

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 1 August 2017 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Mallaghan, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, McPeake, Reid, Robinson

Officers in Attendance

Dr Boomer, Planning Manager
Mr McClean, Senior Planning Officer
Mr McCrystal, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Mr McGibbon, Senior Planning Officer
Ms Mullen, Council Solicitor
Miss Thompson, Committee Services Officer

Others in Attendance

Applicant Speakers

LA09/2016/1640/F	Mr Loughrey
LA09/2016/1693/O	Mr Cassidy
LA09/2017/0598/O	Mr Cassidy
LA09/2017/0649/F	Mr Loughrey
LA09/2016/1739/A	Mr Cassidy
Item C – Consultation response to LA10/2015/0292/F	Ms McKenna

The meeting commenced at 7.10 pm

P103/17 Apologies

Councillor Mullen and J Shiels.

P104/17 Declarations of Interest

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

Councillor Reid declared an interest in planning application LA09/2016/1307/F.

Councillor Robinson declared an interest in planning application LA09/2017/0509/F.

Councillor McPeake declared an interest in planning application LA09/2016/1300/O.

Councillor Kearney declared an interest in item D on the agenda – Report on Tree Preservation Order at Bellaghy.

P105/17 Chair's Business

The Planning Manager advised that, further to discussion at recent Council meeting in relation to consultation regarding Mineral Prospecting Licence application DG4 (Dalradian Gold Limited) he proposed wording in response to the consultation as follows –

“That Mid Ulster Council object to the issue of Mineral Prospecting Licence application DG4 (Dalradian Limited) and any other similar licences within the Mid Ulster area and that the issue of such licences caused division in the community and conflict amongst neighbours.”

The Planning Manager advised that unofficial performance statistics for the first quarter of the year indicate that the targets are being met in relation to local applications however there was room for improvement in relation to meeting targets for major applications.

Matters for Decision

P106/17 Planning Applications for Determination

**H/2014/0399/F Pig Fattening shed with feed bin (to contain 900 pork pigs)
at lands off Cahore Road, approximately 100m E of 11A
Tonaght Road, Draperstown for Mr Michael McErlean**

The Planning Manager advised that this was a complex application with concerns being raised in relation to foodstuffs. The Planning Manager suggested that Members undertake a site visit to a similar pig unit, and, having acquired additional knowledge from this visit they could then make an informed determination on this application.

In response to Councillor Clarke's question the Planning Manager advised that there was land available for this application closer to the applicant and further away from neighbours.

Proposed by Councillor Reid
Seconded by Councillor Bateson and

Resolved That planning application H/2014/0399/F be deferred for a site meeting.

**LA09/2015/0687/O Dwelling and garage 100m N of 17 Carricklongfield Road,
Aughnacloy for Mr Colin Mullan**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Cuthbertson
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2015/0687/O be approved subject to conditions as per the officer's report.

**LA09/2016/0687/F Retention of existing farm building 100m N of 17
Carricklongfield Road, Aughnacloy for Mr Colin Mullan**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Cuthbertson
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2016/0687/F be approved subject to conditions as per the officer's report.

**LA09/2016/0965/O Dwelling and garage at lands between 103 Killymeal Road
and 7 Edendork Road, Dungannon for Mr Rodger Jones**

The Planning Manager suggested an office meeting to discuss policy issues in relation to this application.

Proposed by Councillor Gildernew
Seconded by Councillor Bateson and

Resolved That planning application LA09/2016/0965/O be deferred for an office meeting.

**LA09/2016/1086/F 3 town houses adjacent to 1 The Villas, The Rock,
Dungannon for Mr T Gilkinson**

Application listed for approval subject to conditions as per the officer's report.

In response to the Chair's question, Ms McCullagh advised the applicant had not made any proposals in relation to the rest of the site.

Proposed by Councillor McAleer
Seconded by Councillor Reid and

Resolved That planning application LA09/2016/1086/F be approved subject to conditions as per the officer's report.

**LA09/2016/1102/RM 2 class B2 light industrial units at lands N of 23
Magherafelt Road and opposite 1-8 Rochview Terrace,
Moneymore for Mr Alastair Hayes**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Kearney
Seconded by Councillor McKinney and

Resolved That planning application LA09/2016/1102/RM be approved subject to conditions as per the officer's report.

LA09/2016/1307/F Motorsport racetrack and ancillary buildings; car parking and associated site and road works at Clay Pits, Dungannon Road, Coalisland for Manna Developments

The Chair advised that this item would be considered under confidential business later in the meeting.

