



05 March 2024

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Dungannon and by virtual means at Council Offices, Circular Road, Dungannon, BT71 6DT on Tuesday, 05 March 2024 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 - 334

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2018/1337/F	Water recycling tank and sand de-watering unit with dosing units	APPROVE

		and associated equipment/ cabins with mobile log washer unit to assist the existing plant at 25 Crancussy Road, Cookstown for Core Aggregates	
5.2.	LA09/2020/1319/F	Mixed-use development of 80 units (56 dwellings & 24 apartments) & 8 industrial units (light industrial & storage) immediately N of 31 Ballygawley Road, Dungannon, bounded by Cloneen & Ballysaggart Park to the S & W for Orchard County Contracts	APPROVE
5.3.	LA09/2021/0511/F	Storage building to replace existing storage unit at approx 20m W of 35 Moss Road, Ballymaguigan, Magherafelt for Christopher Cassidy	REFUSE
5.4.	LA09/2022/1280/O	Off-site replacement dwelling and domestic garage at lands approx 90m SW of 26 Hillside Road, Upperlands for Dr Kate Lagan and Keith Higgins	APPROVE
5.5.	LA09/2023/0238/F	Residential development and associated ancillary works at lands to the W of Forth Glen, Cookstown; adjacent to 40,41,42,43,44,61,62,63 and 79 Forth Glen, Cookstown for JAMDAC Developments LTD	APPROVE
5.6.	LA09/2023/0433/F	Development of 5no. dwellings (1no. detached and 4no. semi- detached) with associated site works and the relocation of an existing access to an existing dwelling at land adjacent to 90 Roughan Road, Newmills, Dungannon for Nigel Johnston	REFUSE
5.7.	LA09/2023/0520/F	Dwelling and garage at 75m N of 42 Gortnaskea Road, Stewartstown for Philip McCrea	REFUSE
5.8.	LA09/2023/0683/O	Dwelling at an existing cluster at Adjacent to and SW of 150A Washingbay Road, Coalisland for Mr Patrick Brady	REFUSE
5.9.	LA09/2023/0693/F	Temporary mobile home at 20 Loughbracken Road, Pomeroy for Mr Aidan Molloy	REFUSE

5.10.	LA09/2023/0796/F	Retention of existing mobile office space used in connection with existing business at 27 Feddan Road, Dungannon, for Mr Timmy Wiggam	APPROVE
5.11.	LA09/2023/0797/F	Retention of existing workshop in connection with existing business at 27 Feddan Road, Ballygawley for Mr Timmy Wiggam	APPROVE
5.12.	LA09/2023/0860/F	New fabrication shed and car parking facilities to serve existing workshops and new shed at 72 Glenshane Road, Castledawson, for Top Frame Engineering Ltd.	APPROVE
5.13.	LA09/2023/0888/O	Infill dwelling & garage at lands immediately S of 22 School Lane, Gulladuff for Mrs Anne McKee	REFUSE
5.14.	LA09/2023/0955/O	Site of dwelling and garage adjacent to 19 Moneyneany Road, Draperstown. for Mr Adrian Kennedy	REFUSE
5.15.	LA09/2023/0959/F	Change of House Type from approved LA09/2017/0507/F; to two-storey design and the addition of a detached garage at 350m SW of 89 Caledon Road, Mulnahorn, Aughnacloy for Mr & Mrs David & Belinda Brady	APPROVE
5.16.	LA09/2023/1052/O	Dwelling & garage at 60m NE of 17 Edendoit Road, Pomeroy for Mr Michael Donnelly	REFUSE
5.17.	LA09/2023/1053/F	Self contained granny flat within the curtilage of the existing property for the benefit of the occupants of the existing dwelling to the rear of 5 Ardbeg, Donaghmore Road, Dungannon for Brian Cassidy	REFUSE
5.18.	LA09/2023/1069/F	7 dwellings and 8 apartments with associated car parking, private and communal amenity space, landscaping, site works and access arrangements from Chapel Road at lands to the S of Nos 14-44 Fortview Terrace, N of Nos 19-33 Dunleath Avenue, E of Nos 11-17 Drumcree and W of Nos 85-101 Church Street, Cookstown for Kelly Brothers Ltd	APPROVE

5.19.	LA09/2023/1118/F	Application under section 54 (in relation to application LA09/2016/0470/F) for the continuance of use of buildings without compliance with condition no. 5 of the previous planning permission granted as a consequence of changes to the site layout being recently accessed and the subsequent review of the Noise Impact Assessment now superceded with a new up to date Noise Impact Assessment hereby submitted at 111 Ballynakilly Road, Coalisland, for Formac Limited	APPROVE
5.20.	LA09/2023/1139/F	Site for dwelling in infill site at Adjacent to 69A Kinturk Road, Cookstown for Mr Martin McVey	APPROVE
5.21.	LA09/2023/1166/F	Extension to existing school at Kilronan Special School, Ballyronan Road, Magherafelt for Education Authority	APPROVE
5.22.	LA09/2023/1217/O	Dwelling and garage on a farm at land adjacent to 30 Killyfaddy Road, Magherafelt for Mr Ian Brown	REFUSE
5.23.	LA09/2023/1323/O	Infill dwelling and garage adjacent to and NW of 152 Caledon Road, Aughnacloy for Mr Lloyd Crawford	APPROVE
5.24.	LA09/2023/1377/O	Dwelling and garage under at 30m W of 153 Washingbay Road, Coalisland for Mr Philip Brady	REFUSE

6. Receive Deferred Applications

335 - 486

	Planning Reference	Proposal	Recommendation
6.1.	LA09/2018/0754/O	Dwelling and garage at 20m W of 35 Moss Road, Ballymaguigan, Magherafelt for Christopher Cassidy	REFUSE
6.2.	LA09/2019/0179/F	Continued use of the land and factory without complying with condition 12 of M/2011/0126/F - seeking variation of opening hours condition Monday - Friday from 6am - 8pm at lands 70m S	APPROVE

		of 177 Annagher Road, Coalisland. for Dmac Engineering	
6.3.	LA09/2021/0480/F	Dwelling and domestic garage within existing cluster at 75m W of 11 Grange Road, Cookstown for Mr Paddy Donnelly	APPROVE
6.4.	LA09/2021/1672/F	Change of house type and relocation of dwelling and domestic garage from approved M/2013/0414/F and domestic garage at approx 100m N of 34 Ferry Road, Coalisland, Dungannon for R Patrick And Mrs Lisa Trainor	REFUSE
6.5.	LA09/2022/0714/O	Dwelling and domestic garage at 120M SW of 119 Mullaghboy Road, Bellaghy, for Mr Peter Doherty	APPROVE
6.6.	LA09/2022/1367/F	Two storey dwelling and garage at 10M N of 56 Quarry Road, Knockcloghrim for Gerard Ward	APPROVE
6.7.	LA09/2023/0025/F	Retention of existing shed for mix of domestic storage and agricultural machinery adjacent to 26A Brookmount Road, Ballinderry Bridge, Cookstown for Francis Rocks	APPROVE
6.8.	LA09/2023/0251/F	2 storey dwelling with 1 1/2 storey garage attached via carport at 50m E of 55 Killycanavan Road, Dungannon, Ardboe for Eugene Devlin	APPROVE
6.9.	LA09/2023/0629/O	Gap site for dwelling and domestic garage at lands approx 60m NE of 45 Derrytresk Road, Coalisland for Mary Daya	APPROVE

- | | | |
|-----|--|-----------|
| 7. | Receive Report on the Councils consideration of the launch of the Consultation on Onshore Petroleum Policy | 487 - 713 |
| 8. | Receive Report on Review of SPPS on the issue of Climate Change | 714 - 751 |
| 9. | Receive Report on the lessons from the last 10 years of Planning | 752 - 761 |
| 10. | Receive Report on Performance Improvement Measures | 762 - 765 |

11. Receive Report on Organisation of the Planning Department and Scheme of Delegation for Planning 766 - 775

Matters for Information

12. Planning Committee Minutes of Meeting held on 6 February 2024 776 - 807

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

13. Receive Enforcement Report

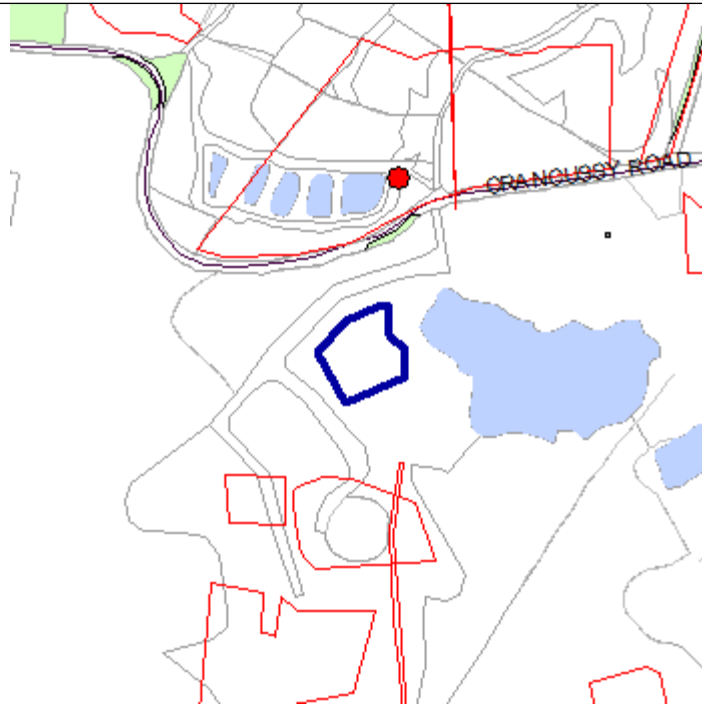
Matters for Information

14. Planning Committee Confidential Minutes of Meeting held on 6 February 2024
15. Enforcement Cases Opened
16. Enforcement Cases Closed
17. Enforcement Live Case List



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.1
Application ID: LA09/2018/1337/F	Target Date: 4 December 2018
Proposal: Proposed water recycling tank and sand de-watering unit with dosing units and associated equipment/ cabins with mobile log washer unit to assist the existing plant. This auxiliary plant will use less water and energy in the processing of material and over burden from sand washing and aggregates processing as this is an even more modern and sustainable approach to aggregates processing. The log washer will enable more yield from the plant and allow a more diverse range of feed materials	Location: 25 Crancussy Road Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Core Aggregates 25 Crancussy Road Cookstown	Agent Name and Address: Core Aggregates 25 Crancussy Road Cookstown BT80 9PW
Executive Summary: This application is being recommended for approval however it is before Members as there is objection to the development. A total of 35 objections have been received to date. These have been considered further in this report. The proposal has been assessed under all relevant policy including the Cookstown Area Plan 2010, the SPPS, PPS 21, PPS 2, PPS 3 and the Planning Strategy for Rural NI and it is considered that there is no conflict with any of the policy.	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Shared Environmental Services	Substantive: TBCResponseType: FR
	NIEA	Substantive: YResponseType: FR
	NIEA	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Shared Environmental Services	Substantive: TBCResponseType: FR
	NIEA	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR

	Environmental Health Mid Ulster Council	Substantive: TBC
	Shared Environmental Services	Substantive: TBC
	NIEA	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	NIEA	Substantive: YResponseType: FR
	NIEA	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR

Representations:

Letters of Support	0
Letters of Objection	35
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

A total of 35 objections have been received to this application. These have been submitted by the occupiers of number 31 Crancussy Road (Mr G Glencross), 19 Island View Road, Greyabbey (Mr A Clapperton), 4 Breezemount Park, Omagh (Colm McGinn) as well as Mr Ciaran McClean and KRW Law, Queen Street, Belfast. Some of these objections, as they asked specific questions have been responded to directly as council correspondence and the responses can be viewed on the working file.

I will summarise and comment on all material planning issues raised in these 35 objections. The majority of these issues have been dealt with later in my report. Those that have not, I have addressed further below.

- o Scale of development and added noise and its impact on amenity
- o Site is in a sensitive area, Lough Doo ASSI
- o Damage to the ASSI
- o Requirement for an Environmental Statement to be submitted
- o Vagueness of the intended purpose of the development
- o Impact of extra vehicle movements

- o Requirement for a noise assessment to be carried out
- o Lack of noise monitoring
- o Request to begin enforcement proceedings
- o Concern over applying immunity
- o Query over the traffic figures provided on the TAF and the impact of traffic on amenity
- o Concern over the findings of the noise report completed by Irwin Carr
- o Soundness of the EIA screening carried out

- o Requirement for a waste management plan and EIA Screening - I am satisfied that a waste management plan is not required under PPS 11 for the development being applied for.

- o Flooding and drainage concerns - the site is outside any identified floodplain.

- o The unauthorized use of Lough Allen as a water source for the quarry - this has not been substantiated.

- o Query over discharge approvals and what a more diverse range of feed equates to - WMU were consulted and have provided advice in respect of discharge approvals. This advice will be referenced in a general informative.

- o Applicant has misled Council by stating that the proposal does not involve mineral extraction - I am satisfied that the description of this proposal is accurate and that no mineral extraction is being applied for under this application.

- o Plant in operation fails to meet quarry regulations in full - outside the remit of this application.

Characteristics of the Site and Area

The application site is a 0.33 hectare plot located within an existing sand and gravel quarry at 25 Crancussy Road, Cookstown. It is outside the development limits of any settlement defined in the Cookstown Area Plan 2010.

The site is however located within Lough Doo ASSI (Area of Special Scientific Interest), which is of national importance and has been designated as such due to its Earth Science features. The wider area is rural in character with a very dispersed settlement pattern. There are a scattering of dwellings and agricultural buildings in the locality. Lough Allen is located immediately to the East of the site and Loughaslane is just further to the SE. The site is also in the vicinity (1km) of the Upper Ballinderry River SAC (Special Area of Conservation)

Description of Proposal

This is a full application for a water recycling tank and sand de-watering unit with dosing

units and associated equipment/ cabins with mobile log washer unit to assist the existing plant. This auxiliary plant will use less water and energy in the processing of material and over burden from sand washing and aggregates processing and is an even more modern and sustainable approach to aggregates processing. The log washer will enable more yield from the plant and allow a more diverse range of feed materials.

Relevant Planning and Enforcement History

LA09/2016/0581/F - Variation of Condition No.11 of planning Approval I/1977/0072/F - retention of scrap associated with and to be reused in the maintenance of existing mineral development plant and quarry. Permission Granted

LA09/2015/0674/F - Retention of storage area for deposition and drainage of silt (originating from ongoing quarrying operations in association with planning permission I/1977/0072/F) for re-use within the area of approved Quarry under planning permission I/1977/0072/F. Permission Granted

I/2010/0038/F - variation of condition no 17 of planning approval I/1977/0072 -- relocation of settlement ponds. Permission Granted

I/1977/0072 - SAND WASHING PLANT, GARAGE, OFFICE WEIGHBRIDGE ETC. Permission Granted

LA09/2022/0017/CA - 1) Alleged unauthorised excavation outside phase 1 boundaries of I/1977/0072/F; 2) Alleged unauthorised scrapping/storing of overburden; 3) Nitrate leaching into remaining lands and waterways; 4) Alleged unauthorised 360 excavator with a rock piling rig attachment to break bed rock at the site, outside of permission I/1977/0072/F and detrimental Noise impacts from rock piling activity. Case currently open.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

EIA Screening – the proposal was initially screened on the 26th Nov 2018 and this concluded that the application did not need accompanied with an Environmental Statement. This initial screening was subsequently deemed to be unsound as EIA consultations were not issued to inform the screening. A re-screening was carried out on the 21st May 2019 and considered EIA consultation responses from NIEA, EH, DFI Roads and SES. The re-screening arrived at the same conclusion.

The relevant policies being given consideration in this assessment are as follows

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Mid Ulster District Council Local Development 2030 - Draft Plan Strategy

Cookstown Area Plan 2010 (CAP)

Planning Policy Statement 21 - Sustainable Development in the Countryside

Planning Strategy for Rural NI

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 3 – Access, Movement and Parking

Strategic Planning Policy Statement for Northern Ireland (SPPS)

The Department of the Environment published the Strategic Planning Policy Statement for Northern Ireland (SPPS) in September 2015. This policy is a consolidation of some twenty separate policies, however, the policy provisions of A Planning Strategy for Rural Northern Ireland - Policies MIN1 - MIN8 (Minerals Development) are retained until such times as Mid Ulster District Council adopts a Plan Strategy for the Council area. There is no conflict between the Policy on Minerals in the SPPS and the retained policies.

Mid Ulster District Council Local Development 2030 - Draft Plan Strategy

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. 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.

Cookstown Area Plan 2010

The application is outside any defined settlement in the CAP. It is not subject to any area plan designations which are relevant to this assessment.

Planning Policy Statement 21 - Sustainable Development in the Countryside

PPS 21 Sustainable Development in the Countryside states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. 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 including those for drainage, access and road safety.

In terms of integration, as the site is located within the larger quarry site, the proposed development will have a negligible visual impact on the surrounding landscape.

PPS 21 goes on to state that in relation to non-residential Development planning permission will be granted for non-residential development in the countryside in the following cases which includes minerals development in accordance with the MIN Policies of PSRNI.

Planning Strategy for Rural NI (PSRNI)

The PSRNI advises that while there will be a general presumption in favour of development, in considering a particular application account will be taken of the value of the mineral to the economy, the environmental implications and the degree to which adverse effects can be mitigated in relation to the character of the local area . The relevant policies are MIN1-MIN8.

MIN 1 – Environmental Protection

This policy states that mineral development within or close to areas such as ASSI's will not normally be given permission. It goes on to advise that the Department/Council should balance the case against the need to protect and conserve the environment. It also states that measures designed to prevent pollution of rivers, watercourses and ground water should be included in applications for mineral extraction and processing plant.

This application is for new plant within an existing and operational quarry. Consultation has been carried out with NIEA and SES in order to determine the environmental impacts of the proposal on Lough Doo ASSI and the Upper Ballinderry SAC. It is important to note that NIEA designated this area as an ASSI after the date of the original quarry permission (I/1977/0072). There is justifiable concern that the quarry as a whole is at odds with the ASSI designation as the designation was about retaining landform and a quarry is about excavating and if the existing quarry permission is implemented the ASSI may very well be harmed. However, Members should note that consultation with NIEA concluded that they did not take into account the quarry when designating Lough Doo ASSI, nor have they asked for quarrying operations at this location to be discontinued. It is my opinion that given the extent of the extant permission, what is proposed in this application will cause no greater harm to the Environment/Lough Doo ASSI.

MIN 2 – Visual Implications

This policy recognises that visual intrusion can often be one of the most significant impacts associated with mineral workings. It advises that particular regard should be given to protect skylines and to the proposed location of plant, stockpiles and overburden within the working.

The proposed plant identified above will be sited within the quarry beside existing plant. Views into the site from the Crancussy are limited due to the stockpiles and existing bunding. There is no conflict with this policy.

MIN 3 – Areas of Constraint

In view of their nature conservation importance, ASSI's are also designated as Areas of Constraint on Mineral Developments in the Cookstown Area Plan 2010. Policy MIN 3 states that within these areas there will be a presumption against the granting of planning permission for the extraction and/or processing of minerals. Exceptions may be made where the proposal is short term and impacts are significant.

I would re-iterate the fact that NIEA designated this area as an ASSI with the knowledge that there was an extant quarry permission for sand and gravel extraction. Any objective to constrain mineral development in this area is therefore meaningless.

MIN 4 – Valuable Minerals

This policy is more relevant to the extraction of more valuable minerals such as oil, gas and lignite and holds limited weight in this assessment.

MIN 5 – Mineral Reserves

Again this policy is more relevant to the extraction of minerals considered to be of particular value to the economy such as oil, gas and lignite and holds limited weight in this assessment.

MIN 6 – Safety and Amenity

This policy recognises that some mineral operations make the bad neighbours. Conflict may be reduced by providing adequate separation distances. As this proposal involves the introduction of additional plant which has the potential to impact on local residents with regard to noise, consultation has been carried out with EH. On the 21-12-2018 EH requested the submission of a noise assessment so that impacts could be considered on numbers 26, 28, 29 and 31 Crancussy Road. This was submitted on the 4-3-2019. Also considered by EH was a separate noise review undertaken by Dick Bowdler submitted on behalf of an objector. EH responded on the 2-5-2019 seeking further clarification on tonality from the proposed noise sources and all existing plant noise. Having considered all information dealing with noise, EH on the 7-8-2019 advised that they would have no objection to the proposal subject to 3 conditions being attached to any permission so as to protect nearby residential amenity. I am therefore satisfied that there is no conflict with this policy.

MIN 7 – Traffic

This policy requires account to be taken of the safety and convenience of road users and the amenity of persons living on roads close to the quarry. The Council seek advice from DFI Roads in respect of traffic movements and road safety. A TAF was submitted with the application and DFI Roads have advised that the information provided on the TAF and P1 Form should be an accurate estimate and that they would expect some fluctuations. They have acknowledged that the quarry is an existing operation and that the proposed plant will not be the generator for any expected change or intensification to vehicular movements. DFI Roads have considered all objections which have raised roads issues and they do not offer any objection to the application. In light of their advice I am also satisfied that there are no PPS 3 policy concerns that need to be highlighted or addressed.

