on greenfield sites. An assessment is required of the need for a mineral resource against the need to protect and conserve the environment. The agent has outlined a process whereby a selection process was completed and the current application provides the Best Practical Environmental Option for a development of this magnitude. There

are a number of owner/operators of the existing operations who are in direct competition with the applicant and are unwilling to dispose of their site. If extraction were to cease at the current quarry this would result in the applicant having open a new greenfield site elsewhere.

L3 is in an Area of Mineral Constraint Development and Policy MIN3 identifies that Areas of Constraint may form all or part of an AONB and within these areas there will be a presumption against the granting of planning permission for the extraction and/or processing of minerals. An exception to this policy is identified where the proposed operations are short-term and the environmental implications are not significant but in such cases, on-site processing of the excavated material is unlikely to be permitted.

It is the contention of the agent that Policy MIN3 is not relevant to this application given that planning permission has already been granted for the extraction and of minerals and this application is seeking to modify the planning conditions attached to the existing grant of planning permission. Indeed the agent also puts forward that the Area of Mineral Constraint Development was designed without consideration to ensuring sufficient supply to markets. The agent states in the ES that during the public examination into the Magherafelt Area Plan the then Department of Environment acknowledged deficiencies in their proactive planning for minerals at a regional level.

It is my opinion that the designation of an Area of Mineral Constraint Development needs to be balanced with any alternative locations that will involve extraction in an entirely new area that may have a greater visual impact together with impacts for example on the water environment, noise, ecology, traffic and archaeology.

During the extraction carried out to date in L3 and L4 the applicant has drained a Lough within the red line of the application site. The Environmental Statement confirms this was done with the intention of extracting the mineral located beneath the Lough. However the applicant was advised this was a breach of the 1981 approval, particularly conditions 08 and 09. Neither NIEA nor the applicant can confirm the status, quality or habitat which has been lost to development though NIEA consider that the disturbed habitat should be considered as "priority habitat". Policy MIN 8 requires mineral workings to be restored at the earliest opportunity. Applications for the extraction of minerals must include satisfactory restoration proposals and where practicable such proposals should provide for progressive restoration of sites.

The Environmental Statement addresses the applicant's option of 'doing nothing' and its consequences. The agent states the proposal is seeking to apply a modern method of planning standards to the extant and ongoing commercial mineral operations at the site. It is the agent's view that this application will support modern planning and development management controls with development plans, working/phasing plans including restoration, a final restoration, cross sections, working levels together with an assessment of the environmental impacts.

Alternative options considered by the applicant were

1. The removal of 2 further Loughs within the applicant's site which would have involved a develop all approach;
2. Extract mineral from the area subject to enforcement but this is limited in size to 0.5ha and wouldn't have provided the extensive scope of compensation.

Planning permission I/1981/0218/F did not have any formal restoration scheme approved for this site. It is argued by the applicant that this application provides the first opportunity to consider a restoration scheme for this site.

Planning Policy Statement 21 addresses Mineral development in that the requirements of the MIN Policies in the Planning Strategy for Rural NI still apply and these are retained following the adoption of the SPSS.

Ecological Impact

With regards to the ecological impact of the proposal an Ecological Assessment was undertaken. There are three SAC's within 10km of the proposal, none of which have direct hydrological connectivity with the site. These are

- Teal Lough SAC;
- Ownekillow SAC;
- Upper Ballinderry River SAC.

There are no SPA's within 10km of the proposal, though Lough Neagh SPA lies 17.3km downstream of the proposal and is connected to the site by small rivers and streams that drain the area. There are three ASSI's located within a 10km radius of the proposal which are designated for habitat or species features; specifically;

- Teal Lough Part II ASSI;
- Teal Lough and Slaghtfreeden Bogs ASSI;
- Owenkillow River ASSI.

None of these nationally important sites have direct hydrological connectivity with the site. Two Sites of Local Nature Conservation Importance (SLNCl's) Lough Fea and Lissan Wood were assessed to have direct hydrological connectivity with the site, and therefore fall within its zone of influence.

Shared Environmental Services were consulted as part of the consultation process and having considered the nature, scale and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

A large part of the application site consists of an actively worked quarry and associated quarry infrastructure. Away from the quarried areas in L3 the vegetation tends to be dominated by woody species. There is a perched dystrophic lake at the northern end of L3 with some drainage from this running east towards Lough Fea. Away from quarried areas in L4 the vegetation tends to be dominated by grassland, with large areas of the application site grazed by livestock. A stream runs northeast-southwest through L2 and is surrounded by dense gorse scrub. Initial surveys suggested the existence of some potential smooth newt habitat just outside the site, in the form of an oligotrophic lake north of L4. No other protected species or signs of protected species were observed during a walkover survey of L3/L4.

The 1981 approval did not include any restoration concepts or exclusions. Consent for the development also precedes most guiding legislation relating to environment and planning and as a result there are no baseline ecological surveys for the site, against which current conditions can be measured. Two small lakes have been drained by the applicant with the intention of extracting the mineral located beneath the same. There is no ecological data on record for the drained lakes and for the purpose of the Ecological Assessment the impacts on the lost habitat are determined to be permanent impacts of Major significance and the probability is Certain.

None of the SAC's identified are connected to the development by means of watercourse and due to their remoteness, it is considered that there is no potential for direct impacts on designated sites as a result of the development. In terms of indirect impacts, the site is connected to Lough Neagh SPA/ASSI by means of a stream that drains from the southern end of L4. Without mitigation the likely long-term impact will be of Minor significant and the probability is unlikely. There are not considered to be any potential for direct or indirect impacts on Lissan

Wood SLNCI as a result of the development. Nor are there considered to be any potential impacts on Lough Fea, either direct or indirect, as a result of the development, as no rivers or streams drain from the site into the lake.

It has been concluded that in the absence of mitigation the development has the potential to result in negative impacts of minor to moderate significance, notably on the habitats acid/neutral flush, wet modified bog and wet dwarf shrub heath. The development has already likely had an impact of major significance on the habitat dystrophic standing water. If the mitigation measures are applied in full these will reduce the potential for impact to positive to negligible long-term impacts.

Following the submission of plans and amended plans NIEA are content with the proposed development. It is acknowledged and accepted there are difficulties with a phased restoration due to the glacial nature of the site and the actual areas available for restoration in sequence are not known at this stage and therefore phased restoration cannot be proposed. As such it was agreed that a restoration plan could be submitted for the proposed overall final restoration of the site and the methodologies that would be used to create the proposed habitats. NIEA have noted that a good acid grassland mix has been proposed across a large proportion of the site. All areas of improved grassland have also been removed from restoration proposals. Natural Environment Division is content this proposal is more in keeping with the surrounding peatland habitats and compensates for loss of existing habitats on site. It is welcomed by NIEA that the Fea Burn is to remain open and details of its realignment should be included in the biannual reports.

I am therefore content the proposal meets the policy tests of PPS 2 Natural Heritage.

Effects on the water environment

There has been a suite of intrusive site investigations undertaken at Lough Fea Quarry which have been commissioned by the applicant. In general the applicant asserts the workable deposit at Lough Fea Quarry is represented by the upper and lower Glacio-fluvial gravels and these materials comprise silty, coarse sand and gravel with some clay horizons. The gravels predominantly comprise igneous and metamorphosed igneous rock types. GSNi have responded noting their satisfaction with the development and restoration plans which are sufficiently detailed to ensure feasible extraction of the mineral resource. They have also stated the estimated mineral reserves have been calculated to the best reasonable accuracy. This is based on the geological information provided in the ES which is based on intrusive site investigations previously undertaken at Lough Fea quarry with the quarry design criteria and extensive commentary provided in Section 15 of the ES.

Two small unnamed loughs are present within the application area, termed the Western and Eastern Quarry Loughs. A third lough that was sited in between the western and eastern quarry loughs has recently been removed by mineral extraction and the lough was drained over a period of c. 2 weeks by siphoning into the Western Quarry (according to site management reports). There are two lagoons present within the western site area and are part of recirculation system which supplies clean water to the mineral processing plant and settlement for silt laden waters produced by the plant. The south eastern shore of Lough Fea is located immediately to the west of the application area boundary, some 50m from the closest sections of historical mineral extraction.

An assessment was undertaken to establish the possible effects upon the water environment of the proposed extraction of sand and gravel at this site. The current permission does not stipulate a final floor elevation for the base of workings. The application area is sited close to the headwaters of the Lissan Water with the entirety of the application area and immediately surrounding lands to the west and north and more extensive lands to the east draining

southwards to this watercourse. Surface runoff and intraflow is collected by a network of ditches north of Mobuy Road and the flow within the ditches coalesces to form the Fea Burn adjacent to the north-eastern boundary of the application area. The burn flows southwards over a reach of c.750m through an as yet unquarried section of the application site and exits at its central southern boundary. The Fea Burn becomes the Lissan Water downstream of the site. Lands to the north of the site are drained by the River Blackwater which flows from the northern shore of Lough Fea meeting the White Water near the Corick Bridge. The watercourse continues northwards to meet the Moyola River at Straw, c.7.5 km downstream of Lough Fea.

Active water management will be required for the safe and efficient extraction of sub-water table mineral which will involve the pumping of groundwater and rainfall ingress from the western quarry to the eastern quarry until exhaustion of mineral in the western quarry and vice versa for working of the eastern quarry.

The Fea Burn will be re-aligned around the eastern margin of the eastern quarry prior to expansion of mineral extraction within this area in order to preserve the integrity of the watercourse and prevent interference with workings. The re-alignment will be made over an existing reach of c680m and entirely within the boundary of the application area and no alteration will be made to the course of the Burn upstream or downstream of the site. The Drainage and Water team of DAERA have noted the realignment proposal. They have requested a condition which requires the submission of a Construction Environmental Management Plan (CEMP) and this must demonstrate that best practice and appropriate mitigation will be applied during the construction, deconstruction and operational phases of the application and this should include all pollution prevention measures to protect groundwater and waterways.

Rivers Agency are concerned with the potential flood risk associated with the re-alignment, however it is the contention of the agent that assuming the provision of the full length of re-aligned channel prior to affecting the diversion, which is entirely practical, there would be no significant impacts upon levels or flows within the watercourse.

The Drainage and Water team of DAERA has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to a condition that a Construction Environmental Management Plan must be submitted at least 8 weeks prior to the commencement of construction.

Noise Impact

A Noise Impact Assessment was submitted as part of the ES and it has considered the worst case noise impacts of the proposed quarry development on the closest receptors to the site. These are detailed in section 7 of the ES and include properties on Lough Fea Road, Ballybriest Road and Mobuy Road. It is also noted that the locum position is the 1981 permission where there are no conditions regarding hours of operation or noise limits.

Typical operations at the quarry occur during the working hours of 7am to 7pm (Mon-Fri) and 8am to 1pm (Sat). The noise report has concluded that when compared with existing measured background noise levels at the noise sensitive receiver locations, the predicted noise levels due to the proposed quarrying activities will be in some cases up to 10 - 15 dB above the prevailing background noise level at noise sensitive receivers along the Ballybriest and Mobuy Roads. Louder background noise levels prevail along the Lough Fea Road. Whilst there have been on-going quarrying activities for many years the area is very quiet and rural in nature. On the basis of the quarry operations, the predicted noise levels at each individual property in proximity to the proposed development will comply with the suggested noise limit of 45 dB during normal worst-case operations. The conclusion of the noise report states that the predicted noise levels at noise sensitive receiver locations due to the proposed quarrying activities are well in accordance

with the World Health Organisation recommended guideline for community exposure in outdoor living areas during the daytime. Therefore, the quarrying operation noise levels will be in common with existing on-going extraction in the area which operates intermittently and are non-intensively operated. There is no history of noise related complaints from nearby noise sensitive receivers. The Environmental Health Department have no objection to the application.

Dust

It is recognised in the ES that the movement of soil and overburden is a potentially significant source of dust generation due to the nature of the material being handled, particularly those soils which are usually moved when dry and friable. It is proposed to construct a new solid tip buttress against the existing steep north-western quarry faces and it is likely that only one property may be subject to exposure to increase dust levels. The buttress is likely to have a long term environmental gain with respect to noise, landscape and visual impact. It will also strengthen the degree of separation between the proposed mineral development site and residential properties. There are measures provided to reduce the impact upon the dwellings during the buttress construction phase. Whilst the proposed development may have the potential to generate levels of dust through its operation it is considered that if the proposed mitigation and dust management protocols are implemented in full then the development will not significantly impact air quality at sensitive locations in the vicinity of the site. The Environmental Health Department do not have any objections to the application. The Land, Soil and Air team of DAERA has no objection to the proposal subject to a condition the applicant submits a monitoring plan within 6 months of planning permission being granted but before the extraction phases of the current application commence.

Policy MIN 6 of A Planning Strategy for Rural NI requires a particular regard to the safety and amenity of the occupants of developments in close proximity to mineral workings. Planning permission will not normally be granted for mineral workings in close proximity where potential sources of nuisance are judged to be incompatible with acceptable standards of amenity. In relation to both dust and noise there are no objections raised by a consultee and I am satisfied this Policy requirement has been met.

Archaeology

A PAD was held prior to the submission of this application where the then NIEA: Protecting Historic Monuments confirmed there are no known archaeological sites within the application boundary. However the surrounding environment contained a number of archaeological sites, some of which were scheduled. A desk top survey was agreed as sufficient and it didn't show any upstanding sites of archaeological interest. Historic Environment Division is content that the proposal satisfies PPS 6 policy requirements, subject to the suggested conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

Visual Impact

The Landscape and Visual Impact Assessment has been prepared by Mullin Design Associates. I have considered the LVIA together with my own visual inspection of the critical viewpoints of the quarry in the locale. The site is located within the Sperrins AONB and in Landscape Character Area 41. LCA 41 states the lower slopes have a diverse landscape pattern with an irregular patchwork of fields, punctuated by small blocks of woodland. The man made influence of extensive sand and gravel quarrying of glacial moraine on the north-western side of Slieve Gallion summit, the upland plateau fringes of Lough Fea and in the western outlier hills.

Policy MIN 2 of A Planning Strategy for Rural NI addresses the visual implications of mineral workings in the countryside. It states that it is a fact of geology that some of the more beautiful parts of the countryside such as AONB's contain easily workable reserves of rock and sand and gravel. Policy MIN 2 also states it would be unrealistic to dispense with essential sources of supply but nevertheless applications for new mineral workings and extensions to existing workings in these areas will be subject to rigorous examination with particular attention being given to the landscape implications of the proposals.

This application is not seeking to extend the red line of the quarry beyond that which has already been permitted. The proposed development is mostly confined to an area that has historically experienced extraction with quarrying operations having been present in this landscape for many years. Having inspected the site from the road network in the area I agree with the LVIA when it states *"there are relatively few occasions to view the works from surrounding public highways with no views from the main B162. Some views can be achieved over parts of the site from local roads such as Ballybriest and Mobuy Roads"*.

In my opinion the current visual impact of the quarry on parts of the AONB will result in a visual impact not significantly greater than that experienced at present. An extension of the quarrying activities will not involve the introduction of new and uncharacteristic features into the local or wider landscape setting but rather it would result in some disruption to the local landscape character. The quarry is visible from the Ballybriest Road and I do not feel the proposal will have a visual impact that would be so detrimental at this rural location given the existing quarry is operational at this location. There is a more limited view of the quarry from the Mobuy Road. I have no concerns of any significance in this area.

Roads

Policy MIN 7 requires an account to be taken of the safety and convenience of road users and the amenity of persons living on roads close to the site of proposed operations. The site is accessed off the B164 which is used on a frequent basis by mineral haulage vehicles. The number of vehicles that will use the site is not expected to increase and intensification is not an issue. DfI Roads do not have any objections to the proposal. Given there is no expected increase in vehicular movements to the quarry I am satisfied Policy MIN 7 has been met.

Future Restoration

Policy MIN 8 requires mineral workings to be restored at the earliest convenience. Applications for the extraction of minerals must include satisfactory restoration proposals and where practicable such proposals should provide for progressive restoration of sites. The quarry was first approved under a 1981 application and there were no provisions for restoration at that time. As has been addressed elsewhere in this report the agent asserts this is the first time an opportunity has been provided for the restoration of the quarry.

As part of the ES restoration plans were submitted and detailed which were then consulted on. Natural Environment Division had a number of concerns with the restoration plans. Subsequently in order to address their concern a meeting was arranged between myself and Lisa Maddox of DAERA: NED together with Gareth McCallion (Agent) and Pete Mullin of Mullin Design Associates in November 2017. At that meeting the difficulties of a phased restoration were discussed due to the glacial nature of the site. The actual areas available for restoration in sequence are not known at this stage and therefore phased restoration cannot be proposed. As a consequence of that meeting it was agreed that a restoration plan could be submitted for the proposed overall final restoration of the site and the methodologies that would be used to create the proposed habitats. It was also agreed that the agent will submit biennial reports to cover the areas which have reached their extractive limit and will therefore be available for restoration.

The biennial reports that are to be submitted by an appointed Ecological Clerk of Works should address the following areas:

- Detail restoration achieved up to that point and the level of success of the restoration;
- Highlight any further management required to already restored areas if the restoration or elements of the restoration have been unsuccessful;
- Detail the areas that have reached or are about to reach their extractive limit and are therefore available for restoration; and
- Details of restoration proposals for the newly available areas including methodology, timescales and long term management and monitoring of that section of the site such as grazing and mowing.

Amended plans were submitted following the office meeting in November and NED is content that this proposal is of greater biodiversity value to the site than previous plans, is more in keeping with the surrounding peatland habitats, and compensates for loss of existing habitats on site. The proposed marginal vegetation around the lake edges is welcomed by NED and they are content for a species list to be provided and agreed when extraction has reached the level that lake creation will begin. This should be included in the biennial reports. Details of the realignment of the Fea Burn should also be included in the biennial reports when this area is ready for extraction and restoration. Consequently a number of conditions have been suggested by NED.

The final restoration of the site will contain two water features within the red line boundary. Unlike the removed lough the water features will be groundwater fed and these loughs will encourage a diverse habitat. This is the first restoration scheme that has been proposed for the existing quarry. Consequently it is my opinion the proposed restoration and suggested conditions will satisfy the requirement of Policy MIN 8.

In conclusion I am recommending an approval of this application subject to the conditions listed below.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The application satisfies all the relevant planning policies and material considerations as outline in considerable detail able.

Conditions

1. The Landscape Restoration Concept drawing numbers 26/1 and 12/1, date stamped 5 January 2018 shall be adhered to in full and completed within one year of completion of extraction of the site.

Reason: To ensure restoration takes place in its entirety.

2. A suitably qualified and experienced ecologist shall act as Ecological Clerk of Works shall oversee site restoration for the duration of the restoration works.

Reason: To ensure restoration takes place to a high standard and ecological issues can be addressed by a suitably qualified and experienced person.

3. The Ecological Clerk of Works shall produce and submit biennial reports to be agreed with Mid Ulster District Council until such times as restoration is completed. The reports shall establish restoration achievements to date, contingency measures for failing restoration and restoration proposals for areas where the extraction limit has been or is about to be reached. The reports shall include details of restoration including methodology, species for planting if not already identified in the Landscape Restoration concept drawings, timescales and long term management and monitoring of that section of the site such as grazing and mowing.

Reason: To ensure successful phased restoration occurs on site.

4. A Construction Environmental Management Plan (CEMP) must be submitted by the appointed contractor to the Department, for consultation with NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

5. The applicant should submit a monitoring plan to Mid Ulster District Council for approval with DAERA within 6 months of planning permission being granted but before extraction phases of current application commence. The monitoring plan should detail the parameters to be monitored, location and frequency for the different phases of the development as well as a periodic review date. The review should be shared with the planning authority.

Reason: Protection of aquatic environment.

6. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of the development, through excavation, recording or by preservation of remains, and for preparation of an archaeological report.

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	17th June 2016
Date First Advertised	30th June 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) No notifiable neighbours.	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	
Planning History Ref ID: LA09/2016/0866/F Proposal: Remove conditions 8 and 9 of I/1981/0218 Address: Tobermore Sand and Gravel Quarry Ballybriest Lough Fea Cookstown, Decision: Decision Date: Ref ID: I/1980/0411 Proposal: EXTRACTION AND SCREENING OF SAND AND GRAVEL Address: BALLYBRIEST, COOKSTOWN Decision: Decision Date: Ref ID: I/1981/0218 Proposal: SAND AND GRAVEL PITS Address: BALLYBRIEST, LOUGH FEA, COOKSTOWN Decision: Decision Date: Ref ID: I/1992/6036 Proposal: Sand and Gravel Extraction Lough Fea Cookstown Address: Lough Fea Cookstown Decision: Decision Date:	

Ref ID: I/2000/0735/F

Proposal: Extension to Sand & Gravel extraction

Address: Adjacent to 163 Lough Fea Road, Ballybriest, Cookstown

Decision:

Decision Date: 19.06.2002

Ref ID: I/1999/0662/F

Proposal: Extension to sand and gravel extraction.

Address: Adjacent to 163 Lough Fea Road Ballybriest Cookstown

Decision:

Decision Date: 09.03.2000

Ref ID: LA09/2016/0362/PAN

Proposal: Non-compliance with Condition No's 8 and 9 of Planning Permission

I/1981/0218

Address: Lough Fea Sand and Gravel Quarry, Ballypriest, Lough Fea Cookstown,

Decision: PANACC

Decision Date:

Ref ID: I/2015/0075/PREAPP

Proposal: Non-Compliance with conditions No 08 and 09 of planning permission I/218/81 to allow extraction permit the winning and working of minerals within the north east corner of the existing works, west of the Ballybriest Road.

Address: Ballybriest Road, Ballybriest, Lough Fea, Cookstown, BT80 9TY,

Decision:

Decision Date:

Summary of Consultee Responses

Generally no objection subject to a number of conditions listed above.

Drawing Numbers and Title

Drawing No. 13
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 14
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 15
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 16
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 17
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 18
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 19
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 20
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 21
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 22
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 23
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 24
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 25

Type: Cross Sections

Status: Submitted

Drawing No. 12

Type: Landscaping Plan

Status: Submitted

Drawing No. 11

Type: Cross Sections

Status: Submitted

Drawing No. 10

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 09

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 08

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 26

Type: Landscaping Plan

Status: Submitted

Drawing No. 06

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 05

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 04

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 07
Type: Site Layout or Block Plan
Status: Submitted

Notification to Department: N/A

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0887/RM	Target Date:
Proposal: Erection of 5 detached dwellings with detached garages, car parking, landscaping and retaining walls and all other associated site works including temporary treatment works	Location: Lands to the North East of 3 Old Omagh Road Ballygawley
Referral Route: Objection received	
Recommendation:	Approve
Applicant Name and Address: Dr J Gormley 49 Kilmore Road Lurgan	Agent Name and Address: Alan Patterson Design LLP Darragh House 112 Craigdarragh Road Helen's Bay BT19 1UB
Executive Summary: The site has outline planning permission and this application is for reserved matters for 5 detached houses and a temporary waste water works	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Rivers Agency	Content provided conditions and informative attached
Statutory	Environmental Health Mid Ulster Council	Re Temp WWTW - no odour issues, noise condition to be added
Statutory	Historic Environment Division	Proposal has no greater harm on setting of Listed Building or Monuments

Statutory	DAERA	No comment to make on odour assessment, no Natural Environment Division content
Statutory	NI Water - Multi Units West - Planning Consultations	No WWTW capacity and no capital works programme to upgrade. Developer may consider temp works

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

Proposed WWTW will be visually unacceptable, have unacceptable noise and odours and attract rodents and flies. Development will not have a safe access and will create bottle neck. Archaeological survey needs to be carried out every day as there are wells.

Characteristics of the Site and Area

The site is a cut out plot of a larger agricultural field within the settlement limits of Ballygawley, it rises up from the road towards the open countryside to the north. There is an existing 2 storey dwelling that fronts onto the Old Omagh Road to the south and this sits close to the boundary with the application site.

The eastern boundary of the application site is defined by mature native species hedgerow approx. 6-7m tall and beyond this is Richmond Primary School. The southern boundary of the application site is defined by Old Omagh road, a footpath and roadside verge. The footpath is approx. 2m wide and the grass verge is also approx. 2m wide. The western boundary of the red line of the application site is defined by fir trees of the adjoining dwelling which are approx. 3-4m high. The dwelling at the western boundary sits above the site as the land rises steeply at this point. The land also rises steeply upwards at the northern side of the site and the land mass continues to rise beyond same. Current land use is agricultural grazing land.

The area on the outskirts of Ballygawley village has a mix of land uses. Richmond P.S. lies just over the eastern boundary. The Church of Ireland lies to the south of the site whilst the most of land use towards main Ballygawley Road is single dwellings and agricultural land.

Description of Proposal

The proposal is an application for determination of Reserved Matters for the erection of 5 detached 2 storey dwellings with single storey sunrooms at the rear and detached single

garages. The houses are proposed are a mix of brick and self coloured render with concrete interlocking roof tiles. It is proposed to have landscaped areas either side of the entrance road, with a temporary waste water treatment works within one of the areas.

Planning Assessment of Policy and Other Material Considerations

The residential proposal lies within the settlement limit of Ballygawley as defined by SETT1 in the Dungannon & South Tyrone Area Plan 2010 (DSTAP), which is the extant plan for the area. SETT1 is in favour of development provided it meets with the specified criteria. His criteria is broadly similar to that contained within PPS 7, Quality Residential Environments, which is appropriate policy consideration for this development as the Strategic Planning Policy Statement does not clarify or provide policy direction in relation to housing development.

PPS 7 and DSTAP states the development should respect the surrounding context and be appropriate to the character of the village. PPS7 also refers to the topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

The proposed development of 2 storey detached dwellings with self coloured render or facing brick walls, concrete roof tiles and pvc or hardwood glazing windows is typical of the types of houses that are close by. The houses are on generous plots with levels of private amenity space to the rear well in excess of the Creating Places standard of 70sqm and private driveways and garages that can easily accommodate more than 3 cars either in-curtilage or on the public roadway. Estate fencing, landscaping and boundary treatments within the site and between houses provides a degree of privacy until the landscaping matures as well as providing a high quality appearance to the development. The development steps up the site from the south towards the north, generally following the contours of the site. Initially there was a concern about the closeness of the proposed development to the existing house at No 3 Ballygawley Road, the application has been amended to move the dwelling 12 metres from the back wall of the existing dwelling. Landscaping and the garage are also proposed to provide screening of the rear private amenity space to reduce overlooking of the private amenity space. The increased separation distance will also reduce the overshadowing to the late evening time which I consider will already be in shadow due to the existing land form, vegetation and topography of the area to the north. It is notable there is a 1.5m difference in the finished floor levels on sites 2-3, however this is accounted for by a greater separation distance between the dwellings on these sites. The areas of landscaped open space either side of the access road at the front provides an attractive entrance to the site and while one of these areas contains the temporary WWTW, the majority of the structures will be below ground and the landscaping will assist in screening the remaining equipment housing from public view. It is my opinion that the proposal layout respects the surrounding context and is appropriate in terms of layout and appearance of buildings and landscaped areas.

Historic Environment Division have been consulted and while there are listed buildings close by, they have not raised any concerns about the proposed development. Neither have they raised any concerns about archaeological remains within the site. I note the objector's desire for the site to be the subject to daily archaeological survey, which has not been requested by NIEA, the statutory body for these matters.

The site is close to the local churches and schools as well as being close to, easily accessed by a good network of public footpaths and within walking distance of the centre of the village where

the majority of shops, services and public transport links are located. Given its close proximity and the size and scale of the scheme I do not consider it is reasonable or necessary to request the provision of additional community facilities within the scheme.

DfI Roads engineers have considered the proposed development and have not raised any concerns in relation to the access standards for roads safety or traffic progression. They have advised the access visibility splays shall be conditioned and they will adopt the roads if they are constructed to their standards. As Roads Engineers have not identified any road safety or traffic progression issues with the development, I consider this has dealt with the objection on road safety and traffic progression grounds.

Ballygawley Waste Water Works does not have capacity to accept the waste water from the application site. The developer has therefore proposed to provide a below ground temporary waste water treatment facility to deal with waste water. The works is under ground with only some small kiosks above ground. EHO have considered the noise and odour from the proposed WWTW and have not raised any concerns about these, subject conditions about noise limits. As they are content the proposed development will not cause undue noise or odours, I consider this has addressed the objection.

Rivers Agency have been consulted with a Drainage Assessment which has identified a blockage in storm pipes that the development is proposing to discharge into. Rivers Agency have asked that the blockage is removed prior to the commencement of the works on the site. I do not see this as an unduly complex or onerous task and as it has the potential to cause flooding if not resolved, I consider it is appropriate to alert the developer to the need to carry out these remedial works before the development is started.

Taking into account all the issues in relation to this site and the appropriate policies, I consider the proposal can be approved with conditions.

Neighbour Notification Checked	Yes/No
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Summary of Recommendation:

I recommend to the planning committee that the reserved matters are approved.

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 hard and soft landscape works shall be carried out in accordance with the details as shown on drawing Nos 3 Rev 3 and 11 Rev 2 bearing the stamp dated 5 APR 2018 and 09 Rev 1 bearing the stamp dated 14 MAR 2018. They shall be provided to the appropriate British

Standard or other recognised Codes of Practice. The landscaping and boundary treatments within each individual site shall be carried out prior to the occupation of the dwelling on the site. Landscaped area identified A on drawing 11 Rev 2 shall be provided prior to the occupation of any of the dwellings and the landscaping identified in area B shall be provided prior to the occupation of the 4th dwelling hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

3. The vehicular access, including visibility splays of 2.4m x 90.0m and forward sight lines of 90.m shall be provided in accordance with drawing No 12 Rev 4 bearing the stamp dated 5APR2018, prior to the commencement of any works or 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 levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The gradients of the accesses shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

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

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

6. The development hereby permitted shall not be occupied until the road works (including widening of the existing footway) as indicated on Drawing No. 12 Rev 04 bearing the date stamp 5 APR 2018 have been fully completed in accordance with the approved plans.

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

7. None of the dwellings hereby approved shall be occupied until the waste water treatment plant as shown on drawing No 15 bearing the stamp dated 4 JUL 2016 has been installed and is fully operational. The plant shall be installed at the developer's expense and shall be maintained by the developer until such times as it is adopted by NI Water or is no longer necessary to serve the development.

Reason: To prevent pollution and to ensure waste water from the development is properly dealt with.

8. The noise level from the proposed waste water treatment works hereby approved, with all plant and equipment fully operational shall not exceed 53dB LAeq (including tonal penalties) at any time when measured at a distance of 5 metre from the source.

Reason: In the interests of residential amenity.

9. Prior to the commencement of any development hereby approved the blockage associated with the pipeline as described in the Drainage Assessment supplementary letter dated 21st November 2017 should be removed.

Reason: To prevent flooding.

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

10. The Department for Infrastructure has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawings No 12 Rev 4 bearing 5APR2018.

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

Signature(s)

Date:

ANNEX	
Date Valid	22nd June 2016
Date First Advertised	7th July 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 13 Old Omagh Road,Ballygawley,Tyrone,BT70 2AA, The Owner/Occupier, 13a Old Omagh Road,Ballygawley,Tyrone,BT70 2AA, The Owner/Occupier, 14 Old Omagh Road Richmond Ballygawley The Owner/Occupier, 15 Old Omagh Road,Ballygawley,Tyrone,BT70 2AA, The Owner/Occupier, 2 Old Omagh Road Richmond Ballygawley Francis Kelly 3 Old Omagh Road Richmond Ballygawley The Owner/Occupier, 4 Old Omagh Road Richmond Ballygawley The Owner/Occupier, Ballygawley Church Of Ireland, 2A Old Omagh Road,Ballygawley,Tyrone,BT70 2AA, C Broddle Ballygawley Church Of Ireland,2A Old Omagh Road, Ballygawley, Co Tyrone,BT70 2AA The Owner/Occupier, Ballygawley Presbyterian Church, Church Street, Ballygawley, Co Tyrone, BT70 2 The Owner/Occupier, J Loughran And Sons Car Sales, Old Omagh Road,Ballygawley,Tyrone,BT70 2AA, The Owner/Occupier, Richmond Primary School, 1 Old Omagh Road,Ballygawley,Tyrone,BT70 2AA,	
Date of Last Neighbour Notification	18th May 2017
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: M/2015/0162/O

Proposal: Proposed residential development comprising of 7 no. detached dwellings with detached garages, car parking, landscaping and all associated site works - amended description.

Address: Lands to the NE of 3 Old Omagh Road Ballygawley,

Decision: PG

Decision Date: 20.10.2015

Ref ID: LA09/2016/0887/RM

Proposal: Erection of 5 detached dwellings with detached garages, car parking, landscaping and retaining walls and all other associated site works including temporary treatment works

Address: Lands to the North East of 3 Old Omagh Road, Ballygawley,

Decision:

Decision Date:

Ref ID: M/2006/0398/O

Proposal: INSTALLATION OF PHOTOVOLTAIC PANELS ON PITCHED ROOF OF SCHOOL TO IMPROVE ENERGY AND TO PROVIDE AN EDUCATUIONAL RESOURCE

Address: RICHMOND PRIMARY SCHOOL, 1 OLD OMAGH ROAD BALLYGAWLEY, DUNGANNON, BT70 2EZ

Decision:

Decision Date: 24.04.2006

Ref ID: M/2001/1286/F

Proposal: Replacement School to accommodate the amalgamation of Ballygawley & Innishmagh Primary Schools

Address: Ballygawley Primary School, 1 Old Omagh Road, Ballygawley

Decision:

Decision Date: 11.03.2002

Ref ID: M/1998/0760

Proposal: Replacement Primary School

Address: BALLYGAWLEY PRIMARY SCHOOL 1 OLD OMAGH ROAD BALLYGAWLEY DUNGANNON

Decision:

Decision Date:

Ref ID: M/1977/025901

Proposal: REPLACEMENT DWELLING
Address: RICHMOND, BALLYGAWLEY
Decision:
Decision Date:

Ref ID: M/1977/0259
Proposal: REPLACEMENT DWELLING
Address: RICHMOND, BALLYGAWLEY
Decision:
Decision Date:

Ref ID: M/1974/009601
Proposal: ERECTION OF DWELLING HOUSE
Address: RICHMOND, BALLYGAWLEY
Decision:
Decision Date:

Ref ID: M/1974/0096
Proposal: ERECTION OF DWELLING HOUSE
Address: RICHMOND, BALLYGAWLEY
Decision:
Decision Date:

Ref ID: M/1974/0379
Proposal: ERECTION OF DWELLING HOUSE.
Address: RICHMOND, BALLYGAWLEY
Decision:
Decision Date:

Ref ID: M/1974/0097
Proposal: ERECTION OF DWELLING HOUSE
Address: RICHMOND, BALLYGAWLEY
Decision:
Decision Date:

Summary of Consultee Responses

NIEA – NED content, MWU content subject to conditions

HED – no greater demonstrable harm on setting of listed building (Church of Ireland), no archaeological requirements

EHO – noise and odour considered and condition required for noise

Roads – access to be provided, improvements to footpath and internal road to be adopted

NI Water – no capacity at receiving WWTW, temporary works to be provided

Rivers Agency – no building over culverted watercourses, blockage in existing pipe to be removed, internal storm sewers to be adopted by NI Water

Drawing Numbers and Title

01, 02, 3REV3, 4REV3, 5REV2, 6REV1, 7REV1, 8REV1, 9REV1, 10, 11REV2, 12REV4, 14 15, 16REV1, 19, 20, 21, 22,

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: LA09/2016/1060/F	Target Date:
Proposal: Retention of Mobile Home and Domestic Modular Building and Storage Area and associated works	Location: Land approx. 100m NW of 24 Findermore Road Tullynavert Clogher
Referral Route: Objections received.	
Recommendation:	Approval
Applicant Name and Address: Mr Gerry McCaughey 15 Fintona Road Clogher BT76 0TG	Agent Name and Address: Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND
Executive Summary: Temporary accommodation on a site that has planning permission for a replacement dwelling. Objections received about the access and improvements to it.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

Letters of Support	3
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 Land ownership, improvements to access not available, destruction of property	
Characteristics of the Site and Area <p>This is a mobile home and portable building linked by a perspex sheeted cover beside a detached dwelling, currently nearly complete but not occupied. The dwelling was approved last month by the Committee as a replacement dwelling, reference LA09/2017/0756/F.</p> <p>The buildings are located off a long private lane that accesses onto Findermore Road. A group of agricultural buildings and a detached farm house are located to the east around a farm yard. 2 other dwellings are accessed off the lane, though one of these has 2 access points, one onto the lane and a direct access to Findermore Road.</p>	
Description of Proposal <p>This application is for the retention of the mobile home, modular building, storage area and associated works.</p>	
Planning Assessment of Policy and Other Material Considerations <p>This development is located in the countryside outside of any settlement limits as defined in the Dungannon & South Tyrone Area Plan 2010, the extant plan for the area. I do not consider the Strategic Planning Policy Statement for NI provides any clarification or new direction in relation to the existing policy CTY9 – Residential Caravans and Mobile Homes as set out in PPS 21- Sustainable Development in the Countryside.</p> <p>Planning permission for temporary residential accommodation may be granted for a period of up to 3 years, pending the development of a permanent dwelling. Planning permission has been granted for the dwelling beside this development, under LA09/2017/0756/F and it is currently under construction. I consider the temporary accommodation meets with CTY9.</p> <p>The Members are advised there have been objections received in relation to the access that serves this development. Planning application LA09/2017/0756/F was granted on the basis of a replacement dwelling, where it was accepted there was an existing dwelling that used this lane. DCAN15 sets out that where there is a 5% increase in the use of an access this is intensification. As a replacement dwelling has been granted, it is accepted that dwelling has a committed usage of the access and it would not be seen as an intensification of the use of the access if it were to be replaced. I do not consider AMP2 of PPS3 – Access, Movement and Parking applies in this instance as there is no intensification of use of the access and therefore no requirement to improve the access.</p> <p>Other issues raised by the objector in relation to destruction of property and land ownership of the lane are civil matters between the necessary parties.</p>	
Neighbour Notification Checked	Yes

<p>Summary of Recommendation: Approve</p>
<p>Conditions:</p> <p>1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.</p> <p>Reason: This is a retrospective application.</p> <p>2. The mobile home and domestic modular building, hereby permitted, shall be removed and the land restored to its former condition within 3 years from the date of this permission, or within 6 weeks of the date of the occupation of the dwelling approved by planning permission ref LA06/2017/0756/F, whichever date is the sooner.</p> <p>Reason: To prevent intensification of the use of the substandard access onto Findermore Road.</p> <p>Informatives</p> <p>1. The Roads Authority have advised the access is not up to the minimum standard and that it is in the interests of the applicant and other users of the access to improve it.</p>
<p>Signature(s)</p> <p>Date:</p>

ANNEX	
Date Valid	1st August 2016
Date First Advertised	18th August 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) Martina O'Neill 20 Findermore Road Tullanavert Clogher Conor O'Neill 20 Findermore Road Tullanavert Clogher The Owner/Occupier, 22 Findermore Road Tullanavert Clogher Robert Mort 22 Findermore Road, Clogher, Tyrone, Northern Ireland, BT76 0TH The Owner/Occupier, 24 Findermore Road Tullanavert Clogher Laimhain Corrigan 24A Findermore Road Tullanavert Clogher Anne Doogan Falls And Hanna Solicitors, 24 East Bridge Street, Enniskillen, Fermanagh, Northern Ireland, BT74 7BT Falls & Hanna, Solicitors Ltd Solicitors Ltd. 24 East Bridge Street, Enniskillen, Co. Fermanagh, BT74 7BT Robert Mort	
Date of Last Neighbour Notification	05 th December 2016
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2017/0756/F Proposal: Retention of replacement dwelling and garage in substitution of dwelling and garage approved under M/2006/1355/RM Address: Approx 140m N.E of 24 Findermore Road, Clogher, Decision: Decision Date:	

Ref ID: LA09/2016/1060/F

Proposal: Retention of Mobile Home and Domestic Modular Building and Storage Area and associated works

Address: Land approx. 100m NW of 24 Findermore Road, Tullynavert, Clogher,

Decision: AL

Decision Date:

Ref ID: M/1978/0187

Proposal: 11 KV O/H LINE

Address: TULLANAVERT, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2006/1355/RM

Proposal: Erection of dwelling and domestic garage

Address: Land Adjacent to and West of 24 Findermore Road, Clogher

Decision:

Decision Date: 21.09.2006

Ref ID: M/2006/0419/RM

Proposal: Proposed dwelling & garage

Address: 150m South East of 22 Findermore Road, Clogher

Decision:

Decision Date: 24.04.2006

Ref ID: M/2004/1291/O

Proposal: Two storey dwelling & detached domestic garage

Address: Tullanavert, 150 Metres South East of 22 Findermore Road, Clogher

Decision:

Decision Date: 30.11.2004

Ref ID: M/2005/0195/O

Proposal: 2 Storey dwelling and domestic garage

Address: Land adjacent to and west of No. 24 Findermore Road, Clogher

Decision:

Decision Date: 06.04.2005

Summary of Consultee Responses

Roads – access requires improvements

Drawing Numbers and Title
<p>Drawing No. 02 Type: Block/Site Survey Plans Status: Submitted</p> <p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 03 Type: Elevations and Floor Plans Status: Submitted</p>
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: LA09/2016/1513/F	Target Date:
Proposal: Proposed erection of new store and 2 no residential apartments to rear of existing premises	Location: 2 - 4 Glen Road Maghera
Referral Route: Proposal contrary to QD 1 of PPS7 in that the proposed development does not make adequate provision for public and private open space and landscaped areas are not an integral part of the development. And the proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that the development does not make a positive contribution to the town centre.	
Recommendation: Refusal	
Applicant Name and Address: Mr Peter McKenna 2 - 4 Glen Road Maghera BT46 5AW	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
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - 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

Proposal contrary to QD1 of PPS7 & DES 2 of A Planning strategy for Rural Northern Ireland.

Characteristics of the Site and Area

The proposal site is located within the town centre of Maghera. The siting is to the rear of an existing public house within the existing yard area. At present there are 4 storage sheds within the site which is all within the existing yard area of the public house. There is an existing laneway running along the Western boundary which serves several residential properties and businesses. There are residential properties directly opposite the site on the Western side which sit at a higher level, these properties are 2 storey and have off street parking. Immediately adjacent to the northern boundary is the Glen Road and further residential properties.

Description of Proposal

Full application for 'Proposed erection of new store and 2 no residential apartments to rear of existing premises'.

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 1 - General Principles

Planning Policy Statement 3 - Access, movement and parking

Planning Policy Statement 4 - Planning and Economic Development

A Planning Strategy for Rural Northern Ireland - DES 2

DCAN 8

Creating Places

Site visit carried out on 02.02.2017.

Consultees: Transportni were asked to comment and responded on 23.01.2017 stating that the existing access is substandard however given the number of properties utilizing the laneway and the existing established use, the proposal will not intensify use. However an amended plan showing parking for the apartments has been requested. The agent has submitted additional supporting information dated 02.03.2017 detailing their justification as to why they do not feel parking is required for the proposal due to its town centre location. This information was conveyed to DfI and they responded on 28.03.2017 stating that they accept the argument that due to the town centre location independent parking is required and would defer to council this issue.

Environmental Health were asked to comment and responded on 24.11.2016 with no objections subject to advice.

NI Water were asked to comment and responded on 07.11.2016 with no objections to the proposal.

In line with legislation this proposal was advertised in November 2016, no objections have been received to date.

Neighbours notified: Owners/occupiers of the neighbouring properties were notified on 04.11.2016, these addresses were Nos 10, 12, 14 _ 16 Glen Road, 118 Main Street and 122 Main Street Maghera. No objections have been received following this.

The proposal site is located within the settlement development limit and town centre of Maghera as defined by Magherafelt Area Plan 2015. Immediately adjacent to the proposal site is a recognised development opportunity site.

There are two elements to this proposal, the proposed housing and the proposed storage. According to PPS 7 planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. It should be noted that in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

All proposal for residential development will be expected to confirm to ALL of the following criteria:

- the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced area - the proposed residential units take the form of two units with proposed storage underneath. The proposed residential units are facing onto the existing rear access lane, no landscaped areas have been indicated for the proposed units.
- features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development - there are no archaeological or built heritage designations within proximity of the proposed development.
- adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area - no private or communal areas have been indicated for the proposed residential units. One very small bin storage communal area has been indicated. No landscaped areas or site boundary treatments have been indicated. Thus this proposal fails to meet this criteria.
- adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development.- the proposal site is within a central town centre location.
- a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures - no movement pattern or access arrangements have been indicated. The agent is relying on the fact that the proposal site is a town centre location and so can use existing parking facilities within the town itself.
- adequate and appropriate provision is made for parking - no parking arrangements have been indicated as stated above. The site is within a highly accessible location well served by public transport.
- the design of the development draws upon the best local traditions of form, materials and detailing - the design of the proposal is very simple in form and finished detailing.
- the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance - the proposed use may suffer from adversities from neighbouring existing land uses however there would be no overlooking issues from the proposal.
- the development is designed to deter crime and promote personal safety. - as previously discussed no site boundaries or parking or private or communal open space has been demonstrated.

Having considered all of the above details I feel the proposal does not respond to the local context or local neighbourhood as currently presented and fails to meet the criteria of QD1 of PPS 7.

In line with PPS 4 the proposed development should be compatible, be of scale, nature and form appropriate to its location, no negative impact on the existing settlement and no negative impact for neighbouring residents.

In addition the proposal should not adversely affect features of the natural/ built heritage, the proposal site should not be located within an area affected by flooding issues, a noise nuisance should not be created, emission and/or effluent should be dealt with satisfactorily, the existing road network should be able to handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified along with adequate access arrangements, parking and manoeuvring areas being provided and a movement pattern should also be provided. In addition the site layout, building design, associated infrastructure and landscaping arrangements should be of high quality and assist the promotion of sustainability and biodiversity, an appropriate boundary treatment and means of enclosure should be provided and the overall proposal should be designed to deter crime and promote personal safety.

Storage is Class B4 - Storage & Distribution

According to policy a development proposal to extend an existing economic development use or premises within settlements will be determined on its individual merits having regard to Policy PED9. Such a proposal as the storage element of this application in addition to the other policy provisions must meet all of the following criteria:

- it is compatible with surrounding land uses - storage to the rear of the existing commercial premises would be acceptable and compatible with the surrounding land uses.
- it does not harm the amenities of nearby residents - the proposed storage element would not impact on neighbouring residents.
- it does not adversely affect features of the natural or built heritage - no natural or built heritage elements have been identified within close proximity of the proposal site.
- it is not located in an area at flood risk and will not cause or exacerbate flooding - there are no flood risks at the proposal site.
- it does not create a noise nuisance - the economic element of this proposal is for storage and as such this type of use should not create a noise nuisance.
- it is capable of dealing satisfactorily with any emission or effluent - the economic element of this proposal is for storage and as such this type of use should not create any emission or effluents.
- 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 - the economic element of this proposal is for storage and as such this type of use should not create additional parking or traffic issues, any parking requirements should be catered for by existing town centre parking facilities.
- adequate access arrangements, parking and manoeuvring areas are provided - no access arrangements, parking or manoeuvring areas have been provided.
- 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 - due to the town centre location of the proposal there are good links with existing public transport links.
- the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity - the site layout is cramped and not of a high quality.
- appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view - bin storage has been provided for

the proposed apartments. No boundary treatment or site enclosure has been indicated with this proposal.

- is designed to deter crime and promote personal safety - it is unclear how this proposal would meet this particular criteria.

- in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape - this proposal is within a town centre location.

In addition this proposal should be considered against DES 2 of A Planning Strategy for Rural Northern Ireland whereby it states that development proposals in towns and villages are required to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. Due to the lack of amenity space, open space, landscaping etc. I feel this proposal also fails the requirements of DES 2 in that the proposal does not make a positive contribution to townscape.

Having considered all of the above it is my opinion that the proposed development is contrary to policy and a refusal should be recommended in that the proposal does not make a positive contribution to townscape and adequate provision has not been made for public or private open space and nor have landscaped areas been provided.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered all of the above it is my opinion that the proposed development is contrary to policy and a refusal should be recommended in that the proposal does not make a positive contribution to townscape and adequate provision has not been made for public or private open space and nor have landscaped areas been provided.

Reasons for Refusal:

1. The proposal is contrary to Planning Policy Statement 7 in that the development does not make adequate provision for public and private open space and landscaped areas are not an integral part of the development.

2. The proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that the development does not make a positive contribution to the town centre.

Signature(s)

Date:

ANNEX	
Date Valid	25th October 2016
Date First Advertised	10th November 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Glen Road Craigmore Maghera The Owner/Occupier, 118 Main Street Craigmore Maghera The Owner/Occupier, 12 Glen Road Craigmore Maghera The Owner/Occupier, 120 Main Street, Craigmore, Maghera, Londonderry, BT46 5AF The Owner/Occupier, 122 Main Street Craigmore Maghera The Owner/Occupier, 14 Glen Road Craigmore Maghera The Owner/Occupier, 16 Glen Road Craigmore Maghera	
Date of Last Neighbour Notification	4th November 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/1513/F Proposal: Proposed erection of new store and 2 no residential apartments to rear of existing premises Address: 2 - 4 Glen Road, Maghera, Decision: Decision Date: Ref ID: H/1990/0486 Proposal: CAR-REPAIR WORKSHOP Address: 122 MAIN STREET & CORNER OF GLEN ROAD MAGHERA Decision: Decision Date: Ref ID: H/2008/0180/F	

Proposal: Retrospective application for 2No. storage containers to the rear of No.104 Main Street, Maghera

Address: 35m to the West of No. 104 Main Street, Maghera

Decision:

Decision Date: 05.01.2009

Ref ID: H/2006/0437/F

Proposal: Proposed re-development of 118-120 Main Street, Maghera to provide ground floor shop unit (1), office to rear, 2 offices on first floor & 2 flats on second floor

Address: 118-120 Main Street, Maghera

Decision:

Decision Date: 13.02.2007

Ref ID: H/2003/0851/F

Proposal: Ground floor kitchen showroom, 1st and 2nd floor child nursery.

Address: 118 - 120 Main Street, Maghera.

Decision:

Decision Date: 25.08.2005

Ref ID: H/1979/0506

Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW

Address: 2-4 GLEN ROAD, MAGHERA

Decision:

Decision Date:

Ref ID: H/2001/0195/F

Proposal: Proposed extension

Address: 2 & 4 Glen Road, Maghera

Decision:

Decision Date: 11.10.2001

Ref ID: H/1998/0625

Proposal: CHANGE OF USE FROM STORE TO OFF-LICENCE AND PROPOSED EXTENSION

Address: 2 & 4 GLEN ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/1992/0189

Proposal: NEW SHOP AND 2 NO OFFICES

Address: 122 MAIN STREET MAGHERA

Decision:

Decision Date:

Ref ID: H/1992/6119
Proposal: SHOP AND OFFICES 122 MAIN ST MAGHERA
Address: 122 MAIN ST
Decision:
Decision Date:

Summary of Consultee Responses**Drawing Numbers and Title**

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

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

Drawing No. 04
Type: Proposed Plans
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: LA09/2016/1686/F	Target Date:
Proposal: Proposed erection of community building and changing facilities for public shared space within existing fishery	Location: Land approx. 80m North East of 41 Gorestown Road Dungannon
Referral Route: Refusal recommended	
Recommendation:	Refusal
Applicant Name and Address: Gorestown Lough Fishery Ltd 37 Gorestown Dungannon BT71 7EX	Agent Name and Address: www.niplanningpermission.co.uk Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
Executive Summary: This application is for a community building in the rural area associated with an established fishery. No information has been provided to demonstrate what community use the building will be put to and why a building of this size, which will not integrate, into the landscape is needed.	
Signature(s): <div style="height: 40px;"></div>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - 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	5
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 Letters of support from St John PS, Moy; Charlemont and Moy Development Association; Willowbreeze Flyfishing Club, Larne; South Tyrone Men Shed, Dungannon and Coalisland Residents and Community Forum who all advise they would welcome the proposal and would make use of it, if developed.	
Characteristics of the Site and Area <p>The site as proposed is very restricted in area and is located on the south boundary of Gorestown Fisheries. The fisheries complex is located on the south side of Gorestown Road and it slopes down from west to east. There is a hard cored car park in the west boundary and 2 man-made ponds in the east part of the site. Planning permission has been granted for 3 tourist caravans, beside the existing car park. Mature trees are located along the east boundary of the site and a low hedge is along the majority of the other boundaries.</p> <p>The site is approximately 2.5kms west of Moy and the site is overlooked by a large detached dwelling with a thatched roof that sits on higher ground to the west. The area is characterised by agricultural land and farm buildings as well as single rural houses.</p>	
Description of Proposal <p>The proposed development before the members is for the erection of a community building and changing facilities. The building proposed will be sited in the south of the site, it will have a ridge height of 8m, it is 18.2m long and 9.2m wide, finishes are cedar coloured timber cladding to the walls and a slate roof. The building is 2 storey with the ground floor providing toilets, changing areas, a small kitchen area and approx. 70sqm of a community hall, the first floor is split into 2 rooms and provides approx. 100sqm of hall space.</p>	
Planning Assessment of Policy and Other Material Considerations <p>Members are advised this application is in the countryside, outside any settlement limits defined in the Dungannon & South Tyrone Area plan 2010, the extant plan for the area. Policy COM 1 within the Area Plan is not relevant in this case as it deals with community uses within settlement limits. The Strategic Planning Policy Statement does not, in my opinion, provide any clarification or change in policy direction to the existing published policies. A Planning Strategy for Rural Northern Ireland has some policies that are have not been superseded, one such policy is PSU1-Community Needs. Its purpose is to allocate sufficient land to meet anticipated need and it allows for sites to be identified through individual site assessment or through the plan process. The proposed development provides a mix of uses which require them to be considered against</p>	

a number of different policies, as such I consider the relevant policy context is provided in A Planning Strategy for Rural NI, PPS3 –Access, Movement & Parking, PPS8 – Open Space, Sport and Outdoor Recreation and PPS21- Sustainable Development in the Countryside.

Members will be aware the committee granted planning permission for tourist accommodation on this site in June 2016, under file reference M2014/0593/O, other relevant planning history is the decision by the Department to grant planning permission for the lake, M/2008/0025/F.

Gorestown Fisheries Ltd is a registered company, it is not for profit and its objects are to provide a unique accessible fishing experience for all sectors of the community. The changing areas are primarily to service the existing approved fishery which is an outdoor sport and recreation type facility. I support the provision of an ancillary building in association with the existing fishery, provided it is of appropriate scale and is located in a sensitive manner.

The proposal also involves a community use and members are advised that Class D1 – Community and Cultural Uses, as set out in the Schedule to the Planning Use Classes Order (NI) 2015 provides for any use (not including a residential use)—

- (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner;
- (b) as a crèche, day nursery, after school facility or day centre;
- (c) as a community centre;
- (d) for the provision of education;
- (e) for the display of works of art (otherwise than for sale or hire);
- (f) as a museum;
- (g) as a public library or reading room;
- (h) as a public hall or exhibition hall; or
- (i) as a law court.

The agent was asked to provide additional information to support and clarify the community use that was proposed and also to consider reducing the size of the building to a single storey building. The response was a statement that relates to tourism proposals and to provide letters of support from organisations who said they were in support of the proposal and would use it. It was also advised they needed the building to be this size to accommodate the changing areas and be DDA compliant.

Policy CTY1 of PPS21 and PSU1 of PSRNI are permissive in that they support development provided it can be shown it is essential and cannot otherwise be located in a settlement. In this case, the submission for consideration has not shown any reason why the community use cannot be located in a nearby settlement or provides an individual site assessment of the need. Members are advised that Dungannon is located 4kms to the north, Eglish is 3.5kms to the west and Moy is 3.45ms to the east. All of the settlements have space for community buildings. No details have been provided to show any DDA Access to the upper floor of the building and as such I do not consider it has been demonstrated the building needs to be 2 storey in height. I do not consider it has been demonstrated there is a need for this building and as such I consider it is contrary to CTY1 and PSU1.

The proposed building is 8 metres high and is located on a part of the site that does not have any vegetation behind it, whilst the land form rises to the rear it is too far away and in my opinion does not provide a suitable backdrop for the proposed development. The application site is so limited in size that it does not provide space to move the building or to provide landscaping. The landform around the site is undulating and while I accept that this will limit views to the

<p>immediate area around the site, I consider the critical views of this site are from the Gorestown Road in front of the site and this building at this location will be unduly prominent in the land. I consider the proposal is contrary to CTY13 and CTY14 of PPS21.</p> <p>The application is accompanied with a plan that shows the existing car park is to serve this development. Members are asked to note the car park is there to serve the fishery and it has also been shown to serve the approved tourist accommodation on the site. The existing and approved development will require car parking for 18 spaces (3 for the caravans at 1 per pitch and 15 for the fishery at 4spaces per 1ha of open space – 3,7ha). The proposed development would require 7 spaces based on 1 space for 30sqm of floor space for the new building, this is not taking into account the kitchen and changing areas as it is accepted these may be double counting as these are necessary to serve the existing use. There are no details to show this provision and considering the plans that are shown it is reasonable to assume there will be 24 spaces, 10 along the roadside and 2 rows of 7 in the middle. While this is not the entire requirement for the existing, approved and proposed development I do not consider it is not such a significant under provision that it would warrant refusing planning permission for this reason alone. As such I consider the existing car parking, if properly marked out, could provide the parking to accommodate this development, though it would require details of the proper layout to be shown.</p> <p>It is recommended this application is refused as it has not been demonstrated there is a need for this community building in the countryside.</p>	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation: Recommendation to refuse planning permission as there has been no need demonstrated for the building and a building of this size will not satisfactorily integrate into the landscape.</p>	
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside and PSU1 of A Planning Strategy for Rural Northern Ireland in that it has not been demonstrated the proposed building is required for community use and 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 Policies CTY13 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if approved the proposed building would be a prominent feature in the landscape as it does blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape. 	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	30th November 2016
Date First Advertised	15th December 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 37 Gorestown Road Ballymackilduff Dungannon The Owner/Occupier, 41 Gorestown Road Ballymackilduff Dungannon The Owner/Occupier, 43 Gorestown Road Ballymackilduff Dungannon The Owner/Occupier, 45 Gorestown Road Ballymackilduff Dungannon The Owner/Occupier, 47 Gorestown Road Ballymackilduff Dungannon Julia Meyer on behalf of CAMDA CAMDA,2 Killyman Street,Moy,Co. Tyrone,BT71 7SJ Marian Dorman Coalisland Residents And Community Forum,3 Dungannon Road, Coalisland, Tyrone,BT71 4HP J Kilpatrick Principal,Saint John's Primary School,Moy,Dungannon,Co. Tyrone,BT71 7SQ Brian O'Neill South Tyrone Men Shed,9 Northland Row,Dungannon,Co Tyrone,BT71 6AY Alan Greer Willowbreeze Fly Fishing Club,161 Linn Road, Larne,BT40 2AJ	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2016/1686/F

Proposal: Proposed erection of community building and changing facilities for public shared space within existing fishery

Address: Land approx. 80m North East of 41 Gorestown Road, Dungannon,

Decision:

Decision Date:

Ref ID: M/2008/0025/F

Proposal: Proposed lake

Address: 190m North West of 48 Gorestown Road, Moy, Co Tyrone

Decision:

Decision Date: 30.06.2008

Summary of Consultee Responses

Roads - need to show parking and servicing areas

EHO - details of septic tank to be agreed

NI Water - no foul sewer available

Drawing Numbers and Title

Drawing No. 02

Type: Proposed Plans

Status: Submitted

Drawing No. 03

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1703/O	Target Date:
Proposal: Change of use of waste management facility for the treat and dismantling of end of life vehicles, to a residential dwelling comprising 8no units (6 semi detached and 2 apartments)	Location: 89 Clady Road Portglenone
Referral Route: Lack of information received in respect of possible contamination	
Recommendation: Refusal	
Applicant Name and Address: Mr Martin Henry 48 Glenone Road Clady	Agent Name and Address: Bannvale Architectural Services 104a Ballynease Road Portglenone BT44 8NX
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested

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

Refusal recommended – Lack of information with regards contamination

Characteristics of the Site and Area

The proposal site is located within the village of Clady and located on the roadside. The current use of the plot is as a waste management facility for the treatment and dismantling of end of life vehicles. Although it appears that the site has been closed up there still remains a significant amount of end of life vehicles and associated scrap on site. Immediately north of the proposal site is the Clady River, the river itself is separated from the proposal site by existing fencing and a band of mature trees and vegetation. Located on the western boundary are residential units and mature vegetation while on the eastern boundary is a small paddock of overgrown land which appears to be associated with the adjacent residential property of No 87 Clady Road. The existing ground level within the proposal site sits at a lower level than the road level and the site is surrounded by fencing. Directly opposite the proposal site are further residential properties.

Description of Proposal

Change of use of waste management facility for the treatment and dismantling of end of life vehicles, to a residential dwelling comprising of 8 no. units (6 semi-detached and 2 apartments).

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 1 - General Principles

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 7 - Quality Residential Environments

Planning Policy Statement 12- Housing in settlements.

Neighbours: - Owners/Occupiers of No. 1, 2, 3, 4 _ 5 Lisheen Park, No. 83, 85, 87, 88, 89, 90, 91, 92, 93, 94 _ 95 Clady Road were notified of the proposal on 13.12.2016.

Objections - An objection has been received from (Prof) Marie Breen-Smyth _ Kenneth Sparks of 91 Clady Road dated 04.01.2017. Within this correspondence reference is made to the pollution of the land due to its previous use, queries regarding site boundaries, concern regarding existing crushed car stacks within the site which may pose hazard should the site be developed for residential purposes and also concerns regarding traffic and suggestions that traffic calming may be required.

Having considered all of the points raised within this correspondence I would make the following points:

- With regards potential contamination a contamination report has been sought and not received.
- Site boundaries - the objector is not stating that the boundaries indicated within this application are incorrect but rather referring to incorrect land registry maps, this matter would be considered to be a civil matter rather than one for the council.
- Crushed car stacks - should an approval be granted for housing within the proposal site it would be on the basis that the site has been cleared of all previous possible contaminants.
- Traffic calming - DfI were asked to comment on this proposal and responded on 23.01.2017 with no objections subject to conditions.

A further objection was received from Mr Richard Rowe Clady _ District Angling Club dated 18.01.2017. Within this objection Mr Rowe referred to site contamination from past uses within the site and possible cross contamination into the neighbouring watercourse should the site be developed which could possibly have a 'catastrophic effect' on the 'prolific trout and salmon in the river Clady. He also mentioned that there have been previous issues with seepage etc from the proposal site. The objector also raises concern that housing should it be approved being immediately adjacent to the river and possibly causing further contamination issues and make it difficult for access to be achieved by fishermen.

Having considered all of the points raised within the both objections they do further strengthen the importance of the contamination report requested by Environmental Health. The submitted concept has not shown any housing backing or immediately adjacent to Clady river.

In line with legislation this proposal was advertised in the local press on 15.12.2016, no representations have been received to date.

Consultees: - NI Water were asked to comment and responded on 13.12.2016 with no objections
DfI were asked to comment and responded on 23.01.2017 with no objections.
Environmental Health were asked to comment and responded on 21.12.2016 requested additional information in the form of a contamination report.

The required contamination report was initially requested from the agent on 26.01.2017. The agent (Mr Seamus Cassidy) responded on 16.02.2017 stating that the required information would be submitted within 2-3 weeks, this was not received. I rang the agent on 03.05.2017 he advised that he would chase the outstanding information. I again emailed the agent (Mr Seamus Cassidy) on 11.04.2018 and advised him that as the outstanding information had still not been received that I intended on taking the file forward to our next group meeting, the agent responded on the same day advising that he'd once again chase this outstanding information. A further email was received on 16.04.2018 from the agent advising that the contamination report would be ready within a week, nothing has been received to date.

The proposal site is within Clady as per Magherafelt Area Plan 2015. The current use of the proposal site is as a waste management facility for the treatment and dismantling of end of life vehicles. The proposal is for an outline application and so no design concepts have been included however it has been indicated that the proposal is for 6 semi-detached dwellings and 2 apartments. The site area of the proposal is stated as 0.38hectares.

According to relevant policy, planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development will require to be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. In addition all proposals for residential development will be expected to conform to all of the following criteria:

- the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas - as this is an outline application no proposed design has been given. The proposed residential use would not impact on any neighbouring land uses. The levels within the proposal site currently would sit lower than the existing road level.

- features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and

layout of the development - there are no neighbouring recognised archaeological or built heritage features which could be affected by the proposal. Existing residential units exist to the western and eastern boundaries and directly opposite the proposal site on the opposite side of the road. On the northern boundary is the Clady river.

- adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area - as this proposal is an outline application no development design has been included to demonstrate and access open space provision. However the submitted concept plan does indicate an acceptable level of private amenity space and ample separation distances between the proposed units and the existing neighbouring boundaries. Existing mature trees should be retained on the northern, western and eastern boundaries should an approval be granted.

- adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development - the proposal site is located within a recognised settlement of Clady thus should an approval be granted local facilities whose be available within close proximity.

- a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures - due to the central location there would be easy access to local public transport and also to make use of local walking and cycling facilities.

- adequate and appropriate provision is made for parking - this is an outline application thus no specific parking details have been given however in the submitted concept plan an ample parking provision has been indicated for the number of units specified.

- the design of the development draws upon the best local traditions of form, materials and detailing - no proposed design has been given for the proposed 8 units.

- the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance - Due to the existing vegetation and surrounding landform I do not feel there would be issues regarding overlooking or overshadowing onto neighbouring properties should a good design be presented. No suggested house types etc have been indicated at this stage of the process. I feel the proposal site could potentially carry 2 storey properties should an approval be offered. I would advise though that the proposed units within the concept plan numbered 3 _ 4 should be fronting onto the road rather than having their rear elevation facing onto the road.

- the development is designed to deter crime and promote personal safety - as previously discussed this proposal is for an outline application and so no indication or concept has been included to demonstrate how the development would meet this criteria at this outline stage.

As proposed in the concept plan I do not consider the proposed density of housing would have a detrimental impact on the surrounding character of Clady or neighbouring land uses.

Having considered all of the above information I feel that due to the lack of the contamination report being submitted then the proposal should be refused for a lack of information. This particular information is paramount prior to any reasoned decision considering the previous use on site.

Neighbour Notification Checked	Yes
Summary of Recommendation: Refusal recommended	
Reasons for Refusal: 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 contamination.	
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, 1 Lisheen Park Glenone Portglenone The Owner/Occupier, 2 Lisheen Park Glenone Portglenone Richard Rowe Clady & District Angling Club 208 Mayogall Road Moneystaghan-Ellis Clady BALLYMENA The Owner/Occupier, 3 Lisheen Park Glenone Portglenone The Owner/Occupier, 4 Lisheen Park Glenone Portglenone The Owner/Occupier, 5 Lisheen Park Glenone Portglenone The Owner/Occupier, 83 Clady Road Glenone Portglenone The Owner/Occupier, 85 Clady Road Glenone Portglenone The Owner/Occupier, 87 Clady Road Glenone Portglenone The Owner/Occupier, 88 Clady Road Glenone Portglenone The Owner/Occupier, 89 Clady Road Glenone Portglenone The Owner/Occupier, 90 Clady Road Glenone Portglenone The Owner/Occupier, 91 Clady Road Glenone Portglenone Marie Breen-Smyth 91, Clady Road, Portglenone, Londonderry, Northern Ireland, BT44 8LB The Owner/Occupier, 92 Clady Road Glenone Portglenone The Owner/Occupier, 93 Clady Road Glenone Portglenone The Owner/Occupier, 94 Clady Road Glenone Portglenone The Owner/Occupier, 95 Clady Road Glenone Portglenone	
Date of Last Neighbour Notification	13th December 2016

Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1703/O Proposal: Change of use of waste management facility for the treat and dismantling of end of life vehicles, to a residential dwelling comprising 8no units (6 semi detached and 2 apartments) Address: 89 Clady Road, Portglenone, Decision: Decision Date: Ref ID: H/1974/0381 Proposal: NON-SUBSIDY Address: CLADY ROAD, PORTGLENONE Decision: Decision Date: Ref ID: H/2007/0681 Proposal: Site for the processing, recovery, storage and sale of scrap metal (ferrous and Non-ferrous metals), including the breaking and dismantling of vehicles. Address: 89 Clady Road, Portglenone Decision: Decision Date: Ref ID: H/1984/0135 Proposal: DOUBLE GARAGE Address: 87 CLADY ROAD, PORTGLENONE Decision: Decision Date: Ref ID: H/1983/0499 Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW Address: 87 CLADY ROAD, PORTGLENONE Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

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

Drawing No. 02
Type: Technical Specification
Status: Submitted

Drawing No. 03
Type: Technical Specification
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: LA09/2016/1723/F	Target Date:
Proposal: Retrospective agricultural shed	Location: 50m West of 24 Dreenan Road Gulladuff
Referral Route: An Exception to Policy CTY 12 of PPS 21	
Recommendation:	Approval
Applicant Name and Address: Mark Kelly 24 Dreenan Road Gulladuff	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	
Non Statutory	DAERA - Coleraine	
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Non Statutory	DAERA - Coleraine	Substantive Response Received

Representations:

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

Summary of Issues: No Issues

Characteristics of the Site and Area

The site is located within the rural remainder approximately 40m south west of No. 24 Dreenan Road in accordance with the Magherafelt Area Plan. At present on site is an agricultural shed which is the subject for this application and a garage which is currently used as dwelling. The site is setback 160m from the public road and access is via an existing laneway serving No. 24 Dreenan Road.

The surrounding area is characterised by an undulating landscape. The predominant land use is of an agricultural nature, with single dwellings and associated outbuildings also visible in local area.

Description of Proposal

The application seeks the retention of an agricultural shed.

The shed measures 14.8m x 12.3m with a ridge height of 6.4m above ground level. The materials used include metal cladding on roof and metal cladding and blockwork walls. Two sliding doors are proposed on the eastern elevation, one is 3.3m x 3.25m and the other is 3.87m x 3.3m.

Planning Assessment of Policy and Other Material Considerations**Relevant Site History:**

H/2009/0304/F - Proposed application to relocate site of approved dwelling and garage (H/2006/0237/O) to allow siting in adjacent field for residential purposes. Approved 18th August 2009

H/2009/0738/F - Proposed change of house type and garage from planning approval

H/2009/0304/F. Approved 8th February 2010

LA09/2016/0132/CA - Unauthorised agricultural shed. Further action will depend on the outcome of subject planning application LA09/2016/1723/F.

LA09/2016/1516/LDE - Dwelling house for residential use. Approved 6th January 2017

LA09/2017/1034/F - Proposed replacement dwelling with the retention of the existing dwelling to be converted into ground floor domestic garage with first floor domestic storage. Approved 13th November 2017

Representations:

No notifiable neighbours

No letter of representation have been received.

Development Plan and Key Policy Consideration:

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Magherafelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: 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.

Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside. Policy CTY 12 - Agricultural and Forestry Development states that Planning Permission will be granted for development on an active and established agricultural holding subject to certain criteria being made. Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;

As this is the first agricultural building on the holding it is important to establish what level of farming actively currently exists. The agent has provided a farm map indicating that the applicant's farm holding is made up of 16.25ha and a farm business ID number which is run in partnership with Mr Patrick Lagan who resides at No 107 Tirkane Road, Maghera. DAERA has confirmed that the farm business number has not been in existence for over 6 years but the farm business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. The agent submitted a supporting statement to help clarify the applicant's farming history. The statement points out that the applicant has run his farm business for around 10 years and before erecting the shed he relied on rented accommodation to house his livestock over the winter months. The statement goes on to point out that the applicant has now set up home along with his family at this address and justification for the shed is based on animal welfare and financial reasons. Although the applicant has not demonstrated comprehensively that the farm business has been active and established for more than 6 years, the proposal can be treated as an exception to policy due to the amount farmland at this address and it is apparent on site that the shed has been designed and built to house livestock. The proposal complies with a criterion (a)

(b) in terms of character and scale it is appropriate to its location; &

(c) it visually integrates into the local landscape and additional landscaping is provided as necessary; And also taking into account CTY13 & 14.

The proposal is set back approximately 160m from the public road to the rear of an existing building and no views of the proposal are possible due to the intervening vegetation between the site and the public road. Therefore the proposal will not look out of place or overly intrusive in this rural location and I am also content that policy tests in relation to integration in the countryside (CTY13) and impact on rural character (CTY14) have also been met.

(d) it will not have an adverse impact on the natural or built heritage;

There are no natural or built heritage features will be affected by the proposal.

(e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution;

The closest third party dwelling is located at No 20 Dreenan Road, 80m south-east of the proposal. Environmental Health Department have been consulted with regards to noise and smell and have raised no concerns, therefore I am satisfied the proposal will not have a significant detrimental impact on third party residential amenity due to the existing separation distance between the proposal and the closest third party property. The proposal complies with a criterion (e).

Other Material Consideration.

The proposal will use an existing access and DFI Roads have confirmed that they have no objections to the proposal, therefore I am also satisfied that the proposal will not lead to a

significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking.	
Neighbour Notification Checked	Yes
Summary of Recommendation: That planning permission be approved subject to the following condition.	
Condition	
1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.	
Reason: This is a retrospective application.	
Signature(s)	
Date:	

ANNEX	
Date Valid	6th December 2016
Date First Advertised	22nd December 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 20 Dreenan Road Drummuck Gulladuff	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/1723/F Proposal: Retrospective agricultural shed Address: 50m West of 24 Dreenan Road, Gulladuff, Decision: Decision Date: Ref ID: LA09/2016/1516/LDE Proposal: Dwelling house for residential use Address: 24 Dreenan Road, Gulladuff, Decision: Decision Date: Ref ID: H/2006/0237/O Proposal: Site Of Dwelling & Garage Address: 100m North Of To 18A Dreenan Road, Gulladuff Decision: Decision Date: 15.08.2006 Ref ID: H/2003/0345/O Proposal: Dwelling and garage Address: 22 Dreenan Road, Mayogall, Knockloughrim. Decision: Decision Date: 07.08.2007	

Ref ID: H/2009/0304/F

Proposal: Proposed application to relocate site of approved dwelling and garage (H/2006/0237/O) to allow siting in adjacent field for residential purposes

Address: 150m North of 18a Dreenan Road, Gulladuff

Decision:

Decision Date: 19.08.2009

Ref ID: H/2009/0738/F

Proposal: Proposed change of house type and garage from planning approval H/2009/0304/F

Address: 150m north of 18a Dreenan Road, Gulladuff

Decision:

Decision Date: 11.02.2010

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. 02
Type: Site Layout or Block Plan
Status: Submitted

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

Drawing No. 03
Type: 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:	Item Number:
Application ID: LA09/2017/0429/F	Target Date:
Proposal: Proposed renewal of previous approval H/2012/0010/F erection of a wind turbine with a 40m hub height with a maximum output not exceeding 250Kw (to serve far and export to the grid)	Location: Adjacent to (55m South West) of 3 Mulnavoo Road Draperstown
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: Mr Jim Jo McCullough 5 Mulnavoo Road Draperstown	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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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 – Disruption and construction vehicles using the laneway**Characteristics of the Site and Area**

The application site is situated approximately 60 metres South West of the dwelling known as 3 Mulnavoo lane, Draperstown. The site sits within the open countryside out of the Sperrin's AONB or any other designated area. The site is accessed via an existing vehicular laneway and is setback some 650 metres from the public road network.

Description of Proposal

Proposed renewal of previous approval H/2012/0010/F erection of a wind turbine with a 40m hub height with a maximum output not exceeding 250Kw (to serve farm and export to the grid)

Planning Assessment of Policy and Other Material Considerations**Relevant Site History**

H/2012/0010/F - Proposed erection of a wind turbine with a 40m hub height with a maximum output not exceeding 250Kw (to serve farm and export to the grid). Approved 24th May 2012

Representations:

1 neighbour notification letter was sent to the occupier of No 3 Mulnavoo Road, Draperstown, the property which abuts the site to the east.

1 letter of representation has been received from Gerard and Jacqueline Mulligan who resides at No 3a Mulnavoo Road, the property at the end of the laneway. The objector's states that they have no objections to the erection of the wind turbine but raise concerns regarding the construction traffic using the laneway adjacent to their property and request that an alternative route be used.

Whilst I can sympathise with the objectors that there may be some disruption due to noise and dust during the initially construction phase, however in my opinion it would be unreasonable to request the applicant to find an alternative route. Instead I propose that an informative should be attached to the permission advising the applicant/developer to ensure that adequate care is taken to avoid damaging the objector's property.

Development Plan and Key Policy Consideration:

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Magherafelt Area Plan 2015: The site is located in the open countryside. There are no other designations on this site.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015. 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.

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 - Policy RE 1 of PPS 18.

Consideration.

The proposal is for the renewal of planning permission H/2012/0010/F granted approval on 24th May 2012 with a five year time limit. This application was received on 24th March 2017, before the expiry. The application has been made under Article 3 (5) of the Planning (General Development Procedure) Order (NI) 2015 to renew planning permission where existing approval has not yet expired [Schedule 1, Part 1 General Provisions, Paragraph 3].

Neighbour Notification Checked

Yes

Summary of Recommendation: That planning permission be approved subject to the following conditions.

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. Within 12 months of the cessation operations at the site all above ground structures shall be removed and the land restored in accordance with a scheme to be submitted and agreed in writing with the Council at least one year prior to the commencement of any decommissioning works.

Reason: To restore the habitat and maintain the landscape quality of the area.

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.The applicant/developer is advise that adequate care should be taken to avoid damage to the property located at the entrance of the laneway

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.

Signature(s)

Date:

ANNEX	
Date Valid	24th March 2017
Date First Advertised	6th April 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 3 Mulnavoo Road Mulnavoo Draperstown Jacqueline Mulligan 3A Mulnavoo Rd Draperstown Magherafelt The Owner/Occupier, 4 Mulnavoo Road Mulnavoo Draperstown	
Date of Last Neighbour Notification	
Date of EIA Determination	23/05/2018
ES Requested	No
Planning History Ref ID: LA09/2017/0429/F Proposal: Proposed renewal of previous approval H/2012/0010/F erection of a wind turbine with a 40m hub height with a maximum output not exceeding 250kw (to serve far and export to the grid) Address: Adjacent to (55m South West) of 3 Mulnavoo Road, Draperstown, Decision: Decision Date: Ref ID: H/2012/0010/F Proposal: Proposed erection of a wind turbine with a 40m hub height with a maximum output not exceeding 250Kw (to serve farm and export to the grid) Address: Adjacent to 3 Mulnavoo Lane, Draperstown, BT45 7LL, Decision: Decision Date: 25.05.2012	
Summary of Consultee Responses	
Drawing Numbers and Title	

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

Drawing No. 02
Type: Road Access Plan
Status: Submitted

Drawing No. 03
Type: Proposed Elevations
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: 05/06/2017	Item Number:
Application ID: LA09/2017/0588/F	Target Date:
Proposal: Proposed general engineering workshop for the manufacture of quarry plant and general engineering	Location: 45 Craveeny Road Ballygawley
Referral Route: 2 objections have been received on the application.	
Recommendation:	APPROVE
Applicant Name and Address: Capital Engineering Ltd 38 Annaghmackeown Road Castlecaulfield Dungannon	Agent Name and Address: McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary: Proposed general engineering workshop for the manufacture of quarry plant and general engineering at lands at 45 Cravenney Road, Ballygawley. The application site has a history of planning approvals for industrial and engineering use and is located on a brownfield site. The most common use of the site has been for the production of concrete reinforcing bars. The application has been assessed in line with PPS 21 and PPS 4 (PED 4 & 9) and complies with the policy criteria therein. 2 Objections have been received on the file and consideration of same is included within the report below. Approval is recommended, with conditions.	
Signature(s): <div style="height: 40px; border: 1px solid black;"></div>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

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

The Council's Environmental Health Department (EHD), Department for Communities Historic Environment Division (HED) and Department for Infrastructure (DFI) Roads were consulted and have made comment on this application. 2 objections have been received on the file and all other material considerations, including policy considerations, have been addressed within the determination below.

Characteristics of the Site and Area

The site is situated at 45 Cravenny Road, Ballygawley, Co. Tyrone. This area is categorised as countryside within the Dungannon & South Tyrone Area Plan 2010.

The area surrounding the site exhibits a small element of undulation and can be described as a rural upland area with an element of discernible variation in elevation. This area of countryside is generally quite enclosed and areas around the site exhibit a degree of enclosure, particularly towards the south and south east which includes areas of mature vegetation and plantation.

The site itself has quite an enclosed nature when compared to the surrounding area and this is mainly due to the nature of the surrounding landscape and its topography. The site is currently made up of a hard stand area and this includes a hard-core yard area. The most recent use of the site was for the production of concrete reinforcing bars.

There are a number of residential dwelling houses in close proximity to the application site, including No. 48 Cravenny Road to the west and No's 43 and 39 Cravenny Road to the south.

Description of Proposal

The application seeks full planning consent for a proposed general engineering workshop for the manufacture of quarry plant and general engineering at lands at 45 Cravenny Road, Ballygawley, Dungannon. The proposal relates to a general engineering workshop building which measures 64m in length x 32m in breadth and a ridge height of 8.5m. The shed is situated to the south east of the application site. The proposal also includes car parking provision and a HGV Turning circle.

In terms of area the existing site covers an area of approx. 0.9ha and consists of a brown land site which was most recently used for the production of concrete reinforcing bars. There are currently no buildings on the site, however it is noted that the site has a history of planning approvals for industrial uses including the most recent approval for a general engineering workshop – see planning history below.

The materials used in the construction of the proposal include insulated wall and roof cladding (coloured green), hardwood windows and doors, and pole jointed blockwork finish to lower walls. Materials have been annotated on Drawing No. 02, date stamped 02/05/2017.

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. Dungannon & South Tyrone Area Plan 2010.
3. Planning Policy Statement (PPS) 3 – Access, Movement and Parking.
4. Planning Policy Statement (PPS) 4 – Planning and Economic Development.
5. Planning Policy Statement (PPS) 21 - Sustainable Development in the Countryside.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 2 third party objections were received.

Assessment

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 3, PPS 4 and PPS 21 have been retained under transitional arrangements. PPS 21 sets out planning policies for development in the countryside, PPS 4 deals with Economic Development and the policy provision within PPS 3 deals with access, movement and parking.

Policy CTY 1 within PPS 21 highlights that there are a number of developments which may be acceptable in the countryside. One of these is industry and business uses in accordance with PPS 4.

Policy PED 2 of PPS 4 relates to economic development in the countryside. PED 2 highlights that proposals for economic development uses in the countryside will be permitted in accordance with Policy PED 4 – the redevelopment of an established economic development use. The policy provision within PED 9 will also be pertinent in terms of assessing the proposal against the general criteria for economic development.

PED 4

Policy PED 4 outlines that a proposal for the redevelopment of an established economic development use in the countryside for industrial purposes will be permitted where 4 policy tests (a-d) are met. The first policy test relates to the scale and nature of the proposed works. The proposed workshop is of a size and scale synonymous with this type of development proposal. It is sited in an area which is well screened with vegetation and hedgerow as well as the topographical nature of the surrounding landscape. I do not consider the proposal will give rise to a significant detrimental impact on the rural character or appearance of the local area.

The second policy test contained within PED 4 relates to the environmental benefits associated with the scheme and the amplification attached to the policy outlines that this includes the opportunity for environmental improvement and the promotion of job creation without creating a negative impact on the amenity of the countryside. The proposed works will allow for this area of industrial brown land in the countryside to be used whilst creating employment in the local area. I consider that this will be achieved without negatively impacting upon the amenity of the local area. The third policy test contained within PED 4 highlights that the redevelopment should deal with the full extent of the site or in the case of partial redevelopment address the implications for the remainder of the site. The proposed works for this development includes the provision of a 3m high earth bund with a 2m high close board timber fence over. This is to be located on the southern side of the site and includes the area of the site to the west. In addition the proposed planting associated with the application includes surrounding hedgerows and boundaries. I am content that the proposal addresses implications and provisions for the remainder of the site area.

The final policy test under PED 4 relates to the visual impact of replacement buildings. The previous use of the site was for the production of concrete reinforcing bars, this included a series of containers and materials located across the site area and lifting machinery throughout. The proposed engineering building with associated site works will not have a significantly greater visual presence on the site when compared with the previous use. Furthermore a previously approved engineering works on the site (M/2007/0843/F & M/2011/0561/F) was of a similar size and scale to that proposed. The use of that proposed, previously operational on the site and approved previously, all fall within the Class B2 of the Use Classes Order (NI) 2015. I consider that the proposal meets with the fourth and final policy test within PED 4.

PED 9

In addition to that above, Policy PED 9 of PPS 4, outlines that a proposal for economic development use, in addition to the other policy provisions of PPS 4, will be required to meet a set of criteria (a-m):

In consideration of that criteria it is noted that the proposal relates to an engineering building on an existing brown field which has been used for industrial purposes and has a history of industrial planning approvals. The land to the north of the site are also used for industrial purposes and lands to the south and west of the site are residential in nature. I consider these land uses to be compatible.

In terms of the amenity of nearby residents, including the closest properties at No's 39, 43, and 48 Cravenny Road, Environmental Health (EHD) were consulted and returned comment. The EHD response (20/04/2018) makes reference to comments made on the file and the Noise Impact Assessment provided by the applicant. EHD have outlined that concerns can be met, subject to conditions. I feel that the conditions outlined by EHD are both necessary and appropriate in order to safeguard the amenity of nearby residents and satisfactorily address any concerns about noise. I also note that the proposal includes an earth bund and fence of 5m in height on the southern side of the development, this also restricts the level of impact on neighbouring receptors.

Historic Environment Division (HED) were also consulted on this application as the site falls within an area of consultation for archaeological sites and monuments. HED returned comment (23/05/2017) highlighting that they were content with the proposal. As noted above the proposal is located on a brown field site and the works proposed do not involve the removal of any natural features. On the basis of that above, I am content that the proposal will not adversely impact upon any features of natural or built heritage. I also note that the site sits outside of a flood plain. On the basis of that above I am content that the proposal satisfactorily meets with the policy criteria contained within PED 9 of PPS 4.

Access

As the application involves an intensification of use and an alteration to the existing access provision it was deemed necessary to consult with DFI Roads. Roads responded to the consultation request on 21/08/2017 and have highlighted that they have no objection to the proposal, subject to condition. In relation to parking the applicant has highlighted that parking provision is to be provided and in consideration of this I am satisfied that the application conforms to the Department's Parking Standards document and the policy consideration contained within PPS 3.

Consideration of Objections

Comments made on the application can be categorised as follows;

Noise Impact

The objectors on the application raised concerns with the noise emissions from the proposal and the potential negative impact that may be caused. As outlined above the Environmental Health Department (EHD) were consulted on this application and a Noise Impact Assessment (NIA) was requested and received during the processing of the file. EHD have assessed the contents of the NIA and have responded highlighting that neighbouring amenity can be protected by conditions imposed in any planning approval. The conditions suggested by EHD are both necessary and appropriate in terms of protecting the amenity of these neighbouring dwellings.

Working Hours and Traffic Impact

The applicant has provided details about the number of people visiting the site on a daily basis (P1 Form) and the proposed hours of operation of the premises. DFI Roads and EHD have been consulted on this application and have provided suggested conditions in order to protect road safety and neighbouring amenity. Again I feel that these conditions are necessary and appropriate and any approval granted will be subject to these conditions.

Environmental Impacts

The proposal was subject to an EIA Screening determination as prescribed within the Planning Environmental Impact Assessment Regulations (NI) 2015. It was not deemed necessary to

request an Environmental Statement on this occasion and any environmental impacts can be adequately assessed within the determination of the file.

Conclusion

The proposed development is considered to be in compliance with the policy objectives of the SPPS, PPS 21, PPS 4 and PPS 3, and accordingly approval is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve, subject to the conditions outlined below.

Conditions/Reasons for Refusal:

Conditions

1. Planning Permission – FULL – A06

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 building shall be constructed to have no gaps at any point and shall be constructed on three sides of cavity blockwork: two leaves of 100mm dense concrete blocks, 50mm cavity, 13mm plaster both sides, cavity ties, to provide a sound reduction index of at least 52dB.

Reason: To protect the amenity of the occupants of nearby neighbouring dwellings.

3. The upper eastern façade and roof shall be constructed of Kingspan insulated cladding with no gaps at any point, to provide a sound reduction index of at least 27dB.

Reason: To protect the amenity of the occupants of nearby neighbouring dwellings.

4. Prior to the commencement of any site works a 5m high acoustic barrier shall be erected along the southern boundary and a 3m high acoustic barrier shall be erected along the eastern boundary as per Drawing No. 03 Rev A, date stamped 27/07/2017.

Reason: To protect the amenity of the occupants of nearby neighbouring dwellings.

5. Notwithstanding the provisions contained within the General Permitted Development Order (NI) 2015, there shall be no external engineering operations or fixed external plant or equipment on the site.

Reason: To protect the amenity of the occupants of nearby neighbouring dwellings.

6. There shall be no deliveries and/or site activity outside the hours of 07:00 hours and 19:00 hours Monday to Friday and 08:00 hours to 13:00 hours on Saturdays. There shall be no site activity on Sunday or Bank Holidays.

Reason: To protect the amenity of the occupants of nearby neighbouring dwellings.

7. The noise level from the proposed site, including HGV and FLT movements, with all plant and equipment fully operational shall not exceed the limits outlined in Table 1 below, during the permitted hours of operation when measured at the boundary of the appropriate residential property.

	Noise limit with all plant and equipment fully operational (dB LAeq, 1 hour (inc rating penalty)) at boundary of property.
48 Cravenny Road	43dB
43 Cravenny Road	43dB
39 Cravenny Road	43dB
40 Cravenny Road	43dB

Reason: To protect the amenity of the occupants of nearby neighbouring dwellings.

8. The roller shutter doors on the building hereby approved shall be kept closed at all times when work is being carried out within the building, except for the purpose of accessing the building and moving large parts and equipment into and out of the building.

Reason: To protect the amenity of the occupants of nearby neighbouring dwellings.

9. Within 4 weeks of a written request by the Planning Department, following a reasonable noise complaint, the site operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise immissions from the site at the complainants property following the procedures described in: BS 4142:2014 Methods for rating and assessing industrial and commercial sound. Details of the noise monitoring survey shall be submitted to the Planning Department for written approval prior to any monitoring commencing.

Reason: To protect the amenity of the occupants of nearby neighbouring dwellings.

10. The vehicular access, including visibility splays of 4.5m x 45m and any forward sight distance shall be provided in accordance with Drawing No. 03 Rev A bearing the date stamp 27/07/2017, 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.

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

11. Hard surfaced areas should be constructed and permanently marked in accordance with the approved Drawing No. 03 Rev A bearing the date stamp 27/07/2017, within 6 weeks of the occupation of the building hereby approved. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

12. No other development hereby permitted shall become operational until the road widening (to 6m) indicated on Drawing No. 03 Rev A bearing the date stamp 27/07/2017 has 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.

13. The existing mature trees and vegetation as annotated on Drawing No. 03 Rev A, date stamped 27/07/2017 shall be retained. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity.

14. All planting and landscaping comprised in the approved details of drawing No. 03 bearing the date stamp 27/07/2017, shall be carried out during the first planting season following the commencement of the development and any tree, shrub or hedge, which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species.

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 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.

4. This determination relates to the area annotated in red on Drawing No. 01 only and does not relate to any other buildings, operations or uses around the existing site.

Signature(s)

Date:

ANNEX	
Date Valid	2nd May 2017
Date First Advertised	18th May 2017
Date Last Advertised	18th May 2017
Details of Neighbour Notification (all addresses) The Owner/Occupier, 39 Cravenney Road Martray Ballygawley Hazel Farrell and Gerard Farrell 39 Cravenney Road, Ballygawley, Tyrone, Northern Ireland, BT70 2LQ The Owner/Occupier, 43 Cravenney Road Martray Ballygawley The Owner/Occupier, 45 Cravenney Road, Martray, Ballygawley, Tyrone, BT70 2LQ, The Owner/Occupier, 48 Cravenney Road, Martray, Ballygawley, Tyrone, BT70 2LQ, Colette Sherry Email Address	
Date of Last Neighbour Notification	15 th May 2017
Date of EIA Determination	10th May 2018
ES Requested	No
Planning History Ref ID: M/2009/0971/F Proposal: Proposed removal of condition No1 ie: Time frame for completion of work in relation to approval, M/2007/0843/F Address: 45 Cravenney Road, Ballygawley, Dungannon Decision: PG Decision Date: 22.04.2010 Ref ID: M/2011/0561/F Proposal: Proposed amendment to condition no 1 of planning ref: M/2010/0728/F. Address: 45 Cravenney Road, Ballygawley, Dungannon, Decision: PG Decision Date: 08.12.2011 Ref ID: M/2010/0728/F Proposal: Proposed amendment and revision of condition no.1 of Planning Permission M/2009/0971/F ie (Time limit) for completion of works	

Address: 45 Cravenney Road, Ballygawley, Dungannon
Decision: PG
Decision Date: 15.12.2010

Ref ID: M/1979/0296
Proposal: PROPOSED SITES FOR OVERNIGHT CONTAINER STORAGE AND INDUSTRIAL SITES
Address: MARTRAY, BALLYGAWLEY
Decision: Refused
Decision Date:

Ref ID: M/2011/0676/F
Proposal: Development for the storage of waste oil and other garage type waste, including but not limited to vehicle fluids (brake fluid, antifreeze, etc), mixed waste fuels, oil filters, batteries, friction pads, paints, thinners, aerosols and grease containers, used rags, wipes and other absorbents
Address: Adjacent to 45 Cravenney Road, Martray, Ballygawley,
Decision: PG
Decision Date: 16.01.2013

Ref ID: M/2007/0547/F
Proposal: Proposed development of an End-of-Life Vehicle Depollution and Authorised Treatment Facility.
Address: Land at 45 Cravenney Road, Ballygawley.
Decision: PG
Decision Date: 29.09.2009

Ref ID: M/2007/0843/F
Proposal: Proposed general engineering workshop for general engineering
Address: 45 Cravenney Road, Ballygawley, Dungannon
Decision: PG
Decision Date: 26.02.2009

Ref ID: M/2002/0202/F
Proposal: Proposed Builders Store for the Storage of Builders Plant, Materials and Equipment
Address: 45 Cravenney Road, Martray, Ballygawley
Decision: PG
Decision Date: 24.07.2002

Ref ID: M/1994/0589
Proposal: Proposed Light Engineering Workshop
Address: 45 CRAVENNEY ROAD MARTRAY BALLYGAWLEY
Decision: PG
Decision Date:

Ref ID: M/1994/0589B

Proposal: Proposed Light Engineering Workshop

Address: 45 CRAVENNY ROAD MARTRAY BALLYGAWLEY

Decision: PG

Decision Date:

Ref ID: M/1991/0606

Proposal: Proposed store for builders plant and equipment

Address: 45 CRAVENNY ROAD BALLYGAWLEY

Decision: PG

Decision Date:

Ref ID: M/2008/0878/F

Proposal: Provision of passing bays and other elements to provide access to lands at 45 Cravenney Road (application M/2007/0547/F)

Address: Cravenney Road and Dungannon Road relating to access to lands 45 Cravenney Road (application M/2007/0547/F), Ballygawley

Decision: PG

Decision Date: 29.09.2009

Summary of Consultee Responses

CONSULTATION RESPONSES									
Consultn Type	Consultee	Consulted	Target Reply	Rev Target	Date Reply	Response	Response Type	Substantive	
Statutory	DFI Roads - Enniskillen	28.07.2017	18.08.2017		21.08.2017	Advice	Final Substantiv	Yes	
Statutory	Historic Environment Di	12.05.2017	02.06.2017		23.05.2017	Content	Final Substantiv	Yes	
Statutory	DFI Roads - Enniskillen	12.05.2017	02.06.2017		13.06.2017	Advice	Final Substantiv	Yes	
Non Statutory	Environmental Health Iv	12.05.2017	02.06.2017		18.08.2017	Add Info Requeste	Final Substantiv		
Non Statutory	Environmental Health Iv	27.09.2017	18.10.2017		20.04.2018	Substantive Respc	Final Substantiv		

Drawing Numbers and Title

Drawing No. 03 Rev A

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 02

Type: Proposed Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department: N/a

Response of Department: N/a



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0704/F	Target Date:
Proposal: Extension of existing approved car sales and repair yard for the turning and parking of vehicles (amended description)	Location: 16a Derganagh Road Knockloughrim
Referral Route: Approval - To committee as objections received	
Recommendation:	APPROVE
Applicant Name and Address: Mr A Conway 16 Derganagh Road Knockloughrim BT45 8PS	Agent Name and Address: Marshall McCann Architects 38 Kilmandil Road Dunloy BT44 9BH
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	7
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

There were seven letter of objection received in relation to this application and a summary of the issues raised are below:

To start issues raised that the current site is an eyesore but it was never used as an intense commercial business use and if permitted the eyesore would be increased spoiling views and devaluing property values, with significant time required for the hedge to grow and lessen the impact.

Issues raised at the nature of the existing commercial business, in that operations had significantly increased along with the volume of traffic arriving and leaving the site. Went on to state that due to the nature of the business that the traffic occurs at unsociable hours mainly early in the morning. From this it currently causes an inconvenience to neighbouring residents, and in extending this business that the problems of noise pollution and social inconvenience will be greatly exacerbated.

All objectors made reference to road safety, to start it was stated that there would be an increase in slow moving traffic onto the Derganagh Road with the fast moving Glenshane Road, creating hazardous road issues. It was also stated that in reality most of the traffic travelling from neighbouring areas opt to using the Derganagh Road instead of coming off the Glenshane Road. From this creating additional traffic along this small rural road which is stated to be only suitable for one car to travel along. Stated that there is already existing issues with commercial vans travelling this road creating issues due to excessive speeds especially when meeting other traffic. Therefore concern that these issues would be worsened if this was to be approved.

