

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 7 January 2020 in Council Offices, Ballyronan Road, Magherafelt**

**Members Present**

Councillor Mallaghan, Chair

Councillors Bell, Black, Brown, Clarke, Colvin, Cuthbertson, Gildernew, Glasgow, Kearney, McFlynn, McKinney, D McPeake, S McPeake, Quinn, Robinson

**Officers in Attendance**

Dr Boomer, Planning Manager  
Mr Bowman, Head of Development Management  
Ms Doyle, Senior Planning Officer  
Ms McCullagh, Senior Planning Officer  
Ms McEvoy, Head of Development Plan  
Mr Marrion, Senior Planning Officer  
Ms McNally, Council Solicitor  
Ms Grogan, Democratic Services Officer

**Others in Attendance**

Councillor B McGuigan

**Applicant Speakers**

LA09/2017/1083/F	Jim Maneely Eamonn Loughrey Nigel McGurk
LA09/2019/0511/O	Councillor Glasgow
LA09/2019/1121/O	Patrick Bradley
LA09/2019/1226/O	Councillor Glasgow
LA09/2019/1245/O	Councillor Glasgow
LA09/2019/1262/O	Chris Cassidy
LA09/2019/1367/O	Chris Cassidy
LA09/2018/1282/O	Councillor Forde

The meeting commenced at 7.03 pm

**P001/20      Apologies**

None.

**P002/20      Declarations of Interest**

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

Councillor Glasgow declared an interest in planning applications LA09/2019/0511/O and LA09/2019/1245/O.

Councillor Kearney declared an interest in planning application LA09/2019/1283/F.

Councillor S McPeake declared an interest in planning application LA09/2019/1283/F.

## **P003/20      Chair's Business**

The Planning Manager referred to appeal hearing regarding housing development which was refused at Draperstown. He advised that the hearing was scheduled to take place on Thursday 31 January 2020 and that Ms McCullagh and himself would be representing the Council.

The Planning Manager updated members on statistics for the first half of the year had advised that Mid Ulster had 709 applications received which was the third highest amongst councils in Northern Ireland. He stated that a decision was made on 690 applications again ranking in the third highest amongst Councils, resulting in 674 approvals which indicated an approval rate of 96.8% which had to be commended.

The Planning Manager referred to the average processing time of applications and advised that Mid Ulster had a 12.6 weeks remit which was the best since Mid Ulster took over. He said that he was very satisfied with the targets with 102 Enforcement cases opened which is the largest number in all the Council and enquired why this might be. He advised that the key reasons were that Mid Ulster Council has an Enforcement Strategy which required complaints to be put forward in writing which cuts out mischievous complaints being made. He said that we have the lowest number for complaints but the highest number for enforcements which were always open for negotiations and solution solving, which results in Enforcements reaching targets.

In conclusion, the Planning Manager invited any member who wished to make comparisons with other Councils to do so by logging onto the planning portal.

## **Matters for Decision**

### **P004/20      Planning Applications for Determination**

The Chair, Councillor Mallaghan 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/submission of further information –

Agenda Item 4.11 – LA09/2019/1226/O – Site for dwelling and garage approx. 70m N of 31 Gortinure Road, Maghera for Mr Gerard McElDowney

Agenda Item 4.13 – LA09/2019/1262/O – Site for dwelling and domestic garage at approx. 45m W of 140 Kilrea Road, Upperlands for Mr Daniel O'Kane

Agenda Item 4.16 - LA09/2019/1367/O – Dwelling and domestic garage at site adjacent to 2a Tonaght Road, Draperstown for Mr Jim Hegarty

Proposed by Councillor Bell  
Seconded by Councillor Kearney and

**Resolved** That the planning applications listed above for deferral be deferred for an office meeting/submission of further information/removed from schedule.

