

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 March in Council Offices, Circular Road, Dungannon and by virtual means

Members Present

Councillor S McPeake, Chair

Councillors Black (5.27 pm), J Buchanan, Carney*, Clarke*, Cuthbertson*, Graham, Kerr*, Mallaghan, McConnell, McElvogue, McFlynn*, D McPeake*, Robinson, Varsani

Officers in Attendance

Dr Boomer, Service Director of Planning (SD: PI)
 Mr Bowman, Head of Strategic Planning (HSP)**
 Ms Doyle, Head of Local Planning (HLP)
 Mr Marrion, Senior Planning Officer (SPO)
 Ms McCullagh, Senior Planning Officer (SPO)
 Mr McClean, Senior Planning Officer (SPO)
 Ms McKinless, Senior Planning Officer (SPO)
 Ms Donnelly, Council Solicitor (CS)
 Ms O'Neill, Council Solicitor (CS)**
 Ms Hughes, Planning Officer (PO)
 Ms Mhic Iomhair, Planning Officer (PO)
 Mr Stewart, Planning Officer (PO)
 Ms Carson, Trainee Planning Officer (TP)
 Mr McAleer, Trainee Planner (TP)
 Mrs Grogan, Committee and Member Services Officer

Others in Attendance

LA09/2018/1337/F	Mr McBurney Planning Consultant (TBC)
LA09/2020/1319/F	Mr O'Callaghan
LA09/2022/1280/O	Mr Cassidy*
LA09/2023/0238/F	Mr S Hughes*
LA09/2023/0238/F	Mr Ross*
LA09/2023/0683/O	Mr Cushnahan
LA09/2023/0693/F	Mr A Molloy
LA09/2023/1069/F	Mr Bronte Mr McKee
LA09/2023/1166/F	Mr Kelly Mr Sloan
LA09/2018/0754/O	Mr Cassidy*
LA09/2019/0179/F	Mr Cassidy*
LA09/2019/0179/F	Mr J Hughes
LA09/2021/1672/F	Mr Cassidy*

Councillor Molloy***

* 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 5 pm.

P026/24 Notice of Recording

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council's You Tube site.

The Chair, Councillor S McPeake in referring to online viewing advised that a quick discussion would take place later in the meeting as there were new regulations being proposed regarding hybrid meetings. The Chair said that this was something that Council had to review.

P027/24 Apologies

Councillor Martin.

P028/24 Declarations of Interest

The Chair, Councillor S McPeake reminded members of their responsibility with regard to declarations of interest.

P029/24 Chair's Business

The Service Director of Planning (SD: PI) advised that he had one item he wished to bring to members attention which relates to abandonment consultation from Roads Service to Council. Roads Service are seeking peoples view on abandonment to part of the road on Killybracken Road, Dungannon and what they would be suggesting is to close part of a small laneway on a bad bend which should be off benefit to public safety. Mr Marrion (SPO) in compiling his report which is attached as an addendum, very helpfully pointed out that whilst it cures the blind-spot, this was a bad bend and would be good if some investigation to see what can be done by public investment to protect public road users further, whether with sight lines or better visibility. Permission was sought from the committee to write into Roads Service to get this factored in, stating that whilst this was very welcome, more could be done.

Councillor Cuthbertson advised that he attended a meeting with DfI Roads following a bad accident close to a year ago, where DfI have come up with this proposal, they are also proposing implementing advisory 30 mph speed limit signage both sides of the corner. The member stated that ideally, he would like to see a bigger scale of work at the corner, but this was an improvement and felt that 30 mph advisory signage will go some way to help and heading in the right direction.

Proposed by Councillor Mallaghan
Seconded by Councillor Cuthbertson and

Resolved To agree the following response to be issued to DfI Roads:

- 1) Mid Ulster District Council welcome the improvements the stopping up and abandonment of this stretch of road would make to this crossroads.
- 2) Mid Ulster District Council still have concerns about the safety of traffic turning into Hollow Lane from Eglis Road, especially those vehicles making a right turn into Hollow Lane. Mid Ulster District Council seek improvements to the forward and rear sight lines at this junction for the safety of traffic on Eglis Road.

The Chair, Councillor S McPeake wished to make members, agents and architects aware that this was Dr Boomer's last meeting of the Planning Committee of Mid Ulster Council and will all be very sorry to see him leave as there will be big boots to fill thereafter. The Chair advised that he would leave speaking on this matter in more detail until the culmination of the meeting where members will have the opportunity to make their own comments.

The Service Director of Planning (SD: PI) 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/consideration of additional information –

Agenda Item 5.3 – LA09/2021/0511/F – Storage building to replace existing storage unit at approx. 20m W of 35 Moss Road, Ballymaguigan, Magherafelt for Christopher Cassidy

Agenda Item 5.6 – LA09/2023/0433/F – Development of 5 No. dwellings (1 No. detached and 4 No. semi-detached) with associated site works and the relocation of an existing access to an existing dwelling at land adjacent to 90 Roughan Road, Newmills, Dungannon for Nigel Johnston

Agenda Item 5.7 – LA09/2023/0520/F – Dwelling and garage at 75m N of 42 Gortnaskea Road, Stewartstown for Philip McCrea

Agenda Item 5.8 – LA09/2023/0683/O – Dwelling at an existing cluster at adjacent to and SW of 150A Washingbay Road, Coalisland for Mr Patrick Brady

Agenda Item 5.13 – LA09/2023/0888/O – Infill dwelling & garage at lands immediately S of 22 School Lane, Gulladuff for Mrs Anne McKee

Agenda Item 5.14 – LA09/2023/0955/O – Site of dwelling and garage adjacent to 19 Moneyneany Road, Draperstown for Mr Adrian Kennedy

Agenda Item 5.16 – LA09/2023/1052/O – Dwelling & garage at 60m NE of 17 Edendoit Road, Pomeroy for Mr Michael Donnelly

Agenda Item 5.17 – LA09/2023/1053/F – Self-contained granny flat within the curtilage of the existing property for the benefit of the occupants of the existing dwelling to the rear of 5 Ardbeg, Donaghmore Road, Dungannon for Brian Cassidy

Agenda Item 5.18 – LA09/2023/1069/F – 7 dwellings and 8 apartments with associated car parking, private and communal amenity space, landscaping, site works and access arrangements from Chapel Road at lands to the S of Nos 14-44 Fortview Terrace, N of Nos 19-33 Dunleath Avenue, E of Nos 11-17 Drumcree and W of Nos 85-101 Church Street, Cookstown for Kelly Brothers Ltd

Agenda Item 5.22 – LA09/2023/1217/O – Dwelling and garage on a farm at land adjacent to 30 Killyfaddy Road, Magherafelt for Mr Ian Brown

Agenda Item 5.24 – LA09/2023/1377/O – Dwelling and garage under at 30m W of 153 Washingbay Road, Coalisland for Mr Philip Brady

Proposed by Councillor Mallaghan
Seconded by Councillor McConnell and

Resolved That the planning applications listed above be deferred for an office meeting/consideration of additional information.