LA09/2016/1444/F Dwelling off new approved access road at lands opposite Tullyallen Graveyard, Tullyallen Road, Dungannon for Martin Hamill Construction

Application withdrawn by applicant.

LA09/2016/1550/F Single storey dwelling at 200m NE of 159 Tullyvar Road, Ballygawley for Mr Raymond Gilmour

Mr McClean (SPO) presented a report on planning application LA09/2016/1550/F advising that it was recommended for refusal and suggested that the application be discussed in confidential business due to the personal circumstances.

Councillor Gildernew advised that he had been contacted by the agent for the application who was taken ill and had been in hospital. The Councillor requested that the application be deferred.

The Planning Manager advised that an office meeting may be beneficial to discuss personal circumstances in a more relaxed forum.

Proposed by Councillor Bell
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2016/1550/F be deferred for an office meeting.

LA09/2016/1568/F Variation of condition 19 of planning approval H/2010/0009/F at Crockdun, approximately 450m WSW of Cullion Road and Drumard Road, Draperstown for Tom O'Donnell

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Bell
Seconded by Councillor Bateson and

Resolved That planning application LA09/2016/1568/F be approved subject to conditions as per the officer's report.

**LA09/2016/1640/F Agricultural shed 90m S of 54 Gortlenaghan Road,
Dungannon for Martin McCool**

Mr McClean (SPO) presented a report on planning application LA09/2016/1640/F advising that it was recommended for refusal. Mr McClean also highlighted addendum to agenda which recommended that the additional bullet point be added to refusal reason no.2 –

It has not been demonstrated that the applicant has an active and established farm holding.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Loughrey to address the committee.

Mr Loughrey advised that he had not been informed of additional reason for refusal.

Mr Loughrey advised that the applicant's father has farmed the application site from the 1980's. The applicant's father maintains the land in good condition and has a DAERA client id but no business number. The land is also part rented. Mr Loughrey advised that the proposed shed will be used for storage with a cattle crush located at the rear of the shed. The proposal will look and function as a shed, will be located close to the road, a road which has other sheds located. It was advised that there are no views of the site from the roadside. Mr Loughrey concluded that there was an existing farm established for more than six years and that this was not an application to commence farming.

The Planning Manager advised that an office meeting may be useful in this case given the claim now made that this was an active farm.

Councillor Gildernew proposed that the application be deferred for an office meeting.

Councillor Clarke referred to the difficulties of farming without adequate facilities and that a person cannot get a herd number without facilities. The Councillor also stated that farm buildings erected 20 years ago may not be fit for use today. Councillor Clarke seconded the proposal for an office meeting.

Councillor Reid advised he had intended to refuse the application but was agreeable to an office meeting on what he had heard tonight.

The Planning Manager advised that the policy in relation to farm buildings was strict however he felt enough had been said by the agent tonight to warrant further discussion.

Resolved That planning application LA09/2016/1640/F be deferred for an office meeting.

LA09/2016/1672/O Dwelling and garage between 1 and 3 Brackaghreilly Road, Maghera for Mrs M Convery

Mr McCrystal (SPO) presented a report on planning application LA09/2016/1672/O advising that it was recommended for refusal.

Proposed by Councillor Cuthbertson
Seconded by Councillor Bateson and

Resolved That planning application LA09/2016/1672/O be refused on grounds stated in the officer's report.

LA09/2016/1693/O Farm dwelling and garage 195m SW of 146 Gulladuff Road, Bellaghy for Seamus McCorry

Mr McCrystal (SPO) presented a report on planning application LA09/2016/1693/O advising that it was recommended for refusal.

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

In response to the Planning Manager's question Mr Cassidy confirmed that the applicant's address was 6 Clarkes Court, Gulladuff.

Mr Cassidy advised that the farm business had been established in excess of six years and advised of evidence previously circulated showing farm business being registered from 1995. Mr Cassidy advised of receipts provided covering period 2013 to 2017 and advised that further receipts could be provided going back to 2011. Mr Cassidy advised that the proposal would be able to integrate and requested an office meeting to provide further receipts.

The Planning Manager stated he would be agreeable to an office meeting.

Proposed by Councillor Reid
Seconded by Councillor Bateson and

Resolved That planning application LA09/2016/1693/O be deferred for an office meeting.

