



03 October 2023

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Dungannon and by virtual means Council Offices, Circular Road, Dungannon, BT71 6DT on Tuesday, 03 October 2023 at 17:00 to transact the business noted below.

A link to join the meeting through the Council's remote meeting platform will follow.

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

1. Notice of Recording
This meeting will be webcast for live and subsequent broadcast on the Council's You Tube site [Live Broadcast Link](#)
2. Apologies
3. Declarations of Interest
Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.
4. Chair's Business

Matters for Decision

Development Management Decisions

5. Receive Planning Applications 7 - 174

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2022/0525/F	1 Class B3 industrial warehouse to operate as metal fabrication/preparation/coating	APPROVE

		and galvanising plant. Development of new Right-hand turn access provision from Sandholes Road and associated car parking, servicing, infrastructure and site works at lands to the rear & E of 20 Sandholes Road, Cookstown for LCC Group Ltd	
5.2.	LA09/2022/0667/F	Relocation of previously installed flood lighting poles around the race track at lands at 48 Cookstown Road, Moneymore, for Railway Karting	APPROVE
5.3.	LA09/2022/1243/F	Extension to existing carriageway service area, including demolition of existing supermarket and PFS and construction of new PFS with shop, deli with hot food provision, seated dining area, drive thru facility, stores, sanitary and staff welfare facilities. Redevelopment of existing forecourt to provide new fuel pumps, canopy, underground storage tanks with public carparking, HGV parking, bunkering facilities and carwash area at 31-32 Glenshane Road, Maghera, for James Molloy	APPROVE
5.4.	LA09/2022/1268/F	Fridge Recycling Plant, associated yard area, landscaping, weighbridge, nitrogen dioxide silo, parking, access (insitu) and ancillary site works (amended description) at lands approx 39m N of 52 Creagh Road, Toomebridge for Enva Northern Ireland Ltd	APPROVE
5.5.	LA09/2022/1359/O	Site for dwelling and domestic garage at approx 105m NW of 25 Brackagh Road, Desertmartin for Mr Seamus Diamond	REFUSE
5.6.	LA09/2022/1367/F	Two storey dwelling and garage at 10m N of 56 Quarry Road, Knockcloghrim for Gerard Ward	REFUSE
5.7.	LA09/2022/1607/F	Upgrade works to existing agricultural access to provide alternative access and egress for commercial vehicles and staff/ visitor cars to Agri development	APPROVE

		hub (LA09/2018/1213/O) at 170m NE of Annaghbeg Road/Tamnamore Road Junction, Tamnamore, Dungannon for Capper Trading Ltd	
5.8.	LA09/2023/0324/F	Two storey dwelling with driveway at 15 Oaks Road, Dungannon, for Radius Housing Association	APPROVE
5.9.	LA09/2023/0371/F	Aggregate bagging facility to include production building, enclosed loading hopper, enclosed storage bins, storage silos, enclosed blending area, aggregate elevator, electrical switchroom and all associated ancillary works (part retrospective). at FP McCann Ltd , Knockloughrim Quarry, Magherafelt for FP McCann Ltd	APPROVE
5.10.	LA09/2023/0478/RM	Dwelling and garage at 60m NW of 55 Annaghmore Road, Castledawson for Alvin McMullan Esq	APPROVE
5.11.	LA09/2023/0622/O	Dwelling and garage (infill site) at 30m NW of 39 Rocktown Road, Bellaghy for Mr Samuel Arrell	REFUSE
5.12.	LA09/2023/0695/F	Portal framed electrical switch room with brick and cladding finishes and a under void for cable access at Moy Park, Dungannon Proteins, 152 Killyman Road, Dungannon for Mr Ian Warnock	APPROVE
5.13.	LA09/2023/0801/F	Retention of domestic garage and store at 25m W of 76 Gortgonis Road, Coalisland for Mr Tony Canning	APPROVE

6. Receive Deferred Applications

175 - 298

	Planning Reference	Proposal	Recommendation
6.1.	LA09/2020/0729/F	Site for 5 detached dwellings and garages at 40m W of 16 Annaghmore Road, Coalisland for Mr Conor Tennyson	APPROVE
6.2.	LA09/2020/0992/O	Dwelling and domestic garage at Site 150m W of 115 Clonavaddy	REFUSE

		Road, Agnagar, Cappagh, Dungannon for Plunkett Nugent	
6.3.	LA09/2020/1098/F	Retention of existing structure to outdoor drinks area. at Regans Bar, 19 Hall Street, Maghera, for Bernard Regan	APPROVE
6.4.	LA09/2021/1653/F	Extension of facilities, provision of workshop, access to public road to replace existing substandard access, adequate parking, associated site works and landscaping at immediately E of 19 Annagh Road, Lungs, Clogher, for Malcolm Keys	APPROVE
6.5.	LA09/2021/1772/O	Dwelling, domestic garage and associated works at lands approx. 30m S of 29 Tullyglush Road, Ballygawley for Mr Liam Farrell	APPROVE
6.6.	LA09/2022/0398/F	2 dwellings within existing Mullinderg Housing Development at approx 20m NE of 8 Moneyneany, for Corramore Construction	REFUSE
6.7.	LA09/2022/1625/F	Alteration to approved egress point (LA09/2018/0777/F) to include for access to existing factory at 116 Deerpark Road, Toomebridge, for Neil Savage	APPROVE

7. Receive Report on Dfl Notice of Opinion - Lough Neagh 299 - 312

8. Receive Report on Net Zero 313 - 394

Matters for Information

9 Minutes of Planning Committee held on 5 September 2023 395 - 436

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

Matters for Decision

10. Receive Report on Advanced Notice of Listing - Pomeroy

11. Receive Enforcement Report

Matters for Information

12. Confidential Minutes of Planning Committee held on 5 September 2023
13. Enforcement Cases Opened
14. Enforcement Cases Closed



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.1
Application ID: LA09/2022/0525/F	Target Date: 18 November 2022
Proposal: Development of 1 no Class B3 industrial warehouse to operate as metal fabrication/preparation/coating and galvanising plant. Development of new Right-hand turn access provision from Sandholes Road and all other associated car parking, servicing, infrastructure and site works	Location: Lands To The Rear & East Of 20 Sandholes Road Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: LCC Group Ltd 16 Churchtown Road Cookstown BT80 9XD	Agent Name and Address: Tsa Planning 20 May Street Belfast BT1 4NL
Executive Summary: Approval is recommended with conditions	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-22-0525 F Lands to Rear & East of 20 Sandholes Road.doc
Statutory Consultee	NIEA	LA09-2022-0525-F.PDF
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Rivers Agency	520899 final.pdf520899 final.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template.docx
Non Statutory Consultee	NI Water - Strategic Applications	LA09-2022-0525-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	NIEA	
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Statutory Consultee	NIEA	
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Statutory Consultee	NIEA	
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	NIEA	PRT LA09-2022-0525-F.PDF
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx
Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 0525 F LCC Sandholes Rd.doc
Statutory Consultee	Rivers Agency	185033 final.pdf
Statutory Consultee	Environmental Health Mid Ulster Council	LA09-22-0525 F Lands To The Rear & East Of 20 Sandholes Road Cookstown.doc
Statutory Consultee	MUDC Environment and Conservation Team	LA0920220525F Reply.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx

Representations:

Letters of Support	0
Letters Non Committal	1
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The site is located on vacant grassland undeveloped land. Site boundaries are defined by post and wire fencing and existing hedgerows.

The site is mainly characterised by industrial uses, with the nearest occupied dwelling being No.21 across the road. There are sporadic residential units within the surrounding area.

Adjacent land uses included Ballyreagh Industrial Estate, Ballyreagh Bus Park, Sperrin Tube Supplies and Scotts Contracts Ltd.

The site falls largely within Development limit of Cookstown on land zoned for Industrial/Business as per CAP 2010. A small portion of the site outside the limits is a natural rounding off , and there will be a small part of Warehouse and hardstanding

concrete yard.

It is approx 2.5 km south of Cookstown.

The site has a hydrological connection to Lough Neagh and Lough Beg SPA and Lough Neagh ASSI which are approx 15km away.

LA09//2022/1135/F is a current application adjacent to the site, for development of a business park up to 16 units, which is currently under consideration.

Description of Proposal

Development of 1 no Class B3 industrial warehouse to operate as metal fabrication/preparation/coating and galvanising plant. Development of new Right-hand turn access provision from Sandholes Road and all other associated car parking, servicing, infrastructure and site works

LA09/2017/1518/PAN was submitted on the site as this is a major application and the 12 weeks' time frame has more than passed for this submission to be valid.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

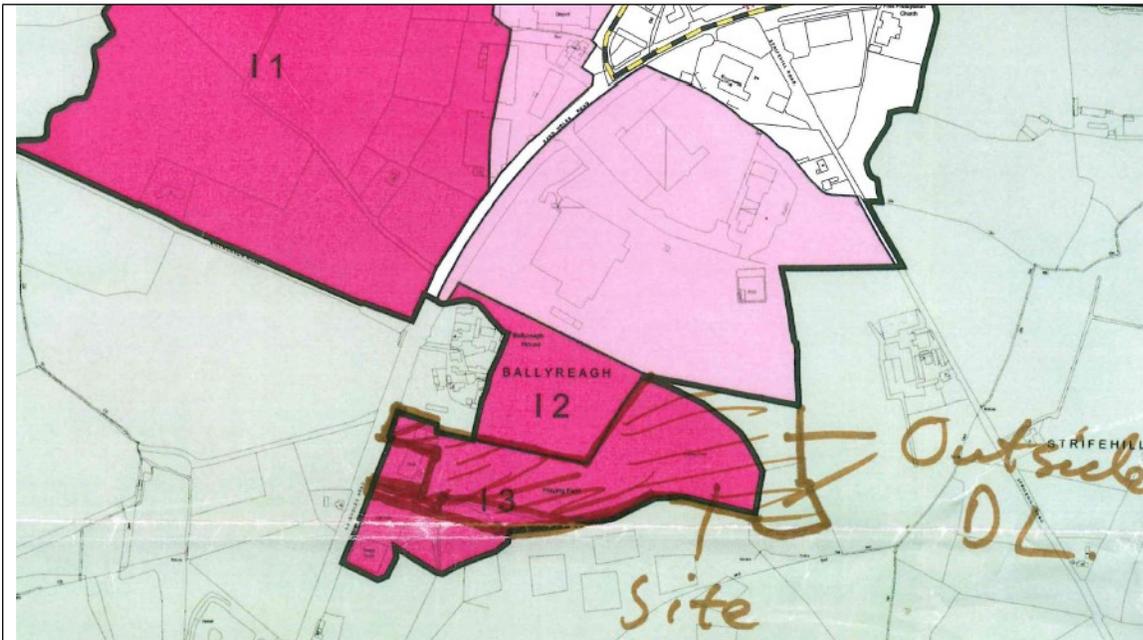
The relevant policy considerations include;

RDS, SPPS, CAP 2010, PPS2, PPS3, PPS4, PPS6, PPS15, PPS21

PPS4- PED1 & PED9

PED 1 outlines the principles for economic development in settlements so will be relevant in this case for B3 general industrial use. The site mainly lies within the settlement limits with a natural rounding off including a small portion of land outside.

PED9 relates to the general criteria for economic development.



A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

The site is within existing industrial zoned land within the CAP 2010, in a well-established industrial area. There are mainly industrial/commercial properties nearby. The proposed buildings form, scale and nature is appropriate to the area.

Part of the site is outside the settlement limit however the site is flat and respects the natural boundaries and this minor incursion is logical as it reflects the nature of site and is viewed as a rounding off.

(b) it does not harm the amenities of nearby residents;

There is sufficient distance to nearby properties that their amenity is protected and the proposed planting shown will aid this also.

(c) it does not adversely affect features of the natural or built heritage;

The site is in close proximity to a number of archaeological sites including an enclosure and a prehistoric site uncovered during excavation in advance of development. HED (historic division) has considered the impacts of the proposal and are content the proposal satisfies PPS6 policy requirements subject to conditions for the agreement and implementation of a developer funder programme of works.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

DFI Rivers were consulted from a drainage and flood risk perspective in line with SPPS and PPS15.

The application is affected by an undesignated open watercourse. A 5m maintenance

strip has been marked on the site plan, this is required under 6.32 of the policy FLD2 - Protection of flood defence and drainage infrastructure, and so has been met.

FLD3 - Development and surface water.

Flood risk on the site will be managed using a SuDS. Commenting on the efficiency of the proposed SuDS is outside the knowledge of DFI Rivers and advises Planning to make comment. FLD3 has been satisfactorily dealt with.

There is no indication of any plans showing alterations to any watercourses of FLD4 will not apply.

FLD1 and FLD5 do not apply.

(e) it does not create a noise nuisance;

The scheme originally included 4 Serviced industrial sites Use Classes B2/3/4. Env Health raised issues with these and they were subsequently removed from the proposal. The Galvanised plant and RHT lane remains part of the proposal.

EH were re-consulted on amended plans and replied on 19/09/23. In relation to No.18 Sandholes Road, it is mentioned in EH response dated 9/11/22 has it been considered within the noise impact assessment? The Agent responded to this in Feb 2023 stating No.18 'appears to be a derelict property, this property was not on the pointer data set used as part of the receptor identification exercise'.

On the response dated 19/09/23 EH have said that Planning should satisfy themselves no.18 is a derelict property, as if it were not deemed derelict the acoustic calculations would need to be re-evaluated to take into consideration a shorter distance of the nearest noise receptor.

Any site visits carried out by MUDC (planning and EH) shows the property not be residential in nature, some evidence of commercial/industrial use was at the site, these uses appear to have been long established and the residential has not be for consideration time. The tests for a property that is not residential would be much less than for a dwelling.

It has been stated by the agent that applicant seeks 24hour operation and EH are aware of this.

EH do however go on to state 'the applicant may wish to reconsider night time working or alternatively reassess the impact noise applicable to the activities to be undertaken'.

The agent was asked to clarify this situation and has confirmed that all stages of the fabrication/preparation/coating and galvanising will at all times take place entirely within the building as a result of the process being mainly automated.

In considering this, it would seem to offer reasonable assurance that there should be no anticipated loss of amenity as a result of outdoor activity. It is understood that vehicle movements to and from the site will continue to take place including during night time.

Should the property at No.18 at some stage in the future become occupied, any matters which may arise relating to noise or nuisance can be dealt with via the powers available to Env health Dept of MUDC.

(f) it is capable of dealing satisfactorily with any emission or effluent;

A CEMP was submitted to show mitigation impacts of Environmental issues, noise,

water etc and all relevant bodies were consulted on and commented with no objections. NI Water stated there is available capacity at WWTW but there may be network issues in the area, however a condition can be added to address this issue.

(g) the existing road network can safely handle any extra vehicular traffic The proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

(h) adequate access arrangements, parking and manoeuvring areas are provided;

DFI Roads were consulted on amended plans and do not offer any objection. They have provided conditions to be attached to any approval.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
This has been adequately addressed and there are no issues.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

Scale & massing of the proposed galvanising plant building is in keeping with the existing area. Finishes are acceptable for this type of development, cladding, render and roller shutter doors with glazed panels, factory has a flat roof.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
Site boundaries are post and wire fencing with some existing planting.
Site plan shows detailed landscaping scheme, existing trees to be retained and those to be planted. This will ensure good separation between the existing and proposed units and aid with a good level of integration and enclosure for the site and for neighbouring properties and form public viewpoints.

(l) is designed to deter crime and promote personal safety; and

No issues, this criteria has been met.

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

The majority of the site is located outside of the countryside, within the settlement limits of Cookstown. Integration is adequate in terms of the provided planting plan. There will be retention of heavy belt of trees and add trees to rear of Sperrin Tube Supplies are adequate.

Within the site are listed trees so MUDC Environment and Conservation team were consulted for comment. Further information was submitted relating to detail on fences and tree survey and report and conditions have now been provided.

Overall the proposal meets with the criteria of PED9 of PPS4.

PPS6

NIEA, NED has considered the impacts of the proposal on designated sites and other natural heritage interests and on the basis of the information provided has no concerns subject to conditions. NED acknowledges receipt of Ecological Surveys for Bats (May 2023) and they are content with the findings of the survey and considers that provided the mitigation recommended is implemented, the proposal is unlikely to have a significant impact on the local bat population.

No badger setts were found within the site, however badger hair was found on boundary fences showing it would be suitable for foraging badgers and as they are protected by Wildlife (NI) Order 1985 so NED would highlight that no works may occur within 25m of a badger sett without a wildlife licence having been obtained from NIEA. NED are content all recommended mitigation measures to protect badgers are included in the final CEMP.

Conditions were provided by NIEA.

No formal objections were received on the application. A representation was received on behalf of the owners of 14 Sandholes Road stating their interest in the application and in particular DFI Roads. They have been informed of amended plans received and have not forwarded any objection.

Approval with conditions is recommended.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The vehicular accesses including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No IBH0765/4000 dated April 2023 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level

of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

No other development hereby permitted shall be commenced until the road works including the right turning lanes as indicated on Drawing No IBH0765/4000 dated April 2023 have been fully completed in accordance with the approved plans.

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

Condition 4

On completion of the highway works the applicant shall, within the required time, submit and conclude stage 3 and stage 4 road safety audits as required in accordance with DMRB GG199.

Reason: In the interests of road safety

Condition 5

No vegetation clearance or demolition of buildings shall take place between 1 March and 31

August inclusive, unless a competent ecologist has undertaken a detailed check for active

bird's nests immediately before clearance/demolition and provided written confirmation that

no nests are present/birds will be harmed and/or there are appropriate measures in place to

protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

Condition 6

No development activity, including ground preparation or vegetation clearance, shall take

place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall

be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:

a) Construction methodology and timings of works;

b) Pollution Prevention Plan; including suitable buffers between the location of all

construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;

- c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d) Mitigation measures as detailed in the Ecological Impact Assessment and Outline Construction Environmental Management Plan;
- e) Details of appropriate mitigation measures to protect protected and priority species;
- f) Environmental Emergency Plan;
- g) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

Reason: To protect Northern Ireland priority habitats and species.

Condition 7

Prior to the commencement of any site works, all required protective fencing and signage will be in situ, as per approved plans insert TCP and TPP references dated insert date and shall be implemented in accordance with BS5837:2012 Trees in relations to design, development and construction - Recommendations. The protective fencing must remain in situ during the construction phase.

Reason: To protect and conserve the high-quality visual amenity and landscape value

Condition 8

Prior to the commencement of any site works, all proposed recommended tree works, in accordance with the submitted Arboricultural Impact Statement prepared by Dr. P. Blackstock, December 2022, and on behalf of insert applicants details as per tree survey sheets insert reference numbers dated insert date, will be completed in accordance with BS3998:2010 Tree Work - Recommendations

Reason: To protect and conserve the high-quality visual amenity and landscape value

Condition 9

None of the units hereby approved shall be occupied until a satisfactory method for sewage disposal has been submitted to and agreed with Mid Ulster District Council in consultation with NI Water.

Reason: In the interests of residential amenity and to ensure there is a satisfactory means of sewage disposal.

Condition 10

All Roller shutter doors shall remain in the closed position except for access and egress purposes

Reason : Protection of residential amenity

Condition11

All forklift truck activities shall be conducted within the building as presented on drawing No 02/03 dated 3 August 2023.

Reason : Protection of residential amenity

Condition12

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

Reason : Protection of residential amenity

Condition13

The existing natural screenings along existing boundaries of this site, shall be retained, augmented where necessary and let grow to a mature height unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works. Any proposed planting should be carried out in accordance with that shown on the same site plan 02/03 dated 3 August 2023.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

Condition14

If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of Mid Ulster District Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless Mid Ulster District Council gives its written consent to any variation.

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

Signature(s): Emma McCullagh

Date: 21 September 2023

ANNEX	
Date Valid	22 April 2022
Date First Advertised	3 May 2022
Date Last Advertised	3 May 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier C D E Group, Kilcronagh Business Park, Sandholes Road, Cookstown, Co. Tyrone, BT80 9HJ</p> <p>The Owner / Occupier 20 Sandholes Road, Cookstown, Tyrone, BT80 9AR</p> <p>The Owner / Occupier CDE Group Manufacturing, Ballyreagh Business Park Cookstown Tyrone BT80 9DG</p> <p>The Owner / Occupier 24 Sandholes Road Cookstown Tyrone BT80 9AR</p> <p>The Owner / Occupier 21 Sandholes Road Cookstown Tyrone BT80 9AR</p> <p>The Owner / Occupier 14A Sandholes Road Cookstown Tyrone BT80 9AR</p> <p>The Owner / Occupier Sperrin Tube Supplies 14 Sandholes Road Cookstown Tyrone BT80 9AR</p> <p>The Owner / Occupier Northern Ireland Rural Women's Network, Unit 5, The Old Clubhouse, 20 Sandholes Road, Cookstown, Co. Tyrone, BT80 9AR</p> <p>The Owner / Occupier Emerson, Ballyreagh Industrial Estate, Cookstown Tyrone BT80 9DG</p> <p>The Owner / Occupier Raygar, 20 Sandholes Rd, Cookstown, BT80 9AR</p> <p>The Owner / Occupier Ellickson Engineering, The Old Clubhouse, 20 Sandholes Road, Cookstown, Co. Tyrone, BT80 9AR</p> <p>The Owner / Occupier Mr D Scott 55 Killygarvin Road Cookstown BT80 9BG</p> <p>The Owner / Occupier Carol@cmcilvar.com</p>	
Date of Last Neighbour Notification	31 August 2023
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Ref: I/1987/0264

Proposals: WINNING AND WORKING OF LIMESTONE, SANDSTONE, MUDSTONE AND DRIFT OVERBURD

Decision: PG

Decision Date:

Ref: LA09/2022/1135/F

Proposals: PROPOSED DEVELOPMENT OF BUSINESS PARK TO INCLUDE UP TO 1 BUSINESS UNITS (USE CLASS B1/B2/B3 & B4), ACCESS ARRANGEMENTS (PROVISION OF RIGHT HAND TURN LANE) FROM SANDHOLES ROAD, LANDSCAPING, CAR PARKING, SERVICING AND ANCILLARY SITE WORKS

Decision:

Decision Date:

Ref: I/2004/1190/F

Proposals: New access (service road) and earthworks and land levelling to facilitate the development of industrial land (amended plans)

Decision: PG

Decision Date: 29-JUN-05

Ref: I/1974/0224

Proposals: CAR PARK

Decision: PG

Decision Date:

Ref: LA09/2021/1734/PAN

Proposals: Proposed development of business park to include up to 16 business units (use class likely B1/B2/B3& B4), access arrangements (provision of right hand turn lane from sandholes road, landscaping, car parking, servicing and ancillary site works.

Decision:

Decision Date: 10-FEB-22

Ref: I/2003/0462/A41

Proposals: Alterations

Decision: 205

Decision Date: 09-JUL-03

Ref: I/1992/0188

Proposals: Extension to Social Club

Decision: PG

Decision Date:

Ref: I/2002/0378/F

Proposals: Change of use from social/recreational use to warehouse/light industrial use and minor alteration to front elevation

Decision: PG

Decision Date: 30-OCT-02

Ref: I/2000/0093

Proposals: Site for entrance road to industrial estate.

Decision:

Decision Date:

Ref: I/2006/0936/F

Proposals: Two Manufacturing and Storage Units and Associated Site Works

Decision: PG

Decision Date: 02-JUN-09

Ref: I/2004/1242/F

Proposals: Modifications to existing road layout to provide right turn access

Decision: PG

Decision Date: 15-DEC-04

Ref: LA09/2017/1518/PAN

Proposals: Construction of a new Facility for the assembly of wet processing equipment

Decision: PANACC

Decision Date: 11-MAR-19

Ref: I/1994/0298

Proposals: Industrial Estate for I.D.B

Decision: PG

Decision Date: 15-FEB-95

Ref: I/2004/1085/F

Proposals: Proposed concrete manufacturing factory, including ancillary staff area, offices & site works

Decision: PG

Decision Date: 15-DEC-04

Ref: I/1996/0474

Proposals: Provision of additional access heads, erection of sub-station including access to same and associated works

Decision: PG

Decision Date: 16-JAN-97

Ref: I/2007/0900/F

Proposals: Proposed Manufacturing Unit

Decision:
Decision Date:

Ref: I/1995/0338

Proposals: Laying out of Lands for Industrial Plots, Construction of Service Road and Associated Services

Decision: PG

Decision Date: 23-JUL-96

Ref: I/2013/0168/F

Proposals: Reduction and reconfiguration of previously approved factory and offices (I/2012/0121/F), including the fit out of first floor to provide offices, kitchen and storage. Revised reduced parking layout, including alterations to HGV parking and internal movement pattern. Repositioning of storage areas and oil tanks.

Decision: PG

Decision Date: 29-AUG-13

Ref: I/2012/0121/F

Proposals: New factory unit and the re-development of redundant turning head to provide access and parking facilities

Decision: PG

Decision Date: 18-OCT-12

Ref: LA09/2022/0544/PAN

Proposals: Proposed extension of works to the existing industrial building (Emerson/ Copeland facility) and will include new assembly/work shop area, paintline, offices and extension of car parks and associated works

Decision: PANACC

Decision Date:

Ref: I/2009/0429

Proposals: The relocation of the existing internal waste recycle area to a new external waste recycle area, the raising of the floor in the existing waste recycle area with associated elevational changes and the erection of a new 60000 litre oil storage facility with associated bund wall at the Copeland Factory, Ballyreagh Industrial Estate, Sandholes Road, Cookstown.

Decision: 461

Decision Date:

Ref: I/1996/0449

Proposals: Site for Factory Unit

Decision: PG

Decision Date:

Ref: LA09/2018/0227/F

Proposals: New underground gas transmission pipeline (intermediate pressure)

approximately 3.5 Km in length both in road and in verge with associated temporary site works, including open cut excavation and horizontal directional drilling for pipe installation

Decision:

Decision Date:

Ref: I/2002/0629/F

Proposals: Installation of mobile stone crushing plant

Decision: PG

Decision Date: 16-JAN-03

Ref: I/1974/0020

Proposals: SPOIL DUMP (SITE 3)

Decision: PG

Decision Date:

Ref: LA09/2021/0782/PAN

Proposals: Proposed development of business park to include serviced industrial sites (use classes B2/B3/B4) and 1no. class B3 industrial warehouse to operate as metal fabrication/coating and galvanising plant. Development of new right-hand turn access from Sandholes Road and all other associated car parking, servicing and site works.

Decision: PANACC

Decision Date: 16-AUG-21

Ref: LA09/2017/0265/PAD

Proposals: Business Park and Industrial Estate with new right turn lane

Decision: PAD

Decision Date: 01-JAN-18

Ref: I/2005/1499/Q

Proposals: Proposed Hot Food Outlet, CTN Outlet, Restaurant, Office, Showroom, Trade Centre.

Decision: 211

Decision Date: 24-JUL-07

Ref: LA09/2016/0584/F

Proposals: Proposed extension to rear of building to create additional storage space external covered area

Decision: PG

Decision Date: 12-AUG-16

Ref: LA09/2022/0525/F

Proposals: Development of business park to include serviced industrial sites (use Classes B2/B3/B4) & 1 no Class B3 industrial warehouse to operate as metal fabrication/preparation/coating & galvanising plant. Development of new right-hand turn access provision from Sandholes Road & all other associated car parking, servicing, infrastructure & site works

Decision:
Decision Date:

Ref: I/1987/0017
Proposals: 11 KV O/H LINE
Decision: PG
Decision Date:

Ref: I/2003/1030/F
Proposals: Retention of change of use to create a traveller's stopping site (amended plans)
Decision:
Decision Date:

Ref: LA09/2016/1772/LDE
Proposals: Retention of ancillary storage yard and 2 no. buildings associated with Scott Contracts Ltd at 20 Sandholes Road, Cookstown
Decision: PG
Decision Date: 16-MAR-17

Ref: LA09/2018/1304/F
Proposals: Proposed Covered storage shed.
Decision: PG
Decision Date: 05-MAR-19

Ref: LA09/2017/0996/PAD
Proposals: Proposed new farmers market to include new market hall building with sales ring, offices, associated facilities and parking car/ lorries within site
Decision:
Decision Date:

Ref: LA09/2020/0850/F
Proposals: Proposed agri food processing unit housed within a portal framed building with weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance
Decision:
Decision Date:

Ref: LA09/2017/0912/PAD
Proposals: Extension to Industrial Lands
Decision: PAD
Decision Date: 01-JAN-18

Ref: LA09/2019/1140/F
Proposals: Proposed garage - to replace a number of garages
Decision: PG

Decision Date: 23-OCT-19

Ref: LA09/2017/0240/F

Proposals: Erection of workshop and offices for the repair and paint spraying of vehicles car wash facility, staff/visitor car parking, short term storage of vehicles awaiting collection, 2m high security fence and entrance gates and associated site works (Relocation of existing business from Chapel Street, Cookstown)

Decision: PG

Decision Date: 07-JUN-18

Ref: LA09/2016/1272/PAD

Proposals: Erection of workshop and offices with site works forming carparking and short term storage of vehicles awaiting collection

Decision: PAD

Decision Date: 01-JAN-17

Ref: I/2004/1356/O

Proposals: Demolition of existing outhouses and sheds and replaced with a new workshop for the repair and maintenance of motor vehicles

Decision: PG

Decision Date: 07-NOV-05

Ref: I/1992/0160

Proposals: 11 KV O/H Line

Decision: PG

Decision Date:

Ref: I/2010/0297/F

Proposals: Retention of new waste storage building and bunded oil storage facility. Also retention of alterations to existing building to include raised floor levels and storage area at the Copeland Factory, Cookstown

Decision: PG

Decision Date: 26-JAN-11

Ref: I/2007/0901/F

Proposals: Proposed extension and alterations to existing scroll compressor manufacturing facility.

Decision: PG

Decision Date: 20-AUG-08

Ref: I/2014/0244/F

Proposals: Proposed extension and alterations to existing Scroll Compressor manufacturing facility

Decision: PG

Decision Date: 25-NOV-14

Ref: I/2010/0270/F

Proposals: Provision of 4 no. sets of ribbon windows to the front, side and rear elevation to Copeland plant at Ballyreagh ind. Estate Cookstown

Decision: PG

Decision Date: 29-JUL-10

Ref: I/2007/0428/F

Proposals: Extension of existing access road to serve additional development lands; provision of foul, storm and road drainage systems.

Decision: PG

Decision Date: 18-FEB-08

Ref: I/1974/0021

Proposals: SPOIL DUMP (SITE 1)

Decision: PG

Decision Date:

Ref: I/1974/0019

Proposals: SPOIL DUMP (SITE 2)

Decision: PG

Decision Date:

Summary of Consultee Responses

Environmental Health Mid Ulster Council-LA09-22-0525 F Lands to Rear & East of 20 Sandholes Road.doc

NIEA-LA09-2022-0525-F.PDF

Historic Environment Division (HED)-

Rivers Agency-520899 final.pdf520899 final.pdf

DFI Roads - Enniskillen Office-Response Template.docx

NI Water - Strategic Applications-LA09-2022-0525-F.pdf

DFI Roads - Enniskillen Office-

Environmental Health Mid Ulster Council-

NIEA-

Environmental Health Mid Ulster Council-

NIEA-

DFI Roads - Enniskillen Office-Previously answered

DFI Roads - Enniskillen Office-Previously answered

Historic Environment Division (HED)-

NIEA-

Environmental Health Mid Ulster Council-

NIEA-PRT LA09-2022-0525-F.PDF

DFI Roads - Enniskillen Office-Roads Consultation full approval.docx

Environmental Health Mid Ulster Council-LA09 2022 0525 F LCC Sandholes Rd.doc

Rivers Agency-185033 final.pdf

Environmental Health Mid Ulster Council-LA09-22-0525 F Lands To The Rear & East Of 20 Sandholes Road Cookstown.doc

Drawing Numbers and Title

Technical Specification Plan Ref: 26
Technical Specification Plan Ref: 25
Technical Specification Plan Ref: 24
Technical Specification Plan Ref: 23
Technical Specification Plan Ref: 22
Technical Specification Plan Ref: 21
Technical Specification Plan Ref: 20
Technical Specification Plan Ref: 19
Roads Details Plan Ref: 18
Roads Details Plan Ref: 17
Levels and Cross Sections Plan Ref: 16
Levels and Cross Sections Plan Ref: 15
Technical Specification Plan Ref: 14
Technical Specification Plan Ref: 13
Existing Site Survey Plan Ref: 12
Technical Specification Plan Ref: 11
Site Layout or Block Plan Plan Ref: 10
Landscaping Plan Plan Ref: 09
Landscaping Plan Plan Ref: 08
Levels and Cross Sections Plan Ref: 07
Proposed Elevations Plan Ref: 06
Proposed Floor Plans Plan Ref: 05
Proposed Floor Plans Plan Ref: 04
Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02
Site Layout or Block Plan Plan Ref: 02/1

Notification to Department (if relevant)

Not Applicable



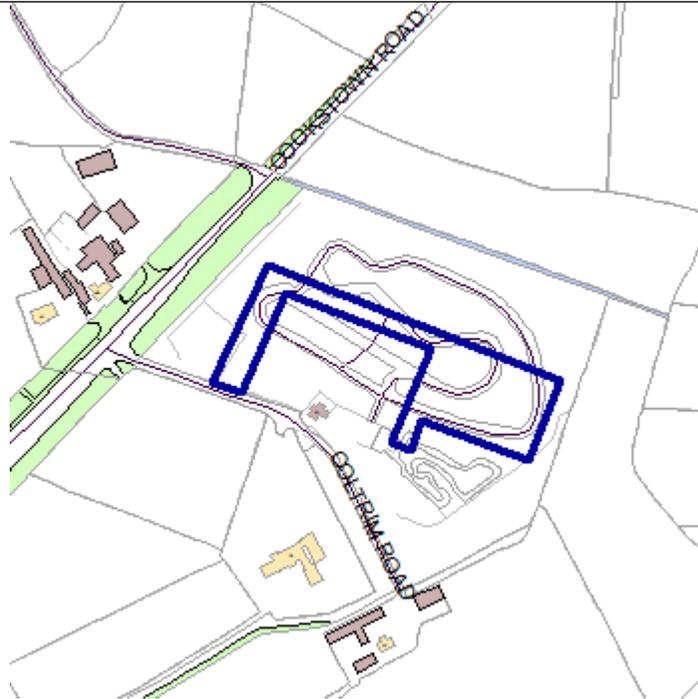
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.2
Application ID: LA09/2022/0667/F	Target Date: 7 September 2022
Proposal: Application for the relocation of previously installed flood lighting poles around the race track.	Location: Lands At 48 Cookstown Road Moneymore BT45 7QF
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Railway Karting 48 Cookstown Road Moneymore BT45 7QF	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: Application is for relocation of existing floodlighting poles surrounding existing karting business. Karting business is currently under investigation for operating outside approved opening hours under LA09/2020/0180CA. 3 Objections received and 5 letters of support. The objections relate primarily to noise and the fact that the lights enable the track to operate outside approved opening hours. These reasons aren't relevant to this application which relates solely to the lighting poles. Issues of impact of light pollution also raised and these have been addressed under assessment of policy OS7 of PPS8. Proposal has been found to comply with PPS 8. Environmental Health and DFI Roads have no objection. Recommendation is to approve.	



Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 0667 F retrospective application for floodlighting poles around the race track.doc
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx
Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 0667 F retrospective application for floodlighting.doc

Representations:

Letters of Support	1
Letters Non Committal	1
Letters of Objection	3
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The site is located approximately 1km SW of Moneymore and adjacent to the main Cookstown – Moneymore A29 Road.

The site consists of a karting track which has planning permission under a historic application and which operates as Railway Karting. The site is surrounded by mature trees to the north and east and on the western roadside boundary there is a soil bund which has been created and it has trees planted along it, presumably with the intention of screening the karting activity from the traffic passing on the protected route.

There is an access to the karting track available off the main A29 Road although this was closed during my site visit. The main access to the site appears to be off Coltrim Lane via an avenue which serves no. 50 Moneymore Road, a large detached dwelling which appears to be linked to the karting track by virtue of this access.

No. 2 Coltrim Lane is also close by as is a dwelling and farmyard located directly across the main A29 road. There is an existing coach hire yard (JK Coaches) approximately 400m south west of the site. There are three dwellings immediately to the east of the site which are located approx. 235, 215 and 250m away. The addresses of these dwellings are 21, 19 and 17a Moneyhaw Road, respectively. There are three further dwellings which are located further away to the east, over 300m away and these include 21b and 23 Moneyhaw Road.

The area is outside the settlement limits but given the nature of the main traffic route which runs along the site boundary, the nearby industrial style coach yard and to an extent the karting track, it cannot be said that the immediate area has a rural character.

Description of Proposal

The proposal relates to the re location of floodlighting poles which are already in existence around the approved karting track.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The following policies are relevant;

- Cookstown Area Plan
- SPPS
- PPS 21 – Sustainable Development in the Countryside

- PPS 8 – Outdoor Sport and Recreation

Cookstown Area Plan

The site is located in the countryside as per the Cookstown Area Plan and is adjacent to a protected route. Therefore, the relevant planning policies for the rural area will apply.

SPPS

In outlining its regional objectives relating to outdoor sport and recreation, the SPPS states at para. 6.201 that the planning system should facilitate appropriate outdoor recreational activities in the countryside that do not negatively impact on the amenity of existing residents. It also states at para. 6.213 that the impact of floodlighting will be a relevant planning consideration when assessing all proposals relating to outdoor sport and recreation.

PPS 21 – Sustainable Development in the Countryside

CTY 1 of PPS 21 sets out the range of non residential development types that are considered to be appropriate in the countryside. One of these categories of development which are deemed acceptable is development relating to outdoor sports and recreation, in accordance with PPS 8. PPS 8 therefore is the default policy for assessing this development.

PPS 8 – Outdoor Sport and Recreation

Policy OS 7 of PPS 8 states that applications for development of floodlighting associated with sports and recreation uses will be acceptable where a range of criteria are met. These criteria are set out and considered in the paragraphs below.

a) there is no unacceptable impact on the amenities of people living nearby

The is the obvious impact which could potentially arise from the provision of floodlighting poles such as the ones proposed as part of this application. The nearest dwellings to the race track are number 43 and 45 Cookstown Road which are approx. 120m and 140m away from the track, respectively. 43 is no longer occupied and 45 is located opposite the entrance to the track from the main dual carriageway (unused at time of my visit). Neighbour notifications have been sent to this property and no objections have been received in reply.

From my own experience of passing the track at night when the lights are operational, I am off the opinion that all the lighting is pointing inward towards the track and there is virtually no outward spill of lighting experienced. Whilst the relocation of the existing lights will mean that this experience which I describe will be somewhat altered, the lighting assessment report still describes limited overspill of lighting whilst providing a more uniform lighting pattern around the track. This is backed up by the light spill graphic which has been submitted by the applicant and also via technical drawings submitted as part of the Lighting Impact Assessment submitted by SH Lighting Consultancy.

Environmental Health have been consulted and after considering the Lighting Impact Assessment have no reason to object to the proposal provided conditions are imposed on the hours of operation of the lighting and the height, position and specification of the lighting does not change from that included in the lighting impact assessment. They have stated that the report demonstrates that “*artificial light overspill at nearby properties is predicted to be within the guidelines set by the Institute for Lighting Practitioners*” and that they have no reason to disagree with the report.

b) there is no adverse impact on the visual amenity or character of the locality

As mentioned above, the character of the area is characterised primarily by the main dual carriageway A29 road which given its nature and large volume of fast-moving traffic means that the area, whilst being located in the countryside, does not have a typical rural feel. Added to this are the nearby coach business / coach park as well as the karting business in question and these things further erode the rural character of the area. I am therefore of the view that the floodlighting proposed here will not have a significantly detrimental impact on the character of the area because the character is not a typically rural one.

I have experienced the floodlighting when passing during darkness and whilst the glow of lighting is visible from the main road it is not enough to result in the character of the area being altered in my opinion.

c) public safety is not prejudiced

The obvious threat to public safety caused by these lights is the overspill of lighting onto the main A29 protected route. As has been outlined above, the lighting at present is all inward towards the kart track and has minimal overspill outside of the track. As also has been mentioned above, I have experienced the floodlighting when passing during darkness and whilst the glow of lighting is visible from the main road it is not enough to result in an increase in danger to passing traffic, in my opinion. Whilst the relocation of the existing lights will mean that this experience which I describe will be somewhat altered, the lighting assessment report still describes limited overspill of lighting whilst providing a more uniform lighting pattern around the track.

DFI Roads have also been consulted and do not offer any objection.

OTHER MATERIAL CONSIDERATIONS

There have been 9 representations in relation to this objection

There have been 5 representation expressing support which have been submitted in relation to this proposal. There have been three objections. In addition there was 1 email from Patsy McGlone MLA which is non-committal and asks the planning department to look into issues raised by an objector.

The three objections are considered below;

Objection from 21 Moneyhaw Road

This objection raises the following issues which are considered below;

- The floodlights will enable the track to open past its permitted operating hours

This is not a valid planning reason to oppose the lights. This application examines the merits of the proposed changes to lighting, when assessed against the relevant planning policy. The issue regarding the opening hours of the track is being investigated as a breach of condition by the enforcement team. This is a separate issue from application for the lights in their own regard.

Objection from Amanda McIvor

This objection raises the following issues which are considered below;

- Light pollution
- Continued operating hours outside of the approved times
- Noise and Loud Music that come from the site

The issue of light pollution has been considered above under assessment of relevant planning policy. A technical lighting assessment has been prepared and considered by environmental health and they have concluded that the levels of lighting are acceptable.

In relation to the lighting being an enabler to the site operating outside of its permitted hours, as per the last objection, the issue regarding the opening hours of the track is being investigated as a breach of condition by the enforcement team. This is a separate issue from application for the lights in their own regard.

The lights will not directly cause any noise pollution so the objections about noise are not relevant to my assessment of this application.

Objection from 21B Moneyhaw Road

- Loud and Intrusive Noise from the karting track
- Track is not complying with winter opening hours as per condition 2 of approval
- Lights enable later opening hours in the winter months

As per the last objection, the floodlights are not a direct causal factor in the production of noise. Therefore, I can not consider any noise generation from the track when assessing this proposal.

the issue regarding the opening hours of the track is being investigated as a breach of condition by the enforcement team. This is a separate issue from application for the lights in their own regard.

The issue regarding the alleged non-compliance with approved opening hours relating to the karting activities is not something which this application can address. The recourse for this issue is via the enforcement process where I believe a Breach of Condition Notice has been served under case LA09/2020/0180CA.

Letters of Support

Letters of support have been received from no. 2 Coltrim Road, 19 Moneyhaw Road, 44 Cookstown Road, 30 Cookstown Road and a further letter from William Jordan who lives nearby but has not provided an address. They state that they live close by and have experienced no issues with the karting track and one representation supports the job creation brought to the local area.

Summary of Recommendation:

Approve is recommended

Given all of the above, I am satisfied that the policy complies with the relevant planning policy and this has been explained at length in the preceding paragraphs. I have also considered the letters of objection as laid out above as well as taking on board the letters of support.

Having considered all these factors, I recommend that this application is approved subject to the following conditions.

Approval Conditions

Condition 1

As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

Condition 2

Lighting hereby approved shall not be operational anytime between 23:00 - 07:00 hrs

Reason: To protect night-time amenity at nearby sensitive dwellings.

Condition 3

Light intrusion from the proposed development into windows at nearby sensitive properties shall not exceed 5 Ev (lux) anytime between 07:00 - 23:00hrs

Reason: To protect amenity at nearby sensitive dwellings.

Condition 4

The location, height and specification of the proposed lighting shall comply with design criteria as outlined within 'Floodlighting Exchange Drawing' dated 18/1/23, reference SHD807-SHD-HLG-RAIL-DR-EO-Lighting Layout-R0.

Reason: To protect amenity at nearby sensitive dwellings

Signature(s): Colin McKeown

Date: 20 September 2023

ANNEX	
Date Valid	25 May 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 43 Cookstown Road Moneymore Londonderry BT45 7QF The Owner / Occupier 45 Cookstown Road Moneymore Londonderry BT45 7QF The Owner / Occupier 46 Cookstown Road Moneymore Londonderry BT45 7QF	
Date of Last Neighbour Notification	28 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Environmental Health Mid Ulster Council-LA09 2022 0667 F retrospective application for floodlighting poles around the race track.doc DFI Roads - Enniskillen Office-Roads Consultation full approval.docx Environmental Health Mid Ulster Council-LA09 2022 0667 F retrospective application for floodlighting.doc	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable

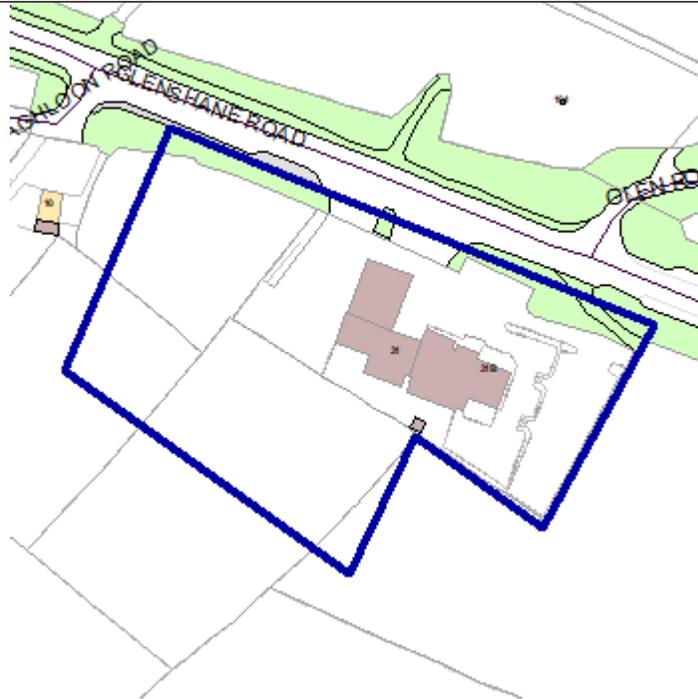


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.3
Application ID: LA09/2022/1243/F	Target Date: 6 March 2023
Proposal: Extension to existing carriageway service area, including demolition of existing supermarket and PFS and construction of new PFS with shop, deli with hot food provision, seated dining area, drive thru facility, stores, sanitary and staff welfare facilities. Also includes redevelopment of existing forecourt to provide new fuel pumps, canopy, underground storage tanks with public carparking, HGV parking, bunkering facilities and carwash area	Location: 31-32 Glenshane Road Maghera BT46 5JZ
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: James Molloy 31-32 Glenshane Road Maghera BT46 5JZ	Agent Name and Address: Clarman Ltd Unit 1 33 Dungannon Road Coalisland BT71 4HP
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.docx
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.doc Roads Consultation blank.docx
Statutory Consultee	Rivers Agency	643615 - Final Response.pdf
Non Statutory Consultee	NI Water - Strategic Applications	LA09-2022-1243-F.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 1243 F PFS Glenshane Road.doc
Statutory Consultee	NIEA	PRT LA09-2022-1243-F ADV.PDF
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.docx
Statutory Consultee	NIEA	PRT LA09-2022-1243-F.PDF
Non Statutory Consultee	Shared Environmental Services	LA09-2022-1243-F - HRA.pdf
Statutory Consultee	NIEA	
Statutory Consultee	NIEA	PRT LA09-2022-1243-F.PDF
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 3.docx

Statutory Consultee	NIEA	PRT LA09-2022-1243-F.PDF
Statutory Consultee	NIEA	PRT LA09 2022 1243 F.pdf
Statutory Consultee	NIEA	
Representations:		
Letters of Support	0	
Letters Non Committal	0	
Letters of Objection	0	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
Summary of Issues		
Characteristics of the Site and Area		
<p>The site is located at 31-32 Glenshane Road, Maghera as known as 'Glenshane Services'. The site is long established as a shop and Petrol filling station and canopy. Adjacent is the Oakleaf roadside restaurant at the bottom of the Glenshane Pass. It is approx 350m NW of the settlement of Glen. Access to the site is from Glenshane Road and a left filter/slowing lane and a right turning lane is provided. There is substantial level of car parking at the forecourt and outside the shop. Part of the site is made up of parts of 4 fields.</p>		
Description of Proposal		
<p>Extension to existing carriageway service area, including demolition of existing supermarket and PFS and construction of new PFS with shop, deli with hot food provision, seated dining area, drive thru facility, stores, sanitary and staff welfare facilities. Also includes redevelopment of existing forecourt to provide new fuel pumps, canopy, underground storage tanks with public carparking, HGV parking, bunkering facilities and carwash area. The Oakleaf Restaurant will not be redeveloped, the shop which is now attached will be demolished and relocated.</p>		
Planning Assessment of Policy and Other Material Considerations		
<u>Policy Consideration</u>		
<p>This is a major planning application and appropriate pre application processes have been carried out and the application submitted with a Community Consultation Report and follows submission of LA09/2021/0312/PAN.</p>		

Relevant Planning History

The retail petrol filling station has no relevant planning history.

Extant permission for a hotel on the site under LA09/2021/0004/O.

Key policy Consideration

RDS 2035

The site is located on the A6 so on a Key Transport Corridor in NI linking Belfast and Derry as set out in the RDS. Although not an operational policy but the guidance is a material consideration in the assessment of the application. In general the proposal is supported by this policy as it seeks to broaden existing services to cater for better tourism traffic such as coaches and buses.

Magherafelt Area Plan 2015

There is no policy the plan conflicts with.

Local Dev Plan 2023 draft plan strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

SPPS

This policy sets out over arching policy on all development plan making and management functions. It is introduced to facilitate the plan-led system and existing PPS's and PSNRI provisions will be cancelled when Councils have adopted a new plan strategy for their areas. SPPS states that any conflict between the SPPS and retained policies , any retained policy must be resolved in favour of the SPPS, but where the SPPS is silent or less prescriptive on a policy matter this should not be judged to lessen the weight to be afforded to the retained policy. As a consequence, the application remains assessed against PSRNI, IC15 and PPS21.

SPPS states that planning authorities should take a positive approach to appropriate economic development proposals. They should also encourage proposals that could make an important contribution to sustainable economic growth.

In terms of retail development, the SPPS encourages a town centre first approach to retail. This approach is to ensure the vitality and viability of a town centre is protected and enhanced, than that out of town centre retail developments do not have a negative impact on the health or attractiveness of a town centre. Inappropriate retail development has the potential to draw footfall away from town centres to development that may be served better by private car, as there is more better parking and less congestion. This results in developments that do not feed into the aims and objectives of sustainable development, increases dependency on the private car and detracts from use of public transport, as well as deflecting investment from town centres, and potentially increasing vacancy rates within centres.

With that said, there may be other circumstances where retail development may be considered acceptable outside of town centres.

Paragraph 6.279 of the SPPS states that retailing will be directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted. However, as a general exception to the overall policy approach some retail facilities which may be considered appropriate outside of settlement limits include farm shops, craft shops and shops serving tourist or recreational facilities. Such retail facilities should be required to be located within existing buildings. All policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment, and meet the requirements of policy elsewhere in the SPPS.

The following paragraph, 6.280, states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.

In this case, it is proposed to demolish an existing convenience shop that is associated with an existing petrol filling station and restaurant on the Glenshane Road, just outside the limits of the small settlement of Glen, with Maghera being located approximately 2

km to the east. It is proposed to replace the existing convenience store that sells everyday household groceries, and offers refreshment facilities for motorists such as tea and coffee machines, toilets, and convenient hot food, on the busy Glenshane Road that links Derry to Magherafelt and which is a Protected Route. The existing restaurant on site, The Oak Leaf, will remain untouched. The site will be extended to the south and east into current agricultural land, and the site is located in the open countryside outside any defined settlement limits.

The agent makes the point that the majority of the building is designed for hot food purchases, toilets, seating for travellers to relax and eat their food before continuing on their journey. The retail element clearly secondary to the main function of the building which is a petrol filling station providing traveller services.

Economic benefits are laid out in the submitted report. It represents an investment in the area of £4 million. About 50 construction jobs will be supported during the development. Once open the site will generate another 22 jobs which will boost the local community economy.

Retail consideration

SPPS

A Retail Need Statement has been provided. As the proposal provides 202sqm of retail area there is no requirement for a Retail Impact Assessment as it does not meet the required threshold to provide this.

The SPPS does not identify petrol filling stations as a main town centre use. They should be located close to a road to allow them to fulfil their core function.

The SPPS requires a sequential test for retail and in paragraph 6.283 the SPPS requires all applications for retail or town centre type developments above a threshold of 1000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need.

It is assumed that the new facility is of a size that would have a 5 min catchment. Maghera is the only substantial settlement within this catchment area, and analysis is based around this settlement. It is concluded that there are no suitable sites for this proposal within Maghera. Plus, given the function of this facility, to locate within a settlement, away from a main trunk road would detract from it's function and usefulness as providing a convenient break for motorists.

The submitted Retail Need Statement also concludes that Maghera has a health provision of similar convenience provision, and that there is headroom to allow for more

of this type of development within this catchment. The health of Maghera town is also above average for NI and the report concludes that this proposal would not detract significant numbers from Maghera that would have a detrimental impact on the vitality and viability of the settlement, nor would it detract from future investment.

I have no reason to find that the proposal would have a detrimental impact on Maghera retail proffer, or the vitality or viability of the settlement. Plus, the economic benefits for the area are clear through provision of short-term construction jobs, and long term employment opportunities for the local area. Increased rates will also provide additional revenue for Mid Ulster Council.

I also agree that there is a higher expectation of motorists for up-to-date roadside facilities to cater for their needs, and to provide a leasurable and pleasurable refreshment stop on a long commute. This roadside location one of the key refreshment stops between Derry and Belfast, and the modernisation of this facility will provide a better experience for road users.

PSRNI

The retail aspect of this proposal can also be assessed against the Strategic Planning Policy Statement Town Centres and Retailing, pages 101-105 and A Planning Strategy for Rural Northern Ireland (PSRNI) Policy IC 15 - Roadside Service Facilities, and I agree that these are most applicable.

Policy IC 15 of PSRNI states that the provision of roadside service facilities on the trunk road network in the open countryside may be considered acceptable where there is a clear indication of need. This policy relates to new petrol filling station developments and not for the re-development or extension of existing facilities. Within this policy there is a paragraph that states the upgrading of existing filling stations will normally be acceptable unless increased trade would create or exacerbate a road traffic hazard.

Policy IC 15 of PSRNI states that the provision of roadside service facilities on the trunk road network in the open countryside may be considered acceptable where there is a clear indication of need. This policy relates to new petrol filling station developments and not for the re-development or extension of existing facilities. Within this policy there is a paragraph that states the upgrading of existing filling stations will normally be acceptable unless increased trade would create or exacerbate a road traffic hazard.

A public consultation was carried out before the submission of the application and no

objections were received from Councillors or the Business Community about potential impacts on the retail provision in the area. No 3rd party objections have been received on this proposal to date.

The Retail Assessment of Need supports the need for an upgrade to a long established service station on A6. The proposal satisfies the relevant retail provisions of the SPPS and PRSNI.

PPS21

The proposal is located outside the settlement limits of Maghera.

This policy deals with development in the countryside and states there are a range of other types of non-residential development that may be acceptable in principle in the countryside.

CTY13 deals with integration and design of buildings in the countryside, it should be visually integrated into the surrounding landscape and should be of an appropriate design.

In this case it is redevelopment and extension to an existing shop and service station to modernise and update it. It will be located in an area where this type of development has been long established and accepted. The existing boundaries surrounding the site are also long established and new planting is proposed to enhance this provided adequate screening for the proposal.

The design, layout and scale of the proposal is acceptable for the site, as it is massing. It sits on low lying ground and will integrate into the landscape causing no detrimental impact, it will have the backdrop of the Sperrins and surrounding buildings of a similar size and scale.

In terms of CTY14 which deals with rural character, the proposal will maintain and enhance the local character and will not be unduly prominent or result in any build up or damage to the existing rural landscape and character of the area.

PPS15

The site is not within a flood plain and is not subject to flooding. A drainage assessment was submitted due to the size of the site and complies with PPS15 of PPS3.

PPS6

This policy deals with built heritage. There is no evidence of any recorded remains/ruins or assets on or near the site. PPS6 therefore does not apply.

PPS3

DFI Roads were consulted and have recommended approval with conditions.

PPS2

NIEA - Natural Heritage raised issues regarding Smooth Newt and the small pool within marshy grassland at the site and if they are suitable for breeding newts.

NED noted the shop planned for demolition had low bat roosting potential due to the gaps along the bottom tiles which lead to the underside of the roof. They recommend a Bat Roost Survey is carried out. Although the adjacent restaurant also has low bat roosting potential, as it not being redeveloped and therefore protected it did not need to be surveyed.

In relation to the invasive species, NED recommends an ISMP is submitted, which should include recommendations for the re-survey for Japanese Knotwood prior to commencement, this could be included as a negative condition.

The agent forwarded supporting information in the ecology statement questioning if a survey was required due to there being no trees or hedgerows and if a negative condition could be attached, the council are seeking advice on this from NED. NED required information to be submitted and a survey was submitted and NIEA re-consulted with.

A bat survey has been submitted and NIEA re-consulte, the findings of the survey show no bats have been found however NIEA have not yet confirmed this despite numerous reminders. If NIEA come back with conditions these will be added and if they issues the agent is aware these will have to be addressed.

PPS4 - PED 9

PED9 relates to the general criteria for economic development.

A proposal for economic development use, in addition to the other policy provisions of

this Statement, will be required to meet all the following criteria:

- (a) it is compatible with surrounding land uses;
- (b) it does not harm the amenities of nearby residents;
- (c) it does not adversely affect features of the natural or built heritage;
- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
- (e) it does not create a noise nuisance;
- (f) it is capable of dealing satisfactorily with any emission or effluent;
- (g) the existing road network can safely handle any extra vehicular traffic The proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;
- (h) adequate access arrangements, parking and manoeuvring areas are provided;
- (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
- (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- (l) is designed to deter crime and promote personal safety; and
- (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

Overall the proposal meets with the criteria of PED9 of PPS4 and the above criteria has been met.

DCAN 4 - Restaurants, cafes and fast food outlets.

This provides guidance on hot food restaurants rather than specific to Drive Thru's but is helpful as guidance. These types of applications not located in town centres will be determined on its own merits taking into account rural policy and other material considerations.

The principle of food use on the site is well established, with the existing hot food counter, adjacent Oakleaf restaurant and the approved hotel application would also serve food, it will remain as it is currently and it doesn't form any part of this proposal. As such the sale of food is generally been accepted. There would now be a drive-thru and seating area included inside the building.

EH were consulted and had no objections subject to conditions provided, DCAN 4 is being complied with.

Representations

No 3rd party reps made. I am satisfied that appropriate neighbour notification has been carried out, and that the proposal has been appropriately advertised in the local press.

I consider the proposal to be acceptable and approval with conditions are recommended provided NIEA are content the bat survey findings are accurate and any conditions they recommend will be added.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

Condition 2

No development shall take place until a formal water/sewer application is made and

agreed with NI Water in line with the Water (NI) Order, for all developments, including those where it is proposed to re-use existing connections and this agreement is forwarded for agreement with Mid Ulster District Council to be discharged.

Reason: To protect nearby residential amenity from noise and odour and to ensure the project will not have an adverse impact on the integrity of any European site.

Condition 3

The vehicular access arrangement including visibility splays shall be provided in accordance with the approved drawings prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 4

The proposed supermarket and any associated plant and equipment being operated so as not to cause a noise nuisance to neighbouring dwellings.

Commercial deliveries being undertaken within normal business hours. The current hours of operation are:

Monday -Sunday 0500 hrs -2300hours

Compliance with the requirements of Regulation (EC) No 853/2004 on the Hygiene of Foodstuffs.

Compliance with the Health and Safety at Work (NI) Order 1978.

Compliance with the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013

Proposed Barrier

The acoustic consultancy recommends the construction of a 2.4m high acoustic barrier, this will afford protection to the outdoor amenity spaces of nearby residents.

Therefore, to reduce the noise impact, it is recommended that the following condition is attached to any planning permission granted for the development:

"Acoustic barriers shall be erected within the site as presented on Site Layout Plan

Figure 2 Page 13 of the AONA Acoustic report, date stamped by planning department 24th October 2022. The barriers shall be constructed of either masonry or timber panelling (close lapped with no gaps) and shall have a minimum self-weight of 25kg/M2. The barrier shall be permanently retained and maintained"

Construction Noise

Construction, demolition, engineering works and works of a similar nature should be carried out using the best practicable means available so as to minimize the impact of noise generated by such activities on the nearest noise sensitive dwellings.

Where such activities are to be carried out, consideration should be given to control measures by way of noise generating activities, which are audible at the nearest noise sensitive dwellings.

Therefore, this department would request that the following informative be attached to any Planning Permission granted:

"Noise from construction activities should -

not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB LAeq, 1hr between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and

not exceed 65 dB LAeq, 1hr between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and

(c)not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other "quiet" activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between

22.00 hours and 07.00 hours."

Reason: Protection of residential amenity

Condition 5

The existing natural screenings along existing boundaries of this site as shown on landscaping plan 08 of 10 March 2023, shall be retained, augmented where necessary and let grow to a mature height unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works, and the proposed planting as shown on the same plan.

Reason: To ensure the development integrates into the area and to ensure the maintenance of screening to the site.

Condition 6

If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of Mid Ulster District Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless Mid Ulster District Council gives its written consent to any variation.

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

Signature(s): Emma McCullagh

Date: 20 September 2023

ANNEX	
Date Valid	8 August 2022
Date First Advertised	23 August 2022
Date Last Advertised	23 August 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 8 Fallaghloon Road Maghera Londonderry BT46 5JS	
Date of Last Neighbour Notification	7 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2008/0425/F Proposals: Retrospective change to design to one storey extension to the Oakleaf Restaurant (which includes a bar, toilets, storage, entrance lobby) as approved under previous application ref no. H/2006/1024/F Decision: PG Decision Date: 13-FEB-09</p> <p>Ref: LA09/2021/0312/PAN Proposals: Proposed Extension to existing carriageway service area, including redevelopment of existing supermarket to provide deli with hot food provision, drive thru facility, seated dining area, public toilets, stores and staff welfare. Also includes redevelopment of existing forecourt to provide new fuel pumps, canopy, underground storage tanks with public carparking, HGV parking, bunkering facilities and carwash area Decision: PANACC Decision Date: 02-JUN-21</p> <p>Ref: H/2009/0052/A Proposals: Retrospective Restaurant Name / Logo Signage Decision: CG Decision Date: 09-APR-09</p>	

Ref: H/2006/0908/A

Proposals: 1 x double sided free standing display unit

Decision: CR

Decision Date: 22-NOV-07

Ref: H/1997/0190

Proposals: RESTAURANT

Decision: PG

Decision Date:

Ref: H/1994/0217

Proposals: FILLING STATION & AUTO SHOP

Decision: PG

Decision Date:

Ref: H/1997/0107

Proposals: FILLING STATION & SHOP

Decision: PG

Decision Date:

Ref: H/2008/0384/F

Proposals: Extension to existing retail unit, with internal alterations and relocation of existing 2 storey Cabin.

Decision: PG

Decision Date: 21-APR-09

Ref: H/2001/0552/F

Proposals: Extension To Restaurant.

Decision: PG

Decision Date: 04-DEC-01

Ref: H/1993/0425

Proposals: SITE OF FILLING STATION AND AUTO SHOP

Decision: WITHDR

Decision Date:

Ref: H/1977/0150

Proposals: PETROL FILLING STATION

Decision: PG

Decision Date:

Ref: H/1988/0436

Proposals: FILLING STATION AND AUTO SHOP

Decision: PG

Decision Date:

Ref: H/1983/0236

Proposals: FILLING STATION AND AUTO SHOP

Decision: PG

Decision Date:

Ref: H/2006/1024/F

Proposals: Proposed one storey extension to the Oakleaf Restaurant which includes a bar, toilets, storage and entrance lobby

Decision: PG

Decision Date: 27-JUN-07

Ref: LA09/2021/0320/PAD

Proposals: Proposed extension and alterations to existing supermarket and petrol station

Decision: PAD

Decision Date: 25-MAY-21

Ref: H/2014/0046/O

Proposals: Proposed hotel development

Decision: PG

Decision Date: 14-DEC-15

Ref: LA09/2017/1556/PAD

Proposals: Industrial development

Decision: PAD

Decision Date: 03-OCT-18

Ref: LA09/2021/0004/O

Proposals: Proposed hotel development

Decision: PG

Decision Date: 08-MAR-21

Ref: LA09/2022/1243/F

Proposals: Extension to existing carriageway service area, including demolition of existing supermarket and PFS and construction of new PFS with shop, deli with hot food provision, seated dining area, drive thru facility, stores, sanitary and staff welfare facilities. Also includes redevelopment of existing forecourt to provide new fuel pumps, canopy, underground storage tanks with public carparking, HGV parking, bunkering facilities and carwash area

Decision:

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation 2.docx

DFI Roads - Enniskillen Office-DC Checklist.docRoads Consultation blank.docx

Rivers Agency-643615 - Final Response.pdf

NI Water - Strategic Applications-LA09-2022-1243-F.pdf
Environmental Health Mid Ulster Council-LA09 2022 1243 F PFS Glenshane Road.doc
NIEA-PRT LA09-2022-1243-F ADV.PDF
DFI Roads - Enniskillen Office-Roads Consultation 2.docx
NIEA-PRT LA09-2022-1243-F.PDF
Shared Environmental Services-LA09-2022-1243-F - HRA.pdf
NIEA-
NIEA-PRT LA09-2022-1243-F.PDF
DFI Roads - Enniskillen Office-Roads Consultation 3.docx
NIEA-PRT LA09-2022-1243-F.PDF
NIEA-PRT LA09 2022 1243 F.pdf
NIEA-

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: 01-02 C
Proposed Plans Plan Ref: 09
Site Layout or Block Plan Plan Ref: 01-02B
Roads Details Plan Ref: 07
Site Layout or Block Plan Plan Ref: 01-02
Site Layout or Block Plan Plan Ref: 01-03
Landscaping Plan Plan Ref: 01-10
Site Location Plan Plan Ref: 01-01
Site Layout or Block Plan Plan Ref: 01-02
Site Layout or Block Plan Plan Ref: 01-03
Proposed Floor Plans Plan Ref: 02-01
Proposed Floor Plans Plan Ref: 02-02
Proposed Elevations Plan Ref: 03-01
Cross Sections Plan Ref: 05-01
Proposed Plans Plan Ref: 06

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.4
Application ID: LA09/2022/1268/F	Target Date: 6 December 2022
Proposal: Fridge Recycling Plant, associated yard area, landscaping, weighbridge, nitrogen dioxide silo, parking, access (insitu) and ancillary site works (amended description).	Location: Lands Approximately 39 Metres North Of 52 Creagh Road Toomebridge
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Enva Northern Ireland Ltd 52 Creagh Road Toomebridge BT41 3SE	Agent Name and Address: Clyde Shanks Ltd 7 Exchange Place Exchange Place Belfast BT1 2NA
Executive Summary: Application for Fridge Recycling Plant and associated yard area and siteworks / infrastructure such as access road and weighbridge for ENVA. Site is opposite main ENVA building at present in a built up area of existing industry along Creagh Road. Application presented to committee as it is a departure from policy. Proposal is contrary to; * Policy PED 2 of PPS 4 – does not classify as a development type which is listed in PED 2 as being acceptable in the countryside. * Policy FLD 1 of PPS 15 – located in the q100 flood plain and not deemed an exception. Despite this the fall back position exists of a similar proposal which was approved under H/2015/0078/F and certified as having lawfully commenced under LA09/2020/1574/LDP. This building has been commenced and could be constructed. Overall site area of the approved building is slightly smaller than this proposal and also approx. 2m smaller than in height than the approved building.	

Given the fall back position, the site has been recommended for approval based on the following considerations;

- * The relatively small increase in building size will not have any impact on the character of the area.

- * Increased flood risk is not significant when compared to approved and implemented building

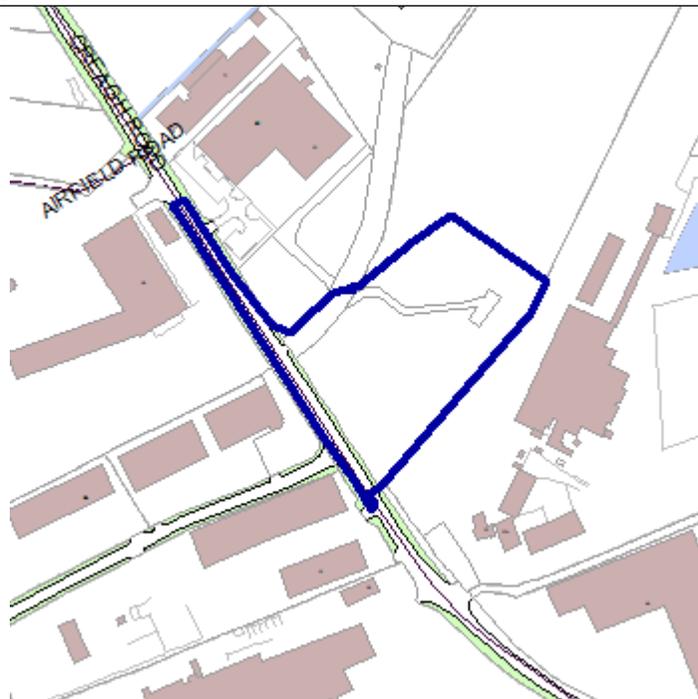
Assessed under Magheraflet Area Plan, SPPS, PPS 21, PPS 4, PPS 3 and PPS 15.

Consultations carried out with NI Water, Environmental Health, DFI Roads, DFI Rivers, Health and Safety Executive and NIEA.

No objections from third parties.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Rivers Agency	
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 1268 F Fridge Recycling Creagh Road Toomebridge.doc
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx
Non Statutory Consultee	Rivers Agency	710133 final.pdf
Non Statutory Consultee	NIEA	PRT LA09-2022-1268-F.PDF
Non Statutory Consultee	NI Water - Strategic Applications	LA09-2022-1268-F.pdf
Statutory Consultee	NI Water - Strategic Applications	LA09-2022-1268-F.pdf
Statutory Consultee	NIEA	PRT LA09-2022-1268-F CON.PDF
Non Statutory Consultee	NIEA	PRT LA09-2022-1268-F.PDF

Statutory Consultee	Rivers Agency	
Statutory Consultee	Rivers Agency	378883 - Final Response 23rd June 2023.pdf
Statutory Consultee	Rivers Agency	515743 - Final Response 9th July 2023.pdf
Statutory Consultee	Rivers Agency	190354 - Final Response 6th April 2023.pdf
Statutory Consultee	Health And Safety Executive For NI	CN202302-0007 - Lands approx 39m north of 52 Creagh Rd, Toomebridge BT41 3SE.pdf
Non Statutory Consultee	Health And Safety Executive For NI	CN202302-0007 - Lands approx 39m north of 52 Creagh Rd, Toomebridge BT41 3SE (18.04.2023).pdf

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

No third party objections have been received. To this proposal. At the time of writing, one neighbour notification has been issued which is still outstanding in terms of the statutory neighbour notification period. This period will expire before the recommendation is presented to planning committee and if any issues are raised by this neighbour then they will be included in an addendum for consideration of members.

Characteristics of the Site and Area

The site consists of a large flat field in a built up industrial area.

The surrounding land use is flat, as is typical of this area of landscape and there is a large industrial presence in the area with established businesses such as ENVA, TopGlass, Macrete, Northstone all surrounding the site. As a result of this, the character of the surrounding area is industrial more so than rural.

The south west boundary of the site is defined by low post and wire fence and sparse hedges. Beyond this boundary is the Creagh Road leading to Toome / Magheraflet. The eastern boundary which separates the site from Northstone is defined similarly. The remaining boundaries it would seem are undefined with a distinct lack of vegetation

characterising all boundaries – as is common in industrial areas.

On site, there is a concrete access road which has been constructed and also some site works which appear to have commenced in relation to this application. I have spoken to the agent about this and advised that all such works are taking place at the applicants own risk.

There is planning history on this site;

- H/2015/0078/F - Proposed Material Recovery and Transfer Facility (MRTF), access, parking, weighbridge and associated site works (PERMISSION GRANTED)
- LA09/2020/1574/LDP - Commencement and implementation of full planning permission H/2015/0078/F for a material recovery and transfer facility (MRTF) access, parking, weight bridge and associated site works (PERMISSION GRANTED – LAWFUL DEVELOPMENT ACCEPTED)

Description of Proposal

Fridge Recycling Plant, associated yard area, landscaping, weighbridge, nitrogen dioxide silo, parking, access (insitu) and ancillary site works (amended description).

The proposal is larger in terms of area and height than the structure approved under H/2015/0078/F and lawfully commenced as verified under LA09/2020/1574/LDP.

The proposal also involves a nitrogen dioxide silo which is a new element, not included in the original approval.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The following policies are relevant

- Magherafelt Area Plan (MAP) 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 21 – Development in the Countryside
- PPS 4 – Planning and Economic Development
- PPS 3 – Access, Movement and Parking
- PPS 15 – Planning and Flood Risk

Magherafelt Area Plan (MAP) 2015

The site is located in the countryside and therefore should be assessed as such in terms of policy.

Strategic Planning Policy Statement

The SPPS states that in relation to development in the countryside, the planning system should aim to achieve appropriate and sustainable patterns of development that support a vibrant rural community. To do this, we should promote development which contributes to a sustainable rural economy and also prohibit inappropriate development in relation to the surroundings and the character of the area.

In relation to economic development in the Countryside, the SPPS states that we should only permit small scale new build economic enterprises in the countryside and in these cases, edge of settlement locations should be favoured over sites in the open countryside.

In the case of this location, it is my view that whilst this area is not within any formal settlement it already has been built up to an extent where rural character does no longer exist. The built up nature of the area and the busy road with heavy traffic volumes passing through it, already means that this site has the feel of a settlement or at the very least, an edge of settlement feel.

PPS 21 – Sustainable Development in the Countryside

CTY 1 of PPS 21 sets out the range of development types that are deemed to be acceptable in the countryside. One of those is industry and business uses in accordance with PPS 4.

PPS 4 – Planning and Economic Development

Policy **PED 2** of PPS 4 sets out the range of circumstances in which economic development in the countryside is acceptable. These are listed below;

- The expansion of an established economic development use in the countryside (PED 3)
- The redevelopment of an established economic development use (PED 4)
- Major Industrial Development (PED 5)
- Small rural projects (PED 6)

In my view, this proposal does not fit within any of these categories of development which are acceptable under policy. It is clearly not capable of being described as a “small rural project” and similarly cannot be classed as a major expansion as it is under the threshold for major development. Neither is it the “re-development” of an established enterprise as it represents a completely new building on a site, not linked to the existing ENVA site.

I am also of the view that the proposal cannot be classed as an expansion of the existing operation. Whilst the proposal might represent an “expansion” of ENVAs business, it cannot be considered to be a physical expansion of the existing site as it is on a totally different site on the other side of a main road and will involve the creation of a new site with a new access point.