Matters for Decision

P030/24 Planning Applications for Determination

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

LA09/2018/1337/F Water recycling tank and sand de-watering unit with dosing units and associated equipment/cabins with mobile log washer unit to assist the existing plant at 25 Crancussy Road, Cookstown for Core Aggregates

Members considered previously circulated report on planning application LA09/2018/1337/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Varsani and

Resolved That planning application LA09/2018/1337/F be approved subject to conditions as per the officer's report.

LA09/2020/1319/F Mixed-use development of 80 units (56 dwellings & 24 apartments) & 8 industrial units (light industrial & storage) immediately N of 31 Ballygawley Road, Dungannon, bounded by Cloneen & Ballysaggart Park to the S & W for Orchard County Contracts

Members considered previously circulated report on planning application LA09/2020/1319/F which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2023/0238/F be approved subject to the conditions as per officer's report and a Section 76 Agreement being put in place and sealed before full Council.

LA09/2021/0511/F Storage building to replace existing storage unit at approx. 20m W of 35 Moss Road, Ballymaguigan, Magherafelt for Christopher Cassidy

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

LA09/2022/1280/O Off-site replacement dwelling and domestic garage at lands approx. 90m SW of 26 Hillside Road, Upperlands for Dr Kate Lagan and Keith Higgins

Members considered previously circulated report on planning application LA09/2022/1280/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2022/1280/O be approved subject to conditions as per the officer's report.

LA09/2023/0238/F Residential development and associated ancillary works at lands to the W of Forth Glen, Cookstown; adjacent to 40, 41, 42, 43, 44, 61, 62, 63 and 79 Forth Glen, Cookstown for JAMDAC Developments Ltd

Ms McKinless (SPO) presented previously circulated report on planning application LA09/2023/0238/F which had a recommendation for approval.

The Service Director of Planning (SD: PI) referred to the term 'social housing' and stated that this included affordable housing, such as shared ownership with a housing association. Unfortunately, we still live in a world where people still see the term social housing and get worried. It is clearly difficult for a lot of young people to enter the housing market, particularly Mid Ulster where we do not benefit from high rates of pay compared to other parts of Northern Ireland or indeed the UK. For many, shared ownership for young people to get on the property ladder.

The Chair advised that requests to speak had been received, one in favour and one against.

The Chair advised that Mr Steven Hughes was in attendance to speak against the application and invited him to address the committee.

Mr Hughes thanked members the opportunity for allowing him to address the committee tonight. He advised that his home borders right onto the proposed development in which himself and several other residents of Forth Glen are opposed

to. Upon reading the case officer's report he was alarmed to see a number of red flags which in his opinion were not adequately addressed. Firstly, the biodiversity checklist which has been mentioned to be submitted stated that no trees were to be removed and no streams within 50m of the site, the submitted plans clearly show a number of mature trees to be removed where the access is to be proposed, the site is also 20m from two streams which link directly to the Ballinderry River. Mr Hughes advised that he personally had seen bats flying around this area and on some occasions some owls. He felt that the checklist was not completed by a qualified Ecologist and merely a tickbox exercise in which he had reservations about. Secondly, the land is phase 2 housing land which normally will not be released until all phase 1 has been utilised. By the agent's own admission, there is over 70 hectares of underdeveloped phase 1 lands still available within Cookstown boundaries, no robust assessment has been carried out on these 12 sites as to their availability. The approval of this scheme will set a dangerous precedent for similar applications within phase 2 lands. Thirdly, there is no commitment from any Housing Associations on their commitment to develop if approved, a letter within a file states the offer of support does not confirm funding or future programming, in essence there is no user.

The Chair advised that Mr Ross was in attendance to speak in favour of the application and invited him to address the committee.

Mr Ross advised that Mr Barry Kerr from Apex Housing was also in attendance tonight to speak.

Mr Ross said that they appreciated the work carried out by the planning team bringing this forward tonight as there was an urgent need for 124 social housing units in Cookstown and last year the Housing Executive put out a call for sites. The only answer to the call was this site and at this point and time it is the only tangible opportunity and desperately needed. Due to budget constraints in which Mr Kerr will update committee shortly on, the approval notice must be received by the end of this month. It is Apex Housing Association which will develop the project and will include a mixed layout of house types which is specifically designed to meet the range of need in line with stated requirements defined by the Housing Executive. This will be zoned as phase 2 housing land which has been in place for this last 20 years, it's a long-established zoning and no-one should be surprised that this housing development was coming forward. The layout is arranged with a proposed back-to-back to existing houses, with very generous back gardens proposed for these new houses and well above the minimum standard set out in guidance to ensure good separation from existing houses. The existing planting along the boundary will be augmented, with no planting to be removed, which is to respect the objector's comments. The scheme is mindful of the future development and potential for wider lands as it fits in with the comprehensive masterplan and consistent with those objectives, it's a thoughtful and commendable design and would recommend it to committee. Mr Ross advised that the applicant was happy to enter into a Section 76 Planning Agreement, but the timescale was an issue.

Mr Kerr thanked members for the opportunity to address committee in support of this housing development. Mr Kerr advised that he was the Director of Development at Apex Housing Association and very much welcomed the recommendation for

approval from the planning team. He confirmed that Apex Housing team were pleased to support the applicant in the delivery of homes for those most in need in the Council area. This scheme is committed to the Housing Executive's Social Housing Development Programme 2023/24, with funding secured for the same, however funding is subject to receipt of decision notice in advance to the end of the financial year 31 March 2024. Therefore, request would be respectfully made that the Planning committee endorse the planning team's recommendation for approval and at the same time if possible, afford delegated authority to the planning team to finalise the planning conditions and execute the associated Section 76 legal agreement. Mr Kerr advised that a Decision Notice was required by 29th March 2024.

The SD: PI advised that planning agreements for legal documents has to be done under Council seal. The SD: PI said what could be done was to provide a letter with the draft Decision Notice which basically states that this was the decision will be issued once the planning agreement is signed is under seal. Unfortunately, there is no other mechanism in place to do this but would be confident regarding the letter of the draft Decision Notice and also minutes of this meeting and felt that this was the way in which to proceed.

Mr Kerr said that it was his understanding that there was a full Council meeting on the 28th March.

The SD: PI advised that a Planning Agreement was a legal document and had to be agreed and drafted with our solicitors and their solicitors and would be quite happy to move this forward as quickly as possible. He said that he sees this as a fairly simple Planning Agreement as there was nothing complex about it and only agreement on it was that it was to be provided for affordable housing.

