

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 6 July 2021 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

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| Members Present | Councillor Black, Chair Councillors Brown, Clarke, Colvin, Corry, Cuthbertson, Hughes, Mallaghan, McFlynn, McKinney, D McPeake, S McPeake, Quinn, Robinson |
| Officers in Attendance | Dr Boomer, Planning Manager Mr Bowman, Head of Development Management Ms Donnelly, Council Solicitor Ms Doyle, Senior Planning Officer Ms McKearney, Senior Planning Officer Mr Marrion, Senior Planning Officer Mr McClean, Senior Planning Officer Ms McCullagh, Senior Planning Officer Miss Thompson, Democratic Services Officer |
| Others in Attendance | Councillor Gildernew* LA09/2020/1549/F Ms Cuddy Mr Daly LA09/2017/0319/F Mr Hughes Mr Cassidy |

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

** Denotes Officers present by remote means

*** Denotes others present by remote means

The meeting commenced at 7.07 pm

P087/21 Apologies

Councillors Bell and Glasgow.

P088/21 Declarations of Interest

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

P089/21 Chair's Business

The Planning Manager advised of IT issues which meant that the live stream of the meeting could not be broadcast. The Planning Manager advised that officers would try to resolve these issues but stated that the meeting could take place legally as

anyone who had requested speaking rights has the opportunity to exercise these rights in person tonight. The Planning Manager went on to state however that it is bad administration on the part of the Council as the public were advised they could view the meeting online but that he felt it would be inappropriate to hold back any applications tonight.

The Planning Manager tabled responses to two consultations as per the addendum namely –

SONI Shaping Our Electricity Future Consultation
Department for the Economy Energy Strategy Consultation

Resolved To submit responses to the above consultations as set out at addendum.

The Planning Manager advised that planning statistics for the last year were now available and stated that, despite the pandemic and subsequent lockdowns, Mid Ulster Council received more planning applications last year than at any other time. The Planning Manager felt that this is a good signal for the future and investment in the area.

The Planning Manager stated that Mid Ulster is one of the best performing authorities and those that performed better receive half to a third less applications. The Planning Manager stated that during lockdowns Mid Ulster continued to receive applications whilst many other authorities had refused to do so and felt that there had been an astounding performance from Mid Ulster staff during this time.

The Planning Manager stated that there are more applications in the system than ever before and that development plan staff had been moved over to development management to help to deal with this, he stated however that the development plan team needed to be built up again in order to deal with the forthcoming public inquiry. The Planning Manager also referred to the implementation of the new planning portal system.

The Planning Manager referred to Planning Committee meetings held previously during the pandemic in which only applications recommended for approval were brought in order to keep things moving. The Planning Manager stated that as there were now a number of applications in the system, that things were back to relative normality and that there were a number of key tasks for the planning team going forward he would suggest holding an additional Planning Committee meeting in September in order to deal with applications.

Councillor Colvin asked what date was proposed for the meeting.

The Planning Manager advised that the date would be confirmed.

Proposed by Councillor Brown
Seconded by Councillor McFlynn and

Resolved To hold two Planning Committee meetings in September 2021.

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

Agenda Item 4.7 - LA09/2020/1051/O - Site for dwelling and double domestic garage on a farm at approx. 90m SW of 99 Feegarron Road, Cookstown, for John and Amy Wilson.

Agenda Item 4.11 - LA09/2021/0054/O - Site for a dwelling & domestic garage at approx 60m SW of 125a Ballinderry Bridge Road, Cookstown, for Mr Kieran Mitchell.

Agenda Item 4.13 - LA09/2021/0096/F - Retention of existing agricultural shed on lands to the E of 15 Tamlaghtmore Road, Cookstown, for Mr and Mrs Hutchinson.

Agenda Item 4.14 – LA09/2021/0103/F - One and a half storey dwelling, detached garage and associated site works (Change of house type to I/2006/0905/RM) at 20m W of 24 Annahavil Road, Dungannon, for Miss Lyn Somerville.

Agenda Item 4.18 - LA09/2021/0264/O - Dwelling and garage at site adjacent to 60 Sixtowns Road Draperstown, for Mr Peter Conway.

Agenda Item 4.22 - LA09/2021/0681/O - Dwelling and domestic garage at approx. 25m NE of 49 Moyagoney Road, Portglenone for Alan Donegan.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That the above planning applications be deferred for an office meeting.

The Planning Manager advised that agenda item 4.19 – LA09/2021/0299/O – Dwelling and garage at site adjacent to 60 Sixtowns Road, Draperstown for Mr Peter Conway had been withdrawn.

Matters for Decision

P090/21 Planning Applications for Determination

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

LA09/2019/1057/F New factory inclusive of a fabrication and cutting shed, fitting shed and office block with associated works at site adjacent and South of Ardboe Business Park Kilmascally Road, Ardboe, for Anaconda International Ltd

Members considered previously circulated report on planning application LA09/2019/1057/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2019/1057/F be approved subject to conditions as per the officer's report.

LA09/2020/0420/O Dwelling and garage at 110m SE of 223 Dungannon Road, Dungannon, for Emma O'Neill

Mr Marrion (SPO) presented a report on planning application LA09/2020/0420/O advising that it was recommended for refusal.

Proposed by Councillor Colvin
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/0420/O be refused on grounds stated in the officer's report.