MIN 8 – Restoration

This policy requires mineral workings to be restored at the earliest opportunity. Given the nature of this proposal, there is no requirement to seek restoration proposals or condition any restoration proposals.

On the whole, I am satisfied that the proposal does not result in any conflict with any of the MIN policies contained in the PSRNI.

Planning Policy Statement 2 – Natural Heritage

This policy must be considered if a development has the potential to impact upon many designations including ASSI's and SAC's. As noted above the site is within Lough Doo ASSI and is in close proximity to the Upper Ballinderry SAC. For these reasons,

consultation has been issued to both NIEA and SES.

Policy NH1 (European and Ramsar sites) will permit development if doesn't have a significant effect on a SAC which is a site of international importance. SES have carried out a stage 1 HRA screening which indicates that there are no viable environmental pathways to any European sites. The proposal involves the recycling of all water on site and there is no discharge to any outside watercourse. WMU have also been consulted and have advised that they have considered the impacts of the proposal on the surface water environment and on the basis of the information provided, have no objections subject to standard conditions and the applicant referring to standing advice and informatives.

No concern has been raised by NIEA about the impact of the proposal on species protected by law. As such Policy NH 2 is not relevant.

Policy NH 3 deals specifically with national sites of conservation importance. These include Lough Doo ASSI. As noted above there is justifiable concern that the quarry as a whole is at odds with the ASSI designation as the designation was about retaining landform and a quarry is about excavating and if the existing quarry permission is implemented the ASSI may very well be harmed. However, consultation with NIEA concluded that they did not take into account the quarry when designating Lough Doo ASSI, nor have they asked for quarrying operations at this location to be discontinued.

Policy NH 5 deals with habitats, species or features of natural heritage importance. This includes features of earth science conservation importance. NIEA (NED) have consulted internally with their Conservation Science section as Lough Doo ASSI is designated for its earth science features. They have determined that the proposed activity poses no additional threat to the earth science value of Lough Doo ASSI.

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

Noise from the application site, shall not exceed the levels stated in Table 1 below:

Receiver Location	Predicted Noise Level (dB LAeq, 1hr)
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R1	45
R2	40
R3	40
R4	40
R5	43

Reason: To protect nearby residential amenity.

Condition 3

Within 8 weeks of a written request by the Planning Department, following a reasonable noise complaint, the applicant shall, at their expense, employ a suitably qualified and competent person to assess and report the level of noise emissions from the site and their impact at the complainant's property. Details of the noise monitoring survey shall be submitted to the Planning Department for written approval prior to any monitoring commencing.

Reason: To protect nearby residential amenity.

Condition 4

If a report submitted, as per condition 3 indicates that noise levels from the development exceed levels listed in Table 1 of condition 2, then a scheme outlining corrective action with proposed timescales for their implementation shall be agreed in writing with the Planning Department.

Reason: To protect nearby residential amenity.

Case Officer: Karla McKinless

Date: 20 February 2024

ANNEX

Date Valid	9 October 2018
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Date First Advertised	25 October 2018
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Date Last Advertised	24 October 2018
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Details of Neighbour Notification (all addresses)

The Owner / Occupier
31 Crancussy Road, Cookstown, BT80 9PW
The Owner / Occupier
26 Crancussy Road, Cookstown, BT80 9PW
The Owner / Occupier
28 Crancussy Road, Cookstown, BT80 9PW
The Owner / Occupier
30 Crancussy Road, Cookstown, BT80 9PW

Date of Last Neighbour Notification	17 June 2019
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Ref: I/2010/0038/F

Proposals: variation of condition no 17 of planning approval I/1977/0072 -- relocation of settlement ponds

Decision: PG

Decision Date: 11-JUN-10

Ref: LA09/2018/1337/F

Proposals: Proposed water recycling tank and sand de-watering unit with dosing units and associated equipment/ cabins with mobile log washer unit to assist the existing plant. This auxiliary plant will use less water and energy in the processing of material and overburden from sand washing and aggregates processing as this is an even more modern and sustainable approach to aggregates processing. The log washer will enable more yield from the plant and allow a more diverse range of feed materials

Decision:

Decision Date:

Ref: I/1977/0072

Proposals: SAND WASHING PLANT, GARAGE, OFFICE WEIGHBRIDGE ETC

Decision: PG

Decision Date:

Summary of Consultee Responses

Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR

Shared Environmental Services-Substantive: TBCResponseType: FR

NIEA-Substantive: YResponseType: FR

NIEA-Substantive: YResponseType: FR

Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR

Shared Environmental Services-Substantive: TBCResponseType: FR

NIEA-Substantive: YResponseType: FR

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR

Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR

Environmental Health Mid Ulster Council-Substantive: TBC

Shared Environmental Services-Substantive: TBC
NIEA-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
NIEA-Substantive: YResponseType: FR
NIEA-Substantive: TBC
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Proposed Elevations Plan Ref: 05
Proposed Elevations Plan Ref: 04
Site Layout or Block Plan Plan Ref: 03
Site Location Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable

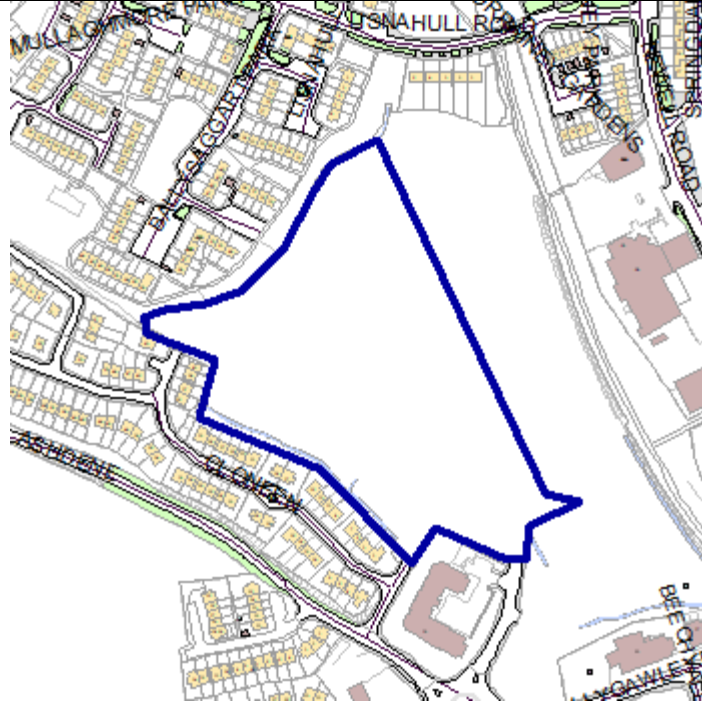


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5
Application ID: LA09/2020/1319/F	Target Date: 20 May 2021
Proposal: Erection of mixed-use development comprising 80 units (56 dwellings & 24 apartments) & 8 industrial units (light industrial & storage)	Location: Immediately North Of 31 Ballygawley Road Dungannon Bounded By Cloneen & Ballysaggart Park To The South & West
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Orchard County Contracts 17 Mullanary Road Dungannon BT71 7LS	Agent Name and Address: O'Callaghan Planning 20 Castle Street Newry BT34 2BY
Executive Summary: Approve with conditions as per case officer report	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	NI Water - Multiple Units West	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR
		Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NIEA	Substantive: YResponseType: FR
	Northern Ireland Housing Executive - Central Planning	Substantive: TBCResponseType: FR
Non Statutory Consultee	Rivers Agency	488713 final.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2020 1319 F MUD Ballygawley Rd.doc
Statutory Consultee	NIEA	PRT LA09-2020-1319-

		F.PDF
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2020 1319 F (002).doc
Statutory Consultee	Rivers Agency	An extension of 30 days is requested for the following reason: - the consultation requires additional assessment from the internal DfI Rivers' modelling unit because the FRA disputes the findings of the flood plain extents affecting the site.
Statutory Consultee	Rivers Agency	71333 - final.pdf
Statutory Consultee	Environmental Health Mid Ulster Council	LA09 20 1319 F Ballygawley Rd Dungannon.doc
Statutory Consultee	NIEA	PRT LA09-2020-1319-F.PDF
Statutory Consultee	NIEA	
Statutory Consultee	DFI Roads - Enniskillen Office	08-02-2024.docx
Statutory Consultee	NIEA	
Statutory Consultee	DFI Roads - Enniskillen Office	Conditions 15-02-2024.docx
Statutory Consultee	NIEA	PRT LA09-202-1319-F.pdf
Statutory Consultee	MUDC Environment and Conservation Team	Consulted in error.Consulted in error.
Statutory Consultee	Environmental Health Mid Ulster Council	LA09 22 1319 MUD Ballygawley Rd.doc
Statutory Consultee	NIEA	PRT LA09-2020-1319-F.PDF
Statutory Consultee	Environmental Health Mid Ulster Council	LA09 20 1319 F Ballygawley Rd Dungannon.doc
Statutory Consultee	Environmental Health Mid Ulster Council	LA09 20 1319 F Ballygawley Rd Dungannon.doc
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	NIEA	PRT LA09 2020 1319 F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	06-03-2023.docx
Statutory Consultee	NIEA	PRT LA09-2020-1319-F.PDF
Representations:		
Letters of Support	0	
Letters of Objection	0	
Letters Non Committal	0	
Number of Support Petitions and signatures	0	

Number of Petitions of Objection and signatures	0
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Characteristics of the Site and Area

The site is located North of 31 Ballygawley Road, Dungannon and is bounded by Cloneen and Ballysaggart Park to the south and west. The site is low lying but rises gradually from SE to NW. The western boundary of the site is an embankment that slopes upwards to Ballysaggart Park.

Access is by an existing road which serves the adjacent Nursing Home. The site currently is cleared with no buildings on it.

The surrounding area is built up with mixed character of residential developments. The surrounding area is of mixed character. There are residential units to North, NW, West and SW and to the south. Some terraced, semi-detached, generally all being 2 storey.

The Nursing home is located to the south, and a car show room and forecourt to the SE. There is a building supplies merchant to the south of the site. There is a convenience store to the NE.

The site is zoned for industry and business use in the DSTAP 2010, designated under D1 05 - Lands at Ballygawley Road.

Planning approval was granted on lands including this site under M/2008/0496/F for a mixed-use scheme in 2011. This approval was granted as an 'exception' to normal policy restrictions. This permission has now lapsed.

M/2014/0343/F was granted approval on adjacent site for purposes of Recreation and Open Space in 2014. In this assessment approval was granted as an 'exception' to normal policy restrictions in terms of the normal presumption against the loss of industrial land.

Description of Proposal

Erection of mixed-use development comprising 80 units (56 dwellings & 24 apartments) 45 Units will be for social housing- 56% of the housing & 8 industrial units (light industrial & storage)

Planning Assessment of Policy and Other Material Considerations

Relevant planning history

M/2008/0496/F was approved in 2011 for a mixed-use scheme on lands that included this site. The permission granted permission for 15 light industrial units, 1 storage warehouse and 97 social housing units. Permission has been granted as an 'exception' to normal policy restrictions, as the site is zoned for industry. The developer submitted evidence that the site was not economically viable solely for industry, there would be severe site enabling costs due to poor geotechnical characteristics, industrial space in the area does not justify the expenditure for such development and there was a significant amount of undeveloped industrial land in Dungannon. This permission has since expired, however the agent has advised works commenced on site although no Certificate of lawfulness has been submitted to verify this. This approval involved a planning agreement.

M/2014/343/F was granted in 2014 to Dungannon & South Tyrone Borough Council to develop this for the purposes of recreation and open space. This site forms part of the same industrial zoning as M/08/0496/F and these lands has been included in that application. This again was granted as an 'exception' to normal planning restrictions. LA09/2016/0849/F - Proposed erection of new building supplies merchant's premises with associated access, yard area, vehicle turning area, car parking and all associated site works. This was withdrawn on the site.

Image 1 shows the application site outlined in red. Image 2 shows the approval granted under M/2008/0496/F, which included additional lands. These lands have now been approved under M/2014/343/F for open space/recreation, shown in Image 3.



Image 1



Plate 6: Approved site layout pertaining to M/2008/0496/F

Image 2



Plate 7: Proposed recreation / open space development on adjoining lands.

Image 3

Dungannon and South Tyrone Area Plan 2010, RDS 2035, SPPS, PPS2, PPS3, PPS4, PPS7, PPS8, PPS12, PPS15, Creating Places.

Dungannon and South Tyrone Area Plan 2010

The key issue with this proposal is the potential conflict with policy for development on zoned land/the need to develop land in accordance with the zoning and compliance with the sites key site requirements.

The site is zoned for industry and business use in the DSTAP 2010, designated under D1 05 – Lands at Ballygawley Road.

Policy IND1 Industry and Business

Existing Industry and Business Use areas are identified and listed within the Area Plan.

It states in the Plan, ‘Within both existing and additional 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 within 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’.

While policy presumes against the loss of industrial land, the use of the word 'normally' confirms that there will be cases whereby industrial land can be reallocated for a firm development proposal, even though the policy presumes against the loss of industrial land. The policy deals with the matter of a 'non-confirming use' that would prejudice the efficient operation of industrial and business use. The current proposal will not have this effect and the presumption can therefore be set aside, as has been previously done on this site and in this particular zoning.

This extant Plan is clearly out of date, however The Local Dev Plan 2023 draft plan strategy does not carry determining weight. 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.

In this case, due to the nature of the proposal, the planning history on the site which is a material consideration and that adequate sites in the area are being retained for Industrial uses, weight can be given to this in order to justify it in terms of the spirit of the Area Plan. Developing this site would not diminish what is available to prospective industrial developers.

In addition, the development should be encouraged as it is providing an element of social housing where there is a need for this in the area as identified by Ark Housing Association.



The dwellings marked in red on the Site Layout have been identified as the social housing sites.

The breakdown of these are as follow,

8 No. 1 Bed apartments.

25 No. 2 Bedroom Houses

9 No. 3 Bedroom Houses

3 No. 4 Bedroom Houses.

45 Units in Total so over 50% of the housing element of the development.

Key Site Requirements of D1 05 – Land at Ballygawley Road

As an exception is being made to the Industrial zoning, so to a certain extent the key site requirements can be set aside, however they have been generally complied with.

- **Vehicular access should be provided from Ballygawley.**

The access is taken from the existing Nursing home served from here.

- **Development should be set back at least 20 metres from existing residential units with a landscaping buffering.**

A suitable degree of separation has been provided between existing and proposed properties. There will also be the benefit of the planned open space development and the landscape it will provide.

- **Pedestrian access should be provided through the site link with Ballygawley Road and Ballysaggart Park.**

This is shown to be to provided, as well as a pathway to the open space area.

- **Foul sewer pumping may be required.**

Applicant is aware that effluent may need to be pumped, NI Water has been consulted and are content.

- **The open watercourse to the SE portion of the site should be obtained and incorporated within the layout.**

Plans show the open watercourse indicating a fence that can be accessed for maintenance purposes. The applicant is in possession of the statutory consent to culvert the watercourse.

- **Infilling may be required due to low lying nature of the site**

Applicant is aware of this and is content they can achieve the development without relying on imported material.

PPS4 – PLANNING AND ECONOMIC DEVELOPMENT

PED 1- Economic Development in Settlements

The element of the proposal that includes light Industry is assessed in line with PED1. The storage units are approx. 1000 sq ft and are intended to facilitate small scale business activity. Their scale, form and nature will be appropriate to this location.

PED 7 - Retention of zoned land and economic development uses

Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

An exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development.

The land has not been substantially developed for alternative uses. The exception under PED7 for sui generis employment uses can't be met by the residential part of the policy so an exception or departure from this would be required to allow for this proposal. In the assessment of the previous approval, it was taken into account that the sites ground conditions were so poor that disproportionate construction costs will arise in the event the site is developed in accordance with the Plan's zoning. These costs can only be recovered through the resale of individual dwellings, which is the only viable course of action and development of the site for industrial purposes would not be economically viable owing to the amount of preliminary works that would be required. These circumstances have not changed since the granting of that permission and so is this is still a valid consideration.

The agent has put forward the argument that the release of this land and its development for industrial purposes is not likely to occur due to the lack of demand for industrial development at this location. The land will remain undeveloped, causing blight as it is clear demand for industrial land is being met elsewhere given the length of time this land has been lying undeveloped.

Precedents have been established within this zoned land to alternative uses including the following;

M/2005/1294/O - Builders Yard

M/2007/0731/F - Nursing Home

M/2005/1287/O - Bunscoil

M/2008/0496/F - Residential development

M/2014/0343/F - Open Space

So on 5 separate occasions the zoning here has been set aside to allow the above approvals, which has established a precedent and indicates there is not a need for this land for industrial use nor has there been the interest or demand to do so.

The argument has been put forward that the proposal is 'enabling development' , because the development of the site, for exclusively industrial purposes, would not be financially viable, an alternative has been found, which will deliver some industrial development to make the scheme financially achievable. The inclusion of affordable housing allows for this to occur and without it there is no other potential revenue stream available.

This will be a mixed-use scheme, including some industrial and the housing is required to ensure scheme can go ahead, this scheme will ensure part of the land will be used for industrial and would be more desirable in policy terms, than exclusively housing. The proposal aims to delivery quality and affordable housing for the area. The proposal will include an area of Open Space which will be accessible to the surrounding population.

This application will allow for the provision of 10,000 sq ft of industrial units, which otherwise would not be deliverable and in turn will create employment making an important contribution to the local economy.

Applications must be considered on their own merits, and taking the benefits of this proposal along with the previous planning histories, I feel it is justified to depart from the confines of PED7.

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 proposal will be in keeping with the existing character of the area and uses, in terms of the use and the visual element.

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

There will be sufficient distance between existing and proposed units to ensure this does not occur. Landscaping shown is adequate to aid with this.

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

No archaeological or built heritage features nearby.

Following a number of ecological reports submitted to NIED – Natural Heritage they have now considered all the impacts on natural heritage interests and on the basis of this information have no concerns subject to conditions provided.

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

flooding;

The proposed 'built development' is all outside the flood plain, with only some footpaths and part of the road located within it. Due to the previous approval, it would be unreasonable to ask for any changes in this respect.

DFI Rivers were consulted, and this is detailed further in the report under Policy PPS15, relevant conditions have been provided.

(e) it does not create a noise nuisance;

Env Health were consulted and following the provision of additional information to ensure the nearby Nursing home was not detrimentally impacted upon, they have accepted the findings on predicted noises and provided conditions which aid in restricting operational hours.

There will be an acoustic fence around the perimeter of the industrial units, this will blend in with the overall development and aid in reducing any noise. Acoustic glazed windows are to be installed in all the proposed dwellings.

An acoustic fence will also be installed along the boundary of the development to the rear of units 1-4 to further mitigate any noise, especially for Willow Grove Nursing Home.

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

Due to the size and scale of the units emissions and effluents this is not an 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;

DFI Roads have been consulted and provided relevant conditions to be attached to any approval. There is only a moderate amount of traffic associated with the industrial units, which are light industry and storage only.

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

DFI Roads have been consulted and provided relevant 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;

There is no impact on rights of way. The site is accessible to Dungannon town centre and there are regular bus services.

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

biodiversity;

New landscaping will be introduced to aid with this and the development of the adjacent open space by the Council will be intrinsically linked to the development.

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

The industrial units will have limited visual impact and any storage will be fenced off.

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

This criterion has been met through maximum surveillance and defensible open space.

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

N/A as not located in the countryside.

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

PPS7 - Quality Residential Environments

The residential part of this mixed development comprises of 80 units. Erection of mixed-use development comprising 80 units (56 dwellings & 24 apartments). 45 Units in Total so over 50% of the housing element of the development.

In order to ensure the delivery of the social housing element of the proposal a planning agreement is necessary. The planning agreement will be between the Council and the developer and will be required to ensure the delivery, timing and phasing of the social housing units.

Proposals need to conform to all 9 identified criteria laid out in QD1 of PPS7.

The proposal respects the surrounding context and is appropriate to character of the area in terms of layout, scale, massing and appearance.

The proposal has taken into account the townscape and landscape characters. The nearby dwellings are mainly 2 storey, and this layout would not adversely affect the character of the area.

The dwellings have been orientated to present an attractive outlook and front on to roads and the materials used will match to what is existing in the surrounding area.

There are no archaeological areas of interest that will be affected.

In terms of public open space, an area has been provided to the south, however there is a new park adjacent to the site and the developer has focused on utilising this rather

than providing formal play areas.

Private open space has been sufficiently provided for in line with Creating Places. Adequate and appropriate parking provision has been provided in line with Parking Standards and DFI Roads have given relevant conditions.

The requirements of QD1 of PPS7 have been met.

PPS8 – Open Space

A normal expectation of at least 10% of the total site area is required. However provision at a rate of less than 10% may be acceptable where the residential development 'is close to and would benefit from ease of access to areas of existing public open space' or 'is located within a town centre'.

In this case the site is located just outside the town centre, it would benefit from ease of access to areas of existing public open space (including the adjacent amenity site granted to the Council).

9% of open space has been provided, rather than the 10 normally desired, so in this case would be acceptable. The space provided by the developer is more for visual amenity rather than recreational on the basis of the provision of the open space adjacent recreational park.

PPS12 - Housing in Settlements

The main aims and objectives of this policy are to manage housing growth, achieve a sustainable pattern of development, promote housing within urban areas, increase housing without town cramming, promote good design and balanced communities. The proposal is considered to meet these requirements.

PPS15 – Planning and Flood Risk.