Mr Kerr said that there would be no objection to that, however Section 76 Agreement was a committed scheme on this year's Social Housing Development Programme, the outlook for 2024/25 remains very uncertain and very much anticipated that there could be a reduced budget for the delivery of the programme. Mr Kerr stated that he would be concerned if it was not possible to deliver this within this financial year, it may create further obstacles and would ask if possible that delegated authority is granted to the planning team to agree Section 76 Agreement with the applicant so that it can be presented to full Council, executed by the Chief Executive. He advised that Apex were very experienced in Section 76 Agreements through working with other Councils and nothing new to them and deliver them with much more onerous terms and quite simple process in stipulating affordable homes. Mr Kerr said that he would be happy to seek any opportunity to avail of a Decision Notice by 29th March.

The Chair enquired if objections raised by the objector, Mr Hughes were considered and dealt in terms of two key points alluded to, habitats around environmental assessment he felt was deficit and the use of zoned phased 2 lands that he felt were not appropriate at this stage.

Ms McKinless (SPO) advised that in respect of phased 2 land she had detailed within her presentation and case officer had a more detailed consideration within his report.

In respect of completion of the biodiversity checklist, this is a new issue brought to planners' attention, but had reviewed the checklist today and had spoken to the case officer who had been out twice to the site.

There were particular points to the checklist that Mr Hughes has raised concern about:

1) Shrubs and mature trees going to be removed as part of the development
As part of the checklist Mr Ross had ticked no and Mr Hughes had indicated that site 1 was going to potentially have a loss of mature and shrubs. The case officer had confirmed today that from his site visits he did not think there was any particular mature trees and whilst this particular site might have some trees, there is no mature trees.

2) Proximity to streams
There is a watercourse flowing along the western boundary along the blue land which was 150m away from the application site, there are 2 small sheughs or something similar flowing south of the site. One is potentially 45m from the application site and the other one is slightly closer. The question on the biodiversity checklist relates to this and stated that it may be beneficial if Mr Ross wished to elaborate on this.

Mr Ross said that point 4 of the second checklist refers to trees and shrublands, there is an area with tall grasses and whilst investigating that he did not regard that as shrubland or any interesting habitat and ticked no on checklist. In regards to streams within 50m, there are a few of what he would call sheughs with standing water in them, and a definition of a stream is a flow of water and basically these were drainage ditches. Point 7 on checklist refers to arable lands, this is pasture used for silage cutting to the boundaries and when talking about arable land on the checklist, would be really talking about large fields with substantial margins with wildflowers and biodiversity and this is not this type of land and would be confident that this was rough pasture and completed the biodiversity checklist correctly and did not need to get a specialist ecologist to investigate it.

Councillor Graham advised that it has been brought to her attention that there was already a problem with flooding on this site, with 4 properties already built which have flooding up to their doorways anytime there is any heavy rain. The member advised that a meeting has already taken place with the developer, NI Water and DfI Roads regarding the issue. Her colleague Councillor Wilson was in attendance and DfI have offered to provide the pipes necessary to fix the problem if the developer agreed to do the work which Councillor Wilson said he did. The member asked if this could be made a condition for approval also to ensure to fix the flooding before he starts to do something else.

In response to a query regarding location of dwellings, Councillor Graham advised that the developer was aware of the four dwellings affected.

Councillor Black entered the meeting at 5.27 pm.

The Chair referred to flooding at the site and enquired if Ms McKinless (SPO) was happy that this has been dealt with adequately or was there concerns.

Ms McKinless (SPO) advised that the application was assessed under PPS15 – Planning and Flood Risk, there is no indication that the sites were within any fluvial or pluvial floodplain. Policy FLD3 of PPS15 states that all residential developments comprising of more than 10 units will require the submission of a drainage assessment – this was submitted and DfI consulted regarding this. Following a subsequent request for consent of discharge, DfI Rivers has responded stating that they have no objections subject to imposition of a condition requiring a final submission of a detailed drainage network design prior to construction of the said drainage network.

The SD: PI advised that the bottom line was that there was no public record of flooding and purely a drainage issue.

The SD: PI stated that he was not dealing with the fine tuning of this planning application which was considered at officer level and more forefront to his mind was trying to break the cycle that is preventing affordable housing being delivered in Mid Ulster. In this instance a departure for the plan could be justified and it would be incorrect for the committee to believe what the objector stated that all phase 1 land has to be exhausted before you move to phase 2 land. What the plan says is that the release of land will be subject to review. In this instance we have conducted a review of supply of housing land in Cookstown and it is in our draft Area Plan and would be aware that by 2030 there would be a shortage of housing land in Cookstown. We also know that most housing land in Cookstown is committed and because of this we need to find other mechanisms to deliver social and affordable housing. The SD: PI in referring to planning agreement, that the planning committee can determine that permission be granted subject to a planning agreement and recommend that the Council seal be used. The minutes will go to full Council anyway and if there are any disputes over the use of the seal these can be raised at full Council, the purpose planning agreement simply relates to delivery of affordable housing. He was confident that we have addressed concerns raised by the objector and wished to remind members that this was for 14 units and not a major development and clearly in this instance in his view the application deserved an approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Varsani and

Resolved That planning application LA09/2023/0238/F be approved subject to the conditions as per officer's report and a Section 76 Agreement being put in place and sealed before full Council.

LA09/2023/0433/F Development of 5 No. dwellings (1 no. detached and 4 no. semi-detached) with associated site works and the relocation of an existing access to an existing dwelling at

**land adjacent to 90 Roughan Road, Newmills, Dungannon
for Nigel Johnston**

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

**LA09/2023/0520/F Dwelling and garage at 75m N of 42 Gortnaskea Road,
Stewartstown for Philip McCrea**

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

**LA09/2023/0683/O Dwelling at an existing cluster at adjacent to and SW of
150A Washingbay Road, Coalisland for Mr Patrick Brady**

Mr Marrion (SPO) presented a report on planning application LA09/2023/0683/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 Mr Cushnahan to address the committee.

Ms Doyle (HLP) advised that Mr Cushnahan was to attend in person tonight but did not appear.

The SD: PI asked that this application be deferred for an office meeting as he felt that there was an issue which needed further investigated.

Proposed by Councillor Mallaghan
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2023/0683/O be deferred for an office meeting.

**LA09/2023/0693/F Temporary mobile home at 20 Loughbracken Road,
Pomeroy for Mr Aidan Molloy**

The Chair advised that the above planning application is to be taken in confidential business due to personal circumstances relating to the application.

Agreed that this application be raised in confidential matters for decision.