LA09/2020/0498/F 3 dwellings at Riverbrook Moneyhaw Road, Moneymore, for Shanco Properties Ltd

Members considered previously circulated report on planning application LA09/2020/0498/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0498/F be approved subject to conditions as per the officer's report.

LA09/2020/0553/F Housing development (3 detached and 2 semi-detached), private amenity space, landscaping, access onto Queens Avenue and ancillary site works at 9 Ballyronan Road Magherafelt for Mullaghboy Construction Ltd

Members considered previously circulated report on planning application LA09/2020/0553/F which had a recommendation for approval. Attention was also drawn to the addendum which advised of re-wording of condition one of approval.

Proposed by Councillor McKinney
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2020/0553/F be approved subject to conditions as per the officer's report and amended condition one as set out below –
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.

LA09/2020/0747/F Retrospective application for farm building and revision to layout of cattle shed at approx. 95m SW of 3 Killynaul Road, Dyan, Caledon, for Mr Ivan McAllister

Members considered previously circulated report on planning application LA09/2020/0747/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/0747/F be approved subject to conditions as per the officer's report.

LA09/2020/0772/F Dwelling and garage on a farm (change of house type to M/2007/1605/RM) at land approx. 150m SW of 22 Altadaven Road Augher, for Mr Patrick Hackett

Members considered previously circulated report on planning application LA09/2020/0772/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2020/0772/F be approved subject to conditions as per the officer's report.

LA09/2020/1051/O Site for dwelling and double domestic garage on a farm at approx. 90m SW of 99 Feegarron Road, Cookstown, for John and Amy Wilson

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

LA09/2020/1269/F Substation and compound to serve proposed wind turbines at approx. 990m NW of Drumard Road/ Cullion Road junction, Straw Mountain, Draperstown for P Toner

Members considered previously circulated report on planning application LA09/2020/1269/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Quinn and

Resolved That planning application LA09/2020/1269/F be approved subject to conditions as per the officer's report.

LA09/2020/1349/O Dwelling and domestic garage within a cluster at 50m S of 3 Ballynasolus Road, Cookstown for Charles Quinn

Members considered previously circulated report on planning application LA09/2020/1349/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2020/1349/O be approved subject to conditions as per the officer's report.

LA09/2020/1549/F Football stand to cover stepped terrace at 108 Killyliss Road Eglish, for Eglish GAC

The Chair, Councillor Black advised that the Committee would consider this application later in the meeting when IT issues had been resolved.

LA09/2021/0054/O Site for a dwelling & domestic garage at approx. 60m SW of 125a Ballinderry Bridge Road, Cookstown, for Mr Kieran Mitchell

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

LA09/2021/0055/O Site for dwelling and garage at approx. 50m NW of 33 Lower Grange Road, Cookstown for Mr James Wylie

Members considered previously circulated report on planning application LA09/2021/0055/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Colvin and

Resolved That planning application LA09/2021/0055/O be approved subject to conditions as per the officer's report.

LA09/2021/0096/F Retention of existing agricultural shed on lands to the E of 15 Tamlaghtmore Road, Cookstown, for Mr and Mrs Hutchinson

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

LA09/2021/0103/F One and a half storey dwelling, detached garage and associated site works (Change of house type to I/2006/0905/RM) at 20m W of 24 Annahavil Road, Dungannon, for Miss Lyn Somerville

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

LA09/2021/0115/F Demolition of existing building and creation a new overflow carpark for the Maghera Leisure Centre within the lands of the PSNI building at 50 Coleraine Road, Maghera, for Mid Ulster District Council

Councillors Black, Brown, Clarke, Colvin, Corry, Cuthbertson, Hughes, Mallaghan, McFlynn, McKinney, D McPeake, S McPeake, Quinn, Robinson all declared an interest in this application.

Members considered previously circulated report on planning application LA09/2021/0115/F which had a recommendation for approval.

Councillor McKinney advised that the building had already been demolished and the car park had been laid and stated he was not happy with this.

The Planning Manager stated that the planning department and committee deal with planning applications and not contracts and that he would pass Councillor McKinney's comments on to the relevant Directors.

Councillor McKinney asked if this wasn't a Council application what would the view be.

The Planning Manager stated this would not be first retrospective application the Committee have dealt with. It was highlighted that if development is undertaken without planning approval then there is risk of enforcement action. In relation to this application, the Planning Manager advised that apart from the issue raised tonight he was not aware of any other concerns or issues being raised in relation to the development and that officers do not investigate unless an issue is raised with them. The Planning Manager stated that, in his own view, if this had been a private applicant and not the Council and that the application was in the public good with a recommendation to approve then he would not be overly concerned

The Chair, Councillor Black stated that the point raised by Councillor McKinney was valid.

Proposed by Councillor Colvin
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2021/0115/F be approved subject to conditions as per the officer's report.

LA09/2021/0161/O Dwelling & garage at approx. 295m SE of 94 Loughans Road, Drumfad, Ballygawley, for Kevin Donaghy

Mr Marrion (SPO) presented a report on planning application LA09/2021/0161/O advising that it was recommended for refusal.

Councillor S McPeake asked if every opportunity had been given to the applicant/agent to submit a request to speak/defer the application.

Mr Marrion advised that the application had been available to view on the Council website for a week and that officers do not canvas applicants/agents/objectors to advise that their application is due to come before committee. Mr Marrion advised that the applicant/agent in this case had been afforded no more and no less than the others who had submitted a request for tonight.