LA09/2016/1793/F Housing development (19 detached dwellings) at lands opposite (SE) of 17-31 Benburb Road, Moy for Chris Traynor

Mr McClean (SPO) presented a report on planning application LA09/2016/1793/F advising that it was recommended for refusal. Mr McClean also highlighted addendum to agenda in which it was advised that an amended layout had been submitted but that this did not address the concerns or deal with all the issues previously raised.

Councillor Gildernew proposed an office meeting in relation to this application stating that further housing was needed in Moy and that he felt issues related to the application could be resolved.

The Planning Manager stated that if the applicant was willing to work with officers then an office meeting could be accommodated.

Councillor McKinney seconded Councillor Gildernew's proposal.

Resolved That planning application LA09/2016/1793/F be deferred for an office meeting.

LA09/2017/0272/F Wind turbine 92.5m blade to tip height, with ancillary works at Beltonanean Mountain, Beltonanean TD, Cookstown for Ross Planning

The Chair advised that a decision on this application should be deferred for one month due to application and agenda advertising the applicant name and agent name as the same person.

Proposed by Councillor Gildernew
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/0272/F be deferred for one month.

LA09/2017/0304/F Redevelopment of existing store at 38 Castledawson Road, Magherafelt for Lidl Northern Ireland GmbH

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McKinney
Seconded by Councillor Reid and

Resolved That planning application LA09/2017/0304/F be approved subject to conditions as per the officer's report.

LA09/2017/0509/F Demolition of existing store and erection of new pallet store building with extended yard area and alterations to entrance at 15A Grange Road, Ballygawley for Exi-tite Ltd

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Cuthbertson
Seconded by Councillor McAleer and

Resolved That planning application LA09/2017/0509/F be approved subject to conditions as per the officer's report.

LA09/2017/0598/O Dwelling and garage/store at approximately 175m W of 6 Tonaght Road, Draperstown for Sean McGlade

Mr McCrystal (SPO) presented a report on planning application LA09/2017/0598/O advising that it was recommended for refusal.

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

Mr Cassidy advised that DAERA have confirmed that the farm is both active and established and that issues regarding the application related to farm buildings. Mr Cassidy advised that the submitted proposal site will be well integrated and not be prominent, he conceded that the site is away from the main farm group of buildings but referred to earlier investigations for another location on the main farm holding and stated that the applicant would be unable to obtain a mortgage at that location because of a shared access laneway. Mr Cassidy advised that this was not a unique scenario and requested an office meeting.

The Planning Manager stated he was satisfied that the farm is active but that the issue came down to farm buildings. The Planning Manager stated the need to apply policy but that this should not be in an unduly slavish manner. The Planning Manager suggested an office meeting be held.

Councillor McKinney proposed that an office meeting be held in respect of planning application LA09/2017/0598/O.

Councillor Reid seconded Councillor McKinney's proposal and agreed with the comments made by the agent in relation to difficulties obtaining a mortgage.

The Planning Manager expressed the need to be careful stating that just because it is felt that the policy is not right it still should not be ignored.

Resolved That planning application LA09/2016/0598/O be deferred for an office meeting.

LA09/2017/0644/O Dwelling and garage between 22 and 24 Mulnavoo Road, Draperstown for P McGuigan

Mr McCrystal (SPO) presented a report on planning application LA09/2017/0644/O advising that it was recommended for refusal.

Proposed by Councillor Bateson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2016/0644/O be refused on grounds stated in the officer's report.

**LA09/2017/0649/F Variation of condition 15 of planning approval
LA09/2015/0241/F (window frames) at Killymeal House and**

adjacent lands, Killymeal Road, Dungannon for J & V Construction

Mr McClean (SPO) presented a report on planning application LA09/2017/0649/F advising that it was recommended for refusal. It was highlighted in the addendum to the agenda that if there is a decision to approve the application then HED must be notified before the decision issues.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Loughrey to address the committee.

Examples of proposed roof tile and window frames were shown to Members.

Mr Loughrey stated the need for social housing in the Dungannon area and that these houses were currently under construction with the potential of being occupied by November. Mr Loughrey advised that the proposed roof tile is around half the cost of natural slate which is an important consideration for social housing provider. Mr Loughrey advised that there would be no noticeable difference between the natural slate tile and slate effect tile and that views of the site will be localised. Mr Loughrey advised that the social housing provider did not want wooden window frames and felt that the wood effect pvc was sympathetic to the surroundings. Mr Loughrey referred to previous decision taken in relation to using pvc windows on a listed building. Mr Loughrey felt that sympathy to the listed building was being achieved.