**LA09/2023/0796/F Retention of existing mobile office space used in
connection with existing business at 27 Feddan Road,
Dungannon for Mr Timmy Wiggam**

Members considered previously circulated report on planning application LA09/2023/0796/F which had a recommendation for approval.

Proposed by Councillor McConnell
Seconded by Councillor Cuthbertson and

Resolved That planning application LA09/2023/0796/F be approved subject to conditions as per the officer's report.

LA09/2023/0797/F Retention of existing workshop in connection with existing business at 27 Feddan Road, Ballygawley for Mr Timmy Wiggam

Members considered previously circulated report on planning application LA09/2023/0797/F which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson and

Resolved That planning application LA09/2023/0797/F be approved subject to conditions as per the officer's report.

LA09/2023/0860/F New fabrication shed and car parking facilities to serve existing workshops and new shed at 72 Glenshane Road, Castledawson for Top Frame Engineering Ltd

Members considered previously circulated report on planning application LA09/2023/0860/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0860/F be approved subject to conditions as per the officer's report.

LA09/2023/0888/O Infill dwelling & garage at lands immediately S of 22 School Lane, Gulladuf for Mrs Anne McKee

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

LA09/2023/0955/O Site of dwelling and garage adjacent to 19 Moneyneany Road, Draperstown for Mr Adrian Kennedy

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

LA09/2023/0959/F Change of house type from approved LA09/2017/0507/F; to two-storey design and the addition of a detached garage at 350m SW of 89 Caledon Road, Mulnahorn, Aughnacloy for Mr & Mrs David & Belinda Brady

Members considered previously circulated report on planning application LA09/2023/0959/F which had a recommendation for approval.

Proposed by Councillor Graham
Seconded by Councillor Robinson and

Resolved That planning application LA09/2023/0959/F be approved subject to conditions as per the officer's report.

LA09/2023/1052/O Dwelling & garage at 60m NE of 17 Edendoit Road, Pomeroy for Mr Michael Donnelly

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

LA09/2023/1053/F Self-contained granny flat within curtilage of the existing property for the benefit of the occupants of the existing dwelling to the rear of 5 Ardbeg, Donaghmore Road, Dungannon for Brian Cassidy

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

LA09/2023/1069/F 7 dwellings and 8 apartments with associated car parking, private and communal amenity space, landscaping, site works and access arrangements from Chapel Road at lands to the S of Nos 14-44 Fortview Terrace, N of Nos 19-33 Dunleath Avenue, E of Nos 11-17 Drumcree and W of Nos 85-101 Church Street, Cookstown for Kelly Brothers Ltd

Agreed that application be deferred for consideration of ownership challenge.

LA09/2023/1118/F Application under section 54 (in relation to application LA09/2016/0470/F) for the continuance of use of buildings without compliance with condition no.5 of the previous planning permission granted as a consequence of changes to the site layout being recently accessed and the subsequent review of the Noise Impact Assessment now superceded with a new up to date Noise Impact Assessment hereby submitted at 111 Ballynakilly Road, Coalisland for Formac Limited

Mr Marrion (SPO) presented previously circulated report on planning application LA09/2023/1118/F which had a recommendation for approval.

Councillor Cuthbertson advised that there could be an incident where he had declared an interest in the original application and unsure which one that this condition was included in. He stated that he has had no interest in this current application but was concerned about why planners thought it was necessary to include this condition in to protect the residential homes and also Council playpark which is beside the site also and wondered how we can just remove it.

Councillor Cuthbertson proposed that a site visit be arranged so members can see for themselves the situation as it was so close to dwellings.

The Chair felt that going out on site to monitor noise levels would always be a danger as we may not get an accurate reflection.

Mr Marrion (SPO) directed members attention to previously circulated addendum Item 5.19 which was the notice for previous planning permission LA09/2016/0470/F. The application before members was a Section 54 application to remove condition 5 of LA09/2016/0470/F – *“within 6 weeks of the date of this decision, the enclosure of the buildings referred to in condition 2 will have panelling or a composite/ metal/masonry material fitted as detailed in the Noise Impact Assessment, dated March 2016, additional submissions dated August 2016 and December 2016”* – Reason: *To protect the amenity of neighbouring residents.*

Mr Marrion (SPO) advised that a revised acoustic report had been submitted with the report application which EHO had taken into account. They advised that there is a 5m high barrier that has been constructed around the site, noise within the sheds have been measured and noise at the nearest receptors was also measured which did not exceed noise limits contained in condition 10 within the permission. The SPO said that conditions 2,3,6,7,8,9 and 10 on previous permission should be carried on in any decision taken tonight. The decision being sought tonight is to amend 2016 Decision Notice but should be carrying forward those conditions to ensure that enforcement action is still able to be taken.

Mr Marrion (SPO) referred to the conditions previously mentioned to be included:

Condition 2: The use within the buildings shall be limited, in accordance with the Planning (Use Classes) Order (NI) 2015; to:

- Class B2 within the floorspace identified in yellow and
- Class B3 within the floorspace identified in blue

On drawing No.3 Rev1 bearing the stamp dated 21 Nov 2016

Reason: To protect the amenity of neighbouring residents

Condition 3: Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any other Order revoking and/or re-enacting that Order, no buildings or hard surfaces shall be constructed within the curtilage of this site without the grant of a separate planning permission from the Council

Reason: To allow the Council to consider the impacts of further development on the adjoining residential properties

Condition 6: The doors marked A & B into the existing workshop, as identified on drawing No. 3 Rev 1 bearing the stamp dated 21 Nov 2016 shall be kept closed except for the purposes of moving equipment or materials into the building.

Reason: To protect the amenity of neighbouring residents.

Condition 7: There shall be no deliveries and/or external activity outside the hours 09:00 hours and 18:30 hours Monday to Friday and 09:00 hours to 13:00 hours on Saturdays. There shall be no site activity on Sunday.

Reason: To protect the amenity of neighbouring residents.

Condition 8: Within 6 weeks of the date of this approval, a 2m high raised bund topped with a 2m high acoustic barrier shall be erected along the site's

boundary labelled X, Y and Z as presented on stamped approved drawing; Drawing No. 02 Rev 7 bearing the stamp dated 26 Oct 2018
Reason: To protect the amenity of neighbouring residents.

Condition 9: The barrier referred to in condition 8 shall be constructed of either masonry, timber panelling (Close lapped with no gaps) or of earth and shall have a minimum self-weight of 25 kg/m²

Reason: To protect the amenity of neighbouring residents.

Condition 10: The noise level from the facility with all plant and equipment fully operational shall not exceed the limited in Table 1 – Boundary of 24 Cranebrook Crescent – Noise limit with all plant and equipment fully operational taking place (Db LAeq 1 hour (inc. tonal penalty) at boundary of 24 Cranebrook Crescent - during the permitted hours of operation when measured at a distance of 3.5m from the façade of the appropriate residential property.