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

**LA09/2017/1083/F     Retail developments to include supermarket and 2 retail units with associated carparking, site access and landscaping at lands including 2 to 10 Church Street, also lands in between Fountain Road and Loran Way, Cookstown for T J Hamilton**

Members considered previously circulated report on planning application LA09/2017/1083/F which had a recommendation for approval.

Councillor Glasgow raised concern about the number of objections to this application and enquired who carried out the traffic survey.

Ms Doyle advised that the traffic survey was carried out by the consultants.

Councillor Glasgow said that this was a very busy junction and referred to the proposed 109 carparking spaces which could intensify the situation and felt that the traffic survey didn't take this into consideration. He also raised concern about a high number of HGV's travelling to the pig unit.

The Planning Manager said that when the transport assessment was submitted, officers investigated the situation and consulted with Roads Service on issues. He stated that the carparking space allocations were logically placed commensurate with floor space. The impact assessment also addressed traffic movement, traffic lights etc, and Road Service advised the application was not unacceptable. He said that he could appreciate neighbouring residents concerns but had to bear in mind that relatively few houses were directly affected and the site had previously been used as a car sales establishment. He advised that a lot of time had been put into considering this application as it was for a retail development inside the town and all concerns had been thoroughly considered, including retail impact.

Councillor Glasgow said that he remained concerned as he had seen far too often the tailbacks into the town and felt that this quiet residential area would become a bottleneck.

The Planning Manager said that opposite to the proposed site was a public house and advised the committee that the road was quite wide and so movement wouldn't be impacted much and advised that it would be difficult to say that the proposal was unacceptable when everything was taken into account.

Proposed by Councillor Clarke  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2017/1083/F be approved subject to conditions as per the officer's report.

**LA09/2017/1403/F     Drying store and extension of existing site curtilage for Relocation and Storage at 2 Lisnamuck Road, Tobermore for Tobermore Concrete Ltd**

Members considered previously circulated report on planning application LA09/2017/1403/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Brown and

**Resolved** That planning application LA09/2017/1403/F be approved subject to conditions as per the officer's report.

**LA09/2019/0215/F     Dwelling N of and adjacent to 27 Ballynakilly Road, Dungannon for Philip Brady**

Mr Marrion (SPO) presented a report on planning application LA09/2019/0215/F advising that it was recommended for refusal.

Proposed by Councillor Gildernew  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2019/0215/F be refused on grounds stated in the officer's report.

**LA09/2019/0315/F     Extension to existing butchers at 15-16 The Square, Stewartstown for Lowe Butchers**

Members considered previously circulated report on planning application LA09/2019/0315/F which had a recommendation for approval.

Proposed by Councillor Quinn  
Seconded by Councillor Colvin and

**Resolved** That planning application LA09/2019/0315/F be approved subject to conditions as per the officer's report.

**LA09/2019/0511/O     Gap site for dwelling and garage between 255 & 259 Orritor Road, Orritor, Cookstown for Mr Isaac Barnes**

Ms McCullagh (SPO) presented a report on planning application LA09/2019/0511/O advising that it was recommended for refusal.

The Chair advised that a request to speak in support of the application had been received and advised that in the absence of the agent, he invited Councillor Glasgow to address the committee.

Councillor Glasgow advised that he would be speaking on behalf of APS Architects tonight.

He said that he knew the area of Orritor quite well and felt that the application would fit in well with the characteristics of Orritor as the road was in a linear line and would blend in well and not impact on the area.

Councillor S McPeake referred to the decision regarding the application for Moortown in 2016 which was a similar scenario and enquired if there was a different policy as he recalled going to the site meeting at the time and asked what the difference was between that one and this one.

Ms McCullagh said that the two applications were similar and the same policy applied. However in the Moortown case consideration was given to the overlapping nature of the settlement limit.

The Planning Manager stated that the guidance was very clear on infill and how the countryside was to be treated. He said that there were similarities with the Moortown case. In that instance an exception to policy was made because it read more like a rounding of of the settlement than an infill development in the countryside.