Councillor Robinson proposed an office meeting.

The Planning Manager advised that if it was a view of the Committee to hold an office meeting then this would be accommodated.

Councillor McFlynn seconded Councillor Robinson's proposal.

Resolved That planning application LA09/2021/0161/O be deferred for an office meeting.

**LA09/2021/0260/O Dwelling immediately adjacent S of 24 Creenagh Road
Coalisland for Mr Christopher O'Farrell**

Members considered previously circulated report on planning application LA09/2021/0260/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Corry and

Resolved That planning application LA09/2021/0260/O be approved subject to conditions as per the officer's report.

**LA09/2021/0264/O Dwelling and garage at site adjacent to 60 Sixtowns Road
Draperstown, for Mr Peter Conway**

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

**LA09/2021/0299/O 2 storey dwelling between 85 & 89 Derrytresk Road,
Coalisland Mr Eamon Hagan**

Application withdrawn.

**LA09/2021/0490/F Ground floor extension to side of property with ramped
access at 10 Sandy Row, Coalisland for Michael Devlin**

Members considered previously circulated report on planning application LA09/2021/0490/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/0490/F be approved subject to conditions as per the officer's report.

LA09/2021/0632/O Infill Dwelling & Garage at lands adjacent to 126a Ballynease Road, Portglenone, for Rory McErlean

Members considered previously circulated report on planning application LA09/2021/0632/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2021/0632/O be approved subject to conditions as per the officer's report.

LA09/2021/0681/O Dwelling and domestic garage at approx. 25m NE of 49 Moyagoney Road, Portglenone for Alan Donegan

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

LA09/2021/0769/RM Gap Site for 2 dwellings and Domestic garage opposite 250 Ballygawley Road Dungannon, for Jason Kelly

Members considered previously circulated report on planning application LA09/2021/0769/RM which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Quinn and

Resolved That planning application LA09/2021/0769/RM be approved subject to conditions as per the officer's report.

Return to

LA09/2020/1549/F Football stand to cover stepped terrace at 108 Killyliss Road Eglis, for Eglis GAC

The Head of Development Management presented a report on planning application LA09/2020/1549/F advising that it was recommended for approval.

The Chair advised the committee that requests to speak on the application had been received and invited Ms Cuddy to address the committee in the first instance.

Ms Cuddy thanked the Committee for the opportunity to attend tonight's meeting and that she was speaking on behalf of Roan residents to outline objections to the proposal before Members. Ms Cuddy stated that objections had already been submitted which she hoped had been taken into consideration and went on to provide a summary of the objections.

Ms Cuddy stated that a stand in the proposed location will be a gathering point for anti social behaviour as the pitch is not securely closed when not in use. Ms Cuddy stated that during the past year there has been increased anti social behaviour which has been documented on Club social media and in correspondence sent to

residents. Ms Cuddy stated that the proposal will draw anti social behaviour closer to homes as the stand will overlook some back gardens and will create a noise nuisance and security risk. Ms Cuddy stated that any structure should be built to a high standard in terms of design, scale and material and should respect surroundings and be accessible to those with disabilities. It is not believed that the proposal is a suitable design or suitable for all users. Ms Cuddy highlighted that Eglish GAC state that the back of the stand is the same height as the existing wall but pointed out that it rises at the front making it taller than the existing wall. Ms Cuddy stated that a stand will enable the club to hold championship matches and that this will attract larger crowds to the pitch, leading to increased traffic and unacceptable parking in the surrounding areas. Ms Cuddy stated that the stand will lead to noise issues during matches and training sessions as people will tend to gather at the stand leading to intensification of noise in this area.

Ms Cuddy stated that a more suitable location of the stand would be on the opposite side of the pitch where there are no dwellings in close proximity and would have less of an impact on residents in the area. Ms Cuddy stated that if the applicant had engaged with the local community prior to submitting their application they would have had the opportunity to gather these views and could have submitted a more suitable proposal. Ms Cuddy referred to SPPS paragraph 2.3 which states that good neighbourliness and fairness are amongst the yardsticks against which development proposals will be measured. Ms Cuddy stated that residents are disappointed with the lack of communication from Eglish GAC despite many requests for a meeting. Ms Cuddy stated that many objectors to the proposal are and have been members of the club and have expressed support to a stand being sited in an alternative location. Ms Cuddy stated that Roan residents would ask the Committee to appreciate the detrimental impact the proposal will have on the residential amenity of residents.

The Planning Manager referred to the concerns raised regarding anti social behaviour and asked for further information on these concerns.

It was advised that the area is currently used as a drinking den along with other activities which were not wanted at the back of dwellings, this activity can go on to 4am with taxi drivers picking up/dropping off. People also climb the wall in order to get access to the pitch and it was felt that a stand will encourage more people to gather at this point.

The Planning Manager asked how often this activity was occurring.

It was advised that this activity goes on almost every weekend, that gates are not locked and that there are many accesses to the area.

The Chair, Councillor Black invited Mr Daly to address the meeting.

Mr Daly thanked the Committee for the opportunity to speak on behalf of Eglish GAC and stated that the proposal is the second attempt to gain planning permission for a stand and that he would make comment on the objections raised.