The Planning Manager advised that the primary consideration in relation to this application was the listed building. He stated that he was not convinced that the proposal would harm the listed building and would not be opposed if the committee were sympathetic to the proposal. It was advised that Historic Environment Division responded to consultation on the application stating that the proposal is contrary to policy. The Planning Manager advised that a decision to approve the application must be notified to HED to which they may object to such a decision.

Councillor Cuthbertson felt the opinion of HED was harsh and that there had been advances made in roof tiles. The Councillor advised that if the comments of HED followed through then nothing could be built in Dungannon due to the number of listed buildings. Councillor Cuthbertson advised he would be in favour of approving the application.

Councillor Gildernew stated he was of the same opinion and expressed the need for social housing in Dungannon. Councillor Gildernew proposed the approval of planning application LA09/2017/0649/F.

Councillor Bateson seconded Councillor Gildernew's proposal.

Councillor McAleer stated she would support the comments of other Members and that wooden window frames incur higher maintenance.

Councillor Clarke also agreed with the previous Members' comments.

The Planning Manager advised that the integrity of the listed building would not be destroyed and that he would be happy to go to the Department with a recommendation to approve the application.

Councillor Reid asked if a decision to approve the application would effect the listed building and if it would still be protected.

The Planning Manager advised that the listed building would continue to be protected and the three key reasons for approving the application are –

- The proposed materials are not detrimental to the listed building.
- Materials proposed and examples provided are of high quality and will help to assist with keeping the integrity of the listed building.
- Recognised need for social housing in Dungannon area.

Resolved That HED be informed of the intention to approve planning application LA09/2016/0649/F for the following reasons –

- The proposed materials are not detrimental to the listed building.
- Materials proposed and examples provided are of high quality and will help to assist with keeping the integrity of the listed building.
- Recognised need for social housing in Dungannon area.

LA09/2017/0655/F Health and beauty salon at 48A Milltown Street, Dungannon for Leah Cuddy

Application withdrawn from schedule as incorrect information had been presented in the report.

LA09/2017/0684/F Dungannon Improvement Scheme at Thomas Street/Market Street/Church Street/Market Square, Dungannon for Mid Ulster District Council

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan, McAleer, McEldowney, McKinney, McPeake, Reid, Robinson declared an interest in this application.

Application listed for approval subject to conditions as per the officer's report.

Members were advised of response from Department in relation to this application in which it asks Council to attach a number of conditions if the application is approved.

Proposed by Councillor Bell
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0684/F be approved subject to conditions as per the officer's report and further conditions to be added.

LA09/2016/1300/O Dwelling on site 20m NE of 49 Brough Road and adjacent to Brough Road Crossroads, Castledawson for Cathal McOscar

Mr McCrystal (SPO) presented a report on planning application LA09/2016/1300/O advising that it was recommended for refusal.

Councillor Cuthbertson left the meeting at 8.30 pm

Councillor McPeake requested to speak on this application.

Councillor McPeake advised that the application site is located at a staggered crossroads with a GAA pitch also not far from the site. Councillor McPeake advised of the intended provision of a footbridge within the A6 road scheme to be located to the south of the site across the Broagh Road. The Councillor felt that this footbridge will in itself be a focal point and that the proposal will round off the cluster as there could be no further development further down the road as it was a protected route. Councillor McPeake stated that the site is currently a builders yard which has been active for more than five years and advised that permitted development could be obtained for a dwelling of up to 4m height on this site.

The Planning Manager expressed the need to demonstrate the builders yard is authorised as it has had an enforcement notice served. The Planning Manager felt that if the bridge is to be built then the proposal would offer logical rounding off, the Planning Manager asked when the road is to be constructed.

Councillor McPeake advised that work was ongoing on the A6 road scheme but has not been completely signed off.

The Planning Manager suggested that the application be deferred for six months to one year to allow for the footbridge to be erected.

Councillor McPeake stated that the road is a protected route further down so could be no further development.

*Councillor Cuthbertson returned to the meeting.
Councillor McPeake withdrew to the public gallery.*

The Planning Manager advised that if the bridge was in place it could be taken into account but as it had not yet been erected the opportunity to consider had not been created. The Planning Manager advised that the only argument left is in relation to the protected route and would be tricky to defend if challenged. The Planning Manager suggested waiting for a passing of time until the bridge is erected.