Councillor Clarke said that he was familiar with the area and the point where the lane goes back into the house was agricultural land with the Church sited at the junction. He stated that the Church would be the centre of the settlement and there was no reason why there couldn't be another space for a dwelling and a way of stopping it.

The Planning Manager advised that he had given members reasonable considerations and there was an onus on the Council to continue the characteristics of the area.

Councillor McFlynn asked where this fitted in with CTY13.

The Planning Manager said that the whole concept of this would be creating an infill without changing the rural character of the area.

Councillor McKinney said that he would be happy to recommend the application for approval as the distance between the Church and neighbouring properties was not going to make a huge difference as it would rounding off and causing no detrimental effects to the area.

Councillor Black seconded Councillor McKinney's proposal.

Councillor Glasgow advised that Orritor Church and Church Hall have been extended to the left-hand side.

Councillor Clarke advised that the dwelling on the opposite side of the road was previously an old school.

The Planning Manager said that it was important that the character of the area was kept, he drew the Committees attention to the photographs of the site which showed a modern bungalow close to the church and street lighting across to the site and the degree with which it appeared urbanised and therefore a dwelling would not change rural character. On that basis if members were so minding he felt an exception to policy could be made on the basis of rounding off.

Proposed by Councillor McKinney  
Seconded by Councillor Black and

**Resolved** That planning application LA09/2019/0511/O be approved as per conditions within the case officers report.

**LA09/2019/0844/F New temporary building and associated car parking at lands Lissan House, Drumgrass Road, Cookstown for Lissan House Trust**

Ms McCullagh (SPO) presented a report on planning application LA09/2019/0844/F advising that it was recommended for refusal.

The Chair asked that there be an opportunity for this application to avail of an office meeting.

Proposed by Councillor S McPeake  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2019/0844/F be deferred for an office meeting.

**LA09/2019/0992/RM Dwelling and garage at 145m SE of 16 Creevagh Road, Cookstown for Kevin Heron**

Members considered previously circulated report on planning application LA09/2019/0992/RM which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2019/0992/RM be approved subject to conditions as per the officer's report.

**LA09/2019/1121/O 2 dwellings in substitution for approved application LA09/2018/0424/O at lands 20m E of 29 Gortinure Road, Maghera for Patrick Bradley**

Members considered previously circulated report on planning application LA09/2019/1121/O which had a recommendation for approval.

Proposed by Councillor S McPeake  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2019/1121/O be approved subject to conditions as per the officer's report.

**LA09/2019/1133/F Steel clad outbuilding for storage of caravan, vintage tractors and machinery at 98 Drumbolg Road, Tamlaght, Maghera for Ciaran Bennett**

Members considered previously circulated report on planning application LA09/2019/1133/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Black and

**Resolved** That planning application LA09/2019/1133/F be approved subject to conditions as per the officer's report.

**LA09/2019/1148/O Dwelling and detached domestic garage at 140m SW of Drumearn Road, Cookstown for Thomas David James Harkness**

Ms McCullagh (SPO) presented a report on planning application LA09/2019/1148/O advising that it was recommended for refusal.

The Chair advised that a request to speak had been made and in the absence of the agent, Councillor Glasgow would be making representation and invited him to address the committee.

Councillor Glasgow said that he was here tonight to speak in support of the Harkness family which had 3 generations of farming. He referred to the 10-year rule policy and said that the son was 2 years away from being able to apply. He said that other problems were overcome relating to issues and that Mr Harkness was anxious to keep the next generation at home and carry on farming business and asked that members consider deferring the application until an alternative site is investigated and believed that this was worth a shot.

The Planning Manager enquired how there could be an alternative site as it failed the policy. He said that a replacement or infill opportunity would be the best avenue as the current application was going nowhere and suggested going back to the applicant recommending that the application be withdrawn and then discussing new alternatives.