Finally, it was claimed that the site is located within a rural area and an area of natural beauty. Even though went on to say that the site is located adjacent to the Ballynahone Bog, a designated area of natural beauty. And by extending this commercial business, it will be transformed into an industrial site and not in keeping with the surrounding rural landscape.

Characteristics of the Site and Area

The site is located at 16a Derganagh Road, Knockloughrim which is situated approximately 0.7km west of the settlement of Knockloughrim and is located within the open countryside as defined by the Magherafelt Area Plan 2015. On the site sits a semi-detached commercial building with a large yard area, the area in which the yard is to extend into is a large agricultural field which is relatively with a slight rise towards the NE corner. The current yard is defined by wire fencing wherein the field is defined by post and wire fencing.

Relevant planning history

H/1999/0385 - Change of use from existing store approved for restaurant to car sales and repair yard – Permission Granted - 13.11.1999

Representations

Ten neighbour notifications were sent out however seven letters of objection were received in connection with this application.

Description of Proposal

This is a full application for the extension of existing approved car sales and repair yard for the turning and parking of vehicles (amended description). It must be noted that the description was amended due to the concern over lawfulness of the site as a commercial business as there is no

approval for a change of use for this. Therefore the description was amended to relate to the car sales and repair yard previously approved on site.

Planning Assessment of Policy and Other Material Considerations

The application has been assessed under the following policy documents:

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan 2015

PPS 3: Access, Movement and Parking

PPS 4: Planning and Economic Development

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. 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. The SPPS operates a general presumption in favour of development unless there is demonstrable harm to interests of acknowledged importance.

CTY 1 of PPS 21 states that planning permission will be granted for non-residential development in the countryside in the case of industry and business uses. Therefore as the proposed extension yard will be used in association with the existing car sales and repair yard and that PPS 4 will apply.

PED 3 of PPS 4 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. As this is for the extension of the established yard it must be noted that there are no new buildings proposed. From this the proposal will only be acceptable in that the nature of the development does not harm the rural character and there is no major increase in size. It is worth noting that the original red line proposed an increase of excess 2,000 sqm and from this took it into the parameters for a drainage assessment, therefore the red line was amended to take the increase to 995sqm. From this I am content to conclude that this is not a major increase in site area. As the main purpose is to use the extended yard for the turning of vehicles coupled with the proposed landscaping that I am content on balance that it is unlikely to have an adverse impact on the rural character, to further aid this it will be conditioned that there will be no parking of vehicles within this extended area. From this I accept that this application complies with PPS 4.

PPS 3: Access, Movement and Parking sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. Policies AMP 9, AMP 10 are applicable.

Policy AMP 9 (Design and Car Parking) states that the Council will expect a high standard of design, layout and landscaping to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:

- (a) it respects the character of the local townscape/landscape;
- (b) it will not adversely affect visual amenity; and
- (c) provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site.

The proposal intends to extend the existing approved yard for the car sales and repairs yard wherein the proposed new area is currently agricultural land. Justification for the need for this additional area is primarily to allow large vehicles to enter and turn within the site. In that it has

been stated that there are no means for large vehicles to enter the site and at present and the past, 6-axel vehicles parked on the Derganagh Road and off-loaded onto the road. Safety concerns were raised and this proposal will remove these concerns. However in terms of AMP 9 I note that this proposal will have a visual impact but do not consider it to have an adverse impact. From this with respect to the existing yard I am content that due to the layout and proposed landscaping that it is able to respect the local landscape. Finally the provision for security, direct and safe access of pedestrians and cyclists have been taken into consideration therefore I am content the proposal meets the criteria of AMP 9.

Policy AMP 10 (Provision of Public and Private Car Parks) states that planning permission will only be granted for the development or extension of public or private car parks, including park and ride and park and share where it is demonstrated that:

- they do not significantly contribute to an increase in congestion;
- are not detrimental to local environmental quality;
- they meet a need identified by the Department for Regional Development in Transport Plans or accepted by DRD following robust analysis provided by a developer;
- within defined areas of parking restraint they are only used for short-stay parking and are appropriately managed to deter long stay commuter parking; and
- they are compatible with adjoining land uses.

DFI Roads were consulted with regards to this application and in their response stated no objections subject to conditions. From this I am content that as this is mainly to allow the turning of large vehicles that I am content that it will not result in an increase in congestion. The proposal would not be detrimental to local environment quality and the use is compatible with adjoining uses. From this I am content that the proposal is able to comply with Policy AMP 10.

Environmental Health were the only other consultation that was sent out and in their response requested a noise report covering a number of issues. In the supporting letter submitted by the agent it made reference that the site is located alongside the busy Glenshane Road, therefore they argue that any noise generated within the site is not comparable to noise produced by heavy flow of traffic on the Glenshane especially at commuting times. The agent also noted that the site should not significantly increase the amount of traffic to the site, and therefore should not contribute to further noise. Another consultation was sent to Environmental Health for their consideration and in their response they stated that the amended scheme has been considered and it has been determined that they would have no objections in principle to the proposed development.

In response to the comments made by the objectors; to start with the concerns regarding the site being an eyesore with the potential of loss of views and property devaluation. It must be noted that no one owns the right to a view and whilst I acknowledge the concerns of property devaluation this is not a planning concern and the decision will be based on planning policy. With regards to the concerns over increase in traffic and road safety these concerns have been addressed in the response from DFI Roads and from this these have been adequately answered. Finally with regards to the concerns that this site is situated within an area of natural beauty of Ballynahone Bog, upon review of our records the site does not appear to be within the Ballynahone Bog.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is 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.

2. The vehicular access, including visibility splays of 4.5m x 60m in both directions, shall be in place, in accordance with Drawing No. 03/1 bearing the date stamped 05th February 2018, prior to the commencement of any other works or other development hereby permitted.

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

3. 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 before the development hereby permitted is commencement and such splays shall be retained and kept clear thereafter.

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

4. There will be no parking of vehicles for the purpose of re-sale within the hatched area identified on Drawing 01/2 bearing the date stamp 05th February 2018. This area will be solely for the use for the turning of vehicles.

Reason: In the interest in 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 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 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 Department or other statutory authority. The developer's attention is expressly drawn to the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993 which has application to the development hereby granted planning permission.

4. The applicant is advised that under Article 11 of the Roads Order (NI) 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.

Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure'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 TransportNI Section Engineer whose address is Transportni, Molesworth Street, Cookstown. A monetary deposit will be required to cover works on the public road.

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc which is deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site
- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway
- The developer should note that this planning approval does not give consent to discharge water into a transportni drainage system.

Signature(s)

Date:

ANNEX	
Date Valid	22nd May 2017
Date First Advertised	8th June 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) Melissa McNickle 10, Derganagh Road, Knockcloghrim, Londonderry, Northern Ireland, BT45 8PS The Owner/Occupier, 12 Derganagh Road Derganagh Knockcloghrim The Owner/Occupier, 12, Derganagh Road, Knockcloghrim, Londonderry, Northern Ireland, BT45 8PS The Owner/Occupier, 12, Derganagh Road, Knockcloghrim, Londonderry, Northern Ireland, BT45 8PS The Owner/Occupier, 16 Derganagh Road Derganagh Knockcloghrim The Owner/Occupier, 2, Derganagh Road, Knockcloghrim, Londonderry, Northern Ireland, BT45 8PS Desmond McCloy 3, Derganagh Road, Knockcloghrim, Londonderry, Northern Ireland, BT45 8PS Stanley Leacock 4, Derganagh Road, Knockcloghrim, Londonderry, Northern Ireland, BT45 8PS The Owner/Occupier, 9, Derganagh Road, Knockcloghrim, Londonderry, Northern Ireland, BT45 8PS The Owner/Occupier, 9A, Derganagh Road, Knockcloghrim, Londonderry, Northern Ireland, BT45 8PS	
Date of Last Neighbour Notification	15th February 2018
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0704/F Proposal: Extension of existing approved commercial yard for the turning and parking of vehicles Address: 16a Derganagh Road, Knockloughrim, Decision: Decision Date: Ref ID: H/1975/0428 Proposal: SITE OF LICENSED MOTEL	

Address: KNOCKLOUGHRIM STATION, TERGANAGH, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1994/6054

Proposal: DISPOSAL OF SURPLUS LAND 16 DERGANAGH ROAD
KNOCKLOUGHRIM

Address: 16 DERGANAGH ROAD KNOCKLOUGHRIM

Decision:

Decision Date:

Ref ID: H/2000/0072/F

Proposal: Change of use of dwelling to house in multiple occupancy

Address: Old Station House 16 Derganagh Road, Knockloughrim

Decision:

Decision Date: 30.03.2000

Ref ID: H/1995/6082

Proposal: DISPOSAL OF SURPLUS LAND 16 DERGANAGH ROAD
KNOCKLOUGHRIM

Address: 16 DERGANAGH ROAD

Decision:

Decision Date:

Ref ID: H/1997/0454

Proposal: CHANGE OF USE FROM STORE TO RESTAURANT

Address: STATION HOUSE 16 DERGANAGH ROAD KNOCKLOUGHRIM
MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1999/0385

Proposal: CHANGE OF USE FROM EXISTING STORE APPROVED FOR
RESTAURANT TO CAR SALES AND REPAIR YARD

Address: 16 DERGANAGH ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1997/0249

Proposal: CHANGE OF USE FROM STORE TO RESTUARANT

Address: STATION HOUSE 16 DERGANAGH ROAD KNOCKLOUGHRIM

Decision:

Decision Date:

Ref ID: H/1973/0133 Proposal: BUNGALOW Address: DERGANAGH, KNOCKLOUGHRIM Decision: Decision Date:
Summary of Consultee Responses
Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

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Status: Submitted

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Status: Submitted

Drawing No.
Type:
Status: Submitted

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

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: LA09/2017/0710/F	Target Date:
Proposal: Proposed infill/gap site for 2 dwellings and domestic garage based on policy CTY8	Location: 25m and 50m North East of 92 Mullan Road Coagh
Referral Route: Letter of objection	
Recommendation:	APPROVE
Applicant Name and Address: Mr Terence and Donna Maynes 92 Mullan Road Coagh	Agent Name and Address: CMI Planners 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received

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

All statutory bodies were consulted on this application. All other material considerations have been addressed within the determination of this application

Characteristics of the Site and Area

The application site relates to proposed infill/gap site for 2 dwellings and domestic garage based on policy CTY8 located at 25m and 50m North East of 92 Mullan Road, Coagh in County Tyrone. The area is rural as defined in the Cookstown Area Plan 2010.

The site is sandwiched between a small agricultural and storage building planning consent granted under LA09/2015/0792/DLP located 75m southeast of No. 92 Mullan Road and to the southwest is a large 2 storey detached dwelling No. 92 Mullan Road with a shed to the rear. The site measures approximately 0.44 of a hectare. The site is open to the rear with a low cropped hedgerow to the front along the roadside (south boundary); the east and north boundaries are defined by thick hedgerows, trees and supported by post and wire fencing; the western boundary is defined in part by a hedgerow and fence which defined the site's boundary with the adjacent dwelling No.92.

The site's topography has a slight rise running north to south the lower section shares similar ground levels with the public road.

The surrounding landform is one of undulating countryside and is classified as rural in the Cookstown Area Plan 2010.

Description of Proposal

The applicant is seeking planning consent for proposed infill/gap site for 2 dwellings and domestic garage based on policy CTY8 approximately 25m and 50m northeast of 92 Mullan Road, Coagh in County Tyrone.

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. Cookstown Area Plan 2010.
3. PPS 3 – Access, Movement and Parking
4. PPS 21 – Sustainable Development in the Countryside

Supplementary Planning Guidance

Building on Tradition: A Sustainable Design Guide for NI Countryside

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

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under the 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 such development is a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

The Cookstown Area Plan 2010 is the statutory local development plan for the application site. The development plan offers no specific policy or guidance in respect of the proposal and is therefore not material. There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 Policy CTY 8 remain applicable in terms of assessing the acceptability of the proposed dwelling.

Planning History

Planning Ref	Proposal	Address	Decision	Decision Date
LA09/2015/0792/LDP	Proposed agricultural isolation and storage building	75 SE of 92 Mullan Road, Coagh,	Consent granted	25.12.2015
I/1979/0008	Improvements to dwelling	Lower Mullan, Ballinderry Bridge, Cookstown	Permission granted	

Representations

Neighbour Notification and Press advertisement has been carried out in line with the Council's statutory duty.

A letter of objection was received dated 10 June 2017.

The above letter makes the following objection comments:-

1. The proposed site falls within the 1-100 fluvial floodplain;
2. The applicant is no longer involved in farming;
3. The proposed site is not an infill site and alleges the situation is being fabricated by imposition of a small portable shed located east of the site contributing to misleading planners.

In response to objection the No 1 River Agency requested the applicant to submit a close contour survey showing Q100 levels of the site to be 14.03 in accordance with Planning Policy Statement 15. Footprint of the shed is under 1000m2 does not require Drainage assessment

In response to objection No.2 farm assessment is applied only for a farm dwelling under CTY10 - as this is application is for an infill there is no requirement other than those policy criteria under CTY8 of PPS 21 Sustainable Development in the Countryside.

In response to objection No.3 that the application has been fabricated with a small farm shed. The above planning history indicates that an agricultural isolation and storage building was approved in 2015 under LA09/2015/0792/LDP.

I am content there is no regulatory issues involved with this application for an infill site for 2 dwellings. I consider a refusal in this particular case would be very difficult to sustain in appeals.

Statutory consultees:

DFI Roads no objection subject to standard conditions;
NI Water no objection subject to standard Informatives;

NIEA Water Management Unit have no specific comment on this development other than to advise that the conditions and Informatives set out in DAERA Standing Advice Note No. 2 – Multiple Dwellings are applicable;

Natural Heritage and Conservation (NED) has only carried out a preliminary ecological assessment - there may be natural heritage issues associated with this proposal. Please refer to the NI Biodiversity Checklist and Standing Advice.

Shared Environmental Service have indicated having considered the nature, scale, timing, duration and location of the project it is concluded that further assessment is not required because it would not have a likely significant effect on the selection features, conservation objectives or status of any European site; and

Rivers Agency requested would request that the developer carries out a close contour survey plotting the 14.03 metre contour line. It should be noted that in accordance with PPS 15 only existing ground that lies above the estimated Q100 level is suitable for development.

River Agency goes on to state that there is no information on EPIC regarding the new area of farm shed request Planning Service should determine if the change in use from existing Greenfield to the area of new hardstanding is greater than 1000m². If this proves to be the case then a Drainage Assessment will be required for RA consideration.

Assessment

Policy CTY 8 highlights 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 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.

Policy Consideration

The policy highlights that a small gap site may be acceptable providing that it does not create or add to a ribbon of development. Ribbon development continues to be discouraged in the countryside.

The policy stipulates that a small gap site will only be permitted for a maximum of two houses within an otherwise substantial and continuously built up frontage. The policy also clarifies that the definition of substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. This means that buildings which include development to the rear can be considered as well as buildings which do not include development to the rear.

The proposal is sited between a small farm shed to the southeast and a two large detached 2 storey dwelling to southwest and Nos. 90 and 92 Mullan Road. The southwest located on the opposite side of the public road is a small cluster of associated farm buildings along with a dwelling No. 91 and further west is another dwelling with roadside frontage.

I am content that they present a continuous and built up frontage at this location. The location of Nos 90 and 91 along with the farm shed to the southeast of the application site adds to the continuous frontage along the Mullan Road with the application site making up a small gap in-between for 2 dwellings.

PPS 3 - Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves direct access onto the Mullan Road. Transport NI have been consulted and have no concerns regarding road safety or traffic flow resulting from a new access subject to provision of splays of 2.4m x 45m in both directions. This can be dealt with by planning condition.

CTY 13

Policy CTY 13 stipulates 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.

It has been established (above) meets planning criteria for an infill site. This site is deemed to be acceptable in principle, however it should be noted that only a dwellings which are in keeping with the existing dwelling in terms of size, scale and form will achieve an acceptable degree of integration here. The location of the proposed dwellings beside the existing dwellings Nos. 90 and 92 with a small farm building to the southeast will reduce the level of impact associated with the proposal and aid the proposal in terms of integration. The proposed design for both dwellings are as annotated on Drawing No. 06 stamp date 14 May 2017, single storey with ridge height of 6.5m above finish floor levels with double domestic garage. The site location plan Drawing No 02A shows retention of existing hedgerow to the west with proposed hedgerow defining the site's north, east boundaries. Included also are 19 new trees along the east and northern boundaries. The southern is defined with a 1.5m high wooden boarded fence set behind the visibility splays.

CTY 14

In terms of Policy CTY14 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. It is considered that the site and its surrounding environment is suitable for absorbing a dwelling. On balance the site is capable of absorbing two single storey dwelling with detached garages, which are in keeping with the local vernacular style of the surrounding area.

Conclusion

Based on that above I am content that the proposal does not create or add to a ribbon of development and it is integrated into the existing built up frontage along the Mullan Road. With this in mind I consider that the proposal is consistent with policy provision contained within CTY 8 of PPS 21.

Other points of note

The application was initially advertised in the local press on w/c 5 June 2017 (publication date 8 June 2017). Four (4) neighbouring properties were notified on 1 June 2017, in accordance with the Development Management Practice Note 14 (April 2015). These properties were checked on site as correct.

Neighbour Notification Checked	Yes
Summary of Recommendation: Approval subject to Conditions	
Conditions <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The vehicular access, including visibility splays of 2.4m x 45m in both directions, shall be in place, in accordance with Drawing No. 02A bearing the date stamp 15th June 2017, prior to the commencement of any other works or other development hereby permitted.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>3. 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.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>4. All planting comprised in the approval details of Drawing No. 02A bearing the date stamp 15th June 2017, shall be carried out during the first planting season following the commencement of the development and any tree, shrub or hedge, which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>Informatives</p> <p>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.</p> <p>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.</p>	

3. The applicant is advised that under Article 11 of the Roads Order (NI) 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.

4. Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure'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 TransportNI Section Engineer whose address is DfI Roads & Rivers, 49 Tullywiggan Road, Cookstown, Co. Tyrone, BT80 8SG. A monetary deposit will be required to cover works on the public road.

5. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. which is deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

6. All construction plant and materials shall be stored within the curtilage of the site. It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site
- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway
- The developer should note that this planning approval does not give consent to discharge water into a TransportNI drainage system.

7. The determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under prevailing legislation as may be administered by the Council or other statutory authority

8. 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.

6. 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	24th May 2017
Date First Advertised	8th June 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 90 Mullan Road, Coagh, Co Tyrone BT800JE The Owner/Occupier, 91 Mullan Road, Coagh, Co Tyrone BT800JE Phelim Devlin 91, Mullan Road, Coagh, Tyrone, Northern Ireland, BT80 0JF The Owner/Occupier, 92 Mullan Road, Coagh, Co Tyrone BT800JE	
Date of Last Neighbour Notification	1st June 2017
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2017/0710/F Proposal: Proposed infill/gap site for 2 dwellings and domestic garage based on policy CTY8 Address: 25m and 50m North East of 92 Mullan Road, Coagh, Decision: Decision Date: Ref ID: LA09/2015/0792/LDP Proposal: Proposed agricultural isolation and storage building Address: 75 SE of 92 Mullan Road, Coagh, Decision: PG Decision Date: Ref ID: I/1979/0008 Proposal: IMPROVEMENTS TO DWELLING Address: LOWER MULLAN, BALLINDERRY BRIDGE, COOKSTOWN Decision: Decision Date: Ref ID: I/1977/0310	

Proposal: 11 KV O/H LINE Address: MULLAN, COOKSTOWN Decision: Decision Date:
Summary of Consultee Responses Content
Drawing Numbers and Title
Drawing No. 02A Type: Site Layout or Block Plan Status: Submitted Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 05 Type: Garage Plans Status: Submitted Drawing No. 06 Type: Proposed Elevations Status: Submitted Drawing No. 03 Type: Proposed Floor Plans Status: Submitted Drawing No. 04 Type: Garage Plans 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: 5th June 2018	Item Number:
Application ID: LA09/2017/0780/F	Target Date:
Proposal: Proposed Petrol Filling Station (PFS) and cafe with associated drive thru (sui generis)	Location: Lands at 108-114 Moneymore Road Magherafelt
Referral Route: objection received.	
Recommendation: Approval.	
Applicant Name and Address: Henry Brothers Ltd 108-114 Moneymore Road Magherafelt	Agent Name and Address: Clyde Shanks 5 Oxford Street Belfast BT1 3LA
Executive Summary: approval of PFS within settlement limits and in accordance with Policy.	
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NIEA	Advice

Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Content
Statutory	DFI Roads - Enniskillen Office	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Characteristics of the Site and Area		
<p>Presently open storage yard area at the SW periphery of Henry Brothers yard. Proposed access via new roundabout which presently provides a means of access to the site. Edge of Magherafelt settlement limits and lands identified as existing industry in the MAP.</p> <p>Third party dwellings located in close proximity / car sales business also adjacent and accessed via Ballymoughan Road which also operates out of the larger industrial site.</p>		
Description of Proposal		
Proposed Petrol Filling Station (PFS) and cafe with associated drive thru (sui generis)		
Planning Assessment of Policy and Other Material Considerations		
SPPS MAP PPS4 PPS3 PSRNI DCAN4		
The Planning Act NI 2011 requires that decisions be made in accordance with the area plan, unless material considerations indicate otherwise.		

The 2015 Plan remains the adopted plan for the area and the location of this proposed development is located within an area identified by the plan as 'a Major area of existing industry'. The MAP at Page 48 requires that applications in such areas be determined in accordance with the provisions of prevailing regional planning policy.

As such I will examine how the proposal sits with the SPPS /PPS4 and other relevant regional policy.

SPPS

At Par 6.81 the SPPS states that the planning system has a key role in achieving a vibrant economy. In this regard, the aim of this SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.

Par 6.89

It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use

6.91 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.

There is a note of caution in relation to the loss of any lands zoned or identified an existing industry and this theme is carried through into PPS4.

Policy PED 7 of PPS4 **Retention of Zoned Land and Economic Development Uses** is therefore a material consideration.

It states that Zoned Land in all Locations Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

It goes onto state that an exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally.

Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development. Un-zoned Land in Settlements On un-zoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, to other uses will only be permitted where it is demonstrated that:

- (a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; or
- (b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use; or
- (c) the proposal is for the development of a compatible sui generis employment use of a scale, nature and form appropriate to the location; or
- (d) the present use has a significant adverse impact on the character or amenities of the surrounding area; or
- (e) the site is unsuitable for modern industrial, storage or distribution purposes; or
- (f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not; or
- (g) there is a firm proposal to replicate existing economic benefits on an alternative site in the vicinity. A development proposal for the re- use or redevelopment of an existing Class B1 business use on unzoned land will be determined on its merits.

The case made by the agent supports the notion that this proposal provides a sui generis employment use which is entirely compatible with the predominant industrial use of the site. The remainder of the site comprises the Company's HQ, retail units and to the SW car sales. I note that the proposal intends to relocate existing fuel pumps to the new facility, pumps which are presently used by the Company's vehicle fleet. In terms of the appropriateness of the scale of the proposal, it is argued that the proposal makes best use of the site and generates employment.

Approval must not lead to a 'significant' diminution of industrial land resource in the locality and plan area generally. In response it is stated by the agent that the proposal will not impact the existing business nor will it lead to a significant diminution of industrial lands. In summary it equates to:

- Approx. 16% of the wider 5ha zoning
- 1.4% as identified in the MAP
- 0.4% within Mid-Ulster as a whole.

I agree that this is acceptable and with the case made that the proposal is also a sui generis employment use and that it therefore fits with the objectives of regional and local policy.

A small element of the proposal involves a café / drive thro. DCAN 4 indicates that consideration should be paid to any impacts relating to noise disturbance, smells and fumes, refuse and litter, traffic and parking and needs of those with disabilities. The agents supporting case states that the layout has taken these aspects into consideration and that given the location and type of café proposed it is unlikely any impacts will be created by the proposal. The extent of A1 retail floor space should perhaps restricted at this edge of settlement location in order to exercise a degree of control on this type of town centre use. An area of approx. 50sq.m would appear appropriate for this based on the shop layout shown on plans.

The advice from EHO would support this view. Following the submission of a noise report the following conditions and informatives are suggested:

Conditions

1. *"In the event that previously unknown contamination is discovered, development on the Site shall cease pending submission of a written report which appropriately investigates the nature and extent of that contamination and reports the findings and conclusions of the same and provides details of what measures will be taken as a result of the contamination"*

for the prior written approval of Planning Department in consultation with the Environmental Health Department of Mid Ulster District Council”.

2. “Building control approval is required to confirm, that given the ground conditions, they are satisfied that all necessary precautions have been taken to protect the occupants and properties from contamination risks”. (Informative)
3. “Care should be exercised in the removal of contaminated sources from the site, during site development, to ensure that any existing contamination load within soil and ground water is not increased. All hazardous waste removed from the site should be removed to a waste facility licensed to receive hazardous waste” (Informative)
4. “Whilst the District Council Environmental Health Department has assessed the information provided in the current state of knowledge it ultimately is the responsibility of the developer, to ensure the development is safe and suitable for the purpose for which it is intended and that any unacceptable risks from contamination will be successfully addressed through remediation. He/she should recognise the importance of ensuring thorough and competent professional assistance supported by professional indemnity insurance” (Informative)
5. Noise from construction activities should –
 - (a) not exceed 75 dB $L_{Aeq, 1hr}$ between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB $L_{Aeq, 1hr}$ between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and
 - (b) not exceed 65 dB $L_{Aeq, 1hr}$ between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and
 - (c) not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.”
6. The premises must comply with the Health and Safety at Work, Food Safety and Pollution Prevention (Industrial Emissions) Regulations. The applicant is encouraged to liaise at an early stage with the Environmental Health Department of MUDC in relation to these matters (Informative)

NIEA Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.

1. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall

be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

2. After completing the remediation works under Condition 1; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

DFI Roads having assessed a TAF responded with concerns about a loss of parking /servicing ability within the site. In examining the sites usage and recent additional provision of parking elsewhere within the site following the recent road scheme, an argument was put to DFI Roads on the following issues:

- The proposal does not remove any parking on the site
- The relocation of fuel services to the front of the site allows that area to be able to be used for storage.
- The removal of the gantry crane from the site appears to have enabled some 48 parking spaces to be provided and in addition there are 44 additional spaces provided for in the application.
-

DFI Roads in considering this evidence responded on the 13 Feb 2018 indicating that the proposed site appears only to have been storage area and that there was no loss of parking spaces. DFI accept any decision by the Council to approve. I note no other issues of concern we raised By DFI Roads in terms of access details. It is my view that standard conditions will suffice regarding provision of all hard surfacing areas etc prior to the PFS becoming operational.

The detailed design of the proposal represents a modern facility that will make a positive contribution to the area when compared the sites present outdoor storage area (Policy DES2Sitting well below the level of the Moneymore Road the building and canopy will not have any detrimental visual impact in my view. Metal composite panels make up the roof construction with low profile metal to walls. The small canopy covers 8 pump locations.

PED1 / 9 Considerations.

The preamble to PPS4 states the following:

With the exception of a limited number of specific policy references, mainly relating to acceptable alternative uses, this PPS does not provide policy for retail uses, financial, professional and other services, leisure or tourism, agriculture, waste disposal or waste management facilities, or minerals extraction, which are dealt with in other PPSs or in 'A Planning Strategy for Rural Northern Ireland'. However, the policy approach and associated guidance contained within this document may be useful in assessing proposals for other sui generis employment uses.

This is a sui generis employment use but I have also assessed the proposal against the requirements of PED9

Policy PED 9 General Criteria for Economic Development

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 considering the above tests I am content that in considering consultation responses and visiting the site and locality that all associated likely impacts are acceptable. This is not a rural area and as such concerns around visual integration are not critical in terms of visual amenity. DFI Roads have offered no specific access or servicing concerns.

Objection to application.

A letter of objection was received on the 27 July 2017 from Lisbane Consultants raising roads and traffic grounds:

The main issues raised are:

- That a full Traffic Assessment is necessary to show the impacts of the development on the adjacent highway network.
- There are concerns about the safety of vehicles existing the site
- Auto-tracking should be provided for vehicles using the existing exit from the site

The submitted TIA statement of 17 July 2017 concludes that:

- The junction is not considered busy at peak times
- That the opening year thresholds confirms the 5% threshold is not exceeded at the roundabout
- On the main roads – the traffic increases in 2 way are less than 5% and so not significant
- The need for a full TIA is not met.
-

Other than responding to seek more detail to ensure adequate on-site parking no concerns were raised by DFI Roads on highway safety. I have earlier outlined how the matter of sufficient on-site parking has been addressed. I must therefore conclude, as confirmed by S.Hackett that DFI will accept the decision of the Council on the application and therefore raise no further issues of objection.

Neighbour Notification Checked

Yes

Summary of Recommendation: approval subject to conditions.

Conditions

As previously listed in my report.

Additional Condition: extent of A1 retail space to be limited to 50sq.m as indicated on Plan No. 05.

Reason: To control the extent of Class A1 retail use at this location.

Signature(s) M.Bowman

Date: 9th May 2018.

ANNEX	
Date Valid	6th June 2017
Date First Advertised	22nd June 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 104 Moneymore Road, Coolshanny, Magherafelt, Londonderry, BT45 6HH, The Owner/Occupier, 107 Moneymore Road, Coolshanny, Magherafelt, Londonderry, BT45 6HJ, The Owner/Occupier, 2 Ballymoghane Road Coolshanny Magherafelt The Owner/Occupier, 3 Ballymoghane Road Coolshanny Magherafelt The Owner/Occupier, 45 Ballymoghane Road, Ballymoghane More, Magherafelt, Londonderry, BT45 6HN, Douglas Black Lisbane Consultants, 60 Scarva Road, Banbridge, BT32 3QD	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0780/F Proposal: Proposed Petrol Filling Station (PFS) and cafe with associated drive thru (sui generis) Address: Lands at 108-114 Moneymore Road, Magherafelt, Decision: Decision Date: Ref ID: LA09/2016/1749/F Proposal: Alterations and subdivision of an existing (Class A1) retail unit to 4 (Class A1) retail units Address: Lands at 108-114 Moneymore Road, Magherafelt, Decision: PG Decision Date: 06.03.2017 Ref ID: H/2002/1172/F	

Proposal: Extension to existing factory facilities and construction of a new paint shop to replace existing.

Address: 108 - 114 Moneymore Road, Magherafelt.

Decision:

Decision Date: 28.08.2003

Ref ID: H/1992/0109

Proposal: NEW ROAD ENTRANCE

Address: MONEYMORE ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1997/0590

Proposal: CHANGE OF USE TO WASTE TRANSFER RECYCLING OPERATION

Address: 6 BALLYMOUGHAN ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2001/0406/F

Proposal: Extension to existing factory facilities and construction of a new office block

Address: 108 - 114 Moneymore Road, Magherafelt

Decision:

Decision Date: 20.09.2001

Ref ID: H/2003/0393/F

Proposal: Erection of a new storage facility and installation of a 7.5 tonne double leg gantry travelling crane.

Address: 108 - 114 Moneymore Road, Magherafelt.

Decision:

Decision Date: 18.04.2004

Ref ID: H/2002/1033/F

Proposal: Factory extension including storage and despatch.

Address: 108 - 114 Moneymore Road, Magherafelt.

Decision:

Decision Date: 05.03.2003

Ref ID: H/1985/0523

Proposal: SPLIT-LEVEL BUNGALOW WITH DOUBLE GARAGE

Address: ADJACENT TO 16 BALLYMOUGHAN ROAD, COOLSHINNEY, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2010/0379/F

Proposal: Retrospective planning application for erection of cladded portal frame building for the purposes of storage (timber building materials)
Address: Approx 65m East of No.2 Ballymoghnan Road, Magherafelt(amended plans)
Decision:
Decision Date: 30.12.2010

Ref ID: H/2001/0213/F
Proposal: Factory Extension To Include Storage And Dispatch
Address: 4-10 Ballymoughan Road, Magherafelt
Decision:
Decision Date: 08.07.2001

Ref ID: H/2007/0140/F
Proposal: Erection of shed to house gantry crane.
Address: Land at Henry Brothers Building and Civil Engineering Contractors, Nos. 108 to 114 Moneymore Road, Magherafelt
Decision:
Decision Date: 30.12.2010

Ref ID: H/2007/0632/F
Proposal:
4 semi-detached houses.
Address: 100 Moneymore Road, Magherafelt
Decision:
Decision Date: 23.03.2011

Ref ID: LA09/2016/0753/LDE
Proposal: Hardware Retail Unit
Address: Lands at No's 108-114 Moneymore Road, Magherafelt,
Decision: PG
Decision Date:

Ref ID: H/1988/0414
Proposal: OIL DEPOT
Address: BALLYMOUGHAN ROAD MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1989/0014
Proposal: ALTS AND ADDS TO FACTORY
Address: BALLYMOGHAN ROAD MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1988/0413

Proposal: EXTENSION TO FACTORY BUILDINGS WITH OFFICE BLOCK AND CONCRETE BATCHING PLANT

Address: BALLYMOUGHAN ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2007/0492/F

Proposal: Proposed sunroom extension to side and utility room to rear of existing dwelling

Address: 2 Ballymoghna Road, Magherafelt

Decision:

Decision Date: 16.10.2007

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:

Ref ID: LA08/2016/1328/F

Proposal: Construction of an underground gas pipe line and associated infrastructure comprising: a new 85 bar High Pressure (HP) cross-country gas transmission pipeline, approximately 78km in length and varying between 300-400mm diameter; New Intermediate Pressure (IP) gas pipelines, (approximately 107km and varying between 250-315mm diameter) laid primarily in the public road, 7 Above Ground Installations (AGI) and 8 District Pressure Governors (DPG); temporary ancillary development comprising temporary construction compounds, temporary pipe storage areas and temporary construction accesses.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: PG

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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Status: Submitted

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Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 05

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 04

Type: Existing Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



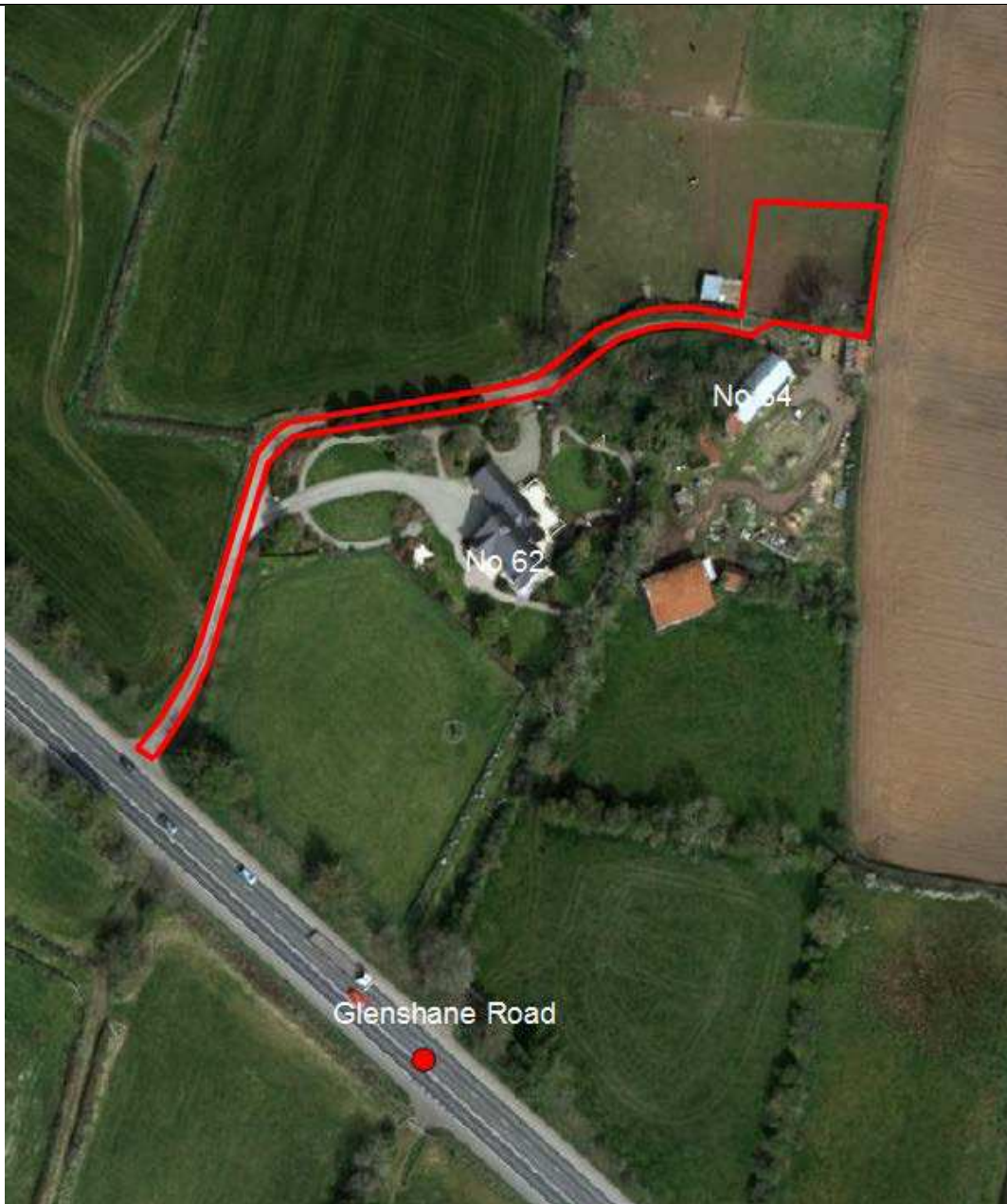
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0828/O	Target Date:
Proposal: Construction of chalet bungalow and detached garage	Location: 40m North of 64 Glenshane Road Knockloughrim Maghera
Referral Route: The agent's spouse is a member of planning staff.	
Recommendation:	Approval
Applicant Name and Address: Mr & Mrs A Kane 5 Well Lane Culnady Maghera BT46 5TL	Agent Name and Address: Gordon Arbuthnot 6 Culnady Road Upperlands Maghera BT46 5TN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	DAERA - Coleraine	Substantive Response Received
Non Statutory	DAERA - Coleraine	

Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DAERA - Coleraine	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues - No Issues		
Characteristics of the Site and Area The site is located approximately 1.5 miles south east of Knockcloghrim in open countryside in accordance with the Magherafelt Area Plan 2015. The site is situated 40m north of No 64 Glenshane Road and is set back approximately 170m from the public road. The proposed site is a cut-out portion of a small agricultural field, identified as field No3/B on the submitted farm maps. Access to the site is via an existing hardcore laneway. The site slopes down in a northerly direction. The site is bound by mature vegetation along the southern and western boundaries of the site, the remaining boundaries are undefined.		
Description of Proposal The application seeks outline planning permission for a single storey dwelling and garage on the farm.		
Planning Assessment of Policy and Other Material Considerations Relevant Site History: H/2007/1142/F - Proposed replacement dwelling, detached domestic garage & stable block. Approved 17th September 2008. Site adjacent, dwelling at subfloor level. Representations: 2 neighbour's notification letters were sent to the occupiers of Nos 62 & 64 Glenshane Road, Knockcloghrim No letter of representation have been received Development Plan and Key Policy Consideration: Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. <u>Magherafelt Area Plan 2015:</u> The site is located in the open countryside. There are no other designations on the site. <u>SPPS – Strategic Planning Policy Statement for Northern Ireland:</u> 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. Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.		

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

Policy CTY 1 of PPS 21 allows for a single dwelling on a farm subject to the policy tests laid down in policy CTY 10 and states that planning permission will be granted for a dwelling on a farm where three criteria are met.

Criterion (a) requires the farm business to be currently active and established for at least 6 years. The applicant has submitted a farm business ID number which DAERA has confirmed it is currently active and has been established more than 6 years but the farm business does not claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. The agent submitted a supporting statement to help clarify the applicant's farming history. The statement points out that the applicant was in receipt of single farm payments up until 2010 and since then the majority of the land is now set in conacre with the exception of 5 acres which is retained for hay production. A number of receipts dating back for more than 6 years have also been submitted for various farming inputs such as fertiliser, field gates, farming implements, fencing materials etc. These receipt help demonstrates that there is sufficient level of farming activity taking place and the applicant is maintaining the land in good agricultural condition for the proposal complies with criterion (a).

Under criterion (b) which requires 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. A planning history search reveals no development opportunities have been sold off, therefore the proposal complies with criterion (b).

Under criterion (c) of the policy which requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm. The established grouping is located immediately south of the proposed site and consist of an unoccupied dwelling and a range of small outbuildings. I am satisfied the proposal will cluster with the established group of buildings on the farm and for the proposal to comply with criterion (c)

Furthermore, I am content that policy tests in relation to integration in the countryside (CTY 13) and impact on rural character (CTY 14) have been met. The site is located a significant distance form any public road and I am satisfied a single storey dwelling with a ridge height of 6m can visually integrated into the surrounding landscape. A new dwelling will be enclosed by development along southern boundary and access will be obtained from an existing laneway. I have no concerns in relation to road safety and neighbouring amenity should not be affected by the proposal however this will be further assessed at RM stage.

Neighbour Notification Checked	Yes
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Summary of Recommendation: That planning permission be approved subject to the following 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. The proposed dwelling shall have a ridge height of less than 6 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 in and satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21

4. The existing natural screening along the laneway and the eastern boundary of the site shall be permanently retained at not less than 2 metres and trees allowed to grow on except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing.

Reason: In the interests of visual amenity

5. No development shall take place until there has been submitted to and approved by the Council a landscaping scheme providing for the planting of a new native species hedgerow/trees and shrubs of mixed woodland species along the northern and western boundaries of the site.

Reason: To ensure the proposal is in keeping with the character of the rural area

6. 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 the Council. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45m at any point.

Reason: In the interest of visual amenity

7. 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.

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 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.

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

Signature(s)

Date:

ANNEX	
Date Valid	16th June 2017
Date First Advertised	29th June 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 62 Glenshane Road Toberhead Knockcloghrim The Owner/Occupier, 64 Glenshane Road Toberhead Knockcloghrim	
Date of Last Neighbour Notification	4th July 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0828/O Proposal: Construction of chalet bungalow and detached garage Address: 40m North of 64 Glenshane Road, Knockloughrim, Maghera, Decision: Decision Date: Ref ID: H/1978/0093 Proposal: BUNGALOW AND GARAGE Address: TOBERHEAD, CASTLEDAWSON Decision: Decision Date: Ref ID: H/2004/0914/F Proposal: Extension to existing dwelling to include first floor accommodation and raising of roof height. Address: 62 Glenshane Road, Toberhead, Knockloughrim. Decision: Decision Date: 19.10.2004 Ref ID: H/2007/1142/F Proposal: Proposed replacement dwelling, detached domestic garage & stable block Address: 64 Glenshane Road, Knockloughrim, Magherafelt Decision: Decision Date: 19.09.2008	
Summary of Consultee Responses	

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: LA09/2017/0905/F	Target Date:
Proposal: Proposed housing Development consisting of 3 detached and 18 semi detached dwellings to include upgraded access on to Mullaghmore Road, provision of a cycle track and associated development	Location: Lands to the South East Foxborough Mullaghmore Road Dungannon
Referral Route: Objection received	
Recommendation:	Approval
Applicant Name and Address: Westland Developments (NI) Ltd 17-19 Dungannon Road Cookstown	Agent Name and Address: Clyde Shanks Ltd 5 Oxford Street Belfast BT1 3LA
Executive Summary: Housing development within Dungannon and partly on zoned housing land, this proposal does not prejudice the development of the remainder of this zoning or other zoned lands.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Assessed contaminated lands, impact on wildlife and watercourse. Recommend conditions
Statutory	NI Water - Multi Units West - Planning Consultations	Advice
Statutory	DFI Roads - Enniskillen Office	Have not identified any road safety risk and will adopt roads within the development

Statutory	Rivers Agency	Drainage Assessment considered, drainage to NI Water System
Non Statutory	DETI - Geological Survey (NI)	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Noise, odour from WWTW, contaminated land and Air Quality Management Area
Non Statutory	Shared Environmental Services	Mitigation recommended to prevent impacts (verbal)

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

Concerns about the amount of traffic on Mullaghmore Road and road safety. Roads engineers have not raised any concerns.

Characteristics of the Site and Area

The application site is just over 1 hectare in area and is located on the north west side of Dungannon, off the Mullaghmore Road. The site contains part of the former railway bed along its west boundary, the footprint of a dwelling and outbuildings with access in place onto Mullaghmore Road at the south east, and is covered vegetation that has regenerated on the site. The site contains a mound of earth at the road frontage but is generally flat with a gradual fall towards a small water course at the north east boundary.

The area is primarily residential in character with Foxborough, private housing development located immediately to the north, Wellbrook opposite on Mullaghmore Road and other private housing to the opposite side of Mullaghmore Road. Dungannon Golf Club is located to the north and there is a car wash immediately to the south east. Agricultural land is located to the north on the opposite side of the opposite side of the stream.

Description of Proposal

The proposal is for the erection of 21 dwellings, (3 detached 4 bedroom properties and 18 semi-detached 3 bedroom properties) an estate road and cycle path and a waste water treatment works. The dwellings are a mixture of designs with plaster to the upper walls and brick to the lower walls with slate roofs. All the dwellings, except for those on sites 4, 10, 12 and 18 have 2 storey rendered projections to the front. The dwellings on sites 20 and 21 have a dual aspect as site 21 fronts onto and accesses through Foxborough and site 20 faces Mullaghmore Road and the development road. It is proposed to provide 1.5m high screen walls at the rear of sites 1, 2, 3, 4 and 19 as well

as between sites 19 and 20. 900mm metal railings are to be provided to the front garden of all the properties with 900mm timber rail fences to the rear gardens.

Planning Assessment of Policy and Other Material Considerations

Planning History

Planning permission was refused for housing on part of this site under M/1996/0457 as it was considered to prejudice the provision of the western bypass for Dungannon in the East Tyrone Area Plan, this plan has been superseded by the Dungannon and South Tyrone Area Plan 2010.

Policy Consideration

The proposal should be considered against the policies in the Dungannon & South Tyrone Area Plan 2010 (DSTAP), which is the extant plan for the area. Other policies for consideration are contained in the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 2 – Natural Heritage, Planning Policy Statement 3 (PPS3) – Access, Movement & Parking, Planning Policy Statement 7 (PPS7) – Quality Residential Environments, PPS7 Addendum – Safeguarding the Character of Established Residential Areas, Planning Policy Statement 8 (PPS8) – Openspace, Sport and Outdoor Recreation, Planning Policy Statement 12 (PPS12) and Planning Policy Statement 13 (PPS13) and Planning Policy Statement 15 – Planning & Flood Risk. Other guidance documents include Creating Place, DCAN 8 and DCAN 15.

The Dungannon and South Tyrone Area Plan 2010 is the extant plan for the area, the site is located within the settlement limits for Dungannon as defined by SETT1, and HOUS1 zones the rear part of the site as Phase 1 Housing Land. Key site requires for this site are set out in DH24. Members are advised that provided the development does not prejudice the overall provision of the zoning, part of it may be developed in isolation. The proposal does not meet all of the Key Site requirements for zoning DH24 as the land owned by the developer does not front onto Mullaghmore Road and is not wholly within the DH24 zoning. I consider however that the developer has tried to meet the key site requirements by setting development back to allow sight lines for a right hand turning lane and adequate separation to allow the provision of an access road into the remainder of DH24 as well as leaving adequate room to serve DH28, Phase 2 housing lands. The proposal incorporates a cycle path within it that forms part of the peripheral cycle route and development fronts onto Mullaghmore Road. The existing watercourse remains and has open space provision along part of it, though it is recognised there is a sewage treatment facility within this area. I consider the proposed development will not prejudice the implementation of DH24 and DH28 housing zonings and while not in accordance with the Plan does not prejudice the provisions of the Plan.

The proposed development of 21 houses on this circa 1ha site is similar in density and appearance to the houses within Foxborough and as such are reflective of development in the area. Parking has been provided for 2 vehicles clear of the public road for each dwelling. The properties fronting Mullaghmore Road having access from the rear, to parking areas and there is space on the estate road. I consider there is adequate parking to serve the development.

The rear private amenity space is screened off by the proposed development, screen walls and existing and proposed hedging, it is well above the minimum set out in Creating Places, sites 2 and 20 having the lowest at 73 and 74sqm. I consider these screen walls, fences and hedging will provide privacy and also allow passive surveillance to ensure the development is secure.

The site and surrounding development is relatively level, as such I consider there is adequate separation distances, to reduce overlooking and overshadowing, with a minimum of 19m back to side on site 18 and minimum 20m back to back on sites 12 – 15. The front to front separation of 25m between houses within the development will provide an open appearance to the

development and I consider the hedges and trees proposed along the frontages will enhance the overall appearance of the development.

PPS8 provides a requirement for 10% open space over 25 dwellings and appropriate levels of public space within other developments. There is an area of open space along the watercourse to the north, which it is proposed to landscape and I consider this is adequate for the scheme.

NIEA have advised the river corridor may provide a foraging habitat for bats and have requested low intensity lighting for the development, to reduce the impact from the development on this area. I consider this can be dealt with by an appropriate condition about the lighting scheme. The watercourse links into the Dungannon Park Lake System and is a designated watercourse. Rivers Agency have been consulted and as the proposed storm drainage is into the NI Water network, they have no concerns with the proposal. The watercourse provides a hydrological link to Lough Neagh and Lough Beg, which have European Protection, NIEA have advised that to mitigate against impacts on the watercourse and RAMSAR, a Construction Method Statement should be provided and agreed prior to the commencement of any development on the site, I consider this is reasonable request and can be conditioned.

The development provides a cycle path that links into the periphery cycle route as defined in the DSTAP, I consider it is necessary for this to be provided to the boundary of the application site to ensure the peripheral cycle route is capable of being provided. This linkage will, when fully provided, ensure there is an additional method of transport which will assist in mitigation of the effects of the development on the Newell Air Quality Management Area. The development is located within walking distance of local shops, with a good footway network and bus stops on Mullaghmore Road providing alternative modes of transport.

An objection was received raising concerns about another access onto Mullaghmore Road, as there are already a number of accesses. The proposed development is not creating an additional access as the former dwelling on the site had an access onto Mullaghmore Road. This proposal involves the relocation and intensification of the use of an existing access. Roads Engineers have been consulted about the proposal and have not raised any issues in relation to road safety.

It is proposed to provide a waste water treatment works within the site and part of the site was a railway bed, which is considered to be contaminated land. Environmental Health and NIEA have been consulted in relation to the possible impacts on future residents and have suggested conditions that would mitigate any impacts on residential amenity.

Taking account of all of the above factors I consider the proposed development and the layout and design of the development is acceptable and recommend it is approved

Neighbour Notification Checked	Yes
Summary of Recommendation: Approve with conditions	
Conditions: <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>	

2. Prior to the commencement of any other development hereby approved, the vehicular access, including visibility splays of 2.4m x 70.0m and any forward sight line shall be provided in accordance with the details shown on drawing No 13 Rev 2 bearing the stamp dated 06 FEB 2018. 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 levels 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. The gradients of the accesses shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

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

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

5. Prior to the occupation of any of the dwellings on sites 12 or 13, the cycle track shall be provided, to its approved level and with the final wearing course to the extreme northeast boundary of the application site as identified on drawing number 13 Rev 2 bearing the stamp dated 06 FEB 2018.

Reason: To ensure there is a link to provide the periphery cycle route.

6. None of the dwellings hereby approved shall be occupied until:
a) the waste water treatment plant as shown on drawing No 05 bearing the stamp dated 5 JUL 2017 has been installed and is fully operational, or
b) the developer has provided the Council with a written agreement with NI Water, that the existing network can deal with the waste water from this development.
The plant shall be installed at the developer's expense and shall be maintained by the developer until such times as it is adopted by NI Water or is no longer necessary to serve the development

Reason: To prevent pollution and to ensure waste water from the development is properly dealt with.

7. The noise from the vacuum pump associated with the waste water treatment plant shall not exceed 63.7db when measured at 1m from the source.

Reason: To protect residential amenity.

8. The package treatment plant shall not emit any odour in excess of 3 OU/m-3.

Reason: In the interests of residential amenity

9. A detailed Construction Method Statement, for works in, near or liable to affect any watercourse as defined by the Water (NI) Order 1999, shall be submitted to Mid Ulster Council and agreed with NIEA Water Management Section, at least 8 weeks prior to the commencement of any works on the site.

Reason: To protect the adjoining watercourse from pollution.

10. Prior to the occupation of any of the dwellings hereby approved a lighting scheme, as agreed in writing with Mid Ulster District Council, shall be provided in full. The lighting scheme shall provide details of the specifications of the lighting to be used across the entire site and shall be designed to have low lighting levels to mitigate the impacts on bats and keep the river corridor free from artificial lighting.

Reason: To ensure light from the development does not adversely impact on protected species.

11. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and Mid Ulster District Council Planning Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Mid Ulster District Council in writing, and subsequently implemented and verified to its satisfaction.

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

12. After completing all remediation works under Condition 11 and prior to commencement of operations, a verification report needs to be submitted in writing and agreed with Mid Ulster District Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

13. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with Mid Ulster District Council Planning Department. This Condition only applies if a piling foundation is being used at the site. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention available at <http://publications.environmentagency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

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

14. No development shall commence until the stockpiles of soil and demolition waste which are located on-site are fully classified and assessed in accordance with Technical Guidance WM3 Waste Classification: Guidance on the classification and assessment of waste (3 edition, July 2015). If new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and Mid Ulster District Council Planning Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being

identified, a remediation strategy shall be agreed with Mid Ulster District Council in writing, and subsequently implemented and verified to its satisfaction.

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

15. Further groundwater sampling and suitable analysis, specifically relating to the contamination identified in BH01 and BH02 in the Generic Quantitative Risk Assessment ref A106941 prepared by WYG, shall take place prior to, during and post development. Should elevated targeted contaminant concentrations be observed these should be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, no further work on the site should take place until a remediation strategy has been agreed with Mid Ulster District Council Planning Department in writing and subsequently implemented to its satisfaction.

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

16. All hard and soft landscape works shall be carried out in accordance with the details shown on drawing reference 17-029 L101 Landscape Proposals contained within Landscape Management Plan 17-029 Mullaghmore Road, Dungannon prepared by LK Designspace. The scheme shall be provided to the appropriate British Standard or other recognised Codes of Practice. The works within each individual site shall be carried out prior to the occupation of the dwelling on that site and the landscaping on the open space area shall be provided prior to 15 of the dwellings hereby approved becoming occupied. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

17. The existing hedgerow and vegetation along the boundaries of the site as indicated on drawing reference 17-029 L101 Landscape Proposals contained within Landscape Management Plan 17-029 Mullaghmore Road, Dungannon prepared by LK Designspace shall be retained and augmented in accordance with the details in the Landscape Management Plan.

Reason: To ensure the maintenance of screening to the site.

18. Following the commencement of development on this site, and prior to the occupation of any of the dwellings on sites 1,2 or 3, the area between the fences for sites 1, 2 & 3 and Mullaghmore Road, as identified in blue on drawing No 02 Rev1 bearing the stamp dated 27NOV2017, shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

Reason: To ensure that the proposal will not prejudice the provision of an access road into other lands.

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

19. The Department for Infrastructure has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawings No 13 Rev 2, bearing the date stamp 06 FEB 2018.

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

20. The development hereby permitted shall not be occupied until the road works (including widening of the existing footway) as indicated on Drawing No 13 Rev 02 bearing the date stamp 06 FEB 2018 have been fully completed in accordance with the approved plans.

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

Signature(s)

Date:

ANNEX	
Date Valid	5th July 2017
Date First Advertised	27th July 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 14 Mullaghmore Road,Lisnahull,Dungannon,Tyrone,BT70 1QT, The Owner/Occupier, 18 Mullaghmore Road Lisnahull Dungannon Rose McGurk 18, Mullaghmore Road, Dungannon, Tyrone, Northern Ireland, BT70 1QT The Owner/Occupier, 25 Foxborough Mullaghmore Dungannon The Owner/Occupier, 26 Foxborough,Mullaghmore,Dungannon,Tyrone,BT70 1FB, The Owner/Occupier, 27 Foxborough,Mullaghmore,Dungannon,Tyrone,BT70 1FB, The Owner/Occupier, 28 Foxborough,Mullaghmore,Dungannon,Tyrone,BT70 1FB, The Owner/Occupier, 29 Foxborough,Mullaghmore,Dungannon,Tyrone,BT70 1FB, The Owner/Occupier, 3 Foxborough,Lisnahull,Dungannon,Tyrone,BT70 1FB, The Owner/Occupier, 30 Foxborough Mullaghmore Dungannon The Owner/Occupier, 4 Foxborough Lisnahull Dungannon The Owner/Occupier, 8 Wellbrook Manor Lisnahull Dungannon The Owner/Occupier, 9 Foxborough Lisnahull Dungannon The Owner/Occupier, Pristine Auto Care, 14 Mullaghmore Road,Lisnahull,Dungannon,Tyrone,BT70 1QT,	
Date of Last Neighbour Notification	26th July 2017
Date of EIA Determination	23rd May 2018
ES Requested	No

Planning History

Ref ID: LA09/2017/0905/F

Proposal: Proposed housing Development consisting of 3 detached and 18 semi detached dwellings to include upgraded access on to Mullaghmore Road, provision of a cycle track and associated development

Address: Lands to the South East Foxborough, Mullaghmore Road, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2016/0345/PAD

Proposal: Housing Development

Address: Lands adjacent to and SE of Foxborough, Mullaghmore Road, Dungannon,

Decision:

Decision Date:

Ref ID: M/1985/0134

Proposal: MEDIUM DENSITY HOUSING SCHEME

Address: DONAGHMORE ROAD

Decision:

Decision Date:

Ref ID: M/1989/0082

Proposal: Medium Density housing Development

Address: BETWEEN 19 AND 31 MULLAGHMORE ROAD MULLAGHMORE
DUNGANNON

Decision:

Decision Date:

Ref ID: M/1994/0084

Proposal: Site for housing development

Address: LAND BETWEEN 19 AND 31 MULLAGHMORE ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1995/0412

Proposal: Housing Development

Address: MULLAGHMORE ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1996/0457

Proposal: 23 No. dwellings Phase 3 of Development at Mullaghmore
Road, Dungannon

Address: MULLAGHMORE ROAD, DUNGANNON

Decision:
Decision Date:

Ref ID: M/2006/1232
Proposal: Proposed Housing Development
Address: Foxborough, Mullaghmore Road, Dungannon
Decision:
Decision Date:

Ref ID: M/2000/1246/O
Proposal: Housing development
Address: Donaghmore Road Dungannon
Decision:
Decision Date: 12.04.2006

Ref ID: M/2009/0126/F
Proposal: 33kv O/H Line
Address: Dungannon main - to Killyman in the townlands of Ross, Dungervin Hill, Mullaghmore, Glenadush, Lakeview House crossing Quintinmaus Road, Coalpit Road, Rossmore Road, Cookstown Road, Granville Road and Mullaghmore Road
Decision:
Decision Date: 13.03.2009

Summary of Consultee Responses

NIEA – contaminated land, watercourse and biodiversity impacts considered, conditions recommended
Rivers – DA considered, storm water to NI Water system, no additional comments
Roads – roads with development will be adopted, safe access standards of 2.4m x 70.0m
NIWater – available capacity at Dungannon WWTW
EHO – noise, odour and contaminated land considered, conditions recommended
GSNI – no comment necessary
SES – impacts on RAMSAR can be mitigated

Drawing Numbers and Title

01 – location map, 02REV1 – site layout, 03- details, 04 –site survey, 05- treatment works, 06 - section, 07- drainage , 09- elevations and floor plan, 10- elevations and floor plan, 11- elevations and floor plan, 12- elevations and floor plan, 13REV2- PSD's, 14REV3 - sections, 17-029 Landscape Proposal
Landscape Management Plan

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 05/06/2018	Item Number:
Application ID: LA09/2017/0908/F	Target Date:
Proposal: Retention of staff car park as constructed and extension to provide additional staff parking space	Location: 2 Moore Street Aughnacloy
Referral Route: Application has received a valid planning objection.	
Recommendation:	APPROVE
Applicant Name and Address: Mr Leo Daly 2 Moore Street Aughnacloy	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: This application relates to the retention of an existing staff car park, as built, and an extension thereto. The proposal, which is located to the rear of an existing supermarket in Aughnacloy, involves the introduction of an area of infill and re-grading. Landscaping works includes the provision of a planted embankment with 2m high close boarded fence over. Having assessed the application against prevailing planning policy I am content that the proposal is compliant with same and as such approval is recommended.	
Signature(s): 	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	Content
Statutory	NIEA	Standing Advice
Statutory	Rivers Agency	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

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

The Council's Environmental Health Department, Department for Infrastructure Roads and Rivers Agency and Historic Environment Division were consulted on this proposal and responded accordingly. One objection has been received on the file and all other material considerations will be assessed within the determination below.

Characteristics of the Site and Area

The application site is located at Moore Street, Aughnacloy, Co. Tyrone. The site is within the settlement development limits of the village as defined within the Dungannon and South Tyrone Area Plan 2010 (DSTAP). DSTAP also outlines that the front of the site area, closest to Moore Street, is within an Area of Townscape Character.

The site is located at the north western fringe of the village and is located to the rear of an existing supermarket and the rear of a vacant dwelling at No. 2 Moore Street. The site is currently used as a staff car park for the supermarket and is not open for public use. The area surrounding the site to the north includes the supermarket building and associated outbuildings and the land to the south is made up of a garden area which is residential rear amenity space associated with the neighbouring property at No. 4 Moore Street. The site is accessed from Moore Street which is located to the west.

The application site exhibits a sloping gradient which is highest at the west (access) and lowest towards the east. There is a sharp declining slope located to the east of the site which marks the point where the site has previously been partially filled in. The elevation difference between where the site has been filled in and the existing ground level is approx. 3m.

The northern boundary of the site is made up by the supermarket buildings and an approx. 5.5m high retaining wall with fence over, towards the north east. The east of the site is bound by an approx. 2m high fence and mature vegetation. The boundary at the south of the application site which runs along the boundary with No. 4 Moore Street is made up of a small (staggered) retaining wall with fence over at the south western corner of the site and an approx. 2m high fence which runs from that to the bottom of the site where it meets the eastern boundary. The southern boundary also includes mature vegetation and trees.

The western boundary of the site includes the vacant dwelling addressed as No. 2 Moore Street along with a small wall and access gateway. It is this part of the site which is included with the Village's Area of Townscape Character designation.

The area surrounding the site includes a mix of land uses including residential and retail.

Description of Proposal

The proposed works include the retention of an existing staff car park along with the provision of further ground filling to the east of the site to facilitate further provision for staff car parking. The works include the provision of ground grading to include a planted embankment and a 2m high close board fence along the southern boundary of the car park. The applicant has provided site sections (Drawing No. 03 Rev B – 15/11/17) which show the level of additional fill required along with details of boundary treatment works with No.4 Moore Street to the south.

It is noted that the proposed works relate to the retention of the existing works on the site which have not been carried out to the specification approved under planning approval M/2013/0345/F. The earlier approval included a retaining wall which ran from the south of the application site (rear of No. 2) in a north east direction along the boundary with No. 4 Moore Street. This retaining wall has not been built and the applicant has submitted plans within this application which illustrate a regrading of the land at this part of the site as opposed to the use of a retaining structure.

The applicant has clarified that the carpark will be used for staff only and that an existing barrier has been fitted at the access to the site to ensure that only staff members with the requisite key fob are permitted access.

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. Dungannon and South Tyrone Area Plan 2010.
3. Planning Policy Statement (PPS) 3 – Access Movement and Parking.
4. PPS 6 – Planning, Archaeology and the Built Heritage.
5. PPS 6 (Addendum) – Areas of Townscape Character.
6. DOE – Parking Standards.

Planning History

M/2013/0345/F - Extension to supermarket site to provide additional car parking and yard area including retaining walls, 2 Moore Street, Aughnacloy, Co Tyrone. PERMISSION GRANTED - 27.10.2014.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing there one third party objection has been received, see consideration below.

Assessment

SPPS

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS aims to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions. In addition the SPPS outlines that all applications for retail development or main town centre type uses will be assessed in accordance with normal planning criteria including transportation and access arrangements, design, environmental and amenity impacts.

On balance I consider that the proposed works are of a modest and subordinate nature. The works will not create a greater degree of visual influence when compared with the existing setting and as such the proposal will not have a negative impact on the character of the surrounding area.

Dungannon and South Tyrone Area Plan 2010 (DSTAP)

The site is situated within urban 'whiteland'. The plan highlights that development proposals will be expected to be in keeping with the existing built form of the village and be sympathetic in terms of scale, form, massing, design detailing and materials. The proposed scheme does not significantly or detrimentally alter the existing setting of the area, nor does it significantly increase the impact created by the existing development on the site.

The application relates to the extension of an existing staff car park at this premises and it therefore does not propose to introduce a new use. In addition the application relates to a modest extension to the car park which is located to the rear of the existing supermarket and the rear of the existing vacant dwelling on the site. On this basis I am content that the proposal will not impact upon the character or setting of Aughnacloy.

Policy SETT 1 within the plan outlines a series of criteria by which all development proposals inside of settlement limits will be expected to adhere to. The proposed car park extension respects the size, character and function of the settlement in terms of scale, form and design. The use of materials is appropriate to the existing operational staff car park on the site.

The proposal respects the opportunities and constraints of the existing site area. The application site would be of an insufficient size/scale to accommodate further development and as such the

proposed use will not impact upon any future development opportunities. The proposal is not located on an area which is defined as open space within PPS 8 and I am therefore content that there will be no loss of open space provision in this area.

The bulk of the site is outside of the Area of Townscape Character of the Village, however a small portion of the front of the site falls into the designation. In consideration of same I am content that the proposed works will not negatively impact upon the character of the area. The vacant dwelling at the front of the site will not be altered by this application and the retention of a small entrance gate will not significantly alter the character of the area. On this basis I am content that the proposal complies with the policy provision contained within Policy ATC 2 of APPS 6 – Areas of Townscape Character.

The site is located in close proximity to an Archaeological Site in the form of the Thistle Landscape Feature. On this basis it was deemed necessary to consult with Department for Communities Historic Environment Division (HED). HED responded on the application and have highlighted that they have no concerns with the proposal put forward. I am content that the proposal will not negatively impact upon any conservation or built heritage interests and as such the proposal is considered to be compliant with the provisions contained within PPS 6 – Planning, Archaeology and the Built Heritage.

In terms of natural heritage the proposal is located in an area which has been developed on the back of the previous approval on the site. With this in mind the proposal does not involve the removal of any important landscape features or interests of natural heritage importance. The objector to the application raised concerns regarding the presence of an invasive species on the site, namely Japanese Knotweed. On this basis it was deemed necessary to consult with the DAERA's Northern Ireland Environment Agency (NIEA). NIEA responded on the file and have made reference to Standing Advice. Having consulted Standing Advice Note 7 – Invasive Alien Species I consider that a Mitigation Plan for Japanese Knotweed will be required in order to ensure that the Invasive Species is not spread or carried off the site.

The Standing Advice also identifies that the main survey period for most invasive plant species is from April to September as many are not visible in the winter. With this in mind I am content that a condition be attached to any forthcoming planning approval which stipulates that a Mitigation Plan should be forwarded to and approved by the Council before any other development works takes place on the site, thus restricting the potential for spread of the species. I am satisfied that the proposal complies with Policy SETT 1 of the DSTAP.

PPS 3 and Parking Standards

The applicant has highlighted that there will be an expected increase in the number of people/vehicles visiting the premises daily. The approval under M/2013/0345/F identified that there was 13 staff vehicles expected to visit the site daily, this has been increased to 25 within this application. Based on this intensification it was deemed necessary to consult with DFI Roads. Roads responded on the application highlighting that they were content with the proposal, subject to condition.

In consideration of Policy AMP 9 of PPS 3 (Design of Car Parking) I consider that the proposal respects the character of the local townscape and the surrounding area and in doing so does not negatively impact upon visual amenity. I am also satisfied that the proposal provides for secure, direct and safe access for vehicles and pedestrians.

I consider that the proposal is in keeping with the policy provision of PPS 3 and the DOE's Parking Standards.

Neighbour Amenity

As noted above the previous approval on the site included a retaining wall along the southern boundary of the site, along its boundary with No. 4 Moore Street. This retaining wall has not been built and this application includes the provision of re-grading the small embankment as opposed to the use of a retaining structure. The boundary works with No. 4 also include the introduction of a 2m high boundary fence along the top of the embankment and a planted embankment area. The proposal extends the area of the site when compared with the previous approval and this involves an area of additional fill.

The embankment area rises to a maximum of 3m in elevation and the 2m high boarded fence is situated on the top of the embankment. I consider this to offer a sufficient degree of privacy and screening to the amenity space to the rear of No. 4 Moore Street. In terms of neighbour amenity I have consulted with the Council's Environmental Health Department (EHD) who have responded highlighting that they have no objection to the proposal and suggested an Informative. In consideration of the previous approval on the site and the comments made by Environmental Health I am content that the proposal will not give rise to a significant negative impact on the amenity of the neighbouring No. 4 Moore Street.

I do not consider the proposal will give rise to an unacceptable impact on the amenity of nearby residential dwellings in terms of overlooking, privacy, dominance or noise/odour concerns.

Consideration of Representations

1 letter of objection were received on this application from the occupant of No. 4 Moore Street. The objector had raised concerns about the Neighbour Notification process and has highlighted that he did not receive a Neighbour Notification letter. Having checked the application details it is evident that a standard Neighbour Notification letter was sent to the Occupant of No. 4 Moore Street, Aughnacloy on 27/07/2017. Furthermore the occupant has made representation on the file and his concerns have been considered within the determination herein.

The objector has raised concerns regarding the presence of Japanese Knotweed on the site and the potential for spread. I have considered this within my consideration of policy above and I am content that a condition restricting any further development on the site until a Mitigation Plan has been submitted to and agreed to by the Council, will ensure that the invasive species on the site is identified and not spread.

The objector has made comment on the existing operations on the site and the fact that the previous approval on the site has not been carried out in line with the approved drawings. This application has been submitted to amend the previous approval and extend the site area and consideration of same has been carried out within this report.

Concerns were also raised about the potential for a negative impact on the amenity of the occupants of No. 4 and this has been considered within my consideration of Neighbour Amenity above. EHD have returned comment on this application and highlighted that they have no objection.

Conclusion

Members are advised that the proposal is considered to be acceptable on the basis that the proposal will not have a significant negative impact on the character or setting of the local area, local residential amenity, or give rise to road safety concerns. The proposal is considered to be compliant with prevailing planning policy.

Neighbour Notification Checked	Yes
Summary of Recommendation:	
Approve, subject to the conditions below.	
Conditions/Reasons for Refusal:	
Conditions	
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>	
<p>2. No further works shall take place on the site until an Invasive Species Management and Maintenance Plan for Japanese Knotweed has been submitted to and approved by the Council. The plan shall set out the period of the plan, long term objectives, management responsibilities, the method(s) employed and maintenance schedules for all areas affected. The management plan shall be carried out as approved.</p> <p>Reason: To ensure that there is no spread of the Invasive Alien Species.</p>	
<p>3. The materials to be used in the construction of the external surfaces of the staff car park hereby permitted, shall be as annotated on Drawing No. 03 Rev B, date stamped 15/11/2017.</p> <p>Reason: To ensure that the surface is permeable.</p>	
<p>4. The vehicular access, including visibility splays of 2.4m by 60m and any forward sight line shall be provided in accordance with Drawing No. 03 Rev B bearing the date stamp 15/11/2017, 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 levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>	
Informatives	
<p>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.</p>	
<p>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.</p>	
<p>3. 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.</p>	

4. The applicant's attention is drawn to Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence for any person to plant or otherwise cause to grow in the wild any plant which is included in Part II of Schedule 9 of the Order, which includes Japanese Knotweed. This highly invasive plant species has been recorded on site and control measures must be taken to ensure that any works do not cause it to spread either on or off the site.

5. Any soil, containing Japanese Knotweed plant or seed material, which is removed off site, is classified as controlled waste under the Waste and Contaminated Land (Northern Ireland) Order 1997 (as amended). This legislation also places a duty of care on 'anyone who produces, collects, carries, keeps, treats or disposes of controlled waste to take the necessary steps to keep it safe and to prevent it from causing harm, especially to the environment or to human health'. In the case of Japanese Knotweed it is the duty of the waste producer to inform the licensed waste carrier and licensed landfill site that the controlled waste material contains Japanese Knotweed as part of the waste transfer process.

6. The applicant's attention is drawn to the comments made by the Council's Environmental Health Department (29.11.2017), Department for Communities Historic Environment Division (15.08.2017), Department for Infrastructure (DFI) Roads (26.09.2017) and DFI Rivers (20.11.2017).

Signature(s)

Date:

ANNEX	
Date Valid	5th July 2017
Date First Advertised	27th July 2017
Date Last Advertised	14th December 2017
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Tramline Way,Derrycush,Aughnacloy,Tyrone,BT69 6BE, The Owner/Occupier, 2 Tramline Way,Derrycush,Aughnacloy,Tyrone,BT69 6BE, The Owner/Occupier, 4 Moore Street Derrycush Aughnacloy Stephen Douglas 4, Moore Street, Aughnacloy, Tyrone, Northern Ireland, BT69 6AY The Owner/Occupier, Copperfields Private Nursing Home,Moore Street,Derrycush,Aughnacloy,Tyrone,BT69 6AX,	
Date of Last Neighbour Notification	27th July 2017
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2016/1499/A Proposal: Fascia signage, projecting sign and vinyl graphics. Erection of totem pole Address: 2 Moore Street, Aughnacloy, Decision: CG Decision Date: 18.01.2017 Ref ID: LA09/2016/1504/F Proposal: Extension and alteration of front entrance to retail unit Address: 2 Moore Street, Aughnacloy, Decision: PG Decision Date: 28.02.2017 Ref ID: M/2013/0345/F Proposal: Extension to supermarket site to provide additional carparking and yard area including retaining walls. Address: 2 Moore Street, Aughnacloy, Co Tyrone, Decision: PG Decision Date: 27.10.2014	

Summary of Consultee Responses

CONSULTATION RESPONSES									
Consultn Type	Consultee	Consulted	Target Reply	Rev Target	Date Reply	Response	Response Type	Substantive	
Statutory	DFI Roads - Enniskillen	27.07.2017	17.08.2017		17.08.2017	Advice	Final Substantiv	Yes	
Statutory	Historic Environment Di	27.07.2017	17.08.2017		15.08.2017	Content	Final Substantiv	Yes	
Statutory	NIEA	15.08.2017	05.09.2017		17.08.2017	Standing Advice	Final Substantiv	Yes	
Statutory	Rivers Agency	27.07.2017	17.08.2017		08.08.2017	Advice	Final Substantiv	Yes	
Non Statutory	Environmental Health Iv	27.07.2017	17.08.2017		29.11.2017	Substantive Respc	Final Substantiv		
Statutory	DFI Roads - Enniskillen	08.09.2017	29.09.2017		26.09.2017	Advice	Final Substantiv	Yes	
Statutory	Rivers Agency	25.10.2017	15.11.2017		20.11.2017	Advice	Final Substantiv	Yes	

Drawing Numbers and Title

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

Drawing No. 02
Type: Existing Plans
Status: Approved

Drawing No. 03 REV B
Type: Proposed Plans
Status: Approved

Notification to Department (if relevant)

Date of Notification to Department: N/A
Response of Department: N/A

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 th June 2018	Item Number:
Application ID: LA09/2017/0936/F	Target Date:
Proposal: Proposed 2No. additional broiler poultry sheds (to contain in total 74000 broilers taking the total farm capacity to 148000 broilers) with 4No. feed bins ,2No gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new covered silage pit, covered yard area and general farm storage building	Location: Lands approx. 300m North West and 100msouth west of 27 Terryscollop Road Annagh Dungannon
Summary: <p>This is a Major application which has been recommended to Committee for approval, it is likely to have an affect on Areas of Special Scientific Interest and is subject to objection from Natural Environment Division, Department of Agriculture, Environment and Rural Affairs (DAERA). This application was brought before the Committee on 8th January 2018 and it was resolved to approve the development subject to notification to the Department for Infrastructure (DfI), as the legislation requires. Following notification the DfI, by way of a letter dated 14th February 2018, directed that the Council do not grant planning permission for this application (Appendix 1 of this report). Subsequently DfI, by way of a letter dated 1st March 2018 informed the Council that it does not intend to determine the application and that the Council should continue to process the application. DfI has advised the Council that it should hold a Pre-Determination Hearing before taking a decision. Further iDfI acknowledged that NIEA did not respond to the Councils requests for information in relation to concerns it had about the development. DfI have provided NIEA concerns and have asked that these are considered as well as the cumulative impact of the proposed and existing development in any report. This is detailed in the report.</p>	
Applicant Name and Address: CAP Farms Ltd 27 Terryscollop Road Annagh Dungannon	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN

<p>Notification and Directions:</p> <p>The Planning (Notification of Applications) Direction 2017, as amended, requires Council to notify DfI about this application. Notification was issued on 23 January 2018 and DfI responded on 14th February 2018 directing the Council not to issue the decision and on 1st March 2018 advising it did not intend to determine the application and that Section 30 of the Planning Act (NI) 2011 and regulation 7 of the Planning (Development Management) Regulations (NI) 2015 apply, this regulation requires the Council to hold a Pre-Determination Hearing before issuing any decision.</p>	
<p>Signature(s):</p>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	NIEA	Nitrogen levels exceed critical loads
Statutory	Historic Environment Division (HED)	Content
Statutory	DAERA - Omagh	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	Rivers Agency	Advice
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 NIEA have advised they require information about the impacts of the existing buildings.	
Characteristics of the Site and Area This is a working farm located in the rural area south of the village of Eglish. There are a number of existing cattle houses and agricultural buildings located beside the farm house on a hilltop position. The existing buildings are a mixture of older corrugated iron buildings and newer buildings with cladding. There is an existing concrete yard with 2m high walls located beside the existing cattle shed and silage pit. 2 poultry units are located on lower land to the NW of the main farm group, these are accessed off an existing private lane in a larger agricultural field which slopes towards the south west. The surrounding area is undulating drumlin landscape with small farm groups, poultry buildings and single houses.	
Description of Proposal The proposal involves the extension of the existing buildings to accommodate a total of 80 cows and 2 poultry units to allow housing of 74000 broilers. The extensions are to provide: <ol style="list-style-type: none"> 1) 27m x 17m building with an 8m high pitched roof over the existing concrete yard, 2) removal of the existing lean-to over the cattle pens and extension over an existing tank and extension of the tank, to create a 30m x 29m building with a 6.6m pitched roof to create an additional 12 cattle pens the building and 3) 27m x 29m building with a 11m high pitched roof over a general farm storage building and silage pit. All the buildings will have grey cladding to the upper walls and roofs and concrete to the lower walls. The proposed poultry houses are 98m x 21m with a ridge height of 6.6m, the buildings are linked on the frontage with a 6m x 6.5m building which has a 4m ridge height, behind this is 8.9m high silo for wood pellets to feed a biomass boiler contained in a 10m x 4m building that is 4m high. It is also proposed to provide 4 additional feed silos of 8.9m high and a 7m x 6m x 4m high ancillary building beside a retaining structure for the ramped vehicular access between the existing and the proposed buildings The plans also show underground storage tanks for dirty water out of the poultry units, swales to provide rain water attenuation and native species landscaping around the buildings.	
Planning Assessment of Policy and Other Material Considerations Dungannon & South Tyrone Area Plan Planning acknowledges that agriculture is an important use in the area. It does not have any policies in relation to this application but it	

identifies the site within the rural area where Planning Policy Statement 21 – Sustainable Development in the Countryside provides the policy considerations.

The Strategic Planning Policy Statement re-states the policies contained in **PPS21**, and I consider the most appropriate policy for consideration is CTY 12 which sets out criteria that allows planning permission to be granted for agricultural development subject to consideration of the status of the farm business; its impacts on the locality, neighbouring residents, natural and built heritage. Members should note the Ministers Review into the Operation of Planning Policy Statement 21 recognised there would be a significant number of planning applications for poultry houses to supply the agri-food sector. It does not provide any policy guidance but it does clearly recognise this industry is a key economic driver for the rural economy which I consider is supportive of this type of development.

The proposed development is an expansion of an existing active and established farm and the buildings are sited beside the existing buildings, are similar in size, scale and appearance to some of the existing buildings on the site and I consider the development to be appropriate to the location. The existing vegetation around the site, existing buildings on the site, topography of the landscape along with the additional landscaping proposed around the buildings will, in my view, assist the integration of the buildings into the landscape especially the cattle houses which have critical but limited views from the minor road network to the south and east. The poultry units will be seen in fleeting views from the Eglish Road, these are seen with a backdrop of rising ground and the existing units, again I consider the proposed landscaping will assist screening of these new buildings.

Members should note the expansion of the cattle houses is close to an historic monument, a rath. Historic Environment Division have been consulted and do not have any concerns with impacts from the proposed development on any historic features.

An Environmental Statement was submitted with the application which addressed noise, air quality and odour, the ecology, the water environment, transport, socio-economic impacts and waste disposal and nitrates management. The statutory agencies, except NIEA-NED have not objected to this development, provided some conditions to mitigate against possible environmental effects are attached to any planning permission. NIEA – Industrial pollution and Radiochemical Inspectorate have advised this site is the subject of a Pollution Prevention and Control Permit and it will need to be amended to take account of the new building. This is a separate regulatory regime to the Planning system. Environmental Health officers have advised the reports have indicated there will be no significant adverse impacts on sensitive dwellings from odour or noise.

PPS2 – Natural Heritage, Northern Ireland Environment Agency – NED have considered the proposed development in relation to nitrogen emission impacts on Benburb ASSI, Benburb & Mulltown ASSI, Knocknacloy ASSI and Rehaghy Wood ASSI. NIEA have advised, in a response that was only forthcoming following the notification to DfI, the nitrogen critical loads in the area exceed the upper critical level, an example for Knocknacloy ASSI, a mountain hay meadows habitat has been provided. NIEA also advised the proposal must take account of the loads from the existing development as well as the proposed development and that the existing cattle sheds have not been taken into account. The Environmental Statement submitted with the application sets out the background levels for ammonia levels measured in 2010 – 2012 and have been used to consider the proposal and the impacts from it on Rehaghy Wood, Knocknacloy and Benburb. The background levels have been calculated on the basis of the average of actual measured data over a 3 year period. Council has been advised by the consultants acting for the applicant in this matter, the background levels include the existing cattle sheds and as such they have been considered within the overall assessment of the impacts. Following notification to DfI, and the receipt of the NIEA response setting out the levels, the consultant provided revised ammonia concentration levels on 5 March 2018, these are for 2014-2016. It is notable that the most recent background levels are lower than in the original assessment, despite the 2 poultry units on the farm being constructed and contributing to these levels. NIEA were consulted with these revised figures on 4th April 2018 and have not provided any analysis or consideration of

the figures, they state 'there are significant challenges for the Department in considering agricultural expansion and development in areas where the critical loads of nitrogen deposition are already exceeded.' They have not provided any response or analysis of the significance of these figures or advice on the validity of the figures or possible reasons for this reduction in the levels. Members are advised the environmental statement and the updated figures for ammonia levels acknowledge the critical loads still exceed the Predicted Environmental Concentration Guidelines, however the levels have fallen in the most recent figures and the impacts from this development and the existing buildings on the farm is assessed as having a less than 1% contribution to the overall levels of ammonia. Members should be aware that a consultee must provide evidence or substantiate any concerns they may have about a development, in this case NIEA are relying on figures that show the levels of ammonia are in exceedance of the guidelines. This is accepted by the applicants, however the applicants have provided information that shows they have assessed the cumulative impact of the proposed development and the existing development and the overall operations account for less than 1% of the ammonia figures. In view of this limited increase, on levels that are shown to be falling, I consider it is reasonable to deduce the application has been shown not to have a significant impact on the levels and as such will have a limited impact on the sites identified.

Shared Environmental Service have advised the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43(1) of the Conservation (Natural Habitat, etc) Regulations (NI) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site. In light of this I am content the proposal meets with policies contained in PPS2.

PPS3 – Access, Movement and Parking, TNI consider the access point, where it meets the minor road is sub-standard as the existing visibility splays are not adequate. A proposed improvements to the access is acceptable provided it is carried out prior to the commencement of development and I consider it is reasonable to condition the provision of these improvements.

PPS15 – Planning and Flood Risk, due to the size of the proposed development, policy FLD3 places a requirement for a drainage assessment to be carried out to demonstrate adequate measures are put in place to mitigate against flooding. The proposal includes a storm water attenuation system which DARD (NI) Rivers Agency accepts and have they not offered any objections to the proposal. I am content a condition requiring the provision of the flood attenuation scheme is required to ensure this is provided.

Having carefully considered all of the above, I recommend the committee approve this development.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval with conditions as set out in the report.

Conditions/Reasons for Refusal:

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 2.4m x 33.0m and 33.0m forward sight line shall be provided in accordance with Drawing No 02 Rev 01 bearing the stamp dated 27 SEP 2017, prior to the commencement of any works or 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 levels 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 hard and soft landscape works shall be carried out in accordance with the details as shown on drawing No 02 Rev 1 bearing the stamp dated 27 SEP 2017 and the appropriate British Standard or other recognised Codes of Practice. The landscaping shown around the new cattle houses shall be carried out prior to any of the cattle houses becoming operational and the landscaping around the new poultry houses shall be carried out prior to any of the poultry houses becoming operational. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

4. Prior to the construction of any of the poultry buildings or laying of any concrete surfaces associated with the poultry units, the storm water drainage run and swale located beside the poultry buildings as detailed on drawing no 02 REV 1 bearing the stamp dated 27 SEP 2017 shall be provided as detailed.

Reason: To attenuate the storm water from the site and reduce the risk of flooding.

5. Prior to the construction of any of the cattle houses or laying of any concrete surfaces associated with the cattle houses, the storm water drainage run and swale located beside the cattle houses as detailed on drawing no 02 REV 1 bearing the stamp dated 27 SEP 2017 shall be provided as detailed.

Reason: To attenuate the storm water from the site and reduce the risk of flooding.

6. Prior to the poultry houses hereby approved becoming operational the washings tank shown on drawing no 02 REV 1 bearing the stamp dated 27 SEP 2017 shall be provided with no overflow or outfall permitted to the adjoining waterways. All dirty water generated on this site by these buildings must be collected in the tank.

Reason: To ensure there are no adverse impacts on the selection features of Lough Neagh ASSI and Lough Neagh and Lough Beg SPA.

Informatives

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

2. The applicant will be required to obtain a Pollution Prevention and Control (PPC) permit variation prior to first operating the expanded facility.

3. Your attention is drawn to Standing Advice Notes 12, 23, 4, 11, 5 and 18 published by NIEA and available to view of NI Planning Portal under NIEA Guidance.

Signature(s)

Date:

ANNEX	
Date Valid	7th July 2017
Date First Advertised	27th July 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 25 Terryscollop Road,Annagh,Dungannon,Tyrone,BT71 7QQ	
Date of Last Neighbour Notification	26th July 2017
Date of EIA Determination	
ES Requested	Submitted
Planning History Ref ID: LA09/2017/0936/F Proposal: Proposed 2No. additional broiler poultry sheds (to contain in total 74000 broilers taking the total farm capacity to 148000 broilers) with 4No. feed bins ,2No gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new covered silage pit, covered yard area and general farm storage building Address: Lands approx. 300m North West and 100msouth west of 27 Terryscollop Road, Annagh, Dungannon, Decision: Decision Date: Ref ID: LA09/2017/0285/PAN Proposal: Proposed 2No. broiler poultry sheds with 4 feed bins 2No. gas tanks, office and changing building (to contain in total 74000 broilers, taking the total farm capacity to 148000 broiler birds) and proposed cattle shed with underground slurry tank (t0 contain 80 beef cattle). New covered silage pit, covered yard area and a general farm storage building. Address: Land approx. 300m NW and 100n SW of 27 Terryscollop Road Annagh, Dungannon, Decision: PANACC Decision Date: Ref ID: M/2006/0692/O Proposal: Dwelling & Garage	

Address: Land approx 50m NW of 27 Terryscollop Road, Dungannon

Decision:

Decision Date: 22.05.2007

Ref ID: M/2011/0073/F

Proposal: Proposed single storey extension to side of dwelling and 2 storey extension to rear with covered area on ground and bedroom above plus internal alterations

Address: 27 Terryscollop Road, Dungannon,

Decision:

Decision Date: 15.03.2011

Ref ID: M/1991/4027

Proposal: Alteration to Dwelling

Address: 27 TERRYSCALLOP ROAD, DUNGANNON.

Decision:

Decision Date:

Ref ID: M/2012/0340/F

Proposal: Proposed 2no. Select Farm Poultry Sheds, 4 no. feed bins and an ancillary building with biomass boiler, standby generator, office and changing facilities,(each poultry shed will contain 25850 chickens

Address: Land approx 300m North West of 27 Terryscallop Road, Dungannon,

Decision: MAA

Decision Date: 13.08.2012

Summary of Consultee Responses

NIEA – content with conditions,
unable to consider the impacts of the development on designated sites, nitrogen loads exceeded, requires consideration of the cumulative ioacts if the existing and proposed development
will be subject to PPC

TNI – access improvements to be provided

EHO – no significant odour or noise impacts

SES – can be screened out for impacts on European sites

HED – content

DARD – active and established farm

Rivers –no reason to object on flooding or drainage perspective

Drawing Numbers and Title

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 02 Rev 1
Type: Site Layout or Block Plan
Status: Submitted

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

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department: 23rd January 2018
Response of Department: 14th February 2018, 1st March 2018

APPENDIX 1 – Dfl correspondence

Strategic Planning Division



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

Phelim Marrion
Planning Department
Mid Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

DfI Planning
First Floor, Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Tel: 0300 200 7830

phelim.marrion@midulstercouncil.org

Your ref: N/A

Our ref: LA09/2017/0936/F

Date: 14 February 2018

Dear Mr Marrion,

Re: Article 17 of the Planning (General Development Procedure) Order (NI) 2015 in relation to: Planning Application LA09/2017/0936/F Proposed 2No. additional broiler poultry sheds (to contain in total 74000 broilers taking the total farm capacity to 148000 broilers) with 4No. feed bins, 2No gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new covered silage pit, covered yard area and general farm storage building. Lands approx. 300m North West and 100m south west of 27 Terryscollop Road, Annagh, Dungannon for CAP Farms Ltd.

Thank you for your notification of 23 January 2018. The proposal was presented to the Mid Ulster District Council Planning Committee on 8th January 2018 and recommended for approval.

The Department, in exercise of the powers conferred on it by Article 17 of the Planning (General Development Procedure) Order (NI) 2015, hereby direct that Mid Ulster District Council do not grant planning permission for this application. The Department will be in contact in due course.

Yours sincerely

Eamon Lynch
Strategic Planning Division



E-mail: planning@infrastructure-ni.gov.uk
Website: www.planningni.gov.uk

Strategic Planning Division



Department for

Infrastructure

An Roinn

Bonneagair

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Phelim Marrion
Planning Department
Mid Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

DfI Planning
First Floor, Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Tel: 0300 200 7830

Your ref: N/A

Our ref: LA09/2017/0936/F

Date: 01 March 2018

Dear Mr Marrion

ARTICLE 17 OF THE PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER (NI) 2015

ReF: LA09/2017/0936/F- Proposed 2No. additional broiler poultry sheds (to contain in total 74000 broilers taking the total farm capacity to 148000 broilers) with 4No. feed bins ,2No gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new covered silage pit, covered yard area and general farm storage building, Lands approx. 300m North West and 100m south west of 27 Terryscollop Road, Annagh, Dungannon for CAP Farms Ltd.

Further to the Department's direction under Article 17 of The Planning (General Development Procedure) Order (NI) 2015, issued on 14 February 2018, the Department hereby notifies the Council that it does not intend to determine the above application under section 29 (1) of the 2011 Planning Act. The Council should therefore continue to process the subject application.

You will note that section 30 of the 2011 Planning Act (Pre-determination hearings) and Regulation 7 of The Planning (Development Management) Regulations (NI) 2015, as amended, are now applicable to the application.

In reviewing the correspondence the Department has a number of observations to make about the application that Council should consider in preparing for the pre-determination hearings:

1. It is noted that the Development Management Officer Report (DMOR) summarises NIEA's position as not having raised any concerns about the development. The report includes reference to clarification having been sought from NIEA on the additional information needed for them to fully consider the impacts and adds that no comment was received. The Natural Heritage section of the report concludes that NIEA (NED) do not have any concerns with the proposed development.

As a result of the notification from Mid Ulster District Council, the Department contacted NIEA for clarification on their position. NIEA provided clarification in an email which you will have received on 12 February 2018 (copy attached). Contrary to the DMOR conclusion, in their email NIEA have set out a substantive objection to the proposal. The email notes that NIEA have not yet been re-consulted with the requested further information and goes on to detail the NIEA position.

2. The DMOR also indicates that NIEA have advised that the existing cattle sheds have not been considered in terms of the cumulative impact of the scheme. Council should satisfy themselves that the report has properly considered the cumulative impacts of the proposed development.

In due course, I would be grateful if you would advise the Department of the date of the pre-determination hearing.

Yours sincerely



Eamon Lynch
Principal Planner
Strategic Planning Division

Enc/ NIEA email



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1244/O	Target Date:
Proposal: Proposed site for dwelling and domestic garage for residential purposes	Location: 90m west of 16 Derrynoid Lane Draperstown
Referral Route: Refusal - To committee – Contrary to CTY 1, 10 and 13 of PPS 21	
Recommendation:	REFUSE
Applicant Name and Address: Brendan McCullagh 10a Derrynoid Lane Draperstown	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	DAERA - Coleraine	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

Contrary to CTY 1, 10 and 13 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 1.8km south west of the settlement limit of Moneyneany and it is located in the open countryside and the AONB of the Sperrins as defined by the Magherafelt Area Plan 2015. The application is for an outline dwelling and garage on the farm and on the site. The land rises from the southern boundary towards the north/north east of the agricultural field. The site is defined to be the eastern portion of a larger agricultural field, the site is well screened by mature trees along the northern, eastern and southern boundaries. The western boundary remains undefined due to the nature of the red line submitted. The surrounding area is predominantly agricultural uses with a scattering of farm holdings and dwellings.

Relevant planning history

H/2006/0855/O – Site for Dwelling and Garage – Permission Refused.

Representations

There were four neighbour notifications sent out however no representations were received in connection with this application.

Description of Proposal

This is an outline application for a proposed farm dwelling and domestic garage. The site is located 90m West of 16 Derrynoid Lane, Draperstown.

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

CTY 1- Development in the Countryside

CTY 10 – Dwellings on Farms

CTY 13 – Integration and Design of Buildings in the Countryside; and

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

The application is for a farm dwelling and detached garage. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development 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'.

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 dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

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 the access should be taken from an existing lane. Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building group.

With respect to (a) DAERA have confirmed that the applicant has a Business ID that's been in existence for the required 6 year period. They have also confirmed that the applicant's claims Single Farm Payment and as such the farm business is currently active.

With respect to (b) and upon a number of checks it appears that the applicant has not sold off any development opportunities off the farm in the last ten years.

With respect to (c) and the proposed position of the dwelling, it is identified to be located away from the registered address of the farm business at 10a Derrynoid Lane, Draperstown which is a detached single storey dwelling only. It must be noted that the applicant does own the adjacent field to this dwelling however I conclude that the one building cannot constitute as an established group of buildings. The site itself does not have any buildings on it however it is well screened by existing mature trees. The main issue is that there are other buildings on the farms with surrounding lands owned by the applicant located lands North East of Dunmurry Road, in that the applicant has already attained a farmworkers site at these lands in 2008. However it must be noted that these lands are still under the ownership of the applicant. This issue was raised to the applicant's agent to clarify why the site was located and in their email responded that the farm buildings are accessed via a shared lane, and that the applicant has no ownership (only a right of way) over the first 110m in from the public road, after that they only own half the lane with the adjoining land owner owning the other half. Agent went on to state that they sought permission from the various owners for a right of way for access for another dwelling and was told that this would not be forthcoming, as the lane travels past the front of existing dwellings and do not want additional traffic on the lane than that already existing. From this, that whilst I acknowledge the comments made I am of the opinion that this does not fulfil the exception in the policy for the siting as the policy refers to Health and Safety concerns or verifiable plans to expand. None of which have been submitted and as it has been identified that there are other available sites at a group of buildings and from this I must recommend refusal.

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. It is first worth noting that this is an outline application therefore exact siting and design details have not been put forward at this stage. However I am of the opinion that an appropriately designed dwelling would not be prominent in the landscape due to the existing vegetation however a new western boundary would need to be planted. However as stated above the application has failed to cluster or visually link with an established group of buildings on the farm therefore it has failed this policy.

In terms of policy CTY 14 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. As stated that an appropriate designed dwelling would not appear as visually prominent. I am of the opinion that the proposed application would not result in a suburban style build-up of development when viewed with existing and approved buildings. I am of the opinion that if permitted the proposed development would not result the creation or addition to a ribbon of development.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;
DFI Roads advised that they had no objection subject to conditions.

Consultations were sent to NI Water and Environmental Health, all of which came back with no objection subject to conditions and informatives.

I have no flooding, ecological or residential amenity concerns.