I therefore do not view this proposal as an extension of the exiting ENVA site and am of the view that because of this, the site does not meet any of the categories of economic development which can be considered as acceptable under PED 2 of PPS 4.

However, whilst the proposal on its own, is contrary to PPS 4, I must also consider the relevance of the approved MRTF under planning reference H/2015/0078/F. This gave permission for a large industrial building on the same site and sited in the same part of the site. The approved development consisted of a factory that was subdivided into two main factory units with a connecting section.

The site area approved under H/2015/0078/F was slightly smaller than the current application and the approved building is slightly smaller in terms of height and floor area of the one now proposed. H/2015/0078/F gave permission for a building with a floorspace which I calculate to be around 2,950 sq. metres and approx. 12m in height whereas this proposed building is just over 3,500 sq. metres and 14 metres in height.

The proposal approved under H/2015/0078/F was described as a “Material Recycling and Transfer Facility” - which is a different description from the current proposal. However, the nature of the proposal was the same industrial use class (B3) and the approved drawings even show a large part of the approved building to be used for “fridge recycling plant” (Drawing 03 of H/2015/0078/F).

I am therefore satisfied that approval has been granted (and lawfully implemented – LA09/2020/1574/LDP) for a large industrial building for a similar industrial process as to what is currently proposed. The current proposed building is larger in terms of height and site area but the impact will not be significantly greater than the approved building, given that the character of the surrounding area is exclusively large industrial buildings at present.

This therefore is a significant material consideration when assessing this proposal. The principle of the development has already been approved and could be implemented at any time. In my opinion, this is enough to counteract the above consideration that the proposal is contrary to prevailing policy. When this is taken into account, the key consideration then becomes whether or not the additional height and area of the proposal will have an unacceptable visual impact compared to the approved and implemented permission.

Having visited the site twice and assessed the visual impact of the proposal from the main vantage point of the Creagh Road, it is my opinion that the proposal when compared to the approved and implemented proposal will not have a significant impact and will not be detrimental to the character of the area.

PED 9 of PPS 4 lays down a range of criteria for all economic development which must be complied with. These are laid out and considered below;

- a) it is compatible with surrounding land uses;**
- b) it does not harm the amenities of nearby residents;**
- e) it does not create a noise nuisance;**

The development is located within an existing industrial area where the surrounding land use is exclusively industrial. It is my view that the proposed use therefore will not be incompatible with existing land uses nor will it prejudice them in any way. A noise impact assessment submitted with the application has identified some potential sensitive residential receptors which whilst not immediately adjacent to the site have the potential to be impacted by noise. Env. Health have been consulted on this and have stated that they are happy with the development subject to the imposition of conditions.

I am satisfied that this development will not cause any problems nor be in any way incompatible with these nearby land uses.

- c) it does not adversely affect features of the natural or built heritage;**

There are no features of built heritage close to the site. The nearby airfield boundary hails back to WW2 but this has not been afforded any protection status by HED. There are no natural environment features on the site.

- d) it is not located in an area at flood risk and will not cause or exacerbate flooding;**

See assessment of PPS 15 flood risk below

- f) it is capable of dealing satisfactorily with any emission or effluent.**

NI Water have been consulted and have no objections to this proposal.

- g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;**

- (h) adequate access arrangements, parking and manoeuvring areas are provided;**

- i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;**

The proposal will involve access onto a B class road – Creagh Road.

DFI Roads have been consulted and have no objections in relation to the proposal insofar as to how it pertains to road safety, and extra traffic generation.

- j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;**

Sustainability and biodiversity value of the site at present is low given the nature of the surrounding areas as an industrial area with a lot of industrial buildings, concrete yards, lighting and access roads. Existing boundaries of the site are not significant.

- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;**

Landscaping plan has been submitted and is acceptable. The character of the area as mentioned above is industrial in nature with most existing businesses having large carpark areas and areas of outside storage which are visible from public view. I am therefore not of the view that the landscaping plan as submitted is necessary and nor will it make a significant contribution to enhancing the character of the overall area.

- (l) is designed to deter crime and promote personal safety**

Site will be part of well secured and monitored industrial facility.

PPS 15 – Planning and Flood Risk

The site is located within the Q100 flood plain, as is much of the existing development surrounding the site. Policy FLD 1 of PPS 15 is relevant therefore.

FLD 1 states that development within the Q100 floodplain will be unacceptable unless it constitutes one of a number of exceptions. This proposal does not fall into any of these exception categories.

H/2015/0078/F was assessed at a time where the flood maps did not indicate that any development would take place in the designated flood plain. However, the DFI Flood Maps were updated in July 2016 and subsequently, the entire site area is now within the flood plain.

The applicant has submitted a FRA and, following comments from DFI Rivers on 6th April 2023, has provided amendments to this FRA on 18th May 2023. The flood risk assessment shows that the proposed building will displace approx. 288 cubic metres of floodwater more than the approved and implemented approval. The FRA also shows the proposed flood plain extents of the impact of the approved and implemented factory as opposed to the proposed factory. There is very little difference in the proposed flood plain extent and on commenting on this, DFI Rivers have stated that the slight changes

in flood plain extent are “not significant” and will not lead to any increase in flood level outside the site. Consequently it has been demonstrated that there will be no increase in flood risk elsewhere as a consequence of the proposed development.

The FRA states that the proposed building has a FFL of 15.00m and that this will result in the building flooding to a level of 230mm in a 1 in 100 year event. It should be noted that the approved and implemented building has a FFL of 14.50m OMD in one half of the building (drawing 04/1 of H/2015/0078/F) and that this would assumedly lead to an even greater flood level in that building if it were constructed (and subsequently flooded).

Given all of the above I am of the view that whilst this proposal is contrary to FLD 1, having given due to weight to the fallback position of the approved and implemented building, it can be deemed to not pose a significantly greater flood risk than the building which has been lawfully commenced. In arriving at this position, I am cognisant of the following factors;

- There is no significant increase in flood extent as a result of this building, as demonstrated in the FRA
- The risk of flooding outside the site has not been increased by this proposed development
- The proposed building will flood to a level of 230mm in a 1 in 100 year flood event. This would be greater if the original building were constructed which has a lower FFL
- There will be “slight” (DFI quotation) differences in flood plain extents ranging from -10mm to +10mm as a result of this development.

In relation to FLD 3 of PPS 15, the applicant has provided a DA which proposes the use of SuDS to manage this development with drainage via the construction of swales. DFI Rivers have commented that they do not have the sufficient expertise to assess and evaluate the efficacy of SuDS. In the absence of such expertise, therefore, I have no option but to defer to the qualified flood risk engineer who has compiled the DA and who in section 5 has outlined how the SuDS can be constructed effectively to manage this proposed development.

Summary of Recommendation:

Approve is recommended

Given all of the above, I recommend that this proposal is approved subject to the following conditions

Approval Conditions

Condition 1

As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

Condition 2

The vehicular access including visibility splays 4.5 x 120 metres and a 120 metre forward sight distance, shall be provided in accordance with Drawing Numbers 03 REV 1 (uploaded to planning portal on 13/2/23) and 05 (uploaded to planning portal on 12/08/22) prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

No other development hereby permitted shall be commenced until the road works including the right turning lane indicated on drawing numbers 03 REV 1 (uploaded to planning portal on 13/2/23) and 05 (uploaded to planning portal on 12/08/22) have been fully completed in accordance with the approved plans.

REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.

Condition 4

The finished floor levels of the building hereby approved shall be as indicated on drawing no 03 rev 1 which was uploaded to the portal on 13/2/23.

Reason: To ensure the development is built in accordance with the approved plans

Condition 5

The walls, roof and roller door structures of the building permitted by this permission shall be installed and maintained in such a condition that ensures they are capable of achieving a weighted sound reduction index of at least 22dB

Reason: To protect Residential Amenity at identified receptors

Condition 6

All Roller shutter doors shall remain in the closed position except for access and egress purposes

Reason: To protect residential development at identified receptors

Condition 7

All fork lift trucks operating within the development site shall be fitted with white noise (full spectrum) reversing alarms

Reason: To protect residential development at identified receptors

Condition 8

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

Reason : Protection of residential amenity at identified receptors.

Signature(s): Colin McKeown

Date: 22 August 2023

ANNEX	
Date Valid	23 August 2022
Date First Advertised	28 February 2023
Date Last Advertised	6 September 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 51A Creagh Road Toome Londonderry BT41 3SE The Owner / Occupier 51 Creagh Road Toome Londonderry BT41 3SE The Owner / Occupier 63 Creagh Road Toome Londonderry BT41 3SE The Owner / Occupier 60 Creagh Road Toome Londonderry BT41 3SE The Owner / Occupier 52 Creagh Road Toome Londonderry BT41 3SE The Owner / Occupier 50 Creagh Road Toome Londonderry BT41 3SE The Owner / Occupier 65 Creagh Road Toome Londonderry BT41 3SE The Owner / Occupier TOPGLASS Unit 1 Toomebridge Business Park, Creagh Road BT41 3UB	
Date of Last Neighbour Notification	22 August 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2020/1574/LDP Proposals: Commencement and implementation of full planning permission H/2015/0078/F for a material recovery and transfer facility (MRTF) access, parking, weight bridge and associated site works Decision: PG Decision Date: 30-MAR-21</p> <p>Ref: LA09/2020/0488/F Proposals: An application under Section 54 of The Planning Act (Northern Ireland) 2011 to vary Conditions No. 2 (Re Vehicular Access) & No. 4 (Re Right Hand Turning Lane) of approval H/2015/0078/F for a Material Recovery and Transfer Facility (MRTF)</p>	

Decision: PG
Decision Date: 22-JUL-20

Ref: H/2013/0410/DETEIA
Proposals: screening and scoping request for a waste electrical and electronic equipment (WEEE) facility to include recovery, recycling and storage of commercial and domestic waste material
Decision: ESNR
Decision Date: 14-APR-14

Ref: H/2009/0670/Q
Proposals: Proposed waste processing and resource recovery facility
Decision: PRENC
Decision Date: 13-NOV-09

Ref: H/2010/0342/F
Proposals: Retention of extensions to existing materials recycling building to facilitate additional processing and lorry loading.
Decision: PG
Decision Date: 07-JUL-11

Ref: H/2015/0078/F
Proposals: Proposed Material Recovery and Transfer Facility (MRTF), access, parking, weighbridge and associated site works
Decision: PG
Decision Date: 07-DEC-15

Ref: H/2001/0343/Q
Proposals: Disposal of Surplus Land
Decision: 211
Decision Date: 01-JUN-01

Ref: H/2004/0480/F
Proposals: Extension to Portal Framed Recycling Facility Unit which Currently Deals with Glass/Paper/Plastics etc.
Decision: PG
Decision Date: 13-OCT-05

Ref: H/1999/0706/F
Proposals: Proposed glass, plastic, cans and paper/board materials recycling facility
Decision: PG
Decision Date: 17-OCT-00

Ref: H/1999/0046
Proposals: NEW WORKSHOP AND OFFICE
Decision: PG

Decision Date:

Ref: H/2004/1440/F

Proposals: Extension to portal framed recycling facility unit which currently deals with glass/paper/plastics etc.

Decision: PG

Decision Date: 13-JUN-06

Ref: H/2004/0699/Q

Proposals: Disposal of surplus land.

Decision: 211

Decision Date: 08-NOV-04

Ref: H/1999/0377

Proposals: SITE FOR INDUSTRIAL UNITS/OFFICE ACCOM.

Decision: PG

Decision Date:

Ref: H/2004/1406/F

Proposals: Relocation and upgrading of existing office and showroom accommodation and associated visitor parking, and proposed weighbridge.

Decision: PG

Decision Date: 27-MAY-05

Ref: H/2007/0004

Proposals: Construction of a glass processing facility, and change of use from current glass recycling facility to transfer of WEEE and Batteries.

Decision: 461

Decision Date:

Ref: H/2002/0876/F

Proposals: Extension To Workshop

Decision: PG

Decision Date: 16-DEC-02

Ref: LA09/2018/0396/F

Proposals: To Vary condition No5 of planning permission H/2007/0263/F

Decision: PG

Decision Date: 08-AUG-18

Ref: H/1997/6009

Proposals: INDUSTRIAL UNITS ADJ TO MACRETE IRELAND LTD 50 CREAGH ROAD TOOMEBRIDGE

Decision: QL

Decision Date:

Ref: LA09/2016/0518/NMC

Proposals: Non-material change for internal road amendments and reduced area of hardstanding

Decision: CG

Decision Date: 01-JUN-16

Ref: H/2013/0235/F

Proposals: Single wind turbine, access and ancillary works. Turbine hub height 46m and rotor diameter 30m.

Decision: PG

Decision Date: 10-APR-14

Ref: LA09/2015/0617/F

Proposals: LA09/2015/0762/FAmendments to Previously Approved Wind Turbine (H/2013/0235/F) to increase rotor diameter from 30m to 44m and relocate turbine 6.5m NE. No change to approved hub height (46m)

Decision: PG

Decision Date: 20-NOV-15

Ref: H/2004/0358

Proposals: One no. steel portal framed workshop containing light industrial activities & surrounding parking.

Decision:

Decision Date:

Ref: H/2004/0360

Proposals: One no steel portal framed workshop containing light industrial activities & surrounding parking.

Decision:

Decision Date:

Ref: H/2004/0609/F

Proposals: Amendment to previously approved light industrial estate to incorporate 2 no portal framed light industrial units.

Decision: PG

Decision Date: 18-FEB-05

Ref: H/2007/0263/F

Proposals: Construction of a glass processing facility, and change of use from current glass recycling facility to transfer of WEEE and Batteries.

Decision: PG

Decision Date: 27-MAR-08

Ref: LA09/2017/0449/NMC

Proposals: Minor alterations to the site access including the addition of a new sliding gate

Decision: CG

Decision Date: 02-JUN-17

Ref: H/2011/0265/F

Proposals: Proposed development of a 500KW Anaerobic Digestion (AD) Plant including a Combined Heat and Power (CHP) Plant (to generate electricity and hot water), access external feedstock storage area and small office/canteen.

Decision: PG

Decision Date: 29-DEC-11

Ref: LA09/2022/1444/F

Proposals: Proposed change of use to the lands to facilitate the proposed extension to existing hardstanding storage yard, landscaping and ancillary site works.

Decision:

Decision Date:

Ref: LA09/2022/1268/F

Proposals: Fridge Recycling Plant, associated yard area, landscaping, weighbridge, parking, access (insitu) and ancillary site works

Decision:

Decision Date:

Ref: H/2006/0940/F

Proposals: Retention of Material Recovery Facility for Construction and Demolition waste

Decision: PG

Decision Date: 24-SEP-08

Ref: H/2005/1309/F

Proposals: New Roof Tile Manufacturing Facility with Associated External Plant, hardstanding storage area & new road network.

Decision: PG

Decision Date: 15-DEC-06

Ref: H/1999/0550

Proposals: OFFICES WITH STOREROOM

Decision: PG

Decision Date:

Ref: H/1995/0520

Proposals: SIGN

Decision: PG

Decision Date:

Ref: H/2004/0591/F

Proposals: Proposed bulk cement Silos, lorry wash facility and ancillary building containing office area.

Decision: PG

Decision Date: 18-OCT-04

Ref: H/2000/0426/F

Proposals: New Rooftile Factory and Associated External Plant

Decision: PG

Decision Date: 29-NOV-00

Ref: H/2007/0448

Proposals: Proposed erection of covered structure for material recovery facility to store manufactured top soil from inert soils and sand and green waste compost.

Decision: PG

Decision Date: 28-JAN-08

Ref: H/2010/0103/F

Proposals: Extension to existing material recovery facility to include area for processing builders waste and the erection of a storage shed.

Decision: PG

Decision Date: 25-JAN-11

Ref: H/2009/0626/Q

Proposals: Extension to recycling facility.

Decision: 211

Decision Date:

Ref: H/2001/0007/F

Proposals: Site For Manufacturing Contract Furniture

Decision: PG

Decision Date: 23-FEB-01

Ref: H/2001/0347/F

Proposals: Extension to Factory for Manufacturing Contract Furniture

Decision: PG

Decision Date: 22-JUN-01

Ref: H/2003/0387/F

Proposals: Extension to factory.

Decision: PG

Decision Date: 24-JUL-03

Ref: H/2002/0576

Proposals: Industrial Development

Decision: 300

Decision Date: 10-FEB-03

Ref: H/2002/1030/F

Proposals: Industrial Estate (Light Industry)

Decision: PG
Decision Date: 16-FEB-04

Ref: H/2007/0816/Q
Proposals: Approved light Industrial use under H/2002/1030/F to be used for (bulky) retail goods.

Decision: 300
Decision Date: 04-SEP-08

Ref: H/2005/1247/F
Proposals: Steel portal framed workshop and offices containing light industrial activities and surrounding parking - Site 1

Decision: PG
Decision Date: 10-MAR-06

Ref: H/2005/1246/F
Proposals: Steel Portal framed workshop and offices containing light industrial activities and surrounding parking - Site 2

Decision: PG
Decision Date: 10-MAR-06

Summary of Consultee Responses

Rivers Agency-
Environmental Health Mid Ulster Council-
Environmental Health Mid Ulster Council-LA09 2022 1268 F Fridge Recycling Creagh Road Toomebridge.doc
DFI Roads - Enniskillen Office-Full Resp.docx
Rivers Agency-710133 final.pdf
NIEA-PRT LA09-2022-1268-F.PDF
NI Water - Strategic Applications-LA09-2022-1268-F.pdf
NI Water - Strategic Applications-LA09-2022-1268-F.pdf
NIEA-PRT LA09-2022-1268-F CON.PDF
NIEA-PRT LA09-2022-1268-F.PDF
Rivers Agency-
Rivers Agency-378883 - Final Response 23rd June 2023.pdf
Rivers Agency-515743 - Final Response 9th July 2023.pdf
Rivers Agency-190354 - Final Response 6th April 2023.pdf
Health And Safety Executive For NI-CN202302-0007 - Lands approx 39m north of 52 Creagh Rd, Toomebridge BT41 3SE.pdf
Health And Safety Executive For NI-CN202302-0007 - Lands approx 39m north of 52 Creagh Rd, Toomebridge BT41 3SE (18.04.2023).pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Site Layout or Block Plan Plan Ref: 03
Landscape Proposals Plan Ref: 04
Levels and Cross Sections Plan Ref: 05
Proposed Floor Plans Plan Ref: 06
Proposed Plans Plan Ref: 07
Proposed Floor Plans Plan Ref: 10
Site Layout or Block Plan Plan Ref: 03 rev 1
Proposed Plans Plan Ref: 08
Proposed Plans Plan Ref: 09

Notification to Department (if relevant)

Not ApplicableNot Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.5
Application ID: LA09/2022/1359/O	Target Date: 22 December 2022
Proposal: PROPOSED SITE FOR A DWELLING & DOMESTIC GARAGE	Location: Approx 105M North West Of No 25 Brackagh Road, Desertmartin
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr SEAMUS DIAMOND No 25 BRACKAGH ROAD DESERTMARTIN BT45 5NS	Agent Name and Address: Mr BRENDAN MONAGHAN 38B AIRFIELD ROAD THE CREAGH TOOMEBRIDGE BT41 3SG
Executive Summary: <p>The current application for a proposed dwelling and garage is presented as a refusal as it fails to meet Policy CTY 1, CTY 8 and CTY 14 of PPS 21.</p> <p>CTY 1 – This proposal fails to meet Policy CTY1 of PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>CTY 8 – This proposal fails to meet Policy CTY 8 of PPS 21 as the site cannot be considered a small gap site, and could potentially accommodate up to a maximum of three houses. Development of this site would be considered as ribbon development and would be detrimental to the character, appearance, and amenity of the countryside.</p> <p>CTY 14 – This proposal fails to meet Policy CTY 14 of PPS 21. If permitted a dwelling would appear as a prominent feature in the landscape and would likely cause a detrimental change to and further erode the rural character of the area.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1359-O.pdf

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The site is located approximately 105m Northwest of No. 25 Brackagh Road, within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan 2015. The application site is rectangular in shape, and part of a much larger agricultural

field. The site is a roadside site and will be accessed from Brackagh Road. The roadside boundary and southern boundary are defined by mature vegetation, and as this proposal site is part of a much larger agricultural field the two remaining boundaries remain undefined. The surrounding area is rural in nature, with scattered dwellings and their associated outbuildings.

Description of Proposal

This is an outline application for a proposed site for a dwelling and domestic garage at approximately 105m Northwest of No. 25 Brackagh Road, Desertmartin.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Four neighbour notifications were issued, and no representations were received in connection with this application.

Relevant Planning History

No relevant planning history on this site.

Planning Assessment of Policy and Other Material Considerations

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan 2015

PPS 1: General Principles

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

CTY 1 – Development in the Countryside

CTY 8 – Ribbon Development

CTY 13 – Integration and Design of Buildings in the Countryside

CTY 14 – Rural Character

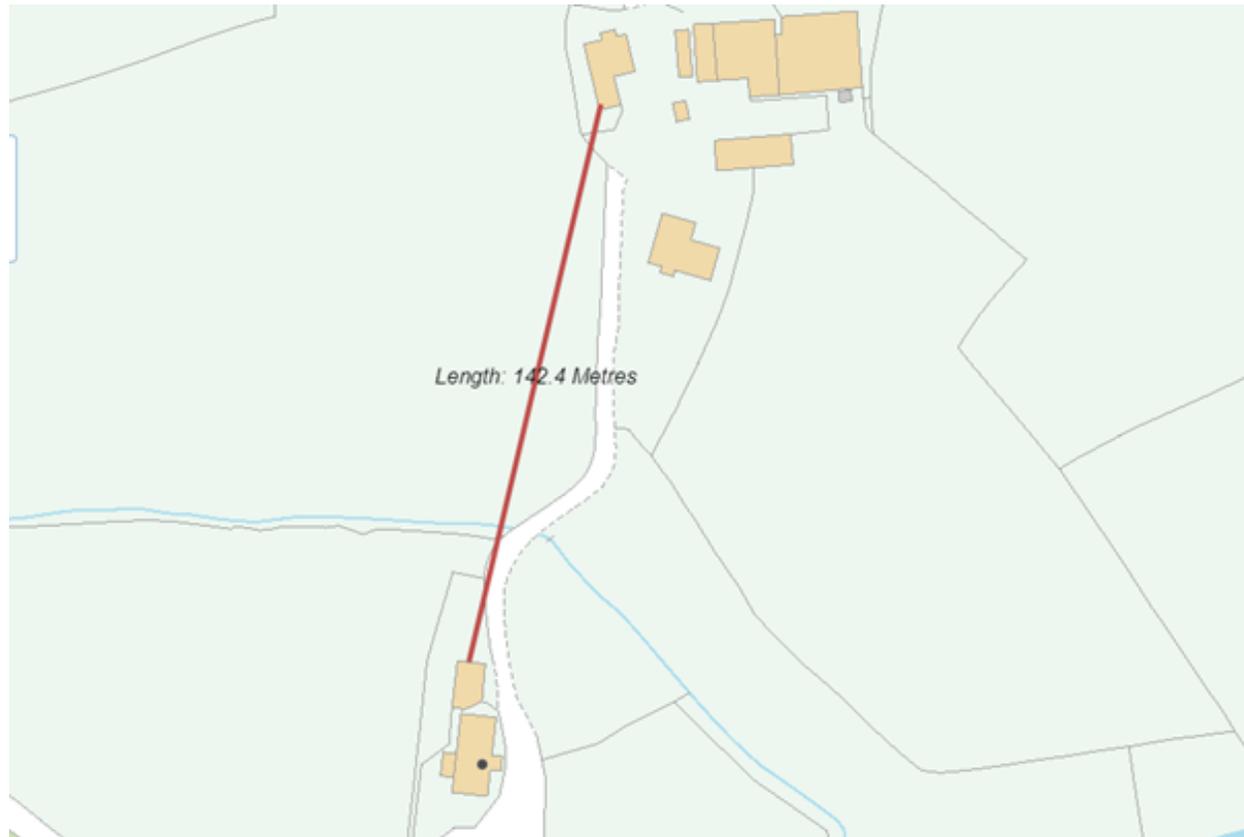
Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. In this instance the application is for an infill dwelling and as a result the development must be considered under CTY 8 of PPS 21. Policy CTY 8 of PPS 21 states that planning permission will be refused for applications which create or add to ribbon development in the countryside. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. A substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Having assessed the site and surrounding area I do not consider the site meets with the requirements of Policy CTY 8. I do not believe this application site can be considered as a small gap site sufficient only to accommodate up to a maximum of two houses. Between the outbuilding at No. 25 Brackagh Road and the dwelling No. 23 Brackagh Road there is a gap of approximately 142 metres, and approximately 115 metres when measuring from plot to plot. The plot of frontage of No. 25 is approximately 62m, and the plot size of No. 23 is approximately 40m. It is quite clear that this gap could

accommodate three or more houses. Therefore, I am of the opinion, this proposal fails to meet Policy CTY 8 of PPS 21.



Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I note that this is only an outline application therefore no design details have been submitted however, given the landform and landscape, and the proposed concept plan provided by the agent, I believe that an appropriately designed dwelling would not appear prominent in the landscape and would be able to successfully integrate into the landscape. Additional landscaping would be required to aid integration therefore a landscaping scheme would be required in any reserved matters application. From which, I am content that the application is able to comply under CTY 13.

Policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not appear prominent in the landscape. I note that this application has failed under Policy CTY 8, therefore it will erode rural character and will extend a ribbon of development. It is therefore considered the proposal fails under Policy CTY 14.

Summary of Recommendation:

Refuse is recommended

Having considered all relevant prevailing planning policy, the proposal is recommended for refusal for the reasons stated below.

Refusal Reasons

Reason 1

The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21: Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Reason 2

The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal does not constitute a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage.

Reason 3

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that it would result in a detrimental change to the rural character of the countryside, in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings.

Signature(s): Seáinín Mhic Íomhair

Date: 12 September 2023

ANNEX	
Date Valid	8 September 2022
Date First Advertised	20 September 2022
Date Last Advertised	20 September 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 25 Brackagh Road Desertmartin Londonderry BT45 5NS The Owner / Occupier 23A Brackagh Road Desertmartin Londonderry BT45 5NS The Owner / Occupier 21 Brackagh Road Desertmartin Londonderry BT45 5NS The Owner / Occupier 23 Brackagh Road Desertmartin Londonderry BT45 5NS	
Date of Last Neighbour Notification	29 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2022/1359/O Proposals: PROPOSED SITE FOR A DWELLING & DOMESTIC GARAGE Decision: Decision Date: Ref: LA09/2021/0389/F Proposals: Proposed detached residential dwelling & detached garage. Decision: PG Decision Date: 03-DEC-21 Ref: H/1996/0251 Proposals: DWELLING Decision: PG Decision Date: Ref: H/1995/0497 Proposals: SITE OF DWELLING Decision: PG	

Decision Date:

Ref: H/1987/0299

Proposals: ALTERATIONS & ADDITIONS TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/1980/0061

Proposals: HV O/H LINE (BM 3590)

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

NI Water - Single Units West-LA09-2022-1359-O.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.6
Application ID: LA09/2022/1367/F	Target Date: 23 December 2022
Proposal: Two Storey Dwelling and Garage under CTY2a	Location: Site 10M North Of 56 Quarry Road Knockcloghrim
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Gerard Ward 82 Gulladuff Road Knockloughrim Magherafelt BT45 8QB	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary: <p>The current application for a proposed dwelling and garage is presented as a refusal as it fails to meet Policy CTY1 and CTY 2a of PPS 21.</p> <p>CTY 1 – This proposal fails to meet Policy CTY1 of PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>CTY 2a – This proposal fails to meet Policy CTY2a of PPS 21 as the site is not located within a cluster of development in the countryside. The cluster does not consist of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1367-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2022.1367.F.doc
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	Environmental Health Mid Ulster Council	

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The application site is located within the open countryside, just outside the settlement limits of Gulladuff as per the Magherafelt Area Plan 2015. The site is identified as 10m North of No. 56 Quarry Road, Knockcloghrim. The proposal site is part of a much larger agricultural field, and cannot be seen from the roadside. Existing boundaries are defined by large, mature trees, and the remaining boundaries are undefined. East of the site lies the settlement of Gulladuff, containing a mix of development, and to the west the lands are predominately agricultural in nature. Immediately south of the site are buildings and playing fields all of which are part of Erins Own Lavey GAC. There is also a training pitch immediately west of the site.

At the time of site visit, in the field to the north of the application site, the top soil had been stripped and diggers were on site.

Description of Proposal

This is a full application for Two Storey Dwelling and Garage under CTY2a. The site is located 10m North of No. 56 Quarry Road, Knockcloghrim.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Eleven neighbour notification letters were issued in relation to this application, however no representations were received.

Relevant Planning History

LA09/2022/1375/F – Change of house type and relocation of previously approved dwelling and garage with new access onto Main Road. Existing access to be permanently closed. Previous Reference H/2013/0025/F. Permission Granted – 16.01.2023.

LA09/2022/1379/F – Change of house type and relocation of previously approved commenced dwelling and garage with proposed new access onto main road. Existing access to be permanently closed. Previous References: H/2013/0068/F + LA09/2018/1351/F. Permission Granted – 16.01.2023.

LA09/2018/1351/F – Renewal of extant planning approval H/2013/0068/F. Permission Granted – 22.01.2019.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 1: General Principles

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

CTY 1 – Development in the Countryside

CTY 2a – New Dwellings in Existing Clusters

CTY 13 – Integration and Design of Buildings in the Countryside

CTY 14 – Rural Character

Building on Tradition – A Sustainable Design Guide for Northern Ireland Countryside

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21:

Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development area are acceptable in the countryside. In this instance the application is for a new dwelling in an existing cluster therefore this development must be considered under CTY 2a of PPS 21. Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

This proposal does not meet the criteria of Policy CTY 2a, as the site is not located within a cluster of development in the countryside. With the exception of the GAC buildings building located south of the site, there are no other buildings bounding the site. Policy CTY 2a requires four or more buildings of which at least three are dwellings. North of the site two dwellings have recently been approved (LA09/2022/1375/F and LA09/2022/1379/F), however at the time of the site visit, these developments had not commenced, and therefore cannot be considered as part of the cluster. Immediately East of the site lies an agricultural field, and further East lie dwellings No. 62 and 64 Quarry Road which are located within the Gulladuff Settlement Limit, and therefore cannot be considered as part of the cluster.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I note that the size of the proposed dwelling is reflective of the immediate area, and such I am content that the proposed dwelling is unlikely to appear as visually prominent, and given the position and surrounding landscaping is able to visually integrate. I am content that the proposed design is acceptable within this rural context without detriment to neighbouring amenity. As such I am content that the application complies with CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Upon review of the plans, I am content that the proposed dwelling in this location will not cause a detrimental impact to the character of the area and as

such complies with CTY 14.

Other policy and material considerations

I have no flooding, ecological or residential amenity concerns.

Summary of Recommendation:

Refuse is recommended

Having considered all relevant prevailing planning policy, the proposal is recommended for refusal for the reasons stated below.

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Reason 2

The proposal is contrary to Policy CTY 2a of Planning Policy Statement 21: Sustainable Development in the Countryside as the site is not located within a cluster of development in the countryside. The cluster does not consist of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.

Signature(s): Seáinín Mhic Íomhair

Date: 13 September 2023

ANNEX	
Date Valid	9 September 2022
Date First Advertised	20 September 2022
Date Last Advertised	20 September 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 60 Quarry Road Knockcloghrim Londonderry BT45 8NS</p> <p>The Owner / Occupier 60A Quarry Road Knockcloghrim Londonderry BT45 8NS</p> <p>The Owner / Occupier 49 Gulladuff Road Gulladuff Londonderry BT45 8NT</p> <p>The Owner / Occupier 62 Gulladuff Road Gulladuff Londonderry BT45 8NT</p> <p>The Owner / Occupier 61 Gulladuff Road Gulladuff Londonderry BT45 8NT</p> <p>The Owner / Occupier 64 Gulladuff Road Gulladuff Londonderry BT45 8NT</p> <p>The Owner / Occupier 61 Gulladuff Road Gulladuff Londonderry BT46 5EN</p> <p>The Owner / Occupier 1 Jacksons Drive Gulladuff Londonderry BT45 8NN</p> <p>The Owner / Occupier 2 Jacksons Drive Gulladuff Londonderry BT45 8NN</p> <p>The Owner / Occupier 4 Jacksons Drive Gulladuff Londonderry BT45 8NN</p> <p>The Owner / Occupier 3 Jacksons Drive Gulladuff Londonderry BT45 8NN</p>	
Date of Last Neighbour Notification	20 October 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/1982/0031 Proposals: SOCIAL CLUB Decision: PG Decision Date:</p>	

Ref: H/1994/6082

Proposals: SITE OF 4 DWELLINGS GULLADUFF ROAD KNOCKLOUGHRIM

Decision: QL

Decision Date:

Ref: H/2012/0008/F

Proposals: Proposed extension to existing shop and change of use from existing conservatory to dwelling to storage to shop

Decision: PG

Decision Date: 12-MAR-12

Ref: H/1981/0323

Proposals: SITE OF BUNGALOW

Decision: PR

Decision Date:

Ref: LA09/2021/1540/F

Proposals: Retrospective application for part use of a domestic storage shed for the sale of general builders merchandise.

Decision:

Decision Date:

Ref: H/2002/1011/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 19-MAY-03

Ref: LA09/2019/0981/NMC

Proposals: Proposed housing development with 4no. Semi Detached dwellings and private shared access road, Lands between 4 Meadow Villas and 5 Jackson drive.

Repositioning of 4no. Semi Detached dwellings within the approved site.

Decision: CR

Decision Date: 27-AUG-19

Ref: H/1974/0227

Proposals: 11KV AND MV O/H LINES (C.4617)

Decision: PG

Decision Date:

Ref: H/2014/0104/O

Proposals: Proposed dwelling on the farm

Decision: PR

Decision Date: 16-FEB-15

Ref: H/2005/0973/F

Proposals: Replacement Dwelling & Garage

Decision: PG

Decision Date: 07-APR-06

Ref: H/2013/0068/F

Proposals: Change of housetype from previously approved replacement dwelling
H/2005/0973/F

Decision: PG

Decision Date: 11-NOV-13

Ref: LA09/2018/1351/F

Proposals: Renewal of extant planning approval H/2013/0068/F

Decision: PG

Decision Date: 22-JAN-19

Ref: H/2013/0025/F

Proposals: Erection of 1 no. single storey dwelling with attic conversion and garage

Decision: PG

Decision Date: 02-JUL-13

Ref: H/2006/0235/O

Proposals: Site of New Dwelling & Garage.

Decision: APPUH

Decision Date: 15-MAY-08

Ref: LA09/2016/0966/PAD

Proposals: Mixed use application of both residential and commercial use

Decision: PAD

Decision Date: 04-OCT-18

Ref: H/2000/0547/O

Proposals: Site of Dwelling and Garage

Decision: PR

Decision Date: 05-APR-01

Ref: H/2002/0883/RM

Proposals: Dwelling & Garage

Decision: PG

Decision Date: 19-NOV-02

Ref: H/2007/0484/F

Proposals: Retrospective change of access and driveway including pillars and gates at roadside.

Decision: PG

Decision Date: 11-JUN-09

Ref: H/2003/0542/F
Proposals: Dwelling and garage.
Decision: PG
Decision Date: 10-FEB-04

Ref: H/2012/0463/F
Proposals: Multi-sports outdoor skills alley
Decision: PG
Decision Date: 04-FEB-13

Ref: H/1994/0010
Proposals: RELOCATION AND IMPROVEMENT OF ACCESS
Decision: PG
Decision Date:

Ref: H/1997/0111
Proposals: NEW FLOOD LIGHTING AT EXISTING PLAYING FIELDS
Decision: PG
Decision Date:

Ref: H/2007/0696/F
Proposals: Alterations to existing building incorporating single storey front and side extensions to existing club building, to include fitness suite, family activity room, wc's, plant, storage and outdoor play area. Also triple height indoor sports hall with 4no additional basement changing rooms, storage and wc's and site works comprising of the realignment of the existing playing field and spectators terracing area and including revised parking arrangements and fencing to the site frontage.
Decision: PG
Decision Date: 16-JUN-08

Ref: H/1998/0449
Proposals: NEW PLAYING FIELD AND NEW FLOODLIGHTING, GENERATOR AND PERIMETER FENCE
Decision: PG
Decision Date:

Ref: H/1979/0366
Proposals: HV O/H LINE (BM 3066)
Decision: PG
Decision Date:

Ref: LA09/2022/1367/F
Proposals: Two Storey Dwelling and Garage under CTY2a
Decision:
Decision Date:

Ref: LA09/2022/1375/F

Proposals: Change of house type and relocation of previously approved dwelling and garage with new access onto Main Road. Existing access to be permanently closed. Previous Reference H/2013/0025/F

Decision:

Decision Date:

Ref: LA09/2022/1379/F

Proposals: Change of house type and relocation of previously approved commenced dwelling and garage with proposed new access onto main road. Existing access to be permanently closed. Previous References: H/2013/0068/F + LA09/2018/1351/F.

Decision:

Decision Date:

Ref: H/2000/0048/Q

Proposals: Site For Residential Development

Decision: ELR

Decision Date: 15-AUG-00

Ref: H/1995/6040

Proposals: SITE OF RETIREMENT DWELLING GULLADUFF ROAD GULLADUFF

Decision: QL

Decision Date:

Summary of Consultee Responses

NI Water - Single Units West-LA09-2022-1367-F.pdf

DFI Roads - Enniskillen Office-Full Resp.docx

Environmental Health Mid Ulster Council-LA09.2022.1367.F.doc

Environmental Health Mid Ulster Council-

Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Site Location Plan Plan Ref: PLI01

Site Layout or Block Plan Plan Ref: PL03a

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.7
Application ID: LA09/2022/1607/F	Target Date: 27 February 2023
Proposal: Proposed upgrade works to existing agricultural access to provide alternative access and egress for commercial vehicles and staff/ visitor cars to Agri development hub approved under LA09/2018/1213/O.	Location: 170M North East Of Annaghbeg Road/Tamnamore Road Junction, Tamnamore, Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Capper Trading Ltd 124 Tamnamore Road Dungannon BT71 6HW	Agent Name and Address: Collins Design 7 Dublin Road Omagh BT78 1ES
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.docx
	DFI Roads - Enniskillen Office	DC Checklist.docRoads Consultation.docx
	DFI Roads - Enniskillen Office	Roads Consultation.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below

Characteristics of the Site and Area

The application site is located in the open countryside of the M1 from the settlement of Tamnamore. The M1 motorway defines the south west of the site and the agricultural type access which is the subject of this application, provides access to existing agricultural land from the minor Annaghbeg Road which loops around, from the park and ride and under the motorway to connect with the Tamnamore Road.



Description of Proposal

Proposed upgrade works to existing agricultural access to provide alternative access and egress for commercial vehicles and staff/visitor cars to Agri development hub approved under LA09/2018/1213/O.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning History

LA09/20181213/O – Proposed Agri Development Hub comprising circa 22,000sq m to facilitate processing of straw (pelletisation) and animal feeds, research and development facility and agri-business/logistics centre, associated access ,parking, landscape and environmental enhancement works, Lands At Capper Trading Ltd (Land At Tamnamore) North Of The M1 Motorway, West Of Annaghbeg Road/Junction 14, Permission granted 04.03.2020.

There was also a park and ride scheme, M/013/0170/F approved 12.11.2013.

Planning Assessment of Policy and Other Material Considerations

Assessment

Dungannon and South Tyrone Area Plan, 2010

Strategic Planning Policy Statement (SPPS)

PPS 3 Access, Movement and Parking

PPS 21 Sustainable Development in the Countryside

DCAN 15 Vehicular Access Standards

The site is located in the open countryside as defined by the DSTAP, 2010.

Development in the countryside is controlled under the provisions of the SPPS and PPS 21 Sustainable Development in the countryside.

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan does not contain any specific policies relevant to the application or the site within which it sits. The principal planning policies are therefore provided by PPS 21 and the SPPS.

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must

not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety’.

The Mid Ulster District Council Local Development Plan 2030; Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan

The policy test for this application is Planning Policy Statement 3:- Access, Movement and Parking.

DFI Roads were consulted on the application and requested clarification and amendments to the information submitted. This was requested and submitted by the agent and they were reconsulted. DFI Roads then responded to say that *‘it is noted that the access to the site entrance will be through a bridge underpass with substandard height clearance. Clearance has been plated at 4.8 metres. The applicant has stated that vehicle heights of its fleet is a maximum of 4.3 metres. It will be the applicant’s responsibility to ensure any development associated vehicle will not impact on the structural stability of the bridge’*. DFI roads had no objections subject to conditions being applied.

The agent has confirmed that this access will be in substitution of the access approved under application LA09/2018/1213/O.

This application site is located partially on the boundary of a floodplain. This proposal relates to application LA09/2020/1213/O, which was approved 04/03/2020. This application site was located within the floodplain and in an undefined area, however this was addressed at this stage and therefore as this application site is partially on the boundary of the floodplain and given the nature of the development, it was not deemed necessary to reconsult DFI Rivers.

Conclusion

The proposed access is compliance with the provision of PPS 3 and DCAN 15 and therefore approval is recommended

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 22-092-A2c published 08 June 2023 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 2

The access hereby permitted shall not become operational until the footway Works (including street lighting provision) indicated generally on Drawing No. 22-092-A2c published 08 June 2023 have been fully completed in accordance with the approved plans.

REASON: To ensure that the road works considered necessary to provide proper, safe and convenient means of access to the site are carried out at the appropriate time.

Signature(s): Siobhan Farrell

Date: 20 September 2023

ANNEX	
Date Valid	14 November 2022
Date First Advertised	1 December 2022
Date Last Advertised	1 December 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Roads Consultation 2.docx DFI Roads - Enniskillen Office-DC Checklist.docRoads Consultation.docx DFI Roads - Enniskillen Office-Roads Consultation.docx DFI Roads - Enniskillen Office-Roads Consultation 2.docx	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Details of Access to the Public Road Plan Ref: 02 Details of Access to the Public Road Plan Ref: 03 Roads Details Plan Ref: 04	

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.8
Application ID: LA09/2023/0324/F	Target Date: 7 July 2023
Proposal: A single two storey dwelling house with driveway	Location: 15 Oaks Road Dungannon BT71 4AR
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Radius Housing Association 3 Redburn Square Holywood BT18 9HZ	Agent Name and Address: Mr Joseph Jeram Unit 1 405 Holywood Road Belfast BT4 2GU
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	23-06-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	14-09-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	21-09-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Conditions 21-09-2023.docx Conditions 21-09-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	04-09-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	20-06-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	04-09-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	21-04-2023.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	NI Water - Single Units West	LA09-2023-0324-F.pdf

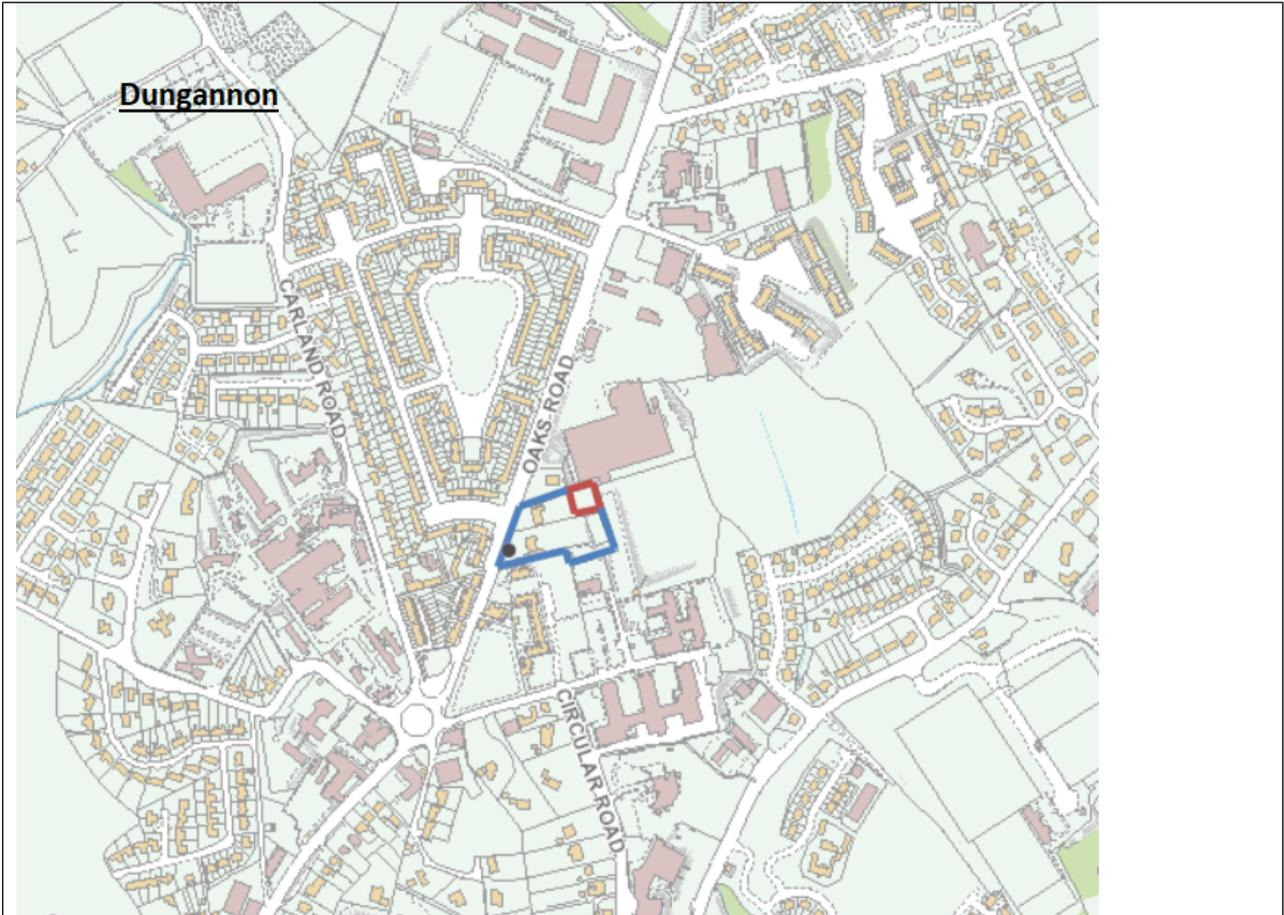
Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The site lies within the settlement limits of Dungannon, just outside and to the North of the town centre boundary and outside all other areas of constraint as depicted by the DSTAP 2010.



To the North of the site is the Oaks Centre. To the rear or East there is a grass playing field, to the South is the Shiels Charity housing institution and to the West across the Oaks road there is a high density housing area.

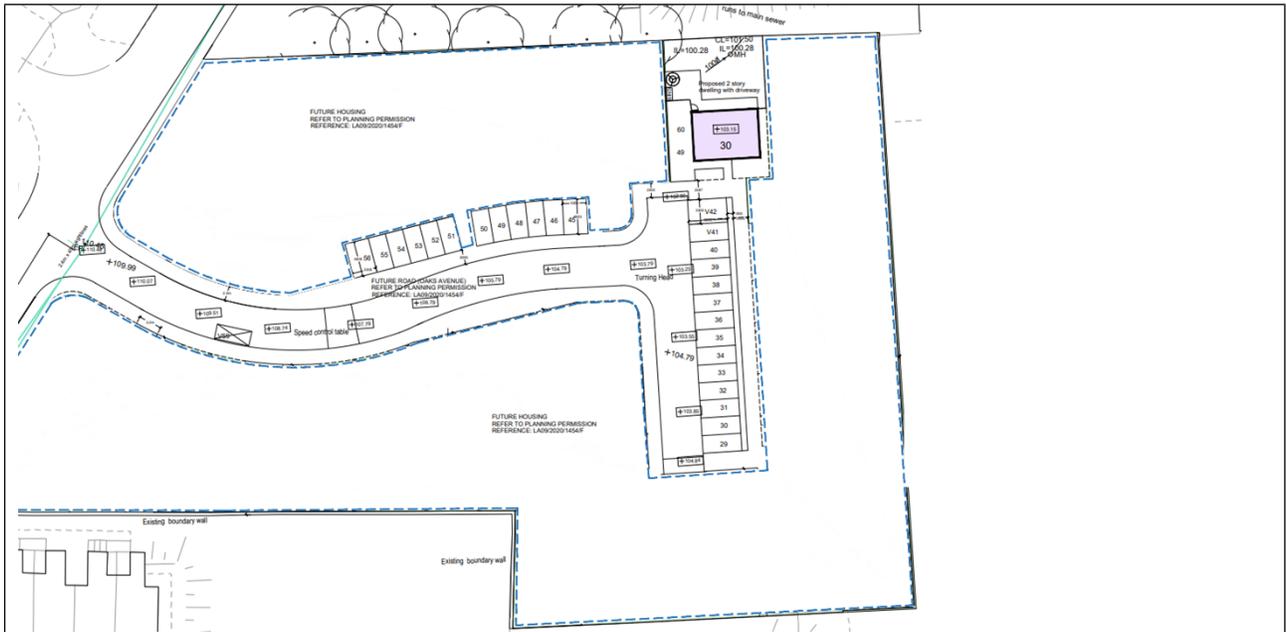


The red line of the site itself is rectangular in shape and in the North East corner of the larger housing site approved under planning reference LA09/2020/1454/F.

The site formerly housed two dwellings have recently been demolished and the site is now an under construction building site. The northern and Eastern boundary is a mature thick hedgerow including trees, the southern boundary has a stone wall and a number of smaller trees scattered along its length. The roadside boundary is defined by a concrete post and wire mesh fence. The land slopes to the rear east and also sits quite a lot higher than the oaks centre to the North.

Description of Proposal

The proposal seeks full planning permission for a single two storey dwelling house with driveway.



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

History

LA09/2020/1454/F - 29 dwelling units with associated parking, access, landscaping and wastewater treatment – GRANTED 29.03.2022

LA09/2023/0315/NMC - Update to proposed levels – GRANTED

Assessment

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

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

- o Regional Development Strategy 2030
- o Strategic Planning Policy Statement for Northern Ireland
- o Dungannon and South Tyrone Area Plan 2010
- o PPS 3 Access, Movement and Parking
- o PPS 7 Quality Residential Environments
- o PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period

for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, there has been one objections received, from concerned neighbours located immediately north of the site.

The objections main issues included;

- drawings not showing surrounding dwellings
- loss of privacy/overlooking
- security
- play area may give rise to anti social behaviour

Assessment of representations

-With regards to the first point concerning the dwelling at number 27 not being shown on the drawings, revised drawing 1B clearly shows the objectors dwelling and a separation distance of 27.8 metres.
-In regards to the second issue of loss of privacy or overlooking, the separation distance are 27.8 metres minimum and the boundary is defined by a closed board fence as well as a row of mature trees and vegetation. It must also be noted there are 4 dwellings already approved between the proposed site and the existing dwelling, therefore it is my opinion that there will not be an unacceptable loss of privacy.

- Finally, with regards to security concerns surrounding the possibility of anti social behaviour at the proposed play area. The play area has already been approved in the same location on the drawings with LA09/2020/1454/F. The proposal will create an additional dwelling in that proximity, which in my opinion will lessen the potential for any anti social behaviour.

Key Policy Considerations/Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The Dungannon and South Tyrone Area Plan 2010 is the statutory local development plan for the application site. The application site is located within the settlement limits of Dunagannon and outside all other areas of constraint as depicted by the DSTAP 2010.

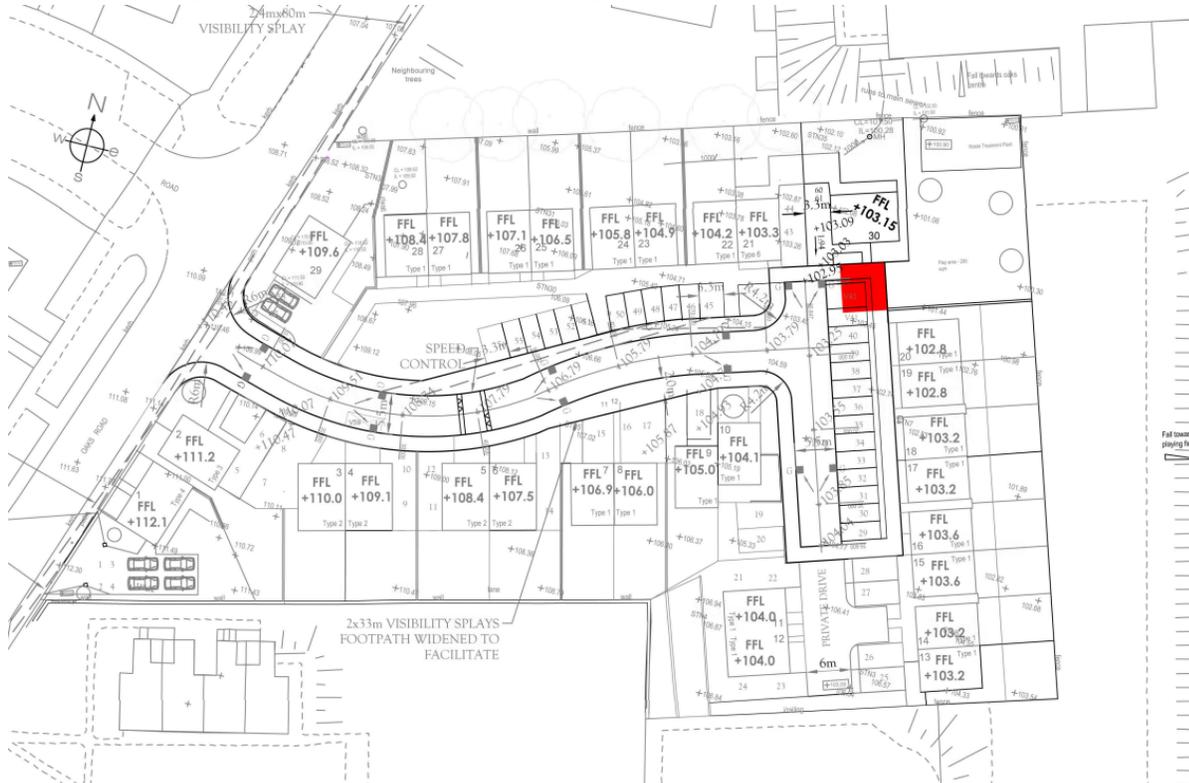
These factors have all been taken into account with the larger scheme for 29 dwellings and this proposal does not have any further detrimental effect. The scale, form, design, and use of materials are considered acceptable and are considered in more detail below.

This proposal seeks full planning permission for a single dwelling. Drawing 07D date stamped 18th

September 2023 provides details on the proposed siting, scale and access arrangements and Drawing 3A date stamped 15th September 2023 details the design and dwelling layout.

Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPSS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed. The proposal has been considered against all criteria outlined under Policy QD1.

a) The proposal is for a single dwelling unit which would be in the form of a two storey dwelling. It is my assessment that the proposed layout respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures, landscaping and hard surfaced areas. The immediate surrounding context is characterised by residential development of a similar scale and design and the density of the proposal is considered an acceptable reflection of the surrounding built form. I consider the development will respect the surrounding character. The development is not dominated by hard surfacing with all dwellings having in-curtilage parking and private garden amenity space of ample proportions.



b) No protected archaeological or built heritage features identified have been identified within the site or in close proximity thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests.

c) The dwelling has adequate private amenity space enclosed by fencing in excess of the 70m2 recommended in Creating Places. There is high quality railing and fencing, which will soften the developments visual impact and help create a quality residential development.

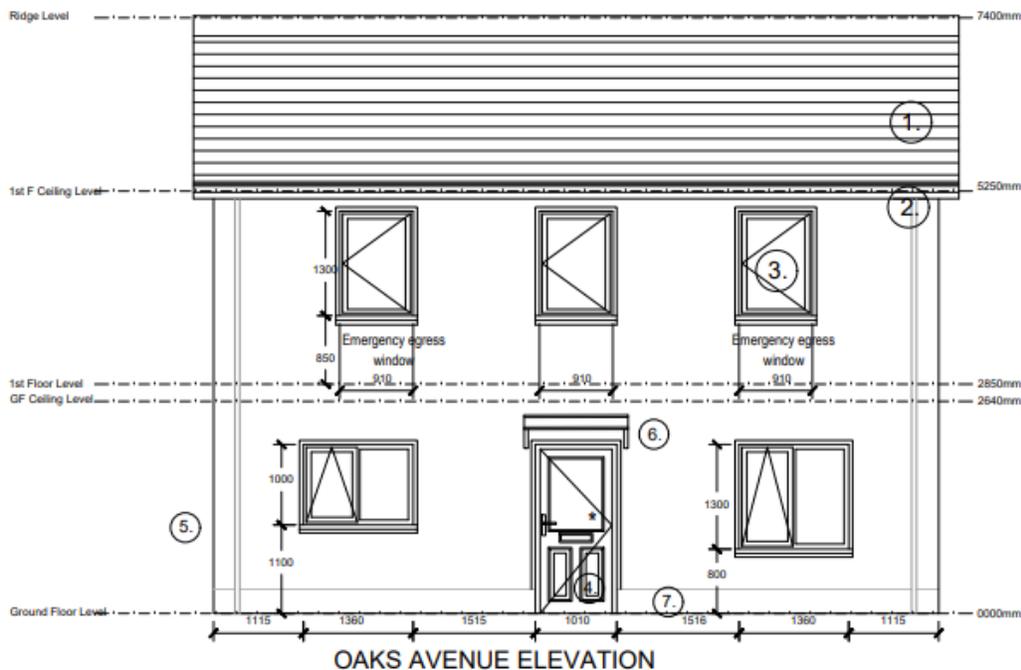
d) The proposal site is situated within the Dungannon settlement limits thus it is considered there is

easy accessibility to local neighbourhood facilities. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

e) The overall proposal seeks a single access onto the Oaks Road. This application is located at the tip of a turning head and has parking to the front. It was noted on the date of the site inspection the presence of an existing footpath which runs along the front of the overall site. DfI Roads have been consulted and have no objection to the proposal subject to conditions. It is considered an acceptable movement pattern is provided for vehicular, pedestrian and cycle links with local facilities and amenities. Having considered the proposed access arrangements and given DfI Roads have offered no road safety objections, it is considered the proposal also complies with Policy AMP2 of PPS 3.

f) I consider that adequate provision has been made for the provision of in-curtilage and on street parking within the with ample space for 2no parking spaces per dwelling unit.

g) The design and finish of the dwellings do not give me any cause for concern and are typical of built form design found in the surrounding area. The proposal includes two storey detached dwellings finished with grey dash with a grey roof tile. The material and form is reflective of the existing built form within the settlement and overall I consider the design and finishes to be appropriate.



h) This proposed use is residential, and this is in keeping with the land uses in the immediate setting. Generally, residential developments do not generate any unacceptable noise, odours or emissions which would impact on residential amenity. There are residential dwellings located north and northeast of the site. In terms of overlooking, loss of light and overshadowing, it is considered there is adequate separation distance from neighbouring properties and I do not foresee any unacceptable adverse impact on neighbouring amenity as a result of this proposal.



i) Each unit has private amenity space and private parking provided. I have no significant concerns in terms of crime or health and safety with respect the proposed design.

PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas - I am satisfied that, in principal, this proposal complies with Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this locality. In terms of keeping with the established character of the area, the proposal is residential in nature which is acceptable in the surrounding context. The surrounding area is predominantly residential and there are a mix of house designs and densities from detached dwellings on large plots to higher density development. I consider the proposal is in keeping with existing pattern of development and the design and scale would not have an impact on the overall character and environmental quality of this area. All proposed dwellings are in excess of the acceptable size as set out in Annex A of this policy.

Recommendation Approval

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

As per previous planning approval LA09/2020/1454/F, the waste water treatment plant shall be located as per Drawing number 7D date stamped 18th September 2023 and

shall be installed and fully operational prior to the occupation of any dwellings hereby approved.

Reason: To protect future site users from foul sewerage.

Condition 3

As per previous planning approval LA09/2020/1454/F, an adequate maintenance programme for the Waste Water Treatment Plant, along with signed contract of those that will be responsible for its maintenance, shall be agreed in writing with Mid Ulster District Council prior to the occupation of any dwelling hereby approved. The agreed maintenance programme shall be carried out for the lifetime of the sewerage treatment plant, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect residential amenity from odour and noise.

Condition 4

Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 shall be submitted to the Planning Authority for its consideration and approval.

Reason : To safeguard against flood risk to the development and elsewhere.

Condition 5

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No.7E published on the planning portal on the 21st of September 2023.

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

Condition 6

EHO Comments awaiting

Informative 1

The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a

separate bond from Northern Ireland Water to cover foul and storm sewers.

Separate approval must be received from DfI Roads in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, Marlborough House, Craigavon. The Applicant is advised to contact Roads Service Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing roadside drainage is preserved and does not allow water from the road to enter the site.

The decision notice relating to this planning application should be read in conjunction with the conditions / informatives associated with previous approval Application Reference LA09/2020/1454 and all other approvals for this site.

Signature(s): Peter Hughes

Date: 20 September 2023

ANNEX	
Date Valid	24 March 2023
Date First Advertised	3 April 2023
Date Last Advertised	3 April 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 27 Oaks Road Dungannon Tyrone BT71 4AR The Owner / Occupier 17 Oaks Road Dungannon Tyrone BT71 4AR The Owner / Occupier 15 Oaks Road Dungannon Tyrone BT71 4AR	
Date of Last Neighbour Notification	28 March 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-23-06-2023.docx DFI Roads - Enniskillen Office-14-09-2023.docx DFI Roads - Enniskillen Office-21-09-2023.docx DFI Roads - Enniskillen Office-Conditions 21-09-2023.docxConditions 21-09-2023.docx DFI Roads - Enniskillen Office-04-09-2023.docx DFI Roads - Enniskillen Office-20-06-2023.docx DFI Roads - Enniskillen Office-04-09-2023.docx DFI Roads - Enniskillen Office-21-04-2023.docx Environmental Health Mid Ulster Council- NI Water - Single Units West-LA09-2023-0324-F.pdf	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Elevations Plan Ref: 03
Proposed Plans Plan Ref: 04
Proposed Plans Plan Ref: 05
Levels and Cross Sections Plan Ref: 06
Roads Details
Site Layout or Block Plan Plan Ref: 07 PSD
Site Location Plan Plan Ref: 01 REV A

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.9
Application ID: LA09/2023/0371/F	Target Date: 14 July 2023
Proposal: Aggregate bagging facility to include production building, enclosed loading hopper, enclosed storage bins, storage silos, enclosed blending area, aggregate elevator, electrical switchroom and all associated ancillary works (part retrospective).	Location: Fp Mccann LTD Knockloughrim Quarry Magherafelt
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: FP McCann Ltd 3 Drumard Road Knockloughrim Magherafelt BT45 8QA	Agent Name and Address: Mr Paul Hamill 105 Nutfield Road Lisnaskea BT92 0HP
Executive Summary: <p>Retrospective application for building housing a bagging plant, production facility, storage bins, hopper and silos. Located on a storage yard within FP MCCANN hard rock quarry site. Some new elements to the proposal but most of the proposal is retrospective. Most significant new element in proposal is an additional storage silo in addition to the three that are existing.</p> <p>Proposal is subject of current enforcement case LA09/2022/0018/CA</p> <p>Consultation carried out with HED (6 listed buildings close by, most notably St. Conlus Cofl), NIEA (following completion of Biodiversity Checklist), DFI Roads, NIWater, Env Health.</p> <p>No concerns raised by any consultees. Proposal assessed against PPS 21, PPS 4, PPS 6 and PPS 2. Proposal found to comply with all relevant policy, most notably PED, 2, 3, 9</p>	

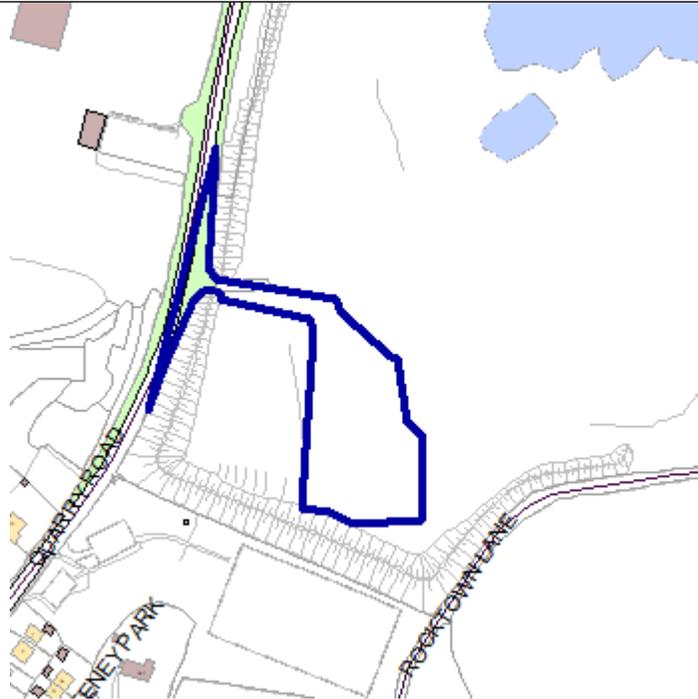
of PPS 4.

1 Objection recieved and considered in report. Objection relates to safety concerns, HGV traffic generated, respiratory illness caused by quarrying activity, impact on drains / sewers and impact of building on character of Knockloughrim, All issues raised in objection adressed by officers report and / or consultee repsonses.

Recommend approve subject to condition limiting operating hours.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation.docx
Statutory Consultee	NI Water - Strategic Applications	LA09-2023-0371-F.pdf
Statutory Consultee	NIEA	PRT LA09-2023-0371-F.PDF
Statutory Consultee	Environmental Health Mid Ulster Council	LA09-23-0371 F FP McCann LTD Knockloughrim Quarry Magherafelt.doc
Statutory Consultee	Historic Environment Division (HED)	

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

1 Objection received and considered in report. Objection relates to safety concerns, HGV traffic generated, respiratory illness caused by quarrying activity, impact on drains / sewers and impact of building on character of Knockloughrim, All issues raised in objection addressed by officers report and / or consultee responses.

Characteristics of the Site and Area

The site is located at the southern end of the existing FP McCann quarry / storage yard which is just outside the settlement limit of Knockloughrim. At present this part of the site appears to be used for storage of pre-cast concrete products. There is also a large bagging facility on the site which is the subject of this application.

The site is definitively industrial in nature but is located immediately on the edge of the settlement of Knockloughrim. The settlement is quite scenic and possesses a distinct character of mature trees, historic buildings and traditional village streetscape. This is reflected in a number of LLPA designations which cover the settlement and its immediate surroundings.

To the south of the site, behind a large bank of mature trees is a football pitch and a play park, then a primary school. Further south along the Quarry Road leading into Knockloughrim, the main use is residential. There is also a smaller road (Rocktown Lane) which runs adjacent to the south and east of the larger quarry site. This is a road with a medium to high level of residential houses in places but whilst it is adjacent to the main quarry site, is removed from the red line boundary of this application.

Description of Proposal

The proposal is a retrospective application for the shed / building which houses the bagging plant. This building is complete and operational despite not having planning permission. However, the proposal also includes some new aspects to the building such as proposed aggregate bins, proposed blending building and additional storage silo at the southern end of the building as well as three similar silos which are existing.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The following policy considerations are relevant;

- Magherafelt Area Plan (MAP)
- Strategic Planning Policy Statement (SPPS)
- PPS 21 – Sustainable Development in the Countryside

- PPS 4 – Planning and Economic Development
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS 2 – Natural Heritage

Magherafelt Area Plan (MAP)

The site is located in the countryside and therefore rural planning policy will apply (PPS 21). This will be assessed below.

The site is also in close proximity to numerous LLPA designations which surround the village of Knockloughrim. In this case, the features which characterise the LLPA are the trees around the quarry which are an important landscape feature. The existing storage silos are visible just above the tree line. However, in my opinion, views of the silos above the tree line are limited - only really visible from the Hillhead Road at the front of the primary school. Views are extremely limited from the quarry road. It is therefore my opinion that the LLPA features, namely the trees at this location will not be impacted upon in a significant way by this proposal.

Strategic Planning Policy Statement (SPPS)

The SPPS states that the guiding principle for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment. Where such proposals involve the construction of new buildings, this can be acceptable where they can be integrated in a satisfactory manner.

PPS 21 – Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 states that economic development (industry and business uses) proposals in the countryside will be acceptable where they are in accordance with PPS 4. Therefore, the default policy for this proposal is PPS 4.

PPS 4 – Planning and Economic Development

Policy PED 2 states that proposals for economic development in the countryside will be acceptable in a number of scenarios, one of which is where they involve the expansion or re development of an established economic development use and accord with the relevant policy which is PED 3.

PED 3 therefore is the operational policy for this development. The site is clearly part of an existing and established enterprise with FP McCanns quarrying and associated activity at this location being long established. This proposal does not expand the operation in terms of physical size but it does appear to add a new dimension to this part of the business in so far as it will introduce a significant element of manufacturing to the site as well as existing quarrying and storage uses.

PED 3 states that *“the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.”* This site is well screened from the Quarry Road when passing and the building is barely visible from this stretch of road. Similarly, as mentioned above, views of the proposal from Knockloughrim village are extremely limited. The area of the site will not be expanding as a result of this development.

PED 3 also states that proposals should be accommodated through existing buildings where this is possible. In this case, this would not be possible on this site as there are no other buildings on the site, other than this one. This building has been erected in a location where it integrates well and is inconspicuous in its immediate environment and integrates as part of the overall development.

I am therefore of the view that this proposal meets the requirements of policy PED 3 of PPS 4.

PED 9 of PPS 4 lays down a range of criteria for all economic development which must be complied with. These are laid out and considered below;

- a) it is compatible with surrounding land uses;**
- b) it does not harm the amenities of nearby residents;**
- e) it does not create a noise nuisance;**

This development is located in what appears to primarily be a storage yard for pre cast concrete products. To the south of the site, behind a large bank of mature trees is a football pitch and a play park, then a primary school. Further south along the Quarry Road leading into Knockloughrim, the main use is residential.

I am satisfied that this development will not cause any problems nor be in any way incompatible with these nearby land uses. I conducted my site visit on a Tuesday morning (13th June) between 10am – 10.30am. It is obviously safe to assume that this is a working time for the facility and during my visit I experienced no issues of noise, dust, fumes, odour which would in any way cause a problem for any of the surrounding land uses.

To confirm this, Environmental Health have been consulted. They have also considered an outward noise impact assessment submitted by the applicant and have stated that noise from this proposal will not detrimentally affect nearby residential amenity. They have however asked for a condition to be imposed limiting opening hours from late evening onwards.

- c) it does not adversely affect features of the natural or built heritage;**

There are no natural environment features close to this site except for the aforementioned LLPA designations which have been considered in the preceding

paragraphs. In relation to the built / historic environment there a number of historic listed buildings nearby – such is rich heritage of the village of Knockloughrim these include former workers cottages and a church. HED have been consulted and have agreed with my assessment that whilst the entirety of the proposal would be more satisfactory if it was kept below the tree line, the limited views of the site / proposal do not have any significant impact on these historic assets. They are therefore content that this proposal complies with policy but that any further development would have the potential to cause an unacceptable impact.

d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

Development is not located in a flood risk area. Small parts of the site are shown as being modelled for having the potential to be prone to surface water flooding but there is no evidence of surface water flooding being an issue on the site.

f) it is capable of dealing satisfactorily with any emission or effluent.

NI Water have been consulted and have no objections to this proposal.

g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

(h) adequate access arrangements, parking and manoeuvring areas are provided;

i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

The proposal involves access to a site which is long established. DFI Roads have been consulted and have no objections in relation to the proposal insofar as to how it pertains to road safety, and extra traffic generation. Parking arrangements for this facility will be provided in the main FP McCann site across the Quarry Road.

j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

Sustainability and biodiversity value of the site at present is low given the nature as a storage yard with large area of hardcoded yard / gravel paths etc. There are no proposals to remove any existing vegetation which is significant around the site, particularly to the south towards the village of Knockloughrim.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public

view;

This site is well screened from the Quarry Road when passing and the building is barely visible from this stretch of road. Similarly, as mentioned above, views of the proposal from Knockloughrim village are extremely limited. Existing mature boundaries negate the need for boundary treatment as part of this scheme

(l) is designed to deter crime and promote personal safety

Site is part of well secured and monitored existing yard.

(m) In the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

This site is well screened from the Quarry Road when passing and the building is barely visible from this stretch of road. Similarly, as mentioned above, views of the proposal from Knockloughrim village are extremely limited.

Given all of the above considerations, it is my view that the site complies with policies PED 2, PED 3 and PED 9 of PPS 4.

PPS 6 – Archaeology and the Built Heritage

Policy BH 11 states that development proposals which affect the setting of a listed building will not normally be permitted. In relation to this application, there are 6 listed buildings which have been identified as being close to the site and which range from grade A – B2.

Historic Environment Division have been consulted and have stated that whilst the entirety of the proposal would be more satisfactory if it was kept below the tree line which borders the south of the site, the limited views of the site / proposal do not have any significant impact on these historic assets. They are therefore content that this proposal complies with PPS 6 but that any further development would have the potential to cause an unacceptable impact.

PPS 2 – Natural Heritage

There are no designated natural heritage designations, other than the aforementioned LLPA designations affected by this site. Nevertheless, a biodiversity checklist submitted by the agent showed that further ecological information was required and this was submitted via part 3 of the NI Biodiversity Checklist template. Upon subsequent consultation with NIEA, they have stated that there are no natural heritage concerns in relation to this proposal.

OTHER MATERIAL CONSIDERATIONS

There has been one objection lodged to this application; The main points raised by the objector are;

- 1) The visual impact of the plant above the tree line and the impact this has on the scenic character of Knockloughrim
- 2) Dust, and traffic passing from the quarry site and impact on Road Safety. Volume of HGV from the site is already excessive
- 3) Health impacts of silica dust which is a by product of quarrying
- 4) Safety of the site close to play park and football pitch
- 5) The plant is far too close to a primary school.
- 6) Water pollution – drains in village are clogged

In relation to the points raised in the objection, my considerations are as below;

- 1) The plant is indeed visible above the tree line which defines the southern boundary of the site. As stated in my report, whilst the plant is visible, it is not in my opinion, widely visible and its impact upon the character of Knockloughrim is minimal. The only place in the immediate vicinity of the site where the plant is visible from is from the Hillhead Road, adjacent to the Primary School.

This is an opinion which has also been expressed by Historic Environment Division in their assessment of the impact of the proposal on the historic buildings in the locality. Views of the site are possible from the approach to the site on the Quarry Road, leading out of Knockloughrim but these are limited and one has to really try to see the plant in order for it to be visible.

I therefore do not agree with the objector that plant has a detrimental impact on the scenic character / quality of Knockloughrim.

- 2) DFI Roads do not object to this proposal on the grounds of Road Safety. The proposal is part of a large, established quarry site as well as associated activities such as bagging, manufacturing etc. It is not clear to me that the volume of traffic generated by this specific building is significant enough to uphold a complaint about the total volume of traffic generated by FP McCann at this location in general.