FLD1 - Development in Fluvial and coastal Flood Plains – Flood Maps (NI) indicate that the site lies partially within the 1 in 100-year fluvial flood plain. In accordance with policy development will not be permitted within the 1 in 100-year fluvial flood plain unless the Planning Authority deems it to be an 'exception' or of overriding regional or sub-regional importance as defined in policy FLD.

The proposed 'built development' is all outside the flood plain, with only some footpaths and part of the road located within it, approx. 200m². Due to the previous approval, it would be unreasonable to ask for any changes in this respect.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – The site is affected by undesignated watercourses, according to the blue lines marked "ditch" on the map on the last page of Appendix D in the Flood Risk Assessment (see below). Under 6.32 of the policy a 5m to 10m level maintenance strip is required. This will be conditioned as such.

FLD3 - Development and Surface Water – The drainage system is to be adopted by Northern Ireland Water and, according to the drainage assessment, the 100-year storm water generated will be attenuated contrary to the guidance in Sewers for Adoption N I that states: - Storage over and above the 1 in 30-year event should not be sited within the adoptable system.

The drainage assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100-year event will be contained within the network, when discharging at existing greenfield runoff rate, and therefore there will be no exceedance flows during this event.

Further assessment of the drainage network will be made by NIW prior to adoption. However, to ensure compliance with Planning Policy Statement 15, DfI Rivers requests that the potential flood risk from exceedance of the network, in the 1 in 100-year event, is managed by way of a condition - 'Prior to the commencement of any of the approved development, the applicant must demonstrate how any out of sewer flooding, emanating from the surface water drainage network agreed under Article 161, in a 1 in 100-year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere.

Reason – In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere'.

FLD4 - Artificial Modification of watercourses

The Flood Risk Assessment and associated plans show, it is intended to alter an open watercourse by culverting in the south of the site.

Under FLD 4 of Planning Policy Statement 15, artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons.

The original approval was granted in 2011 and PPS15 was introduced in September 2014, so policy in this respect has changed. There is not an automatic right to culvert but in this case, it is being treated as an exception, due to the historical approval on the site and the applicant has received statutory consent to culvert. This will also minimise the risk of flooding on the site, without increasing the risk of flooding elsewhere.

Also, as part of the proposal for the dwellings is for social housing there is a need in the area. This proposal is therefore providing a 'gain', coupled with the previous approval it would again be unreasonable in this instance, that all existing watercourses be diverted as it would prevent development of the site and go against natural justice.

FLD5 - Development in Proximity to Reservoirs – DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Ballysaggart Lough.

It needs to be demonstrated that the condition, management and maintenance regime of Ballysaggart Lough is appropriate to provide sufficient assurance regarding reservoir safety so as to enable the development to proceed, as require under Policy FLD 5.

A Certificate of Lawfulness was approved in July 2023 for 'Replacement/refurbishment of the existing outlet at Ballysaggart Lough' for MUDC. The proposal allowed for the erection of equipment on the land belonging to and maintained by the Council for the purposes of any function exercised on the land. These works are for a function exercised for the Council as they are to improve the land for the approved leisure function associated with Ballysaggart Lough.

New development will only be permitted within the potential flood inundation area of a 'controlled reservoir' as shown on the Strategic Flood Map if certain factors exist. The site is within a potential flood inundation area, Ballysaggart Lough is the reservoir in question. It is required by the applicant to provide sufficient assurance regarding reservoir safety. The Council are working towards obtaining 'Responsible Manager Status' of Ballysaggart Lough and this process is almost complete. This process has been taking a consideration amount of time and it was agreed with the Service Director of Planning that a condition could be attached to ensure development was not held up due to this delay, whilst ensuring flooding concerns and any risk to life are fully taken into account.

DFI Rivers comments have been taken into account, however Planning Service are the deciding authority and as such PPS15 has been fully considered.

In conclusion, the site has been inactive for a significant period of time, if accepted, the arguments put forward will ensure this overgrown site is utilised for its intended purpose, light industry, as well as meeting a housing need in this area. The site has been a known focal point for anti-social activity in the past and its development will be a 'planning gain' to the surrounding area. This proposal will discourage anti-social behaviour, it will result in environmental benefits including accessibility to open space, new landscaping and provide much needed social housing. No objections have been received from any neighbouring properties. I therefore recommend the proposal be approved with the conditions attached.

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

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. JPC 002 Revision D bearing PSD stamp dated 15/2/24.

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.

No dwelling(s) shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

Condition 3

No development activity, including ground preparation or vegetation clearance, shall take place until a Habitat Management Plan (HMP) has been submitted to and approved in writing by the Planning Authority. The approved HMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved HMP, unless otherwise agreed in writing by the Planning Authority. The HMP shall include the following:

- a) Clear aims and objectives of proposed habitat management/restoration/compensation for Open Mosaic Habitat NI Priority Habitat;
- b) Description of pre-construction, baseline habitat conditions;
- c) Appropriate maps, clearly identifying habitat management areas which should reflect plans as shown on Landscaping Plan Biodiversity Framework (Published to the MU-PP 07/12/2023);
- d) Detailed methodology and prescriptions of habitat management and restoration/compensation measures, including timescales, and with defined criteria for the success of the measures;
- e) Details of the prohibition of habitat damaging activities, including agricultural activities, landscaping maintenance works etc;
- f) Details of the regular monitoring of the effectiveness of habitat management and compensation measures using appropriate methodology (e.g. visual inspections, vegetation quadrats, fixed point photography) in years 1, 2, 3, 4 and 5 post construction;
- g) Details of the production of regular monitoring reports which shall be submitted to the Planning Authority within 6 months of the end of each monitoring year and which shall include details of contingency measures should monitoring reveal unfavourable results.

Reason: To compensate for the loss of and damage to Northern Ireland priority habitats.

Condition 4

- An Acoustic barrier shall be erected within the site as presented on Site Layout Plan PO5 E, dated Sept 2020. 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.

The industrial units operating times shall be as follows:

08:00 - 18:00 Monday to Friday

08:00 - 15:00 Saturday

No operations on a Sunday

- -Audible reversing alarms to HGVs/vehicles on site shall be of the broadband type and not single tone reversing sirens.

Construction Noise

- "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

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

Prior to the commencement of any of the approved development, the applicant must demonstrate how any out of sewer flooding, emanating from the surface water drainage network agreed under Article 161, in a 1 in 100-year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere.

Reason - In order to safeguard against surface water flood risk to the development and

manage and mitigate any increase in surface water flood risk from the development to elsewhere.

Condition 6

No development hereby permitted shall take place until a 5 metre level maintenance strip is provided along the eastern boundary of the site to be protected from impediments, land raising or future unapproved development.

Reason: To ensure protection from impediments in relation to potential flooding issues.

Condition 7

Prior to the commencement of any of the approved development, the applicant must demonstrate how any out of sewer flooding, emanating from the surface water drainage network agreed under Article 161, in a 1 in 100-year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere.

Reason : In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere'.

Condition 8

The industrial units hereby approved shall be used only for Class B2 Light Industry and Storage and for no other purpose in Class B2 of the Schedule to the Planning (Use Classes) Order (NI) 1989.

Reason: To prohibit a change to an unacceptable use within this Use Class.

Condition 9

All hard and soft landscape works shall be carried out in accordance with the approved details on drawing No 5 rev 02 uploaded on 7 Dec 2023 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 with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

Condition 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.

Condition11

No dwelling or apartment hereby approved shall be occupied until the Council agrees in writing that an acceptable Management and Maintenance agreement has been signed and put in place with an appropriate management company, for all areas beyond the plot curtilage as shown on drawing No 5 rev 02 uploaded on 7 Dec 2023. These areas shall be permanently retained as landscape/open space.

Reason: To ensure that open space is provided, maintained and managed in accordance with the Departments Policy Statements, PPS 7 - Quality Residential Environments and PPS8 - Open Space, Sport and Outdoor Recreation and to ensure its retention in perpetuity.

Condition12

The sewerage treatment plant shall be located as per Drawing 20 rev 04 uploaded on 13 Feb 2024 and shall be installed and fully operational prior to the occupation of any dwellings hereby approved. The plant shall be shall be maintained by the developer until such times as it is adopted by NI Water or is no longer necessary to serve the development.

Reason: To protect nearby residential amenity from noise and odour.

Condition13

No building shall be occupied until Mid-Ulster District Council has confirmed that measures required to ensure there will be no uncontrollable release of water have been identified and a contract entered into for the implementation of these works.

Reason - To prevent flooding and any risk to human life.

Case Officer: Emma McCullagh

Date: 20 February 2024

ANNEX	
Date Valid	22 October 2020
Date First Advertised	18 December 2023
Date Last Advertised	3 November 2020
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 5 Cloneen, Dungannon, Tyrone, BT70 1SY The Owner / Occupier 17 Cloneen, Dungannon, Tyrone, BT70 1SY The Owner / Occupier 13 Cloneen, Dungannon, Tyrone, BT70 1SY The Owner / Occupier 58 Ballysaggart Park, Dungannon, Tyrone, BT70 1UJ The Owner / Occupier 31 Cloneen, Dungannon, Tyrone, BT70 1SY The Owner / Occupier 25 Cloneen, Dungannon, Tyrone, BT70 1SY The Owner / Occupier 57 Ballysaggart Park, Dungannon, Tyrone, BT70 1UJ The Owner / Occupier 43 Cloneen, Dungannon, Tyrone, BT70 1SY The Owner / Occupier 3 Cloneen, Dungannon, Tyrone , BT70 1SY The Owner / Occupier 51 Ballysaggart Park, Dungannon, Tyrone, BT70 1UJ The Owner / Occupier 27 Cloneen, Dungannon, Tyrone, BT70 1SY The Owner / Occupier 29 Cloneen, Dungannon, Tyrone, BT70 1SY The Owner / Occupier 35 Cloneen, Dungannon, Tyrone, BT70 1SY The Owner / Occupier 37 Cloneen, Dungannon, Tyrone, BT70 1SY The Owner / Occupier 39 Cloneen, Dungannon, Tyrone, BT70 1SY The Owner / Occupier 41 Cloneen, Dungannon, Tyrone, BT70 1SY The Owner / Occupier 21 Cloneen, Dungannon, Tyrone, BT70 1SY The Owner / Occupier 23 Cloneen, Dungannon, Tyrone, BT70 1SY The Owner / Occupier 19 Cloneen, Dungannon, Tyrone, BT70 1SY The Owner / Occupier</p>	

59 Ballysaggart Park, Dungannon, Tyrone, BT70 1UJ
The Owner / Occupier

1 Cloneen, Dungannon, Tyrone, BT70 1SY
The Owner / Occupier

31 Ballysaggart Park, Dungannon, Tyrone, BT70 1UJ
The Owner / Occupier

53 Ballysaggart Park, Dungannon, Tyrone, BT70 1UJ
The Owner / Occupier

33 Ballysaggart Park, Dungannon, Tyrone, BT70 1UJ
The Owner / Occupier

7 Cloneen, Dungannon, Tyrone, BT70 1SY
The Owner / Occupier

49 Ballysaggart Park, Dungannon, Tyrone, BT70 1UJ
The Owner / Occupier

55D, Ballysaggart Park, Dungannon, Tyrone, BT70 1UJ
The Owner / Occupier

9 Cloneen, Dungannon, Tyrone, BT70 1SY
The Owner / Occupier

31 Ballygawley Road, Dungannon, Tyrone, BT70 1EL
The Owner / Occupier

55C, Ballysaggart Park, Dungannon, Tyrone, BT70 1UJ
The Owner / Occupier

15 Cloneen, Dungannon, Tyrone, BT70 1SY
The Owner / Occupier

7 Ballysaggart Park, Dungannon, Tyrone, BT70 1UJ
The Owner / Occupier

55B, Ballysaggart Park, Dungannon, Tyrone, BT70 1UJ
The Owner / Occupier

9 Ballysaggart Park, Dungannon, Tyrone, BT70 1UJ
The Owner / Occupier

55A, Ballysaggart Park, Dungannon, Tyrone, BT70 1UJ
The Owner / Occupier

11 Cloneen, Dungannon, Tyrone, BT70 1SY
The Owner / Occupier

Willow Grove Care Home 31 Ballygawley Road, Dungannon BT70 1EL

Date of Last Neighbour Notification	7 December 2023
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Date of EIA Determination	19 November 2020
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ES Requested	<events screen>
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Planning History

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
NI Water - Multiple Units West-Substantive: TBCResponseType: FR
Rivers Agency-Substantive: TBCResponseType: FR
-Substantive: YResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
NIEA-Substantive: YResponseType: FR
Northern Ireland Housing Executive - Central Planning-Substantive: TBCResponseType: FR
FR
Rivers Agency-488713 final.pdf
DFI Roads - Enniskillen Office-
Environmental Health Mid Ulster Council-LA09 2020 1319 F MUD Ballygawley Rd.doc
NIEA-PRT LA09-2020-1319-F.PDF
Environmental Health Mid Ulster Council-LA09 2020 1319 F (002).doc
Rivers Agency-An extension of 30 days is requested for the following reason: - the consultation requires additional assessment from the internal DfI Rivers' modelling unit because the FRA disputes the findings of the flood plain extents affecting the site.
Rivers Agency-71333 - final.pdf
Environmental Health Mid Ulster Council-LA09 20 1319 F Ballygawley Rd
Dungannon.doc
NIEA-PRT LA09-2020-1319-F.PDF
NIEA-
DFI Roads - Enniskillen Office-08-02-2024.docx
NIEA-
DFI Roads - Enniskillen Office-Conditions 15-02-2024.docx
NIEA-PRT LA09-202-1319-F.pdf
MUDC Environment and Conservation Team-Consulted in error.Consulted in error.
Environmental Health Mid Ulster Council-LA09 22 1319 MUD Ballygawley Rd.doc
NIEA-PRT LA09-2020-1319-F.PDF
Environmental Health Mid Ulster Council-LA09 20 1319 F Ballygawley Rd
Dungannon.doc
Environmental Health Mid Ulster Council-LA09 20 1319 F Ballygawley Rd
Dungannon.doc
DFI Roads - Enniskillen Office-
NIEA-PRT LA09 2020 1319 F.pdf
DFI Roads - Enniskillen Office-06-03-2023.docx
NIEA-PRT LA09-2020-1319-F.PDF

Drawing Numbers and Title

Elevations and Floor Plans Plan Ref: 18
Elevations and Floor Plans Plan Ref: 17
Elevations and Floor Plans Plan Ref: 16
Elevations and Floor Plans Plan Ref: 15
Elevations and Floor Plans Plan Ref: 14
Elevations and Floor Plans Plan Ref: 13
Elevations and Floor Plans Plan Ref: 12
Elevations and Floor Plans Plan Ref: 11
Elevations and Floor Plans Plan Ref: 10
Elevations and Floor Plans Plan Ref: 09
Elevations and Floor Plans Plan Ref: 08
Elevations and Floor Plans Plan Ref: 07
Levels and Cross Sections Plan Ref: 06
Landscaping Plan Plan Ref: 05
Levels and Cross Sections 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
Site Layout or Block Plan Plan Ref: 19/01
Proposed Plans Plan Ref: 03/02
Proposed Elevations Plan Ref: 15/01
Proposed Elevations Plan Ref: 16/01
Landscape Proposals Plan Ref: 05/01
Site Layout or Block Plan Plan Ref: 19 Rev 01
Site Layout or Block Plan Plan Ref: 02 rev 02
Site Layout or Block Plan Plan Ref: 03 rev 02
Technical Specification Plan Ref: 20 rev 01
Cross Sections
Cross Sections Plan Ref: 22
Site Layout or Block Plan Plan Ref: 19 rev 02
Site Layout or Block Plan Plan Ref: 02 rev 03
Site Layout or Block Plan Plan Ref: 03 rev 03
Technical Specification Plan Ref: 20 rev 02
Longitudinal Sections Plan Ref: 21
Proposed Plans Plan Ref: JPC004 Version: B
Proposed Plans Plan Ref: JPC005 Version: D
Proposed Plans Plan Ref: JPC003 Version: D
Road Access Plan Plan Ref: JPC002 Version: D
Site Layout or Block Plan Plan Ref: JPC001 Version: E
Elevations and Floor Plans Plan Ref: 07-01
Elevations and Floor Plans Plan Ref: 08-01
Elevations and Floor Plans Plan Ref: 09-01
Elevations and Floor Plans Plan Ref: 10-01
Elevations and Floor Plans Plan Ref: 11-01
Elevations and Floor Plans Plan Ref: 12-01
Elevations and Floor Plans Plan Ref: 13-01
Elevations and Floor Plans Plan Ref: 14-01
Elevations and Floor Plans
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Elevations and Floor Plans

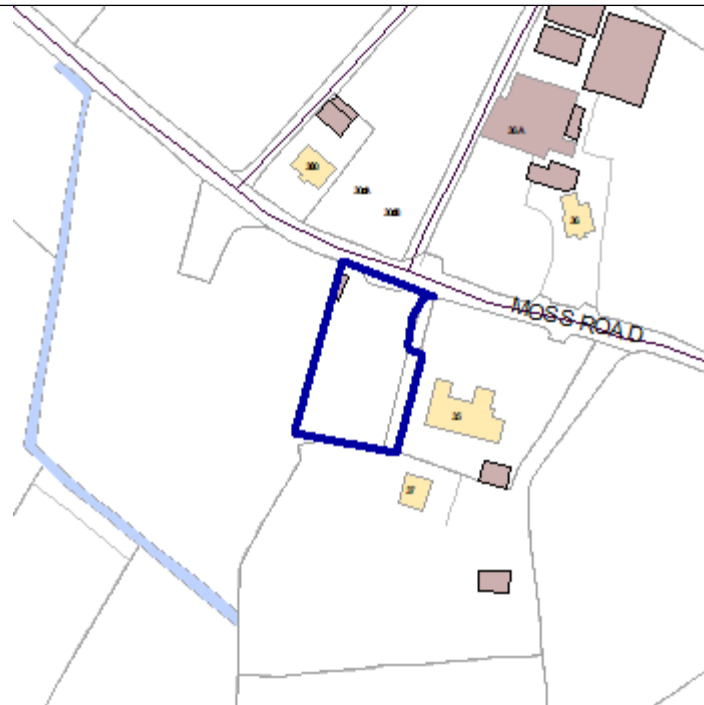
Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.3
Application ID: LA09/2021/0511/F	Target Date: 25 May 2021
Proposal: Proposed storage building to replace existing storage unit	Location: Approx 20M West of 35 Moss Road Ballymaguigan Magherafelt
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Christopher Cassidy 38 Airfield Road Toomebridge	Agent Name and Address: Cmi Planners Ltd 38 Airfield Road Toomebridge
Executive Summary: This application is before Members with a recommendation to refuse as it is considered that the proposal fails to comply with Policies CTY 1, CTY 14 and CTY 15 of PPS 21 as well as Policy PED 4 of PPS 4. There has also been 1 no. objection to the proposal.	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR

Representations:

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

Summary of Issues

In line with Statutory Neighbour Notification Procedures, all relevant neighbouring properties were notified of this application and it has been advertised and re-advertised in local press.

At the time of writing this report, there has been 1 objection to the application. This is

from the occupants of number 37 Moss Road who have raised concern about a treatment plant and discharge point being on their land.

I have carried out a land registry check and it would seem that the land shown in blue is currently not registered to anyone. The applicant advised that this contested land was owned by his father who passed away without leaving a will. The application site (Folio LY73553) is registered to the applicant Chris Cassidy and Orla Hendry. A revised site location plan (02 rev 5) has been submitted to show the treatment plant now on land legally controlled by the applicant. This has been re-advertised and neighbours re-notified. No change to Certificate A is therefore necessary and I am satisfied that the application is valid. The discharge point does appear to be on land not registered to anyone. This becomes a legal matter to be dealt with outside the planning process.

Characteristics of the Site and Area

The site comprises a 0.1 hectare plot of land located 20m West of number 35 Moss Road, Ballymaguigan, Magherafelt. It is just outside the settlement limit of Ballymaguigan as is designated in the Magherafelt Area Plan 2015. The site is flat and partially hard cored. Access to site comes directly off the Moss Road and the access point is currently blocked up with high metal fencing. The remainder of the roadside boundary is defined by a mix of low level hedgerow and high hedgerow. The Eastern and Southern boundaries are defined by thick mature hedgerow. The Western boundary is undefined with the exception of a vacant portable unit.

This area is rural in character and has a flat topography. To the East and SE of the site are 2 detached dwellings and associated outbuildings. Opposite the site and within the development limits of Ballymaguigan are a grouping of commercial buildings "Moss Tiles" and a detached dwelling. To the NW of the site is another detached dwelling. Lough Neagh, A European Designated Site, is located approx. 500m to the East of the site.

Description of Proposal

This is a full application for a proposed storage building to replace an existing storage unit. The proposed storage building is two storey, measures 12.6m x 6.9m and has a ridge height of 7.6m. The most recent revision to the site plan (02 rev 5) indicates that the building is gable fronting onto the Moss Road. The front elevation which faces West has 3 dormer windows and 3 roller shutter doors. The rear elevation has 4 roof lights and 3 ground floor windows. The LHS gable has a door and large feature window and the RHS gable has 1 first floor window.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

This site and its immediate surrounds have a very extensive planning and enforcement history, some of which is material in my consideration of the proposal.