Proposed by Councillor Robinson  
Seconded by Councillor Brown and

**Resolved** That planning application LA09/2019/1148/O be held for 30 days to discuss options.

**LA09/2019/1226/O      Site for dwelling and garage approx. 70m N. of 31 Gortinure Road, Maghera for Gerard McEldowney**

Planning application LA09/2019/1226/O deferred earlier in the meeting.

**LA09/2019/1245/O      Gap site for dwelling & garage at junction of Craigs Road & Killycurragh Road, Orritor, Cookstown for Wesley Carson**

Ms McCullagh (SPO) presented a report on planning application LA09/2019/1245/O advising that it was recommended for refusal.

*Councillor Glasgow withdrew to the public gallery.*

The Chair advised that Councillor Glasgow would be speaking in place of the agent who had previously been granted speaking rights.

Councillor Glasgow thanked the committee for allowing him to speak in support of the application.

Councillor Glasgow advised that the application at Killycurragh Road was at the junction with the Braeside and a number of houses on the left and right up to Craigs Crossroads. He said that he didn't see approval of the application as a negative impact on the area as there were continuous houses on both left and right hand-side right up to Killycurragh Road and felt that this would not be a detrimental effect on the character of the area.

The Planning Manager referred to the overhead photograph and also street level photos. He advised that from both different conclusions could be drawn. From the overhead it appeared that there was a substantial ribbon and this would only link the settlement with that substantial ribbon. However from the street level photo it appeared that the site represented an important break defining the settlement and the ribbon did not read against the settlement. He therefore advised members that the best way to reconcile the arguments was to conduct a site visit.

Councillor Clarke said that he was familiar with the area and stated that there was very little traffic on the Killycurragh Road and felt that this application if approved wouldn't make an impact due to the light traffic on this stretch of road. He stated that the roads marked blue for zoned development may never come to fruition.

Councillor McKinney suggested that this application would merit a site meeting so members could get an accurate view.

Councillor Gildernew said that this situation arose before and it was important that the photos showed some accuracy.

Proposed by Councillor McKinney  
Seconded by Councillor Gildernew

**Resolved**      That planning application LA09/2019/1245/O be deferred for a site visit.



*Councillor Glasgow returned to the meeting.*

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

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

**LA09/2019/1283/F      Removal of 5 mobile classrooms, replace with 5 classrooms; re-organisation and extension to existing school at Crossroads Primary School, 157 Drumagarner Road, Kilrea for the Very Rev Father John Cargan PP**

Members considered previously circulated report on planning application LA09/2019/1283/F which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor McKinney and

**Resolved**      That planning application LA09/2019/1283/F be approved subject to conditions as per the officer’s report.

*Councillor Glasgow left the meeting 7.52 pm.*

**LA09/2019/1351/F      Variation of Condition 4 of LA09/2018/0554/F (completion date for provision of public open space) at site adjacent to NW of 22 Tamnamore Road, Killyman for Corove Developments Ltd**

Members considered previously circulated report on planning application LA09/2019/1351/F which had a recommendation for approval.

Councillor Cuthbertson enquired about green open space and whether this will ever happen.

Mr Marrion (SPO) advised that on the current planning permission this open space should be provided before houses are occupied. During the development of the houses, construction traffic and machinery is likely to impact on the open space. It is appropriate to wait until the houses are built at the back before providing the open space.

*Councillor Glasgow returned to the meeting at 7.53 pm.*

In response to Councillor Cuthbertson’s query regarding the timeframe, Mr Marrion (SPO) advised that the condition requires the open space to be provided prior to any of the houses at the back being occupied.

Proposed by Councillor McKinney  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2019/1351/F be approved subject to conditions as per the officer's report.

**LA09/2019/1367/O Dwelling and domestic garage at site adjacent to 2a Tonaght Road, Draperstown**

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

**LA09/2018/1282/O Dwelling and garage 110m NE of 4 Tamnymullan Lane, Maghera for Mr Robert Sufferin**

Ms McCullagh (SPO) presented a report on planning application LA09/2018/1282/O advising that it was recommended for refusal.