During my visit I walked in and around the building in question and it did not seem to me that HGVs would be accessing this site or leaving from this site. It seemed quite inaccessible for HGVs by virtue of the fact that it was surrounded by pre cast products and also served by narrow pathways as opposed to roads suitable for HGVs to access and turn.

I am therefore of the view that the objector is objecting to HGV traffic (and associated dust/fumes etc.) which are emanating from the larger FP McCann site and that is not something which can be controlled by this application process.

- 3) Again, this proposal does not involve any quarrying activity. The objector states that a by product of quarrying is silica dust which can lead to negative impacts on respiratory health. However, the ongoing quarrying activity at the larger FP

McCann site is not subject to this application. I therefore do not consider the apparent production of silica dust by quarrying activities to be a relevant consideration in this application.

- 4) I visited the site during operating hours. My visit also encompassed the play park and football pitch. I parked adjacent to the play park and walked the entire length of the football pitch. I could see nothing that would cause safety concerns in relation to users of the park and pitch. The objector has not been specific in relation to what the safety concerns are but I do not consider the proposal to be incompatible with the park and football pitch - as detailed above.
- 5) Likewise, the objector has not stated what the concerns are about the proposal being too close to the school. My visit encompassed the football pitch which is to the rear of the school as well as a walk along the front of the school (on the Hillhead road). During my visit, some children were playing outside and I would not have any evidence to support concerns that the proposal is “too close” to the school building. Again, the objector has not said why the building is “too close” and therefore it is difficult to fully rebut this point other than to say that from my visit, I would have no concerns about the compatibility or otherwise of the school at this location and the proposed building in its location. It is worth reiterating at this point, that Env. Health have been consulted and have no concerns about this proposal.
- 6) NI Water have been consulted on this proposal and have no objections in terms of sewer or WWTW capacity.

Summary of Recommendation:

Approve is recommended

Given all of the above, I recommend that the proposal is approved, subject to the following conditions.

Approval Conditions

Condition 1

This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

Condition 2

The development, as annotated on drawing number 02, shall only operate between the following hours:

Monday to Friday

07:00 - 19:00

Saturday

07:00 - 15:00

Reason: To protect neighbouring residential amenity from noise

Signature(s): Colin McKeown

Date: 11 August 2023

ANNEX	
Date Valid	31 March 2023
Date First Advertised	11 April 2023
Date Last Advertised	11 April 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier St Conlus'S Church (C of I) 341 Hillhead Road Knockcloghrim Londonderry BT45 8QT The Owner / Occupier 12 Quarry Road Knockcloghrim Londonderry BT45 8NR	
Date of Last Neighbour Notification	21 April 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2009/0212/F Proposals: The proposal seeks the consolidation of existing planning approvals on site; retrospective permission for unauthorised works, the regularisation of unauthorised development and the relocation of spoil heaps and the extraction of rock. Decision: Decision Date:</p> <p>Ref: H/1974/0327 Proposals: EXISTING QUARRYING Decision: PG Decision Date:</p> <p>Ref: H/2002/0994/F Proposals: Extension to precast concrete factory. Decision: PG Decision Date: 05-NOV-03</p> <p>Ref: H/2000/0058/F Proposals: Pre-Cast Concrete Factory Decision: PG Decision Date: 27-JUN-00</p>	

Ref: H/2000/0481/F

Proposals: Proposed Mineral Extraction For Basalt Quarry

Decision: PG

Decision Date: 13-MAR-02

Ref: H/1997/0364

Proposals: Change of use of Quarry for Landfill Waste Disposal Facility, Building to include Site Office & provisions for Recycling Facility.

Decision: PR

Decision Date: 15-MAY-08

Ref: H/1974/0299

Proposals: EXISTING QUARRY

Decision: PG

Decision Date:

Ref: LA09/2023/0371/F

Proposals: Aggregate bagging facility to include production building, enclosed loading hopper, enclosed storage bins, storage silos, enclosed blending area, aggregate elevator, electrical switchroom and all associated ancillary works (part retrospective).

Decision:

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation.docx

NI Water - Strategic Applications-LA09-2023-0371-F.pdf

NIEA-PRT LA09-2023-0371-F.PDF

Environmental Health Mid Ulster Council-LA09-23-0371 F FP McCann LTD

Knockloughrim Quarry Magherafelt.doc

Historic Environment Division (HED)-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Site Layout or Block Plan Plan Ref: 03
Proposed Plans Plan Ref: 04
Proposed Plans Plan Ref: 05
Proposed Plans Plan Ref: 06
Proposed Plans Plan Ref: 07
Proposed Plans Plan Ref: 08
Proposed Plans Plan Ref: 09
Cross Sections Plan Ref: 10
Proposed Elevations Plan Ref: 11

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.10
Application ID: LA09/2023/0478/RM	Target Date: 9 August 2023
Proposal: Dwelling and garage	Location: 60M NW of 55 Annaghmore Road Castledawson
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Alvin McMullan Esq 55 Annaghmore Road Castledawson BT45 8DU	Agent Name and Address: Russell Finlay 350 Hillhead Road Knockloughrim Magherafelt BT45 8QT
Executive Summary: <p>This is a reserved matters application for a proposed dwelling and garage, presented to the committee as one objection has been received. This proposal has been assessed under all relevant policy - SPPS, Magherafelt Area Plan 2015, PPS3, and PPS21. It is my opinion that the proposal is not at conflict with any of the relevant policy tests.</p> <p>One objection has been received to date. Issues have been raised regarding the validity of the outline application (LA09/2022/1473/O) that was granted in 2023. Concerns have also been raised over statutory neighbour notification procedures, with the objector stating that the correct procedure was not carried out. These issues have been fully considered in my report and do not merit the refusal of this application.</p> <p>The application is being recommended for approval subject to standard conditions.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	RM Response.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

One objection submitted by the occupant of 53 Annaghmore Road, Castledawson. Issues raised: Information missing from plans - I am satisfied that all relevant information has been provided on the plans. The objector has not provided any specific details on this for me to investigate further. Invalid Outline Application - During the outline assessment LA09/2022/1473/O the adjacent property referred to by the objector was not occupied at the time the site was visited by the case officer and that is why the property was not notified at that time. The proposal was advertised in local press to capture any other third party who may have an interest in the development. The outline application

was considered as valid and approved on the 17th April 2023. There has been no formal challenge to the approval. This current application is to assess matters reserved under that outline approval. The property in question, number 55a, was provided with a hand delivered NN letter on Friday 11th Aug 2023 @ 11.44 and have not objected to this application to date.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan 2015. The site has no other designations. It is located within part of a larger agricultural field at the rear of 53a Annaghmore Road. The site is accessed by a shared existing laneway. Views from the site are limited from a public point of view with the eastern boundary defined by newly planted trees and the dwellings 53 & 53a screening the site from the road. The southern boundary is currently defined by neighbouring property 55A and the northern boundary undefined. The western boundary is defined by a mixture of trees and hedges. The land of the application site rises and sits at a level above the road and those dwellings adjacent to the roadside. Holistically, the surrounding area is mainly residential in nature with many dwellings surrounding the site and beyond.

Description of Proposal

This is a reserved matters application for a proposed dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Relevant Histories

LA09/2022/1473/O- Dwelling and garage

Granted: 17.04.2023

In line with statutory neighbour notification procedures, 9 neighbouring properties were notified of this application. To date, there has been one letter of objection received in respect of the proposal.

The following policies will be considered in this assessment:

- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Magherafelt Area Plan 2015
- PPS 3 – Access, Movement and Parking.
- Planning Policy Statement 21: Sustainable Development in the Countryside

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities.

Mid Ulster District Council Draft Plan Strategy 2030

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Magherafelt Area Plan 2015

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan.

PPS 3 – Access, Movement and Parking

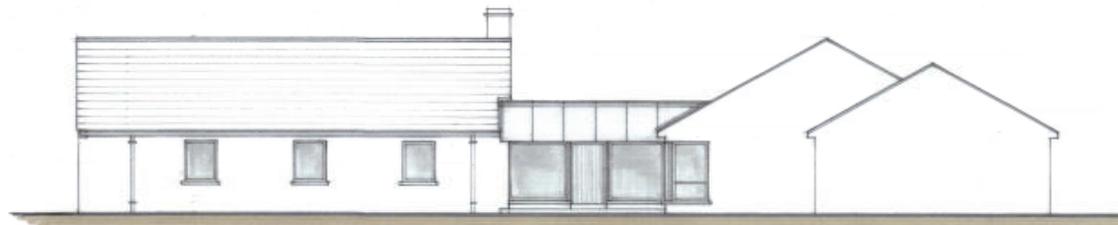
Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. The site utilises the use of an existing access. Additionally, DFI roads were consulted and, in their response, stated they have no objection subject to a condition being attached to request access to be constructed in accordance with the attached RS1 form.

Planning Policy Statement 21: Sustainable Development in the Countryside

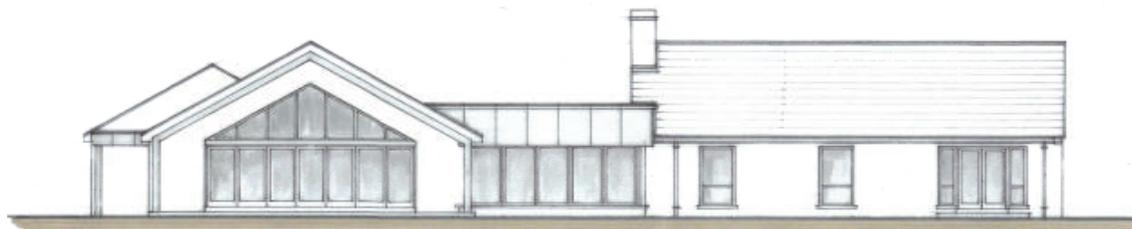
Development in the countryside is controlled under the provisions of PPS21 Sustainable Development in the Countryside. Policy CTY 2a provides an opportunity to gain approval for a dwelling in an existing rural cluster provided the cluster is outside of a farm and consists of 4 or more buildings, 3 of which must be dwellings. The cluster must appear as a visual entity in the landscape and must be associated with a focal point (eg) community building, or is located at a cross roads. The site must provide adequate enclosure and be bounded on at least 2 sides with other development in the cluster. The development of the site should not significantly alter the character of the site or countryside and should not impact on residential amenity. Policy CTY 2a has been established under the 2022 outline permission and all conditions set within have been met.

Policy CTY 13 of PPS21, stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design.

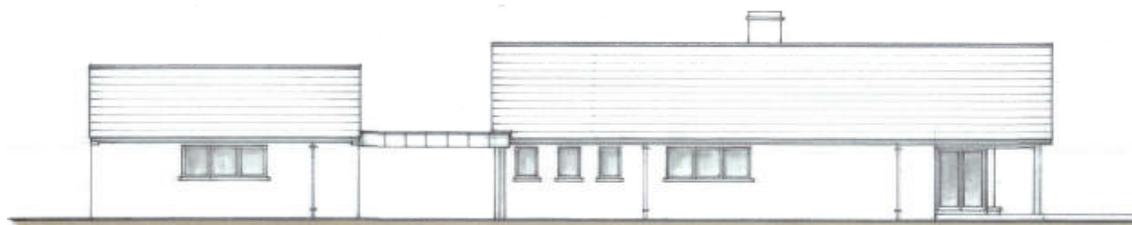
The proposal is for a simple dwelling and garage. In relation to the drawing below, I consider this design and layout to be appropriate for the site. Additionally, the proposed designed will remain integrated into the existing landscape and will not be a dominant feature in the surrounding environment.



Front Elevation



Rear Elevation



Side Elevation

and the level of associated impact on the landscape. I note, to the East of the site lacks natural screening. Although, the proposal of the retention of the new planted tree and additional landscaping will also restrict the level of inter-visibility between the proposed and the surrounding environment and existing properties. Furthermore, with proposed landscaping of rural hedges to the Northern boundary, will further integrate the proposed into the surrounding environment.

The finished materials include smooth rendered walls together with blue / grey roof slates and a maximum ridge height measured at 5.5 metres. The proposal does not add to or elongate the existing development pattern and as such the development cannot be deemed to present a negative impact on the traditional pattern of the surrounding area. Holistically, the proposal and its associated ancillary works will not have a negative impact on the established rural character of this area.

In terms of Policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environment is suitable for absorbing a dwelling and garage of this scale and size. I am content that the proposed will not appear prominent in the landscape and respects the pattern of development in the area. Overall, I am content that the proposed complies with CTY14.

Other Considerations

Relating to impact on neighbouring amenity, considering distance (approximately 42m) and the proposed dwelling position 2.7m above neighbouring properties at the front elevation, I am satisfied that the location of the proposed dwelling is unlikely to have any impact on neighbouring amenity. This is also supported by the proposed plantation of ash/beech trees along the front and side boundaries, which will also help reduced indivisibility between the proposed and neighbouring properties.

Regarding glazing to the front elevation, two of the windows will be conditioned as obscure glazed as they facilitate a shower and bathroom. Also, for the bedroom and hallway I am satisfied that the proposed glazing will not affect privacy of neighbours as these room are not always inhabitable. On the side elevations there is no proposed glazing so will also not affect the privacy and amenity of the neighbouring residents.

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

Condition 2

The vehicular access including visibility splays 2.4 x 90 metres and a 90-metre forward sight distance, shall be provided in accordance with Drawing No.02 bearing the date stamp 28th April 2023 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

The scheme of planting hereby approved shall be carried out during the first available planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Mid Ulster District Council gives written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape in the interests of visual amenity.

Condition 4

The existing mature vegetation on the boundaries of the site shall be permanently retained.

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

Condition 5

The front elevation shower and bathroom windows shall be obscure glazed.

Reason: To protect the privacy of neighbours

Signature(s): Daniel O'Neill

Date: 23 August 2023

ANNEX	
Date Valid	26 April 2023
Date First Advertised	9 May 2023
Date Last Advertised	9 May 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 55A Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 55 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 53A Annaghmore Road, Castledawson, Londonderry, BT45 8DU</p> <p>The Owner / Occupier 51 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 53 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 57 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 59 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 58 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 52 Annaghmore Road Castledawson Londonderry BT45 8DU</p>	
Date of Last Neighbour Notification	6 September 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/1984/0055 Proposals: BUNGALOW WITH GARAGE. Decision: PG Decision Date:</p> <p>Ref: H/2003/0407/O Proposals: Site of dwelling and garage Decision: PG Decision Date: 18-SEP-03</p>	

Ref: H/2004/0328/RM
Proposals: Dwelling and garage.
Decision: PG
Decision Date: 08-OCT-04

Ref: LA09/2020/1221/RM
Proposals: Dwelling and garage
Decision: PG
Decision Date: 15-JAN-21

Ref: LA09/2018/1128/O
Proposals: Dwelling and garage
Decision: PG
Decision Date: 07-NOV-18

Ref: H/1984/0409
Proposals: HOUSE AND GARAGE
Decision: PG
Decision Date:

Ref: H/2014/0091/F
Proposals: Proposed 2no. Infill Dwellings
Decision: PG
Decision Date: 22-SEP-14

Ref: LA09/2017/1517/F
Proposals: Proposed change of house type for 2 dwellings and detached garages from that approved under H/2014/0091/F
Decision: PG
Decision Date: 05-FEB-18

Ref: H/2014/0406/F
Proposals: Proposed new dwelling and garage as part of an existing cluster
Decision: PR
Decision Date: 24-APR-15

Ref: LA09/2023/0478/RM
Proposals: Dwelling and garage
Decision:
Decision Date:

Ref: LA09/2022/1473/O
Proposals: Dwelling and garage
Decision: PG
Decision Date: 17-APR-23

Ref: LA09/2019/0097/O

Proposals: Proposed site for replacement dwelling and double domestic garage (Renewal of LA09/2015/1115/O).

Decision:

Decision Date:

Ref: LA09/2019/0099/O

Proposals: Proposed site for replacement dwelling and double domestic garage (renewal of LA09/2015/1115/O).

Decision: PG

Decision Date: 08-APR-19

Ref: H/1981/0235

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: H/1981/0147

Proposals: SITE OF TWO DWELLINGS

Decision: WITHDR

Decision Date:

Ref: H/2014/0435/F

Proposals: New 33kv 3x200mm AAC system reinforcement between Creagh Sub Station and Tobermore. Overhead line will consist of single wood pole structures and double wood pole structures (H Poles)

Decision: PG

Decision Date: 15-DEC-16

Summary of Consultee Responses

DFI Roads - Enniskillen Office-RM Response.docx

Drawing Numbers and Title

Site Layout or Block Plan

Cross Sections

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Plans Plan Ref: 03

Proposed Elevations Plan Ref: 04

Notification to Department (if relevant)

Not ApplicableNot Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.11
Application ID: LA09/2023/0622/O	Target Date: 18 September 2023
Proposal: Dwelling and garage (infill site)	Location: 30M NW of 39 Rocktown Road Bellaghy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Samuel Arrell 17 Tayorstown Hill Toomebridge BT41 3RL	Agent Name and Address: Mr Norman McKernan 12 Cennick Road Gracehill Ballymena BT42 2NH
Executive Summary: This application is brought before the planning committee with a recommendation for refusal. The proposed is contrary to Policies CTY 8 and CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would add to a ribbon of development.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Outline resp.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The site is located in the rural countryside approximately 2 miles outside the Bellaghy settlement limit as defined in the Magherafelt Area Plan 2015. The site is a 0.3 hectare area field sited adjacent to the shared laneway located off the Rocktown Road. A field gate provides the current access to the site along the same laneway. The laneway provides access to approximately 5 existing dwellings. The application site neighbours

no. 39 Rocktown Road, adjacent and east of the site. The curtilage of no. 39 also includes a series of existing garages which continue eastward along the roadside. Boundaries for the application site are only present along portions of the southern and eastern edges of the site, which consist of a few trees and hedgerow along the roadside boundary. Adjacent and west of the site is an empty agricultural field - a portion of which is approved for a dwelling under planning permission LA09/2022/0475/F, though building works have not commenced.

Description of Proposal

The proposed is an outline application for a dwelling and garage (infill site).

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Relevant Histories

LA09/2022/0475/F – Extension and repositioning of curtilage as previously approved (LA09/2020/0030/F) and change of house type – 40m N.W of 39 Rocktown Road Castledawson Magherafelt – Permission Granted 25/07/2022.

Note: This permission relocated the approved dwelling further west to what was approved under the LA09/2020/0030/F approval (see below). Condition No. 2 of this permission provides that ‘this permission is granted solely as a substitute for the permission for a dwelling previously granted on the site under Ref: LA09/2020/0030/F on the 25.02.2020 and only one dwelling shall be constructed on the site.’ During the site visit for the current application subject to assessment in this report, carried out on 04/07/2023, photographs taken on this day show that construction for the dwelling under the LA09/2022/0475/F approval has not yet commenced.

LA09/2020/0030/F – Proposed dwelling and garage – 40m NW of 39 Rocktown Road Castledawson Magherafelt BT45 8EQ – Permission Granted 25/02/2020.

Representations

To date no third party representations have been received.

Magherafelt Area Plan 2015

The site is located in the rural countryside approximately 2 miles outside the Bellaghy settlement limit as defined in the Magherafelt Area Plan 2015.

Mid Ulster District Council Draft Plan Strategy 2030

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning

applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Planning Policy Statement 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. The proposal involves the creation of a new access onto the public road. A consultation was made to DfI Roads who provided no objection to the proposed subject to condition. In light of this, I am content that the proposed complies with PPS 3.

PPS 21 – Sustainable Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 states that planning permission will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. This application is therefore considered under CTY 8 – Ribbon Development.

In terms of plot size, I am content that the site would be able to accommodate a dwelling. For the purpose of this policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. I am satisfied that the dwelling to the east of the application site identified as no. 39 Rocktown road, as well as the existing garages within its curtilage, represent a set of substantial and built up buildings along the road frontage. However, this application cannot be considered as a viable gap-site dwelling proposal because there exists no development in the form of a substantial building to the west of the site along this road frontage. Instead there are only buildings to one side of the proposed site which means there is no gap site. Thus the approval of this proposal would add to a ribbon of development. This application relies on the dwelling approved to the west of the proposed site under LA09/2022/0475/F, but because the approved dwelling has not been commenced and built to a level where it could be deemed as a substantial building, the proposal fails to meet the infill criteria under Policy CTY 8.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in its vicinity. Having considered the scale and height of dwellings along this laneway, including that of the

LA09/2022/0475/F, it is recommended that a 7 metre ridge height condition from finished floor levels should accompany an approval at this site for a dwelling at this outline stage. While boundaries are scarce, it is accepted that the existing hedgerow and degree of trees along a portion of the southern / eastern boundary would mean that the site would not rely entirely on the use of new landscaping for the integration of a dwelling. The proposed meets the criteria under CTY 13 at this outline stage.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As provided above, the proposed dwellings would not appear prominent in the landscape. However, given the proposal adds to a ribbon of development, the proposed does not comply with Policy CTY 14.

Other Constraints

This site is not located within or adjacent to any protected areas, including SACs, SPAs and Ramsar sites.

The site is not located within or adjacent to any listed building / structures.

There are no issues pertaining to flooding at the site.

Recommendation

It was agreed with the senior planner to offer the agent, acting on behalf of the applicant, an opportunity to implement the LA09/2022/0475/F approval, satisfying all pre-commencement conditions and building the approved dwelling to at least eaves level height. An email providing this option was sent to the agent on 11/08/2023. With no further information forthcoming and the approved dwelling not built to eaves level height, the proposal still fails to meet Policies CTY 8 and CTY 14 of PPS 21 and is therefore presented to the Planning Committee with a recommendation for refusal.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Reason 2

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to a ribbon

of development and would, if permitted, adversely impact on the rural character of this area.

Reason 3

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s): Benjamin Porter

Date: 20 September 2023

ANNEX	
Date Valid	5 June 2023
Date First Advertised	20 June 2023
Date Last Advertised	20 June 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 39A Rocktown Road Bellaghy Londonderry BT45 8LP The Owner / Occupier 39 Rocktown Road Bellaghy Londonderry BT45 8EQ	
Date of Last Neighbour Notification	15 June 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2023/0536/O Proposals: Dwelling and garage (infill) - renewal of outline planning approval LA09/2018/0944/O Decision: Decision Date:</p> <p>Ref: LA09/2023/0622/O Proposals: Dwelling and garage (infill site) Decision: Decision Date:</p> <p>Ref: H/2000/0699/O Proposals: Site of dwelling and garage Decision: PG Decision Date: 21-NOV-00</p> <p>Ref: H/2005/0288/O Proposals: Site of Replacement Dwelling. Decision: PG Decision Date: 03-FEB-06</p> <p>Ref: LA09/2016/1403/F</p>	

Proposals: Replacement Dwelling and Garage (Amendments Approved under H/2010/0424/F) (Amended drawings submitted)

Decision: PG

Decision Date: 07-MAR-18

Ref: H/2008/0553/RM

Proposals: Replacement Dwelling & Garage

Decision: PG

Decision Date: 21-JAN-09

Ref: H/2010/0424/F

Proposals: Change of house type to that previously approved application H/2008/0553/RM

Decision: PG

Decision Date: 04-MAY-11

Ref: LA09/2016/0504/F

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

Decision: PG

Decision Date: 06-JUN-18

Ref: H/1990/0539

Proposals: ALTS AND ADDS TO BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2019/0515/LDE

Proposals: Storage of motor vehicles in association with wedding car hire business

Decision: PG

Decision Date: 01-OCT-19

Ref: H/2004/0393/O

Proposals: Site of dwelling and garage.

Decision: PG

Decision Date: 23-MAR-06

Ref: H/2006/1042/RM

Proposals: Dwelling & Garage

Decision: PG

Decision Date: 20-FEB-07

Ref: H/2011/0346/O

Proposals: Off site replacement dwelling approx 20m north of 49 Rocktown Road, Knockloughrim, Magherafelt, BT45 8PN

Decision: PG

Decision Date: 20-FEB-12

Ref: H/2012/0322/F

Proposals: Erection of 1 No. off-site replacement dwelling and garage as previously approved with larger curtilage. (Additional land for Forward Sight Distance).

Decision: PG

Decision Date: 12-FEB-13

Ref: H/2005/0035/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 05-APR-06

Ref: H/2011/0010/RM

Proposals: Erection of single storey dwelling and garage

Decision: PG

Decision Date: 15-FEB-11

Ref: LA09/2017/0721/O

Proposals: Proposed infill dwelling

Decision: PG

Decision Date: 07-SEP-17

Ref: LA09/2020/1487/F

Proposals: New dwelling and garage

Decision: PG

Decision Date: 19-JAN-21

Ref: H/2007/0617/F

Proposals: 11Kv Supply

Decision: PG

Decision Date: 15-OCT-07

Ref: H/2013/0269/RM

Proposals: Proposed 2 storey farm dwelling and domestic double garage with attic store

Decision: PG

Decision Date: 20-MAY-14

Ref: H/2004/0596/O

Proposals: Site of Dwelling and Garage

Decision: PG

Decision Date: 02-FEB-05

Ref: H/2005/0351/F

Proposals: Dwelling and Garage to superceed outline approval H/2004/0596/O

Decision: PG

Decision Date: 24-JUL-07

Ref: H/2012/0195/O

Proposals: Proposed 2 storey farm dwelling and domestic garage

Decision: PG

Decision Date: 13-DEC-12

Ref: LA09/2016/0951/F

Proposals: Revised access to previously approved under LA09/2015/1282/F

Decision: PG

Decision Date: 24-JAN-17

Ref: H/2013/0162/O

Proposals: Farm Dwelling and Detached Garage

Decision: PG

Decision Date: 31-JUL-13

Ref: LA09/2015/1282/F

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 23-MAR-16

Ref: LA09/2018/1179/F

Proposals: Erection of garage to replace existing storm damaged garage in relation to E wedding car hire business

Decision: PG

Decision Date: 06-NOV-19

Ref: H/2012/0300/O

Proposals: Farm dwelling and detached garage

Decision: PR

Decision Date: 19-FEB-13

Ref: LA09/2018/1133/RM

Proposals: One and a half storey dwelling and Garage.

Decision: PG

Decision Date: 05-DEC-18

Ref: H/2006/0171/RM

Proposals: Dwelling House & Garage.

Decision: PG

Decision Date: 07-AUG-06

Ref: H/2004/0125/O

Proposals: Site of dwelling and garage.

Decision: PG

Decision Date: 14-OCT-05

Ref: H/2014/0194/O

Proposals: One and a half storey farm dwelling and garage

Decision: PG

Decision Date: 13-JAN-16

Ref: LA09/2020/0030/F

Proposals: Proposed dwelling & garage.

Decision: PG

Decision Date: 25-FEB-20

Ref: LA09/2022/0475/F

Proposals: Extension and repositioning of curtilage as previously approved (LA09/2020/0030/F) and change of house type

Decision: PG

Decision Date: 25-JUL-22

Ref: H/2013/0335/RM

Proposals:

Dwelling and garage

Decision: PG

Decision Date: 06-NOV-13

Ref: H/2005/0285/O

Proposals: Site of Dwelling and Garage

Decision: PR

Decision Date: 17-AUG-09

Ref: H/2001/0114/RM

Proposals: Dwelling And Garage

Decision: PG

Decision Date: 27-MAR-01

Ref: LA09/2018/0944/O

Proposals: Dwelling and Garage (Infill)

Decision: PG

Decision Date: 05-JUN-20

Ref: LA09/2017/1056/O

Proposals: Proposed new dwelling and garage

Decision: PG

Decision Date: 03-NOV-17

Ref: H/2003/0797/F

Proposals: New 33kv Overhead Electric Line and alterations to existing lines.

Decision:

Decision Date:

Ref: LA09/2021/0211/F

Proposals: Proposed new dwelling & garage.

Decision: PG

Decision Date: 21-OCT-21

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

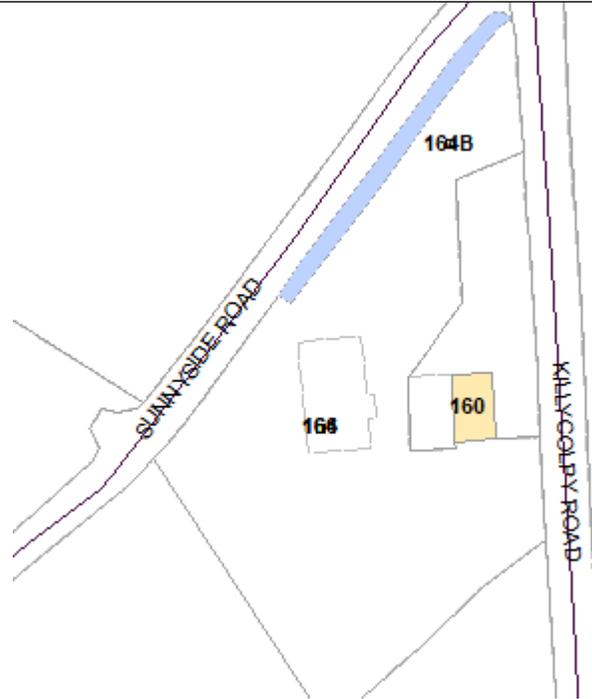


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.12
Application ID: LA09/2023/0695/F	Target Date: 9 October 2023
Proposal: Proposed portal framed electrical switch room with brick and cladding finishes and a under void for cable access	Location: Moy Park, Dungannon Proteins 152 Killyman Road Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Ian Warnock 152 Killyman Road Dungannon BT71 6LN	Agent Name and Address: Mr Patrick Conlon 52 Tullyreavy Road Cookstown BT70 3JJ
Executive Summary: Agent is a member of staff in Mid Ulster Council.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

No issues raised

Characteristics of the Site and Area

The application site is located at 152 Killyman Road Dungannon, Moy Park, Dungannon Proteins. The application site is within the settlement limits of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The application site is part of the Moy Park Dungannon Proteins which consists of the reddening plant and main factory

building. The application site is just off the main Killyman Road and is surrounded by other factories and buildings within the Killyman Road Industrial Estate.

Description of Proposal

Proposed portal framed electrical switch room with brick and cladding finishes and a under void for cable access.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Planning History

No relevant planning history

Representations

Three (3) neighbouring properties were notified regarding the application and no representations have been received.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Dungannon and South Tyrone Area Plan 2010

The Dungannon and South Tyrone Area Plan 2010 identifies the site as being located within the development limits of Granville. The site is located within the Granville Industrial Estate, which is zoned land for industry and business. There are no other specific designations or zoning.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interest of acknowledged importance.

Plan Policy IND 1 - Industry and Business states that within existing areas planning permission will normally be granted for industry, storage and distribution and other appropriate business uses where the development meets the key site requirements contained in Part 3 of the Plan. The introduction of inappropriate non-conforming uses that would prejudice the efficient operation of industrial and business uses will not normally be permitted. The proposal involves portal framed electrical switch room with brick and cladding finishes and a under void for cable access. This proposal is of an appropriate nature for the site.

The proposal is a portal framed electrical switch room with brick and cladding finishes and a under void for cable access. The proposal will comprise of a flat roof and feature a door to the northern elevation, a door to the eastern elevation, as well as a roller door located to the western elevation. The proposal will also be single storey in nature. The materials proposed are also considered acceptable. The scale of the proposal is consistent with amenity space and industrial and mixed business use. The proposal will not result in any intensification at the site, and is providing a service for the existing workforce, with no proposed increase in staff or visitors to the site. I am content the proposal will integrate with this building due to similar finishes.

Policy PED 9 – General Criteria for Economic Development gives the criteria which a proposal for economic development will be required to meet and I will address each of these in turn.

- (a) The proposed extension is compatible with the surrounding land uses, given the sites location within the existing Industrial Estate. There are no individual residential properties within the vicinity;
- (b) There are no nearby residents therefore there will be no harm to any amenities;
- (c) There are no features of the natural or built heritage that it will have an adverse impact on;
- (d) The site is not located within an area of flood risk and will not cause or exacerbate flooding;
- (e) The proposal will not create any increase in noise nuisance given that there is already an existing canteen area present.
- (f) There are no concerns in relation to emission or effluent;
- (g) There are no concerns with regards to road safety or capacity of the local road network as there is no additional traffic being generated.
- (h) It is not felt the proposal will have a significant impact on access arrangements,

parking and manoeuvring areas. This application does not increase the numbers currently working at Moy Park.

- (i) The application is within a zoned area of land in the development limits of Dungannon. There are no impacts on public rights of way that I am aware of. There are a number of bus services, and access for people with impaired mobility is not an area of concern and will also be covered under separate building regulations;
- (j) The site layout, building design and associated infrastructure are considered to be acceptable. No landscaping has been proposed but given the existing open nature of the existing site it is not felt additional landscaping is necessary.
- (k) The proposal will not impact on the existing boundary treatment to the site. There are no areas of outside storage proposed; it is my view that the scale, nature and form of the proposal is appropriate to the location.

Summary of Recommendation:

Approve is recommended

Approval is recommended. minor works in existing industrial area.

Approval Conditions

Condition 1

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

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

Signature(s): RJ McAleer

Date: 5 September 2023

ANNEX	
Date Valid	26 June 2023
Date First Advertised	10 July 2023
Date Last Advertised	10 July 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier Killyman Road Industrial Estate 4 Killyman Road Dungannon Tyrone BT71 6LN The Owner / Occupier Factory Killyman Road Dungannon Tyrone BT71 6LN The Owner / Occupier 163 Killyman Road Dungannon Tyrone BT71 6LN	
Date of Last Neighbour Notification	26 June 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses -	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Existing Plans Plan Ref: 02 Site Layout or Block Plan Plan Ref: 03 Proposed Floor Plans Plan Ref: 04 Proposed Floor Plans Plan Ref: 04/1	

Notification to Department (if relevant)

Not Applicable

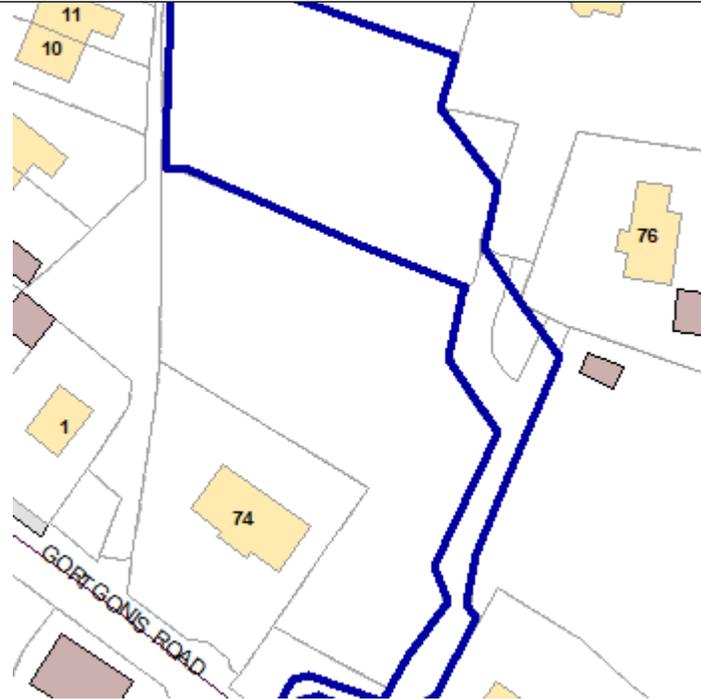


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5
Application ID: LA09/2023/0801/F	Target Date: 14 November 2023
Proposal: Retention of domestic garage and store	Location: 25M West of 76 Gortgonis Road Coalisland
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Tony Canning 76 Gortgonis Road Coalisland Dungannon BT71 4QG	Agent Name and Address: J. Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The application site is located at 25M West of 76 Gortgonis Road Coalisland, the application is located within the settlement limits of Coalisland as defined in the Dungannon and South Tyrone Area Plan 2010. There is a large, stoned laneway that leads to the front of the proposal. The western and southern boundary of the application site is defined by mature hedging 2 metres in height. The western / party boundary

between of the site and nos. 9-14 Gortmanor is defined by approx. 2 high vertical timber fencing; the remaining boundaries are relatively open onto the larger host field, bound only by post and wire fencing.

Description of Proposal

Retention of domestic garage and store

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Representations

Eight (8) neighbouring properties were notified regarding the proposal and one letter of objection have been received.

Planning History

Reference: LA09/2020/0739/F

Proposal: Proposed site for 2no detached dwellings and garages (amended drawings / updated P2 Certificate of land ownership)

Decision Granted: 05.10.2021

Mid Ulster Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Dungannon and South Tyrone Area Plan 2010

The site is within the settlement limits of Coalisland as defined in the Dungannon and South Tyrone Area Plan 2010. SETT 1 is the relevant policy which applies. The site is not within any other designations or zonings within the Plan. I am content as the proposal complies with PPS 7 Addendum it will also comply with SETT 1.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development

should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interest of acknowledged importance.

Addendum to PPS 7 - Residential Extensions and Alterations: sets out planning policy and guidance for achieving quality in relation to proposals for residential extensions and alterations. No conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided by the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations (The Addendum). Policy EXT1 of APPS7 indicates that planning permission will be granted for a proposal to extend or alter a residential property where four specific criteria are met.

Scale, Massing, Design and Appearance

The existing garage is located to the northwestern boundary of the proposed dwelling. The garage is two storey with a pitched roof. The garage will feature two roof windows, a garage door to the ground floor southern elevation, a window and door to the ground floor eastern elevation and a ground floor window to the northern elevation. The internal features will include a garage to the ground floor and a store to the first floor. The materials proposed include, grey concrete tiles, plastered painted walls and white upvc windows. The materials proposed considered acceptable. The garage is open to public views however given the fact it is subordinate to the main proposed dwelling, set back and the materials proposed are considered acceptable, I believe there will be no significant impact on the character and appearance of the area.

Neighbour Amenity

Neighbouring properties 9-14 Gortmanor are located to the western side of the garage. Given the adequate separation distance from the properties to the garage as well as these properties being located on higher topography level than that of the garage, I believe there will be no concern regarding overshadowing or dominance on these neighbouring properties. As there are no windows proposed on the eastern elevation of the proposal, I believe there will be no concern regarding overlooking on these neighbouring properties.

Impact on Trees and Environmental Quality of this Area

There are no trees being removed as part of this proposal and I am content the proposed extension will not detract from the environmental quality of the area.

Amenity Space, Parking and Manoeuvring

I consider there is sufficient amenity space remaining within the applicant's curtilage and there will be no detrimental impact on the residential amenity of the adjacent neighbouring dwellings either. Adequate space will remain within the site curtilage for parking and turning.

Representations

There was one objection received regarding the proposal (12 Gortmanor Coalisland). The objection noted that *'what has been built on site has a high eaves level and prominent side gable roof on a footprint that extends almost our entire rear boundary'*.

The policy states that 20 metres back-to-back is acceptable for 2 storey dwellings. However, the distance between the proposal and this neighbouring property is approximately 14 metres, given that this neighbouring property is located on a high topography level as well as the existing boundary treatment the proposal will only cause overshadowing in the morning time and not the rest of the day.

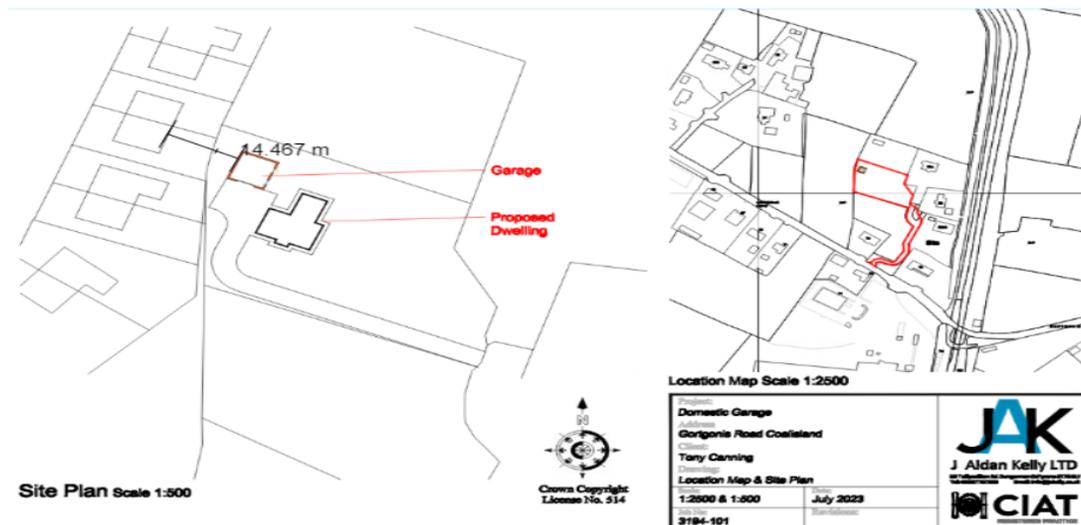


Figure 1 shows the distance between the proposal and the neighbouring property.

The objector had also mentioned that *'The rear garden serving our property is shallow and the result is a dominant structure that seriously reduces outlook from rear windows and results in an un-neighbourly and enclosing form of development, this can be appreciated from rear windows and the garden area'*. The proposal is contrary to policy QD1 (h).

There are no windows located on the on the western elevation of the proposal therefore overlooking will not be an issue on this neighbouring property. The proposal does not extend towards this property and has a ridge height of approximately 6.4 metres. The proposal is also not in contrary to policy QD1 (h) given its acceptable ridge height and there are no issues with overlooking or significant concerns with overshadowing.



Figure 2 shows the topography level and the existing boundary treatments between the proposal and neighbouring property.

The objector had also mentioned that *'We consider the proposal has a significant impact on our residential amenity, we consider the proposal has a significant impact on our residential amenity, we consider the extant approval, offered a fair compromise, and this proposal re-introduces concerns previously considered unacceptable'*.

There is still enough amenity space between the proposal and this neighbouring property. The proposal does not extend towards the neighbouring property therefore the residential amenity of this neighbouring property will not be affected.

Having evaluated the proposal I am content that this proposal complies with Policy EXT1 of Addendum to PPS7: Residential extension and Alterations and will not cause any issues on any neighbouring properties.

Recommendation: Approval

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

This decision notice is issued under Section 55 of The Planning Act (Northern Ireland)

2011.

Reason: This is a retrospective application.

Signature(s): RJ McAleer

Date: 20 September 2023

ANNEX	
Date Valid	1 August 2023
Date First Advertised	15 August 2023
Date Last Advertised	15 August 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 9 Gortmanor Coalisland Tyrone BT71 4GY The Owner / Occupier 10 Gortmanor Coalisland Tyrone BT71 4GY The Owner / Occupier 11 Gortmanor Coalisland Tyrone BT71 4GY The Owner / Occupier 12 Gortmanor Coalisland Tyrone BT71 4GY The Owner / Occupier 14 Gortmanor Coalisland Tyrone BT71 4GY The Owner / Occupier 76A Gortgonis Road Coalisland Tyrone BT71 4QG The Owner / Occupier 78 Gortgonis Road Coalisland Tyrone BT71 4QG The Owner / Occupier 79 Gortgonis Road Coalisland Tyrone BT71 4QG</p>	
Date of Last Neighbour Notification	2 August 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: M/2004/0392/F Proposals: Erection of 2 1/2 storey office building and associated parking& landscaping to replace ex. office. Decision: PG Decision Date: 08-APR-05</p> <p>Ref: M/2005/1476/Q Proposals: Proposed Housing Development Decision: 211 Decision Date: 27-SEP-05</p>	

Ref: M/2013/0048/F

Proposals: Proposed extension to existing workshop for engineering purposes.

Decision: PG

Decision Date: 15-SEP-14

Ref: M/1992/0176

Proposals: Erection of casting shed for the manufacture of reinforced concrete beams.

Decision: PG

Decision Date:

Ref: LA09/2021/0530/F

Proposals: Proposed single storey extension to the rear of dwelling. (re neighbour notification due to additional elevation recieved)

Decision: PG

Decision Date: 17-JUN-21

Ref: LA09/2023/0801/F

Proposals: Retention of domestic garage and store

Decision:

Decision Date:

Ref: M/2002/1316/F

Proposals: Dwelling

Decision: PG

Decision Date: 15-SEP-03

Ref: M/2001/0416/F

Proposals: Proposed dwelling (Renewal of M/96/0490)

Decision: PG

Decision Date: 09-JUL-01

Ref: M/1996/0430B

Proposals: Erection of Dwelling

Decision: PG

Decision Date:

Ref: M/1996/0490

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: LA09/2017/1731/PAD

Proposals: Site for 2 Dwellings

Decision: DECPAD

Decision Date: 12-MAR-18

Ref: M/2006/1505/F
Proposals: 2 no. dwellings and domestic garages
Decision: PR
Decision Date: 21-MAY-07

Ref: LA09/2020/0739/F
Proposals: Proposed site for 2no detached dwellings and garages (amended drawings / updated P2 Certificate of land ownership)
Decision: PG
Decision Date: 05-OCT-21

Ref: LA09/2018/0349/O
Proposals: Proposed dwelling and garage
Decision: PG
Decision Date: 06-JUN-18

Ref: LA09/2020/1296/RM
Proposals: Proposed dwelling and garage
Decision: PG
Decision Date: 11-DEC-20

Ref: M/2005/2427/O
Proposals: Dwelling House & Domestic Garage
Decision: PG
Decision Date: 30-MAY-06

Ref: LA09/2015/0930/F
Proposals: Proposed domestic storage building including extension of domestic curtilage
Decision: PG
Decision Date: 20-NOV-15

Ref: LA09/2020/1309/O
Proposals: Proposed dwelling and garage
Decision: PG
Decision Date: 04-FEB-22

Ref: M/2006/2187/F
Proposals: Domestic garage & Sunroom
Decision: PG
Decision Date: 22-MAR-07

Ref: M/1987/0087
Proposals: BUNGALOW
Decision: PG
Decision Date:

Ref: LA09/2016/0980/F

Proposals: Proposed Change of House Types (No.7 □ 9 Gort Manor)

Decision: PG

Decision Date: 17-OCT-16

Ref: M/2011/0198/F

Proposals: Additional electrical plant and equipment installation, control room inside the existing sub-station site. Overhead electrical transmission lines detailed in Form P1.

Decision: PG

Decision Date: 08-DEC-11

Ref: M/2001/0469/A41

Proposals: Replacement of existing flat roof on front porch with pitched roof.

Decision: 208

Decision Date: 21-MAY-01

Ref: M/1980/0530

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Ref: M/2012/0453/F

Proposals: Proposed housing development consisting of 22 no 2 storey semi-detached and 2 no 2 storey detached dwellings including access road and link footpath on opposite side of road. Also includes detached garage to each dwelling.

Decision: PG

Decision Date: 09-JUL-14

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Proposed Plans Plan Ref: 02

Elevations and Floor Plans Plan Ref: 02/1

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0729/F	Target Date: <add date>
Proposal: Proposed site for 5 no detached dwellings and garages (inclusion of footpath along public road) (additional plans received re footpath provision)	Location: 40m West of 16 Annaghmore Road Coalisland
Applicant Name and Address: Mr Conor Tennyson 39 Cloghog Road Coalisland BT71 5EH	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Summary of Issues: In summary, concern has been raised by objectors in the following areas; -detrimental impact on the environment; -detrimental impact on visual and residential amenity; -contrary to planning policy and rural planning policy; Application ID: LA09/2020/0729/F -proposal will cause damage to private property, increase risk of accidents, 3rd party land may be required; -road safety issues; -maintenance concerns; -accuracy of plans; -procedural concerns including neighbour notification.	
Summary of Consultee Responses: DFI Roads - provided conditions in the event of approval, no concerns raised in relation to the objections or road safety, will adopt the footpath Environmental Health Department –no objections in relation to noise impact on future occupants NI Water – capacity available at receiving wwtw	

Characteristics of the Site and Area:

The site is located within the development limits of Annaghmore, a small village located approx. 1.7km east of Coalisland, as defined in the Dungannon and South Tyrone Area Plan 2010. At present the site is an agricultural field used for rough grazing. There is a mature tree lined hedgerow along the southern boundary. The western boundary is adjacent to a small public road that loops from Gortgonis Road to Annaghmore Road, and this boundary is defined by an agricultural field gate that provides access to the field, a small grass verge behind which grows and tree lined hedgerow. The northern boundary is shared with 2 private detached dwellings to the north, and is defined by a patchy tree lined hedgerow, and some fencing. The eastern boundary, where it is proposed to access the new development, is defined by some trees and hedging. To the south of the site is open countryside where there is a character of dispersed single dwellings and small farm holdings, with land being used mostly for agricultural purposes. To the NW of the site there are some industrial development along Gortgonis Road. To the north is the village of Annaghmore, which has its own local services and businesses, and there is a primary school nearby, however the predominant landuse within the village is residential of a mix variety, including detached single and 2 storey, semi-detached 2 storey, and terraced dwellings.

Description of Proposal

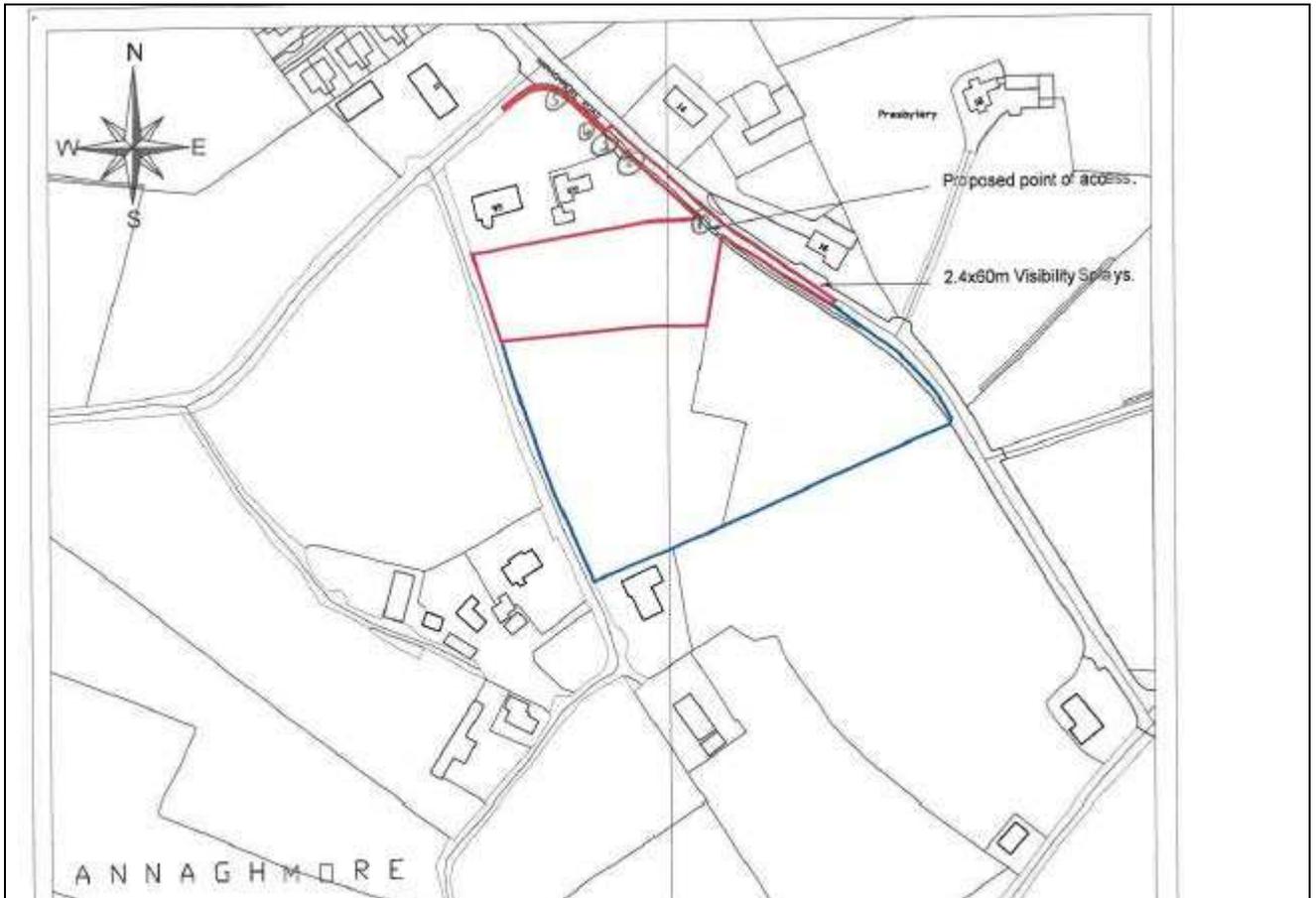
This is a full planning application for 5 no detached dwellings and garages with the inclusion of a footpath along public road.

Deferred Consideration:

This application was before the Planning Committee as an approval in June 2022 where it was deferred for meetings with the objectors and the applicant to discuss the issues raised by the objectors. Meetings were held on 16th September and a prepared statement from the objector was provided at that the meeting. Following the meeting a site inspection was carried out, Map 1 shows where the measurements of the road and verges were taken.

The notes refer to the verge on the application side first and they were noted as follows:

- 1) 2.9m fence to read line at corner, road 5.6m wide, 1.4m to middle of hedge
- 2) 2.7m to pillar from road edge, 6.0,m road, 1.4m verge to wall opposite
- 3) 2.3m pillar to road edge, 5.85m road, 1.4m verge to wall
- 4) 1.8m fence to road edge
- 5) 1.5m to kerbline



Map 1 – measurements taken on 31 March 2023

Members will be aware from the previous report that the proposal was considered to meet the planning policies for a housing development within a small settlement. It is noted in the statement there has been no communication between the applicant and the neighbours. It is always encouraged that discussions take place in the interest of harmonious relationships, however unless the scheme is a major proposal there is no statutory requirement to carry out any public consultation prior to submitting an application. Compensation or accommodation works is not an issue that planning can or should become involved with, unless there is a clear public benefit or requirement within policy to seek these, this is primarily a civil matter between the relevant parties.

Roads engineers from DFI Roads have been consulted with this proposal and have not raised any concerns about the accuracy of the drawings, they have advised any footpath will be adopted by them. DFI Roads have explained there is no requirement for Private Streets Drawings to be Determined for the footpath as it is all contained within the verge they control/maintain.

DFI Roads were consulted following the meeting and asked to comment on the issues raised in the submission of 16th September 2023 which identified a number of concerns shared with neighbours about road safety, DFI Roads responded advising of conditions they feel should be attached to any approval if the Council is approving the development. Concerns raised about road safety as they are noted in bullet points on the prepared statement:

- Reference to footpath and accuracy, DFI Roads have not raised any issue with this drawing, they have advised the footpath is in the verge and will be adopted by them, sections provided (drawing No 12 shows how the footpath will be provided
- DFI Roads requested this in the consultation response on 3 September 2020, the dotted line identifies the area where the widening is to be and DFI Roads have not raised any concerns about this
- Volume of traffic and narrowness of the road are issues that DFI Roads take into account when assessing the application, as can be seen in the DC Checklist dated 02.09.2020. If traffic cannot pass then it may have to wait or mount the kerb as happens on other stretches of the road, DFI Roads have not raised any issue in relation to the forward sight distance associated with this development and its access. The reference to a near fatal accident just passed the proposed entry is unlikely to affect this access and DFI Roads have clearly identified they have assessed the requirements for this access and have signed it off as safe.
- Crossing point at the Gortgonis Road has been identified with tactile paving to be provided on both sides of the road, as DFI Roads will be adopting the footpath, signage relocation can be carried out at their request, under their instruction and to their satisfaction
- Flashing school sign relocation can be carried out at DFI Roads request, under their instruction and to their satisfaction
- BT poles and streetlights can be moved if required and this does not require planning consent, if necessary DFI Roads will deal with this through the adoption process
- Kerb heights are shown on drawing no 12 dated 10 May 2021 and range from 250mm to 50mm, DFI Roads have been made aware of these and have not raised any issues with them

Concerns raised about impact on objectors property road safety as they are noted in bullet points on the prepared statement:

- details to retain the objectors property are contained in the sections on drawing No 12 received 10 May 2021
- the details on drawing No 12 show existing and proposed ground levels as well as the detail of the footway to be provided, DFI Roads will be adopting this and it will be to their standards, it is not proposed to have large retaining structures here and DFI have not raised any concerns about the capability to provide these, any damage to the objectors property is a civil matter
- the retaining structures will form part of the footway and DFI Roads responsibility once adopted
- the developer will usually have responsibility to reinstate any damaged hedges or fences however this is a matter outside of planning control and is a civil issue,
- DFI Roads have advised the verge is under their control/management and so it will be for them to agree and monitor the provision of the footpath and any subsequent costs
- DFI roads have not raised any concerns with safety for pedestrians crossing the driveway to 109, it is reasonable to expect drivers and pedestrians to exercise caution where they might come into conflict as they would do at present if crossing the access

- DFI Roads will agree and advise what kerbs may or may not be appropriate for the provision and adoption of the footway along the entire length of it, there is a general detail on drawing no 13 which shows the footpath construction details, it provides an indicative height for the rear kerbs and due to the heights of these it is highly unlikely they would require planning permission in their own right
- Drawing 02 Rev 7 indicates there will be a dropped kerb at the either side of the entrance to No 109
- it is noted that the objectors driveway has been recently tarmaced, however as the access is over a verge that may have services contained within it, these may be dug up at any time for replacement and/or repair which could involve digging up and reinstatement of the objectors driveway. As set out above the drawing shows dropped kerbs to be provided
- the telegraph poles are not indicated to be moved on drawing No 02 rev 7, if this is required this can be carried out without planning permission under permitted development rights. It is not unusual to have these located in or at the back of footpaths and this is a matter to be dealt with through the adoption of the footpath with DFI Roads
- whilst the objector is querying the finished floor level of their property, they are not advising that it is incorrect. That said in terms of the overall potential for overlooking the finished floor level of the existing dwelling is immaterial as it is apparent on site how the proposed development will interact with the existing. To mitigate against any potential overlooking the applicants have indicated they will provide a 1.8m high wall along part of the boundary and a 1.2m high wall for the remainder, it is important to note the measurements are from the application side of the wall and will be higher on the objectors side. The properties are also orientated with fronts facing into the back of no 109 and side facing towards No 95 with one upstairs ensuite toilet window in the gable. The location plan does not show the extension to 109 that was approved by application LA09/2018/0821/F, this was to provide a kitchen, utility and WC extension. The extension has a door in the rear wall facing the application site and a patio area between the new extension and the existing bedroom extension. A garage at the rear of 109 partially screens the rear of No 109 from the proposed dwellings and development road. The proposed dwellings will be approx. 33 metres from front wall to the closest part of 109 (the rear wall of the new extension which has one door in it). I consider the proposed wall, the existing garage and the separation distance will ensure 109 is not overlooked to an unacceptable degree.
- Drawing No 02 Rev 7 clearly shows, in a grey line, the existing boundary between the application site and 109. There is a new wall set back from the existing hedge line for most of the boundary, it is close to the hedge line where the wall height changes from 1.2m to 1.8m. The details show there is no encroachment on the objectors property. The area between the wall and the hedge is a small portion of ground and it is highly likely, if the hedge is not removed and allowed to grow, it will fill the gap in time
- Drawing 02 Rev 7 and drawing 11 provide details of the wall and its location between the application site and the proposed development site. This wall is under 2 metres in height and as such could be constructed under permitted development rights.

Following receipt of amended plan, neighbours were notified and an additional comment was received on 13 September 2023, via email. This reiterated the concerns already set out above and do not raised any additional points for consideration.

The concerns of the objectors are not, in my opinion, such that would warrant recommendation of a refusal for the proposed development. The proposed development road will not be adopted by DFI Roads as such there will be no facilities for bin lorries to enter the development and turn. The most recent plan has identified an area where bins may be stored close to the public road. It is my view the issues raised have been and can be dealt with satisfactorily without undue detriment to the adjacent properties.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

As has already been concluded in the previous report to Committee, the proposed development meets with the published planning policies, as such is acceptable and I recommend this proposal for approval.

Conditions/Reasons for Refusal:

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

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

2. The development hereby approved shall be carried out in accordance with levels and cross sections indicated on drawings No. 02 rev7 date received 23/09/2022, No. 10 rev1 date received 17/12/2020, and, No. 12 date received 10/05/2022, unless otherwise agreed in writing with Mid Ulster council.

Reason: To ensure a quality residential environment and to protect existing and proposed residential amenity.

3. Prior to the occupation of any dwelling hereby approved, the area of open space along the north boundary of the site as shown on drawing No 02 Rev 7 received 23/09/2022 shall be put in place and sown out with grass seed, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: In the interest of visual amenity and to ensure a quality residential environment.

4. Prior to the occupation of any dwelling hereby approved, a document shall be submitted to Council for agreement detailing how the area of open space will be managed and maintained, and this shall include the maintenance of the 1.8m and 1.2m high rendered wall, indicated in drawing No. 02 rev7 date received 23/09/2022 as BW1 and BW2. The agreed management and maintenance plan shall be carried out in accordance with that plan thereafter, by an agreed Management and Maintenance Company, unless otherwise agreed in writing.

Reason: In the interest of visual amenity and to ensure a quality residential environment.

5. No dwelling hereby approved shall be occupied until a signed contract with an agreed Management and Maintenance Company for all areas of public open space and communal walls has been put in place, and details of which agreed with Council. All areas of communal open space shall be managed and maintained by that agreed management company thereafter, unless otherwise agreed.

Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with the Department's Planning Policy Statement 7 (PPS7)- Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation.

6. Prior to the occupation of any dwelling hereby approved, the boundary wall indicated as BW1 and BW2 on drawing No. 02 rev 7 date received 23/09/2022 and details shown on drawing No. 11 date received 30/09/2020 shall be put in place and permanently retained thereafter.

Reason: To protect existing and proposed residential amenity, and to create a quality residential environment.

7. All boundary treatments within each individual site, including boundary wall and/or fence provision, shall be put in place in accordance with details indicated on drawing No.02 rev 7 date received 23/09/2022 and details shown on drawing No. 11 date received 30/09/2020 prior to the occupation of that dwelling on that site, and shall be permanently retained thereafter.

Reason: To assist in the provision of a quality residential environment and to safeguard private residential amenity.

8. The existing hedgerow and vegetation along the western and southern boundaries of the site, as indicated on drawing No. 02 rev 7 date received 23/09/2022 shall be permanently retained unless otherwise agreed in writing. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity and biodiversity.

9. Within the first available planting season from the commencement of development hereby approved, the 5m wide buffer planting along the eastern boundary and indicated on drawing No. 02 rev 7 date stamp received 23/09/2022 shall be put in place and permanently retained thereafter, unless otherwise agreed in writing. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity and biodiversity, and to mark the distinction between village and countryside.

10. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

11. The first floor gable window in house type 03, shown on drawings No. 07 and 08 date received 24/06/2020, shall be of opaque glass.

Reason: To safeguard existing and proposed private amenity.

12. Prior to the commencement of any development hereby approved, the vehicular access, including visibility splays of 2.4m by 65m to the North West, and 2.4m by 70m to the South East, and any forward sight distance, shall be provided in accordance with Drawing No. 02 Rev 7 bearing the date stamp 23/09/2022, and shall be permanently retained thereafter. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

14. Prior to the commencement of any development hereby permitted the footway connecting the site to Gortgonis Road as indicated in blue on Drawing No 02 Rev

7 bearing the date stamp 23/09/2022 shall be constructed and adopted by DFI Roads and written confirmation of the adoption shall be submitted to the Council.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of pedestrian access to the site are carried out at the appropriate time.

Signature(s)

Date:



Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0729/F	Target Date:
Proposal: Proposed site for 5 no detached dwellings and garages (inclusion of footpath along public road) (additional plans received re footpath provision)	Location: 40m West of 16 Annaghmore Road Coalisland
Referral Route: Recommendation to approve, with objections.	
Recommendation:	Approve
Applicant Name and Address: Mr Conor Tennyson 39 Cloghog Road Coalisland BT71 5EH	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Executive Summary: Recommendation to approve, meets planning policy, there are a number of objections.	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

Letters of Support	None Received
Letters of Objection	15
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

In summary, concern has been raised by objectors in the following areas;

- detrimental impact on the environment;
- detrimental impact on visual and residential amenity;
- contrary to planning policy and rural planning policy;

- proposal will cause damage to private property, increase risk of accidents, 3rd party land may be required;
- road safety issues;
- maintenance concerns;
- accuracy of plans;
- procedural concerns including neighbour notification.

These concerns will be considered later in my report.

Description of Proposal

This is a full planning application for 5 no detached dwellings and garages with the inclusion of a footpath along public road.

Characteristics of the Site and Area

The site is located within the development limits of Annaghmore, a small village located approx.. 1.7km east of Coalisland, as defined in the Dungannon and South Tyrone Area Plan 2010.

At present the site is an agricultural field used for rough grazing. There is a mature tree lined hedgerow along the southern boundary. The western boundary is adjacent to a small public road that loops from Gortgonis Road to Annaghmore Road, and this boundary is defined by an agricultural field gate that provides access to the field, a small grass verge behind which grows and tree lined hedgerow.

The northern boundary is shared with 2 private detached dwellings to the north, and is defined by a patchy tree lined hedgerow, and some fencing.

The eastern boundary, where it is proposed to access the new development, is defined by some trees and hedging.

To the south of the site is open countryside where there is a character of dispersed single dwellings and small farm holdings, with land being used mostly for agricultural purposes. To the NW of the site there are some industrial development along Gortgonis Road. To the north is the village of Annaghmore, which has its own local services and businesses, and there is a primary school nearby, however the predominant landuse within the village is residential of a mix variety, including detached single and 2 storey, semi-detached 2 storey, and terraced dwellings.

Planning Assessment of Policy and Other Material Considerations

Planning Act 2011

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the

determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Area Plan

Dungannon and South Tyrone Area Plan 2010- The site is located within the development limits of Annaghmore, just within the edge of the development limits. Land is not zoned for any specific use. As the site is for housing policies SETT1 and PPS7 apply.

In the area Area Plan it is outlined that housing development would normally be permitted provided the scale, layout, details and finishes are compatible with the scale and character of the settlement. Accordingly housing development in excess of 15 units will not normally be permitted.

Key Planning Policy

RDS 2035

SPPS- Strategic Planning Policy Statement

PPS7 Quality Residential Developments

PPS3 Access, Movement and Parking

PPS2 Natural Heritage

Design Guides

Creating Places

3rd party objections

A number of 3rd party objections have been received in relation to this development and the concerns are listed as follows;

- would lead to an unacceptable increase in traffic;
- increase road safety risk, would stop grandchildren walking to school down a lane;
- resident told that area was greenbelt and that no development would take place on the site, can't understand how housing could be approved on site;
- concern that the footpath along the road frontage that will link into the existing public footpath network will cause damage to the front boundary hedge and wall of existing property;
- that pedestrians crossing in front of existing driveways will increase road safety risk and will create additional dangers that do not currently exist;
- that the foot path provision will require part of private land;
- where will existing poles be relocated?
- concern raised over information on drawing showing footpath and private street provision;
- A number of questions posed to clarify information on drawings;
- details of wall construction, appearance and maintenance not properly provided;
- concern raised over the proposed construction of the footway and associated road safety issues;
- a number of questions are also posed that if a footpath is built, who would maintain it, who would maintain any retaining structures, details of accommodation works at the entrance of 109 for a pedestrian vehicle conflict or legalities of damage/accidents if they were to occur? Who would be responsible for the hedge if it dies? Etc.
- a question is raised over how finished floor levels of 109 was obtained;
- concerns raised over neighbour notification and procedural aspects of case;
- detrimental impact on horizon and landscape character of area;
- Views would be lost;
- detrimental impact on private rear amenity, increase in traffic noise;
- development proposed on a dangerous corner;
- due to narrowness of road at this point, lorries mount verge to allow passing traffic, the creation of a footpath would be dangerous as large vehicles would mount to allow other vehicles to pass, this would cause road safety issues;
- the access to the proposed development will conflict with an oil delivery business opposite, creating further road safety concerns;

- development will lead to an urbanisation of the area;
- No need for additional in this area of Annaghmore and the site is not within the traditional housing zone of Annaghmore;
- by approving this may lead to additional houses on adjacent land;
- proposal will have a detrimental impact on house price;
- an elevated housing development in this area will have a detrimental impact on the character of this area;
- would create ribbon development;
- detrimental impact on local wildlife;
- development would lead to loss of trees, and view would be replaced with housing;
- by approving this development would demonstrate Planning Authorities disregard for countryside policy areas and greenbelt areas;
- concern over if the impact on protected trees, hedges and local eco-system have been considered;
- proposal would demonstrably harm the amenities enjoyed by existing residents, including safety for kids to play, valuable green space, privacy and the right to enjoy a quiet and safe residential environment;

All concerns have not been listed exhaustively, however they can be grouped as follows;

- detrimental impacts on residential and visual amenity;
- road safety concerns;
- housing in this area not needed;
- unacceptable development in the countryside;
- procedural concerns raised over neighbour notification and requirement of plans to be described in greater detail;
- impact on environment and tree loss;
- potential detrimental impact/damage to private property.

Planning History

No relevant site history

Consideration

This residential proposal lies within the development limits of Annaghmore, a small village close to Coalisland. Objectors claim that this site is within an area of greenbelt/countryside and that rural planning policy should apply and be considered. This is not the case, it is clear in the Dungannon and South Tyrone Area Plan that this site is located within development limits. Concerns raised over ribbon development and other rural planning policies cannot be considered in this case, as the site is not located in the countryside. The proposal is located within defined development limits and planning policies SETT1 of the Area Plan and PPS7 Quality Residential Developments are applicable in this case.

PPS 7 - Quality Residential Environments.

-The first criteria is that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

The village of Annaghmore is defined by industrial and residential development. Throughout the settlement there are quite large residential parks, and the area has become quite urbanised. There are a vast mix of housetypes in the area and throughout the village. This site is located on the edge of development limits, with countryside to the south. It is proposed to plant a 5m landscape buffer to the eastern boundary and retain a mature tree lined boundary to the south. This will help define the boundary between village and countryside. The design of the dwellings are traditional in nature, with vertical emphasis in window openings, front projection on the doorway, off the wall dormer windows, chimney centrally on the side and symmetrical roof pitch. Given the proximity to the open countryside, this is a sensitive design type that is in keeping with the design of dwellings in the area, and respects its setting on the edge of the development limits. The design, scale and massing respect the character of the area. I do not believe that this is an overly elevated site within Annaghmore and that 2 storey dwellings will spoil the visual character of this area, and the objectors concerns in this regard are not determining in this respect.

-Second Criteria. Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

No archaeological or built heritage interests have been identified in this area, and no constraints are indicated on our spatial search or in the Area Plan. Historic Environment Division were not consulted on this proposal. Objectors do not raise any concerns in this regard.

Existing trees along the southern and western boundaries will be retained. Some trees along the eastern boundary will be removed to allow for access provision, however, a

new 5m wide landscape buffer will be planted along the eastern boundary to compensate for this loss. The site is not located within any environmentally protected areas, and the agricultural field itself is thought to be of low biodiversity value. Boundary hedging, where possible, will be retained.

-Third Criteria. PPS 7 QD1 also requires that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

A communal area of open space is proposed along the northern boundary of the site. There is also adequate private rear amenity space provided for each of the dwellings which is in keeping with Creating Places. A landscape buffer of 5m wide will be planted along the eastern boundary and this will help differentiate between village limits and the open countryside to the east and south of the site. I am satisfied that there will be adequate landscaping to soften the impact of these dwellings in this location.

Objectors raise concern that removal of trees on this site will interrupt views, and that houses in this prominent site will be development on the horizon and will ruin the character of this area. It is my view that sufficient landscaping will be retained to provide a backdrop for development, and new buffer landscaping will also limit the impact of these houses within Annaghmore Village. There is no policy restricting development on the horizon within urban areas, however consideration has to be given to impact on character and visual amenity. I am satisfied that the proposal will not have a detrimental impact on this area of Annaghmore.

Criteria four requires that adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

The site is located close to local convenience shops and local village services. In my view, given its location and size, this development does not require its own local neighbourhood facilities.

QD1 also requires a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

While the access road into the development will be private, DfI Roads raised concern that there would be no safe passage for occupiers of this development to walk into the village of Annaghmore, or indeed gain safe access to the nearby primary school on foot. I share these views and the agent was asked to look at how to provide a footpath that would link into the existing footpath network of the Village. From the proposed access to this development, and along Annaghmore Road towards the village, there is a grass verge, including to the front of No. 109 Gortgonis Road. This verge is in control of DfI Roads. Behind the verge is a hedgerow belonging to No. 109. There is also a verge between No. 109 and the junction of Annaghmore Road and Gortgonis Road. On the opposite side of the junction there is existing footway provision. The agent has carried out survey work, and claims to be able to provide road widening, and acceptable footway provision between his site entrance and the Gortgonis T Junction to the NW. DfI Roads have been consulted on this and on the sixth revision, are content with the footway that is being provided. DfI Roads do not say if any private land will be required for this footpath.

Objections have been received from No. 109, as they are concerned that the footpath may give rise to potential accidents at the entrance to their property, and that the footpath may cause damage to their hedge or garden area. While these are valid concerns, should 3rd party land be required then this will be an issue that will have to be settled between the interested parties. Should damage to 3rd party property be caused by the developer then this will be a civil issue.

The developer seems confident that he has control of adequate land to put the footpath in place as per the plans, to carry out road widening, and to construct the footpath and dwarf kerbing without damaging any private property. Cross-sections have been provided to show that the footpath can be put in place without damaging the existing hedgerow. I raised 3rd party concern with the agent, and they are aware that there are objections to this proposal. Given the level of objection, it would be remiss of the developer not to ensure that they have the required land to put the footpath in place. Should any damage be caused to 3rd party property then this will have to be settled as a civil matter between the interested parties. DfI Roads are content with the construction, and should the footpath be built in accordance with approved plans they will adopt the public footway and will be responsible for its upkeep.

Neighbours were notified and I am content that all adjoining notifiable neighbours were notified.

Another criteria is that the design of the development must draw upon the best local traditions of form, materials and detailing;

I consider that the proposal does reflect the surrounding design context for this village area.

Second last criteria is that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

5 two storey detached dwellings with associated single store detached garages are proposed. The developer proposes to raise ground level to the rear of No. 95 Gortgonis Road to provide a level building surface. This will raise the ground level by less than 1 meter. Initially it was proposed that a 2 storey dwelling would be sited adjacent to the shared boundary of No. 95. This would have left a separation distance between the rear of No. 95 and the proposed gable of a proposed new dwelling of just over 15m. This would have left a very dominant impact on the existing rear garden area of No. 95. Through negotiation with the agent, the layout was amended, so that the single storey garage would be re-sited to be adjacent to the rear boundary of No. 95, and the 2 storey dwelling set back approx. 7m from the boundary of No. 95, leaving a separation distance of approximately 20m. The first floor window in the new dwelling facing No. 95 is an ensuite bathroom window, and this can be conditioned by opaque so that no overlooking will occur.