Relevant Planning History

H/2002/0467/F - Site of Dwelling and Garage on land adjacent to 35 Moss Road, Ballymaguigan, Magherafelt. Application Withdrawn on 17.10.2002

H/2004/0708/O - Site of Two Storey Dwelling. 58 Metres West of 35 Moss Road, Ballymaguigan, Magherafelt. Refused and Appeal Dismissed.

H/2004/0714/O - Site of two storey dwelling. 38m west of 35 Moss Road, Ballymaguigan, Magherafelt. Refused and Appeal Dismissed.

H/2011/0360/O - Infill Dwelling and Garage. 20m West of 37 Moss Road. Refused on 20.01.12

LA09/2015/0347/LDE - Portacabin used by CMI Planners for meeting and storage rooms on lands adjacent to 35 Moss Road, Magherafelt. Application required to be submitted.

LA09/2015/0598/F - Replacement office and storage unit associated with an established business (retrospective) 50m West of 35 Moss Road, Ballymaguigan, Magherafelt. Refused on the 25.05.2016

LA09/2016/0635/LDE - Portacabin for storage purposes, 40m NW of 35 Moss Road, Ballymaguigan, Magherafelt. Permitted Development.

LA09/2016/0761/F - Extension to existing portacabin to provide storage and office accommodation 40m North West of 35 Moss Road, Ballymaguigan, Magherafelt. Permission Refused on the 05.10.2017

LA09/2017/1405/F - Part use of portacabin for office use (retrospective) - 40m South of 35 Moss Road. Under consideration.

LA09/2018/0754/O - Dwelling and Garage. Adjacent to 35 Moss Road. Under consideration.

LA09/2022/0556/O - Infill Dwelling adjacent to 37 Moss Road. Refused 20.4.23

Relevant Enforcement History

LA09/2015/0055/CA - Unauthorised modular structure, set on supporting concrete bases and hardcore. Adjacent to 35 Moss Road, Ballymaguigan, Magherafelt, Londonderry, BT45 6LJ. Closed

LA09/2016/0174/CA - Unauthorised sign attached to Portacabin adjacent to 35 Moss Road. Closed

LA09/2017/0076/CA Unauthorised change of use of portacabin from storage to office accommodation on lands adjacent to 35 Moss Road, Ballymaguigan, Magherafelt, Londonderry, BT45 6LJ. Closed

LA09/2023/0155/CA - Alleged unauthorised building adjacent to 35 Moss Road. Under investigation.

The relevant policies and guidance under consideration in this assessment are:

- o Strategic Planning Policy Statement (SPPS)
- o Magherafelt Area Plan 2015 (MAP)
- o Mid Ulster District Council Local Development 2030 - Draft Plan Strategy
- o Planning Policy Statement 3 - Access, Movement and Parking.
- o Planning Policy Statement 4 - Planning and Economic Development
- o Planning Policy Statement 21 - Sustainable Development in the Countryside

SPPS - Strategic Planning Policy Statement for Northern Ireland

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. Para. 6.87 of the SPPS also expresses support for expansion and redevelopment proposals where it states that "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."

The strategic direction from the SPPS is considered through my assessment of the proposal in line with the relevant planning policies for this type of development.

Magherafelt Area Plan 2015 (MAP)

The application site lies just outside the settlement limit of Ballymaguigan. It is not subject to any other designations or zonings contained in the MAP. The MAP is therefore not material. It therefore must be considered in line with relevant planning policy - primarily CTY 1 of PPS 21.

Mid Ulster District Council Local Development 2030 - Draft Plan Strategy

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. 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.

PPS 21 - Sustainable Development in the Countryside

CTY 1 states that there are range of types of development which are considered to be acceptable in principle in the Countryside and that will contribute to the aims of sustainable development. This includes industry and business uses in accordance with the provisions of PPS 4.

Planning Policy Statement 4 - Planning and Economic Development

As the proposed development is to replace the existing structure on the site, PED 3 of PPS 4 (Expansion of an established economic development use) is not deemed an applicable policy test. The existing portacabin benefits from a CLUD (LA09/2016/0635/LDE) for storage purposes only, which is a B4 use class. Based on the lawful use of the structure for storage, it is my opinion that PED 4 of PPS 4 - redevelopment of an established economic development use in the countryside, is the relevant policy test in this assessment. This is a view taken by the PAC in paragraph 12 of appeal decision 2016/A0070 whereby the commissioner states that an existing storage use can still be considered to be an established development use in its own right.

PED 4 states that a proposal for redevelopment of an established economic development use in the countryside for industrial or business purposes will be permitted where it is demonstrated that all of 4 criteria are met - (a) where its scale and nature doesn't cause harm to rural character and where there is only a proportionate increase in the site area (b) where there would be environmental benefits (c) where the scheme deals with the full extent of the site and (d) where the visual impact of replacement buildings is not greater than the existing.

The existing structure, a modest portacabin siting at a lower level within the site, is proposed to be replaced by a 2 storey building which has over twice the footprint. Critical views of the portacabin are limited given its siting and scale and the presence of existing vegetation. The access/hard surfaced area associated with the portacabin is contained to the small area in front of the portacabin. Despite the set back position and orientation of the proposed building, its siting, scale, massing and associated hardstanding for vehicle parking and manoeuvring, will have a significantly greater visual impact than the existing structure. Hedge removal along the site frontage would be required and this would open the site further to more critical views. I would therefore consider that the proposed building would harm the rural character and appearance of the local area if approved. New hedgerow is proposed within the site but as noted in CTY 13 of PPS 21, new planting should not be relied upon primarily for the purpose of integrating a building on a site. The proposal therefore fails to meet criteria (a) and (d) of PED 4

It has been accepted by the PAC under 2016/A0070 that the proposed increase in the site area, although difficult to determine, could be deemed as proportionate and so this aspect of criterion (a) is not offended.

It has not been demonstrated that the proposal would bring about any demonstrable environmental benefits, beyond the removal of the derelict and somewhat unsightly portacabin. Again this was a view taken by the PAC in appeal 2016/A0070 paragraph 17. As such, there is conflict with criterion (b) of PED 4.

In considering the development against the provisions of PED 4 and considering the fact that there have been no changes in policy or its interpretation since Commissioner Watson made his decision on 2016/A0070, I am satisfied that the policy is not met.

In addition to PED 4, this type of development is required to meet all 18 criteria contained within PED 9 (General Criteria) of PPS 4.

Criteria (a) and (b) deal with the compatibility of the development with surrounding landuses and its impact on residential amenity. It is accepted that there are some established businesses in close proximity to the site, albeit the majority are within the settlement limits. There are also dwellings in close proximity to the site, numbers 35 and 37. The level of activity associated with a storage building would not make it incompatible with these surrounding landuses. The proposal is for a storage unit, which by its nature should not generate too much noise/nuisance. There is no information to tell us what will be stored in this building or how often there will be activity. An inventory list submitted detailed a range of office equipment, however the office element of the proposal has now been removed so it is unclear as to what exactly will be stored. The traffic figures provided on the P1 would indicate an increase in the number of vehicles attending the site however it is unlikely, given the existing level of traffic using the Moss Road, that the increase would harm the amenities of nearby residents by way of noise or pollution. I would contend therefore that there is no conflict with criteria (a) or (b) of PED 9 and also (e) which deals with noise nuisance. This was a view also taken by the PAC in 2016/A0070.

Criterion (c) considers impacts on natural and built heritage. Given the nature of the proposal and the lack of a hydrological connection to Lough Neagh, I have no natural heritage concerns. There are no built heritage features (ie) listed building or archaeological monuments to be considered. The site is not located in a floodplain and the building proposed does not meet the threshold for submission of a drainage assessment therefore criterion (d) is not offended. There will be no emissions generated and it is proposed to deal with foul sewage via a treatment plant. Criterion (g) concerns the ability to deal with traffic movements. DFI Roads have been consulted with this application and have raised no concerns about the proposed vehicle movements or any other road safety matters. They have recommended standard sight splay conditions be attached to any permission. Criterion (g) is therefore met.

Criterion (i) requires a movement pattern that supports walking and cycling and meets the needs of people with impaired mobility. This site although close to the settlement of Ballymaguigan, is in a rural area where the predominant mode of transport is car. Walking and cycling to the site could be unsafe given the absence of a footpath. The public transport provision in the area would be poor and would be unsuitable for the purpose of the development (ie) storage. Whilst this is a difficult criteria to adhere to especially in rural locations, it is not complied with. Again, this was a view taken by the PAC in 2016/A0070 and there has been no change in the policy since that decision was made. The only difference is that this proposal does not include an office use.

Criterion (j) deals with layout, design and landscaping. The building proposed does look like a triple domestic garage. Its design is generally not offensive however given its positioning on this site, which will be more visually intrusive and prominent than the structure it proposes to replace, along with the level of hardstanding around the building, it is my opinion that this criterion is not fully met.

Criteria (k) and (m) are concerned with enclosure, the screening of outside storage and measures to aid integration. Drawing 02 rev 5 does not indicate any outside storage, however it is unclear to what exactly is being stored inside this building too. The

applicant has a well established planning consultancy business currently located on airfield road. The applicant has advised me over the phone on numerous occasions that its his intention to use this building in connection with his business - which is not a storage business, so i cannot say with any certainty what the building will be used to staore and if there will be any outside storage. Some new hedging is proposed within the site, which is more to define the driveway than to provide any greater integration. Existing vegetation is shown to be retained. I am therefore not persuaded that either of these criteria are fully met.

Given that the proposal fails to comply with Policy PED 4 of PPS 4 it does not meet CTY 1 of PPS 21 in that there are no overriding reasons why the development is essential and could not be located in a settlement. It also fails to meet some of the provisions of PED 9 of PPS21

Polices CTY 14 and CTY 15 of PPS 21 are also material to this assessment. CTY 15 advises that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. The purpose of a settlement limit is partially to maintain a clear distinction between the built up area and the surrounding countryside. If approved, the redevelopment of the site and the introduction of a large area of hardstanding for parking and manoeuvring, would in my opinion, urbanise the area and would mar the distinction between the settlement of Ballymaguigan and the countryside. It was recognised by Commissioner Watson in 2016/A0070 that the site acts as a visual break between the edge of Ballymaguigan and numbers 35 and 37. If this building were approved it would result in a visual consolidation between these dwellings and the development within the settlement limit. This consolidation would impact on the rural character of this area and for these reasons the development is considered contrary to both CTY 14 and CTY 15. In terms of rural character, I would also reference the fact that the proposed building, given its scale and siting would appear more prominent that the portacabin. For this reason the proposal is also contrary to CTY 14 as well as CTY 13.

Other Material Considerations

Very important to this recommendation is planning application LA09/2015/0598/F for a replacement office and storage unit associated with an established business (retrospective) 50m West of 35 Moss Road, Ballymaguigan, Magherafelt. This application was refused on the 25.05.2016 and was also dismissed at appeal under 2016/A0070. The PAC in their decision accepted that this site acts as a visual break between the edge of Ballymaguigan and the countryside. Its development would further erode rural character in the area. The PAC also accepted that there is no policy support in PPS 4 for such development. There has been no change in planning policy in the interim and these issues remain reason for refusing this current application.

There was also an enforcement appeal on this site 2017/E0024 to deal with an unauthorised modular structure which resulted in the enforcement notice being upheld. Commissioner Beggs (now Chief Planner DFI) concluded that the appeal development was contrary to criteria (a) (b) and (d) of PED 4 and as such CTY 1 of PPS 21. He was

not convinced criteria (i) of PED 9 was fully met but was of the opinion that (j) (k) and (m) of PED 9 were all offended. He also concluded that the appeal development was contrary to CTY 13 and CTY 14 in terms of rural character as well as CTY 15.

These appeal decisions are very material to the assessment of the application.

There is a current live enforcement case on this site for an alleged unauthorised building. LA09/2023/ 0155/CA. The outcome of this application will impact on the enforcement case.

LA09/2022/0556/O - Infill Dwelling adjacent to 37 Moss Road was refused on the 20.4.23. Two of the reasons were CTY 14 and CTY 15. There has been no change in policy or the Council interpretation of policy since that decision was reached by Members at April 2023 Planning Committee. This application should be therefore be considered for refusal under these same reasons.

Consultations

DFI Roads have been consulted and have no objections to the proposed development from a PPS 3 perspective. They have recommended standard conditions to be attached to any favourable decision.

NIE were consulted as there are high voltage lines in the area of the proposal. They have responded advising that they are concerned that the proposal may infringe on safety clearances that are required. As such they have formally objected to the application. It is possible that a negative condition could be attached to any favourable decision which would ensure that agreement be sought from NIE in respect of siting.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 1 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 Policies CTY14 and CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, if approved, it would result in the visual consolidation between dwellings and their outbuildings in the countryside and the development within the settlement limit of Ballymaguigan. This would mar the distinction

between the settlement and the countryside and further erode the rural character of this area.

Reason 3

The proposal is contrary to Policies CTY13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed building will be a prominent feature in the landscape, and this will have a negative impact on the rural character of the area.

Reason 4

This proposal is contrary to policy PED 4 of Planning Policy Statement 4, Planning and Economic Development in that the proposed redevelopment of a storage use in the countryside will have a visual impact which will harm the rural character of this area. Also, it has not been demonstrated that there will be any environmental benefits as a result of this redevelopment proposal.

Reason 5

This proposal is contrary to policy PED 9 of Planning Policy Statement 4, Planning and Economic Development in that the movement pattern does not support walking nor is there adequate or convenient access to public transport. The scale and layout of the building results in it being overly prominent in the landscape. Insufficient boundary treatment and planting is proposed to sufficiently integrate the building.

Case Officer: Karla McKinless

Date: 9 February 2024

ANNEX	
Date Valid	30 March 2021
Date First Advertised	14 February 2023
Date Last Advertised	13 April 2021
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 30A Moss Road, Magherafelt, Londonderry, BT45 6LJ The Owner / Occupier 32 Moss Road, Magherafelt, Londonderry, BT45 6LJ The Owner / Occupier 36A Moss Road, Magherafelt, Londonderry, BT45 6LJ The Owner / Occupier 36 Moss Road, Magherafelt, Londonderry, BT45 6LJ The Owner / Occupier 30 Moss Road, Magherafelt, Londonderry, BT45 6LJ The Owner / Occupier 37 Moss Road Magherafelt BT45 6LJ The Owner / Occupier 35 Moss Road Magherafelt Londonderry BT45 6LJ The Owner / Occupier 30A Moss Road, Magherafelt, Londonderry, BT45 6LJ The Owner / Occupier 32 Moss Road, Magherafelt, Londonderry, BT45 6LJ The Owner / Occupier 36A Moss Road, Magherafelt, Londonderry, BT45 6LJ The Owner / Occupier 36 Moss Road, Magherafelt, Londonderry, BT45 6LJ The Owner / Occupier 30 Moss Road, Magherafelt, Londonderry, BT45 6LJ The Owner / Occupier 37 Moss Road Magherafelt Londonderry BT45 6LJ The Owner / Occupier 35 Moss Road Magherafelt Londonderry BT45 6LJ</p>	
Date of Last Neighbour Notification	17 January 2024
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Ref: H/1997/0292
Proposals: SITE OF REPLACEMENT DWELLING
Decision: PG
Decision Date:

Ref: H/1993/0120
Proposals: SITE OF REPLACEMENT DWELLING
Decision: WITHDR
Decision Date:

Ref: H/2004/0669/O
Proposals: Site of proposed dwelling and garage.
Decision: PR
Decision Date: 19-NOV-05

Ref: LA09/2022/0556/O
Proposals: Domestic dwelling and garage.
Decision:
Decision Date:

Ref: LA09/2017/1405/F
Proposals: Part use of Port A Cabin for office use (retrospective)
Decision:
Decision Date:

Ref: LA09/2016/0761/F
Proposals: Extension to existing portacabin to provide storage and office accommodation
Decision: PR
Decision Date: 05-OCT-17

Ref: H/2011/0360/O
Proposals: Proposed infill dwelling and garage
Decision: PR
Decision Date: 19-JAN-12

Ref: H/2002/0467/F
Proposals: Site of Dwelling and Garage
Decision:
Decision Date:

Ref: H/2004/0708/O
Proposals: Site Of Two Storey Dwelling
Decision: PR
Decision Date: 17-JAN-06

Ref: LA09/2015/0347/LDE
Proposals: Portacabin used by CMI Planners for meeting and storage rooms

Decision: PR
Decision Date: 08-JUL-15

Ref: H/2006/0693/F
Proposals: Replacement dwelling and detached garage
Decision: PG
Decision Date: 08-DEC-08

Ref: LA09/2016/0197/F
Proposals: Alterations and extension to existing dwelling to form additional single storey sun lounge
Decision: PG
Decision Date: 31-MAR-16

Ref: H/1992/0061
Proposals: ALTS & ADDS TO DWELLING
Decision: PG
Decision Date:

Ref: LA09/2017/0617/F
Proposals: Extension and replacement roof to existing garage
Decision: PG
Decision Date: 07-JUN-17

Ref: H/2003/0365/F
Proposals: Proposed sun room extension and first floor conversion to dwelling.
Decision: PG
Decision Date: 29-JUL-03

Ref: H/1989/0106
Proposals: SITE OF REPLACEMENT DWELLING
Decision: PR
Decision Date:

Ref: H/1999/0025
Proposals: REPLACEMENT DWELLING
Decision: PG
Decision Date:

Ref: LA09/2018/0754/O
Proposals: Dwelling and garage
Decision:
Decision Date:

Ref: H/1998/0679
Proposals: DWELLING AND GARAGE
Decision: PG
Decision Date:

Ref: LA09/2015/0598/F

Proposals: Replacement office and storage unit associated with an established business (retrospective)

Decision: PR

Decision Date: 25-MAY-16

Ref: H/2004/0714/O

Proposals: Site of two storey dwelling.

Decision: PR

Decision Date: 11-MAR-06

Ref: LA09/2021/0511/F

Proposals: Proposed storage building to replace existing storage unit (Amended Description) (Amended Plans)

Decision:

Decision Date:

Ref: LA09/2017/1378/F

Proposals: Part use of portacabin for office use (Retospective)

Decision:

Decision Date:

Ref: LA09/2016/0635/LDE

Proposals: Portacabin for storage purposes

Decision: PG

Decision Date: 09-SEP-16

Ref: H/2004/0677/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 19-NOV-05

Ref: H/2003/1437/O

Proposals: Site of two storey dwelling and garage.

Decision: PR

Decision Date: 10-NOV-05

Ref: H/2004/0354/O

Proposals: Site of dwelling.

Decision: PR

Decision Date: 25-NOV-05

Ref: H/2009/0190/O

Proposals: Site of proposed residential housing development and proposed widening of Moss Road and provision of footway between the proposed site and B18 Ballyronan Road.

Decision: PG

Decision Date: 10-DEC-09

Ref: H/2004/1497/F
Proposals: Extension to a dwelling and detached garage
Decision: PG
Decision Date: 22-MAY-05

Ref: H/1999/0495
Proposals: SITE OF DWELLING & GARAGE
Decision: 461
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Proposed Elevations Plan Ref: 04
Roof Details Plan Ref: 03
Existing and Proposed Floor Plans Plan Ref: 02
Site Layout or Block Plan Plan Ref: 02 Rev 4
Site Layout or Block Plan Plan Ref: 02 Rev 5
Site Layout or Block Plan Plan Ref: 02 REV 3
Proposed Elevations Plan Ref: 03 REV 2

Notification to Department (if relevant)

Not Applicable

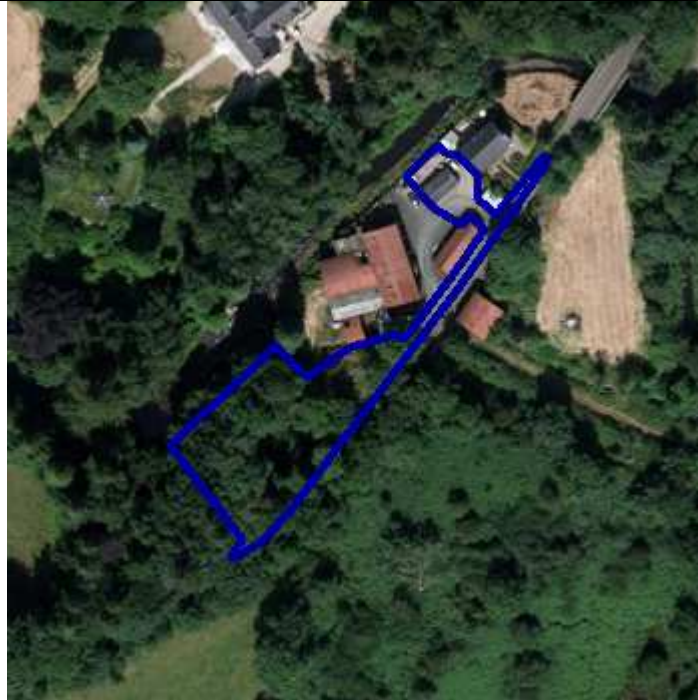


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.4
Application ID: LA09/2022/1280/O	Target Date: 29 November 2022
Proposal: Proposed off site replacement dwelling and domestic garage.	Location: Lands approximately 90M South West of No 26 Hillside Road, Upperlands
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Dr Kate Lagan and Keith Higgins No 53 Macknagh Road Upperlands BT46 5SD	Agent Name and Address: MR BRENDAN MONAGHAN 38b AIRFIELD ROAD THE CREAGH TOOMEBRIDGE BT41 3SQ
Executive Summary: The current application is presented as an approval, however it is being presented at Committee following receipt of 5no. objections from two objectors. Those objectors are Belfast based planning consultants who have not confirmed which local resident they are acting on behalf of.	