As the application has failed to show its compliance under PPS 21 I must therefore recommend refusal for the application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended

Reasons for Refusal:

1. 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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm (and access to the dwelling is not obtained from an existing lane.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that in the case of a proposed dwelling on a farm the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

Signature(s)

Date:

ANNEX	
Date Valid	15th September 2017
Date First Advertised	28th September 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 14a ,Derrynoyd Lane,Draperstown,Londonderry,BT45 7EX, The Owner/Occupier, 16 Derrynoyd Lane Draperstown Londonderry The Owner/Occupier, 18 Derrynoyd Lane Draperstown Londonderry The Owner/Occupier, 22 Derrynoyd Lane Draperstown Londonderry	
Date of Last Neighbour Notification	2nd October 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/1244/O Proposal: Proposed site for dwelling and domestic garage for residential purposes Address: 90m west of 16 Derrynoid Lane, Draperstown, Decision: Decision Date: Ref ID: H/2009/0229/F Proposal: Proposed replacement dwelling to replace No.22 Derrynoid Lane and removal of the on-site mobile home once the replacement dwelling is occupied. Address: 22 Derrynoid Lane, Draperstown Decision: Decision Date: 03.08.2009 Ref ID: H/2006/0855/O Proposal: Site for dwelling and garage Address: 140m west of 14 Derrynoid Lane, Draperstown Decision: Decision Date: 29.01.2007	

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

Drawing No. 02
Type: Details of Access to the Public Road
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: LA09/2017/1274/O	Target Date:
Proposal: Proposed infill site for dwelling and garage	Location: Approx 20m West of 9a Ballymoghlan Lane Magherafelt
Referral Route: Objections received.	
Recommendation:	Approval
Applicant Name and Address: Mr T Johnston 56 Ballymoghlan Lane Magherafelt	Agent Name and Address: D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - 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	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues: The condition of the road, road safety, impact on existing services , impact on rural character, overshadowing and privacy

Characteristics of the Site and Area

The site is located approximately 2 miles south of Magherafelt in open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 20m west of No 9a Ballymoghlan Lane and consists of a cut out portion of an agricultural field. Access to the site is via an existing laneway which also serves the property at No 9a. The southern boundary is defined by a mature

hedgerow and the eastern boundary is part defined by a post and wire fence and part defined by a mature hedgerow. The northern and western boundary is undefined.

The area is characterised predominantly by roadside dwellings located in large individual plots.

Description of Proposal

The application seeks outline planning permission for a new one and half storey dwelling (infill site).

Planning Assessment of Policy and Other Material Considerations

Relevant Site History:

LA09/2017/1275/O - Proposed infill site for dwelling and garage. Site Adjacent - Current application for an infill dwelling.

Representations:

4 neighbour's notification letter were sent to Nos 9, 9a, 9b and 12a Ballymoghlan Lane, Magherafelt

2 letters of representation has been received from the residents living at No 9 and No 9a the properties on either side of the site.

The residents living at No 9 raises the following concerns;

1. Too many cars already using the public road, if approval is granted this will lead to even more cars using the public road.
2. Road safety along this road will be compromised with the addition of more traffic.
3. The condition of the road has deteriorated due to the high volume of traffic using the road.
4. There is no street lighting to cover the large amount of dwellings on this stretch of road.
5. Road safety concerns due to the large amount of vehicles using the proposed access point.
6. Overshadowing and privacy will be impacted by the proposal.
7. Impact on drainage and soak away which runs along the field.
8. Impact on mains electric and water line which runs along the driveway.
9. Impact on the existing driveway.
10. The proposal will have a detrimental impact on the character of the area.

With regards to points 1-4 these fall under the remit of DFI Roads and with regards to point 5, DFI Roads have been consulted regarding the proposed access point and have raised no concerns. Point 6 will be considered in greater detail under Other Material Considerations. Points 7-9 are civils matters between the objectors and the applicant, however the proposal is unlikely to have an impact on the objector's services if adequate care is taken by the applicant during construction stage and there is no plan to use the objector driveway to access the proposed site. Point 10 will be considered under the assessment of Policy CTY 8.

The residents living at No 9 raises the following concerns;

1. The area is already overdeveloped.
2. The proposal will ruin the skyline and spoil the character of the countryside.
3. The condition of the road has deteriorated due to the high volume of traffic using the road.

With regards to points 1 & 2 these will be considered under the assessment of Policy CTY 8. Point 3 fall under the remit of DFI Roads.

Development Plan and Key Policy Consideration:

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Magherafelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: 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.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

This 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 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.

The site sits within a line of buildings including 2 roadside dwellings, Nos 9a & 9b located east of the site and a single storey dwelling, No9 located west of the site with a gap between it and the site. The dwellings at Nos 9a & 9b have their frontage onto the public road whilst the site and No 9 have their frontage onto a private laneway. However this is considered acceptable due to the alignment of the public road which merges with the laneway at a 90 degree bend to form a straight line (see image below) where all 3 dwellings have a common frontage either onto the laneway or the public road and form a substantial and continuously built up frontage as defined by this policy.



The site also respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and therefore the principal of an infill dwelling on this site is acceptable.

Other Material Consideration.

Furthermore, I am content that policy tests in relation to integration in the countryside

(CTY 13) and impact on rural character (CTY 14) have been met. I am satisfied that a one and half storey dwelling with a ridge height of 7.5m can visually integrated into the surrounding landscape. With regard to CTY 14 Rural Character, a new dwelling will not have a detrimental impact on rural character and will respect the traditional pattern of settlement exhibited in the area. A new dwelling will be enclosed by development along the eastern and western boundaries of the site and access will be obtained from an existing laneway. Due to the orientation of the single dwelling a No 9 a new dwelling will need to be sited in the southern half of the site to avoid impacting on the outlook of the residents living at No9. I have no concerns that the proposal will have a detrimental impact on the property at No 9b however this will be further considered at reserved matters stage. I have no concerns in relation to road safety.

Neighbour Notification Checked **Yes**

Summary of Recommendation: That planning permission be approved subject to the following 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. The proposed dwelling shall have a ridge height of less than 7.5 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 in and satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21

4. The proposed dwelling shall be sited in the area shaded green on drawing No 01 which was received on 20th September 2017.

Reason: To preserve the amenity of the area.

5. No buildings will be permitted in the area shaded yellow on drawing No 01 which was received on 20th September 2017.

Reason: In the interest of residential amenity

6. 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 the Council. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45m at any point.

Reason: In the interest of visual amenity

7. The existing natural screening along the eastern and southern boundaries of the site shall be permanently retained at not less than 2 metres and trees allowed to grow on except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing.

Reason: In the interests of visual amenity

8. No development shall take place until there has been submitted to and approved by the Council a landscaping scheme providing for the planting of a new native species hedgerow/trees and shrubs of mixed woodland species along the northern and western boundaries of the site.

Reason: To ensure the proposal is in keeping with the character of the rural area

9. Notwithstanding the provisions of Article 3 and Schedule 1, Part 3 (A) of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no gates, walls, gate pillars, fences or other means of enclosure shall be erected or constructed at the access point onto the public road without the prior agreement in writing of the Council.

Reason: To preserve the amenity of the countryside.

10. 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

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 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.

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

Signature(s)

Date:

ANNEX	
Date Valid	20th September 2017
Date First Advertised	5th October 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 12a Ballymoghgan Lane Magherafelt The Owner/Occupier, 12c Ballymoghgan Lane Magherafelt The Owner/Occupier, 9 Ballymoghgan Lane Magherafelt Londonderry Trevor & Gillian Atkinson 9, Ballymoghgan Lane, Magherafelt, Londonderry, Northern Ireland, BT45 6HW The Owner/Occupier, 9a Ballymoghgan Lane Magherafelt Jonathan Logue 9a, Ballymoghgan Lane, Magherafelt, Londonderry, Northern Ireland, BT45 6HW The Owner/Occupier, 9b Ballymoghgan Lane Magherafelt	
Date of Last Neighbour Notification	30th October 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: H/2008/0158/F Proposal: Conversion of single garage and hairdressing salon to a single garage with an attached utility room Address: 9a Ballymoughan Lane, Magherafelt Decision: Decision Date: 22.10.2008 Ref ID: H/2003/1245/O Proposal: Site of dwelling and garage. Address: 180m South West of 11 Ballymoghgan Lane, Magherafelt. Decision: Decision Date: 12.04.2005 Ref ID: H/2001/0184/O Proposal: Site of dwelling Address: Adjacent to No.9 Ballymoughan Lane, Ballymoughan, Magherafelt Decision: Decision Date: 04.06.2001	

Ref ID: H/2007/0510/F

Proposal: Change of use of domestic garage through internal alteration, to have existing garage split to have a hair salon on one side with storage on the other. Hair salon to be open three days a week.

Address: 9a Ballymoughan Road, Magherafelt

Decision:

Decision Date: 05.03.2008

Ref ID: LA09/2017/1275/O

Proposal: Proposed infill site for dwelling and garage

Address: Approx 20m E of 9 Ballymoghlan Lane, Magherafelt,

Decision:

Decision Date:

Ref ID: LA09/2017/1274/O

Proposal: Proposed infill site for dwelling and garage

Address: Approx 20m West of 9a Ballymoghlan Lane, Magherafelt,

Decision:

Decision Date:

Ref ID: H/1994/0456

Proposal: SITE OF BUNGALOW

Address: BALLYMOUGHAN LANE MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2003/1246/O

Proposal: Site of dwelling and garage.

Address: 280m West of 11 Ballymoghlan Lane, Magherafelt.

Decision:

Decision Date: 13.01.2005

Ref ID: H/1997/0198

Proposal: BUNGALOW & GARAGE

Address: BALLYMOUGHAN LANE MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2003/0454/F

Proposal: Dwelling and double garage.

Address: Site adjacent to No 9 Ballymoughan Lane, Ballymoughan, Magherafelt.

Decision:

Decision Date: 30.09.2003

Summary of Consultee Responses

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: LA09/2017/1275/O	Target Date:
Proposal: Proposed infill site for dwelling and garage	Location: Approx 20m E of 9 Ballymoghane Lane Magherafelt
Referral Route: Objections received.	
Recommendation:	Approval
Applicant Name and Address: Mr T Johnston 56 Ballymoghane Lane Magherafelt	Agent Name and Address: D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - 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	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues: The condition of the road, road safety, impact on existing services , impact on rural character, overshadowing and privacy

Characteristics of the Site and Area

The site is located approximately 2 miles south of Magherafelt in open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 20m east of No 9 Ballymoghagh Lane and consists of a cut out portion of an agricultural field. Access to the site is via a field gate located on a sharp bend on the Ballymoghagh Lane. The site is bound by a laneway along the

northern boundary used to access the property at No 9. The southern and western boundaries are defined by a mature hedgerow and the eastern boundary is undefined.

The area is characterised predominantly by roadside dwellings located in large individual plots.

Description of Proposal

The application seeks outline planning permission for a new one and half storey dwelling (infill site).

Planning Assessment of Policy and Other Material Considerations

Relevant Site History:

LA09/2017/1274/O - Proposed infill site for dwelling and garage. Site Adjacent - Current application for an infill dwelling.

Representations:

4 neighbour's notification letter were sent to Nos 9, 9a, 9b and 12a Ballymoghlan Lane, Magherafelt

2 letters of representation has been received from the residents living at No 9 and No 9a the properties on either side of the site.

The residents living at No 9 raises the following concerns;

1. Too many cars already using the public road, if approval is granted this will lead to even more cars using the public road.
2. Road safety along this road will be compromised with the addition of more traffic.
3. The condition of the road has deteriorated due to the high volume of traffic using the road.
4. There is no street lighting to cover the large amount of dwellings on this stretch of road.
5. Road safety concerns due to the large amount of vehicles using the proposed access point.
6. Overshadowing and privacy will be impacted by the proposal.
7. Impact on drainage and soak away which runs along the field.
8. Impact on mains electric and water line which runs along the driveway.
9. Impact on the existing driveway.
10. The proposal will have a detrimental impact on the character of the area.

With regards to points 1-4 these fall under the remit of DFI Roads and with regards to point 5, DFI Roads have been consulted regarding the proposed access point and have raised no concerns. Point 6 will be considered in greater detail under Other Material Considerations. Points 7-9 are civils matters between the objectors and the applicant, however the proposal is unlikely to have an impact on the objector's services if adequate care is taken by the applicant during construction stage and there is no plan to use the objector driveway to access the proposed site. Point 10 will be considered under the assessment of Policy CTY 8.

The residents living at No 9a raises the following concerns;

1. The area is already overdeveloped.
2. The proposal will ruin the skyline and spoil the character of the countryside.
3. The condition of the road has deteriorated due to the high volume of traffic using the road.

With regards to points 1 & 2 these will be considered under the assessment of Policy CTY 8. Point 3 fall under the remit of DFI Roads.

Development Plan and Key Policy Consideration:

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Magherafelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: 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.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

This 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 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.

The site sits within a line of buildings including 2 roadside dwellings, Nos 9a & 9b located east of the site and a single storey dwelling, No9, located west of the site. The dwellings at Nos 9a & 9b have their frontage onto the public road whilst the site and No 9 have their frontage onto a private laneway. However this is considered acceptable due to the alignment of the public road which merges with the laneway at a 90 degree bend to form a straight line (see image below) were all 3 dwellings have a common frontage either onto the laneway or the public road and form a substantial and continuously built up frontage as defined by this policy.



The site also respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and therefore the principal of an infill dwelling on this site is acceptable.

Other Material Consideration.

Furthermore, I am content that policy tests in relation to integration in the countryside (CTY 13) and impact on rural character (CTY 14) have been met. I am satisfied that a one and half storey dwelling with a ridge height of 7.5m can visually integrated into the surrounding landscape. With regard to CTY 14 Rural Character, a new dwelling will not have a detrimental impact on rural character and will respect the traditional pattern of settlement exhibited in the area. A new dwelling will be enclosed by development along the eastern and western boundaries of the site and access will be obtained from an existing laneway. Due to the orientation of the single dwelling a No 9 a new dwelling will need to be sited in the southern half of the site to avoid impacting on the outlook and amenity of the residents living at No9. I have no concerns in relation to road safety.

Neighbour Notification Checked**Yes****Summary of Recommendation: That planning permission be approved subject to the following 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. The proposed dwelling shall have a ridge height of less than 7 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 in and satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21

4. The proposed dwelling shall be sited in the area shaded green on drawing No 01 which was received on 20th September 2017.

Reason: To preserve the amenity of the area.

5. No buildings will be permitted in the area shaded yellow on drawing No 01 which was received on 20th September 2017.

Reason: In the interest in residential amenity.

6. 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 the Council. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45m at any point.

Reason: In the interest of visual amenity

7. The existing natural screening along the western and southern boundaries of the site shall be permanently retained at not less than 2 metres and trees allowed to grow on except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing.

Reason: In the interests of visual amenity

8. No development shall take place until there has been submitted to and approved by the Council a landscaping scheme providing for the planting of a new native species hedgerow/trees and shrubs of mixed woodland species along the northern and eastern boundaries of the site.

Reason: To ensure the proposal is in keeping with the character of the rural area

9. Notwithstanding the provisions of Article 3 and Schedule 1, Part 3 (A) of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no gates, walls, gate pillars, fences or other means of enclosure shall be erected or constructed at the access point onto the public road without the prior agreement in writing of the Council.

Reason: To preserve the amenity of the countryside.

10. 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.

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 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.

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

Signature(s)

Date:

ANNEX	
Date Valid	20th September 2017
Date First Advertised	5th October 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 12a Ballymoghgan Lane Magherafelt The Owner/Occupier, 12c Ballymoghgan Lane Magherafelt The Owner/Occupier, 9 Ballymoghgan Lane Magherafelt Londonderry Trevor & Gillian Atkinson 9, Ballymoghgan Lane, Magherafelt, Londonderry, Northern Ireland, BT45 6HW The Owner/Occupier, 9a Ballymoghgan Lane Magherafelt Jonathan Logue 9a, Ballymoghgan Lane, Magherafelt, Londonderry, Northern Ireland, BT45 6HW The Owner/Occupier, 9b Ballymoghgan Lane Magherafelt	
Date of Last Neighbour Notification	30th October 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/1275/O Proposal: Proposed infill site for dwelling and garage Address: Approx 20m E of 9 Ballymoghgan Lane, Magherafelt, Decision: Decision Date: Ref ID: LA09/2017/1274/O Proposal: Proposed infill site for dwelling and garage Address: Approx 20m West of 9a Ballymoghgan Lane, Magherafelt, Decision: Decision Date: Ref ID: H/1994/0456 Proposal: SITE OF BUNGALOW Address: BALLYMOUGHAN LANE MAGHERAFELT Decision:	

Decision Date:

Ref ID: H/2003/1246/O

Proposal: Site of dwelling and garage.

Address: 280m West of 11 Ballymoghlan Lane, Magherafelt.

Decision:

Decision Date: 13.01.2005

Ref ID: H/1997/0198

Proposal: BUNGALOW & GARAGE

Address: BALLYMOUGHAN LANE MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2003/0454/F

Proposal: Dwelling and double garage.

Address: Site adjacent to No 9 Ballymoughan Lane, Ballymoughan, Magherafelt.

Decision:

Decision Date: 30.09.2003

Ref ID: H/2003/1245/O

Proposal: Site of dwelling and garage.

Address: 180m South West of 11 Ballymoghlan Lane, Magherafelt.

Decision:

Decision Date: 12.04.2005

Ref ID: H/2001/0184/O

Proposal: Site of dwelling

Address: Adjacent to No.9 Ballymoughan Lane, Ballymoughan, Magherafelt

Decision:

Decision Date: 04.06.2001

Summary of Consultee Responses**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: LA09/2017/1474/O	Target Date:
Proposal: Proposed Dwelling and Garage under PPS21 CTY10	Location: 250m SE of 6 Churchtown Road Cookstown
Referral Route: This application is being presented to Committee as the application is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mark Bell 10 Churchtown Road Cookstown BT80 9XD	Agent Name and Address: Kee Architecture Ltd 9a Clare Lane Cookstown BT80 8RJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	DAERA - Coleraine	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 including representations No objections have been received in respect of this application.	
Description of proposal This is an outline application for dwelling and garage under PPS21 CTY10 and associated with a farm holding. Characteristics of the site and area The site is comprised of three distinct areas. The first is a road frontage field with a low cut hedge along the road frontage, the second area is a small heavily wooded area set back behind the first field and the third area is a small well contained paddock with good natural boundaries and again located to the rear of the first field. This third area is the one in which the new dwelling is proposed to be sited. There is a farm track leading to the preferred site which also leads to farm land beyond the site. Within the proposed site there are two small corrugated iron clad sheds measuring approximately 5m x 3m and around 2.5 – 3.0m in height with flat roofs. Both sheds are open at the front. They are constructed with steel box section posts driven into the ground, with timber purlins on the sides and roof and clad with iron cladding. The brackets holding the timber purlins onto the steel posts are screwed on with new Tek screws and the sheeting is nailed on with new springhead nails.	
Planning Assessment of Policy and Other Material Considerations Planning History There is no relevant planning history on the application site. Planning Assessment of Policy and other Material Considerations 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 proposal accords with the Magherafelt Area Plan 2015 insofar as it is for a site for a dwelling in the rural area and is linked to an established farm business. The main policy considerations in the assessment of this application are:- CTY 10 – Dwellings on Farms Planning permission will be granted for a dwelling house on a farm where all of the stated criteria are met:-	

- DAERA's consultation response confirmed that the business has been in existence for more than 6 years and that the business has claimed single farm payment or agri environment payments within the last 6 years.
- A planning history check of the farm shows that no dwellings or development opportunities in the countryside have been sold off from the farm holding since 25th November 2008.
- Although there are two small existing buildings (see photo 1 below) located at this part of the farm holding, the applicant has failed to provide any evidence that they have been in existence for more than five years other than a verbal claim by the planning consultant that the 'buildings were constructed by his family many years ago....' They also state that the sheds are sheltered by a canopy of mature trees and surrounded by dense vegetation, so the aerial photographs and google streetview images do not help to define the existence of the buildings'. The statement goes on to say 'if it is assumed the buildings are established....' which is a clear indication that there is no evidence to support the claim that they have been in existence for the required period of time. The statement also advises that the site clusters with a group of third party farm buildings, however this is of no benefit as it does not meet the requirements of the policy.



Photo 1 – unauthorised farm sheds on site

However, while acknowledging that the two small sheds are located within an area of the site bounded by tall trees and whilst they would be relatively well screened from view on travelling along the Churchtown Road, on checking the Council's ortho-photographic records, there is no indication of these sheds at any time. One such aerial photograph is dated 26.03.2012 (see ortho photo 1 below) and was taken at a time of year when there would not have been any foliage on the trees. Consequently, if the buildings in question had been in existence, one would expect that they would be clearly visible given that the trees along this boundary are tall thin trees with little in the way of crown spread. It should be noted that any subsequent aerial photographs up to the most recent taken on 31.05.2016, also fail to show any indication that the

buildings have been in existence. Indeed on measuring from the base of the trees, as defined by the Ordnance Survey maps, the crown spread of the trees in places along the hedge in question extends to less than 2.0m, which is less than the depth of the buildings in question. As the two buildings are set out from the base of the hedge, the crown spread therefore could not be expected to hide the buildings from an aerial view.



Ortho photo 1 – showing crown spread distances and no evidence of existing buildings

It is my considered opinion therefore, in the absence of any unequivocal evidence to support the applicant's case that the buildings have not been in existence for more than five years, subsequently the proposal fails the test in that they are not sited beside buildings on the farm. Indeed the planning consultant has accepted that limited weight can be attached to the claim that the buildings have been in existence for the required time.

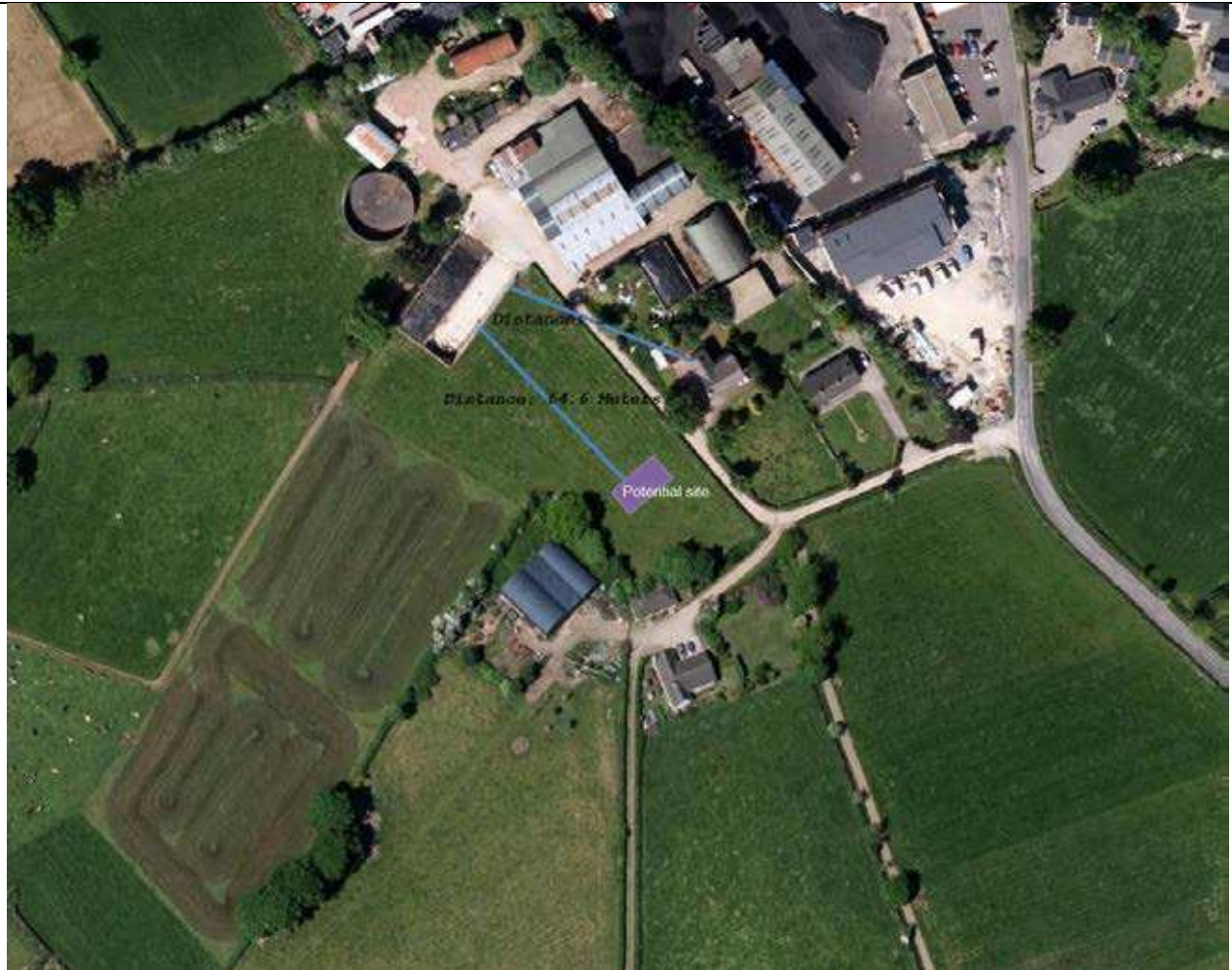
The supporting statement also states that a dwelling may be 'removed from the existing building group' or the visual linkage may be 'virtually non-existent'. However, the statement has taken this advice out of context as the amplification text clearly states that such circumstances relate to sites where 'the existing building group is well landscaped or where a site adjacent to the building group is well landscaped....' The proposed site meets neither of these two situations and therefore is unacceptable in this regard.

The supporting statement goes on to identify 5 potential sites (A to E, see map 1 below) which were considered but have been discounted for various reasons. I agree that sites A and B can be discounted as they are immediately adjacent to the existing farm buildings.



Map 1 showing alternatives sites A – E, in relation to the proposed site and settlement limit

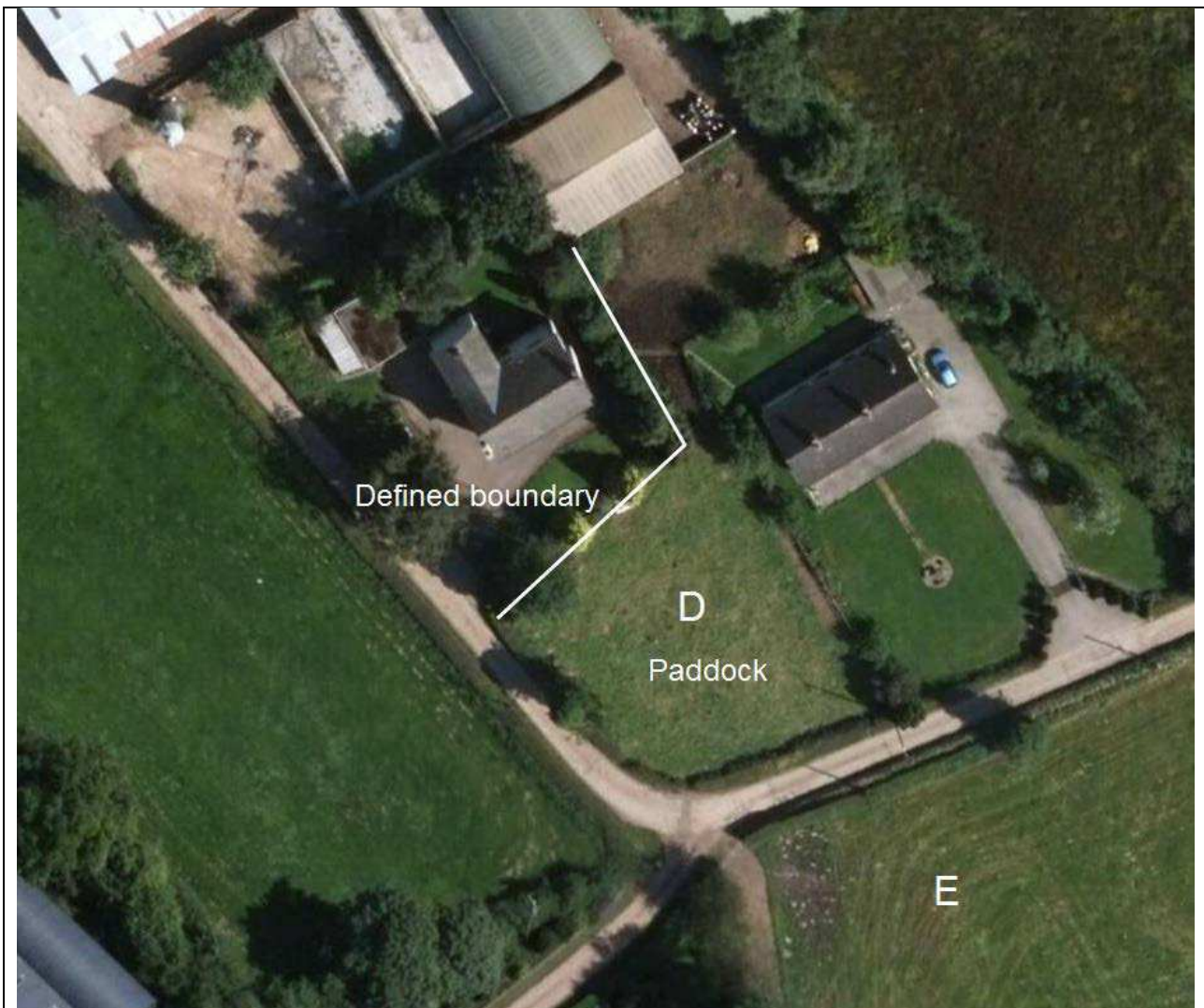
The supporting statement discounts site C as it is 'close to silage pits...', it is earmarked for future expansion of the existing farm yard and that it would mar the distinction between the settlement and the surrounding countryside. However, a dwelling could be constructed on this site with a separation distance in excess of 60m from the said silage pits, which would be further than the applicants existing dwelling (see map 2 below).



Map 2 - potential dwelling on site C, further from silos than the applicants existing dwelling

No planning approvals have been granted for, nor has any verifiable evidence been presented to support the claim of such an extension to the farm yard is imminent. The issue relating to CTY 15 is dealt with later in this report. On balance, therefore site C is considered acceptable as it has a sufficient separation distance from the farm buildings even in terms of Health and Safety.

It is claimed that area D is the front garden of the main farm house. However, on checking the ortho-photography this is clearly not the case as the site in question appears as a rough grass paddock linked to the area to the side of the dwelling and with direct access onto the farm yard (see ortho photo 2 below). The area is also clearly separated from the amenity space by a mature hedge as can be seen from the aerial photography. Furthermore, no planning approval has been granted for an extension to the curtilage of the main dwelling into this site. Consequently, this area can therefore be considered as available for development.



Ortho photo 2 showing paddock area D and site E

Area E (see ortho photo above) is claimed to be satisfactory in terms of amenity but is ruled out due to the potential access issues and in that it would mar the distinction between the settlement of Churchtown and the surrounding countryside. Notwithstanding the access issue, if the suggested site satisfies the requirements of Policy CTY 10 in so far as it is visually linked or sited to cluster with an established group of buildings on the farm, then it would be considered acceptable even when assessed against Policy CTY 15. Furthermore, site E is not considered to be prominent as it sits approximately at road level, it has the benefit of mature trees to the west and the existing two storey dwelling house to the rear (see photo 2 below). Therefore this site can be considered as a potential site for a dwelling on the farm.



Photo 2 – Existing 2 storey farm dwelling with mature trees at road level not considered to be prominent

Regarding the access issues from the existing laneway, the statement advises that the required visibility splays are not available to the left hand side existing and forward sight distances are not available to the right hand side exiting. However, regardless as to whether or not the existing access is up to the required standard, the applicant has the potential to upgrade the existing access or if that is not possible due to third party use, the applicant can create a new laneway paired with the existing laneway as they own the necessary lands to the right hand side exiting. Such an access would then exit on the outside of the bend, thereby meeting all the necessary access standards in terms of visibility splays and forward sight distances.

CTY 13 – Integration and Design of Buildings in the Countryside

Although there are critical views of the overall site on approach from the north due to the low cut roadside hedgerows, however, as the preferred site is located in a small paddock area, is set well back off the Churchtown Road to the rear of mature hedging and which has a good sense of enclosure, a dwelling on that site would normally achieve an acceptable degree of integration and would therefore be acceptable in terms of integration into the surrounding countryside. However, as the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm, it therefore fails to meet this policy test.

CTY 14 – Rural Character

This is an application for a site for a dwelling on a farm holding that is sited to the rear of a natural hedgerow which will effectively screen a dwelling from public view. As there would be no critical views of the proposal, any dwelling on the proposed site will not result in a detrimental change to rural character.

PPS 3 – Access, Movement and Parking;

The proposal is to utilise an existing farm access onto the Churchtown Road. This will require the existing hedgerows at the entrance to be set back to the rear of the required visibility splays.

Transport NI advised that they have no objection to the proposed development subject to conditions.

Recommendation

On consideration of the above, it is my opinion that the proposal fails to meet the requirements of Policies CTY 1, 10 and 13 for the reason stated below.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The application is being recommended for refusal as the site is not visually linked or sited to cluster with an established group of buildings on the farm.

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 new building is visually linked or sited to cluster with an established group of buildings on the farm;
health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm;
verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

Signature(s)

Date:

ANNEX	
Date Valid	25th October 2017
Date First Advertised	9th November 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) None	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History Ref ID: LA09/2017/1474/O Proposal: Proposed Dwelling and Garage under PPS21 CTY10 Address: 250m SE of 6 Churchtown Road, Cookstown, Decision: Decision Date:</p> <p>Ref ID: I/2000/0067/O Proposal: Site for dwelling and garage Address: 300m SE of 6 Churchtown Road Churchtown Cookstown Decision: Decision Date: 27.06.2000</p> <p>Ref ID: I/2003/0879/O Proposal: Replacement dwelling and garage Address: 300metres (approx) south of 10A Churchtown Road, Rossmore, Cookstown. BT80 9XD Decision: Decision Date: 26.08.2004</p>	
<p>Summary of Consultee Responses</p> <p>No consultees raised any issues of concern</p>	
Drawing Numbers and Title	
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>	
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>	

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 05/06/2018	Item Number:
Application ID: LA09/2017/1543/O	Target Date:
Proposal: Proposed dwelling and domestic garage	Location: Site opposite 136 Aghnagar Road Galbally Dungannon
Referral Route: Refusal is recommended.	
Recommendation:	
Applicant Name and Address: Margaret Donnelly 28 Altaglushan Road Galbally Dungannon	Agent Name and Address: McKeown and Shields Associates 1 Annagher Road Coalisland BT71 4NE
Executive Summary: Outline application for proposed dwelling and domestic garage. The proposal is deemed contrary to the policy provision contained within Policy CTY 10 and CTY 13 of PPS 21 in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and it does not merit being considered as an exceptional case.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	DAERA - Omagh	Substantive Response Received

Representations:

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

Summary of Issues

DFI Roads, DAERA and the Council's Environmental Health Department were consulted on this application and returned comment. No letters of objection have been received and all other material considerations have been addressed within the determination below.

Characteristics of the Site and Area

The proposal is located on the Aghnagar Road, some 6.5km to the north west of Castlecaulfield and 1.7km south of the settlement of Cappagh, Co. Tyrone. The proposal is located within the countryside as identified within the Dungannon and South Tyrone Area Plan 2010.

The site is situated within an open agricultural field which fronts on to the Aghnagar Road, close to its junction with the Reclain Road. The site is in close proximity to existing agricultural buildings which are located to the immediate east at No. 64 Reclain Road.

In terms of site boundaries, the northern, eastern and western boundaries of the site is made up of mature vegetation and tree lined hedgerows. The southern boundary of the site opens out into the wider field within which the site is located.

The site area is relatively flat with very little in terms of discernible variation in elevation. From a wider perspective the area surrounding the site can be described as an undulating landscape with rolling drumlins and escarpments situated throughout.

Description of Proposal

The proposal is an outline planning application relating to the provision of a dwelling and domestic garage on the application site at lands opposite 136 Aghnagar Road, Galbally, Dungannon.

The applicant has highlighted that the proposal is for a dwelling on a farm and has supplied a completed P1C form with accompanying farm maps. The proposed site is highlighted in red on Drawing No. 01 dated 06/11/2017.

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. Dungannon and South Tyrone Area Plan 2010.
3. Planning Policy Statement (PPS) 3 – Access, Movement and Parking.
4. PPS 21 – Sustainable Development in the Countryside.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no third party objection has been received – see consideration below.

Assessment

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 21 and PPS 3 has been retained under transitional arrangements.

Policy CTY 1 of PPS 21 identifies that there are 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 such type is a dwelling on a farm in accordance with Policy CTY 10.

Policy CTY 10 identifies that planning permission will be granted for a dwelling on a farm where three policy tests are met (a-c).

The proposal is located on farm land and DAERA have confirmed that the farm business ID, as quoted on the P1C Form to accompany the application, is active and has been established for a period in excess of 6 years. On this basis, I am content that the first policy test has been met.

I have carried out a check of the farm land as annotated on the farm maps which have been provided with the application and I am content that no dwelling or development opportunities have been sold off the farm holding within 10 years of the date of the application. I am content that the second policy test has been met.

The third policy test identifies that the new building should be 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 policy clarifies that consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out farm, and where there are either demonstrable health and safety reasons, or verifiable plans to expand the farm business at the existing building group(s).

In consideration of that above the applicant has outlined that there is no other suitable site at the main group of buildings on the farm at 28 Altaglushan Road, Galbally. The applicant has outlined that there is only one roadside field at the main group of farm buildings and that the topography and access to said field would be difficult to use for a dwelling. Further to this the applicant has highlighted that they work in childcare and currently operate from a rented dwelling, they have outlined that the proposed location would allow for better access in winter conditions and that the roads around the main group of farm buildings would be unsuitable for travel during the winter months. The applicant highlights that the health and safety concerns relating to road safety in winter months is their principal reasoning for choosing an alternative site.

In consideration of the argument presented by the applicant I am not persuaded that it holds sufficient weight to justify an acceptable exception to the policy. The main group of buildings at the farm are surrounded by a number of fields which would appear sufficiently able to accommodate a proposed dwelling or to accommodate any possible plans to expand the farm buildings, if required. I note that some of the fields which surround the main group of farm buildings are accessed via an existing shared laneway and are not accessible from a separate access onto the road. On that point I would note that the policy highlights that where practicable access to the dwelling should be obtained from an existing lane.

On the basis of that above I am not satisfied that the proposal meets with the third policy test outlined in CTY 10 of PPS 21. It has not been demonstrated that the dwelling is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane. It does not merit being considered as an exceptional case as verifiable plans do not exist to expand the farm business and demonstrable health and safety reasons have not been presented to justify an alternative site not visually linked or sited to cluster with the established group of buildings on the farm.

CTY 13 & 14

In addition to the three main policy tests outlined under Policy CTY 10, Proposals for a dwelling on a farm must also meet the requirements of Policy CTY 13 and CTY 14 of PPS 21.

Policy CTY 13 outlines 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. CTY 13 outlines seven criteria by which new development in the countryside should comply with. In consideration of criteria a – f, I am content that the proposal is satisfactorily integrated in the countryside, however criteria g outlines that in cases of a dwelling on a farm the proposal should be visually linked or sited to cluster with an established group of buildings on the farm. As outlined above I am not content that the proposal is visually linked or sited to cluster with the existing farm group and as such the proposal also fails to meet with this part of the policy. The proposal relies on the integration provided by the operational farm at No. 64 Reclain Road for

added integration, however these farm buildings are not associated with the applicant's farm holding.

CTY 14 outlines 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 an area. I am content that the proposal is not sited in an area which would make it unduly prominent and that it would not have a significant negative impact on the rural character of this area. The proposal is sited in close proximity to a group of farm buildings at No. 64 Reclain Road and this helps reduce the level of impact on rural character, however as noted above these buildings are not located within the applicant's farm holding. I am satisfied that the proposal complies with the policy criteria outlined in Policy CTY 14 of PPS 21.

Amenity

The Council's Environmental Health Department (EHD) were consulted during the processing of the application and have returned comment (07/03/2018). EHD have outlined concerns relative to the proximity of the proposed dwelling to an operational farm at No. 64 Reclain Road and have suggested that a separation distance of 75m from the farm buildings would be adequate in order to ensure that the amenity of future occupants of the dwelling was safeguarded and to ensure that unnecessary restrictions were not placed on the operational activity of the farm. In consideration of these comments I find that a restriction on the siting of the proposed dwelling, encompassing the 75m, would not leave sufficient space within the red line area of the site to facilitate a dwelling and garage. The applicant is unable to provide an adequate distance from the proposal to the operational farm at No. 64 and it has not been demonstrated that the proposal will be impacted upon by noise, odours, and pests. The proposal may also restrict the working conditions of the operational farm.

PPS 3

DFI Roads were consulted on this application as the competent authority in assessing the application from a road safety perspective. DFI Roads returned comment on the file highlighting that they were content with the proposal subject to condition. On this basis I am satisfied that the proposal meets can provide a satisfactory means of access and that it complies with the policy provision contained with PPS 3 – Access, Movement and Parking.

Conclusion

On the basis of the assessment above I consider that this proposal does not meet with the requirements contained within prevailing planning policy and I recommend that the application is refused outline planning consent.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Members are advised that the proposal does not meet with the requirements of applicable/prevailing planning policy and refusal is recommended – for the reasons documented below.

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and the proposal relies on farm buildings which are outside of the farm holding for principal integration, which may result in a detrimental impact on the amenity of future occupants by way of noise, odour, and pests and put unnecessary operational restrictions on the nearby farm.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

Signature(s)

Date:

ANNEX																																									
Date Valid	6th November 2017																																								
Date First Advertised	23rd November 2017																																								
Date Last Advertised																																									
Details of Neighbour Notification (all addresses) The Owner/Occupier, 134 Aghnagar Road Galbally Dungannon The Owner/Occupier, 136 Aghnagar Road Galbally Dungannon																																									
Date of Last Neighbour Notification	17th November 2017																																								
Date of EIA Determination																																									
ES Requested	Yes /No																																								
Planning History Ref ID: LA09/2017/1543/O Proposal: Proposed dwelling and domestic garage Address: Site opposite 136 Aghnagar Road, Galbally, Dungannon, Decision: Decision Date:																																									
Summary of Consultee Responses <table border="1"> <thead> <tr> <th colspan="8">CONSULTATION RESPONSES</th> </tr> <tr> <th>Consultn Type</th> <th>Consultee</th> <th>Consulted</th> <th>Target Reply</th> <th>Rev Target</th> <th>Date Reply</th> <th>Response</th> <th>Response Type</th> </tr> </thead> <tbody> <tr> <td>Statutory</td> <td>DFI Roads - Enniskillen</td> <td>16.11.2017</td> <td>07.12.2017</td> <td></td> <td>06.12.2017</td> <td>Advice</td> <td>Final Substantiv</td> </tr> <tr> <td>Non Statutory</td> <td>Environmental Health Iv</td> <td>16.11.2017</td> <td>07.12.2017</td> <td></td> <td>09.03.2018</td> <td>Substantive Respc</td> <td>Final Substantiv</td> </tr> <tr> <td>Non Statutory</td> <td>DAERA - Omagh</td> <td>08.12.2017</td> <td>29.12.2017</td> <td></td> <td>08.12.2017</td> <td>Substantive Respc</td> <td>Final Substantiv</td> </tr> </tbody> </table>		CONSULTATION RESPONSES								Consultn Type	Consultee	Consulted	Target Reply	Rev Target	Date Reply	Response	Response Type	Statutory	DFI Roads - Enniskillen	16.11.2017	07.12.2017		06.12.2017	Advice	Final Substantiv	Non Statutory	Environmental Health Iv	16.11.2017	07.12.2017		09.03.2018	Substantive Respc	Final Substantiv	Non Statutory	DAERA - Omagh	08.12.2017	29.12.2017		08.12.2017	Substantive Respc	Final Substantiv
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Non Statutory	DAERA - Omagh	08.12.2017	29.12.2017		08.12.2017	Substantive Respc	Final Substantiv																																		
Drawing Numbers and Title																																									
Drawing No. 01 Type: Site Location Plan Status: Submitted																																									

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department: N/A



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1639/F	Target Date:
Proposal: The proposals include a micro brewery and tap room building along with ancillary storage. Additional new car parking to be provide and alterations to existing road access.	Location: Lands to the rear of 96 Ballymacombs Road Bellaghy
Referral Route: Objections received.	
Recommendation: Approval.	
Applicant Name and Address: Heaney Farmhouse Brewery Ltd 314 Cregagh Road Belfast	Agent Name and Address: FORMA architects Ltd 37a Saintfield Road Carryduff Belfast BT8 8EY
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan







**Consultations:**

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Health & Safety Executive for NI	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Health & Safety Executive for NI	Considered - No Comment Necessary

Representations:

Letters of Support	1
Letters of Objection	3

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.

Proposal is located in the rural area just NE of Bellaghy and is centred around an active and established farm at 96 Ballymacombs Road.

As well as a number of substantial farm buildings and the 2st farm house itself, there are 2 other private dwellings accessed via the same shared laneway located to the NW of the farm grouping.

The site and farm buildings are generally well hidden from passing views as a result of topography.

Description of Proposal

Micro brewery and tap room building along with ancillary storage. Additional new car parking to be provided and alterations to existing road access.

Planning Assessment of Policy and Other Material Considerations

MAP
SPPS
PPS21
PPS3

This is a rural location as designated by the Magherafelt Area Plan 2015.

Essentially I see this as a farm diversification project and the supporting case made by the agent has attempted to demonstrate how this Policy provision of the SPPS and CTY11 of PPS21 is met.

The SPPS

6.65 The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

6.67 Planning and other environmental policies must therefore play their part in facilitating sustainable development in the countryside but not at the expense of the region's rich natural assets and not at the expense of the natural and built environment.

6.70 All development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.

Specifically in relation to Farm diversification the SPPS states that provision should be made for a farm diversification scheme where the farm business is currently active and established (for a minimum 6 years) and, the proposal is to be run in conjunction with the agricultural operations of the farm. Proposals must involve the re-use or adaptation of existing buildings, with new buildings only being acceptable in exceptional circumstances;

Policy CTY 11 – Farm Diversification

Planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm.

The following criteria will apply:

- (a) the farm or forestry business is currently active and established;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it will not have an adverse impact on the natural or built heritage;
- (d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

Proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings. Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies. Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

5.46 The Government is committed to supporting the process of farm diversification where it is compatible with other objectives for the countryside.

5.47 This policy aims to promote forms of diversification that are sustainable in the countryside, including suitable tourism or agri-tourism schemes. It is important that the countryside is not spoilt by the unfettered development of urban uses. Diversification proposals, therefore, should be of a scale and nature appropriate for the location and be capable of satisfactory integration into the rural landscape. Applications for large-scale proposals more suitable to the urban area or existing urban-based enterprises seeking relocation will not be acceptable.

5.48 Where a new building is proposed, the applicant will be required to provide sufficient information to satisfactorily demonstrate why existing buildings cannot be used.

5.49 For the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10.

This proposal requires the erection of 2 new buildings (a tap room and exhibition building) and (brewery building) approx. 18 m x 9m and the conversion of an existing farm shed to general purpose store. In addition parking provision is made as well as concrete surfaced service yard. A sunken garden area is proposed to the rear of the site. Access widening is also proposed.

The high quality building design proposed is to replicate modern farm buildings using material such as corrugated cement fibre sheeting, wood panelling and glazing.

My visit to the site demonstrated that most if not all of the existing farm buildings are being used for agricultural purposes. The agents supporting statement sets out the following key points:

- The farm is currently owned and managed by Mr Hugh Heaney and has been in the Heaney family ownership for a number of generations
- It is intended that the proposal will compliment and integrate with the farms day to day production
- Breweries have historically been developed on farms for example on monastic settlements
- A currently difficult economic environment faces the agricultural sector – by diversifying in this manner the Heaney farm can create a sustainable rural enterprise and promote tourism in the locality
- It is envisaged that existing arable lands will provide barley crops and using an on-site borehole for water supply allows for a unique providence
- The scheme has been designed to blend into the rural area with buildings orientated to form a cluster with a natural courtyard created by using trees
- The brewery equipment used will be powered using a mix of soft start electric pumps and gas heaters during the fermentation process with average noise levels falling below 50db externally. In relation to odour, it is proposed to use modern tanks which have air tight seals.

I am satisfied that there is a long established and currently active farm business to support this proposal. In terms of the requirements of Policy CTY11 that relate to character and scale, given the limited public viewpoints, the high quality of design and layout used, I am satisfied that the proposal meets this test. I do not foresee any detrimental impacts on the built or natural heritage.

PPS4 – PED9 is to be considered in relation to this proposal:

Whilst I see the proposal as more of a sui generis use, Policy PED 9 provides a useful yardstick by which to determine the acceptability of the proposal, notwithstanding its acceptability under CTY11.

Policy PED 9 General Criteria for Economic Development

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 co-operation with Consultees I have compatibility of the proposal with surrounding land uses, amenity, nuisance in terms of EHO comments, and subject to conditions find this to be acceptable.

One must also be mindful that neighbouring dwellings already live in close proximity, and indeed share access, with a working farm which it could be argued is a more likely source of detrimental amenity impacts.

DFI Roads have not objected on access or servicing grounds to the proposal and I do not foresee and natural or built heritage impacts. I have acknowledged the quality of the design and landscaping offered and note the ability of the proposal to integrate into the countryside. Separate consents will be required for any effluent disposal. The rural location of the proposal makes it difficult to provide for convenient access to public transport.

I am otherwise content that the tests of this Policy are met.

Objections have been received from a dwelling located to the north of the farm yard (No 98) and which shares its access.

The letters of objection set out the following concerns:

- Highway safety – this is a shared access and there are major concerns regarding additional traffic / our children already have to exercise extreme caution when using it / there is no footpath
- Environmental issues – this is a peaceful area and the proposal is out of keeping / concerns also relate to noise / odour
- Loss of privacy / concerns over alcohol usage
- Scale of the proposal / future expansion / attraction for tourists / reversing buses already experienced on the laneway connected with follow-up trips from 'Homeplace'

An additional objection letter on file dated 1st May 2018 from No.98 makes the following points:

- Laneway widening does not improve the rest of the lane / concerns remain around future visitor numbers
- Noise levels / what noise modelling has been used for all activities? / despite air tight seals we have all experienced odour from brewerys /waste disposal / discharge methods? /is guidance needed from NIEA on microbreweries? / it is noted that EHO have no objections.
- Clear loss of privacy / consumption of alcohol concerns / will there be limitations on hours of opening? / signage may encourage visitors especially at weekends
- The Head of tourism's support will increase the promotion of visitors to the site
- If the scale of the project turns out to be greater than anticipated how will this be dealt with?
- Requests have been made to re-locate the car park elsewhere / this could potentially affect the property value of No 98.

A letter of support is on file from the Head of Tourism in the Council. It reads:

With regards to the planning application relating to the Heaney Brewery in Bellaghy. I would support this application because I would view this as a positive addition to the village of Bellaghy both economically and one that will complement the Seamus Heaney HomePlace and Seamus Heaney HomeGround. As you are aware Seamus Heaney is one Council's three thematic priorities and over the last two years we have been working with various different businesses within the Seamus Heaney Cluster group and would see Heaney Brewery as being complementary to the development of the Heaney proposition.

In considering the above, further Consultation has been carried out with Environmental Health Department in light of the latest objection who have no objections to the proposal but who have

proposed conditions limiting delivery hours and the need for a noise or odour assessment should complaint arise following the development opening.

I understand the proposed development will require to be licensed also and as such issues around the consumption of alcohol and how this is controlled are best dealt with under different Legislation. The Council have had no demonstrable evidence provided to it about de-valuation of property. I'm not aware of the need to involve NIEA in this application, EHO have also indicated that use of the borehole will require their involvement. At the time of my site visit, whilst I do acknowledge that a small car park area is located in the field opposite No 98, I noted a recently constructed large in-curtilage building which appears to provide a built 'buffer' between the proposed car park and No 98. Some additional soft landscaping is also proposed to the periphery of the car park which can be secured by Condition. It is difficult to determine how successful the proposal will be, however in the event that additional parking becomes necessary such proposals will be assessed against prevailing planning policy at that time. DFI continue to have no objections to the proposal as submitted.

On balance, and in considering all relevant material considerations, I recommend approval subject to Conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation: approval with Conditions:

- 5 years commencement
- Provision of splays prior to commencement as required by DFI and shown on plan 12/1.
- There shall be no deliveries and/or external activity outside the hours of 09:00 hours and 18:00 hours Monday to Friday and 09:00 hours to 13:00 hours on Saturdays. (*To protect the amenity of nearby residents*).
- Within 4 weeks of a written request by the Planning Department, following a reasonable noise or odour complaint the site operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise emissions from the site at the complainant's property. Details of any necessary odour monitoring survey shall be submitted to the Planning Department for written approval prior to any monitoring commencing.
- All Planting to be carried out within the first available planting season after commencement of the development.

Signature(s) M.Bowman

Date: 23rd May 2018.

ANNEX	
Date Valid	23rd November 2017
Date First Advertised	7th December 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 33 Tamlaghtduff Park, Bellaghy The Owner/Occupier, 91 Ballymacombs Road, Bellaghy The Owner/Occupier, 93 Ballymacombs Road Bellaghy Londonderry The Owner/Occupier, 94a Ballymacombs Road Bellaghy The Owner/Occupier, 95 Ballymacombs Road Bellaghy Londonderry The Owner/Occupier, 96 Ballymacombs Road Bellaghy Londonderry The Owner/Occupier, 98 Ballymacombs Road Bellaghy Londonderry Martin & Hilary Clarke 98 Ballymacombs Road, Bellaghy, Londonderry, Northern Ireland, BT45 8JP Martin & Hilary Clarke 98 Ballymacombs Road, Bellaghy, Londonderry, Northern Ireland, BT45 8JP Hilary and Martin Clarke 98, Ballymacombs Road, Bellaghy, Londonderry, Northern Ireland, BT45 8JP Michael Browne Email Address	
Date of Last Neighbour Notification	18th April 2018
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/1987/0519 Proposal: EXTENSION TO DWELLING INCLUDING GARAGE Address: 86 BALLYMACOMBS ROAD BELLAGHY Decision: Decision Date: Ref ID: LA09/2017/1639/F	

Proposal: The proposals include a micro brewery and tap room building along with ancillary storage. Additional new car parking to be provide and alterations to existing road access

Address: Lands to the rear of 96 Ballymacombs Road, Bellaghy,

Decision:

Decision Date:

Ref ID: H/1994/0162

Proposal: REPLACEMENT DWELLING HOUSE

Address: 98 BALLYMACOMBS ROAD BELLAGHY

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1644/O	Target Date:
Proposal: Construction of single storey farm dwelling with attached garage and associated site works	Location: Proposed site at lands located 105metres East of established farm dwelling adjacent to 4 Drumanee Road Bellaghy
Referral Route: Contrary to CTY 10 of PPS21	
Recommendation: Refusal	
Applicant Name and Address: James Overend 6 Main Street Bellaghy	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toome Co.Derry BT41 3SQ
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DAERA - Coleraine	Substantive Response Received

Representations:

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

Summary of Issues

Proposal contrary to CTY 10 of PPS21 as the proposal site is not visually linked or sited to cluster with an established group of buildings on the farm. No justifiable reason has been given as to why this should be considered acceptable as an exception to policy.

Characteristics of the Site and Area

The proposal site is within the corner of a larger agricultural field on the roadside of Drumanee Road, Bellaghy. There are farm buildings located NW of the proposal site, approx. 105metres away. Surrounding the proposal site is further agricultural land that to the front of the proposal site falls down in level towards the road while that to the rear continues to rise. The proposal site is bounded only on two sides by a modest agricultural hedge and post and wire fencing and there is an existing agricultural laneway accessing the proposal site and surrounding land.

Description of Proposal

Outline application for single storey farm dwelling and garage

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 1 - General principles

Planning Policy Statement 21 - Sustainable development in the countryside

Consultees: - NI Water were asked to comment and responded on 19.12.2017 with no objections subject to advice

Environmental Health were asked to commend and responded on 19.12.2017 with no objections subject to advice.

DAERA were asked to comment on the submitted farm business details and they responded on 20.12.2017 advising that the farm business has been active and established for over 6 years.

DfI were asked to comment and responded on 12.01.2018 with no objections subject to conditions.

Neighbours: There are no neighbouring properties to be notified of this proposal.

In line with legislation this proposal was advertised in the local press on 14.12.2017, no representations have been received to date.

According to Planning Policy Statement 21 there are 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 a dwelling on a farm in accordance with CTY 10. According to CTY 10 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

c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building group(s).

In this particular case following consultation with DAERA with the farm business ID number they have confirmed that the farm business has been established for over 6 years and is considered active thus the proposal adheres to criteria a) of this policy.

Following a GIS database search I was able to check all the farm land as outlined on the submitted farm maps, from this check it was clear that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application and as such the proposal adheres to this criteria.

The new building is proposed to be sited within the rear corner of an agricultural field more than approx.. 100metres from the existing farm buildings. As proposed there is no visual linkage of the proposal site with the farm buildings and the access is from an existing agricultural lane. A design and access statement has been submitted with the proposal whereby it details the reasoning behind the proposed siting. The reason being cited is in order to 'limit the effect of ribbon development by providing relief and visual breaks in the developed appearance of the locality and help maintain rural character....The applicant has a very young and expanding family and for the health and safety of his family, it would be preferable to site the farm dwelling in the proposed location which would reduce the impact of any potential risks that may arise'.

According to CTY 10 'to help minimise impact on the character and appearance of the landscape such dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them. If however, the existing building group is well landscaped, or where a site adjacent to the building group is well landscaped planning permission can be granted for a new dwelling even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation'. The existing farm buildings are not well landscaped and neither is the proposal site well landscaped thus the proposal fails this portion of the policy.

According to policy it states that where an alternative site is proposed which is removed from existing buildings on the farm the applicant will be required to submit appropriate and demonstrable evidence from a competent and independent authority to justify the siting. This has not been satisfied and as such the proposal fails to meet the requirements of CTY 10.

As well as satisfying the requirements of the policy above the proposal should also be considered against the requirements of CTY 13 - integration and Design of Buildings in the Countryside. This 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. A new building will be unacceptable where:

- a) it is a prominent feature in the landscape in the landscape - the proposal site would not be considered to be a prominent site.
- b) 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 - the proposal site is bounded on the NE and northern boundaries by mature hedging, the remainder of the boundaries are undefined and the site is carved out of the corner of a larger agricultural field. Site levels rise to the rear of the proposal site and fall to the front of the site leading down to the roadside. I feel with the

suitable conditions a single storey dwelling could be approved on site and its integration could be achieved to an acceptable level.

c) it relies primarily on the use of new landscaping for integration - new landscaping will be required to supplement that already in existence.

d) ancillary works do not integrate with their surroundings - the proposed access is from an existing laneway.

e) the design of the building is inappropriate for the site and its locality - as this is an outline application no design has been proposed.

f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop - the land to the rear of the proposal site continues to rise beyond thus providing a backdrop.

g) in the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm - as previously discussed this proposal is for a dwelling on a farm and the dwelling is not sited to be visually linked or sited to cluster with an established group of buildings on the farm.

Finally this proposal should be assessed against the requirements of CTY 14 of PPS 21 - Rural Character, whereby it states that planning permission will be

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal recommended

Conditions/Reasons for Refusal:

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 new building is visually linked (or sited to cluster) with an established group of buildings on the farm nor has it been demonstrated that health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.

2. The proposal is contrary to Policies CTY 1 and CTY 10 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 verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.

Signature(s)

Date:

ANNEX	
Date Valid	27th November 2017
Date First Advertised	14th December 2017
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: LA09/2017/1644/O Proposal: Construction of single storey farm dwelling with attached garage and associated site works Address: Proposed site at lands located 105metres East of established farm dwelling adjacent to 4 Drumanee Road, Bellaghy, Decision: Decision Date: Ref ID: H/1990/0049 Proposal: 33 KV OH LINE Address: BALLYDERMOT,OLDTOWN,DRUMANEE LOWER & BALLYSCULLION MAGHERAFELT Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block 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: LA09/2017/1700/F	Target Date:
Proposal: (Revised plans) Extension to rear of dwelling to accommodate siting area and bedroom	Location: 5 Coolmount Drive Cookstown
Referral Route: Objection	
Recommendation:	APPROVE
Applicant Name and Address: Mr Brian O'Neill 5 Coolmount Drive Cookstown	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Sandholes Road Cookstown BT80 9LU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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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

All statutory bodies were consulted on this application. All other material considerations have been addressed within the determination of this application.

Characteristics of the Site and Area

The application property is a modern semi-detached 1 ½ storey dwelling situated 5 Coolmount Drive - Cookstown Co Tyrone. The dwelling, which is east facing towards Coolmount Drive is situated in a relatively generous plot of approx. 243.31sqm. The dwelling has a pitched roof consisting of natural black slates, large white PVC doors and windows of horizontal emphasis and white PVC rainwater goods. The elevations consist of rustic facing brick and painted dash render finish.

The front of the property is defined by a small wooden fence and two brick pillars. The dwelling is set back approximately 8m from the inside edge of the public.

The rear garden is triangular in plot with defined boundaries of a 1.5 meter high wooden fence which defines the boundary with No.10 Coolmount Park and separating the boundary with the adjacent semi-detached dwelling No.3 located within the rear garden are two small wooden sheds used for general storage.

Description of Proposal

Drawing No. 01 stamp date 6th December 2017, drawing Nos. 02 (Rev-2), 03 (Rev-2), 05 (Rev-2) stamp date 24th April 2018 stand to be considered and relate to an extension to No 5 Coolmount Drive. The proposed dimensions are as annotated on the above stamp date drawings with a combined footprint of 54 sqm.

Full permission is sought for an extension to No 5 Coolmount Drive with horizontal windows a dormer window is proposed to the front elevation. The external materials match the existing dwelling features.

The application property is situated in a wider mature residential area, approx. 0.65km north of centre of Cookstown and located within the settlement limits defined in the Cookstown Area Plan 2010.

Relevant Planning History

The application property has no particular relevant planning history since the original approval to grant permission to build residential units. There is no other local planning history of particular relevance to the proposed development.

Planning Assessment of Policy and Other Material Considerations

Policy Context

Section 45 (1) of The Planning Act (Northern Ireland) 2011, states that, where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations...

There are no other potential development constraints. The proposal raises no concerns in terms of flood risk, impact on listed built heritage or protected trees or vegetation (TPO) nor does it fall within Conservation, Townscape Designation. The proposal is under the 15.2m height threshold for consultation to Defence Estates relating to Met. Office -Radar. The key policy tests and relevant supplementary guidance are listed below.

Policy References:

Cookstown Area Plan 2010
Strategic Planning Policy Statement for Northern Ireland (SPPS, published 28 Sept 2015)
Policy EXT 1 – Residential Extensions and Alterations (Addendum to PPS7)

Consideration

My consideration is set out under the policy tests below.

Policy EXT – 1 (Residential Extensions and Alterations)

Policy EXT 1 of the Addendum to Planning Policy Statement 7 states that planning permission will be granted for a proposal to extend or alter a residential property where the 4 listed criteria are met. The proposal is considered against these as follows:

a) The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.

An objection was received dated 15/01/2018 from the resident of No 10 Coolmount Park the concerns raised in the letter are as follows:-

1. drawings not to scale; over development of the site; create an adverse impact upon the private amenity to No 10; proposal out of character for the area; and causing overshadowing and loss of day light.

The original proposal was considered unacceptable in terms of impact to the residential amenity particularly impacting on property nos 4 adjacent to application site and 10 to the rear of the site.

It was felt the proposed extension was over dominant and created overshadowing, loss of light as a result of the proposed height, scale and massing.

The agent submitted amended plans stamp date 24th April 2018 showing a reconfiguration – deduced height to the rear extension and reconfiguring side extension to provide sitting area and bedroom.

The design of the extension has changed significantly under the revised proposal. The original proposal related to a large scale rear extension with gable end first floor small window overlooking rear garden. The ridge height of the proposed rear extension has been reduced from 6.4m to 4.5m to provide sitting area and utility room and moved away from the boundary with No.4 by 2.6m mitigating the over shadowing and loss of light. The large aspect of the original proposal is now being proposed to the side of the host building providing additional bedroom.

I am content with what has been proposed by reducing the height and footprint will have a more less impact on the adjoining properties given the changes proposed under this application introduce a more integrated and better proportioned design solution.

The proposal detracts from the overall level of impact when compared with what was previously approved on the site. The changes to the size of the proposed dwelling, as well as layout and design are more appropriate to this urban setting and present a more satisfactorily integrated design proposal. I therefore consider that the proposed extension to be acceptable in this regard.

In terms of form and appearance of the development is fairly typical of householder development included the blockwork, roof and rainwater goods and fascia are to match the finishes of the existing dwelling features as confirmed in drawing No. 05 (Rev-2) stamp date 24th April 2018. The visual impact of the proposal causes no concerns. The proposal complies with Criterion a).

b) the proposal does not unduly affect the privacy or amenity of neighbouring residents. Given the application is situated within a relatively modest plot in an existing residential area of Cookstown where there are various design forms of urban design and footprint reflect in the surrounding area. In order to achieve the desired outcome there is a significant area of private amenity space being taken for this development nonetheless there is still ample room for oil tank and access via the side to access bins. The area to the front remains unchanged. The proposal does not comply with Criterion b).

c) The proposal will not cause the unacceptable loss of; or damage to, trees or other landscape features which contribute significantly to local environmental quality

The proposal would not affect any trees or vegetation of significance within or beyond the property boundary. The boundaries shall not affect, with a gap of approx. 3m available from the extension exterior rear elevation to the rear boundary with No dwelling 10. The existing urban garden does not contain any other landscape features worthy of retention that would be affected. The proposal meets Criterion c).

(d) Sufficient space remains within curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles

The proposed extension will diminish the amount of available private amenity space immediately to the rear of the dwelling. That said, there is still space to the rear for the purposes of bin storage / oil tank etc. the extension will also reduce space to the side however there is potential space for parking at the front of the property. The proposal meets Criterion d).

In summary, the proposal is deemed to meet the tests in Policy EXT 1.

Other points of note

The application was initially advertised in the local press on w/c 11 December 2017 (publication date 12 December 2017). Seven (7) neighbouring properties were notified on the following dates: (1) notified on 02 January 2018, and re-notified on w/c 30 April 2018, in accordance with the Development Management Practice Note 14 (April 2015). These properties, listed further below, were checked on site as correct.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal involves a modest residential extension to the existing dwelling at No 5 Coolmount Drive in Cookstown, subservient in scale and well hidden from view and respectful of the neighbouring properties to give rise to any amenity or visual concerns. The alterations to the side of the dwelling are acceptable. The proposed extension and other alterations meet the key tests set out in Policy EXT 1 and in so doing are considered suitable for the host property impact on local archaeological interests.

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 materials to be used in the construction of the external surfaces of the building hereby permitted, shall be as show on drawing No 05 (Rev-2) stamp date 24 April 2018.

Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the existing dwelling.

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.

The determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under prevailing legislation as may be administered by the Council or other statutory authority

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.

Signature(s)

Date:

ANNEX	
Date Valid	6th December 2017
Date First Advertised	21st December 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Coolmount Drive Cookstown Tyrone Mark Creighton 10, Coolmount Park, Cookstown, Tyrone, Northern Ireland, BT80 8YB The Owner/Occupier, 11 Coolmount Drive Cookstown Tyrone The Owner/Occupier, 12 Coolmount Drive Cookstown Tyrone The Owner/Occupier, 3 Coolmount Drive Cookstown Tyrone The Owner/Occupier, 5 Coolmount Drive Cookstown Tyrone The Owner/Occupier, 7 Coolmount Drive Cookstown Tyrone The Owner/Occupier, 9 Coolmount Drive Cookstown Tyrone	
Date of Last Neighbour Notification	30th April 2018
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/1700/F Proposal: Extension to rear of dwelling to accommodate siting area and bedroom Address: 5 Coolmount Drive, Cookstown, Decision: Decision Date: Ref ID: I/2001/0060/F Proposal: 14 No Semi-detached Dwellings & Garages and 1 No Detached Dwelling & Garage Address: 5, 7, 9 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22 Coolmount Drive, Cookstown Decision: Decision Date: 14.05.2001	

Ref ID: I/2003/0843/F

Proposal: Proposed alterations to development with 4 No semi-detached dwellings, 3 No Town houses and new road determination

Address: 1,3,5,7,9,10 & 12 Coolmount Park Cookstown

Decision:

Decision Date: 19.04.2004

Ref ID: I/1997/0357

Proposal: Erection of 1 detached dwelling, 1 pair of semi-detached dwellings and estate road

Address: SITES 2 & 4 COOLMOUNT AVENUE AND SITE 1 COOLMOUNT DRIVE COOLREAGHS ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2004/1319/F

Proposal: 2No Semi-Detached dwellings and 1No Detached Dwelling & Garage

Address: 18, 18a,20 Coolmount Park, Cookstown

Decision:

Decision Date: 16.02.2005

Ref ID: I/1999/0189

Proposal: 2 No.semi-detached dwellings and 1 no. detached dwelling and garages

Address: 2 AND 4 COOLMOUNT PARK AND 1 COOLMOUNT WAY COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1990/0015

Proposal: Residential Development

Address: TO REAR OF 28-32 CLAGGAN LANE COOKSTOWN

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 04 (REV-1)
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 02 (REV-1)
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 05 (REV-1)
Type: Proposed Elevations
Status: Submitted

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

Drawing No. 03
Type: Existing Plans
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: LA09/2017/1740/F	Target Date:
Proposal: Proposed Church Hall for ancillary use for church activities ,Meetings, social events	Location: Aughnacloy Presbyterian Church Dungannon Road Aughnacloy
Referral Route:	Contrary to HED comments
Recommendation:	Decision to approve is delegated to the planning manager subject to satisfactory notification of the accompanying Listed Building Consent to the Department.
Applicant Name and Address: Aughnacloy Presbyterian Church Dungannon Road Aughnacloy	Agent Name and Address: Sloane Design Services 68 Moy Road Armagh BT61 8DW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Historic Environment Division (HED)	Advice
Statutory	Historic Environment Division (HED)	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 none	
Characteristics of the Site and Area <p>The site comprises an irregular shaped plot of land located on the junction of the Dungannon and Caledon Roads, Aughnacloy. The site includes the Aughnacloy Presbyterian Church building, the existing church hall, a small grassed area and the entrance and parking area. The church and hall are at the same level to the roadside and consist of typical old stone church like buildings with tainted glass windows, the car park is located to the front and side of the church and enclosed by a 1.5/2 metre high block wall. The south portion of the site is separated from the church and yard by a 1.5 metre high stone wall. The ground on this side of the wall is much lower than the church and continues to fall away to the South.</p> <p>The site lies within the settlement limits of Aughnacloy and within an area of townscape character. There is an old mill to the south, and the ulster bank building to the North West with residential development on all remaining sides.</p>	
Description of Proposal <p>The proposal seeks full planning permission for a proposed Church Hall for ancillary use for church activities, Meetings, social events.</p>	
Planning Assessment of Policy and Other Material Considerations <p>The following planning publications and planning policy statements establish the policy context.</p> <ul style="list-style-type: none"> • Strategic Planning Policy Statement (SPPS) • Dungannon and South Tyrone Area Plan 2010 • PPS 6 Planning, Archaeology and the Built Heritage <p>Planning History</p> <p>There are no previous planning applications listed that are of relevance to the determination of this application. There is a concurrent planning application for listed building consent LA09/2018/0049/LBC running alongside this application.</p> <p>Representations</p> <p>Neighbour notifications were issued with no representations received.</p>	

Section 45(1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Development Plan unless material considerations indicated otherwise.

Dungannon Area Plan 2010: The site is located within the development limits of Aughnacloy. Both the existing church and the curtilage are listed.

SPPS – Strategic Planning Policy Statement for Northern Ireland: 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.

Historic Environment Division (HED) were consulted on the proposal: response discussed in detail below.

TNI Road service were consulted and responded requesting 3 amendments;

- 1- visibility splays of 2.4 x 90 metres having estimated the average speed of users to be 33mph, however, the site is accessed via a cul-de-sac which will have little or no traffic, the access is 45 metres from the junction with the main road, upon site inspection I found it was not possible to achieve over 25 mph before the site entrance and so feel that the bracket value of 2.4 x 33m would be more appropriate. The proposal shows 2.4 x 45m.
- 2- Parking spaces should comply with parking guidelines. In this case the applicant is showing a 26 number car parking spaces in addition to the existing car park at the church itself. These spaces include 2 number disabled bays.
- 3- The parking shall be lined out using thermo plastic paint. We do not believe this is necessary, the existing car park does not have any space marking and it is not practical to impose this condition on the new car park which will effectively also serve as an overflow car park for the existing church.

Assessment

The site includes a Listed Building of special architectural and historic interest protected under Section 80 of the Planning Act (NI) 2011.

The proposed church hall is to be erected to the south of the existing church and all development will be carried out, outside the protected area bar a small access to be cut through the boundary wall. The existing grade B listed church remains unchanged. The applicant has employed a chartered engineer who has provided us with a method statement detailing the work to be carried out to the wall. His assessment also considered the capacity of the wall to sustain such works and concluded that the wall

was in good condition and capable of fulfilling the requirements, he also stated that if required the wall could be under pinned to compensate for lack of foundation if that issue presented itself.

The footprint of the new hall includes a main hall, entrance hall, toilets, kitchen, stores and meeting room. It proposes some excavation works to level the site which will in turn lessen its impact. There will be minimal views from the Caledon and Dungannon roads. The building is designed with a rendered finish to the main walls, natural stone to some features, glazing on the front projection and a dark slate roof. Whilst the design incorporates sympathetic building materials that are sensitive to the main church building, it is questioned whether the essential character of the settings is being altered particularly the works to the boundary wall. The amendments proposed to the listed building wall possibly facilitate functional and accessibility purposes.

Policy BH 8 of PPS 6 relates to Alterations of a listed building. Consent will normally only be granted where proposals for the extension or alteration of a listed building satisfy the following criteria:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

My initial view is that whilst the proposed hall and the works to the wall are being carried out for functional and accessibility purposes, the design in my view is pleasing and complimentary to the existing structure. However, in relation to policy that forms my opinion, I believe that the essential character of the building and its setting are retained and its features of special interest remaining intact and unimpaired. The works are making use of the stone removed from the wall in the building of the new hall and would be in keeping with the church.

This relates to the works to the wall, and the proposal following amended drawings requested by Historic Environment Division would in my opinion comply with all of the above contrary to HED comments.

Policy BH11 of PPS 6 relates to the settings of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

HED comments suggest that the new hall would detract from the settings of the church as it fails to respect the listed building in terms of scale, massing alignments and materials and would become a

competing focus. However, it is my opinion that the design of the building in terms of size, massing and materials would be reflective of the majority of modern day church halls. It is a simple style with a mix of render and natural stone and with a slate roof would be similar to other builds in the area. With regards to the alignment, HED would prefer the building to be positioned further to the rear, however, this would block light into the main stain glass window in the church and for very minimal gains in terms of impact on the views.

Following consideration of all of the above information, it is my view this planning application is acceptable, and in accordance with policy requirements.

Approval recommended. (Decision to approve is delegated to the planning manager subject to satisfactory notification of the accompanying Listed Building Consent to the Department.)

Neighbour Notification Checked

Yes

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. 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.

3. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed in accordance with the approved drawings to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

REASON: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

4. A detailed hard and soft landscaping plan shall be submitted to MUDC for agreement and approval in writing with HED prior to works commencing onsite.

To ensure landscaping proposals provide sufficient screening to protect the setting of the listed building

5. A dense native hedge shall be planted, in between the dog legged slope of the ramp and also to the outer edge of the south east face of the ramp, to a height of 2m.

To ensure landscaping proposals provide sufficient screening to protect the setting of the listed building

6. Roof finishes shall be natural welsh slate, the eaves and gables shall be clipped without barge boards and the windows and doors shall be dark aluminium or painted hardwood

To ensure the use of sympathetic materials within the setting of the listed building

7. Test areas of excavation shall be carried out prior to works commencing onsite to inform a structural engineering strategy for the protection of the church gable wall and boundary wall. Concluding reports shall be submitted to Council for agreement in writing with HED, and details of any repair works to the gable wall of the listed church, shall be submitted to Council for agreement in writing with HED, prior to works commencing onsite.

To protect the historic fabric listed building and associated structures

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. 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 Infrastructure 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 Infrastructures 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 DFI Roads Service, to ensure that surface water does not flow from the site onto the public road.

REASON: In the interest of public safety and traffic management.

Provision shall be made to the satisfaction of DFI Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

Signature(s)

Date:

ANNEX	
Date Valid	13th December 2017
Date First Advertised	4th January 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 16 Caledon Road,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, 18 Caledon Road,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, 20 Caledon Road,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, 6 Dungannon Road Aughnacloy Tyrone The Owner/Occupier, 7 Caledon Road,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, 8 Dungannon Road Aughnacloy Tyrone The Owner/Occupier, 8a Dungannon Road,Aughnacloy,Tyrone,BT69 6AH, The Owner/Occupier, Unit 1,McCreedy's Mill Centre,Mill Street,Derrycush, Aughnacloy,BT69 6AL The Owner/Occupier, Unit 2,McCreedy's Mill Centre,Mill Street,Derrycush, Aughnacloy,BT69 6AL The Owner/Occupier, Unit 3,McCreedy's Mill Centre,Mill Street,Derrycush, Aughnacloy,BT69 6AL The Owner/Occupier, Unit 4,McCreedy's Mill Centre,Mill Street,Derrycush, Aughnacloy,BT69 6AL The Owner/Occupier, Unit 5,McCreedy's Mill Centre,Mill Street,Derrycush, Aughnacloy,BT69 6AL The Owner/Occupier, Unit 6,McCreedy's Mill Centre,Mill Street,Derrycush, Aughnacloy,BT69 6AL The Owner/Occupier, Unit 7,McCreedy's Mill Centre,Mill Street,Derrycush, Aughnacloy,BT69 6AL	
Date of Last Neighbour Notification	3rd January 2018
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: M/1974/0299

Proposal: IMPROVEMENTS AND REPAIRS TO EXISTING DWELLING HOUSE

Address: ADJACENT TO AUGHNACLOY PRESBYTERIAN CHURCH

Decision:

Decision Date:

Ref ID: M/2003/0352/F

Proposal: Proposed Disabled Access

Address: Aughnacloy Presb Church, Dungannon Road, Aughnacloy

Decision:

Decision Date: 14.05.2003

Ref ID: M/1998/0045

Proposal: Proposed Disabled Access

Address: AUGHNACLOY PRESBYTERIAN CHURCH DUNGANNON ROAD
AUGHNACLOY

Decision:

Decision Date:

Ref ID: M/1997/4101

Proposal: Construction of Disabled Access

Address: AUGHNACLOY PRESBYTERIAN CHURCH HALL AUGHNACLOY

Decision:

Decision Date:

Ref ID: M/1996/0466

Proposal: Restoration and extension of Mill Buildings to form 3no.
Shop Units, 3 No. Flat Accommodation, Fitness Suite and
D.H.S.S. Accommodation

Address: THE OLD MILL, CALEDON ROAD, AUGHNACLOY

Decision:

Decision Date:

Ref ID: LA09/2017/1782/DETLB

Proposal: Proposed erection of a new church hall adjacent to church building which is listed

Address: Aughnacloy Presbyterian Church, Dungannon Road, Aughnacloy,

Decision:

Decision Date:

Ref ID: LA09/2017/1740/F

Proposal: Proposed Church Hall for ancillary use for church activities ,Meetings, social events

Address: Aughnacloy Presbyterian Church, Dungannon Road, Aughnacloy, Decision: Decision Date:
Summary of Consultee Responses TNI - requesting 3 amendments; 4- visibility splays of 2.4 x 90 metres having estimated the average speed of users to be 33mph, however, the site is accessed via a cul-de-sac which will have little or no traffic, the access is 45 metres from the junction with the main road, upon site inspection I found it was not possible to achieve over 25 mph before the site entrance and so feel that the bracket value of 2.4 x 33m would be more appropriate. The proposal shows 2.4 x 45m. 5- Parking spaces should comply with parking guidelines. In this case the applicant is showing a 26 number car parking spaces in addition to the existing car park at the church itself. These spaces include 2 number disabled bays. 6- The parking shall be lined out using thermo plastic paint. We do not believe this is necessary, the existing car park does not have any space marking and it is not practical to impose this condition on the new car park which will effectively also serve as an overflow car park for the existing church. HED – advises that in its current form it fails to satisfy PPS 6 Policies BH8 and 11.
Drawing Numbers and Title
Drawing No. 02b Type: Site & Detailed Drawings Status: Submitted Drawing No. 03b Type: Elevations and Floor Plans Status: Submitted Drawing No. 06 Type: Elevations and Floor Plans Status: Submitted Drawing No. 07 Type: Elevations and 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: LA09/2018/0049/LBC	Target Date:
Proposal: Erection of a New Church Hall adjacent to Church Building.(listed)	Location: Aughnacloy Presbyterian Church Dungannon Road Aughnacloy
Referral Route: Contrary to HED comments	
Recommendation:	Approval (Subject to notification with the Department)
Applicant Name and Address: Aughnacloy Presbyterian Church Dungannon Road Aughnacloy BT69 6AH	Agent Name and Address: Sloane Design Services 68 Moy Road Armagh BT61 8DW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Statutory	Historic Environment Division (HED)	Advice
Statutory	Historic Environment Division (HED)	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	
none	
Characteristics of the Site and Area	
<p>The site comprises an irregular shaped plot of land located on the junction of the Dungannon and Caledon Roads, Aughnacloy. The site includes the Aughnacloy Presbyterian Church building, the existing church hall, a small grassed area and the entrance and parking area. The church and hall are at the same level to the roadside and consist of typical old stone church like buildings with tainted glass windows, the car park is located to the front and side of the church and enclosed by a 1.5 – 2 metre high block wall. The south portion of the site is separated from the church and yard by a 1.5 metre high stone wall. The ground on this side of the wall is much lower than the church and continues to fall away to the South.</p> <p>The site lies within the settlement limits of Aughnacloy and within an area of townscape character. There is an old mill to the south, and the ulster bank building to the North West with residential development on all remaining sides.</p>	
Description of Proposal	
The proposal seeks listed building consent for a proposed Church Hall adjacent to the listed church building.	
Planning Assessment of Policy and Other Material Considerations	
<p>The following planning publications and planning policy statements establish the policy context.</p> <ul style="list-style-type: none"> • Strategic Planning Policy Statement (SPPS) • Dungannon and South Tyrone Area Plan 2010 • PPS 3 – Access , Movement and Parking • PPS 6 Planning, Archaeology and the Built Heritage <p>Planning History There are no previous planning applications listed that are of relevance to the determination of this application. There is a concurrent planning application LA09/2017/1740/F running alongside this consent.</p> <p>Representations Neighbour notifications were issued with no representations received.</p> <p>Dungannon Area Plan 2010: The site is located within the development limits of Aughnacloy. Both the existing church and the curtilage are listed.</p> <p>SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning</p>	

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.

TNI Road service were consulted and responded requesting 3 amendments;

1- Visibility splays of 2.4 x 90 metres having estimated the average speed of users to be 33mph. Members are advised that guidance contained in DCAN 15 provides the methodology for deciding what sight lines are required for safe accesses. Taking into account the fact the site is accessed via a cul-de-sac which will have a limited amount of vehicular traffic; the location of the proposed access 45 metres from the junction with the main road and my own observations during the site inspection where I found it was not possible to achieve over 25 mph before the site entrance, I consider the bracket value of 2.4 x 33m would be more appropriate. The proposal shows 2.4 x 45m.

2- Parking spaces should comply with parking guidelines. In this case the applicant is showing 26 number car parking spaces in addition to the existing car park at the church itself. These spaces include 2 number disabled bays. The agent has stated that the church proposed development may have up to 75 members attending at any one time, according to the parking standards guidelines this would require 25 number spaces to serve it and I consider this is scheme with a proposed 26 spaces would suffice. It must also be noted there is the existing car parking at the church itself.

3- The parking shall be lined out using thermo plastic paint. I do not believe this is necessary, the existing car park does not have any space marking and it is not practical to impose this condition on the new car park which will effectively also serve as an overflow car park for the existing church.

Assessment

The site includes a Listed Building of special architectural and historic interest protected under Section 80 of the Planning Act (NI) 2011.

The proposed church hall is to be erected to the south of the existing church and all development will be carried out, outside the protected area bar a small access to be cut through the boundary wall. The existing grade B listed church remains unchanged. The applicant has employed a chartered engineer who has provided us with a method statement detailing the work to be carried out to the wall. His assessment also considered the capacity of the wall to sustain such works and concluded that the wall was in good condition and capable of fulfilling the requirements, he also stated that if required the wall could be under pinned to compensate for lack of foundation if that issue presented itself.

The footprint of the new hall includes a main hall, entrance hall, toilets, kitchen, stores and meeting room. It proposes some excavation works to level the site which will in turn lessen its impact and removal of part of the listed wall. There will be minimal views from the Caledon and Dungannon roads. The building is designed with a rendered finish to the main walls, natural stone to some features, glazing on the front projection and a dark slate roof. Whilst the design incorporates sympathetic building materials that are sensitive to the main church building, HED have questioned whether the essential character of the settings is being altered particularly the works to the boundary wall. The amendments proposed to the listed building wall possibly facilitate functional and accessibility purposes.

Historic Environment Division (HED) were consulted on the proposal: response discussed in detail below.

Policy BH 8 of PPS 6 relates to Alterations of a listed building. It states that 'Consent will normally only be granted where proposals for the extension or alteration of a listed building satisfy the following criteria:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

With regard to the removal of part of the wall, HED requested amended drawings which were provided, my view is that whilst the proposed hall and the works to the wall are being carried out for functional and accessibility purposes, the design in my view is pleasing and complimentary to the existing structure. I consider the essential character of the listed building and its setting are retained and its features of special interest remaining intact and unimpaired particularly as it is proposed to reuse the stone removed from the wall in the building of the new hall. HED, the statutory consultee, do not however share this view and have concerns about the removal of the wall.

Policy BH11 of PPS 6 relates to the settings of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

HED comments suggest that the new hall would detract from the settings of the church as it fails to respect the listed building in terms of scale, massing alignments and materials and would become a competing focus. However, it is my opinion that the design of the building in terms of size, massing and materials would be reflective of the majority of modern day church halls. It is a simple style with a mix of render and natural stone and with a slate roof would be similar to other builds in the area. With regards to the alignment, HED would prefer the building to be positioned further to the rear, however, this would block light into the main stain glass window in the church and for very minimal gains in terms of impact on the views.

Following consideration of all of the above information, it is my view this Listed Building Consent application is acceptable, and in accordance with policy requirements.

Approval recommended. (Subject to notification with the Department)

Neighbour Notification Checked

Yes

Conditions

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

2. A dense native hedge shall be planted, in between the dog legged slope of the ramp and also to the outer edge of the south east face of the ramp, to a height of 2m.

Reason : To protect the setting of the listed building

3. Test areas of excavation shall be carried out prior to works commencing onsite to inform a structural engineering strategy for the protection of the church gable wall and boundary wall. Concluding reports shall be submitted to Council for agreement in writing with HED.

Reason: To protect the historic fabric listed building and associated structures

4. Details of any repair works to the gable wall of the listed church, shall be submitted to Council for agreement in writing with HED, prior to works commencing onsite.

Reasons : To protect the historic fabric listed building and associated structures

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.

Signature(s)

Date:

ANNEX	
Date Valid	19th December 2017
Date First Advertised	25th January 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 16 Caledon Road,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, 20 Caledon Road,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, 22 Caledon Road,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, 5 Caledon Road,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, 6 Dungannon Road,Aughnacloy,Tyrone,BT69 6AH, The Owner/Occupier, 7 Caledon Road,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, 8 Dungannon Road,Aughnacloy,Tyrone,BT69 6AH, The Owner/Occupier, 8a Ashbrook,Dungannon Road,Aughnacloy,Tyrone,BT69 6AH, The Owner/Occupier, Armagh & Dungannon Hss Trust,Mccreedy Mill Centre,Mccreedy Mill Centre,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, Aughnacloy Development Association D,Sports Hall,Mccreedy Mill Centre,Mccreedy Mill Centre,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, Aughnacloy Development Association D,Unit 6,Mccreedy Mill Centre,Mccreedy Mill Centre,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, Aughnacloy Development Association Ltd,Unit 1/ Flat 1,Mccreedy Mill Centre,Mccreedy Mill Centre,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, Aughnacloy Development Association Ltd,Unit 2 / Flat 2,Mccreedy Mill Centre,Mccreedy Mill Centre,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, Aughnacloy Presbyterian Church,Church Hall,Dungannon Road,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, Ballymagrane Church Hall,14 Caledon Road,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, Ballymagrane Church Hall,Caledon Road,Aughnacloy,Tyrone,BT69 6AL, The Owner/Occupier, Church Hall,Dungannon Road,Aughnacloy,Tyrone,,	

The Owner/Occupier, Citizens Advice Bureau, Unit 6a, Mccreedy Mill Centre, Mccreedy Mill Centre, Aughnacloy, Tyrone, BT69 6AL, The Owner/Occupier, Mccague Day Centre, Mccreedy Mill Centre, Mccreedy Mill Centre, Aughnacloy, Tyrone, BT69 6AL, The Owner/Occupier, Presbyterian Church, Dungannon Road, Aughnacloy, Tyrone, BT69 6AH, The Owner/Occupier, The Beauty Studio, Unit 5, Mccreedy Mill Centre, Mccreedy Mill Centre, Aughnacloy, Tyrone, BT69 6AL, The Owner/Occupier, Unit 3 / Flat 3, Mccreedy Mill Centre, Mccreedy Mill Centre, Aughnacloy, Tyrone, BT69 6AL, The Owner/Occupier, Unit 4, Mccreedy Mill Centre, Mccreedy Mill Centre, Aughnacloy, Tyrone, BT69 6AL, The Owner/Occupier, Unit 7, Mccreedy Mill Centre, Mccreedy Mill Centre, Aughnacloy, Tyrone, BT69 6AL, The Owner/Occupier, Unit 8, Mccreedy Mill Centre, Mccreedy Mill Centre, Aughnacloy, Tyrone, BT69 6AL, The Owner/Occupier, W Maurice Loane, 18 Caledon Road, Aughnacloy, Tyrone, BT69 6AL,	
Date of Last Neighbour Notification	15th January 2018
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: M/1974/0299 Proposal: IMPROVEMENTS AND REPAIRS TO EXISTING DWELLING HOUSE Address: ADJACENT TO AUGHNACLOY PRESBYTERIAN CHURCH Decision: Decision Date: Ref ID: LA09/2018/0049/LBC Proposal: Erection of a New Church Hall adjacent to Church Building which is Listed Address: Aughnacloy Presbyterian Church, Dungannon Road, Aughnacloy, Decision: Decision Date: Ref ID: M/2003/0352/F Proposal: Proposed Disabled Access Address: Aughnacloy Presb Church, Dungannon Road, Aughnacloy Decision: Decision Date: 14.05.2003	

Ref ID: M/1997/4101

Proposal: Construction of Disabled Access

Address: AUGHNACLOY PRESBYTERIAN CHURCH HALL AUGHNACLOY

Decision:

Decision Date:

Ref ID: M/1998/0045

Proposal: Proposed Disabled Access

Address: AUGHNACLOY PRESBYTERIAN CHURCH DUNGANNON ROAD
AUGHNACLOY

Decision:

Decision Date:

Ref ID: LA09/2017/1782/DETLB

Proposal: Proposed erection of a new church hall adjacent to church building which is listed

Address: Aughnacloy Presbyterian Church, Dungannon Road, Aughnacloy,

Decision:

Decision Date:

Ref ID: LA09/2018/0048/DETLB

Proposal: Erection of a new church hall adjacent to church building which is listed

Address: Aughnacloy Presbyterian Church, Dungannon Road, Aughnacloy,

Decision:

Decision Date:

Ref ID: LA09/2017/1740/F

Proposal: Proposed Church Hall for ancillary use for church activities ,Meetings, social events

Address: Aughnacloy Presbyterian Church, Dungannon Road, Aughnacloy,

Decision:

Decision Date:

Ref ID: M/1996/0466

Proposal: Restoration and extension of Mill Buildings to form 3no.

Shop Units, 3 No. Flat Accommodation, Fitness Suite and

D.H.S.S. Accommodation

Address: THE OLD MILL, CALEDON ROAD, AUGHNACLOY

Decision:

Decision Date:

Summary of Consultee Responses

TNI - requesting 3 amendments;

- 1- visibility splays of 2.4 x 90 metres having estimated the average speed of users to be 33mph, however, the site is accessed via a cul-de-sac which will have little or no traffic, the access is 45 metres from the junction with the main road, upon site inspection I found it was not possible to achieve over 25 mph before the site entrance and so feel that the bracket value of 2.4 x 33m would be more appropriate. The proposal shows 2.4 x 45m.
- 2- Parking spaces should comply with parking guidelines. In this case the applicant is showing a 26 number car parking spaces in addition to the existing car park at the church itself. These spaces include 2 number disabled bays.
- 3- The parking shall be lined out using thermo plastic paint. We do not believe this is necessary, the existing car park does not have any space marking and it is not practical to impose this condition on the new car park which will effectively also serve as an overflow car park for the existing church.

HED – advises that in its current form it fails to satisfy PPS 6 Policies BH8 and 11.

Drawing Numbers and Title

Drawing No. 02b

Type: Site & Detailed Drawings

Status: Submitted

Drawing No. 03b

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 06

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 07

Type: Elevations and Floor Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



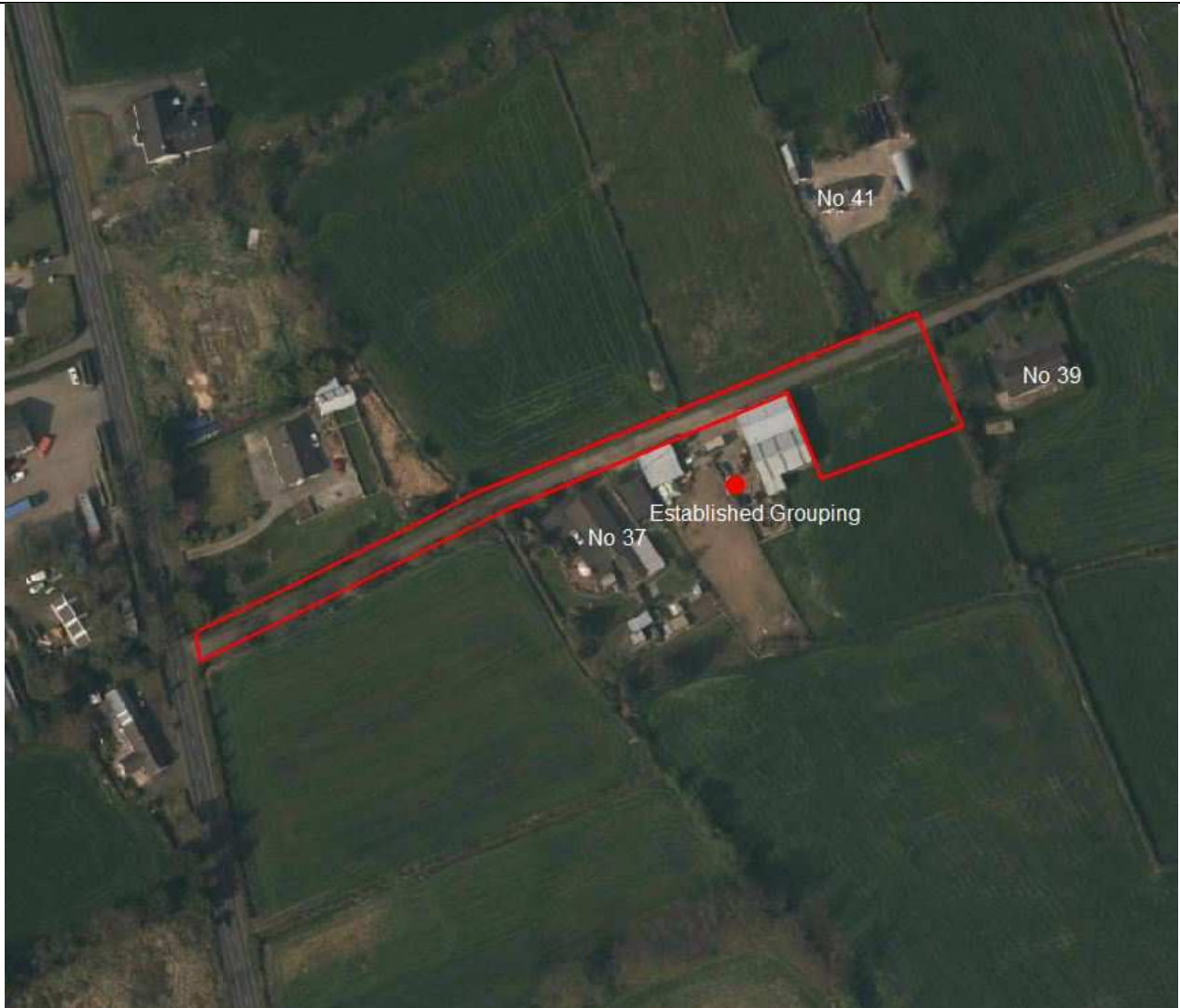
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0020/RM	Target Date:
Proposal: Single storey dwelling and garage	Location: 50 m East of 37 Kilrea Road Portglenone
Referral Route: The agent's spouse is a member of planning staff	
Recommendation:	Approval
Applicant Name and Address: Richard Lowry 96 Boveedy Road Kilrea BT51 5TY	Agent Name and Address: Gordon Arbuthnot 6 Culnady Road Upperlands Maghera BT46 5TN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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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 issues

Characteristics of the Site and Area

The site is located approximately 0.5 mile north west of Clady within open countryside in accordance with the Magherafelt Area Plan 2015. The site is located between No 39 and an agricultural shed associated with a property at No 37 and access is via a shared concrete laneway. The proposed site is a cut-out portion of a small agricultural field, identified as field No 2 in the submitted farm maps. The site is only visible from the laneway off the Kilrea Road with views from the Kilrea Road being restricted/limited. The site is enclosed by the residential curtilage belonging to No 39 along its western boundary and by a large agricultural shed along

its eastern boundary. The front boundary adjacent to the laneway is defined by 1.5m hedgerow and the rear boundary is undefined. The site is surrounded by predominantly bungalows.

Description of Proposal

The proposal is a reserved matters application for a single storey dwelling and detached double garage.