A row of 3 x 2 storey detached dwellings will face towards the rear and side amenity space of No.s 95 and 109 Gortgonis Road to the north. There is a separation distance between existing dwellings and these proposed dwellings of over 30m. An area of communal open space is proposed between the new access road into the proposed development and the rear of No. 109, which will separate traffic from directly behind the rear garden area of that property. Plus a 1.8m high rendered block wall is proposed to the private rear garden areas of No. 95 and 109. I am satisfied that the layout will not result in demonstrable detrimental impacts to existing or proposed residential amenity. The block walls will also reduce noise, travel of headlights, and secure privacy for existing dwellings. Environmental Health were consulted on this proposal and raise no residential amenity concerns, I find the objectors' concerns in relation to loss of privacy and amenity to be not determining in this case.

Adequate provision is provided for rear private garden areas to the proposed dwellings, and I am satisfied that there will be no overlooking or overshadowing of neighbouring properties.

The Environmental Health Department were consulted on this proposal. There are some industrial development in the area. Environmental Health has considered the existing noise environment of the area and any current planning conditions in place to protect

residential amenity from nearby noise sources. They are satisfied that sufficient control is in place to ensure that the residential amenity of future occupants will not be impacted, therefore, the Environmental Health department offer no objection to this proposal.

The final criteria is that the development is designed to deter crime and promote personal safety;

The development is considered to be designed to deter crime and promote personal safety. Areas of open space are overlooked by surrounding housing, there are no hidden or secluded areas that would attract anti-social behaviour, and the rear properties of boundaries are secured with appropriate boundary fencing and/or walls.

Policy SETT1

The proposal is also in keeping with policy SETT1 of the Dungannon and South Tyrone Area Plan, in that it is found to be an acceptable form of development within this village area, and is in keeping with the village setting and character of the area. All the policy points of SETT1 are covered in this report.

PPS3 Access, Movement and Parking

I am satisfied that a safe and satisfactory access to this proposed development can be achieved. The access provision will improve visibility at the corner on which it is situated, which will improve sight visibility and road width for all road users. The provision of the footway will also provide safe access for pedestrians who choose to walk towards the village and the primary school, including for the occupiers of No. 109. In curtilage parking is proposed for the 5 no. detached dwellings. The policy provisions of PPS3 have been met.

PPS2 Natural Heritage

In considering the impact of this proposal on the natural environment and existing biodiversity it is my view that there will be no negative impacts as the site is agricultural of low biodiversity value. The proposal would not be likely to have a significant effect on the features of any European site. There are no open watercourses nearby, and the site is not located within any European Designation. Boundary vegetation will be retained where possible, and compensatory replacement planting will be carried out along the eastern boundary.

Other considerations

No issues of land contamination have been identified on this site.

From the Strategic Flood Maps NI the site does not appear to be within a flood plain or be affected by pluvial ponding. A development of this size does not require a drainage assessment. No open watercourses are being culverted. It is the responsibility of the developer to ensure that acceptable drainage for the site can be achieved, that all drainage consents are in place and that drainage from the site will not have a detrimental impact on neighbouring property. I am satisfied that the policy provisions of PPS15 Planning and Flood Risk are met.

Concern was raised by an objector on how finished floor levels were arrived at. A cross-section drawing has been provided by the agent, along with a block plan which shows difference in levels between existing and proposed development. I find these levels to be acceptable from an amenity impact point of view. There are also levels shown at the access to the proposed site. I am content that there is sufficient information to control levels within the site, and I find this relationship between existing and proposed development to be acceptable. Should the development not be carried out in accordance with levels shown, and this is reported to Council's Planning Department, then it will be at the discretion of our Enforcement Team if this complaint should be investigated and how best to deal with the alleged breach.

I am satisfied that all objectors concerns have been covered and the proposed development will result in a quality residential environment that will not have a negative impact on surrounding property, or village character, road safety or the environment. I am satisfied that the plans are clear and are descriptive on how the development shall be carried out.

No evidence has been presented to suggest that 3rd party land is required for the footpath or visibility splay provision, and the developer is aware of the objections raised in connection with this. All neighbours have been notified in accordance with legislative requirements. Should it be the case that 3rd party land will be required to implement any part of the development, or 3rd party land is damaged during the construction process, or an accident occurs during or after construction then this will be a civil matter between the interested parties to sort out. The Planning Authority does not have the necessary expertise or jurisdiction to adjudicate in such matters, and these are ultimately matters for the Court to decide.

I am satisfied that objector's concerns in relation to this development are not determining in this case, and that this proposal for 5 detached 2 storey dwellings within the limits of

Annaghmore Village is acceptable at this site and locality and will not result in any significant environmental or amenity damage.	
Neighbour Notification Checked	Yes
Summary of Recommendation: That planning permission be granted subject to the following conditions;	
Conditions	
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>	
<p>2. The development hereby approved shall be carried out in accordance with levels and cross sections indicated on drawings No. 02 rev6 date received 18/01/2022, No. 10 rev1 date received 17/12/2020, and, No. 12 date received 10/05/2022, unless otherwise agreed in writing with Mid Ulster council.</p> <p>Reason: To ensure a quality residential environment and to protect existing and proposed residential amenity.</p>	
<p>3. Prior to the occupation of any dwelling hereby approved, the area of open space shall be put in place and sewn out with grass seed, unless otherwise agreed.</p> <p>Reason: In the interest of visual amenity and to ensure a quality residential environment.</p>	
<p>4. Prior to the occupation of any dwelling hereby approved, a document shall be submitted to Council for agreement detailing how the area of open space will be managed and maintained, and this shall include the maintenance of the 1.8m and 1.2m high rendered wall, indicated in drawing No. 02 rev6 date received 18/01/2022 as BW1 and BW2. The agreed management and maintenance plan shall be carried out in</p>	

accordance with that plan thereafter, by an agreed Management and Maintenance Company, unless otherwise agreed in writing.

Reason: In the interest of visual amenity and to ensure a quality residential environment.

5. No dwelling hereby approved shall be occupied until a signed contract with an agreed Management and Maintenance Company for all areas of public open space and communal walls has been put in place, and details of which agreed with Council. All areas of communal open space shall be managed and maintained by that agreed management company thereafter, unless otherwise agreed.

Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with the Department's Planning Policy Statement 7 (PPS7)- Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation.

6. Prior to the occupation of any dwelling hereby approved, the boundary wall indicated as BW1 and Bw2 on drawing No. 02 rev 6 date received 18/01/2022 and details shown on drawing No. 11 date received 30/09/2020 shall be put in place and permanently retained thereafter.

Reason: To protect existing and proposed residential amenity, and to create a quality residential environment.

7. All boundary treatments within each individual site, including boundary wall and/or fence provision, shall be put in place in accordance with details indicated on drawing No. 02 rev 6 date received 18/01/2022 and details shown on drawing No. 11 date received 30/09/2020 prior to the occupation of that dwelling on that site, and shall be permanently retained thereafter.

Reason: To assist in the provision of a quality residential environment and to safeguard private residential amenity.

8. The existing hedgerow and vegetation along the western and southern boundaries of the site, as indicated on drawing No. 02 rev 6 date received 18/01/2022 shall be permanently retained unless otherwise agreed in writing. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council unless

necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity and biodiversity.

9. Within the first available planting season from the commencement of development hereby approved, the 5m wide buffer planting along the eastern boundary and indicated on drawing No. 02 rev6 date stamp received 18/01/2022 shall be put in place and permanently retained thereafter, unless otherwise agreed in writing. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity and biodiversity, and to mark the distinction between village and countryside.

10. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

11. The first floor window in house type 03, shown on drawings No. 07 and 08 date received 24/06/2020, shall be of opaque glass.

Reason: To safeguard existing and proposed private amenity.

12. Prior to the commencement of any development hereby approved, the vehicular access, including visibility splays of 2.4m by 65m to the North West, and 2.4m by 70m to the South East, and any forward sight distance, shall be provided in accordance with Drawing No. 02 Rev 6 bearing the date stamp 18 January 2022, and shall be permanently retained thereafter. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the

level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

14. No dwelling hereby permitted shall be occupied until the footway indicated on Drawing No 02 Rev 6 bearing the date stamp 18 January has been fully completed in accordance with the approved plans, and shall be permanently retained thereafter, unless otherwise agreed.

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

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. DfI Roads advise the following;

The applicant must apply to the DfI Roads for a licence indemnifying the Department against any claims arising from the implementation of the proposal.

The developer, future purchasers and their successors in title should note that the access way and parking areas associated with this development are, and will remain, private. The Department has not considered, nor will it at any time in the future consider, these areas to constitute a "street" as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

Responsibility for the access way and parking areas rests solely with the developer.

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

Notwithstanding the terms and conditions of Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Main Street Moygashel. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

The developer is required to enter into a licence agreement with the Department for Infrastructure, Roads for the carrying out of the road works approved, prior to the commencement of any works to the public road network.

Signature(s)

Date:

ANNEX	
Date Valid	24th June 2020
Date First Advertised	7th July 2020
Date Last Advertised	23rd February 2021
Details of Neighbour Notification (all addresses)	
<p>Brenda & Isobel O'Neill 105 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ</p> <p>Mr & Mrs Ryan O'Neill 107 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ</p> <p>Magdala O'Neill 107 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ</p> <p>The Owner/Occupier, 109 Gortgonis Road Coalisland Tyrone</p> <p>Stephen McCann & Sharon Trainor 109 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ</p> <p>Sharon Trainor 109 Gortgonis Road, Coalisland, Tyrone, Northern Ireland, BT71 4QQ</p> <p>Sharon Trainor & Stephen McCann 109 Gortgonis Road, Coalisland, Tyrone, Northern Ireland, BT71 4QQ</p> <p>Stephen McCann and Sharon Trainor 109 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ</p> <p>Shane _ Kerri McCann 10A ANNAGHMORE ROAD, COALISLAND, TYRONE, BT71 4QZ</p> <p>Seamus & Lucia McCann 12 Annaghmore Road, Coalisland, Tyrone, BT71 4QZ</p> <p>The Owner/Occupier,</p>	

<p>16 Annaghmore Road Coalisland Tyrone Finbar & Eimear Hughes 16 Annaghmore Road, Coalisland, Tyrone, BT71 4QZ Gillian McGrath 31 Annaghmore Road, Coalisland, Tyrone, BT71 4QZ Pete & Frank O'Neill 35a Annaghmore Hill, Coalisland, Co Tyrone, BT71 4QQ The Owner/Occupier, 95 Gortgonis Road Coalisland Tyrone Malachy Hughes 95 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ Michael & Teresa Campbell 99 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ The Owner/Occupier, Annaghmore Primary School, 10 Annaghmore Road, Coalisland, Tyrone, BT71 4QZ Sharon & Stephen Trainor & McCann EMAIL The Owner/Occupier, McCann Fuels, 12 Annaghmore Rd, Coalisland, Dungannon BT71 4QZ</p>	
Date of Last Neighbour Notification	4th February 2022
Date of EIA Determination	
ES Requested	No
<p>Notification to Department (if relevant): NA Date of Notification to Department: Response of Department:</p>	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0992/O	Target Date: <add date>
Proposal: Proposed dwelling and domestic garage	Location: Site 150m West of 115 Clonavaddy Road Aghnagar Cappagh Dungannon
Applicant Name and Address: Plunkett Nugent 126 Goland Road Ballygawley BT70 2LB	Agent Name and Address:
Summary of Issues: <p>This application is one of 2 such applications for dwellings in substitution for sites that were approved on the A4 road line and were not built. There is no policy to allow for this substitution, a considerable amount of time has passed and a farming cases was proposed but is unable to be approved at this time.</p>	
Summary of Consultee Responses: DFI Roads - provided standards for safe access	
Characteristics of the Site and Area: <p>This application site is located approximately 150 metres west of No 115 Clonavaddy Road and 3.5 kilometres south of Cappagh village. It occupies a parcel of land measuring 0.5 hectares and has a road frontage of 68 metres. The site is situated in the rural countryside as defined in the Dungannon and South Tyrone Area Plan. The surrounding area is very rural in character with narrow roads winding through the undulating topography. Dwellings are interspersed throughout the locality with some single wind turbines taking advantage of the elevated surroundings. The site has been cleared with the southern roadside boundary is undefined on the ground. The western boundary of the site is hedgerow and separates this site from another application site for a dwelling and garage (LA09/2020/0991/O) for the same applicant. The eastern and northern boundaries are defined by hedgerow. The land beyond the eastern boundary has the frame of an</p>	

agricultural building to the rear and this parcel of land has also been subject to some clearing also. The site is situated in the rural countryside as defined in the Dungannon and South Tyrone Area Plan. The surrounding area is very rural in character with narrow roads winding through the undulating topography. Dwellings are interspersed throughout the locality with some single wind turbines taking advantage of the exposed elevated surroundings

Description of Proposal

This application seeks outline planning permission for a dwelling and domestic garage at 150m West of 115 Clonavaddy Road, Cappagh in the townland of Aghnagar.

Deferred Consideration:

This application was before the Planning Committee in December 2020 where it was deferred for meeting with Dr Boomer to discuss the issues. At a meeting on 20 January the applicant had some difficulty joining online but was able to confirm he was aware of the issues and what was required.

Members will see from the previous case officer report this application was submitted as a substitution for a site which was on the line of the now constructed A4 dual carriageway near Goland Road, Balygawley. This is one of 2 applications that were submitted, the other (LA09/2020/0991/O) has been withdrawn with the applicant wishing to pursue this site. Members will be aware that in some cases a substitution of a site may be acceptable where it is within the time commencement period of an extant permission or planning permission has lawfully commenced on a site. In those cases, it is usually close to the original site and there are clearly justifiable reasons why the original cannot be built. This proposal is approx. 7.5kms from the previously approved site and there is no indication that a carte blanche acceptance of alternative sites would be forthcoming. While the applicant feels there was some agreement that alternatives would be accepted, there does not appear to be any records to advise this site would have been suitable. The applicant has advised he did not receive market value for the 2 sites but instead received only agricultural value for the lands. He provided information from DFI Roads – Lands Branch detailing the compensation that was awarded which was broken into land/property cost, injury to retained land and disturbance/temporary injurious affection. From the amounts set out it is clear the applicant did receive agricultural costs for the land however the more considerable injury to retained land costs may be a reflection of the value of the sites. This information can be provided to members in closed session if necessary.

Following further discussions with the applicant it appeared there may have been a farming case to be considered under CTY10. The applicant advised he has owned the lands here for a considerable time. Conacre agreements for years 2019 – 2022 were submitted, however no further information about the works carried out to keep the land in good agricultural condition were provided. The applicant advised that round bales were stored on the land. I visited the site and it is clear there is no current agricultural activity taking place on the lands. All the lands have been scraped back and soil stockpiled on them. I explained to the applicant that it did not appear that the farm is currently active and established and afforded the opportunity to provide additional information to establish the 6 years for farming and resoil the lands to allow it to be used for agricultural activity. This has not been done and as such I do not consider this is a currently active and established farm. No sites have been sold off the farm at this location that I am aware of. I do not have any other information about all the lands that may be owned by Mr Nugent to make the necessary checks. Therefore I cannot with certainty advise if there are any opportunities

sold off or other permissions granted within the last 10years. There is a large building to the east of the application site, which is set well back from the road and there is an appreciation of separation between the proposed site and that building. That said it is only one building and not a group of buildings. A dwelling on this site would not be sited to cluster with or visual link with an existing group of buildings on the farm.



Site viewed from west



Building on adjacent land

In light of the above it is my recommendation that planning permission is refused for this proposal.

Conditions/Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this

development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated this is an established and currently active farm and a dwelling if approved would not be sited to cluster or visually link with a group of buildings on a farm.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0992/O	Target Date:
Proposal: Proposed dwelling and domestic garage	Location: Site 150m West of 115 Clonavaddy Road Aghnagar Cappagh Dungannon
Referral Route: This application fails to meet any of the policy requirements of PPS 21 and refusal is recommended.	
Recommendation:	
Applicant Name and Address: Plunkett Nugent 126 Goland Road Ballygawley BT70 2LB	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site is located approximately 150 metres west of No 115 Clonavaddy Road and 3.5 kilometres south of Cappagh village. It occupies a parcel of land measuring 0.5 hectares and has a road frontage of 68 metres. The site is situated in the rural countryside as defined in the Dungannon and South Tyrone Area Plan. The surrounding area is very rural in character with narrow roads winding through the undulating topography. Dwellings are interspersed throughout the locality with some single wind turbines taking advantage of the elevated surroundings. The site has been cleared with the southern roadside boundary is undefined on the ground. The western boundary of the site is hedgerow and separates this site from another application site for a dwelling and garage (LA09/2020/0991/O) for the same applicant. The eastern and northern boundaries are defined by hedgerow. The land beyond the eastern boundary has the frame of an agricultural building to the rear and this parcel of land has also been subject to some clearing also.



The site is situated in the rural countryside as defined in the Dungannon and South Tyrone Area Plan. The surrounding area is very rural in character with narrow roads winding through the undulating topography. Dwellings are interspersed throughout the locality with some single wind turbines taking advantage of the exposed elevated surroundings.

Planning History

There are a couple of relevant planning histories associated with this site.

In September 2004, application M/2004/0775/O for a two storey dwelling & domestic garage for Ms Marion Mallon at 140metres NW of 115 Clonavaddy Road was withdrawn. This was recommended for refusal due to failure to comply with DES 5 because of prominence and lack of integration.

Then in September 2005 another application M/2005/0490/O for a two storey dwelling & domestic garage for Ms Marion Mallon was withdrawn due to the same reasons as the previous application was.

In the field to the east of the site subject of this planning application, the frame of an agricultural building which was partially constructed in 2005/6 sits to the rear of the plot. Here application M/2006/0767/O was refused planning permission for a dwelling and domestic garage in October 2006 for Mr Plunkett Nugent. This was subsequently appealed (Ref No 2007/A0049) and the Planning Appeals Commission dismissed the appeal in March 2006. This was on the grounds that it failed to meet DES 5 and DES 6 of the DOE's Planning Strategy (PSRNI), in terms of prominence, lack of integration and build up.

Description of Proposal

This application seeks outline planning permission for a dwelling and domestic garage at 150m West of 115 Clonavaddy Road, Cappagh in the townland of Aghnagar.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations.

Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy commenced at 10am on 25th March and was to run for 8 weeks. Due to issues being faced with COVID-19, this period has been extended and it closed at 5pm on 24th September 2020.

In light of this the Draft Plan cannot currently be given any determining weight.

The Strategic Planning Policy Statement (SPPS) published in September 2015 does not have any impact this proposal as PPS 21 is retained and it is this policy which this application will be assessed under.

Development in the Countryside is controlled under the provisions of Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside. Policy CTY1 provides clarification on which types of development are acceptable in the countryside and sets out where planning permission will be granted for an individual dwelling house in the countryside, subject to meeting certain criteria.

This application fails to meet the criteria of CTY 2 as the location of the site is not within a designated Dispersed Rural Community.

CTY 2a does allow permission for a dwelling in an existing cluster of development. A cluster is located at a crossroads or is associated with a focal point such as a social or community building/facility. Although St Patrick's Church would fulfil the community building part of this requirement, it is located on the Annagher Road and there is not an identifiable cluster of buildings surrounding it so it could be categorised as focal point in a cluster, thereby failing to fulfil CTY 2a.

CTY 3 - Replacement Dwellings is not applicable for this application. The applicant has not provided any information showing that the proposal would meet the essential needs of a Non-Agricultural Business Enterprise, thereby failing CTY 7. Development on a small gap site is assessed having regards to the particulars of CTY 8. No evidence has been provided to demonstrate this proposal would fulfil the criteria which is set out in CTY 10 for a dwelling on a farm. There are no non-residential buildings on the site which could be utilised thereby allowing the application to potentially fulfil the provisions of CTY4 - Conversion and Reuse of Existing Buildings.

The applicant did submit information as to why this application should be considered under CTY 6 - Special Personal and Domestic circumstances which is summarised below.

In November 2005, permission was granted for a dwelling and garage under application M/2004/1219/O (Site A) for M Nugent on lands at 200m SW of 126 Golan Road, Ballygawley. Another application M/2004/0804/O (Site B) was granted planning permission for Mr Seamus Nugent at 520m NW of 121 Golan Road, Ballygawley. Both applications were approved with siting restrictions as they met the provision requirements of PPS 14, which preceded PPS 21.

The applicant claims that while the decision of these applications were pending, the land was vested in 2005 by the DOE. This land was acquired as part of the A4 and A5 Road Scheme.

The applicant has claimed both these approved applications have had numerous Reserved Matters restrictions which were redundant due to the removal of hedges and topsoil by DOE Contractors working on the road scheme. He states he was unable to comply with the conditions and after discussions with the Planning Service, he was verbally told that alternative/compensatory applications on other sites would be dealt with ?sympathetically?.

Due to the absence of any written evidence confirming this claim, it is not substantiated. A planning history search at Site B shows application M/2004/1219/O was granted permission for a Dwelling and Garage for M Nugent at 200m South West of 126 Golan Road, Ballygawley in November 2005. Planning permission was refused for dwelling and garage for Plunkett Nugent on this site in May 2002. This was due to the extant permission on the site lapsing by 6 months and as PPS 21 was introduced in the interim, it failed to meet CTY 1 of the new policy. I am not satisfied the information put forward by the applicant satisfies the requirements of CTY 6, and thus refusal is recommended.

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and RAMSAR sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Transport NI were consulted and have no objection to this application subject to the provision of visibility splays of 2.4 metres by 60 metres as part of a Reserved Matters application.

There were no objections to this proposal from the neighbour notification process or advertisement in the local media.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the criterion set out in CTY 1, this proposal fails to meet any of the criteria and therefore fails PPS 21.

Reasons for Refusal:

The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Signature(s)

Date:

ANNEX	
Date Valid	14th August 2020
Date First Advertised	25th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 84 Aghnagar Road Galbally Dungannon	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History	
<p>Ref ID: M/2004/0775/O Proposal: Proposed two storey dwelling & domestic garage Address: 140M N.W of 115 Clonavaddy Road, Galbally, Dungannon Decision: Decision Date: 07.09.2004</p> <p>Ref ID: LA09/2020/0992/O Proposal: Proposed dwelling and domestic garage Address: Site 150m West of 115 Clonavaddy Road, Aghnagar, Cappagh, Dungannon, Decision: Decision Date:</p> <p>Ref ID: M/2005/0490/O Proposal: Proposed two storey dwelling & domestic garage. Address: 140m North West of 115 Clonavaddy Road, Galbally, Dungannon. Decision: Decision Date: 13.09.2005</p>	
Summary of Consultee Responses	

Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2020/1098/F Recommendation: Approve	Target Date: 6 November 2020
Proposal: Retention of existing structure to outdoor drinks area.	Location: Regans Bar 19 Hall Street Maghera BT46 5DA.
Applicant Name and Address: Bernard Regan 19 Hall Street Maghera BT46 5DA	Agent name and Address: Architectural Services 5 Drumderg Road Draperstown BT45 7EU
Summary of Issues:	
Summary of Consultee Responses:	
Characteristics of the Site and Area <p>The application site and surroundings are identified as 19 Hall Street, which is located within the settlement development limits of Maghera Town as depicted in the Magherafelt Area Plan 2015 (MAP). The site hosts a 2 storey semi-detached building forming a row incorporating 2 other residential properties (Nos 16 & 17) all with frontages onto Hall Street with a shared amenity area to the rear. There is currently on site a Public House known as Regans Bar with storage area to the side and access to an open area to the rear. The external wall finishes consist of smooth painted render, painted hard wood window and door frames and black slates. Located at the front elevation is a build over archway this entrance is used by the bar long with the other two properties.</p> <p>There is an access to the rear of the pub opening onto an enclosed communal space, which is surrounded by several outbuildings some appear to be ancillary to the properties backing onto the courtyard. It was noted one of the outbuildings had previously been used as a business. The configuration, size and layout of these buildings restrict public views onto the courtyard which limits natural light onto the courtyard.</p>	

The surrounding area consists of a mix of commercial and residential properties there is a large retail facility with car parking to the rear of the bar.

Description of Proposal

The application is for the retention of existing structure to outdoor drinks area.

Deferred Consideration:

The application was presented before Members in October 2021 and it was agreed to defer the application for an office meeting with Dr Boomer which took place on 16 October 2021. The application was refused on the basis the outdoor structure for the purposes of outdoor drinking would harm the living conditions of the neighbouring residential properties by means of noise, nuisance and general disturbance resulting in the loss of residential amenity.

During the processing of the planning application there were objections received from the occupier of no 17 Hall Street, who's rear door and window opened directly onto the shared rear space immediately adjacent to the outdoor structure. The applicant erected the structure during Covid-19 where people were permitted to gather outdoors. The applicant has since bought the objector's property at No 17 Hall Street and the objector has withdrawn her objections and this has been confirmed in writing by both her, her solicitor and a solicitor representing the applicant. Since there are no 3rd parties affected by the noise or general disturbance from the proposal and it is not visible from the street due to the gated archway I recommend this application for an approval subject to the following conditions.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

Signature(s):Karen Doyle

Date: 21 September 2023

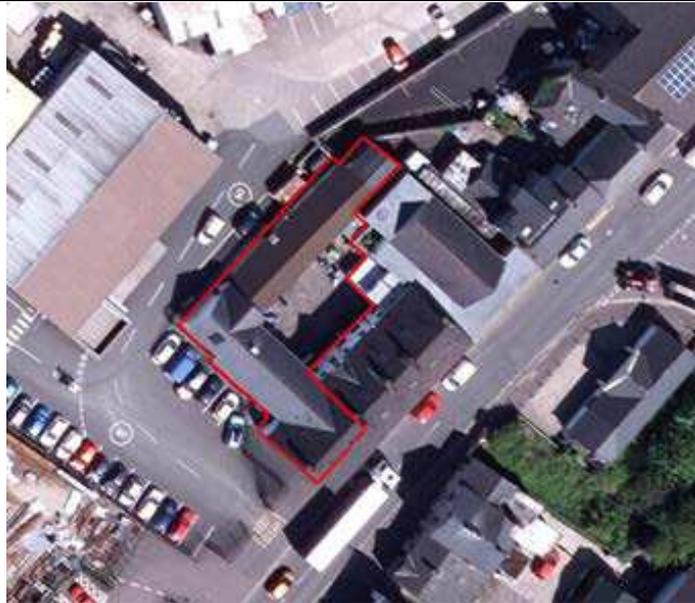


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1098/F	Target Date:
Proposal: Retention of existing structure to outdoor drinks area.	Location: Regans Bar 19 Hall Street Maghera BT46 5DA.
Referral Route: Refused - Contrary SPPS. Letter of objection	
Recommendation:	
Applicant Name and Address: Bernard Regan 19 Hall Street Maghera BT46 5DA	Agent Name and Address: Architectural Services 5 Drumderg Road Draperstown BT45 7EU
Executive Summary: Refusal	
Signature(s): Gerard Lynch	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	

Representations:

Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Contrary to Planning Policy

Characteristics of the Site and Area

The application site and surroundings are identified as 19 Hall Street, which is located within the settlement development limits of Maghera Town as depicted in the Magherafelt Area Plan 2015 (MAP). The site hosts a 2 storey semi-detached building forming a row incorporating 2 other residential properties (Nos 16 & 15) all with frontages onto Hall Street with shared amenity area to the rear. There is currently on site a Public

House known as Regans Bar with storage area to the side and access to an open area to the rear. The external wall finishes consist of smooth painted render, painted hard wood window and door frames and black slates. Located at the front elevation is a build over archway this entrance is used by the bar long with the other two residential properties.

There is an access to the rear of the pub that opens onto an enclosed communal space, which is surrounded by several outbuildings some appear to be ancillary to the properties backing onto the courtyard. I noted one of the outbuildings had previously been used as a business.

The configuration, size and layout of these buildings restrict public views onto the courtyard which limits natural light onto the courtyard.

The surrounding area consists of a mix of commercial and residential properties there is a large retail facility with car parking to the rear of the bar.



Figure 1. Regans Public House 19 Hall Street, Maghera

Description of Proposal

Permission is sought for the retention of an outside drinking area to the rear of his pub at 19 Hall Street. The structure itself consists of a galvanised mono roof, timber frame structure with timber sides with the upper section open for ventilation purposes with gutters and a drain pipe and measures 7.2m x 5.4m in area. The height above ground level is 3.46m at the highest point and 2.6m at its lowest.

Full design details and materials are annotated on DWG Nos 01 (Rev-1), 05 (Rev-1), 06 (Rev-1) 03 stamp date 03/03/2021.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

Site History.**H/1991/6107/F**

Demolition new building and restructuring to existing premises Regans bar 19 hall street Maghera

H/1990/0042/F

Alterations to licensed premises at Regans bar 19 hall street Maghera PG

LA09/2020/0086/CA

Alleged unauthorised extension to licensed premises at Regans bar 19 hall street Maghera (case ongoing).

Statutory consultees

1. MUDC Environmental Health Department were consulted on this application and confirmed it received a noise complaint in August 2020 i their response dared 22/04/2021 they recommended refusal.
2. Department for Communities Historic Buildings Division HED (Historic Buildings) were consulted on 29/09/2020 and in its response deem that it poses no greater demonstrable harm to the setting of the listed buildings on the opposite side of Hall Street 16 Hall St grade B1, 18 Hall St grade B2, 20, 22, 24 Hall St grade B listing.
3. Department for Communities HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing one (1) substantial objection was received on 18th October 2020; 2 letters of objection were received on 26th March 2021 and 6th April 2021). Six (6) neighbouring properties were notified on 14th October 2020; and twelve (12) neighbouring properties were notified on 19th March 2021; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

EIA Determination. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination - (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

Planning Assessment of Policy and Other Material Considerations

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

1. Magherafelt Area Plan 2015;
2. Strategic Planning Policy Statement (SPPS);
3. Regional Development Strategy 2035;
4. A Planning Strategy for Rural N Ireland (Policy DES 2)
5. Draft Mid Ulster Area Plan 2030; and
6. DCAN 7 Public Houses

The Magherafelt Area Plan 2015 operates as the Local Development Plan (LDP) where the application site is located within the development settlement limits of Maghera Town Centre. MAP offers no specific policy or guidance pertinent to this application.

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



Figure 2. External and interior of extension

Assessment Overview.

The key issues in the assessment of the proposal are as follows:

- The principle of the proposal at this location
- Design, layout and impact on the character and appearance of the area

- Impact on amenity.

Regans bar is a family owned pub, which has been in existence for about 50 years and is located alongside two dwellings Nos 17 and 15 these together with the bar form a continuous row fronting onto Hall Street.

The bar is a fairly typical traditional pub which has retained its distinctiveness selling alcohol only. These pubs that served only alcohol are referred to as 'wet pubs' were during first lockdown due to Covid were not allowed to open due to their limited capacity to comply with social distancing requirements.

Paragraphs 3.8 and 5.72 of the SPPS state that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Assessment.

The outside drinking facility to the rear of the bar and its proximity to residential use and the amenity impacts are material considerations as to whether this proposal is acceptable on this site. This is considered further below.

Design, layout and impact on the character and appearance of the area

The structure consists of a galvanised mono roof, timber frame structure with timber sides with the upper section open for ventilation purposes with gutters and a drain pipe and measures 7.2m x 5.4m in area. The height above ground level is 3.46m at the highest point and 2.6m at its lowest.

I am content that the structure's size and layout will not have a significantly greater visual impact on the existing character and will not be any more prominent than what is already on site prior to the structure being erected.

Impact on amenity and human health.

Whilst the site is located within a mixed used area within the development limits of Maghera, there is a number of residential properties in close proximity to the bar including several listed buildings.

It is noted that No 17 Hall Street is the closest property approximate 5m distance from the rear of the bar and the attached outside drinking structure, in my view the proposal would adversely impact the property by way of high noise levels and the loss of privacy and amenity.

DCAN 7 provides guidance for applications relating to the extension of Public Houses. Within the document it states that when considering extensions to existing Public Houses, account will be taken of the likely effects of the intensification of the existing use

on the surrounding area including any loss of amenity due to an increase in noise and disturbance.

This is considered applicable as the site is located immediately adjacent to residential properties. It is anticipated that due to the close proximity to neighbouring residential properties the external noise from the drinking area will significantly impact amenity.

Access, parking and transport.

DFI Roads were not consulted in this application.

Other material considerations.

Three objections have been received in relation to this application with the crux of the issues relating to the impact the development and on an existing right of way, noise, loss of light, change of character to the rear of the objector's property, overlooking onto private amenity area, anti-social behaviour, insufficient properties notified. The objector also brought it to the attention of the Planning Department that the application P1 form was not correct and the maps did not identify the correct property numbers. Since this the applicant has submitted amended site location plan showing the property numbers.

The applicant's solicitor has confirmed in writing the applicant's ownership of the bar.

The above concerns were discussed at a development management group, which it requested amended site location plan. In regards to the number of properties notified additional neighbouring properties located opposite the application site were consulted.

In this respect I am content that neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015, and that all processes were in accordance with the Development Management Practice Note 14 (April 2015).

In terms of noise MUDC Environmental Health were consulted and their response was received and uploaded to the public portal on 22 April 2021. However due to the location, scale and open nature of the outside drinking structure with No 17 it was not considered possible that sufficient noise mitigation measures can be put in place to reduce the impact on residential amenity. Environmental Health have not requested any further information to be submitted and have recommended refusal on the grounds that the outside drinking structure would have an adverse impact on the amenity of No 17 Hall Street, Maghera.

Conclusions.

The proposal is unacceptable having been assessed in light of all material considerations, including weighting against relevant policies and the specific refusal reasons set out in my report.



Figure 3. Buildings surrounding rear courtyard

No architectural or flooding concerns.

The Mid Ulster District Council Local Development Plan 2030.

Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Recommendation: Refusal

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) paragraphs 4.11 and 4.12 in that the retention of the existing structure for an outside drinking area would, if permitted, harm the living conditions of the neighbouring residential properties through noise, nuisance and general disturbance resulting in a loss of residential amenity.

Signature(s)

Date:

ANNEX	
Date Valid	11th September 2020
Date First Advertised	22nd September 2020
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 13 Hall Street Maghera Londonderry</p> <p>The Owner/Occupier, 15 Hall Street Maghera Londonderry</p> <p>The Owner/Occupier, 16 Hall Street, Maghera, Londonderry, BT46 5DA</p> <p>The Owner/Occupier, 17 Hall Street Maghera Londonderry Geraldine Regan 17 Hall Street, Maghera, BT46 5DA</p> <p>The Owner/Occupier, 18 Hall Street, Maghera, Londonderry, BT46 5DA</p> <p>The Owner/Occupier, 19a Hall Street, Maghera, Londonderry, BT46 5DA</p> <p>The Owner/Occupier, 22 Hall Street, Maghera, Londonderry, BT46 5DA</p> <p>The Owner/Occupier, 23 Hall Street, Maghera, Londonderry, BT46 5DA</p> <p>The Owner/Occupier, 24 Hall Street, Maghera, Londonderry, BT46 5DA</p> <p>The Owner/Occupier, 26 Hall Street, Maghera, Londonderry, BT46 5DA Geraldine Regan Email Address Geraldine Regan Email Address</p> <p>The Owner/Occupier, Snooker Hall 17a Hall Street</p>	
Date of Last Neighbour Notification	5th March 2021
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2020/1098/F

Proposal: Retention of existing structure to outdoor drinks area.

Address: Regans Bar, 19 Hall Street, Maghera, BT46 5DA.,

Decision:

Decision Date:

Ref ID: H/1995/0570

Proposal: SITE OF EXTENSION TO EXISITNG FACTORY

Address: 11 FAIRHILL MAGHERA

Decision:

Decision Date:

Ref ID: H/1991/6107

Proposal: DEMOLITION NEW BUILDING AND RESTRUCTURING TO EXISTING PREMISES REGAN BAR 19 HALL STREET MAGHERA

Address: REGAN BAR

Decision:

Decision Date:

Ref ID: H/1990/0042

Proposal: ALTS AND ADDS TO LICENSED PREMISES

Address: REGAN'S BAR 19 HALL STREET MAGHERA

Decision:

Decision Date:

Ref ID: H/2001/0486/F

Proposal: Extension to Food Processing Factory

Address: 9-11 Fairhill, Maghera

Decision:

Decision Date: 31.08.2001

Ref ID: H/2000/0112/F

Proposal: Extension to Food Processing Factory

Address: 9-11 Fairhill, Maghera

Decision:

Decision Date: 26.06.2000

Summary of Consultee Responses

Advice

Drawing Numbers and Title

Drawing No. 01 (Rev-1)
Type: Site Location Plan
Status: Submitted

Drawing No. 06 (Rev-1)
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 05 (Rev-1)
Type: Proposed Elevations
Status: Submitted

Drawing No. 04
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 03
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 02
Type: Existing Plans
Status: Submitted

Drawing No. 07
Type: Proposed Elevations
Status: Submitted

Notification to Department (if relevant) N/A

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1653/F	Target Date: 11 January 2022
Proposal: Extension of facilities, provision of new workshop, provision of new access to public road to replace existing substandard access, provision of adequate parking, associated site works and landscaping	Location: Immediately East Of 19 Annagh Road Lungs Clogher Co Tyrone BT76 0UX
Applicant Name and Address: Malcolm Keys Malcolm Keys Transport 22 Annagh Road Clogher	Agent Name and Address: John O'Brien Ardvarna 7 Derreens Road Arney Bellanaleck BT92 2BY
Summary of Issues: This application is for the expansion of an existing established business in the countryside, the proposal includes new buildings and increase in the site area. Information has been presented that demonstrates the site was enlarged over 5 years ago and the proposal does not involve a significant increase in the site area. The proposal is not considered to be a major expansion of the site area.	
Summary of Consultee Responses: HED – content DFI Rivers – PA to decide if Drainage Assessment needed Environmental Health – recommend conditions to control noise DFI Roads – conditions for access HSENI – close to gas pipeline	

Characteristics of the Site and Area:

This application site occupies a flat portion of land immediately East Of 19 Annagh Road Lungs, Clogher. It is located in the countryside in an Area of Constraint on Mineral Development as defined in the Dungannon and South Tyrone Area Plan. Clogher village sits 3.5 kilometres to the east and Fivemiletown is 6.5 kilometres to the south west, with the site siting approximately 1 kilometre north of the A4 Ballagh Rd which connects the two settlements above. The surrounding area is mostly flat agricultural land with some dispersed dwellings and farm holdings. Lungs Gospel Hall sits less than 100 metres from the site to the west.

Currently the site is occupied by the applicant's business - Malcolm Keys Transport and is accessed via an entrance to the north of No 19 Annagh Road. This is a two-storey roadside dwelling which sits on a small plot with a single ancillary outbuilding and its curtilage is almost entirely surrounded by this application site. The approved underground gas pipe above runs just outside and parallel to the northern boundary of this site.

This site measures 0.94 hectares and accommodates a number of buildings and a large yard area. The main workshop is a rectangular shaped building which has concrete walls to the lower portion with green cladding to the upper walls and roof, with 3 large roller shutter doors on the northern elevation. Two pre fab structures are sited perpendicular to this workshop and are utilised as offices. The eastern portion of the site is mostly yard area appears to be utilised for car parking. Lorries were parked to the rear of the workshop at the time of the site inspection. The eastern boundary of the site is mostly defined by a metal crash barrier which defines the curtilage of the site, separating it from the agricultural land beyond. The southern boundary is defined by a post and wire fence and this southern portion of the site has been recently cleared and partially gravelled. The western roadside boundary is comprised of a low hedgerow which is interspersed with telegraph poles and at No 19 Annagh Rd is defined by a low white wash stone wall and then undefined as it nears the ungated entrance to the site.

Description of Proposal

This application seeks full planning permission for the extension of facilities, provision of new workshop, provision of new access to public road to replace existing substandard access, provision of adequate parking, associated site works and landscaping at Malcolm Keys Transport, located immediately East of 19 Annagh Rd Lungs Clogher.

This application proposes a separate building located to the rear and of the existing workshop which is to be retained. A new entrance is proposed close to the south western corner of the site where a new tarmacked access goes the width of the site to where it would culminate in a lorry turning area at the eastern part of the site. New car parking areas finished in brick are proposed either side of the entrance and a new lorry parking area to the south of this new access along the southern boundary of the site. There is also additional lorry parking proposed along the eastern site boundary.

Deferred Consideration:

This application was before the Planning Committee in June 2023 where it was deferred for a meeting with Dr Boomer to explore the issues further. Following a meeting on 23 June 2023 additional information was submitted to illustrate the local workforce that are

dependent on the business being retained here and information about the overall business and its role in the local pig producers market.

The proposal is not for a major industrial development in the countryside, it is for an expansion of an established economic development use and as such I do not consider PED5 is the appropriate policy for consideration.

Members will be aware from the previous report the main issues in respect if this application was whether or not it would result in a major increase in the site area. The agent provided a topographical survey (fig 1) and photographs of the site (Photo 1, 2 & 3) from August 2018 which show the site had been extended at that time with a hardcore yard at the rear utilised for parking trailers and lorries.

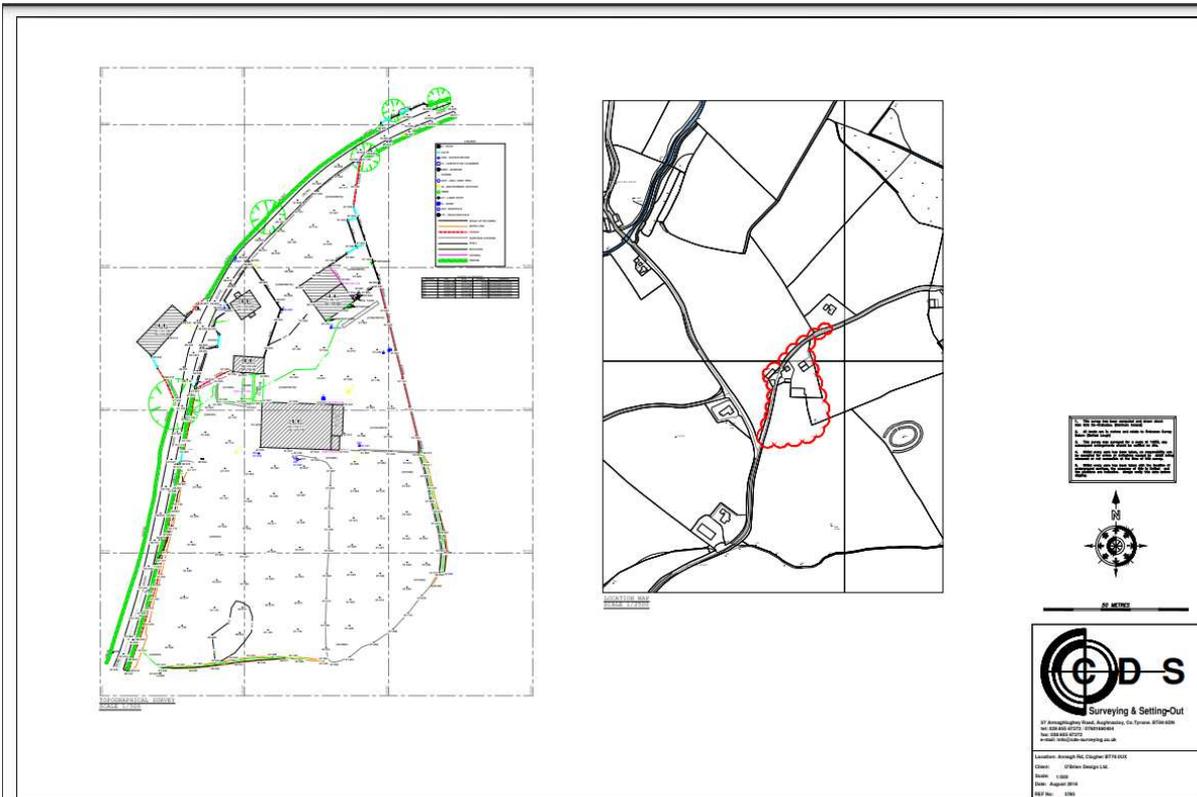


Fig 1 – topographical survey dated August 2018,





Photos 1, 2 and 3 – views of the site from August 2018

The site survey and photographs submitted in support of the proposal indicate the site was extended over 5 years ago and as such that expansion is immune from enforcement action. The area of the site that is currently used for the parking of lorries and the other works is 0.56ha (Fig 2)



Fig 2 established site area and Fig 3 expansion of the site

While it is clear that works have been done to the remainder of the site by clearing and regrading the land, there is no evidence to show that it has been used for parking of vehicles or other uses ancillary to the vehicle repairs or vehicle maintenance that is on the remainder of the site and as such it has no use. There is no definition within PED 3 of what is a major increase in site area and therefore each application must be judged on its own merits. The proposed expansion will increase the area of the site by 0.45ha (Fig 3), this does not exceed the threshold which would classify it as a Major application as specified in the Planning (Development Management) Regulations (NI) 2015. That said it nearly doubles the site area and as such I agree with the original case officer that it is a major increase in the site area.

PED3 contains an exception within the policy that permits a major expansion if it meets 3 criterion:

- relocation is not possible for particular operational or employment reasons
- the proposal would make a significant contribution to the local economy
- the development would not undermine rural character

The applicants have advised there are 2 yards associated with the business, one in Lisnaskea which deals with bulk transport of milk and this one which is for the servicing of the fleet for transport business especially for movement of pigs to farms associated with M Keys business. There are 7 lorries at the Lisnaskea site and there is no further capacity to

expand there. There is a fleet of 48 lorries, 41 are based from this yard, the yard is not for the parking of the fleet, the units are usually parked overnight at the drivers residence and there is no proposal to bring them all here for parking overnight. This yard will be used to service the entire fleet of vehicles for the company which includes 48 lorries, 25 bulk feed trailers, 12 livestock trailers and 11 tankers. All the employees who work on site either in servicing and maintenance or the offices are located within 20 mins of the site and in the Clogher Valley area. Over 50% of the HGV drivers also live within 20 mins of the yard and the part time drivers are also generally local farmers who work here to supplement the farm income. The site is well established and a site search has been carried out in the locality which has been unable to source alternative accommodation (Augher Creamery and Fimeiletown Creamery) as the sites are unsuitable due to size and accessing issues. Searches further afield would result in the loss of staff as they would have to travel to far to work. Given the established nature of the site and the amount of local employment provided, I do accept that movement of the premises outside of the Clogher Valley would cause issues for the company in terms of retaining the workforce and so there are genuine employment reasons to remain here.

The company employs 47 staff from a 10 mile radius, and a total of 70 from a 20 mile radius of the application site. This is a significant number from the local area and it is clear from the letters of support that it also provides knock on employment to other businesses in the local area. There is no definition of what a significant contribution to the local economy is in PED3, however given the number of locally employed personnel and the number of local businesses this company supports, I do consider that any relocation away from the area would have a significant impact on the local economy especially the local farming community who supplement their farming business by working part time for this company.

The site has been changed already with the ground having been remodelled and as this was carried out over 5 years ago, there is no mechanism to require it to be put back to its former condition or to improve its appearance. In its current state it does not provide an attractive appearance in the rural area. The new building will be visible in the landscape, however it will be seen with a cluster of existing buildings that are already established here. There is the potential to provide a significant landscaping scheme here to improve the overall appearance of the area and a revised scheme has been proposed which I consider will have an immediate impact on the area in terms of the biodiversity improvement and the screening of the existing and proposed buildings.

The proposal does exceed the area for a drainage assessment however it will provide gravel and other permeable surfaces that will allow rainwater to percolate through the surfaces. It does not therefore result in the creation of an excessive amount of hard non permeable surfaces. In this case a drainage assessment and drainage plan is not required.

I consider the proposal will not create an undue loss of rural character and that adequate and appropriate measures can and will be put in place to aid integration of the existing and proposed development. It is my recommendation this application is approved with the suggested attached conditions.

Conditions/Reasons for Refusal:

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

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

2. Prior to the commencement of any works or other development hereby permitted, the proposed vehicular access, including visibility splays of 2.4m x 70.0m in both directions, a 70.0m forward sight line and other details as set out on drawing No 03 Rev 3 received 29 August 2023 shall be provided. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. Prior to the building hereby approved becoming operational the parking, turning and servicing areas as set out on drawing No 03Rev3 received 29 August 2023 shall be provided as detailed.

Reason: To ensure adequate parking and turning areas are provided.

4. Within 3 weeks of the building hereby approved becoming operational the existing vehicular access indicated 'Existing access to yard to be permanently closed off at this point' on drawing No 03 Rev 3 received 29 August 2023 shall be permanently closed up and ceased to be used for access to the development.

Reason: In the interest of road safety

5. The 'Existing' and 'Proposed' buildings, as annotated on drawing number 03 Rev 3 received 29 August 2023 shall only be used and operational between
 - 08:00am and 18:00 hours Monday to Friday
 - 08:00am and 13:00 hours Saturdayand shall not be used or operational on Sundays or Bank Holidays

Reason: To control noise emissions and protect nearby residential amenity

6. Noise level of equipment used within the approved site shall not exceed the levels listed within Table 3 of the noise impact assessment dated 19th October 2022.

Reason: To protect nearby residential amenity from noise.

7. The 'Proposed shed', as annotated on drawing number 03 Rev 3 received 29 August 2023 shall be constructed to achieve the following Sound Reduction Index:
 - Walls Rw = 48 dB(A)
 - Roof & Walls Rw = 28.5 dB(A)
 - Doors Rw = 30 dB(A).

Reason: To control noise emissions and protect nearby residential amenity.

8. All roller doors annotated on drawing number 04 Rev 1 received 18 March 2023 shall be permanently fitted with automated open and close functions prior to the commencement of any operations. All doors are to remain closed except for ingress or egress of goods or materials.

Reason To control noise emissions and protect nearby residential amenity.

9. Within 4 weeks of a written request by the Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with predicted noise levels stated within Table 3 of the submitted noise impact assessment date stamped 19th October 2021. Details of noise monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. The Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 4 weeks from the date of approval of the remedial report and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect nearby residential amenity.

10. All hard and soft landscape works as detailed on drawing no 03 Rev 3 received on 29 August 2023 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity and biodiversity.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 12 June 2023	Item Number: 5.11
Application ID: LA09/2021/1653/F	Target Date: 11 January 2022
Proposal: Extension of facilities, provision of new workshop, provision of new access to public road to replace existing substandard access, provision of adequate parking, associated site works and landscaping	Location: Immediately East Of 19 Annagh Road Lungs Clogher Co Tyrone BT76 0UX
Referral Route: Refuse is recommended This proposal is contrary to PPS 4 Planning and Economic Development and refusal is recommended.	
Recommendation: Refuse	
Applicant Name and Address: Malcolm Keys Malcolm Keys Transport 22 Annagh Road Clogher	Agent Name and Address: John O'Brien Ardvarna 7 Derreens Road Arney Bellanaleck BT92 2BY
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	Historic Environment Division (HED)	Substantive: YResponseType: FR
	Rivers Agency	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Health & Safety Executive For NI	Substantive: TBCResponseType: FR
	Historic Environment Division (HED)	Substantive: TBCResponseType: PR
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-21-1653 F Immediately East Of 19 Annagh Road Lungs Clogher Co Tyrone BT76 0UX 010223.doc
Non Statutory	Environmental Health Mid Ulster	LA09-21-1653 F

Consultee	Council	Immediately East Of 19 Annagh Road Lungs Clogher Co Tyrone BT76 0UX.doc
	Environmental Health Mid Ulster Council	
Representations:		
Letters of Support	1	
Letters of Objection	0	
Letters Non Committal	0	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
Summary of Issues		
Characteristics of the Site and Area		
<p>This application site occupies a flat portion of land immediately East Of 19 Annagh Road Lungs, Clogher. It is located in the countryside in an Area of Constraint on Mineral Development as defined in the Dungannon and South Tyrone Area Plan. Clogher village sits 3.5 kilometres to the east and Fivemiletown is 6.5 kilometres to the south west, with the site siting approximately 1 kilometre north of the A4 Ballagh Rd which connects the two settlements above. The surrounding area is mostly flat agricultural land with some dispersed dwellings and farm holdings. Lungs Gospel Hall sits less than 100 metres from the site to the west.</p> <p>Currently the site is occupied by the applicant's business - Malcolm Keys Transport and is accessed via an entrance to the north of No 19 Annagh Road. This is a two-storey roadside dwelling which sits on a small plot with a single ancillary outbuilding and its curtilage is almost entirely surrounded by this application site. The approved underground gas pipe above runs just outside and parallel to the northern boundary of this site.</p> <p>This site measures 0.94 hectares and accommodates a number of buildings and a large yard area. The main workshop is a rectangular shaped building which has concrete walls to the lower portion with green cladding to the upper walls and roof, with 3 large roller shutter doors on the northern elevation. Two pre fab structures are sited perpendicular to this workshop and are utilised as offices. The eastern portion of the site is mostly yard area appears to be utilised for car parking. Lorries were parked to the rear of the workshop at the time of the site inspection. The eastern boundary of the site is mostly defined by a metal crash barrier which defines the curtilage of the site, separating it from the agricultural land beyond. The southern boundary is defined by a post and wire fence and this southern portion of the site has been recently cleared and partially gravelled. The western roadside boundary is comprised of a low hedgerow which is interspersed with telegraph poles and at No 19 Annagh Rd is defined by a low white wash stone wall and then undefined as it nears the ungated entrance to the site.</p>		

Planning History

- o LA09/2020/0267/F - Demolition of part of lorry workshop, extension of lorry workshop, provision of new access to public road to replace existing substandard access, provision of adequate parking, associated site works and landscaping - Immediately East Of 19 Annagh Road, Lungs, Clogher - Withdrawn.
- o LA09/2020/1494/LDE - Lorry workshop, parking yard and associated offices - Immediately East of 19 Annagh Road Lungs Clogher - Approval - 24.03.2021.
- o M/2006/0190/O - Proposed dwelling and domestic garage - Approx 60m S of 19 Annagh Rd Clogher - Granted 7th July 2006
- o M/2000/1042/O - Site for dwelling & domestic garage - Approx 50m S of 19 Annagh Road Clogher - Granted 17th January 2001
- o M/1993/0415 - Site for new dwelling and domestic garage - Approx. 50m S of 19 Annagh Rd Clogher - Granted 15th November 1996

Description of Proposal

This application seeks full planning permission for the extension of facilities, provision of new workshop, provision of new access to public road to replace existing substandard access, provision of adequate parking, associated site works and landscaping at Malcolm Keys Transport, located immediately East of 19 Annagh Rd Lungs Clogher. This application proposes a separate building located to the rear and of the existing workshop which is to be retained. A new entrance is proposed close to the south western corner of the site where a new tarmacked access goes the width of the site to where it would culminate in a lorry turning area at the eastern part of the site. New car parking areas finished in brick are proposed either side of the entrance and a new lorry parking area to the south of this new access along the southern boundary of the site. There is also additional lorry parking proposed along the eastern site boundary.

Consultations and Representations

HSENI are a statutory consultee for certain developments within the consultation distance (CD) of major hazard installations. They were consulted due to the proximity of this site to the Gas to the West pipeline which sits to the north of the site and based on the 10 - 15 metres distance and after consulting PADHI, they would 'not advise against' this proposal. The pipeline operator advised they will monitor the progress of this proposed development through helicopter flyovers and weekly route drives. These surveillance activities will ensure nothing changes and that any proposed works will not pose risk to the pipeline which is about 10-15 metres away from it.

HSENI also advised contacting the pipeline operator before deciding the application for the following reasons;

- 1) It is the pipeline operator who holds the up-to-date technical information on the design and construction of the pipeline.

2) The operator may have a legal interest (easement, wayleave etc) in the vicinity of the pipeline. This may restrain certain developments within a certain proximity of the pipeline. 3) The standards to which the pipeline is designed and operate may restrict occupied buildings, structures of major traffic routes within a certain proximity of the pipeline. Consequently, there may be a need for the developer to modify the development or for the operator to modify the pipeline, or its operation, if the development proceeds.

While processing application LA09/2020/0267/F the agent submitted information showing the pipeline wayleave and that the proposed development will not encroach on it. The case officer also liaised with Shane Rafferty of 'Mutual-Energy' who in July 2020 said they would have no objections with the development proposed, but we will work more closely with the landowner come the time of construction to ensure the works are executed safely in the vicinity of the pipeline.

DfI Rivers stated this proposal does not fall within the floodplain, however they requested a Drainage Assessment be submitted as part of this proposal. This was not submitted however could be attached as a pre commencement requirement to any permission granted, prior to any development commencing.

DfI Roads have no concerns recommending conditions regarding the provision of 2.4 metres by 45 metres visibility splays which involves the removal of telegraph poles and the permanent construction of the hard surfaced areas be attached to any permission.

HED were consulted due to the presence of a large scheduled monument (TYR 058:013) which sits approximately 200 metres to the west of the site. They suggested a landscape buffer of an earthen bank and native species planting to be established along the eastern boundary of the site. This would aid integration of any new development and thus not having an adverse impact upon the setting of this scheduled monument. Following the submission of revised drawings, HED consider this landscaping and boundary treatment to be sufficient. They now consider the proposed development would have minimal impact on the setting of the above-mentioned schedule and it is therefore in compliance with PPS 6.

Mid Ulster Council's Environmental Health section were consulted and requested a Noise Impact Assessment be carried out due to the proximity of this site to No 19 Annagh Road. They referred to the NIA which was previously submitted as part of the withdrawn application and their comments on that which highlighted discrepancies in the report and therefore needed attention. Upon submission of an amended NIA produced by CD Consulting, Environmental Health still have a number of concerns as noted below and would have concerns regarding the suitability of this development proposal.

- The separation distances stated within Table 1 are incorrect and of particular concern is the distance stated from NSR 1 to the proposed shed which we measure to be approximately 45 metres.
- The consultancy has stated that the equipment will be used intermittently and allowance is made for this in calculations by applying an on-time correction, however, no provision for intermittency has been applied to the rating level. Given that the consultancy has used a +6 dB penalty for impulsivity which equates to the noise being clearly perceptible at the closest noise receptor then a + 3dB penalty should be applied for intermittency which will also be perceptible at the closest noise sensitive receptor.

- Allowing for a separation distance of 45 metres, and applying the necessary penalties above, then the rating level at NSR 1 equates to 41.5 dB(A) which is +7 dB above the typical background noise level (35 dB(A)) and indicative of significant adverse impact.

Environmental Health were again consulted with revised information to address their concerns above. They accept CD Consulting's rationale for the acoustic feature correction, however they still have an issue with the separation distances used within the noise impact assessment. The consultancy has measured the separation distance being from the middle of the proposed site to the façade of the nearest noise sensitive receptors which overestimates separation distances. Furthermore, using the façades of noise sensitive receptors fails to consider the actual impact of amenity space such as gardens, where noise from daytime industrial/commercial activities would be mostly experienced. Environmental Health have calculated this to impact the Consultancies predictions by + 4 dB resulting in an excess of noise from this proposal over background noise by +4.2 db. BS 4142: 2014 - Methods for rating and assessing industrial and commercial sound states that "a difference of around +5 dB is likely to be an indication of an adverse impact, depending on context."

Environmental Health are clear this is an intensification of an existing business and this proposal will be situated 40 metres from third party amenity space. Should permission be granted for this development, they suggest conditions in order to protect nearby residential amenity. These conditions concern operational hours, not exceeding noise limits referred to in the NIA, specific noise insulation levels on the new shed and all doors to be automated and remain closed except during ingress or egress of goods or materials.

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

This application was advertised in the local press and 2 neighbours were notified, in line with the Council's statutory. There were no objections to this proposal and there were two letters of support from local MLAs Deborah Erskine and Tom Elliot who welcomed this proposal stating this family run and operated business is a huge benefit to the local economy and this extension would create many construction jobs and investment in the local rural area. There was a letter of support for this proposal received from 10 businesses in the area ranging from industries producing animal feed, mechanics garage, a hardware store, engineering and veterinary services. They mention the positive impact this proposal would have on the local economy and the provision of rural employment in supporting rural communities and the supply chains involved with the business.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020 and the period for Counter Representations closed on 18th December 2020. The Council submitted the Draft Plan Strategy to the Department for Infrastructure (DfI) on 28th May 2021 for them to carry out an Independent Examination. In light of this, the Draft Plan Strategy currently does not yet carry any determining weight.

The Dungannon and South Tyrone Area Plan (DSTAP) is the relevant plan for this site, which sits outside of any settlement. Plan Policy IND 1- Industry and Mixed Business Use states that planning permission will normally be granted for industry, storage and distribution, and other appropriate business uses within these areas where the proposed development meets the key site requirements identified in Part 3 of the Plan. As this application site is located outside of any settlement designated in DSTAP and outside any zoned areas of Industry and Mixed Business Use identified, by reason of its location this proposal is in conflict with the Plan.

The SPPS affirms the planning system has a key role in achieving a vibrant economy and aims to facilitate economic development needs in ways consistent with the protection of the environment and the principles of sustainable development. The guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS. Farm diversification, the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside. Such proposals may occasionally involve the construction of new buildings, where they can be integrated in a satisfactory manner. Para 6.88 of the SPPS states in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlements must be restricted.

Exceptions to this general principle may be justified in the following circumstances;

- o A small-scale new build economic development project may be permissible outside a village or small settlement where there is no suitable site within the settlement. An edge of settlement location will be favoured over a location elsewhere in the rural area, subject to normal planning considerations.
- o A proposal for major or regionally significant economic development, where a countryside location is necessary because of size or site-specific requirements. Such proposals should be able to demonstrate a significant contribution to the regional

economy and be otherwise acceptable, particularly in terms of their environmental and transport impacts. An edge of town location should normally be favoured over a location elsewhere in the rural area.

All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development. The SPPS retains the policy provisions of PPS 3, PPS 4, PPS 6 and PPS 21, all of which are applicable to this proposed development.

Policy CTY 1 - Development in the Countryside in PPS 21 Sustainable Development in the Countryside outlines a range of types of development which in principle are considered to be acceptable in the countryside. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations. One type of development outlined in PPS21 which in principle is considered acceptable in the countryside is industry and business uses in accordance with PPS 4 Economic Development.

Policy PED 2 - Economic Development in the Countryside in PPS 4 sets out the circumstances where proposals for economic development uses in the countryside will be permitted with all other proposals only permitted in exceptional circumstances.

- The Expansion of an Established Economic Development Use - Policy PED 3
- Redevelopment of an Established Economic Development Use - Policy PED 4
- Major Industrial Development - Policy PED 5
- Small Rural Projects - Policy PED 6

Policy PED 3 - Expansion of an Established Economic Development Use in the Countryside in PPS 4 sets out when proposals for expansion will be allowed, where;

- the scale and nature of the proposal does not harm the rural character or appearance of the local area.
- there is no major increase in the site area of the enterprise.

Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development. Any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

A proposal for the major expansion of an existing industrial enterprise that would not meet the above policy provisions will only be permitted in exceptional circumstances where it is demonstrated that:

- o relocation of the enterprise is not possible for particular operational or employment reasons;
- o the proposal would make a significant contribution to the local economy; and
- o the development would not undermine rural character.

In all cases, measures to aid integration into the landscape will be required for both the extension and the existing site.

When assessing this development proposed, it is necessary to note the history on this

site.

Application LA09/2020/0267/F was submitted in February 2020 and proposed an extension which wrapped around the existing workshop building on two sides. This extension proposed an increase of approximately 561 metres squared to create a building with a footprint of 933 sq. metres. This extension to the existing building which had a footprint of 372 sq. metres.

Through the processing of this application, the agent was made aware that it was deemed excessive and was considered too large on this site. The agent then proceeded to submit amended drawings showing an even bigger building which was now proposed as a separate building to the south of the existing building and of a bigger scale and this is the proposal which is subject of this application. Through the processing of the previous application, the agent was made aware that the smaller building was not of an appropriate scale and would be regarded as a major expansion. The submission of this application was made knowing the smaller scheme was of an excessive scale and was not considered acceptable on this site.

Orthophographs taken in July 2017 and when compared to that which was taken in January 2020 clearly show the extent of the expansion to the business on the ground. The extension proposed in this application is a detached building to the rear of the existing workshop which is to be retained. This workshop has a footprint of over 320 sq. metres and has a ridge height of 8.2 metres FGL. The proposed new building measures 25.8 metres wide and 28.75 metres long, with a ridge height of 11 metres FGL. This is some 3 metres higher than the large building which is already existing on the site and proposes an additional footprint of over 740 sq. metres.

I have concerns regarding the scale and massing of this proposed building. It is large rectangular block with a flat roof which only accentuates its dominance on this site. The front elevation is south facing and due to an absence of vegetation to the south of this site, there would be long ranging views of this elevation. The side of the proposed building which faces onto the public road has only 2 pedestrian doors and 4 windows on this western elevation which are lost on huge non-descript façade. It is evident from the ortho photos that this proposed expansion is a huge increase to the enterprise. The agent slightly amended what was initially submitted as is shown above and provided a 12 degree roof with a ridge height of 10.9 metres FGL. This very slightly reduced the block appearance of the proposed building by the introduction of a pitched roof, however I would still consider this proposal to be an excessive extension and introduction into this rural landscape with no real justification as to why a building of this size cannot be located in another more appropriate location. The agent was again asked to reduce the size of this scheme and stated there is little point in such major investment in a building which would not be fit for purpose and could not futureproof the business. I am also concerned the scale and nature of this proposed extension would detrimentally harm the rural character and the appearance of the local area and therefore it is contrary to PED 3 in PPS 4.

In PED 3 it does state that a proposal for the major expansion of an existing industrial enterprise that would not meet the required policy provisions will only be permitted in exceptional circumstances. In justification for this development, the agent in the supporting statement has stated there is a need for expansion in order to provide a

controlled environment for diagnostic machinery which would enable a sterile space on site to conduct PSV testing. An overhead crane is required for this as pits would be unsuitable and this expansion would lead to an increase of 20% in employees at this site by 12 more staff. The applicant resides at No 5 Bolies Road which sits less than 1.5 kilometres to the north west of this site. He has 3 companies which employ on average 100 people. M Keys Farms Ltd and Castlebrook Farms Ltd are engaged in intensive pig farming while M Keys Transport Ltd is involved in the haulage industry. The agent states the site has an industrial appearance with inadequate parking facilities and access and believes landscaping will allow integration and "the existing unsightly industrial building will be obscured by the new building."

Although there has been some support for this application from a local MLA, I am not convinced it has been demonstrated that this proposed extension should be an exceptional circumstance. The agent has noted the other businesses the applicant operates; however it did not examine or explain why these other sites or other alternative locations were not suitable nor how the relocation of the business would not be possible. Although I do believe this existing business provides employment in the local area by currently having 12 members of staff, I am not convinced an increase in 8 staff members would be considered to be significant contribution to the local economy and it to be considered as an exception to policy as in my opinion it would still greatly undermine the rural character of the area.

All proposals for economic development must also comply with the provisions of PED 9 General Criteria for Economic Development. It states that any proposal for economic development use, in addition to the other policy provisions of PPS 4, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

Although this application site is located in the rural countryside with a community building of Lungs Gospel Hall close by, I am not overly concerned given the existing use on this application site. The site is occupied by M Keys Transport Ltd and the approved CLUD verifies this use on the site also.

(b) it does not harm the amenities of nearby residents;

There have been no objections to this application and the site abuts an existing dwelling at NO 19 Annagh Road which raised concerns with Environmental Health and the quality of their residential amenity. The initial Noise Impact Assessment was not considered acceptable by the Environmental Health section of the Council and is discussed in detail above. They concluded that although they had concerns, if any eventual issues concerning noise pollution do arise, they can be dealt with through the Environmental Health reporting system and this can be reaffirmed by imposing conditions regarding any complaints.

(c) it does not adversely affect features of the natural or built heritage;

HED had concerns regarding the nearby monument but are now satisfied the proposed landscaping would ensure there will be no harmful impact to this heritage feature.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

As discussed above, this site is not located within any designated flood plain but due to

the size of the proposal DfI Rivers requested a Drainage Assessment be submitted as part of this proposal. This was not submitted during the processing of this application; however this requirement could be attached as a pre commencement condition to any permission granted on this site.

(e) it does not create a noise nuisance;

Environmental Health were consulted had concerns regarding the Noise Impact Assessment. This is assessed in detail above and they have recommended conditions be attached to any permission if granted.

(f) it is capable of dealing satisfactorily with any emission or effluent;

The agent in the P1 form has stated this proposal would utilise a package plant, details of which can be submitted and assessed prior to any development commencing on site if planning permission is granted.

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

(h) adequate access arrangements, parking and manoeuvring areas are provided;

i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

I believe this new access to the site would improve road safety as the existing access does not benefit from clear splays for visibility when leaving the existing premises. DfI Roads are satisfied with the provisions set out as part of this proposal and offer no objection, subject to conditions regarding the provision of visibility splays and hardstanding. There are no footpaths for this site to link to due to its location in the countryside and given that most movement to this site would be vehicular, these are not considered necessary.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

In terms of layout and design, the proposed building will create an additional floorspace of almost 750 sq. metres and when combined with that existing on the site, the buildings would have over 1,000 sq. metres floorspace. This would more than triple the existing floorspace as well as the extended curtilage which has more than doubled the initial size of the business on the site. The existing workshop building on site is already 8 metres in height and the agent refers to it in their statement as "the existing unsightly industrial building will be obscured by the new building." It is not my recommendation that in order to obscure an "unsightly building" is to construct a much bigger one over 3 metres higher beside it to obscure it. It is my opinion that these large increases and scales are excessive and out of keeping on this rural site.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;

The agent provided a landscaping scheme which has shown the provision of a grassed area on a parcel of land between the road and the rear of the existing and proposed

buildings. The planting of 5 - 8 metre wide earthen mounds along the eastern and southern boundary of the site, as well as along the western roadside boundary are proposed . Another bund will separate the car parking area from the lorry parking area also in the south of the site. These will provide some form of enclosure with a mixture of trees planted above the mounds. A d-rail fence is proposed along the roadside boundary

(l) is designed to deter crime and promote personal safety;

I am content the site will be securely enclosed in the interests of the business.

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

The applicant proposes some landscaping around the boundaries of this site. However given the scale and mass of the building proposed, no amount of landscaping could integrate a building of these proportions on this site, as was also made clear for the previous application which proposed a smaller building.

Summary of Recommendation:

Refuse is recommended

It must be brought to the Members attention that during the assessment of a smaller building on this application site under LA09/2020/0267/F there was much correspondence and engagement with the agent. They were notified a number of times of the concerns regarding the size and scale of the proposed extension and a reduced scheme was recommended may be considered more acceptable on this site. This advice was not taken on board and instead a larger extension comprising a new separate building was proposed in the form of this current application under consideration.

Due to the excessive scale and mass of this proposed building, I do not feel it can in any way integrate into a rural area, and when combined with what is already existing on this site would be detrimental to the countryside. This proposal fails to meet the policy requirements of PPS 4 - specifically PED 3, PED 5 and parts j and m of PED 9.

Refusal Reasons

Reason 1

The proposal is contrary to the Department's Planning Policy Statement 4, Planning and Economic Development PED 3, in that the development would, if permitted, have an adverse impact on the environment by virtue of the significant increase in the site area of the enterprise and its lack of visual integration into the rural landscape.

Reason 2

The proposal is contrary to the Department's Planning Policy Statement 4, Planning and Economic Development PED 5, in that it has not been satisfactorily demonstrated that the size and site specific requirements of the proposal needs a countryside location.

Reason 3

The proposal is contrary to the Department's Planning Policy Statement 4, Planning and Economic Development PED 9, in that it has not been satisfactorily demonstrated the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity or that there are satisfactory measures to assist integration into the landscape.

Case Officer: Cathy Hughes

Date: 26 May 2023

ANNEX	
Date Valid	16 November 2021
Date First Advertised	2 December 2021
Date Last Advertised	30 November 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 19 Annagh Road Clogher Tyrone BT76 0UX	
Date of Last Neighbour Notification	14 December 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2020/0267/F Proposals: Demolition of part of lorry workshop, extension of lorry workshop, provision of new access to public road to replace existing substandard access, provision of adequate parking, associated site works and landscaping Decision: Decision Date:</p> <p>Ref: M/1998/0395 Proposals: 450mm Underground Pipelines Decision: PG Decision Date: 18-JUL-98</p> <p>Ref: M/1998/0321 Proposals: Laying of Underground 500mm Diameter and 450mm Diameter Pipelines Decision: PG Decision Date: 18-JUL-98</p> <p>Ref: LA09/2020/1494/LDE Proposals: Lorry workshop, parking yard and associated offices Decision: PG Decision Date: 24-MAR-21</p> <p>Ref: LA09/2021/1653/F Proposals: Extention of facilities, provision of new workshop, provision of new access to</p>	

public road to replace existing substandard access, provision of adequate parking, associated site works and landscaping

Decision:

Decision Date:

Ref: M/1993/0415

Proposals: Site For New Dwelling And Domestic Garage

Decision: PG

Decision Date:

Ref: M/2006/0190/O

Proposals: Proposed dwelling and domestic garage

Decision: PG

Decision Date: 07-JUL-06

Ref: M/2000/1042/O

Proposals: Site for dwelling & domestic garage

Decision: PG

Decision Date: 29-JAN-01

Summary of Consultee Responses

Historic Environment Division (HED)-Substantive: YResponseType: FR

Rivers Agency-Substantive: YResponseType: FR

Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR

Health & Safety Executive For NI-Substantive: TBCResponseType: FR

Historic Environment Division (HED)-Substantive: TBCResponseType: PR

Environmental Health Mid Ulster Council-

Environmental Health Mid Ulster Council-LA09-21-1653 F Immediately East Of 19 Annagh Road Lungs Clogher Co Tyrone BT76 0UX 010223.doc

Environmental Health Mid Ulster Council-LA09-21-1653 F Immediately East Of 19 Annagh Road Lungs Clogher Co Tyrone BT76 0UX.doc

Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Proposed Elevations

Landscape Proposals

Proposed Elevations Plan Ref: 04

Landscaping Plan Plan Ref: 03

Proposed Floor Plans Plan Ref: 02

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1772/O	Target Date: 7 February 2022
Proposal: Proposed dwelling, domestic garage and associated works	Location: Lands Approx. 30M To The South Of 29 Tullyglush Road Ballygawley
Applicant Name and Address: Mr Liam Farrell 50 Church Street Ballygawley	Agent Name and Address: ADP Architects 1 Holmview Terrace Omagh BT79 0AH
Summary of Issues: This application is for a dwelling and garage in the countryside. The application is being assessed against CTY2a, clustering policy and revolves around the definition of a focal point.	
Summary of Consultee Responses: DFI Roads - provided standards for acceptable access	
Characteristics of the Site and Area: The site is located at lands located approx. 30m South of 29 Tullyglush Road, Ballygawley. The red line of the site includes a roadside portion of a larger agricultural field. Most of the existing boundaries are currently undefined opening into the remainder of the agricultural field. The lands adjoining the site to the south and west are outlined in blue, which indicates ownership. The surrounding area includes a number of roadside residential properties and their associated outbuildings, but beyond that lands are rural in nature, largely made up with agricultural fields.	

Description of Proposal

Outline planning permission is sought for a proposed dwelling and domestic garage and associated site works.

Deferred Consideration:

This application was before the Planning Committee in September 2023 where it was deferred for a meeting with Dr Boomer to discuss the clustering policy and explore other potential policies that might be more appropriate. A meeting was held on 16 September where the agent advised a farming case had been granted for another family member on the opposite side of the road in recent times and this is nearing completion. The agent provided information about the historic farm stead on the opposite side of the road which is known as Shantavny Farmhouse, it is a B&B and the applicants family homestead.