The Chair advised that a request to speak in support of the application had been received and invited Councillor Forde to address the committee.

Councillor Forde advised the committee that the farm policy was to be welcomed as it allowed people to build new dwellings on the land. She said the proposed new dwelling was visually linked with an established group of buildings on the farm and was contrary to Policies CTY1 and CTY10 of PPS21, Sustainable Development in the Countryside and said that Mr Sufferin had a fully working farm and was in receipt of farm payment subsidies. She said the laneway was 400m in length and had households belonging to 6 different parties on the stretch of lane, with Mr Sufferin's dwelling being the last one. It has been established that the existing homeowners on the laneway were unwilling to provide easement to Mr Sufferin in this instance and it's a requirement from Mortgage Brokers that a right of way is in place before they can commit to lending the funding required.

Councillor Forde said that it wasn't feasible to build the dwelling where Officers had previously suggested and felt that as other houses were built on this stretch of road, a new site would integrate well with a few modifications and wouldn't be detrimental to the area. She also stated that the junction remained safe as no accidents were recorded.

Councillor Forde advised that Mr Sufferin was a man in his seventies with an agricultural farm and his married son had agreed to take over the daily running of the business, but he required a new site on their own land and asked members to look at this favourably to allow the next generation of Sufferins' to continue their heritage.

The Planning Manager felt that the presentation had missed fundamental reason for refusal which was the road was classed as a protected route where the policy was to keep access to a minimum. He said that this would be in conflict with the Protected Route Policy and would advise that the farmer speak to his neighbours to seek a favourable agreement to access or investigate an alternative site.

The Council Solicitor reminded members that issues relating to mortgages or private matters including private rights of way, were not material considerations and cannot be taken into account by the Committee when making a decision.

Councillor McKinney said that this was a short laneway which had 6 other householders coming out onto this stretch of road and felt getting commitment for a right of way would be like winning the lottery as it would be virtually impossible and would like to see where the other sites were being permitted as the land was quite a size. He said that Mr Sufferin was in his later years and his son was willing to carry on the land and felt that in the past dwellings on farms has been approved when criteria wasn't met which was very unfair.

He said that he finds it hard to believe that this application had been refused as there was a house built across the road from the proposed site within the last two years and the occupants come out onto the same road.

The Planning Manager advised that Protected Routes are law and that the Planning Policy was our guide regardless if a decision had incorrectly approved a dwelling on a different site. He said that planning permission would only be approved if the criteria was met and he referred to PPS21 CTY10 and said that policy stated that a field gate was not an access.

The Planning Manager stated that the Council Solicitor's advice was very accurate and he was concerned that a decision be taken based on rights of access, particularly as in this case there was no evidence to prove or disprove the neighbours had control over rights of access.

The Chair stated that when infrastructure issues within Mid Ulster were looked at, there was a need to keep traffic moving at a reasonable speed and the next instance of a person seeking to build a dwelling on a protected route, members would need to carefully consider this as the advice of TNI has been provided and as we get very little, we need to keep whatever we have and look after it.

Councillor Gildernew said that he had sympathy for the farmer and asked if there was any possibility of getting a right a way through his land.

The Planning Manager said that the best option would be to go back to his neighbours to see what can be achieved or seek an alternative site.

Councillor McPeake said that he had sympathy for the farmer as he knows the road well and felt there was no other road for the access lane.

The Planning Manager said that it was horrific that the neighbours had such little respect for this farmer to not grant him permission for a right of way and felt that there should have been some leeway.

Councillor Black stated that he agreed with members comments regarding having sympathy for the applicant and felt it was unfair that he had a 150-acre farm but couldn't utilise a site. He felt it was unjust that 6 homeowners had access onto the protected route and asked if there was an issue when these sites were previously approved. He enquired if it would be worthwhile deferring the application until further investigations were carried out.

The Planning Manager advised that the application had already been taken away and looked at again and any possible suggestions were rejected by the applicant and we

have to be careful as we are trying to protect the routes properly otherwise, we could leave ourselves open for criticism within Mid Ulster.