Mr Daly referred to concerns regarding loss of light and overshadowing and advised that the current proposal has been reduced in height by 1.5 metres from the previous

application submitted in 2016 and is 1 metre from the boundary wall and felt that there will no increase to loss of light or overshadowing. Mr Daly also highlighted that there is an existing tree and when in full foliage he felt this would give rise to a more significant loss of light and overshadowing than the proposal. Mr Daly stated that the proposal will not increase spectator capacity on existing terraces and therefore would not increase traffic when matches are taking place. Mr Daly stated that the proposal will remove 70m² from terracing thereby reducing capacity. Mr Daly stated that the structure by its design will reduce noise levels to the rear and create a barrier which will focus sound toward the pitch. It was further highlighted that on match days there are agreements with local businesses and organisations to use their car parks to keep cars off the road and that the roadway is marked to ensure access to adjacent properties is maintained at all times and that through traffic can continue. Mr Daly stated that positioning of the stand on the opposite side of the pitch was considered but that there are issues with ground stability as the area is a fill in sewerage treatment works. To excavate this area would entail considerable groundworks and contamination assessments adding greatly to the cost. Mr Daly also stated that there is a right of way on this side of the pitch which permits a local business to access the river with heavy plant. In relation to anti social behaviour, Mr Daly state that both the club and community take this seriously and have implemented monitoring and surveillance of the village to try to eliminate as many anti social activities as possible. Mr Daly stated that the club does not foresee how the proposal will change the current situation. It was stated that parents are also advised that young children should be supervised at all times whilst at the grounds and that littering within club grounds is managed by the club and that the stand will not add to littering. Mr Daly stated that the club did not foresee how the proposal will lead to a decrease in property values. Mr Daly stated that the club and its members have invested a lot of time and expense in improving the appearance of facilities and that the club is at the heart of the community and that the stand will allow the community to watch football in a comfortable environment and that objectors concerns have been taken on board which have led to the revised application.

The Planning Manager asked if any special materials would be used in the construction of the stand to help reduce sound.

Mr Daly stated that there are no special materials being used, that the structure would be metal clad with a concrete back wall and that this would focus sound towards the pitch.

The Planning Manager asked if the club would be prepared, if it was subject to a condition, to look at using materials which would help absorb sound. The Planning Manager stated he was conscious that Environmental Health have not raised an objection but that he was also conscious of the concerns raised tonight.

Mr Daly stated that there is currently a 2 metre concrete wall which runs for approximately 100 metres and that 90% of people watching games gather on the terraces. Mr Daly stated that a good attendance would be 3-400 people.

The Planning Manager asked that if a cost effective way of reducing sound from the stand can be sought if the club would be willing to undertake this.

Mr Daly stated that if a condition is placed then the club would respect this.

The Planning Manager asked what frequency competitive games were held at the pitch.

Mr Daly advised that there are approximately ten games per year held at the pitch which would attract 3-400 people and that these are generally held in the evening or a Saturday or Sunday afternoon.

The Planning Manager referred to anti social behaviour and asked what surveillance takes place.

Mr Daly stated that a number of concerned parents undertook to monitor the situation and patrol the grounds in order to discourage anti social behaviour. Mr Daly stated that other community facilities were also monitored. Mr Daly stated that from undertaking the monitoring it came to light that a number of those engaging in the anti social activity were not from the area.

The Planning Manager stated that it is clear that anti social behaviour has taken place and that the key remedy is to monitor the situation. The Planning Manager asked if the club would set up a system, ie. a contact number, to communicate to when anti social behaviour is taking place.

Mr Daly stated that this is already in place and that there were parent whatsapp groups and contact numbers are known.

The Planning Manager stated that if a condition was placed to make available contact numbers would the club be content to continue with this.

Mr Daly stated that the club would continue to manage the contact numbers for reporting anti social behaviour as such behaviour goes against the principles of the club.

The Planning Manager referred to the issues of people climbing the wall currently in place and possibly the stand in future and that conditioning may also help with this such as greasing the stand.

The Committee was asked who would be liable if someone fell from the wall into a back garden.

The Planning Manager stated he did not have the answer to this and that liability is complex. The Planning Manager stated it would be in the interests of the club to ensure that things are done to a proper standard and be compliant with the law.

The meeting was advised that a contact number had not been provided and that this was the first time meeting with the club.

The Planning Manager stated that the purpose of speaking to the Planning Committee was to present a case and that officers or Members can ask questions but that it was not a debate.

Councillor Cuthbertson asked whether the blocking of natural light was an issue.

The Planning Manager stated that he could not see how the proposal would lead to any significant loss of light. The Planning Manager stated that given the frequency and level of use it would be hard to defend a refusal.

Councillor Clarke stated that it appears that the terrace would be on the northwest side of the pitch.

Mr Daly stated that the aspect of the pitch would be north to south and that people standing on the terrace at 7pm of an evening would have the sun on their back.

Councillor Clarke stated that in order to build a stand that is effective you should be putting your back to the west/northwest wind. Councillor Clarke stated that if the stand was on the opposite side of the pitch then the wind would be blowing into the stand. Councillor Clarke referred to an application a number of years ago regarding a drive through restaurant and that neighbouring residents raised concerns in relation to noise. Following this it was agreed that the drive through would be covered which resulted in no noise disturbances. Councillor Clarke highlighted that sound will travel across but not over the top of the stand.

The Planning Manager stated that officers take advice on sound from the Environmental Health department. The Planning Manager asked what comment Environmental Health had made on the application.

The Head of Development Management stated he could not see a record of Environmental Health being consulted on the application.