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	LA09-2022-1280-O.pdf
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	NIEA	PRT - LA09-2022-1280-O.PDF
Statutory Consultee	NIEA	
Non Statutory Consultee	Shared Environmental Services	LA09-2022-1280-F - [Elimination] 18.04.2023.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	LA09 22 1280 O Hillside rd.doc
Statutory Consultee	Rivers Agency	11262 - Final reply.pdf
Statutory Consultee	NIEA	PRT LA09-2022-1280-O.PDF
Statutory Consultee	Historic Environment Division (HED)	

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	5
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

The objector’s concerns are addressed below:

- The proposed dwelling is not located within the curtilage of the original dwelling and no justification has been provided for the off-site relocation – These concerns have been addressed within this report.
- The existing dwelling makes an important contribution to the heritage, appearance and character of the area and must be retained and improved on – These concerns have been addressed within this report.
- Sufficient space to accommodate modest sized dwelling within the curtilage of existing dwelling – These concerns have been addressed within this report.
- Proposal adds to existing ribbon development, therefore fails to meet policy CTY 8 - These concerns have been addressed within this report.
- Proposal fails to meet a number of criteria within policy CTY 13 – These concerns have been addressed within this report.
- The application site was cleared, and vegetation removed prior to the submission of the planning application – This is not a material planning consideration. No planning permission is required to clear vegetation onsite.
- The validity of the application – I am satisfied that this application is valid as per the GDPO (NI) 2015 Part 3.
- Environmental concerns – NIEA (NED) have been consulted. These concerns have been addressed within this report.
- Insufficient information has been submitted for the impact of the development on the environment, historic setting and rural character to have been considered – Adequate information has been submitted with and during the processing of this application in order for me to make an informed recommendation.
- Concerns whether the visibility splays recommended by DfI Roads can be achieved without third party land – We have not received a challenge to the P2 certificate which was submitted with the planning application. It is the applicant’s responsibility to ensure control of lands to provide the visibility splays and that these are in place prior to any approved works commencing.
- Road safety issues – DfI Roads were reconsulted following the submission of Traffic/Road/Flooding Safety Statement which raised concerns over visibility splays being too short, the existing wall being removed to achieve the splays, and an increased risk of vehicles entering the vicinity of the sluice gate and channel. DfI reviewed and considered the objection statement and were satisfied with their previous comments and the visibility splays recommended, and had no objection to the application.

- Flood Risk and Environmental issues – Dfl Rivers were consulted following the submission of Traffic/Road/Flooding Safety Statement which raised concerns over flood risk, drainage, and the viability of the wastewater treatment system, and the associated approval to discharge. Dfl Rivers reviewed and considered the objection statement, and carried out a site visit. They stated that the site does not lie within a floodplain. Dfl Rivers had no concerns, subject to conditions.

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 is located within an extensive Local Landscape Policy Area, Designation US 02, in the Magherafelt Area Plan 2015. The dwelling to be replaced is situated within an active yard which is part of the old Flax Mill site which consists of a number of outbuildings and structures, including the old mill. The old mill complex is an Industrial Heritage site. The proposed off-site application site is approx. 90m southwest of No. 26 Hillside Road and is accessed via Hillside Road. The southern roadside boundary is defined partially by a small, short stone wall and partially by a wire and wooden fence. The western boundary is defined by tall, mature trees, and the remaining two boundaries are undefined. There is a watercourse flowing along two of the site boundaries. The surrounding area is rural in nature, with predominantly agricultural land uses, with scattered dwellings and their associated outbuildings.

Description of Proposal

This is an outline application for a proposed off site replacement dwelling and domestic garage, at lands approximately 90m southwest of No. 26 Hillside Road, Upperlands, BT465SD.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

No relevant neighbours to notify.

Five objections were received from two objectors.

Relevant Planning History

No relevant planning history.

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 2: Natural Heritage
PPS 3: Access, Movement and Parking
PPS 21: Sustainable Development in the Countryside
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. 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’.

PPS 21: Sustainable Development in the Countryside

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 replacement dwelling and as a result it must be considered under Policy CTY 3 of PPS 21.

Policy CTY 3

Following my site visit, it is my opinion the building to be replaced exhibits the essential characteristics of a dwelling with all external structural walls substantially intact. This the building appears to be a dwelling and therefore, I am content this constitutes a valid replacement opportunity. I also consider this building as vernacular as it exhibits the characteristics set out in Annex 2 of PPS 21. Policy CTY 3 states the retention and sympathetic refurbishment of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement. Proposals involving the replacement of such dwellings will be assessed as follows:

- if the dwelling makes an important contribution to the heritage, appearance or character of the locality planning permission will only be granted where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved.
- if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a

new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as ancillary accommodation or a store, to form an integrated building group.

In this case, it is my opinion, that while the building is vernacular it does not make an important contribution to the heritage, appearance, or character of the locality due to very limited views from public vantage points. In this instance policy would direct to the retention of the building where it is sympathetically incorporated into the layout of the overall development scheme. This proposal, however, cannot achieve this, due to the separation distance between the building and the proposed site, and the outbuildings and structures in between. However, it is my recommendation to condition the existing dwelling to be retained as an ancillary domestic store.

Policy CTY 3 states proposals for a replacement dwelling will only be permitted where all the following criteria are met:

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access, or amenity benefits.

This application is for an off-site replacement dwelling which is not sited within the established curtilage of the existing building. It was clear from my site visit, the dwelling is located within an existing, active yard with a very limited existing curtilage given the development surrounding it. I am of the opinion that if the dwelling were to be replaced in situ, there would be an unacceptable amount of usable and quality private amenity space available due to the presence of existing buildings on the site. I note the agent provided justification for the off-site location given its limited curtilage, and health and safety concerns being located in the middle of an active farmyard. The agent has proposed the dwelling to be located at the closest possible position in the field immediately adjacent to the yard. Following my site visit, and the information provided by the agent, I am of the opinion that the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, therefore I consider this criteria has been met.

- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;

It is my opinion that a new dwelling will be able to integrate into the surrounding landscape. As the existing dwelling has very limited views from the public road, any new dwelling on this off-site location will have a greater visual impact. Whether this is significant can only be determined when a design is submitted under any future application. It is important to note that there are very limited, short-term views of the proposed site. Also, the proposed site is immediately adjacent to the large mill building

and its associated buildings, and it is my opinion that a dwelling on this site will cluster with these existing buildings.

- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;

I note that this is only an outline application, therefore exact size, design, and siting have not been agreed, however I am content that an appropriately designed dwelling will be able to respect its rural setting and have regard to local distinctiveness. It is important to note, that if the existing dwelling were to be replaced in situ, a modern bungalow would be out of character on the old mill site.

- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

I am content that this proposal will not have an adverse impact on the environment or character of the locality.

- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

DfI Roads were consulted, and they had no objections to this proposal subject to conditions, therefore I am content this criteria has been met.

With this in mind I am content that this application is in compliance with CTY 3 of PPS 21.

Policy CTY 13

Policy CTY 13 states that the proposed development is able to visually integrate into the surrounding landscape and be of appropriate design. A new building will be unacceptable where:

- it is a prominent feature in the landscape

It is my opinion that a new dwelling will not appear as a prominent feature in the landscape. Whilst the site is slightly elevated, it is immediately adjacent to the large mill building therefore the proposed dwelling will cluster and read with the existing mill and associated buildings.

- the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape

There is existing vegetation and mature trees on the site, and these will provide a suitable degree of enclosure for the building to integrate into the landscape.

- it relies primarily on the use of new landscaping for integration

Whilst new landscaping may be required along the undefined boundaries, it will not be relied on primarily, as the existing vegetation and mature trees on the site will provide good integration.

- ancillary works do not integrate with their surroundings

This is an outline application, therefore the ancillary works would be a matter for Reserved Matters stage if this application was approved. It is considered that any ancillary works will not read as being incongruous in this area.

- the design of the building is inappropriate for the site and its locality

As it is an outline application, the size, design, and siting have not been agreed, however I am content a dwelling can be designed appropriately for the site and its locality and will be assessed at Reserved Matters stage

- it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop

I am content that an appropriately designed dwelling would be able to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop. This would be a matter for Reserved Matters stage if this application is approved.

- in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

As this application is for an off-site replacement dwelling, this criteria does not apply. With this in mind I am content that this application is in compliance with CTY 13 of PPS 21.

Policy CTY 14

Policy CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. A new building will be unacceptable where:

- it is unduly prominent in the landscape

It is my opinion, that a new dwelling will not appear unduly prominent in the landscape. Whilst the site is slightly elevated, it is immediately adjacent to the large mill building therefore the proposed dwelling will cluster and read with the existing mill and associated buildings.

- it results in a suburban style build-up of development when viewed with existing and approved buildings

I am content that a dwelling in this location will not a result in a suburban style build-up of development, I am of the opinion that a new dwelling in this location will cluster with existing development at the old mill site.

- it does not respect the traditional pattern of settlement exhibited in that area

The surrounding area is rural in nature, with predominantly agricultural land uses, with scattered dwellings and their associated outbuildings. Therefore, I am of the opinion, this proposed dwelling will respect the traditional pattern of settlement exhibited in the area.

- it creates or adds to a ribbon of development

Although this proposal will extend the line of existing development there does exist a valid replacement opportunity which in my opinion is justified in its offsite proposal. The character of the immediate area at this location will not be detrimentally impacted in a localised sense of buildup and it will respect the traditional pattern that exists in the immediate locale of the site.

- the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

The ancillary works will be a matter for Reserved Matters stage if this application is approved but I do not consider they will read as being incongruous at this location.

With this in mind I am content that this application is in compliance with CTY 14 of PPS 21.

PPS 2: Natural Heritage

The application site is adjacent to the Knockoneill River, and following my site inspection I considered it necessary to assess the potential impact of any future development on European Designated sites and protected species.

In terms of European Designated sites, consultation has been carried out with SES. SES carried out an Stage 1 Appropriate Assessment which confirmed the following:

“The application site has no viable hydrological pathways to any European site. A tenuous hydrological link to Lower Bann SAC, 50+km downstream is not considered to be a viable pathway for effects, due to the nature and scale of the development and the downstream distance. The proposed development can have no conceivable effect on any European site.”

From this response, I am content the proposal will have no impact on European Designated site.

In terms of protected species, I requested the submission of a biodiversity checklist and PEA from the agent, and following this submission, I carried out consultation with NIEA (NED).

NED’s initial response directed me to a general DAERA Standing Advice – Single Dwellings. Following this, I reconsulted with NIEA for clarification purposes, as the submitted ecology report referenced two concerns: protected habitats - close proximity to a salmonid water river, and protected plant species - bluebells present on site. These concerns were not addressed in NED’s initial response.

NED then provided a detailed response which highlighted a few concerns based on a desk top survey:

- Concerns there is a small brick structure within the site that NED believe has some bat roost potential and there is no mention of it within the ecology report. NED requested a bat roost potential on this structure.

Following NED’s response and concerns over this structure I carried out a re-inspection

of the site, and confirmed that this structure was no longer present on the site, therefore I did not consider it necessary to request a bat assessment.

- Concerns over potential future works to the existing dwelling, and NED recommended conditioning a bat survey at Reserved Matters stage.

In my opinion, this does not meet the six test as this condition is not considered necessary. The applicant has not shown any alterations to the existing building. In the future, if any alterations are carried out to the existing building it is the responsibility of the landowner to satisfy themselves there will be no harm caused to any species protected by the Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995 as amended. Further guidance is available on the DAERA website. I am content the proposal will have no impact on protected species and subject to the appropriate conditions recommended from consultees, I am content this proposal complies with PPS 2: Natural Heritage.

Policy CON 2

The application site is located within Local Landscape Policy Area (LLPA), therefore Policy CON 2 from the Magherafelt Area Plan 2015 must be considered. Although an LLPA designation does not preclude development, planning permission will not be granted to development proposals within a LLPA that would adversely affect their intrinsic environmental value and character. I am satisfied the proposed development for an off site replacement dwelling will not have an adverse affect on the character of Designation US 02, therefore I am content that this proposal complies with Policy CON 2, and Designation US 02 from the Magherafelt Area Plan 2015.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

An 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 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

Upon occupation of the new dwelling, the dwelling to be replaced, coloured green on

Drawing No. 01 REV B (uploaded on the Planning Portal on 21st February 2024) , shall no longer be used or adapted for purposes of human habitation and may only be used as a store, or ancillary accommodation or any other purpose incidental to the enjoyment of the approved dwelling house.

Reason: To ensure that the proposed development does not result in the creation of an additional dwelling in this rural area.

Condition 3

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: To enable the Council to consider in detail the proposed development of the site.

Condition 4

During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted to the rear of the of the visibility splays. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 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, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

Condition 5

If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

Condition 6

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the Reserved Matters application showing the access to be constructed and other requirements in accordance with the RS1 Form.

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

Condition 7

An OCEMP must be provided at Reserved Matters stage to ensure the construction phase does not cause water pollution due to the proximity of the site to the water course.

Reason: To protect Natural Heritage interests.

Condition 8

Along the northern boundary of the site a working strip of 5 metres as shown in yellow on Drawing No. 01 REV B (uploaded on the Planning portal on 21st February 2024) shall be permanently retained and kept free from impediments.

Reason: To ensure access is not hindered for the maintenance of flood defence and drainage infrastructure in accordance with PPS 15, Policy FLD 2.

Signature(s): Seáinín Mhic Íomhair

Date: 21 February 2024

ANNEX	
Date Valid	16 August 2022
Date First Advertised	15 August 2023
Date Last Advertised	30 August 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 24 Hillside Road Upperlands Londonderry BT46 5SD The Owner / Occupier 26 Hillside Road Upperlands Londonderry BT46 5SD	
Date of Last Neighbour Notification	3 August 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2009/0270/F Proposals: (APPLICATION PROCESSED BY DFI, PLEASE REFER TO THE DFI PORTAL FOR FURTHER INFORMATION) Works to listed buildings to include: the extension, and conversion of the former Art Deco Building into a new factory (extending to 4,030 sq metres); change of use and retention of 1a for car parking; change of use and retention of 14a as a communal space; change of use and refurbishment of buildings 3a and 13a to create 18 apartments; alterations and extension of 2 existing dwellings - buildings 2a and 21a; change of use, extension and refurbishment of buildings 4b, 4c, 4e and 25a for museum/exhibition space and other associated site works.(Additional Drawings) Decision: Decision Date:</p> <p>Ref: H/2009/0271/LBC Proposals: (APPLICATION PROCESSED BY DFI, PLEASE REFER TO THE DFI PORTAL FOR FURTHER INFORMATION) Works to listed buildings to include: the extension, and conversion of the former Art Deco</p>	

Building into a new factory (extending to 4,030 sq metres); change of use and retention of 1a for car parking; change of use and retention of 14a as a communal space; change of use and refurbishment of buildings 3a and 13a to create 18 apartments; alterations and extension of 2 existing dwellings - buildings 2a and 21a; change of use, extension and refurbishment of buildings 4b, 4c, 4e and 25a for museum/exhibition space and other associated site works.

Decision:

Decision Date:

Ref: H/2008/0118/Q

Proposals: Restoration & retention of the listed mill buildings & a mixed use regeneration proposal incorporating employment creation, residential development, leisure uses, local neighbourhood centre & a museum.

Decision: PRENC

Decision Date: 19-FEB-08

Ref: H/1978/0377

Proposals: SITE OF PARKLAND WITH WALKS

Decision: PG

Decision Date:

Ref: H/2012/0377/F

Proposals: Replacement of existing 2 storey extension and outbuildings with new 2 storey extension

Decision: PG

Decision Date: 28-NOV-12

Ref: H/2007/0845/O

Proposals: Site of proposed dwelling and garage.

Decision:

Decision Date:

Ref: LA09/2022/1280/O

Proposals: PROPOSED SITE FOR DWELLING AND DOMESTIC GARAGE

Decision:

Decision Date:

Ref: H/2003/0098

Proposals: Upgrade existing buildings for use as an educational and tourist resource for the visiting public.

Decision: 461

Decision Date:

Ref: H/1973/0122

Proposals: LT O/H LINE PRIVATE SUPPLY

Decision: PG

Decision Date:

Ref: H/1977/0162

Proposals: ALTERATIONS AND ADDITIONS TO HOUSE

Decision: PG

Decision Date:

Ref: H/1979/0414

Proposals: HV O/H LINE (BM 3108)

Decision: PG

Decision Date:

Ref: H/2009/0264/O

Proposals: (APPLICATION PROCESSED BY DFI, PLEASE REFER TO THE DFI PORTAL FOR FURTHER INFORMATION)

Demolition of unlisted buildings to facilitate the heritage led regeneration (restoration and retention of listed mill buildings) of the former William Clark and Sons Linen Mill complex incorporating: residential development, leisure and recreational uses, community facilities including museum/exhibition space and other associated site works.(Additional Drawing:

Decision:

Decision Date:

Ref: H/1990/0486

Proposals: CAR-REPAIR WORKSHOP

Decision: PR

Decision Date:

Ref: LA09/2019/0081/LBC

Proposals: Listed Build Consent for holding and stabilisation works to building 3a and 3b following recent fire damage. Works in accordance with structural engineers report and drawings and as described in the Design Access and Heritage Statement

This is a revised application to the works previously approved in LA09/2017/1203/LBC

Decision: CG

Decision Date: 04-APR-19

Ref: H/1976/0421

Proposals: EXTENSION TO HOUSE

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

NI Water - Single Units West-LA09-2022-1280-O.pdf

Historic Environment Division (HED)-

NIEA-PRT - LA09-2022-1280-O.PDF

NIEA-
NIEA-
Shared Environmental Services-LA09-2022-1280-F - [Elimination] 18.04.2023.pdf
DFI Roads - Enniskillen Office-LA09 22 1280 O Hillside rd.doc
Rivers Agency-11262 - Final reply.pdf
NIEA-PRT LA09-2022-1280-O.PDF
Historic Environment Division (HED)-

Drawing Numbers and Title

Site Location Plan Plan Ref: L01
Site Location Plan Plan Ref: 01 REV A
Site Location Plan Plan Ref: 01 REV B

Notification to Department (if relevant)

Not Applicable

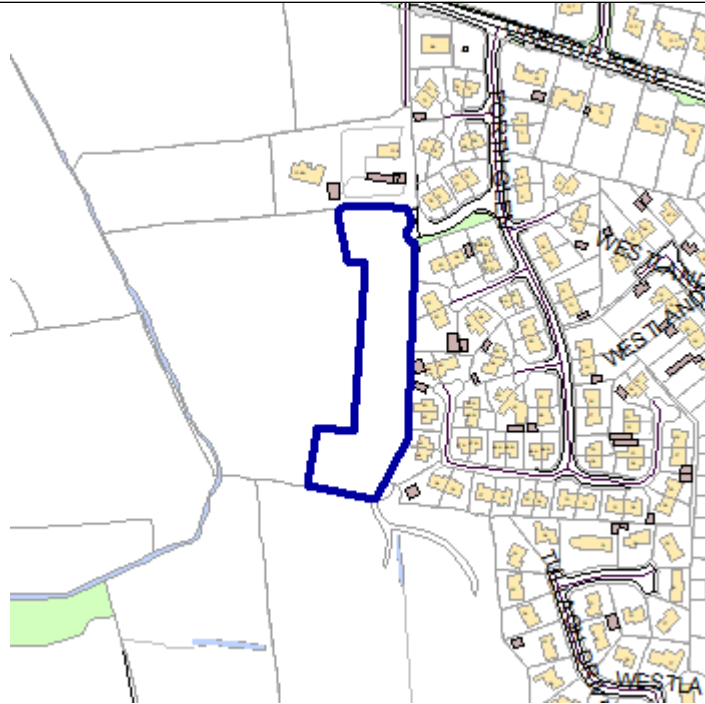


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.5
Application ID: LA09/2023/0238/F	Target Date: 16 June 2023
Proposal: Proposed residential development and associated ancillary works.	Location: Lands to The West of Forth Glen, Cookstown. adjacent to Nos.40,41,42,43,44,61,62,63 and 79 Forth Glen Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: JAMDAC Developments LTD Unit 16 Creagh Business Park Toome BT41 3UF	Agent Name and Address: Hayley Dallas 14 King Street Magherafelt BT45 6AR
Executive Summary: Proposal is for 20 units (social housing) located on phase 2 housing land within Cookstown. Proposal presented to committee as there have been two objections and it represents a departure from the CAP in the form of a release of phase 2 land. Justification for the departure from the Plan and the consideration of objections, along with all relevant policy is included in the report. Recommendation is to approve.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template - 26 July 2023.docx
	Northern Ireland Housing Executive - Central Planning	Forth Glen Planning Consultation Cookstown LA09.2023.0238.pdf
Statutory Consultee	Rivers Agency	307981 - Final reply.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx DFI response dated 26/07/2023 is still valid. gerry
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2023.0238.F.pdf
Statutory Consultee	Rivers Agency	189140 - Final response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template.docx
Statutory Consultee	NI Water - Multiple Units West	LA09-2023-0238-F.pdf

Representations:

Letters of Support	0
Letters Non Committal	0
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	
<p>The site is located within the settlement limit of Cookstown. It consists of a long, roughly rectangular piece of land which runs north to south and is cut out of a large agricultural field. The site is agricultural in nature but bounded by existing housing immediately on the eastern boundary. The housing immediately to the east is known as Forthglen. Access to the site is taken from the existing estate road of Forthglen. The site is flat and there are no obvious differences in levels between the site and the existing housing. The boundary between the existing houses and the site is defined by a mix of fencing belonging to the existing housing and some deciduous trees. There is evidence that some very rough ground work has taken place as there are a few piles of soil on the site. The site is zoned as phase 2 land in the Cookstown Area Plan (CAP 2010). There is a recent planning history on the site; LA09/2018/0518/O - Refusal - Contrary to the Cookstown Area Plan.</p>	
Description of Proposal	
<p>Proposed residential development and ancillary works. The applicant has made it clear that the site is intended for use for social housing and has got a registered housing provided on board to deliver the project. The proposal involves the erection of 4 detached dwellings, 10 semi detached units and 6 apartments (20 units in total).</p>	
Planning Assessment of Policy and Other Material Considerations	
<u>Policy Consideration</u>	
<p>The following polices are relevant;</p> <ul style="list-style-type: none"> • Cookstown Area Plan • Mid Ulster Local Development Plan - Draft Plan Strategy. • Strategic Planning Policy Statement (SPPS) • PPS 7 – Quality Residential Environment • Creating Places • PPS 3 – Access, Movement and Parking • PPS 15 – Planning and Flood Risk 	

Strategic Planning Policy Statement

Para. 6.143 of the SPPS states that the LDP process is the primary vehicle for delivering social housing via the designation of sites or by the introduction of policy directions/key site requirements. This of course, is dependant on the Council being permitted to bring forward their LDP.