Councillor McKinney proposed that the application be deferred for one year.

Councillor Clarke seconded Councillor McKinney's proposal.

Councillor Reid asked if this left the opportunity for similar applications to be made.

The Planning Manager advised that he would have concerns in relation to defending a case which relates to a Department not completely signing off on a process.

Councillor Bateson questioned the need to even consider the footbridge as a natural cut off to further development had been demonstrated.

Councillor Bell supported Councillor Bateson's sentiments stating that the A6 will stop any further development. Councillor Bell also referred to the two existing focal points, those being the staggered crossroads and the nearby GAA pitch.

The Planning Manager advised that the focal points had been taken into account.

Councillor Bateson felt that the fact there was an existing builders yard on the site helped to distinguish the application as it could not be assessed in the same way as a green field site.

The Planning Manager advised that clarification was needed on whether the builders yard was authorised and stated that if it was authorised it would be acceptable to approve the application.

Proposed by Councillor Bateson
Seconded by Councillor Bell

To defer planning application LA09/2016/1300/O for one month.

Councillor Clarke withdrew the previous proposal.

The Planning Manager advised that the argument put forward tonight that the builders yard has existed for years would be easy to verify.

Councillor Reid asked if clarification could be sought from TransportNI on their future intentions for the A6 including the proposed application area and whether lands would have to be vested. The Councillor asked that his concerns be noted.

Councillor Bell stated that it was remarkable that planning officers would take into consideration something which TransportNI may or may not do in the future. Councillor Bell felt that the matter of the footbridge should not be a material consideration of this application.

Members voted on Councillor Bateson's proposal to defer planning application LA09/2016/1300/O for one month –

For – 7
Against – 2
Abstained -1

The Planning Manager stated that he had been advised by Council Solicitor that if someone has not been in the room for the whole discussion of an item they cannot vote. It was noted however that even if the Councillor retracted his vote it would not change the result.

Councillor Gildernew asked if this was at the Chairman's discretion.

The Chair asked Councillor Cuthbertson if he wanted to retract his vote.

Councillor Cuthbertson stated he would retract his vote if needed but that it would make no difference to the result of the vote. Councillor Cuthbertson advised that this was the second time this application had come before Members and that he had been present for the whole discussion on the initial presentation.

It was noted that there was no suggestion of mal intent on the Councillors part.

Resolved That planning application LA09/2016/1300/O deferred for one month.

LA09/2016/1739/A 2 shop signs relocated from existing positions (to accommodate new by pass road layout) at lands 40m W and 145m E of 55 Aughrim Road, Magherafelt for Bradley Furniture

Councillor McKinney left the meeting at 8.45 pm.

Mr McCrystal (SPO) presented a report on planning application LA09/2016/1739/A advising that it was recommended for refusal.

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

Mr Cassidy advised that the applicant was his cousin and that he had helped to erect the signs 20 years ago. Mr Cassidy advised that the applicant ran a family enterprise which had been disrupted in the past two years with the construction of the Magherafelt bypass. Mr Cassidy advised that the proposed signs would be the same as those replaced and that TransportNI were supportive of the resiting of the signs. Mr Cassidy referred to streetview photo which showed signs in place in 2008, he stated that the signage was invaluable for the applicants business and requested approval of the application.

The Planning Manager advised that if new signage is to be erected then the application could not be viewed as relocation.

Councillor McKinney rejoined the meeting at 8.49 pm.

Mr Cassidy advised that the signage would be the same size as what was previously there.

The Planning Manager advised that a business is entitled to advertise itself but that signage should be put at the end of the laneway to the business in this case. He advised that the signs were not being relocated as they were bigger than what was previously there.

Councillor Bateson advised he travelled along the road where the signage is located for many years and he did not remember a time when the signage had not been

there. He advised that the by pass had dictated the need to relocate the signage and that the passing of time also required the signage to be replaced. Councillor Bateson felt it was clear that the signage is linked to the business and stated that TransportNI have no issue with the application.

Councillor Clarke asked if the two signs had been there for more than 10 years if the applicant would be entitled to keep these two signs.

The Planning Manager stated he would suggest that the signage is located beside the laneway of the business.

Councillor McKinney felt that placing the signage a distance away highlights to road users and customers that they are nearing the business and that if signage is placed at the laneway directly before people could pass the business without realising.