Reason: To protect the amenity of neighbouring residents.

The EH Officers are confident that there is no breach of these conditions, and the above conditions will carry forward to this new decision and will still provide the assurances that is needed for the residents for protection of amenity.

Councillor Carney declared an interest in planning application LA09/2023/1118/F.

Proposed by Councillor Mallaghan
Seconded by Councillor Varsani

To accept officer's recommendation for approval.

Councillor Cuthbertson said that he proposed a site meeting and whilst looking at site map, there seemed to be a lot of confusion over what is and what is not included in the red line and a number of sheds currently going up at the moment and felt that it would be useful to see it on site.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson

To arrange a site visit so members can see for themselves the situation.

The SD: PI said that he wished to ask a very simple question and in terms of issues raised by the member, enquired what the difference would be if this application wasn't approved in terms of noise and noise protection, given that there is an existing approval already. Advice has been taken from the experts and there have been no concerns raised.

Councillor Cuthbertson said that from his reading of it, first of all planners had seemed fit to implement that condition back in 2016 to protect residents. There was also talk about an earth mound which he had seen when he was down at the playpark a few weeks ago and believed there was a condition in place. Although he did not hear the SPO reading it out tonight, there was a piece of ground close to the

Council playpark which was to be reinstated in grass, this does not seem to be the case and confusion over a number of different planning applications. If this condition now of cladding being removed from the walls of the building and work intensifies within the building its going to put at risk the noise to neighbouring residents.

The Chair advised that 2 proposals were put before members tonight;

Councillor Mallaghan's proposal was put to the vote to accept the recommendation:

For	8
Against	6

Councillor Cuthbertson's proposal was put to the vote to hold a site visit:

For	6
Against	8

Councillor Mallaghan's proposal was carried.

Resolved That planning application LA09/2023/1118/F be approved subject to conditions as per the officer's report.

LA09/2023/1139/F Site for dwelling in infill site at adjacent to 69A Kinturk Road, Cookstown for Mr Martin McVey

Members considered previously circulated report on planning application LA09/2023/1139/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/1139/F be approved subject to conditions as per the officer's report.

LA09/2023/1166/F Extension to existing school at Kilronan Special School, Ballyronan Road, Magherafelt for Education Authority

Members considered previously circulated report on planning application LA09/2023/1166/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn

Resolved That planning application LA09/2023/1166/F be approved subject to conditions as per the officer's report.

LA09/2023/1217/O Dwelling and garage on a farm at land adjacent to 30 Killyfaddy Road, Magherafelt for Mr Ian Brown

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

LA09/2023/1323/O Infill dwelling and garage adjacent to and NW of 152 Caledon Road, Aughnacloy for Mr Lloyd Crawford

Members considered previously circulated report on planning application LA09/2023/1323/O which had a recommendation for approval.

Proposed by Councillor Graham
Seconded by Councillor Robinson and

Resolved That planning application LA09/2023/1323/O be approved subject to conditions as per the officer's report.

LA09/2023/1377/O Dwelling and garage under at 30m W of 153 Washingbay Road, Coalisland for Mr Philip Brady

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

Councillor Kerr sought clarification on whether a deferral was previously sought as it was his understanding that the agent was in attendance to speak on the application.

Ms Doyle (HLP) advised that a deferral was requested in this instance and not a speaking request.

The Agents which were in the room advised that they were content that the application was deferred for an office meeting.

LA09/2018/0754/O Dwelling and garage at 20m W of 35 Moss Road, Ballymaguigan, Magherafelt for Christopher Cassidy

Ms McKinless (SPO) presented a report on planning application LA09/2018/0754/O advising that it was recommended for refusal.

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

Councillor Robinson left meeting at 6.02 pm.

Ms McKinless (SPO) said that it was her understanding that Mr Cassidy had already used his speaking rights on this application previously.

Ms Doyle (HLP) advised that the minutes for 4 September 2018 – LA09/2018/0754/O – the Head of Development Plan presented report, the Chair had advised the committee a request had been received and invited Mr Cassidy to address the committee, and he did so.

The SD: PI stated that he had some sympathy for Mr Cassidy here, but he kept playing these games and doing this stance, how many planning applications and enforcement notices in relation to this site has occurred and each time it ends up

being the same. The Planning Appeals Commissioner has now given up several decisions on this site, all of which has went against Mr Cassidy, he is now claiming it is infill on the basis of a portacabin. The SD: PI advised that a portacabin is not a building, same as a caravan and this was not an argument that was work pushing as it was only a temporary structure. The second part of Mr Cassidy's argument is that Council had taken temporary structures in the past which was true, but have watched attentively with Planning Appeals as this has been an issue across Northern Ireland, like a sheep shelter becoming a building and only something a farmer puts there to shelter sheep which can be moved around a field. The SD: PI believes that this was not a building, it will change rural character because Planning Appeals Commission has told us that. He said that equally he would not be duly concerned through the planning process of the development plan if this land was included in the settlement of rounding of for the other side of the road. It was his view if committee moved to approve this application, Council would be brought into disrepute for 2 reasons: firstly, the history of endless appeals and the situation hasn't changed; and second is in relation to the fact we had refused an application already at this stretch of road and site meeting also and felt that the committee may not have much option.

The SD: PI enquired if Mr Cassidy wished to proceed to Planning Appeal yet again, but his advice would be to wait as the plan is at a critical stage of its development and the situation could possibly change as a result where we are going on these types of things. He said that in his view the wisest decision would be to ask the committee to hold it.

Mr Cassidy felt he was being treated completely different to everyone else here tonight.

The Chair said that it was deemed that Mr Cassidy had already spoken on this application in the past.

Mr Cassidy said that he was off the opinion that he did not speak on this application previously.

The Chair advised that it was evident in the minutes dated 4 September 2018 that he had spoken and was also uploaded to the website.

The SD: PI said that he wished to be fair to everybody and suggested deferring this application for one month whilst agreement is reached between both parties through exchange of records of minutes in relation to this matter.

The Chair felt that this was a wise decision as it would be a serious matter if a speaker had not previously spoken wasn't given the opportunity to do so and alternatively if speaking requests had been used in the past this could set a precedent and felt there was an onus on the committee to get it right.

Proposed by Councillor S McPeake
Seconded by Councillor Black and

Resolved That planning application LA09/2018/0754/O be deferred for one month to exchange confirmation of speaking rights used.

Councillor Robinson returned to the meeting at 6.10 pm.

LA09/2019/0179/F Continued use of the land and factory without complying with condition 12 of M/2011/0126/F – seeking variation of opening hours condition Monday – Friday from 6am – 8pm at lands 70m S of 177 Annagher Road, Coalisland for DMAC Engineering

Mr Marrion (SPO) presented previously circulated report on planning application LA09/2019/0179/F which had a recommendation for approval.