Cookstown Area Plan (2010)

The site in question is designated as phase 2 land as part of zoning H26.

In accordance with policy HOUS 1 of the CAP 2010, phase 2 land is protected from housing development until a review of housing land points to the need to release more phase 2 land, from whence it will be subject to the same controls as Phase 1 land.

The exception to this is for single dwellings in accordance with greenbelt policies GB/CPA 1 of the Planning Strategy for Rural Northern Ireland (these policies from the PSRNI have obviously since been replaced by Planning Policy Statement 21).

This proposal is therefore contrary to policy HOUS 1 of the CAP 2010, in that no Phase 2 land has been released and the development does not constitute the development of a single dwelling house and is therefore not classed as an exception to the presumption against development, contained within plan policy HOUS 1.

The CAP also states that zoning H26 has a number of Key Site Requirements (KSRs). Given the size of the entire zoning, not all KSRs are relevant to this application site. The KSRs which are relevant to this site are as follows;

- Access including public transport / pedestrian / cycle movement should be made available to link Orritor Road through H26 and H17 to Tullagh Road.
- Housing should be orientated to avoid overlooking neighbouring back gardens along the eastern site boundary

In relation to the first KSR, this scheme will not prejudice a pedestrian, vehicular or cycle access linking the Orritor Road and the Tullagh Road through the two named zonings. The estate road proposed could be used as part of this linkage. In relation to the second KSR, this will be considered as part of any consideration into the layout of the development, giving cognisance to guidance contained within Creating Places.

As the site is on phase 2 land, as currently stands the proposal represents a departure from policy as set out in the Plan.

Mid Ulster Local Development Plan – Draft Plan Strategy

The Mid Ulster Local Development Plan – draft Plan Strategy was submitted to DFI in May 2021 and as yet, DFI have not caused an independent examination. The draft Plan

Strategy is therefore a material consideration but is not in and of itself a determining factor in the assessment of planning applications.

Policy HOU1 of the draft Plan Strategy includes a policy direction whereby phase 2 land can be released for social housing. Policy HOU 1 states that development of phase 2 housing land will conflict with the Plan except where a number of scenarios apply, one of which is for social / affordable housing to meet an identified social housing need.

The definition of affordable housing has been revised by DFI as of April 2021 and includes the provision that “affordable housing” encompasses (amongst other things), social rented housing which is defined as “housing provided at an affordable rent by a Registered Housing Association; that is, one which is registered and regulated by the Department for Communities as a social housing provider.”

In this instance, there is commitment from Apex housing to build this development and they have confirmed that they are now in receipt of a design and build tender for the delivery of this housing scheme, subject to obtaining planning permission. Apex housing are a registered housing association which provides over 6,000 homes in Northern Ireland. The NIHE has been consulted as part of this application and have stated that for the period 2022-2027 there will be a need for 124 social housing units in Cookstown.

There is a clear policy shift in the draft Plan Strategy in favour of releasing phase 2 and for social housing. If, as was expected at the time of the submission of the draft Plan Strategy, the document had underwent examination and been adopted by now, this proposal would have met the criteria contained with policy HOU 1. As it stands, delays in the Plan Process caused by DFI, mean that the new Plan Strategy has not yet progressed to this stage and the result is that the Council is left with a Policy which is past its notional end by date and as I will demonstrate, has left the existing Plan incapable of meeting Social Housing Needs in Cookstown.

Research conducted as part of the evidence gathering phase for the draft Plan Strategy, reveals that there are only 2 phase 1 sites which are without a commitment for housing. These are sites H16 and H20. These are incapable of meeting the identified social housing need for Cookstown albeit they could make a contribution with a willing developer. However, given development (or a commitment to develop) on these sites has not occurred in 25 years, there are obvious questions as to whether applications will ever come forward on this land.

The applicant has successfully set out the need for social housing land and have stated in their planning statement that a 2023 NIHE call for sites was carried out. This call for sites closed in June 2023 with only the owners of this application site responding. Therefore, the other two phase 1 sites (H16 and H20) have not made their land available to provide social housing. This site was the only one in Cookstown to be put forward as a potential home for social housing in Cookstown.

Given it is in the wider public interest to meet the social housing need in Cookstown and in light of the shortage of land available to provide affordable units in Cookstown, I am

minded to support a departure from the Plan. In coming to this view I have taken into account the Councils Community Plan and Corporate Plan both of which state the Council will use its influence to shape and facilitate the provision of adequate affordable housing and that an improved supply of social and affordable housing is a successful outcome in relation to the community planning process. Although determining weight cannot be given to the Draft Plan Strategy I have also taken into account its ambition to retain phase two housing land but allow social housing on phase 2 land where this cannot be met on existing zoning. Indeed to wait for an adopted Local Policies Plan would only exacerbate the social housing need in Cookstown.

With this in mind and given that the proposal amounts to 20 units, which is a very minor departure and is not of a scale to prejudice the emerging draft plan strategy, nor does it represent a precedent which would lead to the uncontrolled release of phase two land, I am of a mind to accept the principle of development on this site, with the caveat that it is to be solely developed for social housing and that this is secured by way of a planning agreement.

I will now consider the issues with regards to the design and layout of the scheme.

PPS 7 – Quality Residential Environments

QD 1 of PPS 7 states that all proposals for residential housing development will be expected to conform to all the following criteria which have been assessed in turn as laid out below;

- (a) 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 application is for a residential development located within an area where the only other land use, apart from farming / agriculture, is residential. There is a mix of house types and tenures in the immediate vicinity ranging from terraced housing and semi detached housing to detached properties. The density of this development is approx.. 28 units per hectare. This similar density to the closest housing development, Forthglen which has a density of approx. 26 units per hectare.

The development will utilise the existing estate road from Forthglen to access the site and the adopted access road for the development will be a continuation of this access road. The design of the units in terms of massing and scale is appropriate and is typical of other units approved in Cookstown and at other locations.

- (b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;**

There are no archaeological or built heritage features nearby which would be impacted by this development.

- (c) 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;**

Policy OS 2 Of PPS 8 states that adequate provision of public open space is a requirement for developments of 25 units or more. Given the fact that this development is for 20 units, there is no need for the developer to provide an appropriate level of open space therefore. The remainder of the H26 zoning will be capable of housing a larger housing scheme in the future and appropriate open space provision can be facilitated at this point.

In relation to private open space, Creating Places recommends that new developments should display a range of garden sizes in order to provide a range of choice for residents but that the average level of private open space should be 70 sq. metres per unit. This proposed development has a range of private amenity spaces for the dwelling houses provided with each dwelling, ranging from 65 sq. metres (unit 16) to 172sq. metres (unit 15) with an average provision for the 16 detached units in excess of 100 sq. metres per unit.

Creating Places requires between 10 sq. metres and 30 sq. metres for apartment units. In relation to the 4 apartments in this development, the site layout shows 4 individual plots of private amenity space with an average size of approx. 40 sq. metres.

A landscaping proposal has been submitted which shows a planted buffer to the eastern boundary.

- (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;**

This criterion is not relevant to a development of this size and is more fitting for a large scale development whereby facilities can be incorporated to benefit the wider community as well as the inhabitants of any such development

- (e) 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;**

The proposed new access road off Forthglen will link to the Orritor road leading into and out of Cookstown and will facilitate pedestrian or cycle access to all services / recreational facilities and shops located within Cookstown. There will be an adopted road leading to all 20 of the properties. There is a 2m footpath provided as part of the adopted road and if the land to the south were to be developed in the future, this would

not be excluded by this development and indeed this road could be used to enable the linkage required between Orritor Road and the Tullagh Road, as required by the KSR in the CAP in relation to zoning H26.

(f) adequate and appropriate provision is made for parking;

DFI Roads have been consulted and after some changes, have no objections to this proposal.

The PSD layout drawing which has been signed and agreed by DGI Roads, shows a parking schedule for all dwellings.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

The design, scale and form of the dwellings is in keeping with the typical house design in the immediate vicinity. Typical finishes are black roof slates, some properties have natural stone elements on the front projection and rear sunroom extensions with PVC guttering and Fascia boards.

The appearance of the new dwellings will not be out of context in the locality and similar in terms of design and scale to other houses already erected in the village and similar villages across the district.

(h) 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 existing land use in the immediate vicinity is exclusively residential. There are no industrial land uses, active farmyards, intensive agriculture, intensive sports uses for example, in the immediate locality. It would therefore be very difficult to say that there is a land use close to the site that is incompatible with the proposed land use. The zoning of the site as a phase 2 zoning for housing supports the conclusion that this is land which is suitable for housing in terms of its relationship with other land uses.

NI Water have expressed concern that the site is within an odour consultation zone in relation to an NI Water pumping station. NI Water state that the odour consultation zone takes in all development within 400m from the pumping station. This pumping station at Malloon Bridge is approx. 375-385m from sites no. 1 & 2 and more than 400m from the majority of the properties hereby proposed. The remaining 18 of the 20 properties are out with this 400m parameter. In addition, there are already intervening properties between the site and pumping station as well as other properties located closer to the pumping station.

There is a smaller pumping station also located immediately to the south of the site and this would bring the proposed properties within the odour consultation zone. However, given these overflow pumping stations are infrequent in terms of use and are already

located extremely close to existing properties, I do not believe their existence poses a problem for the proposed dwellings. NIWater refer to the odour consultation zone as relating to “waste water treatment works” and that proposed dwellings could experience problems due to their proximity to “waste water treatment works.” However, these two pieces of infrastructure are not “waste water treatment works” and therefore the rationale for their comments is brought into question.

I have also consulted with Environmental Health and they have not expressed any concerns in this regard.

Creating Places recommends a separation distance of 20m where the proposed properties are back to back with existing properties, with a minimum distance of 10m from the rear of new houses to the common boundary. The dwelling to the north of the site (130 Orritor Road) has outbuildings which will screen the site from the property but in any case separation distances are adequate.

The properties in Forthglen, nos. 39-44 and nos. 61-63 are those which are in closest proximity to the proposed dwellings. All proposed dwellings have adequate garden depth with none of the proposed properties coming within 10m of the common boundary, in line with aforementioned Creating Places guidance. Site no 16, comes closest to the common boundary where the site pinches inwards at the southern edge but there is no dwelling to the rear of this property so this does not pose a problem.

The considerable separation distances from the proposed properties to the common boundary means that in the majority of cases, separation distances to existing properties in Forthglen are 20m or greater. There are a few properties where this is not the case however, as a result of significant rear extensions being built onto existing properties. For example, in relation to no 62 Forthglen a significant extension has been approved to the existing property which brings it close to the common boundary and therefore closer to the proposed dwelling. The original drawings submitted by the agent did not include this (and other) extensions to Forthglen houses but I have requested amended drawings with these included, and these have been provided.

These amended drawings show a minimum separation distance of 16m from the rear of the proposed property to the closest point of the existing house, as extended. There is a 12m distance from the proposed house to the common boundary but the extended property comes to within 4m of the boundary, by virtue of the new extension. I am also conscious that the extension appears to be used as a main habitable room for number 62. In my opinion, given the lack of level change between the two sites, 16m is an adequate separation distance and is just under the recommended guidance contained within Creating Places. This is particularly relevant when one considers the considerable separation distance of proposed site no. 5 from the common boundary.

I have also requested the agent to augment the level of planting along the common boundary, to mitigate the relatively reduced separation distance between 62 Forthglen and site no.5.

There is another property in Forthglen which has also been extended and comes closer to the common boundary than existing properties. A two storey extension exists at no. 43

Forthglen however in this case, there is no first floor window. All the other considerations that were relevant to no. 62 Forthglen are relevant here also. There is still a considerable distance to the common boundary and augmented planting has been obtained from the agent.

In addition to the above considerations, I am off the view that the site s within the settlement limit and zoned for housing (albeit phase 2) so there has always been the presumption that housing would be located within this site, and adjacent to the existing houses.

In relation to noise and other disturbances from the development, the end use will be housing which will not generate noise of a nature or level which will be incompatible with existing housing. The only issue which could potentially be raised in terms of noise from the development is construction noise and the possibility of dust etc. arising from the construction phase.

Environmental Health have been consulted in relation to this application and have stated that in order to minimise disturbances by way of noise, vibration, dust etc to the existing houses, a condition should be attached to the approval which requires a Construction Environmental Management Plan to be submitted and agreed in writing, prior to the commencement of development.

Given all of the above, I am satisfied that the development is acceptable in terms of this criterion.

(i) The development is designed to deter crime and promote personal safety

The development is located immediately adjacent to the built footprint of the settlement of Cookstown and accessed via an existing development which benefits from street lighting. There are no alleyways or blind spots where anti social behaviour can develop. There is good natural surveillance from existing and proposed properties which will deter crime and / or antisocial behaviour.

Given all of the above considerations in paragraphs (a) - (h) I am off the opinion therefore, that the proposal satisfies Policy QD1 of PPS 7.

PPS 3 – Access, Movement and Parking

The proposed development will utilise an existing access from an existing housing development and not involve the creation of a new access onto a public road.

DFI Roads have been consulted and are content with the proposal in terms of the proposed estate road (signed PSD drawings retuned by DFI Roads) and the level of parking.

PPS 15 – Planning and Flood Risk

Policy FLD 3 of PPS 15 states that all residential developments comprising of more than 10 units will require the submission of a drainage assessment. The agent has submitted a drainage assessment with this application and DFI Rivers have been consulted on it accordingly.

Following a subsequent request and the submission of Schedule 6 consent to discharge and revised attenuation calculations, DFI Rivers have responded to say that they have no objections subject to the imposition of a condition requiring the final submission of a detailed drainage network design prior to construction of said drainage network.

OTHER MATERIAL CONSIDERATIONS

Three objections have been received to this proposal although 2 of those objections have been submitted from the same person / address. The issues raised in the objections are laid and addressed in the paragraphs below.

Objection from 62 Forthglen – ISSUES RAISED

- a) Loss of Privacy
- b) Loss of Daylight / Sunlight
- c) Drawings did not include extension to objectors property
- d) Lack of capacity in sewer network
- e) Social housing does not fit into the area as most houses in Forthglen are privately owned.

CONSIDERATION

- a) This issue has been considered in the main body of my report under criterion h) of policy QD 1 of PPS 7. The following consideration in my report demonstrates how consideration has been given to this specific concern.

These amended drawings show a minimum separation distance of 16m from the rear of the proposed property to the closest point of the existing house, as extended. There is a 12m distance from the proposed house to the common boundary but the extended property comes to within 4m of the boundary, by virtue of the new extension. I am also conscious that the extension appears to be used as a main habitable room for number 62. In my opinion, given the lack of level change between the two sites, 16m is an adequate separation distance and is just under the recommended guidance contained within Creating Places. This is particularly relevant when one considers the considerable separation distance of proposed site no. 5 from the common boundary.

I have also requested the agent to augment the level of planting along the common boundary, to mitigate the relatively reduced separation distance

between 62 Forthglen and site no.5.

- b) At present the objectors property has no buildings immediately to the rear. The building of the houses in this site may reduce direct sunlight to the rear of no 62 at some point in the day, however this in itself is not a reason to refuse the development.

The site is within the settlement limit and there is a presumption that it will not always be a vacant site. On a mid-summer's day when the sun is at its highest point in the sky there will still be direct sunlight into the objectors property as shown in the image below



There is adequate separation distance between the two properties as I have explained above and also there is a very considerable distance between the proposed property and the common boundary. In theory, the proposed house could be closer to the common boundary and still meet the guidance in Creating Places and therefore have an even greater impact in terms of impact on sunlight in the evenings.

If I were to accept that this proposal will cause a significant unacceptable impact on no.62 in terms of loss of sunlight then I would effectively be ruling out development on this part of the site in perpetuity which would be an illogical position on land that is zoned for housing.

- c) Drawings were amended by the agent to show the extensions to properties in Forthglen and impact on these properties has been considered in my report.
- d) NI Water have been consulted and have stated that whilst there is capacity in the

receiving WWTW there may be issues with capacity in the sewage network. This is a common problem in many large settlements in Northern Ireland. The position of the planning authority is that permission can still be granted with a condition to ensure that no development takes place until a satisfactory means of sewage disposal has been secured.

- e) This is a subjective opinion and not one which I agree with. I am of the view that a range of housing tenures is desirable in securing a more diverse housing offer, a mix of house types and tenures is essential to achieving balanced communities. This is something which is supported by the SPPS at para. 6.137. The planning system cannot regulate or control property prices so any inference that we should be considering such is unfounded.

Objection(s) from 63 Forthglen - ISSUES RAISED

- a) Road Safety concerns – road not able to deal with additional traffic and safety concerns of children playing on road.
- b) Drainage issues – site floods at present and development will exacerbate these issues
- c) Social housing does not fit into the area as most houses in Forthglen are privately owned and
- d) Noise pollution from development – Forthglen is currently on the edge of the settlement and development will increase noise levels and light pollution which are currently not an issue.

CONSIDERATION

- a) The construction traffic and the new additional residential traffic will use the existing estate road to access this development. Children playing on an estate road will currently be at danger and it would seem that any potential problem with safety here would arise from the practice of children playing on the road as opposed to the additional traffic generated by this development using the road. I therefore cannot give weight to this particular argument that additional traffic will prejudice road safety because estate roads are not intended as locations for children's to play.

DFI Roads have been consulted and have not expressed any concerns in this regard.

- b) As mentioned in the main body of the report, DFI Rivers have been consulted on the drainage assessment submitted by the developer and have not objected to this proposal subject to the imposition of a condition requiring a detailed drainage layout design be submitted prior to development. The site is not located within any DFI Flood maps, either fluvial or pluvial (surface water).

- c) This issue has been raised in the previous objection (point (e)) and has been

addressed in consideration of that objection. The same points apply in relation to responding to this objection.

- d) This issue has been addressed in the main body of my report and deals with the impacts of noise, vibration dust etc. arising from the development and how these will be minimised during the construction phase by the submission and agreement of a CEMP, prior to commencement.

I do not see how light pollution from a housing development can be given serious consideration when the development is within the settlement limit of Cookstown and the area already has street lighting and lights from existing houses.

Summary of Recommendation:

Approve is recommended

RECOMMENDATION

Given all the above considerations in this report, I am of the view that this application can be approved subject to conditions which are outlined below.

Members are asked to agree to approve this application subject to a planning agreement being entered into between the developer and the Council under Section 76 of The Planning Act (Northern Ireland) 2011. The Planning Agreement will require the development approved to only be built for the purposes of providing Social Housing.

No decision on this application will issue until such an agreement has been signed by both parties.

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

No development shall take place until a satisfactory method for sewage disposal has been submitted to and agreed with Mid Ulster District Council in consultation with NI Water.

Reason: To ensure there is a satisfactory means of sewage disposal.

Condition 3

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

The Council 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. 05, uploaded to the Mid Ulster Planning Portal on 18th December 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 4

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

No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 05 which was uploaded to the Mid Ulster Planning Portal on 18th December 2023.

The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreements under Article 3 (4C) and Article 32.

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

Condition 5

The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses 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 users.

Condition 6

No dwelling(s) shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling

Condition 7

The proposed planting along the eastern boundary, shown on drawing 04 rev 2 uploaded to the planning portal on 17th January 2024, shall consist of mature trees with a minimum height of 4m, along the entirety of the eastern boundary.

Reason: To provide a firm and distinct landscape buffer between the proposed development and the existing residential properties in Forthglen and to protect the residential amenity of existing properties.