Councillor Glasgow said that the Policy was extremely specific and asked if this was the law.

The Planning Manager advised that it was law in so far as protected routes were declared by Order.

Councillor Glasgow said that letters had been received to indicate that permission for a right of way was not permitted on the shared laneway and enquired if there were any exceptions within the Policy that would allow for this dwelling. He also asked if it was shown that letters of objections had been drawn up by legal establishment, could it have an impact on the situation.

The Planning Manager said that the Council Solicitor was correct in her advice that in a case such as this case rights of access were not material.

Councillor Glasgow enquired if there were any exceptions within the Policy when all other avenues have been exhausted.

The Planning Manager advised that the Policy was clear.

Councillor Black referred to his previous comments and said that it was worth investigating again as it was unfair that the applicant didn't have the same right as the others which built on land and came out onto the protected route.

The Planning Manager said he did not want to give the applicant the false impression that the application as stood was in his view a non-runner and we have regularly given the same outcome to others in the same position.

The Chair said that he would be happy to accept the officer recommendation to refuse the application.

Councillor McKinney sought a deferral so he could go and investigate for himself the proposed area where the dwelling was to be situated. He said that he wanted to be confident that there were no other mitigating circumstances why this dwelling couldn't be approved as he was aware of a house being built not far away from Mr Sufferin's land within the last few years.

The Planning Manager said that he only provides members with advice and guidance, but it was up to them to make the decision. He advised that the information on the other house was very vague, and before he instructed Officers to explore further could he be given further details.

Councillor McKinney said that under no circumstances was he undermining the advice and guidance from the Planning Manager but would be content if he could investigate for himself the situation at the proposed site.

Councillor Black said that he would be happy to second Councillor McKinney's proposal of deferring the application as he felt that the Policy needed to be applied fairly to all on the Protected Route.

Proposed by Councillor McKinney  
Seconded by Councillor Black and

**Resolved** That planning application LA09/2018/1282/O be deferred until additional information on other approvals in the area is forthcoming.

**LA09/2019/0408/F Dwelling and garage approx. 50m SE of 25 Longfield Lane, Desertmartin**

Members considered previously circulated report on planning application LA09/2019/0408/F which had a recommendation for approval.

Proposed by Councillor Robinson  
Seconded by Councillor McFlynn

**Resolved** That planning application LA09/2019/0408/F be approved subject to conditions as per the officer's report.

*Councillor McKinney left the meeting at 8.25 pm.*

*Councillor Bell left the meeting at 8.26 pm.*

*Councillor Quinn left the meeting at 8.27 pm.*

**P005/20 Report on consultation from DfC, Historic Environment Division on consideration to List a Lodge at Benburb Bridge.**

The Planning Manager presented previously circulated report to provide members with background and draft response to a consultation by Department for Communities, Historic Environment Division (DfC, HED) regarding their consideration a list of Gate Lodge at 180 Maydown Road, Benburb, Dungannon, Co. Tyrone.

The Chair advised that a request to speak on the application had been received and invited Councillor B McGuigan to address the committee.

Councillor B McGuigan said that he had been contacted by an agent regarding the live application which has now been triggered by DfC and HED for listing. He said that the agent has raised concern as the landowner was not notified about the building coming forward for listing before the application was submitted.

*Councillor Bell returned to the meeting at 8.29 pm.*

*Councillor Quinn returned to the meeting at 8.30 pm.*

The Planning Manager said that it was up to the HED to consult with the landowner. He said that to some degree it was not the Council's decision and we could remain neutral.

Councillor Cuthbertson felt that a response should not be send as the timeframe will pass.

The Planning Manager said if the Council doesn't want to become involved, we could write back advising that we are aware of the situation but make no commitment.

In response to a query from Councillor B McGuigan, the Planning Manager agreed that it would be up to the agent to liaise with HED as the Council should be seen to remain neutral.