The proposed dwelling has a 19.2m frontage with a gable depth of 9m and a ridge height of 6m above finished floor level. A small front porch, side projection and rear return are also proposed. The double garage is 7m x 6.2m with a ridge height of 5.5m above ground level. The wall finishes are roughcast dash, smooth render plinth and locally sourced basalt stone to front porch and side projection and the roof finish is dark grey/black interlocking roof tiles.

Double garage is 7m x 6.2m with a ridge height of 5.5m above ground level.

Planning Assessment of Policy and Other Material Considerations

Relevant Site History:

LA09/2017/0827/O - Erection of 1 single storey dwelling and detached garage. Approved 6th June 2017.

Representations:

4 neighbour's notification letters were sent to the occupiers of Nos 33, 37, 39 & 41 Kilrea Road, Portglenone

No letter of representation have been received.

Development Plan and Key Policy Consideration:

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Magherafelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: 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.

Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

The principle of development has been established on the proposal site. The site was initially approved under CTY10 – Dwelling on the Farm. The main considerations in the processing of this application are adhering to the outline condition, siting, design, finishes and sewage disposal.

Under CTY13 a new building will be unacceptable where the design of the building is inappropriate for the site and its locality. In terms of design the proposed dwelling has become

fairly standardised in rural areas and does consist of elements which are considered traditional (i.e. vertically emphasised windows, linear form). The only concern I have with the design is the excessive frontage length which I would have liked to have seen broken up. However the dwelling immediately east of the site has similar frontage length, therefore it would be unreasonable to ask for the dwelling to be redesigned. The finishes include dark grey/black concrete tiles and roughcast dash, smooth rendered plinth and natural stone walls are generally acceptable and will not appear incongruous in the location, particularly when taken with the significant distance from the public road. The orientation of the proposed dwelling fronts onto the laneway which is in keeping with other dwellings along the laneway.

Other Policy and Material Considerations

I am satisfied that the proposal is adequately sited and designed to avoid a significant adverse impact on third party neighbour amenity and that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking.

Neighbour Notification Checked

Yes

Summary of Recommendation: That planning permission be approved subject to the following 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. The vehicular access, including visibility splays of 2.4m x 120m in both directions, shall be in place, in accordance with drawing No 02 which was received on 5th January 2018, prior to the commencement of any other works or other development hereby permitted.

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

3. 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.

4. All planting comprised in the approved details of drawing No 02 which was received on 5th January 2018 shall be carried out during the first planting season following the commencement of the development and any tree, shrub or hedge, which, within a period of five years from the date of planting, dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with other similar size and species.

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

5. The existing natural screening along the laneway and the north eastern boundary of the site shall be permanently retained at not less than 1.5 metres and trees allowed to grow on except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing

Reason: In the interests 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 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 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.

4. The applicant is advised that under Article 11 of the Roads (NI) Order 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.

5. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

6. All construction plant and materials shall be stored within the curtilage of the site.

7. Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure'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 Transport NI Section Engineer whose address is DfI Roads & Rivers, 49 Tullywiggan Road, Cookstown, Co. Tyrone, BT80 8SG. A monetary deposit will be required to cover works on the public road.

8. It is the responsibility of the developer to ensure that;

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site
- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway
- The developer should note that this planning approval does not give consent to discharge water into a DRD Roads Service drainage system.

Signature(s)

Date:

ANNEX	
Date Valid	5th January 2018
Date First Advertised	18th January 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 33 Kilrea Road,Portglenone,Londonderry,BT44 8JB, The Owner/Occupier, 37 Kilrea Road Portglenone Londonderry The Owner/Occupier, 39 Kilrea Road Portglenone Londonderry The Owner/Occupier, 41 Kilrea Road,Portglenone,Londonderry,BT44 8JB,	
Date of Last Neighbour Notification	6th February 2018
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/1085/O Proposal: Proposed detached dwelling with garage on a farm Address: 25m West of 41 Kilrea Road, Portglenone, Decision: PG Decision Date: 16.01.2017 Ref ID: LA09/2017/0827/O Proposal: Erection of 1 single storey dwelling and detached garage Address: 50m East of 37 Kilrea Road, Portglenone, Ballymena, Decision: PG Decision Date: 06.09.2017 Ref ID: LA09/2018/0020/RM Proposal: Single storey dwelling and garage Address: 50 m East of 37 Kilrea Road, Portglenone, Decision: Decision Date: Ref ID: H/2000/0215/F Proposal: Dwelling Address: 40m West of 43 Kilrea Road Portglenone Decision: Decision Date: 06.06.2000 Ref ID: H/1976/0332 Proposal: GARAGE AND STORE EXTENSION TO DWELLING	

Address: 37 KILREA ROAD, PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1978/0128

Proposal: EXTENSION TO DWELLING

Address: TYANEE, PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1995/0573

Proposal: SITE OF DWELLING

Address: ADJ TO 43 KILREA ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1995/0586

Proposal: DWELLING

Address: 80M NORTH 43 KILREA ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1995/0663

Proposal: DWELLING

Address: 70M NORTH OF 43 KILREA ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1999/0345

Proposal: SITE OF DWELLING & GARAGE

Address: ADJ. 43 KILREA ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1999/0703/RO

Proposal: Dwelling and garage

Address: Adjacent to 43 Kilrea Road, Tyanee, Portglenone, Northern Ireland, BT44 8JB

Decision:

Decision Date: 07.02.2000

Ref ID: H/1975/0294

Proposal: SITE OF DWELLING

Address: TYANEE, PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1978/0115

Proposal: BUNGALOW

Address: TYANEE, PORTGLENONE

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 03 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 04 Type: Garage Plans Status: Submitted</p>
Notification to Department (if relevant) Date of Notification to Department: Response of Department:

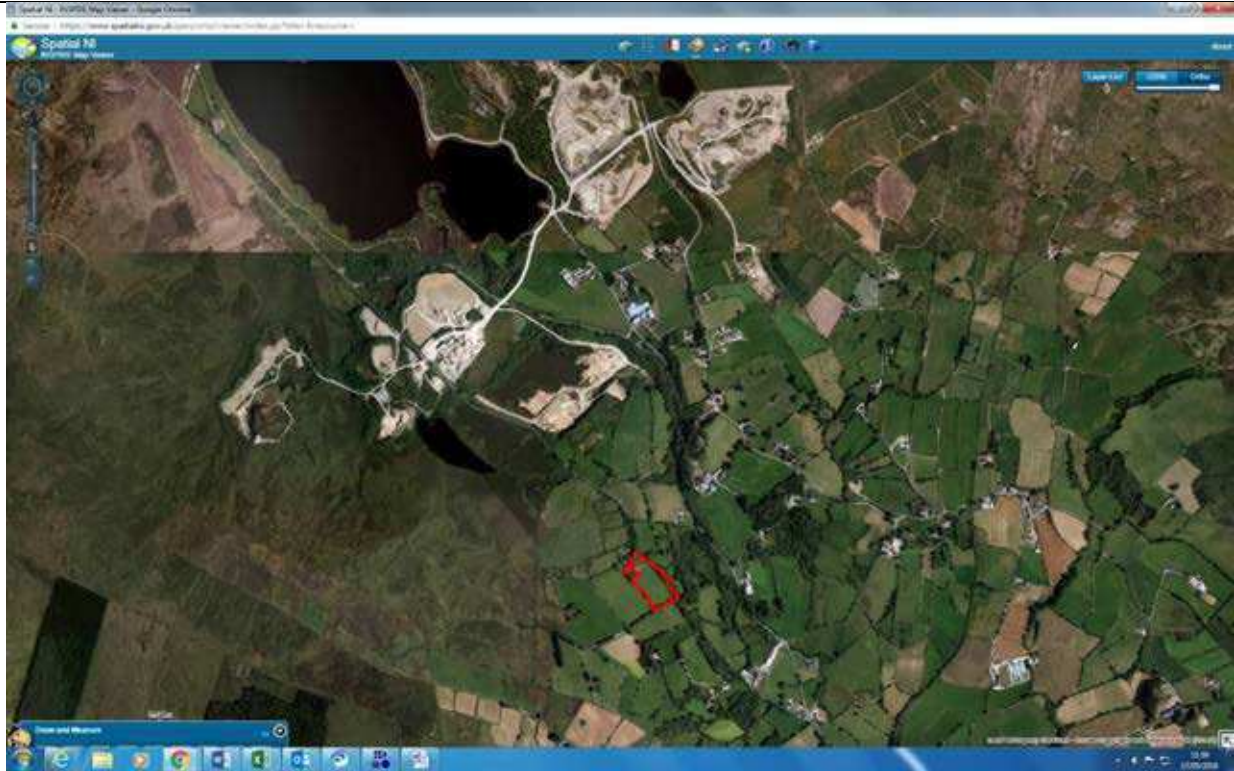


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0063/F	Target Date: 13/8/18
Proposal: Construction of proposed clear water basin and associated infrastructure (including pumping house kiosk, pipes and watermains, boundary treatment, temporary construction access and associated site works) to provide a potable water storage facility for Lough Fea WTW. Decommissioning and removal of Lough Fea South clear water basin and land treatment, new vehicular access is proposed from Spawell Road.	Location: 376m North of 134 Spawell Road Lough Fea
Referral Route: Major application.	
Recommendation:	Approval
Applicant Name and Address: NI Water Westland House 40 Old Westland Road Belfast BT14 6TE	Agent Name and Address: RPS Elmwood House 74 Boucher Road Belfast BT12 6RZ
Executive Summary: 	
Signature(s): 	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Strategic Applications	Considered - No Comment Necessary
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NIEA	Advice
Statutory	NIEA	Content
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	DFI Roads - 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

Details of the Proposal:

Construction of proposed clear water basin and associated infrastructure (including pumping house kiosk, pipes and watermains, boundary treatment, temporary construction access and associated site works) to provide a potable water storage facility for Lough Fea WTW.

Decommissioning and removal of Lough Fea South clear water basin and land treatment, new vehicular access is proposed from Spawell Road in accordance with Planning Policy Statement 21: Sustainable Development in the Countryside.

Characteristics of the Site and Area

The site is located within a rural area approximately three quarters of a mile south of Lough Fea. Access to the site is provided from the Spawell Road, a minor road serving the local area. On site at present is a mounded structure with concrete capping and the compound within which the structure is located is surrounded by a bent arm concrete post and chain link wire fence. No significant vegetation within the compound. Land use beyond the site is agricultural. Beyond the boundary fencing Spawell Road defines the north eastern boundary, trees and hedging to the north western and south western boundaries with a field to the south east where the expansion to the site is proposed. The general area is elevated with views down towards the Lough Fea Road and across to the other side of the valley. Land beyond the site rises to the south and west. The area has significant hedge and tree field boundaries and that along with the winding nature of the Spawell road lessens the impact of the existing structures to the area around the site entrance.

Relevant Site Histories:

Relevant planning history found on site relates to application LA09/2017/0493/DETEIA which was a request for EIA Determination where the applicant was advised on 18/5/17 that an Environmental Statement was not required, and a Proposal of Application Notice LA09/2017/1115/PAN which was considered to be acceptable on 28/9/17.

Representations:

No representations received from press notice or neighbourhood notification.

Consultation with DfI Roads, DfI Rivers, Environmental Health Department, Northern Ireland Water and Northern Ireland Environment Agency has raised no concerns subject to conditions and informatives.

Planning Assessment of Policy and Other Material Considerations

Planning Policy Statement 21 Sustainable Development in the Countryside and PSU2 of a Planning Strategy for Rural Northern Ireland are the relevant policy considerations requirements.

There are 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. This type of non-residential development is acceptable in principle in the countryside e.g. certain utilities or telecommunications development. All proposals for development in the countryside should be sited and designed to integrate sympathetically with its surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. It is my opinion that this proposal satisfies such criteria including the access arrangements which are in accordance with the Department's published guidance. The key tests in PSU2 are contribution to the national or regional needs, environmental effects and availability of alternatives. It is clear

that provision of fresh water is in the interest of public wellbeing. An Environmental determination has been carried out and it was decided that there would be no significant adverse impact. In relation to alternatives Northern Ireland Water will have appraised options and determined that this proposal was well suited to meet that need.

Other Policy and Material Considerations:

This application being categorised as major has complied with the requirements of the Planning (Development Management) Regulations (Northern Ireland) 2015.

The site lies within the Sperrin Area of Outstanding Natural Beauty as well as within an Area of Constraint on Mineral Developments as defined within the Cookstown Area Plan 2010 (CAP). And in my opinion no negative impact will be generated by the approval of this development on these designations.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside is retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area, no other issues have been identified.

Neighbour Notification Checked

Yes

Recommendation:

I recommend that planning permission is granted subject to conditions.

Conditions:

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

Reason: Time Limit.

2. During the first available planting season after the completion of the development hereby approved the developer shall plant all landscaping as detailed on drawing no. 12 dated received 15th January 2018.

All landscaping works shown on the approved plans shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape to aid the integration of the development into the local landscape in a timely manner.

3. The 5 metre maintenance strip as indicated in green hatching on drawing no 16 dated received 3rd May 2018 shall be retained and protected from any impediment including tree planting, land raising or future unapproved development.

Reason: to ensure that watercourse maintenance can be achieved.

4. The vehicular access, including visibility splays of 2.4m x 37m (tangential) North and 2.4m x 41m South, shall be in place, in accordance with Drawing No. 14 bearing the date stamp 15th January 2018, prior to the commencement of any other works or other development hereby permitted.

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

5. 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.

6. The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

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. Environmental Health Department comment:

No plant or equipment used in the construction of this basin should be operated in a manner so as to cause disturbance to the occupants of nearby properties. Any noisy work should be undertaken in accordance with the principles of BS5228: 2009.

3. Northern Ireland Environment Agency comment:

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

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

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

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

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

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

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

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

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

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

4. DfI Roads Informatives:

The construction stage management plan has to be submitted and approved by the TransportNI Section Engineer whose address is DfI Roads, Loughry Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG prior to any work commencing on the ground.

After construction, the applicant has stated that traffic to the site will be restricted to one vehicle per week.

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 Infrastructure for which separate permissions and arrangements are required

The applicant is advised that under Article 11 of the Roads Order (NI) 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc which is deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure'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 TransportNI Section Engineer whose address is DfI Roads, Loughry Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site
- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway
- The developer should note that this planning approval does not give consent to discharge water into a DfI Roads drainage system.

5. DfI Rivers comments:

Protection of Flood Defence and Drainage Infrastructure – An undesignated watercourse flows along the northern boundary of the site. Under 6.32 of the policy a 5m maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement with the landowner.

Development and Surface Water – The Drainage Assessment indicates the storm water system will be adopted by NIW, therefore NIW will be responsible for checking design calculations, adoption and maintenance of the system.

DfI Rivers, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

The applicant should note that the responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors. (refer to section 5.1 of PPS 15).

Under the terms of Schedule 6 of the Drainage (NI) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc requires the written consent of DfI. This should be obtained from our Western Regional Office, Woodside Avenue, Gortin Road, Lisnamallard, Omagh, BT79 7BP.

Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site: - such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.

Signature(s)

Date:

ANNEX	
Date Valid	15th January 2018
Date First Advertised	1st February 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
None	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History	
<p>Ref ID: LA09/2018/0063/F Proposal: Construction of proposed clear water basin and associated infrastructure (including pumping house kiosk, pipes and watermain, boundary treatment, temporary construction access and associated site works) to provide a potable water storage facility for Lough Fea WTW. Decommissioning and removal of Lough Fea South clear water basin and land treatment, new vehicular access is proposed from Spawell Road. Address: 376m North of 134 Spawell Road, Lough Fea, Decision: Decision Date:</p>	
<p>Ref ID: LA09/2017/1204/PAD Proposal: Construction of proposed clear water basin to provide an adequately sized portable water storage facility at Lough Fea to assist N.I.W in the forward planning for maintenance and provide an enhanced security of supply. Proposed access is off Spawell Road. Address: 376m North of 134 Spawell Road, Decision: Decision Date:</p>	
<p>Ref ID: LA09/2017/1115/PAN Proposal: Construction of proposed clear water basin to provide an adequately sized portable water storage facility at Lough Fea to assist NIW in the forward planning for maintenance and provide an enhanced security of supply. Proposed access is off Spawell Road</p>	

Address: 376m North of 134 Spawell Road,
Decision: PANACC
Decision Date:

Ref ID: LA09/2017/0493/DETEI
Proposal: Clear water basin to be developed to serve Lough Fea Water Treatment Works
Address: Spawell Road, Cookstown,
Decision: NRES
Decision Date:

Summary of Consultee Responses

Acceptable subject to conditions and informatives.

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Site Layout or Block Plan
Status: Approved

Drawing No. 04
Type: Site Layout or Block Plan
Status: Approved

Drawing No. 05
Type: Road Access Plan
Status: Approved

Drawing No. 06
Type: Road Access Plan
Status: Approved

Drawing No. 07
Type: Road Access Plan
Status: Approved

Drawing No. 08
Type: Road Access Plan
Status: Approved

Drawing No. 09
Type: Cross Sections
Status: Approved

Drawing No. 10
Type: Cross Sections
Status: Approved

Drawing No. 11
Type: Site Layout or Block Plan
Status: Approved

Drawing No. 12
Type: Landscaping Plan
Status: Approved

Drawing No. 13
Type: Existing Plans
Status: Approved

Drawing No. 14
Type: Existing Plans
Status: Approved

Drawing No. 15
Type: Existing Plans
Status: Approved

Drawing No. 16
Type: Further Particulars
Status: Approved

Notification to Department (if relevant) N/A

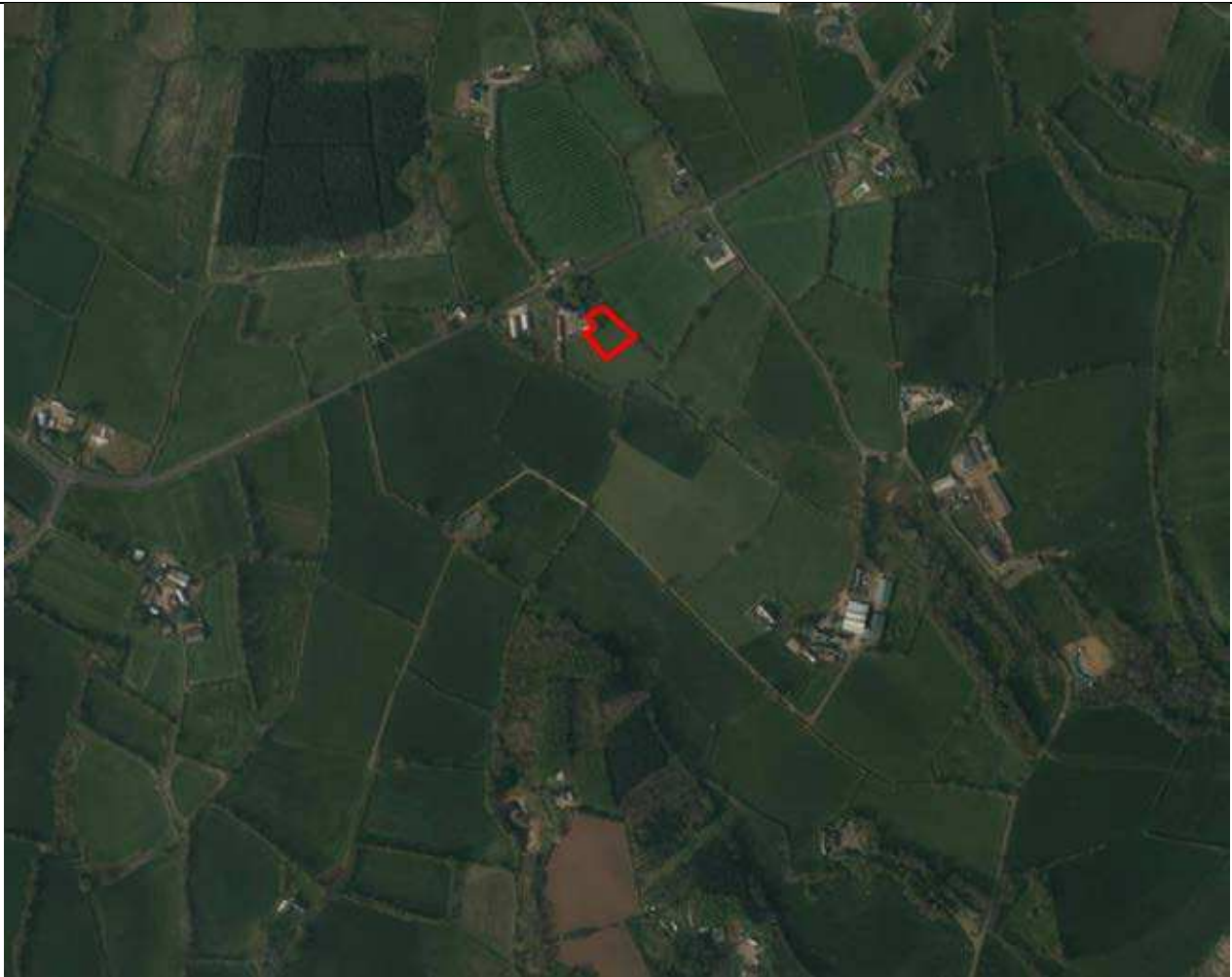
Date of Notification to Department:
Response of Department:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0064/O	Target Date:
Proposal: Proposed dwelling and garage on a farm	Location: S.E. of 29 Crewe Road Maghera
Referral Route: Applicants uncle is Cllr George Shiels, the farm business is also in Cllr Shiels name.	
Recommendation: Approval	
Applicant Name and Address: Alfie Shiels 25 Leighinmohr Crescent Ballymena	Agent Name and Address: Vision Design 31 Rainey Street Magherafelt BT45 5DA
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	DAERA - Coleraine	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	DFI Roads - 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 Applicants uncle is Cllr George Shiels, the farm business is also in Cllr Shiels name.	
Characteristics of the Site and Area <p>The proposal site is within the corner of an agricultural field located on Crew Road, Maghera. The siting is to the rear of existing farm buildings and a farm dwelling. The proposed site is bounded on the NW & NW sides by mature vegetation and hedging and the surrounding landform is undulating in nature and agricultural. There are no long or critical views of the proposal site when travelling along Crew Road or from any neighbouring public vantage points.</p>	
Description of Proposal <p>Proposed dwelling and garage on a farm.</p>	
Planning Assessment of Policy and Other Material Considerations <p>I have assessed this application under the following:</p> <p>SPSS Magherafelt Area Plan 2015 Planning Policy Statement 1 Planning Policy Statement 21 - Sustainable development in the countryside</p> <p>Consultations: - Environmental Health were asked to comment and responded on 29.03.2018 with no objections subject to advice. NI Water were asked to comment and responded on 07.03.2018 with no objections subject to advice. DfI were asked to comment and responded on 27.03.2018 with no objections subject to advice. DAERA were asked to comment and responded on 21.03.2018 stating that the farm business being used is considered active and has been established for over 6 years.</p> <p>Neighbours: - Owners/Occupiers of Nos. 28, 29, 31 & 32 Crew Road, Maghera were notified of this proposal on 13.04.2018, no representations have been received to date.</p> <p>In line with legislation this proposal was advertised in the local press on 01.02.2018, no representations have been received to date.</p> <p>This proposal is an outline application for a dwelling and garage on a farm. The application involves alteration of an existing access to a public road whereby a new access point is proposed to come out onto the Crew Road approx. 20m NE of the existing access which serves No 29 Crew Road.</p> <p>According to policy planning permission will be granted for a dwelling house in the countryside when it is in accordance with CTY 10 of PPS21. The criteria within this policy are: - - the farm business is currently active and has been established for at least 6 years;</p>	

- 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.
- 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.

Following consultation with DAERA it was able to be established that the farm business being used for this proposal is active and has been established for over 6 years and thus complies with the first criteria. In addition following a GIS database search it was able to be ascertained that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years from 15.01.2018 when the application was received.

The final criteria is that the proposed site is visually linked or sited to cluster with an established group of buildings on the farm, this proposal is sited immediately SE of the farm buildings and so adheres to this criteria. Thus the proposal adheres to CTY 10 of PPS21.

In addition to the above points this proposal should be considered against the requirements of CTY 13 - Integration and Design of Buildings in the Countryside whereby it 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.

I am satisfied a dwelling sited on the proposal site will not create a prominent feature and that the site benefits from a suitable degree of enclosure with established vegetation to NE and NW boundaries. In addition the proposal site is visually linked and sited to cluster with the established group of buildings on the farm and as such adheres to criteria.

Having considered all of the above points the proposal complies with CTY 13 of PPS21.

Finally the proposal should be assessed against the requirements of CTY 14 - Rural Character whereby it 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 an area.

I am satisfied that the proposal will not cause a detrimental change to or further erode the character of the area. It will also not create or add to a ribbon of development.

Having considered all of the above I feel this proposal is acceptable and an approval should be granted.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval recommended

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

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

5.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.

6.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.

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. Any new or existing septic tank unit being a minimum of 15metres 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.

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.

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.

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).

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 Department or other statutory authority.

2.The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.

Details of existing water and sewerage services may be obtained by submitting a Records Request application RR1-A257/A258 available at www.niwater.com/servicesfordevelopers.asp

All services within the development should be laid underground.

None of the dwellings hereby permitted shall be occupied until the (sewage disposal/drainage) works have been completed in accordance with the submitted plans.

None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.

Development shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Department.

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	15th January 2018
Date First Advertised	1st February 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 28 Crew Road Maghera Londonderry The Owner/Occupier, 29 Crew Road Maghera Londonderry The Owner/Occupier, 31 Crew Road Maghera Londonderry The Owner/Occupier, Camville Cottage 32 Crew Road Maghera	
Date of Last Neighbour Notification	13th April 2018
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2018/0064/O Proposal: Proposed dwelling and garage on a farm Address: S.E. of 29 Crewe Road, Maghera, Decision: Decision Date:	
Summary of Consultee Responses	
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: LA09/2018/0077/F	Target Date:
Proposal: Dwelling house and detached domestic garage (amended address)	Location: 40m South of 30A Crossowen Road Ballynagurragh Augher
Referral Route:	Objection received
Recommendation:	APPROVE
Applicant Name and Address: Mr Jonathan & Mrs Lisa Winser 32 Crossowen Road Ballynagurragh Augher BT77 0AX	Agent Name and Address: McCANN Architecture Castletown Fintona BT78 2BX
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

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

An objection was received from no.34 Crossowen Road.

main concerns include,

land ownership
and
incorrect address on the maps.

The address on the maps were amended

planning does not confer title, certificate A on the P1 form has been signed.

Characteristics of the Site and Area

The site comprises an irregular shaped plot of land located between numbers 30 and 30A Crossowen Road. The land is currently an agricultural field used for grazing, it slopes gradually from the south to the north. It has mature boundary vegetation along the south and east with a post and wire fence along the remaining boundaries. To the immediate north of the site is a small bungalow (no.30a) and to the rear of the site is a further bungalow and a number of large sheds. This dwelling also has a large concrete yard which seems to be used as storage for a lot of farming and building machinery.

The site lies in the open countryside outside all other areas of control. It is located a short distance to the settlement limit of Clogher. The area is predominantly rural in nature and is characterised by a scattering of single dwellings located along the roadside.

Description of Proposal

The proposal seeks full planning permission for a 6 metre high dwelling and garage on an infill site.

Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy

Dungannon Area Plan 2010

Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside.

PPS 3: Access, Movement and Parking.

PPS 21: Sustainable Development in the Countryside.

- CTY8 - Ribbon Development

Key Policy Consideration:

Strategic Planning Policy Statement- SPPS advises that the policy provisions of PPS21 Sustainable Development in the Countryside are retained.

PPS21- sustainable development in the countryside

The overarching policy for development in the countryside is PPS21. There are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 Development in the Countryside. The applicant has provided a case that the site represents a gap site within an existing built up frontage therefore will be assessed against policy CTY 8 Ribbon Development.

In considering Policy CTY8- Ribbon Development it states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 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 criteria. For the purposes 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.

It is my opinion that this gap site falls within a substantially built up frontage as it falls between a single storey dwelling and garage to the North, and a dwelling and associated garage as well as a number of large sheds to the south. The site is capable of siting a dwelling and has a plot size of similar size and scale to that of surrounding properties. Policy CTY8 is met.

Development in the countryside is also required to integrate under the provisions of policy CTY13. The proposed site is relatively well screened and will benefit of a backdrop of the large sheds to the south when travelling in either direction along Crossowen Road. The proposal seeks permission for a dwelling with a ridge of 6metres which in my view will satisfactorily integrate into this area without disrupting the rural character of the area.

The addition of one more dwelling, which will be located between an existing localised grouping, in my view will not have a detrimental impact on the rural character as it will not be extending the existing extent of development that is found in this localised grouping. In my view CTY 14 of PPS21 is not offended.

One representation was received from no.34 Crossowen Road. The main concerns include; land ownership and also hasd an issue with an incorrect address on the maps. The applicant submitted an amended map to correct the issue with the address and P1 form was also amended. With regards the issue over land ownership, planning does not confer title, certificate A on the P1 form has been signed and the applicant has stated that they are in full ownership of the land in question.

Other Policy and Material Considerations

Transport NI have no objections to this proposal subject conditions.

Environmental Health have no objections to this proposal.

Given the separation distance and orientation of the proposed dwellings I am satisfied that there will not be any significant impact on the amenities of adjacent dwellings.

Neighbour Notification Checked

Yes

Conditions

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

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

2. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4M X 33M and any forward sight line shall be provided in accordance with the RS1 form dated 23/2/18 . 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.

3.All hard and soft landscape works shall be carried out in accordance with the approved details on drawing No.2A dated 3rd May 2018 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any part of the dwelling.

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

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. 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 Infrastructure 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 Infrastructures 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 DFI Roads Service, to ensure that surface water does not flow from the site onto the public road.

REASON: In the interest of public safety and traffic management.

Provision shall be made to the satisfaction of DFI Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

REASON: In the interest of public safety and traffic management.

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

-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.

-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.

-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.

-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.

-Council 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	18th January 2018
Date First Advertised	1st February 2018
Date Last Advertised	24th May 2018
Details of Neighbour Notification (all addresses) The Owner/Occupier, 30 Crossowen Road Augher Tyrone The Owner/Occupier, 30a ,Crossowen Road,Augher,Tyrone,BT77 0AX, The Owner/Occupier, 32 Crossowen Road Augher Tyrone Patrick and Bernadette Donnelly 34 Crossowen Road, Augher, Tyrone, Northern Ireland, BT77 0AX Patrick & Bernadette Donnelly 34 Crossowen Road, Augher, Tyrone, Northern Ireland, BT77 0AX The Owner/Occupier, 34 Crossowen Road,Augher,Tyrone,BT77 0AX,	
Date of Last Neighbour Notification	10th May 2018
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2018/0077/F Proposal: Dwelling house and detached domestic garage Address: 40M South of 32 Crossowen Road,Ballynagurragh,Augher,BT77 0AX, Decision: Decision Date: Ref ID: M/2009/0164/F Proposal: Proposed replacement dwelling with roof space conversion and domestic garage to replace existing 2-storey dwelling Address: Approx 260m S W of 34 Crossowen Road Broadlane, Augher, Co Tyrone Decision: Decision Date: 01.07.2009 Ref ID: M/1980/0380 Proposal: ALTERATIONS AND IMPROVEMENTS TO FARM DWELLING Address: 34 CROSSOWEN ROAD, AUGHER	

<p>Decision:</p> <p>Decision Date:</p> <p>Ref ID: M/2013/0073/O</p> <p>Proposal: Proposed replacement dwelling and domestic garage to replace existing two storey dwelling</p> <p>Address: Approx 260m SW of 34 Crossowen Road, Broadlane, Augher,</p> <p>Decision: PR</p> <p>Decision Date: 14.06.2013</p>
<p>Summary of Consultee Responses</p> <p>DFI Roads and Environmental Health were consulted and responded with no objection subject to conditions and informatives.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01</p> <p>Type: Site Location Plan</p> <p>Status: Submitted</p> <p>Drawing No. 03</p> <p>Type: Proposed Floor Plans</p> <p>Status: Submitted</p> <p>Drawing No. 04</p> <p>Type: Proposed Elevations</p> <p>Status: Submitted</p> <p>Drawing No. 05</p> <p>Type: Garage Plans</p> <p>Status: Submitted</p> <p>Drawing No. 02A</p> <p>Type: Site Layout or Block Plan</p> <p>Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>



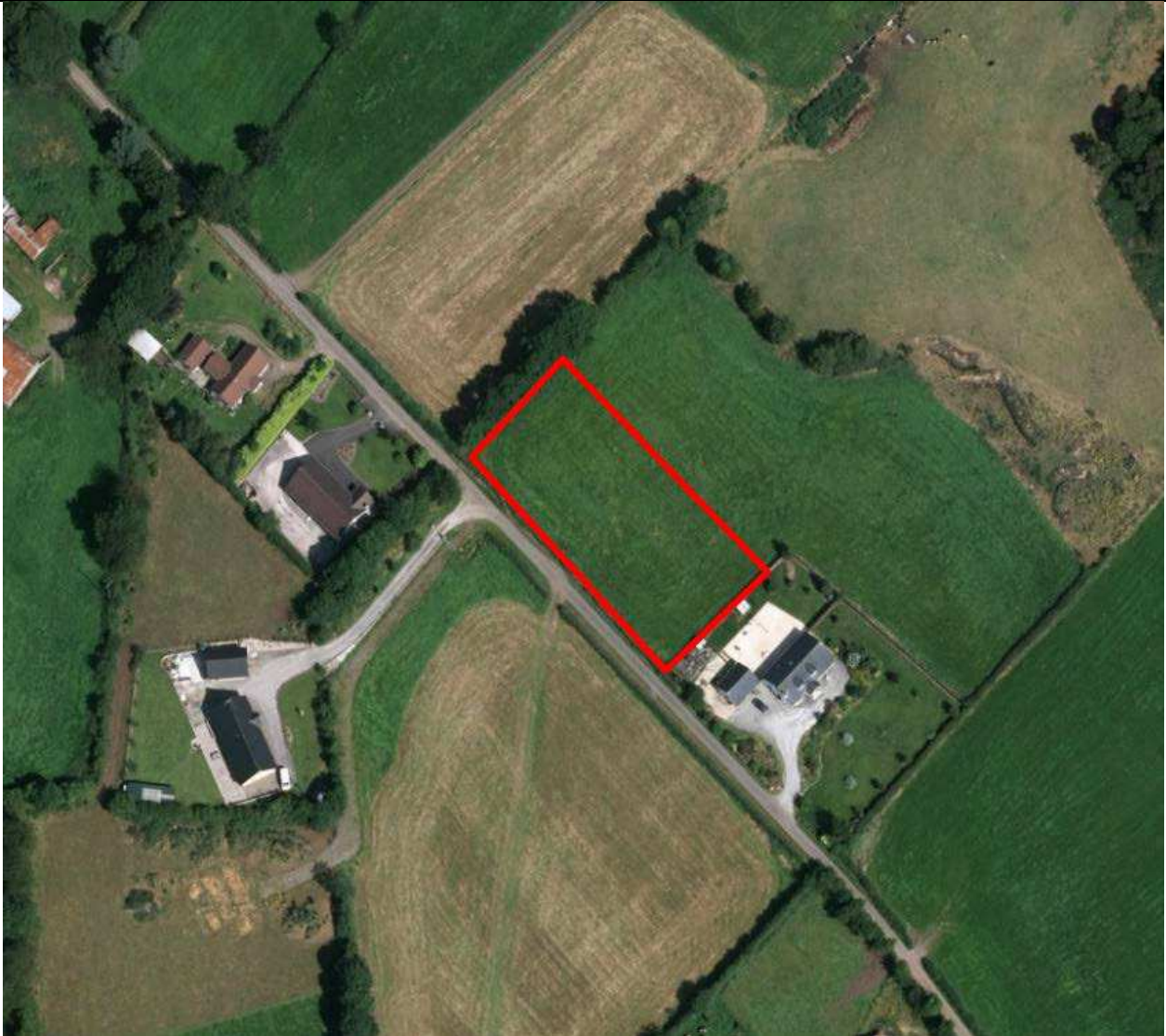
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 05/06/2018	Item Number:
Application ID: LA09/2018/0153/O	Target Date: 21/05/2018
Proposal: Proposed dwelling and garage	Location: 72m North West of 21 Whitetown Road Newmills
Referral Route: Recommendation to refuse	
Recommendation:	Refuse
Applicant Name and Address: Mr Kenneth Reid 4 Mullaghrodden Road Donaghmore Dungannon	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Representations: None Received

Description of proposal

This is an outline planning application for a dwelling and garage in the countryside.

Characteristics of Site and Area

Located approx. 1.5 km north of Newmills this triangular roadside site is adjacent and NW to No. 21 Whitetown Road. There is a roadside grass verge approx. 1 1/2m wide, behind which is a mature maintained hawthorn hedge approx 1.5m high. Land falls gently from roadside down hill, the site is part of a larger field with the NE boundary not defined, the NW boundary defined by a mature tree lined hedgerow of at least 5m in height, and the SE boundary shared with no. 21 and defined by a 2m high vertical board timber fence.

On the opposite side of Whitetown Road to the NW is a row of 3 dwellings, the end being a farm holding with associated outhouses and sheds. There is also a dwelling and garage set up a private laneway opposite the application site. The area is defined mostly by single dwellings, farm holdings and agricultural land.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Dungannon and South Tyrone Area Plan 2010: the site is located in the countryside. There are no specific plan policies that apply to this proposal and the policy provisions SPPS and PPS21 apply.

Planning History

The applicant has provided a map showing land within his ownership. Field No. 13 has a planning permission M/2005/0978/F- permission granted for dwelling and garage (applicant Mr Gary Dougan). From aerial photos there seem to be foundations of a dwelling in situ but is is not know if this dwelling has been lawfully commenced, or, if the site is within the ownership of the applicant.

Objections

No 3rd party planning objections have been received

Key Planning Policy and consideration

When this proposal was first received by the Planning Authority it was accompanied by a personal circumstance case, details which can be discussed in closed session at Planning Committee.

There are specific reasons where a dwelling in the countryside is considered acceptable and these are listed in PPS21, with one reason being personal and domestic circumstances. CTY6 will permit a dwelling in the countryside where it can be prove that there are site specific reasons, that genuine hardship can be demonstrated and that there are no alternative sites/solutions to meet the particular needs of the person. From the information provided I am of the view that the personal circumstances threshold for a dwelling in the countryside has not been demonstrated in this instance.

On discussion with the applicant, land on the opposite side of the road under his ownership may provide an infill opportunity which would meet the policy criteria of CTY8- Ribbon Development. This, according to the applicant, was not a suitable option.

Through further discussion, the applicant was given an opportunity to demonstrate a farming case, which needs to meet the policy criteria of CTY10.

3 key policy tests have to be met for a dwelling on a farm to be considered acceptable;

The first test is that the farm business is both established for at least 6 years and currently active. In their reply dated 23rd May 2018 DAERA indicate that the farm business ID presented is both established for a period of 6 years and has been in receipt of Single Farm Payment (SFP) until 2014. DAERA state that SFP is now being claimed by a different business ID. On discussion, it is agreed that although the applicant is not currently claiming SFP on the land, he does have a farm business number and while he is not personally responsible for the upkeep of the land, the land is still being kept in good agricultural quality and is therefore active.

The second part of the policy is that no dwellings or development opportunities have been sold off the farm holding within 10 years from the date of the application (from 25.11.2008). No. 21 has been sold within 10 years of this proposal being submitted therefore is contrary to policy. The status of permission M/2005/0978/F is not clear as it has not been demonstrated if this site belongs to Kenneth Reid or if it has been sold from the holding from 25th November 2008.

The final test is that the proposed dwelling should visually link or be sited to cluster with an established group of buildings in the countryside. The site is located adjacent to the applicant's

former dwelling and associated garage/shed. Policy CTY10 does not allow clustering or visual linkage with a group of buildings not associated with the holding, therefore this part of the policy has also not been met. In cases such as this the Planning Authority takes the view that where no buildings on the holding exist, but meets all other criteria under CTY10, then a site that integrates and does not have a detrimental impact on rural character is considered to be an acceptable solution. In my view a dwelling of 5.5m ridge will integrate onto this site and will not have a detrimental impact on the rural character of this area due to screening from existing vegetation and buildings.

The proposal will not offend policy CTY13 or 14 of PPS21. Retention of as much roadside hedge can be conditioned along with new planting, as can the retention of the NW boundary. Further planting to the NE will also assist with integration into the landscape.

Other considerations

DfI Roads have no objections to the proposal subject to 2.4m x 70m sightlines in both directions. No details of design have been submitted as this is an outline planning application. The site is not subject to flooding and there are no contamination, human health or ecology issues to consider.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission be refused for the following reason.

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 other dwellings or development opportunities have not been sold off from the farm holding within 10 years of the date of the application. Please note this provision will only apply from 28 November 2008 and will not apply to opportunities sold off before that date.

Signature(s)

Date:

ANNEX	
Date Valid	5th February 2018
Date First Advertised	22nd February 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 20a ,Whitetown Road,Dungannon,Tyrone,BT71 4ES, The Owner/Occupier, 21 Whitetown Road Dungannon Tyrone The Owner/Occupier, 24 Whitetown Road,Dungannon,Tyrone,BT71 4ES,	
Date of Last Neighbour Notification	16th February 2018
Date of EIA Determination	NA
ES Requested	No
Planning History Ref ID: LA09/2018/0153/O Proposal: Proposed dwelling and garage Address: 72m North West of 21 Whitetown Road, Newmills, Decision: Decision Date:	

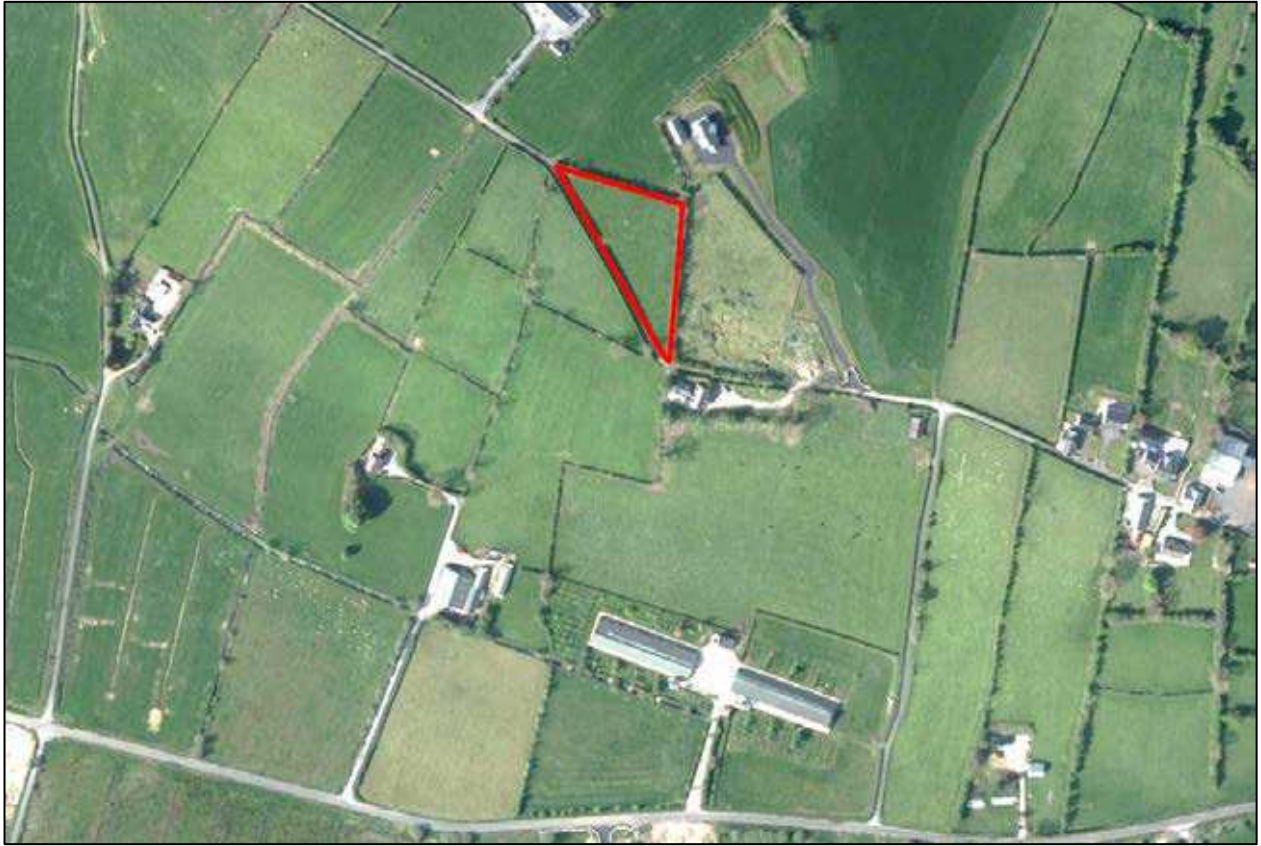


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 05/06/2018	Item Number:
Application ID: LA09/2018/0233/O	Target Date:
Proposal: Proposed dwelling max ridge height 7.5m and detached domestic garage	Location: Approx 60m North West of 62 Annaghmakeown Road Dungannon
Referral Route: Refusal is recommended.	
Recommendation:	Refuse
Applicant Name and Address: Connor McGurk 25 Finulagh Road Castlecaulfield Dungannon	Agent Name and Address: Donnelly Design Services 8 Devesky Road Carrickmore Omagh BT79 9BU
Executive Summary: Outline application for proposed dwelling and garage. The proposal is deemed contrary to the policy provision contained within Policy CTY 10 and CTY 13 of PPS 21 in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and it does not merit being considered as an exceptional case. A previous outline permission on this site expired on 20/01/2009.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

DFI Roads, DAERA and NI Water were consulted on this application and returned comment. No letters of objection have been received and all other material considerations have been addressed within the determination below.

Characteristics of the Site and Area

The proposal is located on the Annaghmakeown Road, some 1.1km to the north west of Castlecaulfield and 3km south west of Donaghmore, Co. Tyrone. The proposal is located within the countryside as identified within the Dungannon and South Tyrone Area Plan 2010.

The site is situated within a triangular shaped agricultural field which fronts on to the Annaghmakeown Road. The site is in close proximity to a number of existing dwellings, including No. 59 Annaghmakeown Road to the immediate north, and No. 62 to the south, on the opposite side of Annaghmakeown Road. It is noted that there is a consented scheme to the east of the application site and foundation works have commenced.

In terms of site boundaries, each of the site boundaries are made up of mature vegetation and tree lined hedgerows. The elevation of the site is relatively flat and from a wider perspective the site is located at the top of a local drumlin which reduces in elevation to the south of the site and down towards the Finulagh Road.

Description of Proposal

The proposal is an outline planning application relating to the provision of a dwelling and garage on the application site at lands approx. 60m North West of 62 Annaghmakeown Road, Dungannon.

The applicant has highlighted that the proposal is for a dwelling on a farm and has supplied a completed P1C form with accompanying farm maps. The proposed site is highlighted in red on Drawing No. 01 dated 19/02/2018.

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. Dungannon and South Tyrone Area Plan 2010.
3. Planning Policy Statement (PPS) 3 – Access, Movement and Parking.
4. PPS 21 – Sustainable Development in the Countryside.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no third party objection has been received – see consideration below.

Assessment

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 21 and PPS 3 has been retained under transitional arrangements.

Policy CTY 1 of PPS 21 identifies that there are 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 such type is a dwelling on a farm in accordance with Policy CTY 10.

Policy CTY 10 identifies that planning permission will be granted for a dwelling on a farm where three policy tests are met (a-c).

The proposal is located on farm land and DAERA have confirmed that the farm business ID, as quoted on the P1C Form to accompany the application, is active and has been established for a period in excess of 6 years. On this basis, I am content that the first policy test has been met.

I have carried out a check of the farm land as annotated on the farm maps which have been provided with the application and I am content that no dwelling or development opportunities have been sold off the farm holding within 10 years of the date of the application. I am content that the second policy test has been met.

The third policy test identifies that the new building should be 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 policy clarifies that consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out farm, and where there are either demonstrable health and safety reasons, or verifiable plans to expand the farm business at the existing building group(s).

The application site is located some 140m north of the applicant's home farm dwelling and associated farm buildings. The applicant has asserted that there is no other suitable site at the main group of buildings on the farm and that this area is unsuitable due to its proximity to 2 no. neighbouring poultry units which are located to the east of the farm buildings. The applicant has outlined that the lands around the home farm buildings at 25 Finulagh Road are not suitable as they fall within an area subject to flooding and would raise health and safety concerns due to close proximity to the aforementioned poultry units. The applicant also makes the assertion that the proposed site is visually linked to the existing farm buildings. Finally, the applicant also notes that there was a previous approval on this site for a dwelling under planning reference M/2005/0993/O.

In consideration of the points noted by the applicant I visited the home farm buildings whilst visiting the site. Having visited the site and checked the flood map for the area, I do not see any reason why a dwelling could not be sited in close proximity to the group of farm buildings at 25 Finulagh Road, whilst also utilising the existing access arrangement. A proposed dwelling could be located to the north of the applicant's home house at No. 25 and be sited a further distance away from the operational poultry units, as well as being outside of the flood plain which is located to the south of No. 25.

In terms of the assertion that the proposed site benefits from having a visual linkage with the group of farm buildings on the holding, I am not persuaded that this is the case. The application site is located to the north and on a more elevated position. From the critical views along Finulagh Road and Annaghmakeown Road I am not content that a visual link or association between the application site and existing farm group exists. No. 62 Annaghmakeown Road is situated to the south of the application site and to the north of the existing farm buildings, this, along with the topographical makeup of the land, detracts from the ability to link the proposed dwelling with the existing farm group.

With regard to the previous planning approval on the site (M/2005/0993/O) I note that this permission expired on 20/01/2009. This application was considered under a previous planning policy context, which was primarily centred on integration. As the previous planning consent has now expired the current application must be considered under prevailing planning policy.

On the basis of that above I am not satisfied that the proposal meets with the third policy test outlined in CTY 10 of PPS 21. It has not been demonstrated that the dwelling is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane. It does not merit being considered as an exceptional case as verifiable plans do not exist to expand the farm business and demonstrable health and safety reasons have not been presented to justify an alternative site not visually linked or sited to cluster with the established group of buildings on the farm.

CTY 13 & 14

In addition to the three main policy tests outlined under Policy CTY 10, Proposals for a dwelling on a farm must also meet the requirements of Policy CTY 13 and CTY 14 of PPS 21.

Policy CTY 13 outlines 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. CTY 13 outlines seven criteria by which new development in the countryside should comply with. Although this site is on the skyline it should be noted that a previous permission in 2005 accepted it in terms of integration.

CTY 14 outlines 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 an area. I am content that the proposal is not sited in an area which would make it unduly prominent and that it would not have a significant negative impact on the rural character of this area. The location of surrounding dwellings reduces the sensitivity of this area in terms of impact on rural character. It is noted however that the design and siting of any dwelling on this site would need to be proportionate in size/scale to the surrounding built context. I am satisfied that the proposal complies with the policy criteria outlined in Policy CTY 14 of PPS 21.

Amenity

The proposal is sited in an area of the countryside which benefits from a fairly extensive site area. I find that a dwelling could be accommodated within the site area, without having a significant negative impact on any neighbouring dwellings in this area.

PPS 3

DFI Roads were consulted on this application as the competent authority in assessing the application from a road safety perspective. DFI Roads returned comment on the file highlighting that they were content with the proposal subject to condition. On this basis I am satisfied that the proposal can provide a satisfactory means of access and that it complies with the policy provision contained within PPS 3 – Access, Movement and Parking.

Conclusion

On the basis of the assessment above I consider that this proposal does not meet with the requirements contained within prevailing planning policy and I recommend that the application is refused outline planning consent.

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

Members are advised that the proposal does not meet with the requirements of applicable/prevaling planning policy and refusal is recommended – for the reasons documented below.

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and is not accessed via an existing lane.

Signature(s)

Date:

ANNEX																																									
Date Valid	19th February 2018																																								
Date First Advertised	8th March 2018																																								
Date Last Advertised	8th March 2018																																								
Details of Neighbour Notification (all addresses) The Owner/Occupier, 59 Annaghmakeown Road, Dungannon, Tyrone, BT70 3DD, The Owner/Occupier, 62 Annaghmakeown Road Dungannon Tyrone																																									
Date of Last Neighbour Notification	28th February 2018																																								
Date of EIA Determination	N/a																																								
ES Requested	No																																								
Planning History Ref ID: LA09/2018/0233/O Proposal: Proposed dwelling max ridge height 7.5m and detached domestic garage Address: Approx 60m North West of 62 Annaghmakeown Road, Dungannon, Decision: Decision Date: Ref ID: M/2005/0993/O Proposal: Erection of dwelling & domestic garage Address: Approx. 70m North West of 61 Annaghmakeown Road Castlecaulfield Decision: Decision Date: 20.01.2006																																									
Summary of Consultee Responses <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.9em;"> <thead> <tr style="background-color: #d3d3d3;"> <th colspan="8" style="text-align: left; padding: 2px;">CONSULTATION RESPONSES</th> </tr> <tr style="background-color: #d3d3d3;"> <th style="width: 10%;">Consultn Type</th> <th style="width: 15%;">Consultee</th> <th style="width: 10%;">Consulted</th> <th style="width: 10%;">Target Reply</th> <th style="width: 10%;">Rev Target</th> <th style="width: 10%;">Date Reply</th> <th style="width: 20%;">Response</th> <th style="width: 15%;">Response Type</th> </tr> </thead> <tbody> <tr> <td>Non Statutory</td> <td>DAERA - Omagh</td> <td>28.02.2018</td> <td>21.03.2018</td> <td></td> <td>23.03.2018</td> <td>Substantive Respc</td> <td>Final Substantiv</td> </tr> <tr> <td>Statutory</td> <td>DFI Roads - Enniskillen</td> <td>28.02.2018</td> <td>21.03.2018</td> <td></td> <td>21.03.2018</td> <td>Advice</td> <td>Final Substantiv</td> </tr> <tr> <td>Non Statutory</td> <td>NI Water - Single Units</td> <td>28.02.2018</td> <td>21.03.2018</td> <td></td> <td>01.03.2018</td> <td>No Objection</td> <td>Final Substantiv</td> </tr> </tbody> </table>		CONSULTATION RESPONSES								Consultn Type	Consultee	Consulted	Target Reply	Rev Target	Date Reply	Response	Response Type	Non Statutory	DAERA - Omagh	28.02.2018	21.03.2018		23.03.2018	Substantive Respc	Final Substantiv	Statutory	DFI Roads - Enniskillen	28.02.2018	21.03.2018		21.03.2018	Advice	Final Substantiv	Non Statutory	NI Water - Single Units	28.02.2018	21.03.2018		01.03.2018	No Objection	Final Substantiv
CONSULTATION RESPONSES																																									
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Non Statutory	NI Water - Single Units	28.02.2018	21.03.2018		01.03.2018	No Objection	Final Substantiv																																		

Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: N/A Response of Department: N/A



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 th June 2018	Item Number:
Application ID: LA09/2018/0261/O	Target Date: 11 th June 2018
Proposal: Proposed dwelling and garage	Location: Land to rear of 45 Lissan Road Cookstown
Referral Route: 1 no. objection received and the application is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Gary McIvor 27 Killygarvin Road Dungannon	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary: Proposal fails to comply with Policy QD 1 of PPS 7 and Policy LC 1 of the Addendum to PPS 7. It represents the overdevelopment of a restricted site, it does not respect the character and layout of the residential area in which it is located, it fails to provide adequate and appropriate private amenity space and it will impact on nearby residential amenity in terms of loss of privacy, overlooking, and loss of light. 1 objection was received in which similar issues were raised and in my opinion are substantiated.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

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

Summary of Issues

To date there has been 1 objection to this application. This has been submitted by the occupants of number 27 The Ash, which is the dwelling which is located along the Northern site boundary.

The issues raised in this objection are summarised as follows:

1. Overdevelopment
2. Assuming the dwelling will be two storey, it will have an over bearing effect on number 27
3. Loss of light into the rooms at the rear of number 27
4. Overshadowing on the private rear amenity space of number 27
5. Loss of privacy
6. Objector was not permitted to change his dwelling to a two storey due to the impact it would have from overlooking into the garden of number 45 Lissan Close
7. Objector states that there are plenty of new build houses in the area that would meet the need for accommodation in this area
8. Impact on his human rights /private family life in accordance with Article 8 of the ECHR

The above issues have been fully considered in my policy assessment below and I would agree that the proposed development represents the overdevelopment of a restricted site, it has the potential to have an over bearing effect if it was approved as a two storey dwelling and it will cause loss of privacy, loss of light and overshadowing due to the limited separation distance of 8m between proposed and existing properties.

Characteristics of the Site and Area

The application site is a 0.1 hectare rectangular plot of land located at number 45 Lissan Road Cookstown. It is within the development limits of Cookstown as defined in the Cookstown Area Plan 2010. On the site is two storey detached dwelling and associated front and rear amenity space. The site is defined along its Southern boundary with thick domestic vegetation. Its Northern boundary is defined by two detached dwellings and boundary treatments of a wooden fence on top of a concrete wall (approx. 2m in height) along with some thick domestic hedging (approx. 1.5m in height).

The area is characterised by a residential land use. It has medium density and dwellings are predominantly detached on fairly generous sized plots. There is a mix of two storey dwellings, bungalows and chalet type bungalows. There are 2 semi-detached dwellings to the immediate West of the site and some further to the SW.

Description of Proposal

This is an outline application which proposes to erect a detached dwelling and garage in the rear garden of the dwelling located at number 45 Lissan Close. An indicative site layout has been submitted. It is unclear whether the footprint shown is just for the dwelling or if it incorporates an integral garage. A similar application for a dwelling and garage on this site was refused by the Department on the 2nd June 2006 under I/2005/1202/O. This application was refused under policy QD1 of PPS 7 and PPS 3.

Planning Assessment of Policy and Other Material Considerations

The relevant policy considerations in assessing this application are:

- Cookstown Area Plan 2010
- SPPS Strategic Planning Policy Statement for Northern Ireland
- PPS 3 Access, Movement and Parking
- PPS 7 Quality Residential Environments
- PPS7 (Addendum) - Safe Guarding the Character of Established Residential Areas
- Creating Places
- DCAN 8 Housing in Existing Urban Areas

Cookstown Area Plan 2010

This site is within the development limits of Cookstown. It is outside the Town Centre boundary and it is not subject to any zonings or designations. In terms of principle, a dwelling in this residential location would be generally acceptable. The plan does however states that there should be a high standard of layout and design within all housing areas. On this basis I do have concern that the proposed layout as shown on the indicative plan is not representative of the layout and character of the immediate residential area. This will be explored further in my report.

SPPS Strategic Planning Policy Statement for Northern Ireland

The SPPS gives provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policies will be applied, namely PPS 7.

PPS 3 Access, Movement and Parking

It is proposed to access this dwelling via a new access coming off the Southern site boundary. DFI Roads have been consulted with this new access proposal and have no objections subject to a 1:500 plan being submitted as part of a Reserved Matters Application. It would appear from the site layout that adequate in-curtilage parking for 2 vehicles could be accommodated. I am therefore content that this proposal is in compliance with the policy provisions of PPS 3.

PPS 7 - Quality Residential Environments

PPS 7 is a material planning policy consideration for this type of development in an urban setting. All proposals for residential development will be expected to conform to a number of criteria laid out in the policy. I will deal with these as they appear in the policy.

The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas - This area is characterised predominantly by detached dwellings on fairly generous plots. Each dwelling has adequate private amenity space behind the building line. It is proposed to erect a detached dwelling in the rear garden of number 45 Lissan Road. Whilst number 45 will still have an acceptable amount of rear amenity space remaining it is my opinion that a dwelling in this location doesn't respect the character and layout of dwellings in this area. It could be regarded as overdeveloping this small restricted site. The previous application on this site (I/2005/1202/O) was refused for this same reason. There has been no change in policy or in the site since that previous application was decided.

Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development - The site is not within an area of archaeological importance nor is it adjacent to any Listed Buildings therefore I have no concerns in this regard.

Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area - Public open space is not a requirement for this type of proposal. It is indicated that a garden area/private amenity area of 138m² is being provided. This is in excess of the 70m² average promoted in Creating Places, however, the private amenity being provided is predominantly to the side of the dwelling and not behind the building line as is advised in paragraph 5.19 of Creating Places. The dwellings in this immediate area all have adequate private amenity space behind the building line. For this reason I do not think this proposal provides an acceptable amount of appropriate private open space. Proposed planting is only proposed through the middle of the site and that is for the purposes of defining the curtilage of the proposed dwelling and separating it from number 45. Any existing boundary vegetation is shown to be removed which will open the site up.

Adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development - I am dealing solely with

an application for a single dwelling in which local neighbourhood facilities in their own right would not be required.

A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures - As the site is in a Town location there is an existing movement pattern in the immediate area. DFI Roads have no objections to the proposal.

Adequate and appropriate provision is made for parking - It would appear from the site layout that adequate in-curtilage parking for 2 vehicles could be accommodated. DFI Roads have raised no concerns in respect of parking.

The design of the development must draw upon the best local traditions of form, materials and detailing - This is an outline application and a detailed design is not being assessed at this stage.

The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance - Paragraph 7.16 of Creating Places advises that there should be a minimum separation distance of 10m between the rear of new houses and the common boundary. This proposal indicates a 8m separation distance between the rear of the proposed house and the rear wall of number 27 The Ash. This is not acceptable and would result in a loss of privacy, light and potential over shadowing at number 27. It is not clear from the application if the proposed dwelling is single storey or two storey. If it were two storey there would be obvious overlooking concerns due to the limited separation distance involved.

The development is designed to deter crime and promote personal safety - I am satisfied that the dwelling is in an established residential location where there are enough dwellings close by to deter crime to some degree. Street lighting currently exists in the area which promotes personal safety especially at night time.

On the basis of the above assessment it is clear that the proposal under consideration fails to comply with all the criteria set out in policy QD 1 of PPS 7.

PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas

Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity states that the pattern of development is in keeping with the overall character and environmental quality of the established residential area. It is my opinion that this proposal represents the overdevelopment of a restricted site. It does not respect the existing plot sizes, ratio of built form to garden area and spacing between buildings commonly found in this part of Cookstown. As such it fails to comply with policy LC 1.

Taking all of the above into consideration as well as the planning refusal for a similar proposal on this site I would recommend refusal of this application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Proposal fails to comply with Policy QD 1 of PPS 7 and Policy LC 1 of the Addendum to PPS 7. It represents the overdevelopment of a restricted site, it does not respect the character and layout of the residential area in which it is located, it fails to provide adequate and appropriate private amenity space and it will impact on nearby residential amenity in terms of loss of privacy, overlooking, and loss of light. 1 objection was received in which similar issues were raised and in my opinion are substantiated.

Refusal Reasons

1.The proposal is contrary to Policy QD 1 of Planning Policy Statement 7, Quality Residential Environments in that:

- The proposal fails to respects the surrounding context and is not appropriate to the area in terms of layout.
- The proposal fails to provide appropriate private open space as an integral part of the development.
- The proposal fails to respect neighbouring amenity and if erected it would result in unacceptable overlooking, loss of light and overshadowing.

2. The proposal is contrary to Policy LC 1 of PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas in that the pattern of development is not in keeping with the overall character and environmental quality of the established residential area. The proposal if erected would represent overdevelopment of a restricted site, result in harm to neighbouring amenity by reason of overlooking, loss of light and overshadowing.

Signatures(s)

Date:

ANNEX	
Date Valid	26th February 2018
Date First Advertised	15th March 2018
Date Last Advertised	15th March 2018
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Lissan Close, Cookstown, Tyrone, BT80 8DP, The Owner/Occupier, 25 The Ash, Cookstown, Tyrone, BT80 8TR, The Owner/Occupier, 26 The Ash, Cookstown, Tyrone, BT80 8TR, Ivan Black 27 The Ash, Cookstown, Tyrone, Northern Ireland, BT80 8TR The Owner/Occupier, 27 The Ash, Cookstown, Tyrone, BT80 8TR, The Owner/Occupier, 39 Lissan Road, Cookstown, Tyrone, BT80 8EW, The Owner/Occupier, 41 Lissan Road, Cookstown, Tyrone, BT80 8EW, The Owner/Occupier, 43 Lissan Road, Cookstown, Tyrone, BT80 8EW, The Owner/Occupier, 45 Lissan Road, Cookstown, Tyrone, BT80 8EW, The Owner/Occupier, 47 Lissan Road, Cookstown, Tyrone, BT80 8EW,	
Date of Last Neighbour Notification	5th April 2018
Date of EIA Determination	N/A
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/0261/O Proposal: Proposed dwelling and garage Address: Land to rear of 45 Lissan Road, Cookstown, Decision: Decision Date: Ref ID: I/1989/0039 Proposal: Proposed Bungalow and Garage and Alterations to Estate Road layout	

Address: 2 ASHLEA & THE ASH COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2003/0845/F

Proposal: Proposed extension to dwelling

Address: 25 The Ash Cookstown

Decision:

Decision Date: 15.11.2003

Ref ID: I/1999/0349

Proposal: Dwelling and Domestic garage

Address: 27 THE ASH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1996/0481

Proposal: Dwelling and garage

Address: 27 THE ASH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1994/0488

Proposal: Housing Development (Amended Layout)

Address: REAR OF 35 LISSAN ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1988/0308

Proposal: 4No Dwellings

Address: LISSAN ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2005/1202/O

Proposal: Proposed site for dwelling & garage.

Address: Rear of 45 Lissan Road, Cookstown.

Decision:

Decision Date: 02.06.2006

Ref ID: I/2002/0756/F

Proposal: Proposed domestic garage

Address: 1 Lissan Close, Cookstown

Decision:

Decision Date: 22.02.2003

Ref ID: I/2008/0506/F

Proposal: Proposed single storey extension to rear of dwelling

Address: 26, The Ash Cookstown

Decision:

Decision Date: 16.09.2008

Ref ID: I/1998/0308

Proposal: Erection of 2 no. dwellings

Address: SITES 24 & 26 THE ASH COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1996/0456

Proposal: Dwelling and garage

Address: THE ASH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1976/0220

Proposal: PRIVATE HOUSING ESTATE

Address: OFF COOLREAGHS ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1981/0029

Proposal: RESIDENTIAL DEVELOPMENT

Address: OFF COOLREAGHS ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1981/002901

Proposal: RESIDENTIAL DEVELOPMENT

Address: OFF COOLREAGHS ROAD, COOKSTOWN

Decision:

Decision Date:

Summary of Consultee Responses

DFI Roads – No objections to the proposal

Drawing Numbers and Title
Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted 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: 5 th June 2018	Item Number:
Application ID: LA09/2018/0279/F	Target Date: 14 th June 2018
Proposal: Proposed replacement dwelling and garage	Location: Land approx. 280m North of 34 Sessiagh Scott Road Dungannon BT70 3JT.
Referral Route: 2 no. objections received	
Recommendation:	APPROVE
Applicant Name and Address: Mr Kenneth Hazelton 40a Agharan Road Newmills Dungannon BT71 4HQ	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary: Proposal complies with all criteria contained within Policy CTY 3 (Replacement Dwellings) of PPS 21. Two objections have been received raising issues about road safety and provision of sight splays. The proposal involves the use of an existing unaltered access and there will be no intensification of use. A condition to retain existing boundaries will be required.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations: None carried out

Consultation Type	Consultee	Response
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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

To date there have been 2 no. objections to this application.

1. One has been submitted by the occupants of number 34 Sessiagh Scott Road, Peter and Geraldine McCormack. The issues raised in their objection letter are summarised as follows:

- They will not be providing their land for sight lines.
- They intend to expand their outbuildings at this location.
- They want to advise of recent accidents at this location due to high volumes of traffic travelling at high speeds.

2. The second objection has been submitted by Connor and Grainne Harte (no address supplied). The issues raised in their objection letter are summarised as follows:

- They want to advise of recent accidents at this location due to traffic travelling at high speeds.
- There are no sight splays at the end of laneway
- The laneway is dangerous to exit

The issues raised in these objections are centred on vehicle movements, speeds and sight splays. This application is for a replacement dwelling where there will be no intensification of the use of the access. As advised in DCAN 15 (paragraph 1.2) intensification is considered to occur when a proposed development would increase the traffic flow using an access by 5% or more. This is not the case as the existing access remains to be used as an access to one dwelling house. As there will be no intensification therefore there is no requirement to provide or improve sight splays nor is there a requirement for the Council to consult with DFI Roads Service. Reference was also made to possible future expansion of outbuildings. There are currently no planning applications being considered by MUDC for this future expansion nor has any contractual evidence being provided relating to such expansion.

Characteristics of the Site and Area

The application site is located at the end of a long laneway approximately 280m North of number 34 Sessiagh Scott Road, Rock, Dungannon. It is outside the development limits of any settlement defined in the Cookstown Area Plan 2010 and is approx. 0.5 miles to the West of Rock village. On the site is a derelict building that has a two storey element and a single storey element. Window and door openings are evident. The windows are void of any glazing. There is a chimney extending from the roof and the roof is only partially intact. The building is surrounded by mature leafy vegetation. To the immediate South of the site is a large agricultural building approximately 5m in height. The surrounding area is characterised undulating agricultural land. There is a low development pressure in the area with the predominant form of development being single dwellings and agricultural buildings. Where the laneway meets the Sessiagh Scott Road there is a detached dwelling, number 34 and a large agricultural shed. To the immediate SE of the shed is a newly constructed detached dwelling.

Description of Proposal

This is a full planning application to replace the existing dwelling with a large 2 ½ storey detached dwelling measuring 16m in length, 9m in height and 12m in depth. It has a hipped roof and includes a large hipped roof double garage to the rear connected to the main house via a link room. The roof will be finished in blue/black natural slate, the walls in a smooth painted plaster, windows in white upvc and gutters in white upvc. There is no planning history on the site.

Planning Assessment of Policy and Other Material Considerations

The primary policy considerations are as follows:

- Cookstown Area Plan 2010
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS21 - Sustainable Development in the Countryside

Cookstown Area Plan 2010

This site is outside any settlement defined in the Cookstown Area Plan, therefore relevant existing planning policy must be adhered to.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable 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. The SPPS gives specific provision for development in the countryside subject to a number of policy provisions. This includes Replacement Dwellings. There has been no change in policy direction in the SPPS in respect of Replacement Dwellings therefore CTY 3 of PPS 21 remains my primary policy consideration in this assessment.

PPS21 - Sustainable Development in the Countryside

Policy CTY 3 of PPS 21 grants planning permission for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. Following my site inspection on the 16/05/18 I am satisfied that the building to be replaced does currently exhibit the essential characteristics of a dwelling in that it has, amongst other features, window and door openings and a chimney extending from the ridge line. All external structural walls appear to be intact and the roof is partially intact. I am 100% satisfied that this building was last used as a dwelling.

Policy CTY 3 also contains additional criteria for Non-Listed Vernacular Dwellings and Listed Dwellings. On the basis of advice provided in Annex 2 of PPS 21 it is my opinion that the dwelling to be replaced is not vernacular. Furthermore it is not a Listed Building.

All applications for replacement dwellings under CTY 3 must adhere to 5 additional criteria.

The new dwelling should be sited within the established curtilage unless the curtilage is overly restrictive or an alternative location offers other benefits. The proposed dwelling, whilst being sited slightly to the rear of the existing dwelling, will remain to be sited within the established curtilage which is defined by thick mature vegetation.

The size of the new dwelling should not have a significantly greater visual impact than the existing dwelling. The new dwelling very clearly is of a much greater scale and massing than the existing, however the test here is whether it has a significantly greater visual impact. This should be assessed from various public vantage points along the Sessiagh Scott Road. There will be no views of the new dwelling when travelling in a NW direction along the Sessiagh Scott Road. When travelling in a SE direction along this road there will be some long distance views of the roof of the dwelling. These will be filtered by existing vegetation. On this basis it is my opinion that the proposed dwelling will not have a significantly greater visual impact than the existing dwelling. The vegetation defining the site curtilage will of course have to be conditioned to be retained.

Design should be of high quality. The proposed dwelling is large in scale and massing. Windows are small and have a vertical emphasis. It has a single storey flat roof porch extending from the front elevation. The external finish is smooth painted plaster and roof, which is hipped, will be finished in blue/black natural slate. A hipped roof is considered to be a more urban design feature and would not normally be acceptable on a rural road side site, however, given the fact this site is

located up a long laneway with good boundary treatment and is subject to only limited critical views I have no objections to the proposed design.

All services are available or can be provided without significant impact on the environment.

The applicant has indicated on his P1 form that water will be supplied via Mains and foul sewage will be disposed into a septic tank. These methods will be subject to their own approvals from NIW and Environmental Health.

Access the public road will not prejudice road safety or significantly inconvenience the flow of traffic. This proposal involves the use of an existing unaltered access where there will be no intensification therefore road safety will not be prejudiced and traffic flow will not be inconvenienced.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Based on the above assessment I am satisfied that this proposal complies with CTY 3 of PPS 21 and I recommend that this application be approved subject to conditions. Objections have been considered fully.

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 construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, coloured green on the approved plan 01, date stamped 1st March 2018 is demolished, all rubble and foundations have been removed in accordance with the details on the approved plans.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

3. The existing vegetation along the entire site boundaries shall be retained.

Reason: To assist the integration of this dwelling on the site

Signature(s)

Date:

ANNEX	
Date Valid	1st March 2018
Date First Advertised	15th March 2018
Date Last Advertised	15th March 2018
Details of Neighbour Notification (all addresses) The Owner/Occupier, 33 Sessiagh Scott Road,Dungannon,Tyrone,BT70 3JT, The Owner/Occupier, 34 Sessiagh Scott Road Dungannon Tyrone Peter and Geraldine McCormack 34 Sessiagh Scott Road, Dungannon, Tyrone, Northern Ireland, BT70 3JT Connor and Grainne Harte No Address Supplied	
Date of Last Neighbour Notification	5 th April 2018
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2018/0279/F Proposal: Proposed replacement dwelling and garage Address: Land approx. 280m North of 34 Sessiagh Scott Road, Dungannon, BT70 3JT., Decision: Decision Date:	
Summary of Consultee Responses None carried out	

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 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: LA09/2018/0394/F	Target Date:
Proposal: Development of 3 no terrace dwellings and 2 no apartments	Location: 16-20 Lawford Street Moneymore
Referral Route: Objection received	
Recommendation: Approval	
Applicant Name and Address: PAD (NI) Ltd 10 Union Street Cookstown BT80 8NN	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Historic Environment Division (HED)	Content

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

Objection received from Ms Mairead McGuiggan of 14 Lawford Street, Moneymore

Characteristics of the Site and Area

The application site is Nos. 16-20 Lawford Street, Moneymore. The site is at the junction of Lawford Street and Turnaface Road. The site is located within the settlement limit of Moneymore within the designated conservation area. The previous development within the site has been demolished. Views of the site are of the Church on the opposite side of Turnaface Road, terraced 2 storey dwellings on the opposite side of Lawford Street. There is a detached bungalow to the west of the site and 2 storey dwellings to the south of the site along Lawford Street.

The surrounding design would be of a simple and traditional design being simple in form and scale.

The land to the west of the proposal site sits at a lower level than that of the proposal site.

Description of Proposal

Development of 3 terrace dwellings and 2 no. apartments.

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Plannig Policy Statement 6 - Archaeological Policy Requirements

Creating Places

Planning Policy Statement 7 - Quality Residential Environments

Planning Policy Statement 3 - Access, Movement and Parking.

Site History - I/2007/0397/F - approval granted 19th May 2010 for 4 no. 2 bedroom 2 storey apartments _ 1 No 2 storey townhouse.

Consultees: - Environmental Health were asked to comment and responded on 18.04.2018 with no objections to the proposal subject to advice.

NI Water were asked to comment and responded on 16.04.2018 with no objections to the proposal subject to advice.

HED were asked to comment and responded on 13.04.2018 with no objections

Transportni were asked to comment and responded on 11.04.2018 with no objections to the proposal subject to conditions.

Neighbours: - Owners/Occupiers of Nos. 7, 9, 10, 11, 12, 13, 14, 15, 17, 19, 21,22, 23, 25, 27, 29 and No. 2 Turnaface Road were notified on 11.04.2018.

Correspondence was received from Mairead McGuiggan of No 14 Lawford Street. Within this Ms McGuiggan expresses her concern as to how the proposal will affect the boundary wall between her property and the proposal site. In addition she also expresses concern at the proposed increased in accommodation as this would increase the intensity of parking for this development within an area which is already congested. Ms McGuiggan questions whether parking bay No.6 will be marked on the road.

Dfl were consulted on this proposal and replied on 11.04.2018 with no objections subject to advice and conditions. The marking out of parking spaces is not a requirement, the available parking has been indicated by the applicant and I consider this to be acceptable. The wall in question is claimed to be owned by the application, this has been confirmed by the agent via email dated 22.05.2018, a copy of which has been sent to Ms McGuiggan, any further comments on this wall I feel are outside of a planning issue and may be considered civil.

In line with legislation this proposal was advertised in the local press on 05.04.2018, no representations have been received to date.

According to policy planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

Moneymore is within a recognised conservation area and according to policy in conservation areas housing proposals will be required to maintain or enhance their distinctive character and appearance. In order to comply proposals for residential development are expected to conform with certain criteria.

In this particular case it is my professional opinion that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The proposed development has a ridge height of approx. 8metres which would be in keeping with the existing development in the locality. This proposal is for the development of 3 no. terrace dwellings and 2 no. apartments which provides a good development without overdeveloping the site. The proposal will not have an impact on any features of the archaeological or built heritage, parking and private amenity spaces are located to the rear of the proposed development which is an acceptable solution and adequate provision is created.

The proposal is for a small development and access to local facilities would be convenient. In addition due to the location access to public transport facilities would be convenient and private parking has been provided within the development to the rear of the proposed properties. With the parking to the rear and the private amenity space this creates a good separation distance between the proposed and the existing development thus minimising potential for overlooking and/or overshadowing. The design of the development is simple and in keeping with the surrounding character. No neighbouring land uses will be penalised by the approval of this development and all relevant parties have been notified of the proposal.

Full parking details have been supplied and accepted by Dfl. Due to the proposed design I have no concerns regarding potential loss of privacy for any existing neighbouring properties.

As such having considered all of the above I feel this proposal is acceptable and a recommendation of approval should be given.

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.

2.The vehicular access, including visibility splays and any forward sight line shall be provided in accordance with the approved plans, prior to the commencement/occupation/operation of any works or 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 levels 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. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing No. 03 bearing date stamp 20th March 2018 to provide facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

4. No plant or equipment used in the construction of these properties should be operated in a manner so as to cause disturbance to the occupants of surrounding properties. Any noisy work should be undertaken in accordance with the principals of BS5228:2009.

Reason: To ensure that neighbouring residents are not unduly disturbed.

Informatives

1.The DRD's Roads Service has pointed out that the existing vehicular access to the dwelling is sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility.

2. 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 which separate permissions and arrangements are required.

3.Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71 - 83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads 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 DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG.

A monetary deposit will be required to cover works on the public road.

4. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.

5. The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.

Details of existing water and sewerage services may be obtained by submitting a Records Request application RR1-A257/A258 available at www.niwater.com/servicesfordevelopers.asp

All services within the development should be laid underground.

None of the dwellings hereby permitted shall be occupied until the (sewage disposal/drainage) works have been completed in accordance with the submitted plans.

None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.

Development shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Department.

6. 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.

7. 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	20th March 2018
Date First Advertised	5th April 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Lawford Street Moneymore Londonderry The Owner/Occupier, 11 Lawford Street Moneymore Londonderry The Owner/Occupier, 12 Lawford Street Moneymore Londonderry The Owner/Occupier, 13 Lawford Street Moneymore Londonderry The Owner/Occupier, 14 Lawford Street Moneymore Londonderry Mairead McGuiggan 14 Lawford Street, Moneymore, Londonderry, Northern Ireland, BT45 7PQ The Owner/Occupier, 15 Lawford Street Moneymore Londonderry The Owner/Occupier, 17 Lawford Street Moneymore Londonderry The Owner/Occupier, 19 Lawford Street Moneymore Londonderry The Owner/Occupier, 2 Turnaface Road Moneymore Londonderry The Owner/Occupier, 21 Lawford Street Moneymore Londonderry The Owner/Occupier, 23 Lawford Street Moneymore Londonderry The Owner/Occupier, 25 Lawford Street Moneymore Londonderry The Owner/Occupier, 27 Lawford Street Moneymore Londonderry The Owner/Occupier, 29 Lawford Street Moneymore Londonderry The Owner/Occupier, 7 Lawford Street Moneymore Londonderry The Owner/Occupier, 9 Lawford Street Moneymore Londonderry The Owner/Occupier, Monymore Congregational Church 22 Lawford Street Moneymore	
Date of Last Neighbour Notification	11th April 2018

Date of EIA Determination	
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2018/0394/F Proposal: Development of 3 no terrace dwellings and 2 no apartments Address: 16-20 Lawford Street, Moneymore, Decision: Decision Date:</p> <p>Ref ID: I/2009/0532/DCA Proposal: Demolition of dwellings to allow new build construction, part demolition granted Address: 16-20 Lawford Street Moneymore Decision: Decision Date: 16.03.2010</p> <p>Ref ID: I/2007/0397/F Proposal: 4 No 2 bedroom 2 storey apartments and 1 No 2 storey townhouse. Address: 16-20 Lawford Street, Moneymore Decision: Decision Date: 25.05.2010</p> <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: LA08/2016/1328/F Proposal: Construction of an underground gas pipe line and associated infrastructure comprising: a new 85 bar High Pressure (HP) cross-country gas transmission pipeline, approximately 78km in length and varying between 300-400mm diameter; New Intermediate Pressure (IP) gas pipelines, (approximately 107km and varying between 250-315mm diameter) laid primarily in the public road, 7 Above Ground Installations (AGI) and 8 District Pressure Governors (DPG); temporary ancillary development comprising temporary construction compounds, temporary pipe storage areas and temporary construction accesses. Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press Decision: PG</p>	

Decision Date:

Ref ID: LA08/2018/0156/DC

Proposal: Discharge of Condition No. 27 (Construction Management Statement) of Planning Permission LA08/2016/1328/F - Gas to the West. (Quiggery Stream, Corkill Road)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2017/1352/DC

Proposal: Discharge of Condition 15 of planning permission LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0146/DC

Proposal: Discharge of Condition 21 (Habitat Management Plan) of Planning Permission LA08/2016/1328/F - Gas to the West (Traditional Orchard locations)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0157/DC

Proposal: Discharge of Condition No. 27 (Construction Method Statement) of Planning Permission LA08/2016/1328/F - Gas to the West (IP Crossing of Colebroke River, Maguiresbridge)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2017/1126/DC

Proposal: Discharge of Condition 2 (programme of archaeological work) of planning approval LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Pressu

Decision: AL

Decision Date:

Ref ID: LA08/2017/1016/DC

Proposal: Discharge of Conditions 20 (CEMP), 21 (HMP) and 22 (ECOW) of planning permission LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2017/1619/DC

Proposal: Discharge of Condition 27 (Construction Method Statement) of planning permission LA08/2016/1328/F (G2W) - (Off road - IP Crossing - Colebrook River, Maguiresbridge)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: RL

Decision Date:

Ref ID: LA08/2018/0155/DC

Proposal: Discharge of Condition No. 27 (Construction Method Statement) of Planning Permission LA08/2016/1328/F - Gas to the West (IP Crossing of the Seskinore River, Corkhill Road)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0145/DC

Proposal: Discharge of Condition 21 (Habitat Management Plan) of planning permission LA08/2016/1328/F - Gas to the West. (3 areas of Purple Moor Gass and Rush Pasture)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:
Summary of Consultee Responses
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 04 Type: Proposed Plans Status: Submitted Drawing No. 03 Type: Site Layout or Block Plan Status: Submitted Drawing No. 02 Type: Existing Plans 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: LA09/2018/0424/O	Target Date:
Proposal: Dwelling and garage under PPS21 CTY 2a	Location: Lands 20m East of 29 Gortinure Road Maghera
Referral Route: To Committee - Approval - Exception to Policy	
Recommendation:	APPROVE
Applicant Name and Address: Patrick Bradley 30 Gortinure Road Maghera	Agent Name and Address: Patrick Bradley Architects 30 Gortinure Road Maghera BT46 5PA
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Exception to Policy

Characteristics of the Site and Area

The site is located approximately 2m miles north of Maghera, in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is identified as lands 20m east of 29 Gortinure Road, the site is the northern portion of a large agricultural field and is accessed off a private laneway off the Gortinure Road. The north western boundary is defined by a post and wire fencing with a mix of mature trees and hedging, whilst the north eastern boundary is defined by a small stone wall with a two mature trees. The south western boundary is defined by post

and wire fencing that separates the site and no.29 wherein the south eastern boundary is undefined due to the nature of the red line. The surrounding area is characterised by an undulating landscape and roadside dwellings and agricultural buildings. The predominant land use is of an agricultural nature.

Representations

There were ten neighbour notifications sent however there were representations received.

Description of Proposal

This is a proposed outline application for a dwelling and garage under PPS21 CTY 2a.

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.

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 2a – New Dwellings in Existing Clusters

CTY 8 – Ribbon Development

CTY 13 – Integration and Design of Buildings in the Countryside; and

CTY14 – Rural Character

CTY 15 – The Setting of Settlements

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. With regards to this application. Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- 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 cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

- 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; and
- Development would not adversely impact on residential amenity.

I am content that the site is located outside any farm. I am also content that the cluster of development consists of four or more buildings, three of which are dwellings (Nos 25a, 27, 29, 31, 31a are in close proximity). In addition to this I am of the opinion that the cluster does appear as a visual entity in the local landscape.

With regards to the cluster being associated with a focal point the agent is their supporting statement identified four focal points for this site. To start, the agent identified a red telephone box located approximately 110m from the site as the closest focal point, I must note I do not consider this to be a focal point. Next is 'Grillagh Water', identified as the first container home which appeared on Grand Designs and that many tourists have visited the dwelling. I must note that this is the applicant's home and for this reason it cannot be considered as a social/community building or facility and for this reason I do not consider it to be a focal point. The next identified focal point is Drumnaph Wood, after discussions with the Principal Planner, it was agreed that due to the size of the Wood that it cannot be considered as focal point in that it more an amenity site used by the community. In addition due to the separation distance from the site it is even contested that it is not even associated with the site. Finally, the agent identified that there is a historic fort located to the west of the site however did not provide any additional details on this nor were they any attached photos of such. From a search I can confirm that there is a Glebe and Enclosure in the position in which the agent states a fort to be. However there is approximately 135m between this and the site with a large agricultural field in between, from this I do not consider this to be a focal point. It is also noted that the site is not located at a cross-roads, for this reason I am of the opinion that this does not comply with this criteria.

The fourth criteria requires the proposed development to be able provide suitable degree of enclosure and to be bounded on at least two sides with other development in the cluster. In addition the policy states that the site is able to be absorbed into the existing cluster through rounding off. Even though as a result of existing mature vegetation that a dwelling could integrate at this site however I am not content that the development is bound on two sides and as it is considered that it is only bounded by development on the south western boundary. For this the application has failed this criteria as well.

The final criteria requires the development to not have an adverse impact on residential amenity. Upon a site visit I am of the opinion that an appropriately designed dwelling would not have an adverse impact on residential amenity.

For the above reasons it is evident that the proposed development fails under policy CTY 2a.

In the submitted supporting statement the agent made reference to CTY 2 of PPS 21 with regards to development in Dispersed Rural Communities. It is noted that the proposed site is located within the Dispersed Rural Community of Carntogher however the policy permits for a small cluster or 'clachan' style of development of up to 6 houses at an identified focal point. However proposals for individual dwellings or social/affordable housing schemes in DRCs will be assessed against the other policy provisions of the PPS. As noted the application has been assessed under CTY 2a and no farm case or other policy consideration has been put forward.

Even though no CTY 8 case was put forward it was noted during discussions with the Planning Manager and it was noted that it does not comply with CTY 8 as the site does not share a common frontage with the built up frontage.

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 an outline application no design details etc. have been submitted however an appropriately designed dwelling would not be prominent in the landscape. The site does benefit from existing vegetation, this coupled with the surrounding development I am of the opinion that a dwelling would be capable of integrating into the landscape however additional planting will be needed to aid this. There is a mix of dwelling sizes in the near vicinity however I am of the opinion that if permitted the dwelling should be restricted to a 6.0m ridge height from finished floor level.

Policy CTY 14 deals with rural character and states that planning permission will be granted where the building it does not cause detrimental change to, or further erode the rural character of the area. As stated I am content that an appropriately designed dwelling will not be prominent feature nor will it result in a suburban style build-up of development.

After further discussions with the Planning Manager it was argued but agreed that this application could be seen as an exception to policy and be taken forward as an approval. In that it was agreed that the application does not fully comply with CTY 2a or CTY 8, however, the application is located within a DRC which should be associated with a focal point and a dwelling in this location would be seen as rounding off the existing cluster of development. Therefore in the spirit of the policy it has been agreed that this is an exception to policy as the dwelling in this location would not adversely alter the character of the area and on a whole is acceptable subject to conditions.

PPS 3 - Access, Movement and Parking

DFI Roads were consulted and responded that they had no objection subject to conditions and informatives.

Consultations were also sent out to HED due to the proximity of the Glebe and Enclosure but responded to confirm they were content with the application.

On balance of the policy I must recommend approval on the basis that this is an exception to policy and should not be used as a precedent.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval

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. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted to the rear of the of the visibility splays. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

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 the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally 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.

5. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

6. The proposed dwelling shall have a ridge height of less than 6.0 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.

7. 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 the Council.

Reason: To ensure the dwelling integrate into the landform.

8. 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.

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 and does not confer approval on the carrying out of trade or business there from.

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.

5.1 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).

Signature(s)

Date:

ANNEX	
Date Valid	26th March 2018
Date First Advertised	12th April 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 23b ,Gortinure Road,Maghera,Londonderry,BT46 5PA, The Owner/Occupier, 25 Gortinure Road Maghera Londonderry The Owner/Occupier, 25a Gortinure Road Maghera The Owner/Occupier, 27 Gortinure Road Maghera Londonderry The Owner/Occupier, 28 Gortinure Road Maghera Londonderry The Owner/Occupier, 29 Gortinure Road Maghera Londonderry The Owner/Occupier, 31 Gortinure Road Maghera Londonderry The Owner/Occupier, 31a Gortinure Road Maghera The Owner/Occupier, 33 Gortinure Road Maghera Londonderry The Owner/Occupier, 33a Gortinure Road Maghera	
Date of Last Neighbour Notification	13th April 2018
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/0424/O Proposal: Dwelling and garage under PPS21 CTY 2a Address: Lands 20m East of 29 Gortinure Road, Maghera, Decision: Decision Date: Ref ID: H/1999/0657/F Proposal: Replacement dwelling Address: 33 Gortinure Road, Gortinure, Maghera, Northern Ireland, BT46 5PA	

Decision:
Decision Date: 17.12.1999

Ref ID: H/2010/0577/F
Proposal: Proposed single storey garage to the rear of 33 Gortinure Road, Maghera
Address: 33 Gortinure Road, Maghera,
Decision:
Decision Date: 09.02.2011

Ref ID: H/2000/0319/F
Proposal: Dwelling
Address: Rear of 33 Gortinure Road, Maghera
Decision:
Decision Date: 26.09.2000

Ref ID: H/2012/0021/F
Proposal: Replacement dwelling
Address: No. 31 Gortinure Road, Maghera,
Decision:
Decision Date: 16.04.2012

Ref ID: H/2005/0972/F
Proposal: Replacement dwelling
Address: 29 Gortinure Road, Maghera
Decision:
Decision Date: 10.03.2006

Ref ID: H/1992/0654
Proposal: BUNGALOW AND GARAGE
Address: MULLANS TOWN GORTINURE RD MAGHERA
Decision:
Decision Date:

Ref ID: H/1992/0471
Proposal: SITE OF DWELLING
Address: MULLANS TOWN GORTINURE ROAD MAGHERA
Decision:
Decision Date:

Ref ID: H/1977/0054
Proposal: IMPROVEMENTS TO DWELLING
Address: 27 GORTINURE ROAD, MAGHERA
Decision:
Decision Date:

Ref ID: H/2013/0301/RM
 Proposal: Proposed single storey rural dwelling
 Address: 22 metres east of no. 33 Gortinure Road, Magahera,
 Decision: PG
 Decision Date: 18.12.2013

Ref ID: H/2010/0044/O
 Proposal: Site of proposed single storey dwelling
 Address: 22m east of no.33 Gortinure Road, Maghera
 Decision:
 Decision Date: 27.09.2010

Ref ID: H/1981/0080
 Proposal: EXTENSIONS TO BUNGALOW
 Address: 31 GORTINURE ROAD, MAGHERA
 Decision:
 Decision Date:

Ref ID: LA09/2016/1660/NMC
 Proposal: Alterations with a single storey extension and garage to existing dwelling
 Address: 33 Gortinure Road, Maghera,
 Decision: CG
 Decision Date:

Ref ID: LA09/2015/0451/F
 Proposal: Proposed alterations with a proposed single storey extension and garage to existing dwelling
 Address: 33 Gortinure Road, Maghera,
 Decision: PG
 Decision Date: 22.09.2015

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: LA09/2018/0439/F	Target Date:
Proposal: Relocation and change of house type to previously approved application I/2014/0016/RM	Location: South East of 34a Annaghmore Road Coagh
Referral Route: Recommendation to refuse	
Recommendation: Refuse	
Applicant Name and Address: John Quinn 34a Annaghmore Road Cookstown	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - 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

Characteristics of the Site and Area

The site is located in the rural countryside outside of any settlement designated under the Cookstown Area Plan 2010. It is a relatively flat, rectangular shaped plot cut from the southern portion of a much larger agricultural field. It is set back approx. metres from the annaghmore road and accessed via an existing concrete lane which serves 4 other bungalow dwellings. Number 34a annaghmore road, located immediately adjacent the northern boundary of the site; no 34 (which has a couple of large sheds to its rear) slightly further north; and numbers 36 and 36c further again at the very end of the lane. The front boundary of the site which sits adjacent the lane serving it is defined by a mature hedgerow approx. 1.2 metres high. The northern boundary of the site is also bound in part along the curtilage of the adjacent property (no. 34a) by an approx. 1.2 metre high mature hedge. The remainder of the northern boundary is undefined on the ground, opening the site up unto the larger field from which it is cut. The southern boundary of the site is defined by mature tree and hedgerow vegetation. There is also a dwelling located immediately adjacent the southern boundary of the site, no. 30 annaghmore road, accessed off the annaghmore road. There are no views of the site from the annaghmore road

due to mature vegetation along the southern boundary of the site, along the lane serving the site and within the wider vicinity. Views of the site are limited to travelling along the lane.

Description of Proposal

This is a full planning application for the relocation and change of house type to a dwelling and garage previously approved under application outline application I/2013/0053/O and reserved matters application I/2014/0016/RM. The dwelling approved under the previous applications was a storey and a half dwelling with detached garage to be located to the rear of no. 34 annaghmore road and a couple of accompanying large sheds. Access to the dwelling was to be via the concrete lane off the annaghmore road which would have to run through the curtilage of no.34 and the accompanying sheds to access the dwelling. The current proposal is for a storey and a half dwelling to be located to the south of no. 34a annaghmore road. Access to this proposal is again to be via the concrete lane off the annaghmore road however the site is set only one field back from the annaghmore and the lane will meet the site before passing any other dwellings on the lane.

Planning Assessment of Policy and Other Material Considerations

This application has been assessed against the following planning policies and other material considerations including the history on site:

The Regional Development Strategy 2030 (RDS)

Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development (SPPS)

Cookstown Area Plan 2010

Planning Policy Statement 3 - Access, Movement and Parking (PPS3)

Planning Policy Statement 21 - Sustainable Development in the Countryside. (PPS21)

History

I/2012/0245/O – Applicant: Gavin John Quinn. Proposal: outline application for a storey and a half dwelling with separate double domestic garage - This proposal was considered by the Department to be contrary to Policy CTY1 of PPS21 in that there were no overriding reasons why the development was essential in the rural location and could not be located within a settlement. It was also considered contrary to Policy CTY14 of PPS21 in that if permitted it would result in build up which would result in a detrimental change to further erode the rural character of the area. As a result of discussions between the Department and agent / applicant an alternative site was identified under the scope of Policy CTY2a of PPS21 to the rear of no 34 annaghmore road, as a result this application was withdrawn on the 20th February 2013. And I/2013/0053/O subsequently submitted.

I/2013/0053/O - Applicant: Gavin John Quinn. Proposal: outline application for storey and a half dwelling with separate double domestic garage - this proposal was considered by the department to comply with Policy CTY2a of PPS21, that the cluster consisted of 4 no. of existing dwellings and at least 2 significant sheds located a short distance from Coyles Cottage, a local landmark and tourist attraction as well as Kinturk Community Centre. In addition the department said the site was bound on two sides by other development within the cluster; the landscape could absorb a new dwelling; and the dwelling would not adversely impact any existing residential amenity. Permission was granted 28th March 2013.

I/2014/0016/RM - Applicant: Gavin John Quinn. Proposal: reserved matter application for I/2013/0053/O - Permission granted 6th May 2014.

LA09/2017/1227/O - Applicant: John Quinn. outline application for a proposed dwelling and garage - this application was received by Mid Ulster Planning Department on the 13th September 2017. This application was There is an email on file (dated 21st December 2018) from the agent dealing with this application stating this application was submitted because his clients were unable to obtain a mortgage for their previous approval (I/2013/0053/O and I/2014/0016/RM) because of the access lane going through/past their home house no.34 and farm/out buildings. He goes on to add his clients are willing to substitute the current approval for this new site in order to qualify for a mortgage on the property. This application was subsequently withdrawn on the 23rd April 2018 and the current application LA09/2018/0439/F submitted on the 28th March 2018.

The application has been submitted to relocate and change the house type of the dwelling and garage previously approved under outline application I/2013/0053/O and reserved matters application I/2014/0016/RM.