Councillor McFlynn advised that this factory was approved with condition 12 attached for operating hours and according to the report there is 37 objections made in regard to operating hours. The member said that it was very clear the DMAC are continually abusing the condition and would not be happy to approve the recommendation to extend the operating hours. The member enquired if there was any consideration given to the residents who were living locally there, she said that this was unfair to the elderly and young families as this meant they were going to be up from 5.30 am to facilitate the factory which is beside them. The member felt that it would be unfair for the committee to overturn the decision on the opening hours being extended.

Councillor McFlynn proposed to refuse the application to extend the opening hours.

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

In response to a query regarding previous speaking rights being used by the objector or his representative, Ms Doyle (HLP) advised that no representative had been made. In August 2023 there was input from Mr Cassidy and Mr Grainger on behalf of DMAC but none for objector.

Mr Hughes advised that he found it difficult to understand that no records has been held given the fact that he attended a site meeting at a neighbours house and also with representatives from Environmental Health. He said that he was making this representation on behalf of local residents objecting to this planning application. This operation has already worked outside planning condition 12, DMAC has never adhered to condition 12, this was under investigation with Environmental Health as DMAC could not keep fumes inside their buildings the same as Northway Mushrooms not keeping the odour inside their factory boundary. A number of objections have been made on this application as it fails adequately due to the fumes and odour not being confined to one site. Numerous complaints to Environmental Health have been made regarding the fumes and odours which had been witnessed by them and the impact this is having on local residential homes. He said that it this has breached resident's human rights as laid out in the European Court of Human Rights as it interferes with residents enjoyment of their properties. Mr Hughes advised that if this planning application is approved that residents would be taking this case to full judicial review.

The SD: PI said that he wished to respond to a few things, as a committee if a person threatens with judicial review, we need to consider everything that needs considering and come to a decision which is deemed reasonable. He said that he was conscious that for over a decade he was between parties on either side and was not loved by either. Members who have been on this committee for a long time would recall that this was one of the first applications brought before committee. When decision was made then a lot of conditions were placed on the application to protect residents, but we had to bear in mind that this was a business operation which was accommodating the economy in Mid Ulster, however no-one was a saint here and was aware of issues arising in relation to drainage, moving rubble, fumes and chimneys etc, and to some extent the objectors concerns which relate to fumes which is coming across quite clearly, but the decision here is not about fumes, it's about hours of operation, we have enforced conditions and will continue to look for court action if this is not adhered too. Why would a business not be allowed to go in and clean up overnight like shops and factories etc, assumption is all or nothing here, what he was reading was employees will go in to prepare somethings from 6am and they were very aware of what and what not to do. Work will be contained within the buildings itself, to clean equipment and mix paint, sprays etc and doors remaining closed and no activities in the yard, no extractor fans and being quite clear on controlling vehicles on site. The SD: PI advised that conditions were put on an application in order to facilitate the approval of an application if not opposed, in this instance we are not removing a condition but placing a lot other constraints.

Proposed by Councillor Mallaghan
Seconded by Councillor Kerr

To approve the application.

The Chair advised that 2 proposals were in front of members tonight, one in favour of and one against approving the application.

Councillor Mallaghan advised that on a point of order if Councillor McFlynn did not get a seconder for her proposal, do committee need to proceed with a vote on this application.

The Chair advised that as no seconder had come forward for Councillor McFlynn's proposal to refuse the recommendation, the application be approved.

Councillor McFlynn wanted it recorded that she would not be supporting the recommendation for approval and would be opposed to the working hours being extended to 6am, solely on the provision that DMAC have continually not adhered to Condition 12 through the entirety the whole time they have been operating.

Resolved That planning application LA09/2019/0179/F be approved subject to conditions as per the officer's report.

LA09/2021/0480/F Dwelling and domestic garage within cluster at 75m W of 11 Grange Road, Cookstown for Mr Paddy Donnelly

Members considered previously circulated report on planning application LA09/2021/0480/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0480/F be approved subject to conditions as per the officer's report.

Councillor Black left the meeting at 6.34 pm.

LA09/2021/1672/F Change of house type and relocation of dwelling and domestic garage from approved M/2013/0414/F and domestic garage at approx. 100m N of 34 Ferry Road, Coalisland, Dungannon for R Patrick and Mrs Lisa Trainor

Mr Marrion (SPO) presented a report on planning application LA09/2021/1672/F advising that it was recommended for refusal.

Councillor Mallaghan said that he happened to notice a few weeks ago that a new application had been received and enquired if this was on the same site.

Mr Marrion (SPO) advised that a new application was received to retain the existing empty building on the site.

Proposed by Councillor S McPeake
Seconded by Councillor Robinson and

Resolved That planning application LA/2021/1672/F be refused.

LA09/2022/0714/O Dwelling and domestic garage at 120m SW of 119 Mullaghboy Road, Bellaghy for Mr Peter Doherty

Members considered previously circulated report on planning application LA09/2022/0714/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2022/0714/O be approved subject to conditions as per the officer's report.

LA09/2022/1367/F Two storey dwelling and garage at 10m N of 56 Quarry Road, Knockcloghrim for Gerard Ward

Members considered previously circulated report on planning application LA09/2022/1367/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/1367/F be approved subject to conditions as per the officer's report.

LA09/2023/0025/F Retention of existing shed for mix of domestic storage and agricultural machinery adjacent to 26A Brookmount Road, Ballinderry Bridge, Cookstown for Francis Rocks

Ms McKinless (SPO) presented previously circulated report on planning application LA09/2023/0025/F which had a recommendation for approval.

Ms McKinless (SPO) brought to members attention late objection on Item 6.7 of previously circulated addendum. She advised that the late objection raised 3 objections which may need clarification.

The SPO said that within her report she had deemed it acceptable in terms of policy but this late objection had raised three points.

1. Dormancy of the Farm Business

DAERA were consulted regarding the applicant's farm details and they confirmed that the applicant was indeed allocated a business ID number in 2005 but was now dormant. The objector stated as DAERA has classified the business as dormant, this now means that the farm business cannot be considered currently active or established. He also contends that there was a lack of evidence presented to demonstrate farming activity.

The SPO would advise members that the applicant has provided conacre agreements to the planning department which is considered as evidence of activity. At the deferred office meeting which the applicant attended with herself and Dr Boomer, advised that he was heavily involved in the upkeep of the lands, the SPO had carried out a site visit and was inside the shed and there was evidence of a tractor and small items of machinery. It was also important to note that the shed was only partly used for agricultural storage and part for domestic storage and was considered as adequate evidence to provide that the farm was currently active and established.