The Planning Manager stated that if that reasoning was used it would have to follow for every other business in Mid Ulster and would lead to a proliferation of signage. The Planning Manager expressed the need to control signage and felt that the logical approach in this instance was to locate the signage at the laneway to the business.

Councillor Bateson stated he understood the fear of proliferation of signage but felt there was a clear visual link with the business and in light of the fact that these were to replace signs which had been there a long time in order to facilitate the road improvements he proposed approval of the application in terms of fairness.

Councillor McKinney seconded Councillor Bateson's proposal as this was an existing business.

Councillor Cuthbertson referred to enforcement cases taken in relation to signage in the past and proposed the refusal of the application.

The Planning Manager advised that this case differed from recent enforcement cases in that Road Service had raised no objection and each case would be dealt with on its merits.

Members voted on Councillor Bateson's proposal to approve planning application LA09/2016/1739/A –

For – 10
Against - 1

Resolved That planning application LA09/2016/1739/A be approved.

**P107/17 Consultation response to Department for Infrastructure on
LA10/2015/0292/F – 33 Wind Turbines at Broughderg**

The Planning Manager presented previously circulated report which provided basis of consultation response to Department for Infrastructure on planning application LA10/2015/0292/F. This scheme at Broughderg has been amended to remove 3 turbines and re-position 7 wind turbines. The Planning Manager also drew attention

to the additional photographs included within the addendum which highlighted the visibility of the proposal.

The Chair advised the committee that a request to speak on the application had been received and invited Ms McKenna to address the committee.

Ms McKenna stated that the proposal would lead to the exploitation, downgrading and potential destruction of an Area of Outstanding Natural Beauty. She stressed the importance of peatland in the area and that this should be preserved. Ms McKenna also spoke in relation to the number of protected species in the area. Ms McKenna stated that the area was of important character which should be protected for all to enjoy, she advised that tourism was important to the area with numerous walking and cycling routes and referred to the evidence that being active outdoors improves mental health and learning. She stated that an AONB should be an area of pleasure. Ms McKenna also spoke in relation to the area being within the 'dark skies' and the importance of maintaining this. Ms McKenna advised that the proposed development will be located in an area of high sensitivity and that the project will have a high visual impact. Ms McKenna stated that a wind farm cannot be tolerated in the area and that it was the duty of government officials to stop such development taking place.

Councillor Gildernew stated that the application was total madness in such a sensitive area and would be quite happy to refuse the application.

The Chair advised that he had recently returned from holiday in Snowdonia, Wales which is also an AONB area and stated that there were no wind turbines in that area. He advised that when he looks out the window at his own home he can see 36 turbines and stated it was important to respond to the consultation as outlined in the report in order to protect the Sperrins AONB.

Councillor Clarke declared an interest in the application and requested to speak on it.

Councillor Clarke spoke in relation to the area in which the proposal lies mentioning that Mullaghturk stretches right into Broughderg and that Spaltindoagh was the site of a Standing Stone at almost 400m with other sites close by. Councillor Clarke referred to the extent of Active Blanket Bog and Degraded Blanket Bog all of which has equal priority status protection. Councillor Clarke stated that the latest proposal was amended to take out three turbines, two of which were the lowest base heights and least imposing, however all remaining turbines were proposed to be 10m higher than originally proposed. The Councillor also stated he had some difficulty with the photomontages and would question how visuals of the proposal were produced since he believes that the structures in reality will be much larger than what has been shown. Councillor Clarke felt a further important viewpoint would be on Davagh Road near Laghta in Broughderg. Crockalaghta, which is the full name, means Hill of the Monuments and is an important viewpoint for the Beaghmore ASAI. Views of the complete local archaeological landscape can be seen from this Hill and with the East Sperrins Drive crossing this Hill it will be an obvious key visitor route in future development of a tourism product. Councillor Clarke also referred to numerous famous heritage sites around the world such as Machu Picchu in Peru, Stonehenge, Newgrange and the Boyne Valley and Céide Fields and advised that the townlands

impacted by this proposal include examples of similar assets but also countless more as well. The Councillor stated that only in more recent times has the importance of the area and the need for its protection become really evident, he stated that, to date, the area was untouched and lacked industrialisation which meant has huge potential to grow a tourism product in the future.

Councillor McKinney stated it was important to keep the Sperrins area free of turbines.