Councillor Gildernew said that it was strange that this has only arisen now. He said that the land was part of Benburb Priory and was a small cottage at the side of the road which was previously used as a dwelling house and in later years a family purchased it and obviously wanted to make changes. He aired on the side of caution and felt that the Council shouldn't get involved in this.

The Council Solicitor said that the Committee needed to look at this situation objectively, assess the information based on relevant criteria and decide what response should issue. She said that the Council is a consultee and should not be seen to be the decision-maker or advocating on any other party's behalf in relation to the matter.

The Chair said that this needs to be carefully considered in the event of the application being submitted in the future and he would suggest writing back to the Department advising that the Council would not be making a decision until a planning application was submitted and that no comments were to be made at this time.

Proposed by Councillor Mallaghan  
Seconded by Councillor Gildernew and

**Resolved** To note the consultation and advise that the council had no comment on the proposed listing.

### **Matters for Information**

#### **P006/20 Minutes of Planning Committee held on 3 December 2019**

Members noted minutes of Planning Committee held on 3 December 2019.

#### **P007/20 Receive Report on Correspondence from DfI – Former William Clark and Sons Linen Mill Complex at Upperlands, Maghera**

Members noted previously circulated report on Correspondence from Department of Infrastructure regarding Planning Applications (H/2009/0246/O, H/2009/0270/F & H/2009/0271/LB) at the Former William Clark and Sons Linen Mill Complex at Upperlands, Maghera.

Councillor S McPeake said that he was concerned about the quantitative of housing at Upperlands and the determination of the development plan. He stated that this item was brought before Planning Committee in September 2019 and advised at the time although

he wasn't against the proposal, he felt that the housing spread needed to be more equal and not up to 200 houses in a small area. He said that in Swatragh only 7 to 10 houses were proposed which makes a folly out of the whole process.

The Planning Manager said that he was conscious that Upperlands was afforded the opportunity for 200 houses but would be curious about where the people were going to come from to occupy these dwellings and felt that there could be flaws in the Department's.

Councillor Colvin said that in his opinion a decision could have been made and very unprofessional to pass it over to the PAC to make the decision.

Councillor S McPeake suggested that a response to the letter should be submitted expressing this Council's grave concerns regarding the matter.

The Planning Manager said Mid Ulster District Council was looking for some clear transparency and felt that this may be the best route to proceed down.

Councillor Bell enquired about the proper process being carried out in other Council areas and felt that if the same scenario was happening in Belfast or elsewhere, there would be an uproar.

Councillor S McPeake said that local area plans should be guided by local needs and felt that there was no thought put into this issue.

The Council Solicitor enquired if they were avoiding answering the issue and if at any point this type of situation would feature as part of the representations/ counter-representations in the Plan process.

The Planning Manager advised that the Department had objected to the allocations in Mid Ulster District Council's Draft plan strategy. He also noted that no equality impact assessment had been undertaken.

Councillor Cuthbertson said that he was aware of another small village of having 100 to 150 houses being due to be built with no amenities.

The Planning Manager said that he had read the letter and felt that one page contradicted the other.

Councillor S McPeake suggested writing back to the Department expressing this Council's disappointment on not being availed of a response back but hearing about the plans from an MP from another area.

Proposed by Councillor S McPeake  
Seconded by Councillor Bell and

**Resolved** That the Planning Manager write back to DfI expressing the Council's disappointment at the lack of response regarding previous concerns raised.

## **Local Government (NI) Act 2014 – Confidential Business**

Proposed by Councillor Robinson  
Seconded by Councillor Brown 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 P008/20 to P011/20.

### **Matters for Information**

P008/20 Confidential Minutes of Planning Committee held on  
3 December 2020  
P009/20 Enforcement Cases Opened  
P010/20 Enforcement Cases Closed  
P011/20 Miscellaneous Matters

### **P012/20 Duration of Meeting**

The meeting was called for 7 pm and concluded 9 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_