Following a site visit it is clear the proposed site has development on 2 sides and it can be read with 5 dwellings in the vicinity. (fig 1) The agent focused on the development further east, which is beyond the crest in the road and does not provide the visual linkages to create the visual entity. When standing at the frontage of the proposed site I do get the impression of being at a cluster and the development to the north, east and west are all seen together as a visual entity in the landscape. A dwelling on the proposed site would be absorbed into the cluster and I do not consider it would adversely impact on the character of the area or intrude into the open countryside due to the physical constraints around the site. A dwelling located in the site could be sensitively sited so as not to impinge on the residential amenity of the adjacent development.



Fig 1 and 2 site in red and development around it

The final point requires the cluster to be associated with a focal point such as a social/community building/facility. The agent has advised there is a B&B across the road immediately opposite the proposed site. A google search has identified this as a holiday let which can accommodate between 10 and 24 people. Given the scale of the B&B and its potential to accommodate 24 people, I would accept that it is akin to a small hotel and could be considered to be a focal point in the locality.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations

closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

In light of all of the above I consider the proposal does meet the clustering test and a dwelling and garage may be approved on this site.

Conditions/Reasons for Refusal:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. Details of existing and proposed levels within the site, levels along the roadside, and the finished floor level of the proposed dwelling shall be submitted for approval at Reserved Matters stage. The dwelling shall be built in accordance with levels agreed at Reserved Matters stage.

Reason: To ensure that the dwelling integrates into the surrounding countryside.

4. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All new curtilage boundaries shall be identified by new planting, and shall include a mix of hedge and tree planting. The retained and proposed landscaping shall be indicated on a landscape plan, with details to be agreed at reserved matters stage. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity and to assist with integration.

5. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

6. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the uploaded form RS1 including sight lines of 2.4m by 45.0m in both directions and a forward sight distance of 45.0m where the access meets the public road. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

Signature(s)

Date:

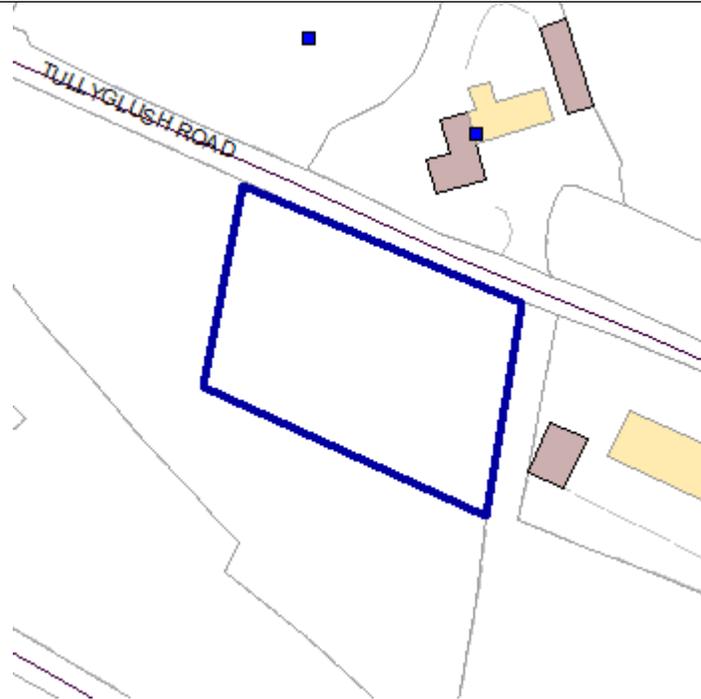


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 September 2022	Item Number: 5.20
Application ID: LA09/2021/1772/O	Target Date: 7 February 2022
Proposal: Proposed dwelling, domestic garage and associated works	Location: Lands Approx. 30M To The South Of 29 Tullyglush Road Ballygawley
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Liam Farrell 50 Church Street Ballygawley	Agent Name and Address: ADP Architects 1 Holmview Terrace Omagh BT79 0AH
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR

Representations:

Letters of Support	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

No issues. There was one representation received by way of a non-committal email. The email noted that they did not object to the proposal but they were interested in the decision. The email stated that the proposal was not linked with the principal farm group, but rather the farm business ID numbers brother. We have asked the agent for clarification and the lands in question are outlined in blue, indicating ownership and thus we will take it at face value that they are in ownership of the lands or in this case they have served notice on the relevant party.

Characteristics of the Site and Area

The site is located at lands located approx. 30m South of 29 Tullyglush Road, Ballygawley. The red line of the site includes a roadside portion of a larger agricultural field. Most of the existing boundaries are currently undefined opening into the remainder of the agricultural field. The lands adjoining the site to the south and west are outlined in blue, which indicates ownership. The surrounding area includes a number of roadside residential properties and their associated outbuildings, but beyond that lands are rural in nature, largely made up with agricultural fields.

Description of Proposal

Outline planning permission is sought for a proposed dwelling and domestic garage and associated site works.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 28 and 29 Tullyglush Road. At the time of writing, no third party representations were received.

Planning History

M/2004/0494/O - Domestic dwelling and garage at Land 50M SW Of 29 Tullyglush Road, Ballygawley - PERMISSION REFUSED

Planning Assessment of Policy and Other Material Considerations

- o Dungannon and South Tyrone Area Plan 2010
- o Strategic Planning Policy Statement (SPPS)
- o PPS 3: Access, Movement and Parking
- o PPS 21: Sustainable Development in the Countryside
- o Local Development Plan 2030 - Draft Plan Strategy

The Dungannon and South Tyrone 2010 identify the site as being outside any defined settlement limits and there are no other designations or zonings within the Plan.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination,

In light of this, the draft Plan Strategy does not yet carry determining weight.

This proposal is for a new dwelling and domestic garage. The agent has submitted a supporting statement where they set out how they feel the proposal meets with the policy criterion held within CTY 2a of PPS 21 which was considered at our group discussions.

In line with planning policy held within CTY 2a of PPS 21 permission will only be granted for a dwelling at an existing cluster of development provided the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings. This proposal site lies outside of a farm and consists of more than 4 buildings thus adhering to this criteria. Although there is a number of existing roadside dwellings and associated outbuildings, we are not content that the cluster appears as a visual entity in the local landscape. The third criterion notes that the cluster should be associated with a focal point such as a social/community building/facility or is located at a crossroads. I am not convinced that there is anything which would be considered as a focal point in close proximity to the site and thus the proposal fails on this criterion. The identified site is bounded on two sides by development, to the North and East and it is my consideration that the proposed development could be absorbed into the existing cluster without significantly altering the existing character or adversely impacting on the residential amenity. There is sufficient separation distance between the site and neighbouring properties to avoid any issues such as privacy or overlooking concerns.

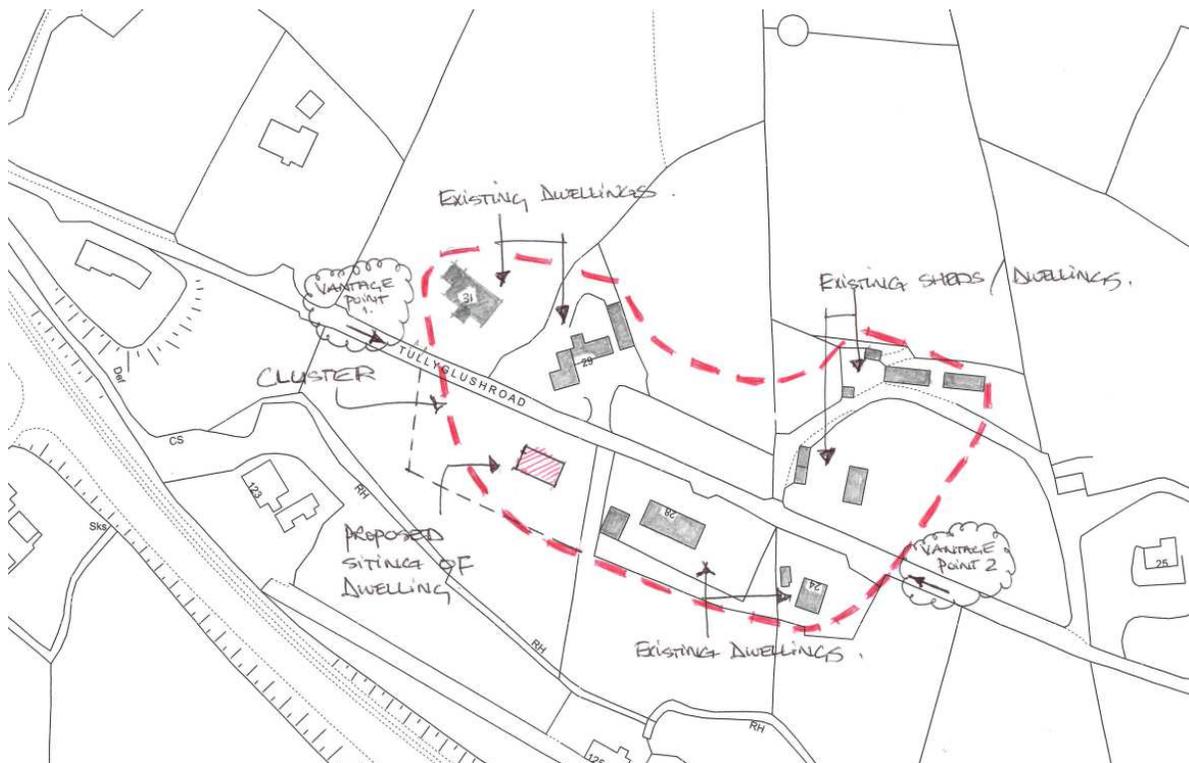


Figure 1 – Sketch of Cluster prepared by agent

It is also necessary for the proposal to be considered against the requirements of CTY 13 and CTY 14 of PPS 21, whereby it states that planning permission will be granted for

a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This proposal is for an outline application thus no design has been stipulated at this time however given the character of the area and noting that the dwellings in the surrounding area are a mix of sizes, I am content that a two storey which is appropriately designed could be absorbed into the site. This would avoid the proposed dwelling appearing overly dominant and also will be in keeping with the surrounding development. The existing hedging should also be conditioned to be retained where possible with full details of proposed landscaping along the remainder of the boundaries to also be included with the RM application, again if approval were to be granted.

Having considered all of the above and noting that the proposal site is not within an identifiable cluster of development and does not have a focal point relating to the site thus contrary to policy, we feel the application should be refused.

I would add that the possibility of exploring a farm case at this site was discussed with the agent however no farm case was presented to us and thus we could only assess the proposal under Policy CTY2a.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape and the cluster is not associated with a focal point and is not located at a cross-roads. The dwelling would if permitted alter the existing character of the cluster visually intrude into the open countryside.

Signature(s): Sarah Duggan

Date: 9 August 2022

ANNEX	
Date Valid	13 December 2021
Date First Advertised	6 January 2022
Date Last Advertised	4 January 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 28 Tullyglush Road, Seskilgreen, Tyrone, BT70 2BZ The Owner / Occupier 29 Tullyglush Road Seskilgreen Tyrone BT70 2BZ	
Date of Last Neighbour Notification	13 January 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR	
Drawing Numbers and Title Site Layout or Block Plan Plan Ref: 02 Site Location Plan Plan Ref: 01	
Notification to Department (if relevant) Not Applicable	



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0398/F Recommendation: Refuse	Target Date: 20 May 2022
Proposal: Proposed 2 No. dwellings within existing approved housing development	Location: Within existing Mullinderg Housing Development (Approx 20M North East of No. 8) Moneyneany BT457FD
Applicant Name and Address: Corramore Construction Unit A1 Workspace Tobermore Road Draperstown BT457AG	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT465AB
Summary of Issues: <p>This application was first presented to Members at January 2023 Planning Committee with a recommendation to refuse. The development was considered to be contrary to Policy OS1 of PPS 8, Open Space Sport and Outdoor Recreation in that it would lead to a loss of existing public open space within the housing development. It was also considered contrary Policy QD 1 of PPS 7, Quality Residential Environments in that the development would encroach into an area required for open space as set out by condition under planning permission H/2006/0017/F. This would be to the detriment of the residential amenity as enjoyed by existing residents. It was agreed by Members to defer the application for an office meeting with Dr Boomer and the Senior Officer. This took place on the 19th January 2023. Following the meeting, the applicant submitted a revised scheme which reduced the number of dwellings from 3 to 2. Having considered the amended scheme the application is being presented to Members again for refusal, with justification provided further in this report.</p>	
Summary of Consultee Responses: <p>Re-consultation was carried out with DFI Roads as part of this deferred consideration and as a result of the revised scheme. They have provided the following comments: The developer should consider the upgrade of the private access to an adoptable road for sites 10 - 16. This will require an amendment of the red outline and an acceptable amended road alignment to allow a</p>	

Private Streets Determination. In the event of the private road being retained as generally indicated in the submitted drawing, the junction of the private access road with the proposed Turning Head will require to be amended so that it enters perpendicular to one of the turning head legs. This concern has not been addressed by the applicant. Consultation was also carried out with Environmental Health as a result of some of the issues raised by objectors. This consultation was issued on the 13th March 2023 and to date no response has been forthcoming

Description of Proposal

This is a full application for 2 No. dwellings within an existing housing development

Deferred Consideration:

The main area of contention with this proposal is around the loss of existing open space within a housing development to accommodate what is now a reduced scheme of 2 detached dwellings. The scheme has been reduced by 1 unit.

H/2006/0071/F granted permission for a housing development of 41 Dwelling Units on the wider site and within that approval was an area of recognised open space as required under PPS 7 and PPS 8.

Policy OS1 of PPS 8 states that development will not be permitted that would result in the loss of existing open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance. An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. OS1 also provides an exception where the loss of open space has no significant detrimental impact on the amenity, character or biodiversity of an area and where the following circumstance occurs:

1. Where it is 2 hectares or less, alternative provision is made which is at least as accessible to current users and is equivalent in terms of size, usefulness, safety and quality.

In considering this proposal it is important to understand that the open space within this development is existing and as such Policy OS1 is a relevant consideration. It was argued at the office meeting by the applicant that that the amount of open space provided under the 2006 approval was in excess of the 10% required. Whether or not this is the case, policy OS1 exists to protect the loss of any open space. The applicant has not put forward any argument that the loss of a portion of this to accommodate 2 dwellings will bring any substantial community benefit. If it were proposed to erect a community centre or local shop then that may be considered differently. The proposal in fact has had the opposite effect on the community with a total of 53 objections being lodged raising concerns. Policy OS1 does provide exceptions and in this case no acceptable alternative provision has been indicated. Having carried out a site inspection I can advise that the housing development as existing does not represent a quality residential environment in terms of its open space provision. It has been designed and approved with the open space situated in an area where it is not overly accessible to all residents, particularly those who reside in the Southern portion of the site. Those with small children living in numbers 25-49 would not have clear sight of the open space and I would also question its safety being located so close to a River. Nevertheless, it was approved in this

location and to make it any smaller and less accessible to other residents would be against the spirit of policy OS1.

Policy QD1 of PPS 7 also requires the adequate provision of public open space within residential developments. Whilst the density of the proposal alone does not merit the provision of public open space, this area was approved under the 2006 approval in an attempt to create an attractive and sustainable residential environment as well as to foster a sense of community. By eating into this and introducing development further reduces its accessibility from the Southern section of the development and it questions whether or not it can be easily and safely accessed by those that it is designed to serve.

Members should note that 25 letters of objection were received when the application was first submitted and following notification of the reduced scheme a further 28 objections have been received.

The concerns raised within these objection letters have been summarised below. I am satisfied that any material issues raised have been dealt with in my consideration. Other issues have been raised which are not material to this assessment. Environmental Health were consulted as some of the issues raised fall within their remit however they have yet to issue a response.

- o The open space will now be significantly smaller than previously approved.
- o Concerns that the open space will be out of sight and hidden behind the proposed dwellings
- o It will be adjacent to two properties making it an annoyance for those residents as well as for the public using the area
- o Concerns that the land lost from banking down to the river or the turning head at the end of the turning head at the end of the private road. Therefore, the usable area is smaller than the total area shown.
- o Existing space and ancillary works are a hazard to children
- o Impact of poor provision of open space on mental health
- o Increase in site traffic if development goes ahead and the safety issues around this
- o Littering/burning of rubbish
- o Internal road layout not completed
- o Existing area is an eyesore
- o Noise pollution

To conclude, I recommend that this application be refused. Policy OS1 has a presumption against the loss of existing open space. The proposal does not meet any of the exceptions contained within OS1 and there is clearly strong community objection to the loss of this section of the existing open space to accommodate 2 dwellings. The proposal also fails to comply with policy QD1 of PPS 7 in that the development would encroach into an area required for open space as set out by condition under planning permission H/2006/0017/F. This would be to the detriment of the residential amenity as enjoyed by existing residents.

Conditions/Reasons for Refusal:

Refusal Reasons

Reason 1

The proposal is contrary to Policy OS1 and PPS 8, Open Space Sport and Outdoor Recreation in that the proposal will lead to a loss of existing public open space within this housing development.

Reason 2

The proposal is contrary Policy QD 1 of PPS 7, Quality Residential Environments, in that the development would encroach into an area required for open space as set out by condition under planning permission H/2006/0017/F. This would be to the detriment of the residential amenity enjoyed by existing residents.

Signature(s):Karla McKinless

Date: 18 September 2023

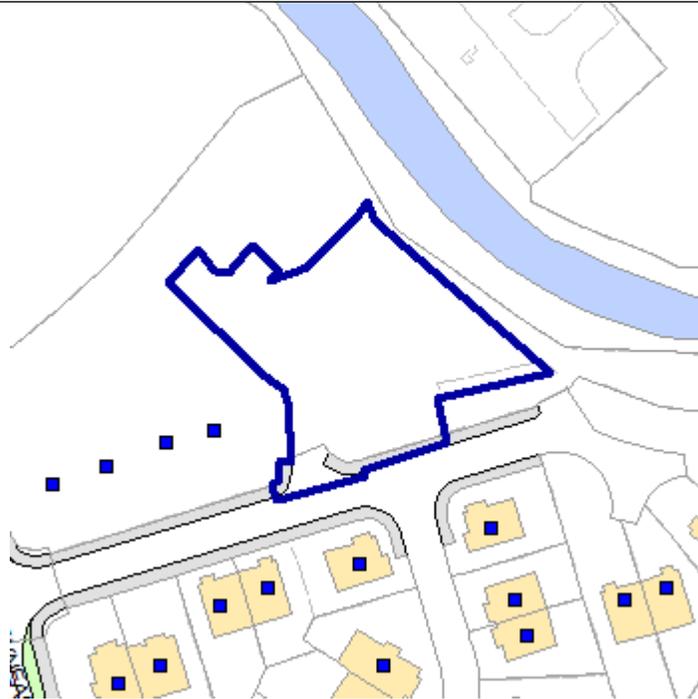


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/0398/F	Target Date: 20 May 2022
Proposal: Proposed 3 No. dwellings within existing approved housing development	Location: Within Existing Mullinderg Housing Development (Approx 20M North East Of NO8) Moneyneany BT457FD
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Corramore Construction Unit A1 Workspace Tobermore Road Draperstown BT457AG	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT465AB
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	NI Water - Multiple Units West	LA09-2022-0398-F.pdf
Non Statutory Consultee	NI Water - Multiple Units West	LA09-2022-0398-F.pdf
Non Statutory Consultee	NI Water - Strategic Applications	Consulted in error. Please resend to Multiple Units West.
Statutory Consultee	DFI Roads - Enniskillen Office	Full & RM Resp.docx
Non Statutory Consultee	Historic Environment Division (HED)	
Non Statutory Consultee	Rivers Agency	643611 final.pdf

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	25
Number of Support Petitions and signatures	
Number of Petitions of Objection	

and signatures

Summary of Issues

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. All relevant neighbouring properties have been notified of the proposal.

There have been 25 letters of objections received in relation to this application. The concerns raised within these objection letters have been fully considered as part of this planning application and the main points have been summarised below:

- Covers over the loss of open space the open space will now be significantly smaller than previously approved
- Concerns that the open space will be out of sight and hidden behind the 3 No proposed dwellings
- It will be adjacent to two properties making it an annoyance for those residents as well as for the public using the area
- Concerns that the land lost from banking down to the river or the turning head at the end of the turning head at the end of the private road. Therefore, the usable area is smaller than the total area shown.

The agent has provided comment on the objections received.

Characteristics of the Site and Area

The application site is located within the existing Mullinderg housing development (Approx 20m North East of No 8), Moneyneany, and is located within the designated settlement limits as defined in the Magherafelt Area Plan, 2015. The site lies within an existing housing development approved under H/2006/0071/F, which was approved for 41 No dwellings. There is a river which runs along the North Eastern boundary of the site. The immediate surrounding area is predominantly residential, however the wider landscape character is rural.

Description of Proposal

This is a full application for 3No dwellings within an existing housing development

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Relevant Planning History

H/2006/0071/F -Proposed Housing Development (41 Dwelling Units), comprising of 8 detached dwellings and 20 semi detached dwellings, 7 apartments and 6 townhouses – Opposite 26 Moneyneaney Road, Moneyneaney – Permission Granted 28.06.20007.

LA09/2021/1343/F – Proposed detached dwelling within existing approved housing development, within existing Mulinderg housing development (approx. 20m North of No2) Moneyneany, Permission granted

The following policies will be considered in this assessment:

- Strategic Planning Policy Statement (SPPS)
- Magherafelt Area Plan 2015
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 3 - Access, Movement and Parking.
- Planning Policy Statement 7 - Quality Residential Environments.
- Planning Policy Statement 8 – Open space, sport and outdoor recreation.
- Creating Places

Strategic Planning Policy Statement (SPPS)

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The SPPS gives specific provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policy will be applied, primarily PPS 7, Quality Residential Environments.

Magherafelt Area Plan 2015

This site is located on a committed Housing Site (Designation TE 03). The Plan does not stipulate key design requirements for these sites as future development will be subject to the conditions attached to planning permission. In the event that such planning permissions lapse, existing conditions can be altered or new conditions can be attached to any subsequent approval to take account of prevailing policy and plan proposals. There was a permission on this site for 37 units (H/2005/1174/RM) but this has since lapsed. The site is not subject to any other Plan designation.

Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030; Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representation closed on 18th December 2020. On 28th May 2021, the Council submitted the Draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Planning Policy Statement 3 - Access, Movement and Parking.

Dfi Roads were consulted on this application and acknowledged the 26No objections received. They had no objection to the proposal, however, they commented that while the submitted drawings demonstrate adequate parking and turning for the proposed 3 number dwellings off this private laneway within the Mullinderg Housing Development. They went on to say that Mullinderg Housing Development is under construction and that the site is bonded but not yet adopted by DFI Roads. These proposed dwellings are located on a private lane off Mullinderg Development that is not within the current PSD for the Development. The access way and parking areas associated with this development are private and the responsibility for this rests solely with the developer. DFI provided conditions and informatives that should be attached to any permission.

Planning Policy Statement 7 - Quality Residential Environments.

PPS 7 is a material planning policy for this type of development. All proposals for residential development will be expected to conform to a number of criteria laid out in Policy QD 1 of PPS 7. I will deal with these as they appear in the policy.

The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas - The

proposed development is residential in nature and is on a committed housing site within the development limits of Moneyneany. I am content that it will not impact negatively on the character of the area. The number of units proposed represents an increase of 3 from that approved under H/2006/0071/F and La09/2021/1343/F.

Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development – A consultation was sent to HED, who responded to say that they had no objections. In addition, given that the proposed dwellings will be located within an existing housing development that it is unlikely to adversely impact any features of archaeological and built heritage, and landscape features in the immediate vicinity so there is no conflict with this part of the policy.

Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area – The proposal is located on land which was identified and approved under the previous approval (H/2006/0071/F) as open space for the wider development. These will result in a substantial loss of open space for the development. This was the main concern from the 26 objectors. The overall size area of the Mullinderg Housing development is 2.1 hectares (21000Msq), the total open space remaining is approx. 1890msq which is less than the 10% stipulated in Creating Places. In addition to this, a portion of this 1890msq is not viable, usable open space (approx. 259.5msq) as it runs along the dwelling along the western boundary of the site. This means there is only approx 1630msq of open space for the development as a whole. I believe that this is not acceptable as there is a significant loss of open space (909.69msq) and contrary to PPS 7 and the guidance provided in Creating Places and it would have a detrimental impact on the amenity of the residents in the housing development. The agent submitted a response to the objection comments and in this states that the overall development measures 1.9 hectares, however, our records show that the development approved under H/2006/0071/F was 2.1 hectares.

Adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development - The site is within the development limits of Moneyneany and there are existing neighbourhood facilities already available in the locality (eg) shops etc

A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures - As the site is within an urban settlement there is an existing movement

pattern (eg) foot paths and bus routes. The level of traffic travelling through the settlement would be fairly high and would be travelling a low speed. DFI Roads have been consulted and have no objections to the proposal but highlighted that the access way and parking areas associated with the proposal are, and will remain private, therefore the responsibility for this rests solely with the developer.

Adequate and appropriate provision is made for parking – There is sufficient provision made for parking as per the site plan submitted. As this is an outline application this level of detail has not been provided and can be a matter reserved.

The design of the development must draw upon the best local traditions of form, materials and detailing – The design and finishes reflects other dwellings approved within the housing development, as such design is considered to be acceptable.

The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance – The proposed dwellings are unlikely to give rise to overlooking, loss of light, overshadowing, noise or disturbance.

The development is designed to deter crime and promote personal safety - I am satisfied that the overall development is considered to be designed to deter crime and promote personal safety. In-curtilage parking will be provided and street lighting exists along the adjacent public roads.

Ni Water

A consultation was sent to NI water who did not have any objections and provided site specific conditions to be attached to any approval.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy OS1 and PPS 8, Open Space Sport and Outdoor Recreation in that the proposal will lead to a loss of existing public open space within this housing development.

Reason 2

The proposal is contrary Policy QD 1 of PPS 7 Quality Residential Environments in that the development would encroach into an area required for open space as set out by condition under planning permission H/2006/0017/F.to the detriment of the residential environment as enjoyed by existing residents.

Signature(s): Siobhan Farrell

Date: 20 December 2022

ANNEX	
Date Valid	25 March 2022
Date First Advertised	5 April 2022
Date Last Advertised	5 April 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 4 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 6 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 7 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 8 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 1 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 26 Moneyneany Road Draperstown Londonderry BT45 7DZ The Owner / Occupier 9 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 3 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 59 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 5 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 2 Mulinderg Draperstown Londonderry BT45 7FD</p>	

Date of Last Neighbour Notification	25 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
<p>NI Water - Multiple Units West-LA09-2022-0398-F.pdf NI Water - Multiple Units West-LA09-2022-0398-F.pdf NI Water - Strategic Applications-Consulted in error. Please resend to Multiple Units West. DFI Roads - Enniskillen Office-Full & RM Resp.docx Historic Environment Division (HED)- Rivers Agency-643611 final.pdf</p>	
Drawing Numbers and Title	
<p>Proposed Plans Plan Ref: 06 Proposed Plans Plan Ref: 05 Proposed Plans Plan Ref: 04 Site Layout or Block Plan Plan Ref: 03 Site Layout or Block Plan Plan Ref: 02 Site Location Plan Plan Ref: 01</p>	

Notification to Department (if relevant)

Not Applicable



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/1625/F Recommendation: Approve	Target Date: 2 March 2023
Proposal: Proposed alteration to previously approved egress point (LA09/2018/0777/F) to include for access to existing factory.	Location: 116 Deerpark Road Toomebridge BT41 3SS
Applicant Name and Address: Neil Savage 116 Deerpark Road Toomebridge BT41 3SS	Agent Name and Address: Vision Design 31 Rainey Street Magherafelt BT45 5DA
Summary of Issues: <p>This application was first presented to Planning Committee in March 2023 with a recommendation to Approve. Given the objection raised by the adjacent Primary School it was agreed by the Planning Committee to defer the application so that an office meeting could be facilitated whereby representatives of the Primary School would be provided the opportunity to discuss their concerns directly with the Applicant and DFI Roads Service in an attempt to get a resolution that satisfied all parties. This meeting took place in MUDC on Wednesday 29th March. Additional information was subsequently submitted by both the applicant and the Primary School over the past 5 months and further consultation carried out with DFI Roads. The application is before Members tonight with no change in the recommendation to approve the proposal, with the justification set out further in this report.</p>	
Summary of Consultee Responses: <p>Further consultation was carried out with DFI Roads to inform this deferred consideration. Their response is detailed in the report below.</p>	
Description of Proposal <p>This is a full application for a proposed alteration to a previously approved egress point (LA09/2018/0777/F) to include for access to the existing factory.</p>	

Deferred Consideration:

The proposal before members tonight is for an alteration to a previously approved egress point (LA09/2018/0777/F) to include for access to the existing factory - effectively allowing traffic movement in and out of this access point. The applicant makes the case that the amendment is being applied for to safely accommodate left turns from the Deerpark Road for HGV's approaching from the A6 dual carriageway. The applicant contends that this amendment will reduce traffic passing the adjacent Primary School by providing a safer access from the A6. It is also stated that the traffic travelling between Plant 1 and Plant 2 will continue as before.

Following the deferred office meeting on the 23rd March 2023, the applicant proposed the introduction of signage to direct traffic to the correct site and via the correct gate and an amended drawing (02 rev 1) was submitted which shows the introduction of road kerbs to discourage left hand turning from the entrance.

The objection to this application comes from the adjacent Anahorish Primary School. In total, 3 detailed objections have been submitted. The first from the Principal of the School and the second and third were from SW Consultancy on behalf of the Primary School. The issues raised by the objector are summarised as follows:

- o Health and safety risk associated with the proposal given the volume of traffic entering and exiting the school throughout the day.
- o Anahorish Primary School intend to install a new entrance and are concerned the current application will negatively impact their future proposal.
- o Concerns that the proposal uses site splays that encroach upon the school entrance.
- o The proximity of a substandard access so close to the Primary School.
- o LA09/2018/0777/F was a flawed decision as accurate traffic information was not submitted.
- o Proposal fails to comply with PPS3, DCAN 15, Transport Assessment Guidelines for NI (2006) and Safer Routes to School Policy
- o Questions Traffic Movement Figures and have provided their own traffic count at this location over a 2 day period, which indicates that the predominant traffic movement is past the Primary School
- o Requests submission of a full Transport Assessment and Road Safety Audit
- o Inaccurate auto tracking provided
- o Requirement for 4.5m x 90m Splays which are not achievable
- o No consideration given to the traffic moving from Plant 1 to Plant 2
- o Suggested improvements are internal and not enforceable
- o Suggest that the existing access further to the North should be improved and utilised

In considering the issues raised by the objector and subsequent comments from MRA on behalf of the applicant, a re-consultation was issued to DFI Roads, who have responsibility for Road Safety on Public Roads. DFI Roads provided a consultation response on the 5th September 2023 and detailed their consideration as follows:

A vehicle count was carried out at the existing SDC Northern access by the objectors. Their count indicated a greater number of HGV accessing / exiting the site than that indicated in the earlier SDC application submissions i.e., 80 HGV compared to 51 exit movements. The number of exit movements however is not constrained in previous planning approval conditions.

Regarding visibility splays, it is noted that the desired visibility splays based on the objectors traffic survey would be 4.5 x 90 metres as stated in the objection however a reduction to the 2.4 x 70 metre southern visibility splay would still be considered permissible within the DCAN parameters as an absolute minimum.

The Adjacent stagger between the SDC southern access and the school access is within DCAN 15 guidelines. (approximately 70 metres). SDC would state that this survey identifies the large proportion of vehicles no longer passing the school and that the proposed entry / exit at the southern access will encourage more vehicles arriving and departing to the north of the application site.

As it is stated that there is no additional site associated traffic generated from that permitted in previous approvals, it would be considered difficult to justify junction visibility splay improvements from that previously approved. For any additional use of vehicles entering the site at the southern access point, there is full standard of Forward Sight Distance for road users on Deerpark Road to be aware of vehicles entering the site.

Upon consideration, DfI Roads will therefore not offer an objection to the proposal. Council may wish to consider formalising as a planning requirement the left in / right out access arrangement as proposed by the applicant.

Two of the issues raised by the objector -the impact of the proposal on future plans of the School and the enforceability of suggested improvements are outside the remit of DfI Roads consideration. It is noted that since this application was first before Planning Committee in March of this year, Anahorish Primary School have submitted an application for the upgrade of the existing school carpark, widening of existing entrance gates including clearance works to achieve sight lines and construction of new footpath along school frontage to improve health and safety for pupils and car park users (LA09/2023/0871/F). This application is currently under consideration by the Planning Department but it is not unreasonable to suggest that if approved, these changes will improve and make safer the movement of school traffic by car and by foot. Each application is assessed on its own merits and a decision on this current application will not negatively affect LA09/2023/0871/F.

The proposed introduction of road kerbs has been shown on drawing 02 rev 1 and can be enforced by way of planning condition. The suggested internal directional signage can be enforced and it is recommended that it be included as a condition of this approval. The left in/right out access arrangement on the other hand cannot be enforced by the Planning Department and a condition to formalise this arrangement cannot be attached to this decision, if approved by Members.

Based on my re-consideration of the proposal, taking on board all material planning issues raised by the objector and the advice from DfI Roads Service, who have the responsibility for Road Safety, I would advise Members that there are no PPS3 or DCAN 15 policy reasons to

refuse this application. DFI Roads are satisfied that adequate splays and forward site distance are in place to deal with the traffic movements accepted under previous approvals and have not objected to the introduction of vehicles accessing the site at this point. Approval is recommended subject to the conditions detailed below.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

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

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

Condition 2

The development shall be carried out in accordance with Drawing No. 02 Rev 1 uploaded to Public Access on 25/04/2023

Reason: To ensure that the development is carried out in accordance with the approved plans.

Condition 3

Prior to the commencement of the use of this access, directional signage alerting drivers to a Left In/Right Out access arrangement shall be erected at the entrance to the site as outlined in red on drawing number 01 uploaded on Public Access on 10/11/2022.

Reason: To formalise the access arrangement at this location and to discourage traffic from turning left as it leaves the site at this location.

Signature(s):Karla McKinless

Date: 18 September 2023

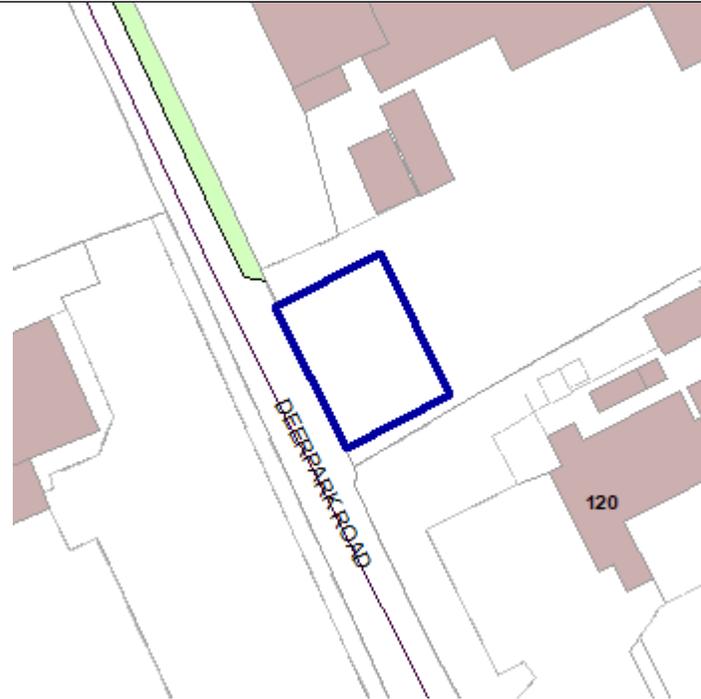


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 March 2023	Item Number: 5.26
Application ID: LA09/2022/1625/F	Target Date: 2 March 2023
Proposal: Proposed alteration to previously approved egress point (LA09/2018/0777/F) to include for access to existing factory.	Location: 116 Deerpark Road Toomebridge BT41 3SS
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Neil Savage 116 Deerpark Road Toomebridge BT41 3SS	Agent Name and Address: Vision Design 31 Rainey Street Magherafelt BT45 5DA
Executive Summary: The current application is presented as an approval; however, it is being presented at Committee following the receipt of an objection from the neighbouring Primary School.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation.docx
Statutory Consultee	DFI Roads - Enniskillen Office	previously answered
Statutory Consultee	DFI Roads - Enniskillen Office	Previously answered
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Concerns raised by the objector are addressed below:

1. Complainant is concerned that the proximity of the proposal to the primary school is a health and safety risk given the volume of traffic entering and exiting the school throughout the day.

Dfl Roads have commented on this proposal and have raised no objections.

2. Anahorish Primary School intend to install a new entrance and are concerned the current application will negatively impact their future proposal.

As the application has not been received by Mid Ulster District Council to date, this cannot be considered in the determination of this application.

3. Concerns that the proposal uses site splays that encroach upon the school entrance.

Dfl Roads have commented on this proposal and have raised no objections.

Characteristics of the Site and Area

The application site is located at No. 116 Deerpark Road, approximately 500m north of the village of Creagh. The site falls within the open countryside as defined in the Magherafelt Area Plan 2015. The red line encompasses a small portion of the front railing of the existing factory of SDC Trailers. The total area covered by SDC at this site measures approximately 45,000m² wherein the majority of the site is covered by industrial style buildings. Anahorish Primary School is located on land immediately to the south of the site and there are a number of dwellings in close proximity to the site.

Consultations

1. Dfl Roads – responded advising they offer no objection to the proposal.

Site History

LA09/2022/1628/F - 116 Deerpark Road Toomebridge BT41 3SS - Proposed cladding of existing gable to previously approved infill area (LA09/2018/0248/F) and new roller doors – Awaiting decision.

LA09/2018/0777/F - 116 Deerpark Road Toomebridge - Proposed new egress point to existing factory – Permission Granted 24/10/2018.

LA09/2018/0248/F - 116 Deerpark Road Toomebridge BT41 3SS - Development to existing industrial and manufacturing workshops. New extension to an existing workshop to provide additional manufacturing lines. Roof infill to existing yard to provide additional onsite storage for goods. Additional ventilation stacks and associated equipment - Permission Granted 16/09/2019.

LA09/2016/0587/F - 116 Deerpark Road Toomebridge BT41 3SS - Proposed Extension to existing light industrial shed to provide welding training area - Permission Granted 05/08/2016.

LA09/2016/0203/F - 116 Deerpark Road Toomebridge Co Antrim - Extension to existing chassis shelter - Permission Granted 11/07/2016.

LA09/2015/0903/F - 116 Deerpark Road Toomebridge BT41 3SS - Retrospective planning for a light industrial shed - Permission Granted – 13/05/2016.

H/2014/0099/F - 116 Deerpark Road Toomebridge - Proposed training room facilities – Permission Granted 18/08/2014.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. This application was initially advertised in the local press on 19/07/2022. Eleven neighbouring properties were notified in relation to this application and two objectors have submitted correspondence.

Description of Proposal

This is a full application for a proposed alteration to a previously approved egress point (LA09/2018/0777/F) to include for access to the existing factory.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

The site falls in the open countryside as defined in the Cookstown Area Plan 2010. The site is located within a designated area of 'high scenic value'.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.

The SPPS outlines the aims to providing sustainable development and with respect to that, should have regard to the development plan and any other material considerations. It notes the importance of sustainable development in the countryside which promotes high standards in the design, siting, and landscaping. It does not offer any change in policy direction regarding replacement dwellings.

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was

launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th of May 2021, the Council submitted the draft Plan Strategy to DfI for them to cause an Independent Examination. In light of this, the Draft Plan Strategy does not yet carry determining weight.

PPS 3 – Access, Movement and Parking

In terms of policy AMP 2 of PPS 3, the application proposes alterations to the previously approved egress point to include for access to the existing factory. The agent has confirmed through the submission of a Transport Assessment Form that there is no change in traffic generation resulting from this application. I am content that the proposed application is able to comply with AMP 2 of PPS 3.

Deerpark Road is not a Protected Route therefore there is no conflict with AMP 3 of PPS 3. For this reason, I am content that the proposed access will not prejudice road safety or significantly inconvenience the flow of traffic and complies under PPS 3.

PPS 21 – Sustainable Development in the Countryside

I note that the application site falls within the open countryside, therefore PPS 21 applies, mainly CTY 13 and 14. However, it should be noted that although it falls in the open countryside, the rural character of the area has already been eroded due to the existing industrial development across the SDC site. From this, I am content that the current proposal will not cause a detrimental change of character of the area and is therefore able to comply under PPS 21.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The development shall be carried out in accordance with Drawing No. 02 uploaded to Public Access on 10/11/2022.

Reason: To ensure that the development is carried out in accordance with the approved plans.

Signature(s): Zoe Douglas

Date: 20 February 2023

ANNEX	
Date Valid	17 November 2022
Date First Advertised	29 November 2022
Date Last Advertised	29 November 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 121 Deerpark Road Toome Londonderry BT41 3SS The Owner / Occupier 120 Deerpark Road Toome Londonderry BT41 3SS	
Date of Last Neighbour Notification	9 December 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2019/1010/F Proposals: Proposed conversion of existing outbuildings and yard to provide 5No. self-catering holiday lets and associated parking including internal and minor external alterations with small covered entrance to one building. Decision: PG Decision Date: 17-DEC-19</p> <p>Ref: H/1999/0347 Proposals: DWELLING & GARAGE Decision: PG Decision Date:</p> <p>Ref: H/1997/0264 Proposals: DWELLING & GARAGE Decision: PG Decision Date:</p> <p>Ref: H/2004/1419/O Proposals: Site of dwelling and garage Decision: PR Decision Date: 13-FEB-06</p>	

Ref: H/1999/0066
Proposals: SITE OF DWELLING
Decision: PG
Decision Date:

Ref: H/2001/0612/F
Proposals: Dwelling
Decision: PG
Decision Date: 21-NOV-01

Ref: H/2015/0076/F
Proposals: Proposed Domestic Car Storage Garage
Decision: PG
Decision Date: 06-JUL-15

Ref: H/1998/0263
Proposals: DWELLING AND GARAGE
Decision: PG
Decision Date:

Ref: H/1997/0605
Proposals: SITE OF DWELLING
Decision: PG
Decision Date:

Ref: LA09/2020/0395/F
Proposals: Proposed change of use - conversion from barn (old piggery) to 2 no residential units and associated ground works at site adjacent to Aughrim House, Creagh, Toomebridge, BT41 3ST
Decision: PG
Decision Date: 11-MAR-21

Ref: H/2000/0326/O
Proposals: Site for dwelling and garage
Decision: PR
Decision Date: 11-JAN-01

Ref: H/2000/0325/O
Proposals: Site for dwelling and garage
Decision: PR
Decision Date: 11-JAN-01

Ref: H/1990/0560
Proposals: H.V. O.H. LINE BM 0464/90
Decision: PG
Decision Date:

Ref: H/2003/0230/O
Proposals: Site of dwelling and garage.
Decision: PR
Decision Date: 07-NOV-05

Ref: H/2001/0504/F
Proposals: Extension to dwelling
Decision: PG
Decision Date: 11-OCT-01

Ref: H/2006/0737/RM
Proposals: Proposed bungalow
Decision: PG
Decision Date: 24-NOV-06

Ref: H/2008/0646/F
Proposals: Change of house type and double garage to previously approved application
H/2006/0737/RM
Decision: PG
Decision Date: 21-JAN-09

Ref: H/1999/0696/O
Proposals: Site of Bungalow
Decision: PG
Decision Date: 11-JUN-00

Ref: H/2005/0634/F
Proposals: Variation of time condition number 2 of application H/1999/0696/O to extend
outline permission by one year.
Decision: PG
Decision Date: 31-AUG-05

Ref: H/2002/1146/F
Proposals: Dwelling and Garage. (Renewal of H/1997/0264)
Decision: PG
Decision Date: 14-FEB-03

Ref: H/1999/0679/O
Proposals: Site of Dwelling and Garage
Decision: PG
Decision Date: 08-MAY-00

Ref: H/2000/0500/RM
Proposals: Dwelling and Garage
Decision: PG

Decision Date: 22-SEP-00

Ref: H/1993/0353

Proposals: BUNGALOW AND GARAGE

Decision: PG

Decision Date:

Ref: H/1993/0026

Proposals: SITE OF DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: H/1998/0450

Proposals: REPLACEMENT SEPTIC TANK

Decision: PG

Decision Date:

Ref: H/1995/0246

Proposals: SITE OF DWELLING AND GARAGE

Decision: PR

Decision Date:

Ref: H/2003/0226/O

Proposals: Site of two storey dwelling and garage.

Decision:

Decision Date:

Ref: H/1997/0403

Proposals: ERECTION OF MOBILE CLASSROOM

Decision: PG

Decision Date:

Ref: H/2001/0992/F

Proposals: Temporary Mobile Classroom

Decision: PG

Decision Date: 18-JAN-02

Ref: H/1991/0299

Proposals: MOBILE CLASSROOM

Decision: PG

Decision Date:

Ref: H/1994/0187

Proposals: NEW CAR PARK/TURNING AREA & ALTS TO FRONT ENTRANCE

Decision: PG

Decision Date:

Ref: H/2002/0859/F
Proposals: Relocation of Temporary Classroom
Decision: PG
Decision Date: 15-NOV-02

Ref: H/1994/0306
Proposals: MOBILE CLASSROOM
Decision: PG
Decision Date:

Ref: H/2014/0437/F
Proposals: Removal of existing mobile accommodation. Provision of new temporary mobile accommodation for duration of contract. Erection of new 4 classroom teaching block, School Hall, Kitchen and Ancillary Accommodation. Also provision of new hard play area and remedial works to existing building.
Decision: PG
Decision Date: 13-FEB-15

Ref: H/2013/0069/F
Proposals: Proposed staff toilet block and internal works to existing toilets
Decision: PG
Decision Date: 28-MAY-13

Ref: H/2014/0398/PREAPP
Proposals: Proposed Extension to rear of the existing school comprising 4No. Classrooms, 2No. Resource Areas, School Hall, Kitchen and ancillary spaces. Proposals include the use of New Temporary Classrooms for the duration of the works which would be removed upon completion of the new building.
Decision: ESA
Decision Date: 30-JAN-15

Ref: H/2000/0103/F
Proposals: Extension To Existing Primary School
Decision: PG
Decision Date: 19-APR-00

Ref: H/2013/0060/F
Proposals: Proposed paint store
Decision: PG
Decision Date: 20-MAY-13

Ref: H/1995/0224
Proposals: CHANGE OF USE FROM AGRICULTURE LAND TO STORAGE AREA FOR FINISHED TRAILERS PLUS THE ERECTION OF AN 2600MM HIGH BLOCK WALL ALONG WESTERN BOUNDARY, AND 2500MM STEEL POST

AND CHAIN LINK FENCE TO THE OTHER BOUNDARIES

Decision: PG

Decision Date:

Ref: H/1994/0572

Proposals: CHANGE OF USE FROM AGRICULTURE LAND TO TEMPORARY STORAGE

AREA AND TEMPORARY ACCESS

Decision: WITHDR

Decision Date:

Ref: H/1997/0281

Proposals: COVERED AREA BETWEEN STORAGE UNIT AND FABRICATION BUILDING(RETROSPECTIVE)

Decision: PG

Decision Date:

Ref: H/1994/6062

Proposals: EXT TO EXISTING FACTORY DEERPARK ROAD BELLAGHY

Decision: QL

Decision Date:

Ref: H/2012/0177/F

Proposals: Proposed creation of a new access from the Deerpark Road and oneway system for HGVS.

Decision:

Decision Date:

Ref: H/2005/0163/F

Proposals: Extension to existing factory

Decision: PG

Decision Date: 08-AUG-06

Ref: H/2013/0469/F

Proposals: Proposed training room facilities

Decision: PG

Decision Date: 28-FEB-14

Ref: LA09/2015/0903/F

Proposals: Retrospective planning for a light industrial shed

Decision: PG

Decision Date: 13-MAY-16

Ref: H/1995/0026

Proposals: SECOND FLOOR EXTENSION TO OFFICES

Decision: PG

Decision Date:

Ref: H/2003/0168/F

Proposals: Proposed canopy between existing buildings.

Decision: PG

Decision Date: 08-OCT-03

Ref: H/1990/0087

Proposals: EXTENSION TO FACTORY

Decision: PG

Decision Date:

Ref: H/1994/0484

Proposals: EXTENSION TO FACTORY

Decision: PG

Decision Date:

Ref: H/2014/0099/F

Proposals: Proposed training room facilities.

Decision: PG

Decision Date: 18-AUG-14

Ref: LA09/2022/1625/F

Proposals: Proposed alteration to previously approved egress point (LA09/2018/0777/F) to include for access to existing factory.

Decision:

Decision Date:

Ref: LA09/2018/0777/F

Proposals: Proposed new egress point to existing factory

Decision: PG

Decision Date: 24-OCT-18

Ref: H/1981/0394

Proposals: FACTORY

Decision: PG

Decision Date:

Ref: H/1989/0423

Proposals: STORE, WORKSHOP AND EXTENSION TO FACTORY

Decision: PG

Decision Date:

Ref: H/1988/0094

Proposals: FACTORY

Decision: PG

Decision Date:

Ref: H/2007/0319/RM

Proposals: Retrospective extension to existing workshop.

Decision: PG

Decision Date: 18-AUG-09

Ref: H/1982/0196

Proposals: HV AND MV O/H LINE (BM 5380)

Decision: PG

Decision Date:

Ref: LA09/2016/0587/F

Proposals: Proposed Extension to existing light industrial shed to provide welding training area

Decision: PG

Decision Date: 05-AUG-16

Ref: LA09/2022/1628/F

Proposals: Proposed cladding of existing gable to previously approved infill area (LA09/2018/0248/F) and new roller doors

Decision:

Decision Date:

Ref: H/2004/1303/F

Proposals: Excavation & Levelling Of Land As Enablement Works For Future Extension To Factory.

Decision: PG

Decision Date: 08-AUG-06

Ref: H/2003/0930/O

Proposals: Site of extension to workshop.

Decision: PG

Decision Date: 18-APR-04

Ref: H/1991/6158

Proposals: EXTENSION TO WORKSHOP DEERPARK ROAD TOOMEBRIDGE

Decision: PRENC

Decision Date: 20-DEC-91

Ref: LA09/2018/0248/F

Proposals: Development to existing industrial and manufacturing workshops. New extension to an existing workshop to provide additional manufacturing lines. Roof infill to existing yard to provide additional onsite storage for goods. Additional ventilation stacks and associated equipment.

Decision: PG

Decision Date: 16-SEP-19

Ref: H/2003/1248/A

Proposals: New signage.

Decision: CG

Decision Date: 17-NOV-04

Ref: H/2005/0913/F

Proposals: Extension to existing workshop & Extension to existing workshop as per previous approval Ref H/2002/0541/F

Decision: PG

Decision Date: 21-JUL-08

Ref: H/2002/0541/F

Proposals: Workshop, Offices, Yard, and Carparking.

Decision: PG

Decision Date: 21-MAY-04

Ref: H/2001/0804/Q

Proposals: Extension To Workshops For SDC Trailers.

Decision: ELA

Decision Date: 06-MAR-02

Ref: H/2000/0342/Q

Proposals: Proposed Development Site

Decision: ELR

Decision Date: 25-MAY-00

Ref: H/2013/0336/F

Proposals: Extension to existing roof extract flues and erection of 5 support structures

Decision: PG

Decision Date: 13-FEB-14

Ref: H/2013/0385/F

Proposals: Proposed chassis shelter

Decision: PG

Decision Date: 17-JAN-14

Ref: LA09/2016/0203/F

Proposals: Extension to existing chassis shelter

Decision: PG

Decision Date: 11-JUL-16

Ref: H/1990/6062

Proposals: ENGINEERING WORKSHOP 81 HILLHEAD ROAD CASTLEDAWSON

Decision: PREA

Decision Date: 06-SEP-90

Ref: H/2013/0111/F

Proposals: 50kw solar PV array on existing warehouse roof

Decision: PG

Decision Date: 05-JUN-13

Ref: H/1980/0013

Proposals: SITE OF BUNGALOW

Decision: PG

Decision Date:

Ref: H/1996/6073

Proposals: DEVELOPMENT OF LAND DEERPARK ROAD TOOMEBRIDGE

Decision: QL

Decision Date:

Ref: H/2006/0492/Q

Proposals: Proposed infilling of a low lying field by 4 feet approx for agricultural purposes

Decision: PRENC

Decision Date: 12-JUN-06

Ref: H/2005/0808/F

Proposals: Extension To Dwelling

Decision: PG

Decision Date: 19-OCT-05

Ref: H/2000/0050/F

Proposals: Extension Of Existing Car Park

Decision: PG

Decision Date: 16-MAR-00

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation.docx

DFI Roads - Enniskillen Office-previously answered

DFI Roads - Enniskillen Office-Previously answered

DFI Roads - Enniskillen Office-Roads Consultation 2.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable

Report on	Further correspondence received from DFI following MUDC Councils letter of 10 th Aug 2023 following a Notice of Opinion to approve application LA03/2021/0940/F (deposition of silt and fine material without complying with condition number 07 and condition number 12 of planning approval) at Lough Neagh.
Date of Meeting	3 rd Oct 2023
Reporting Officer	Melvin Bowman
Contact Officer	Dr Chris Boomer.

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	<p>The purpose of this report is to advise members of further correspondence received from DFI on the 29 Aug 2023 relating to its recent Notice of Opinion to approve an application which seeks the non-compliance with conditions number 07 and condition number 12 of planning approval LA03/2017/0310/F.</p> <p>DFI had previously invited requests for an opportunity to appear before and be heard by the Planning Appeals Commission, or a person appointed by the Department for the purpose of a hearing, in writing, within 8 weeks from the date of service of the Notice</p>
2.0	Background
2.1	On 26 th June 2023 DFI issued a Notice of Opinion to approve the following proposal:
2.2	<p>Site of Proposed Development: Lough Neagh within the Mid Ulster District Council, Antrim and Newtownabbey Borough Council. Armagh Banbridge and Craigavon Borough Council and Lisburn and Castlereagh Council Areas.</p> <p>Description of Proposal: Application for the extraction, transportation and working of sand and gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km², in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material without complying with condition number 07 and condition number 12 of planning approval LA03/2017/0310/F.</p> <p>Applicant: Lough Neagh Sand Traders Limited Agent: Quarryplan</p>

2.3.	<p>These Conditions relate to:</p> <p>Condition 7 (daylight only operating hours restriction) and Condition 12 (the replacement of barges presently operating on the Lough).</p>
2.4	<p>At the Planning Committee meeting held on the 1st Aug 2023 members expressed a number of concerns relating to the Notice of Opinion and these were set out in a letter issued to the Department on the 10th Aug 2023. This letter also contained an invitation to Department officials to attend the next planning committee in order to address the matters and concerns raised by members.</p>
<p>3.0 Main Report</p>	
3.1	<p>The DFI response dated 29th Aug 2023 to the Councils letter of 10th Aug 2023 is attached in the appendix to this report along with the Councils most recent further letter issued to DFI on the 15th Sept 2023.</p>
3.2	<p>The Department have set out its response to each of the points raised by members relating to the Notice of Opinion but have declined the Councils invitation to attend to planning committee. The response concludes by asking the Council to confirm that it is requesting an opportunity of appearing before and being heard by the Planning Appeals Commission or that it is not requesting such an opportunity</p>
3.3	<p>In response to this, the Service Director wrote to the Department on the 15th September 2023 setting out the Councils view that, given the lack of expertise held by the Councils planning officers on this issue, that members would be greatly assisted in understanding the full impacts of the proposed variation to these conditions relating to sand extraction if officers from the Department would attend the Committee. A further invitation to this effect was therefore again extended to officers in DFI to attend the Oct 3rd 2023 planning committee meeting. Representatives of The Lough Neagh Sand Traders, being aware of the Councils concerns, have indicated a willingness to attend the committee.</p>
3.4	<p>DFI responded to the Council on the 20th Sept 2023 declining the invitation. A copy of this letter is also included in the appendix to this report.</p>
<p>4.0 Other Considerations</p>	
4.1	<p>Financial, Human Resources & Risk Implications</p>

	Financial: N/A
	Human:N.A
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	That members determine, having considered the correspondence from DFI, that a hearing by the PAC is still being sought.
6.0	Documents Attached & References
6.1	Appendix A – copy of correspondence from DFI Copy of Councils letters to DFI dated 10 th Aug and 15 th Sept 2023.

Regional Planning Policy and Casework

Dr C Boomer
Mid-Ulster District Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB
Tel: 0300 200 7830

Our reference: LA03/2021/0940/F

Date: 29 August 2023

Dear Dr Boomer

Location: Lough Neagh within the Mid Ulster District Council, Antrim and Newtownabbey Borough Council. Armagh Banbridge and Craigavon Borough Council and Lisburn and Castlereagh Council Areas.

Proposal: Application for the extraction, transportation and working of sand and gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km², in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material without complying with condition number 07 and condition number 12 of planning approval LA03/2017/0310/F.

Thank you for your letter of 10 August 2023 in response to the Department's Notice of Opinion to approve the above-mentioned planning application and the request for clarification.

While noting the that the Council have exercised their right to an opportunity to appear before and be heard by the Planning Appeals Commission, the Department considers that some response to the points made may be useful in providing additional assurance and clarification. In addition to the applicant's documents, including an Environmental Statement, which are publicly available on the Planning Register, the Department has uploaded its Development Management Report. The DMR sets out the Department's assessment of this application and provides detail on the matters raised in your letter.

The points asserted in your letter have been addressed in the order you have identified them.

That the permission was granted in order to control the extent and pace of mineral extraction on the lough and the conditions and planning agreement were required in order to do this.

The original permission saw sand extraction on Lough Neagh regulated. It applied a maximum restriction to the area of extraction along with the volume of material extracted. These parameters will remain unchanged by the current application. What the current application does do, is amend the manner in which that restricted area and that volume of material is extracted - by spreading the working period over a wider period of time, including into the hours of darkness. The original permission included a condition restricting nighttime operations during specified months because it had not been subject to assessment at that time.

Section 54 of the Planning Act (NI) 2011 entitles a developer to apply to develop land without compliance with conditions attached to a previous planning permission and the Department has a duty to consider such an application in consultation with expert bodies.

These changes could lead to an increase in the rate of extraction activities in the lough and the Council is not satisfied that the impact of this substantial activity has been properly examined.

The applicant has not sought any change to the previously restricted area, the maximum volume of material that can be extracted annually or the length of time over which the material can be extracted. In short, no more material is permitted to be extracted from the lough than is already allowed and the permission is still conditioned to expire on 10 May 2032. More detail on this matter is available at section 1.3 of the *Environmental Statement Addendum*.

You will note from the Notice of Opinion that conditions 1, 7, 8 and 9 remain as per the previous permission.

It appears there has not been adequate consideration to the scaring on the lough bed and the impact on fish and aquatic life.

An application under s.54 of the act considers only the conditions subject to which the previous development was granted, it does not re-examine the principle of the development i.e. extraction from the bed of the lough established through the granting of original permission LA03/2017/0310/F. The conditions proposed in the Notice of Opinion do not alter the extent or the nature of the development already permitted. Such issues were considered under the previous application, which was the subject of a public local inquiry, whereby the principle of development was approved.

What is being considered in this application is whether the extraction of sand from Lough Neagh can be carried out during a longer part of the day. Impacts associated with that change have been considered by the statutory nature conservation body and the Department.

A refusal of this permission would not prevent extraction from the Lough nor any impacts that could currently occur because of that development. The applicant can still continue to implement the original permission.

It also appears that there has been insufficient survey work conducted in relation to the nocturnal activities of terrestrial life including birds and the insects on which they feed.

The Department and its consultees were previously aware of this same issue. Indeed this was raised by the Northern Ireland Environment Agency (NIEA) and Shared Environmental Services (SES) and an assessment is provided in the *Development Management Report*.

It may be helpful to highlight the DAERA NIEA response of 3 October 2022 which advised that caution is required with regards the entire removal of the condition. SES, in the *appropriate assessment* completed on behalf of DfI, agreed with this opinion.

Accordingly, as discussed at para 6.42-6.43 of the *Development Management Report*, the Department has recommended an amendment to condition 7 which confines the barge operations to the period 0600hr to 1800hr from November to February as opposed to the removal of condition 7 entirely.

There has been inadequate consideration of the multiple impacts and threats facing the lough such as water quality the growth of algae and invasive species, impact of ammonia nitrate in conjunction with the impact of more intensive extraction activities, the growth of algae which may be linked to nitrates impacting on water quality.

It is unclear what synergy there is between the additional hours of operation of the barges and some of the threats and impacts expressed by the council.

However, the Department considered impacts with regards the proposed non-compliance with condition 12, which currently restricts the replacement of any barge to the same dimensions to that which it replaces (no greater). The insertion of a condition restricting the replacement of a barge to no greater dimension than the largest barge currently permitted, allowing for a tolerance of 10% in dimension was suggested. It is proposed that the replacement barge shall not be permitted to emit any greater noise output or emissions to air than the barge it is proposed to replace. The Department considers that there is unlikely to be a significant impact on sensitive receptors as a result of emissions from a larger barge. NIEA and SES had no objection to the amendment to this condition.

More detail on this assessment can be found at 6.47 – 6.48 of the *Development Management Report*, 6.3.4 of the *Environmental Statement Addendum*, paragraphs 7.5.123 -7.5.150 and chapter 5 of the *Environmental Statement*.

Concerns over enforcement

At present the activities undertaken by the Lough Neagh Sand Traders (LNST) under the previous approval are monitored and restricted through a series of conditions. The LSNT operate a GPS based digital tracking system that provides a live link to the Department for the purposes of tracking barge movements. Using this system, the Department can, in real time, locate any barge on the lough, monitor its departure

and arrival times, and determine the extraction rates and maximum extraction volumes.

The Department has a dedicated resource in the Regional Planning Policy and Casework Directorate and undertakes regular inspections of the various land-based depots as well as analysis and scrutiny of submitted reports.

Amongst the legal tests for conditions on a planning approval is enforceability and the Department is content that the conditions proposed meet all the tests including that of being enforceable. Indeed, for several years the Department has been monitoring and enforcing the existing conditions.

Regular monitoring in tandem with the GPS tracking system ensures that operations by the LNST at any time of the day or night, which would be in breach of conditions, could be enforced.

Not only has the Department been responsible for the discharge of any conditions associated with the previous approval, but it has also undertaken any follow up compliance action in respect of the permission.

If the council has concerns regarding any other enforcement matters concerning the Lough it can raise these in an appropriate manner and forum but it should be highlighted that an opportunity to appear before and be heard by the PAC should be in relation to this application and its merits only.

Regarding the council's invitation to the Department to attend its planning committee, this is considered unnecessary and the Department therefore declines this invitation.

The Department's detailed consideration of this application is available via the Planning Register. The application, consultations, representations, *Development Management Report and Notice of Opinion* are available to view publicly and should assist and inform the council in its consideration.

Finally, it would be helpful if, having considered this correspondence, the council could confirm that it is requesting an opportunity of appearing before and being heard by the Planning Appeals Commission or that it is not requesting such an opportunity. The Department will await this confirmation before writing to the Planning Appeals Commission to advise that it makes preparations for a hearing.

Yours sincerely

Regional Planning Policy and Casework



Regional Planning Policy and Casework

Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB
Tel: 0300 200 7830

Your reference: LA03/2021/0940/F

10th Aug 2023

Dear Sir / Madam.

Location:

Lough Neagh within the Mid Ulster District Council, Antrim and Newtownabbey Borough Council. Armagh Banbridge and Craigavon Borough Council and Lisburn and Castlereagh Council Areas.

Proposal: Application for the extraction, transportation and working of sand and gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km², in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material without complying with condition number 07 and condition number 12 of planning approval LA03/2017/0310/F.

Further to your letter dated 26th June 2023 regarding the Department's Notice of Opinion to approve the above proposal, in the absence of further clarification from the Department, the Council members at its meeting held on the 1st Aug 2023 determined that the Council would need to ask for an opportunity for their concerns to be heard by Planning Appeals Commission at a Hearing.

Their concerns are as follows:

- That the permission was granted in order to control the extent and pace of mineral extraction on the lough and the conditions and planning agreement were required in order to do this.



- These changes could lead to an increase in the rate of extraction activities in the lough and the Council is not satisfied that the impact of this substantial activity has been properly examined.
- It appears there has not been adequate consideration to the scaring on the lough bed and the impact on fish and aquatic life.
- It also appears that there has been insufficient survey work conducted in relation to the nocturnal activities of terrestrial life including birds and the insects on which they feed.
- There has been inadequate consideration of the multiple impacts and threats facing the lough such as water quality the growth of algae and invasive species, impact of ammonia nitrate in conjunction with the impact of more intensive extraction activities, the growth of algae which may be linked to nitrates impacting on water quality.
- Insufficient consideration has been given to the enforceability of the conditions on the permission if night time extraction were to occur. There are already allegations and evidence that extraction is taking place in restricted areas. Furthermore, the Department is not prepared to enforce these conditions and wish to pass this burden to local authorities. To date we are not aware of any conviction being obtained for either prior activities or breaches of the conditions. If night time dredging under the cover of darkness was to be permitted this would be impossible for the conditions to be enforced.

In requesting a Hearing the Council reserve the right to add to its concerns and to bring in expertise to question the adequacy of the environmental appraisal and appropriate assessment of this change to the conditions and it should be born in mind that because the precautionary principal applies the burden will rest with the Department to demonstrate that no harm will occur.

If however the Department chooses to extend the current 8 week deadline for any request for a hearing they will be welcome to attend the planning committee at its next meeting to address the members concerns.

Yours sincerely,

Dr Chris Boomer
Service Director, Planning



Regional Planning Policy and Casework

Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB
Tel: 0300 200 7830

Your reference: LA03/2021/0940/F

15th Sept 2023

Dear Sir / Madam.

Location:

Lough Neagh within the Mid Ulster District Council, Antrim and Newtownabbey Borough Council. Armagh Banbridge and Craigavon Borough Council and Lisburn and Castlereagh Council Areas.

Proposal: Application for the extraction, transportation and working of sand and gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km², in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material without complying with condition number 07 and condition number 12 of planning approval LA03/2017/0310/F.

Further to your letter dated 29th Aug 2023, whilst the Council note that the Department has attempted to address the Councils concerns as set out in its letter of 10 Aug 2023, you will appreciate that our officer's do not have the level of knowledge or expertise to be able to fully address the issues raised by members, nor have members been able to gain sufficient clarity around the impacts of this proposal from the already available papers referred to in your letter.

In relation to Enforcement matters previously referred to, whilst I acknowledge your comments in relation to ongoing monitoring and compliance action carried out by the Department which of course relates only to 'authorised vessels', the Council is of the view that the Department has been unwilling to work with the Council in proactively investigating alleged breaches relating to extraction from the Lough demonstrated by the fact that the Council is currently investigating such alleged breaches itself.



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Members would greatly benefit from the attendance at the planning committee by officers from the Department, and upon your acceptance of this offer, will also provide the applicant and other interested parties an opportunity to attend. In an attempt therefore to encourage dialogue, provide assurance, and to facilitate open engagement I would again extend an invitation to the Department to attend the next planning committee meeting due to be held on Tues the 3rd Oct 2023.

In anticipation of the Department's acceptance of this further invitation we intend to add this as an item on the published agenda for that Committee meeting, this agenda will be finalised by **Fri 22 Sept 2023**.

I would therefore respectfully ask that you confirm your attendance before this date.

Yours sincerely,

Dr Chris Boomer
Service Director, Planning

Regional Planning Policy and Casework

Dr C Boomer
Mid-Ulster District Council
50 Ballyronan Road
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Clarence Court
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Belfast
BT2 8GB
Tel: 0300 200 7830

Our reference: LA03/2021/0940/F
DFI PG 280/23

Date: 20 September 2023

Dear Dr Boomer

Location: Lough Neagh within the Mid Ulster District Council, Antrim and Newtownabbey Borough Council. Armagh Banbridge and Craigavon Borough Council and Lisburn and Castlereagh Council Areas.

Proposal: Application for the extraction, transportation and working of sand and gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km², in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material without complying with condition number 07 and condition number 12 of planning approval LA03/2017/0310/F.

Thank you for your correspondence in response to the Department's letter of 29 August and for your invitation to address the planning committee of MUDC.

The legislation makes provision for a council to be consulted on an application under section 54 of the Planning Act (NI) 2011 and for a council to request an opportunity of appearing before and being heard by the Planning Appeals Commission. The internal procedures of MUDC appear to afford the planning committee an opportunity to discuss and agree a response to this consultation, informed by advice from officers.

Available to officers and the committee for the present application was an Environmental Statement and a non-technical summary of that ES, along with the Department's professional *Development Management Report* and the responses of third parties and expert consultees. Additionally, in this present matter, the Department subsequently provided clarification to the council on a number of points in our letter of 29 August.

The Department notes that you will accommodate the applicant and other interested parties at the planning committee meeting but regrettably officials from the Department are unable to attend. The Department's assessment of and justification for its planning decision are clearly and openly articulated and recorded in the *Development Management Report* and *Notice of Opinion*.

If, either preceding or following your committee meeting you believe any further clarification would be useful, the Department would invite you to submit those points in writing to the Department where officials may be able to assist.

Following the committee meeting and subject to any further clarification requests, if the council remains of the view that they would like an opportunity to appear before and be heard by the PAC, the Department would be grateful for that clarification.

The Department will await this confirmation before writing to the PAC to make arrangements for the council to be appear before and be heard on any outstanding points. The report prepared by the PAC will be furnished to and considered by the Department before a final decision is issued.

Yours sincerely

Regional Planning Policy and Casework

Report on	The March 2023 Advice report: The path to a Net Zero Northern Ireland published by the Climate Change Committee (CCC)
Date of Meeting	3rd Oct 2023
Reporting Officer	Melvin Bowman
Contact Officer	Dr Chris Boomer.

Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	x

1.0	Purpose of Report
1.1	The purpose of this report is to agree a Council response to DAERAs current consultation on the related Carbon Budgets and the CCC advice report attached in the appendix to this report. The consultation closes on the 11 Oct 2023.
2.0	Background
2.1	In 2022, Northern Ireland legislated an extremely stretching legal target to reach Net Zero greenhouse gas emissions by 2050, going significantly beyond the CCC's advice on what would be a fair and achievable contribution from Northern Ireland to the achievement of UK-wide Net Zero emissions.
2.2	In this report we (CCC) provide advice to Northern Ireland on how the legislated target might be reached, and on the levels for the 2030 and 2040 interim targets and the First (2023-2027), Second (2028-2032) and Third (2033-2037) Carbon Budgets on the path to it. This report is designed to illustrate the actions and outcomes that policies must drive to achieve decarbonisation at the pace required. The Committee will move to monitoring the progress of policy implementation after this report.
3.0	Main Report

3.1	<p>The CCCs key messages are:</p> <ul style="list-style-type: none"> • The CCC’s 2020 Balanced Pathway has been updated for this report, containing actions in Northern Ireland consistent with UK Net Zero by 2050. It only reaches an 83% reduction in Northern Ireland’s emissions compared to levels in 1990 by 2050. • The CCC have developed a ‘Stretch Ambition’ pathway that reaches a 93% reduction in emissions on 1990 levels by 2050 • we estimate that there remains a gap to the legislated Net Zero target. We have therefore considered two ‘speculative’ pathways, one with deployment of direct air capture of CO₂ (DAC) technology, which is expected to have high costs and may be difficult to deliver at scale in time, and another where livestock numbers are approximately halved by 2050,
3.2	<p>The updated Balanced Pathway is already extremely challenging, seeing most sectors almost completely decarbonised by 2050. This requires:</p> <ul style="list-style-type: none"> • Decarbonising electricity generation in Northern Ireland whilst meeting rising demand; • All new car and van sales to be zero-emissions in the first half of the 2030s; • All new heating appliances installed in Northern Ireland to be zero-carbon by 2033, and by 2030 for properties off the gas grid, with substantial improvements to the energy efficiency of buildings; • A reduction in Northern Irish livestock numbers of almost a third and the widespread adoption of low-carbon farming practices; and • A significant increase in peatland restoration and afforestation. <p>However, even with all these ambitious actions, Northern Ireland would fall well short of Net Zero emissions. More radical action will be required to reach the 2050 target. Residual emissions in our updated Balanced Pathway in 2050 are mostly in the agriculture sector (Figure 1 in CCC report). There is extremely limited scope for additional action in most other sectors to contribute further to reaching Net Zero, as they are almost completely decarbonised already by 2050 in the Balanced Pathway</p>
3.3	<p>A ‘Stretch Ambition’ pathway therefore proposes:</p> <ul style="list-style-type: none"> • Increasing annual afforestation rates to reach 3,100 hectares by 2035 and 4,100 hectares by 2039 remaining at this level until 2050 • This relies on the land freed up by reducing cattle and sheep numbers by around 18% by 2030 as assumed in our Balanced Pathway for agriculture. • Including engineered removals, sequestering carbon from both solid biomass grown in Northern Ireland and anaerobic digestion of wastes used

to produce biomethane, together with CO₂ capture and transport infrastructure.

These are radical options, but even with these included there is a remaining shortfall of 1.8 MtCO₂e (Figure 2 in CCC report). The CCC therefore consider a further set of 'speculative options'. It may be possible to close this remaining gap and reach Net Zero by 2050 with one or more of the following options:

- Balance the residual emissions with further engineered removals using direct air carbon capture technologies and transporting the CO₂ to be stored elsewhere.
- Follow our Tailwinds scenario for agriculture, which would require livestock numbers to approximately halve by 2050. This would also involve a reduction in methane emissions of 56% on 1990 levels, going beyond the legislated requirement that reaching Net Zero in Northern Ireland does not rely on reducing methane emissions by more than 46% on 1990 levels by 2050, implying this requirement may need to be revised. This option alone does not fully bridge the gap to Net Zero, with 0.9 MtCO₂e remaining in 2050.
- Consider other speculative options such as enhanced weathering (a form of greenhouse gas removal), although there is insufficient evidence at this point
- to enable us to advise on whether they can contribute and by how much.

3.4

Our Balanced Pathway is already highly challenging, seeing most sectors decarbonise almost completely by 2050. This requires, amongst other things:

- Electricity generation. Unabated fossil-fuelled electricity generation to be phased out and replaced with generation largely from renewables, with appropriate energy storage and decarbonised back-up solutions. Demand for electricity will grow, perhaps doubling. Production or imports of hydrogen from low-carbon sources are also likely to be important.
- Surface transport. Every car and van in Northern Ireland to be zero-emission by 2050, requiring these solutions to meet 100% of vehicle sales in the early 2030s. An increased proportion of journeys needs to be made by walking and cycling. Rail services to be largely electrified.
- Buildings. All heating appliances being zero-carbon in 2050, with a significant improvement in the energy efficiency of buildings.
- Agriculture. A significant reduction in livestock numbers together with widespread adoption of low-carbon farming practices and improved farm productivity.
- Land use. Afforestation to increase rapidly so that by 2050, woodland cover would increase from the current 9% of the country's land area to around 14%. More than half of Northern Ireland's peatland to be restored.
- Business and industrial. Industry to replace over 90% of fossil fuel use with low-carbon energy.