The Planning Manager stated that if there had been no formal consultation with Environmental Health he would advise holding the application until the consultation has been completed.

Mr Daly advised that the prevailing weather comes from the southwest corner.

Councillor McFlynn stated that whilst she was supportive of the GAA and everything they do for the community she would have some concern as there are residents who are members of Eglish GAC who are objecting to the proposal and clearly have had no previous opportunity to discuss the matter with the club. Councillor McFlynn stated she could understand why there were issues with siting the stand on the other side of the pitch but felt that consideration needed to be given to the residents. Councillor McFlynn stated it was also difficult to see from photographs where the wall is, where the stand will be and how close it will be to homes. Councillor McFlynn also referred to the comment in relation to the tree and that the stand would not be any more imposing however she stated this was only one tree and not a row of trees. The Councillor stated she had difficulty with the application and had sympathy with the residents given this is the first opportunity there has been to discuss the matter.

The Planning Manager stated it would be disrespectful to move forward without consulting Environmental Health and that advice can also be taken on what

materials could be used on the structure of the stand. The Planning Manager stated it would also be useful to have a site meeting on this application in the interim.

The Chair, Councillor Black stated that the way forward outlined by the Planning Manager seemed sensible and that the conversation tonight had also been constructive in moving the matter forward.

Councillor S McPeake stated he had read the report and listened to the objectors who had raised valid points but that he felt the report goes a long way to addressing concerns. The Councillor stated that if there has been a breakdown in communication between the objectors and the club then that is regrettable however he agreed with Councillor Clarke's comments in that during inclement weather a stand on the opposite side of the pitch would be meaningless if the wind and rain was blowing in. Councillor S McPeake stated it would be disappointing if there is no resolution and took on board the Planning Manager's comments in relation to no consultation taking place with Environmental Health. The Councillor suggested that if the Environmental Health consultation came back with no concerns that the application be approved on the condition that there was no negative impact on Environmental Health rather than holding the application for a period of time.

The Planning Manager stated that a condition cannot be used to deal with something that should be considered. The Planning Manager stated that the conditions he referred to previously were conditions which he felt would make the application better. The Planning Manager stated he believed there is a solution but that it was not a question of what we do but also what we are seen to be doing and what we do as a Planning Committee is to ensure that everyone's case is properly looked at. The Planning Manager stated that residents have raised concerns relating to noise and he would like some expert opinion on this. The Planning Manager stated that a site meeting can be organised whilst consultation with Environmental Health is ongoing and that when the application comes back to the Committee he felt the matter could be moved forward.

Councillor Mallaghan stated that it was good to take the time to discuss the matter tonight but that the Committee should not be giving unrealistic hope and that there may not be a solution which suits everyone. The Councillor referred to previous comments regarding moving the stand to the opposite side of the pitch, the difficulty of prevailing winds, the Right of Way and stated that there was terracing already in place and that the club was doing what it could to develop its facilities.

The Chair, Councillor Black stated it is important not to set unrealistic expectations but that everyone should be given the opportunity to give their view including consulting with Environmental Health.

Councillor Mallaghan proposed to defer the application in order to consult with Environmental Health and arrange a site meeting.

Councillor McFlynn seconded Councillor Mallaghan's proposal.

Resolved That planning application LA09/2020/1549/F be deferred in order to consult with Environmental Health and arrange a site meeting.

LA09/2017/0319/F Relocation of 2 chimney stacks (approved M/2011/0126/F) and the retention of 4 further chimney stacks to facilitate spraying within existing approved building at 70m S of 177 Annagher Road, Dungannon, for DMAC Engineering

The Head of Development Management presented a report on planning application LA09/2017/0319/F advising that it was recommended for approval.

The Head of Development Management highlighted that an Enforcement Notice has been served however Members were asked that this be withdrawn upon a decision to grant approval of the application.

The Chair advised the committee that requests to speak on the application had been received and invited Mr Hughes to address the committee in the first instance.

Mr Hughes stated he was speaking on behalf of local residents and was here tonight to ask for an office meeting. Mr Hughes stated that DMAC have had more than enough time to deal with the fumes coming from this factory and as recently as yesterday Environmental Health were called by local residents about the fumes. Mr Hughes stated that the Environmental Health officer could smell the fumes yesterday and that it would be their intention to visit the DMAC factory. Mr Hughes stated that when planning permission was granted for the new factory it was claimed that there would be a system to deal with the fumes however this failed to materialise and DMAC proceeded to build the chimneys without planning permission. Mr Hughes stated that the fumes are affecting the health, wellbeing and amenity of local residents who are all entitled to breathe clean air and that it is the responsibility of Environmental Health and Planning to make sure the air is not polluted by the fumes from the DMAC factory. Mr Hughes asked for a fair hearing and that an office meeting be accommodated.