In effect the applicant wishes to substitute the previous approval for a dwelling (mortgage issues for this dwelling due to access running past applicants home house) with the dwelling proposed under this application which will not require the access lane to run past his home house thus alleviate mortgage issue.

In order for the applicant to substitute the previous approvals they would have to be extant. Unfortunately the current application was submitted on the 28th March 2018 outside the timeframe of both the previous approvals on site. The outline application I/2013/0053/O was granted on 28th March 2013 and expired on the 27th March 2018 and the reserved matters application I/2014/0016/RM was granted on 6th May 2014 and expired on the 5th May 2016.

As the previous approvals expired before the submission of the current application it cannot be considered for substitution and the application has had to be assessed on its own merit.

Having considered the site and proposal on its own merits under PPS21 -Sustainable development in the countryside it is not considered that it falls under any of the specific circumstances identified for individual dwelling houses in the countryside.

It is noted that the previous approval on site was granted by the Department under Policy CTY2a New Dwellings in Existing Clusters. Development of the originally approved site could be supported as though it does not meet CTY2a fully, a dwelling there would have no impact on the character of the area, however this site will have an impact given its location closer to the public road and is not considered an exception to CTY2a.

This proposal would also not constitute the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 as although there are dwellings fronting onto the lane to the north side of the site, the next dwelling to the south fronts onto the annaghmore road.

The agent was contacted on the 16th May 2018 and given the opportunity to submit a case that he felt could be made for this application, such as a farm dwelling in accordance with Policy CTY 10. The agent respond by email the same day stating that he was not aware of the applicant having any other means of fitting into any other policy.

This application is being recommend for refusal as in first instance the previous approvals have expired and in the second instance it fails to fall under any of the exceptions to policy identified under PPS21.

Members may wish to consider the following;

- 1) The subject proposal was submitted just outside the expiration date of the previous approvals, and
- 2) LA09/2017/1227/O demonstrated the applicant's intention to re site the dwelling. This 2017 proposal was withdrawn as it didn't meet with policy plus the site outline didn't encompass the previously approved sites. Therefore had permission of 2017 been granted, this would have resulted in an additional dwelling in the countryside.

Additional Information

TNI were consulted in relation to this proposal and have no objection subject to the standard conditions and informatives.

Neighbour Notification Checked

Yes

Summary of Recommendation: That planning permission be refused subject to the following reason

Refusal Reasons

1. 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	28th March 2018
Date First Advertised	11th April 2018
Date Last Advertised	12th April 2018
Details of Neighbour Notification (all addresses) The Owner/Occupier, 30 Annaghmore Road, Cookstown, Tyrone, BT80 0JA, The Owner/Occupier, 30a ,Annaghmore Road, Ardboe, Cookstown, Tyrone, BT80 0JA, The Owner/Occupier, 33 Annaghmore Road, Ardboe, Cookstown, Tyrone, BT80 0JA, The Owner/Occupier, 34 Annaghmore Road, Ardboe, Cookstown, Tyrone, BT80 0JA, The Owner/Occupier, 34a ,Annaghmore Road, Cookstown, Tyrone, BT80 0JA, The Owner/Occupier, 34b ,Annaghmore Road, Cookstown, Tyrone, BT80 0JA, The Owner/Occupier, 36 Annaghmore Road, Ardboe, Cookstown, Tyrone, BT80 0JA, The Owner/Occupier, 36c ,Annaghmore Road, Ardboe, Cookstown, Tyrone, BT80 0JA,	
Date of Last Neighbour Notification	11th April 2018
Planning History Ref ID: LA09/2018/0439/F Proposal: Relocation and change of house type to previously approved application I/2014/0016/RM Address: South East of 34a Annaghmore Road, Coagh, Decision: Decision Date: Ref ID: LA09/2017/1227/O Proposal: Dwelling and garage Address: S.W. and adjacent to 34a Annaghmore Road, Coagh, Decision: Decision Date: Ref ID: I/1993/0155 Proposal: Erection of dwelling Address: 36 ANNAGHMORE ROAD, COAGH, COOKSTOWN	

Decision:
Decision Date:

Ref ID: I/1991/0225
Proposal: Retirement Dwelling
Address: TO REAR OF 36 ANNAGHMORE ROAD, COAGH, CO TYRONE.
Decision:
Decision Date:

Ref ID: I/2001/0210/O
Proposal: Dwelling & Garage
Address: Site 35 M East of 36A Annaghmore Road, Coagh
Decision:
Decision Date: 16.07.2001

Ref ID: I/1986/0329
Proposal: DWELLING
Address: 34A ANNAGHMORE ROAD, COAGH, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1995/0453
Proposal: Extension and renovation to dwelling
Address: 34 ANNAGHMORE ROAD ANNAGHMORE COAGH
Decision:
Decision Date:

Ref ID: I/2014/0016/RM
Proposal: A Storey And A Half Dwelling With Seperate Double Domestic Garage
Address: Site 80m NW of 34A Annaghmore Road, Coagh, Cookstown, Co Tyrone, BT80 0JA,
Decision: PG
Decision Date: 06.05.2014

Ref ID: I/2012/0245/O
Proposal: A storey and a half dwelling with separate double domestic garage
Address: Site adjacent Southwest of 34a Annaghmore Lane, Coagh, Cookstown, Co. Tyrone BT800JA,
Decision: WITHDR
Decision Date: 20.02.2013

Ref ID: I/2013/0053/O
Proposal: 1 no. storey and a half dwelling with separate double domestic garage
Address: Site adjacent to and SW of 34a Annaghmore Lane, Coagh,



Deferred Consideration Report

Summary	
Case Officer: Malachy McCrystal	
Application ID: LA09/2015/0782/F	Target Date:
Proposal: Change of Use to Storage and Distribution Unit - (Class B4) (Additional information received)	Location: Site 60m North of 52 Ballymoghgan Road Magherafelt
Applicant Name and Address: Cloane Properties Ltd 9 Cloane Road Draperstown BT45 7LW	Agent name and Address: Kevin Cartin Architects Ltd Unit 5 Belmont Office Park 232-240 Belmont Road Belfast BT4 2AW
<p>Summary of Issues: One letter of objection has been received from an adjoining landowner. The objection relates to the following issues;</p> <ol style="list-style-type: none"> 1. The applicant will be unable to secure the necessary visibility splays as the land on each side of the entrance is under third party ownership, which includes the objector. 2. The applicant has included lands which are not within their control; 3. Delivery vehicles will cause significant noise and disturbance; 4. The local area has not been zoned for industrial use; 5. The proposed use will result in a devaluation of property; <p>The above issues are considered in the same order as follows;</p> <ol style="list-style-type: none"> 1. The applicant has not demonstrated that they have control or can achieve control over the third party lands necessary to achieve a safe access to the site; 2. The applicant has amended the planning application certificate within the P1 form and has served notice on a third party land owner. However, while Transportni advised that third party lands were required to both sides of the entrance and the objector alleges that the lands on either side of the entrance are owned by two third parties, the applicant has only served notice on one third party, which is not the objector. Notwithstanding the above, the objector is however aware of the application and therefore has not been prejudiced by the notice not having been served on them; 3. The delivery vehicles which will be attracted to the site, which may include articulated vehicles, have the potential to cause disturbance by way of noise. Environmental Health were consulted and requested additional information as detailed later in this report; 4. This is a rural area without any zoning; 5. No evidence has been provided to substantiate the claim of devaluation of property. 	

Summary of Consultee Responses:

Transportni advised that third party lands are required to provide the necessary visibility splays. The required lands are not available and therefore the visibility splays cannot be achieved. EHD requested a noise report which was found to be acceptable.

Description of the proposal

The description as stated on the P1 form is 'Change of use to a storage and distribution unit – (Class B4)'.

Within the Planning (Use Classes) Order (NI) 2015, Use Class B4 is stated as 'Use for storage or as a distribution centre.'

Although the site layout and detailed floor plans only relate to the existing enclosed yard which contains the industrial type building and the adjoining triple garage and security hut, it should be noted that the site location map includes the existing concrete yard, industrial type building, associated triple garage and security hut, all of which are enclosed within a secure yard in addition to also including two separate areas of agricultural land and two dwellings and their associated out buildings. Therefore the proposal is effectively for a change of use for all lands within the red line.

Characteristics of Site

The site is comprised of two dwellings with associated garage and amenity spaces, a large industrial type shed set within a concrete yard to the rear of the dwellings with an agricultural field to its rear in addition to part of a second agricultural field fronting onto the Ballymoughan Road.

The site set to the rear of two dwellings on the Ballymoughan Road and is accessed via an existing laneway which runs between the two dwellings. The site contains a large industrial type building measuring approximately 35.7m x 18.6m with an eaves height of 6.0m and a ridge height of 7.2m. There is a small rear annex to the rear south-eastern corner. There is a second smaller shed located at the south eastern corner which is a single storey garage type building with a third small security building located at the south western side of the entrance gates which are located at the north-western end of the access laneway.

The existing industrial type buildings are set within a large concrete yard which is enclosed and well screened by a mature hedgerow along the south western boundary.

The existing large industrial building within the concrete yard was originally approved under application H/2009/0519/F as 'Proposed shed for storage of vintage cars ancillary to the existing dwelling at 54 Ballymoghnan Road (retrospective)' on 10.03.2010. This building is currently being used as a storage and distribution centre by Teknos as a paint distribution centre. There is a small office in the front, south eastern corner with kitchen and toilet facilities located in the rear north-western corner. The remainder of the building is being used to store paint on pallet racking and is currently well stocked with large 20/25 litre drums of paint.

An employee stated at the time of site inspection that deliveries are made to the store and then forwarded on to customers by courier. At the time of site inspection, there were three staff present but no customers. However, there was a courier van, Fastway Couriers, arrived during this time. There was one company Ford Transit van and one car in the car park at this time.

Characteristics of Area

The site is located in a rural area which is predominantly farmland with dwellings dotted along the road on both roadside sites and also set back off the road. At this location, there are four dwellings with a number of associated outbuildings, all of which access the Ballymoughan Road at the same point as the subject site.

Planning History

Planning approval was granted under H/2009/0519/F on 10.03.2010 for 'Proposed shed for storage of vintage cars ancillary to the existing dwelling at 54 Ballymoghnan Road (retrospective)'. A condition of that approval was that 'The shed hereby approved shall be used only for domestic purposes ancillary to No 54 Ballymoughan Road, Magherafelt.'

Reason: To prohibit an unacceptable change of use.

Deferred Consideration:

This application was presented to Committee on 9th January 2017 with an opinion to refuse for the following reasons:-

1. 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 CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the reuse would, if permitted; unduly affect the amenities of nearby residents; the nature and scale of the proposed non-residential use is not appropriate in this countryside location; and access to the public road will prejudice road safety.
3. The proposed development is contrary to PPS 3 - Access, Movement and Parking in that the proposed development would, if permitted, prejudice the safety and convenience of road users since visibility from the proposed access cannot be provided to an adequate standard.

The application was deferred for an office meeting with the Planning Manager to consider alternatives and the issue relating to the proposed access arrangements. That meeting took place with Dr. Boomer on 25th January 2017 and was attended by the applicant, his agent, planning consultant and roads engineer.

At that meeting the potential for the proposal to be operated as a diversification project in conjunction with the applicant's farm business was discussed. The planning consultant provided a copy of Planning Appeal Statement 2009/E029 in support of the proposal. The PAC took the stance that the farmer does not need to operate the diversification activity as long as the income derived goes towards the upkeep of the farm holding. This is the case being presented in this application. As such the proposal must be considered under PPS 21 – Policy CTY 11 Farm diversification.

Consideration of Policy CTY 11 has a presumption in favour of farm or forestry diversification projects where it has been demonstrated that the proposal will be run in conjunction with the agricultural operations on the farm. The following criteria need to be addressed:-

- The farm business is currently active and is established;
- It is appropriate in terms of character and scale;
- It will not have a detrimental impact on nearby residential properties by way of noise, smell and pollution.

However, proposals will only be acceptable where they involve the reuse or adaptation of existing farm buildings. Although a new building may be acceptable where there are no existing buildings available either because they are required for the existing farm enterprise, are unsuitable for adaptation or reuse or other agency requirements render them unsuitable. Any new building must achieve a suitable degree of integration with existing farm buildings.

The proposal is for a farm diversification project which is to supplement the income of the applicant who is involved in the existing farm business. DAERA have confirmed the

applicants association with the farm business and that it has been active for more than 6 years. Therefore the principle of a diversification project can be accepted.

In terms of the character and scale of the project, the proposal is to be located within an existing building and therefore will not alter the character of the area.

The proposal will not have an adverse impact on natural or built heritage.

The proposed development would involve delivery lorries arriving at the site, which may include articulated vehicles in addition to delivery vehicles also being used to distribute the paint to customers. Given that the entrance to the site is a single carriageway and is shared by four dwellings, this arrangement may cause some inconvenience not only to road users but also to occupants of the dwellings sharing the access lane as the delivery vehicles may disrupt access to these properties.

Consideration of PPS 3 – Additional information was received on 5th March 2018 and included a Road Access Statement which acknowledged that whilst the existing access would be improved, it was not possible to fully meet the required sightlines required by DCAN 15. The visibility splays required for the proposed development, as advised by DfI Roads are 2.4m x 70m in both directions. The Road Access Statement indicates that the maximum splays achievable are 2.4m x 45 to the right hand side existing and 2.4m x 40m left hand side exiting. These are 25m to 30m short of the required standards and when this was considered by DfI Roads they advised that the proposal is not acceptable. Therefore as the proposal cannot provide the access arrangements to the required standards it is contrary to policy.

Consideration

The proposal would now be considered to be acceptable under the principle of diversification, however, the issue relating to the proposed access arrangements still remains to be resolved. Whilst the applicant owns the dwelling at no.52 Ballymoghna Road which has enabled them to reposition the front boundary further back from the road edge to increase the visibility splay to the right hand side exiting, they have not been able to provide the full splay nor have they been able to achieve any improvement in the splay to the left hand side exiting. Therefore the proposal is unacceptable in that it has not been demonstrated that satisfactory access arrangements can be achieved.

The application is therefore being recommended for refusal for the reasons below:-

Refusal Reasons

1. The proposal is contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the reuse would, if permitted; unduly affect the amenities of nearby residents; the nature and scale of the proposed non-residential use is not appropriate in this countryside location; and access to the public road will prejudice road safety.
2. The proposed development is contrary to PPS 3 - Access, Movement and Parking in that the proposed development would, if permitted, prejudice the safety and convenience of road users since visibility from the proposed access cannot be provided to an adequate standard.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: LA09/2017/0498/F	Target Date:
Proposal: Extension to existing domestic garage to provide a new machinery store (amended description)	Location: 100m N.E.of 29 Fegarran Road Cookstown
Applicant Name and Address: Granville Carson 29 Fegarran Road Cookstown	Agent name and Address: J Lamont 82 Windsor Crescent Cookstown BT80 8EZ
Summary of Consultee Responses: no objections received.	
Characteristics of the Site and Area: <p>The proposal site is located on Feegarron Road, Cookstown to the rear of No. 29. There is currently a small shed to the rear of the proposed within a concrete yard, this is accessed via an existing laneway east of No. 29 Feegarron Road while the dwelling No 29 is accessed via a separate entrance NW of the shed access. The site is elevated above the level of the road and is flanked to the rear and sides by agricultural land. There are no immediate neighbours. The proposed third access is to be taken along the edge of the neighbouring agricultural field and the curtilage of the existing shed and yard to be extended into the neighbouring agricultural field.</p>	



Description of Proposal

Extension to existing domestic garage to provide a new machinery store (amended description)

Deferred Consideration:

This application was deferred at the Dec 2017 Committee for an office meeting.

That office meeting took place on the 14th Dec 2017 at which clarification was provided in relation to the intended use of the extended shed. The applicant currently keeps machinery for farm work in his small existing garage and has been doing so for some 17 years. Under I/2003/0770/F Mr Carson gained full planning permission for a Proposed shed & New access to the Rear of 29 Feegarron Road, Cookstown. A condition defining the enlarge to No 29 was attached for the following reason:

'To ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside'.

The scope of the application has somewhat changed since its initial submission including the description being amended to remove any 'commercial' element and to revise the design to shift the proposed extension to the opposite side of the yard area. An element of increase yard area is still proposed as well as amended access to the shed and its yard area.

Having examined the case officer's original assessment it was clear that the proposal intended more than just 'domestic' use of the proposed enlarged shed and that this did not accord with relevant planning policy.

In considering the proposal afresh and in light of the amended proposal it appears that the applicant intends the shed to be used only by him in association with his own machinery and that there will be no carrying out of trade or business from it, this can also be secured by a planning condition limiting use of the shed.

Clearly Mr Carson is an agricultural contractor and there is evidence on file by way of a number of invoices which provide evidence of this. I am aware of other relatively recent decisions on other sheds approved for the sole use of the occupants of adjoining dwellings in connection with their business but not for business use. Essentially in Policy terms whilst the proposed shed is in connection with the applicants business it itself will not be used for business, I feel therefore Policy CTY1 (re the increased curtilage) / and the Addendum to PPS7 which provides some guidance on 'domestic extensions and outbuildings'

PPS7 (addendum) The Countryside

Par. A24 states that The impact of an extension or alteration on the visual amenity of the countryside and, in particular, Areas of Outstanding Natural Beauty needs to be considered. Proposals should be in keeping with the character of the existing property and its countryside setting. Through poor design the individual and cumulative effect of extensions and alterations which are disproportionate in size to the existing property, or which require the use of land outside the established curtilage of the property, will result in a detrimental change to rural character.

Par A13 of the addendum also states that:

In the countryside, ancillary buildings should be designed as part of the overall layout to result in an integrated rural group of buildings.

I would agree that the decision on this case must consider carefully the further extension of the curtilage / yard for the extended shed. Having visited the site I find this area to be relatively discreet and located largely to the rear of No 29 itself. Whilst elevated slightly the shed extension which has been amended to more to the rear of No 29 also reduces the impact of its increased height over the existing shed. A new entrance allows safer use of the shed and I note an existing access to the opposite corner of the yard is to be closed up.

All in all I agree that the amended proposal is acceptable subject to the conditions below:

Conditions:

1. 5 year time condition.
2. The use of the shed hereby approved shall be limited only to the storage of machinery associated with No 29 Feegarron Road. No manufacturing or engineering works shall take place within the shed or any part of the yard.
3. All proposed planting to be provided during the first available planting season.
4. The vehicular access, including visibility splays of 2.4m x 75m in the Eastern visibility splay and 2.4m x 100m in the Western visibility splay, shall be in place, in accordance with Drawing No. 02 bearing the date stamp 06th April 2017, prior to the commencement of any other works or other development hereby permitted.
5. 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.

Signature(s): M.Bowman

Date 18th May 2018



Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2017/0846/F	Target Date: <add date>
Proposal: Proposed cattle welfare unit including storage for hay and meal. Proposed yard area for storage of round bales ,farm plant and machinery	Location: 175m South East of 66A Kilnacart Road Dungannon
Applicant Name and Address: Niall McCann 66A Kilnacart Road Dungannon	Agent name and Address: Sam Smyth Architecture Unit 45 Dungannon Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
Summary of Issues: DAERA, Transport NI, and Rivers Agency were consulted and have made comment on this application. 2 letters of objection have been received and the comments made have been considered. All material considerations, including policy considerations, have been addressed within the determination of this application.	
Summary of Consultee Responses: DAERA, Transport NI, and Rivers Agency were consulted and responded on this application. No issues have been identified through the consultation process.	
Characteristics of the Site and Area: The site is situated on the Kilnacart Road, Dungannon, Co. Tyrone. This area is categorised as countryside within the Dungannon & South Tyrone Area Plan 2010. The area surrounding the site exhibits an undulating nature and can be described as a rural area with an element of small scale variation in elevation. This is quite an enclosed area of the countryside with little in terms of wide spanning views or prospects. The application site has a low hedge to the north bound on each of its sides by vegetation and hedgerows. The site is accessed via an existing access which is situated to the north of the site via Kilnacart Road. The site is part of an existing farm holding which includes lands surrounding the site and lands, in a separate parcel, some 250m to the north of the proposal. The lands which surround the application site do not host any farm buildings, however it is noted that the lands to the north of the site include up to nine farm buildings. The red line boundary of the site includes	

an existing hard stand area and agricultural pasture. There are a number of gates in the NW corner that are arranged in a pen. The proposed access to the application site is also in situ. The site is currently being used to store round bales, a digger, a mobile conveyor lift and some aggregates.

In terms of elevation the site area is relatively flat with a small rise in elevation to the south of the site and a gradual reduction in elevation towards a small stream to the west.

Description of Proposal

Members are advised that this application relate to a proposed cattle welfare unit on lands 175m south east of 66A Kilnacart Road, Dungannon, Co. Tyrone.

The proposed shed is sited to the eastern fringe of the application site and is measured at 9.5m in width and 24.5m in length. The maximum ridge height of the proposal is measured at 9.8m. The proposal includes the provision of external cattle pens to the front of the welfare unit in an area measured at 9m in width and 18.2 in length. In addition the applicant seeks permission for a hard stand area, the entire site has been reduced in size to approx.. 2600 sqm. The hard standing area is to be used for turning of vehicles and storage of agricultural materials. Materials to be used on the proposed cattle unit include a shuttered concrete finish to lower walls, dark green coloured double skin cladding to upper walls and dark green coloured double skin cladding to roof.

The proposed cattle welfare unit is to be used for the storage of livestock on the farm holding, as well as storage of hay and meal. The applicant has highlighted that the proposal relates to the provision of a new agricultural shed at this location.

Deferred Consideration:

Members are advised this application was deferred at the Committee Meeting on 9 April 2018, having been presented then and on 2 October 2017 with a recommendation to refuse. At the meeting on 9 April 2018 it was confirmed this a new building on Mr McCanns own holding, he does not have any agricultural buildings of his own and has been farming with his uncle Mr Hughes for a considerable period of time.

Mr McCann was recently allocated a Category 3 business Id and as such he is an active farmer. A letter dated 21 August 1998 from the then DARD, to Mr Hughes and Mr McCann, was for a grant that was being allocated to farmers and their families to encourage diversification from farming. This in itself does not demonstrate that Mr McCann was farming at that time, however Mr McCann has indicated he has been farming with Mr Hughes for a considerable number of years. He advised as a young boy he started helping with milking and this progressed into buying cattle for the herd. This arrangement has been ongoing for a long time, while I accept there are no formal records of Mr McCanns involvement, this type of farming relationship is fairly common and as such the members are asked to make an exception to the policy and set aside the requirement for being an established farmer, ie farming for over 6 years.

Mr McCann has buildings located beside his house, however these are all associated with his haulage business and are all currently being used. I am therefore content there are no existing buildings that can be used for agricultural purposes. Mr McCanns land ownership at his house is not extensive and as such I consider it is not possible to locate this building beside his existing buildings there. As this is the first agricultural building on Mr McCanns holding, he has now indicated a reasonably sized yard area for the agricultural use, he has his own animals and has

advised he will be extending his herd, once the necessary facilities have been provided, I am content that it is necessary for the efficient functioning of the business and it can be allowed under the exceptions policy in CTY12.

The proposed building is located on a roadside location where it will be readily visible, however this is only in close proximity to the building, due to the existing surrounding vegetation and land form. The proposed building will be seen against a backdrop of rising ground in all directions and with other, larger, agricultural and commercial buildings to the north and south. A hedge that is planted along the east side of the site, will assist integration and I consider the additional landscaping shown on the revised plan 02 REV C will further screen the development and assist its longer term integration into the landscape.

As the proposal can now be considered acceptable, members are asked to grant planning permission for this agricultural building and, in line with the requirements within policy CTY12 attach to any permission a condition that the development is for agricultural purposes only.

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. Within 8 weeks of the date of this decision, the hardcored yard shall be reduced to the area as shown on drawing No 02 Rev D bearing the stamp dated 04MAY2018, the area outside the approved yard shall be re-instated as an agricultural field.

Reason: In the interests of visual amenity and to ensure ancillary development will not have an undue impact on the rural area.

3. The building and yard hereby approved shall be used only for agricultural purposes.

REASON: To prohibit a change to an unacceptable use within the countryside.

4. Within 6 weeks of the date of this decision, the vehicular access, including visibility splays of 2.4m x 90.0m in both directions shall be provided in accordance with drawing No 02 Rev D bearing the stamp dated 04MAY2018. 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 levels 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.

5. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on Drawing No 02 Rev D bearing the stamp dated 04MAY2018 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the next available planting season following the date of this decision. Any tree, shrub or other plant

identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

6. No vehicles, other than agricultural machinery, shall be parked on the site identified in red on the attached drawing No 02 Rev D bearing the stamp dated 04MAY2018, for any period longer than 3 hours.

Reason: To allow for the delivery of animals, animal feed or animal bedding in association with the approved agricultural use.

Signature(s):

Date



Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: LA09/2017/1142/O	Target Date:
Proposal: Dwelling and garage (infill site)	Location: Approx 5m East of 74 Kinrush Road Ardboe
Applicant Name and Address: Ciara Curran 74 Kinrush Road Ardboe	Agent name and Address: Henry Murray 37c Claggan Road Cookstown BT80 9XJ
Summary of Issues: small size of gap site	
Summary of Consultee Responses: no objections	

Characteristics of the Site and Area: rural area with established road frontage development on both sides. Thus small gap site of some 20m sits within a line of 6 dwellings around a curve on Kinrush Road. All vegetation recently cleared from the site leaving defined tree boundary to SE side of site.







Description of Proposal

Dwelling and garage (infill site)

Deferred Consideration:

This application was deferred by the Planning Committee at its April 2018 meeting for a site visit.

Record of member's site visit:

26th April 2018

Present:

M.Bowman (Head of Development Management)

Cllr M.Glasgow

- On arrival at the site it was noted that vegetation that once covered the entirety of the site was now removed. This allowed for more appreciation of the size of the gap site available for the proposed dwelling.
- We walked around the frontage and noted the size and frontage area of each dwelling along this part of Kinrush Road
- The site of the recently permitted 'double infill' (I/2014/0104/RM) was noted as being substantial, exacerbated visually by the curve in the road along their frontages.

- Plots at Nos 80 and 82 were examined due to the portion of garden area used by the agent to calculate frontage lengths. It was agreed this really presented No 82 with a frontage to the road of some 34m as opposed to 23m as per the concept plan submitted
- Cllr Glasgow noted that any house on the site would need to be single storey and would be required to have a small footprint due to the confined nature of the sites width. It was also noted that the evergreen hedge currently between No. 74 and the site would be removed.
- I agreed to prepare a deferred consideration report for the next Planning Committee.

The only material change in circumstances which have arisen since my original site visit and the visit of 26th April has been the extent of vegetation removal from the site. Whilst allowing a greater appreciation of the size of the plot it nonetheless does not overcome my concerns about the restricted size of this plot for a dwelling, which as a requirement of Policy CTY8 of PPS21, must respect the existing development pattern along the road frontage in terms of size, scale, siting and plot size. Whilst each proposal is assessed on its own individual merits, approval may also lead to an unacceptable precedent being set which may prove difficult for the Council to resist in future similar proposals elsewhere.

Whilst the addition of another dwelling will not erode rural character as such, a dwelling on the site will appear out of keeping with adjoining more generous plot sizes and therefore be at conflict with the existing development pattern, being contrary in my view to Policy CTY8 of PPS21.

Reasons for Refusal:

The proposed development is contrary to Policies CTY1 and CTY8 of PPS21 as the proposed gap site is too small and fails to respect the existing development pattern along the road frontage.

Signature(s): M.Bowman

Date: 15th May 2018.



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Malachy McCrystal	
Application ID: LA09/2017/1205/O	Target Date:
Proposal: Proposed site for farm dwelling and double domestic garage	Location: 250m (approx.) north of 10 Lecumpher Road Moneymore
Applicant Name and Address: Jonathon and Jayne Smyth 19 Millrace Mews Moneymore	Agent name and Address: R Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 8SN
Summary of Issues: No representations were received.	
Summary of Consultee Responses: All consultees responded positively.	
Characteristics of the Site and Area: The application site is located along Lecumpher Road, Moneymore in the rural countryside as defined within Magherafelt Area Plan 2015. The application site is a small field located along the roadside which is relatively flat and the entire site is bounded by hedging. The associated farm holding is located to the south of the site. The environment surrounding the site is predominantly rural in nature with single dwellings and farm holdings scattered around the wider area.	
Description of Proposal This application seeks outline planning consent for a dwelling on a farm and double domestic garage.	
Deferred Consideration: This application was presented before the Planning Committee in January 2018 with a recommendation to refuse based on the following reason:	

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

Following a discussion at that meeting the application was deferred for a meeting with the Planning Manager, Dr Boomer. This meeting took place on 24th January 2018 and was attended by the applicant, Councillor McKinney, R Leonard (the agent), planning officers – R McAllister and M McCrystal. At that meeting the following was discussed:-

The issues relating to the recommendation to refuse and why the proposal was to site a dwelling away from the main farm grouping. Dr Boomer advised that the unavailability to obtain a mortgage was not a consideration which significant weight can be attached to in the assessment of the application.

The applicant was advised to state why they were choosing the proposed site.

RL advised that the site was approved in 2004 but was never started and claimed that at an office meeting with the case officer he was advised to erect a small farm shed on the site which would then create the circumstances for a dwelling to be approved.

The fact is that the small shed was erected, however, it was done without planning approval and it did not have the benefit of a Certificate for Lawful Development (CLUD) as it is not entitled to be erected under agricultural permitted rights. Therefore the shed is an unauthorised development and is of no benefit to the applicant in this application.

There was a discussion around the ownership of the laneway and right of way for a new dwelling on that lane.

Dr Boomer advised that the agent needs to check land registry regarding the applicants right to use the laneway for a new dwelling and to provide a valid reason as to why the laneway could not be used for the intended purpose.

MMC was to check if there were any environmental benefits for choosing the site.

The principle of a dwelling on the farm as assessed under Policy CTY 10 has been accepted, therefore only the siting needs to be agreed.

It was agreed that the applicant would provide the necessary additional information and MMC would inspect the site.

Additional information submitted.

The agent submitted the following additional information;

- A letter from a mortgage company advising that it would be extremely difficult to obtain approval on a mortgage for a site which is accessed via a shared laneway and the proximity to farm buildings;
- Copies of land registry maps indicating ownership of the laneway. this clearly proves that the applicant does not own the laneway albeit at certain points. However, the fact that a third party owns the entire lane between the south-eastern corner of the site for a

distance of approximately 70m, is sufficient to demonstrate the applicants lack of control over the lane in order to provide access to a site adjacent to the existing farm complex.

Given the fact that the applicant does not own nor control the laneway in order to provide a suitable access to a site adjacent to the existing farm complex, some sympathy can be given to the applicant and therefore not insist that they locate a site for a dwelling on the farm at such a location which requires access along that laneway.

The proposed site is a small well enclosed field at the end of the aforementioned laneway. The site is bounded by a 2.5m high conifer hedge along the laneway, with 1.5m high hedge on the remaining three sides. An open drain extends along the front boundary at roadside. On travelling eastwards there are only restricted views of the site due to the mature vegetation and the roadside boundaries. On travelling westwards, again there are only localised views from the access laneway to no.7 Lecumpher Road. However, from this point, a dwelling on the proposed site would be set against the rising ground to the west, with Slieve Gallion providing an acceptable backdrop. As such, the proposed site could accommodate a dwelling with a ridge height of 5.5m above finished floor level with a maximum under-build of 0.45m above existing ground level. As there are no existing buildings in the immediate vicinity of the proposed site, a dwelling on this site would not have a detrimental impact on rural character in terms of build-up.

The unauthorised building which was erected on the site has now been removed.

Although the visual linkage with the existing farm buildings is tenuous and the site is not sited to cluster with a group of buildings on the farm, in this particular case, I would advise that the members can consider setting aside the requirement for the dwelling to be located up the lane next to the farm group, given the high degree of integration achievable by this site and the fact it is located at the end of the entrance lane to the farm group.

Having considered all of this, the proposal is within the spirit of Policy CTY 10 and is considered acceptable. Therefore it is my opinion that the proposal should be recommended for subject to the following conditions:-

Conditions:

1. Application for approval of the reserved matters shall be made to Mid Ulster District Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. The dwelling hereby permitted shall have a ridge height of not greater than 5.5 metres above finished floor level, designed and landscaped in accordance with the Department of Environment 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.

4. The depth of under-building between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

5. The roofing tiles or slates shall be blue/black or dark grey in colour and shall be flat and non-profiled.

Reason: To ensure that the proposal is in keeping with the character of the rural area.

6. The existing natural screenings along the northern, southern, eastern and western boundaries of this site, shall be retained at a height of not less than 1.5m, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

7. If any retained hedge/tree is removed, uprooted or destroyed or dies within 5 years from the date of the development hereby approved, becoming operational another hedge/tree or trees shall be planted at the same place and that hedge/tree(s) shall be of such size and species and shall be planted at such time as may be specified by Mid Ulster District Council.

Reason: To ensure the continuity of amenity afforded by existing hedges/trees.

8. During the first available planting season after the occupation of the dwelling a hawthorn or native species hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

Reason: To ensure the amenity afforded by existing hedges is maintained.

9. If any retained hedge/tree is removed, uprooted or destroyed or dies within 5 years from the date of the development hereby approved, becoming operational another hedge/tree or trees shall be planted at the same place and that hedge/tree(s) shall be of such size and species and shall be planted at such time as may be specified by Mid Ulster District Council.

Reason: To ensure the continuity of amenity afforded by existing hedges/trees.

10. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements 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.



Deferred Consideration Report

Summary	
Case Officer: Malachy McCrystal	
Application ID: LA09/2017/1276/O	Target Date:
Proposal: Proposed dwelling and domestic garage at a gap site in accordance with policy CTY8	Location: Approx 35m South East of 2d Drumard Lane Draperstown
Applicant Name and Address: Mick and Carmel McKee 3 Drumard Lane Draperstown	Agent name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Summary of Issues: No representations have been received in respect of this application.	
Summary of Consultee Responses: All consultees responded positively.	
Characteristics of the Site and Area: The proposal site is located on the roadside of Drumard Lane, immediately adjacent on the NW side is a detached dwelling with a detached garage located at the rear of the property and with a frontage to the roadside and then on the SE boundary is a detached dwelling that sits a good distance back from the roadside and the approved curtilage does not come to the roadside thus this property does not have a roadside frontage. The proposal site is currently quite overgrown with mature vegetation to all sides, to the rear of the site is agricultural land. The landform is undulating in nature.	
Description of Proposal Outline application for 'proposed dwelling and domestic garage at a gap site in accordance with policy CTY 8'.	

Deferred Consideration:

This application was presented before the Planning Committee in January 2018 with a recommendation to refuse based on the following reason:

1. 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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Drumard Lane.
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 create a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

Following a discussion at that meeting the application was deferred for the Senior Planning Officer to visit the site and assess if the application could be considered as being acceptable.

I visited the site on 9th May 2018 and found that the site in question is a small site largely overgrown by bushes/shrubbery and is located on a plot of land between two dwellings. With regards to the dwelling to the north west ie. 2d, this is a large two storey detached dwelling which has a frontage onto the Drumard Lane. At the northern side of the dwelling is a detached garage which is set to the rear of the dwelling, however, it is still regarded as having a frontage to the Drumard Lane and therefore the garage constitutes a second building.

The dwelling to the south east ie. no.2f, has a long narrow frontage which extends to the Drumard Lane and therefore it has a frontage to the road. However, although the approved site plan for no.2f shows the curtilage restricted to the field boundary which was originally around the house and not extending to the road, that curtilage has been extended and from the aerial photography would appear to have been in place for some time. Therefore giving the benefit of any doubt to the applicant, the situation on the ground at present is one of a site located within a line of three buildings which have frontages onto the Drumard Lane. Therefore the proposal would meet this policy test and is acceptable in that respect.

In terms of integration, a dwelling with a maximum ridge height of 8.0m above finished floor level and a maximum underbuild of 0.45m could achieve an acceptable degree of integration on this site. Furthermore, given the level of vegetation surrounding the site, which provides a sense of enclosure, such a dwelling will not have an adverse impact of visual amenity.

Conclusion

Given the above situation, it is my opinion that the proposed site satisfies the policy tests and can be approved subject to the conditions listed below:-

Conditions

1. Application for approval of the reserved matters shall be made to Mid Ulster District Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

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

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

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

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

3. The dwelling hereby permitted shall have a ridge height of not greater than 8.0 metres above finished floor level, designed and landscaped in accordance with the Department of Environment's 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.

4. The depth of under-building between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

5. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels and referenced to a fixed point on the public road has been submitted to and approved by Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

6. The roofing tiles or slates shall be blue/black or dark grey in colour and shall be flat and non-profiled.

Reason: To ensure that the proposal is in keeping with the character of the rural area.

7. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been submitted to and approved by Mid Ulster District 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.

8. The existing natural screenings along the northern, southern, eastern and western boundaries of this site, shall be retained, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

9. If any retained hedge/tree is removed, uprooted or destroyed or dies within 5 years from the date of the development hereby approved, becoming operational another hedge/tree or trees shall be planted at the same place and that hedge/tree(s) shall be of such size and species and shall be planted at such time as may be specified by Mid Ulster District Council.

Reason: To ensure the continuity of amenity afforded by existing hedges/trees.

10. 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 District 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 District Council gives its written consent to any variation.

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

11. A plan at 1:500 scale (min.) shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

Reason: In order for the applicant to create a safe access onto Drummard Lane which meets the standards set out in PPS3 and DCAN15.

Signature(s):

Date

Report on	Consultation on Draft Marine Plan for Northern Ireland
Date of Meeting	5 th June 2018
Reporting Officer	Dr Chris Boomer
Contact Officer	Dr Chris Boomer

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

1.0	Purpose of Report
1.1	To provide Members with a proposed consultation response on the Draft Marine Plan for Northern Ireland. The deadline for response is 15th June 2018
2.0	Background
2.1	New systems of marine planning have been introduced across the UK. The Marine and Coastal Access Act 2009 (MCAA) and the Marine Act (Northern Ireland) 2013 (The Marine Act), require the Department of Agriculture, Environment and Rural Affairs (DAERA) as the Marine Plan Authority (MPA), to prepare marine plans, which will facilitate the sustainable development of the Northern Ireland marine area
2.2	The Marine Plan will primarily be used by Public Authorities taking decisions which affect or might affect the marine area.
3.0	Main Report
3.1	The Marine Act (Northern Ireland) 2013 and the Marine and Coastal Access Act 2009 require DAERA, as the Marine Plan Authority, to prepare marine plans, for the better management of the Northern Ireland marine area.
3.2	The Marine Plan has been developed within the framework of the UK Marine Policy Statement (UK MPS). This will facilitate the sustainable development of the marine area. The UK Government has published a 25 year Environment Plan that commits to having UK Marine Plans in place by 2021.
3.3	The Marine Plan will inform and guide the regulation, management, use and protection of

	<p>the Northern Ireland marine area. It is a single document made up of two plans, one for the inshore region and one of the offshore region. The Marine Plan has been informed by a Sustainability Appraisal, which incorporates the requirements of a Strategic Environmental Appraisal.</p>
3.4	<p>The Marine Plan policies contain a presumption in favour of development and the policies provide an overall framework for the management of the marine area, contributing to its sustainable development and to the integration of the marine and terrestrial management processes. Key activity polies include:</p> <ul style="list-style-type: none"> -Aquaculture -Carbon Capture and Storage - Commercial Fishing - Defence and National Security -Dredging - Energy - Marine Aggregates - Ports, Harbours and Shipping - Telecommunications Cabling - Tourism and Recreation
3.5	<p>The Northern Ireland marine area is made up of an inshore and an offshore region.</p> <p>The marine area comprises all marine waters including sea bed, subsoil, sea loughs and tidal rivers, so far as the tide flows at Mean High Water Spring Tide. The inshore region extends from the Mean High Water Spring Tide mark out to, at most, 12 nautical miles (nm) and includes tidal rivers and sea loughs.</p> <p>The offshore region is the area that extends south-eastwardly from the 12nm territorial limit to the outer boundary of the Northern Ireland marine area (31nm at the farthest point).</p>
3.6	<p>The Marine Plan (when adopted) will be used by Public Authorities in taking decisions which affect or might affect the marine area, including:</p> <ul style="list-style-type: none"> - Authorisation or enforcement decisions; and - Decisions that relate to the exercise of any function capable of affect the marine area.

3.7	When taking authorisation of enforcement decisions that affect or might affect the marine area, Council must do so in accordance with marine policy documents, unless relevant considerations indicate otherwise. This currently includes the UK Marine Policy Statement and appropriate marine plans, when they are adopted. If decisions are not taken in accordance with these documents, reasons must be given.
3.8	Council will also need to have regard to the appropriate marine policy documents when taking any decision that relates to a function capable of affecting the marine area, that is not an authorisation or enforcement decision.
Other Considerations	
4.1	Financial, Human Resources & Risk Implications
	Financial:
	N/A
	Human:
	N/A
	Risk Management:
	N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications:
	N/A
	Rural Needs Implications:
	N/A
5.0	Recommendation(s)
5.1	That Members agree that a reply is issued to DAERA along the lines of the enclosed draft letter
6.0	Documents Attached & References
6.1	Letter from DAERA, Draft reply, Draft Marine Plan for Northern Ireland & Draft Marine Plan for Northern Ireland (Easy Read Version)

Marine Plan Team
Marine and Fisheries Division
Klondyke Building
Cromac Avenue
Malone Lower
Belfast BT7 2JA
Telephone: (028) 9056 9262
Email: marineplanteam@daera-ni.gov.uk

18 April 2018

Dear Sir/Madam

CONSULTATION ON THE PROPOSED MARINE PLAN FOR NORTHERN IRELAND

The Department is consulting on the proposed Marine Plan for Northern Ireland.

Across the UK, new systems of marine planning have been introduced. The Marine and Coastal Access Act 2009 (MCAA) and the Marine Act (Northern Ireland) 2013 (The Marine Act), require the Department of Agriculture, Environment and Rural Affairs (DAERA) as the Marine Plan Authority (MPA), to prepare marine plans, which will facilitate the sustainable development of the Northern Ireland marine area.

Proposed Marine Plan

The Marine Plan for Northern Ireland is a single document made up of two plans, one for the inshore region under the Marine Act (Northern Ireland) 2013 (The Marine Act) and one for the offshore region under the Marine and Coastal Access Act 2009 (MCAA).

The Marine Plan (when adopted) will be used by public authorities in taking decisions which affect or might affect the marine area, including authorisation or enforcement decisions, and decisions that relate to the exercise of any function capable of affecting the marine area.

Seeking your views

We are seeking views from all interested parties on the content of the Marine Plan; which is accompanied by a Sustainability Appraisal Report; Habitat Regulations Assessment Reports; Equality Impact and Human Rights Screening Exercise; Regulatory Impact Assessment; and the Rural Needs Impact Assessment. The consultation will run from 18 April to 15 June 2018.

Responses should therefore reach us by no later than 5:00pm on Friday, 15 June 2018.

Copies of the consultation documents are available by visiting the Consultations section of the DAERA website - (<https://www.daera-ni.gov.uk/consultations>).

You may also request hard copies of these documents by writing to the address below or telephoning (028) 9056 9262. Alternative formats of the documents are also available on request.

How to Respond

If you wish to take part in the consultation of the draft Marine Plan, you can respond by using one of the following methods:

1) You can respond online at the Northern Ireland Hub – Citizen Space via <https://www.daera-ni.gov.uk/consultations>

2) By writing to:
Marine Plan Team
Marine and Fisheries Division
Klondyke Building
Cromac Avenue
Malone Lower
Belfast BT7 2JA

3) By e-mail: marineplanteam@daera-ni.gov.uk


Freedom of Information

In line with DAERA's policy of openness, copies of the responses we receive may be made publicly available at the end of the consultation period. The information they contain may also be published in a summary of responses.

If you do not consent to this, you must clearly request that your response be treated confidentially. Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request. You should also be aware that there might be circumstances in which we will be required to communicate information to third parties on request in order to comply with our obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

For further information about confidentiality of responses, please contact the Information Commissioner's Office or visit their website at <https://ico.org.uk>.

Yours faithfully



COLIN ARMSTRONG
Marine and Fisheries Division

Mr C Armstrong
Marine Plan Team
Marine and Fisheries Division
Klondyke Building
Cromac Avenue
Malone Lower
Belfast
BT7 2JA



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

June 2018

Dear Mr Armstrong

CONSULTATION ON THE PROPOSED MARINE PLAN FOR NORTHERN IRELAND

Thank you for your letter of 18th April 2018 in relation to the above.

Mid Ulster District Council (MUDC) has no objection to the Marine Plan in principle. However, it is unclear from the documentation provided whether the Plan will place any obligations on Councils', over and above what exists, in regard to their statutory functions and how that might impact on the marine environment due to inland drainage making its way to the sea. If DEARA could clarify the position this would be appreciated.

Yours sincerely,

Dr Chris Boomer
Planning Manager



Draft Marine Plan for Northern Ireland

Public Consultation

April 2018



Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk



**INVESTORS
IN PEOPLE**

Front cover image - Tourism NI

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- Computer Disk
- Other languages.

To request an alternative format, please contact us:

Marine Plan Team
Marine and Fisheries Division
Department of Agriculture, Environment & Rural Affairs
1st Floor, Klondyke Building
Cromac Avenue
Malone Lower
BELFAST
BT7 2JA
Tel: 028 9056 9262
Email: marineplanteam@daera-ni.gov.uk

www.daera-ni.gov.uk

Consultation on the Marine Plan for Northern Ireland

This consultation is seeking your comments on the Marine Plan for Northern Ireland (Marine Plan).

Assessments

The Marine Plan has been subject to, and been informed by, a Sustainability Appraisal. The Marine Plan is also accompanied by a Habitats Regulations Assessment, an Equality and Human Rights Impact Screening exercise, a Partial Regulatory Impact Assessment and a Rural Needs Impact Assessment. The accompanying assessments are available to download from the Department's website.

Please ensure that your response reaches us before the closing date.

Responses

We will use the comments to help us revise the Marine Plan, where appropriate. We are unable to reply individually to the points you may raise as part of your reply.

What Happens Next?

Following the consultation the Department will analyse and consider the information received and will publish a synopsis of these responses on the Department's website.

Following completion of the consultation exercise, an Independent Investigation¹ may be carried out if there are any remaining unresolved matters.

How to respond

Please respond to this consultation using one of the following methods:

- Online at: www.daera-ni.gov.uk/consultations
- By e-mail at: marineplanteam@daera-ni.gov.uk
- By post to:

**Marine Plan Team
Marine and Fisheries Division
Klondyke Building
Cromac Avenue
Malone Lower
Belfast
BT7 2JA**

¹ As detailed by Schedule 1 of the Marine Act (Northern Ireland) 2013 and Schedule 6 of the Marine and Coastal Access Act 2009.

When responding please provide the following information:

- Your name;
- Contact details (preferably email);
- Organisation you represent (if applicable);
- Your district council area; and
- Your main area of interest (e.g. commercial fisheries, nature conservation, tourism etc.)

This information will assist in the analysis of responses.

Accessibility

Alternative formats can be made available on request in large print, disc, Braille, audio cassette, or text phone for the hearing impaired. The document may also be made available on request in minority ethnic languages to those who are not proficient in English. The Department will translate executive summaries of key publications into Irish or Ulster Scots upon request. Information and additional copies of the document can be requested by text phone on: 028 9262 3004

The Department of Agriculture, Environment and Rural Affairs has considered the needs of blind and partially sighted people in accessing this document.

The text will be made available in full on the Department's website:

www.daera-ni.gov.uk/consultations. The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats. If you have other needs in this regard please contact the Department.

Freedom of Information (Fol), Confidentiality of Responses and Sharing of Information.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations (Northern Ireland) 1993.

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and that deals, amongst other things, with obligations of confidence.

The Marine Plan relates to functions that are the remit of other Northern Ireland and UK Government Departments and Agencies. As such, it may be necessary to share personal data and responses with those Departments and Agencies. In addition this information may be sent to the Department's Sustainability Appraisal and Habitats Regulations Assessment consultants (AECOM). If an Independent Investigation is deemed necessary, this information will be shared with the appointed body. Any information shared with third parties will be shared for the purposes of this consultation only.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act (DPA) 1998.



Marine Plan for Northern Ireland

Public Consultation

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Vision and Objectives

Marine Plan Vision

A healthy marine area which is managed sustainably for the economic, environmental and social prosperity of present and future generations².

Marine Plan Objectives

- To promote the sustainable development of productive activities, which support employment at all skill levels while fully considering the requirements of other marine interests.
- To help realise the potential of energy resources and energy storage within the marine area, while fully considering the requirements of other marine interests.
- To promote the development of vibrant, accessible and sustainable coastal communities.
- To promote the marine resource, its recreational value and its wider economic, environmental and social benefits to all.
- To promote the preservation and enjoyment of marine related heritage assets.
- To promote a healthy, resilient and adaptable marine ecosystem and an ecologically coherent network of Marine Protected Areas.
- To contribute towards climate change mitigation and adaptation measures.
- To continue to develop a sound marine evidence base in a co-ordinated manner, to increase understanding and to support the development, monitoring and review of marine plans.

² This vision sits within the wider context of the UK Vision for the marine area which is set out in the UK Marine Policy Statement as “*clean, healthy, safe, productive and biologically diverse oceans and seas*”.

Introduction

Introduction to the Marine Plan

Why is there a Marine Plan?

1. Across the UK, new systems of marine planning have been introduced. The Marine and Coastal Access Act 2009³ (MCAA) and the Marine Act (Northern Ireland) 2013⁴ (The Marine Act), require the Department of Agriculture, Environment and Rural Affairs (DAERA), as the Marine Plan Authority (MPA), to prepare marine plans, for the better management of the Northern Ireland marine area. This will facilitate the sustainable development of the marine area.
2. Marine Plans contribute to the UK implementation of the Maritime Spatial Planning Directive 2014/89/EU⁵ (the MSP Directive), which establishes a framework for Maritime Spatial Planning across the EU. This Directive requires marine plans to be completed by 31 March 2021.

What is the Marine Plan?

3. The Marine Plan for Northern Ireland is made up of two plans, one for the inshore region⁶ under the Marine Act and one for the offshore region⁷ under the MCAA. The Marine Plan, therefore, combines the plans for both the inshore and offshore regions into one document and will be collectively known as the Marine Plan for Northern Ireland (hereafter referred to as the Marine Plan). It has been prepared and will be adopted for the purposes of section 51 and 4 of the MCAA and the Marine Act respectively. The Marine Plan contains provisions relating to retained functions⁸.
4. The Marine Plan and other marine policy documents⁹ will inform and guide the regulation, management, use and protection of the Northern Ireland marine area. It will support and complement other existing legislation, policies, plans and strategies.
5. The Marine Plan reflects the unique character of the Northern Ireland marine area and the needs of its users. The Marine Plan contributes to the delivery of national and regional policy objectives. It will continue to evolve as the effectiveness of its policies are monitored and reviewed and the evidence base develops, as set out in the Monitoring and Review section.

³ <http://www.legislation.gov.uk/ukpga/2009/23/contents>

⁴ <http://www.legislation.gov.uk/nia/2013/10/contents>

⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0089>

⁶ <http://www.legislation.gov.uk/nia/2013/10/section/2/enacted>

⁷ <http://www.legislation.gov.uk/ukpga/2009/23/section/322>

⁸ Retained functions are matters which are not fully devolved to Northern Ireland and these are defined in section 60 in the Marine and Coastal Access Act 2009 (also section 12(1) of the Marine Act (Northern Ireland) 2013) and described more fully in Schedule 3 to the Northern Ireland Act 1998.

⁹ Marine policy documents include the UK Marine Policy Statement and any Marine Plan produced by a Marine Plan Authority.

6. The best available evidence has been used to reflect existing zonings and boundaries for certain activities and uses.
7. The Marine Mapviewer supplements the Marine Plan and provides spatial information to proposers¹⁰ and stakeholders, and will assist public authorities¹¹ in their decision making processes. This online facility displays a comprehensive set of mapped data, including economic, environmental and social data, relating to the Northern Ireland marine area. It is updated as and when new evidence becomes available.
8. Together the Marine Plan and Marine Mapviewer will guide and inform proposers and public authorities about the most suitable locations for different uses and activities.
9. Nothing in the Marine Plan or Marine Mapviewer should be read as a commitment for public resources.

Where is the Marine Plan area?

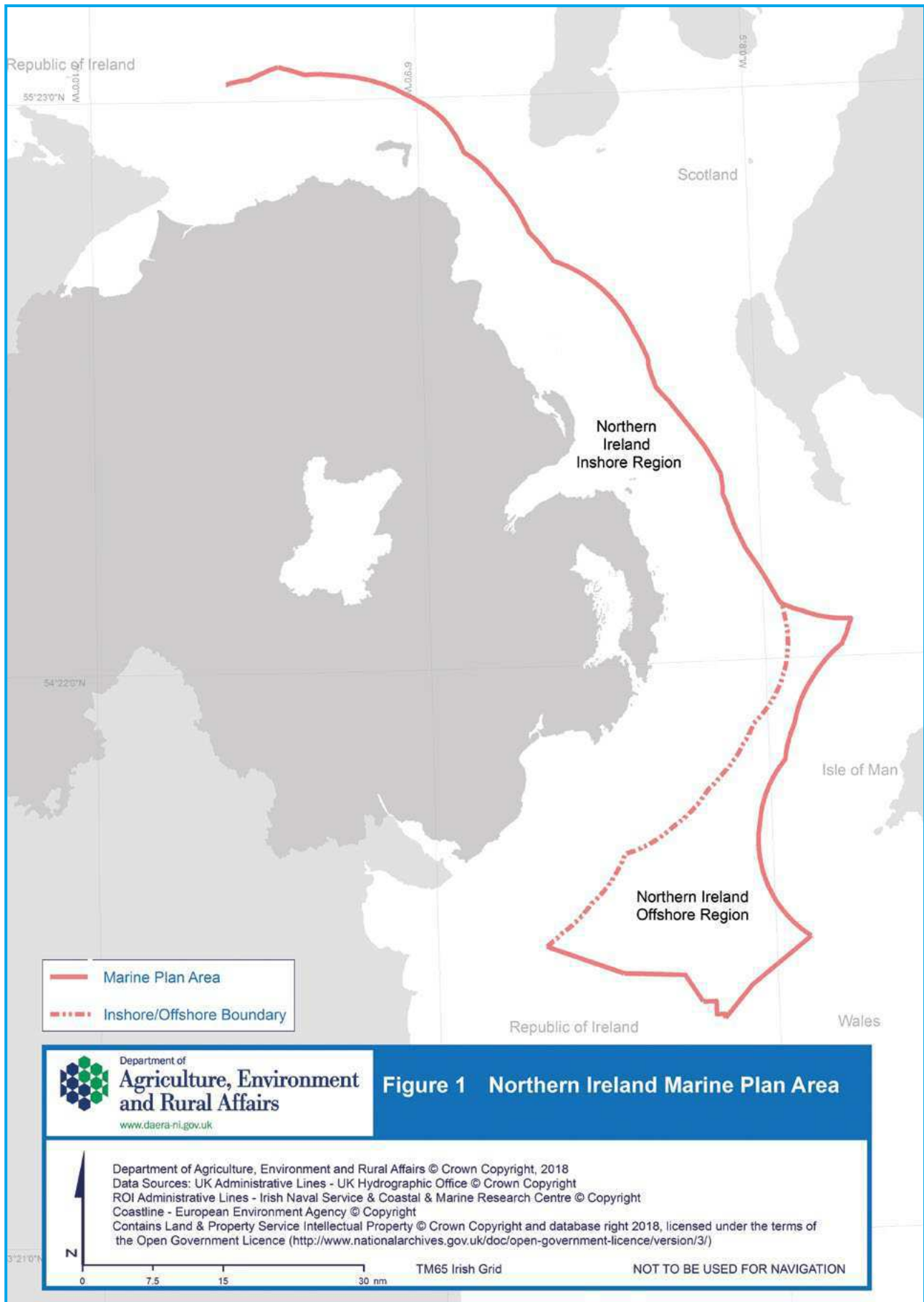
10. The Northern Ireland marine area is made up of an inshore and an offshore region¹². The marine area comprises all marine waters including sea bed, subsoil, sea loughs and tidal rivers, so far as the tide flows at Mean High Water Spring Tide.
11. The inshore region extends from the Mean High Water Spring Tide mark out to, at most, 12 nautical miles (nm) and includes tidal rivers and sea loughs. In places along the north coast, this is reduced due to the proximity of Scotland's marine area. The offshore region is the area that extends south-eastwardly from the 12nm territorial limit to the outer boundary of the Northern Ireland marine area (31nm from the inshore boundary, at its farthest extent). The administrative boundaries and the extent of the Northern Ireland Marine Plan area that abuts the marine areas of Scotland, Wales, the Isle of Man and the Republic of Ireland¹³ are shown in Figures 1 and 2.

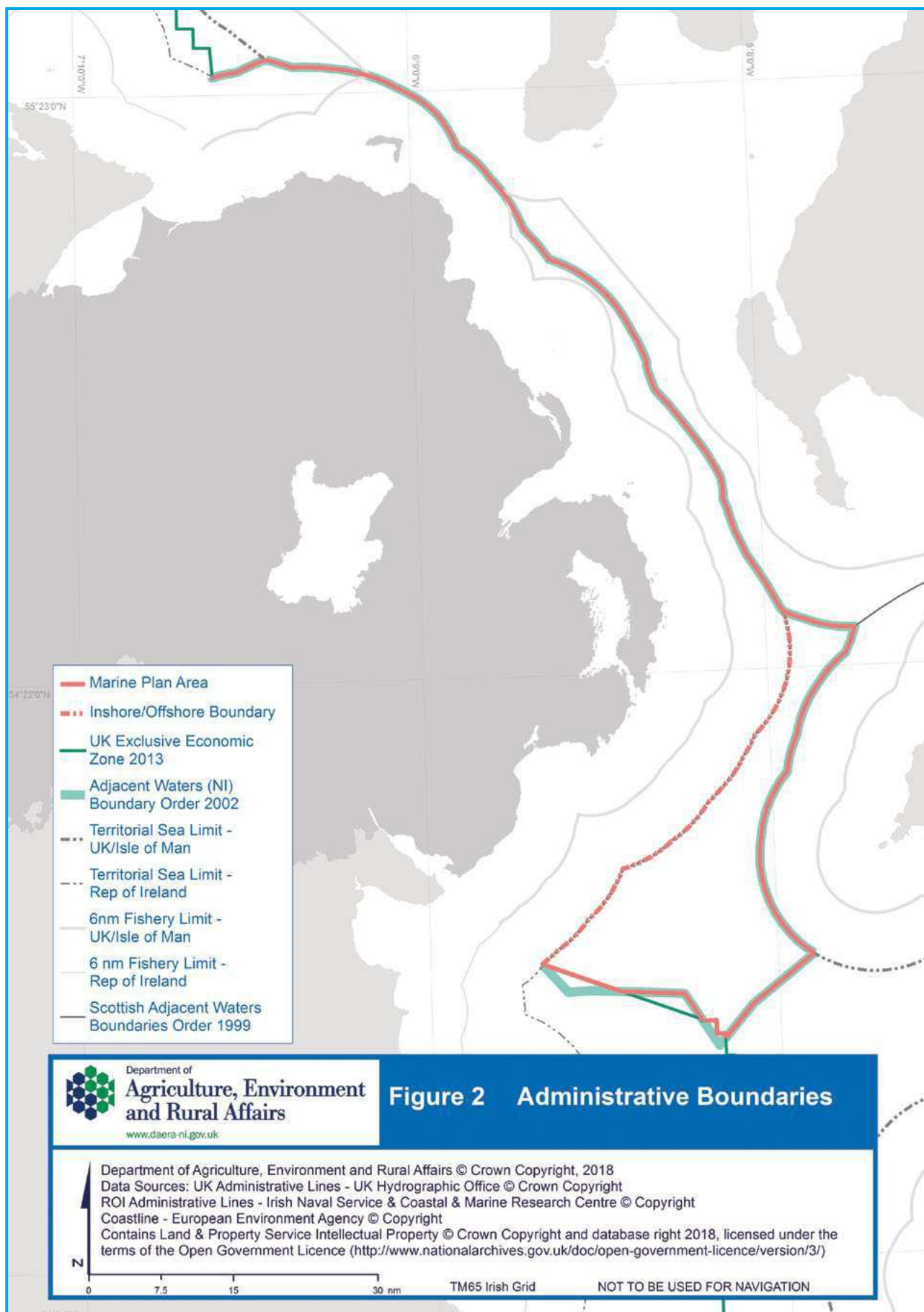
¹⁰ Anyone who is making a proposal such as an applicant, developer, agent, user or public authority.

¹¹ Is defined in section 48 of the Marine Act and section 322 of the MCAA and includes bodies responsible for making decisions capable of affecting the marine area, such as: Government Departments and Agencies (NI and UK), The Loughs Agency, District Councils, Harbour Authorities, Non-departmental Government Bodies and The Crown Estate.

¹² The outer limit of the Northern Ireland Marine Area is defined by the Adjacent Waters Boundary (Northern Ireland) 2002 Order and the Exclusive Economic Zone Order 2013.

¹³ There is no agreement on the delimitation of territorial sea between the United Kingdom and the Republic of Ireland.



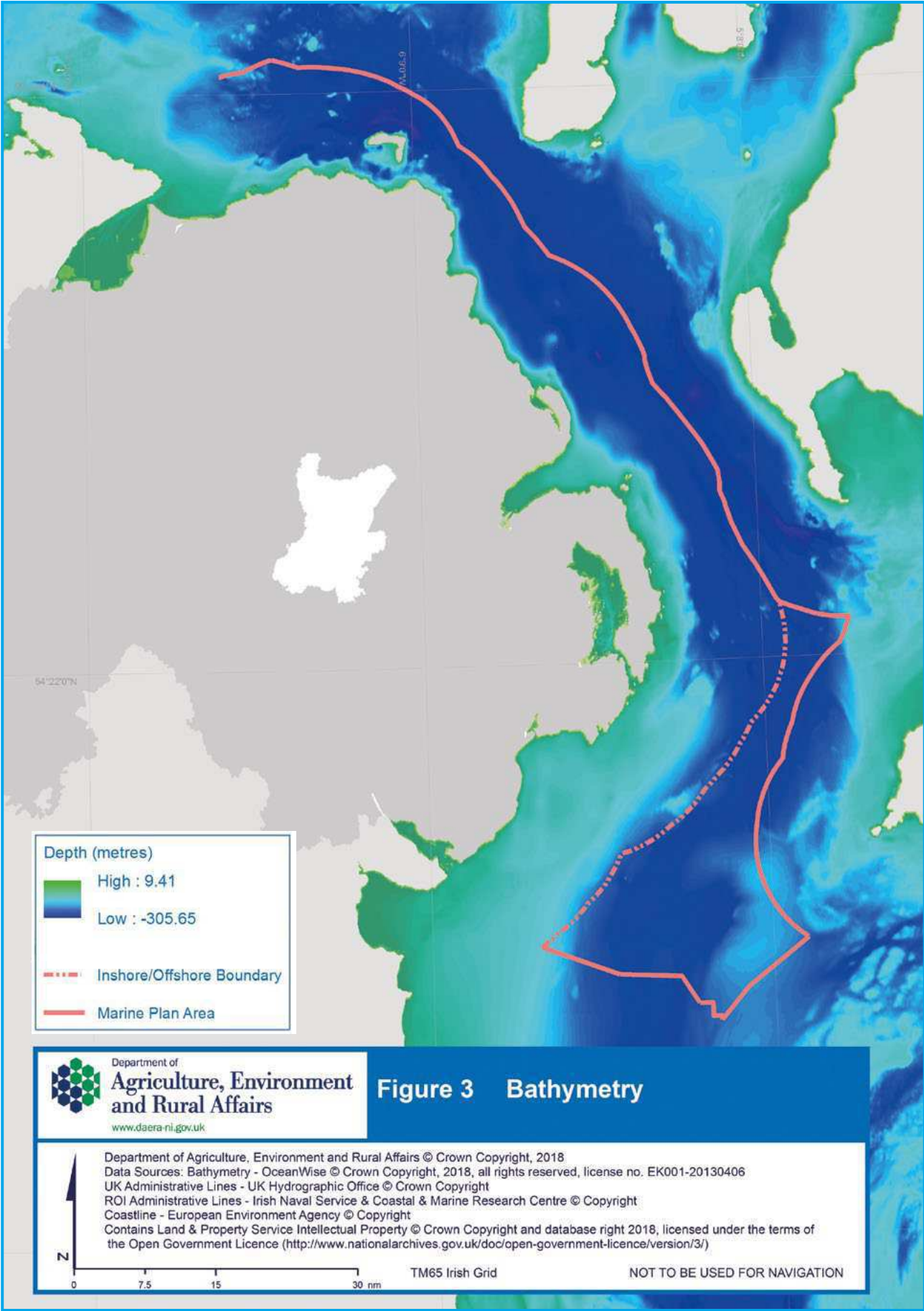


Characteristics of the Northern Ireland marine area

The Northern Ireland marine area has:

- an area of over 6,000 km²;
- a coastline of over 650 km, more than 75% of which falls within some form of conservation designation;
- a natural gyre circulatory system in the south east, which creates ideal spawning and breeding grounds for a wide range of commercial fish species;
- coastal waters that contain over 50% of the region's biodiversity;
- one inhabited island, Rathlin Island, off the north coast with a population of approximately 145 people;
- some of the deepest waters to be found anywhere in the British Isles situated north of Rathlin Island, which are in excess of 230m deep (see Figure 3);
- areas with the potential to generate renewable energy;
- areas with potential for oil and gas exploration and energy storage;
- a network of underwater telecommunications cables, electricity interconnection and a gas pipeline;
- a direct fibre optic cable link with the USA providing Northern Ireland with the fastest trans-Atlantic telecommunications in the UK;
- 44 ports and harbours including five commercial ports and three main fishing ports;
- a wealth of maritime heritage assets including the Spanish Armada shipwreck, La Girona;
- a strong maritime heritage and a coastline that includes some of our greatest environmental, tourist and recreational assets;
- a UNESCO World Heritage Site, the Giant's Causeway, a unique area of 40,000 interlocking basalt columns; and
- a number of beaches¹⁴ with blue flag status and a blue flag marina in Ballycastle.

¹⁴ <https://www.discovernorthernireland.com/explore/blue-flag-beaches/>



Who has responsibility in the marine area?

12. The responsibility for managing the Northern Ireland marine area is split between Northern Ireland and UK public authorities. These include:
 - Northern Ireland Government Departments and Agencies,
 - UK Government Departments and Agencies,
 - Northern Ireland District Councils, and
 - The Crown Estate.
13. A list of public authorities with responsibilities in the Northern Ireland marine area can be found in Annex B.

How has the Marine Plan been prepared?

14. The Marine Plan has been prepared in line with the MCAA, the Marine Act and the EU MSP Directive. The Marine Plan is in conformity with the UK Marine Policy Statement¹⁵(UK MPS).
15. The Marine Plan reflects all EU obligations as they presently apply. The Marine Plan will be reviewed, as necessary, following agreement on the UK's future relationship with the EU.
16. The MCAA enabled the production and adoption of the UK MPS. This policy statement sets the framework for the preparation of Marine Plans across the UK. It provides the high level policy context for the development, implementation, monitoring and review of all Marine Plans.
17. The Marine Plan complies with the procedural requirements that are set out in Schedule 6 to the MCAA and Schedule 1 to the Marine Act. As required by legislation, the Marine Plan Authority has:
 - notified the UK Government, the Administrations of Scotland, Wales, the Republic of Ireland and the Isle of Man of its intention to commence Marine Plans;
 - notified the District Councils whose district adjoins or is adjacent to the Northern Ireland marine area;
 - consulted with other Departments that have responsibility in the Northern Ireland marine area;
 - engaged with marine stakeholders during the preparation of the Marine Plan; and
 - taken all reasonable steps to ensure compatibility with other related marine plans and local development plans.

¹⁵ <https://www.gov.uk/government/publications/uk-marine-policy-statement>

18. The Marine Plan has been developed to support and complement other existing legislation, policies, plans and strategies. These include the Northern Ireland Executive's draft Programme for Government¹⁶, Regional Development Strategy¹⁷, Going for Growth¹⁸, the Strategic Energy Framework¹⁹, the Strategic Planning Policy Statement (SPPS)²⁰, other planning policies and the Common Fisheries Policy²¹. It takes account of Local Development Plans²², the Floods Directive, Flood Risk Management Plans, and River Basin Management Plans that implement the Water Framework Directive. The Marine Plan will complement the Marine Strategy Framework Directive (MSFD) Programme of Measures. Consequently, it will contribute to the achievement of Good Ecological Status and Good Environmental Status respectively. It will also contribute to the implementation of the Integrated Coastal Zone Management Strategy.
19. The Marine Plan has been prepared in accordance with the requirements of the MSP Directive (EU Maritime Spatial Planning Directive 2014/89/EU). The Directive aims to promote the sustainable development of marine areas and the sustainable use of marine resources. It sets out a number of minimum requirements all of which have been addressed in this plan.

Collaboration

20. The Marine Plan Authority has worked with other Northern Ireland Departments and Agencies that have responsibilities in the Northern Ireland marine area, in preparing this Marine Plan. This collaborative approach has been taken forward through the Inter-Departmental Marine Co-ordination Group (IMCG)²³. This Group meets regularly to address marine issues, policy development and information sharing.

¹⁶ <https://www.northernireland.gov.uk/programme-government>

¹⁷ The RDS provides an overarching spatial framework to influence the future distribution of activities throughout the Region to 2035. The document examines the factors which are impacting on us and are driving change. It sets out aims for the Region and provides guidance on how these aims can be achieved. <https://www.planningni.gov.uk/index/policy/rds2035.pdf>

¹⁸ Going for Growth is a strategic action plan in support of the Northern Ireland agri-food industry/

¹⁹ The Strategic Energy Framework details Northern Ireland's energy goals and objectives to 2020.

²⁰ <https://www.planningni.gov.uk/spps>

²¹ The Common Fisheries Policy provides the framework for the management of the EC fisheries and aquaculture sector, including all marine fisheries within 200 miles of Member States' baselines.

²² <http://www.planningni.gov.uk>

²³ The Department of Agriculture, Environment and Rural Affairs chairs the IMCG that includes representatives from Marine Plan Authority, Department for the Economy, Department for Infrastructure, Department for Communities, Loughs Agency and Agri-Food and Biosciences Institute.

21. In addition, the Marine Plan Authority has held regular meetings and liaised closely with other UK Marine Plan Authorities and UK Departments and Agencies, including:
- Department for Environment, Food and Rural Affairs (Defra),
 - Department for Business, Energy and Industrial Strategy (BEIS),
 - The Oil and Gas Authority (OGA),
 - Department for Transport (DfT),
 - Ministry of Defence (MOD),
 - Marine Scotland,
 - Welsh Government,
 - The Marine Management Organisation (MMO), and
 - The Crown Estate (TCE).
22. These meetings have provided the mechanism for ensuring consistency of approach across the UK.
23. Transboundary co-operation and co-ordination has also taken place with the Republic of Ireland²⁴ and the Isle of Man²⁵.

Public Participation

24. The involvement of those with an interest in and responsibility for²⁶ the marine area has been central to the development of the Marine Plan. The Marine Plan Authority published a Statement of Public Participation²⁷ (SPP), which sets out how and when to involve and engage ‘interested persons’ including:
- Statutory partners and other Government Departments and Agencies,
 - District Councils,
 - Devolved Administrations and neighbouring Governments,
 - Key sector and industry representative groups,
 - Non-government organisations, and
 - Other interested parties, such as communities, schools and special interest groups.
25. The Marine Plan Authority has facilitated stakeholder focussed meetings and workshops. In compliance with the MCAA and the Marine Act²⁸, all evidence provided by stakeholders has been taken into account during the development of the Marine Plan.

²⁴ Article 11 of the MSP Directive.

²⁵ Article 12 of the MSP Directive.

²⁶ Required by Article 9 of the MSP Directive, Schedule 6 of the MCAA and Schedule 1 of the Marine Act.

²⁷ <https://www.daera-ni.gov.uk/publications/marine-plan-statement-public-participation>

²⁸ Paragraph 9 (e) & (f) of Schedule 6 & 1 respectively.

Evidence

26. The Marine Plan has been prepared and informed using best available economic, environmental and social evidence²⁹. Given the spatial characteristics of the available data, the Marine Plan Authority has used Geographic Information Systems (GIS)³⁰ to manage the datasets. The data shows that marine activities and uses are highly dynamic in both time and place and often extend beyond administrative boundaries³¹.

Ecosystem based approach

27. The Marine Plan uses an ecosystem based approach that will assist public authorities in managing the competing demands on the marine area in a more sustainable manner.
28. For the purposes of this Marine Plan, the definition used for ‘ecosystem based approach’ is the same as that included in the UK MPS. This states that, “the collective pressure of human activities is kept within the levels compatible with the achievement of Good Environmental Status; that does not compromise the capacity of marine ecosystems to respond to human induced changes; and that enables the sustainable use of marine goods and services”.

Sustainable Development

29. Achieving sustainable development is at the core of this Marine Plan.
30. The Marine Plan builds upon the Sustainable Development Strategy (SDS)³², which recognises that economic development must be undertaken in a way that protects and enhances the built and natural environment.
31. The Strategy is underpinned by a statutory duty on all NI Departments and District Councils to “act in a way it considers best calculated to contribute to the achievement of sustainable development in Northern Ireland, except to the extent that it considers that any such action is not reasonably practicable in all the circumstances of the case.”

²⁹ Article 10 of the MSP Directive.

³⁰ A GIS is a specialised IT system with spatial capabilities and functionality for managing and interrogating geographic information.

³¹ Spatial datasets which extend beyond the Northern Ireland marine area, such as UK or All-island wide datasets are displayed in their entirety to preserve data integrity.

³² <https://www.daera-ni.gov.uk/articles/sustainable-development>

Marine Objectives

32. The UK Government and the Devolved Administrations agreed a set of High Level Marine Objectives³³ establishing the building blocks for the UK's approach to the sustainable development of the marine area. These are:
 - Achieving a sustainable marine economy,
 - Ensuring a strong, healthy and just society,
 - Living within environmental limits,
 - Promoting good governance, and
 - Using sound science responsibly.
33. These objectives underpin the UK MPS, which in turn provides the framework for the development of marine plans. In addition, development of the Marine Plan is based on sustainable development principles, which will contribute to the objectives of the MSP Directive.
34. The Marine Plan Authority, in consultation, developed eight objectives for the Marine Plan, reflecting the full range of the High Level Marine Objectives. Working towards the Marine Plan objectives by all those with an interest in and/or responsibility for the marine area will lead to the achievement of the Marine Plan Vision and will contribute to achieving the UK Vision. The Marine Plan objectives are set out below.
 - **Objective 1:** to promote the sustainable development of productive activities, which support employment at all skill levels while fully considering the requirements of other marine interests.
 - **Objective 2:** to help realise the potential of energy resources and energy storage within the marine area, while fully considering the requirements of other marine interests.
 - **Objective 3:** to promote the development of vibrant, accessible and sustainable coastal communities.
 - **Objective 4:** to promote the marine resource, its recreational value and its wider economic, environmental and social benefits to all.
 - **Objective 5:** to promote the preservation and enjoyment of marine related heritage assets.
 - **Objective 6:** to promote a healthy, resilient and adaptable marine ecosystem and an ecologically coherent network of Marine Protected Areas.

³³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/182486/ourseas-2009update.pdf

- **Objective 7:** to contribute towards climate change mitigation and adaptation measures.
- **Objective 8:** to continue to develop a sound marine evidence base in a co-ordinated manner, to increase understanding and to support the development, monitoring and review of marine plans.

35. Further detail on the objectives is outlined in Annex C.

About this Marine Plan

36. The Marine Plan policies are structured in such a way as to provide clarity on:
- **WHAT** the policy subject is about;
 - **WHERE** the resource, use or activity is located within the marine area (where appropriate);
 - **WHO** the policy is of interest to and the principal decision making authorities, (where appropriate);
 - **WHY** the policy is needed; and
 - **HOW** the policy should be implemented.

What policies does the plan contain and what is their purpose?

37. The Marine Plan contains policies that reflect, clarify and signpost current legislation, policy measures and practices from the UK MPS and across NI and UK Government Departments and Agencies.
38. The Marine Plan contains two categories of policies:
- **Core policies** - that cover the general issues to be considered for all proposals; and
 - **Key Activity policies** - that support or safeguard a particular activity without undue impact on the marine area, its ecosystem services and the users that rely on them.
39. The policies provide an overall framework for the management of the marine area, contributing to its sustainable development and the integration of the marine and terrestrial management processes. They enable public authorities, when taking decisions, to guide activities to suitable locations and address any potential adverse impacts. The policies also provide the context for public authorities in any future management of unregulated activities in the marine area.
40. The Core and Key Activity policies will support and contribute to the achievement of the Vision and Objectives of the Marine Plan. Where applicable, an indication of how the policies meet a particular objective has been provided.
41. Where clear linkages, either direct or indirect are present between a policy and an objective, these are indicated in the margin of each policy section. Direct links are shown in solid (e.g. objective link: ① ② etc.) while indirect links are shown in outline (e.g. objective link: ① ② etc.).

Who are the policies for?

42. The Core and Key Activity policies are to be used by public authorities in taking decisions which affect or might affect the marine area, including:
 - Authorisation or enforcement decisions; and
 - Decisions that relate to the exercise of any function capable of affecting the marine area.
43. Proposers can also use the policies to assist in the planning, concept and design of proposals.
44. In addition, the policies will be relevant to anyone, whether as an individual or group, who has an interest in the marine area or who may be affected by any decision that affects or might affect the marine area.

Public Authorities: Public Authorities: Is defined in section 48 of the Marine Act³⁴ and section 322 of the MCAA³⁵ and includes bodies with responsibility for making decisions capable of affecting the marine area such as: Government Departments and Agencies (NI & UK); The Loughs Agency; District Councils; Harbour Authorities; Non-departmental Government Bodies and The Crown Estate.

Proposer: Anyone who is making a proposal: such as an applicant, developer, agent, user or public authority.

Proposals: Proposals include (but are not restricted to) any plan, project, activity, use or development that requires a decision by a public authority.

Why does the Marine Plan affect decision making?

45. The MCAA and the Marine Act require that all public authorities, taking authorisation or enforcement decisions, which affect or might affect the marine area, must do so in accordance with appropriate marine policy documents, such as, marine plans and the UK MPS, unless relevant considerations indicate otherwise. The legislation also states that where a decision is not taken in accordance with these marine policy documents, the public authority must state its reasons.

³⁴ In section 48 of the Marine Act a “public authority” means any of the following:

- a) a Minister of the Crown or a department of the government of the United Kingdom;
- b) a Northern Ireland department;
- c) a statutory undertaker within the meaning given by section 250 (1) of the Planning Act (Northern Ireland) 2011;
- d) a district council;
- e) any other body established under a statutory provision;
- f) the holder of any office under the Crown or any office established under a statutory provision;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland).

³⁵ <http://www.legislation.gov.uk/ukpga/2009/23/section/322/enacted>

46. Both Acts^{36/37} further require a public authority to have regard to the appropriate marine policy documents, including the Marine Plan, when taking any decision which relates to a function capable of affecting the marine area that is not an authorisation or enforcement decision. This could include but is not restricted to the development of sectoral policies, Local Development Plans or designation processes, such as those for protected areas and heritage assets.

Decisions affected by a marine plan

Wording of section 58 of the Marine and Coastal Access Act 2009 is shown in italics.

Section 8 of the Marine Act (Northern Ireland) 2013

- (1) A public authority must take any authorisation or enforcement decision in accordance with any appropriate marine plan [marine policy documents], unless relevant considerations indicate otherwise.
- (2) If a public authority takes an authorisation or enforcement decision otherwise than in accordance with any appropriate marine plan [marine policy documents], the public authority must state its reasons.
- (3) A public authority must have regard to any appropriate marine plan [*marine policy documents*] in taking any decision-
 - (a) which relates to the exercise of any function capable of affecting the whole or any part of the Northern Ireland inshore region [UK marine area], but
 - (b) which is not an authorisation or enforcement decision.
- (4) An “authorisation or enforcement decision” is any of the following -
 - (a) the determination of any application (whenever made) for authorisation of the doing of any act which affects or might affect the whole or any part of the Northern Ireland inshore region [*UK marine area*],
 - (b) any decision relating to any conditions of such an authorisation,
 - (c) any decision about extension, replacement, variation, revocation or withdrawal of any such authorisation or any such conditions (whenever granted or imposed),

³⁶ Under section 8 (3) of the Marine Act:

- (3) A public authority must have regard to any appropriate Marine Plan in taking any decision-
 - (a) which relates to the exercise of any function capable of affecting the whole or any part of the Northern Ireland inshore region, but
 - (b) which is not an authorisation or enforcement decision.

³⁷ As specified under section 58 (3) and section 59 (4) of the MCAA.

(d) any decision relating to the enforcement of any such authorisation or any such conditions.

(e) any decision relating to the enforcement of any prohibition or restriction (whenever imposed) on the doing of any act, or of any act of any description, falling within paragraph (a).

(5) In this section “authorisation” means any approval, confirmation, consent, licence, permission or other authorisation (however described), whether special or general.

Where does the Marine Plan apply?

47. The Marine Plan policies, the UK MPS and other appropriate marine policy documents apply to the Northern Ireland marine area. In addition, the Marine Plan policies apply to decisions made by public authorities on land and decisions in adjacent UK marine regions, which affect or might affect the whole or part of the Northern Ireland marine area³⁸.

When does the Marine Plan come into effect?

48. The Marine Plan will come into effect when it is published in final form, by the Marine Plan Authority. In the meantime, decisions by public authorities will be determined in accordance with the UK MPS. Following the publication of the Marine Plan, the UK MPS remains a material consideration.

³⁸ <http://www.legislation.gov.uk/ukpga/2009/23/section/59>

Achieving Sustainable Development

At a glance

There is a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of the Marine Plan.

49. The Sustainable Development Strategy³⁹ requires that the statutory functions of NI Departments and District Councils are exercised in support of the achievement of sustainable development and are in line with the principles and priorities of the Strategy.
50. Contributing to the achievement of sustainable development is at the core of the Marine Plan and it will deliver on the three pillars of sustainable development: economy, environment and society. The Marine Plan will, through the ecosystem-based approach, provide for economic growth and ensure that the provision of activities and uses are undertaken in a manner that respects and protects the marine area; while also bringing positive social benefits. This approach is in line with the presumption in favour of sustainable development in the marine planning system, outlined in the UK MPS.
51. The Marine Plan contributes to driving economic growth, protecting the environment and improving well-being by informing public authority decision making processes and the planning, concept and design of proposals. This supports more effective and efficient decision making, thus reducing the risk of uncertainty and increasing the potential for a positive outcome.

³⁹ <https://www.daera-ni.gov.uk/publications/sustainable-development-documentation>

Using this Marine Plan

52. This plan must be used in accordance with Part II of the Marine Act and Part III of the MCAA.
53. All text contained within this Marine Plan will be considered as policy whether it is contained within a box or not.
54. **Core** policies apply to **all** proposals and public authorities must consider them when taking decisions.
55. **Key Activity** policies will be considered by public authorities when there will be a direct or indirect relevance to, or impact on a specific key activity.
56. All policies will be considered by public authorities taking decisions which affect or might affect the marine area, through decision making processes.
57. Proposers need to take account of all Core Policies and appropriate Key Activity policies when preparing their proposals and have regard to applicable decision making processes and requirements, whether these are specified or not.
58. The policies should be applied proportionately, taking into account: the decision making role of the public authority; the scale of the proposal; and the potential economic, environmental and social impacts.
59. Policies should not be read in isolation, as more than one policy could apply to any proposal. Where possible, policies are supported by spatial information and signposted to further information.
60. The Marine Plan does not repeat all of the considerations that may be contained within existing plans, programmes, strategies or legal provisions for a sector. It is therefore necessary that public authorities and proposers also consider sector specific plans, programmes, strategies or legal provisions for their use or activity.
61. It will be for the public authority in the exercise of its functions, to determine all appropriate considerations to be taken into account in arriving at a decision. In many cases, it is likely that there will be considerations other than the Marine Plan. These may include legislation, marine policy documents, public health and safety, social impacts and other policies or existing measures. It may be that other considerations have a stronger influence on the decision than the Marine Plan policies. For example, the designation and management of Marine Protected Areas, must be undertaken in accordance with the appropriate legislation and policy underpinning them.
62. The public authority, as the decision maker, will decide the appropriate weight that is to be given to each consideration.

63. When a proposal is subject to more than one decision by a public authority(s), each public authority will decide on the appropriate considerations that need to be assessed for the purposes of each decision. Consequently, some matters relating to a proposal will receive further detailed consideration in another more appropriate decision making process and it is important that this is recorded
64. Where the Marine Plan uses terms such as, '*unacceptable adverse impact*' or '*public benefit*' the interpretation of these terms remains with the public authority in the exercise of its functions.
65. The evidence required to make decisions, including that to be submitted by the proposer, will remain a matter to be determined by the public authority in the exercise of its functions. In determining the evidence requirements, the public authority may consider: the nature, scale and potential impact of a proposal; proportionality; the existing evidence base; the feasibility of acquiring new evidence and other decision making processes.
66. The value of considering the policies, along with spatial information, at an early stage is strongly emphasised. Greatest benefit will be realised when policies are considered, for example, in the concept, planning and design stages of proposals, rather than at later formal stages. Engagement with the relevant public authorities is strongly encouraged, as early as possible in the preparation of proposals.
67. The map figures contained in the Marine Plan are correct at the time of publication and are for illustrative purposes only. The Marine Mapviewer is not intended to be the sole source of information for decision making.

Core Policies

These policies cover the general issues to be considered for all proposals.

Stakeholder Engagement

At a glance

Stakeholder Engagement

Proposers must demonstrate that proportionate stakeholder engagement has taken place.

Applies to the inshore and offshore regions

What is stakeholder engagement?

68. Stakeholder engagement is the process by which proposers involve people who may be affected by their proposal. Stakeholders include all individuals, groups and organisations (public and private) that are affected, involved or interested in the marine area.

Who is this of interest to?

69. This policy requires all proposers to conduct proportionate stakeholder engagement in the concept, planning and design of their proposals.
70. All those with an interest in the marine area including public authorities, individuals, users and community / voluntary groups, should also consider this policy, as a means of enabling proactive engagement.

Why is stakeholder engagement important?

71. Carrying out effective and inclusive stakeholder engagement prior to entering formal decision making processes, can have many benefits. Stakeholders may voice concerns, seek clarity, influence and improve proposals. Proposers may anticipate potential risks, address areas of concern, add to the knowledge base and enhance the quality of a proposal. Stakeholders may support or oppose proposals, but the earlier they become involved in the process, the higher the likelihood that a broad consensus can be reached, thereby increasing the potential for timely and positive decisions. Such proactive engagement will help deliver sustainable development, achieve better integration of proposals and safeguard other marine interests.
72. Working with public authorities prior to submitting proposals will promote co-ordination between consenting public authorities, reducing duplication of effort and processes, and will ensure that all requirements are met.

How is this to be achieved?

73. Proposers must demonstrate that meaningful stakeholder engagement has taken place. There are a wide variety of methods for conducting stakeholder engagement that will reflect the nature, scale and impact of the proposal. This Marine Plan does not specify the means of engagement to be undertaken; however any engagement should be proportionate and consider the following:
 - the identification of all potential stakeholders;
 - an engagement timetable that involves stakeholders as early as possible;
 - a process that uses the means, times and places to reasonably accommodate stakeholders;
 - a process that is understandable, meaningful and appropriate for the audience;
 - the sharing of information on the potential impact of the proposal and measures to address potential adverse impacts; and
 - a process that gives stakeholders adequate time, means and encouragement to contribute.
74. Minor proposals may not require extensive stakeholder engagement and advice can be sought from the relevant public authority.
75. Public authorities need to be satisfied that engagement with stakeholders has been comprehensive and proportionate to the scale and impact of the proposal. This will allow them to make decisions with confidence.
76. Proposers, stakeholders and public authorities will need to work collaboratively to ensure that effective engagement in the marine area is realised.
77. Where a proposal is subject to a pre-application process, such as, for marine licensing⁴⁰ or land-based planning regimes⁴¹, stakeholder engagement may already be included within these processes. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

⁴⁰ DAERA Marine Licensing currently works closely with public authorities and applicants, when contacted prior to the submission of an application, through Pre-application Discussions, to ensure appropriate information and requirements form part of any application formally submitted at a later stage. Pre-application Discussions play a central part of a positive and proactive management system.

⁴¹ Within the land-based planning system early engagement is an essential part of the process, as stipulated in the Planning Act (Northern Ireland) 2011. Section 27 places a statutory duty on applicants applying for planning permission to consult the community in advance of submitting a major planning application. The Planning Authority can use Pre-application Discussions (PAD) on a wider range of applications to inform the process and scope of statutory consultation activity. Further information can be obtained from the relevant Planning Authority.

Air Quality

At a glance

Air Quality

Public authorities must consider the potential impact of proposals on air quality and where appropriate, seek to protect or improve air quality.

Where a proposal has the potential to adversely impact on air quality, a public authority may require the proposer to demonstrate:

- a) how the impact has been considered; and
- b) measures to address the adverse impact, where appropriate.

Applies to the inshore and offshore regions

What is air quality?

78. Air quality is a term that refers to the condition of the air. Good air quality is clean, clear, unpolluted air, which is essential for health and well-being and the functioning of marine ecosystems. Poor air quality occurs when levels of pollutants in the air reach high enough concentrations to endanger human health and/or the environment. Poor air quality results from a number of factors, including pollutants⁴² and emissions⁴³ from various sources, both natural and man-made.
79. In the marine area, key activities such as shipping and fishing, produce emissions including particulate matter and gases. Emissions of sulphur dioxide from the maritime sector in Europe, for example, are projected to surpass total emissions from all land-based sources by 2020, assuming no action is taken⁴⁴. Along the coast, vehicles, power stations, industrial processes, fires and construction activities are also key sources of air pollutants and emissions.

⁴² Pollutants are harmful chemicals or other substances found in the air, at high enough concentrations to endanger the environment and people's health.

⁴³ Air pollutant emissions are taken here to be discharges of a pollutant from a particular source (e.g., power station) or group of sources (e.g., ships) into the air.

⁴⁴ European Commission's Clean Air for Europe (CAFE) programme.

Who is this of interest to?

80. This policy requires public authorities and proposers to consider the impact of proposals on air quality which affects or might affect the marine area.
81. The Department of Agriculture, Environment and Rural Affairs, District Councils⁴⁵ and the Department for Transport (UK) have a statutory role and can provide advice on air quality. In addition, all Northern Ireland government departments are responsible for ensuring compliance with EU air quality limit values, where air pollutants result from activities within their remit.

Why is air quality important?

82. Air pollution can have serious impacts on people's health, biodiversity, the wider environment and can contribute to climate change.
83. The construction, operation and decommissioning phases of activities and uses, in the marine and coastal area can have detrimental impacts on air quality across Northern Ireland. Particulates, nitrogen dioxide and ozone are of particular concern in Northern Ireland.
84. The management of air quality in Northern Ireland is based on the requirements of international and European⁴⁶ obligations and the UK Air Quality Strategy⁴⁷. The UK MPS also requires that air quality impacts are taken into account.

How is this to be achieved?

85. Public authorities must consider the potential impact of proposals on air quality and where appropriate, seek to protect or improve air quality through decision making processes. The nature of air pollutants and their dispersal may require that attention is given to potential transboundary effects.
86. In assessing any likely impact on air quality from proposals, the public authority may require the proposer to provide evidence that identifies pollutants, their adverse impact and the measures to address the adverse impact, where appropriate.

⁴⁵ District Councils have a statutory duty under the Environment (NI) Order 2002, to periodically review and assess air quality within their districts. Where air quality is poor, councils must declare an Air Quality Management Area (AQMA) and, in conjunction with relevant authorities, draw up an Action Plan to address the air pollution issues in the AQMA. UK Emissions Interactive Map - <http://naei.defra.gov.uk/data/gis-mapping>

⁴⁶ Directive 2008/50/EC on Ambient Air Quality and Cleaner Air for Europe and directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air. Both are transposed under the Air Quality Standards Regulations (Northern Ireland) 2010.

⁴⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69336/pb12654-air-quality-strategy-vol1-070712.pdf

87. Proposers are strongly encouraged to consider impacts on air quality at the earliest stages of concept, planning and design of proposals and during their life-time. Where proposals are located adjacent to an Air Quality Management Area, proposals should seek to be consistent with the appropriate Air Quality Management Area Action Plan.
88. Any impact on air quality from proposals may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
89. Public authorities should only authorise a proposal, if they are satisfied that there is no unacceptable adverse impact on air quality and that the proposal will not inhibit the ability of the public authority to meet its legislative commitments, such as those under the Pollution Prevention and Control⁴⁸ regime, or those that are set out in the EU Air Quality Directives.
90. The UK Air Quality Strategy sets out and regulates UK wide objectives and policy options for improving air quality that will bring health and social benefits.
91. Compliance with limits is important to manage pressures and improve air quality. Liaison with the relevant District Council is essential to ensure statutory limits are not exceeded and that there is consistency with AQMA action plans. The importance of protecting AQMAs as a means of improving air quality, is also outlined in the Regional Development Strategy.

⁴⁸ Including: Pollution Prevention and Control Regulations (Northern Ireland) 2003; Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 and Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2001 (as amended).

Climate Change

At a glance

Climate Change

Public authorities, where appropriate, must consider the potential impact of proposals on greenhouse gas emissions and the proposals ability to adapt to a changing climate.

Climate Change Mitigation

A public authority may require a proposer to demonstrate:

- a) how they have considered the proposal's greenhouse gas emissions during its lifetime; and
- b) measures to minimise and/or mitigate these emissions, where appropriate.

Climate Change Adaptation

Where climate change has the potential to impact on a proposal during its lifetime, a public authority may require the proposer to demonstrate:

- a) how the impact has been considered; and
- b) measures to address the adverse impact, where appropriate.

Applies to the inshore and offshore regions

What is climate change?

92. Climate change is a large-scale shift in the planet's weather patterns or average temperatures and the consensus of scientific opinion is that it is driven by the emissions resulting from human activities. The global average temperature has increased by 0.85°C since 1880 and the first ten years of this century were the warmest in the 160 year global record⁴⁹. For the marine and coastal area, the impacts of climate change include:

- Risks to and opportunities for marine species, fisheries and marine heritage from ocean acidification and higher water temperatures;
- Risks to habitats and heritage in the coastal zone from sea-level rise and loss of natural flood protection;
- Risks to the natural environment and natural assets from salt water intrusion, flooding and coastal erosion;

⁴⁹ <http://webarchive.nationalarchives.gov.uk/20121206073610/bis.gov.uk/go-science/climatescience/world-is-warming>

- Risks and opportunities from changes in landscape character;
- Risks to the viability of coastal communities from sea level rise;
- Risks to people, communities and buildings from flooding;
- Risks to business sites, infrastructure from flooding and erosion;
- Risks to business from loss of coastal locations and infrastructure;
- Risks to offshore infrastructure from storms and high waves; and
- Risks to health from poor water quality.

Who is this of interest to?

93. This policy requires public authorities and proposers to consider the effects of a proposal on greenhouse gas emissions and consider whether any actions are necessary to adapt to a changing climate.
94. All Departments and district councils have a collective responsibility in working towards climate change targets and programmes in the exercise of their functions.

Why is climate change important?

95. There are a range of international agreements, national legislation and strategies that commit Northern Ireland to the reduction of greenhouse gas emissions and a low carbon economy. The UK Climate Change Act 2008⁵⁰ sets a target of 80 per cent reduction against 1990 levels, for achievement by the UK as a whole. Furthermore, the Act commits the UK, including Northern Ireland, to a rolling programme of climate change risk assessments and adaptation programmes⁵¹.
96. The UK MPS also requires that consideration is given as to how the marine area can adapt to the impacts of climate change. Through understanding the impacts and effects of climate change, proposers can improve the resilience of a proposal over its lifetime.

How is it to be achieved?

97. Public authorities must consider the effects of a proposal on greenhouse gas emissions and consider if any actions are necessary to adapt the proposal to a changing climate, through decision making processes.

⁵⁰ <http://www.legislation.gov.uk/ukpga/2008/27/contents>

⁵¹ The Northern Ireland Climate Change Adaptation Programme (2014) sets out a range of actions proposed by NI Government Departments, designed to address the risks to NI identified in the Climate Change Risk Assessment 2012 and builds climate change considerations into government policy decisions.

98. There are two ways in which climate change can be addressed:
- mitigation - that aims to slow the rate of future change and lessen its effects through the implementation of a variety of measures, mainly by reducing greenhouse gas emissions; and/or
 - adaptation - which is the process of adjusting to the changes in our climate and planning how to prepare for the future.
99. In reducing greenhouse gas emissions, proposers should take account of emissions directly and indirectly related to the proposal and the impact on measures already in place to reduce emissions. In developing proposals, the most efficient use of fossil fuels or low carbon alternatives should be incorporated. Some proposals, such as, renewable energy in the marine area, can play a role in directly reducing society's need for fossil fuels.
100. Increased temperatures, sea level rise and extreme weather events increase the risk of coastal erosion and flooding, and should be taken into account by proposers and public authorities. Proposals should be located and designed to cope with current and future conditions. Care needs to be taken to ensure proposals do not adversely impact on natural ecosystems, particularly where the management of these contributes to measures to reduce or limit greenhouse gas emissions.
101. Public authorities and proposers are directed to Climate Change Risk Assessments, including any summary documents for Northern Ireland⁵²; and the Marine Climate Change Impacts Partnership, which provide evidence of impacts and projections for Northern Ireland⁵³.
102. Climate change may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
103. To work towards a reduction in greenhouse gas emissions, public authorities, in applying this policy, should focus on major proposals or those that could produce significant emissions. Public authorities will generally support proposals that make a key contribution to the reduction of greenhouse gas emissions, such as renewable energy proposals, provided they are in accordance with the Marine Plan and other appropriate policy and legislation.