In 2020, we estimated that this pathway would achieve an 82% reduction on 1990 levels by 2050, with 5 MtCO₂e of residual emissions. After making several updates, the reduction is now 83%. To reach Net Zero, there needs to be substantially lower agricultural emissions and/or substantially more removals to offset these emissions.

3.5

The CCC report at Chapter 2 deals with Changes in Land Use, BECCs (Bioenergy with carbon capture and storage) and Anaerobic Digestion (AD):.

The key messages in this chapter are:

- Methodological updates to the modelling of forestry and peatland emissions result in an increase in estimated land use emissions compared to our previously published Balanced Pathway from the mid-2030s to 2050.
- Reaching Net Zero will require radical action in the land use sector in Northern Ireland, going further than our Balanced Pathway and implementing actions consistent with our Tailwinds scenario – the CCC’s steepest emissions pathway to Net Zero – but with a delay to reflect slow current progress on new forestry planting (as explained below) this will require a rapid ramp up of afforestation and peatland restoration rates.
- Using biomass grown in Northern Ireland together with CCS could lead to 1.1 MtCO₂e of sequestered CO₂ attributed to Northern Ireland annually by 2050.
- Anaerobic digestion of wastes can be used to produce biomethane which can both replace fossil gas and be used with carbon capture and storage to sequester CO₂. This could lead to a reduction in emissions of around 0.8 MtCO₂e a year by 2050. It is essential that this is done strategically, to maximise emissions reduction and avoid perverse outcomes.
- Capturing and transporting CO₂ in Northern Ireland comes with significant costs and developments in infrastructure.

Chapter 2 of the report continues, ‘For BECCS to contribute to Northern Ireland’s emissions targets, any BECCS plants would need to be located in Northern Ireland, although the CO₂ could then be transported elsewhere for storage. Though Northern Ireland has poor access to geology for CO₂ storage, capturing CO₂ in BECCS plants and transporting it to storage sites elsewhere in the UK could help to close the gap between our previous assessment for net emissions in Northern Ireland by 2050 and the legislated Net Zero target’.

Further it is identified that this would need infrastructure to capture and transport CO₂, as well as an agreement to store the CO₂ outside Northern Ireland (as there are no suitable storage locations in Northern Ireland).* Capturing and storing CO₂ is expected to be more expensive to do in Northern Ireland than in Great Britain.

3.6	<p>Chapter 2 of the reports also states that Further evidence has been developed that estimates that Northern Ireland has a higher potential for biogas. However, given that the Northern Ireland Net Zero target is more stretching, we have assumed uses of biomethane that maximise the contribution to Net Zero of the finite potential for anaerobic digestion. The Northern Ireland Executive has outlined its intention to establish a cross departmental working group on biomethane production. The group will aim to assess the future role of AD in Northern Ireland and determine the potential to produce biomethane at scale.</p>
3.7	<p>In chapters 3 and 4 of the CCC report achieving Net zero by 2050, and Advised Target Levels, a series of technical and timing updates to decarbonisation action have been made to CCCs Balanced Pathway and the speculative options are considered in more detail. The key messages in chapter 4 are:</p> <ul style="list-style-type: none"> • The First (2023-2027), Second (2028-2032) and Third (2033-2037) Carbon Budgets should be set at levels that are average annual reductions of 33%, 48% and 62%, on 1990 levels, respectively. The 2030 and 2040 interim targets should be set at reductions of 48% and 77% on 1990 levels, respectively. • Northern Ireland should not use carbon credits to meet any of its targets, which should be met with domestic action, consistent with our previous advice. • With Northern Ireland's first Carbon Budget period having just begun, decarbonisation action needs to ramp up immediately. Average annual emissions will need to be 16% lower than 2019 levels by 2025 and 35% lower by 2030. With emissions having reduced only an average of 9% per decade since 1990, a step change in action is needed across all sectors of the economy.
3.8	<p><u>Summary and conclusion.</u></p> <p>Whilst the Council support a path to Net-Zero and generally the updated balanced pathway, members will appreciate the significant efforts required by a number of sectors to achieve these targets. Being a significant rural Council with a high dependency on Agriculture and our rural economy, the requirements reduce cattle and sheep numbers by around 18% by 2030 and adoption of low carbon farming practises as assumed in CCCs Balanced Pathway for agriculture will have the potential to impact significantly on established farm businesses, potential increased costs and agricultural production as well as rural employment within Mid-Ulster District Council area and beyond. A reduction in farm output would also have serious implications for the Northern Ireland economy in terms of leading to a decline in food processing industries, which not only help feed northern Ireland but also the UK and Europe. Indeed this could also decrease income from exports whilst increasing costs from imports. Thus any changes to our agricultural base and associated industry needs a full economic appraisal</p>

	<p>Furthermore, this approach may not be justified if technological solutions can fully utilised to convert waste from farming into energy, which is needed to reduce our dependency on fossil fuels.</p> <p>The ability of urban and rural based Business and industry to replace over 90% of fossil fuel use with low-carbon energy needs to be fully supported financially and with greater appreciation of the realisation and delivery of such low-carbon sustainable energy to be more easily achieved, whilst still ensuring that all potential impacts on the human and natural environment are carefully assessed by the various statutory bodies. This includes providing updated clear planning policy in this subject area regionally within the SPPS.</p> <p>The Council recognise that Northern Ireland would still fall short of Net Zero emissions in the short to medium term and more radical action will be required to reach the 2050 target. The Council would support the ‘stretch ambition pathway’ which Includes engineered removals, sequestering carbon from both solid biomass grown in Northern Ireland and anaerobic digestion of wastes used to produce biomethane, together with CO2 capture and transport infrastructure along with Increasing annual afforestation rates to reach 3,100 hectares by 2035 and 4,100 hectares by 2039 remaining at this level until 2050.</p> <p>In relation to speculative options, the Council support Balancing the residual emissions with further engineered removals using direct air carbon capture technologies and transporting the CO2 to be stored elsewhere along with Considering other speculative options such as enhanced weathering (a form of greenhouse gas removal).</p>
4.0	Other Considerations
4.1	<p>Financial, Human Resources & Risk Implications</p> <p>Financial: N/A</p> <p>Human: N.A</p> <p>Risk Management: N/A</p>
4.2	<p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications: N/A</p> <p>Rural Needs Implications: N/A</p>

5.0	Recommendation(s)
5.1	That members agree the suggested response to this consultation as set out above and that the Service Director is delegated to finalise the response.
6.0	Documents Attached & References
6.1	Appendix A – copy of CCC report.

March 2023

Advice report: The path to a Net Zero Northern Ireland

Advice report:
The path to a Net Zero Northern Ireland

Climate Change Committee
March 2023

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Acknowledgements

The Committee would like to thank:

The team that prepared this report and its analysis: This was led by Chris Stark, David Joffe, Emily Nurse, James Tarlton and Marili Boufounou, and included Simona Battipaglia, Sasha Abraham, Rose Armitage, Owen Bellamy, Bhargabi Bharadwaj, Jacob Coburn, Victoria de la Cruz, Ramesh Deonarine, Joshua Deru, Eoin Devane, Tom Dooks, Caitlin Douglas, Kieron Driscoll, Brendan Freeman, Kirsty Girvan, Ruth Gregg, Rachel Hay, Robbie Herring, Gemma Holmes, Daisy Jameson, Stephen Jones, Miriam Kennedy, Cara Labuschagne, James Lees, Bianca de Farias Letti, Michael Lord, Luke Maxfield, Richard Millar, Bea Natzler, Chloe Nemo, Chris Parker, Simon Rayner, Niki Rust, Vivian Scott, Penny Seera, Olivia Shears, Marcus Shepheard, Suzannah Sherman, Felicity Taylor, James Tarlton, Seán Taylor, Indra Thillainathan, Sophie Vipond, Louis Worthington, Ken Wright, and Susie Wright.

A number of organisations and stakeholders for their support, including the Northern Ireland Executive, and the UK Centre for Ecology and Hydrology.

The Committee



The Rt. Hon John Gummer, Lord Deben,
Chairman

Lord Deben was the UK's longest-serving Secretary of State for the Environment (1993 to 1997). He has held several other high-level ministerial posts, including Secretary of State for Agriculture, Fisheries and Food (1989 to 1993). Lord Deben also runs Sancroft, a corporate responsibility consultancy working with blue-chip companies around the world on environmental, social and ethical issues.



Professor Keith Bell

Keith Bell is a co-Director of the UK Energy Research Centre (UKERC), a Chartered Engineer and a Fellow of the Royal Society of Edinburgh. He has been at the University of Strathclyde since 2005, was appointed to the Scottish Power Chair in Smart Grids in 2013 and has been involved in energy system research in collaboration with many academic and industrial partners.



Professor Michael Davies

Michael Davies is Professor of Building Physics and Environment at the UCL Institute for Environmental Design and Engineering (IEDE). At UCL his research interests relate to the complex relationship between the built environment and human wellbeing. He is also Director of the Complex Built Environment Systems Group at UCL and a member of the Scientific Advisory Committee of 'Healthy Polis'.



Professor Piers Forster

Piers Forster is Director of the Priestley International Centre for Climate and Professor of Physical Climate Change at the University of Leeds. He has played a significant role authoring Intergovernmental Panel on Climate Change (IPCC) reports, and is a coordinating lead author role for the IPCC's sixth assessment report.



Paul Johnson CBE

Paul Johnson is Director of the Institute for Fiscal Studies and a visiting professor at University College London (UCL). He is widely published on the economics of public policy, and he co-wrote the 'Mirrlees review' of tax system design. He was previously Chief Economist at the Department for Education (2000 to 2004).



Professor Corinne Le Quéré FRS

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Executive summary

Introduction and key messages

In 2022, Northern Ireland legislated an extremely stretching legal target to reach Net Zero greenhouse gas emissions by 2050, going significantly beyond the CCC's advice on what would be a fair and achievable contribution from Northern Ireland to the achievement of UK-wide Net Zero emissions.

In this report we provide advice to Northern Ireland on how the legislated target might be reached, and on the levels for the 2030 and 2040 interim targets and the First (2023-2027), Second (2028-2032) and Third (2033-2037) Carbon Budgets on the path to it.

There are essential new policy requirements for the Northern Ireland Executive in meeting the Net Zero legal target and the interim targets advised in this report. So far, the Committee has not seen evidence of policy ambition at this scale in Northern Ireland. That must change. This report is designed to illustrate the actions and outcomes that policies must drive to achieve decarbonisation at the pace required. The Committee will move to monitoring the progress of policy implementation after this report.

Our key messages are:

- The CCC's 2020 Balanced Pathway has been updated for this report, containing actions in Northern Ireland consistent with UK Net Zero by 2050. It only reaches an 83% reduction in Northern Ireland's emissions compared to levels in 1990 by 2050. This pathway is already very ambitious, with most sectors decarbonising almost completely. Residual emissions in 2050 come predominantly from the agriculture sector, which has a greater share of economic activity in Northern Ireland than in the UK as a whole, making Net Zero much more challenging to achieve for Northern Ireland. This is the implication of the new legal Net Zero target.
- We have developed a 'Stretch Ambition' pathway that reaches a 93% reduction in emissions on 1990 levels by 2050 and requires Northern Ireland to take the following stretching actions to bolster the contribution of greenhouse gas removals and therefore balance some of the residual emissions from agriculture:
 - A rapid ramp up in afforestation rates to reach 3,100 hectares per year by 2035, six times the rates reported in 2021/22.
 - Inclusion of engineered removals based on carbon capture and storage (CCS) from both solid biomass grown in Northern Ireland and anaerobic digestion of wastes to produce biomethane. This entails CO₂ capture in Northern Ireland and transportation (e.g. shipping) to store the CO₂ elsewhere, and would require significant investment and infrastructure development.
- These are radical actions, but even with their achievement we estimate that there remains a gap to the legislated Net Zero target. We have therefore considered two 'speculative' pathways, one with deployment of direct air capture of CO₂ (DAC) technology, which is expected to have high costs and may be difficult to deliver at scale in time, and another where livestock numbers are approximately halved by 2050, going significantly further than the reduction of almost a third in our Balanced Pathway.

Our assessment is that some DAC deployment would be required, but that the further reduction in livestock numbers would reduce this need significantly. It is up to Northern Ireland to decide whether to pursue other speculative options to reduce net emissions in addition to DAC.

- Using the 'speculative' option based on direct air capture of CO₂ without the further reductions in livestock numbers, we conclude that the targets consistent with the legislated Net Zero target are:
 - the First, Second and Third Carbon Budgets to be set at levels that have average annual reductions of 33%, 48% and 62%, on 1990 levels, respectively; and
 - the 2030 and 2040 interim targets to be set at reductions of 48% and 77% on 1990 levels, respectively.

The rest of this executive summary is set out in three sections:

1. Our updated Balanced Pathway for Northern Ireland
2. Going further to reach Net Zero
3. Near-term action required to get on track to the targets

1. Our updated Balanced Pathway for Northern Ireland

Northern Ireland does not reach Net Zero under our Balanced Pathway due to residual emissions from its large agriculture sector and it not being geologically optimal for engineered removals.

The Committee's Balanced Pathway, developed as part of our advice on the UK's Sixth Carbon Budget, reaches Net Zero greenhouse gas emissions for the UK as a whole by 2050. The pathway was developed by reconciling contributions to reductions of global emissions with practicalities such as the time to develop infrastructure and to build up skills and supply chains, while limiting early scrappage of existing assets such as boilers and cars. Net Zero for the UK as a whole relies on significant deployment of engineered greenhouse gas removals.

Northern Ireland does not reach Net Zero under the Balanced Pathway due to residual emissions from its large agriculture sector and the fact that none of the UK's engineered removals (i.e. those reliant on carbon capture and storage – CCS) were allocated to Northern Ireland, which is not geologically optimal for CO₂ storage.

After some technical updates and assuming a delayed start to the actions required in agriculture, land use and waste to reflect the lack of recent progress in these sectors, our updated Balanced Pathway for Northern Ireland leads to a total of 4.8 MtCO₂e emissions in 2050, which is an 83% reduction in emissions compared to 1990 levels (Figure 1).

The updated Balanced Pathway is already extremely challenging, seeing most sectors almost completely decarbonised by 2050.

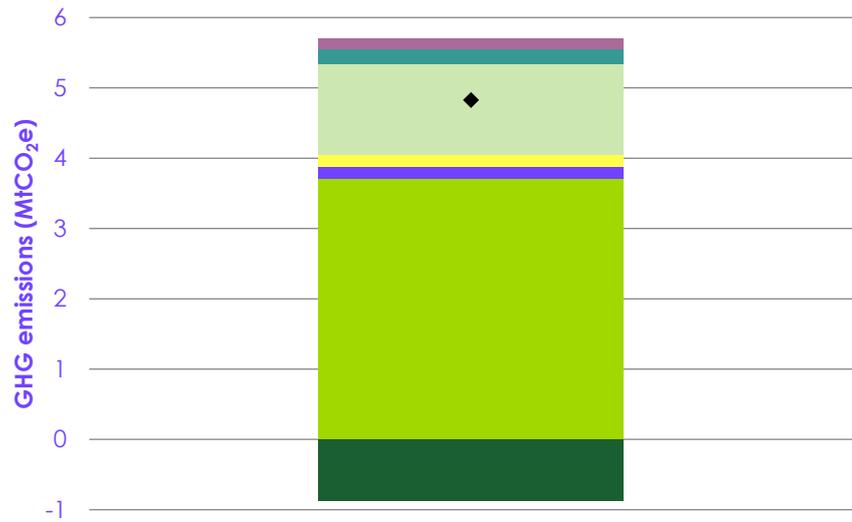
The updated Balanced Pathway is already extremely challenging, seeing most sectors almost completely decarbonised by 2050. This requires:

- Decarbonising electricity generation in Northern Ireland whilst meeting rising demand;
- All new car and van sales to be zero-emissions in the first half of the 2030s;
- All new heating appliances installed in Northern Ireland to be zero-carbon by 2033, and by 2030 for properties off the gas grid, with substantial improvements to the energy efficiency of buildings;
- A reduction in Northern Irish livestock numbers of almost a third and the widespread adoption of low-carbon farming practices; and
- A significant increase in peatland restoration and afforestation.

Even with all these ambitious actions, Northern Ireland would fall well short of Net Zero emissions. More radical action will be required to reach the 2050 target.

Northern Ireland's emissions in 2050 under the Balanced Pathway come predominantly from the agriculture sector.

Figure 1 Northern Ireland's emissions in 2050 in the updated Balanced Pathway



- Agriculture
- Transport
- Energy
- LULUCF sources
- LULUCF sinks
- Waste Management
- Other
- ◆ Total

Source: CCC (2020) *Sixth Carbon Budget*; CCC analysis.
 Notes: GHG stands for greenhouse gas, LULUCF stands for land use, land-use change and forestry.

2. Going further to reach Net Zero

Closing the gap to Net Zero in Northern Ireland must rely on deployment of greenhouse gas removals at scale and/or a further reduction in agriculture emissions.

Residual emissions in our updated Balanced Pathway in 2050 are mostly in the agriculture sector (Figure 1). There is extremely limited scope for additional action in most other sectors to contribute further to reaching Net Zero, as they are almost completely decarbonised already by 2050 in the Balanced Pathway. Closing the gap to Net Zero in Northern Ireland must therefore fall primarily to some combination of a reduction in agriculture emissions beyond that in the Balanced Pathway and/or deployment of greenhouse gas removals at scale.

To address this shortfall to Net Zero, we have developed a 'Stretch Ambition' pathway, including the following stretching actions that Northern Ireland could take to increase the role for both land-based and engineered greenhouse gas removals to balance residual emissions (Figure 2):

- Increasing annual afforestation rates to reach 3,100 hectares by 2035 and 4,100 hectares by 2039 remaining at this level until 2050. This is consistent with our Tailwinds scenario but with new planting delayed until 2024 given the slow progress since 2020. This relies on the land freed up by reducing cattle and sheep numbers by around 18% by 2030 as assumed in our Balanced Pathway for agriculture.
- Including engineered removals, sequestering carbon from both solid biomass grown in Northern Ireland and anaerobic digestion of wastes used to produce biomethane, together with CO₂ capture and transport infrastructure. Due to the lack of suitable storage locations within Northern Ireland, an agreement to store the CO₂ elsewhere would be needed. These options would require significant investment and infrastructure development.

Even with this additional radical action, Northern Ireland will need to consider further speculative actions to reach Net Zero.

These are radical options, but even with these included there is a remaining shortfall of 1.8 MtCO₂e (Figure 2). We therefore consider a further set of 'speculative options'. It may be possible to close this remaining gap and reach Net Zero by 2050 with one or more of the following options:

- Balance the residual emissions with further engineered removals using direct air carbon capture technologies and transporting the CO₂ to be stored elsewhere. This would ramp up from 2035 and is expected to cost at least £180/tCO₂.
- Follow our Tailwinds scenario for agriculture, which would require livestock numbers to approximately halve by 2050. This would also involve a reduction in methane emissions of 56% on 1990 levels, going beyond the legislated requirement that reaching Net Zero in Northern Ireland does not rely on reducing methane emissions by more than 46% on 1990 levels by 2050, implying this requirement may need to be revised. This option alone does not fully bridge the gap to Net Zero, with 0.9 MtCO₂e remaining in 2050.
- Consider other speculative options such as enhanced weathering (a form of greenhouse gas removal), although there is insufficient evidence at this point to enable us to advise on whether they can contribute and by how much.

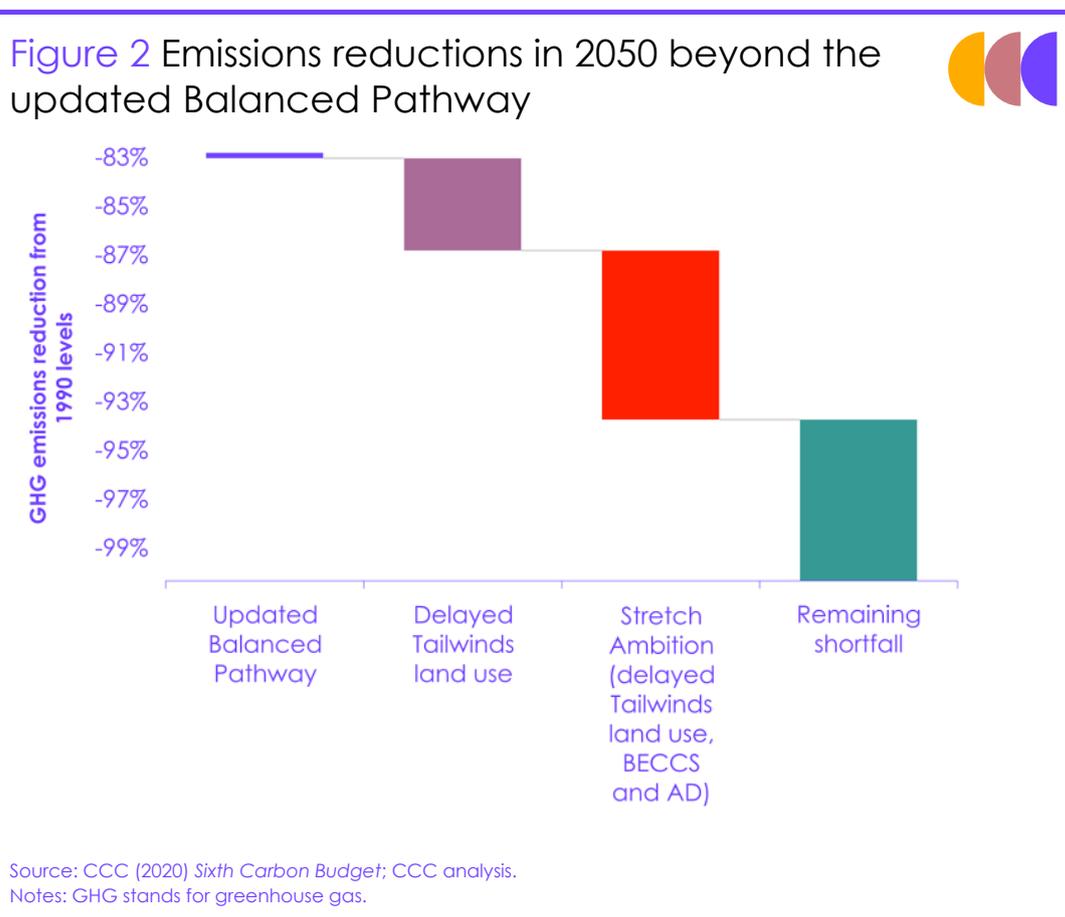
While it is worth considering the roles that such alternative options could take, any plan now for delivery of Net Zero would not be credible with significant reliance on them.

It is up to Northern Ireland to determine the exact details of the actions to reach Net Zero, considering the benefits and challenges of these options. Figure 3 shows two pathways each with use of one of the first two speculative options. The option with direct air capture has a slightly slower decarbonisation rate initially. Choosing a set of targets based on this path for emissions on the way to Net Zero by 2050 would therefore enable Northern Ireland to choose a mix of the speculative options we have outlined.

This 'Speculative DAC' pathway is the only one that reaches Net Zero by 2050. It has similar agriculture emissions to our Balanced Pathway, but with a significant increase in sequestered CO₂ (Figure 4). The 'Speculative Agriculture' pathway has lower agricultural methane emissions and a somewhat lesser role for engineered greenhouse gas removals, and does not reach Net Zero by 2050 – it would need to be supplemented with additional removals to do so.

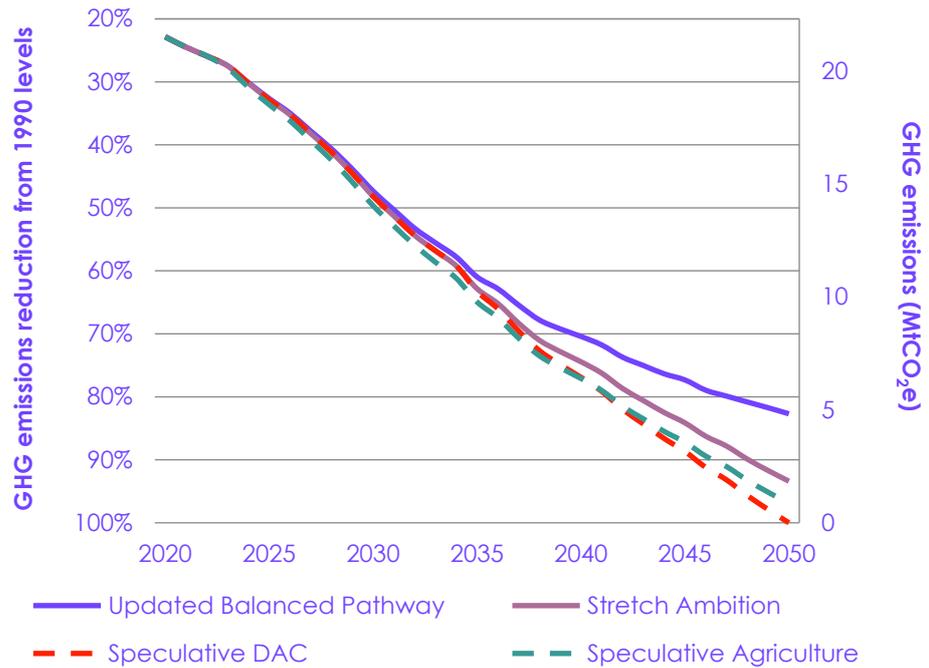
Our advice on the Carbon Budgets, interim and annual targets is based on the 'Speculative DAC' pathway (Table 1). The Carbon Budgets are defined as average annual percentage reductions of emissions compared to 1990 levels.

Even with the radical action in our Stretch Ambition scenario, there is a remaining shortfall to reaching Net Zero in Northern Ireland.



Our advice on the interim targets and Carbon Budgets is based on the speculative option with direct air carbon capture.

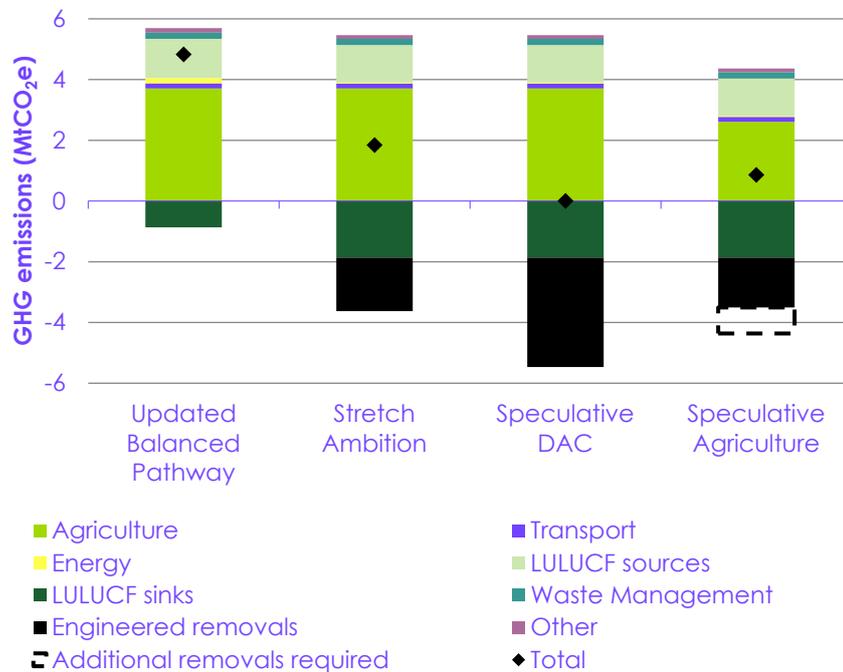
Figure 3 Pathways to 2050 for Northern Ireland



Source: CCC (2020) *Sixth Carbon Budget*; CCC analysis.
Notes: GHG stands for greenhouse gas.

Emissions in Northern Ireland in 2050 are predominantly a balance between agriculture and removals. The only speculative option that reaches Net Zero is that with direct air carbon capture and storage.

Figure 4 Northern Ireland's emissions in 2050



Source: CCC (2020) *Sixth Carbon Budget*; CCC analysis.
Notes: GHG stands for greenhouse gas, LULUCF stands for land use, land-use change and forestry.

Table 1
Advised Carbon Budgets and interim targets

	First Carbon Budget (2023-2027)	Second Carbon Budget (2028-2032)	2030 interim target	Third Carbon Budget (2033-2037)	2040 interim target
Target commensurate with Net Zero [% reduction since 1990]	33%	48%	48%	62%	77%

3. Near-term action required to get on track to the targets

Emissions need to reduce by around 35% in the next decade, compared to an average of 9% per decade since 1990. A step change in action is needed now.

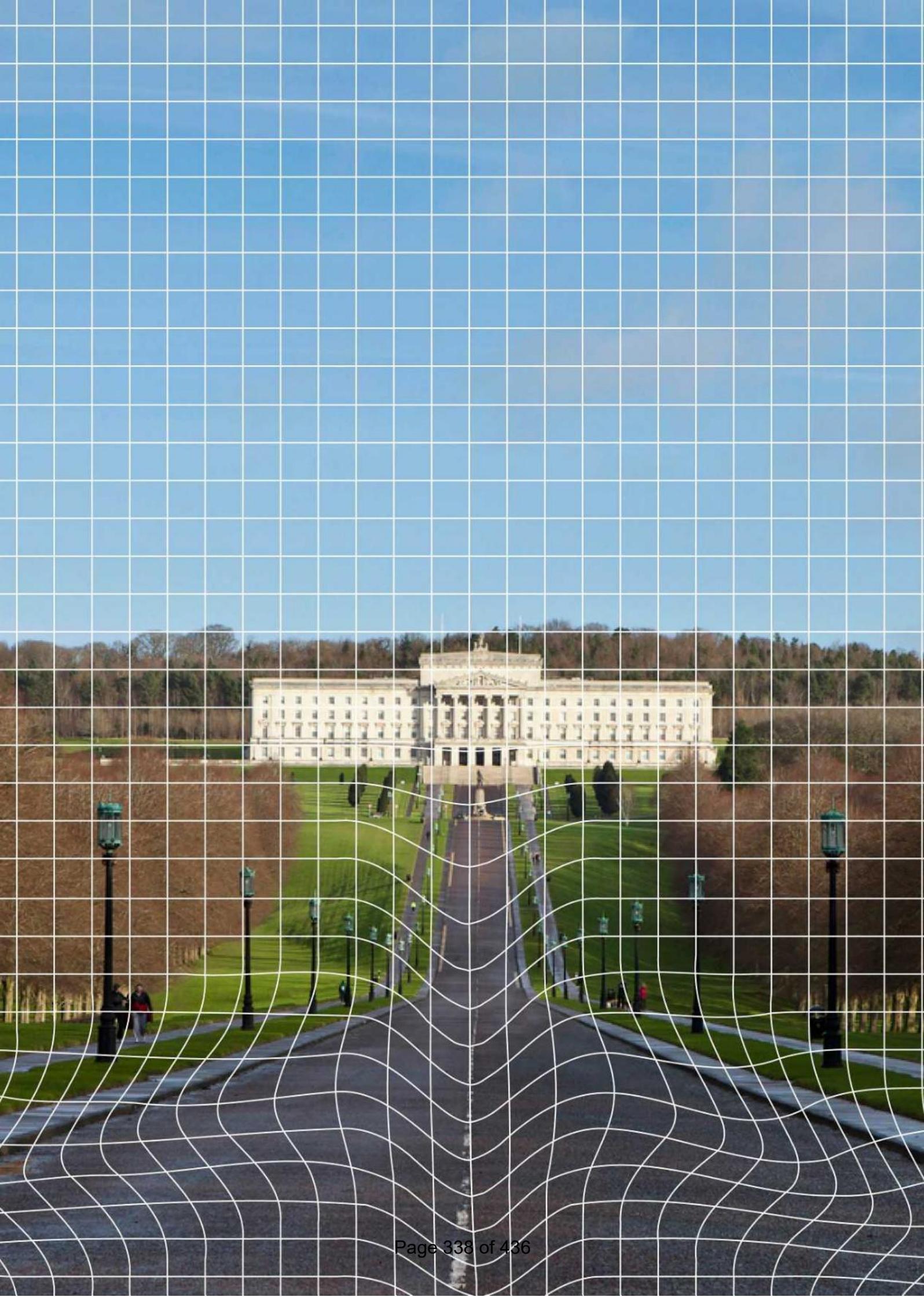
Northern Ireland's First Carbon Budget period has just begun. Now policy and action on decarbonisation must ramp up. Under our Stretch Ambition pathway, average annual emissions will need to be 16% lower than 2019 levels by 2025 and 35% lower by 2030. With emissions having reduced only an average of 9% per decade since 1990, a step change in action is needed now.

Under our Stretch Ambition pathway, sizable emissions reductions will be required in all sectors in the next decade, requiring significant near-term action:

- **Agriculture: 6 MtCO₂e in 2020 (up 6% since 2010); emissions will need to fall 21% from 2020 to 2030.** Livestock is the main source of Northern Ireland's agricultural emissions. In the Stretch Ambition pathway, numbers of livestock fall by 12% by 2030, with a rapid uptake in low-carbon farming.
- **Transport: 4 MtCO₂e in 2019 (down 6% since 2010); emissions will need to fall 43% from 2019 to 2030.** New electric car sales were 10% in 2021. In the next decade this needs to scale up to all new cars and vans being zero-emission, underpinned by major investment to expand the electric vehicle charging infrastructure.
- **Buildings: 3 MtCO₂e in 2020 (up 1% since 2009); emissions will need to fall 33% from 2020 to 2030.** By 2030 for homes off-gas grid and 2033 for homes on-gas grid, all new heating appliance installations should be zero-carbon. This has implications for supporting infrastructure, including the necessary strengthening of electricity networks.
- **Business and industrial: 3 MtCO₂e in 2020 (down 7% since 2010); emissions will need to fall 46% from 2020 to 2030.** Industry will need to reduce fossil fuel use by 45% by 2030. To achieve this, businesses must accelerate efforts to use energy and resources more efficiently and switch to low-carbon energy, with a focus on electrification of heat.
- **Energy: 3 MtCO₂e in 2020 (down 28% since 2010); emissions will need to fall 51% from 2020 to 2030.** Deployment of new renewable electricity generation is required at scale, with appropriate energy storage and decarbonised back-up solutions, subject to ensuring security of supply.
- **Land use: 2 MtCO₂e in 2020 (down 4% since 2010); emissions will need to fall 22% from 2020 to 2030.** Afforestation rates will need to increase rapidly from the 540 hectares reported in 2021/22, reaching 3,100 hectares per year by 2035 and 4,100 hectares per year by 2039 with rates maintained at this level until 2050.
- **Engineered removals.** To reach its Net Zero target, Northern Ireland will need to develop engineered greenhouse gas removals, entailing CO₂ capture and geological sequestration in combination with bioenergy. This means developing anaerobic digestion (AD) now in a way that is compatible with Net Zero, including ensuring that only unavoidable wastes are used in AD and that methane leakage is kept to a minimum. It will also be necessary to identify the best way to develop carbon capture and CO₂ transportation infrastructure for deployment by 2035.

Rapid emissions reductions are needed across all sectors of the economy.

- **Plan for closing the gap to Net Zero.** If Northern Ireland is pursuing a strategy in line with the pathway we outline in this advice, it will need to demonstrate the feasibility of capturing and storing CO₂ emissions from Northern Ireland at the required scale by 2050. To do this, by 2035 it will need to install the first plant for CO₂ capture, transport the CO₂ to a storage site and store the CO₂. If this is not achieved, alternative options for reaching the Net Zero target must be explored, which are likely to include a significant further reduction in livestock numbers, higher afforestation rates and/or other options currently considered 'Speculative' such as enhanced weathering.



Chapter 1

Introduction and our approach to this advice

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Introduction and key messages

In 2022, the Northern Ireland Assembly legislated for greenhouse gas emissions to reach Net Zero by 2050. In this report we provide advice to Northern Ireland on how it might achieve this target and on the level of interim targets and Carbon Budgets on the path to Net Zero.

The key messages in this chapter are:

- Reaching Net Zero greenhouse gas emissions by 2050 in Northern Ireland goes a long way beyond our previous advice that emissions should be reduced by 82% compared to 1990 levels by that time.
- The Balanced Pathway for Northern Ireland that underpinned this previous advice is already extremely challenging, with most sectors decarbonising almost completely by 2050. Residual emissions in 2050 are predominantly from the agriculture sector, which has a greater share of economic activity in Northern Ireland than in the UK as a whole, making Net Zero much more challenging to achieve for Northern Ireland.
- Northern Ireland's emissions have decreased by 24% in the last 30 years. To reach Net Zero, emissions reduction needs to speed up by more than a factor of three over the next 30 years, with rapid decarbonisation needed across all sectors of the economy.

In the rest of this chapter, we provide the necessary background to this advice, on the legislation, emissions in Northern Ireland and our previous advice, in four sections:

1. The Climate Change Act (Northern Ireland)
2. Historical emissions in Northern Ireland
3. The CCC's Balanced Pathway
4. Our approach to this advice

1. The Climate Change Act (Northern Ireland)

Northern Ireland has a legislated target to meet Net Zero emissions by 2050. Legislated interim targets and Carbon Budgets consistent with Net Zero are now required by the Act.

In 2022, the Northern Ireland Assembly legislated for greenhouse gas emissions to reach Net Zero by 2050. The Climate Change Act (Northern Ireland) 2022 (hereafter 'the Act') requires the Northern Ireland Government to set greenhouse gas emission reduction targets in line with Net Zero in 2050 for the First (2023-2027), Second (2028-2032) and Third (2033-2037) Carbon Budget periods, and to do so by the end of 2023. It also requires it to set targets for 2030 and 2040 (the 2030 target should be at least 48% below 1990 levels) by June 2024. A climate action plan must be published by this date, setting out how each sector will contribute to the meeting of the overall targets. Emissions from international aviation and shipping are not included in the targets.

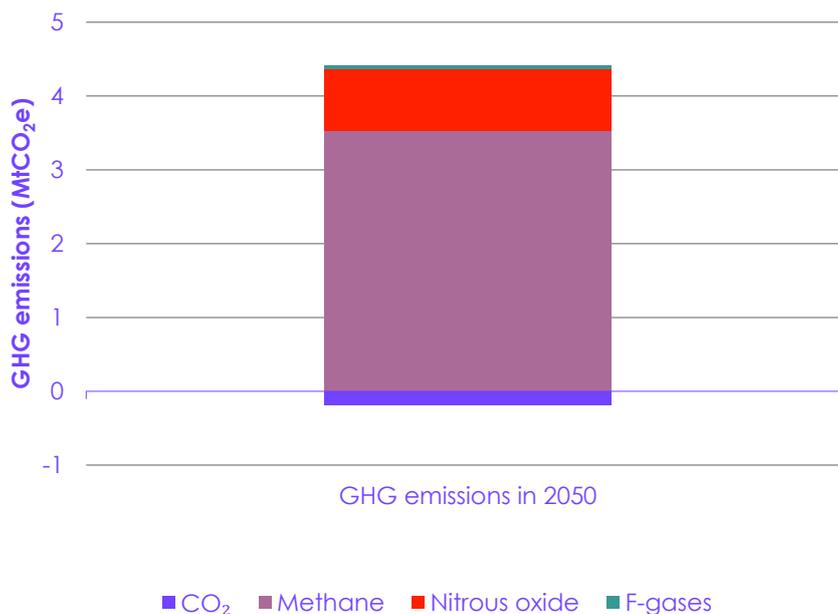
The Act includes a requirement that reaching Net Zero in Northern Ireland does not rely on reducing methane emissions by more than 46% below the 1990 baseline by 2050, which is in line with the reduction in methane emissions under our Balanced Pathway for Northern Ireland (which falls well short of Net Zero). This caveat was designed to mitigate the impact of decarbonisation on Northern Irish agriculture, the region's biggest economic sector and the source of most residual emissions in 2050 under our Balanced Pathway.

None of our published pathways see Northern Ireland achieve Net Zero by 2050. Most emissions in 2050 for our Balanced Pathway are methane, (Figure 1.1), indicating that the two main ways to further reduce overall emissions are to reduce methane emissions and, to offset any remaining emissions, to increase greenhouse gas removals. One option for doing this would be to further reduce agriculture emissions (which is also responsible for most of the residual nitrous oxide emissions, shown in Figure 1.1), leading to a reduction in methane emissions by more than 46% on 1990 levels.

We summarise the powers devolved to Northern Ireland in Box 1.1.

Projected Northern Irish emissions in 2050 are dominated by methane and nitrous oxide due to the large contribution from the agriculture sector.

Figure 1.1 Balanced Pathway emissions in Northern Ireland in 2050 by pollutant



Source: CCC (2020) *Sixth Carbon Budget*.
Notes: GHG stands for greenhouse gas.

Box 1.1 Powers devolved to Northern Ireland

The powers Northern Ireland has to design and implement policy are determined by The Northern Ireland Act 1998.¹ The policy areas largely devolved to Northern Ireland are:

- **Planning and consenting**, including policy and local planning authority guidance.
- **Waste** (policy and management).
- **Agriculture, forestry and fisheries**.

The policy areas partially devolved to Northern Ireland (with the devolved parts in brackets) are:

- **Energy and buildings** (generation, transmission, distribution and supply of electricity; oil and gas policy and exploration; coal ownership, exploitation and mining; production, distribution and supply of heat and cooling; energy conservation; building standards and ratings; energy efficiency schemes; and fuel poverty).
- **Transport** (highway code, vehicle standards, driver training and testing, driver and vehicle licensing, road signs, strategic rail matters, operation of the rail network, highway construction and maintenance, bus services, rail transport, rail services and regulation, active travel and freight transport).
- **Infrastructure** (nationally significant infrastructure and EV charging infrastructure).

The policy areas largely reserved to the UK Government are:

- **Industry**, including competition, import and export control, product standards and regulation of sea fishing outside devolved zones.
- **F-gases**.

Source: Cabinet Office and Northern Ireland Office (2019), *Devolution settlement: Northern Ireland*, <https://www.gov.uk/guidance/devolution-settlement-northern-ireland>.

2. Historical emissions in Northern Ireland

Emissions in Northern Ireland have fallen 24% since 1990, roughly half the decrease seen in the UK. Agriculture is now the highest emitting sector.

Greenhouse gas emissions in Northern Ireland fell by 5% in 2020 to 21.5 MtCO₂e. They have fallen by 24% since 1990, which is roughly half the rate of decrease seen in the UK as a whole (Figure 1.2). The fall in 2020 was driven by a decrease in transport emissions during the COVID-19 pandemic. The average annual fall in emissions in the decade prior to the pandemic was only 1%.

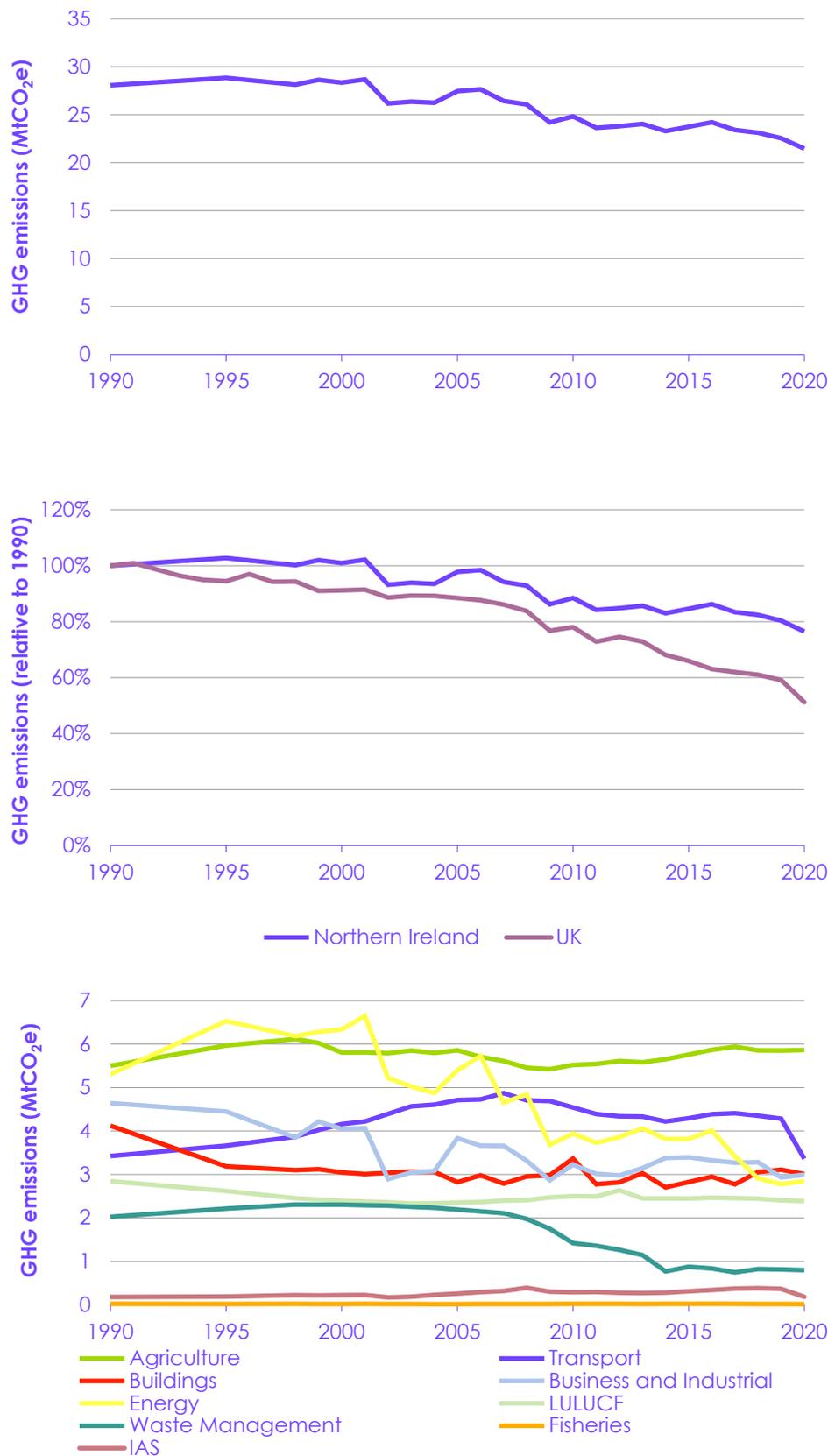
The fall in emissions since 1990 comes largely from a fall in buildings emissions in the early 1990s, steady decreases in the energy, business and industrial sectors since 2000, and a decrease in waste management emissions in the last decade. These are slightly offset by an increase in agriculture emissions, which is currently the highest-emitting sector.

To reach Net Zero by 2050 a step change in decarbonisation action is needed. Emissions reductions will need to be more than three times faster and action will be required across all sectors of the economy.

Box 1.2 summarises the differences between the sectors specified in the Act and those that we have used in our previous reports.

To reach Net Zero by 2050 emissions reductions will need to occur three times faster than in the previous three decades and will need to happen across all sectors of the economy.

Figure 1.2 Historical emissions in Northern Ireland in total and by sector



Source: Northern Ireland Government.
 Notes: GHG stands for greenhouse gas, LULUCF stands for land use, land-use change and forestry, and IAS stands for international aviation and shipping.

Box 1.2

Differences between Northern Ireland and CCC sectors

Here we summarise how the sectors specified in the Climate Change Act (Northern Ireland) map onto the sectors we have used in previous reports:

- **Agriculture** is the same as our agriculture sector.
- **Transport** is the combination of our surface transport sector with the non-international parts of aviation and shipping, but not including fisheries emissions.
- **Buildings** is the same as our buildings sector, but not including commercial buildings and including a small amount from our F-gas, manufacturing and construction, surface transport and waste sectors.
- **Business and industrial** is most of our manufacturing and construction sector and commercial building emissions from our buildings sector.
- **Energy** is a combination of our electricity supply and fuel supply sectors, with a small amount of manufacturing and construction emissions.
- **LULUCF** is the same as our LULUCF sector.
- **Waste management** is the same as our waste sector, but not including home composting emissions.
- **Fisheries** is a small part of emissions from our shipping sector.
- **International Aviation and Shipping** refers to the share of such emissions that result from Northern Irish activity. These emissions are not included in any of the Northern Ireland sectors nor in the targets under the Act.

Source: Northern Ireland Government and CCC analysis.

3. The CCC's Balanced Pathway

The Committee's Balanced Pathway, developed as part of our 2020 advice on the UK's Sixth Carbon Budget, reaches Net Zero greenhouse gas emissions for the UK as a whole by 2050. A similar pathway has since been adopted by the UK Government. The Balanced Pathway was developed by reconciling contributions to reductions of global emissions with practicalities such as the time to develop infrastructure and to build up skills and supply chains and limiting early scrappage of existing assets such as boilers and cars. Net Zero in the UK relies on significant deployment of engineered greenhouse gas removals.

Northern Ireland does not reach Net Zero in the Balanced Pathway due to residual emissions from its large agriculture sector and the fact that none of the UK's engineered removals were allocated to Northern Ireland, which is not geologically optimal for CO₂ storage.

Our Balanced Pathway is already highly challenging, seeing most sectors decarbonise almost completely by 2050. This requires, amongst other things:

- **Electricity generation.** Unabated fossil-fuelled electricity generation to be phased out and replaced with generation largely from renewables, with appropriate energy storage and decarbonised back-up solutions. Demand for electricity will grow, perhaps doubling. Production or imports of hydrogen from low-carbon sources are also likely to be important.
- **Surface transport.** Every car and van in Northern Ireland to be zero-emission by 2050, requiring these solutions to meet 100% of vehicle sales in the early 2030s. An increased proportion of journeys needs to be made by walking and cycling. Rail services to be largely electrified.
- **Buildings.** All heating appliances being zero-carbon in 2050, with a significant improvement in the energy efficiency of buildings.
- **Agriculture.** A significant reduction in livestock numbers together with widespread adoption of low-carbon farming practices and improved farm productivity.
- **Land use.** Afforestation to increase rapidly so that by 2050, woodland cover would increase from the current 9% of the country's land area to around 14%. More than half of Northern Ireland's peatland to be restored.
- **Business and industrial.** Industry to replace over 90% of fossil fuel use with low-carbon energy.

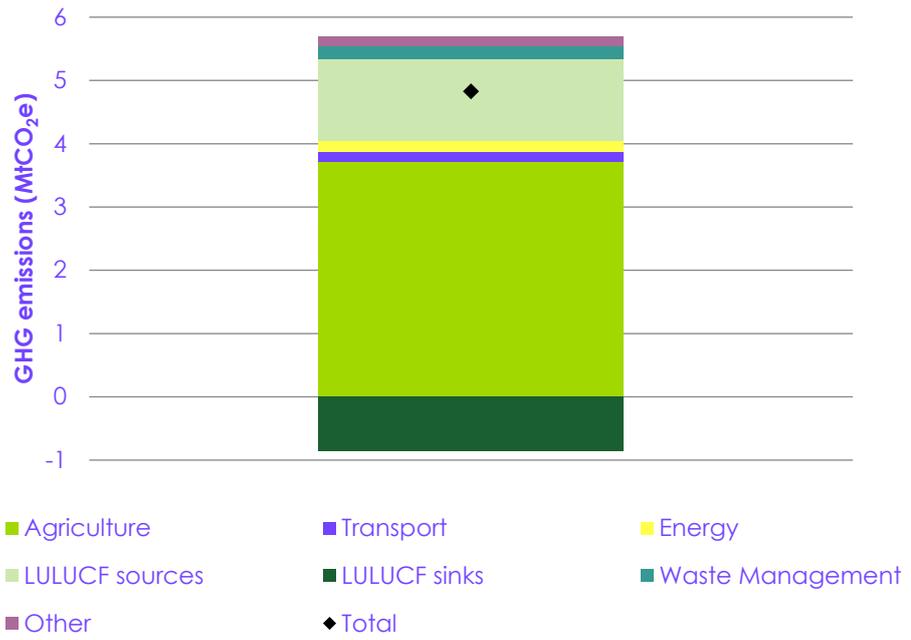
In 2020, we estimated that this pathway would achieve an 82% reduction on 1990 levels by 2050, with 5 MtCO₂e of residual emissions. After making several updates, the reduction is now 83% (Figure 1.3) – see Chapter 3 for an overview of those updates. To reach Net Zero, there needs to be substantially lower agricultural emissions and/or substantially more removals to offset these emissions.

Northern Ireland does not reach Net Zero under our Balanced Pathway due to residual emissions from its large agriculture sector and it not being geologically optimal for engineered removals.

The Balanced Pathway is already highly challenging, seeing most sectors almost completely decarbonised by 2050.

Northern Ireland's emissions in 2050 in the updated Balanced Pathway come predominantly from the agriculture sector.

Figure 1.3 Northern Ireland's emissions in 2050 in the updated Balanced Pathway



Source: CCC (2020) *Sixth Carbon Budget*; CCC analysis.

Notes: GHG stands for greenhouse gas, LULUCF stands for land use, land-use change and forestry.

4. Our approach to this advice

Our advice for interim targets and Carbon Budgets includes an increase in ambition in some sectors to reduce the gap to Net Zero and a list of speculative options to close the remaining gap.

Northern Ireland's legislated Net Zero by 2050 target goes beyond the emissions reduction recommended by the Committee. The Committee has not previously been able to identify how Net Zero could be achieved within Northern Ireland.

In this report we provide advice to Northern Ireland on how this Net Zero target might be reached and on the levels for the 2030 and 2040 interim targets and the First (2023-2027), Second (2028-2032) and Third (2033-2037) Carbon Budgets on the path to it.

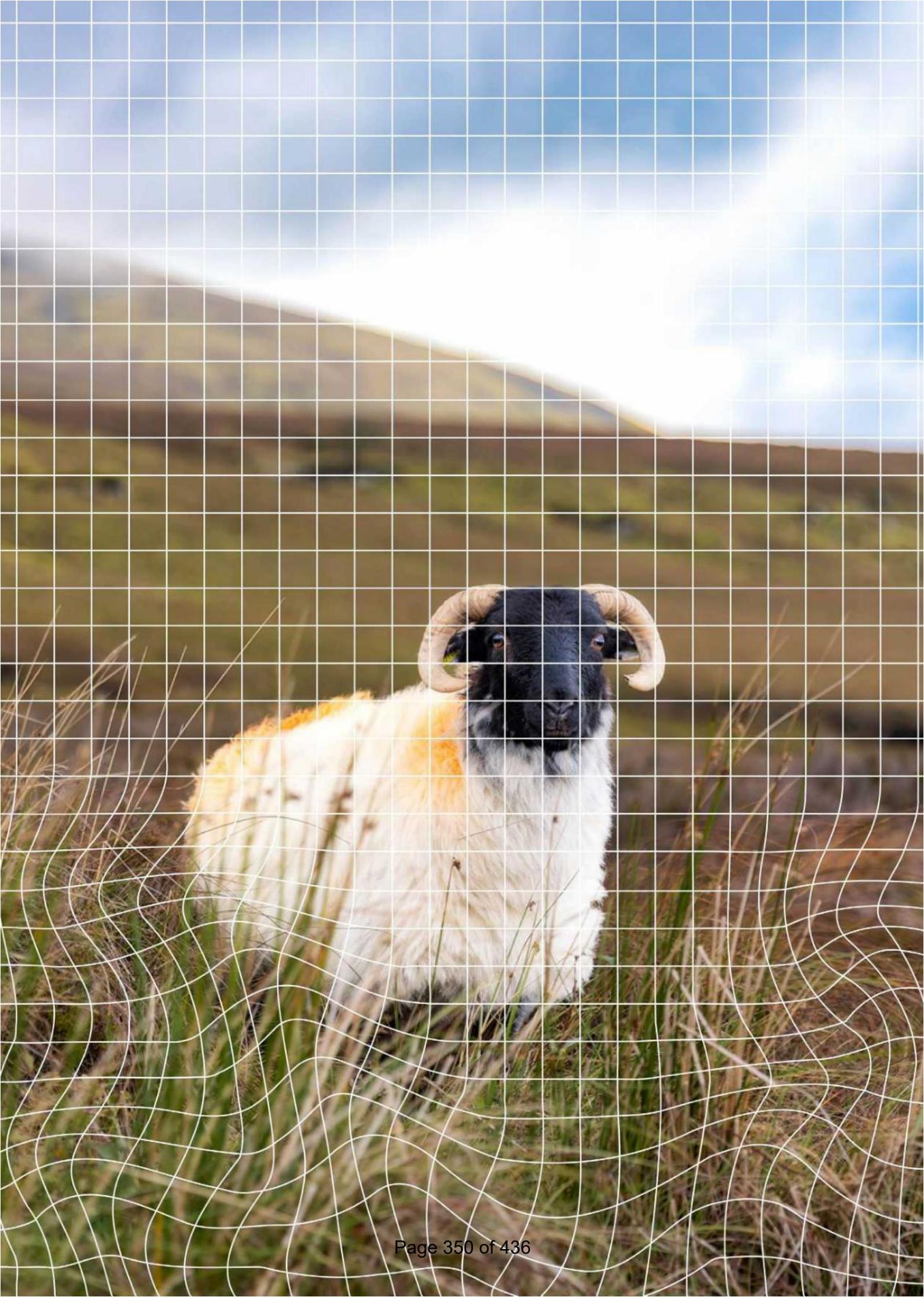
To do this, we start from our Balanced Pathway for Northern Ireland. We then:

- Make a series of technical adjustments and updates to our sectoral pathways and delay the starts of pathways in sectors showing slow recent progress to reflect that the First Carbon Budget starts this year.
- Increase ambition in some sectors to reduce the gap to Net Zero in 2050.
- List a set of speculative options that could be investigated to close the remaining gap to Net Zero.

The largest changes are in the land use sector, the use of bioenergy with carbon capture and storage and the use of anaerobic digestion of wastes. These are described in Chapter 2. Chapter 3 covers the rest of the changes and presents the results of the analysis, and our final advice on the targets and actions required to meet them are given in Chapter 4.

Endnotes

- ¹ Cabinet Office and Northern Ireland Office (2019), *Devolution settlement: Northern Ireland*, <https://www.gov.uk/guidance/devolution-settlement-northern-ireland>.



Chapter 2

Changes in land use, BECCS and anaerobic digestion

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Introduction and key messages

This chapter describes changes to our emissions pathway for the land use sector, considering both methodological changes and an increase in ambition. We also estimate potential contributions to reduce emissions with bioenergy with carbon capture and storage (CCS), and anaerobic digestion of wastes.

The key messages in this chapter are:

- Methodological updates to the modelling of forestry and peatland emissions result in an increase in estimated land use emissions compared to our previously published Balanced Pathway from the mid-2030s to 2050.
- Reaching Net Zero will require radical action in the land use sector in Northern Ireland, going further than our Balanced Pathway and implementing actions consistent with our Tailwinds scenario – the CCC's steepest emissions pathway to Net Zero – but with a delay to reflect slow current progress on new forestry planting (as explained below) this will require a rapid ramp up of afforestation and peatland restoration rates.
- Using biomass grown in Northern Ireland together with CCS could lead to 1.1 MtCO₂e of sequestered CO₂ attributed to Northern Ireland annually by 2050.
- Anaerobic digestion of wastes can be used to produce biomethane which can both replace fossil gas and be used with carbon capture and storage to sequester CO₂. This could lead to a reduction in emissions of around 0.8 MtCO₂e a year by 2050. It is essential that this is done strategically, to maximise emissions reduction and avoid perverse outcomes.
- Capturing and transporting CO₂ in Northern Ireland comes with significant costs and developments in infrastructure.

The rest of this chapter is set out in three sections:

1. Land use
2. Bioenergy with carbon capture and storage
3. Anaerobic digestion

1. Land use

Northern Ireland will need to go beyond our proposed Balanced Pathway to increase the size of land-use sinks in line with the demands of the Net Zero target.

(a) Northern Ireland's land use emissions

The land use sector is a net emitter in Northern Ireland. There has been little progress in cutting emissions from the sector over the last decade. Setting a Net Zero target means that Northern Ireland will need to rely heavily on land use as a key form of the greenhouse gas removals required to balance residual emissions from the agricultural sector, which will be the main source of residual emissions by 2050. As a result, Northern Ireland will need to go beyond our proposed Balanced Pathway to increase the size of those sinks in line with the demands of the new target (see Chapter 3).

(b) Land use in the CCC Sixth Carbon Budget – original pathways

The CCC's analysis for the UK Sixth Carbon Budget in 2020 produced specific outputs for Northern Ireland.¹ For the land use sector, this took a bottom-up approach, producing a series of emissions reduction pathways that set out how land can work towards UK Net Zero by 2050. In these original pathways, key priorities for land – producing food for a growing population and for settlement growth to support housing and other economic activity – are met before allocating additional land for climate mitigation.

Our original Balanced Pathway resulted in net emissions from the land sector in Northern Ireland of 1.9 MtCO_{2e} in 2030 and 0.9 MtCO_{2e} in 2040. In this pathway, the land use sector has net emissions above zero all the way to 2050, with emissions falling to around 0.1 MtCO_{2e} by mid-century.

Cutting emissions from land use in Northern Ireland, however, will need to go further than the Balanced Pathway to increase the size of carbon sinks and offset some of the substantial emissions remaining in 2050. Our original Tailwinds scenario saw land use emissions fall to 1.9 MtCO_{2e} in 2030, 0.3 MtCO_{2e} in 2040, and eventually crossing over to a sink in 2043. By 2050, the size of the sink is -1.2 MtCO_{2e}.

(c) Methodological and analytical updates to our pathways

Since our UK Sixth Carbon Budget advice, the GHG inventory has undergone numerous revisions and changes in the land-use sector.

Methodology changes to the UK greenhouse gas (GHG) inventory are designed to increase the transparency, accuracy, consistency, comparability and completeness of emissions estimates. For the land use sector, the level of uncertainty in emission factors and activity data used in estimating emissions is higher than for other sectors. Work to address this by improving the current state of knowledge has resulted in large revisions to the GHG inventory in recent years and future changes can be expected as work continues to refine emission estimates.

Since the UK Sixth Carbon Budget advice was published, the GHG inventory and underlying datasets have undergone numerous revisions and changes. In this section, we provide an overview of how we updated the land use sector analyses to reflect these.

(i) 1990-2020 inventory update

The 1990-2020 inventory (published in 2022) included an improvement in the data and methodology used to estimate emissions.

The inventory now takes a Bayesian data assimilation approach, integrating land use data sources with national-scale census data to construct emission estimates associated with land-use change.

The Government projections of land use emissions based on the 1990-2020 inventory had not been agreed at the time of this analysis. We have aligned the updated Northern Ireland land use pathways to this by applying a constant offset for 2021 onwards, based on the known difference between 2020 and the projections from the 2019 inventory.

(ii) Forestry approach

Our approach for the forestry subsector has focused on updates to the methodology for estimating emissions. The underpinning assumptions regarding yield class, species and planting density remain unchanged from those set out in the UK Sixth Carbon Budget advice.

Our analysis has factored in a delay in new tree planting in Northern Ireland until 2024. This is to reflect the current low planting rates reported in the early 2020s. From 2024 onwards planting rates are assumed to follow the CCC trajectories. We refer to these pathways as 'delayed Balanced Pathway' and 'delayed Tailwinds'. These delays result in higher estimated net emissions in 2050 in these pathways.

Emissions from forestry in the GHG inventory are estimated based on the Forest Research CARBINE model. For the UK Sixth Carbon Budget analysis, the CCC used an alternative model (C-Flow).^{*} It was not possible for the CCC to use the CARBINE model to inform the land analysis for this target advice. Therefore, we have taken steps for our pathways to become aligned to CARBINE. These include:

- The UK Government's land use projections use the CARBINE model and are aligned with the methodology used in the emissions inventory. Net emissions from existing forest in the 2019 inventory projections calculated by the CARBINE model have been embedded into the updated baseline and emissions projections to capture the continued impact of historical forestry planting.
- New planting (from 2021 onwards) is represented by data from the 2022 Forest Research report 'Quantifying the sustainable forestry carbon cycle' (QFORC), a CARBINE-based model approach.² Data tables were derived from the CARBINE model and allows assessment of different options for woodland creation and management, from the perspective of their potential for CO₂ uptake and avoiding GHG emissions.
- The updated methodology has improved representation of carbon stock losses associated with the establishment of new forests. A mid-point between mineral and organo-mineral soils is used, and it is assumed that no afforestation of organic soils occurs.

As a result, the size of the sink from forestry emissions decreases between the mid-2030s and 2050, largely due to the lag in new forest creation becoming a net sink (Figure 2.1). This causes a divergence between the original pathways and the updated ones, reaching a peak in the late 2040s before starting to converge.

^{*} The representation of the CCC forestry pathways was underpinned by the C-Flow model. This represents new woodland creation but does not consider the interaction with past planting regimes and is likely to overestimate the scale of the sink in the CCC forestry scenarios as a result. Forestry in the UK GHG inventory is now underpinned by the CARBINE model, which accounts for historical planting differences more extensively and takes into account interactions between them and new woodland creation to project the impact on GHG emissions.

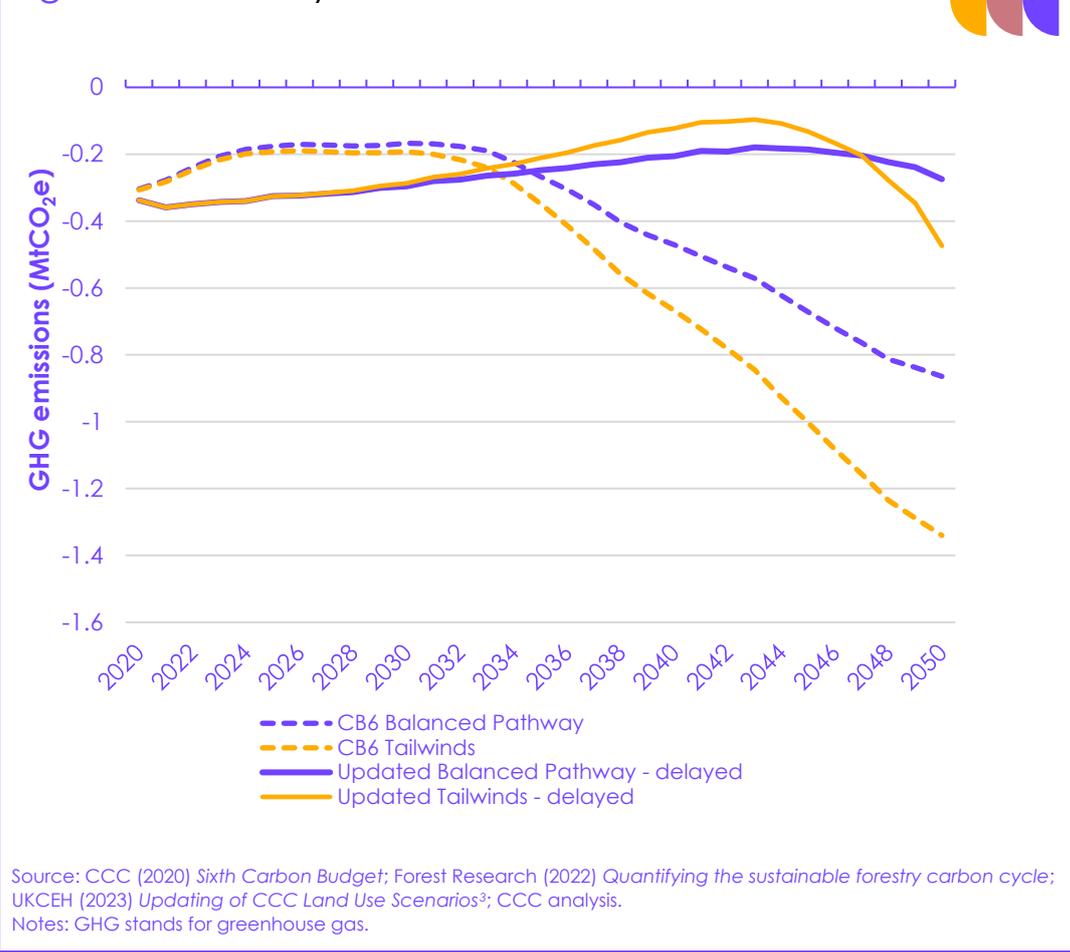
Our analysis has factored in a delay in new tree planting in Northern Ireland until 2024 to reflect current low planting rates.

Our forestry pathways have been aligned with the Forest Research CARBINE model.

The reverse is true for the early years, with the new pathways having a larger, albeit declining, sink until the mid-2030s. In addition, the improved representation of carbon stock losses associated with the establishment of new forests means that the higher rates of tree planting under delayed Tailwinds generates higher emissions compared to the delayed Balanced Pathway until the mid-2040s.

Forestry methodology and timing delays in tree planting have decreased the size of the emissions sink between the mid-2030s and 2050.

Figure 2.1 Forestry emissions in Northern Ireland



(iii) Peatlands

Peatland representation has been updated by adjusting the relevant emission factors within the UK for organic soils and updating the global warming potentials.

The analytical approach for the peatland subsector has focused on embedding inventory updates into the CCC peatland analysis. The underpinning assumptions regarding actions on peatland restoration and sustainable management remain unchanged from those set out in the 2020 advice on the UK Sixth Carbon Budget.

The peatland representation has been updated by adjusting the relevant emission factors within the UK for organic soils and updating the global warming potentials (GWPs) compared to those used in the UK Sixth Carbon Budget assessment:

- At the time of our UK Sixth Carbon Budget analysis, a decision had not yet been taken at the international level as to whether the updated GWP values presented in the IPCC's Fifth Assessment report (AR5) would account for climate-carbon feedbacks or not. It was also unknown as to whether the UK GHG inventory would adopt the higher or lower emission factors for forestry peat.

We therefore took a cautious approach on how both might be included and adopted the higher values for both the GWPs (AR5-high with climate-carbon feedback) and forestry peat emission factors for our analysis.

- Subsequent to our UK Sixth Carbon Budget advice, it was agreed at COP26 to use the lower AR5 GWPs (i.e. with no climate-carbon feedbacks), while the UK GHG inventory went on to use lower emission factors for forestry peat than we adopted.

As a result, emissions due to peatlands are estimated to be lower in the updated Balanced Pathway and Tailwinds. This difference peaks in 2036, when peatland-related emissions are approximately 0.3 MtCO₂e lower (for both scenarios). The peatland pathways begin converging again after 2040, but emissions in the updated pathways remain lower through to 2050.

(d) The impact of land use model updates to the CCC's land use pathway for Northern Ireland

The methodological changes outlined in the above sections impact our pathways for land use emissions in Northern Ireland in a number of ways:

- The updated pathways indicate higher land-related emissions between the early-2040s and 2050 than those used for the UK Sixth Carbon Budget analysis (Figure 2.2). This is due to changes in the estimated sink capacity in Northern Ireland, estimates of soil-related emissions and the estimated impact of other land-use change.*
- Overall, net emissions continue to fall, but the updated analysis underlines the urgency of making early decisions on forestry due to the impact on emissions. In the updated pathways, new forest creation turns into a sink much later than the original timescale (after 2050 for the Balanced Pathway and in 2049 for Tailwinds), affecting the size of forestry sinks (Figures 2.3 and 2.4). Ensuring these sinks have sufficient capacity by 2050 to balance out part of the residual emissions, particularly in line with Tailwinds, requires urgent action.

* Other LULUCF emissions include those from LUC and management of non-forest soils and biomass, and biomass burning.

Methodology updates and delays to planting rates lead to higher emissions between the early 2040s and 2050 in our pathways.