Mr Cassidy stated originally an in house system was developed to deal with the odours however due to the amount of work secured by the business this system could not be scaled up. Mr Cassidy stated that any fumes are unacceptable to DMAC and that the health and wellbeing of the local community is paramount and to this end an alternative solution was commissioned. Mr Cassidy stated he viewed a system installed by Jaguar and manufactured by Harry Dalby Engineering. The same system is used by Bentley, BMW, Westland Aerospace, BAE Systems and Bombardier to name a few. Mr Cassidy stated that having been impressed by the commitments provided by Harry Dalby Engineering, DMAC ordered four booths at a cost of over £2 million. Mr Cassidy stated that when the booths were fitted hardware was also installed to monitor the odour from the stacks, this monitoring runs 24 hours per day, 7 days per week and can be downloaded, stored and actioned on a weekly basis. Mr Cassidy stated that an air quality impact assessment was commissioned and that the primary objective was to predict the odour concentration of neighbouring houses to the site to ensure no nearby properties are adversely affected by fumes. Mr Cassidy stated that the results show that any odours are confined to within the site and increasing the stacks to six metres, which has been done, reduces any odours by 26%. Mr Cassidy stated that the levels which annoyance is likely to occur is classified by Environmental Health as 10 odours per metre³ and after setting up testing equipment at each house adjoining the factory the readings were between

0.2 and 1.25 odours per metre³ and that these results are unchallenged by the objector. Mr Cassidy stated that co-operation with Environmental Health is important and with shared resources and knowledge he believed that a satisfactory outcome has been achieved. Mr Cassidy stated that DMAC employ a Compliance Manager and it has been agreed that part of their role will be work with the Environmental Health department within Council with monthly meetings due to commence this month. Mr Cassidy stated that objections have been received by Environmental Health and whilst the origin of odour can be disputed he felt that safeguards by way of conditions have been included within the planning permissions and that DMAC approve and respect these. Mr Cassidy stated that in 2015 DMAC made a number of promises to this Committee in gaining planning approval for their factory, this included transforming a derelict site into a modern factory and in doing so creating 100 jobs. Today, after investment of over £6 million, the factory has been built, has over 250 employees and a turnover of over £15 million annually. Mr Cassidy stated that since DMAC has taken ownership of the site the transformation has been remarkable and that the business is a key supplier to global brands including Terex, Powerscreen, McCloskey, Telestack, Sandvik and the Blue Group. Mr Cassidy stated that DMAC are in a privileged position to have these customers and it is believed that they should be supported by Mid Ulster Council. Mr Cassidy stated he appreciated the late objection which may need to be considered further and that there was no objection to a deferral tonight, however, if a deferral is agreed then he would ask Members to have a site meeting to see the site for themselves.

Councillor McKinney stated that one of the first applications dealt with by the Planning Committee was an application for DMAC. Councillor McKinney stated he would like the opportunity to visit the site and proposed that the application be deferred for a site meeting.

Councillor S McPeake stated that the obstacle related to a technical issue and that it would appear that Environmental Health are now satisfied. The Councillor referred to the large amount of money which has gone into the purchase of equipment, that monitoring is ongoing 24/7 and assurances have been given that the results are within limits therefore he did not see what could be gained from a site meeting and felt that the application could be approved tonight.

Councillor Colvin seconded Councillor McKinney's proposal as this application started out as an enforcement case and he would like to see the site for himself.

The Planning Manager referred to previous decision taken in relation to DMAC at the first meeting of the Planning Committee which he felt has went on to set the tone today which is for sustainable economic development which he believes this business is. The Planning Manager stated that there will always be issues and that these are real but that everyone has worked to overcome these and in this instance controls are in place. The Planning Manager stated that the invitation to view the site is from the applicant and that he had no objection to Members taking up this offer.

Councillor Mallaghan stated that normally when there is a site visit it is to view the circumstances of the site but that he felt that in relation to this application the issue is down to data which is generated from equipment that measures odour. Councillor

Mallaghan stated that whilst he would not object to a site meeting he did not see its purpose in terms of how odour is measured as it is not something that can be seen. Councillor Mallaghan proposed the officer recommendation to approve the application.

Councillor Quinn stated that DMAC is a long running saga and that an office meeting has been requested and that he felt that this should be granted. Councillor Quinn referred to the offer of a site meeting and couldn't see why this offer should not be taken up and that if the application is being deferred in any case an office meeting could also be accommodated.

The Planning Manager stated he did not feel there was a need for both an office meeting and a site meeting. The Planning Manager stated he did not feel an office meeting would be appropriate and could envisage how it would play out and that nothing could be gained from it. The Planning Manager stated that if the machines are properly run and the data collected from this then this should be adequate. However if there are problems and the process involves spraying which is governed by a Licence then this Licence can be removed. The Planning Manager stated it is up to the operator to ensure that they are operating within the terms of their Licence. The Planning Manager stated that if Members want to take up the offer of a site meeting then he would have no objection but did not feel an office meeting was a way forward as there was nothing more he could offer at such a meeting.

Councillor Quinn stated he understood the comments of the Planning Manager but felt that if the application is being deferred for a site meeting an office meeting would allow the opportunity for residents to view data which may help to alleviate concerns.

The Planning Manager stated that if Members wanted an office meeting then this would be accommodated and highlighted that there is no harm in deferring the application as it already exists.

Councillor Mallaghan stated he would withdraw his proposal.

Councillor S McPeake asked for a timeframe for the meetings and if there is no material change that the application be brought back to the next Planning Committee meeting.

The Planning Manager stated that office meetings and site meetings can be organised for two weeks from Thursday/Friday respectively.

The Chair, Councillor Black asked if Councillor McKinney was happy to amend his proposal to include an office meeting.

Councillor McKinney stated that his proposal was solely for a site meeting.

Councillor Quinn proposed that the application be deferred for an office meeting and site meeting.

Members voted on Councillor McKinney's proposal –

For – 7

Against - 4

Resolved That planning application LA09/2017/0319/F be deferred for a site meeting.