2. Affidavits and Conacre Agreements

The applicant submitted conacre agreements and titled them as affidavits and within her report she had agreed with the objector that these were not affidavits as they were not signed in the presence of a solicitor. Members should note that policy does not specify that an affidavit or any type of legal document is deemed necessary to prove an active or established holding as the planning department does accept a range of evidence in order to make a balance in an informed recommendation. Not every conacre between farmers will use a same template and agreement provided with this application was typical of the agreement that planning usually accept.

3. Statutory Responsibility of Planning Officers

The objector stated that he had concern about the decision being made on a robust interrogation of supporting evidence. The SPO advised members that the case was initially assessed by a case officer and discussed in detail between herself, Dr

Boomer, the applicant and his advisors where additional information was requested and submitted and fully considered. The SPO said that she had visited the site and was inside the shed in question and all material planning issues raised by the objector have been fully considered and referenced within the report.

Ms McKinless (SPO) said that in her opinion there has been a proper and full consideration of all the evidence and remains her recommendation to members to approve this application subject to the conditions as set out within her report.

Councillor Black returned to the meeting at 6.40 pm.

Proposed by Councillor McFlynn
Seconded by Councillor D McPeake

Resolved That planning application LA09/2023/0025/F be approved subject to conditions as per the officer's report.

LA09/2023/0251/F 2 storey dwelling with 1½ storey garage attached via carport at 50m E of 55 Killycanavan Road, Dungannon for Eugene Devlin

Members considered previously circulated report on planning application LA09/2023/0251/F which had a recommendation for approval.

Proposed by Councillor Kerr
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0251F be approved subject to conditions as per the officer's report.

LA09/2023/0629/O Gap site for dwelling and domestic garage at lands approx. 60m NE of 45 Derrytresk Road, Coalisland for Mary Daya

Members considered previously circulated report on planning application LA09/2023/0629/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Kerr and

Resolved That planning application LA09/2023/0629/O be approved subject to conditions as per the officer's report.

P031/24 Receive Report on the Councils consideration of the launch of the Consultation on Onshore Petroleum Policy

Mr Bowman, Head of Strategic Planning (HSP) presented previously circulated report to provide members with information regarding the Department for the Economy's consultation regarding Onshore Petroleum Licensing Policy and advise of our response.

The HSP outlined the options which were to be considered in point 3.10:

- 1) Option 1 – Status Quo – Do nothing
- 2) Option 2 – Change from open door policy to licensing round in defined areas
- 3) Option 3 – Moratorium and eventual legislative ban on exploration or production of unconventional hydrocarbons; or
- 4) Option 4 – Moratorium and eventual legislative ban on all forms of onshore petroleum exploration and production.

The HSP advised that the DfE's preferred option would be Option 4.

Councillor J Buchanan left the meeting at 6.40 pm and returned at 6.45 pm.

Councillor Mallaghan left the meeting at 6.48 pm and returned 6.50 pm.

Councillor Varsani said that by reading through the report and noting that the Department has done previous reports in Peru and other parts of the world, felt that it was a little dystopian reading through it when considering the areas which may have potential for petroleum onshore. This would include Lough Neagh area including the bed and areas of beauty in Fermanagh and West Tyrone. The member said that although the report is very detailed, she felt that Council could be a little bit stronger in saying that we categorically would wish to move to Option 4 which is absolutely an outright ban. The member stated that she was almost appalled that green energy options were not being discussed and almost like a relic considering this report and would strongly like to recommend Option 4.

Councillor Kerr concurred with Councillor Varsani's comments on approving Option 4 as many other Councils are supporting a ban on fossil fuel extraction. The member said that this was not just fracking and if we were serious about climate change, we should not be starting a new industry here, we should be rolling out community renewal energy, an alternative green energy to replace fossil fuels. He highlighted that one of these potential applications has been earmarked for Lough Neagh which we do not need on top of the many issues Lough Neagh is currently experiencing. If such an application was allowed to go ahead it would totally decimate the many positive aspects attached to Lough Neagh. The member said that he would be happy to second Councillor Varsani's proposal to proceed with Option 4.

Councillor Clarke said that he had listened attentively to the discussion and would be happy to support the proposal made by Councillor Varsani to proceed with Option 4.

The Chair said that he listened to the comments and asked that the response be strengthened up to reinforce Option 4.

Proposed by Councillor Varsani
Seconded by Councillor Kerr and

Resolved To agree the contents of the report and that Option 4 be submitted as the Council's response to the Consultation.

P032/24 Receive Report on Review of SPPS on the Issue of Climate Change

Ms McCullagh, Principal Planner (PP) presented previously circulated report to provide members with information regarding the Department for Infrastructure's consultation regarding 'The Review of the SPPS on the issue of Climate Change' and advise of our response.

The Chair said that this was a good report and was interesting to hear the last piece within the report where it refers to rural dwellings and see the figures where there is a sharp decrease from 2006 to where it currently is now. He said that it was evident that there was no danger of overpopulating the countryside with the rate of development and was the first time he had seen a stark rate put to it.

The Chair said that there was a huge focus on flood risk, buildings and floodplains etc and enquired if any work had been done on alternative measures in area which have a potential to become flooded in the long term and asked if there were any experiences we could learn from if an applicant was to put in mitigating measures, could this be worked around.

The Service Director of Planning (SD: PI) advised that this would be on 2 levels. The way policies work at present is that there is a distrust on individual applications of mitigating measures with the reason being because of the degree of certainty being so small and the potential to shift flood waters onto someone else. He said that mitigation can be successful and best example would be Holland where they pump out water below sea level. If we look at areas such as Portsmouth in England where they have taken a huge area of the coast and deliberately keeping it clear due to the risk of tidal surges and if water levels were to rise if predicted, it has to go somewhere, and this is already catered for. The SD: PI believed that the current position being adopted regionally here is not robust enough and would be really worried about flooding happening more frequently due to the predictions on impact of global warming and everyone seems to put it off because they may think it will happen down the line in 50 – 80 years' time. If correct it could mean a lot of things like industrial estates could be flooded and a lot of housing particularly around the Magherafelt area and Lough Shore area could experience flooding which has never experienced flooding before. Within the report we need to look at mitigation rather strategically rather than at an individual house level, thus protecting people who already live there where flooding may occur and felt that this can be accomplished whilst saving us from sterilising lots of land from potential development. We are talking about a long-term vision here.