Figure 2.2 Methodology updates and delays to pathways

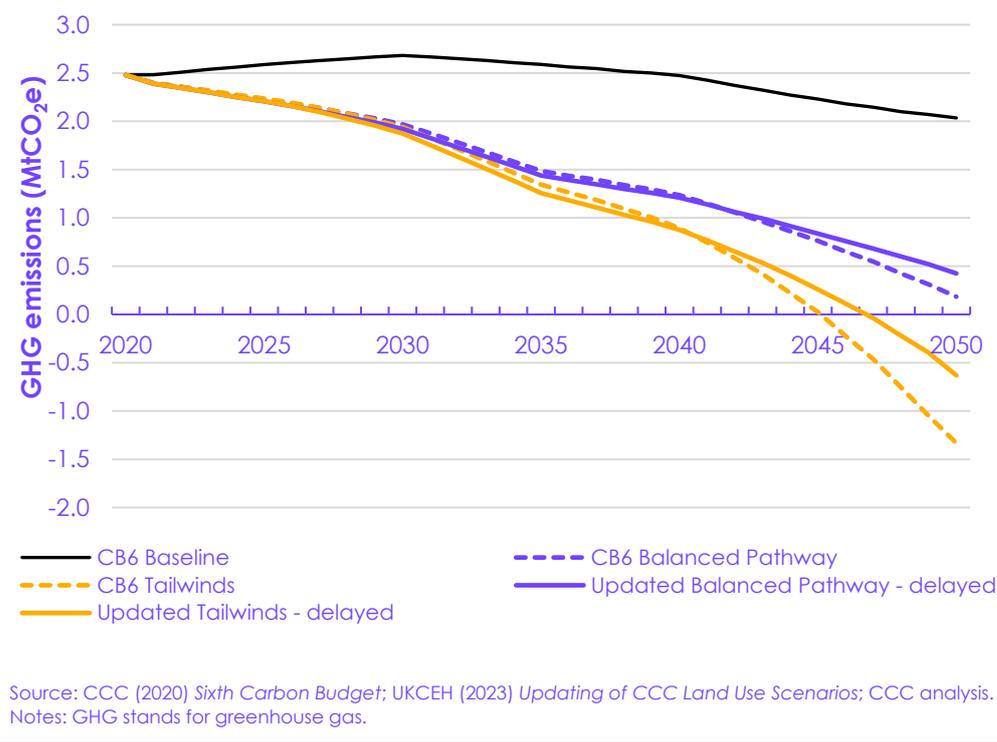
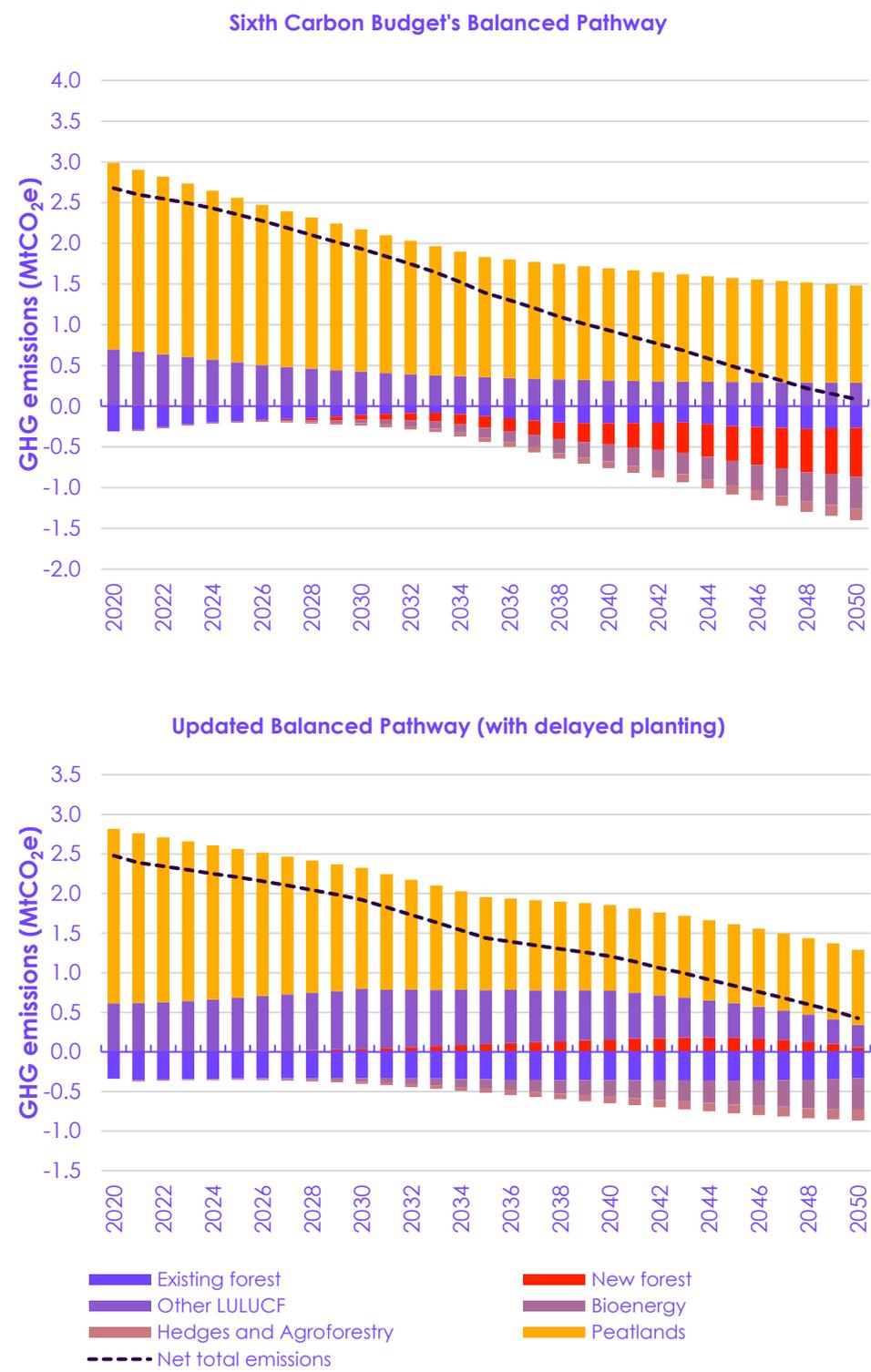


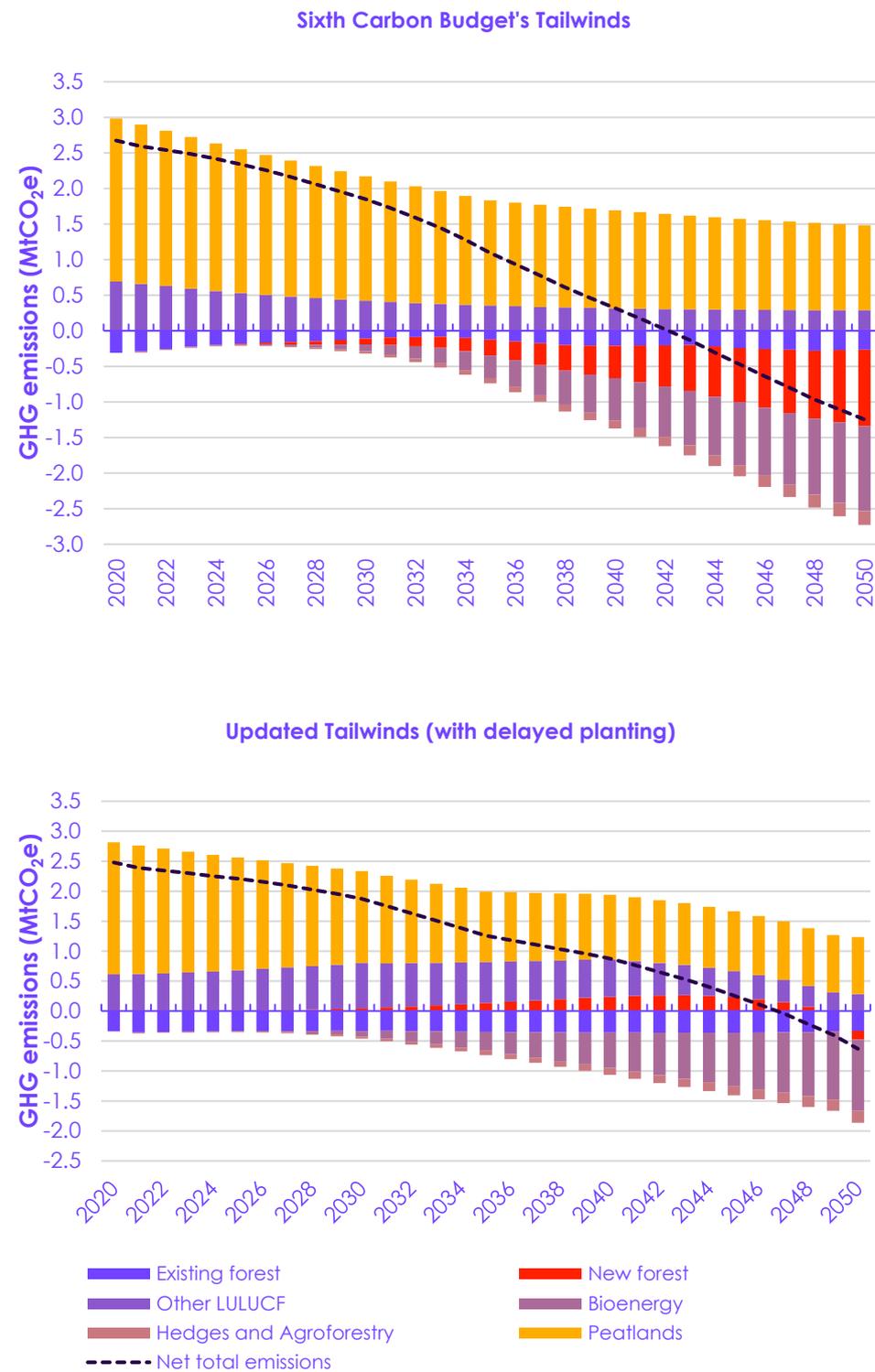
Figure 2.3 Breakdown of land-use emissions – Balanced Pathway



Source: CCC (2020) Sixth Carbon Budget; UKCEH (2023) Updating of CCC Land Use Scenarios; CCC analysis.
 Notes: GHG stands for greenhouse gas.

In the new Tailwinds pathway land use becomes a net sink in 2047 and new forest in 2049 following methodological updates and delays to planting rates.

Figure 2.4 Breakdown of land-use emissions – Tailwinds



Source: CCC (2020) *Sixth Carbon Budget*; UKCEH (2023) *Updating of CCC Land Use Scenarios*; CCC analysis.
 Notes: GHG stands for greenhouse gas.

(e) Increasing ambition for land use in Northern Ireland

Given the scale of the Net Zero challenge, Northern Ireland will need to go beyond our Balanced Pathway and attempt to implement Tailwinds for land use, albeit with a delay in tree planting to reflect current low rates.

Given the scale of the challenge posed by the Net Zero target and the slow rate of delivery in the land sector in the early 2020s, our assessment is that Northern Ireland will need to go beyond our Balanced Pathway and attempt to implement Tailwinds for land use, albeit with a delay in upscaling rates of tree planting (see Chapter 3). This will allow Northern Ireland to increase sink capacity to counteract residual emissions by 2050.

Although there will be sufficient land released from agriculture under the Balanced Pathway to meet the land-use change required for Tailwinds, the increased ambition in terms of the scale and pace of tree and energy crop planting together with increased productivity will be challenging to meet in practice:*

Annual afforestation rates need to reach 3,100 hectares by 2035, compared to the 540 hectares delivered in 2021/22.

- Annual afforestation rates will need to reach 3,100 hectares by 2035 and 4,100 hectares by 2039 remaining at this level until 2050. This represents a substantial increase compared to afforestation rates delivered to date, which were 540 hectares in 2021/22 and on average around 290 hectares annually between 2018 and 2022.
- The productivity of conifers as measured by Yield Class (YC) will need to increase from the current average YC14 to YC18 by 2030. This requires moving beyond the adoption of best practice in silviculture to innovation in breeding, with theoretical gains translated into real gains.
- Planting of energy crops and short rotation forestry will need to ramp up from zero currently to 3,500 hectares/year by 2030, which is more than double the level of planting in the Balanced Pathway. There is also a higher reliance on innovation to boost the productivity of energy crops by 33% by 2050 compared to the Balanced Pathway.

Though challenging, and this must be considered alongside trade-offs with other land uses, Tailwinds does offer increased capacity to sequester carbon. Decisions should be made early, particularly where tree-planting is concerned, to allow for the measures to come into full effect in time to meet the legislated targets.

Delivery of these pathways for land is dependent on successful implementation of land-release measures in the agriculture sector.

Delivery of these pathways for land is dependent on successful implementation of land-release measures in the agriculture sector (e.g. improving efficiency and reduced livestock farming), land-use change and an increase in sustainable land use measures. The land-based mitigation measures considered are: afforestation and improved management of existing broadleaf forests; increased production of bioenergy crops; restoration and sustainable management of degraded peatlands; and expansion of hedgerows and agroforestry.

* Peatland restoration under Tailwinds is aligned to the ambition set out in the Balanced Pathway.

2. Bioenergy with carbon capture and storage

In our UK Sixth Carbon Budget advice, negative emissions from biomass grown in Northern Ireland were not allocated there.

The pathways produced for our UK Sixth Carbon Budget advice include bioenergy with carbon capture and storage (BECCS) to remove CO₂ from the atmosphere while also producing energy. However, in that advice we did not allocate these negative emissions across different parts of the UK.

Under internationally agreed rules for emissions accounting, the greenhouse gas removals resulting from CO₂ capture from biomass combustion are accounted for in the country in which the CO₂ is captured (rather than, for example, where the biomass is grown or where the CO₂ is ultimately sequestered). So, for BECCS to contribute to Northern Ireland's emissions targets, any BECCS plants would need to be located in Northern Ireland, although the CO₂ could then be transported elsewhere for storage.

There are high volumes of potential CO₂ storage under the seabed surrounding the UK in saline aquifers and in depleted oil and gas fields. However, the storage sites with best potential are mostly under the North Sea or off the coast of the Northwest of England. Though Northern Ireland has poor access to geology for CO₂ storage, capturing CO₂ in BECCS plants and transporting it to storage sites elsewhere in the UK could help to close the gap between our previous assessment for net emissions in Northern Ireland by 2050 and the legislated Net Zero target.

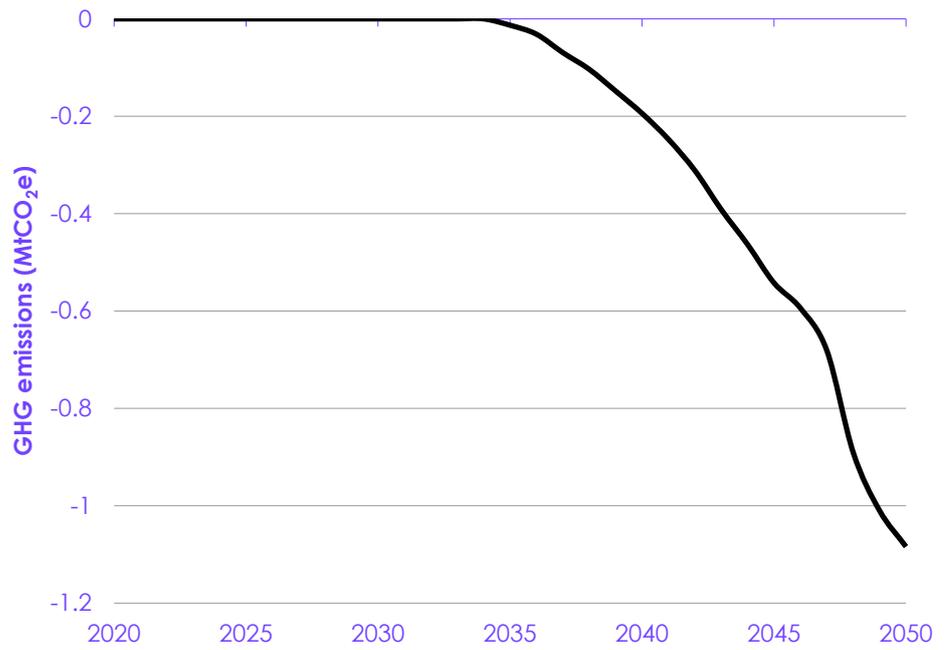
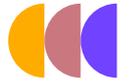
Greenhouse gas removals from biomass grown in Northern Ireland could reach 1.1 MtCO₂ in 2050, which can be allocated to Northern Ireland if infrastructure is developed to capture and transport the CO₂.

For this report, we have calculated how much CO₂ could be removed using biomass grown in Northern Ireland, which our pathway assumes is 2-3% of total UK-grown biomass (depending on the year). Greenhouse gas removals from BECCS reach 1.1 MtCO₂ in 2050 (Figure 2.5). We have not assumed that any bio-resource is imported and used in BECCS, as many other countries are better placed to do this.

This would need infrastructure to capture and transport CO₂, as well as an agreement to store the CO₂ outside Northern Ireland (as there are no suitable storage locations in Northern Ireland).^{*} Capturing and storing CO₂ is expected to be more expensive to do in Northern Ireland than in Great Britain. This is because in Great Britain there will be more CO₂ going into each CCS network, leading to lower unit costs due to economies of scale, and the CO₂ transport distance from source to storage location will be shorter.

^{*} CO₂ removals only count as negative emissions for Northern Ireland if the capture of CO₂ occurs within Northern Ireland, so it needs to be captured in Northern Ireland even though there is not anywhere in Northern Ireland to store it.

Figure 2.5 BECCS removals pathway



Source: CCC (2020) *Sixth Carbon Budget*; CCC analysis.
Notes: GHG stands for greenhouse gas.

3. Anaerobic digestion

Anaerobic Digestion (AD) can be used to produce biogas from food waste, sewage sludge, silage and animal manures. The biogas can be upgraded via scrubbing technologies into biomethane and subsequently injected into the gas network.

Since our 2020 advice on the UK Sixth Carbon Budget, further evidence has estimated a higher biogas potential of 3,500 GWh in Northern Ireland.

In our 2020 analysis, our Balanced Pathway included almost 1,000 GWh of biogas production in Northern Ireland in 2050 with its use split across industry, combined heat and power (CHP) and upgrading into biomethane for injection into the gas network. Since then, further evidence has been developed that estimates that Northern Ireland has a higher potential for biogas.

We judge the use of biogas and biomethane in our Balanced Pathway to be a likely and cost-effective approach to achieve UK Net Zero. However, given that the Northern Ireland Net Zero target is more stretching, we have assumed uses of biomethane that maximise the contribution to Net Zero of the finite potential for anaerobic digestion.

The following updates have been made to our pathway:

- Manure and silage account for the majority of biogas feedstocks and these numbers have been revisited based on insights from the latest published research and aligned with our Sixth Carbon Budget scenarios.⁴ This gave an updated figure for Northern Ireland's maximum biogas potential from sustainable feedstocks of around 3,500 GWh.
 - Annual manure feedstocks have been calculated for different livestock categories based on published literature values for volume of excreta produced per animal.⁴ Manures have been scaled over time with poultry and livestock numbers from the agriculture sector in our Balanced Pathway scenario.
 - We have used the surplus grassland released in the Tailwinds scenario to determine silage feedstocks. Putting this surplus land back into agricultural production will lead to some N₂O emissions associated with fertiliser use. We have not included this in our calculations. We have assumed that all silage from permanent grasslands is used for livestock feed, whilst silage produced on rough grasslands cannot be harvested for AD.
 - Biogas produced from food waste, sewage sludge and landfill gas has not changed from our Sixth Carbon Budget analysis assumptions.
- Due to the dispersed nature of feedstock sources, it is not expected that all biogas potential could be upgraded to biomethane.
 - Whilst further abatement would be achieved by upgrading biogas for use as biomethane, we have maintained the same amount of biogas for industry and CHP as we used in our Sixth Carbon Budget analysis to reflect the fact that some biogas would be used on-farm. In 2050, this accounts for 13% of the maximum biogas potential.

Due to the dispersed nature of feedstock sources, it is not expected that all biogas potential could be upgraded to biomethane.

- All remaining biogas has been allocated to biomethane upgrading, providing 3,000 GWh of biomethane available for grid injection or other uses.*

To maximise the abatement potential of using anaerobic digestion to produce biomethane, carbon capture and transport infrastructure is required in Northern Ireland.

- In our Sixth Carbon Budget pathways, we did not include any carbon capture and transportation in Northern Ireland. However, to maximise the abatement potential of using AD to produce biomethane, CCS is required.
 - In our analysis, we have assumed that CCS is available for both the upgrading of biogas to biomethane and the subsequent use of biomethane in gas power stations or hydrogen production plants from 2035.
 - Introducing CCS to Northern Ireland would require infrastructure to capture and transport CO₂. There are also no suitable storage locations in Northern Ireland and the captured CO₂ would therefore need to be stored elsewhere.

Producing and utilising biomethane with AD can reduce net greenhouse gas emissions via the following (Figure 2.6):

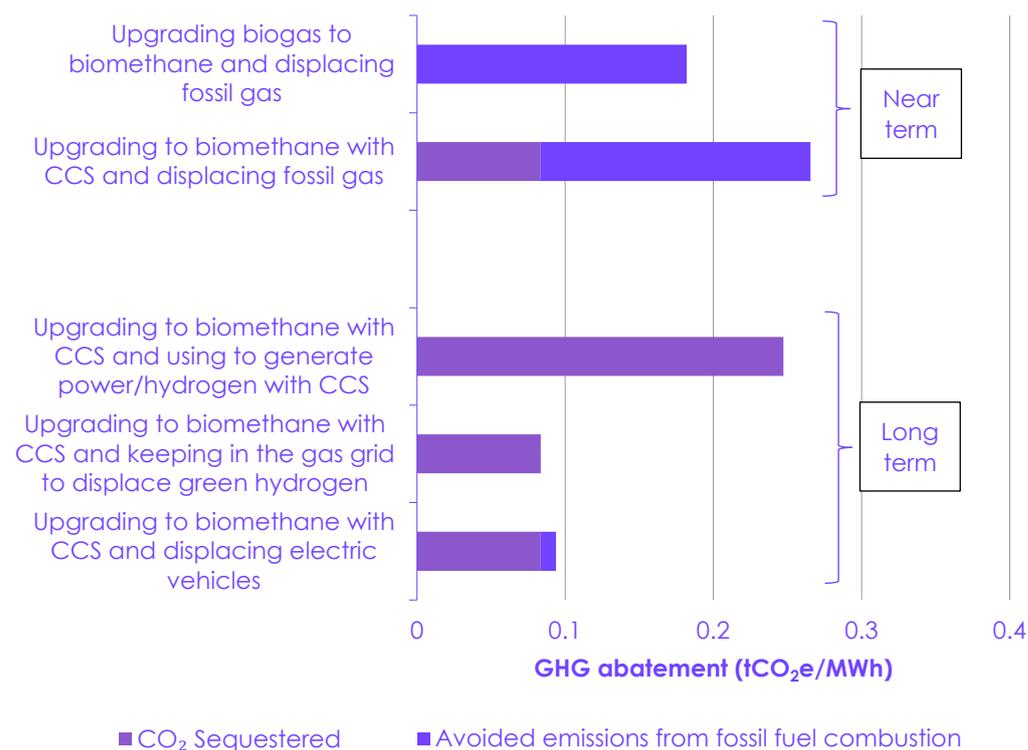
Biomethane can be used to displace fossil gas in the short term and as greenhouse gas removals by producing electricity or hydrogen with carbon capture and storage in the longer term.

- Biogas produced via AD can be upgraded to network-quality biomethane. As biogas is around 40% CO₂, this can be separated and captured as part of the upgrading process. Transporting this CO₂ to an appropriate location for permanent sequestration is a form of greenhouse gas removal and contributes to reducing net emissions.
- The biomethane can be injected into the gas network, displacing fossil gas. These avoided emissions from fossil fuel combustion further reduce overall net emissions. However, this should only be seen as an interim measure and biomethane should only be injected into the gas network to replace fossil gas and not at the expense of other low-carbon energy (e.g. hydrogen produced from electrolysis) or maintaining unabated consumption of methane (e.g. for heating buildings).
- Once there is no more scope to displace fossil methane from the gas network (e.g. once supply exceeds gas demand, which will be falling), any remaining biomethane can be used for electricity or hydrogen production, with CCS used to capture the resultant CO₂. This use of biomethane primarily achieves this reduction through sequestration of CO₂, which acts as a form of greenhouse gas removal.

* The efficiency of biogas to biomethane upgrading is assumed to be 90% in 2050.

More carbon is sequestered per MWh of energy if biogas is used with carbon capture and storage to replace fossil gas or to produce electricity or hydrogen.

Figure 2.6 Estimated GHG abatement for different biogas applications



Source: CCC analysis.

Notes: GHG stands for greenhouse gas. This chart shows estimates of GHG abatement provided by different uses of 1 MWh of biogas. We have shown abatement broken down by sequestered carbon (the amount of CO₂ stored and/or not released into the atmosphere due to CCS technology) and avoided emissions from fossil fuel combustion carbon (the amount of CO₂ that would have been emitted to the atmosphere in the counterfactual case that the biogas had not been used). Near term refers to decisions taken up to the point where all fossil gas has been displaced from the gas system and long term refers to decisions taken after this point. The underlying calculations do not include biogas lifecycle emissions, which are the same for each of the options presented. The emissions factor for upgrading biogas to biomethane with CCS was taken from our analysis for the Sixth Carbon Budget. In 2035, the emissions factor is -84 gCO₂e/kWh with this improving to -118 gCO₂e/kWh in 2050 with improvements in CO₂ capture rates and plant efficiency improvements with the 2035 value used for all options. The 2035 grid intensity has been used for the avoided emissions of displacing electric cars and the value taken from our Sixth Carbon Budget.

It is essential that the use of anaerobic digestion is strategic and that perverse outcomes, such as increasing livestock to produce more manure, are avoided.

Whilst the use of AD and biomethane has some potential to reduce Northern Ireland's net emissions, it is essential that this is done strategically to maximise its contribution to the legislated emissions targets and avoid perverse outcomes:

- Feedstocks.** Biogas should only be produced from waste feedstocks. Growing dedicated 'first generation' (i.e. food) crops as an additional feedstock or maintaining livestock numbers for biogas is an inefficient use of land in climate and economic terms. For example, one dairy cow contributes 3,470 kgCO₂e per year in enteric emissions, whilst its manure would generate 0.64 MWh of biogas which, even with the most optimal abatement use, would constitute an abatement of only 192 kgCO₂e – offsetting less than 6% of the climate impact of the dairy cow.
- Methane leakage.** Methane can leak from AD plants and steps must be taken to monitor and address methane leaks to ensure that this does not nullify the climate benefits of biogas production. Methane leakage from AD plants has been estimated to be between 0.05% and 2.5%.⁵ However, there are concerns that methane leaks are underestimated.⁶

It will be important to ensure that the monitoring of anaerobic digestors and associated infrastructure is undertaken to ensure that any significant methane leaks are caught quickly.

- **Utilise the produced biogas in an optimal manner.** The flexibility of bioenergy as a low-carbon energy vector means there are a large number of possible end-uses. However, many of these are sub-optimal in the long term and likely to reduce overall levels of ambition on emissions reduction and/or increase costs (Figure 2.6).

Sub-optimal uses of biogas, such as in road transport, should be avoided.

- Our analysis has identified upgrading biogas to biomethane with CCS (once available) and using it to displace fossil gas as the most optimal use in the short term. However, once the potential to displace fossil gas has been exhausted the biomethane should be used to generate power or hydrogen with CCS used on the emitted CO₂.
- Sub-optimal uses include keeping the biomethane in the gas network once all fossil gas has been displaced and gas demand can be lowered further, as reducing this gas consumption and using the gas with greenhouse gas removals would lower net emissions. Other sub-optimal uses include expanding the use of methane as a fuel (e.g. in road transport) given the availability of carbon-free alternatives and the high value of biomethane in reducing emissions.
- Methane consumption wherever possible should still be reduced. This initially reduces fossil gas consumption and subsequently frees up biomethane for use with CCS.

The extremely stretching nature of the Net Zero target rules out using biomethane for things such as heating homes in 2050 as it is required for greenhouse gas removals.

While it may be considered desirable to use the biomethane to support the gas system and existing methane uses (e.g. to heat homes) once all fossil gas demand in our pathway has been displaced, the extremely stretching nature of the Net Zero target rules this out. On a 2050 timescale this additional biomethane resource must be used for greenhouse gas removal. This may mean either shutting down gas distribution networks or switching them to hydrogen, while higher-pressure parts of the methane network only serve CCS facilities by 2050.

To maximise the abatement potential of biomethane in Northern Ireland, a significant increase in production and injection is required and there may be opportunities for learning from other countries that are already utilising biomethane for injection into the gas network.

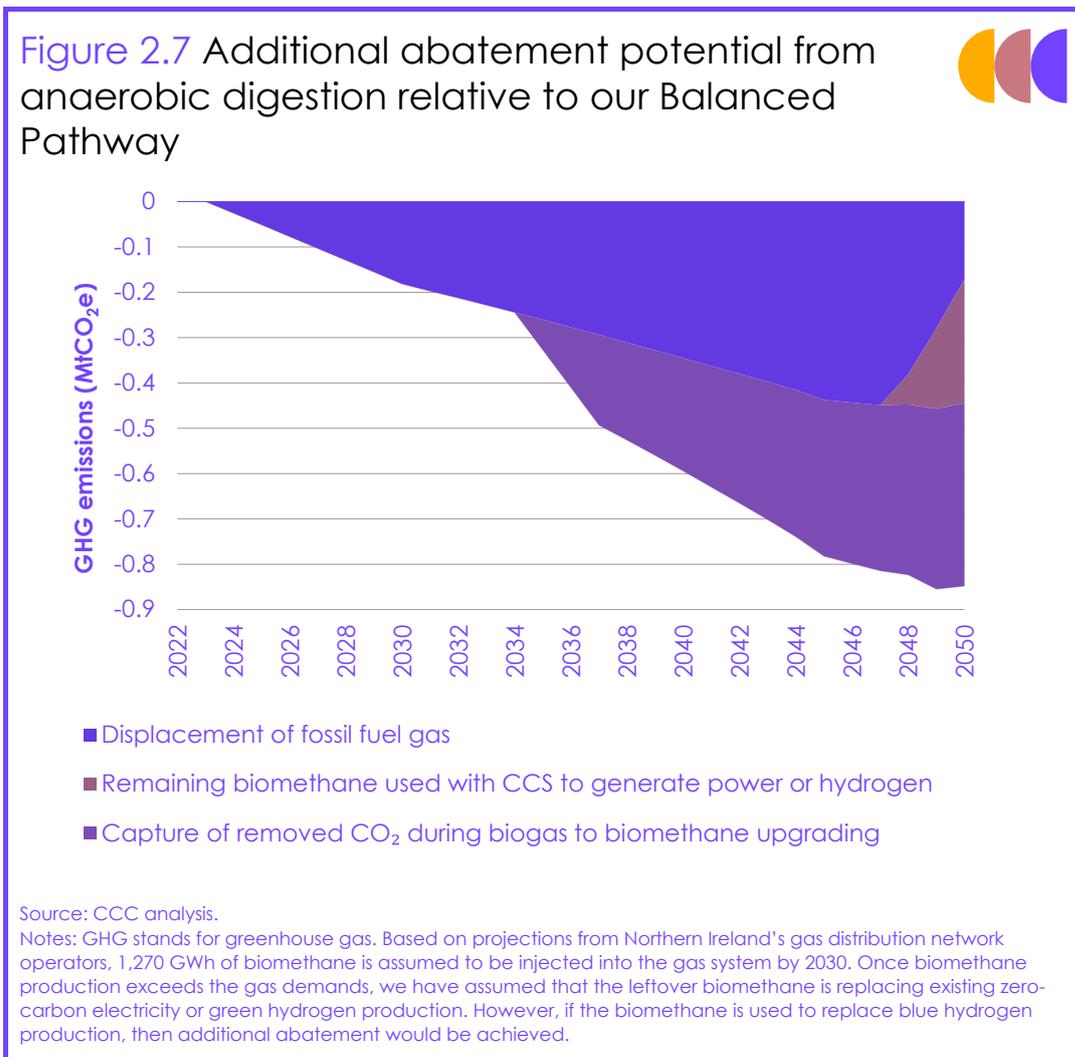
- There is currently no injection of biomethane into the gas network occurring in Northern Ireland, although there is extensive use of AD:
 - In 2021, there were 76 operational AD facilities producing biogas in Northern Ireland. Of these, 64 predominantly use agricultural feedstock and 12 use municipal, commercial and industrial waste feedstocks.⁷
 - The biogas produced is currently used to generate heat and electricity onsite with surplus electricity sold to export suppliers.
- The less-developed (compared to the rest of the UK) gas network in Northern Ireland means that biomethane generated on-farm would likely require transport to a centralised point for injection into the network. Alternatively, the feedstock or the biogas could be transported to larger plants that have a direct connection to the gas network.

Other European countries have developed biomethane production industries or have set policies to facilitate development.

- Other European countries have developed biomethane production industries or have set policies to facilitate development.
 - Injection of biomethane into the gas network is being done in Great Britain and by other European countries including Germany, France, Italy and Denmark and there are around 1,000 biomethane production plants in operation.⁸
 - The UK Heat and Building Strategy sets out plans to increase the amount of biomethane in the gas system and aims for the Green Gas Support Scheme to deliver 2.8 TWh of renewable heat per year in Great Britain by 2031.⁹
- The Northern Ireland Executive has outlined its intention to establish a cross-departmental working group on biomethane production. The group will aim to assess the future role of AD in Northern Ireland and determine the potential to produce biomethane at scale.

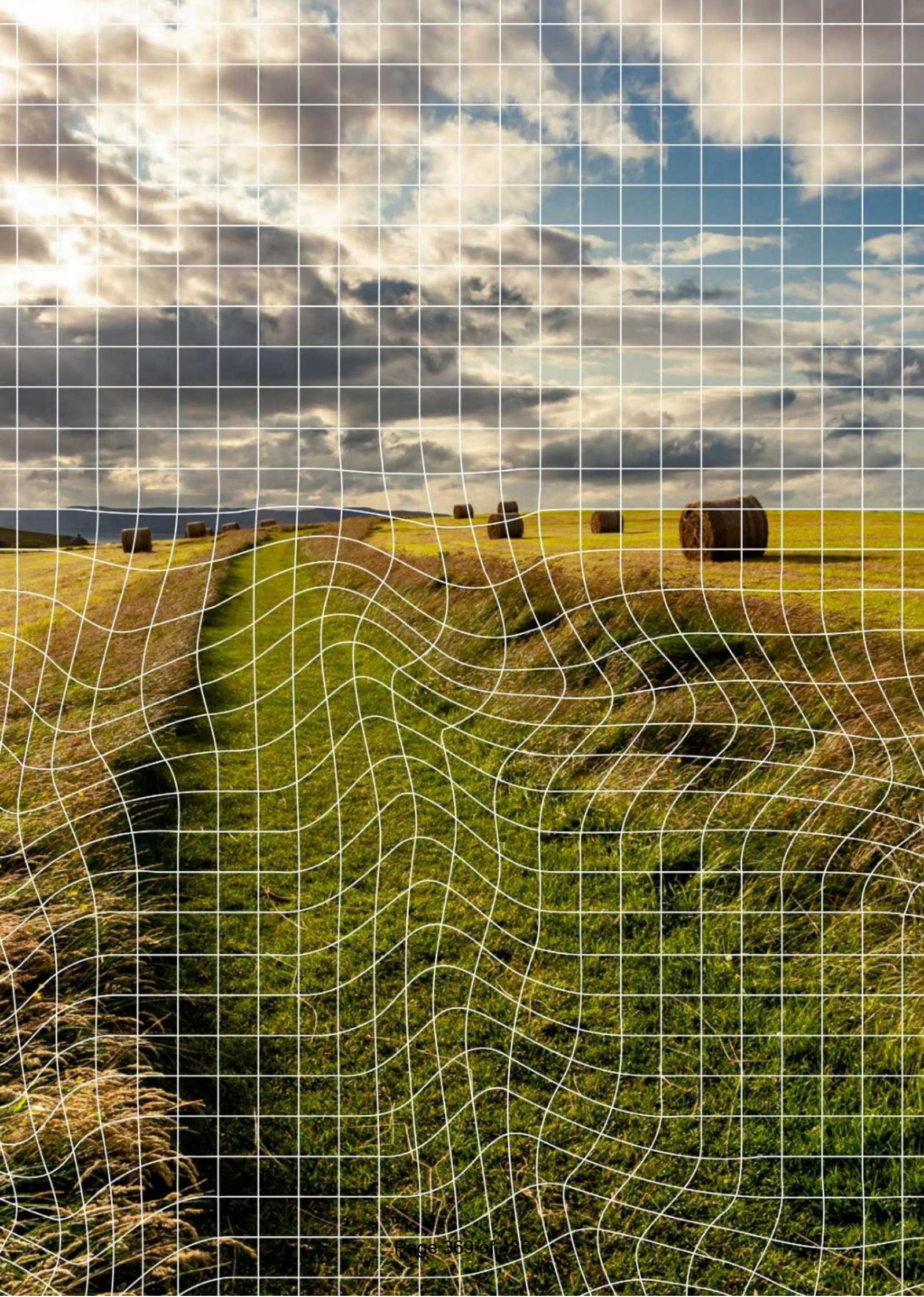
Our modelling estimates that our updates to our pathway can further reduce emissions relative to our Balanced Pathway by 0.3 MtCO₂e by 2035 and by 0.8 MtCO₂e by 2050 (Figure 2.7). Up to 2035, we assume that no CCS is utilised and all abatement is provided by the displacement of natural gas.

With the strategic use of anaerobic digestion, emissions in Northern Ireland could be reduced by 0.3 MtCO₂e by 2035 and by 0.8 MtCO₂e by 2050.



Endnotes

- ¹ Climate Change Committee (2020), *The Sixth Carbon Budget; The UK's path to Net Zero*, <https://www.theccc.org.uk/publication/sixth-carbon-budget/>.
- ² Forest Research (2022) *Quantifying the sustainable forestry carbon cycle*.
- ³ UKCEH (2023) *Updating of CCC Land Use Scenarios*.
- ⁴ Mehta, N., Anderson, A., Johnston, C. & Rooney, D (2022) *Evaluating the opportunity for utilising anaerobic digestion and pyrolysis of livestock manure and grass silage to decarbonise gas infrastructure: A Northern Ireland case study*, *Renewable Energy*, 196, 343-357.
- ⁵ BEIS (2019) *Methodology to assess methane leakage from anaerobic digestion*, <https://www.gov.uk/government/publications/methodology-to-assess-methane-leakage-from-anaerobic-digestion-plants>.
- ⁶ Bakkaloglu, S., Cooper, J. & Hawkes, A. (2022) *Methane emissions along biomethane and biogas supply chains are underestimated*. *OneEarth*, 5 (6), 724-736.
- ⁷ Energy Ireland (2021) *Anaerobic digestion in Northern Ireland*, <https://www.energyireland.ie/anaerobic-digestion-in-northern-ireland/>.
- ⁸ European Biogas Association (2021) *Biomethane Map 2021*, <https://www.europeanbiogas.eu/biomethane-map-2021/>.
- ⁹ HM Government (2021) *Heat and Buildings Strategy*, <https://www.gov.uk/government/publications/heat-and-buildings-strategy>.



Achieving Net Zero by 2050

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Introduction and key messages

Northern Ireland has a legislated Net Zero target date of 2050. However, our Balanced Pathway for Northern Ireland, developed for our report on the UK's Sixth Carbon Budget, falls well short of Net Zero for Northern Ireland, largely due to significant residual emissions in the agriculture sector.

In this chapter we summarise some technical updates to our pathway and increase ambition in certain areas to reduce emissions further in 2050. We also discuss 'Speculative' options to go further in 2050 to achieve the legislated Net Zero target. Finally, we present our updated sectoral pathways up to 2050.

The key messages in this chapter are:

- We have developed a 'Stretch Ambition' pathway for Northern Ireland, which reaches a 93% reduction in emissions by 2050 on 1990 levels and entails Northern Ireland to take the following radical action to bolster the contribution of greenhouse gas removals and therefore balance some of the residual emissions from agriculture:
 - A rapid ramp up in annual afforestation rates to reach 3,100 hectares by 2035, which is significantly higher than the rate of 540 reported in 2021/22.
 - Inclusion of engineered removals from both solid biomass grown in Northern Ireland and anaerobic digestion of waste used to produce biomethane, together with CO₂ capture and transportation (e.g. shipping) to store the CO₂ elsewhere. This would be costly and would require significant investment and infrastructure development.

Even with these extra actions, there remains an estimated gap of 1.8 MtCO₂e to the legislated Net Zero target in 2050. To close this, we consider two 'Speculative' pathways, one with deployment of direct air carbon capture technology, which is expected to have high costs, and another with a further reduction in the size of Northern Ireland's livestock farming sector. The second of these does not reach Net Zero by 2050, it would need to be supplemented by additional removals to do so, but the amount of removals required is smaller than for the direct air capture pathway. It is up to Northern Ireland to decide whether to pursue other speculative options in addition to these.

1. Updates to our Balanced Pathway

(a) Technical and timing updates

A series of technical and timing updates to decarbonisation action have been made to our Balanced Pathway.

A series of technical and timing updates to our Balanced Pathway have been made for this report:

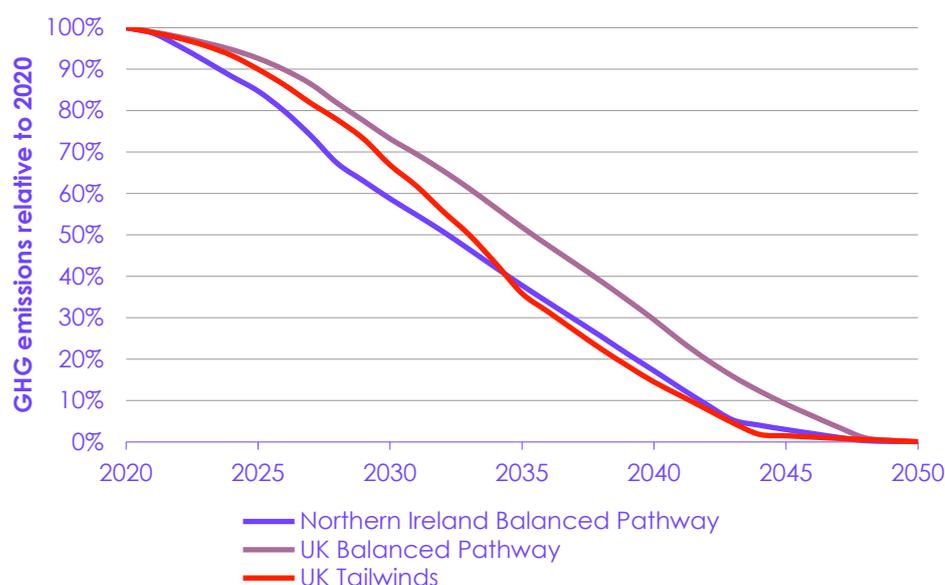
- **Business and industrial.** Updates to the input data and modelling assumptions in our manufacturing and construction pathway. These include a newer model version, incorporating updated data on off-road mobile machinery and resolving a double counting of wood in construction from the resource efficiency inputs. We have also adjusted the emissions with a more realistic allocation of UK emissions between the four nations of the UK.
- **Buildings.** Adjustment of the rate of residential buildings decarbonisation to match that of our UK Tailwinds pathway and make adjustments to make our estimates more accurate.
 - Our original analysis assumed that, across the UK, off-gas grid buildings would generally be transitioned to low-carbon heating before those on-gas, with new domestic oil boilers phased out by 2028. This enabled off-gas buildings to become lead markets, to help ramp up heat pump supply chains ahead of deployment across a wider set of buildings in the 2030s.
 - However, due to the relatively high number of off-gas grid homes in Northern Ireland (~65% of homes compared to ~12% in England), this meant that buildings emissions in Northern Ireland fell much faster than for the UK as a whole.^{1,2} Scaling up low-carbon heat so quickly in Northern Ireland could have issues with local workforce skills and supply chains, so we have slowed down the residential buildings decarbonisation rate to match that of the UK Tailwinds scenario, which is faster than the UK's Balanced Pathway (Figure 3.1).
 - We have also adjusted the residential buildings emissions to account for our previous underestimate of the proportion of UK dwellings in Northern Ireland and for Northern Ireland having lower outside temperatures than the UK average. This means more heating is needed and therefore emissions are higher.
- **Surface transport.** Adjustment to surface transport emissions to incorporate new data in our modelling assumptions on vehicle-km in Northern Ireland.
- **Energy.** Adjustment incorporating a better allocation of UK fuel supply emissions between the four nations of the UK.

- **LULUCF.** Delay of new forestry planting until 2024 (see Box 3.1 for an explanation of this). Also, adjustment of emissions in the land use sector to reflect changes introduced in the 1990-2019 inventory to the treatment of peatlands and reflecting a new method for estimating land use emissions introduced in the 1990-2020 inventory and an update to the modelling of tree-planting cycles to be closer to that used in the inventory (see Chapter 2 for details).
- **Agriculture.** Delay of the emissions pathway in the agriculture sector by two years (see Box 3.1 for an explanation of this).
- **Waste.** Delay of the emissions pathway in the waste sector by two years (see Box 3.1 for an explanation of this).
- **Greenhouse gas inventory updates.** Correction for other small changes in sectors other than land use in the inventory since we set our advice, assuming the latest report year's (2020) proportional change in sectoral emissions to be constant throughout the pathway. All sectors are affected by these updates, but the business and industrial sector accounts for most of the change, which is largely due to an integration of new mapping grids for the use of fuels at industrial sites and recalculations in the DUKES activity data.
- **Global warming potentials (GWPs).** Use of Fifth Assessment Report without climate-carbon feedback (AR5-low) GWPs (to match international agreements at COP26). The Sixth Carbon Budget analysis used Fifth Assessment Report with climate-carbon feedback (AR5-high) GWPs as a decision on which of the AR5 GWPs to use had not yet been taken.

These updates result in very minor changes in emissions in 2050 (Table 3.1), with emissions reduction in 2050 being 83% less than in 1990 in the updated Balanced Pathway.

Our residential buildings pathway for Northern Ireland has been reprofiled to the slower rate of our UK-wide Tailwinds scenario to account for the time it will take to build up supply chains and a skilled workforce.

Figure 3.1 Emissions relative to 2020 for residential buildings



Source: CCC (2020) Sixth Carbon Budget; CCC analysis.
Notes: GHG stands for greenhouse gas.

Box 3.1

Reasoning for delaying our pathway for certain sectors

Our Balanced Pathway was developed in 2020 with pathways that started in that year. Looking at the historical emissions for the few years before the COVID-19 pandemic had its impact, there has been no progress in reducing emissions in the agriculture and waste sectors (Figure 1.2). We have therefore updated the Balanced Pathway for these sectors to reflect a delay of two years in the start of emissions reductions.

Progress in decarbonisation action in the land use sector has also been insufficient in recent years. For example, tree planting rates of 280 and 540 hectares were delivered in 2020/21 and 2021/22 respectively, which are well short of the 1,000 hectares/year required under the Balanced Pathway for those two years. We have therefore delayed our new tree planting to start in 2024 rather than 2020.

Source: CCC analysis.

(b) Stretch Ambition

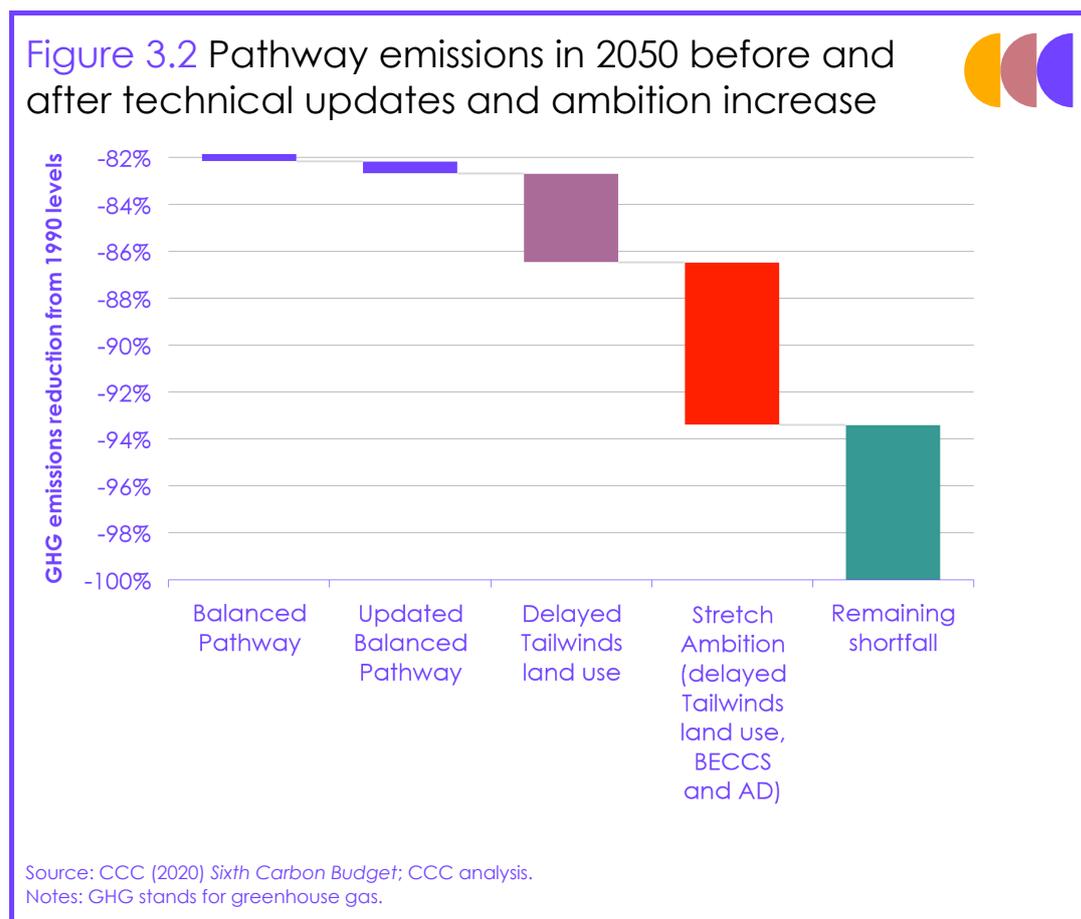
Since the updated Balanced Pathway does not reach Net Zero, the following three options for increasing abatement to reduce emissions in 2050 have been investigated (set out in detail in Chapter 2):

Our Stretch Ambition scenario increases greenhouse gas removals by increasing ambition in the land-use sector and introducing engineered removals via bioenergy and anaerobic digestion with CCS.

- **Shifting the land use sector actions from our Balanced Pathway to Tailwinds.** This will impact both the scale of action needed within the sector and the speed at which policy needs to be delivered. To reflect low current tree-planting rates in Northern Ireland, the delayed Tailwinds pathway has been used, which begins new planting in 2024 rather than 2020.
 - Tree-planting will need to increase to 3,100 ha/year by 2035 (compared to the average rate of around 290 ha/year in the last five years and 540 ha/year reported in 2020/21).
 - Afforestation focuses on productive forestry, with a higher mix of conifers at higher yields, supported by plant breeding approaches. Energy crops and short rotation forestry will have to be scaled up from zero within the next eight years.
 - Tailwinds represents the highest level of ambition for technological progress and speed of delivery. Given the current baseline of afforestation and the absence of energy crop planting in Northern Ireland, the scale of effort required to meet the pathway will be highly challenging.
- **BECCS.** Having bioenergy with carbon capture and storage (BECCS) in Northern Ireland, using Northern Ireland's bio-resources. Previously we assumed that some of these resources would be used for BECCS, but we had only allocated these to the UK as a whole and not to Northern Ireland, given the greater challenges of deploying CCS in Northern Ireland than some other parts of the UK.
- **Anaerobic digestion.** Scaling up anaerobic digestion of wastes in Northern Ireland and converting the resulting biogas to biomethane, including capturing the CO₂ from upgrading biogas to biomethane. The resulting biomethane is assumed to be used to displace fossil gas use, abating the emissions associated with this, and any leftover biomethane is assumed to be used for electricity or hydrogen production, using CCS on the emitted CO₂.

Figure 3.2 shows the impacts of our technical updates and Stretch Ambition pathway on the emissions in 2050.

Even with the radical action in our Stretch Ambition scenario, there is a remaining shortfall to reaching Net Zero in Northern Ireland.



(c) Speculative options

A set of extreme speculative options have been considered to close the remaining gap to Net Zero. It is up to Northern Ireland to decide which combination of these options to explore.

Despite the increased ambition, our Stretch Ambition pathway does not reach Net Zero, achieving a 93% reduction on 1990 levels by 2050, with 1.8 MtCO₂e of residual emissions. The following additional speculative options for reducing emissions in 2050 have been considered, although we are not necessarily recommending them without further consideration of achievability, cost and social implications.

- Direct air capture with CCS (DACCS).** Direct air capture of CO₂ uses machines to suck CO₂ out of the air. This CO₂ can then be transported and stored in the ways described for BECCS elsewhere in this report.
 - This could potentially be implemented in Northern Ireland, especially if CCS infrastructure is being built for BECCS and anaerobic digestion as described above.
 - We have previously estimated DACCS in Great Britain to cost £180/tCO₂ once the technology has developed and scaled up.³ However, this would be more expensive to do in Northern Ireland than elsewhere in the UK because any captured CO₂ would need to be shipped to a storage facility away from Northern Ireland rather than being stored locally, which might add a further £10-20/tCO₂.⁴

The speculative options include direct air capture with carbon capture and storage, further extreme reduction of Northern Ireland's agriculture sector and other ideas such as enhanced weathering or the addition of biochar to agricultural land.

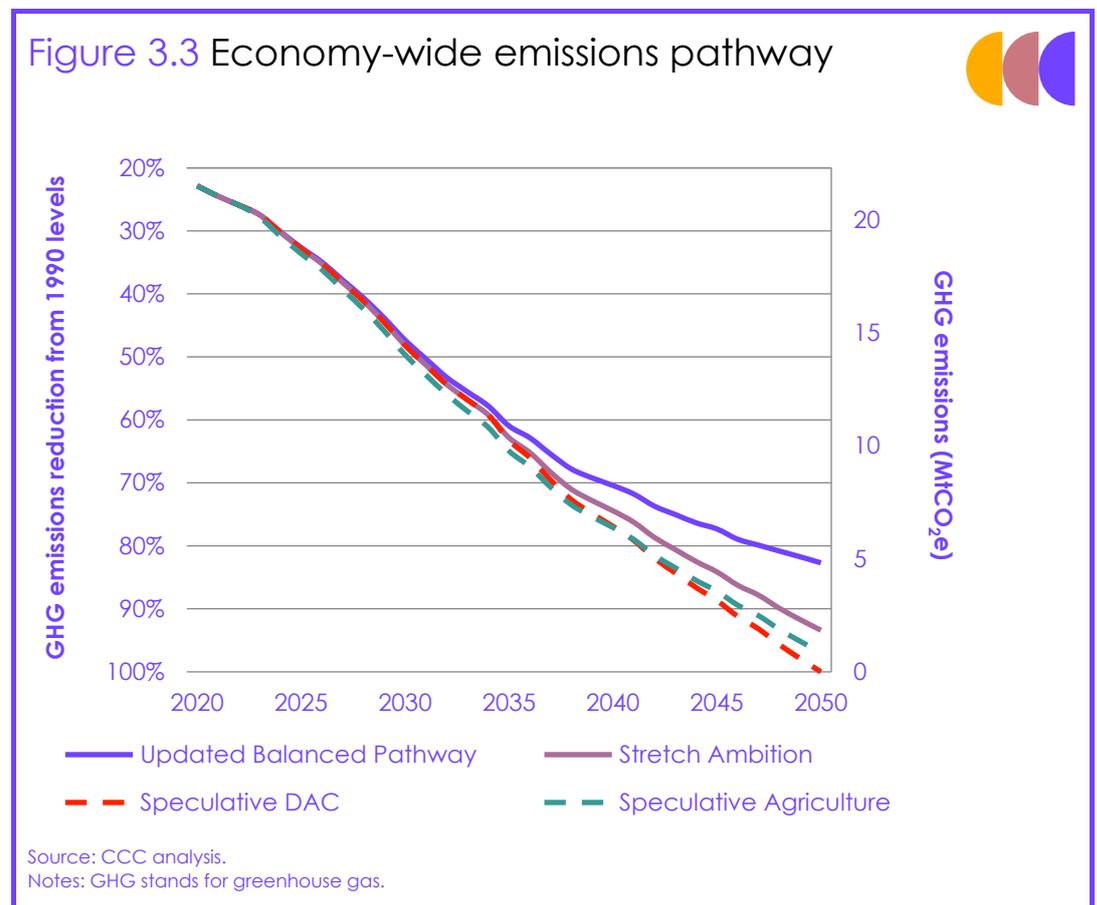
- **Agriculture.** Increasing ambition in the agriculture sector to our Tailwinds scenario. This would involve deeper emissions cuts from agriculture, which is Northern Ireland's biggest economic sector, with potentially significant economic and social implications.
 - Livestock numbers would need to reduce by almost half by 2050, accompanied by technological and efficiency improvements in the sector (e.g. widespread use of feed additives).
 - Our emissions projections for Tailwinds depend on bigger dietary changes across the UK, with meat and dairy consumption falling by 47%, compared to the 34% for meat and 20% for dairy assumed in the Balanced Pathway.
 - A fundamental assumption is that this shift to plant-based diets combined with some lab-grown meat will be reflected in greater consumption of UK products (including from Northern Ireland), but it will also drive down total meat and dairy production, as most meat (over 80% in 2019) and dairy (over 50% in 2019) produced in Northern Ireland is sold within the UK.
 - Tailwinds presents a particular challenge in this case, as it requires major behavioural shifts to happen not only in Northern Ireland, but across the UK.
- **Enhanced weathering on croplands.** 'Enhanced weathering' involves spreading crushed basalt rock onto croplands, which over time reacts with CO₂ in the air and removes it from the atmosphere. Northern Ireland has local basalt deposits that could be used for this, but most of agricultural land in Northern Ireland is grazing pasture rather than cropland and most research in this area has focused on cropland. It is therefore not yet possible to estimate how much CO₂ could be sequestered. There are also potential negative environmental impacts to consider, such as contamination of soils, water and crops with hazardous trace metals, and rock dust in the air.
- **Addition of biochar to agricultural land.** This involves spreading biochar, a charcoal-like substance made from biomass, onto agricultural land. However, biomass supplies are finite and our analysis indicates that BECCS is likely to be a more efficient use of biomass to sequester carbon. Given the constraint on bio-resources, use of this option would be likely to reduce the contribution from BECCS outlined in Chapter 2 and therefore increase the gap to meeting Net Zero rather than help to close it.
- **Purchasing removals from elsewhere.** In its current form, the Act limits carbon credits to no more than 25% of residual emissions in any given year. By 2050, when allowed net emissions are zero, this implies that while credits could reduce the gap, they could not reduce it to zero. By implication, credits cannot be used to achieve Net Zero emissions without changing the Act, even if they are based on greenhouse gas removals elsewhere in the UK. Removals from BECCS outside Northern Ireland using biomass produced within Northern Ireland would also not count towards Northern Ireland's targets based on existing emissions accounting conventions.

Out of these Speculative Options, the only ones we are currently able to quantify the emissions abatement potential of are using DACCS (our 'Speculative DAC' scenario) and increasing agriculture ambition to our Tailwinds scenario (our 'Speculative Agriculture' scenario). Only DACCS is enough on its own to reach Net Zero by 2050. Our 'Speculative Agriculture' scenario does not reach Net Zero by 2050, it would need to be supplemented with additional removals to do so, but less than that in our 'Speculative DAC' scenario. It is up to Northern Ireland to decide whether to pursue other speculative options in addition to this one. To allow for Northern Ireland to choose between these options and, should they end up being feasible, others of our speculative options, we use a linear ramp up of DACCS to set our advised targets. However, this does not constitute a recommendation that DACCS is used at this scale; this is only one of several options available to Northern Ireland.

(d) Implications for the pathway to 2050

Figure 3.3 shows the emissions pathway at different stages in the adjustment process. Expected emissions after each adjustment to the Balanced Pathway are shown in Table 3.1 for 1990, 2030, 2040 and 2050, both in MtCO_{2e} and as a percentage reduction on 1990 levels.* Also shown is the effect of removing international aviation and shipping emissions to align with the scope of the Act.

Our advice on the interim targets and Carbon Budgets is based on the speculative option with direct air carbon capture.



* The baseline year is 1990 for most pollutants but is 1995 for F-gases.

Table 3.1

Expected greenhouse gas emissions after each adjustment to our Balanced Pathway

	1990 [MtCO ₂ e]	2030 [% reduction since 1990 / MtCO ₂ e]	2040 [% reduction since 1990 / MtCO ₂ e]	2050 [% reduction since 1990 / MtCO ₂ e]
Sixth Carbon Budget Balanced Pathway (without engineered removals allocated to Northern Ireland)*	28.6	47% 15.0 MtCO₂e	69% 8.9 MtCO₂e	82% 5.1 MtCO₂e
Technical and timing changes				
Adjusted for updates to our buildings, electricity supply, fuel supply, manufacturing and construction, and surface transport pathways	28.6	47% 15.0 MtCO ₂ e	69% 8.8 MtCO ₂ e	82% 5.2 MtCO ₂ e
Adjusted for GWP change	27.0	48% 14.0 MtCO ₂ e	71% 7.9 MtCO ₂ e	84% 4.3 MtCO ₂ e
Adjusted for GHGI land-use change	27.4	48% 14.2 MtCO ₂ e	70% 8.3 MtCO ₂ e	83% 4.5 MtCO ₂ e
Adjusted for GHGI changes in other sectors	28.1	48% 14.7 MtCO ₂ e	70% 8.5 MtCO ₂ e	83% 4.6 MtCO ₂ e
Take out international aviation and shipping emissions	27.9	49% 14.4 MtCO ₂ e	71% 8.2 MtCO ₂ e	84% 4.5 MtCO ₂ e
Shift agriculture and waste management sector pathways back by two years and delay new forestry planting until 2024	27.9	47% 14.7 MtCO₂e	70% 8.3 MtCO₂e	83% 4.8 MtCO₂e
Stretch Ambition				
Land use sector adjusted to Tailwinds	27.9	48% 14.6 MtCO ₂ e	72% 7.9 MtCO ₂ e	86% 3.8 MtCO ₂ e
BECCS added	27.9	48% 14.6 MtCO ₂ e	72% 7.7 MtCO ₂ e	90% 2.7 MtCO ₂ e
Anaerobic digestion with CCS added	27.9	48% 14.5 MtCO₂e	74% 7.1 MtCO₂e	93% 1.8 MtCO₂e
Speculative options				
Option 1: DACCS added	27.9	48% 14.5 MtCO ₂ e	77% 6.4 MtCO ₂ e	100% 0.0 MtCO ₂ e
Option 2: Agriculture sector adjusted to Tailwinds	27.9	50% 14.0 MtCO ₂ e	77% 6.4 MtCO ₂ e	97% 0.9 MtCO ₂ e

* This includes a correction to an error in the historical F-gas emissions published in our Sixth Carbon Budget work, which does not affect the MtCO₂e values in our pathway but does affect the percentage reduction figures.

2. Updated sectoral emission pathways

The updated pathway emissions for each of the sectors specified in the Act (Box 1.2) are shown in Figure 3.4 and Table 3.2. This table also shows emissions in 1990 and 2019 – the latest year before the COVID-19 pandemic – for comparison and sets out which sectors have their emissions partly covered by the UK/EU Emissions Trading Scheme (ETS).^{*} A breakdown of emissions in 2050 is given in Figure 3.5.

Emissions from international aviation and shipping are excluded as they are excluded from the Act. However, it remains our advice that these emissions are included in targets. The CO₂ removed from the atmosphere with BECCS and AD are added as a separate 'engineered removals' sector.

Table 3.2

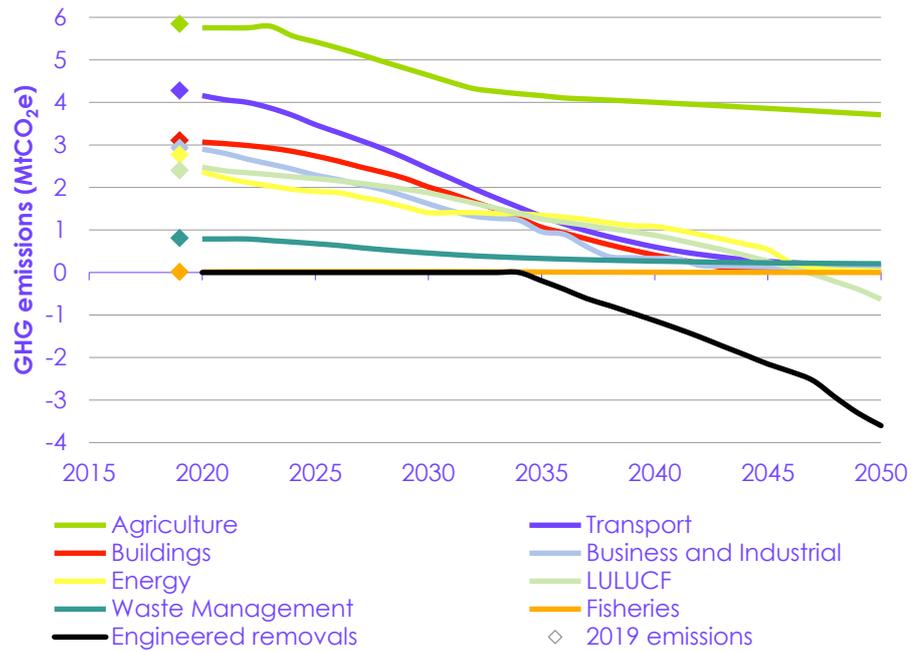
Updated pathway split by the sectors specified in the Act

Sector	Sixth Carbon Budget pathway based on	1990 measured [MtCO ₂ e]	2019 measured [% reduction from 1990 / MtCO ₂ e]	2030 [% reduction from 1990 / MtCO ₂ e]	2040 [% reduction from 1990 / MtCO ₂ e]	2050 [% reduction from 1990 / MtCO ₂ e]	Covered by the UK/EU ETS?
Agriculture	Balanced Pathway	5.5	up 6% 5.9 MtCO ₂ e	16% 4.6 MtCO ₂ e	27% 4.0 MtCO ₂ e	33% 3.7 MtCO ₂ e	Not covered
Transport	Balanced Pathway	3.4	up 25% 4.3 MtCO ₂ e	29% 2.4 MtCO ₂ e	82% 0.6 MtCO ₂ e	95% 0.2 MtCO ₂ e	Partly covered
Buildings	Balanced Pathway	4.1	25% 3.1 MtCO ₂ e	51% 2.0 MtCO ₂ e	90% 0.4 MtCO ₂ e	100% 0.0 MtCO ₂ e	Not covered
Business and Industrial	Balanced Pathway	4.6	37% 2.9 MtCO ₂ e	65% 1.6 MtCO ₂ e	93% 0.3 MtCO ₂ e	98% 0.1 MtCO ₂ e	Partly covered
Energy	Balanced Pathway	5.3	48% 2.8 MtCO ₂ e	73% 1.4 MtCO ₂ e	80% 1.1 MtCO ₂ e	99% 0.0 MtCO ₂ e	Partly covered
LULUCF	Tailwinds	2.8	15% 2.4 MtCO ₂ e	34% 1.9 MtCO ₂ e	69% 0.9 MtCO ₂ e	122% -0.6 MtCO ₂ e	Not covered
Waste Management	Balanced Pathway	2.0	60% 0.8 MtCO ₂ e	77% 0.5 MtCO ₂ e	87% 0.3 MtCO ₂ e	90% 0.2 MtCO ₂ e	Not covered
Fisheries	Balanced Pathway	0.02	17% 0.02MtCO ₂ e	7% 0.02 MtCO ₂ e	72% 0.01 MtCO ₂ e	94% 0.00 MtCO ₂ e	Not covered
Engineered removals	n/a	0.0	n/a 0.0 MtCO ₂ e	n/a 0.0 MtCO ₂ e	n/a -1.1 MtCO ₂ e	n/a -3.6 MtCO ₂ e	Not covered

^{*} Emissions covered by the UK/EU ETS should be reduced over time as the number of emissions permits issued per year decreases.

Our sectoral emissions pathways show that rapid decarbonisation is required across all sectors of the economy for Northern Ireland to be on track to meet its Net Zero target.

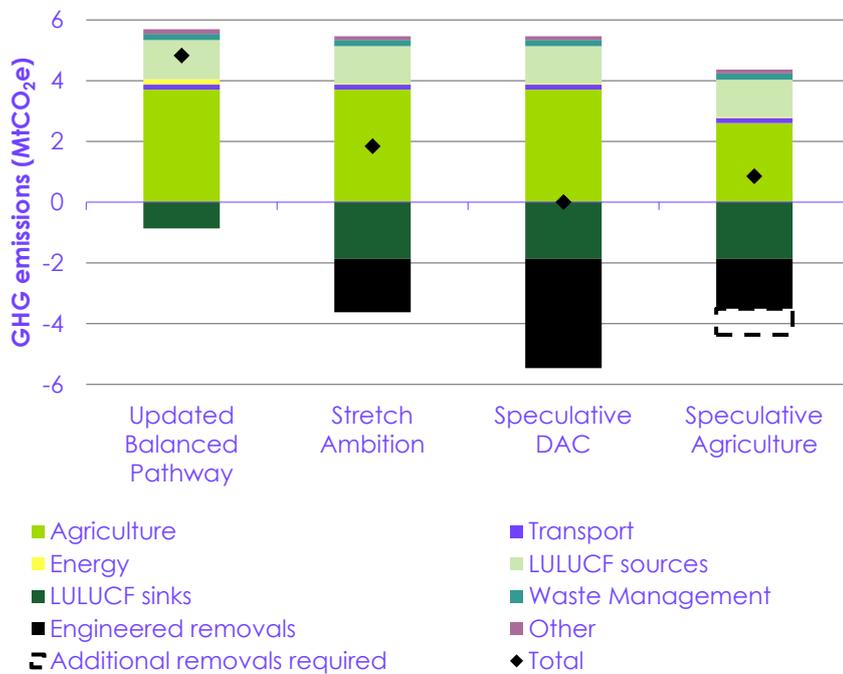
Figure 3.4 Sectoral emissions in Northern Ireland 2020-2050



Source: CCC analysis.
Notes: GHG stands for greenhouse gas, LULUCF stands for land use, land-use change and forestry.

Emissions in Northern Ireland in 2050 are predominantly a balance between agriculture, land use and removals. The only speculative option that reaches Net Zero is that with direct air carbon capture and storage.

Figure 3.5 Sectoral emissions in Northern Ireland in 2050



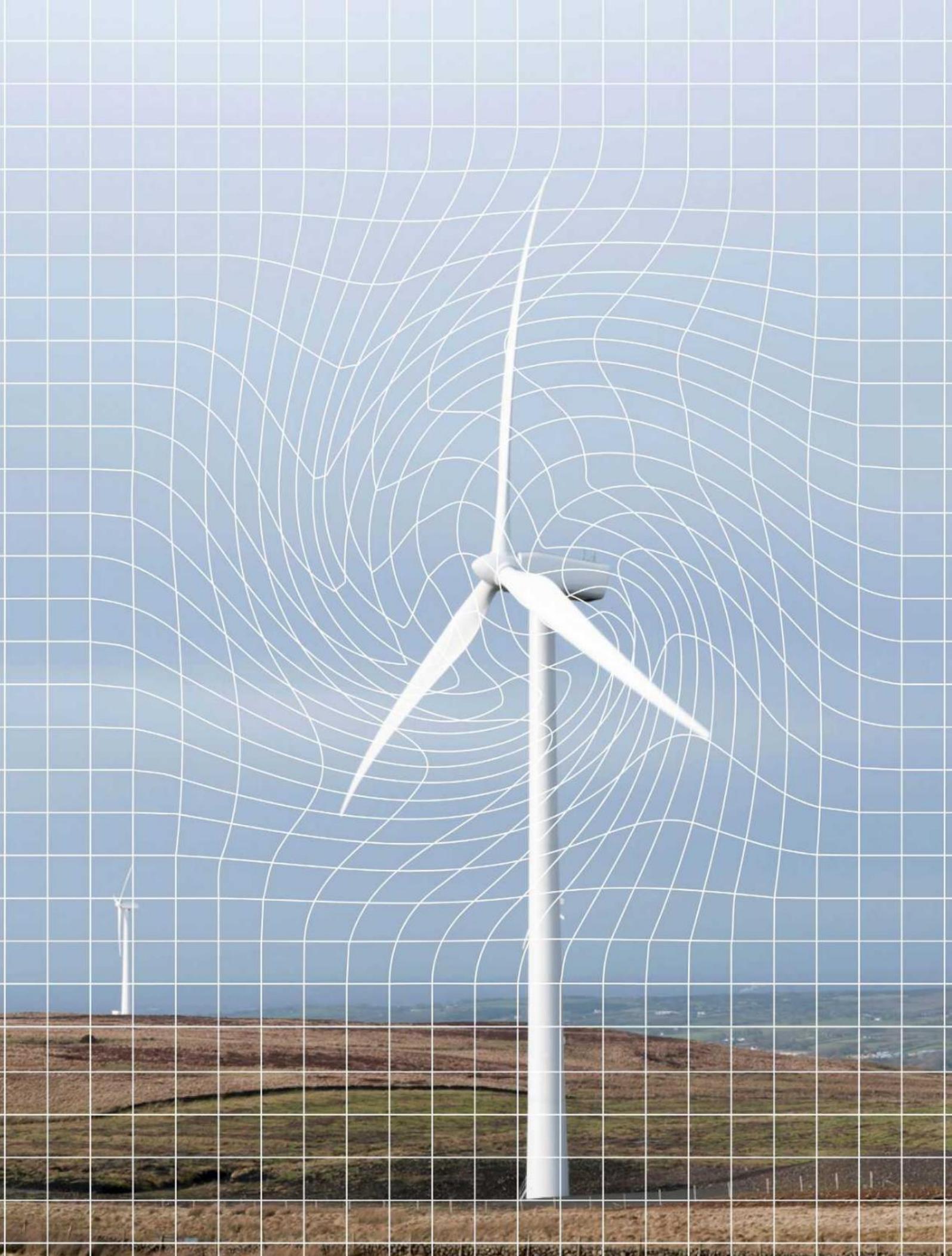
Source: CCC analysis.
Notes: GHG stands for greenhouse gas, LULUCF stands for land use, land-use change and forestry.

As explained in Chapter 2, the Act includes a requirement that reaching Net Zero in Northern Ireland does not rely on reducing methane emissions by more than 46% on 1990 levels by 2050. The pathway on which our Carbon Budget and interim target advice is based requires a cut in methane emissions of only 41%, so is compatible with this restriction.*

* This is less ambitious than the 46% figure from our published Balanced Pathway because of changes in emissions accounting methodologies and the delays to the agriculture and LULUCF pathways, which increase methane emissions in 2050.

Endnotes

- ¹ Northern Ireland Housing Executive (2016) *House Condition Survey*, <https://www.nihe.gov.uk/working-with-us/research/house-condition-survey>.
- ² Department for Levelling Up, Housing and Communities (2022) *English Housing Survey data on energy performance*, <https://www.gov.uk/government/statistical-data-sets/energy-performance>.
- ³ Climate Change Committee (2020) *The Sixth Carbon Budget*, <https://www.theccc.org.uk/publication/sixth-carbon-budget/>.
- ⁴ Element Energy and Business, Energy & Industrial Strategy Department (2018) *Shipping CO₂ – UK Cost Estimation Study*, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/761762/BEIS_Shipping_CO2.pdf.



Chapter 4

Advised target levels

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Introduction and key messages

This chapter presents the emissions targets that we advise are consistent with Northern Ireland's legislated Net Zero target. We advise on the level of the 2030 and 2040 interim target as well as the first three Carbon Budgets. These targets are extremely challenging and will be unachievable without immediate policy actions. We therefore also set out the set of near-term actions required for Northern Ireland to get on track for the 2030 target and Net Zero target.

The key messages in this chapter are:

- The First (2023-2027), Second (2028-2032) and Third (2033-2037) Carbon Budgets should be set at levels that are average annual reductions of 33%, 48% and 62%, on 1990 levels, respectively. The 2030 and 2040 interim targets should be set at reductions of 48% and 77% on 1990 levels, respectively.
- Northern Ireland should not use carbon credits to meet any of its targets, which should be met with domestic action, consistent with our previous advice.
- With Northern Ireland's first Carbon Budget period having just begun, decarbonisation action needs to ramp up immediately. Average annual emissions will need to be 16% lower than 2019 levels by 2025 and 35% lower by 2030. With emissions having reduced only an average of 9% per decade since 1990, a step change in action is needed across all sectors of the economy.

1. Targets

In this section, we present our advised emissions targets. We give these as percentage reductions on 1990 levels (averaged over the five-year period for the Carbon Budgets), rather than in MtCO_{2e}, as percentage reductions give some protection against changes in the greenhouse gas inventory methodology impacting the required ambition.

The interim targets should be set at a 48% reduction by 2030 and a 77% reduction by 2040 on 1990 emissions levels.

(a) Target levels: 2030 and 2040

The target levels for 2030 and 2040 should be set at 48% and 77% reductions from 1990 levels respectively, based on our updated analysis (Table 3.1, Figure 3.3).

(b) Carbon Budgets

The target levels for the First (2023-2027), Second (2028-2032) and Third (2033-2037) Carbon Budgets should be set to 33%, 48% and 62% reductions from 1990 levels, respectively (on an average annualised basis).

The target levels for the First (2023-2027), Second (2028-2032) and Third (2033-2037) Carbon Budgets should be set to 33%, 48% and 62% reductions from 1990 levels, respectively (on an average annualised basis). Our analysis is based on the latest available data. The latest reported year of greenhouse gas emissions is 2020, which is a year that is significantly affected by largely short-term effects from the COVID-19 pandemic. Data for Northern Ireland's emissions in 2021 will be available later this year and this will give a better indication of the feasibility of the decarbonisation required for our advised First Carbon Budget. It may be possible that a slightly less ambitious First Carbon Budget is appropriate to account for a slower start in the first two years, but decarbonisation rates towards the end of the First Carbon Budget would need to be at the level of our pathway if Northern Ireland is to be on track to meet the 2030 target and the ultimate target of Net Zero by 2050.