LA09/2017/0787/F Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear at 33 Killyman Street, Moy, for M & C McCallion

Members considered previously circulated report on planning application LA09/2017/0787/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0787/F be approved subject to conditions as per the officer's report.

LA09/2017/0788/LBC Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear at 33 Killyman Street, Moy, for M & C McCallion

Members considered previously circulated report on planning application LA09/2017/0788/LBC which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0788/LBC be approved subject to conditions as per the officer's report.

LA09/2019/1262/O Site for a dwelling and domestic garage at approx. 45m W of 140 Kilrea Road, Upperlands for Daniel O'Kane

Members considered previously circulated report on planning application LA09/2019/1262/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Corry and

Resolved That planning application LA09/2019/1262/O be approved subject to conditions as per the officer's report.

LA09/2020/1080/F New Vehicular access at approx. 200m E of no 33 Oldtown Road, Bellaghy, for Mrs Emma McCoy

Members considered previously circulated report on planning application LA09/2020/1080/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/1080/F be approved subject to conditions as per the officer's report.

LA09/2020/1626/O Site for Dwelling & Garage at approx. 30m N of No.31 Gortinure Road, Maghera, for Mr S McEldowney

Members considered previously circulated report on planning application LA09/2020/1626/O which had a recommendation for approval.

Proposed by Councillor Corry
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2020/1626/O be approved subject to conditions as per the officer's report.

P091/21 Receive Updated Authorised Officer Report

The Head of Development Management presented previously circulated report which sought approval for Mr Paul McClean to be authorised to sign decisions and Orders on behalf of the Council in accordance with its Schemes of Delegation.

Proposed by Councillor Brown
Seconded by Councillor Clarke and

Resolved That Mr Paul McClean is nominated as an authorised officer to sign decisions and Orders on behalf of the Council in accordance with its Schemes of Delegation.

Matters for Information

P092/21 Minutes of Planning Committee held on 8 June 2021

Members noted minutes of Planning Committee held on 8 June 2021.

Live broadcast ended at 9.10 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Brown
Seconded by Councillor Mallaghan and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P093/21 to P098/21.

Matters for Decision

P093/21 Receive Report on DfC Call for Evidence
P094/21 Receive Enforcement Report
P095/21 Presentation on Progress on the New Computer System

Matters for Information

P096/21 Confidential Minutes of Planning Committee held on
8 June 2021
P097/21 Enforcement Cases Opened
P098/21 Enforcement Cases Closed

P099/21 Duration of Meeting

The meeting was called for 7 pm and concluded at 10.12 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

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

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

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

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

proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

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



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 6th July 2021

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

Chairs Business;

SONI Shaping Our Electricity Future Consultation

Energy Strategy Consultation

| ITEM | INFORMATION RECEIVED | ACTION REQUIRED |
|------|---|-----------------|
| 4.4 | Condition 1 should read '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. | Members to note |
| 4.7 | Late request for speaking rights | Members to note |
| 4.10 | Additional 2 objections received and Late request for speaking rights (info attached) | Members to note |
| 4.14 | Late request for deferral | Members to note |
| 4.19 | Email withdrawing application | Members to Note |
| 5.1 | Additional objection received | Members to note |

10 June 2021



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Soni Ltd

12 Manse Road

Belfast

BT6 9RT

Dear Sir/Madam

Shaping Our Electricity Future

In response to your consultation on Shaping our Electricity future it is important to set out from the outset that Mid Ulster Council recognizes that because of its geography it lies at the heart of the electricity network and will continue to work with SONI to ensure that the network is strengthened in a sensitive and sustainable manner. The Council will be happy to continue this conversation as proposals emerge. However, in the interests of simplicity I have focused comments on the questions in your consultation questionnaire, albeit with a rewording of the headline statements.

(1) The Council is concerned with the statement that everything should be done to achieve 70% of renewables by 2030 and that it will come from wind or solar panels.

The reason for our concern is that there are areas in Mid Ulster that should not be the focus for wind turbine development. These include our more vulnerable landscapes such as the High Sperrins, Lough Neagh shoreline and the Clogher Valley. It also appears from the consultation that these are the target areas for future production. We are also concerned that as an area which produces a great deal of wind energy there are other localities where saturation point has or is about to be reached. We still agree with the 70% target, but consider a greater focus on offshore wind energy is necessary, particularly in the shallows of the Irish see between the Republic and England/Wales. Increasing emphasis must also be on solar, hydrogen and biofuels.

(2) The Council recognizes the need to connect new sources of renewable electricity and that in prioritizing work ensuring that the strength of the grid and the benefit to consumer.

In Mid Ulster and indeed Northern Ireland as a whole there are a large number of planning approvals for wind energy, in prioritising investment it is correct that account should be taken of infrastructure and demand, but it is also important to consider demand in terms of benefit to communities, who may be experience supply difficulties.

(3) The Council Considers that there should be a Plan Led approach to future wind and solar farms

Future provision of wind energy should not be determined by developers, as the primary motivation is likely to be private interest without adequate consideration given to the communities and landscapes inside which they are set. In Mid Ulster, our Local Development Draft Plan Strategy sets out a simple approach to the development of renewables indicating those areas where high structures or height restrictions apply as well as criteria for assessing applications. Providing development remains within this framework the council welcomes private investment and welcomes the positive contribution developers can make.