⁵² <https://www.theccc.org.uk/uk-climate-change-risk-assessment-2017/introduction-to-the-ccra/>

⁵³ UK Climate Change Projections 2009 - <http://ukclimateprojections.metoffice.gov.uk/>

Coastal Processes

At a glance

Coastal Processes

Public authorities must consider any potential impact from proposals on coastal processes.

Where a proposal has the potential to adversely impact on coastal processes, a public authority will require the proposer to demonstrate:

- a) that adverse impact is avoided; or
- b) where adverse impact is unavoidable, it is minimised, and where appropriate mitigated; or
- c) where adverse impact cannot be avoided or minimised, it is mitigated.

If it is not possible to avoid, minimise and/or mitigate any adverse impact, a proposal will only be allowed where the public benefit clearly outweighs the adverse impact.

Resilience to Coastal Processes

Where coastal processes have the potential to impact on a proposal during its lifetime, a public authority may require the proposer to demonstrate:

- a) how the impact has been considered; and
- b) measures to address the adverse impact, where appropriate.

Applies to the inshore region

What are coastal processes?

104. For the purposes of this policy, 'coastal processes' is a broad term incorporating a number of processes in the marine area and includes (but is not limited to) sediment transport, coastal change (erosion and accretion), wave dynamics, current flows and inundation of the land by the sea (coastal flooding).

Who is this of interest to?

105. This policy requires public authorities and proposers to consider and address any adverse impacts from proposals on coastal processes and conversely, how coastal processes may impact on proposals.

106. All coastal management is conducted within decision making processes, such as marine licensing, planning permissions and other consents. Government Departments with assets susceptible to damage from coastal processes are responsible for their own coastal management⁵⁴. Public authorities that can provide advice include:
- Department for Infrastructure, Rivers (coastal flooding);
 - Department of Agriculture, Environment and Rural Affairs; and
 - District Councils.
107. DfI Rivers currently maintains 26km of sea defences to protect low-lying coastal lands and infrastructure from flooding.

Why are coastal processes important?

108. Coastal processes are natural mechanisms that can sustain beaches and maintain healthy ecosystems. The processes are often cyclical, for example, sandy beaches can retreat in response to winter storms and recover in periods of calm. These oscillations can happen over a period of months to years. Coastal processes can help mitigate against the impacts of extreme weather and climate change.
109. The poor management of coastal processes can pose a risk to the environment, economy and communities. Good management of these risks can reduce danger to life; coastal squeeze; damage to property and infrastructure; and avoid costly expenditure of public and private resources on remedial works.
110. Natural features such as beaches, sand dunes and estuaries provide natural mitigation that can reduce the impacts of extreme weather events by providing space for floodwaters, absorbing storm energy and providing a natural response to coastal change. Failing to value the ecosystem services these features provide, can inadvertently adversely impact the environment, economy and communities by disrupting activities and uses or causing damage to habitats, infrastructure and property.
111. Poor management can also significantly adversely affect designated nature conservation sites and vulnerable habitats, such as, beaches, sand dunes and estuaries. Damage to these features may have consequences for other ecosystem services, such as cultural services, that support coastal tourism.
112. Climate change and in particular, sea level rise and increased storm frequency and severity, is likely to put some parts of the Northern Ireland coast at greater risk of coastal change and flooding⁵⁵.

⁵⁴ Under the Bateman Formula. This formula is a historic interdepartmental agreement detailing procedure for executing essential coastal protection works. Based on this formula the cost of beneficial works to protect essential infrastructure may be undertaken by the Department responsible for the asset at risk.

⁵⁵ Living with Rivers and the Sea: Government response to the Independent Flood Management Policy Review.

113. Consideration of coastal processes is an essential component of an integrated approach to the management of the land and sea interface.

How is this to be achieved?

114. Public authorities must consider the potential impact of proposals on coastal processes and conversely, how coastal processes may impact upon proposals over their lifetime, through decision making processes. The nature of coastal processes may require that attention is given to potential transboundary effects.
115. To assist in this assessment, a public authority will require the proposer to:
- submit an analysis of the processes currently at work;
 - demonstrate how coastal process may affect or be affected by a proposal;
 - demonstrate how adverse impact is, in order of preference, avoided, minimised and/or mitigated; and
 - demonstrate a proposal's resilience to future risk, where appropriate.
116. This may be shown in a coastal impact study. Any analysis carried out should be proportionate to the potential impact and the sensitivity of the area.
117. Proposers should ensure that proposals do not cause or exacerbate flood risk or coastal change elsewhere and allow the continued functioning of existing services and activities.
118. It is important to minimise and/or mitigate potential changes to coastal processes.
119. Public authorities will apply a precautionary approach in assessing proposals.
120. Public authorities must have regard to the multi-layered Strategic Flood Map and detailed Flood Risk and Hazard maps⁵⁶, which provide information on coastal flooding and coastal flood plains and any appropriate Flood Risk Management Plans.
121. Any impact on coastal processes from proposals may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
122. Proposals that require planning permission will also be assessed against prevailing regional planning policy including the Strategic Planning Policy Statement, local development plans⁵⁷ and all other material considerations, on a case-by-case basis.

⁵⁶ Strategic Flood Maps available on NI Direct website: <https://www.infrastructure-ni.gov.uk/topics/rivers-and-flooding/flood-maps-ni>

⁵⁷ The SPPS states that local development plans should identify areas of the coast known to be at risk from flooding, coastal erosion or land instability where new development should not be permitted.

123. Public authorities should only authorise a proposal if they are satisfied that there are no unacceptable adverse impacts on coastal processes and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Co-Existence

At a glance

Co-existence

Public authorities must consider the ability of a proposal to co-exist with other marine activities and uses.

Where a proposal has the potential to conflict with other marine activities and uses, a public authority will require the proposer to demonstrate:

- a) that conflict is avoided; or
- b) where conflict is unavoidable, it is minimised and where appropriate mitigated; or
- c) where conflict cannot be avoided or minimised, it is mitigated.

If it is not possible to avoid, minimise and/or mitigate any conflict, a proposal will only be allowed, where the public benefit clearly outweighs the conflict or where agreement has been reached between the relevant parties.

Applies to the inshore and offshore regions

What is co-existence?

124. Co-existence is the ability for marine activities and uses, to exist alongside or close to each other at the same time and/or in the same area, including at different depths in the water column.

Who is this of interest to?

125. This policy requires public authorities and proposers to consider the ability of proposals to co-exist with other marine activities and uses.

Why is co-existence important?

126. Northern Ireland's waters are already busy and are likely to become increasingly so. Co-existence provides the opportunity to develop synergies, promote compatibility and reduce conflict between activities and uses. The combined effect of co-existing activities and uses, could be more beneficial to those involved and to the marine area as a whole. Such an approach may help address potential stakeholder concerns and avoid the need for costly changes later in the decision making process.

127. The UK MPS states that the process of marine planning will, 'enable the co-existence of compatible activities wherever possible' and that this must be taken into account in the development of Marine Plans. The Maritime Spatial Planning Directive also promotes the co-existence of relevant activities and uses.

How is it to be achieved?

128. Public authorities must consider how a proposal will co-exist with other activities or uses during its lifetime and how this will be achieved, taking account of economic, environmental and social impacts, through decision making processes.
129. For the purposes of this policy, activities and uses, include features such as natural heritage and heritage assets.
129. Public authorities and proposers will need to work collaboratively, to ensure that effective co-existence in the marine area is realised and that potential conflict is avoided. Building on existing good practice and developing an understanding of the temporal and spatial characteristics of activities and uses, can ensure the varied and sustainable use of the marine area. The Marine Mapviewer provides a tool for accessing spatial information on activities and uses in the marine area.
130. Proposers engaging with stakeholders should consider the potential for maximising co-existence at the earliest stages of concept, planning and design processes. The potential for conflict with existing and future marine activities and uses must, in order of preference, be avoided, minimised and/or mitigated, as far as reasonably practicable by the proposer.
132. The potential for some new and emerging technologies to co-exist with other marine activities and uses may not be fully understood and will require testing. Public authorities should consider the contribution of these technologies to regional and national policy objectives against potential adverse impacts.
133. In assessing the potential for co-existence, the public authority may require the proposer to submit an analysis of potential co-existence opportunities and also any potential conflict with other activities and uses. The analysis should include details as to how any conflict is to be addressed. When a proposal is subject to an assessment such as a Sustainability Appraisal, Strategic Environmental Assessment, Environmental Impact Assessment and/or Habitats Regulations Assessment, the consideration of co-existence may already be included within these processes. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

134. Public authorities should seek to facilitate co-existence when preparing plans which affect or may affect the marine area. This approach will maximise the efficient use of the marine space.
135. Where proposals are allowed, the identification and implementation of appropriate measures will be required to address conflict with other activities and uses, as far as reasonably practicable.

Cumulative Impacts

At a glance

Cumulative Impacts

Public authorities must consider the cumulative impact of proposals on other marine activities, uses and/or the marine area.

Where a proposal has a likely significant adverse cumulative impact, a public authority will require the proposer to demonstrate:

- a) that the likely significant adverse cumulative impact is avoided; or
- b) where the likely significant adverse cumulative impact is unavoidable, it is minimised and where appropriate mitigated; or
- c) where the likely significant adverse cumulative impact cannot be avoided or minimised, it is mitigated.

If it is not possible to avoid, minimise and/or mitigate any likely significant adverse cumulative impact, a proposal will only be allowed where the public benefit clearly outweighs the impact.

Applies to the inshore and offshore regions

What is cumulative impact?

136. Cumulative impact is the impact on economic, environmental and social receptors in the marine area, which results from the incremental impact of a proposal when added to other existing activities and uses, and reasonably foreseeable future proposals. Cumulative impacts can result from individually minor, but collectively significant, actions taking place over a period of time.

Who is this of interest to?

137. This policy requires public authorities and proposers to consider and address any likely significant adverse cumulative impacts of proposals

Why are cumulative impacts important?

138. Marine activities and uses do not happen in isolation and whilst there is potential for strong benefits to be derived from the multiple use of the marine space, through co-existence, there is also the potential for likely significant adverse cumulative impacts to develop, both on land and at sea. The UK MPS requires any cumulative impacts of proposals to be taken into account.

How is this to be achieved?

139. Public authorities must consider all cumulative impacts of a proposal and ensure that proposals address likely significant adverse cumulative impacts, through decision making processes.
140. In assessing any likely significant adverse cumulative impact, the public authority will require the proposer to submit an analysis, which identifies such impacts and to demonstrate how these are, in order of preference, to be avoided, minimised and/or mitigated.
141. Proposers should be aware of the pathways through which cumulative impacts (both positive and negative) can develop. There are a range of techniques available, although there are certain steps that should be included in every analysis. These include the identification of activities, uses, pressures and receptors and their interactions (sources, pathways and other activities/uses) within a defined area (spatial and temporal). Short, medium and long-term direct impacts need to be highlighted, indicating whether they are likely to be permanent or temporary. Depending on the nature of the proposal, indirect impacts may also need to be considered. In addition, naturally occurring changes must also be taken into account when considering the impacts of human activity.
142. Public authorities may require proposers to show that the potential for likely significant adverse cumulative impacts has been fully considered, using best available evidence. Evidence can be gathered from relevant public authorities and other organisations and stakeholders.
143. Cumulative impacts on environmental receptors may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
144. The identification of appropriate measures will be required to address any likely significant adverse impacts, as far as reasonably practicable before a proposal is allowed.
145. Public authorities should only authorise a proposal, if they are satisfied that any cumulative impacts will not have any likely significant adverse impacts on the marine area, its ecosystem services and the marine users that rely on them; and, that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Heritage Assets

At a glance

Heritage Assets

Public authorities must consider any potential impact of proposals on heritage assets.

Designated Heritage Assets

A proposal that will adversely impact on a designated heritage asset or the integrity of its setting, will only be allowed in exceptional circumstances, and where it is demonstrated that the adverse impacts are necessary to deliver public benefit that clearly outweighs the impact. In such cases, minimisation and mitigation measures will be required, where appropriate.

This policy will also apply to assets which, whilst not designated presently, would otherwise merit statutory protection.

Undesignated Heritage Assets

Where a proposal would adversely impact on a newly discovered or undesignated heritage asset or the integrity of its setting, a public authority will require the proposer to demonstrate:

- a) that adverse impact is avoided; or
- b) where adverse impact is unavoidable, it is both minimised and mitigated.

If it is not possible to avoid or minimise and mitigate any adverse impact, a proposal will only be allowed where the public benefit clearly outweighs the value of the asset or its setting, taking advice from the relevant regulator and advisors.

Where new heritage assets are uncovered or encountered, these must be reported promptly to the Receiver of Wreck (of the Maritime and Coastguard Agency) and the responsible curatorial body.

Applies to the inshore and offshore regions

What are heritage assets?

146. Heritage assets, in the marine area⁵⁸, are sites of heritage interest or value. Heritage assets include:

- sites, monuments and landscape of historic, archaeological, architectural or artistic interest, inclusive of wrecks⁵⁹;

⁵⁸ As defined in paragraphs 10 and 11.

⁵⁹ Wrecks of ships, boats, and aircraft, together with surrounding deposits.

- coastal and intertidal archaeology⁶⁰; and
 - drowned terrestrial archaeological sites and landscapes.
147. Some heritage assets have a level of interest that merits statutory protection, through designation⁶¹. There are many heritage assets that do not benefit from statutory protection but this does not necessarily indicate a lower heritage value.

Where are heritage assets located?

148. There are a variety of heritage assets located throughout the marine area. Protected wrecks, wrecks, listed buildings, monuments (state care and scheduled) and the UNESCO World Heritage site are shown in Figure 4. Other heritage assets are not shown on the map and must still be considered.
149. Research and surveys of Northern Ireland's maritime past have been ongoing; however, there are areas that have yet to be archaeologically surveyed.

Who is this of interest to?

150. This policy requires public authorities and proposers to consider and address any impact of proposals on heritage assets. The policy also requires the potential for new discoveries of historic or archaeological interest that may arise as a result of proposals, to be considered.
151. The following public authorities can provide advice:
- The Department for Communities;
 - The Department of Agriculture, Environment and Rural Affairs;
 - The Department for Environment, Food and Rural Affairs (UK) (for the offshore region);
 - The Department for Digital, Culture, Media and Sport (UK);
 - Ministry of Defence (UK);
 - Maritime and Coastguard Agency (Receiver of Wreck); and
 - District Councils.

⁶⁰ A wide range of artefacts, structures and deposits that originated from inhabitation or use of the coastal area.

⁶¹ Significant marine historic sites may be protected by Listing (under the Planning (Northern Ireland) Order 2011); Scheduling (under the Historic Monuments and Archaeological Objects (NI) Order 1995) and Designation under the Protection of Wrecks Act 1973. There are potentially other means of recognising and protecting marine heritage assets, such as the National Register of Historic Vessels; the National Historic Fleet and as controlled sites or protected areas under the protection of Military Remains Act 1986.

Why are heritage assets important?

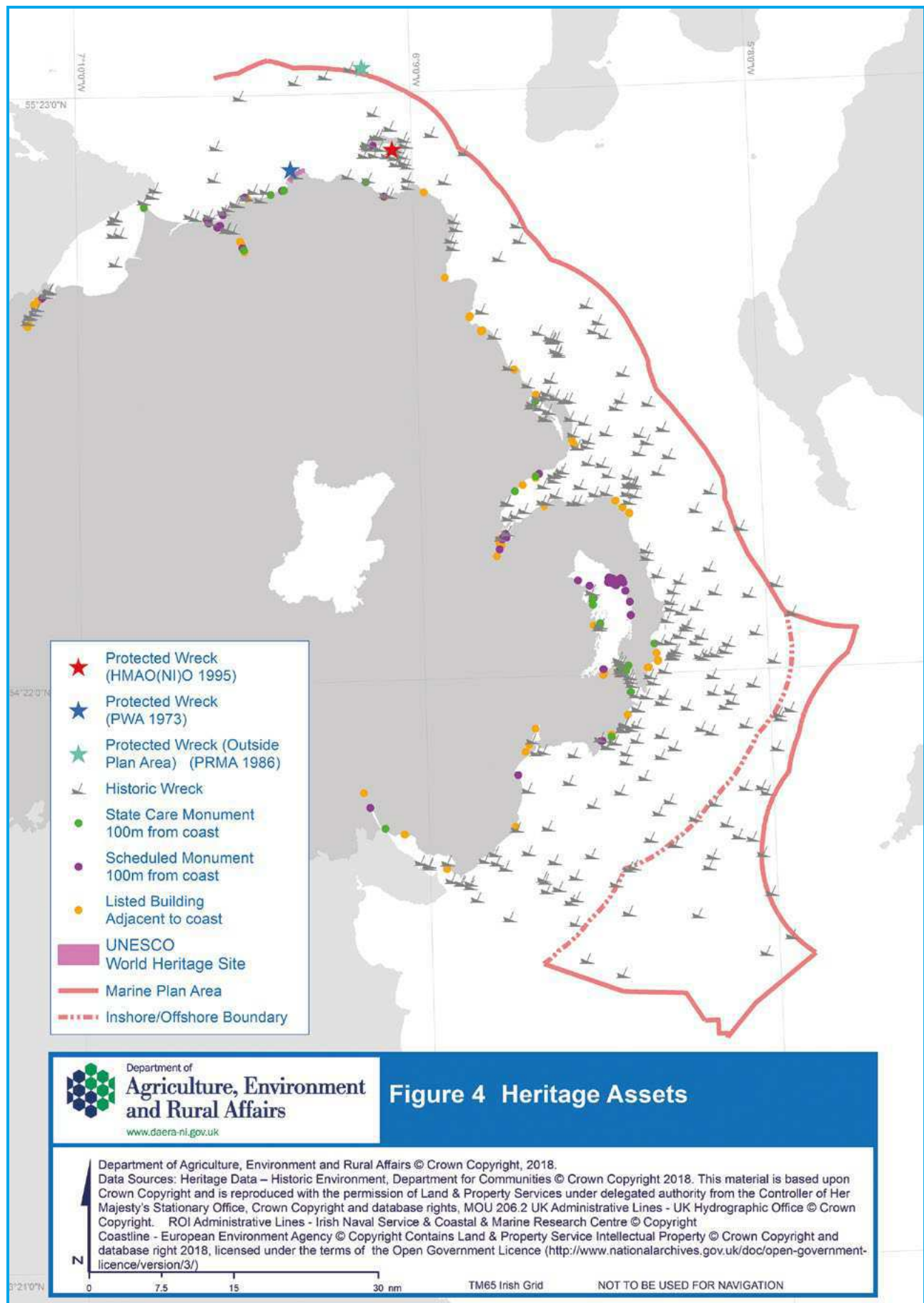
- 152. Heritage assets are irreplaceable and can be damaged, disturbed or destroyed by natural processes⁶² and human activities⁶³.
- 153. Heritage assets contribute to the culture, identity and economy of Northern Ireland. They have the potential to bring additional benefits to local economies through recreation and tourism, particularly where these activities are compatible with the conservation objectives of the heritage asset.
- 154. The UK MPS states that heritage assets should be enjoyed for the quality of life they bring to this and future generations, and should be conserved through marine planning in a manner appropriate and proportionate to their significance. The UK is also required to meet its international responsibilities with respect to heritage assets.

How is this to be achieved?

- 155. Public authorities must consider any potential adverse impacts on heritage assets or the integrity of their setting, through decision making processes.
- 156. In accordance with the UK MPS, public authorities should adopt a general presumption in favour of the conservation of designated heritage assets within an appropriate setting. The more significant the asset, the greater should be the presumption in favour of its conservation. Adverse impact to designated assets should be exceptional and should not be permitted unless it can be demonstrated that the impact is necessary, in order to deliver economic, environmental or social public benefits that outweigh the impact.
- 157. Public authorities must take account of the best available evidence, including information and advice from statutory bodies and advisors, in relation to the significance of any identified heritage asset and its setting, and consider how it is to be managed and enhanced, where appropriate. Public authorities will support preservation in situ, wherever feasible.
- 158. In considering the significance of a heritage asset and its setting, public authorities will take into account the nature of the interest in the asset and the value it holds for present and future generations. The safeguarding of critical views to and from the asset, the access and public approaches and the understanding and enjoyment of the asset by visitors will also be taken into account, particularly in relation to the Giants Causeway and Causeway Coast World Heritage Site.

⁶² Natural processes include seabed change and coastal processes driven by waves, tides and storms. Rising sea levels and increased storm activity due to climate change may exacerbate these processes.

⁶³ This tends to be driven by use and activity within the marine area, which impact on the seabed or coastal area.



159. Where a proposal has the potential to adversely impact on a heritage asset or its setting, the public authority will require the proposer to identify the affected heritage asset and, where appropriate, demonstrate how they propose, in order of preference, to avoid or minimise and mitigate any adverse impact.
160. To ensure heritage assets are considered at the earliest stages of concept, planning and design, proposers should refer to the Monuments and Buildings Record⁶⁴ (MBR) and contact relevant curators for advice. The MBR is continually updated and contains a record of presently known, protected and non-protected sites, monuments and landscapes within the marine and intertidal areas.
161. A public authority will seek further information from proposers to assist in the assessment of the impacts on heritage assets, where appropriate. If there is insufficient evidence, public authorities will apply a precautionary approach in their decision making. Public authorities and proposers must have regard to the standards for archaeological protection, conservation and recording, both on land and underwater, as set out in the European Convention on the Protection of Archaeological Heritage (Valletta)⁶⁵.
162. When a proposal has the potential to impact on heritage assets, proposers should follow Government endorsed sectoral guidance or that provided by the relevant regulator and advisors. For proposals that are directed specifically at underwater cultural heritage, proposers should adhere to the Annex to the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage⁶⁶.
163. Where a proposal is allowed that will adversely impact on a site known to contain a heritage asset, the public authority should require the proposer to identify suitable mitigation measures. Measures should be undertaken to record and advance the understanding of the significance of the heritage asset before it is lost, in a manner appropriate and proportionate to that significance. In line with the Valletta Convention, the resulting records should be archived and made publicly accessible.
164. Any likely impact on heritage assets may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment or Strategic Environmental Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

⁶⁴ <https://www.communities-ni.gov.uk/articles/monuments-and-buildings-record> Please note not all marine heritage assets are recorded on the online digital record. Proposers are advised to contact DfC for additional information.

⁶⁵ Revised Valletta 1992. The UK ratified the Valletta Convention in 2000. By signing the Convention a State undertakes to provide a legal system to protect its archaeological heritage, including maintenance of an up-to-date inventory of heritage assets.

⁶⁶ <http://www.unesco.org/new/en/culture/themes/underwater-cultural-heritage/2001-convention/>

165. Proposals that require planning permission will also be assessed against prevailing regional planning policy, including the Strategic Planning Policy Statement, local development plans and all other material considerations on a case-by-case basis⁶⁷.

⁶⁷ The aim of the policy in the SPPS in relation to archaeology and built heritage is to manage change in positive ways so as to facilitate development that will contribute to the ongoing preservation, conservation and enhancement of archaeological and built heritage assets. The SPPS states that local development plans should identify the main built and archaeological heritage features of the plan area and bring forward appropriate policies or proposals for their protection, conservation and enhancement.

Invasive Alien Species

At a glance

Invasive Alien Species

Public authorities must consider the potential risk from the introduction and/or spread of invasive alien species in the marine area, as a result of proposals.

Where a proposal has the potential to introduce and/or spread invasive alien species, a public authority will require the proposer to demonstrate:

- a) how the risk has been considered; and
- b) appropriate measures to address the risk.

Applies to the inshore and offshore region

What are invasive alien species?

166. Invasive alien species are plants and animals that are introduced accidentally or deliberately into the marine area, outside their normal range, where they cause an adverse impact on ecosystems. These species are a threat to marine ecology and biodiversity, particularly in a changing climate, which is already exerting pressures on natural environments.

Who is this of interest to?

167. This policy requires public authorities and proposers to consider the risks associated with invasive alien species.
168. All public authorities have a role in managing invasive alien species and can provide advice in relation to their statutory functions.

Why are invasive alien species important?

169. The introduction and spread of invasive alien species can have serious adverse consequences on the marine area, the economy and human health. These species can, for example, be introduced and spread through ballast water and hull fouling in shipping and through the introduction of commercial species into the wild in aquaculture. Once established, invasive species are extremely difficult and costly to control and eradicate. Ecological effects are often irreversible and impacts can be far reaching; disrupting ecosystems, threatening economic interests, such as fisheries and impacting on quality of life.

170. The need to address the issue of invasive alien species has been recognised at international and European level^{68/69}.
171. The Invasive Alien Species Strategy for Northern Ireland⁷⁰ provides an overarching framework to minimise the risk and negative impacts posed by these species. The Strategy is listed in the Marine Strategy Framework Directive (MSFD) Programme of Measures.

How is this to be achieved?

172. Public authorities must, through decision making processes, consider any potential risk of introducing and/or spreading invasive alien species. Public authorities must not authorise proposals that may introduce and/or spread invasive alien species, unless it has been demonstrated by the proposer, that the risk has been considered and appropriately addressed. Due regard should be given to the Invasive Alien Species Strategy for Northern Ireland, the target for Good Environmental Status under the MSFD descriptors, the EU Invasive Species Regulation and other appropriate legislation and guidance.
173. In assessing any likely impact from invasive alien species, a public authority will require the proposer to provide evidence that identifies the potential risk and the means by which it will be addressed.
174. Increasing awareness and understanding of invasive alien species is central to tackling their introduction and spread. Further guidance on invasive alien species may be obtained from DAERA⁷¹.
175. The potential risk of introducing and/or spreading invasive alien species may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

⁶⁸ Convention on Biological Diversity (<http://jncc.defra.gov.uk/page-1365>) the UK Government is a signatory.

⁶⁹ Northern Ireland tackles the threat of invasive alien species in partnership with colleagues in the rest of Ireland through joint projects and sharing of data. The EU Regulation 1143/2014 on the prevention and management of the introduction and spread of invasive alien species came into force on 1 January 2015. It aims to establish a more consistent approach to tackling Invasive Alien Species <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1417443504720&uri=CELEX:32014R1143>

⁷⁰ <https://www.daera-ni.gov.uk/articles/invasive-alien-species>

⁷¹ Invasive Species Ireland can also provide advice.

Land and Sea Interaction

At a glance

Land and Sea Interaction

Public authorities must consider the land and sea interactions of proposals.

Where a proposal has land and sea interactions, a public authority may require the proposer to demonstrate that these interactions have been considered.

Applies to the inshore and offshore region

What is land and sea interaction?

176. The land and sea are connected through complex physical, economic and social interactions. There are few activities in the sea that do not have some level of reliance or impact on land. Similarly, activities on land have some level of reliance or impact on the marine area. Consequently, proposals can be subject to both marine and land-based licensing/planning regimes. Proposals for ports and harbours, renewable energy and coastal infrastructure, including sewerage services, are some examples where more than one authorisation is required.

Who is this of interest to?

177. This policy requires public authorities and proposers to consider the land and sea interactions.
178. Proposers should consider whether their proposal, or any part of their proposal, may require a separate decision(s) by other public authorities. Ideally, these decision making processes should run in parallel.

Why is land and sea interaction important?

179. Many activities and uses that take place on land or in the sea can have impacts on both the land and the marine area. The EU Maritime Spatial Planning Directive requires that these interactions are considered. In addition, the UK MPS highlights that the marine planning system will sit alongside existing planning regimes on land. The geographical overlap between the marine and land-based planning systems in the intertidal area, allows the relevant public authorities to work effectively together in assessing proposals in an integrated and holistic manner. This approach will support the implementation of the Integrated Coastal Zone Management Strategy⁷².

⁷² <https://www.daera-ni.gov.uk/publications/towards-integrated-coastal-zone-management-strategy-northern-ireland-2006-2026>

How is this to be achieved?

180. Public authorities must consider the land and sea interactions of proposals, through decision making processes.
181. In assessing the land and sea interactions, a public authority may require the proposer to submit evidence to demonstrate that these interactions have been appropriately considered.
182. Public authorities, in taking decisions on land, which affect or might affect the marine area, must do so in accordance with the UK MPS, the policies within this Marine Plan and any other appropriate marine policy documents.
183. Successful management of the marine area requires the consideration of land and sea interactions at the earliest stages of a proposal's concept, planning and design.
184. Care should also be taken to ensure that proposals do not restrict legitimate access to the shore or sea, which is important for many marine activities and uses, such as tourism and recreation.
185. Public authorities and proposers should also consider compatibility with other appropriate plans and policy such as: River Basin Management Plans, the Regional Development Strategy; prevailing regional planning policy including the Strategic Planning Policy Statement and the appropriate local development plan. This is particularly important for proposals in the intertidal area, which are subject to both marine and terrestrial licensing/planning regimes. The Planning in the Coastal Area⁷³ guidance document explains how onshore development may impact on the marine area, how it can be managed in an integrated manner and how potential impacts can be avoided or mitigated, through early engagement and collaborative working.
186. When a proposal is subject to an assessment such as a Sustainability Appraisal, Strategic Environmental Assessment, Environmental Impact Assessment or Habitats Regulations Assessment, the consideration of land and sea interactions may already be included within these processes. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

⁷³ https://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/planning_in_the_coastal_area-3.pdf

Marine Litter

At a glance

Marine Litter

Public authorities must consider the potential risk of litter entering the marine area as a result of proposals.

Where a proposal creates the potential for litter to enter the marine area, a public authority may require the proposer to demonstrate:

- a) how the risk has been considered; and
- b) appropriate measures to minimise the risk.

Applies to the inshore and offshore region

What is marine litter?

187. Marine litter is defined as items arising from human activity, deliberately discarded or unintentionally lost, that end up in the sea and on beaches and coastlines⁷⁴. Marine litter is any persistent, manufactured or processed solid material discarded, disposed of or abandoned in the marine and coastal environment. Typical examples are plastics, wood, metals, glass, rubber, fishing gear, clothing and paper⁷⁵.

Who is this of interest to?

188. This policy requires public authorities and proposers to consider marine litter. As most marine litter originates from land-based sources, this policy also applies to land-based proposals and decision making, where litter has the potential to affect the marine area.
189. The Department of Agriculture, Environment and Rural Affairs and District Councils can provide advice on marine litter and its disposal.

Why is marine litter important?

190. Marine litter is a global environmental problem that poses a threat to ecosystems, in terms of direct damage to wildlife through entanglement, entrapment and ingestion and can also destroy coastal habitats, interfere with biological production and destroy or smother the seabed.

⁷⁴ As defined in the Northern Ireland Marine Litter Strategy.

⁷⁵ Additional information on marine litter and its sources is available at <https://www.daera-ni.gov.uk/articles/marine-litter>

191. The socio-economic impacts of marine litter include financial burdens on local communities, in terms of costly clean-up operations. In addition, the presence of medical waste, sanitary waste and broken glass constitutes a potential risk to human health and safety. The impacts of marine litter can be particularly challenging for some sectors; such as tourism, recreation and fishing. Removing litter at water treatment facilities, before it enters the marine area, can also entail significant cost to the public purse.
192. This policy complements a number of international, European and national measures aimed at reducing the levels of marine litter across a range of sectors, including the OSPAR Regional Action Plan for Marine Litter⁷⁶.
193. The Northern Ireland Marine Litter Strategy seeks to reduce the levels of litter entering the sea and remove litter that is already there. The Strategy is listed within the MSFD Programme of Measures, which aims to achieve a reduction in the number of visible litter items on coastlines.

How is this to be achieved?

194. Public authorities must consider the potential risks of litter entering the marine area as a result of a proposal, during its lifetime, through decision making processes.
195. The challenge of reducing levels of marine litter requires public authorities and proposers to work collaboratively, to share good practice and ensure every opportunity to reduce the risk of litter entering the marine area.
196. In assessing the risks, the public authority may require the proposer to submit a Litter Analysis. This should identify potential sources of litter and demonstrate proportionate measures to minimise the risk of it entering the marine area. This analysis may include methods to influence human behaviour, such as signage, the use of infrastructure (bins/litter traps etc.) or any other appropriate measures. A combination of measures is encouraged as the most effective way to reduce the risk. When a proposal has the potential to generate a substantial amount of litter (e.g. areas/events attracting significant numbers of people) or when proposals have the potential to impact on a sensitive or important area, such as recreational beaches, the public authority may require a Litter Management Plan, to address the risks over the lifetime of the proposal.
197. Proposers are strongly encouraged to consider the life time risks of litter entering the marine area, at the earliest stages of concept, planning and design of proposals and to take measures to minimise the risk.

⁷⁶ <https://www.ospar.org/work-areas/eiha/marine-litter/regional-action-plan>

198. The risks of litter entering the marine area may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
199. Public authorities should only authorise a proposal, if they are satisfied that the risks of litter entering the marine area are minimised and that the proposal will not have any unacceptable adverse impact on the marine area, its ecosystem services and the marine users that rely on them and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Marine Noise

At a glance

Marine Noise

Public authorities must consider the potential impact of man-made noise on marine activities, uses and/or the marine area as a result of a proposal.

Where a proposal has the potential for adverse impact on marine uses and/or the marine area from man-made noise, a public authority may require the proposer to demonstrate:

- a) how the impact has been considered; and
- b) measures to address the adverse impact.

Applies to the inshore and offshore regions

What is marine noise?

- 200. Our seas are full of noise, most of which is naturally occurring, generated from sources such as waves, rain, wind and seismic events, or from living organisms, such as from certain species of whale, seal and fish. These natural sounds contribute to ambient⁷⁷ or background noise in the marine environment (mostly underwater).
- 201. Other noise is generated through human activity in the marine environment. Such man-made noise generates impulsive noise⁷⁸ and non-impulsive noise⁷⁹ as well as contributing to ambient noise levels.

Who is this of interest to?

- 202. This policy requires public authorities and proposers to consider the impact of man-made noise, in or adjacent to, the marine area, including man-made noise from land-based proposals.

Why is marine noise important?

- 203. Man-made noise has the potential to affect coastal communities, marine and coastal ecosystems and the users that rely on them. Noise generated on land can also affect the marine area.

⁷⁷ Ambient noise is defined as background noise without distinguishable sound sources. It includes both natural (biological and physical processes) and man-made sounds.*

⁷⁸ Impulsive sound sources are typically brief and can occur as a single event or be repetitive and are emitted from sources such as explosions, airguns, or impact pile driving.*

⁷⁹ Non-impulsive signals can be brief or prolonged, continuous or intermittent and are emitted from sources such as ships, construction (e.g., drilling and dredging), or wind farm operation.*

*Based on the Marine Strategy Framework Directive, Task Group 11 Report, Underwater noise and other forms of energy, April 2010

204. Noise may mask biologically relevant signals; it can lead to a variety of behavioural reactions, affect hearing organs and injure or even kill marine life. For people, excessive noise can impact on quality of life, health and use or enjoyment of marine and coastal areas.
205. MSFD has a descriptor that requires the introduction of energy, including underwater noise, to be at levels that do not adversely affect the marine environment.

How is this to be achieved?

206. Public authorities must consider how the introduction of any man-made noise from a proposal impacts on wildlife and people in the marine area, through decision making processes. The UK has established a Noise Register⁸⁰ as a first step to allow public authorities to determine licensed noise events, in the first instance.
207. There are considerable uncertainties with respect to the current levels and impacts of noise levels, across the whole spectrum of potential noise generation. Public authorities will apply a precautionary approach in the decision making process. This approach ensures that where there is a significant risk to the marine environment, its protection will be paramount, unless there are reasons of overriding public interest.
208. In assessing any likely impact of man-made noise from proposals, the public authority may require the proposer to provide evidence that identifies the potential sources, their impact and how this will be addressed. This may apply to any level of noise, no matter how low, intermittent or temporal.
209. Proposers are strongly encouraged to consider the life time noise impacts of proposals, such as during exploration, pre-construction, construction, operation and decommissioning; and take measures to minimise any adverse impact. In addressing any potentially adverse impacts of noise, the proposer should consider mitigation measures⁸¹ and the use of alternative technologies⁸² which can reduce the impacts of noise. For example, in planning the construction phase of a proposal, sensitive periods of the year can be avoided to protect migratory fish and marine mammals.
210. Public authorities must satisfy themselves that proposers have considered the noise impact of their proposal and can, where necessary, minimise and/or mitigate adverse impacts, including any potential cumulative impacts, where appropriate.

⁸⁰ The UK Marine Noise register, collated for Defra by CEFAS, is listed within the MSFD Programme of Measures.

⁸¹ Including air bubble curtains, hydro sound dampers, noise mitigation screens and selecting periods with low biological sensitivity.

⁸² Concrete gravity foundations, as opposed to pile driven structures, and Low Level Acoustic Combustion Source (LACS) for seismic surveys.

211. In cases where proposers fail to demonstrate consideration of potential noise impacts and incorporation of appropriate reduction or mitigation measures⁸³, public authorities will use a precautionary approach in determining a consent or licence in the marine area.
212. The likely impacts of noise from proposals may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
213. It should be noted that it is a criminal offence to harm or deliberately disturb a statutorily protected species, without the appropriate licence⁸⁴.
214. Public authorities should only authorise proposals if they are satisfied that man-made noise will not have any unacceptable adverse impact on the marine area, its ecosystem services and the marine users that rely on them, and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law. Legislation and policy governing land-based sources of noise, such as The Environmental Noise Directive⁸⁵ which affects or may affect the marine area, should also be considered.

⁸³ For example, for geological surveys Marine Mammal Observers or Passive Acoustic Monitoring.

⁸⁴ DAERA may issue a wildlife licence to authorise what would otherwise be an offence under nature conservation legislation. A wildlife licence should be considered as a last resort to enable the activity to take place.

⁸⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32002L0049>

Natural Heritage

At a glance

International and National Designated Sites and Protected Species

Public authorities must comply with the legal requirements for designated areas and protected species.

Other Habitats, Species or Features of Importance.

Public authorities must consider any potential impact from proposals on other habitats, species or features of importance.

Where a proposal has the potential for a likely unacceptable adverse impact, a public authority will require the proposer to demonstrate:

- a) that adverse impact is avoided; or
- b) where adverse impact is unavoidable, it is minimised, and where appropriate, mitigated; or
- c) where adverse impact cannot be avoided or minimised, it is mitigated.

If it is not possible to avoid, minimise and/or mitigate any adverse impact, a public authority must ensure that the resulting public benefit clearly outweighs the value of the habitats, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

Applies to the inshore and offshore regions

What is Natural Heritage?

215. The Northern Ireland marine area is important for biodiversity, ecology and geological conservation interests. There are a number of international (including European) and nationally designated protected areas within the marine area. Together these form a network of Marine Protected Areas (MPAs) and include:

- Ramsar sites;
- Natura 2000 sites (Special Areas of Conservation; Special Protection Areas (including proposed sites) and Sites of Community Importance);
- Areas of Special Scientific Interest (ASSI);
- Nature Reserves and
- Marine Conservation Zones (MCZ).

216. A protected species is a plant or animal that is protected from harm or killing by law⁸⁶ or is subject to recommended conservation actions by an appropriate international organisation⁸⁷.
217. Habitats, species and features of importance can include areas of ecological importance to highly mobile species (such as essential foraging grounds or migratory routes for fish, seabirds and marine mammals); priority species and priority habitats⁸⁸; rare or threatened native species; and features of earth science importance⁸⁹.

Where is natural heritage located?

218. The entire marine area supports biodiversity and features of interest. Specific designated areas are shown in Figures 5a and 5b. It is important to note that many protected species are highly mobile throughout the Northern Ireland marine area and beyond.

Who is this of interest to?

219. Public authorities and proposers must comply with the legal requirements for designated areas and protected species.
220. The policy requires public authorities and proposers to consider any potential adverse impacts on biodiversity and features of interest.
221. Public authorities that can provide advice include:
- Department of Agriculture, Environment and Rural Affairs; including the Northern Ireland Environment Agency;
 - Department for Infrastructure;
 - The Loughs Agency;
 - The Department for Environment, Food and Rural Affairs (UK) (for the offshore region); and
 - District Councils.

Why is natural heritage important?

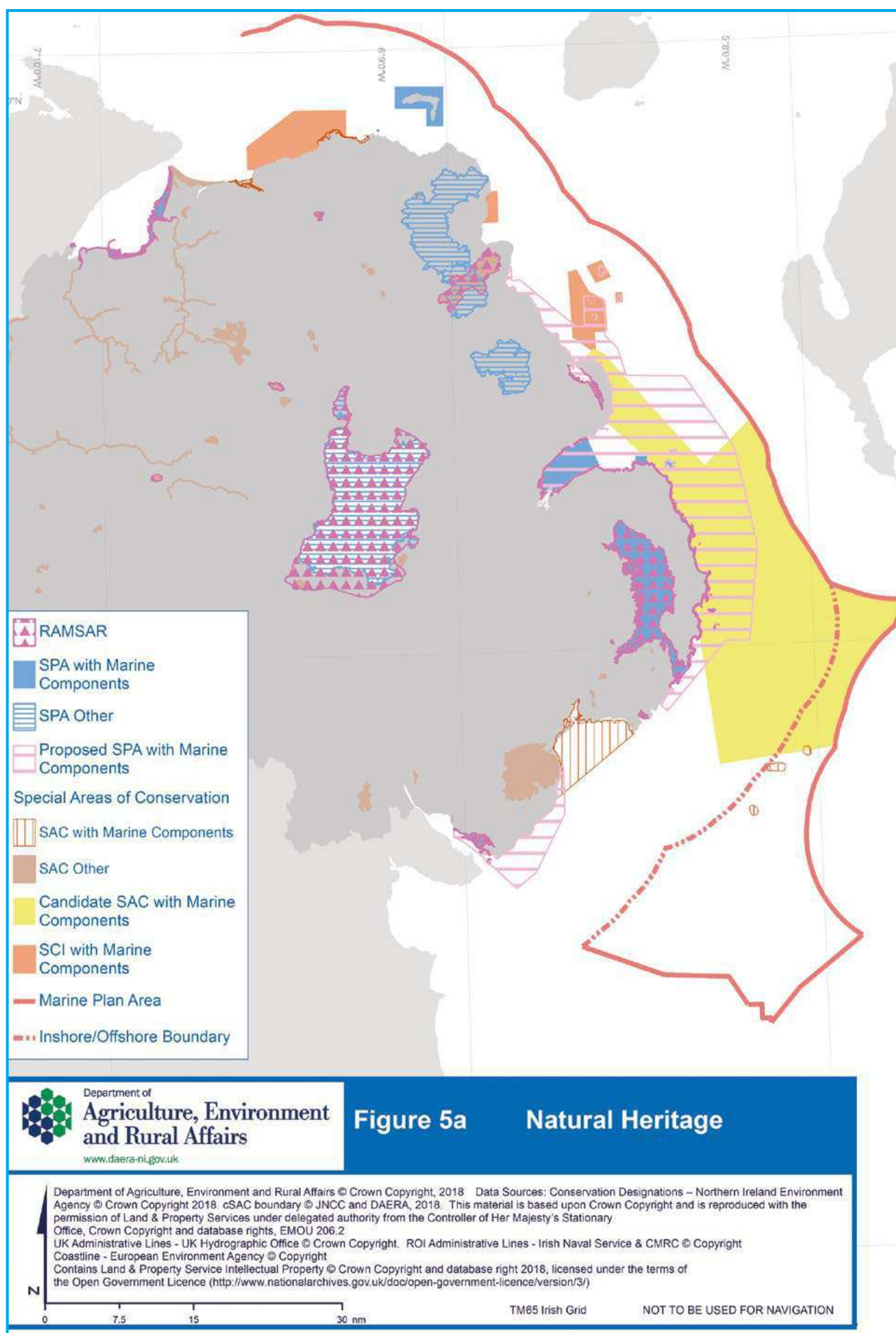
222. The marine environment directly sustains life, is essential for well-being and supports economic growth and should be respected in its own right.

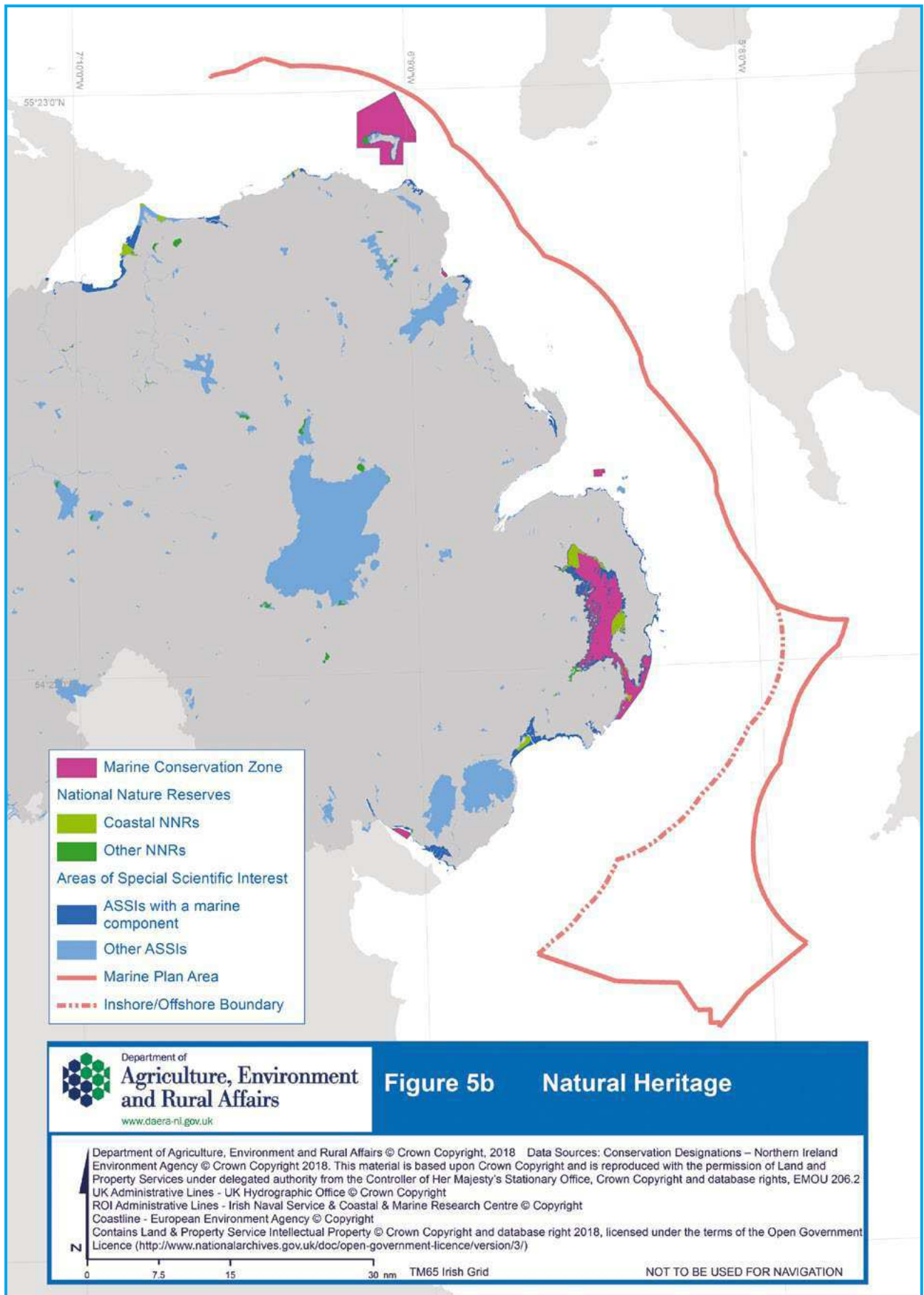
⁸⁶ European marine protected species are listed under Annex IV of the Habitats Directive, birds are protected under the Birds Directive and other protected species are listed in the Wildlife (Northern Ireland) Order 1985 (as amended).

⁸⁷ A list of threatened and declining species has been identified for the North East Atlantic under the Ospar Commission - www.ospar.org.

⁸⁸ Identified under the Wildlife and Natural Environment Act (NI) 2011 as of principle importance for the purposes of conservation biodiversity.

⁸⁹ These are listed in a variety of legislation including Directives, National Legislation and Biodiversity Action Plans.





223. There are a number of international, European, national and regional legal requirements and commitments that afford protection to designated areas and species, for the management and conservation of biodiversity in the marine area. These contribute to the achievement of Good Ecological Status and Good Environmental Status under the WFD and the MSFD, respectively. MSFD has a number of specific descriptors for habitats, species, biological diversity and sea floor integrity. The preservation, protection and improvement of the environment are also an objective of the MSP Directive and the UK MPS.
224. A Strategy for Marine Protected Areas (MPAs) in the Northern Ireland inshore region^{90/91} sets out, the approach to protect and improve ecosystems in the marine inshore region and how this contributes to national priorities.
225. It is a criminal offence to harm or kill a statutorily protected species, their habitats, breeding site or resting place. In addition:
- the Wildlife and Natural Environment (Act) 2011⁹² places a statutory duty on public bodies to further the conservation of biodiversity;
 - the Environment (Northern Ireland) Order 2002⁹³ puts in place a general duty on public bodies to further the conservation and enhancement of ASSI features in their existing functions; and
 - the Marine Act (Northern Ireland) 2013, places a general duty on public authorities to exercise their function in a way which the authority considers best furthers the conservation objectives for a Marine Conservation Zone.

How is this to be achieved?

226. Public authorities must consider any potential adverse impacts on natural heritage, through decision making processes. In doing so, public authorities should recognise nature conservation, biodiversity and geodiversity as assets to society, the economy and in promoting sustainable development. The public authority will need to make an assessment of the impacts on these assets and take account of the appropriate statutory provisions for their protection.
227. A public authority will require the proposer to submit evidence to allow a full assessment, in line with legal requirements, of any potential adverse impact including where appropriate, measures to address such impacts.
228. Public authorities should apply the precautionary principle when considering the impacts of proposals on national or international natural heritage resources.

⁹⁰ A Strategy for Marine Protected Areas in the Northern Ireland Inshore Region (<https://www.daera-ni.gov.uk/publications/strategy-marine-protected-areas-northern-ireland-inshore-region>)

⁹¹ Defra has responsibility for offshore marine conservation.

⁹² <http://www.legislation.gov.uk/nia/2011/15/contents>

⁹³ <http://www.legislation.gov.uk/nisi/2002/3153/contents/made>

- 229. Public authorities will also consider their duty to further the conservation and where appropriate, enhancement, of biodiversity of the marine area.
- 230. In assessing any likely impact on natural heritage, the public authority may require the proposer to provide evidence, which identifies the impacts and demonstrate how these are, in order of preference, avoided, minimised and/or mitigated.
- 231. Proposers, through careful planning and design, can avoid or minimise adverse impacts, by considering the services that the natural environment provides and maximising the potential for enhancement. This may avoid the need for costly changes and delays during the decision making process. This is particularly relevant for seasonally dependent surveys and assessments. Guidance may be obtained from the relevant public authority.
- 232. The likely impacts of proposals on biodiversity and features of interest, may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

Designated Areas

International Designated Areas (Ramsar and European)

- 233. International designated areas (Ramsar and European) are afforded the highest form of statutory protection. Where a proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the public authority must carry out an Appropriate Assessment of the implications for the designated area, in view of the area's conservation objectives. Only after having ascertained that the proposal will not adversely affect the integrity of the area, can the public authority agree to the proposal and where relevant, impose appropriate mitigation measures. A proposal that could adversely affect the integrity of such areas may only be allowed by a public authority in exceptional circumstances, as laid down in the appropriate legislation.

Marine Conservation Zones, Areas of Special Scientific Interest and Nature Reserves

- 234. Public authorities must only authorise proposals where they are not likely to have an adverse effect on the integrity of these areas, including the value of the area to the habitat network, or feature of interest. However, where the benefits of a proposal clearly outweigh the conservation value of the area, public authorities may allow the proposal. In such cases, appropriate mitigation and/or compensatory measures will be required.

Protected Species

235. If there is evidence to suggest that a protected species is present or may be affected by a proposal, the proposer must take steps to establish whether the species is present, fully consider any impact and factor in the requirements of the species into the proposal. Seasonal factors will also need to be taken into account. Failure to consider protected species at the earliest stages of concept, planning and design, can result in significant delays to the decision making process and any likely impacts on the species must be fully considered prior to any decision.
236. Public authorities must only authorise proposals, that are not likely to harm a protected species and which include adequate mitigation and/or compensatory measures.
237. A proposal that could harm a European Protected Species must only be allowed by public authorities in exceptional circumstances, as laid down in the appropriate legislation⁹⁴.

Other Habitats, Species or Features of Importance

238. Public authorities will only authorise proposals, which are not likely to result in an unacceptable adverse impact on or damage to, biodiversity and features of interest. These can include: habitats and areas of ecological importance to highly mobile species; priority species and priority habitats⁹⁵; rare or threatened native species; and, features of earth science importance.
239. Where a proposal is likely to result in an unacceptable adverse impact, the public authority may authorise the proposal, where the public benefit of a proposal clearly outweighs the value of the habitats, species or features. In such cases, appropriate mitigation and/or compensatory measures will be required.

In all instances

240. Public authorities should only authorise a proposal if they are satisfied that it will not have any unacceptable adverse impact on natural heritage and will not inhibit the UK's ability to meet its obligations under the Habitats Directive, Wild Birds Directive, MSFD or other legislative requirements.
241. In addition, proposals that require planning permission will be assessed against prevailing regional planning policy including the Strategic Planning Policy Statement, local development plans and all other material considerations, on a case-by-case basis.

⁹⁴ In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where; there are no alternative solutions; and it is required for imperative reasons of overriding public interest; and there is no detriment to the maintenance of the population of the species at a favourable conservation status; and compensatory measures are agreed and fully secured.

⁹⁵ Identified under the Wildlife and Natural Environment Act (Northern Ireland) 2011.

Seascape

At a glance

Seascape

Public authorities must consider the potential impact from proposals on seascape, taking account of the existing character and quality of an area, how highly it is valued, and its capacity to accommodate change.

Where a proposal has the potential to adversely impact on seascape, a public authority may require the proposer to demonstrate:

- a) how the impact has been considered; and
- b) measures to address the adverse impact, where appropriate.

Applies to the inshore region

What is seascape?

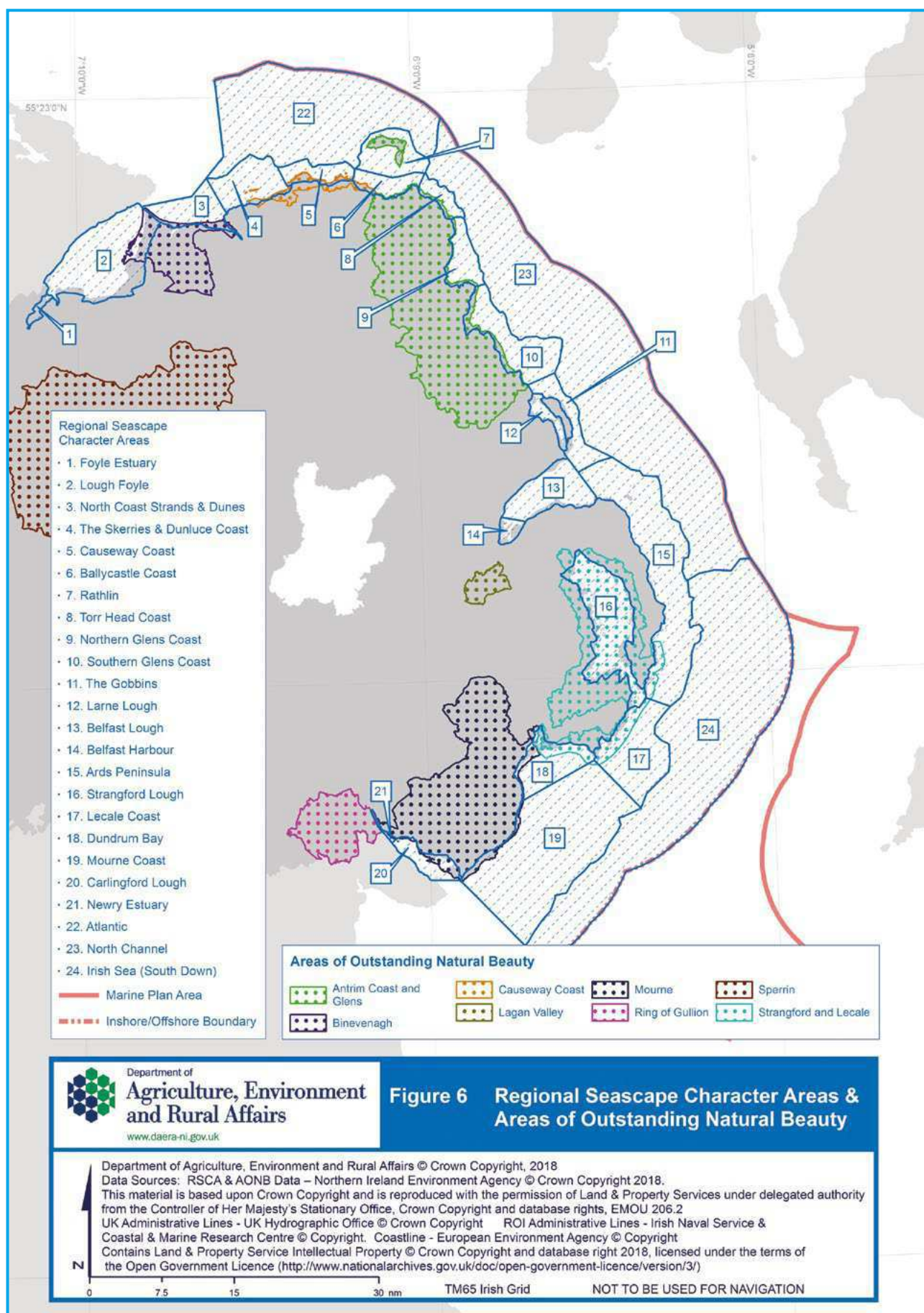
242. Seascape is defined in the UK MPS as “landscapes with views of the coast or seas, and coasts and the adjacent marine environment with cultural, historical and archaeological links with each other”. Seascape cannot be detached from its terrestrial component and mainland features. Islands (regardless of their distance from the coast) and peninsulas, can all form an important element of seascape.

Who is this of interest to?

243. The policy requires public authorities and proposers to consider seascape. As land-based proposals can impact on seascape, this policy may also apply to land-based proposals and decision making, such as planning permission.
244. The Department of Agriculture, Environment and Rural Affairs (DAERA) has a responsibility to conserve or enhance Areas of Outstanding Natural Beauty (AONB) and promote their enjoyment by the public.

Why is seascape important?

245. Seascape is an extremely important element of people’s enjoyment of the marine area and contributes to a sense of place, livelihoods and quality of life. The quality of Northern Ireland’s coastal landscapes is reflected in the designation of AONBs, as shown in Figure 6 and in the UNESCO designation of the Giant’s Causeway and Causeway Coast World Heritage Site.



246. Seascape quality has a fundamental role in the tourism industry, with many of the region's most important attractions directly linked to their seascape setting. Seascapes play an important role in Northern Ireland's creative industries, providing a backdrop for film and television productions that reach large international audiences. Such productions also promote and grow tourism.

How is this to be achieved?

247. Public authorities, when making decisions, must assess the impact on seascape, taking account of the existing character and quality of an area, how highly it is valued, and its capacity to accommodate change, through decision making processes. Landscape Character Assessment methodology may be an aid in this process. The Northern Ireland Regional Seascape Character Assessment 2014⁹⁶ defines 24 distinct Seascape Character Areas around our coastline and provides information on their principle features of importance and supportive landscape character areas. This information is shown in Figure 6.
248. When a proposal has the potential to impact on a designated area⁹⁷, the public authority must have regard to the purpose of the designation and any appropriate guidance such as, AONB Management Plans and local design guides.
249. To assist in the assessment of seascape, a public authority may require the proposer to demonstrate any potential impacts on seascape and measures to address the adverse impact, where appropriate. This may be shown in a seascape impact analysis. Any analysis carried out, should be proportionate to the potential impact of the proposal, taking account of the existing character and quality of an area, how highly it is valued and its capacity to accommodate change. This would include taking into account; critical views to and from the site, the access and public approaches to the site and the understanding and enjoyment of the site by visitors.
250. Proposers are strongly encouraged to consider seascape at the earliest stages of concept, planning and design. This can help allay stakeholder concerns and avoid the need for costly changes later in the decision making process. As seascape relates to people's perception of their area, it may be appropriate to include seascape within any pre-application stakeholder engagement.
251. The impacts on seascape may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment and Strategic Environmental Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

⁹⁶ <https://www.daera-ni.gov.uk/articles/landscape-character-northern-ireland>

⁹⁷ Includes such as: Areas of Significant Archaeological Interest; Areas of Outstanding Natural Beauty and those designated under town planning such as: Conservation Areas, Areas of Townscape/Village Character and Local Landscape Policy Areas.

Use of Evidence

At a glance

Use of Evidence

Proposals must be based on and accompanied by best available evidence.

Applies to the inshore and offshore regions

What is evidence?

- 252. Evidence is data, surveys, maps, representations and any other piece of information, including policy, which may inform the decision making process.
- 253. Evidence may include economic, environmental and social information, both quantitative and qualitative, that relates to the marine environment and the ecosystem services it provides.
- 254. Best available evidence, should be as recent as possible, accurate, relevant and reliable.

Who is this of interest to?

- 255. This policy requires proposers to use best available evidence in the concept, planning and design of their proposals. The policy also requires proposers to provide relevant evidence with any proposal.
- 256. The evidence provided will be used by public authorities to inform the decision making process.

Why is evidence important?

- 257. Well informed decisions need good quality evidence, which will underpin sustainable development in the marine area.
- 258. Using best available evidence at an early stage, will help identify issues and avoid costly changes at later stages.
- 259. Proposals that are accompanied by best available evidence will help reduce the time taken to make decisions.

How is this to be achieved?

- 260. Proposals must be based on and accompanied by, best available evidence.
- 261. Proposers should engage with public authorities and other stakeholders early in the concept, planning and design phases of a proposal. This will enable the

identification of evidence that already exists and any additional evidence that may be required. Where information is not available, there may be a need to research or commission such evidence. This may be at the proposer's expense.

262. The evidence base that underpins proposals can come from a wide range of sources, such as, existing plans, science advisors, statutory and other advisors, industry, marine users, local communities and other stakeholders. The Marine Mapviewer displays a range of spatial datasets, in relation to the marine area. The Mapviewer may be used as an initial tool to identify areas that may be suitable for proposals. It is not intended to be the sole source of evidence for proposals.
263. The evidence required for a proposal should be proportionate to its scale and to the potential impact on the marine area, its ecosystem services and the users that rely on them.
264. In some instances, it may be disproportionately expensive or technically infeasible to fill evidence gaps. Where evidence is inconclusive, reasonable efforts must be made to fill evidence gaps. Public authorities will need to apply precaution within an overall risk-based approach⁹⁸ that allows for uncertainty, recognising the need to use sound science responsibly, as set out in the UK MPS.
265. When a proposal is subject to an assessment, such as, a Sustainability Appraisal, Strategic Environmental Assessment, Environmental Impact Assessment and/or Habitats Regulations Assessment, best available evidence must inform the accompanying assessment.
266. Requests for additional evidence to further inform the decision making process, will be a matter of judgement for the relevant public authority, on a case-by-case basis.
267. Public authorities will continue to collaborate with each other and with other stakeholders, in developing the marine evidence base, to enable informed decision making and support the concept, planning and design of proposals. Public authorities should use the MEDIN (Marine Environmental Data and Information Network) standard to enable easy discovery and re-use of data.

⁹⁸ This means that if the risks from an activity are uncertain preventative measures may be required if there is concern that human activities may harm human health, living resources and marine ecosystems or interfere with other legitimate uses of the sea or have other social and economic impacts. This would need to be considered based on risk.

Water Quality

At a glance

Water Quality

Public authorities must consider any potential impact from proposals on water quality.

Where a proposal has the potential to adversely impact on water quality, a public authority will require the proposer to demonstrate:

- a) that adverse impact is avoided; or
- b) where adverse impact is unavoidable, it is minimised and where appropriate, mitigated; or
- c) where adverse impact cannot be avoided or minimised, it is mitigated.

If it is not possible to avoid, minimise and/or mitigate any adverse impact, a proposal will only be allowed, where the public benefit clearly outweighs the adverse impact.

Applies to the inshore and offshore regions

What is water quality?

268. Water quality or the condition of water relates to its chemical, physical and biological characteristics. Poor water quality can pose a health risk for people and for ecosystems, largely due to the presence of bacteria, nutrients and contaminant levels. Water quality is central to the integrity of a healthy marine area, its ecosystems and the services it provides for society and the economy.

Who is this of interest to?

269. This policy requires public authorities and proposers to consider and address any impacts of proposals, on water quality.
270. The following public authorities that can provide advice include:
- The Department of Agriculture, Environment and Rural Affairs⁹⁹;
 - The Department for Infrastructure¹⁰⁰; and
 - The Department for Environment, Food and Rural Affairs (UK)¹⁰¹.

⁹⁹ Responsibilities include the monitoring and reporting of UWWTD, WFD, MSFD (inshore), Nitrates Directive and Bathing Waters Directive. Northern Ireland Environmental Agency is an Executive Agency within DAERA. Also responsibility for certain water abstraction and discharge licences in the marine area.

¹⁰⁰ Is the sponsoring Department for Northern Ireland Water and has responsibility for water and drainage policy.

¹⁰¹ Responsibilities include the monitoring and reporting of MSFD (offshore).

271. Other public authorities may have responsibility for regulating discharges into the marine area, relating to specific activities, such as the Department for Business, Energy and Industrial Strategy (BEIS) and the Department for Transport (DfT)¹⁰².
272. Northern Ireland Water Limited (NI Water) is a government owned company, responsible for the delivery of water and sewerage services in Northern Ireland. This involves the collection, treatment and disposal of wastewater from homes and businesses.

Why is water quality important?

273. Proposals, especially along the coast and in the marine area can have an adverse effect on coastal and marine waters. Discharging pollutants, from diffuse or point sources or the physical modification of water bodies, can all have impacts on the use of the marine area for activities and uses such as recreation, tourism, aquaculture and fishing.
274. Much of the protection that can be given to marine waters, starts with the protection of waters on land, as rivers flow into the sea. Sewerage infrastructure¹⁰³ on land is necessary for existing and future development.
275. European policy initiatives that drive the protection and improvement in the quality of marine waters include the:
- Water Framework Directive¹⁰⁴, which aims to achieve ‘good status’¹⁰⁵ for all surface waters including all sea loughs, estuaries (transitional waters) and out to 1 nautical mile from the coast. The Directive specifies that marine water dependent sites, requiring protection under other EC Directives, are identified as Protected Areas¹⁰⁶.
 - Urban Waste Water Treatment Directive, which sets minimum standards for sewerage treatment and sewerage infrastructure to protect the water environment.
 - Nitrates Directive, which ensures that waters are protected from excessive nutrient inputs from agricultural sources.
 - Marine Strategy Framework Directive, which requires Member States to maintain or achieve ‘Good Environmental Status’¹⁰⁷ in the marine environment by 2020; and to protect the resource base upon which marine-related economic and social activities depend¹⁰⁸.

¹⁰² Responsibilities include the policy and regulation of ballast water.

¹⁰³ Coastal Waste Water Treatment Works (WWTW), Emergency Overflows from WWTW and pumping stations, and intermittent discharges from Combined Sewer Overflows.

¹⁰⁴ Surface waters (rivers, lakes, estuaries, coastal water and groundwater) out to 1 nautical mile from the baseline: The UK baseline is delineated in the Territorial Waters Order in Council 1964 (as amended by the Territorial Sea (Amendment) Order 1998).

¹⁰⁵ ‘Good status’ means both ‘good ecological status’ and ‘good chemical status’.

¹⁰⁶ Protected Areas include: Shellfish Water Protected Areas; Bathing Waters; Nitrate Vulnerable Zones, areas designated as sensitive under Urban Waste Water Treatment Directive; and Natura 2000 sites.

¹⁰⁷ Good Environmental Status is defined in the MSFD as: the environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive.

¹⁰⁸ MSFD also introduces requirements for targets on contamination and eutrophication for marine waters out to 200 nautical miles.

- Bathing Waters Directive, which requires the monitoring and assessment of bathing water for faecal bacteria.

How is this to be achieved?

276. Public authorities must consider the potential impact of proposals on water quality, through decision making processes. The nature of water pollutants and their dispersal may require that consideration is given to potential transboundary effects.
277. When a proposal has the potential to have an adverse impact on water quality, the public authority will require the proposer to provide evidence that identifies pollutants and to demonstrate how any adverse impacts will, in order of preference, be avoided, minimised and/or mitigated.
278. If it is not possible to avoid, minimise and/or mitigate the adverse impacts, public authorities must ensure that the public benefit of the proposal clearly outweighs such impacts and that the proposal will not inhibit the UK's ability to meet its statutory obligations.
279. Some marine activities and designations can affect the cost and sustainability of wastewater treatment solutions, for example, shellfish aquaculture sites in new areas and in shellfish water protected areas, or identified bathing waters. Consequently, to fully consider the lifetime costs of a proposal, a public authority may require evidence of any potential economic impacts.
280. Proposers must have regard to River Basin Management Plans, in developing their proposals. These plans are the key mechanism by which WFD is implemented. Proposers must also have regard to the MSFD Programme of Measures, which sets out the actions that the UK will take to achieve or maintain GES.
281. Drainage Area Plans will be used to inform sewerage infrastructure decisions across Northern Ireland. Proposers bringing forward sewerage infrastructure proposals should align with the appropriate Drainage Area Plan.
282. Proposers are encouraged to incorporate sustainable solutions to surface water management, such as sustainable drainage systems and stormwater separation.
283. Public authorities must also take account of any other appropriate legislation, strategies or guidance, such as the Regional Development Strategy, Social and Environmental Guidance for Water and Sewerage Services¹⁰⁹, the Water and Sewerage Services Act (Northern Ireland) 2016, and the Sustainable Water - Long Term Water Strategy.

¹⁰⁹ <https://www.infrastructure-ni.gov.uk/publications/social-and-environmental-guidance-water-and-sewerage-services-2015-2021>

284. Any likely impact on water quality from proposals may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
285. Public authorities should only authorise a proposal if they are satisfied that it will not have an unacceptable impact on water quality and will secure compliance with the requirements of the Bathing Water, WFD and MSFD and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Key Activity Policies

These policies support or safeguard a particular activity without undue impact on the marine area, its ecosystem services and the users that rely on them.

Aquaculture

At a glance

Aquaculture

There is a presumption in favour of aquaculture proposals where it can be demonstrated:

- a) there will be no unacceptable adverse impact on marine activities, uses and/or the marine area and any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated.

Applies to the inshore and offshore regions

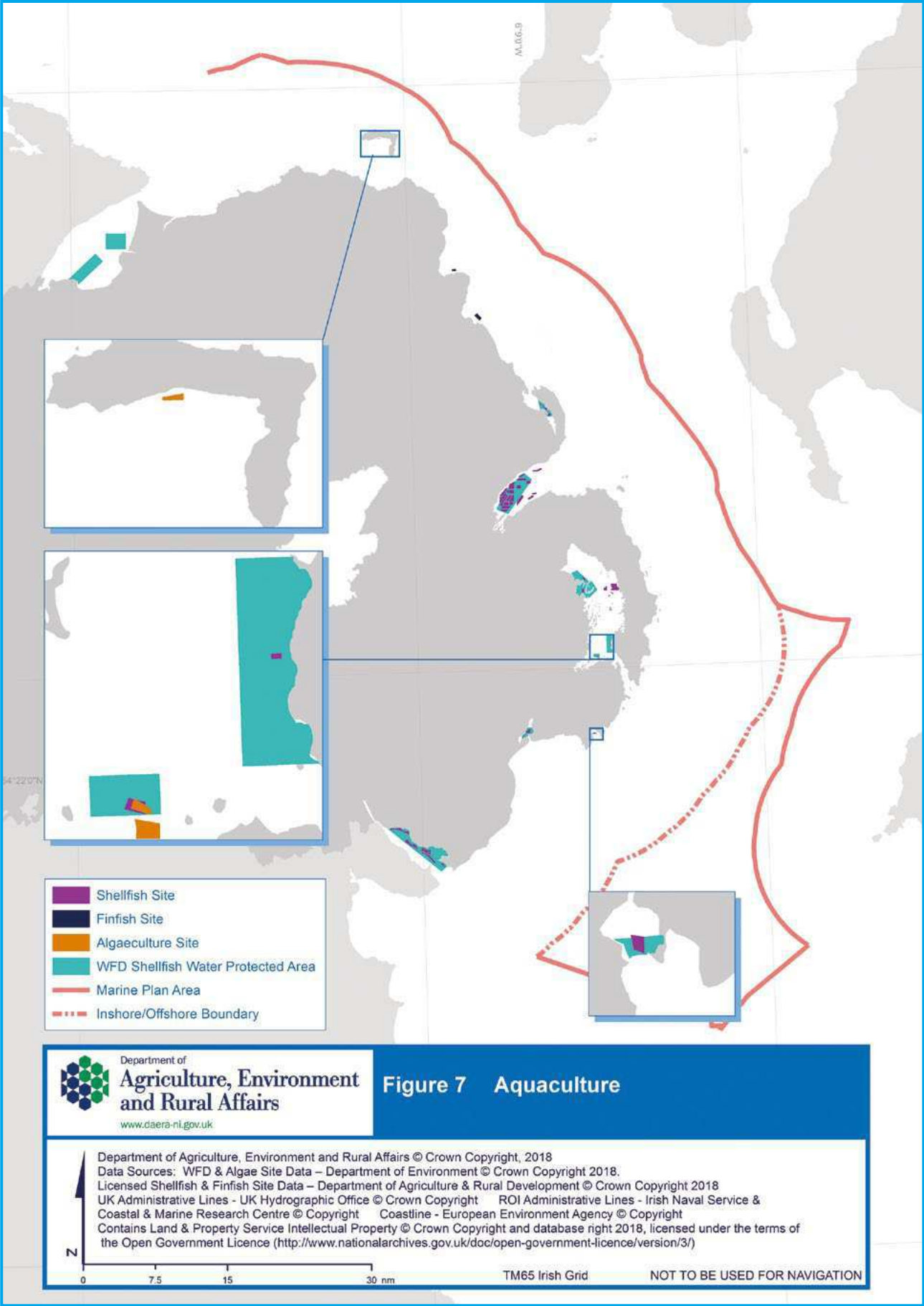
What is aquaculture?

286. Aquaculture is the rearing or cultivation of aquatic organisms, using techniques designed to increase production beyond the natural capacity of the environment.
287. In Northern Ireland, the main marine species cultivated are mussels, Pacific oysters, Native oysters and Atlantic salmon.

Where are aquaculture resources, activities and uses located?

288. Shellfish aquaculture is principally concentrated in the five sea loughs (Carlingford, Strangford, Belfast, Larne and Foyle) with some operations at Dundrum Bay and Killough Harbour. There is also a marine salmon farm, with sites in Glenarm Bay and Red Bay.
289. Finfish and shellfish cultivation depends on the farms being located in areas of good water quality and where the current flow allows the growth of healthy fish and shellfish. Some areas around our coastline have been designated as Shellfish Water Protected Areas¹¹⁰ to protect and improve the quality of shellfish waters, support shellfish production and contribute to high quality products for human consumption.
290. Algae farms are located at Rathlin Island and Strangford Lough.
291. There is no aquaculture activity in the Northern Ireland offshore region, nor is any expected in the short to medium term.
292. Aquaculture sites and Shellfish Water Protected Areas are shown in Figure 7.

¹¹⁰ DAERA is responsible for the designation of Protected Areas under the Water Framework Directive (2000/60/EC).



Who is this of interest to?

293. This policy is of primary interest to the aquaculture sector and public authorities that have a decision making role. The policy also has a wider relevance for marine users and public authorities that potentially interact with the aquaculture sector.
294. The principal public authorities for this key activity include:
- Department of Agriculture, Environment and Rural Affairs for aquaculture licensing and the authorisation of Aquaculture Production Businesses and for the designation of Shellfish Water Protected Areas under the Water Framework Directive. The Department is also the marine licensing authority for the Northern Ireland inshore region and the discharge consenting authority.
 - District Councils as the planning authority above the low water mark.
 - Department for Infrastructure, as the planning authority above the low water mark for regionally significant and called-in applications.
 - Food Standards Agency, which is responsible for carrying out monitoring of classified bivalve production areas for the microbiological status, the presence of phytoplankton in samples of water, marine biotoxins and chemical contamination in samples of shellfish.
 - The Loughs Agency, which is responsible for the management, conservation, protection, improvement and development of inland fisheries of the Foyle and Carlingford Areas; and the development and licensing of aquaculture and shellfisheries.
295. The Crown Estate has an interest as the seabed manager and leasing authority (other private landowners may have an interest).
296. Department for Infrastructure and NI Water have an interest in proposals that have the potential to impact on water and sewerage services.
297. The Department of Agriculture, Environment and Rural Affairs, its counterparts in the Republic of Ireland and the Loughs Agency will continue to promote and develop the aquaculture sector on an all Island basis, including within the shared waters of Lough Foyle and Carlingford Lough.

Why is aquaculture important?

298. Aquaculture makes an important contribution to the Northern Ireland agri-food sector. In 2016, the aquaculture sector produced 3,438 tonnes of shellfish, valued at £4.3 million and 1,069 tonnes of finfish, valued at £4.16 million.

299. For coastal communities, aquaculture can play a role in promoting economic productivity and social well-being by providing jobs within the local area and diversifying the employment base.
300. Beyond the primary production, aquaculture can contribute economically through associated activities including processing facilities and retail outlets, feed suppliers, the provision of plant and equipment etc. Aquaculture can enhance local tourism by providing quality locally sourced seafood to retailers, including restaurants. The quality of seafood is an important asset, which helps drive demand in local and international markets.
301. Aquaculture production contributes to UK food security and relieves pressure on wild stocks.
302. At a European level, the Reformed Common Fisheries Policy, the European Maritime and Fisheries Fund, the Blue Growth Initiative and the Strategic Guidelines for the sustainable development of EU aquaculture, promote the sustainable growth of this sector.
303. The Northern Ireland Executive, in response to The Agri-Food Strategy Board's document 'Going for Growth' has set out actions to be taken across Government to support the aquaculture industry¹¹¹.

How is this to be achieved?

304. Public authorities, through decision making processes, will operate a presumption in favour of aquaculture proposals, in line with this and other Marine Plan policies.
305. Proposers should submit evidence to accompany their proposals for new aquaculture activity, to enable public authorities to consider the potential impacts on the marine area, ecosystem services and the users that rely on them. This should demonstrate how any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated. The evidence should be proportionate to the scale of the proposal and any potential impact on other marine uses and the marine area.
306. Potential adverse impacts from new aquaculture activities will need to be considered by public authorities. The precise nature of impacts will vary, depending on the nature of the activity, local conditions, ecosystems and other factors.
307. Proposers of new aquaculture activities should, where appropriate, also demonstrate how they have considered the land and sea interactions, such as, site access, storage and processing facilities.

¹¹¹ <https://www.daera-ni.gov.uk/publications/going-growth-strategic-action-plan-support-ni-agri-food-industry>

308. Proposers for new aquaculture activities will be required to submit a bio-security plan that includes an assessment of disease risks, details of risk mitigation measures, training and development of personnel in disease awareness and controls on access to the site.
309. Public authorities may require proposers to submit details of predator control measures.
310. When considering the potential environmental impacts of proposed shellfish aquaculture developments, public authorities shall use, the Sustainable Mariculture in Northern Irish Lough Ecosystems¹¹² (SMILE) models, to investigate potential impacts on ecological carrying capacity.
311. Aquaculture sites are particularly vulnerable to pollution, especially bacterial or chemical contamination. The control of pollution within Shellfish Water Protected Areas under WFD is important for the continued existence and future growth of aquaculture. Consequently, public authorities will take account of River Basin Management Plans. They will also encourage new proposals to be located within areas that are already designated as Shellfish Water Protected Areas WFD; and for which the water quality consistently achieves 'good status' and 'good environmental status'¹¹³.
312. Proposed new shellfish aquaculture proposals and the subsequent requirement to designate a Protected Area under WFD, may have cost implications for water and sewerage services. Consequently, to fully consider the lifetime costs of a proposal, a public authority may require evidence of any potential economic impacts.
313. Potential impact from aquaculture proposals may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
314. Public authorities should only authorise a proposal for new aquaculture proposals if they are satisfied that the proposal will not have any unacceptable adverse impacts on the marine area, its ecosystem services and other marine users; and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

¹¹² <https://www.afbini.gov.uk/articles/sustainable-mariculture-smile>

¹¹³ As required under WFD and MSFD.

Carbon Capture and Storage

At a glance

The potential for Carbon Capture and Storage (CCS) in the Northern Ireland Marine Area in the medium term, is very limited. It is not the intention of the Marine Plan to bring forward any policy provisions. The UK MPS will continue to provide the context for CCS in the Northern Ireland marine area.

This position may be reviewed in light of any advances in the potential for such technology to be implemented in the future.

What is Carbon capture and storage?

315. Carbon capture and storage (CCS) technology is designed to capture carbon dioxide from power stations or industrial sites. It is then liquefied and transported by pipeline or ship for permanent storage in underground geological formations (such as deep underground saline aquifers or depleted oil fields). This technology reduces the level of carbon dioxide entering the atmosphere.

Where are carbon capture and storage resources, uses and activities located?

316. There are currently no operational commercial-scale CCS projects in the UK. The potential for CCS in the Northern Ireland marine area is limited, at this time.
317. The UK marine area is thought to be a promising hub location for permanent storage of carbon dioxide¹¹⁴. Most interest has been focussed on the North Sea, where the first demonstration plants are likely to be located. The Peel Basin, lying between the Isle of Man and the County Down coast, has been identified as a saline aquifer with potential as a carbon dioxide storage reservoir¹¹⁵. However, there is limited information from available well and seismic data, in this sedimentary basin. The potential for CCS opportunities in the Northern Ireland marine area will likely depend on the successful deployment of this technology elsewhere in the UK.

¹¹⁴ The Crown Estate and British Geological Survey provide a database containing an overview of storage potential on the UK Continental Shelf <http://www.co2stored.co.uk/>.

¹¹⁵ Assessment of the Potential for Geological Storage of Carbon Dioxide for the island of Ireland, 2008, a report prepared by CSA Group, in association with Byrne Ó Cléirigh, the British Geological Survey and CO2CRC, for Sustainable Energy Ireland.

Who is this of interest to?

318. This section will be of primary interest to the relevant public authorities, the energy sector and large industrial operators.
319. The principal public authorities for this key activity include:
- Department of Agriculture, Environment and Rural Affairs as the marine licensing authority for the Northern Ireland inshore region and as the discharge consenting authority.
 - Department for the Economy as the licensing authority for inshore region waters.
 - Department for Business, Energy and Industrial Strategy as the marine licensing authority for the offshore region.
 - District Councils as the planning authority above the low water mark; and
 - Department for Infrastructure as the planning authority above the low water mark for regionally significant and called-in applications.
320. The Crown Estate has an interest, with rights to lease for CCS activity vested under the Energy Act 2008.

Why is carbon capture and storage important?

321. The UK Government aims to deliver a secure, affordable, low carbon energy system. The use of CCS will allow fossil fuels to contribute to a low carbon future by removal and permanent storage of the carbon dioxide from power stations or industrial processes. CCS can also act as a climate change mitigation technique.

Commercial Fishing

At a glance

Proposals with the potential to impact on Commercial Fishing

Public authorities must consider any potential impact from proposals on commercial fishing activities and the ecosystem services that support commercial fishing.

Where a proposal has the potential to adversely impact on (1) areas of commercial fishing activity and access to fishing grounds; and/or (2) spawning and nursery grounds and associated habitats and migratory routes, a public authority will require the proposer to demonstrate:

- a) that adverse impact is avoided; or
- b) where adverse impact is unavoidable, it is minimised and where appropriate, mitigated; or
- c) where adverse impact cannot be avoided or minimised, it is mitigated.

If it is not possible to avoid, minimise and/or mitigate any adverse impact, a proposal will only be allowed where the public benefit clearly outweighs the adverse impact.

Applies to the inshore and offshore regions

What is commercial fishing?

- 322. Commercial fishing is the activity of catching fish, including shellfish, for profit. Techniques include use of mobile gear to carry out activities such as benthic and pelagic trawling, dredging and seine netting. Static gear, such as fixed nets and potting, tends to be used by smaller vessels closer to the shore.
- 323. There were 314 Northern Ireland licensed vessels in 2017, equipped with a variety of gear, depending on the target catch. Approximately, 60 per cent of vessels are 10 metres or under in length.
- 324. Important commercial species in the Irish Sea include *Nephrops* (such as prawn), cod, haddock, hake and monkfish. Dredging for king scallops and dredging or trawling for queen scallops also make an important contribution. Irish Sea herring and herring and mackerel from more distant sea areas, are also important.

Where are commercial fishing resources, activities and uses located?

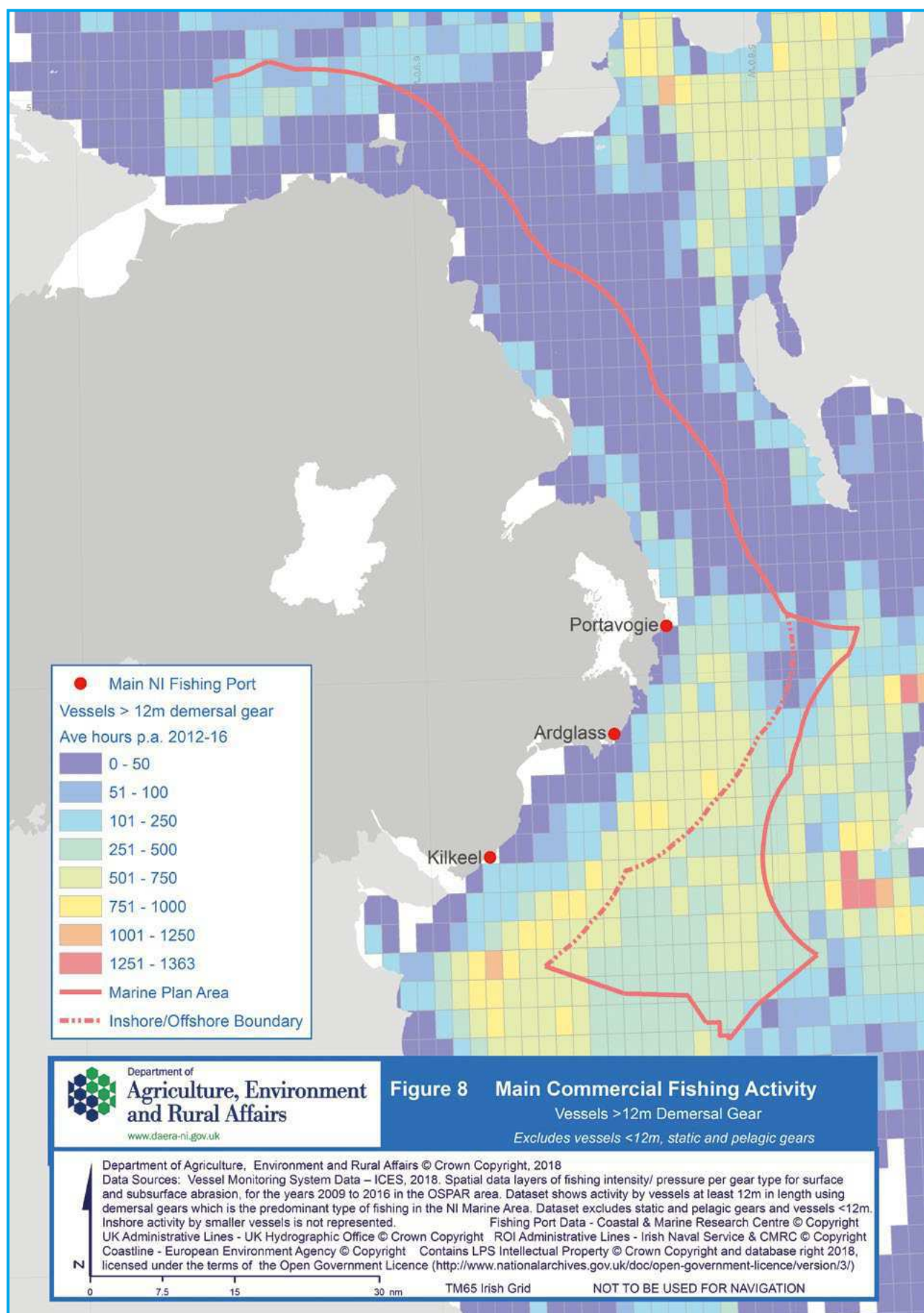
- 325. The Northern Ireland fishing fleet is concentrated at the County Down ports of Kilkeel, Portavogie and Ardglass, with many small vessels operating out of other ports and harbours along the whole coastline.

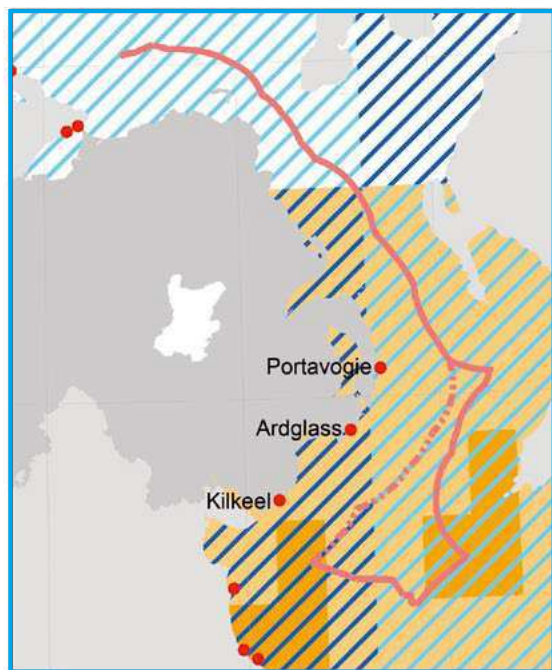
326. The Northern Ireland fleet is highly dependent on fishing opportunities in the western Irish Sea mud habitat, where Nephrops are concentrated. There is also frequent activity by local trawlers in the North Channel, Clyde, eastern Irish Sea, and North Sea, while pelagic activity occurs in the Irish Sea, west of Scotland, and off the Northern Isles and west of Ireland. Potting is popular closer to shore and in all of the sea loughs. Figure 8 gives an indication of commercial fishing activity by vessels over 12 metres in length using demersal gear. Whilst, this accounts for a significant amount of the commercial fishing activity in the Northern Ireland marine area, it does not show fishing activity by smaller inshore vessels targeting mainly shellfish, within 6nm of the coast.
327. The coast from Rathlin to Larne is the main area for the taking of lobster, whilst brown crab tends to be mainly taken off the County Down coast.
328. Some collection of wild cockles, mussels and winkles takes place, particularly in Strangford and Carlingford Loughs and Dundrum Inner Bay. Small scale bait-digging takes place around the coast in muddy areas. Native oysters are caught within Lough Foyle.
329. Fishing activity can be influenced by many factors, such as, stock size, availability of fishing opportunities (quotas and days at sea), fisheries regulations, weather conditions, fuel costs, market demand, price of fish and natural events, such as, fish movements and spawning.
330. Information on important nursery and spawning grounds is included within, The Centre for Environment, Fisheries and Aquaculture Science (CEFAS) report on spawning and nursery grounds of selected fish species in UK waters¹¹⁶. This information is illustrated in Figures 9a-9e.

Who is this of interest to?

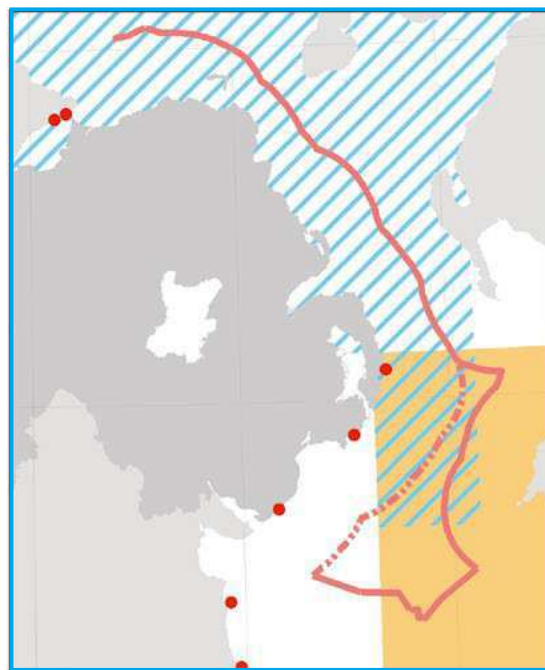
331. This policy requires public authorities and proposers to consider any impacts on the commercial fishing sector and the ecosystem services that support it.
332. The principal public authorities for this key activity include:
- Department of Agriculture, Environment and Rural Affairs as the responsible authority for sea fisheries, including the licensing of commercial fishing vessels and as the responsible authority for salmon, eels and inland fisheries.
 - Loughs Agency as the responsible inland fisheries authority (including for salmon) within the Foyle and Carlingford catchments.