Councillor Glasgow referred to response point number six in which Council expresses concern with regard to potential damage to road and infrastructure through the transport of such turbines. Councillor Glasgow felt that a further point could be added to the response in which the effect on the community should be taken into account as they are the ones who will be left to endure the turbines in the future.

Councillor Reid stated that discussions surrounding wind turbines and wind farms were taking up considerable time of the committee every month and expressed the need for discussion with the Department for Infrastructure in relation to identifying realistic locations for wind farms and to protect sensitive areas such as the Sperrins.

Councillor Bell supported the comments of Members.

Councillor Robinson stated there were wind turbines everywhere including in the Clogher Valley area which was just as sensitive as the Sperrins. Councillor Robinson also advised that, in his experience, roads in an area where wind turbines had been erected were left in a better condition than before development started.

The Chair advised of a different experience to Councillor Robinson in which the road was left in a much worse condition following development of a wind farm.

Councillor Cuthbertson felt there was nowhere left in Mid Ulster without a wind turbine or wind farm and that every area was as special as the other. The Councillor stated he was in agreement with the points made but felt there was nowhere in Mid Ulster suitable for a wind farm.

The Planning Manager stated that Mid Ulster had taken a lead in relation to how wind farms are dealt with. He advised that as Council were responding with an objection to this application it could also seek a public examination if the Department were minded to approve the application and suggested that this also be included in the response.

Proposed by Councillor Bateson
Seconded by Councillor Reid and

- Resolved** That Mid Ulster District Council advise the Department of Infrastructure of their concerns with planning application LA10/2015/0292/F and submit consultation response as circulated with report including the additional points –
- That the effect of turbines on the community is taken into account as they have to live with the aftermath of any such development.

- That if the Department are minded to approve the application, that this Council would seek a public examination.

Meeting recessed at 9.28 pm and recommenced at 10.01 pm.

CONFIDENTIAL BUSINESS

Proposed by Councillor Reid
Seconded by Councillor Bell and

Resolved That planning application LA09/2016/0199/O be heard as confidential business.

Open Business resumed at 10.08 pm

P108/17 Report on Tree Preservation Order at Bellaghy

Mr McGibbon presented previously circulated report which recommended the confirmation of a Tree Preservation Order (TPO) at lands to the rear of Bellaghy Bawn, Deerpark Road, Bellaghy, which is the subject of a current provisional TPO.

Councillor Gildernew left the meeting at 10.13 pm.

Councillor Reid stated that if something was not done there would be no trees in this area in the future and proposed the confirmation of the Tree Preservation Order.

Councillor Kearney declared an interest in this item.

Councillor Bateson seconded Councillor Reid's proposal.

Resolved To confirm the Tree Preservation Order with the following modifications:

Those trees located within the red line on stamped Tree Preservation Order Map A and Trees tagged T.2, T.3, T.22, T.23, T.24, T.25, T.31, T.43, T.44, T.51, T.61, T.70, T.71, T.73, T.78, T.87 and T.90 identified as Green on the stamped Tree Preservation Order Map B dated xx August 2017.

P109/17 Response to Mid and East Antrim Council's Preferred Options Paper

Members considered previously circulated report which provided consultation response to the Mid and East Antrim Borough Council Local Development Plan Preferred Options Paper.

Proposed by Councillor McKinney
Seconded by Councillor Bateson and

Resolved That Council submit consultation response to Mid and East Antrim Borough Council's Preferred Options Paper as circulated with report.

P110/17 Response to Derry and Strabane Council's Preferred Options Paper

Members considered previously circulated report which provided consultation response to the Derry and Strabane District Council Local Development Plan Preferred Options Paper.

Proposed by Councillor Clarke
Seconded by Councillor McEldowney and

Resolved That Council submit consultation response to Derry and Strabane District Council's Preferred Options Paper as circulated with report.

Matters for Information

P111/17 Minutes of Planning Committee held on Tuesday 4 July 2017

Members noted minutes of Planning Committee held on Tuesday 4 July 2017.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Bateson
Seconded by Councillor McEldowney 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 P112/17 to P116/17.

Matters for Decision

P106/17 Planning Applications for Determination (part of)

Matters for Information

P112/17 Confidential Minutes of Planning Committee held on Tuesday 4 July 2017

P113/17 Enforcement Live Caseload

P114/17 Enforcement Cases Opened

P115/17 Enforcement Cases Closed

P116/17 Duration of Meeting

The meeting was called for 7.00 pm and ended at 10.19 pm.

Chair _____

Date _____