Condition 8

Prior to the commencement of any development hereby permitted a Construction Environmental Management Plan shall be submitted to and be approved in writing by the Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration and dust. The plan should include, but not be limited to:

- o A construction method statement for the development.
- o Procedures for maintaining good public relations including complaint management, public consultation and liaison.
- o Arrangements for liaison with Mid Ulster District Council's Environment Health Department.
- o Deliveries to and removal of plant, equipment, machinery and waste from the site to take place within permitted hours.
- o Mitigation measures as defined in 'BS 5228: 2009 +A1:2014 Noise and Vibration Control on Construction and Open Sites - Part 1: Noise' to minimise noise disturbance from construction works.
- o Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise agreed in writing with the Planning Authority.

Reason: To protect amenity of nearby residential properties.

Condition 9

Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, containing a detailed drainage network design, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, in a 1 in 100 year event.

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

Informative 1

This permission is subject to a planning agreement made under Section 76 of The Planning Act (Northern Ireland) 2011, between Mid Ulster District Council and the developer and is subject to all the conditions of that planning agreement being met.

Signature(s): Colin McKeown

Date: 15 February 2024

ANNEX	
Date Valid	3 March 2023
Date First Advertised	14 March 2023
Date Last Advertised	14 March 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 39 Forth Glen Cookstown Tyrone BT80 8TT The Owner / Occupier 40 Forth Glen Cookstown Tyrone BT80 8TT The Owner / Occupier 41 Forth Glen Cookstown Tyrone BT80 8TT The Owner / Occupier 42 Forth Glen Cookstown Tyrone BT80 8TT The Owner / Occupier 43 Forth Glen Cookstown Tyrone BT80 8TT The Owner / Occupier 62 Forth Glen Cookstown Tyrone BT80 8TT The Owner / Occupier 61 Forth Glen Cookstown Tyrone BT80 8TT The Owner / Occupier 63 Forth Glen Cookstown BT80 8TT The Owner / Occupier 79 Forth Glen Cookstown Tyrone BT80 8TT The Owner / Occupier 130 Orritor Road Cookstown Tyrone BT80 9RB The Owner / Occupier 79 Forth Glen Cookstown Tyrone BT80 8TT The Owner / Occupier 44 Forth Glen Cookstown Tyrone BT80 8TT</p>	
Date of Last Neighbour Notification	14 February 2024
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Ref: I/1986/0014

Proposals: 33/11 KV CHANGEOVER (2ND AMEND)

Decision: PG

Decision Date:

Ref: I/2005/0020/F

Proposals: Housing Development of 97 dwellings and 0.5 ha open space

Decision: PG

Decision Date: 11-JAN-08

Ref: I/2004/0587/Q

Proposals: Housing Zoning in the Cookstown Area Plan

Decision: 360

Decision Date: 21-DEC-04

Ref: I/2000/0828/F

Proposals: 4 no semi-detached dwellings and proposed new link road for future development - road designed for buses

Decision: PG

Decision Date: 29-MAR-02

Ref: LA09/2021/0247/F

Proposals: 2 storey rear extension to provide living, dining & 1 bedroom, bathroom above & minor internal alterations.

Decision: PG

Decision Date: 23-APR-21

Ref: I/1986/0435

Proposals: HOUSING DEVELOPMENT (SITE NOS 59, 60, 61, 62, 63 AND 64)

Decision: PG

Decision Date:

Ref: I/1993/6066

Proposals: Site Layout (Roads) Forthglen Housing Development Orritor Road Cookstown

Decision: QL

Decision Date:

Ref: LA09/2023/0238/F

Proposals: Proposed residential development and associated ancillary works.

Decision:

Decision Date:

Ref: LA09/2017/0993/PAN

Proposals: Proposed residential development and access

Decision: PANACC
Decision Date: 14-AUG-17

Ref: I/2010/0005/Q
Proposals: Proposed 60/70 Bed Nursing Home
Decision: 211
Decision Date: 06-JAN-10

Ref: I/1979/0027
Proposals: PRIVATE HOUSING DEVELOPMENT
Decision: PR
Decision Date:

Ref: I/1991/6037
Proposals: Site for Dwelling Auglish
Decision: PRER
Decision Date: 10-SEP-91

Ref: I/1981/0037
Proposals: PRIVATE HOUSING DEVELOPMENT
Decision: PR
Decision Date:

Ref: I/1993/0136
Proposals: Dwelling.
Decision: WITHDR
Decision Date:

Ref: I/1993/0226
Proposals: Dwelling
Decision: PG
Decision Date:

Ref: I/2006/0704/F
Proposals: Extension to dwelling
Decision: PG
Decision Date: 20-DEC-06

Ref: I/1994/0148
Proposals: 8 No Dwellings
Decision: PG
Decision Date:

Ref: LA09/2018/0518/O
Proposals: Residential development comprising approx. 48 no dwelling units, access, amenity space, landscaping and ancillary site works

Decision: PR
Decision Date: 05-DEC-18

Ref: LA09/2017/1592/PAN
Proposals: Proposed residential development and access
Decision: PANACC
Decision Date: 11-JUN-18

Ref: LA09/2017/0142/PAD
Proposals: Housing development of approx. 97 dwellings and 0.5 hectares open space
Decision: PAD
Decision Date: 01-JAN-18

Ref: I/1981/0171
Proposals: 2 NO DWELLINGS
Decision: PG
Decision Date:

Ref: I/1976/0359
Proposals: PRIVATE HOUSING (6 DWELLINGS PER ACRE NET)
Decision: PG
Decision Date:

Ref: I/1984/0157
Proposals: HOUSING DEVELOPMENT AND PUMPING STATION
Decision: PG
Decision Date:

Ref: I/1984/015701
Proposals: HOUSING DEVELOPMENT AND PUMPING STATION
Decision: PG
Decision Date:

Ref: I/1995/0158
Proposals: Erection of 14 No dwellings
Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Response Template - 26 July 2023.docx
Northern Ireland Housing Executive - Central Planning-Forth Glen Planning Consultation
Cookstown LA09.2023.0238.pdf
Rivers Agency-307981 - Final reply.pdf
DFI Roads - Enniskillen Office-Roads Consultation full approval.docx
DFI response dated 26/07/2023 is still valid.

gerry

Environmental Health Mid Ulster Council-LA09.2023.0238.F.pdf

Rivers Agency-189140 - Final response.pdf

DFI Roads - Enniskillen Office-Response Template.docx

NI Water - Multiple Units West-LA09-2023-0238-F.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

Site Layout or Block Plan Plan Ref: 04

Roads Details Plan Ref: 05

Proposed Plans Plan Ref: 06

Proposed Plans Plan Ref: 07

Proposed Plans Plan Ref: 08

Proposed Plans Plan Ref: 09

Proposed Plans Plan Ref: 10

Proposed Plans Plan Ref: 11

Proposed Plans Plan Ref: 12

Proposed Plans Plan Ref: 13

Proposed Plans Plan Ref: 14

Proposed Plans Plan Ref: 15

Block/Site Survey Plans Plan Ref: 02 REV 1

Block/Site Survey Plans Plan Ref: 04 REV 1

Notification to Department (if relevant)

Not Applicable

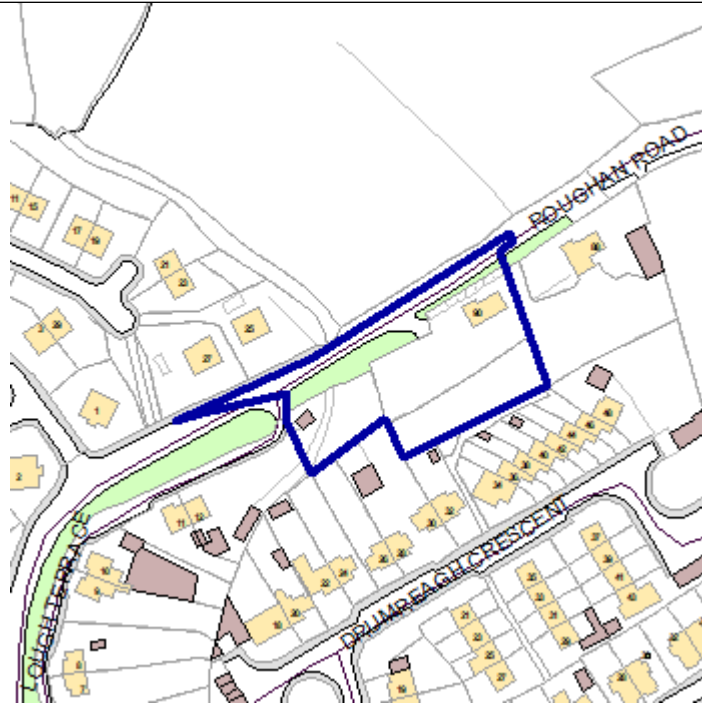


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.6
Application ID: LA09/2023/0433/F	Target Date: 20 July 2023
Proposal: Proposed development of 5no. dwellings (1no. detached and 4no. semi-detached) with associated site works and the relocation of an existing access to an existing dwelling	Location: Land adjacent to 90 Roughan Road Newmills Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Nigel Johnston 36 Coolmaghry Road Dungannon BT70 3HJ	Agent Name and Address: Henry Marshall Brown Architecture Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary: A letter of objection was submitted from a neighbouring resident. This proposal fails to meet the policy requirements of QD 1 of PPS 7 and LCD 1 of the Addendum to PPS 7 in that it is in my opinion an overly engineered design resulting in over development of the site which does not achieve a quality residential environment.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	28-09-2023.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	
	DFI Roads - Enniskillen Office	02-06-2023.docx
	NI Water - Multiple Units West	LA09-2023-0433-F.pdf
	Environmental Health Mid Ulster Council	Planning Response LA09-23-0433.pdf

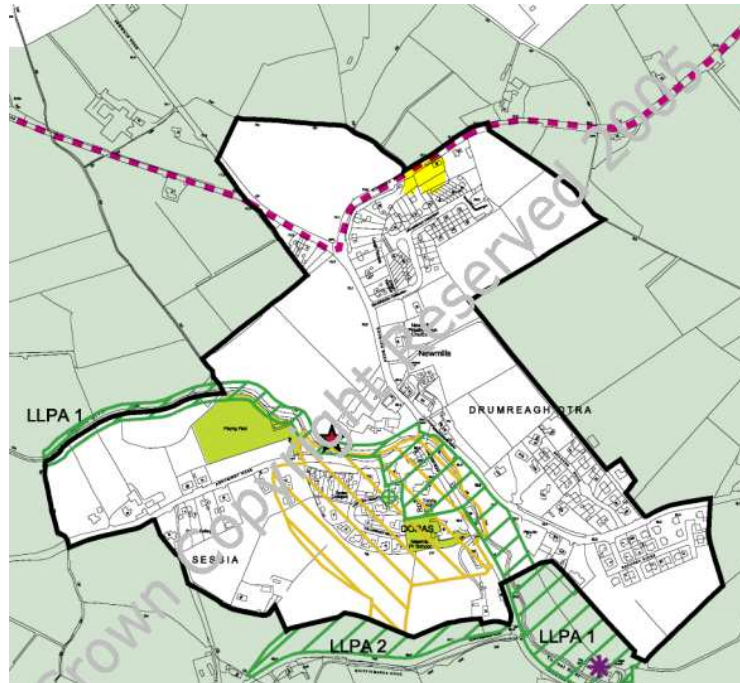
Representations:

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

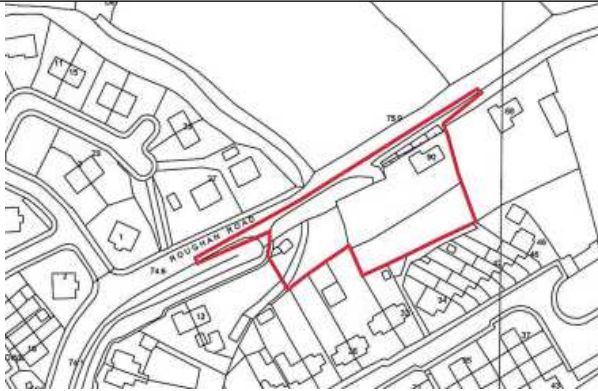
Summary of Issues

Characteristics of the Site and Area

This application occupies an irregular rectangular shaped site which sits to the south of Roughan Road, Newmills. It is located in the northern part of Newmills, within a traffic calmed part of the village and is whiteland as designated as whiteland in the Dungannon and South Tyrone Area Plan (DSTAP). The surrounding area within the development limit is residential at this end of the village with the rural countryside adjacent contributing to a rural edge of settlement element of this immediate area.



The site measures approximately 0.36 ha and includes the bungalow at No 90 Roughan Road which is sited along the eastern boundary and is owned by the applicant. The access which currently serves No 90 joins the public road just under 20 metres to the south of the site. Part of this site to the south of the dwelling's access appears to have been previously utilised as an extension of the curtilage of the dwelling for outdoor amenity space. This application site also includes a parcel of land which has a tarmaced driveway which allows access to the rear of No 12 Lough Terrace in the southern portion of the site. This part of the site was once an overgrown disused field with vegetation and trees but has been cleared. The site rises steeply to the rear of the site where the residential development of Drumreagh Crescent sits at a level much higher than this site.



Planning History

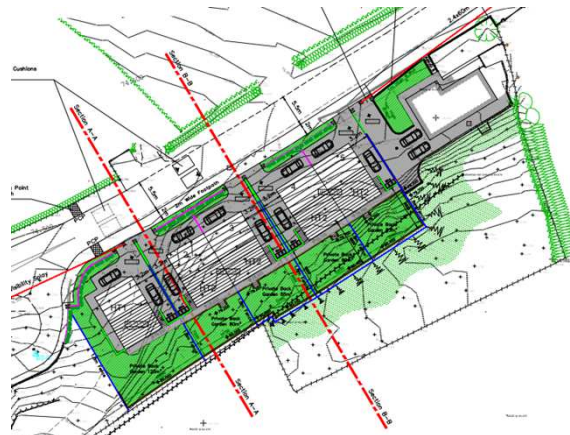
M/2004/0089/Q – Development of terrace dwellings – Roughan Road, Newmills - Mrs Sarah Badger

M/1989/0241 - Extension to Dwelling - 12 Lough Terrace Newmills

Description of Proposal

This application seeks full planning permission for the development of 5 dwellings with associated site works and the relocation of an existing access to an existing dwelling on land adjacent to No 90 Roughan Road, Newmills. This existing dwelling is a bungalow which sits above the road with a concrete wall defining the curtilage of the small linear garden area to the front.

The composition of the proposed development is 1no. detached in the southern part of the site and 4no. semi-detached dwellings in the remainder.



This proposal will retain the bungalow at No 90 and create a shared access for it with the semi-detached dwelling at Plot 5. A total of 3 paired accesses will be provided, including those for Plots 1&2 as well as Plots 3&4.



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. 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 Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development (SPPS) published in September 2015 is material to all decisions on individual planning applications and appeals. The SPPS outlines the aim to providing sustainable development and with respect to that should have regard to the Development Plan and any other material considerations. It retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in

the favour of the provisions of the SPPS. As the site lies within the settlement limit of Newmills as defined in the above plan, SETT 1 is the relevant policy. I am content that if this proposal complies with the provisions of PPS 7, it will also comply with SETT 1.

Representations

A letter of objection was submitted from a resident of Drumreagh Crescent which sits to the south and rear of the site at an elevated position above the site. They have concerns as the drainage from the rear gardens of these properties previously had naturally drained down onto the site where the vegetation and trees ensured it dissipated and there was no issues with this natural drainage. When the site was bought the new owner removed much of this mature vegetation which therefore could have an impact on drainage onto this application site.

The agent is aware of these concerns and it is in the applicant's interest to ensure any development on this application site is not affected by or cause any drainage issues to other properties, which lies outside of the realm of the planning process.

PPS 7 Quality Residential Environments - Policy QD 1 Quality in new Residential Environments requires new residential developments to create a quality residential environment which should be based on a concept plan which has drawn on the positive aspects of the surrounding area. Proposals must conform to nine criteria listed in the policy in order to protect residential amenity, residential character, environmental quality and movement. Any proposals which fail to satisfy the criteria, even if the site is designated for residential use, will not be acceptable.

Policy QD1 - Quality in New Residential Development in PPS7 - Quality Residential Environments states all proposals for residential development will be expected to conform to all of the following criteria:

a) 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 area;

Whilst the proposed development respects the surrounding context in that it is residential by nature, there are concerns regarding the topography of the site in terms of scale, proportions, massing and appearance of buildings, along with their amenity landscaped and hard surfaced areas. I am not satisfied that this proposal respects the surrounding context in terms of layout as it proposes to provide 5 dwellings within this small, restricted site and it is my opinion this is considered to be over-development of the site as the built form limits the potential to provide a quality residential design.

When travelling into the village of Newmills along the Roughan Road, before you approach this application site there is a single bungalow on this side of the road as you enter the development limits. Prior to this there is no roadside development for some 200 metres and the land directly opposite the site is outside of the settlement limits of Newmills and thus in the rural countryside and is an open agricultural field. The design of

the dwellings on this site in my opinion illustrate how this site cannot accommodate a quality residential development. Each dwelling has a 2-storey appearance to the front elevation and a single storey elevation to the rear. This results in the rooms at ground floor level to the rear of the property not having any rear openings as the dwelling is built into a cut-out part of the site. The only openings to the kitchen are on the side elevation and these are a small window and the side door. The utility room and the toilet on the ground floor have no windows as they are sited along the internal wall of the semi-detached dwellings.

Each of the side elevations of the dwellings are only metres from the intervening 1.8 metre high fence which defines the curtilage separating each property which further inhibits natural light to the rooms to the rear of the dwellings. This issue is also exacerbated as the land rises at the side and to the rear, therefore increasing the height of the fences above ground level also and further restricts what little light could infiltrate into the rear rooms at ground level.

At the rear elevation, the bedroom may also have restricted natural light due to the presence of the existing two storey dwellings at a higher elevation to the south. The garden area also slopes to a height above the eaves of most of the proposed dwellings leaving an undesirable rear to the property and potential for loss of natural light to the proposed dwellings. In my opinion this lack of opportunity for natural light to such integral communal room such as the kitchen does not attribute to a quality residential design and fails to meet this part of the criteria.

b) features of the archaeological and built heritage, and landscaped features are identified and, where appropriate, protected and integrated on a suitable manner into the overall design and layout of the development;

There are no archaeological or built heritage features to be protected on this site. This site appears to have been previously cleared of most vegetation and trees with nothing remaining of value worth protection. Although the site is located within an area of townscape character, there are no features of archaeological or built heritage, nor are there any landscape features which require protection.

c) 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.

This proposed layout is for 5 dwellings, therefore there is no requirement for the provision of public open space due to the small scale of this development proposed. Creating Places sets the standards which are considered acceptable for private open space, 'To promote choice for residents a variety of different garden sizes should be provided and back garden provision should therefore be calculated as an average space standard for the development as a whole, and should be around 70 sq m per house or

greater. Garden sizes larger than the average will generally suit dwellings designed for use by families, while smaller areas will be more appropriate for houses with 1 or 2 bedrooms or houses located opposite or adjacent to public or communal open space. For any individual house however an area less than around 40 sq m will generally be unacceptable'.

Private open space must also be useable which is my concern regarding this proposal. Not only does the provision of rear amenity space for Site 2 fall below the recommended 70 sq. metres, the functional capacity of this useable space is not evident due to the design of the dwelling and the topography of the site.

The agent was informed there were concerns regarding the amenity space of the properties as they were not of adequate provision.

The agent claimed the scale was incorrect and this was thereby changed and the rear amenities of 3 of the properties were reduced by over 50% from what was initially submitted. This reduction in the rear garden areas has resulted in the creation a vacant plot of land between this proposed development and that of the existing development which would also be an undesirable feature in the landscape.

d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

As the site is located within the development limits of Newmills it is within walking distance of a range of existing local facilities and services. There is no requirement to provide local neighbourhood facilities as part of this planning application due to its scale.

e) 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;

This site has direct access onto Roughan Road and thus caters for an acceptable movement pattern including walking and cycling, to enable occupants to access public transport routes and the public network system. As this site lies within the development limits of Newmills, it is within the 30 miles per hour restriction on the maximum speed and there are existing speed ramps on this part of the road in front of the site. However as per DfI Roads comments discussed below, these calming methods will need repositioned. DfI Roads also require the applicant to provide a footpath to link to the existing footpath.

f) adequate and appropriate provision is made for parking;

This proposed scheme makes provision for in-curtilage parking of 2 spaces for each dwelling. Creating Places sets the standards for parking requirements for such developments and states that for a 3 bedroomed house 2.5 in-curtilage spaces are required and 2.25 spaces for a semi-detached house, therefore a total of 11.5 spaces

are required by this development.

g) the design of the development draws upon the best local traditions of form, materials and detailing;

The finishes of dark natural roof slate and red brick are not unfamiliar to the immediate area surrounding this site and are considered acceptable for this urban location.

As indicated above, discussions at group have concluded that the proposed design of these dwellings is not of an appropriate as the rear amenity space is inadequate and the site is overdeveloped. The roadside dwellings at Hollow Hills Meadows on the opposite side of the road have a density of 13 dwellings per hectare, as does the dwellings at Lough Terrace. The 5 dwellings proposed on this application site would have a density of 16 per hectare. Although the proposed density is not greatly more than that existing in the surrounding area, combined with the, I am not satisfied with this proposal as is.