¹¹⁶ <https://www.cefass.co.uk/publications/techrep/TechRep147.pdf>

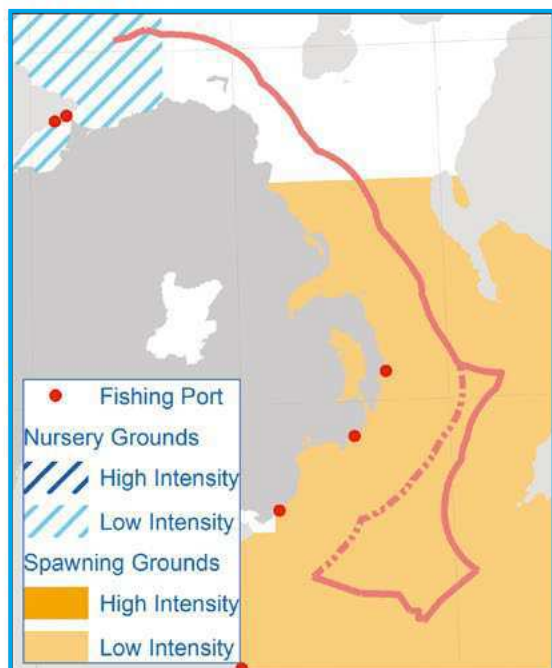




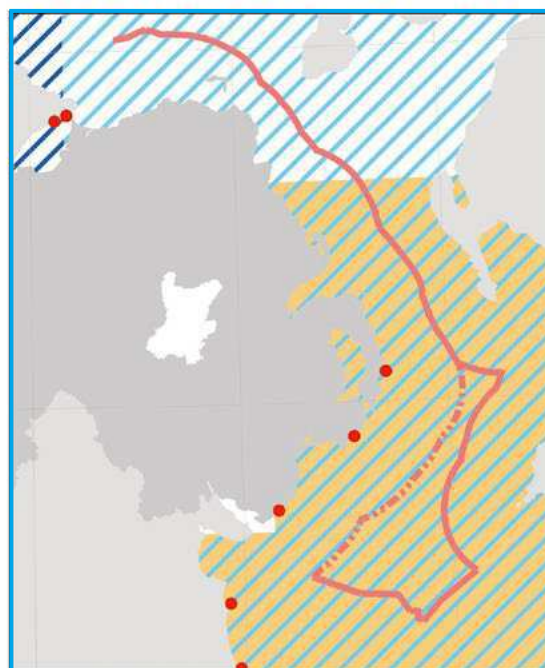
Cod



Hake

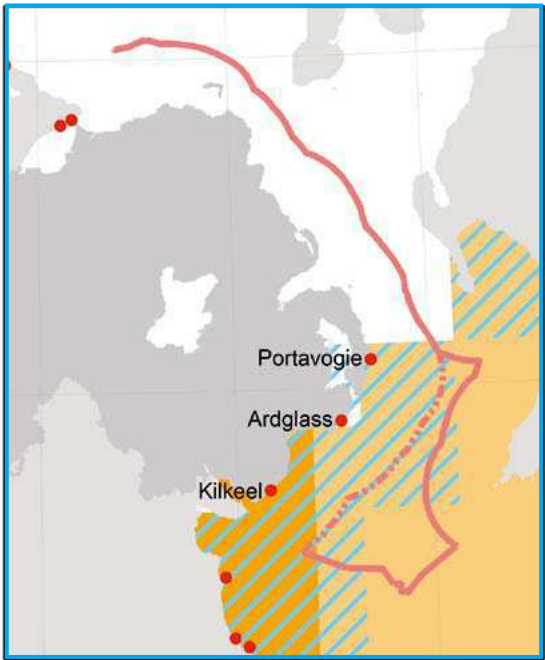


Ling

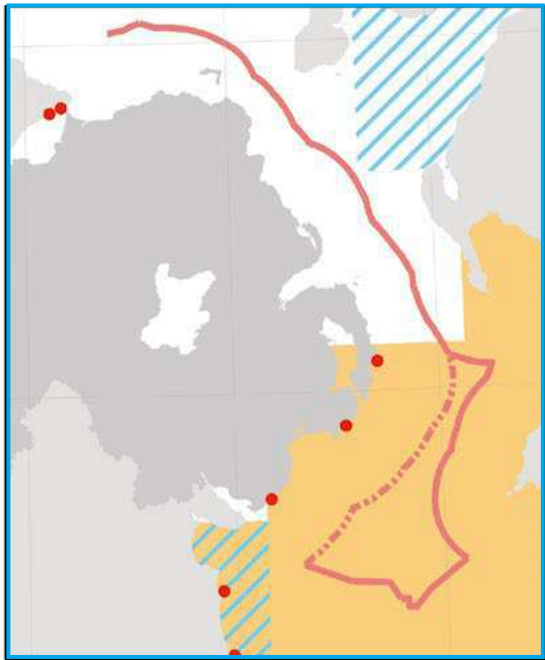


Mackerel





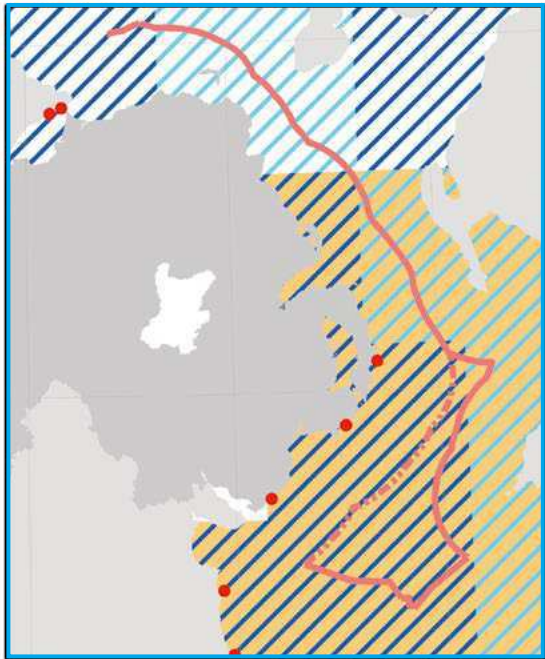
Plaice



Sandeel

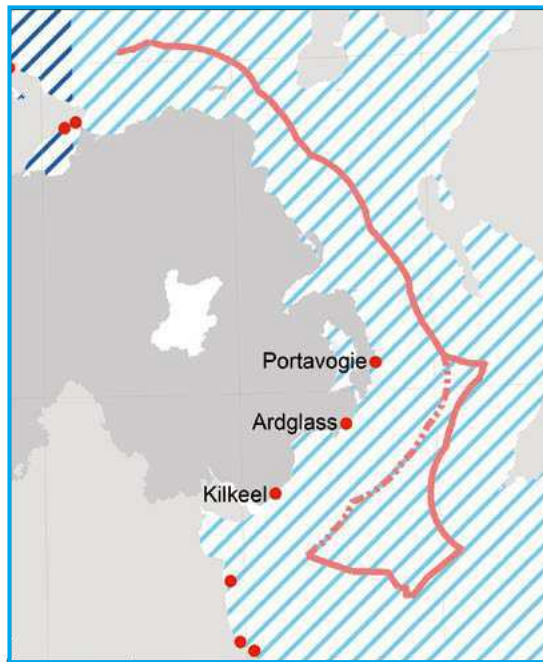


Sole

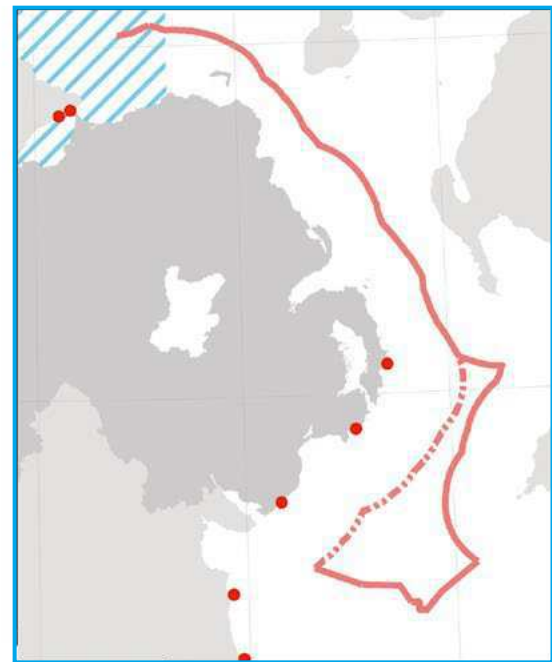


Whiting

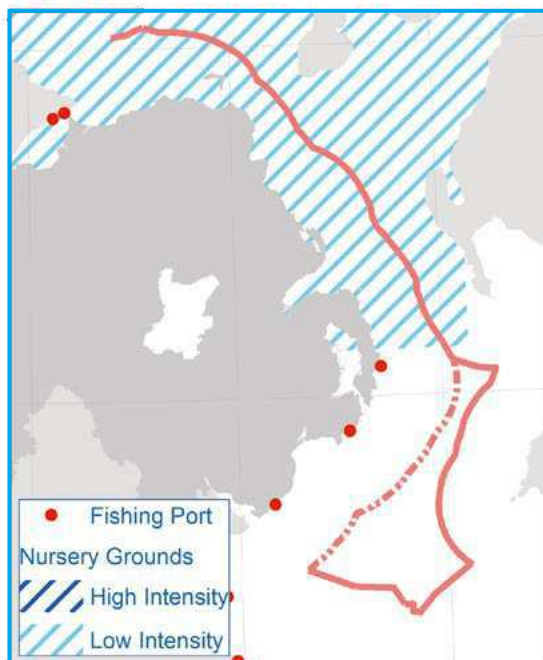




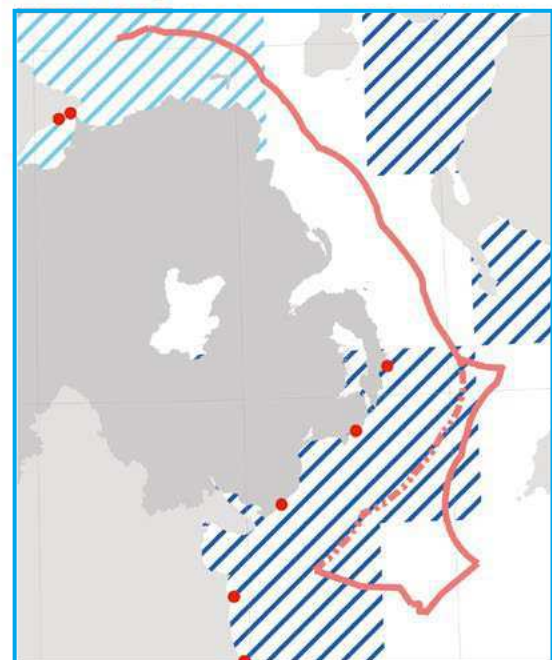
Anglerfish



Blue Whiting



Common Skate



Herring



Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk

Figure 9c Nursery Grounds

Department of Agriculture, Environment and Rural Affairs © Crown Copyright, 2018
Data Sources: Nursery and Spawning Data – Centre for Environment, Fisheries and Aquaculture Science CEFAS © Crown Copyright
UK Administrative Lines - UK Hydrographic Office © Crown Copyright
ROI Administrative Lines - Irish Naval Service & Coastal & Marine Research Centre © Copyright
Coastline - European Environment Agency © Copyright
Contains Land & Property Service Intellectual Property © Crown Copyright and database right 2018, licensed under the terms of
the Open Government Licence (<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>)

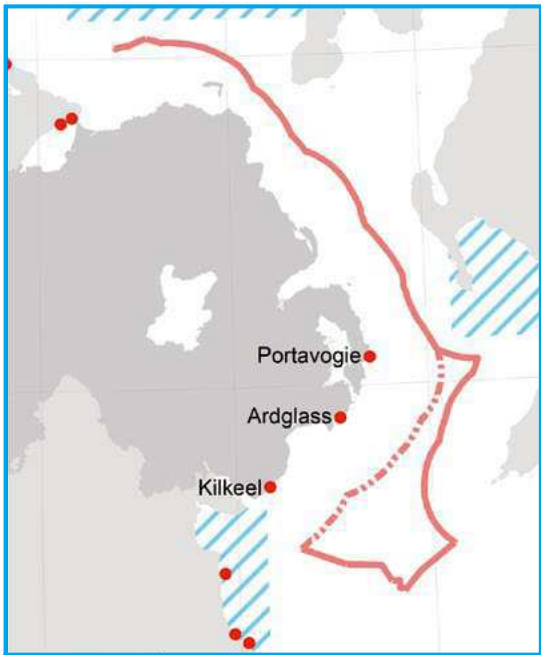
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0 7.5 15 30 nm

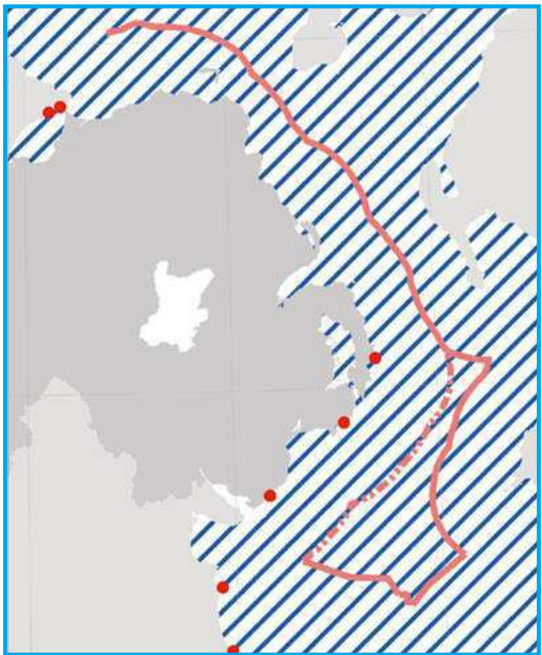
TM65 Irish Grid

NOT TO BE USED FOR NAVIGATION

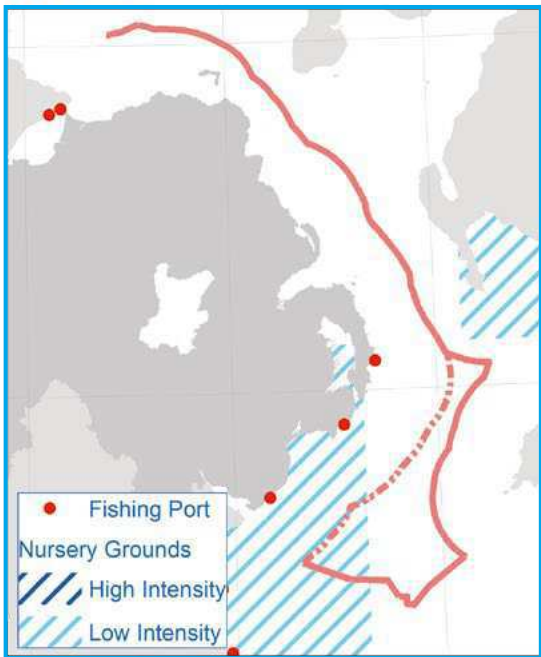
10/15/2018



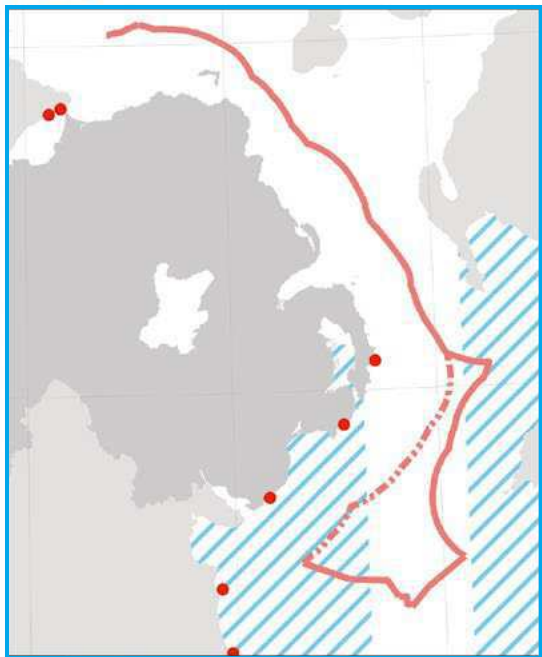
Spotted Ray



Spurdog



Thornback Ray



Tope Shark





Horse Mackerel



Why is commercial fishing important?

- 333. Commercial fishing is a major employer in coastal communities and this policy seeks to safeguard fishing opportunities and the socio-economic benefits that fishing brings to the economy.
- 334. In 2016, there were 875 fishermen in Northern Ireland (700 regular and 175 part-time). Fish landings into Northern Ireland in 2016, were 19,509 tonnes, with a value of approximately £28.7 million. Fish landings in 2016 by Northern Ireland registered vessels into all ports, including those outside Northern Ireland, were 29,400 tonnes, with a value of approximately £41.6 million. Indirectly, commercial fishing supports a variety of other jobs, such as ancillary engineering and service industries. The fish and shellfish processing sector employed 550 full time equivalents in 2015 and had a value¹¹⁷ of approximately £77 million.
- 335. Sustainable fish stocks are essential to the future success of the fishing industry. Fishing delivers a variety of seafood and contributes to UK food security.
- 336. Damage to fishing grounds and stocks can have significant economic, environmental and social consequences, such as job losses, displacement of fishing activity, and damage to wider ecosystems.
- 337. The UK MPS highlights the value of commercial fishing to local communities and recognises that this activity can be affected by other marine activities. There are concerns within the fishing sector that new and emerging marine activities may have adverse effects on ecosystems services, such as stock recruitment and result in displacement from fishing grounds. Effective stakeholder engagement, in combination with good planning and management, can help address these concerns, allowing many activities to amicably co-exist with the commercial fishing sector.
- 338. At a European level, the Common Fisheries Policy¹¹⁸ currently provides the management framework for commercial fishing. It promotes fishing that is economically, environmentally and socially sustainable, with an emphasis on maintaining fish populations that will produce a maximum sustainable yield. Under the Marine Strategy Framework Directive, Good Environmental Status requires populations of fish stocks to be exploited within safe biological limits.

How is this to be achieved?

- 339. Public authorities must consider the potential impact of proposals on commercial fishing activity and access to fishing grounds, through decision making processes. In addition, impacts on nursery and spawning grounds and associated habitat and migratory routes, need to be considered as part of a consideration of wider ecosystem services.

¹¹⁷ Gross Value Added.

¹¹⁸ http://ec.europa.eu/fisheries/cfp/index_en.htm

340. Amongst other considerations, public authorities should have regard to:
- whether potential impacts are permanent or temporary;
 - the potential impact of increased fuel costs or time at sea;
 - the potential impact of displacement and whether it is possible for vessels to relocate to other fishing grounds. It will also be necessary to consider the potential impact of this displacement on the viability of fish stocks, the impacts on marine ecosystems and the users that rely on the services provided, at both the alternative and the original fishing grounds;
 - any impacts on land-based elements relating to commercial fishing activities, such as harbours, markets and processing plants;
 - the impact on local communities, including the reduction of fishing activity, redistribution of fishing effort or associated impact on related businesses; and
 - the Northern Ireland Inshore Fisheries Strategy: Delivering a Sustainable Future¹¹⁹.
341. The public authority may need to engage with other regions, in relation to displacement of fishing effort, to ensure that a comprehensive picture of impacts is developed and any unintended consequences are avoided.
342. When a proposal has the potential to adversely impact on commercial sea fishing activities, the public authority will require the proposer to demonstrate that any potential impacts have been considered and measures are included to, in order of preference, avoid, minimise and/or mitigate adverse impacts. If it is not possible to avoid, minimise and/or mitigate the adverse impacts, the proposer should clearly demonstrate that the public benefit of the proposal clearly outweighs the adverse impacts.
343. When a proposal has the potential to impact on commercial fishing, the proposer is strongly encouraged to engage with fisheries' stakeholders at the earliest stages of concept, planning and design. Stakeholders may include local fishermen, the relevant public authorities and fish producer organisations.
344. The impact of proposals on commercial sea fishing may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment and Strategic Environmental Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

¹¹⁹ <https://www.daera-ni.gov.uk/articles/inshore-fisheries-policy>

345. Public authorities should only authorise a proposal if they are satisfied that the proposal will not have an unacceptable impact on commercial fishing activities, the ecosystems services they provide and other marine users; and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Defence and National Security

At a glance

Defence and National Security

Public authorities must consider any potential interference from proposals on defence and national security requirements, and must not authorise proposals that would result in unacceptable interference.

Where a proposal has the potential to interfere with defence and national security requirements, a public authority will require the proposer to demonstrate:

- a) that interference is avoided; or
- b) where interference is unavoidable, it is minimised and where appropriate, mitigated; or
- c) where interference cannot be avoided or minimised, it is mitigated.

Any proposal that has the potential to interfere with defence and national security requirements must be discussed with the Ministry of Defence at the earliest opportunity, and agreement reached.

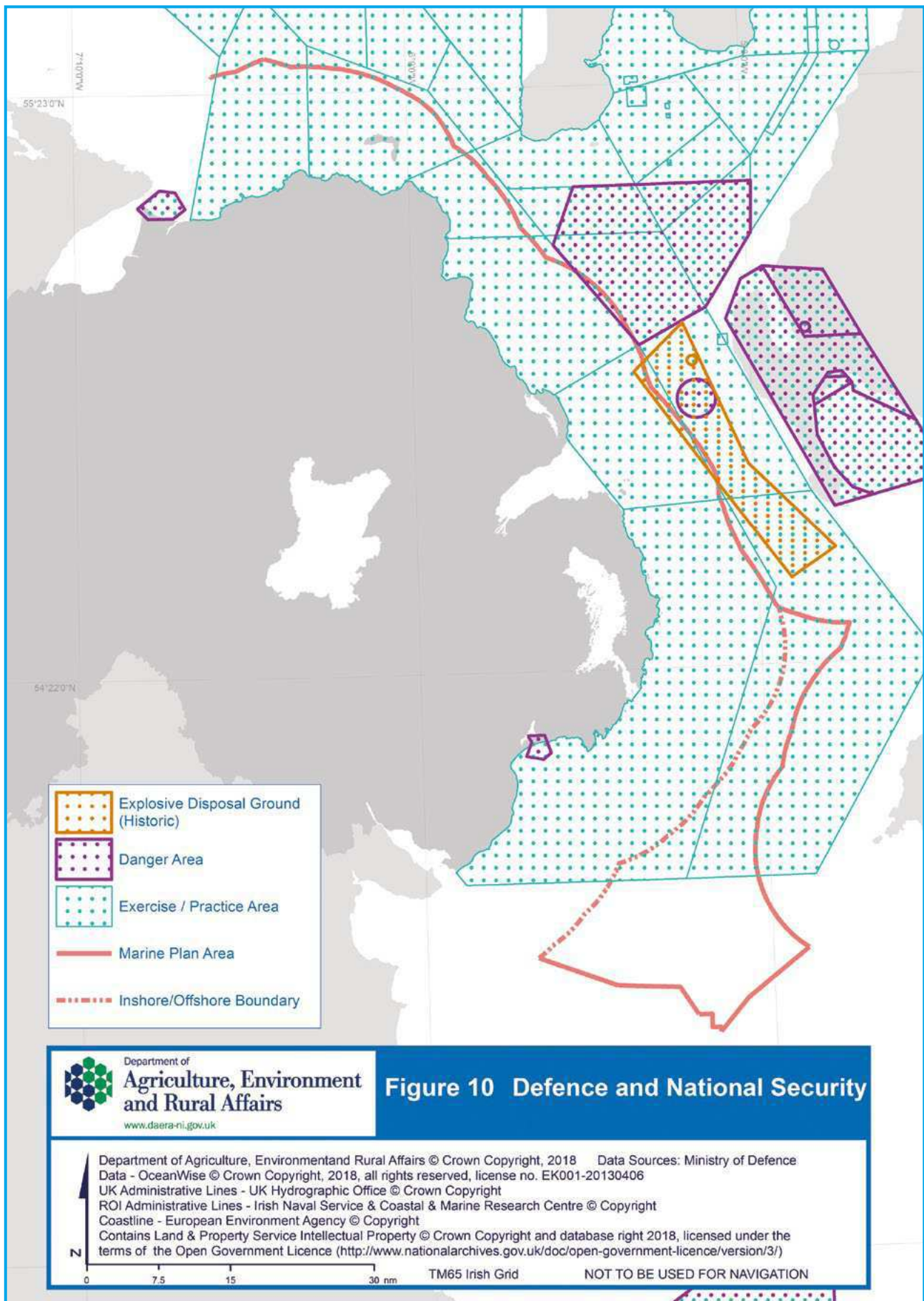
Applies to the inshore and offshore regions

What is defence and national security?

346. For the purposes of the Marine Plan, defence and national security requirements are to provide defence and where appropriate, security, for the people of the UK and Overseas Territories, its interests and to strengthen international peace and stability.

Where are Defence and National Security activities and uses located?

347. In Northern Ireland, there is a naval presence based at Thiepval Barracks in Lisburn. The majority of the Northern Ireland marine area is identified as either a Ministry of Defence (MOD) Danger Area (live firing) and/or a Naval Exercise/Practice Area (no live firing). Actual exercises are restricted to a limited number of weeks per year and cover only a proportion of these areas, at any one time. Two coastal Danger Areas, at Magilligan and Ballykinler, are regulated by byelaws and can be used 365 days a year, including night shooting and weekend firing on the land ranges but using the sea danger area.
348. Beaufort's Dyke, just beyond the Northern Ireland marine area, within the Scottish region of the North Channel, has historically been used for munitions dumping.
349. Defence and National Security Areas are shown in Figure 10.



Who is this of interest to?

350. This policy requires public authorities and proposers to consider defence and national security interests in the marine area.
351. The MOD provides advice and guidance on defence and national security issues, as a retained function. Other authorities that can provide advice and guidance include:
- Maritime and Coastguard Agency;
 - HM Revenue and Customs;
 - UK Border Force;
 - National Crime Agency;
 - Police Service of Northern Ireland; and
 - Belfast Harbour Police.

Why is defence and national security important?

352. Any part of the UK marine area can be used for defence and national security activities. The UK MPS recognises the need for the MOD to maintain and deploy the operational capacity to provide defence and national security to the UK.

How is this to be achieved?

353. Public authorities must consider any potential interference with defence and national security interests, through decision making processes, and must not authorise proposals that would result in unacceptable interference, without MOD agreement.
354. Amongst other considerations, public authorities should note:
- Permanent infrastructure is unlikely to be acceptable within MOD Danger Areas and Naval Exercise/Practice Areas. Permitted activities may have temporal restrictions imposed.
 - Proposals that, either individually or cumulatively, obstruct or otherwise prevent defence activities within MOD Danger Areas and/or Naval Exercise/Practice Areas, are unlikely to be acceptable. Permitted activities may have temporal restrictions imposed.
 - Proposals that cause unacceptable interference to communication, navigation and surveillance, including RADAR or other systems necessary for defence and national security, will be prohibited if mitigation cannot be demonstrated.

355. In assessing a proposal that has the potential to interfere with defence and national security interests, the public authority must consult with the MOD or other relevant authorities. Proposals in or affecting MOD Danger Areas and/or Naval Exercise/ Practice Areas should not be authorised without agreement from the MOD.
356. When a proposal has the potential to interfere with defence and national security interests, the public authority will require the proposer to demonstrate that any potential interference has been considered and that measures are included to, in order of preference, avoid, minimise or mitigate such interference.
357. Where there is potential to interfere with defence and that national security interests, the proposer must engage with the MOD at the earliest stages of concept, planning and design of the proposal.

Dredging

At a glance

Defence and National Security

There is a presumption in favour of dredging proposals, where it can be demonstrated:

- a) there will be no unacceptable adverse impact from either dredging or dredged material disposal on marine activities, uses and/or the marine area and any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated;
- b) dredged waste is managed in accordance with internationally agreed hierarchy of waste management options for sea disposal; and
- c) if disposing of dredged material at sea, existing registered disposal sites are used, in preference to new disposal sites.

Applies to the inshore and offshore regions

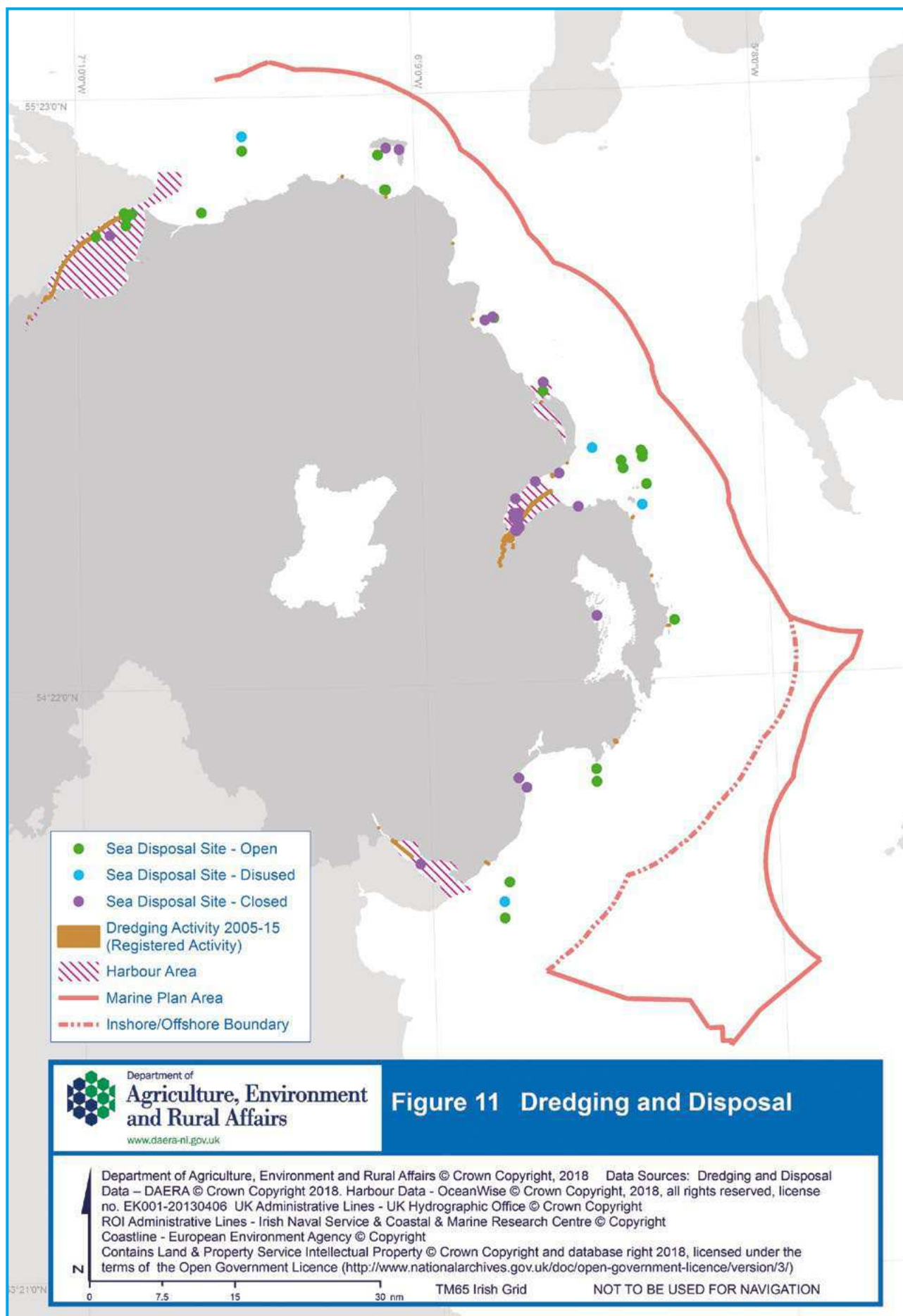
What is dredging?

358. Dredging involves the removal of sediment and debris from the seabed, estuaries and river channels, for a variety of purposes. There are two types of dredging activity:
- **Maintenance dredging**, which involves the periodic¹²⁰ removal of material that has accumulated over time (e.g. through sedimentation) and is principally conducted within ports and navigable channels, to allow safe and continued operation for shipping.
 - **Capital dredging**, which involves creating a greater depth or channel width than had previously existed, such as, for new port developments or creating a new seabed profile, or to provide foundations for infrastructure.
359. Dredging can facilitate future port development, the construction of pipelines and outfalls, and the preparation of sites for proposals, such as renewable energy projects, in the marine area.

Where are dredging (and associated disposal) activities and uses located?

360. Dredging activities are concentrated around ports, harbours and marinas, both large and small, and any associated navigable channels such as the Bann River, Belfast Lough, Carlingford Lough and Lough Foyle. Figure 11 shows both dredging activity and disposal sites.

¹²⁰ To be considered as maintenance the dredge frequency must be at least once every 10 years.



Who is this of interest to?

361. This policy is of primary interest to dredging and disposal operators, sectors that rely on or benefit from dredging and disposal activities and public authorities that have a decision making role. The policy also has a wider relevance for marine users and public authorities that could potentially interact with dredging activities.
362. The principal public authorities for this key activity include:
- Department of Agriculture, Environment and Rural Affairs as the marine licensing authority for the Northern Ireland inshore region.
 - The Department for Infrastructure as the planning authority above the low water mark for regionally significant and called-in applications and as the responsible authority for harbour orders and tidal works consents.
 - Marine Management Organisation as the marine licensing authority for the Northern Ireland offshore region.
 - District Councils as the planning authority above the low water mark; and
 - Northern Ireland Fishery Harbour Authority, which manages the fishing ports of Ardglass, Kilkeel and Portavogie, on behalf of the Department of Agriculture, Environment and Rural Affairs.
363. A licence/agreement may also be required from the Crown Estate as the seabed and subsurface manager within 12 nautical miles.

Why is dredging important?

364. The policy reflects the role of dredging as an enabling activity, essential for the safe navigation and functioning of ports, harbours and marinas and is of critical importance to the economy and society. Dredging often unlocks socio-economic benefits from other marine activities that are facilitated through capital dredging. Dredging activities are also closely linked to the evolving needs of other marine activities, for example, the trend for shipping to use larger vessels.

How is this to be achieved?

365. Public authorities, through decision making processes, will apply a presumption in favour of dredging proposals, in line with this and other Marine Plan policies.
366. Proposers are required to submit evidence to accompany their proposal, to enable public authorities to consider the potential impacts on the marine area, its ecosystems services and the users that rely on them. This should include how any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated. The evidence required should be proportionate to the scale of the proposal and any potential impact on other marine uses and the marine area.

367. Potential adverse impacts that may need to be considered by public authorities and proposers, will vary depending on the local conditions, ecosystems and other factors. Dredging activities can involve significant physical disturbance of the marine area. Impacts may include: potential risk to fish and other marine life from the release of sediments; chemical pollution; morphological changes including burial of seabed flora and fauna; hydrological effects; interference with other marine activities and uses; increases in turbidity; increases in marine noise; possible adverse effects for designated nature conservation areas and potential destruction or destabilisation of heritage assets and risks associated with overspill from dredging vessels. Removal of dredged material can also cause adverse impacts to the natural sedimentary systems and coastal processes.
368. Where dredging has the potential to disturb contaminated sediments, any environmental and health effects must be considered. Public authorities must ensure that levels of contamination do not exceed permissible levels. In addition, regard must be given to sensitive areas, such as, Protected Areas for shellfish production or bathing waters. DAERA's Environmental Guidance for Ports and Harbours¹²¹, provides advice on how to minimise impacts on the environment.
369. Proposals that include the disposal of dredging waste, must demonstrate that appropriate consideration has been given to the internationally agreed hierarchy of waste management options for sea disposal¹²². To demonstrate this, the public authority may request the proposer, to provide an assessment of best practical environmental options, for the disposal of dredged sediments. Wastes should not be accepted for disposal where appropriate opportunities exist to re-use, recycle or treat the waste, without undue risks to either human health or the environment or result in disproportionate costs. The public authority should give appropriate consideration to alternative uses for the sediment.
370. Public authorities, in assessing proposals, must take account of the 1992 OSPAR Convention¹²³ - Annex II - on the prevention and elimination of pollution by dumping or incineration, and the London Protocol 1996¹²⁴.
371. Proposers should use existing registered disposal sites at sea, to limit any potential environmental harm or disruption in previously undisturbed areas. Public authorities should only consider registering a new disposal site, if an existing disposal site is at capacity or compelling reasons indicate that a new site is justified.

¹²¹ <https://www.daera-ni.gov.uk/publications/environmental-guidance-ports-and-harbours>

¹²² OSPAR Convention 1992 <https://www.ospar.org/convention>; and London Protocol 1996 <http://www.imo.org/en/OurWork/Environment/LCLP/Pages/default.aspx>

¹²³ <https://www.ospar.org/convention>

¹²⁴ <http://www.imo.org/en/OurWork/Environment/SpecialProgrammesAndInitiatives/Pages/London-Convention-and-Protocol.aspx>

- 372. As dredging activities may be reliant on land-based elements, such as ports and processing facilities, proposers should demonstrate how they have considered the land and sea interactions.
- 373. Any potential impact from dredging activities and associated disposal of sediments, may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
- 374. Public authorities should only authorise a proposal if they are satisfied that; waste is appropriately managed; the proposal will not have any unacceptable adverse impacts on the marine area, its ecosystem services and other marine users; and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Energy

At a glance

Energy

There is a presumption in favour of energy proposals that improve the security and diversity of energy supply, where it can be demonstrated:

- a) there will be no unacceptable adverse impact throughout the lifetime of the proposal on marine activities, uses and/or the marine area and any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated; and
- b) restoration/decommissioning measures have been agreed, where necessary.

Applies to the inshore and offshore regions

What is energy?

375. Energy, for the purposes of this Marine Plan, includes the generation and transmission of electricity (through a variety of means, including from renewable technologies, storage and interconnectors) and the exploitation and transmission of energy resources, such as oil and gas.
376. The primary energy activities that take place or have potential to take place in the marine area include:
- **Compressed Air Energy Storage (CAES)**, which is the storage of energy in the form of compressed air, in a deep underground cavern or reservoir. This compressed air can be used to balance energy supply and demand, by storing surplus energy generated from renewable technology, that can then be made available to generate electricity, at times of higher demand.
 - **Renewable energy**, which is electricity generation using wind, wave and tidal resources. Wind farms in the marine area, involve the installation of turbines, inter-array cables and export cables to a substation on land. There are several different tidal turbine device designs available, depending on local tidal regimes, but most are mounted on the seabed and some are surface piercing. Similar to wind farms, they would have export cables connecting them to a substation on land.
 - **Oil and gas energy**, which is the exploration and potential production of oil and gas resources. Exploration is the search for oil and gas resources, using a variety of technologies, including seismic surveying and the drilling of wells, to identify and prove commercially viable resources. Production is the extraction

of these resources using fixed production platforms, floating production and storage vessels or subsea infrastructure. The oil or gas is then exported through pipelines, to facilities on land or directly to vessels.

- **Underground gas storage**, which provides the capacity to store gas in depleted UK oil and gas fields and/or underground salt caverns. For security of supply, the stored gas can also be used to supplement supplies, if there are interruptions to imports.

377. **Energy Transmission** in the Northern Ireland marine area includes the subsea transport of electricity and gas through cables and pipelines.

Where are energy resources, activities and uses located?

378. Energy resources and infrastructure are located throughout the marine area. Specific spatial locations for different energy activities are detailed below and shown in Figure 12.
379. A proposal by Gaelectric to develop a CAES facility to the south west of Larne is currently under consideration for both planning permission (DfI) and a marine license (DAERA). The facility would be located within caverns to be constructed in underground salt beds, using solution mining.
380. Wind, wave and tidal resource zones in the marine area, have been identified in the Offshore Renewable Energy Strategic Action Plan 2012-2020¹²⁵ (ORESAP). This includes zones for potential tidal test and demonstration activity.
381. The UK and Republic of Ireland governments have agreed a Memorandum of Understanding¹²⁶ (MOU) in relation to renewable energy. The MOU sets out that each government may arrange for the lease of the seabed to facilitate the development of renewable energy installations, and for the licensing of construction and operation of such installations, up to the respective sides of the two lines defined in the MOU¹²⁷.
382. There are two pilot tidal stream demonstration projects in Strangford Lough; a quarter scale kite design prototype, operated by Minesto and a 1.2MW SeaGen tidal turbine device. The SeaGen device is currently in the process of being decommissioned.
383. The Crown Estate has awarded Agreements for Lease (AfL) to two separate consortia, to investigate tidal energy schemes, off the North Antrim coast at Torr Head and Fair Head. The Torr Head Tidal proposal has received a Marine Licence and the Fair Head Tidal proposal is under consideration for a marine licence.

¹²⁵ <https://www.economy-ni.gov.uk/articles/sustainable-energy-action-plan-2012-15>

¹²⁶ <https://www.economy-ni.gov.uk/publications/memorandum-understanding-publications>

¹²⁷ The MOU relates only to renewable energy projects and is without prejudice to the negotiation of territorial sea boundaries.

384. Wave energy technology is at a relatively early stage of development and there are no current plans to bring this forward in Northern Ireland.
385. There are currently no areas licensed for oil and gas exploration or production, at present, within the marine area.
386. An underground gas storage proposal by, Islandmagee Gas Storage, is progressing through the marine licence system. This proposal will be capable of storing up to 60 days of gas supply for Northern Ireland, in salt caverns located almost a mile beneath Larne Lough.
387. Gas is supplied, to two of the three coastal power stations, through the Scotland to Northern Ireland pipeline, which runs from the Mull of Galloway to Ballylumford. This pipeline also services Northern Ireland's natural gas network. There are two major subsea electricity interconnectors in the Northern Ireland marine area. The Moyle Interconnector runs between Islandmagee and Scotland. The Rathlin Interconnector connects Rathlin Island to the Northern Ireland electricity grid, at Ballycastle. The Western Link High Voltage Direct Current cable traverses north-south through Northern Ireland's marine area, connecting Ardnear Bay in Ayrshire, Scotland to a landfall point at Leasowe, near Liverpool in England.
388. Energy resources, such as oil and coal, are shipped into ports and harbours and specific energy facilities.

Who is this of interest to?

389. This policy is of primary interest to the energy sector and public authorities that have a decision making role. The policy also has a wider relevance for marine users and public authorities that potentially interact with the energy sector.
390. The principal public authorities for this key activity include:
 - Department of Agriculture, Environment and Rural Development as the marine licensing authority for the Northern Ireland inshore region.
 - Marine Management Organisation as the marine licensing authority for the Northern Ireland offshore region.
 - District Councils as the planning authority above the low water mark.
 - The Department for Infrastructure as the planning authority above the low water mark for regionally significant and called-in applications.
 - Department for the Economy as the body responsible for developing and implementing Northern Ireland's Energy policy and, through Invest Northern Ireland, supporting economic growth in the energy sector. Also as the petroleum licensing authority in the internal waters; and, consenting authority for the construction and operation of electricity generating installations.

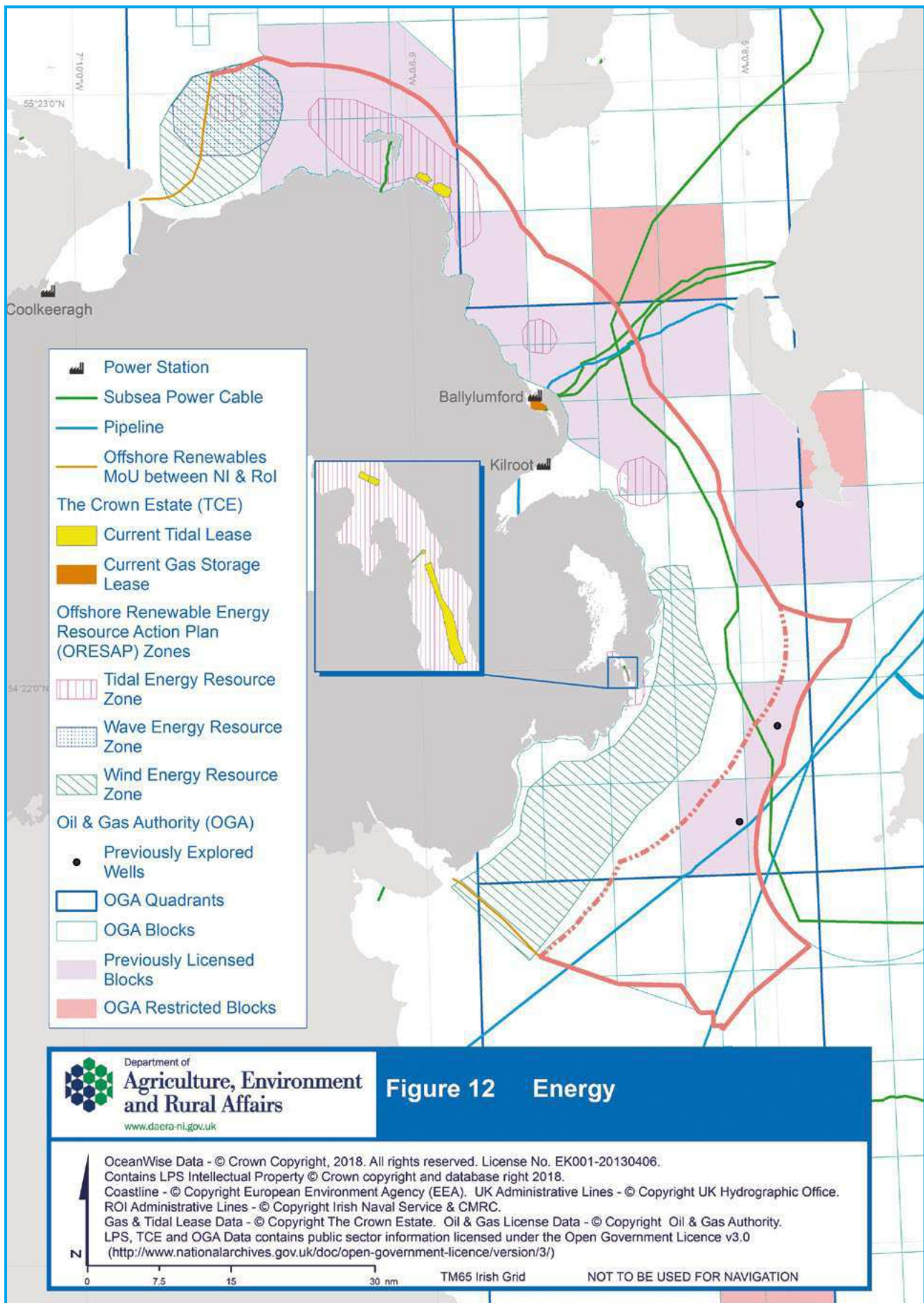
- The Northern Ireland Authority for Utility Regulation (the Utility Regulator) as the licensing authority for electricity and natural gas activities.
- Department for Business, Energy and Industrial Strategy (UK) (BEIS) which administers marine environmental regulations associated with oil and gas exploration and production and the decommissioning of marine installations, wells, pipelines and associated infrastructure, in the UK marine area (excluding internal waters).
- The Oil and Gas Authority (OGA), a government company, as the UK licensing authority for oil and gas exploration, development and production.

391. The Crown Estate has an interest as leasing authority for renewable energy and gas storage.

Why is energy important?

392. Secure, sustainable and affordable energy is of central importance to the economic and social well-being of Northern Ireland. Our dependency on external sources of energy could create uncertainty in terms of security of supply and exposes Northern Ireland to the volatility of world energy prices. While, fossil fuels will continue to be an important part of the overall energy mix, energy storage and increasing use of renewable energy technology will enhance the diversity of supply.
393. Exploring the potential of all locally produced energy sources will contribute towards energy diversity and security of supply. Renewable energy, as a low carbon energy source, can reduce carbon emissions and help achieve renewable energy targets. Energy projects can potentially stimulate business supply chains, providing opportunities for employment and skills enhancement and acting as an important economic driver. There may also be opportunities for the enhancement and growth of ports and harbours to meet the needs of a diversifying offshore energy sector.
394. The 2010, Strategic Energy Framework¹²⁸, sets out the key energy goals needed to build competitive markets, ensure security of energy supply, enhance sustainability and develop energy infrastructure to 2020.

¹²⁸ <https://www.economy-ni.gov.uk/articles/strategic-energy-framework-2010>



How is this to be achieved?

395. Public authorities, through decision making processes, will operate a presumption in favour of energy proposals, in line with this and other Marine Plan policies.
396. Proposers should submit evidence to accompany their proposal, to enable public authorities to consider the potential impacts on the marine area, its ecosystem services and the activities and users that rely on them. This should demonstrate how any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated. The evidence should be proportionate to the scale of the proposal and any potential impact on other marine uses and the marine area.
397. Potential adverse impacts, which may need to be considered by public authorities and proposers, will vary depending on the energy proposal, technology type, local conditions, ecosystems and other factors.
398. The following energy proposals may have specific impacts:
 - a. **Oil and gas:** There are a number of environmental risks and potential impacts associated with oil and gas proposals, the most notable being the risk of oil spill; noise from exploration (e.g. seismic survey); and the input of chemicals during exploration, production and decommissioning operations.
 - b. **Renewable energy:** This can potentially have adverse impacts on marine fish and mammals, primarily through construction noise, displacement of fishing activity and direct or indirect impacts on other uses of the sea, including navigation. Certain bird species may be displaced by wind turbines. Turbines also have the potential to form barriers to migration or present a collision risk for birds and bats. Foundation designs are likely to have an effect on hydrodynamics and consequent sediment movement. This includes potential scouring of sediments around the base of turbines.
 - c. **Gas and compressed air storage:** This can potentially have adverse impacts on local marine ecosystems from super saline discharges associated with the creation of underground storage caverns.
399. Ancillary elements of all energy proposals must be considered. This may include supply pipes, cables and land-based elements, such as reception and storage facilities.
400. Public authorities may require the proposer to submit a decommissioning programme or management plan for the decommissioning of the proposal and the restoration of the marine area.

401. Energy proposals can generate stakeholder concerns and proposers are strongly encouraged to engage with stakeholders at the earliest stages of concept, planning and design.
402. Any potential impact from energy proposals is likely to be assessed through other processes, such as Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
403. When assessing energy proposals, public authorities must consider the contribution that the proposal would make to the security and diversity of energy supply in Northern Ireland and the wider economy and society.
404. Public authorities should only authorise a proposal if they are satisfied that it will not have any unacceptable adverse impacts on the marine area, its ecosystem services and other marine users; and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Marine Aggregates

At a glance

Marine Aggregates

There is a presumption in favour of marine aggregate extraction proposals, where it can be demonstrated that:

- a) there will be no unacceptable adverse impact on marine activities, uses and/or the marine area and any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated; and
- b) restoration measures have been agreed, where necessary.

Applies to the inshore and offshore regions

What are marine aggregates?

405. Marine aggregates are sand and gravel deposits on the sea bed and marine aggregate extraction is the removal of these from the seabed. The extracted material can be used in the construction industry and for coastal infrastructure works.

Where are marine aggregate resources, activities and uses located?

406. There is limited data on the marine aggregate resource potential in the Northern Ireland marine area, in terms of distribution, quality and quantity. Currently, there are no areas of seabed in the Northern Ireland marine area leased or licensed for marine aggregate extraction.

Who is this of interest to?

407. This policy is of primary interest to the marine aggregates sector and public authorities that have a decision making role. The policy also has a wider relevance for marine users and public authorities that potentially interact with the aggregates sector.
408. The principal public authorities for this key activity include:
- Department of Agriculture, Environment and Rural Affairs as the marine licensing authority in the Northern Ireland inshore region.
 - District councils as the planning authority above the low water mark.
 - Department for Infrastructure as the planning authority above the low water mark for regionally significant and called in applications; and

- Marine Management Organisation as the marine licensing authority for the Northern Ireland offshore region.

409. The Crown Estate has an interest as the seabed and subsurface manager and leasing authority.

Why are marine aggregates important?

410. The policy reflects the strategically important role of marine aggregates at the UK level, as outlined in the UK MPS. Marine aggregates are currently not extracted from the Northern Ireland marine area. However, this does not discount the potential for future extraction.

How is this to be achieved?

411. Public authorities, through decision making processes, will operate a presumption in favour of marine aggregate extraction, in line with this and other Marine Plan policies.
412. Proposers are required to submit evidence to accompany their proposal, to enable public authorities to consider the potential impacts on the marine area, its ecosystem services and the users that rely on them. This should include, how any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated and where appropriate, the restoration measures for the extraction site. The evidence required, should be proportionate to the scale of the proposal and any potential impact on other marine uses and the marine area.
413. Potential adverse impacts that may need to be considered by public authorities and proposers will vary depending on the local conditions, ecosystems and other factors but may include: changes to the hydrodynamic regime that may alter coastal processes¹²⁹; interference with other marine activities and uses; impacts on designated sites or proposed sites for designation; loss of seabed habitat and heritage assets; impacts on fisheries and secondary impacts on marine life and habitat associated with sediment plumes; disturbance of fish spawning, migration routes, nursery and overwintering areas; risks associated with overspills from dredging vessels; impacts on geodiversity and increases in marine noise.
414. As marine aggregate activity is reliant on land-based elements, such as ports, storage areas and processing facilities, proposers should demonstrate how they have considered the land and sea interactions.

¹²⁹ Best practice guidance for assessment, evaluation and monitoring of the possible effects of marine aggregate extraction on coastal processes is available from: http://www.bmapa.org/documents/BMAPA_TCE_Good_Practice_Guidance_04.2017.pdf

415. Any potential impact from marine aggregate activity may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
416. Public authorities should only authorise a proposal if they are satisfied that the proposal will not have any unacceptable adverse impacts on the marine area, its ecosystem services and other marine users; and, that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Ports, Harbours and Shipping

At a glance

Proposals with the potential to impact on navigational safety.

Public authorities must not authorise proposals that would interfere with navigational safety.

Proposals with the potential to impact on shipping

Public authorities must consider any potential impact from proposals on shipping activity and freedom of navigation.

Where a proposal has the potential to adversely impact on shipping activity and/or freedom of navigation, a public authority will require the proposer to demonstrate:

- a) that adverse impact is avoided; or
- b) where adverse impact is unavoidable, it is minimised and where appropriate, mitigated; or
- c) where adverse impact cannot be avoided or minimised, it is mitigated.

If it is not possible to avoid, minimise and/or mitigate any adverse impact, a proposal will only be allowed where the public benefit clearly outweighs the adverse impact.

Ports and Harbours

There is a presumption in favour of port and harbour proposals, where it can be demonstrated that there will be no unacceptable adverse impact on marine activities, uses and/or the marine area; and any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated.

Applies to the inshore and offshore regions but does not apply to tidal rivers beyond the upstream limits of a harbour authority.

What are ports, harbours and shipping?

- 417. Ports and harbours are regionally important infrastructure serving as gateways for the movement of goods and people by sea.
- 418. The Northern Ireland marine area is intensively used by shipping to access ports and harbours in Northern Ireland and by global maritime traffic traversing the marine area.

Where are ports, harbours and shipping activities and uses located?

Shipping:

419. There is an International Maritime Organization (IMO) Traffic Separation Scheme located at the western approaches to the North Channel, as shown in Figure 13.
420. Areas of intensive shipping activity primarily occur on the approaches to ports and harbours, along ferry routes to Great Britain, within the North Channel and off the County Down coast. Areas of intensive shipping activity are shown in Figure 13 and by vessel type in Figures 14a and 14b.
421. Defined approaches and maintained channels (see dredging section) are established within harbour areas, to allow for safe navigation.
422. Throughout the marine area, there are aids to navigation (AtoN), such as lighthouses, buoys and telecommunications equipment. These aids, together with areas such as anchorages and pilot boarding places, play an essential role in maintaining the safety of maritime traffic.

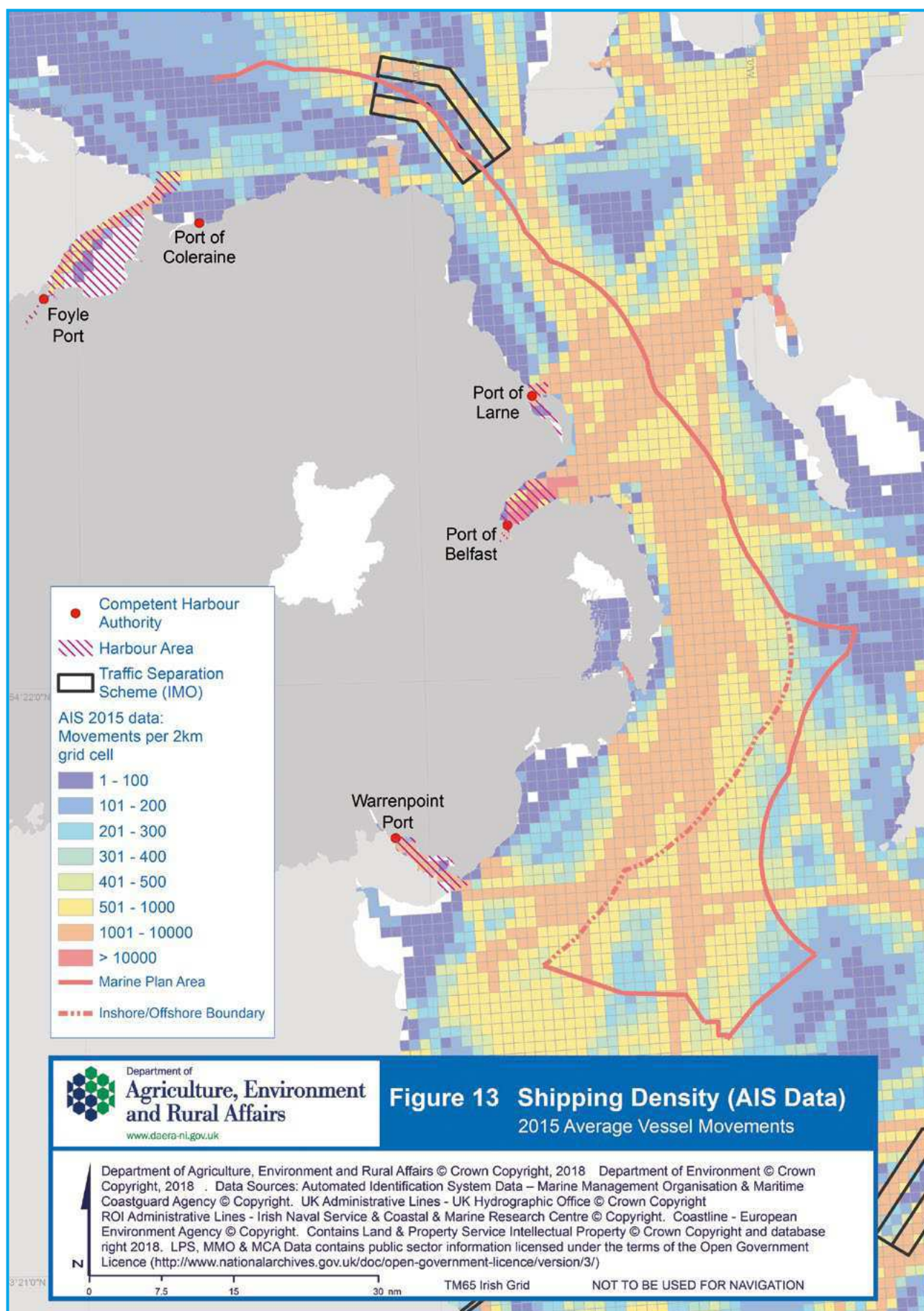
Ports and Harbours:

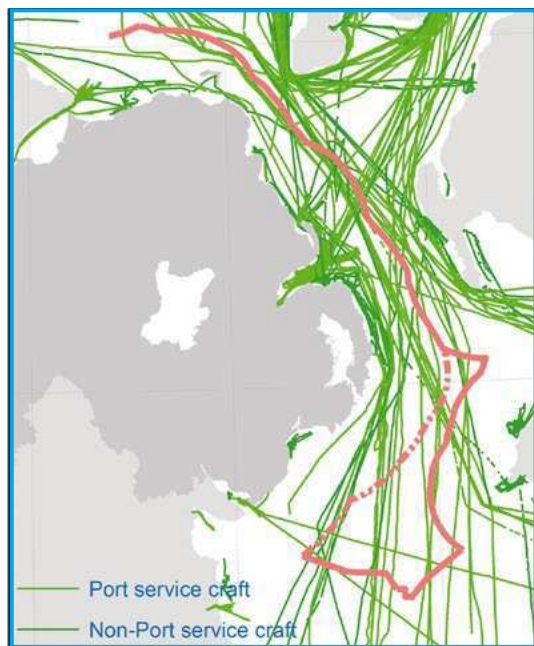
423. There are 44 ports and harbours in Northern Ireland, 28 of which are designated as Statutory Harbour Authorities and five are Competent Harbour Authorities (i.e. they provide pilotage). Commercial port activity takes place at the five competent harbour authorities; the four trust ports of Belfast, Foyle, Coleraine and Warrenpoint, and one in private ownership at Larne.
424. In addition to our commercial ports, there are three main fishing ports at Kilkeel, Portavogie and Ardglass, which are managed by the Northern Ireland Fishery Harbour Authority (see Fisheries section for further information).

Who is this of interest to?

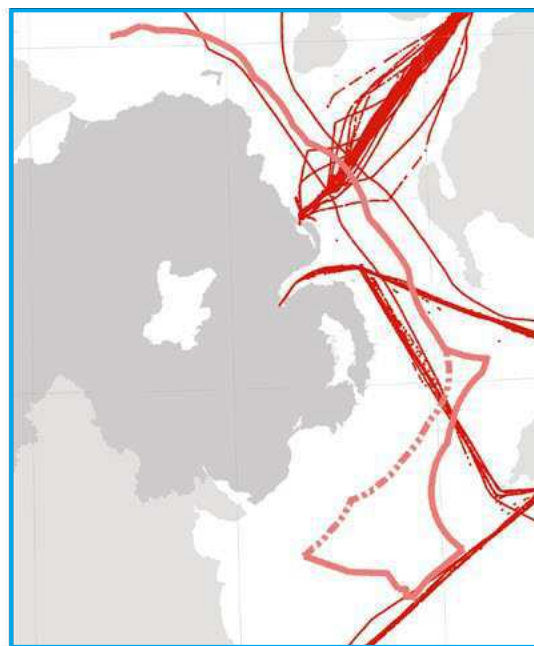
Shipping:

425. The policy requires public authorities and proposers to consider the impact of proposals on shipping.
426. The principal public authorities with a responsibility for safe navigation include:
 - Harbour Authorities;
 - Commissioners of Irish Lights; and,
 - Maritime and Coastguard Agency/Department for Transport as responsible authority for the Port Marine Safety Code.

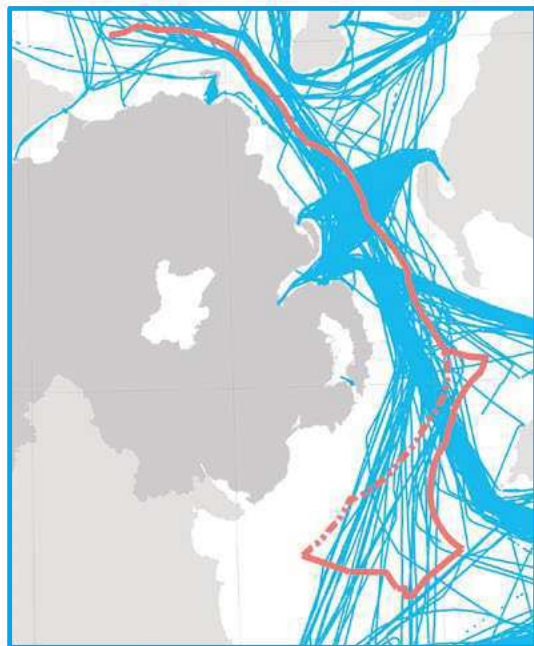




Service Craft



High Speed Craft



Passenger Vessels



Recreational Vessels



Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk

Figure 14a Shipping Activity by Vessel Type



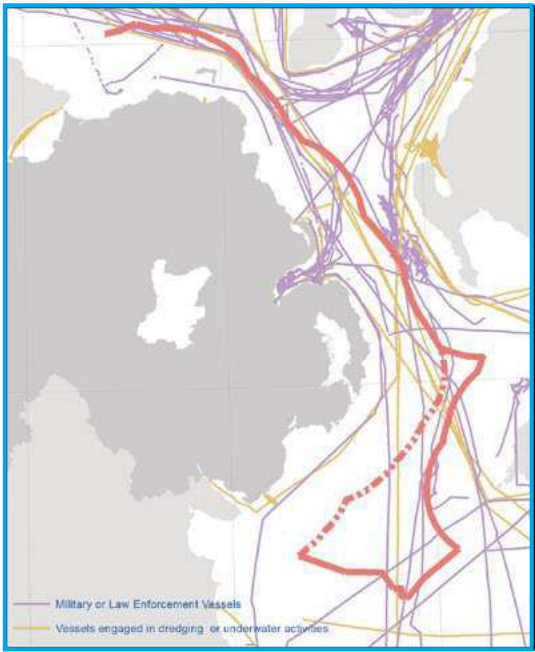
Department of Agriculture, Environment and Rural Affairs © Crown Copyright, 2018
Data Sources: AIS Data – Composite plot of AIS-A and AIS-B data in 2015, reproduced with permission of the Maritime Coastguard Agency and Marine Management Organisation © Crown Copyright. UK Administrative Lines - UK Hydrographic Office © Crown Copyright ROI Administrative Lines - Irish Naval Service & Coastal & Marine Research Centre © Copyright Coastline - European Environment Agency © Copyright
Contains Land & Property Service Intellectual Property © Crown Copyright and database right 2018
LPS, MMO & MCA Data contains public sector information licensed under the terms of the Open Government Licence (<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>)

TM65 Irish Grid

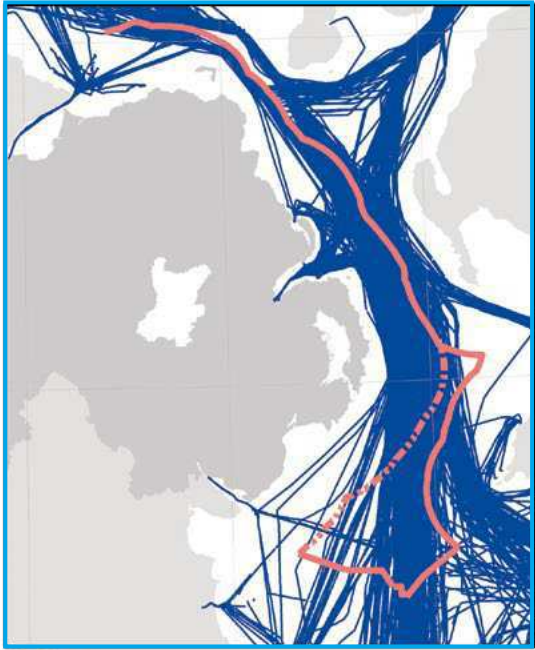
NOT TO BE USED FOR NAVIGATION



Fishing Vessels



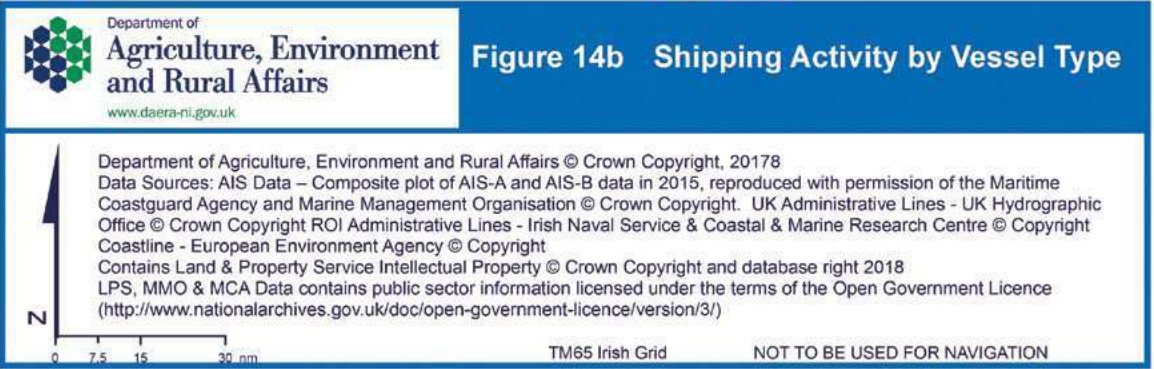
Military/Law Enforcement & Dredging/Underwater Activities



Tankers



Cargo Vessels



Ports and Harbours:

427. This policy is of primary interest to the ports and shipping sector and public authorities that have a decision making role. The policy also has a wider relevance for marine users and public authorities that potentially interact with the ports and harbour sector.
428. The principal public authorities for this key activity include:
- Department for Infrastructure as responsible authority for the ports and harbour sector and as the planning authority above the low water mark for regionally significant proposals and called-in proposals.
 - Northern Ireland Fisheries Harbour Authority, which manages the fishing ports of Ardglass, Kilkeel and Portavogie on behalf of the Department of Agriculture, Environment and Rural Affairs.
 - Department of Agriculture, Environment and Rural Affairs as the marine licensing authority in the Northern Ireland inshore region.
 - Marine Management Organisation as marine licensing authority for the Northern Ireland offshore region.
 - District Councils as the planning authority above the low water mark; and
 - Maritime and Coastguard Agency (Department for Transport (UK)) as the responsible authority for the Port Marine Safety Code.

Why are ports, harbours and shipping important?

429. Northern Ireland is dependent on the sea for trade and its ports and harbours serve as international gateways. Overall, the maritime sector accounts for approximately 2.7 per cent of the local economy and 2.2 per cent of employment. The total tonnage through Northern Ireland ports in 2016 was 26.6 million tonnes. Ports and harbours also serve as gateways for oil, gas and coal imports, to meet Northern Ireland's energy needs.
430. Ports and harbours are important for the movement of people, with approximately two million domestic sea passengers passing through ports and harbours each year, mainly on car ferries to and from Scotland, England and the Isle of Man.
431. Local ferry services, such as those provided between Rathlin-Ballycastle, and Strangford-Portaferry can help reduce social isolation, provide access to services and employment and provide connectivity for tourism, with associated economic benefits.

How is this to be achieved?

Shipping and Navigation:

432. Navigational safety is of paramount importance. Public authorities must consider shipping activity¹³⁰ and freedom of navigation¹³¹, through decision making processes, and must not authorise proposals that would interfere or impede with navigational safety.
433. Amongst other considerations, public authorities should note that:
- Interference with the functioning of the IMO Traffic Separation Scheme is unlikely to be acceptable¹³²;
 - Interference with the functioning of maintained navigation channels and approaches to ports and harbours is unlikely to be acceptable,
 - Interference with safe navigation, in areas of intensive shipping activity, will normally be unacceptable and,
 - Interference with the operation of aids to navigation will normally be unacceptable (this may include land-based proposals).
434. Other considerations can include: the intensity of shipping activity; the type of vessel; a vessel's ability to manoeuvre; the risks associated with cargo types; the disruption to shipping activity¹³³; and, whether impacts are permanent or temporary.
435. When a proposal has the potential to impact on navigational safety, the public authority will require the proposer to submit a Navigation Risk Assessment, in line with best practice.
436. In assessing proposals that have the potential to impact on navigational safety, public authorities will consult with the relevant authorities, such as the Maritime and Coastguard Agency, Harbour Authorities and the Commissioners of Irish Lights.
437. When a proposal has the potential to adversely impact on shipping activity and freedom of navigation, the public authority will require the proposer to demonstrate that any potential adverse impacts have been considered and measures included to, in order of preference, avoid, minimise and/or mitigate such impacts. If it is not possible to avoid, minimise and/or mitigate the adverse impacts, the proposer

¹³⁰ For the purpose of this policy shipping is taken to mean vessels of all sizes and includes all commercial, civic, military, fishing and private vessels including recreational vessels.

¹³¹ Freedom of navigation (FON) is a principle of international law that, apart from the exceptions provided for in international law, ships flying the flag of any sovereign state shall not suffer interference from other states. This right is codified as article 87(1) a of the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

¹³² This would include proposals such as development incorporating static sea surface infrastructure or which would significantly reduce under-keel clearance.

¹³³ Such as increased travelling time, fuel consumption and associated greenhouse gas emissions.

should clearly demonstrate that the public benefit of the proposal clearly outweighs the adverse impacts.

438. The impacts on shipping activity may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment and/or Strategic Environmental Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
439. A public authority should only issue consent if they are satisfied that the proposal will not adversely impact on navigational safety or have an unacceptable impact on shipping activities and freedom of navigation; and the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Ports and Harbours:

440. Public authorities, through decision making processes, will operate a presumption in favour of ports and harbour proposals, in line with this and other Marine Plan policies.
441. Proposers should submit evidence to accompany their proposal, to enable public authorities to consider the potential impacts on the marine area, its ecosystem services and the users that rely on them. This evidence should demonstrate how any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated. The evidence should be proportionate to the scale of the proposal and any potential impact on other marine uses and the marine area.
442. Potential adverse impacts that may need to be addressed within any assessment include those associated with the construction phase and from the operational phase and will vary depending on the local conditions, ecosystems and other factors. These may include: impacts to coastal processes (including local hydrodynamic and sedimentary regimes); loss of intertidal habitats; disturbance of historical contamination during capital works; impacts on migratory and juvenile fish; impacts on important bird populations and impacts on heritage assets.
443. Particular regard must be given to sensitive areas, such as, Protected Areas for shellfish production, Marine Protected Areas and statutorily protected harbours¹³⁴. DAERA's Environmental Guidance for Ports and Harbours¹³⁵ provides advice on how to minimise the impacts on the environment.

¹³⁴ Protected under the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 or listed under the Planning (Northern Ireland) Act 2011.

¹³⁵ <https://www.daera-ni.gov.uk/publications/environmental-guidance-ports-and-harbours>

- 444. Where a port has worked with stakeholders to produce a Master Plan¹³⁶, public authorities will take this into account.
- 445. Any potential impact from port and harbour proposals, may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
- 446. When assessing port and harbour proposals, public authorities must consider the contribution that the proposal would make to the national, regional or local need for the infrastructure, against expected adverse effects including cumulative impacts.
- 447. Public authorities should only authorise a proposal, if they are satisfied that it will not have any unacceptable adverse impacts on the marine area, its ecosystem services and other marine users; and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

¹³⁶ Port master planning is designed to provide an objective basis for ports to engage with local stakeholders, including public authorities to help co-ordinate medium-term planning of the port. Further information at: <https://www.infrastructure-ni.gov.uk/publications/guidance-preparation-port-master-plans>

Telecommunications Cabling

At a glance

Telecommunications Cabling

There is a presumption in favour of subsea telecommunication proposals where it can be demonstrated:

- a) there will be no unacceptable adverse impact on marine activities, uses and/or the marine area and any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated;
- b) consideration has been given to burial of cables as a preferred option; and
- c) restoration measures have been agreed, where necessary.

Applies to the inshore and offshore regions

What is telecommunication cabling?

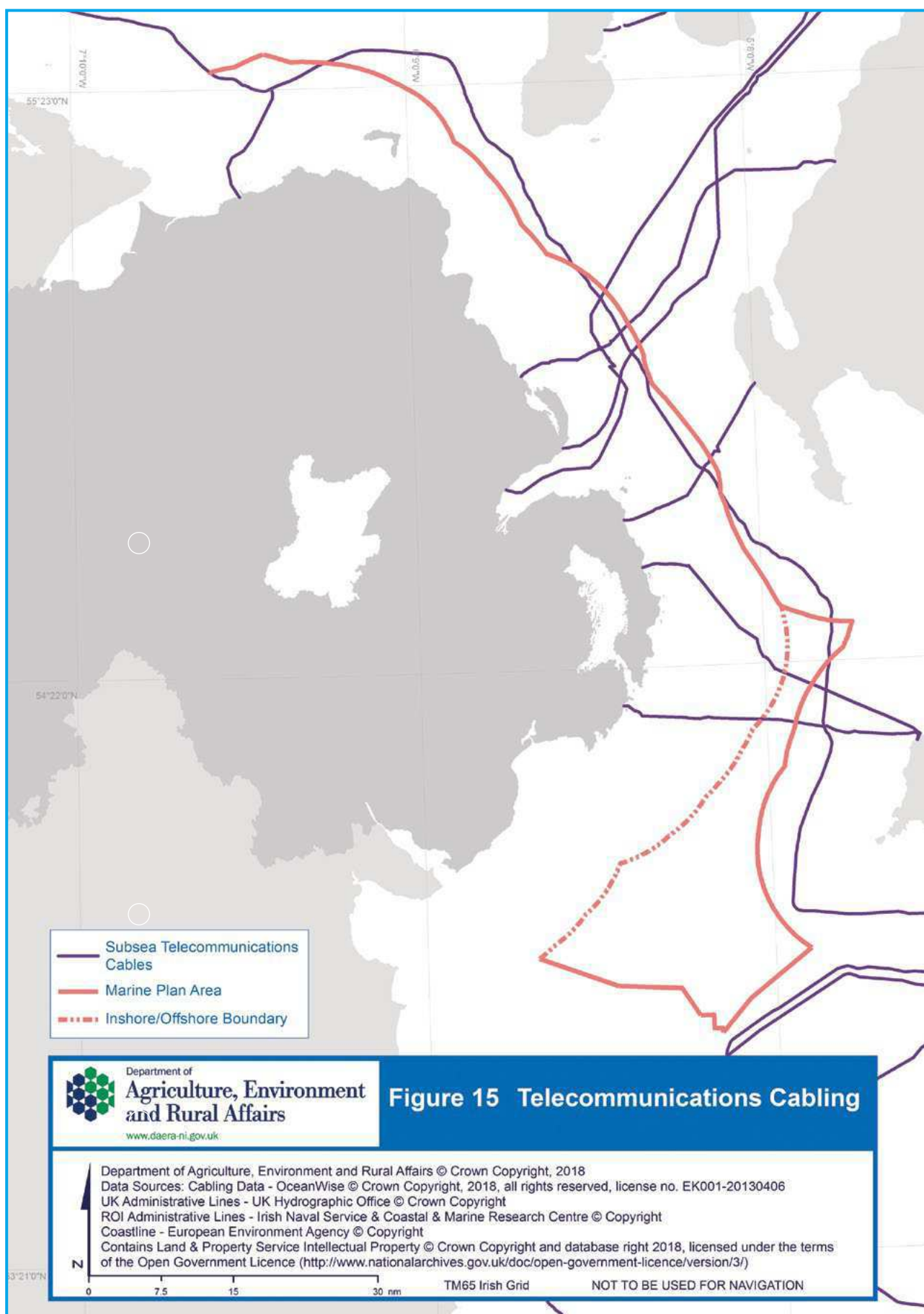
448. Subsea telecommunication cables are a means to transmit telephone, internet and data traffic to, from and via Northern Ireland. This section does not include cabling for electrical transmission, which is detailed in the Energy section of the Marine Plan.

Where are telecommunication cables activities and uses located?

449. There are a total of seven subsea telecommunication cables in the Northern Ireland marine area. The majority of the cables make landfall on the East Coast. Five connect Northern Ireland to Great Britain and two connect to the Isle of Man. At Portrush on the North Coast, the Northern Ireland branch of the, Hibernia fibre optic cable, enters the marine area, as it continues out to join the main Hibernia cable, which runs between England and the United States of America.
450. Subsea telecommunication cables are shown in Figure 15.

Who is this of interest to?

451. This policy is of primary interest to the subsea telecommunication cable sector and public authorities that have a decision making role. The policy also has a wider relevance for marine users and public authorities that potentially interact with the subsea telecommunication cable sector.



452. The principal public authorities for this key activity include:
- Department of Agriculture, Environment and Rural Affairs as the marine licensing authority for the Northern Ireland inshore region and as the discharge consenting authority.
 - District Councils as the planning authority above the low water mark; and
 - The Department for Infrastructure as the planning authority above the low water mark for regionally significant and called-in applications.
453. The Crown Estate has an interest as the seabed owner and leasing authority for cables within 12nm.
454. Responsibility for subsea telecommunications is a retained function. The Department for the Economy is committed to working with the UK authorities and telecommunications sector to ensure that Northern Ireland remains globally competitive.

Why is telecommunication cables important?

455. In Northern Ireland, subsea telecommunication cables are critical infrastructure, providing vital links for society and businesses to access international telecommunications services. This sector is important for the development of a knowledge-based economy and essential for the continued economic and social well-being of Northern Ireland.

How is this to be achieved?

456. Public authorities, through decision making processes, will operate a presumption in favour of subsea telecommunication cable proposals, in line with this and other Marine Plan policies.
457. Proposers should submit evidence to accompany their proposal to enable public authorities to consider the potential impacts on the marine area, its ecosystem services and the users that rely on them. This should demonstrate how any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated, including burial of cables as a preferred option. The evidence should be proportionate to the scale of the proposal and any potential impact on other marine uses and the marine area.
458. Potential adverse impacts, that may need to be considered by public authorities and proposers, will vary depending on the local conditions, ecosystems and other factors. Impacts from cable installations on the seabed are generally low and spatially limited and tend to occur due to the physical disturbance involved during placement. The main impact will be: where cable protection, for example, rock armour or concrete mattresses, is required; where cable burial is not feasible;

and potentially, in the intertidal area, where the cable lands. Impacts may also occur if the cable runs through any site designated for nature or cultural heritage conservation importance or other sensitive areas, such as, designated shell fisheries, spawning or nursery grounds for economically important fish species. Other potential impacts could include disturbance to known or undiscovered archaeological sites. Conversely, consideration should also be given to potential damage to cables from other marine activities and uses.

459. As subsea telecommunication cables are reliant on land-based elements, such as landing stations, proposals should demonstrate how these have been considered.
460. Any potential impact from telecommunication proposals may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
461. Public authorities should only authorise a proposal if they are satisfied that the proposal will not have any unacceptable adverse impacts on the marine area, its ecosystem services and other marine users; and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Tourism and Recreation

At a glance

Tourism and Recreation

There is a presumption in favour of tourism and recreation proposals, where it can be demonstrated:

- a) there will be no unacceptable adverse impact on marine activities, uses and/or the marine area and any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated; and
- b) legitimate public access to the marine and coastal area is retained.

Applies to the inshore and offshore regions

What is tourism and recreation?

- 462. Tourism, in the context of the Marine Plan, includes tourists and visitors taking part in active and passive leisure and holiday pursuits or journeys in the marine area and adjacent coastline. Recreation is a collective name for a wide range of activities or pursuits that are undertaken by local people, tourists and day visitors.
- 463. Tourism and recreational activities and pursuits can include cruising, pleasure boating, sailing, recreational diving, sea angling, kayaking, sea bathing, surfing, wildlife watching, walking, geotourism and exercising and the general enjoyment of beaches, the seashore, and heritage assets. Northern Ireland's coastal areas boast world-famous golf courses that regularly feature in the Top 20 World Rankings and are hosts to major global events. Coastal areas may also host a number of maritime themed events, artistic and cultural activities and food-based tourism.

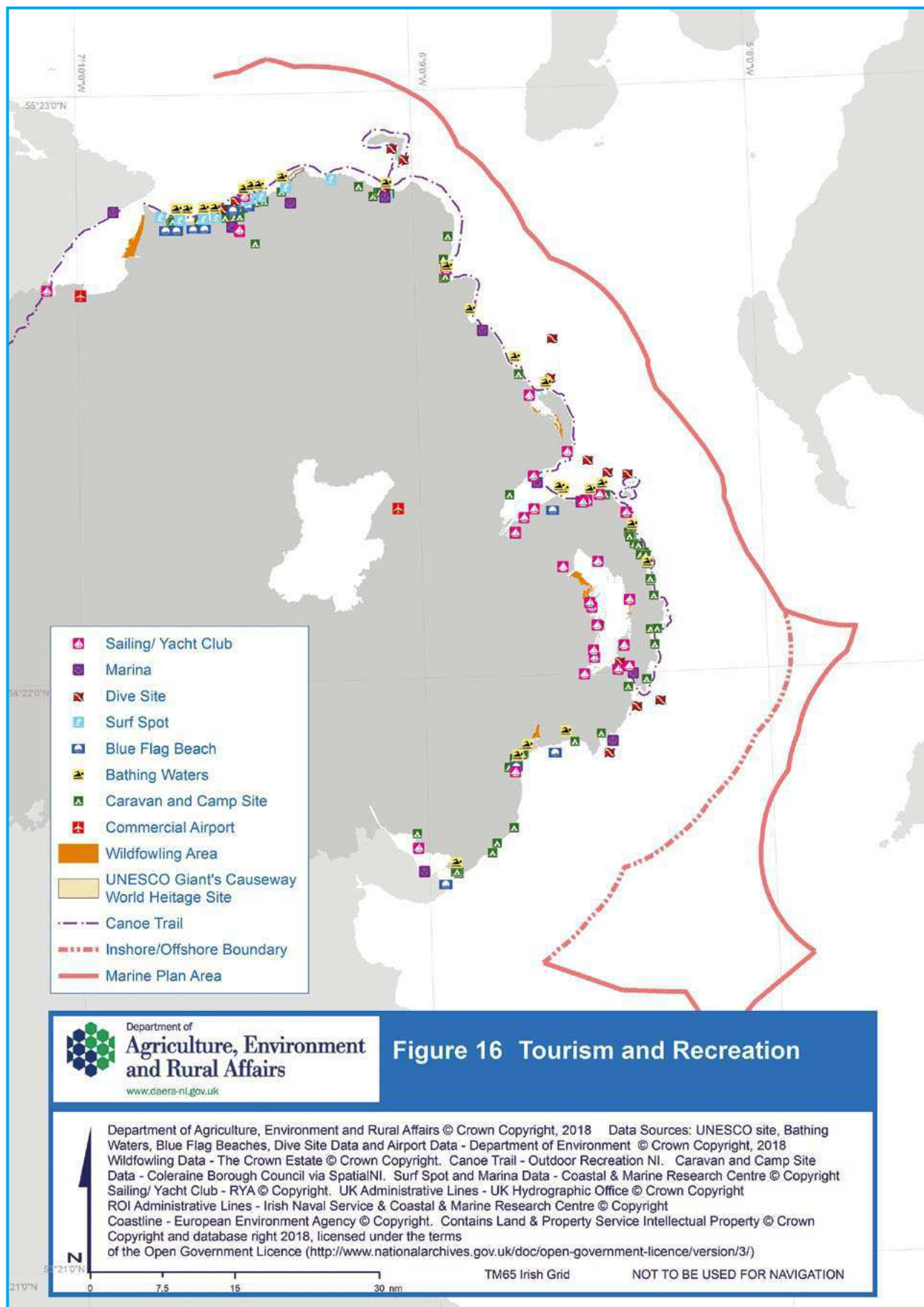
Where are tourism and recreation resources, activities and uses located?

- 464. The coastal area is a key element of Northern Ireland's appeal as a tourism destination and an integral part of the visitor experience and is promoted through activity tourism, golf tourism, world renowned attractions and coastal routes. This includes the Causeway Coastal Route; and three of the top four visitor attractions in 2016; namely the Carrick-a-Rede Rope Bridge, the Giant's Causeway, which is a UNESCO World Heritage site and the iconic Titanic Belfast, which traces the maritime heritage of the city. Water sports and sea angling (both boat and shore) are popular activities along the entire coastline and in the marine area. Boating is well established, with a network of sailing clubs and marinas. Throughout the marine area, there are a number of heritage and natural features that support sub-aqua diving.

465. Surfing principally occurs on the North Coast, which hosts national and international surfing competitions. Wind surfing and kite surfing are popular along the County Down coast and within Strangford Lough.
466. The majority of cruise ships visiting Northern Ireland, berth at Belfast Port with small cruise vessels using Foyle Port and harbours, such as, Portrush and Warrenpoint.
467. Recreational beaches are located around the entire coast. There are 23 beaches identified as, bathing waters, under the EU Water Framework Directive, however all beaches can have a tourism and recreational value.
468. Some marine related tourism and recreational interests are shown in Figure 16.

Who is this of interest to?

469. This policy is of primary interest to the tourism and recreation sector and public authorities that have a decision making role. The policy also has a wider relevance for marine users and public authorities, who potentially interact with the tourism and recreation sector.
470. The principal public authorities for this key activity include:
 - Department of Agriculture, Environment and Rural Affairs as the marine licensing authority in the Northern Ireland inshore region. The Department monitors and manages bathing water quality, liaising with Keep Northern Ireland Beautiful and beach operators. The Department also has responsibility for inland fisheries.
 - Department for Infrastructure as the planning authority above the low water mark for regionally significant and called-in proposals. It also has responsibility for inland waterways.
 - Marine Management Organisation as the marine licensing authority for the Northern Ireland offshore region.
 - District Councils as the planning authority above the low water mark and in their capacity for local tourism. District Councils are large coastal land owners, which includes many recreational beaches.
471. The Crown Estate may have an interest as the seabed and subsurface manager and leasing authority.



- 472. The Department for the Economy is responsible for tourism policy and is the sponsoring Department for Tourism Northern Ireland (TNI)¹³⁷. TNI is responsible for the development of tourism and the marketing of Northern Ireland within both Northern Ireland and the Republic of Ireland. Tourism Ireland markets Northern Ireland in Great Britain and the rest of the world.
- 473. The Loughs Agency plays a key role in the marketing and promotion of the Foyle and Carlingford Areas through the development of marine tourism, angling, education and outreach programmes.
- 474. The Department for Communities has a responsibility for arts, culture and sport. It is also the sponsoring body of Sport NI, which is the leading public body for the development of sport in Northern Ireland.
- 475. Waterways Ireland manages, maintains, develops and promotes the Lower Bann, upstream from the Millennium Bridge in Coleraine, as a navigable waterway principally for recreational purposes.

Why is tourism and recreation important?

- 476. Northern Ireland's marine area, its coastal waters, sea loughs and scenic shorelines are important components of the overall tourism and recreation sector. Tourism is a key driver of the Northern Ireland economy. In 2016, there were an estimated 4.6 million overnight trips taken, with an estimated associated expenditure of £851 million. The most recent, NI Census of Employment, figures (2015) estimate that there are 61,300 employee jobs in tourism related industries. Recreational activities and their associated facilities, generate income in coastal areas, support local businesses and improve the health and well-being of coastal communities.
- 477. A healthy, attractive and well maintained marine and coastal area, that showcases Northern Ireland's iconic landscapes and features, is essential to recreational and tourism related activities and their future growth.
- 478. Europe's Blue Growth Initiative, reflects the desire to promote the sustainable growth of the coastal tourism sector, including the recreational opportunities. The importance of tourism is also reflected in the draft Programme for Government 2016 - 21. This is supported by the Regional Development Strategy 2035, that promotes a sustainable approach to the provision of tourism infrastructure

How is this to be achieved?

- 479. Public authorities, through decision making processes, will operate a presumption in favour of tourism and recreation proposals, in line with this and other Marine Plan policies.

¹³⁷ <http://nitb.com>

480. Proposers should submit evidence to accompany their proposal, to enable public authorities to consider the potential impacts on the marine area, its ecosystem services and the users that rely on them. This should demonstrate how any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated. The evidence should be proportionate to the scale of the proposal and any potential impact on other marine uses and the marine area.
481. Potential adverse impacts that may need to be considered by public authorities and proposers will vary depending on the local conditions, ecosystems and other factors. This may include: any adverse impact on heritage assets; the removal of species and plants; the physical and visual disturbance of wildlife; pollution to water from sources, such as, surface runoff or recreational boating; litter; pressure from increased visitor numbers, particularly in sensitive areas and the introduction and spread of invasive alien species.
482. Where a proposal has the potential to have a significant impact, due to the nature of the proposal or the sensitivity of the area, the public authority may require the proposer to submit a management plan, addressing specific impacts.
483. Proposals, such as a marina or extensive hard surfacing, may directly or indirectly increase the potential for water pollution; therefore public authorities and proposers must take account of River Basin Management Plans.
484. As tourism or recreation in the marine area and along the coast is reliant on land-based elements, proposers must demonstrate how they have considered the land and sea interactions.
485. Public authorities and proposers must consider how legitimate public access to the marine and coastal area is retained.
486. Any potential impact from tourism and recreational proposals may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
487. Public authorities should only authorise a proposal if they are satisfied that it will not have any unacceptable adverse impacts on the marine area, its ecosystem services and other marine users; and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Monitoring and Review

Monitoring and Review

488. The MCAA and the Marine Act require the Marine Plan to be reviewed at 3-yearly intervals, at which time the Marine Plan Authority will decide whether or not to amend or replace the Marine Plan.
489. In addition, the MCAA and the Marine Act require the Marine Plan Authority to lay 6-yearly reports in the Assembly, the first of these, 6 years after their dates of passing. The reports will describe any intention to amend any of the existing Marine Plans or any intention to prepare and adopt any further Marine Plans. These reports have been consolidated, and a single report was laid in the Assembly in November 2015. This will have the additional advantage of consolidating the otherwise two 6-yearly dates for subsequent reports up to January 2030.
490. Whilst the legislation prescribes review dates, the Marine Plan is intended to be an iterative process, with matters continually being kept under review.
491. Whilst the Marine Plan Authority is responsible for preparing the Marine Plan, the public authorities with responsibilities in the marine area are involved in implementing the policies and helping to achieve the objectives contained within it, through a wide range of decision making processes.
492. During the lifetime of the Marine Plan, the Marine Plan Authority is required to keep under review, matters, which may affect the Marine Plan's content or effectiveness.
493. Monitoring of the Marine Plan will provide valuable information for the required reporting and review, and consists of two elements:
- monitoring how well the content of the Marine Plan has been taken forward through decision making processes; and
 - Monitoring the effects and effectiveness of the policies within the Marine Plan, in securing objectives.
494. Monitoring the decision making process, will provide the Marine Plan Authority with information on general awareness of the Marine Plan; whether the Marine Plan is being implemented as intended; and whether policies need to be refined or new policies developed. In monitoring the effect and effectiveness of the Marine Plan, an indicator based approach will be developed to measure wider economic, environmental and social outcomes and define the relationships between objectives, policies and these outcomes. In order to assess, the effects and effectiveness of the Marine Plan, all public authorities will have a responsibility to provide evidence to the Marine Plan Authority. To minimise duplication, monitoring will draw upon existing monitoring programmes or data.

495. Monitoring of the Marine Plan will also be informed by information contained within the Sustainability Appraisal Report and the HRA Screening report. Monitoring of the Marine Plan will be overseen by the Inter-Departmental Marine Co-ordination Group and will involve consultation with public authorities and others with an interest in the marine area. The Marine Plan Authority will assess all feedback, and this will inform recommendations to amend or replace the Marine Plan.



Annexes

Annex A - C

Annex A: Marine Plan Assessments

Sustainability Appraisal

- Ax 1. The MCAA and the Marine Act require that a Sustainability Appraisal (SA) of the proposals for inclusion in the Marine Plan, is carried out. In undertaking an SA, the requirements of Directive 2001/42/EC on the assessment of certain plans and programmes on the environment, more commonly known as, the Strategic Environmental Assessment (SEA) Directive, are also addressed.
- Ax 2. The SA promotes sustainable development through the integration of economic, environmental and social considerations in the preparation of the Marine Plan.
- Ax 3. The SA process has been undertaken by consultants (AECOM) acting on behalf of DAERA, the Marine Plan Authority, and the report of the results of the appraisal is published along with this Marine Plan. The SA Report indicates that it is appropriate to proceed with the publication of the Marine Plan for public consultation.

Habitats Regulations Assessment

- Ax 4. The Marine Plan has been screened as part of the Habitats Regulations Assessment process, in accordance with the requirements of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 and amending regulations (which transpose the EU Habitats Directive 92/43/EEC).
- Ax 5. The HRA process has been undertaken by consultants (ABP Mer commissioned by AECOM) acting on behalf of DAERA, the Marine Plan Authority. The associated reports are published along with this Marine Plan. The results of the screening exercise have shown that an Appropriate Assessment of the Marine Plan is not required.

Equality and Human Rights Screening Exercise

- Ax 6. The Marine Plan has been subject to an equality and human rights screening exercise in line with statutory obligations, contained in Section 75 of the Northern Ireland Act 1998 and the Human Rights Act 1998. The outcome of this exercise indicates that a full Equality Impact Assessment is not required and that there is no potential adverse impact, in relation to human rights issues.

Partial Regulatory Impact Assessment

Ax 7. A partial Regulatory Impact Assessment (RIA) has been carried out for the Marine Plan by assessing any potential positive or negative economic impacts on business sectors, including charitable, voluntary and social enterprise sectors.

Rural Needs Impact Assessment

Ax 8. The Marine Plan has also been subject to a Rural Needs Impact Assessment in line with the Rural Needs Act (Northern Ireland) 2016.

Annex B: Responsibilities within the Northern Ireland Marine Area

Northern Ireland Public Authorities

Ax 9. The Department of Agriculture, Environment and Rural Affairs - Marine and Fisheries Division, the Loughs Agency and the Agri-Food and Biosciences Institute (AFBI) have primary responsibility for the monitoring and assessment of our marine area

Ax 10. **The Department of Agriculture, Environment and Rural Affairs¹³⁸ (DAERA)** has a wide range of responsibilities in the marine area. This includes:

- a. As the marine plan authority for the Northern Ireland inshore and offshore regions;
- b. As the marine licensing authority for the Northern Ireland inshore region;
- c. As a statutory nature conservation body for the inshore region and terrestrial environment, through the Marine & Fisheries Division and The Northern Ireland Environment Agency (NIEA);
- d. As the lead authority in managing fisheries and aquaculture in both the inshore and offshore regions;
- e. Sponsoring Department of the NI Fishery Harbour Authority¹³⁹, a Non-Departmental Public Body, which manages the fishing ports of Ardglass, Kilkeel and Portavogie;
- f. Co-Sponsor Department of the Foyle, Carlingford and Irish Lights Commission, which contains the Loughs Agency;
- g. The conservation and protection of salmon and inland fisheries, with scientific support provided by Agri-Food and Biosciences Institute (AFBI);
- h. Implementing international, EU and national legislation along with promoting, protecting and sustaining Northern Ireland's coastal waters against pollutants, including from radioactive sources; and
- i. The Department works with the Department for Communities, the statutory authority on conservation and protection of cultural heritage.

¹³⁸ <http://www.daera-ni.gov.uk>

¹³⁹ <http://www.nifha.co.uk>

Ax 11. **The Department for the Economy¹⁴⁰ (DfE)** is responsible for energy policy in Northern Ireland, with the exception of nuclear energy. The Department has licensing powers for oil and gas exploration, both onshore and in internal waters e.g. the area of water landward of the bay closing lines, such as, Belfast Lough and Larne Lough. The Department for the Economy is also responsible for ensuring the development of modern telecommunications infrastructure, with associated underground and undersea cables. Telecommunications is a retained function and the Department has no legislative role, however, it works with the telecommunications sector to ensure that Northern Ireland remains globally competitive. It also has responsibility for the development of tourism.

Ax 12. **The Department for Infrastructure¹⁴¹ (DfI)** is responsible for:

- a. The production of the Regional Development Strategy and regional planning policy. It is also the terrestrial planning authority for regionally significant and called-in planning applications.
- b. Policy on water and sewerage services, ports policy, and the legislative framework within which ports operate in Northern Ireland (excluding the fishing ports for which DAERA is the responsible authority).
- c. The management of the Department's shareholder interest in Northern Ireland Water Ltd¹⁴²; and
- d. the implementation of the Floods Directive, and the construction and maintenance of designated sea flood defences.

Ax 13. **The Department for Communities¹⁴³ (DfC)** is the statutory body responsible for the conservation and protection of the historic environment, and is the consenting authority for works on monuments and listed structures. DAERA responds to consultations and provides advice and guidance on the marine historic environment, on behalf of the Department for Communities. The Department for Communities also has responsibility for the impounded stretch of the River Lagan between Stranmillis Weir and the M3 road-bridge. The Department owns the bed and soil of the River Lagan Impoundment and has operational and navigational responsibilities within this area.

Ax 14. **District Councils¹⁴⁴** have a wide and varied responsibility in the marine area. Functions include (but are not limited to) food safety, planning, tourism, recreation and waste management. Many district councils are significant land owners and land managers, and also own and manage marina and harbour facilities.

¹⁴⁰ <https://www.economy-ni.gov.uk/>

¹⁴¹ <https://www.infrastructure-ni.gov.uk/>

¹⁴² <https://www.niwater.com>

¹⁴³ <https://www.communities-ni.gov.uk/>

¹⁴⁴ <http://www.nidirect.gov.uk/local-government>

Ax 15. **The Utility Regulator**¹⁴⁵ is the independent Non-Ministerial Government Department responsible for regulating Northern Ireland's electricity, gas, water and sewerage industries, to promote the short and long-term interests of consumers.

UK Public Authorities

Ax 16. UK Government Departments also exercise responsibilities in Northern Ireland's marine area including defence, oil and gas exploration and production, shipping, licensing and permitting regimes and European and international relations. In addition, the Crown Estate has a role as the seabed and subsurface manager and leasing authority in UK Territorial Waters, off the Northern Ireland coast and over half of the intertidal area.

Ax 17. **Ministry of Defence**¹⁴⁶ (**MoD**) provides military defence and, where appropriate, security for the people of the UK and Overseas Territories. UK waters are a crucial environment in which MoD must maintain and deploy operational capability. The MoD has the power to regulate sea areas and restrict use, either temporarily or permanently, by making byelaws under the provisions of the Military Lands Acts 1892 and 1900 and the Land Powers Defence Act 1958. MOD also has powers under the Protection of Military Remains Act 1986 for the protection of downed military aircraft and designated vessels.

Ax 18. **The United Kingdom Hydrographic Office**¹⁴⁷ (**UKHO**) is an executive agency sponsored by the MoD to collect and supply hydrographic and geospatial data for the Royal Navy and merchant shipping, to protect lives at sea. UKHO works with other national hydrographic offices, to set and raise global standards of hydrography, cartography and navigation.

Ax 19. **Department for Environment, Food and Rural Affairs**¹⁴⁸ (**Defra**) is responsible for ensuring a consistent approach in marine planning across the UK, within the policy framework set out by the UK MPS. Defra leads on compliance with appropriate European Directives, including the Maritime Spatial Planning Directive and the Marine Strategy Framework Directive. It also administers the designation of Marine Conservation Zones in the Northern Ireland offshore region on behalf of the Secretary of State. The approval of a Secretary of State (normally for Environment, Food and Rural Affairs) will be required prior to consulting on the Marine Plan for Northern Ireland, as the Marine Plan contains provisions relating to retained functions.