2. Use of carbon credits

Carbon credits cannot be used to bridge the gap to Net Zero under the current legislation. We recommend that they are not used for interim targets, as their use would pose a risk to the Net Zero target.

The extremely stretching nature of Northern Ireland's legislated Net Zero target means that the effort required to achieve it necessarily goes beyond that required for Net Zero across the UK as a whole, which can be achieved with the actions in the Balanced Pathway. Furthermore, aiming for Net Zero in Northern Ireland may lead to distorting actions such as undertaking BECCS in Northern Ireland despite its greater challenges.

It might therefore in principle have been appropriate to use credits based on greenhouse gas removals elsewhere in the UK to help bridge some of the gap between our previous advice and Net Zero in 2050 for Northern Ireland. However, the Act rules out this possibility, limiting carbon credits to no more than 25% of allowed net emissions in any given year. By 2050, this implies that while credits could reduce the gap, they could not reduce it to zero. By implication, credits cannot be used to achieve Net Zero emissions, even if they are based on greenhouse gas removals elsewhere in the UK.

Given the constraint on credit use for 2050, it is essential that Northern Ireland makes the necessary progress in its transition to avoid the need for credits to be used in meeting Net Zero. We therefore recommend that carbon credits are not used to meet any of Northern Ireland's interim climate change targets, as their use would pose several risks:

- Usage of credits could impair the clarity of the sectoral actions required to meet the budget by suggesting possible flexibility in the need to deliver emissions reductions.
- Substituting domestic effort with purchased emissions reductions from outside Northern Ireland could make it more difficult to achieve the necessary domestic transitions needed to reach Net Zero by 2050.
- The international signal sent by Northern Ireland setting a Net Zero target would be undermined by use of international carbon units to substitute for emissions reductions that could be achieved domestically.

3. Near-term action required

Northern Ireland's First Carbon Budget period has now begun and a step change in decarbonisation action must begin immediately.

In this section, we summarise the near-term actions required by Northern Ireland to meet our advised targets over the rest of this decade and to be on track for Net Zero by 2050. These must be driven with new, ambitious policies. Northern Ireland's First Carbon Budget period has now begun and decarbonisation action must ramp up immediately. Average annual emissions will need to be 16% lower than 2019 levels by 2025 and 35% lower by 2030. With emissions having reduced only an average of 9% per decade from 1990 to 2020, a step change in action is needed across all sectors of the economy (Figure 4.1).

Current action and deployment rates are insufficient across all sectors of the economy and rapid ramp up needs to start now.

- **Energy generation.** The electricity system in Northern Ireland is part of a single system and electricity market on the island of Ireland. Deployment of new renewable electricity generation is required at scale in Northern Ireland, with access to appropriate energy storage and decarbonised back-up solutions (e.g. gas turbines burning hydrogen manufactured from low-carbon sources) is needed to allow the carbon intensity of electricity generation to reduce significantly while ensuring that demand is met sufficiently reliably.
- **Surface transport.** By 2032, every new car and van sold in Northern Ireland should be zero-emission. This implies substantial investment to expand the electric vehicle charging infrastructure in Northern Ireland, and major scale-up of plug-in vehicles' share of new car sales from the current 10% to 100% within a decade. Enabling an increased proportion of journeys made by walking and cycling will be important to improve public health and air quality alongside reducing greenhouse gas emissions. Rail services should also be largely electrified, with the proportion of diesel freight trains in operation falling to below 15% by 2050, from 87% in 2020.
- **Buildings.** Concerted action will be required to decarbonise Northern Ireland's buildings over this decade. All newly constructed homes should be zero-carbon as soon as practicable, with no requirement for later retrofit. Substantial improvement is also required in the energy efficiency of existing buildings. By 2030 for homes off-gas grid and 2033 for homes on-gas grid, all new heating appliance installations should be zero-carbon. This has implications for supporting infrastructure, including the necessary strengthening of electricity networks. It is unlikely to be compatible with further extension to the Northern Ireland gas network.
- **Business and industrial.** Industry in Northern Ireland should cut fossil fuel use by 45% by 2030. Achieving this will require a coordinated combination of resource efficiency, energy efficiency and fuel switching. By 2030 it is unlikely that sites in Northern Ireland will have direct access to carbon storage and hydrogen networks, suggesting a greater role for electrification. This sector will need strong support to make the required changes and ensure that production is not transferred overseas.
- **Agriculture.** Reductions in methane emissions are given special protections in the new legislation, but very significant reductions in emissions from Northern Irish agriculture are still necessary. This will only be achieved through widespread adoption of low-carbon farming practices and with improved farm productivity.

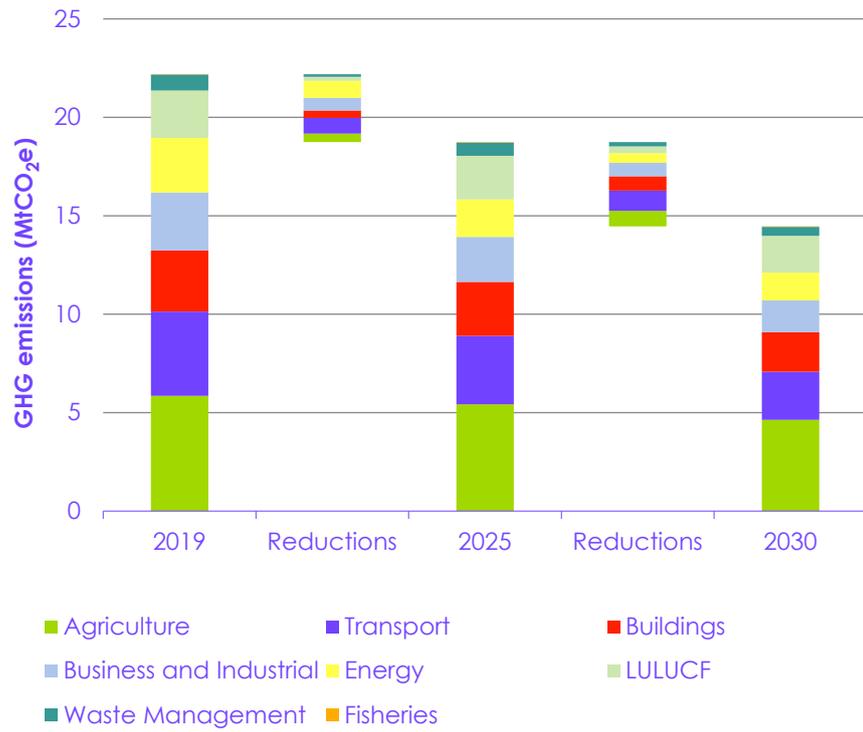
Our pathway rests on a reduction in livestock numbers with a 22% reduction in numbers of dairy cattle, 17% in beef cattle and 18% in sheep by 2030 compared to 2020. Farmland freed-up by this change can be turned towards greater carbon sequestration. Reduction in demand for meat within Northern Ireland leads to healthier diets.

- **Land use.** Northern Ireland has an area of 240,000 hectares classed as peatland soils, with around 80% of the peat area classified as degraded in 2020.
 - To increase the land use sink capacity, the management of peat must shift fundamentally: low-yielding trees must be removed from peat soils by 2030, all extraction sites must be restored by 2035, and by 2050 more than half of peatland in Northern Ireland should be under restoration in addition to that already under sympathetic management.
 - Under the CCC's Tailwinds scenario, afforestation will also need to increase substantially: average tree-planting rates need to increase from an average of 226 hectares per year over the last decade to 1,000 by 2024, and 3,100 by 2035. This needs to be undertaken in a just manner to ensure there is no negative effect on food security or prices.
- **Engineered removals.** Within the constraints imposed by other uses of land, Northern Ireland must scale up bioenergy plants, biogas generation with anaerobic digestion of wastes and conversion of this biogas into biomethane, while developing the capability to capture and store the CO₂ generated in these processes.
 - To start CCS in plenty of time to achieve the necessary removals in 2050, Northern Ireland should start developing CCS this decade, achieving the first installation of CO₂ capture plants, transportation of CO₂ to a storage site and storage of CO₂ by 2035.
 - As the storage of CO₂ would need to be outside Northern Ireland, CCS projects in Northern Ireland will need to either join a UK CCS cluster as part of the UK Government process or establish an agreement with a CCS project outside of the UK. If it becomes clear that this timeline is not possible, then Northern Ireland will need to do something else to achieve the necessary emissions cuts, such as even faster agriculture emission reductions than in our Tailwinds scenario.

is our assessment that engineered removals will be required if Northern Ireland is to meet its legislated Net Zero target.

The sectors with most emissions reductions needed in the next few years are transport, energy and business and industrial.

Figure 4.1 Near-term emissions reductions



Source: CCC analysis.

Notes: GHG stands for greenhouse gas, LULUCF stands for land use, land-use change and forestry.

4. Deployment rates

Table 4.1 shows the deployment rates of some key measures and technologies for achieving our Stretch Ambition pathway.

Measure/technology	2025	2030	2035	2040	2045	2050
Gas demand (TWh/year)	19	14	11	8	4	1
Electricity emissions intensity (gCO _{2e} /kWh)	250	150	115	80	45	10
Proportion of cars on the road that are battery electric vehicles	9%	34%	64%	87%	97%	100%
Proportion of vans on the road that are battery electric vehicles	12%	39%	68%	87%	97%	100%
Proportion of HGVs on the road that are zero-emission vehicles	0%	4%	33%	67%	88%	97%
Proportion of buses and coaches on the road that are zero-emission vehicles	4%	17%	38%	57%	73%	92%
Distance travelled by cars (billion vehicle-km/year)*	16.0	16.5	17.0	17.3	17.5	17.6
Distance travelled by vans (billion vehicle-km/year)*	0.9	1.0	1.1	1.1	1.2	1.2
Distance travelled by HGVs (billion vehicle-km/year)*	0.9	0.8	0.9	0.9	0.9	0.9
Annual heat pump installations (including hybrids)	15,857	33,000	38,000	36,500	4,903	1,327
Homes connected to district heating networks (annual)	500	1,582	2,267	1,168	748	850

* The 'distance travelled' measures for different vehicles are reduced compared to our projected 'business as usual' or baseline figures, which show larger increases.

Livestock numbers (millions)	27	24	23	22	22	21
Cropland area (kha)	43	40	38	37	35	33
Percentage of total peatland that is degraded	69%	53%	37%	32%	26%	24%
Afforestation (kha/year)	1	2	3	4	4	4
Emission reductions from low-carbon agricultural measures (MtCO ₂ e/year)	0.3	0.5	0.6	0.6	0.5	0.5

Endnotes

There were no endnotes in this chapter.

March 2023

Advice report:

The path to a Net Zero Northern Ireland

Climate Change Committee

1 Victoria Street

Westminster

SW1H 0ET

www.theccc.org.uk

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Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 September 2023 in Council Offices, Circular Road, Dungannon and by virtual means

Members Present Councillor S McPeake, Chair
Councillors Black (5.06 pm), J Buchanan, Carney, Clarke, Cuthbertson, Graham, Kerr, Mallaghan, Martin*, McConnell, McElvogue, McFlynn (5.16 pm), D McPeake*, Robinson (5.05 pm), Varsani

Officers in Attendance Dr Boomer, Service Director of Planning (SD: PI)
Ms Donnelly, Council Solicitor
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)**
Miss Thompson, Democratic Services Officer

Others in Attendance Councillors Bell*** and Milne***

LA09/2022/1131/F	Mr Ross***
LA09/2023/0478/RM	Mr Close***
	Mr Finlay
LA09/2021/1531/O	Mr Cassidy***
LA09/2022/0230/O	Mr Cassidy***
LA09/2022/1697/O	Mr Cassidy***
LA09/2022/1761/F	Mr Cassidy***

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

** Denotes Officers present by remote means

*** Denotes others present by remote means

The meeting commenced at 5.01 pm

P090/23 Notice of Recording

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

P091/23 Apologies

None.

P092/23 Declarations of Interest

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

Councillor Buchanan declared an interested in agenda item 5.19 – LA09/2023/0661/F.

Councillor Kerr declared an interest in agenda item 5.18 – LA09/2023/0618/RM.

P093/23 Chair's Business

The Service Director of Planning (SD: PI) drew Members attention to an appeal decision as circulated with addendum in relation to canteen and first aid facilities, adjacent to 18 Cookstown Road Dungannon. The SD: PI highlighted that the appeal failed in line with Council decision on the application.

Councillor Robinson entered the meeting at 5.05 pm and Councillor Black entered the meeting at 5.06 pm.

The SD: PI referred to late request for speaking in relation to agenda item 5.10 - LA09/2023/0118/O and stated that he had been speaking to the agent prior to the meeting and offered an office meeting in relation to the application.

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

Agenda Item 5.8 – LA09/2022/1458/F - Farm Dwelling & Garage at approx 30m S of 4 Killyneese Road, Castledawson for Mr B McKenna

Agenda Item 5.11 – LA09/2023/0206/O - Dwelling and Garage at 30m S of 15 Craigs Road, Cookstown for Mrs Marissa McTeague.

Agenda Item 5.12 – LA09/2023/0268/O - Dwelling and Garage at lands 40m N of 182 Brackaville Road, Coalisland for Mr James Girvin.

Agenda Item 5.13 – LA09/2023/0405/O - Farm dwelling & domestic garage at lands 170m S of 82 Bancran Road, Draperstown for Aidan Coyle.

Agenda Item 5.16 - LA09/2023/0580/F - Removal of Conditions 7 & 8 of approved LA09/2023/0022/O at 25m NW of 56 Cavey Road, Ballygawley for Mr Niall McCartan.

The Chair, Councillor S McPeake referred to agenda item 5.4 - LA09/2022/1098/O and that there is no agent noted for the application. The Chair advised that a Councillor had spoken to him today regarding this application and that the applicant hopes to engage an architect for a deferral meeting if it was granted and asked that this be added to the list.

Proposed by Councillor Varsani
Seconded by Councillor McConnell and

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

Matters for Decision

P094/23 Planning Applications for Determination

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

LA09/2018/1504/F Free range hen house (layers) Max 16000 birds with 2 meal bins and litter shed at lands 95m SW of 50 Loughans Road, Goland, Ballygawley for Mr Finbarr Boyle & Ms Roisin McClean

Members considered previously circulated report on planning application LA09/2018/1504/F which had a recommendation for approval.

Mr Marrion (SPO) highlighted that the conditions for approval which were omitted from the planning papers were included within the addendum.

Proposed by Councillor Robinson
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2018/1504/F be approved subject to conditions as per the addendum.

LA09/2021/1511/F Windrow composting facility (recycling of specified green waste for the purpose of producing saleable compost) at 650m NE of 51 Creagh Road, Toomebridge for John Kealey

Members considered previously circulated report on planning application LA09/2021/1511/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/1511/F be approved subject to conditions as per the officer's report.

LA09/2022/0257/F **Retrospective extension to farmyard & change of use and extension to farm pen structures to provide storage of construction and decorative stone for sale and distribution at 100m SW of 170 Orritor Road, Cookstown for Thomas Gourley**

Members considered previously circulated report on planning application LA09/2022/0257/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2022/0257/F be approved subject to conditions as per the officer's report.

LA09/2022/1098/O **Dwelling & detached double garage at Aneeter Beg, 50m S of 90 Aneeter Road, Moortown, Coagh for Miss Rachael Devlin**

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

LA09/2022/1099/O **Infill dwelling at lands between 29 and 31 Moneysallin Road, Kilrea for Donal Madden**

Members considered previously circulated report on planning application LA09/2022/1099/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/1099/O be approved subject to conditions as per the officer's report.

LA09/2022/1131/F **Farm diversification scheme to include farm shop, milk vending machine and associated ancillary works at 85m SE of Knockaconny House, 37 Sandholes Road, Cookstown for IT RS Mayne**

The Head of Local Planning (HLP) presented a report on planning application LA09/2022/1131/F advising that it was recommended for refusal.

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

Mr Ross stated that farming is an essential way of life in this country but that it is also a tough business and that farming families are under many pressures. Mr Ross stated that diversification is an important way to sustain farming and rural communities and that there is a policy in place to encourage farm diversification. Mr Ross stated that a diversification scheme needs to focus on the existing attributes of a farm and in this case an important strength is location and it was advised that the farm is beside a large industrial area and busy road. Mr Ross stated that the

temporary hot food sales at the roadside has been popular and is tied in with the farm business. Mr Ross also referred to the increased desire to get fresh produce direct from a farm and there is opportunity for farm shops around the countryside, he stated however that this is also not an easy business and that such facilities need to be both accessible and visible. Mr Ross stated that health and safety is also a big issue and that, in this case, this is a busy dairy farm and it would not be appropriate to encourage visitors into the midst of the farmyard. Mr Ross referred to the planning report and that Members were being asked to consider if the shop will integrate with the farmyard, he stated that the farm is immediately beside the cement factory and that the farm houses and yard sit on a slightly elevated area of a land about 100m from the road. It was advised that the application site is on lower land at the roadside and that it is essential for this farm business to be at the roadside. In terms of integration, Mr Ross stated that the key views from the roadside are the most important consideration and that undoubtedly there is a strong visual linkage when seen from the roadside and that the farm shop which is of a modest scale will read together with the farm buildings and that overall it is felt the proposal will integrate well as there is a backdrop of the farm buildings on the crest of the hill. Mr Ross encouraged Members to support this farm diversification scheme.

The Service Director of Planning (SD: PI) referred to the existing permission which was for a temporary building that had been approved during Covid and asked when the permission ran out for that building.

Councillor McFlynn entered the meeting at 7.16 pm.

Mr Ross stated this was correct and was a determining factor at the time that application was considered.

The Head of Local Planning (HLP) advised that the temporary permission expires on 9 June 2024.

The SD: PI stated that the application makes no reference to the temporary nature of the permission and that the building is shown as if it was permanent. The SD: PI stated that an argument was put but no evidence was submitted that the application could not go next to the dairy herd but stated this was not true and referred to example of ice cream parlour which opened right next to where the dairy herd is and that this example integrates well. The SD: PI stated that more evidence was needed as to why the application cannot integrate.

The HLP advised that there is a supporting statement which advises that all buildings on the farm are currently used.

The SD: PI asked if anything had been received DAERA Veterinary Service.

The HLP advised that information was not requested.

The SD: PI stated at the moment there was no evidence to support why the application can't integrate within the farm. The SD: PI stated that the way the application has been presented is not the solution but that he felt there could be a solution and suggested that an office meeting be held to discuss the application further.

Mr Ross stated that, for clarification, there are instances where a business can operate in the farmyard but that in this case due to the character of the farmyard there are a number of old and small buildings and the area is very tight and difficult to manoeuvre around.

The SD: PI stated that those matters could be looked at and that he had suggested an office meeting be held to explore the application.

Councillor Black asked if a site meeting would be beneficial to look at some of the points raised by the agent.

The SD: PI stated that the purpose of the office meeting would be to discuss why the application cannot go next to the existing buildings and it would be wisest to have this in the first instance and that a site meeting could be considered later in the process if required.

Proposed by Councillor Black
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2022/1131/F be deferred for an office meeting.

LA09/2022/1290/F **Change of use from milk processing plant to indoor play area with associated car parking at Unit E1, Fivemiletown Creamery, 14 Ballylurgan Road, Fivemiletown for Barrie McWhinney**

Members considered previously circulated report on planning application LA09/2022/1290/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor McConnell and

Resolved That planning application LA09/2022/1290/F be approved subject to conditions as per the officer's report.

LA09/2022/1458/F **Farm Dwelling & Garage at approx 30m S of 4 Killyneese Road, Castledawson for Mr B McKenna**

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

LA09/2022/1776/F **Replacement dwelling and associated site works at lands 70m SW of 54 Sixtowns Road, Draperstown for Mr & Mrs Michael & Maria McAlister**

Members considered previously circulated report on planning application LA09/2022/1776/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/1776/F be approved subject to conditions as per the officer's report.

LA09/2023/0118/O **Site for dwelling and domestic garage at lands approx 60m NW of 61 Sherrigrim Road, Stewartstown, Dungannon for Mr Miller Glendinning**

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

LA09/2023/0206/O **Dwelling and Garage at 30m S of 15 Craigs Road, Cookstown for Mrs Marissa McTeague**

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

LA09/2023/0268/O **Dwelling and Garage at lands 40m N of 182 Brackaville Road, Coalisland for Mr James Girvin**

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

LA09/2023/0405/O **Farm dwelling & domestic garage at lands 170m S of 82 Bancran Road, Draperstown for Aidan Coyle**

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

LA09/2023/0478/RM **Dwelling and garage at 60m NW of 55 Annaghmore Road, Castledawson for Alvin McMullan Esq**

The Head of Local Planning (HLP) presented a report on planning application LA09/2023/0478/RM advising that it was recommended for approval.

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

Mr Close stated that his objection to this application was based on opinion that the previous outline approval granted was not valid, specifically when presented to Committee for consideration the application had not followed the appropriate procedures as laid out in Section 8 of the Planning Order 2015 which details the requirement for notification of neighbours. During the planning process for the outline application Mr Close stated he was in contact with the planning officer at that time and advised him on 1 March 2023 that he had not notified the occupants of 55a Annaghmore Road, who were now living in situ having previously advised him in 2022 that the site was missing from the plans. Mr Close stated that the plan was then subsequently updated by the agent to include the site of 55a which was under construction at the time but that in March he had advised that the building was occupied. Mr Close stated that Development Notice 14 provides practical guidance on the serving of Neighbourhood Notice and that the document highlights the importance of notification of supplementary evidence such as that which was received in February 2023 pertaining to the application and that as all neighbours did not receive notification he suggested that the Planning Committee's decision had not followed due process.

Mr Close stated that the application under consideration tonight is made possible due to the construction of 55a under a planning application in 2015 as it set a precedent and allowed clustering amongst other things however the permission of 55a was granted only when the Planning Committee overturned the recommendation of the planning officer to refuse the application. Mr Close stated that planners at the time noted that rural character was being eroded and there was no visual link to a community focal point among other issues. At the meeting of the Planning Committee on 6 November 2018, Mr Close stated that the agent for the application stated that the property was for a son to live beside his parents and it would not intrude on other buildings and consequently the Planning Committee overturned the recommendation to refuse the application. Mr Close stated that the site was subsequently placed on the open market. Mr Close stated that the decision to grant permission against the recommendation of the planning officer as suburbanisation had commenced was something foreseen by the planning officer in 2014 when they refused another application within the same field and that in their view they had felt it was reasonable to assume that it was the applicants intention to set a precedent for the erection of further dwellings to the rear of the two previously approved, Mr Close stated that this has come to pass and the erosion of the rural character is almost complete. Mr Close requested that the Planning Committee see that process has not been followed regarding Neighbour Notification and that the previous approval is flawed.

The Service Director of Planning (SD: PI) asked did Mr Close object to the outline application in 2018.

Mr Close stated he did not object as he was not a resident in the area at the time.

The SD: PI asked when the outline application was granted.

The Head of Local Planning (HLP) advised that the outline application was granted in April 2023.

The SD: PI referred to the reference to 2018.

Mr Close stated that his reference to 2018 related to another site which was passed on the same piece of land which was recommended for refusal by the planning officer at the time and overturned to the Planning Committee and it was the construction of this application which became the basis for this application.

The SD: PI stated that whether Members overturned a recommendation or not the 2018 application was approved and he was unaware of it being challenged within the three months therefore the permission stands and that the house is built. The SD: PI stated that in April 2023 the outline permission was granted and that the objection related to Mr Close not being consulted.

Mr Close stated that he, along with a number of other neighbouring properties, objected to the outline application. Mr Close stated at that time he flagged that all neighbours had not been notified of the application.

The SD: PI stated that in relation to the outline application Mr Close objected and this was considered. In relation to Neighbour Notification he highlighted that the outline

application was approved in April 2023 and that it was now September which is outside of the Judicial Review period and therefore the decision would stand even if there was an error. The SD: PI asked if there were occupiers of the property adjacent who were not notified.

The HLP advised that she had discussed the outline application which was approved with the case officer and that they were content that the dwelling was under construction but was not occupied at the time of their site visit.

Mr Close stated that he spoke to the planning officer in March 2023 following updated information being received from the agent and that he advised again that there had not been notification to 55a which was now occupied at that time.

The SD: PI stated that when the consultation was conducted there were no occupants of 55a and that no challenge was received from 55a therefore the decision is made and the only way to revisit it is to revoke the application and that given what had been said tonight he felt there is no reason to do so.

Mr Finlay stated he was happy with the recommendation to approve the application and in view of what he had heard from the objector it should be noted he was objecting on behalf of 55a which is the new house which is just completed. Mr Finlay stated that when the outline application was submitted the dwelling at 55a was not occupied and he could provide evidence from the builder and residents in relation to this. Mr Finlay stated he had no issue with the outline application as granted and the planning recommendation before Members tonight.

The SD: PI asked if the occupier of 55a has ever raised an objection.

Mr Finlay stated that no objection to either application had been made.

Mr Close stated he wanted to correct a point raised by Mr Finlay in that at no point had he objected on behalf of 55a and that at no point had his correspondence been anything other than the address where he lives. Mr Close stated he does not claim to speak for 55a and does not object on their behalf but that he was merely observing that notification had not been sent to all. Mr Close stated that at the time the outline application was submitted 55a was not occupied but as this application progressed and additional information came to light the house did become occupied and planning officers were made aware of this. Mr Close reiterated that he did not claim to be 55a, speak on their behalf or reside there.

The SD: PI stated that legally occupiers need to be consulted and that there is a claim that at the consultation stage the dwelling at 55a was not occupied but became occupied just before a decision on the outline application was taken. The SD: PI stated that the only person prejudiced is the occupier of 55a.

Mr Finlay stated that the occupants of 55a are happy with the prospect of neighbours.

The SD: PI asked if the occupiers of 55a had been notified of this application.

The HLP stated that 55 and 53a had been consulted but she did not see 55a as being consulted.

The SD: PI stated that the outline planning permission appears to be legal and the timeframe for challenge has passed. The SD: PI stated that if 55a is now occupied and is adjacent to the application they should receive notification and therefore suggested that the application be deferred to ensure notification takes place.

Mr Finlay stated that when the Reserved Matters application was submitted 55a was not in occupation but has been subsequently occupied. Mr Finlay advised that the Completion Certificate from Building Control has not yet been issued so the dwelling is technically not complete.

The SD: PI stated that if the dwelling at 55a is now occupied then Neighbour Notification should be received by the occupiers.

Proposed by Councillor S McPeake
Seconded by Councillor Kerr and

Resolved That planning application LA09/2023/0478/RM be deferred for Neighbour Notification of 55a Annaghmore Road, Castledawson.

LA09/2023/0573/F **Retention of existing playing field with proposed spectator's stand and floodlighting at Mullaghmoyle Park, Mullaghmoyle Road, Stewartstown for Mr Paddy Parks**

Members considered previously circulated report on planning application LA09/2023/0573/F which had a recommendation for approval.

Proposed by Councillor Kerr
Seconded by Councillor Carney and

Resolved That planning application LA09/2023/0573/F be approved subject to conditions as per the officer's report.

LA09/2023/0580/F **Removal of Conditions 7 & 8 of approved LA09/2023/0022/O at 25m NW of 56 Cavey Road, Ballygawley for Mr Niall McCartan**

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

LA09/2023/0592/F **Off-site replacement dwelling and garage at Adjacent and South of No 5 Legane Road, Aughnacloy for Mr & Mrs Chris Potter**

Mr Marrion (SPO) presented a report on planning application LA09/2023/0592/F advising that it was recommended for refusal.

Councillor Cuthbertson asked when the last contact was with the applicant in relation to providing and amended plans.

Mr Marrion advised that the applicants were asked to revise their plans on 27 June and came back to state that they wanted the application considered based on what was submitted.

The SD: PI suggested that the application be held for one month and that officers write to the applicant to state that the application was brought before Committee tonight and it was noted that it does not meet policy and that a further opportunity was being given to submit amended plans.

Proposed by Councillor Cuthbertson
Seconded by Councillor Black and

Resolved That planning application LA09/2023/0592/F be deferred for one month for submission of amended plans.

LA09/2023/0618/RM **Dwelling and garage at land at Tullaghmore Road, Roughan Road Cross Roads opposite and 30m S of 57 Tullaghmore Road, Dungannon for Mr and Mrs Jamie Allen**

Members considered previously circulated report on planning application LA09/2023/0618/RM which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Robinson and

Resolved That planning application LA09/2023/0618/RM be approved subject to conditions as per the officer's report.

LA09/2023/0661/F **Replacement dwelling and garage at 10 Drummond Road, Cookstown for Mr Jonathan Buchanan**

Members considered previously circulated report on planning application LA09/2023/0661/F which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Black and

Resolved That planning application LA09/2023/0661/F be approved subject to conditions as per the officer's report.

LA09/2021/0934/O **Dwelling & garage at approx 130m W of 16 Carnose Road, Moneymore for Gregory McGovern**

Application withdrawn.

The Head of Local Planning (HLP) presented a report on planning application LA09/2021/1531/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 the applicant has a herd number and has been active since 2017, a current herd list has been submitted along with receipts showing activity on the ground. Mr Cassidy referred to the building on site which has been referred to as a temporary structure and referred to Google Earth imagery which shows the building on site prior to 2017. It was advised that the building itself is made up of BT poles and is clad in tin and timber, inside there is a cattle crush and gates and is not moveable and has been in situ for the five years required. Mr Cassidy stated that there are buildings on the Ruskey Road which are inside the settlement limits and the natural rounding off is the Ruskey Road itself and not this field as you could not differentiate where the settlement limits of The Loup are. Mr Cassidy referred to similar site at Orritor where the application site was adjacent to the settlement limits and the Planning Committee decided that whilst that site was on the development limits, it was more rounding off. Mr Cassidy stated that the three matters have been given consideration and that there is merit to approve the application.

The Service Director of Planning (SD: PI) stated that to be rounding off you need to have the buildings of the settlement limits against it and that this particular site is divorced from settlement limits of The Loup so is clearly not rounding off. The SD: PI asked if there is a map which shows the farm and its buildings.

The Head of Local Planning (HLP) advised that the farm is just slightly larger than the red line shown to Members on the powerpoint and extends the full length of the field to the North and South. The HLP advised that the structure is roughly to the middle of the field at the back.

The SD: PI asked if DAERA had provided a farm classification.

The HLP stated that DAERA have advised that a business id was given in 2017, it is a category 3 business meaning it does not claim any payments and that lands are not being claimed by the farm business.

The SD: PI stated it appears to be what is known as a hobby farm. The SD: PI referred to the shelter on the site and asked if it has any recognition in terms of planning.

The HLP advised there was no Certificate of Lawfulness for the shelter.

The SD: PI asked if the shelter was one building or a number of buildings.

The HLP advised that it is one shelter with a dividing tin wall and an open frontage.

The SD: PI stated it is accepted that farmers can put up shelters which can be moved around and are not buildings on the farm as such. The SD: PI questioned if the application was worthy of treating as an exception and felt that if this was a fully working farm then it may be possible to make an exception but that as this is a hobby farm he did not feel it was suffice to make an exception particularly as what they are referring to as a building on the farm is not recognised by planning.

Mr Cassidy stated that the ground has been in the McVey family ownership for generations and has not just been bought. He also clarified that it is not a hobby farm as there are cattle and have been for a number of years. The structure is not moveable.

The SD: PI asked how big the farm is.

The HLP advised that the farm is 0.43 hectares. The HLP referred to the herd number which was allocated in 2017 and that this has been confirmed however the supporting information submitted with the speaking request only goes back to 2020 and that there are no receipts on file as referred to by Mr Cassidy.

The SD: PI stated there was no reason to dispute that there may have previously been a bigger farm but that you cannot simply subdivide. In terms of the land area of the farm he did not believe this could provide for a herd of cattle.

Councillor McFlynn stated she lived close to this site and passed it regularly and that she believed rural character could be maintained if the house was positioned close to hedge at the entrance of the field rather than further up the field. Councillor McFlynn asked that consideration also be given to the fact that Mr McVey's two sons live just over the hedge and if this could be considered as linkages to the farm. Councillor McFlynn stated she had also seen cattle using the shelter in the field at times.

The SD: PI stated that the fundamental question is does the application meet the policy and that the Councillor has alluded to something that the Committee have not been told yet which is that the field has been sectioned off from a bigger farm of the McVey family and he assumed that the McVey family have already got a house for one of the sons.

Mr Cassidy referred to a map shown which shows the totality of the land at that time. Mr Cassidy stated that the land has not been subdivided and that there is no other land and the two sites referred to by Councillor McFlynn were purchased.

The HLP advised that the date on the map shown is 1 April 2018. The HLP advised that the farm business was established in 2017 but that there is no information to show that it is currently active, there are no payments being made by DAERA and officers did not have the receipts being referred to by Mr Cassidy.

The Chair, Councillor S McPeake proposed that a site meeting be held along with getting clarity on the maps and imagery.

The SD: PI stated that if this was a fully operational farm which had the buildings it could probably be accepted, the issue is the point of principle.

The Chair, Councillor S McPeake asked if it is the six year rule or the absence of more information as he was unsure what is being asked.

The HLP advised that criteria A of CTY10 requires that a farm is currently active and established for six years. The HLP stated there was information in terms of a herd number however she had not witnessed any cattle on the site yesterday and was not convinced that criteria A of the policy is being met. The HLP stated that she was also not convinced in there being a group of buildings on the farm and therefore criteria C of the policy is not being met.

Councillor Clarke stated that the size of the piece of ground being referred to would not support a herd of cattle but that there are plenty of people who are farming land which they don't own and who is to say there is not other land being rented in this case. Councillor Clarke seconded Councillor S McPeake's proposal.

The SD: PI asked if there was any land being taken in conacre by the applicant.

Mr Cassidy stated it was his understanding that there is land being taken in conacre not far from the site.

The SD: PI asked why this information was not provided.

Mr Cassidy stated he was dealing with the land the applicant owned.

Councillor McFlynn stated that the applicant is from a farming background that a herd number was established in 2017 and there is evidence of cattle from 2020. The Councillor felt that the site is just within the settlement of The Loup and that the application would not take away from rural character.

The HLP stated that the site is outside the settlement limit as shown on the map to Members.

The SD: PI asked if the applicant owns the whole field up to the settlement limit and that they have picked a site in the middle of the field or if this was two fields.

The HLP advised that this is one field and that the portion of the field between the application site and the settlement limits had been put in blue land by the agent and had been excluded because it would have caused issues with CTY15.

The SD: PI suggested that the application be deferred for submission of further information in relation to ownership of lands and what land is taken in conacre and evidence of same.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/1531/O be deferred for submission of additional information.

LA09/2021/1568/F Retention of shed and yard for the manufacturing and sales of hydraulic hoses and other ancillary farm machinery products (farm diversification development) (amended description) at 95m SE of 133 Bush Road, Coalisland for Adrian McCann

Members considered previously circulated report on planning application LA09/2021/1568/F which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/1568/F be approved subject to conditions as per the officer's report.

LA09/2021/1651/O Dwelling (revised land ownership certificate) at lands to the W of 69 Derrylaughan Road, Coalisland, Dungannon for Pamela Quinn

Members considered previously circulated report on planning application LA09/2021/1651/O which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor Kerr and

Resolved That planning application LA09/2021/1651/O be approved subject to conditions as per the officer's report.

LA09/2022/0230/O Site for dwelling and garage at lands approx. 30m SE of 99 Mullaghboy Road, Bellaghy for Mr Hugh Glackin

The Head of Local Planning (HLP) presented a report on planning application LA09/2022/0230/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 this application was submitted by Hugh Glackin and that the previous application was submitted by Hugh's mother and is an important consideration. The application submitted by Hugh's mother was recommended for approval and all documentation supporting farm activity were submitted at the time. Mr Cassidy advised that Mrs Glackin died and that her application was withdrawn, the farm business id was also closed. Mr Cassidy highlighted that when a farm business owner dies the farm business id dies with them and the new number was issued to Mrs Glackin's son Hugh in October 2022. Mr Glackin submitted his application on the same site as what was previously submitted along with the same receipts to show activity over the past six years. Mr Cassidy stated that the farm has been in the Glackin ownership for generations and that the applicant currently lives in Castledawson with no ground around his current house. Mr Cassidy stated that the buildings around the farm were left to the applicant's brother and that there are no buildings on the applicant's farm. Mr Cassidy stated that this was an unusual

case and that policy refers to exceptional cases which he felt this is. With regard to siting, Mr Cassidy referred to application considered by Antrim and Newtownabbey Council which was a similar scenario and that they felt that application was within the spirit of the policy and added no weight to ribboning. Mr Cassidy stated this was a unique case and that it would be unfair to refuse this application.

The SD: PI asked if there was any reason not to believe the land had been transferred to the son, the applicant.

The Head of Local Planning (HLP) stated there were no concerns in that regard that she was aware of and that the maps submitted with the mother's application area identical to the maps for this application.

The SD: PI stated that if the applicant was asked to provide a solicitor's letter stating that the land had been inherited by the applicant this should be able to be provided and it would therefore be reasonable to allow an exception to the six year rule. The SD: PI asked if there were two houses next to the site and another building being used commercially.

The HLP advised that the commercial building is being used by an electric business.

The SD: PI asked who is running the electric's business.

Mr Cassidy stated it would be a nephew of the applicant. Mr Cassidy stated that the map should not include these buildings within the blue line.

The SD: PI stated that it is very important that the information being assessed is correct and that if the Planning Committee make a decision based on incorrect information then the decision can be quashed. The SD: PI stated that in addition to the solicitor's letter an updated map should also be provided which represents what the farm is. The SD: PI asked who lives in the two houses.

Mr Cassidy advised that the applicant's brother and nephew live in the two houses.

The SD: PI stated he had provided a way forward for the application.

Proposed by Councillor S McPeake
Seconded by Councillor Varsani and

Resolved That planning application LA09/2022/0230/O be deferred to allow for submission of further information.

LA09/2022/0651/F **Change of house type and garage with all associated landscaping and site works (substitution for M/2013/0341/F & LA09/2015/0595/F at lands approx. 70m SW of 6 Goland Road, Ballygawley for Darragh McAnenly & Caoimhe Glass**

Members considered previously circulated report on planning application LA09/2022/0651/F which had a recommendation for approval.

Proposed by Councillor McConnell
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/0651/F be approved subject to conditions as per the officer's report.

LA09/2022/0689/O Dwelling on a farm at Proposed site 350m W of 5 Corick Road, Clogher for Mr Edwin Boyd

Members considered previously circulated report on planning application LA09/2022/0689/O which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2022/0689/O be approved subject to conditions as per the officer's report.

LA09/2022/1697/O Dwelling and garage at 60m NE of 11 Creagh Hill, Castledawson for Mrs Anne McGrogan

The Head of Local Planning (HLP) presented a report on planning application LA09/2022/1697/O advising that it was recommended for refusal.

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

Mr Cassidy stated that this application is situated outside of a farm, consists of at least four dwellings, that there is a focal point and a cluster of development. The two points of contention relate to the degree of integration and whether it is bounded on two sides by development. Mr Cassidy stated that the site avails of two mature boundaries, one abutting the roadway and one abutting the neighbouring house and that these will be retained if an approval is allowed. Mr Cassidy stated that the site is approximately 1m below the road and is of a low profile and that both measures will provide a suitable degree of integration. In terms of the site being bounded by development on both sides Mr Cassidy stated it is important to look at the approval on the adjacent site which is under construction and is development on one side and that there is development to the front of the site. Mr Cassidy stated that planning appeals and this Council have been clear in relation to clustering and that if five of the tests are being met it is acceptable and in this case five if not six of the tests are being met and that he felt it is a good opportunity to approve and round off development.

The Service Director of Planning (SD: PI) stated that the policy is clear and sets out that the six tests need to be met however there may sometimes be a reason to treat something as an exception. The SD: PI stated this does not mean that meeting five of the six tests is ok as this would be rewriting policy and if a decision was made on that basis it could be quashed. The SD: PI stated that in this case there are clearly a number of buildings and asked if there is a focal point.

The Head of Local Planning (HLP) advised that there is a focal point which is slightly removed from the application site namely the Thatch Inn.

The SD: PI asked if that focal point is part of the cluster and when pointed out on the map he felt that it would be and could be taken as a single entity. The SD: PI referred to the permission on the adjacent side and asked if this is being built.

The HLP advised she had visited the site today and that foundations have been laid.

The SD: PI stated that the way be policy works is that the building has to be there and not just a permission. The SD: PI asked if it looked like the building work is going to continue on that site.

The HLP stated that it appeared building works would continue on the site.

The SD: PI suggested it would be reasonable to defer this application for two months to allow building work on the adjacent site to continue and he would then be happy with the argument that there was development on two sides.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/1697/O be deferred for two months.

LA09/2022/1761/F Sites for 2 dwellings and domestic garages at 90m NW of 28 Mawillian Road, Moneymore for Mr Paddy Campbell

The Head of Local Planning (HLP) presented a report on planning application LA09/2022/1761/F advising that it was recommended for refusal.

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

Mr Cassidy referred to planning appeal for building in Swatragh which was half the size of the building considered in this application.

The SD: PI stated that the building Mr Cassidy was referring to had a planning permission and that it was recognised as a building. On the case referred to no issue was taken with change to rural character so the planning appeal commissioner allowed it. The SD: PI stated there are lots of other cases where similar structures have not been accepted as being a building. The SD: PI asked if the structure under consideration for this application has a Certificate of Lawful Development or a planning permission.

Mr Cassidy stated that the building that is there was asked by DARD to be constructed because the applicant needed a herd number. Mr Cassidy stated there are records from seven years ago of DARD going out to inspect the structure and that it had been requested by them that a concrete floor be put into the structure seven years ago. Mr Cassidy stated that policy does not ask for visual linkage but

rather that it visually links or has a common frontage. Mr Cassidy stated that the building has a common frontage and it bookends the two buildings under construction. Mr Cassidy stated that the gap only has room for two buildings and therefore meets policy. Mr Cassidy stated that he felt this is a good opportunity to put two houses into a gap site and asked Members to approve the application.

The SD: PI stated there are two tests – one is the structure a building recognised by planning and the other would it change rural character and on looking at the woodland next to the structure it would strike him that the rural character would not change. The SD: PI asked if the planning officer had raised any concern in relation to rural character.

The HLP advised that the planning officer felt that the proposal would be contrary to policy CTY14 in that the dwellings, if permitted, would add to a ribbon of development and would result in a detrimental change to rural character of the countryside.

The Chair, Councillor S McPeake felt that the interpretation of rural character can be different things to different people and that a site meeting on this application would be useful.

The SD: PI stated that this would be a reasonable way forward but it would also require planning permission or Certificate of Lawful Development for the structure.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/1761/F be deferred for a site meeting and submission of Certificate of Lawful Development.

LA09/2023/0076/O **Infill dwelling and garage at land between 6 and 15
Dungororan Road, Dungannon for Miss Jessica
Brown**

Members considered previously circulated report on planning application LA09/2023/0076/O which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2023/0076/O be approved subject to conditions as per the officer's report.

LA09/2023/0232/O **Site for dwelling between 139 and 143 Drumagarner
Road, Kilrea for Mr Brian McCloskey**

Members considered previously circulated report on planning application LA09/2023/0232/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2023/0232/O be approved subject to conditions as per the officer's report.

P095/23 Receive Report on DAERA Ammonia Call for Evidence

The Service Director of Planning (SD: PI) presented previously circulated report which sought Members approval in relation to response to DAERA that will contribute to the development and delivery of a scientifically robust Operational Protocol to protect the natural environment and ensure sustainable development for consideration by an incoming Minister and future Executive.

The Chair, Councillor S McPeake stated that he felt the response has been encapsulated well and that the tone is right in that DAERA and other regulatory bodies need to step up to the mark on such a technical issue.

Councillor Clarke stated that everyone is in a situation where there are targets and guidance set out and that the two agencies involved in this matter are not taking responsibility for what they are responsible for. The Councillor stated that NIEA and DAERA are the responsible bodies and they know what the targets and guidelines are and that he believed that the matter should be left with them and not Council.

Proposed by Councillor Clarke
Seconded by Councillor Kerr and

Resolved That the suggested response to the Call for Evidence is agreed as set out in the report and that the Service Director of Planning is delegated to finalise the wording of the response for submission.

Matters for Information

P096/23 Minutes of Planning Committee held on 1 August 2023

Proposed by Councillor Varsani
Seconded by Councillor McFlynn and

Resolved To note the minutes of Planning Committee held on 1 August 2023.

Councillor Cuthbertson left the meeting at 7.04 pm.

Live broadcast ended at 7.04 pm.

Local Government (NI) Act 2014 – Confidential Business

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 P097/23 to P100/23.

Matters for Information

- P097/23 Confidential Minutes of Planning Committee held on 1 August 2023
- P098/23 Enforcement Live Case List
- P099/23 Enforcement Cases Opened
- P100/23 Enforcement Cases Closed

P101/23 Duration of Meeting

The meeting was called for 5 pm and concluded at 7.05 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

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

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

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

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

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

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

ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 5 September 2023

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

Chairs Business –

PAC Decision – Barry O’Neill, canteen and first aid facilities, adjacent to 18 Cookstown Road Dungannon

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.1	Conditions to be attached to the decision	Members to note
6.5	Further information about the farm	Members to be advised about the assessment of the additional information
6.9	Further information submitted	Members to be advised about the assessment of the additional information

Appeal Reference:	2021/A0212
Appeal by:	Mr Barry O'Neill.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Retention of building to provide communal site canteen, locker room and first aid facilities.
Location:	Land adjacent to 18 Cookstown Road, Dungannon.
Planning Authority:	Comhairle Ceantair Lár Uladh - Mid Ulster District Council.
Application Reference:	LA09/2019/1183/F
Procedure:	Written representations with Commissioner's site visit on 9 th August 2023
Decision by:	Commissioner Damien Hannon dated 5 th September 2023.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this case are whether the proposal is acceptable in principle in the countryside and its impact on road safety.
3. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019. However, as the Strategy is unadopted and in draft form, its provisions, while material considerations, do not outweigh those of the statutory [Dungannon and South Tyrone Area Plan 2010 \(DSTAP\)](#). The appeal site is designated in DSTAP as lying within the Dungannon Green Belt. However, the more recently published Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21) states that its policies take precedence over DSTAP green belt policies. Therefore, apart from the above countryside designation, DSTAP contains no policies or provisions material to consideration of this appeal.
4. No conflict arises between the relevant provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS), and those of relevant extant regional policy. Consequently, the policy context is provided by PPS 21, Planning Policy Statement 4 - Planning and Economic Development (PPS 4) and Planning Policy Statement 3 - Access, Movement and Parking (as Clarified and amended) (PPS 3). Relevant guidance is also contained in Development Control Advice Note15 (2nd Edition)- Vehicular Access Standards August 1999 (DCAN 15).

5. The appeal site accommodates a single storey building and yard and occupies the northeastern third of a triangular shaped industrial estate measuring 90m x 150m. It has a frontage of approximately 120m onto the A29 Cookstown Road which is identified as a protected route in Annex B of PPS 3. The industrial estate is accessed from the A29 and comprises an open yard and 19 single storey units of various dimensions. While I was not provided with the exact dimensions of all the existing buildings, I estimate from the submitted location map that, excluding the appeal building, the units within the estate have a combined floorspace of more than 2,000m². The industrial estate has a substantial history encompassing enforcement action as well as applications for planning consent and lawful development certificates. Nonetheless it is common case that the complex constitutes an established economic development use for the purposes of PPS 4.
6. Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are acceptable in the countryside, including industry and business uses in accordance with PPS 4. It is proposed to retain a building of 16m in length, 7.5m in width and 5.6m in height. The single storey building is of industrial design and composition and has three large window apertures in its front elevation which, on inspection, were secured with closed roller shutters. The building is internally partitioned to provide a communal site canteen, locker room and first aid facilities. The appeal proposal therefore embodies the expansion of an established economic development use for the purposes of PPS 4. Policy PED 2 of PPS 4 states that proposals for the expansion of an existing economic development use in the countryside that accord with Policy PED 3 will be permitted. However, Policy PED 9 of PPS 4, which is entitled 'General Criteria for Economic Development' also states that proposals for economic development use must meet seven additional criteria.
7. Policy PED 3 requires that proposals meet several listed criteria relating to matters including rural character, integration, scale, and design. It also states that proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. This, however, is not an absolute requirement and there would be practical difficulties in providing the facilities through the reuse or extension of existing buildings on site. Furthermore, the building presents visually as an extension to the existing group. and I agree with the Council's assessment that the proposal is for a relatively small building in the overall context of the surrounding development and does not raise any concerns in respect of Policy PED 3. The proposal would cause no harm to rural character or the appearance of the local area and would involve no major increase in the site area of the enterprise. In these circumstances the proposed development would constitute the expansion of an established economic development use in the countryside in compliance with policies PED 2 and PED 3 of PPS 4.
8. The only Policy PED 9 criteria at issue is criterion (g) which reads 'the existing road network can safely handle any extra vehicular traffic the proposal will generate, or suitable developer led improvements are proposed to overcome any road problems identified'. The appellant stated that the proposed canteen, locker room and first aid facilities would provide essential modern communal welfare amenities that would enable employees of the whole complex to take breaks, congregate and store personal items. I agree that a restriction limiting the use of the facilities to employees of the industrial estate could be secured by condition in the event of planning permission being granted. The appellant further argued that

the provision of the on-site facilities would lead to a reduction in vehicular trips as employees would not have to leave the complex to avail of such services. This assertion was not challenged by the Council, and I conclude that as the submitted evidence does not demonstrate that the proposal would give rise to any extra vehicular traffic, the proposal meets criterion (g). I further conclude that the proposal is acceptable in principle in the countryside as the expansion of an established economic development use in accordance with PPS 4 and consequently Policy CTY 1 of PPS21.

9. The Council argued that the proposal would have a detrimental impact on road safety as the existing access arrangements were inadequate, and the required visibility splays could not be provided. The Consequential Amendment to Policy AMP 3 Access to Protected Routes (Consequential Revision) is attached as Annex 1 to PPS 21 and provides policy on development proposals involving access onto a protected route outside a settlement limit, such as the appeal proposal. A requirement of the consequential revision is that access arrangements be in accordance with the Department's published guidance i.e., DCAN 15.
10. There was dispute between the parties as to the degree to which the estate was occupied as well as the commercial nature of its tenants. At the time of my visit, the estate appeared notably inactive with some units visibly vacant. Nonetheless, I judge that an estate with economic development floorspace exceeding 2,000m² would generate more than 60 vehicle movements per day thus requiring an 'X' distance of 4.5m in accordance with DCAN 15. Furthermore, the Department for Infrastructure, whose remit includes assessment of the 85%ile speed of vehicles on the road, have visited the site and advised that a 'Y' distance of 120m is required along the A29 to the north. My own follow-on surveys would accord with this analysis. Given the 60mph speed limit on the road and in the absence of persuasive evidence or survey material establishing the contrary, I conclude that a 'Y' distance of 120m is required in accordance with DCAN 15.
11. The required visibility splays are not available to the north and the appellant did not express any intention or ability to provide them in the future. Furthermore, given the alignment and topography to the road to the north, provision of required splays would necessitate a considerable engineering operation, the feasibility of which, based on the submitted evidence, remains uncertain. In these circumstances and given that the appeal development is in situ, I do not consider it reasonable to require provision of the northern splay through a negative condition.
12. Although the development has been found acceptable in principle, the Council's objection on grounds of road safety and conflict with policy AMP 3 is well founded. Its reason for refusal as it relates to the issue of road safety and conflict with Policy AMP 3 is sustained and is determining in this case.

This decision is based on the 1:2500 and 1:50 scale Proposed Layout Plans, Section, Elevations & Location Map received by the Council on 9th September 2019 and numbered 01 by them.

COMMISSIONER DAMIEN HANNON

List of Documents

Planning Authority: - COU 1 Statement of Case
 COU 2 Rebuttal

Appellant: - APP 1 Statement of Case
 APP 2 Rebuttal

Condition 1

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

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

Condition 2

Prior to commencement of the development hereby permitted, visibility splays of 2.4m x 80m and any forward sight distance shall be provided in accordance with Drawing No.03A bearing the date stamp 17/12/18, or as may otherwise be agreed in writing with the Council. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.

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

Condition 3

The width of the vehicular access to be (6.0m) for the first (20.0m), including (10.0m) radii and shall be provided in accordance with Drawing No. 03A , bearing the date stamp 17/12/18, prior to the commencement of any other works or other development hereby permitted.

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

Condition 4

The poultry shed hereby approved is to be used for 'free range' methods only. If any alternative method of poultry farming i.e. not free range, was to take place an odour impact assessment would be required

Reason; In the interests of protecting neighbouring amenity.

Condition 5

No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone, clearly marked with posts joined with hazard warning tape, has been provided at a radius of 25 metres as shown on Drawing No. 02D, date stamped 9 March 2021. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone(s) without the consent of the Planning Authority/unless an appropriate Wildlife Licence has been obtained from NIEA. The protection zone shall be retained and maintained until all construction activity has been completed on site.

Reason; In the interests of natural heritage protection.

Condition 6

Applicant shall not deviate from the Litter Disposal Agreements (dated 29/9/20 and uploaded to the planning portal 9/1/20) without the prior written consent of the council.

Reason: To ensure the project is not likely to have a significant effect on any European site.

Supporting Notes

6.5. LA09/2022/0230/O Site for dwelling and garage at lands approx. 30m SE of 99 Mullaghboy Road, Bellaghy for Mr Hugh Glackin

Members, this application is submitted by Hugh Glackin for a house on the farm. A previous application (LA09/2021/1583/O) is an important consideration.

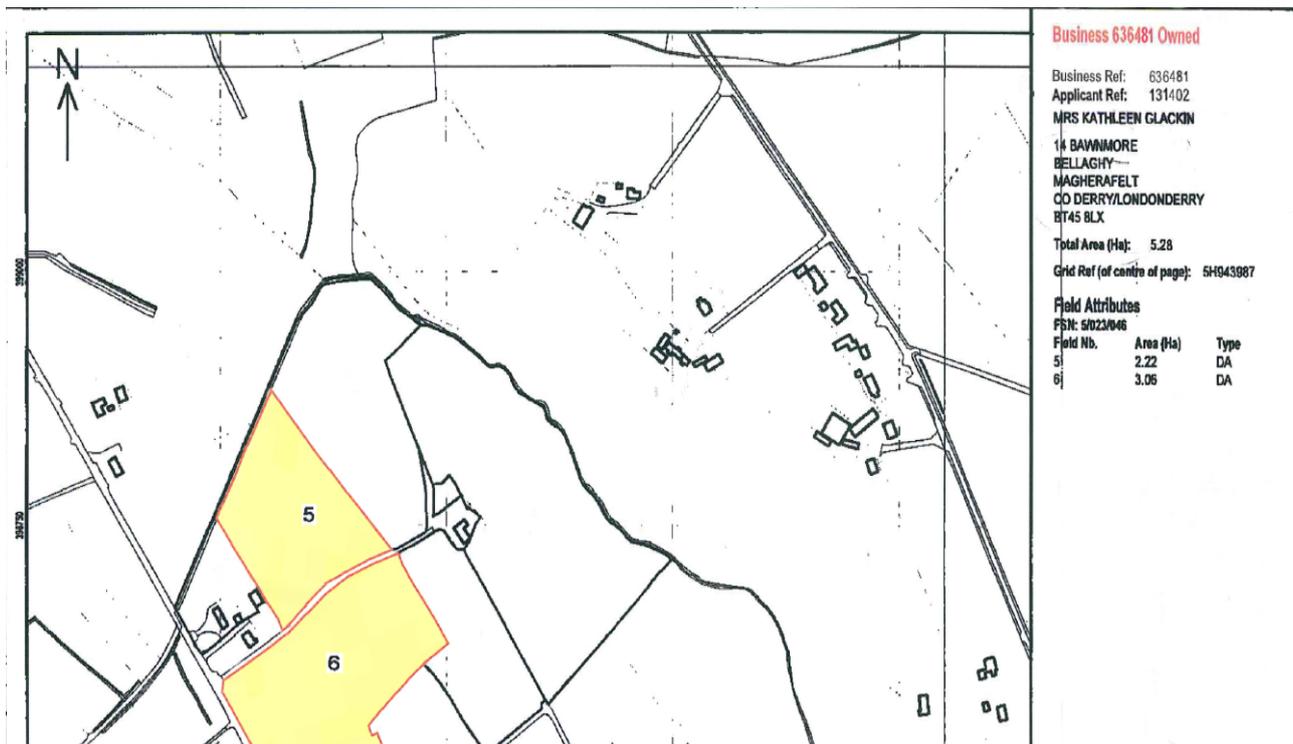
LA09/2021/1583/O had been submitted by the applicants mother on the site adjacent to this current application. All the farm numbers and information to support its activity had been submitted.

As detailed below this was recommended for approval but unfortunately Mrs Glackin died just before it was issued.

As members are aware when a farm business owner dies their farm business number dies with them. DARD subsequently issue a new number to whoever is taking over the farm.

In this case it is her son Hugh who has taken over. DARD issued Hugh a new number in October 2022.

The land has been in the Glackin family ownership for generations



Farm map for Kathleen Glackin

Planning – Application Summary

LA09/2021/1583/O | Proposed farm dwelling and Garage | Approx 50M East Of 99 Mullaghboy Road Bellaghy

 Save search

Details	Comments	Constraints	Documents (19)	Related Cases (15)	Map
Summary	Further Information	Contacts	Important Dates		
Reference	LA09/2021/1583/O				
Alternative Reference	PA0946674				
Application Received	Tue 02 Nov 2021				
Application Validated	Tue 02 Nov 2021				
Address	Approx 50M East Of 99 Mullaghboy Road Bellaghy				
Proposal	Proposed farm dwelling and Garage				
Status	Withdrawn				
Decision	Permission Granted				
Decision Issued Date	Wed 02 Feb 2022				
Appeal Status	Unknown				
Appeal Decision	Not Applicable				
There are 19 documents associated with this application.					

Previous farm map for Mrs Kathleen Glackin

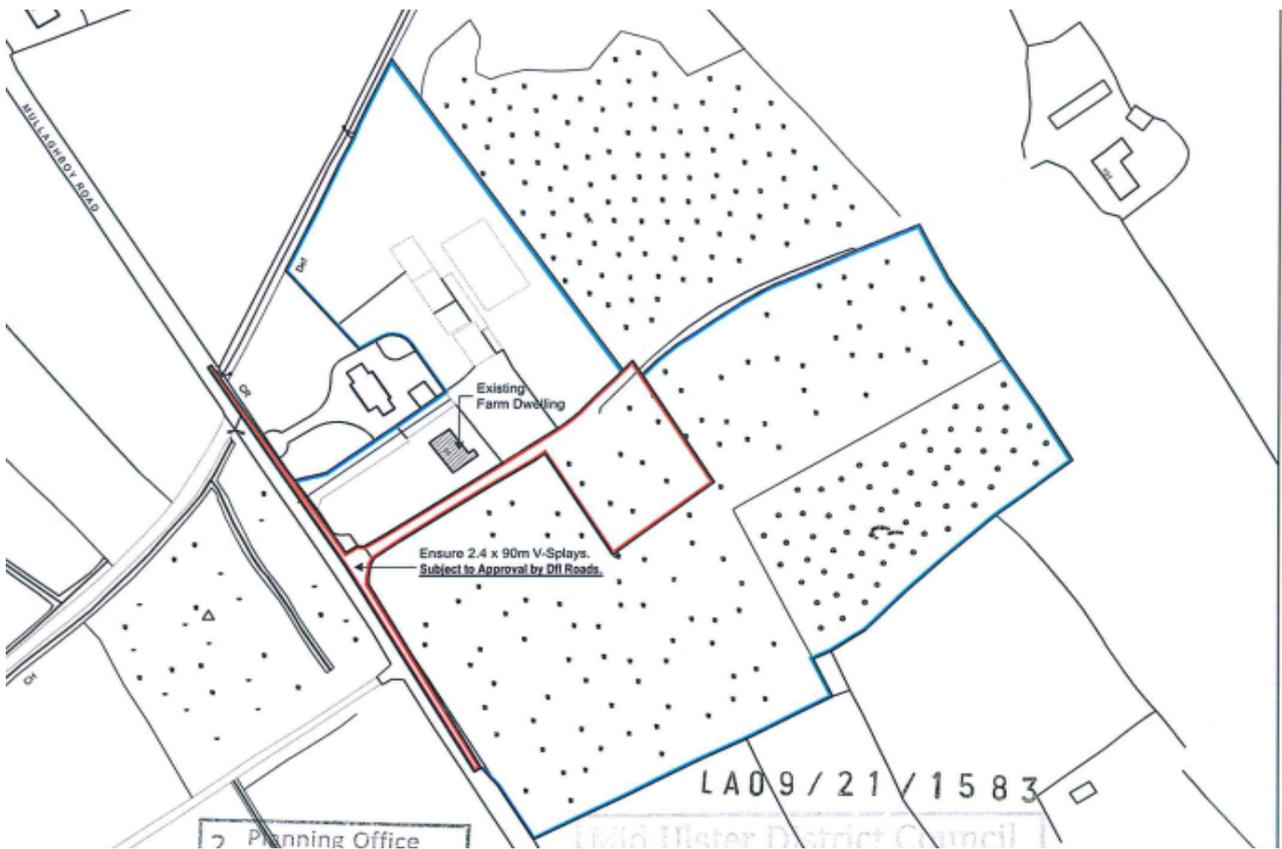
Planning – Application Details

LA09/2021/1583/O | Proposed farm dwelling and Garage | Approx 50M East Of 99 Mullaghboy Road Bellaghy

 Save search

Details	Comments	Constraints	Documents (19)	Related Cases (15)	Map
Summary	Further Information	Contacts	Important Dates		
Application Type	Outline				
Decision	Permission Granted				
Actual Decision Level	Recommendation				
Expected Decision Level	Delegated Decision				
Case Officer	Peter Henry				
Parish	Moyola				
Ward	Bellaghy				
District Reference	Not Applicable				
Applicant Name	Kathleen Glackin				
Agent Name	Cmi Planners Ltd				
Agent Company Name	Cmi Planners Ltd				
Agent Address	38B Airfield Road Toomebridge BT41 3SG				
Environmental Assessment Requested	No				

Previous application by Mrs Kathleen Glackin with recommendation to approve.



Previous location map for Kathleen Glackin

Presently Hugh lives within the settlement limits of Castledawson, 4 miles from the land. There is no land surrounding his hose at this location.



Appliants current address in Castledawson

The proposed site is adjacent to Hughs brother home and his nephews business. These buildings are no longer part of the farm grouping and the house should it be approved will be the first building on Hugh;s holding.

Policy states the new building is visually linked or sited to cluster with an established group of buildings on the farm but does allow for an exception if an alternative site elsewhere on the farm is applied for.

In this case Hugh has plans to provide seed potatoes to a local merchant, something that has been done previously by his mother and has obtained a flock number to keep sheep. A contract is in place with a local merchant. Hugh has verifiable plans in place to grow the business and the addition of a house on the lands will enable this to happen.

Council's second reason for refusal relates to the location which they state would extend a ribbon of development along this section of the Mullaghboy Road.

It should be noted how Antrim and Newtownabbey Council has determined similar applications for farm houses. LA03/2015/0306/0 is for a new dwelling at 36 Old wood Road in Randalstown.

Page 5 of the case officer's report (LA03/2015/0306/O) states "Although the build up of linear development in the immediate area will lead to a detrimental change in rural character, greater determining weight is being given to the policy objectives of consolidating and grouping new development with established buildings.

It is clear Council give greater weight to the spirit of the policy which in this case will see the building set back into the cluster and will be seen as a grouping with a strong backdrop.

We consider the site meets the criteria for a dwelling on a farm and ask members to reconsider the application.

Site Selection

Paragraph 6.69 of the SPPS sets out that the policy approach to development in the countryside must be to cluster, consolidate and group new development with existing buildings. It is stated this sustainable approach will mitigate the potential adverse impacts from the cumulative effect of one-off, sporadic development upon rural amenity and landscape character.

The test applied for dwellings on farms at para 6.73 of the SPPS is that the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding.

CTY10 of PPS21 sets out at Criterion 'C' that the new building must be visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. The policy test goes on to set out that the proposed site must also meet the requirements of CTY13 (a-f), CTY14 and CTY16.

It is considered that the site selected is both visually linked and sited to cluster with an established group of buildings on the farm thereby complying with policy.

Although the build-up of linear development in the immediate area will lead to a detrimental change in rural character, greater determining weight is being given to the policy objective of consolidating and grouping new development with established buildings.

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Application ID: LA03/2015/0306/O

Other Matters

As an agricultural field cut out the site is physically undefined on the land at its northern and western boundaries. The site is exposed when approaching the site in a southerly direction. It is considered appropriate to require by condition these boundaries be planted out with a native species hedgerow and trees allowed to grow onto a minimum height of 2 metres and planted within the first planting season following commencement of development. This is in order for the proposal to be in keeping with the rural area.

CONCLUSION

The following is a summary of the reasons for recommending the granting of planning permission;

- The principle of development can be established on these lands for residential development
- No issues of residential amenity will arise relevant to the relationship between existing dwellings and the proposal.
- There are no objections from any consultees or interested third parties.

RECOMMENDATION – GRANT PLANNING PERMISSION

6,9

LA09/2022/1761/F Sites for 2 dwellings and domestic garages at 90m NW of 28 Mawillian Road, Moneymore for Mr Paddy Campbell

Council Concerns

Council accept there are two houses which form the SouthEast boundary of the site. On the North Western boundary there is a small agricultural shed which we contend bookends the development and creates a gap for a maximum of two houses.

Councils position is that the agricultural structure cannot be considered as part of the assessment stating its scale along with its siting does not create any visual linkage with the dwellings at numbers 26 and 28 in order to be considered a substantial and built up frontage.

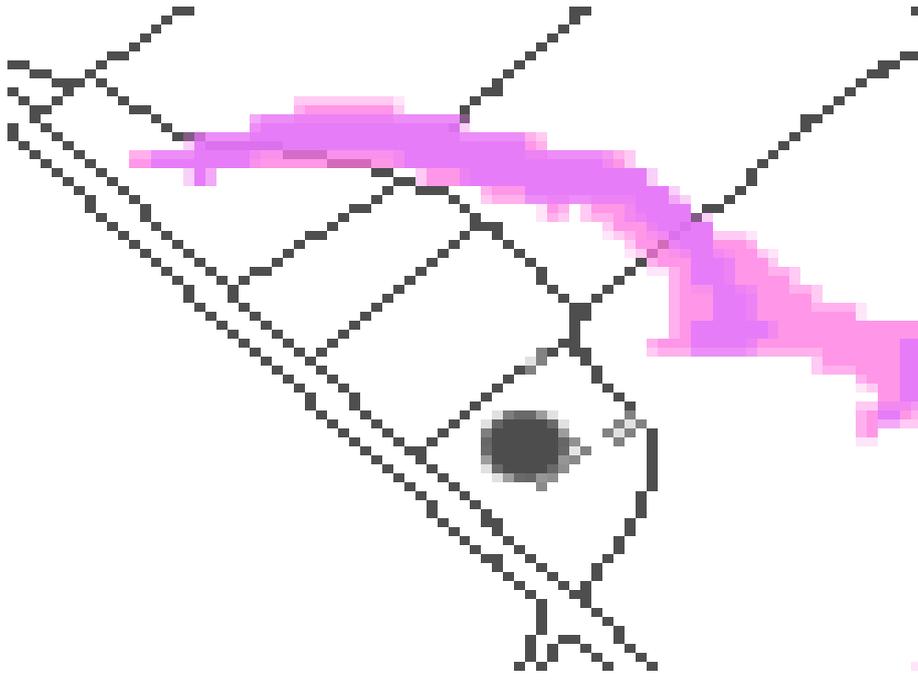
Firstly it is important to determine if the small structure can be considered a building acceptable to policy.

The structure was built here nearly 7 years ago at the request of DARD for shelter for the animals. The exact same structure was considered at Planning Appeal (copy attached) for an infill dwelling in Swatragh.

In that appeal Mid Ulster Council and Planning Appeals both accepted a shed made from tin and having a concrete base was a building acceptable for policy. If this has now been accepted by both parties it can be assumed the structure on-site is a building that meets policy.

The policy itself does not require a visual linkage as suggested by Council, rather policy requires a common frontage OR that they are visually linked. In this case all the building share a common frontage so this element fulfils policy requirements.

The only outstanding issue is flooding. Below is the flood map for the area, with our sites situated Northwest of the black dot. Whilst there is surface water flooding to the rear boundary of the site it does not impact on any area where the houses are to be built thus flooding here is not a consideration.



Appeal Reference:	2015/A0215.
Appeal by:	Mr Richard Dempster.
Appeal against:	The refusal of outline planning permission.
Proposed Development:	Dwelling and Garage.
Location:	35m South of 10 Ballynian Lane, Swatragh.
Planning Authority:	Mid Ulster District Council.
Application Reference:	H/2014/0438/O.
Procedure:	Written representations.
Decision by:	Commissioner J B Martin dated 7 June 2016.

Decision

1. The appeal is allowed and outline planning permission is granted subject to the conditions set out below.

Reasoning

2. The main issues in the appeal are whether the proposal represents a small gap site / infill opportunity or is ribbon development; the degree to which it would be integrated into its surroundings and its impact on rural character. The respective operational policy context for these issues is set by the CTY Policies 8, 14 and 13 of Planning Policy Statement (PPS) 21 '*Sustainable Development in the Countryside*'.
3. Policy CTY 1 of PPS 21 states that planning permission will be granted for an individual dwelling in accordance with Policy CTY 8. CTY 8 in turn states that permission will be refused for a building which creates or adds to a ribbon of development, but continues that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 No. houses within an otherwise substantial and continuously built up frontage - provided this respects the existing road frontage development pattern in terms of size, siting and plot size and meets other planning and environmental criteria. A substantial and continuously built up frontage is defined in the policy as one that includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
4. With reference to the appellant's 1/1250 scale 'concept plan' - immediately north of the appeal site is an unbroken line of 4 buildings along the east facing frontage of Ballynian Lane comprising (in order) 2 agricultural buildings and 2 single storey dwellings. Approximately 15m beyond the site's eastern boundary is what the Council describe as a 'sheep shelter' (the appellant – an agricultural building). Standing on a concrete base, it measures approximately 6m by 4m and is

constructed of a wooden frame clad in corrugated metal and with a mono pitch sloping roof.

5. The Council accept the 'shelter' for planning purposes constitutes a building. While it states the building was enlarged and its concrete base added during the course of the planning application, it has not challenged the legal status of the building or indicated any intention to take action to seek its removal. The basis of the Council's refusal of the appeal proposal as a small gap site under Policy CTY 8 is founded on its view that the shelter building does not visually read with the other buildings north of the appeal site and as a result the frontage is not substantial or continuously built up. The appellant however has pointed to the Commission's decision in appeal 2013/A0248, where the Commission interpreted Policy CTY 8 as not requiring visual linkage of all the buildings along a road frontage. The Council's evidence contains no new arguments to warrant a reassessment of the Commission's interpretation of this particular issue. The aforementioned existing development along the eastern side of Ballynian Lane amounts to a substantial and continuously built up frontage as defined in CTY 8, and the gap which includes the appeal site is sufficient only to accommodate up to a maximum of 2 houses.
6. The proposed development would clearly not reflect in any meaningful way the 'shelter' on its eastern side. However that is equally the situation with the existing development along the common road frontage, and the Council has not argued the appeal proposal would fail to respect that existing development in terms of the planning and environmental requirements set out in the headline text to CTY 8. All in all the appeal proposal fulfils the requirements of Policy CTY 8 for an small gap site. The Council's 2nd reason for refusal is therefore not sustained, and it follows that the 1st reason based on CTY 1 and the 4th reason based on ribbon development and change in rural character (Policy CTY 14) are also not sustained.
7. In terms of integration, Policy CTY 13 sets out a number of circumstances (a) to (g), where a new building in the countryside will be unacceptable. The Council's 3rd reason for refusal is based on circumstance (a), (b) and (c) – namely prominence; a lack of natural boundaries and enclosure for the proposed dwelling and reliance on new panting to achieve satisfactory integration. My consideration takes into account the appellant's concept plan and the Council's suggested condition to restrict the ridge height to a maximum of 5.7m.
8. Views of the dwelling would be over short distances along Ballynian Lane. They would be restricted by vegetation to the south of the 'shelter' - and by vegetation and the agricultural buildings along the northern site boundary, combined with the appreciable changes in vertical and horizontal alignment of the road as it passes the site downhill from north to south. The site also rises from the road to the north and the vegetated northern boundary and agricultural buildings beyond would provide an immediate backdrop. While the eastern site boundary is undefined, the eastern boundary of the 'host field' lies only 20m away and is well defined by hedging, averaging out at approximately 3m in height. The dwelling would be open to view along its site boundary with Ballynian Lane, however in the aforementioned context it would be satisfactorily integrated into its surroundings and would not be prominent. The 3rd reason for refusal is therefore not sustained.

9. The suggested height condition is necessary to ensure satisfactory integration and as the site slopes upwards from south to north, underbuilding across the whole footprint of the dwelling should be restricted to no more than 0.5m. The Council's suggested condition to control the angle of roof pitch is unnecessary. While not referred to in the Council's suggested conditions the proposed development includes the creation of a vehicular access, and appropriate visibility splays should also be provided in the interests of road safety. Given the road width of approximately 3.6m - likely traffic speed around the bends in the road approaching the proposed site access from both sides, and taking into account the guidance in Development Control Advice Note 15 – '*Vehicular Access Standards*' - I judge that visibility splays of 2m by 45m in both directions should be provided at the proposed access. New planting along the eastern site boundary should also be provided.

Conditions

- (1) Except as expressly provided for by Conditions 2, 3 and 4 the following reserved matters shall be as approved by the Council - the siting, design and external appearance of the dwelling and garage and the means of access thereto.
- (2) No development shall take place until there has been submitted to and approved by the Council a landscaping scheme showing trees and hedgerows to be planted within the site and along its eastern boundary. The scheme of planting as finally approved shall be carried out during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.
- (3) The ridge height of the dwelling shall not exceed 5.7m above finished floor level and the depth of underbuilding shall not exceed 0.5 metres at any point across the footprint of the dwelling.
- (4) Visibility splays of 2m by 45m at the proposed access shall be laid out in both directions before the dwelling is occupied and thereafter shall be permanently retained.
- (5) Application for approval of the reserved matters shall be made to the Council before the expiration of 3 years from the date of this decision.
- (6) The development shall be begun before the expiration of 5 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision is based on the 1/2500 scale site location map and the 1/1250 scale concept plan numbered respectively by the Council as drawings 01 and 02.

COMMISSIONER J B MARTIN

2015-A0215

List of Documents

Planning Authority - Mid Ulster District Council

Statement of Case

Appellant

Statement of Case