(4) The Council welcomes the statement that Companies that use huge amount of electricity should locate new facilities near sources or renewable energy and where the Grid is strong.

Mid Ulster is an excellent location for investment in industry and other power intensive activities such as data centres, because of the location to the primary network and renewable energy providers. Our Plan strategy has already identified opportunities for such development in urban and rural areas such as Desercreat and we would welcome the opportunity to work with SONI in identifying future locations and zonings for such development in our Local Policies Plan. However, it there are other considerations that must be taken into account to ensure any such development is sustainable.

Yours faithfully



Dr. Chris Boomer

Planning Manager for Mid Ulster Council



Comhairle Ceantair
Lar Uladh
Mid Ulster
District Council

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

30 June 2021

The Energy Strategy Consultation
Department of the Economy

Dear Sir/Madam

Response to the Energy Strategy for Northern Ireland

I have been asked to write to you on behalf of Mid Ulster Council expressing both support and concerns in relation to the above consultation document. From the outset it should be stated that the 79 questions attached to the consultation is somewhat over whelming for the average stake holder and it does appear that the nature of the questions are very repetitive and leading. Therefore rather than cherry pick questions as suggested I will only focus on the key themes:

Vision:

The overall vision which aims to grow the green economy, replace fossil fuels with renewable energy, do more with less, create a flexible and integrated energy system are audible if not undisputable. However, there are also conflicts with the central objective of placing people at the heart of our energy future if it leads to unaffordable price increases or a deterioration in the environment in which people live.

Placing you at the Heart of our Energy Future

The Council agrees that no one can predict accurately our future electricity needs. However, it is clear that there is a need to switch energy consumption away from fossil fuels to more renewable forms of energy. In short, that means cutting consumption of petrol, diesel and home heating oils through a switch to bio fuels, electric vehicles and electric heating. This in itself needs research and development in order to make the switch possible, but also means that switch must be affordable and offer a competitive advantage over fossil fuels. The council sees a need for additional finance to protect those most vulnerable and at risk from energy costs and this needs to go beyond the past winter fuel allowance. It should be remembered that incomes in Northern Ireland remain lower than the rest of the UK by some 25% and earnings in Mid Ulster remain another 25% lower than the regional average . The Council would like to see more focus on regulating price for the consumer and clear targets for affordable energy and energy pricing in a Northern Ireland context, as comparisons with Great Britain are somewhat misleading.

Grow the Green Economy

Mid Ulster Council supports development of a green economy and the District because of its location and expertise in building and engineering is already taking a major role. We would therefore support increased investment in improved building technologies for energy efficiency and micro generation. This needs to be supported with investment into research, education and the Council has a role in enabling this through the functions of economic development as well as building control and land use planning.

It is highly likely that hydrogen will be a fuel of the future and the council would fully support the development of this industry. This again needs investment in research, education, but also assistance to get safe hydrogen generation and storage plants operating, a distribution network set up, and plant and equipment at the point of delivery, such as Service stations. Mid Ulster will be happy to work with energy providers to identify and facilitate appropriate sites in Mid Ulster.

In relation to renewables, Mid Ulster has led the way in relation to on- shore wind and there is still some scope for increasing production and upscaling existing facilities. However, many areas are reaching capacity and there is a need to recognise that venerable landscapes such as the High Sperrins and Clogher Valley ridge line need protecting from such development. Therefore, the future lies in off-shore. Given the topography of the ocean floor, the best areas are most probably off the Solway Coast and in the Irish Sea in between England, Wales and Republic of Ireland. Accordingly, there needs to be a focus on further improving the shared Electricity Network between the jurisdictions. There should also be increased focus on other forms of renewable other than wind turbines.

Do more with less

Mid Ulster Council is concerned that changes to regulation could result in increased costs for consumers and rather than doing more, we could end up doing less to the detriment of the economy and the overall wellbeing of the majority. It is very important that energy efficiency is promoted and that investment is made in research in delivering cost effective energy saving solutions at the point of the delivery. For example, if building more energy efficient homes adds to the overall cost of house this will only lead to a widening of the affordability gap most first time buyer's face. Equally, just as with televisions and light bulbs as the cost comes down people choose to make the switch.

Replace Fossil Fuels with indigenous renewables.

As already stated there is support for promoting renewables. Care needs to be taken when setting targets that this does not lead to increased pressure for development in undesirable and sensitive locations. Unfortunately, developers often use targets to try to justify unsustainable development. Therefore, in setting any target a clear image of how this is to be achieved needs to be developed first. There are numerous unimplemented permissions for wind turbines in the planning pipeline as well as an undeveloped solar and biomass sector. It is also clear the future of energy generation lies off shore whether on platforms or on the seabed. Whilst it is desirable to develop indigenous renewable infrastructure it is possible to use energy creating in other areas of these UK/Irish islands as well as export energy. It appears nuclear power will form part of the UK strategy, where we will be an importer of the energy produced.

Creating a Flexible and Integrated Energy System.

Mid Ulster supports improving the network in a sensitive manner and continues to work with SONI in this regard. The council supports smart grids both in term of energy systems, data systems and other distribution systems and again in relation to our location Mid Ulster is likely to have a central role in relation to distribution. With key electricity connectors running through Mid Ulster it means that energy intensive uses such as data hubs could be sited in Mid Ulster and we would be happy to work with the Department of Economy in identifying and providing suitable locations and sites.

I trust you find these comments useful



Dr Chris Boomer
Planning Manager