¹⁴⁵ <http://www.uregni.gov.uk/>

¹⁴⁶ <https://www.gov.uk/government/organisations/ministry-of-defence>

¹⁴⁷ <https://www.gov.uk/government/organisations/uk-hydrographic-office>

¹⁴⁸ <https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs>

- Ax 20. The **Marine Management Organisation**¹⁴⁹ (**MMO**) is an executive non-departmental public body, sponsored by Defra. The MMO carries out most licensing functions for the Northern Ireland offshore region on behalf of the Secretary of State (as the appropriate licensing authority). It creates and enforces marine conservation byelaws and enforces conservation legislation, and issues wildlife licences for the Northern Ireland offshore region.
- Ax 21. **The Department for Transport**¹⁵⁰ (**DfT**) is responsible for shipping policies within the UK marine area. It administers the UK Government's interests in the wrecks of vessels subject to war risk insurance, in both World Wars.
- Ax 22. **The Maritime and Coastguard Agency**¹⁵¹ (**MCA**) an executive agency sponsored by the Department for Transport, works to prevent the loss of life on the coast and at sea. It produces legislation and guidance on maritime matters, and provides certification to seafarers. It enforces standards for ship safety, pollution prevention and health, safety and welfare for seafarers, through survey and inspection regimes. The MCA provides a 24-hour maritime search and rescue service around the UK coast, and international search and rescue, through HM Coastguard. The Receiver of Wreck sits within the MCA and administers the parts of the, Merchant Shipping Act 1995, relating to wreck and salvage across the UK, as well as, section 2 of the Protection of Wrecks 1973, that provides protection for wrecks that are designated as dangerous, because of their content.
- Ax 23. **Department for Business, Energy and Industrial Strategy**¹⁵² (**BEIS**) is responsible for UK energy policy and engages directly with the EU on energy issues. BEIS is also responsible for marine environmental regulations associated with oil and gas exploration and production, and the decommissioning of marine installations, wells, pipelines and associated infrastructure.
- Ax 24. **The Offshore Petroleum Regulator for Environment and Decommissioning (OPRED)** of BEIS is responsible for developing and implementing the environmental regulatory framework for offshore oil and gas, offshore gas unloading and storage (GUS) and offshore carbon dioxide storage (CCS) on the UK Continental Shelf and, for administering and ensuring compliance with the regulatory regime. This is achieved by:
- Liaising with international bodies (such as the EU and OSPAR), other Government Departments and the Devolved Administrations, and stakeholders on the development of policy and regulation.

¹⁴⁹ <https://www.gov.uk/government/organisations/marine-management-organisation>

¹⁵⁰ <https://www.gov.uk/government/organisations/department-for-transport>

¹⁵¹ <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>

¹⁵² <https://www.gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy>

- Implementing domestic legislation, international agreements and agreed codes of practice to make sure that offshore oil and gas exploration and production, GUS and CCS activities, do not have a significant adverse impact on the environment or other users of the sea.
- Inspecting offshore installations to ensure regulatory compliance.
- Providing a response to marine environmental incidents; and
- investigating and enforcing, where there is evidence of regulatory non-compliance.

Ax 25. **Department for Digital, Culture, Media and Sport¹⁵³ (DDCMS)** is responsible for the designation and licensing of protected wrecks, which are of historic, archaeological or artistic importance, under section 1 of the Protection of Wrecks Act 1973. This is currently administered, on its behalf, by the Department for Communities (DfC), with support and professional advice provided by DAERA.

Ax 26. **The Oil and Gas Authority (OGA),¹⁵⁴** a government company, works to ensure that the UK gets the maximum benefit from its oil and gas reserves. The Authority administers the UK's licensing system for onshore and offshore exploitation of the nation's oil and gas reserves, including Northern Ireland's marine area. It issues Seaward Exploration Licences that grant rights to explore only, not to produce; and is non-exclusive, covering all acreage outside those areas already covered by any of the corresponding Production Licences, in force at the time. Exploration Licences are useful for seismic contractors who wish to gather data to sell, rather than to exploit geological resources themselves, and to the holders of Production Licences who wish to undertake exploration outside the areas where they hold exclusive rights. However, when a Seaward Production Licence is awarded to a company (or group of companies), it gives the licensee exclusive rights to explore for, drill for, and produce native oil and gas within a specified area.

Licensees seek to be assured of this exclusive right, before they make the necessary investments to search for and potentially develop oil and gas fields. Exclusivity also prevents competing wells exploiting the same resource. Production licences include terms and conditions on:

- drilling;
- field development and production;
- licence transfers and operatorship; and
- storage and confidentiality of data.

¹⁵³ <https://www.gov.uk/government/organisations/department-for-culture-media-sport>

¹⁵⁴ <https://www.ogauthority.co.uk/>

Others Public Authorities¹⁵⁵

- Ax 27. **The Agri-Food and Biosciences Institute¹⁵⁶ (AFBI)**, a DAERA sponsored Non-Departmental Public Body, provides scientific research and services to Government, Non-Government and commercial organisations, in the areas of agriculture, fisheries, animal health, food, environment, biosciences and economics.
- Ax 28. **The Commissioners of Irish Lights¹⁵⁷** is a maritime organisation responsible for providing marine aids to navigation (AtoN) under the Safety of Life at Sea (SOLAS) convention. It operates, together with, General Lighthouse Authority partners - Trinity House (England and Wales) and Northern Lighthouse Board (Scotland) - an essential safety service around Northern Ireland.
- Ax 29. **The Crown Estate¹⁵⁸ (TCE)** manages the majority of the seabed within the 12 nautical mile limit and around 55 per cent of the foreshore around the UK. TCE is also vested with rights for renewable energy and gas storage within the Exclusive Economic Zone. It administers the Northern Ireland Offshore Leasing Rounds for marine activities, with the exception of hydrocarbons (coal, oil and gas), which is managed by BEIS. The Leasing Round process enables TCE to award options for seabed rights, after which developers are required to undertake all necessary steps, as part of the regulatory consenting process, before a full lease can be offered. The Crown Estate will therefore only award a lease or license (which provides the rights for construction and operation of an infrastructure asset or the carrying out of an operational activity), once all the necessary planning and regulatory consents have been issued by the relevant statutory body or bodies.
- Ax 30. **The Loughs Agency¹⁵⁹** is an agency of the Foyle, Carlingford and Irish Lights Commission (FCILC). The FCILC was established as one of the cross-border bodies under the 1998 Good Friday Agreement. The Agency aims to provide sustainable economic, environmental and social benefits, through the effective conservation, management, promotion and development of the fisheries and marine resources of the Foyle and Carlingford Areas. It is a statutory nature conservation body for salmonid species, within the Foyle and Carlingford Catchments. The Agency is co-sponsored by DAERA and the Department of Communications, Climate Action and Environment in the Republic of Ireland.

¹⁵⁵ This list is incomplete and there may be other public authorities with responsibilities.

¹⁵⁶ <http://www.afbini.gov.uk>

¹⁵⁷ <http://www.cil.ie/>

¹⁵⁸ <http://www.thecrownestate.co.uk/>

¹⁵⁹ <http://www.loughs-agency.org/>

Ax 31. **Waterways Ireland**¹⁶⁰ is a cross-border implementation body. Waterways Ireland manages, maintains, develops and promotes over 1000km of inland navigable waterways, principally for recreational purposes. The section of the Lower Bann from the Millennium footbridge in Coleraine to the Cutts in Coleraine, is the only part of the marine area managed by Waterways Ireland.

¹⁶⁰ <http://www.waterwaysireland.org/>

Annex C: Marine Plan Objectives

Objective ①: To promote the sustainable development of productive activities, which support employment at all skill levels, while fully considering the requirements of other marine interests.

Ax 32. This objective relates to the need to strengthen the local and NI economy, at all skill levels, through marine activities that lead to the production of goods and services, including fishing, marine transport, tourism, recreation, aquaculture, telecommunications and energy. This objective reflects the full range of existing and potential activities in the Marine Plan area, that create and support employment and their spatial/seasonal requirements. The objective also reflects the need for cumulative and in-combination effects to be considered, when undertaking a full consideration of the requirements of other marine interests.

Objective ②: To help realise the potential of energy resources and energy storage, within the marine area, while fully considering the requirements of other marine interests.

Ax 33. This objective relates to the range of existing energy infrastructure and resources, as well as potential contributions from renewable energy, the exploration and development of oil and gas resources and energy storage facilities. These have the potential to contribute to future marine-based growth, increase Northern Ireland's energy security and diversity, as well as assisting towards achievement of the NI Executive's target of 40 per cent of electricity consumption, to come from renewable resources by 2020.

Objective ③: To promote the development of vibrant, accessible and sustainable coastal communities.

Ax 34. This objective aims to support the resilience, social cohesion and well-being of coastal communities by promoting the economic, environmental and social benefits of their setting.

Objective ④: To promote the marine resource, its recreational value and its wider economic, environmental and social benefits to all.

Ax 35. This objective aims to promote the wide range of ecosystem services that the marine area can provide, including its contribution to well-being. This includes the promotion of the diverse range of marine leisure, recreational and cultural activities to all the people of Northern Ireland and its visitors.

Objective 5: To promote the preservation and enjoyment of marine related heritage assets.

Ax 36 This objective relates to our natural and man-made environment and includes coastal and marine landscape; seascape; coastal and marine built heritage and archaeology. It recognises the need to ensure that the enjoyment of these assets is promoted and enjoyed by locals and visitors. The objective recognises the need for marine development to be appropriate and sensitive, to its character and setting.

Objective 6: To promote a healthy, resilient and adaptable marine ecosystem and an ecologically coherent network of Marine Protected Areas.

Ax 37. This objective recognises the importance of healthy functioning ecosystems in their own right, where biodiversity is protected, conserved and where appropriate, recovered and loss has been halted. This reflects both the Water Framework Directive (2000/60/EC) goal to have good ecological status by 2015 and the Marine Strategy Framework Directive's (2008/56/EC) goal of having measures in place to achieve good environmental status by 2020. This objective relates to the need to ensure that activities in the marine area avoid damaging the functioning of marine ecosystems. Healthy ecosystems support sustainable fisheries and other marine activities. They should also be able to tolerate disturbance without collapsing, be able to rebuild when necessary and be able to sustain the benefits provided to people. This objective also reflects the need for cumulative and in-combination effects on such sites to be considered, when undertaking a full consideration of the requirements of other marine interests.

Objective 7: To contribute towards climate change mitigation and adaptation measures.

Ax 38. This objective relates to the need to contribute to meeting the UK Climate Change Act 2008 target of reducing greenhouse gas emissions. It also relates to reducing the vulnerability of the coastal and marine area to the impacts of climate change; including coastal change and sea level rise, acidification and rising sea temperature, including its effect on species and habitat range shifts. Vulnerability is reduced by building resilience and preparing for and accommodating change, in the marine area.

Objective 8: To continue to develop a sound marine evidence base in a co-ordinated manner to increase understanding and to support the development, monitoring and review of Marine Plans.

Ax 39. This objective aims to ensure a continued drive to develop the best available evidence base in the marine area, to inform marine management and to monitor the effectiveness of the Marine Plan. Every effort should be made to facilitate data sharing, where possible.

ISBN: 978-1-84807-852-9



Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk



**INVESTORS
IN PEOPLE**



This is the Draft Marine Plan for Northern Ireland

Public Consultation

April 2018

Easy Read
Version



Department of
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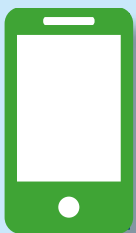
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- **Visit** our webpage at www.daera-ni.gov.uk

About us

We are the Department of Agriculture and Rural Development.

What do we do?

Here are some of the things we do.



- We look after the development of farming, forests and fishing in Northern Ireland.
- We provide a service to look after the health and welfare of animals, fish and plants.
- We look after environment and rural development in Northern Ireland.
- We provide research, expert advice and education.
- We look after some parts of public health in how food is made.

What is the draft Marine Plan?

- The Marine Plan will inform and guide the regulation, management, use and protection of the Northern Ireland marine area.
- The Marine Plan is a single document made up of two plans, one for the inshore region and one of the offshore region.
- The Marine Plan has been informed by a Sustainability Appraisal, which incorporates the requirements of a Strategic Environmental Appraisal.

Where is the Marine Plan area?

- The Northern Ireland marine area is made up of an inshore and an offshore region.
- The marine area comprises all marine waters including sea bed, subsoil, sea loughs and tidal rivers, so far as the tide flows at Mean High Water Spring Tide.
- The inshore region extends from the Mean High Water Spring Tide mark out to, at most, 12 nautical miles (nm) and includes tidal rivers and sea loughs.
- The offshore region is the area that extends south-eastwardly from the 12nm territorial limit to the outer boundary of the Northern Ireland marine area (31nm at the farthest point).

Why is there a Marine Plan?

- The Marine Act (Northern Ireland) 2013 and the Marine and Coastal Access Act 2009 require DAERA, as the Marine Plan Authority, to prepare marine plans, for the better management of the Northern Ireland marine area.
- The Marine Plan has been developed within the framework of the UK Marine Policy Statement (UK MPS). This will facilitate the sustainable development of the marine area.
- The UK Government has published a 25 year Environment Plan that commits to having UK Marine Plans in place by 2021.

Who will use the Marine Plan?

- The Marine Plan will primarily be used by Public Authorities taking decisions which affect or might affect the marine area.
- It will also be used by anyone who has an interest in the marine area, including those bringing forward proposals and stakeholders who wish to comment on such proposals.
- Public Authorities include, but are not restricted to, Northern Ireland and UK Government Departments and Agencies, District Councils, The Crown Estate, Harbour Authorities and the Loughs Agency.

How does the Marine Plan affect decision making?

- The Marine Plan (when adopted) will be used by Public Authorities in taking decisions which affect or might affect the marine area, including:
 - Authorisation or enforcement decisions; and
 - Decisions that relate to the exercise of any function capable of affect the marine area.
- Public Authorities when taking authorisation or enforcement decisions that affect or might affect the marine area, must do so in accordance with marine policy documents, unless relevant considerations indicate otherwise. This currently includes the UK Marine Policy Statement and appropriate marine plans, when they are adopted. If decisions are not taken in accordance with these documents, reasons must be given.
- Public Authorities will also need to have regard to the appropriate marine policy documents when taking any decision that relates to a function capable of affecting the marine area, that is not an authorisation or enforcement decision.

What policies does the Marine Plan contain?

- A presumption in favour of sustainable development is at the heart of the Marine Plan.
- The policies provide an overall framework for the management of the marine area, contributing to its sustainable development and to the integration of the marine and terrestrial management processes.
- The policies will enable Public Authorities to guide activities and uses to suitable locations and address any potential adverse impacts.
- The Marine Plan is supported by a publicly accessible Marine Mapviewer, which shows the activities and uses that occur in the Northern Ireland marine area.
- The Mapviewer is available for viewing at <https://appsdaera-ni.gov.uk/marinemapviewer/>
- The Marine Plan contains two categories of policy:
 - **Core policies**, which cover the general issues to be considered by decisionmakers on all proposals.
 - **Key Activity policies**, which support a particular activity without undue impact on the marine area, its ecosystem services and the users that rely on them.

Core Policies include:

- Stakeholder Engagement
- Air Quality
- Climate Change
 - Climate Change Mitigation
 - Climate Change Adaptation
- Coastal Processes
- Resilience to Coastal Processes
- Co-Existence
- Cumulative Impacts
- Heritage Assets
 - Designated Heritage Assets
 - Undesignated Heritage Assets
 - Reporting of Heritage Assets
- Invasive Alien Species
- Land and Sea Interaction
- Marine Litter
- Marine Noise
- Natural Heritage
 - International and National Designated Sites and Protected Species
 - Other Habitats, Species or Features of Importance
- Seascape
- Use of Evidence
- Water Quality

Key Activity Policies include:

- Aquaculture
- Carbon Capture and Storage
- Commercial Fishing
 - Proposals with the Potential to Impact on Commercial Fishing
- Defence and National Security
- Dredging
- Energy
- Marine Aggregates
- Ports, Harbours and Shipping
 - Proposals with the Potential to Impact on Navigational Safety
 - Proposals with the Potential to Impact on Shipping
 - Ports and Harbours
- Telecommunications Cabling
- Tourism and Recreation

When does the Marine Plan come into effect?

- The Marine Plan will come into effect when it is published in final form and adopted.

How you can respond to this consultation

- Tell us what you think about the draft Marine Plan.



- **Online:** Completing the online survey from the consultation website: <https://www.daera-ni.gov.uk/consultations>



- **Email:** marineplanteam@daera-ni.gov.uk



- **In writing to:** Marine Plan Team
Marine and Fisheries Division
Department of Agriculture,
Environment and Rural Affairs
1st Floor, Klondyke Building
Cromac Avenue
Malone Lower
Belfast BT7 2JA



Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk



**INVESTORS
IN PEOPLE**

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 1 May 2018 in Council Offices, Ballyronan Road, Magherafelt

Members Present	Councillor Mallaghan, Chair	
	Councillors Bateson, Bell, Clarke, Cuthbertson, Glasgow, Kearney, McAleer, McEldowney, McKinney, McPeake, Mullen, Reid, Robinson	
Officers in Attendance	Mr Tohill, Chief Executive Dr Boomer, Planning Manager Mr Bowman, Head of Development Management Mr Browne, Head of Tourism Ms Doyle, Senior Planning Officer Mr Marrion, Senior Planning Officer Mr McCrystal, Senior Planning Officer Ms McNally, Council Solicitor Miss Thompson, Committee Services Officer	
Others in Attendance	Applicant Speakers	
	LA09/2015/0459/F	Ms O'Neill Mr Canavan
	LA09/2015/0460/F	Ms Burke
	LA09/2017/0802/F	Mr Cassidy Councillor B McGuigan
	LA09/2017/1284/O	Mr Cassidy
	LA09/2017/1349/F	Mr Cassidy
	LA09/2017/1725/O	Mr Cassidy
	LA09/2018/0124/F	Mr Maguire Councillor McGinley
	LA09/2015/0523/F	Councillor Wilson Mr Molloy MP Mr Stephens
	LA09/20170673/O	Mr Cassidy Councillor B McGuigan

The meeting commenced at 7.04 pm

P065/18 Apologies

Councillor Gildernew.

P066/18 Declarations of Interest

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

Councillor Mullen declared an interest in planning applications LA09/2017/1284/O, LA09/2017/1609/F and LA09/2018/0124/F.

P067/18 Chair's Business

The Chair, Councillor Mallaghan advised he had received an invitation to a Royal Ulster Architectural Society event on 18 May. The Chair stated he was unable to attend this event and would offer the invitation to the Vice Chair on this occasion.

The Planning Manager referred to previously circulated paper in relation to PAC decision on planning application LA09/2017/0272/F in which the appeal was allowed and partial costs were awarded to the applicant. The Planning Manager expressed concern regarding the criticism of planning staff and how they dealt with the appeal and that given this disquiet he advised that the matter would be discussed with Council Solicitor and senior planning staff with the intention of bringing forward a protocol for dealing with appeals, particularly where the case officers report recommendation differs from the Planning Committee decision.

The Planning Manager advised that figures in relation to planning performance show that progress has been made in reducing time taken to deal with major applications since the formation of a majors team, although the target for major applications was not met. The Planning Manager advised that enforcement targets have been met and that the main target for local applications appears to have been achieved however there has been a significant decline in performance since Christmas and an increase in the number of applications yet to be determined. This is due to the development management team being halved due to absences and resignations for the three months around Christmas.

In order to deal with the backlog and growing income fee the Planning Manager advised that an additional permanent planning officer has been appointed and that a two year contract had been offered to another officer to provide cover for a career break. Advertisements have also been placed for two graduate trainees for a two year contract. This is possible through savings from existing resources.

The Planning Manager advised that progress was continuing to be made on the Development Plan and advised of two dates for Special Planning Committee meetings (9 May and 11 June) for Members to consider the work done to date. Due to the size of the documentation Members were advised to download their papers as soon as possible in order to address any potential problems.

The Chair, Councillor Mallaghan expressed some concern regarding the lack of notice with regard to the Special Planning Committee meetings particularly the May meeting.

Councillor Cuthbertson referred to the planning appeal awarded against Council and asked what the award of costs would be and if there was potential for surcharges given the officer recommendation was for approval of the application and this was overturned. In referring to the appeal judgement, Councillor Cuthbertson asked if this had been taken into account for tonight's applications.

The Planning Manager advised that the appeal decision which was for a single wind turbine did not create a precedent with regards a wind farm. The Planning Manager advised of a previous appeal by the same applicant for a wind farm which was refused. The Planning Manager advised that PAC did not take armourage with the reason for refusal as the committee was entitled to refuse the application and there would be no surcharge issue for Members. The Planning Manager advised that costs were awarded against Council in relation to the applicant addressing the additional point made in the rebuttal of the appeal.

The Council Solicitor advised that the PAC has the power to make an award of cost, but it does not specify an amount of costs. The amounts of costs to be paid is up to the two parties to agree and in the absence of agreement it would be subject to a process called taxation.

Councillor Clarke stated that the case went to PAC as the Planning Committee had overturned the officer recommendation and that the Commissioner, in their commentary, reflected on the lack of effort put into the appeal from the Council side. Councillor Clarke also stated that on reading the PAC decision it appeared that the recommendation of the planning officer seemed to have more weight than that of the planning committee and that this needed to be looked at.

The Planning Manager advised that no Commissioner would give more weight to an officers recommendation as the ultimate decision is that of the Committee. The Planning Manager advised of the change in SPPS in relation to wind turbines since the last application had been made but did not feel this was reason enough when it came to appeal stage. The Planning Manager stated that he doubted whether the appeal could have been won but felt that a better argument could have been made which is why further discussion will take place regarding a protocol for appeals and that when options had been identified these will be put to committee.

Councillor Glasgow stated that the entire committee had not been in agreement with the proposal to refuse the application on the night it was brought to committee and that he did not want to be associated with the refusal of the application. The Councillor advised that the Planning Manager had provided reasons for refusal on the night it was discussed and felt this was a difficult way to learn and that the Committee should not get itself into a similar situation again, he again stated that not all Members were in agreement with the proposal to refuse the application but was glad to hear Members cannot be surcharged.

The Planning Manager advised that Members could only be surcharged if they do something wrong and that part of his role on the Committee is to help Members to articulate their reasons why they want to overturn an officer recommendation.

Councillor Reid highlighted that the application went to the Committee with a recommendation to approve and that this recommendation was overturned to a refusal at the meeting.

The Planning Manager stated that Members were advised at the time there was a risk of costs and that if they were minded to refuse it would need to be done on

visual impact on the AONB. On this basis a proposal to refuse was put forward and carried by way of recorded vote.

The Chair, Councillor Mallaghan stated that when discussing the application the Committee gave more weight to the AONB than the officer, he stated that the Committee was entitled to make the decision it did and that in the three years of the Planning Committee this was the first planning appeal that had been lost. Councillor Mallaghan stated a report would be brought before the Committee in relation to protocol for appeals in due course.

Matters for Decision

P068/18 Planning Applications for Determination

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

LA09/2015/0459/F	Wind farm comprising 8 wind turbines, all ancillary and associated development and infrastructure including general and excavation works; temporary works along the transport route to facilitate delivery of turbine components including the upgrade of the existing junctions at Slaght Road, Ballynagilly Road, Feegarron and Slaght Road, and realignment of a section of the Feegarran Road, Lisaan at the Stanley Bell and Sons Ltd Quarry, 28 Ballynagilly Road, with the Wind Farm centred at 980m NW of 59 Ballynagilly Road, Lissan, Cookstown for Ballynagilly Wind Energy Ltd
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The Head of Development Management presented a report on planning application LA09/2015/0459/F advising that it was recommended for refusal.

Since the report was circulated Members were advised that letters of support for the application had been received from TLT Solicitors Ltd and Stanley Bell and Sons Ltd. A further letter of objection was also received.

The Head of Tourism also presented commentary, as previously circulated, on the impact to tourism of the proposed wind farm.

The Chair advised the committee that requests to speak on the application had been received and invited Ms O'Neill to address the committee in the first instance.

Ms O'Neill stated that she was speaking on behalf of local residents who were in objection to the application and highlighted that 1526 objections had been logged in relation to the application on the planning portal.

Ms O'Neill stated that at 126.5m high the turbines will dominate the landscape of which it is proposed to site four of the turbines within the Sperrins AONB. Ms O'Neill

also stated there would be significant visuals of the wind farm from outlying areas and felt that as the area has got special designation the application should not be approved. Ms O'Neill referred to the Sperrins as being a key tourism destination and highlighted funding which had been secured for projects but expressed concern that should the application be approved this funding could be lost. Ms O'Neill referred to similar proposal at Mullghe Turk which was refused and a subsequent appeal upheld and asked the Committee to uphold the recommendation of the case officer.

Mr Canavan stated that the application had been in detailed preparation for seven years and advised that the site is in accordance with relevant policy legislation. Mr Canavan stated that no objections had been received from statutory consultees and referred to the reasons for refusal of the application which highlight visual amenity and environmental quality being affected by the application. Mr Canavan advised that the proposed turbines will be further than 500m from other buildings and that whilst the proposal is on the margin of the AONB, it will not be visible from much of the AONB.

Mr Canavan also felt that refusal reasons 4 and 5 should not carry any material weight and advised that Tourism NI have no objection to the application and that Council have not provided any evidence to the contrary in this regard. Mr Canavan also referred to other examples of Dark Sky initiatives in Mayo and Galloway which had wind farms located nearby. Mr Canavan also spoke in relation to the environmental and community benefits of the application and the rateable income to the Mid Ulster District from the proposal.

The Chair, Councillor Mallaghan thanked officers for their comprehensive report and the speakers for coming forward and stated that a lot of detailed information had been put before Members.

Councillor Cuthbertson referred to evidence taken from another department within Council and asked if this was good practice or if it would compromise the Committee going forward. The Councillor felt that a better option would have been to bring the Head of Tourism in as a speaker on the application.

The Council Solicitor advised there was no issue with the Head of Tourism presenting to the Committee as he was there in his capacity as a consultee to the application.

Councillor Cuthbertson referred to the numerous photographs of critical views shown by officers and stated he would have liked the same effort to have been put into previous applications for wind farms/turbines such as that at Murley.

The Chair, Councillor Mallaghan stated that the photographs shown were of critical views of the AONB, Councillor Mallaghan clarified that Murley does not have AONB designation.

Councillor McPeake stated that Members should not be critical of the work carried out in relation to this application, he referred to the amount of detailed information which had been put before Members and commended officers. Councillor McPeake stated he was happy with the approach being taken.

Councillor McKinney referred to commentary on how tourism would be effected by the proposal and felt that by bringing people to an area for tourism reasons is more likely to have an effect on the area rather than the turbines. The Councillor also stated there seemed to be some ambiguity as to whether the turbines were within the AONB and felt that a site meeting would be beneficial before coming to a decision. Councillor McKinney proposed that the application be deferred pending a site visit taking place.

In response to request seeking clarification on whether Head of Tourism should have been brought to present at the meeting, the Council Solicitor advised that tourism was a consultee within the consultation process of the planning application. She stated that in presenting to the Committee the Head of Tourism provided information relating to how tourism could be effected by the proposal, that he was not there in support of or against the application and that speaking rights were not required.

Councillor Bell stated that having considered all information he would propose the officer recommendation to refuse the application.

The Planning Manager advised that some of the turbines will be located within the AONB and some will be outside. The Planning Manager advised Members not to put all their consideration into a line on a map but rather to consider the cumulative impacts the proposal will have on landscape character in the area.

In response to Councillor Clarke's question the Planning Manager advised he was unsure whether the quarry was removed from the AONB when it was redrawn in 2008. In response to earlier comments, the Planning Manager stated that the development of tourism can also have an effect on the landscape of an area.

The Council Solicitor stated that the weight placed on commentary from consultees was a matter for the committee, however, she would have some concerns regarding placing determining weight on the comments made around the potential impact to funding.

Councillor Cuthbertson asked whether there had been any discussion with the applicant on reducing the proposal.

The Head of Development Management stated no such discussions had taken place.

Councillor Cuthbertson asked if this could be explored.

Councillor Bateson seconded Councillor Bell's proposal to refuse the application.

Councillor Kearney stated he was content with the information put forward.

Councillor McKinney asked if the applicant would reconsider their application.

Mr Canavan agreed that the applicant would reconsider the application.

The Chair, Councillor Mallaghan stated that a site meeting had been held in the area of the proposal recently and taking into consideration the information at hand he would be supportive of the proposal to refuse the application.

Councillor Cuthbertson proposed that the application be deferred to allow time for a reassessed proposal to come forward.

Discussion ensued regarding an altered application.

Councillor Clarke stated that he felt the meeting had got into a situation that was out of order and that every application deserved the same attention.

The Chair, Councillor Mallaghan stated that the applicant had been aware for over a week of the recommendation to refuse and no attempt had been made in the intervening time to make an altered proposal.

Councillor McKinney stated he withdrew his earlier proposal for a site meeting but would second Councillor Cuthbertson's proposal for a deferral.

In response to Councillor McPeake's question the Planning Manager advised that if a change in proposal came forward then there would be a requirement to carry out neighbour notification and consultations again.

Members voted on Councillor Bell's proposal to refuse the application –

For – 9
Against – 3

Members voted on Councillor Cuthbertson's proposal to defer the application –

For – 5
Against – 9

Resolved That planning application LA09/2015/0459/F be refused on grounds stated in the officer's report.

LA09/2015/0460/F	Wind farm comprising of 9 turbines and associated infrastructure (2 turbines located within Fermanagh and Omagh Council area and 7 located within Mid Ulster Council area) at Murley Wind Farm in Townlands of Glengesh Lower Forest, Moysnaght, Killygordon, Tattanafinnell, Edergole and ColeGlen Forest near Fivemiletown for RES
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Mr Marrion (SPO) presented a report on planning application LA09/2015/0460/F advising that it was recommended for approval.

Glasgow left the meeting at 8.24 pm and returned at 8.32 pm during the above presentation.

The Chair advised the committee that a request to speak on the application had been received and invited Ms Burke to address the committee.

Ms Burke advised that the application consisted of nine turbines over two Council areas and stated that Fermanagh and Omagh Council had approved the two turbines in their area in January 2018. Ms Burke advised that the proposal will generate significant benefits to the community and that rates payable will be £7.2 million over 25 years. Ms Burke stated that the application has been subject to the necessary environmental studies and consultations to which there had been no objections, the application also supports the proposal to achieve low carbon energy.

Councillor Cuthbertson asked why there was not the same amount of aerial photographs shown for this application.

Mr Marrion advised that he had provided a selection of photographs as part of his presentation but stated that further photographs were available to view on the planning portal.

Councillor Cuthbertson queried whether Members now also have to examine what is on the planning portal as well as what is provided in papers.

Councillor McKinney proposed the officer recommendation to approve the application.

The Planning Manager stated that Clogher Valley is a precious area which is worthy of protection, he stated that if the proposal was to be located in a different area of Clogher Valley it would have received a different response however he was satisfied that the impacts of this proposal will be limited. On this basis, he was not surprised that there were no public or consultative objections to the proposal.

Councillor Bateson seconded Councillor McKinney's proposal to approve the application.

Resolved That planning application LA09/2015/0460/F be approved subject to conditions as per the officer's report.

Councillor McKinney left the meeting at 8.42 pm.

LA09/2015/0670/F Retention of retaining wall and infilling of land adjacent to Lettice Street and Monaghan Road, Aughnacloy, for CNI Northern Ireland Ltd

Members considered previously circulated report on planning application LA09/2015/0670/F which was recommended for approval.

Proposed by Councillor McAleer
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2015/0670/F be approved subject to conditions as per the officer's report.

LA09/2016/1131/O

**Replacement dwelling at 89 File Mile Straight,
Maghera for Owen McNally**

Mr McCrystal (SPO) presented a report on planning application LA09/2016/1131/O advising that it was recommended for refusal.

Councillor Kearney stated he would have some sympathy for the application.

The Planning Manager stated that the applicant had asked that the application be determined as presented.

Councillor Glasgow stated it was unfortunate the School had got into its present state but felt that replacement would be difficult. Councillor Glasgow proposed the officer recommendation to refuse the application.

Councillor Reid seconded Councillor Glasgow's proposal.

Resolved That planning application LA09/2016/1131/O be refused on grounds stated in the officer's report.

LA09/2017/0332/O

**2 storey dwelling at lands adjacent to 83 Highfield
Road, Magherafelt for Janette Duffy**

Members considered previously circulated report on planning application LA09/2017/0332/O which was recommended for approval.

Proposed by Councillor Glasgow
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0332/O be approved subject to conditions as per the officer's report.

LA09/2017/0693/F

**Re-instatement of dwelling at 12A Drumaspil Road,
Dungannon for Mrs Dorothy Lawson**

Councillor Cuthbertson declared an interest in this application.

Members considered previously circulated report on planning application LA09/2017/0693/F which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2017/0693/F be approved subject to conditions as per the officer's report.

LA09/2017/0707/O

**Dwelling at 20m S of 40 Derrygonigan Road,
Cookstown for Finbar Crawford**

Members considered previously circulated report on planning application LA09/2017/0707/O which was recommended for approval.

Proposed by Councillor Bell
Seconded by Councillor Reid and

Resolved That planning application LA09/2017/0707/O be approved subject to conditions as per the officer's report.

LA09/2017/0756/F

**Retention of replacement dwelling and garage in
substitution for previously approved
M/2006/1355//RM at approx. 140m NE of 24
Findermore Road, Clogher for Mr Gerry McCaughey**

Members considered previously circulated report on planning application LA09/2017/0756/F which was recommended for approval.

Councillor Glasgow asked who the letter of objection came from.

Mr Marrion advised that the objection was received from the landowner stating they would not permit access for visibility splays.

Councillor Glasgow asked how this objection then affected the application.

Mr Marrion advised that as the application was being considered as a replacement dwelling there was no intensification of access and visibility splays are not required to be insisted upon.

Proposed by Councillor McAleer
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2017/0756/F be approved subject to conditions as per the officer's report.

LA09/2017/0802/F

**Replacement dwelling at 124 Sixtowns Road, Labby,
Draperstown for Mr Alistair Clerkin**

Mr McCrystal (SPO) presented a report on planning application LA09/2017/0802/F advising that it was recommended for refusal.

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

Mr Cassidy stated that Council are content that the application is a good replacement opportunity but that issues seemed to be with the proposed hipped roof on the dwelling and that it does not integrate with the local area. Mr Cassidy stated that the dwelling and in particular the hipped roof had been designed to the Building

on Tradition Design Guide and referred to several examples of hipped roofs in the local area and that dwellings on both sides of the application site had hipped roofs. Mr Cassidy stated that a hipped roof on a dwelling was not contrary to the area but requested that the application be deferred to allow for further redesign.

Councillor McKinney re-entered the meeting at 8.53 pm.

The Planning Manager stated that the reasons for refusal were not solely related to the hipped roof but also the scale and massing of the dwelling. The Planning Manager stated that if the applicant wanted the application to be deferred why it had been stated that the design would not be changed.

Mr Cassidy advised that the design of the dwelling had already been changed three times.

Councillor Clarke stated that the original house on this site was also a large building but that this proposal is closer to the road. The Councillor stated he was not a personal fan of hipped roofs but there was no doubt there were numerous examples in this area.

The Planning Manager stated that a hipped roof was not an AONB design and would not want to promote such within the AONB. The Planning Manager referred to the examples provided of hipped roofs in the area and reflected that perhaps planning had not been the best custodians of the AONB in the past.

Councillor Reid proposed that the application be deferred pending submission of redesign.

The Planning Manager advised that the applicant wants the application to be determined.

Councillor Reid stated he would withdraw his previous proposal and proposed that the application be refused.

The Chair, Councillor Mallaghan stated that the agent had offered to redesign the proposal at the end of his speaking time.

Councillor McPeake concurred with earlier comment that the original house had been large and stated he did not feel that the proposal was unusually large. Councillor McPeake proposed that the application be deferred.

The Planning Manager asked if the agent was willing to meet to discuss redesign.

Councillor Bell seconded Councillor McPeake's proposal.

Councillor McKinney felt that the meeting was getting out of order.

Councillor B McGuigan stated that the current design was not fitting within the AONB and requested that the application be deferred.

Councillor Cuthbertson seconded Councillor Reid's proposal to refuse the application.

Members voted on Councillor McPeake's proposal to defer the application –

For – 8

Against – 2

Members voted on Councillor Reid's proposal to refuse the application –

For – 4

Against – 8

Resolved That planning application LA09/2017/0802/F be deferred for an office meeting.

LA09/2017/1055/O Dwelling and garage approx. 30m S of 77 Gulladuff Hill, Moyagall for Joe Hurley

As per previously circulated addendum it was advised that additional information had been received in relation to the reasons for the siting of the proposal. It was therefore proposed that this application be deferred for an office meeting to further consider the proposal.

Proposed by Councillor Glasgow
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/1055/O be deferred for an office meeting.

LA09/2017/1284/O Dwelling and garage NW of 35 Mullaghmarget Road, Dungannon for Pdraig Donnelly

Councillor Mullen declared an interest in this application and withdrew to the public gallery.

Mr Marrion (SPO) presented a report on planning application LA09/2017/1284/O advising that it was recommended for refusal.

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

Mr Cassidy stated that the farm is active and established and provided reasons for the siting of the proposal as follows –

- The farm has no road frontage lands
- Applicant's brother is taking over the farm and has plans to expand
- Mortgage cannot be obtained for dwelling on laneway
- Site provides a suitable degree of integration

Mr Cassidy felt that the application could be considered as exceptional to policy and asked that the application be approved.

Councillor Bell referred to the intensification of use of the laneway if the proposal was to be located at the main farm.

Councillor Clarke asked how many dwellings were on the laneway.

Mr Marrion advised that there are three houses on the laneway.

Councillor Clarke stated that the applicant would definitely be experiencing difficulties obtaining a mortgage.

The Planning Manager stated that Members needed to be careful when setting aside policy and that although arguments had been put forward, there was no verification to support the arguments. The Planning Manager suggested that the application could be deferred to allow the applicant to submit evidence regarding ownership of the laneway and that this could be consulted upon again with DfI Roads.

Councillor Clarke proposed that the application be deferred.

Councillor Bell seconded Councillor Clarke's proposal.

Councillor Reid stated he did not feel this application would work out.

Councillor McKinney asked who owned the land.

The Planning Manager stated it was not wise to make planning decisions based on the advice of a mortgage adviser.

Mr Marrion advised that the landowner was Mr Pdraig Donnelly and the active farm owner was Mr Shane Donnelly.

Council Solicitor urged caution in relation to any weight being attributed to whether a mortgage can be obtained as this is not a material consideration in the planning application.

Resolved That planning application LA09/2017/1284/O be deferred to allow evidence in relation to ownership of laneway to be submitted.

Councillor Mullen rejoined the meeting.

LA09/2017/1349/F Animal isolation and farm machinery storage shed at approx. 120m SE of 37 Rocktown Lane, Knockloughrim for Robert Edward Scullion

Mr McCrystal (SPO) presented a report on planning application LA09/2017/1349/F advising that it was recommended for refusal.

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

Mr Cassidy stated that the shed will be used for winter housing and isolation of cattle. Mr Cassidy advised that the applicant has been subjected to a number of TB tests and that two of these tests have proved positive, the applicant is currently being tested four times per year as his neighbours herd is currently down with TB. Mr Cassidy advised that the shed will be used for agricultural purposes, that ventilation of the shed is within the plan and highlighted that there is no need to provide heat for animals. Mr Cassidy advised that the proposal site is not on a plantation but rather a clearing and will not be seen from vantage points. Mr Cassidy also confirmed that he had provided an up to date status of applicant's herd on the day after the information was requested. Mr Cassidy advised that the proposed shed is essential for the smooth running of the farm and asked the Committee to approve the application.

The Planning Manager asked why a site closer to the road had not been chosen.

Mr Cassidy advised the site had been chosen because of the clearing.

Councillor Bell referred to the ambiguity regarding TB status and felt this needed clarification.

Mr McCrystal advised that DARD had confirmed that the farm was not under restriction following two clear tests.

Councillor Bell stated there may have been a more recent positive test.

Councillor McPeake stated that the farm may have no restrictions at the moment but that there was an ongoing threat. The Councillor referred to the need for good animal husbandry and that this proposal was a good way of achieving this. Councillor McPeake stated the applicant kept a well maintained farm and that he could see the rationale for putting the shed at the proposed location which appeared to be a good site.

The Planning Manager questioned if there was an ongoing risk what would happen to the cattle of the neighbouring landowners to the site.

Councillor Reid stated that Mid Ulster has the second highest instances of TB in Northern Ireland however he advised that a separate shed was not required for isolation as per DAERA guidelines.

Councillor Glasgow stated he understood why the applicant would want to keep cattle that are to be isolated away from the main farm buildings and asked if there was a reason why the proposal could not come some way down the lane.

The Planning Manager stated there did not appear to be a reason and that the proposal could be facilitated within the main farm.

Councillor Glasgow reflected that TB testing and restrictions were a vicious cycle.

Councillor Cuthbertson proposed the officer recommendation to refuse the application.

Councillor McPeake proposed that a site meeting be held for this application.

The Planning Manager stated that if planning policy was being set aside then good reason was needed.

Councillor McPeake stated that he requested a site meeting due to the ambiguity of the site and that the officer recommendation may be unduly harsh.

Councillor McKinney seconded Councillor McPeake's proposal for a site meeting.

Councillor Glasgow stated he was the only Member who attended the last site meeting and that if a site meeting was being arranged then Members should attend.

The Chair, Councillor Mallaghan stated it was up to each Member to determine their knowledge of an application and whether they felt the need to attend a site meeting.

Councillor Reid seconded Councillor Cuthbertson's proposal to refuse the application.

Members voted on Councillor McPeake's proposal to defer the application for a site meeting –

For – 8
Against – 5

Members voted on Councillor Cuthbertson's proposal to refuse the application –

For – 4
Against – 8

Resolved That planning application LA09/2017/1349/F be deferred for a site meeting.

LA09/2017/1431/F **Small extension to existing commercial yard at 185m W of 66A Kilnacart Road, Dungannon for Niall McCann**

Members considered previously circulated report on planning application LA09/2017/1431/F which was recommended for approval.

Proposed by Councillor Clarke
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/1431/F be approved subject to conditions as per the officer's report.

**LA09/2017/1514/O Dwelling and garage/store on a farm at rear and S of
25 Drumurrer Lane, Dungannon for Mr Henry Brady**

Members considered previously circulated report on planning application LA09/2017/1514/O which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Bateson and

Resolved That planning application LA09/2017/1514/O be approved subject to conditions as per the officer's report.

**LA09/2017/1609/F Replacement horse stables at lands 70m SE of 9
Greenagh Road, Corrainy, Coalisland for Daryl Fox**

Councillor Mullen declared an interest in this application and withdrew to the public gallery.

Members considered previously circulated report on planning application LA09/2017/1609/F which was recommended for approval.

Proposed by Councillor Bateson
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/1609/F be approved subject to conditions as per the officer's report.

Councillor Mullen rejoined the meeting.

**LA09/2017/1649/O Two storey dwelling and domestic garage at approx.
150m SE of 69 Gortagammon Road, Tullyhogue,
Cookstown for Mr & Mrs Sandy Nelson**

As per previously circulated addendum it was advised that additional information had been received in relation to identifying other views of the site. It was therefore proposed that this application be deferred for an office meeting to allow further discussion regarding siting.

Proposed by Councillor Glasgow
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/1649/O be deferred for an office meeting.

**LA09/2017/1725/O Dwelling and garage at approx. 40m E of 47 Sessiagh
Scott Road, Dungannon for Kevin Sheehy**

Mr McCrystal (SPO) presented a report on planning application LA09/2017/1725/O advising that it was recommended for refusal.

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

Mr Cassidy stated that this application was what clustering should be about, he stated that there were currently eight dwellings in a cluster with a staggered crossroads as a focal point nearby. Mr Cassidy stated that the application will round off current development, not extend it and advised that the proposal is for the applicant to build their own home. Mr Cassidy asked that the Committee approve the proposal.

The Planning Manager stated there was no evidence of what gives the proposed site its identity ie. Focal point.

Councillor Clarke felt there was a focal point of eight dwellings and that a further dwelling would round off development.

Councillor Bell did not feel a further dwelling would impact on rural character.

The Council Solicitor advised that according to the wording of CTY2a, the cluster of development must be associated with a focal point and so therefore, the cluster could not be the focal point.

Councillor Bell queried whether this was a peatland area and if that could be used as a focal point.

Councillor Cuthbertson stated he agreed with what had been said but felt that if the application did not meet policy it should be refused.

The Planning Manager felt it was sensible to hold the line in respect of policy as this type of situation arises time and time again.

Councillor Bell stated that another building was not going to impact on rural character.

The Planning Manager stated that Members need to think about how the need for a focal point was being met.

Councillor Clarke felt that the cluster represented a clachan development.

Councillor Cuthbertson proposed the officer recommendation to refuse the application.

The Chair, Councillor Mallaghan seconded Councillor Cuthbertson's proposal.

The Council Solicitor stated that the reasons for refusal should include the fact that the need for a focal point under CTY2a had not been met.

Resolved That planning application LA09/2017/1725/O be refused on grounds stated in the officer's report including an additional reason that the need for a focal point had not been met.

LA09/2017/1758/RM Off site replacement dwelling and garage at 120m NW of 47 Bancran Road, Draperstown for Paul and Katrina Heron

Members considered previously circulated report on planning application LA09/2017/1758/RM which was recommended for approval.

Proposed by Councillor McEldowney
Seconded by Councillor McPeake and

Resolved That planning application LA09/2017/1758/RM be approved subject to conditions as per the officer's report.

LA09/2018/0043/O Residential development of 6 dwellings and garages and associated works adjacent and to rear of 24 Mullan Road, Ballinderry for Mr George Buick

Members considered previously circulated report on planning application LA09/2018/0043/O which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Bell and

Resolved That planning application LA09/2018/0043/O be approved subject to conditions as per the officer's report.

LA09/2018/0124/F Change of use from ground floor retail to amusement arcade at 21 Irish Street, Dungannon for Rebekah Bell

Councillor Mullen declared an interest in this application and withdrew to the public gallery.

Mr Marrion (SPO) presented a report on planning application LA09/2018/0124/F advising that it was recommended for approval. Mr Marrion also highlighted the addendum which stated that a late objection had been received and read out the letter. The addendum also advised that policies PPS1 and PPS5 have been cancelled by the SPPS, the SPPS has primacy and advises that Local Development Plans should provide a diverse offer and mix of uses. Main town centre uses should be considered in order of preference with primary retail core followed by town centre. This use is a town centre use and the principles in DCAN1 have been considered in the report. The Preferred Options Paper is not a draft plan and the proposals in it cannot be given significant weight in determining the application.

The Chair advised the committee that requests to speak on the application had been received and invited Mr Maguire to address the committee in the first instance.

Mr Maguire stated that the issue was not with opening hours or sound proofing of the premises but rather about principle and whether the Council is serious about including Irish Street within the primary retail core for Dungannon. Mr Maguire stated that the application was in conflict with planning policy and does not fit in with the Council's proposal to include Irish Street within the primary retail core.

Mr Maguire stated that of the 54 units on Irish Street, 26 are retail premises and that the retail element of the street should be protected. Mr Maguire stated that Irish Street is an important part of the town centre and would have concern over the impression of locating an amusement arcade at this site as there is an Oratory sited opposite the proposed premises and an objection had also been received from the adjoining property to the proposal. Mr Maguire stated there were further amusement outlets located on Irish Street and nearby in the town.

Mr Maguire stated that by approving this application Council is sending a signal that it is dumping retail, Mr Maguire called upon the Committee not to make the same mistake as other Councils and not to lose this potential retail unit on Irish Street.

The Planning Manager stated that Irish Street was kept out of the primary retail core within Dungannon Area Plan but had managed to regenerate itself in recent years. The Planning Manager stated that the Local Development Plan currently being worked on proposes to extend the retail core to include Irish Street but that weight cannot be given to this in determining the application. The Planning Manager stated that amusement arcades can compliment a retail core and urged Members that when making a decision it should be based on planning and not morality grounds.

Councillor McGinley stated that the building proposed to locate the amusement arcade has been vacant for 18 months and has only been occupied for 10 months in the last four years. Councillor McGinley stated that soundproofing of the premises will be in place and that the applicant has taken a pro active approach in relation to car parking. Councillor McGinley stated that the gaming arcade will not over dominate in its surroundings and highlighted that an objection had been received which included comments regarding the proximity of the Oratory, Councillor McGinley clarified that no objection had been received from the Oratory. Councillor McGinley stated that the application is acceptable in terms of planning policy and that the applicant is part of a responsible business across Northern Ireland who will work to alleviate matters of concern. Councillor McGinley asked the committee to agree with the case officer's recommendation to approve the application.

Councillor Cuthbertson stated that to say Irish Street is not within the primary retail core is out of step with the rest of the Council.

The Planning Manager showed Members the primary retail core for Dungannon as set out in the Dungannon Area Plan.

Councillor Cuthbertson stated that Council has committed money to Irish Street on the basis that it is within the primary retail core.

In response to Councillor Clarke's question it was stated by Councillor McGinley that it was his understanding that there is a fire exit to the rear of the building.

Councillor Reid felt that Irish Street will have to provide a link between the proposed development at Ann Street and the town centre. Councillor Reid also stated that in legacy Council other aspects of gaming were also considered such as gambling and drinking.

The Planning Manager stated that there was no current policy in relation to primary retail core however amusement arcades are usually found in town centres.

Councillor Glasgow referred to the businesses currently located on Irish Street and felt there was opportunity for the Street to further regenerate however as there was already an amusement arcade and a bookmakers sited on Irish Street he did not see the need for a further amusement arcade.

The Planning Manager stated that the problem was that there was no policy in place regarding proliferation of premises and that the Preferred Options Paper cannot be relied upon.

Councillor Glasgow stated he could not support the application based on the grounds it would be disrespectful to the adjoining Hospice premises.

Councillor Bateson proposed the officer recommendation to approve the application.

Councillor McPeake seconded Councillor Bateson's proposal on the advice from the Planning Manager. Councillor McPeake also stated that as the site had been vacant for some time Council should not be unduly blocking business.

Councillor Cuthbertson asked if the Licensing Officer was consulted on the number of gaming machines in Dungannon.

Mr Marrion advised that Environmental Health were consulted in relation to noise who advised that the operating hours of the business should be restricted to between 9am and 11pm. The Licensing Officer was not specifically consulted.

Councillor Cuthbertson proposed that the application be deferred in order to consult with the Licensing Officer on the application.

Councillor Solicitor advised Members that Licensing was a separate regulatory regime to planning and that the Committee should only make decisions based on planning considerations.

Councillor Cuthbertson stated that the Head of Tourism had nothing to do with planning but yet he had presented to the Committee earlier in the meeting.

Councillor Glasgow seconded Councillor Cuthbertson's proposal to defer the application.

Members voted on Councillor Bateson's proposal to approve the application –
For – 8
Against – 5

Members voted on Councillor Cuthbertson's recommendation to defer the application
–

For – 5

Against – 7

Resolved That planning application LA09/2018/0124/F be approved subject to conditions as per the officer's report.

Councillor Mullen rejoined the meeting.

The meeting recessed at 10.34 pm and recommenced at 10.45 pm.

**LA09/2015/0523/F Retention of car park and pedestrian access via
under road tunnel in association with the Jungle NI at
approx. 80m SE of 60 Desertmartin Road for Mr
Robert Carmichael**

Ms Doyle (SPO) presented a report on planning application LA09/2015/0523/F advising that it was recommended for refusal.

Councillor Mullen rejoined the meeting at 10.47 pm during the above presentation.

The Chair, Councillor Mallaghan stated due to the number of requested speaking rights on this application he would break with protocol and proposed that Councillor Wilson and Mr Molloy MP be granted speaking rights of one minute each and that the remaining speakers would have two minutes between them. The Chair stated that all Members were aware of the economic benefits of the business and advised the speakers to focus their presentation on why the application is being refused. The Chair invited Councillor Wilson to address the Committee in the first instance.

Councillor Wilson stated that the Jungle prides itself in health and safety and that there had been no accidents in the past three years of the tunnel being used. Councillor Wilson advised that the business started 13 years ago with 1,200 visitors in a year and in the past year it had attracted 65,000 visitors, the business also provides 46 jobs. Councillor Wilson stated that although there is concern that the tunnel is not high enough by 0.5m it provides safe access to and from the business, the Councillor stated that he supported the application and asked the Committee to do the same.

Mr Molloy MP stated that this business was a good example of farm diversification and highlighted that this type of business can only be sited in a rural location. Mr Molloy went on to say that the tunnel was intended to be used to drive cattle through but that in doing so the farmer also had to use the tunnel and asked what the difference was in one person and several people using the tunnel for access. Mr Molloy MP spoke in relation to the roads issues and stated that another option may be to have a bridge and used the Blackwater Bridge to access the Argory as an example. Mr Molloy MP concluded by stating that the Jungle was one of the major tourism providers in Mid Ulster.

Mr Stephens stated that the proposal currently operates effectively and is of no demonstrable harm, Mr Stephens advised that the tunnel is short and lighted and highlighted that there had been no accidents in the past 3 years of the tunnel being used. Mr Stephens stated that the applicant has indemnity insurance and to date there have been no claims. Mr Stephens advised that the applicant is happy to accept a condition not to use the established access, in addition, it was highlighted that DfI Roads have not provided any evidence to say why a right hand turn lane is required.

Councillor McKinney stated he would be totally opposed to siting a bridge as a means of access and felt the tunnel was a better option. Councillor McKinney stated he had recently spoke with visitors of the Jungle who felt the tunnel was safe. Councillor McKinney commented that visitors to the Jungle have to make a turn no matter what direction they are coming from and stated he would be supportive of the application.

Mr Stephens stated that DfI Roads were seeking a right hand turn lane however the 500 threshold for trips was not being met as there would only be a maximum of 356 trips per day, he therefore stated there was no argument for having a right hand turn lane.

Councillor Clarke felt that the issues in relation to the height of the tunnel could be resolved and referred to cars parked along the roadside when he has been passing the premises.

Ms Doyle advised that DfI Roads will not hand ownership of the tunnel over to the applicant to allow the height of the tunnel to be increased. Ms Doyle commented that she hoped the Councillor had not witnessed cars parked along the road since the car park has been operational.

Councillor Glasgow stated he had used the underpass without difficulty and felt it was bizarre that DfI Roads had such a difficulty with its use. Councillor Glasgow asked how many buses use the car park on a daily basis.

Mr Stephens advised that he did not have figures for buses but on a day in which 350 children visited the premises four cars had used the car park. Mr Stephens advised that the business model is directed towards buses using the premises during the day.

Councillor Reid stated that the Jungle is one of the flagship projects within Mid Ulster and was happy to propose the approval of the application on the grounds that all safety aspects have been taken into consideration.

Councillor Kearney asked if a lease of the tunnel had been discussed between the parties.

The Planning Manager advised he had met with the Roads Manager in relation to this application and stated that DfI Roads felt that use of the tunnel was an accident waiting to happen.

The Council Solicitor stated that if the Committee was minded to approve the application then the wording of the development proposal may need to be reconsidered.

The Planning Manager stated it may not be in the gift of the applicant to say they can use the tunnel as it is not in their ownership.

Councillor Glasgow stated there was a mechanism in place (tunnel) to allow visitors to get to the venue without crossing the road.

Councillor McKinney stated that the tunnel was put in for road safety purposes.

The Planning Manager advised he had explained the view of Dfl Roads and stated that the decision was ultimately that of the Committee however to approve the application Members would be ignoring the concerns of Roads.

Councillor McAleer asked if Dfl Roads have the right to close a Right of Way.

The Planning Manager did not believe Dfl Roads would do this or it would have already happened however he stated that the question could be posed to Roads.

Councillor Reid felt Dfl Roads should have been in attendance at tonight's meeting to raise their objections. Councillor Reid stated that the applicant has land on the other side of the road and can still use the tunnel for agricultural purposes.

The Planning Manager advised that Dfl Roads had been asked their intentions regarding the tunnel however they had not responded.

Councillor Clarke stated that the applicant's farm business straddles both sides of the road and asked if Dfl Roads can stop a legitimate business using the tunnel.

Councillor Bateson questioned where the Council would stand if it approved this application and there was no established Right of Way in place.

The Chair, Councillor Mallaghan stated that as Dfl Roads own the tunnel he questioned whether the Committee can approve planning permission to something that the owner is objecting to.

The Planning Manager advised that the Committee can approve the application if it so desired and used the example of the Committee approving applications in which there have been objections regarding visibility splays.

The Council Solicitor stated that Dfl Roads appeared to be objecting to the application as a consultee for road safety etc. issues and that it wasn't clear whether they were also objecting in their capacity as land owner. Furthermore, whilst there may be a Right of Way to use the tunnel for agricultural purposes for example, a Right of Way for the use of the proposed development was an entirely different matter. As the nature of the ownership/rights are unknown, there would be concerns about the potential for the tunnel not to be available in the future, the consequence of which it would appear would mean all foot traffic would be pushed up over the road.

The Planning Manager stated he understood there was a will to approve the application but felt that there was rationale to defer the application to further discuss issues with Dfl Roads.

Councillor McAleer asked if there was any opportunity to have the car park on the same side of the road as the business.

Ms Doyle advised that this had been discussed and the applicant felt that a car park on the same side of the road would interfere with farm operations and hence this option had not been explored any further.

Councillor Bateson stated that the Committee needed a definitive view from Dfl Roads on what their intentions are for the tunnel.

The Chair, Councillor Mallaghan suggested that Dfl Roads be invited to attend the next Planning Committee.

The Planning Manager suggested that a separate meeting be set up for Members to meet with Dfl Roads.

Councillor Glasgow stated that Dfl Roads have had numerous opportunities to air their views on the application. The Councillor stated that the business was set up under farm diversification and that the tunnel provides safety for users to cross the road safely. Councillor Glasgow seconded Councillor Reid's proposal to approve the application.

Councillor Bell stated that Dfl Roads concerns seemed to have been raised verbally and there was an absence of documentation.

The Chair, Councillor Mallaghan stated that given the concerns of Dfl Roads which he shared he would propose that a further site meeting be held in respect of this application and that Dfl Roads representatives should be invited to this meeting.

Councillor Clarke stated that it would be important that the Dfl Roads representative attending the site meeting should be in a position to answer Member's questions.

Councillor McAleer seconded Councillor Mallaghan's proposal.

Councillor Robinson stated he understood the importance of the business and he would like to be able to approve the application however he felt there was a need to be careful given the concerns of Dfl Roads and agreed that the application be deferred for another site meeting and to discuss issues with Dfl Roads.

Councillor McEldowney stated it would be impossible for the Committee to say there will never be an accident at this location just because there has not been one thus far. Councillor McEldowney stated she would not put her name towards approving the application.

Members voted on Councillor Reid's proposal to approve the application –

For – 3

Against – 9

Members voted on Councillor Mallaghan's proposal to defer the application for a site meeting and meet with DfI Roads officials –

For – 10

Against - 2

Resolved That planning application LA09/2017/0523/F be deferred for a site meeting, senior DfI Roads officials to be in attendance at this meeting.

LA09/2016/0299/O Site for infill dwelling and detached double garage between 21 Brackaghlistea Road and 15 Gortahurk Road, Draperstown for G Mallon

Members considered previously circulated report on planning application LA09/2016/0299/O which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2016/0299/O be approved subject to conditions as per the officer's report.

LA09/2017/0673/O Dwelling and garage 5m S of 38 Craigmore Road, Maghera for Patrick McWilliams

Ms Doyle (SPO) presented a report on planning application LA09/2017/0673/O advising that it was recommended for refusal.

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

Mr Cassidy stated he accepted that the application is not within policy but advised that a dwelling cannot be located at the existing farm. Mr Cassidy advised that the site is located beside the Fort Riding Centre and that there are two other dwellings beside the site. Mr Cassidy felt that the application met policy under clustering.

The Planning Manager advised that the requirement for a cluster was not being met and that it would be difficult to provide an exception to policy.

Councillor Reid stated that the application may offer a form of security for the riding centre which has been subject to vandalism in the past.

The Planning Manager advised that no representation had been received from the riding centre.

Councillor McKinney concurred with the remarks in relation to vandalism and anti social behaviour at the riding centre and stated that horses had been stabbed in the past. The Councillor stated he had no issue with the proposal.

The Planning Manager stated he believed the accounts being given but reaffirmed that no representation had been received from the riding centre.

Councillor B McGuigan stated that the riding centre provided a focal point and also concurred with the comments of Councillors Reid and McKinney in relation to vandalism/anti social behaviour.

The Planning Manager accepted that the riding centre could be a focal point but that to achieve clustering four buildings were required of which three needed to be dwellings and this was not the case. The Planning Manager stated that there was no issue with regards integration but that under policy CTY 10 a new building is required to be visually linked to the farm, in this case the proposal is not on a farm.

In response to Councillor Kearney's question it was advised that the riding centre would have been informed of the application.

The Chair, Councillor Mallaghan stated that as the proposal did not meet with policy and that no information had been put forward to the contrary he would propose the officer recommendation to refuse the application.

Councillor Bateson seconded Councillor Mallaghan's proposal.

Resolved That planning application LA09/2017/0673/O be refused on grounds stated in the officer's report.

Matters for Information

P069/18 Minutes of Planning Committee held on 9 April 2018

Members noted minutes of Planning Committee held on 9 April 2018.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor McEldowney
Seconded by Councillor Bell and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P070/18 to P073/18.

Matters for Information

P070/18 Confidential Minutes of Planning Committee held on 9 April 2018

P071/18	Enforcement Case Liveload
P072/18	Enforcement Cases Opened
P073/18	Enforcement Cases Closed

P074/18 Duration of Meeting

The meeting was called for 7.00 pm and ended at 11.50 pm.

Chair _____

Date _____

ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 1 May 2018

Chairs Business:

Planning Appeals Decision 2017/A0176, appeal against the refusal of planning permission for a wind turbine at Beltonanean Mountain for Mr G Bell. Decision already circulated.

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

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.1	Letters of support received from TLT Solicitors and Stanley Bell and Sons Ltd. 1 further letter of objection received.	Members to note.
4.10	Additional information presented in relation to the reasons for the siting proposed.	Members to agree to defer for office meeting to further consider the proposal.
4.16	Additional information presented identifying other views of the site.	Members to agree to defer for office meeting to allow further discussion on siting.
4.20	Late objection received. Policies PPS1 and PPS5 have been cancelled by the SPPS. The SPPS advises that LDP's should provide a diverse offer and mix of uses. Main town centre uses should be considered in order of preference with primary retail core followed by town centre. This use is a town centre use and the principles in DCAN1 have been considered in the report. The POP is not a draft plan and the proposals in it cannot be given significant weight in determining this application.	Members to note the objection and consideration of the SPPS.

Report on	PAC Costs Decision
Date of Meeting	1 st May 2018
Reporting Officer	Chris Boomer
Contact Officer	Chris Boomer

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

1.0	Purpose of Report
1.1	To inform members of a recent Planning Appeal decision and award of costs decision.
2.0	Background
2.1	<p>The PAC on the 18th April 2018 have allowed the following proposal previously refused by the Planning Committee.</p> <p>Members will recall the Planning Committee decided to refuse the proposal contrary to the officer's recommendation.</p>
3.0	Main Report
3.1	<p>2017/A0176 Appeal against: The refusal of planning permission for a single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments which comprise wind turbine transformer; turbine hardstand, site entrance with sight line provisions; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works (renewal of I/2010/0211/F)</p> <p>Location: Beltonanean Mountain, Beltonanean TD, Cookstown</p> <p>The main issue in this appeal was whether the proposed development would have a detrimental impact on the visual amenity and landscape character of the AONB and thus be contrary to the 'cautious' approach to wind energy development in the aonb. Other issues raised by an objector were also considered but not afforded determining weight.</p> <p>The Commissioner observed that the appeal site is located on the slopes of Beltonanean Mountain which rises to some 317m above sea level contour. Being located within Landscape Character Area 41, and despite the presence of sand and gravel extraction and Davagh forest, the Commissioner also concluded that this part of the LCA is a sensitive landscape.</p> <p>Consideration was paid to the Councils recent refusal of the Beltonanean Wind farm adjacent and other recently refused single turbines nearby but stated these did not set a compelling precedent.</p>

	<p>The Commissioner felt that neither party identified specific enough references to where critical views of the turbine were from or provide maps of the precise location of other turbines which it was felt were adding to a proliferation of turbines when looking towards Lough Neagh.</p> <p>Being a renewal of I/2010/0211/F the Commissioner provided some analysis of how that decision was reached by the Department. She stated that the published SPG planning guidance was published in 2010 and it at that time had already promoted a 'caution approach' to renewable energy proposals in AONBs. She also noted that the Dept took into consideration comments from its Landscape Architects Branch which at that time acknowledged that larger turbines had been allowed in more sensitive AONB locations. The Department therefore found the turbines wider environmental, economic and social benefits to be quite significant given the proposals scale.</p> <p>In regard to the SPPS, it is acknowledged that the 'cautious approach' to renewable energy developments in the AONB has been elevated. However the lack of detailed and site specific evidence did not make it clear why the turbine should now be found unacceptable and contrary to Policy.</p> <p>In relation to archaeological heritage, it was noted that objectors had said the turbine would be seen from Beaghmore Stone Circles. In visiting the circles however the Commissioner was satisfied that by virtue of intervening distance and topography that the proposal would not be contrary to their integrity and thus did not offend PPS6 Policy NH1. In addition no persuasive evidence was provided by objectors that the proposal would be at odds with projects or ambitions of Heritage funding to protect this landscape.</p> <p><u>Costs Award</u></p> <p>It was recognised that the Planning Committee attached weight to the SPPS in reaching its decision and that this itself was not unreasonable.</p> <p>As the evidence submitted by the Council did not however clearly define how the proposal was at odds in a clearly 'site specific way' with Policy, the Commissioner awarded costs to the appellant but limited these only to his rebuttal papers. These represent a total of 2 pages of text and it is anticipated costs associate with this part of the appellant's evidence will be minimal.</p> <p>The appeal was subsequently allowed subject to conditions.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
	Risk Management: N/A

4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	That Members note the PAC decision
6.0	Documents Attached & References
6.1	PAC decisions on the application and the award of costs

Appeal Decision

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

Appeal Reference:	2017/A0176
Appeal by:	Mr G Bell
Appeal against:	The refusal of full planning permission
Proposed Development:	A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise wind turbine transformer; turbine hardstand, site entrance with sight line provisions; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works (renewal of I/2010/0211/F)
Location:	Beltonanean Mountain, Beltonanean TD, Cookstown
Planning Authority:	Mid-Ulster District Council
Application Reference:	LA09/2017/0272/F
Procedure:	Written representations and Commissioner's site visit on 13 th April 2018
Decision by:	Commissioner Julie de-Courcey dated 18 th April 2018

Decision

1. The appeal is allowed subject to the conditions set out below.

Claim for Costs

2. A claim for costs was made by the appellant against Mid-Ulster District Council. This claim is the subject of a separate decision.

Preliminary Points

3. As required by the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015, the Council carried out a determination as to whether the proposal was for EIA development. It concluded that the planning application subject of this appeal did not require to be accompanied by an Environmental Statement (ES). I am satisfied that the nil determination under the EIA Regulations taken by the planning authority is correct and that an ES is not required.
4. The planning authority's corporate decision is set out in its two reasons for refusal on the decision notice dated 4 October 2017. This supersedes individual officers' advice, comments and recommendations to the Council's Planning Committee in addition to the opinions of individual councillors and political parties. Concerns

about the basis on and manner in which the corporate decision was reached are outwith the remit of this appeal.

Reasons

5. The main issue in this appeal is the impact of the proposal on the visual amenity and landscape character of the Sperrins Area of Outstanding Natural Beauty (AONB) in general and of the particular locality, balanced against the environmental, economic and social benefits it offers.
6. The site is located on the slopes of Beltonanean Mountain that rises to 317m. The centre of the base of the turbine would be approximately located on the 290m contour. Access to the site would be taken from a point almost opposite the junction of Beltonanean Road with Beltonanean Lane in proximity to a dutch barn, two smaller, seemingly derelict buildings and several wall steads or former animal pens. Topography generally rises to the north and west of the site. Within 0.5km to the north-north-east of the appeal site is a lattice anemometer mast that is a notable feature in the local landscape. This appears to be the temporary 80m high meteorological mast (granted under I/2012/414/F) that is shown on the site location map for a proposed windfarm to the north of the appeal site (I/2014/0413/F).
7. The Cookstown Area Plan 2010 (CAP) currently serves as the local development plan for the area within which the appeal site lies. It shows that the site lies within the Sperrins AONB. However, it contains no material provisions in respect of the site or wind energy development. Therefore, the plan provides limited assistance in dealing with the appeal.
8. The provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) are material in all decisions on individual planning applications and appeals. The 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. Planning Policy Statement 21: *"Sustainable Development in the Countryside"* (PPS 21) is a retained policy document and provides the appropriate policy context. Policy CTY1 thereof 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"* (PPS 18). PPS 18 is supported by a Best Practice Guide (BPG) and a supplementary planning guidance document *"Wind Energy Development in Northern Ireland Landscapes"* (SPG). Planning Policy Statement 2: *"Natural Heritage"* (PPS 2) and Planning Policy Statement 6: *"Planning, Archaeology and the Built Heritage"* (PPS 6) are also pertinent to consideration of this proposal.
9. Paragraph 3.8 of the SPPS says that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the provisions of the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
10. The aim of PPS 18 is consistent with that of the SPPS to site renewable energy generating facilities in appropriate locations in order to achieve Northern Ireland's (NI's) renewable energy targets and to realise the potential benefits of renewable

energy without compromising other environmental assets of acknowledged importance. This is to some extent tempered by the objectives set out in Paragraph 3.2, which include ensuring that the environmental, landscape, visual and amenity impacts of renewable energy developments are adequately addressed and ensuring that adequate protection is given to the Region's built, natural, and cultural heritage features. The overall thrust of the document, though, is supportive of renewable energy development.

11. 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. Paragraph 6.223 of the SPSS states that a cautious approach for renewable energy development proposals will apply within designated landscapes that are of significant value, such as AONBs and their wider settings. It adds 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 BPG at paragraph 1.3.22 thereof. The continued adoption of the word "*may*" indicates that the SPPS policy does not preclude such development within AONBs. Although the BPG is guidance and not policy, it is to be taken into account in assessing proposals, as set out in the headnote to Policy RE 1 of PPS 18. 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.
12. 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 that are not outweighed by the local and wider environmental, economic and social benefits of the development. In relation to such benefits, Policy RE1 of PPS 18 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. However, paragraph 6.225 of the SPPS states that these material considerations will be given "*appropriate*" weight in determining whether planning permission should be granted. Paragraph 1.12 of the SPPS indicates that any conflict between it and any retained policy must be resolved in favour of the SPPS"
13. Mid Ulster District Council's Economic Development Plan "*Our Plan for Growth*" covers the period 2015-2020. One of its stated aims, at Section 1.4, is to promote sustainable development, including renewable energy initiatives.

Environmental, Economic and Social Benefits

14. Despite providing no corroborative evidence, the appellant said that there is a definite and viable plan to connect the proposed turbine to the electricity grid and that to do so would be economically worthwhile in isolation from his proposed second turbine that was recently refused on appeal (2016/A0221). The objectors consider that the unimplemented approval (I/2010/0211/F) proved unviable by virtue of the "*many strict conditions*" attached to it. The conditions to which it is subject are common to such development in terms of scope and requirements. There is no persuasive evidence to support their contention that the previous planning permission was not implemented due to them being restrictive.

15. The appellant identified a number of benefits likely to arise from the granting of permission for the proposed turbine. Some of those benefits are self evident and generally applicable to wind energy development such as reducing pollution, addressing climate change and providing “clean” electricity. The proposed development would also assist NI in reducing its fossil fuel dependency, achieving its renewable energy obligations and enhancing the diversity and security of its energy supply. The appellant estimated that the proposed turbine would offset CO2 omissions by at least 56,000 tonnes over its operational life-time (previously approved for 25 years). The turbine would have up to a 2.3 megawatt generating capacity. On the basis of it being located on what the appellant characterises as a “*very windy site*”, allowing it to operate at 30% capacity as opposed to 250 kilovolt turbines that would normally operate at approximately 17% capacity, he considers that this would off-set the need for 15 no. smaller turbines with the “*visual and other impacts associated with multiple developments*”. The claim that the proposed would supply the annual electricity needs of some 1,677 households was not disputed. While the proposal would provide revenue to the appellant and his farm business, he estimates that the annual business rates payable would equate to £25,000 a year and business taxes would yield a further £25,000. Even if these sums were not fully realised due to the application of what objectors refer to as the many rate reliefs that can be attached to businesses, it would yield revenue to the Council and Exchequer.
16. All of the above factors represent positive benefits favouring the appeal proposal. What remains to be determined is whether those benefits justify allowing the appeal and in so doing override the visual amenity and landscape character concerns expressed by the other parties to the appeal.

Visual Amenity, Landscape Character and impact on the AONB

17. Policy RE1 of PPS18 indicates that renewable energy development will be permitted provided it would not result in an unacceptable adverse impact on 5 criteria. Criterion (b) relates to visual amenity and landscape character. The policy goes on to say that wind energy development proposals as required to comply with a further 7 stipulations. 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. 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. In all, the overall wording and thrust of the policy suggests that some degree of adverse impact may be acceptable.
18. Policy NH 6 of PPS 2 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 3 criteria are met. The wording of the Council’s second reason for refusal indicates that it is concerned only with criterion (a) whereby the siting and scale of the proposal is sympathetic to the special character of the AONB in general and the particular locality.
19. The Northern Ireland Environment Agency (NIEA) published ‘*Wind Energy Development in Northern Ireland’s Landscapes*’ as SPG to PPS 18. The guidance is based on the sensitivity of landscapes to wind energy development and contains an assessment of each of the identified 130 Landscape Character Areas (LCA) in NI by

referencing the values and characteristics associated with each. Paragraph 1.1 of the SPG states that it shares the aim of PPS 18 to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve NI's renewable energy targets and to realise the benefits of renewable energy. The purpose and scope of the SPG is indicated as being to provide broad, strategic guidance in relation to the landscape and visual impacts of wind energy developments. The SPG shows the appeal site lies within LCA 41 Slieve Gallion.

20. The SPG describes the LCA as having an overall sensitivity of high to medium and says that most of it has visual prominence and a role as an important landmark. However, it acknowledges that the LCA is of varied sensitivity, reflecting its varied character. The appeal site lies within the south-western part of LCA 41. The SPG says that the south-western outlier hills, although adversely affected by sand and gravel extraction and forestry, are visually prominent thus increasing the sensitivity of this area to wind energy development. Beltonanean Mountain is one of these outlier hills and, despite the presence of two quarries and Davagh Forest in the vicinity, I consider that this part of the LCA is a sensitive landscape.
21. Paragraph 6.229 of the SPPS says that the factors to be considered on a case-by-case basis when dealing with renewable energy proposals will depend on the scale of the development and its local context. Each proposal must be considered on its own merits taking account of prevailing planning law and policy at that time. Accordingly, the fact that the Council refused a wind farm consisting of 5 no. x 126.5m turbines and ancillary development at Beltonanean, Ballynasolus, Beleevna-More and Ballynagilly townlands (I/2014/0413/F) to the north of the appeal site, together with two other applications by the appellant for individual turbines that were subsequently dismissed on appeal (2014/A0234 & 2016/A0221) does not set a compelling precedent in respect of the current proposal.
22. The appellant referred to the approval of 6 no. wind turbines at Crockandun that he describes as some 9km north-east of the appeal site, relatively close to the prominent summit of Slieve Gallion and also within LCA 41 and the Sperrins AONB (H/2011/0212/F). He considers this a more sensitive location by comparison to the appeal site that he says is of a "*remarkably lower sensitivity*". Although no evidence was provided as to whether this approval preceded publication of the SPPS, as each proposal must be considered in its local context and on its own merits in light of prevailing policy, that previous grant of planning permission for a windfarm in the same LCA and AONB does not set a precedent for this proposal.
23. Other than refer to the provisions of the SPG, the Council did not specify what is considered to constitute the "*special character of the AONB in general and the particular locality*". Generalised references were made to the proposed development being: viewable from Davagh; in full view of Cookstown; views from within the AONB (i.e. from the north-west and west); and appearing clearly above the mountain. However, other than Beaghmore Stone Circles, neither party identified specific vantages from which they consider the proposed turbine would have an unacceptable adverse impact on the visual amenity and landscape character of the AONB. The Council also referred to significant public views particularly from a south-east approach but did not specify whether this was from one, some or all of Beltonanean Lane, Ballynasolus Road, Doons Road, Tulnacross Road or further afield. Mindful of what paragraph 1.3.25 of the BPG says about general perception

of a wind farm in an open landscape, it would be inappropriate for me to speculate on what vantage or vantages concern the Council.

24. Objectors are concerned about the proposal's cumulative impact when viewed in conjunction with "*multiple single turbines in the area*" in addition to wind farms at Crockandun, Cregganconroe, Crockagarron and Brackagh. The Council also referred to "*wind turbines in the area*" and said that when looking towards Lough Neagh, a proliferation of wind turbines can be seen. However, they did not include: maps showing the location of the wind energy development that they are concerned with; specify the number of turbines involved; nor provide details of the planning history to enable me to determine whether planning permission for these installations post-dated the grant of planning permission I/2010/0211/F.
25. The SPG was published in August 2010 and cautious approach to renewable energy developments in AONBs that it advocated was a material consideration when the previous proposal for this turbine was being assessed before permission was granted in May 2012 (I/2010/0211/F). In reaching its decision to approve that proposal, the Department took into consideration comments from its Landscape Architects Branch (LAB) whereby concern was raised regarding its impact on the landscape and AONB. However, LAB acknowledged that larger turbines had been allowed in more sensitive AONB locations. The Department found the proposal's wider environmental, economic and social benefits to be quite significant given the proposal's scale. However, the wording of its case officer's report does not suggest that this consideration was weighed into the overall decision. As the appellant contends, the report when read in the round, suggests that the proposal was found acceptable in terms of visual amenity, landscape character and effect on the AONB.
26. Nevertheless, in the intervening period, the cautious approach to renewable energy developments in AONBs has been elevated to policy and this change in status represents a material change in circumstances. However, in light of the identified evidential void, there is no persuasive evidence that the proposal would be at odds with criteria (b), (i) or (ii) of Policy RE 1 of PPS 18, the SPG to PPS 18 or criterion (a) of Policy NH 6 of PPS 2. As the proposal is consistent with PPS 18 it also complies with Policy CTY 1 of PPS 21.
27. The objectors said that the proposed development would be seen from Beaghmore Stone Circles, which are approximately 3.5km to the north-west of the appeal site (as the crow flies) and an Archaeological Site and Monument in State Care. Paragraph 6.8 of the SPPS says that development that would adversely affect such sites or the integrity of their settings must only be permitted in exceptional circumstances. Policy BH 1 of PPS 6 says that a presumption in favour will be operated in respect of the physical preservation in situ of archaeological remains of regional importance and their settings. These include monuments in State Care. Development that would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances. Having visited Beaghmore Stone Circles, I am satisfied that by virtue of intervening distance and topography, the proposed development would not adversely affect the Circles or the integrity of their setting. As the proposal is consistent with both the relevant provisions of the SPPS and Policy NH 1 of PPS 6, objectors concerns in this respect are not determining.
28. Objectors cited the grant of £2 million Heritage Lottery funding to Mid Ulster District Council as a material change in circumstances since the previous grant of

permission. However, they did not specify how the proposal would be at odds with approved funding activities that include: the protection and promotion of the landscape's archaeology; restoring and maintaining over 25,000 hectares of blanket and raised bog; reducing carbon emissions from the peatland; recruiting volunteers to help plant 100,000 native trees and increasing access to the landscape by installing over 10km of new trails and walks. Save for the need for a warning light on top of the turbine in order to address Ministry of Defence (MoD) concerns about air safety, there was no specific evidence as to how the proposal would prejudice designation of the first Dark Sky Reserve in NI to the north-east of the site since the 2012 approval was granted. A condition on any forthcoming planning permission requiring that an infrared obstruction light be installed on top of the turbine would safeguard MoD interests without compromise to the designation. Whilst a Councillor said that rotation of the turbine's blades would cause a visual disturbance in the night sky, there was no more detailed explanation of how this might prejudice the designation. Therefore, there is no persuasive evidence that the proposal would be at odds with these environmental and access projects or with the ambitions of Heritage funding to protect "*this extraordinary rural and isolated landscape*".

29. Subsequent proposals for wind energy development would have to be assessed against prevailing planning law and policy. As the current proposal is consistent with existing planning policy, it would not set an undesirable precedent for wind energy development proposals that are at odds with it.
30. Accordingly, the Council's two reasons for refusal are not sustained and the objectors' additional concerns do not attract determining weight. As I have concluded that the proposed development is acceptable in visual and landscape terms, its other environmental, economic and social benefits are not deciding factors.
31. The Case Officer's report to the Council's Planning Committee recommended conditions to be attached to any forthcoming planning permission. These largely replicate those attached to the planning permission granted in 2012. Albeit that the appellant is seeking to renew this approval, I have to be satisfied that those conditions comply with the requirements of paragraph 5.65 of the SPPS.
32. In the interests of road users' convenience and safety it is necessary to attach a condition requiring that the proposed access be constructed in a timely fashion, retained during the turbine's operational and decommissioning phases and to require the submission and implementation of traffic management measures during the construction phase. A condition regarding management of the area within the visibility splays is unnecessary as that detail is already shown on Drawing No: 08.
33. In order to minimise the risk of pollution during the construction phase a construction method statement, addressing specific concerns, is necessary.
34. The recommended conditions relating to the management, monitoring and review of the proposed turbine's noise impact are well-founded in "*The Assessment and Rating of Noise from Wind Farms*" (ETSU-R-97) that describes a framework for the measurement of noise from wind energy developments and gives indicative noise levels calculated to offer a reasonable degree of protection to neighbours, without placing unreasonable restrictions on generators. The BPG for PPS 18 advocates their use. Such conditions are necessary and reasonable in the interests of

safeguarding the amenity of sensitive receptors.

35. The BPG provides guidance on the phenomenon known as “shadow flicker”. It says that shadow flicker generally only occurs in relative proximity to sites and only properties within 130 degrees either side of north relative to turbines are affected (paragraph 1.3.73). It adds that at distances greater than 10 times rotor diameter, in this case 710m, the potential for shadow flicker is very low (paragraph 1.3.76). The appellant’s Drawing No: 01a indicates that there are dwellings within both these zones. Accordingly, a condition is needed to identify mitigation measures should the phenomenon affect sensitive receptors’ amenity as a result of the turbine hereby approved.
36. The BPG (paragraphs 1.3.58 – 1.3.60) acknowledges that turbines can interfere with domestic television reception but says that such interference is predictable in nature and capable of alleviation. On this basis, it is reasonable and necessary to attach a condition requiring submission of a remediation scheme for dealing with the issue should it arise as a result of this development.
37. The Case Officers recommended that conditions be attached requiring the appellant to submit a scheme for the assessment of amplitude/aerodynamic modulation (AM). Account cannot reasonably be taken of the future publication of associated guidance in respect of managing/regulating this phenomenon. Without persuasive evidence that it would be likely to have an unacceptable adverse impact on residential amenity in this particular instance, it is unreasonable and unnecessary to impose such conditions in this instance. In reaching this conclusion account has been taken of the fact that the recommended conditions were attached to the previous permission.
38. Paragraph 6.179 of the SPSS says that the presence or potential presence of a legally protected species (PS) is an important consideration in decision-making. It adds that if there is evidence to suggest that a PS is present on site or may be affected by the proposed development, steps must be taken to establish whether it is present, the requirements of the species must be factored into the planning and design of the development and any likely impact on the species must be fully considered prior to any determination. Paragraph 6.180 adds that planning permission will only be granted for a development proposal that is not likely to harm a European PS. Bats are such a species. Policy NH 2 of PPS 2 mirrors the provisions of the SPSS in this respect. The Natural Heritage Division of the Department of Agriculture, Environment and Rural Affairs (NH) said that the proposal is unlikely to have a significant impact on bat populations. There is no evidence that the buildings and trees adjoining, but outside, the appeal site are suitable for bat roosts or that any associated activity has been detected or recorded in the vicinity. Removal of these buildings, trees and aforementioned structures are not part of the proposal. Whilst cognisant of the fact that such a condition was attached to the previous permission, in this evidential context I am not persuaded of the need for the recommended condition relating to further inspection for any evidence of bat activity of mature trees and buildings/structures to be removed.
39. A condition limiting construction to outwith the bird breeding season is necessary for ecological reasons. Otherwise, NH said that they have no overall concerns as no priority habitats would be affected and they consider it very unlikely that the proposal would significantly increase risk to the local bird population. In that

evidential context I am not persuaded that it is necessary to attach a condition requiring ornithological monitoring. The suggested condition requiring a Habitat Management Plan refers to mitigation measures included in environmental information that the Department received in May 2010 as part of the previous planning application. Not only was this information not provided to me but, in light of NH's comments about the proposal not affecting PS, priority Habitats or bird species, there is no evidential basis for attaching it. I am mindful that the permission issued in 2012 was subject to such conditions.

40. A condition requiring that the Council be informed of the date of commencement of works on site and of the date when the turbine has become operational in terms of supplying energy to the national grid is necessary in order to provide a trigger for monitoring compliance with other conditions.
41. Taking account possible technological changes in the next 25 years, a condition needs be attached to limit the development's life-span accordingly. Provision also needs to be made for a scheme of decommissioning and restoration so the development's impact is not permanent. A condition requiring that power lines within the site are laid underground is necessary to minimise its visual impact within the AONB.
42. Subject to imposition of these conditions, the appeal is allowed.

Conditions

1. The development shall be begun before the expiration of five years from the date of this permission.
2. No development or site works of any nature shall take place until a construction method statement has been submitted to and agreed in writing by the planning authority. The statement shall include the following matters:
 - Measures for managing groundworks;
 - Site investigations to assess site stability;
 - Procedures for storage of any fuels and/or chemicals;
 - Routine plant inspections;
 - Reporting of pollution incidents;
 - Measures for the storage, removal and disposal of materials and machinery; and
 - Traffic management measures to be implemented during the construction phase of the development hereby approved;

All construction activities shall be carried out in accordance with the approved method statement unless otherwise agreed in writing with the planning authority.

3. No part of the development hereby permitted shall be commenced until the site access, including visibility splays, has been constructed in accordance with Drawing No: 08. These access arrangements shall be retained until the turbine has been decommissioned and removed from site.
4. The turbine hereby approved shall not be erected until a Ministry of Defence-compatible infrared obstruction/warning light has been fitted to the top of its hub in

accordance with specifications that have been submitted to and approved in writing by the planning authority. This light shall be operational through the hours of darkness and maintained in a serviceable condition throughout the lifetime of the turbine.

5. The turbine hereby approved shall not be erected until a scheme for the remediation of any interference with domestic television reception that may be caused by the operation of the turbine (including reception of services emanating from the Republic of Ireland) has been submitted to and approved by the planning authority. The scheme shall be carried out as approved.
6. Prior to the commencement of development, a report detailing measures to mitigate the effects of shadow flicker on nearby residential properties, should such problems arise within 5 years of the turbine hereby approved being commissioned, shall be submitted to and agreed in writing by the planning authority. The report and mitigation measures shall include timescales within which resolution of any justified complaint shall take place.
7. All construction activity shall take place outside the bird breeding season (1st March – 31st August in any year).
8. The noise immissions from the wind turbine hereby approved (including any tonal penalty) when determined in accordance with the procedures described in Paragraphs 2.0 and 2.1 on Pages 102 to 109 of ETSU-R-97, shall not exceed the values set out in the table below. Noise limits for dwellings that lawfully exist or have planning permission for construction at the date of this permission but are not listed in the table shall be those of the physically closest location listed in the table, unless otherwise agreed by the planning authority.

Night-Time (11pm – 7am) Noise levels dB_{LA90}, 10 minutes

	Standardised wind speed in metres per second at of 10 metres above the site						
Property	4	5	6	7	8	9	10
H4	43.0	43.0	43.0	43.0	43.0	43.0	43.0
H64	43.0	43.0	43.0	43.0	43.0	43.0	43.0
H67	43.0	43.0	43.0	43.0	43.0	43.0	43.0
H89	43.0	43.0	43.0	43.0	43.0	43.0	43.0

Day-Time Noise levels dB_{LA90}, 10 minutes

	Standardised wind speed in metres per second at of 10 metres above the site						
Property	4	5	6	7	8	9	10
H4	35.0	35.0	35.0	36.0	38.0	40.5	43.0
H64	35.0	35.0	35.0	36.0	37.5	39.5	41.5
H67	35.0	35.0	35.0	35.5	38.0	40.5	43.0
H89	35.0	35.0	35.0	36.0	38.0	40.5	43.0

9. The approved turbine shall not become operational until a scheme submitted by its operator, providing for the measurement of associated noise imissions, at locations to be agreed wiith the Council, has been submitted to and approved by the planning authority. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels in a representative range of wind speeds and directions. Monitoring shall be carried out within 6 months of the wind turbine first becoming fully operational and at the operator's expense. The scheme shall be carried out as approved and the results provided to the planning authority within 3 months of its completion unless otherwise extended in writing by the Council. The planning authority shall be notified in writing of the date of commencement of the noise survey at least 2 weeks in advance.
10. Wind speed, wind direction and power generation data shall be continuously logged throughout the period of operation of the wind turbine hereby approved. This data shall be retained for a period of not less than 12 months. At the request of the Council, the recorded wind data, measured or converted to 10m height above ground level and relating to any periods during which noise monitoring took place or any periods when there was a specific noise compliant, shall be made available to them.
11. Within 28 days of the receipt of a written request from the Council following a complaint which it judges to be reasonable from an occupant of a dwelling that lawfully exists or has planning permission for construction at the date of this consent, relating to noise from the turbine, the turbine operator shall, at his or her expense, employ a suitably qualified and competent person to undertake a noise test at the complainant's property to assess the level of noise immissions from the wind turbine. The consultant's assessment and conclusions regarding the complaint, including all calculations, audio recordings and the raw data upon which that assessment and conclusions were based, shall be submitted to the planning authority within three months of the date of the written request, unless otherwise agreed in writing with it. Approved mitigation measures shall be implemented within the agreed time-scale.
12. All power lines within the site shall be located underground.
13. The developer shall notify the Council in writing of the date of commencement of works on site and of the date when the turbine has become operational in terms of supplying energy to the national grid.
14. The permission shall be for a limited period of 25 years from the date on which electricity from the turbine is first connected to the grid. Within 12 months of the cessation of electricity generation at the site, or upon the expiration of this permission, whichever is sooner, all above ground structures and access tracks shall be removed and all land affected by the development restored in accordance with a decommissioning and restoration scheme that has been approved in writing by the planning authority or in accordance with any variation to the scheme that the planning authority has agreed in writing. The scheme shall be submitted to the planning authority at least one year prior to the commencement of any decommissioning works. It shall include details of all works and measures to restore the site, the timeframe within which they shall be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

This decision is based on the following drawings:

- Drawing No: 01a – Site Location Map;
- Drawing No: 02a – Site Location Map 1:2500;
- Drawing No: 03a – Site Layout Map;
- Drawing No: 04 – Proposed Wind Turbine;
- Drawing No: 05 – Wind Turbine Plan;
- Drawing No: 06 – Proposed NIE Kiosk Drawings;
- Drawing No: 07 – Road Construction Details;
- Drawing No: 08 – Site Entrance Details and
- Drawing No: 09a – Proposed Drainage Details.

COMMISSIONER JULIE DE-COURCEY

List of Documents

Planning Authority:	"PA 1"	Statement of Case
Appellant:	"APP 1"	Statement of Case
	"APP 2"	Rebuttal
Objector:	"OBJ 1"	Statement of case from McRory family
	"OBJ 1"	Rebuttal from McRory family

Appeal Reference:	2017/A0176
Appeal against:	The refusal of planning permission for a single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise wind turbine transformer; turbine hardstand, site entrance with sight line provisions; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works (renewal of I/2010/0211/F)
Location:	Beltonanean Mountain, Beltonanean TD, Cookstown
Claim by:	Mr Graham Bell for a full award of costs
Claim against:	Mid Ulster District Council
Decision by:	Commissioner Julie de-Courcey dated 18 th April 2018

Decision

1. A partial award of costs is made.

Reasons

2. In accordance with the Commission's publication "Costs Awards Guidance" costs will normally only be awarded where all four of the following conditions are met:
 - The claim relates to a relevant type of appeal;
 - The claim is timely;
 - The party against whom the award is sought has acted unreasonably; and
 - The unreasonable behaviour has caused the party claiming costs to incur unnecessary or wasted expense.

Eligibility

3. The planning application to which the appeal relates was determined under the Planning Act (Northern Ireland) 2011. An appeal was made in accordance with Section 58 thereof against the refusal of planning permission to develop land. The Commission therefore has power to make an order as to the costs of parties in accordance with Section 205 of the Act.

Timeliness

4. Paragraph 20 of the Commission's aforementioned publication states that where an appeal is proceeding by exchange of written representations, any costs claim must accompany the claiming party's final written submission. As the appellant's claim was submitted with his rebuttal evidence, the claim was timely.

Unreasonable Behaviour

5. The claimant (Mr Bell) considers that the respondent (Mid Ulster District Council) acted unreasonably in two respects as follows:
 - Refusing the application and forcing submission of an appeal; and
 - Failing to present credible evidence in support of their case.
6. Reference is made to comments attributed to the Council's Planning Manager at the Planning Committee Meeting on 3 October 2017 that are not recorded in its minutes of proceedings. In his statement of case relating to planning appeal that has given rise to this claim, the appellant said that Mid Ulster Council does not record a comprehensive minute of the Planning Committee meetings and does not take an audio recording of them. Whilst not calling into question the integrity of the appellant's planning consultant or the veracity of his account of what was said at the meeting, it would be unfair of me to prefer his account of the discussion to that of the recorded minutes. The latter are a matter of public record even if not a word-for-word account. Similarly, the parties provide conflicting accounts of the Committee members' approach to wind energy development in principle. Without a full transcript of the debate I cannot fairly and reasonably conclude that undue weight was given to general concerns about wind turbines as opposed to that subject of the specific application under consideration.
7. The Strategic Planning Policy Statement for Northern Ireland (SPPS) was published in September 2015. The "*cautious approach*" that it advocated within designated landscapes that are of significant value such as Areas of Outstanding Natural Beauty (AONBs) represented a material change circumstances between May 2012 when planning permission was previously granted for the erection of a turbine and ancillary development on the appeal site (I/2010/0211/F) and the summer/autumn of 2017 when the Planning Committee considered the application for its renewal. The Council's officers assessed this consideration against other issues material to the proposal and concluded that the change in policy did not merit determining weight. The minutes of the meeting suggest that this material change in circumstances was influential in the Committee's decision to depart from its officers' recommendations.
8. The respondent provided a copy of the "*Protocol for the operation of Mid Ulster District Council Planning Committee*" as part of their response to this claim and asked that particular attention be paid to paragraphs 19 and 24-26 inclusive thereof. Mindful of my conclusions in paragraph 6 of this letter, there is no persuasive evidence that these were breached. Without prejudice to those conclusions, I note that the final sentence of paragraph 26 states that where the Committee is minded to overturn a recommendation to approve that the Planning Manager may also comment on whether a refusal on the proposed grounds is defensible, particularly at planning appeal.

9. In allowing the appeal giving rise to this claim, that I did not attach the same weight to the associated change in policy in the SPPS as the Council's Planning Committee did does not equate to refusal of the planning application being unreasonable and prompting an unnecessary appeal.
10. Paragraph 32 of the Commission's "*Appeal Procedures*" says that the submission of written evidence in the form of a statement of case is required for all types of procedure. This does not preclude a Council from submitting its officer's report to the Planning Committee as its statement of case. In this instance the respondent submitted the officer's initial report, the deferred consideration report that succeeded councillors' site visit, an extract from the Council's minutes of the Planning Committee meeting and planning history that it considered relevant to consideration of the appeal. This course of action is acceptable and expedient provided that the submitted information gives an adequate and cogent explanation of the Council's decision and enables the appointed Commissioner to fully appreciate what demonstrable harm it considers would be caused to interests of acknowledged importance if the appeal were allowed.
11. The shortcomings in the scope and level of detail in the Councils' evidence to substantiate its two reasons for refusal are fully set out in the associated appeal decision. Whilst the change in policy set out in paragraph 7 of this letter was influential in members rejecting their officers' recommendations and they were entitled to do so, the Council's submitted papers do not fully explain the ramifications of the change in policy in site-specific terms.
12. As the Council acknowledges in response to the costs claim, "*it might have been more appropriate to have provided to the Commission a clear summary of the content of the members decision to refuse*". Whilst the submitted evidence established the Council's policy-based concerns, it did not clearly define how the proposal was considered to be at odds with those policies. Therefore, I agree with the Council's comment. Had this evidential gap been bridged in its statement of case, the appellant would have had the opportunity to address those site-specific concerns in his rebuttal evidence. It was his choice to submit a rebuttal statement notwithstanding this evidential void. However, that the claimant chose to address points that he considered to arise from the Council's decision not to submit any further evidence other than that with which he was already familiar, does not prejudice the second element of his claim.

Unnecessary or Wasted Expenses

13. In claiming for a full award of costs covering "*the entire appeal process*", the claimant said the expenses incurred included:
 - a. Preparation of a statement of case; and
 - b. Review of and response to papers submitted by the Council and third party objector.
14. For the above reasons, I concur with the claimant that the Council did not present persuasive evidence in support of their case. This does not render the appeal unnecessary or the expense he incurred in preparing a statement of case nugatory as claimed at point a above. However, the matters identified at point b represented

unnecessary and wasted expense. Accordingly a partial award of costs to the claimant should be made in that respect

Order

It is hereby ordered that Mid Ulster District Council shall pay to Mr Graham Bell the costs of the appeal proceedings limited to those costs incurred in the review of and response to papers submitted by the Council and third party objector.

On receipt of this order Mr Graham Bell may submit details of those costs to Mid Ulster District Council with a view to reaching agreement on the amount. If the parties are unable to agree, the claimant may refer the matter to the Taxing Master of the High Court for a detailed assessment.

COMMISSIONER JULIE DE-COURCEY

List of Documents

Claimant: "C1" Cost Claim from Mr Graham Bell by Ross Planning

Respondent: "C2" Response to Cost Claim by Mid-Ulster District Council