Councillor Clarke advised that he was very interested in this particular element and had read and has seen that a good bit of work has been done on it but wished to raise a few points. The member referred to Loughs and how a lot depends on how we manage the outflow of water, a few years ago there was serious flooding in Fermanagh and they didn't allow the Lough to be lowered quick enough so the water levels were retained very high and when a heavy rainstorm emerged a lot of flooding occurred. The member said that it was his understanding that there were controls on the Lower Bann and if these controls were activated on time before the Lough fills up there would be capacity to protect this. The member said that we were fortunate to

have in our possession bogs, which is very important in water storage, bogs which have been cut over and damaged do not work as a sponge to soak up for periods of heavy rainfall, many of these bogs are hundreds of acres and surfaces restored to where they were they would make a massive impact on stopping water flowing into rivers and loughs all at one time. The blanket bog can be there like a sponge and could be days and weeks before this water reaches the water courses. The member felt that these two things could be beneficial if activated to be prepared for heavy rainfall by ensuring that the lough levels are not too high when the heavy rainfall comes and the restoration of our boglands which could also make a huge difference.

The SD: PI in response to a query regarding who would be responsible for activating the controls advised that responsibility at present would lay with DfI and felt that on those both points Council should be pushing for the multi-agency approach rather than from one single department. The SD: PI felt that the member raised a good point in regard to bogs, not only for flooding but also the best way for capturing carbon and Mid Ulster has led the way in terms of some of the actions which has been taken to restore boglands when constructing the observatory at the Dark Skies initiative. We have also served enforcement notices to stop peat extraction and a strong comment would be very important.

Councillor Varsani said that this was a very detailed report with a lot to digest and reflect upon. The member said that one thing which occurred to her was that there didn't seem to be that necessary crossover, although carbon and energy crisis was looked at, they didn't seem to look at the issues exploring where best to locate wind farms, possibly for hydro systems within particular areas where they might be placed. It may be that there could be some exploration between departments, in planning we have looked at it in terms of transport planning or buildings but there should be planning for where best to locate alternative sources of energy and felt that this could be a gap within the report.

The Service Director of Planning (SD: PI) said that a letter could be included with the report to state that the members also raised the following points. He advised that windfarms may have been missed out because planning was involved in another consultation on wind energy and again like everything else it was about what you cannot do rather than about a public investment. It was quite clear when you come to wind energy the important elements are never considered like land and farms and thinking that this can be solved through single wind turbines sited beside someone's home only leads to problems. The only way sustainable energy can be achieved successfully is working in partnership to identify the best locations and acquire them and there was a need to see this done in a National Plan for Northern Ireland rather than relying on a policy approach.

Councillor Kerr said that unfortunately he had to leave the meeting early but wanted to wish Dr Boomer well in his retirement and hoped that he didn't miss the members too much.

Councillor Kerr left the meeting at 7.12 pm.

Councillor D McPeake advised that it was his understanding that the sluice gates in Toome were controlled by Rivers Agency who raise and lower the gates and keep a flow on the River Bann.

Councillor Mallaghan referred to remarks from the SD: PI and how he probably had spent a lifetime at this planning a town, phase 1, phase 2 development plan and green areas etc and felt that this was a way we were going to have to look in terms of renewable energy going forward. The member stated that there were too many examples of where wind turbines were put into places and then bring the infrastructure miles and miles to get there in order to draw the power back. Similarly what will be next will be the wide expansion of solar fields, with one prime example being Belfast International Airport where they are proudly portraying their renewable energy, but their solar fields are 5 to 6 miles up the road from the site, but if this was looked at in a rational way, lands would be zoned next to the industrial estates and zoning lands to big energy using properties like airports and ports to ensure that they were being kept close together. The member said that by doing that zoning at an early stage would make it easier for planning process for someone going forward if they wished to change their land use and felt that this should be included in terms of thinking going forward.

Proposed by Councillor S McPeake
Seconded by Councillor Mallaghan and

Resolved To note the contents of the report and agree that the Service Director of Planning can reply as such to Dfl.

P033/24 Receive Report on the Lessons from the last 10 years of Planning

Dr Boomer, Service Director for Planning (SD: PI) presented previously circulated report to examine what lessons what can be learnt over the last 10 years from the Performance of the Planning Department and identify any key failings in the system.

The SD: PI stated that a key theme in local government currently is moving from transition to transformation. He provided members with an update on planning performance and statistics, covid pandemic matters in relation to backlog, ability to retain staff, agility, trainee planner program and Local Development Plan

The SD: PI updated members with a brief overhead view on:

- Applications Received
- Applications Decided
- Applications Approved
- Applications Live
- Local Applications Withdrawn
- Enforcement cases Received
- Enforcement 70% conclusion times (target 39 weeks or less)
- Enforcement Prosecution
- Enforcement Convictions

Councillor McConnell left the meeting at 7.40 pm.

The Chair thanked the SD: PI for his very informative update and said that we have come a long way in the last 8 – 10 years and was remarkable and a lot of stuff to be proud of when members see it outlined in the cold light of day.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That it be agreed:

- a) That the Head of Strategic Planning follows up with the representation made to the Public Accounts Committee on 22nd June 2022 on the adequacy of the Plan System.
- b) That the Committee note the lessons learnt to date.

The Chair said that now might be an opportune time to go into confidential business as he was aware of a speaker waiting to raise his planning application in confidential business.

Councillor Mallaghan stated that the other two items were short in terms of what is says and they have already been through the scheme of delegation and would be happy to propose the two following reports for approval if there was a seconder and if further discussion was needed at a later stage, then this can be accommodated.

P034/24 Receive Report on Performance Improvement Measures

Ms Doyle, Head of Local Planning (HLP) presented previously circulated report to present with members the new measures to improve the performance of the Planning Department in Mid Ulster District Council.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved To agree to the introduction of a validation checklist as a tool to improve the processing times of planning applications.

P035/24 Receive Report on Organisation of the Planning Department and Scheme of Delegation for Planning

Dr Boomer, Service Director for Planning (SD: PI) presented previously circulated report to request that members agree the structure, responsibilities and accompanying Scheme of Delegation for Planning functions for Financial Year (April 2024).

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That Members of Planning Committee and Policy & Resources Committee agree that the revised scheme of delegation and instruct the Service Director to seek approval of the Department before it

comes into effect and is published on the Council's website in April 2024.

Matters for Information

P036/24 Planning Committee Minutes of Meeting held on 6 February 2024

Members noted previously circulated minutes of Planning Committee held on 6 February 2024.

Live broadcast ended at 7.55 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke 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 P037/24 to P41/24.

Matters for Decision

P030/24 Planning Applications for Determination (continued)
P037/24 Receive Enforcement Report
P038/24 Hybrid Meetings

Matters for Information

P039/24 Planning Committee Confidential Minutes of Meeting held on 6 February 2024
P040/24 Enforcement Cases Opened
P041/24 Enforcement Cases Closed
P042/24 Enforcement Live Case Load
P043/24 Any Other Matters

P044/24 Duration of Meeting

The meeting was called for 5pm and concluded at 8.35 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, Dungannon 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.