The agent was informed of my concerns regarding overdevelopment, inappropriate design of each property and the lack of useable amenity space. It was suggested to the agent from discussions at group to reduce the number of dwellings in this application in order overcome the issues highlighted, however this advice was disregarded.

h) 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;

Given the existing surrounding land uses, the proposal will not create a conflict with adjacent land uses which is predominantly residential. It is my opinion this proposal will not have undesirable impacts on any existing dwelling, however the design and layout of each dwelling along with the topography could result in potential loss of light and overshadowing to the adjacent dwellings proposed in this planning application.

i) the development is designed to deter crime and promote personal safety.

I am satisfied that the development is considered to be designed to deter crime and promote personal safety. Parking is provided for within the curtilage of each dwelling and each dwelling fronts onto and accesses the public road.

Policy LC1 - Protecting Local Character, Environmental Quality and Residential Amenity in the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas states that planning permission will only be granted in established residential areas for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 is met, along with all the additional criteria discussed below.

(a) the proposed density is not significantly higher than that found in the established residential area;

As discussed in the consideration of Policy QD1 above, the density of the surrounding area is less than what this application proposes. The roadside dwellings at Hollow Hills Meadows on the opposite side of the road have a density of 13 dwellings per hectare, as does the dwellings at Lough Terrace. The 5 dwellings proposed on this application site would have a density of 16 per hectare. Although the proposed density is not greatly more than that existing in the surrounding area, combined with the inappropriate design of each property and the lack of useable amenity space, I am not satisfied with this proposal as is and therefore it is contrary to this policy test.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area;

The residential properties along this section of the Roughan Road are characteristically detached or semi-detached with substantial garden areas. A large portion of this site was utilised as in-curtilage amenity space for No 90 Roughan Road which is the adjacent bungalow. The proposed layout of this development has a small green area to the front of each dwelling and a small garden area to the rear. I do not feel the design of these dwellings have successfully taken into consideration the existing topography to the rear of the site. It is the Case Officer's opinion this proposed development is an overly engineered solution to a site which may not be suitable for development.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

I am content this development exceeds the requirements of this policy test.

PPPS 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. This proposal involves the creation of a new access onto the Roughan Road as well as the alteration of an existing access onto the same road.

DfI Roads were consulted and a number of amendments were necessary as identified below;

- Show 2.4 x 45m sight lines to the southwest from each of the access points.
- Show 2.4 x 60m sight lines to the northeast from each of the access points.
- Widen public road along site frontage to 6.00m
- Provide linking footway to existing footway at the junction with the Newmills Road.

- Remove cross sections lines, cross sections and typical details.
- Remove contour lines.
- Show any retaining walls and annotate the height of the walls.
- Speed reducing cushions at the access to site 1 need to be relocated.

As we were not happy with this development proposal, we did not request these amendments. However the agent did submit amended drawings but at group it was decided not to consult DfI Roads as the overall design of the proposal was not acceptable.

NI Water were consulted and have stated there is available capacity at the Newmills Wastewater Treatment Works (WwTW) for a maximum period of 18 months from the date of their consultation response which would be 25th November 2024. There is a foul sewer and a public water main within 20 metres of this site which can adequately service this application.

An Environmental Impact Screening Determination was not necessary for this application as the proposed development although an urban development project, the area does not exceed 0.5 ha and therefore it was not a requirement under Schedule 1 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017.

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.

This application has been advertised in Local Press in line with statutory consultation duties part of the General Development Procedure Order (GDPO) 2015. There were 18 neighbouring properties which were notified and there was 1 letter of objection received as detailed earlier.

Summary of Recommendation:

Refuse is recommended

As this proposal does not comply with the provisions of QD1 of PPS 7, specifically parts a, c, g and h nor Policy LC 1 in the Addendum, it is the Case Officer's opinion this proposal be refused as discussed above.

Refusal Reasons

Reason 1

The proposal is contrary to parts a, c, g and h Policy QD 1 of PPS 7 in that does not create a quality residential development.

Signature(s): Cathy Hughes

Date: 25 January 2024

ANNEX	
Date Valid	6 April 2023
Date First Advertised	18 April 2023
Date Last Advertised	18 April 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 12 Lough Terrace, Newmills Dungannon</p> <p>The Owner / Occupier 26 Drumreagh Crescent Dungannon Tyrone BT71 4HJ</p> <p>The Owner / Occupier 28 Drumreagh Crescent Dungannon Tyrone BT71 4HJ</p> <p>The Owner / Occupier 30 Drumreagh Crescent Dungannon Tyrone BT71 4HJ</p> <p>The Owner / Occupier 32 Drumreagh Crescent Dungannon Tyrone BT71 4HJ</p> <p>The Owner / Occupier 34 Drumreagh Crescent Dungannon Tyrone BT71 4HJ</p> <p>The Owner / Occupier 36 Drumreagh Crescent Dungannon Tyrone BT71 4HJ</p> <p>The Owner / Occupier 38 Drumreagh Crescent Dungannon Tyrone BT71 4HJ</p> <p>The Owner / Occupier 42 Drumreagh Crescent Dungannon Tyrone BT71 4HJ</p> <p>The Owner / Occupier 44 Drumreagh Crescent Dungannon Tyrone BT71 4HJ</p> <p>The Owner / Occupier 46 Drumreagh Crescent Dungannon Tyrone BT71 4HJ</p> <p>The Owner / Occupier 48 Drumreagh Crescent Dungannon Tyrone BT71 4HJ</p> <p>The Owner / Occupier 40 Drumreagh Crescent Dungannon Tyrone BT71 4HJ</p> <p>The Owner / Occupier RNN - 12 Lough Crescent, Newmills Dungannon</p> <p>The Owner / Occupier 88 Roughan Road Newmills Dungannon</p> <p>The Owner / Occupier 25 Hollow Mills Meadows Dungannon Tyrone BT71 4GZ</p> <p>The Owner / Occupier 27 Hollow Mills Meadows Dungannon Tyrone BT71 4GZ</p>	

Date of Last Neighbour Notification	21 December 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: M/1988/0245 Proposals: BICYCLE WORKSHOP, SALES AND STORE Decision: PG Decision Date:</p> <p>Ref: M/1976/0476 Proposals: IMPROVEMENTS TO DWELLING Decision: PG Decision Date:</p> <p>Ref: M/1984/0479 Proposals: ALTERATIONS TO PORCH AND ERECTION OF GARAGE Decision: PG Decision Date:</p> <p>Ref: M/1995/0660 Proposals: Alterations to Dwelling Decision: PG Decision Date:</p> <p>Ref: M/2006/2063/O Proposals: Housing Development Decision: PG Decision Date: 15-FEB-07</p> <p>Ref: LA09/2023/0433/F Proposals: Proposed development of 5no. dwellings (1no. detached and 4no. semi-detached) with associated site works and the relocation of an existing access to an existing dwelling Decision: Decision Date:</p> <p>Ref: M/2003/1014/F Proposals: 18 no Townhouses, 24 no Semi-detached Houses, 20 no Detached Houses Decision: PG Decision Date: 27-MAR-06</p> <p>Ref: M/2007/1439/F</p>	

Proposals: Retrospective application for a constructed dwelling.

Decision: PG

Decision Date: 13-JUN-08

Ref: M/2002/0838/Q

Proposals: Development Use (Approximately 10 Houses per acre)

Decision: 300

Decision Date: 29-JUL-02

Ref: M/2002/1266/Q

Proposals: Housing Development

Decision: 360

Decision Date: 22-OCT-03

Ref: M/2006/1874/LDP

Proposals: Sites 2-9 & 26-45 House Positions changed

Decision: PG

Decision Date: 20-AUG-07

Ref: M/2007/0933/F

Proposals: Erection of 18 townhouses to supersede planning approval M/2003/1014/F

Decision:

Decision Date:

Ref: M/2007/0054/F

Proposals: Turning Head at Townhouses changed

Decision: PG

Decision Date: 05-APR-07

Ref: M/1989/0241

Proposals: Extension to Dwelling

Decision: PG

Decision Date:

Ref: M/2004/0089/Q

Proposals: Development of terrace dwellings

Decision: ELA

Decision Date: 26-JAN-04

Ref: M/2006/1150/O

Proposals: Housing development

Decision:

Decision Date:

Ref: M/1989/0221

Proposals: Domestic garage

Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-28-09-2023.docx
Environmental Health Mid Ulster Council-
DFI Roads - Enniskillen Office-02-06-2023.docx
NI Water - Multiple Units West-LA09-2023-0433-F.pdf
Environmental Health Mid Ulster Council-Planning Response LA09-23-0433.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Existing Site Survey Plan Ref: 03
Proposed Plans Plan Ref: 04
Proposed Plans Plan Ref: 05
Site Layout or Block Plan
Site Layout or Block Plan
Site Layout or Block Plan
Site Layout or Block Plan
Site Layout or Block Plan
Site Layout or Block Plan
Proposed Plans
Proposed Plans

Notification to Department (if relevant)

Not ApplicableNot Applicable

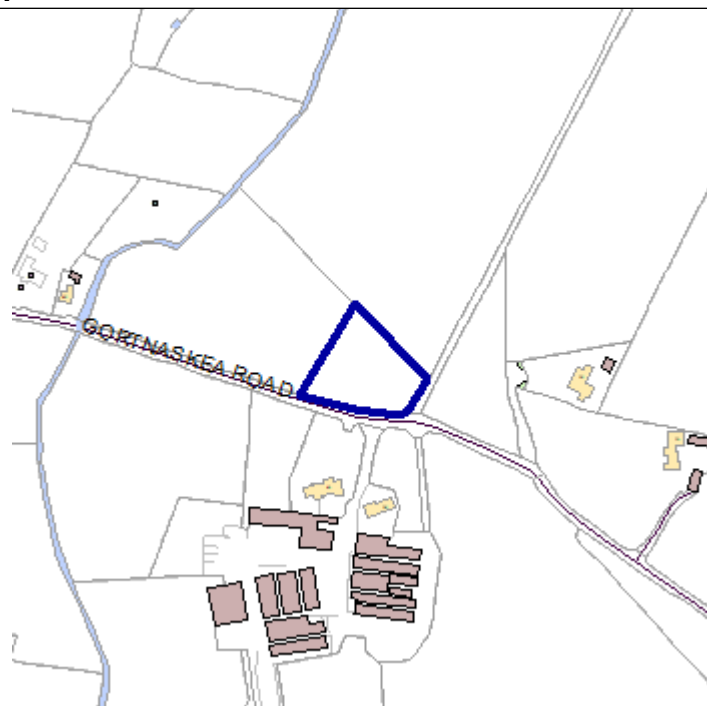


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.7
Application ID: LA09/2023/0520/F	Target Date: 23 August 2023
Proposal: Dwelling and garage under PPS21, Policy CTY 10	Location: 75M North of 42 Gortnaskea Road, Stewartstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Philip McCrea 42 Gortnaskea Road Stewartstown BT71 5NY	Agent Name and Address: Kee Architecture Ltd 9A Clare Lane Cookstown BT80 8RJ
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc Roads Consultation full.docx
Non Statutory Consultee	DAERA - Omagh	LA09-2023-0520-F.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Recon response.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 within the open countryside outside any settlement designated by the Cookstown Area Plan 2010, approx. halfway between Stewartstown and Coagh located to its south and north respectively. It sits adjacent and to the north side of the minor Gortnaskea Road approx. 400m east of the Coagh Road, the main road connecting Stewartstown and Coagh (see Figs 1 & 2, below).



Fig 1: Site outlined red.



Fig 2: Site outlined red.

The site as seen above (Figs 1 & 2) and further below (Figs 3, 4 & 5) is a relatively square shaped plot cut from the roadside frontage and eastern corner of a large

agricultural field. The south / roadside frontage; east side; and northeast / rear boundaries of the site are all defined by low hedgerow vegetation. The west side boundary of the site is open onto the host field. A small sheugh run to the inside of the site's rear boundary; and a gravelled agricultural lane off the Gortnaskea Road runs along the outside of the site's east boundary.



Fig 3: View of site on the east approach along the Gortnaskea Road just before passing its roadside frontage.



Fig 4: View of site on the east approach along the Gortnaskea Road. Applicants farm building visible to opposite side of road.



Fig 5: View of site on the west approach along the Gortnaskea Road.
Critical views of the site are from the Gortnaskea Road on both approaches and passing along its roadside frontage.

The area surrounding the site is typically rural in character comprising undulating agricultural landscaping interspersed by single dwellings, ancillary dwellings and farm groups. Two dwellings exist on lands to the south of the site to the opposite side of the Gortnaskea Road, nos. 40 and 42 Gortnaskea Road a bungalow and two storey dwelling, respectively. These dwellings are bound to the south / rear by a substantial number of farm buildings and sheds. No. 42 is listed on the application forms accompanying this application as the applicant address.

Description of Proposal

This is a full planning application for a dwelling and garage under Planning Policy Statement 21, Policy CTY 10 ‘Dwellings on Farms’. The site is located 75m North of 42 Gortnaskea Road, Stewartstown.

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland
Cookstown Area Plan 2010
Planning Policy Statement 3: Access, Movement and Parking
Planning Policy Statement 21: Sustainable Development in the Countryside
Development Control Advice Note 15: Vehicular Standards
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.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

Planning History on Site

- I/2005/0680/O - Proposed 2 storey dwelling and garage - 120m SW of 62 Ballynargan Road, Stewartstown - Mr Victor McCrea - Refused (appealed - appeal upheld 21st May 2008)
- I/2011/0226/RM - Proposed dwelling and garage - 120m SW of 62 Ballynargan Road, Stewartstown - Mr Victor McCrea - Granted 21st October 2011

Whilst the above applications relate to a site located on the lands farmed by the applicant historical othos available do not indicate the proposal was commenced and as such would have subsequently expired.

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and subject to revised Drawing No. 03 REV 1 received 5th July 2023 and had no objections to the proposal subject to standard conditions and informatives being applied to any subsequent decision notice to comply with the requirements of PPS 3 Access, Movement and Parking.
2. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted with a P1C Form and Farm maps submitted alongside the application. DAERA confirmed the farm business identified on P1C Forms and Farm maps has been established for over 6 years (established 2015) and has claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years.

Cookstown Area Plan 2010

The site lies in the rural countryside outside any designated settlement with the Plan.

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

The SPPS advises that the policy provisions of Planning Policy Statement 21:

Sustainable Development in the Countryside are retained.

Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside

PPS 21 is the overarching policy for development in the countryside. Policy CTY1 of PPS 21 outlines a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aim of sustainable development. These include dwellings on farms in accordance with Policy CTY 10 of PPS 21.

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where the following criteria have been met:

1. the farm business is currently active and has been established for at least 6 years,

The applicant has a farm business and as confirmed with the Department of Agriculture, Environment and Rural Affairs (DAERA) it has been established for over 6 years (established 2015) and is currently active having claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last 6 years. Criterion (1) of CTY 10 has been met.

2. no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application or since PPS 21 was introduced on 25th November 2008,

Having carried out 'Planning History' checks there is no evidence to indicate that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within the last 10 years from the date of the application. Criterion (2) of CTY 10 has been met.

3. the new building is 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. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building group(s).

I am not content a dwelling on this site would visually link with an established group of buildings on the applicant's farm. I consider that from critical views on the east and west approach along the Gortnaskea Road as detailed further above in 'Characteristics of the Site and Area' a dwelling on this site would not visually link with the applicant's farm dwelling (no. 42 Gortnaskea Road) and substantial number of ancillary farm buildings and sheds located to its south to the opposite side of the Gortnaskea Road. Whilst I acknowledge that a dwelling on this site would read in the same visual frame on the east approach to the site with buildings on the applicant's farm (see Fig 4, above) I do not

believe it would read as being visually interlinked with those buildings. I believe the public road alongside the separation distance and intervening vegetation would create a significant physical separation between a dwelling on this site and buildings on the applicant's farm.

As detailed above exceptionally Criterion (3) makes provision for an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s). In such circumstances however the proposed site must still meet the requirements of Planning Policies CTY 13 Integration and Design of Buildings in the Countryside and CTY 14 Rural Character of PPS 21. Policy CTY 13 outlines permission will only 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; and Policy CTY14 where it does not cause a detrimental change to, or further erode the rural character of an area.

Whilst I consider the 1 ½ storey dwelling (including integral garage) proposed relatively simplistic and reflective of traditional rural design and in keeping with the rural design principles, at the outset of this proposal no justification was submitted for this alternative site elsewhere on the farm and I was not content that the site had the capacity to absorb the dwelling or a dwelling of reduced size, scale and height. I considered the dwelling would be contrary to Policy CTY13 as site lacks long established natural boundaries sufficient to provide a suitable degree of enclosure for dwelling to integrate into the landscape; and contrary to Policy CTY14 in that if permitted, the dwelling would be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

Policy CTY 10 also states planning permission granted under this policy will only be forthcoming once every 10 years. I am content checks have not identified any previous such permissions in the last 10 years.

Taking account of the above the agent was advised Planning considered the proposal contrary to Policy CTY10 of PPS21 Criterion (3) as the dwelling proposed is not visually linked or sited to cluster with the established group of buildings on the farm. He was also advised Planning considered the site open and exposed and therefore unable to integrate the substantial dwelling proposed. Given this opinion he was asked:
Are there alternatives sites at the opposite side of road? If there are why not use these?
and / or
Is there justification for the proposed site i.e. demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s).

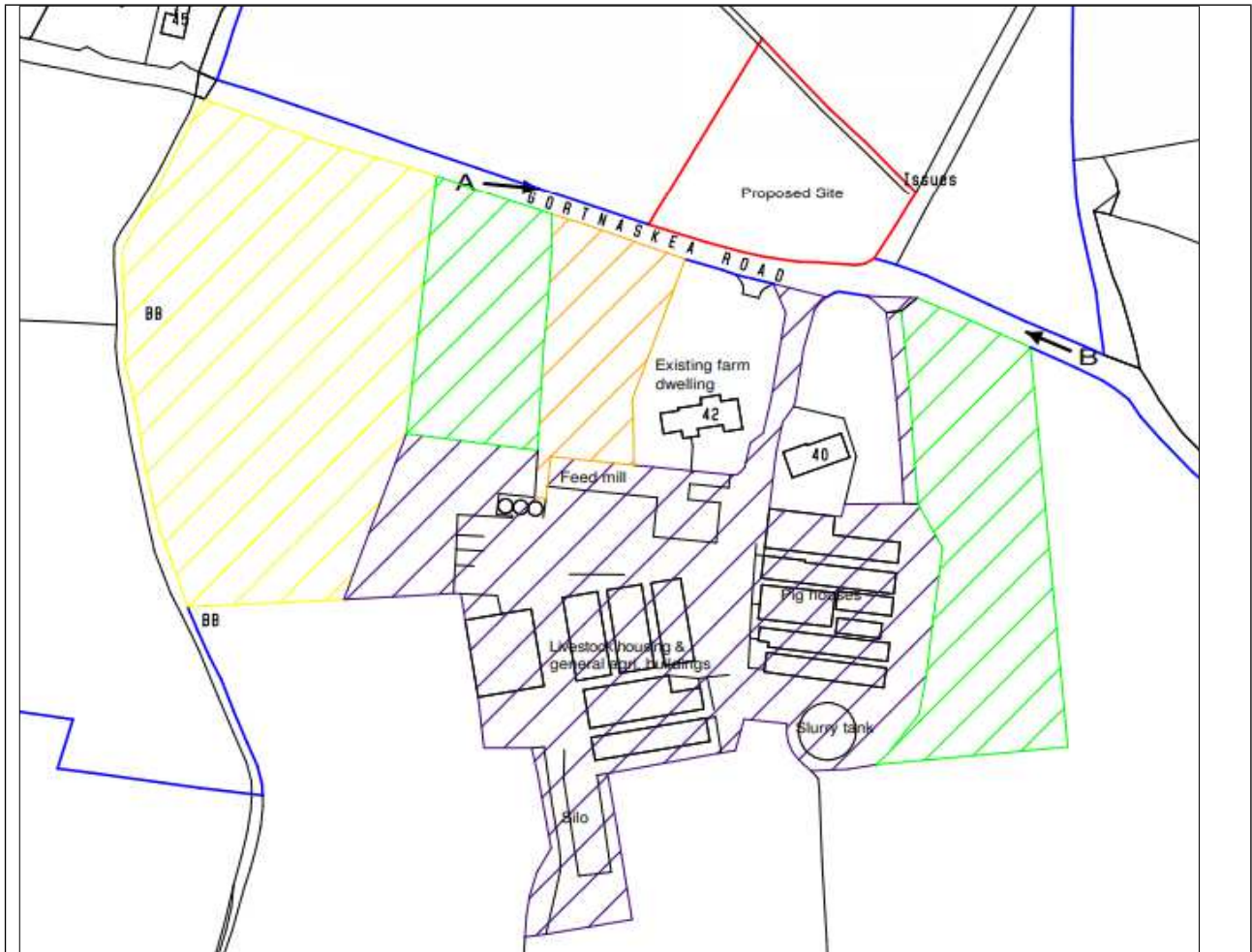


Fig 6: Concept Plan – field used for farm wastewater irrigation (yellow); farm expansion (green); field not suitable due to proximity to feed mill (orange); and extent of existing farm (purple).

Further to the above the agent submitted a Supporting Statement including a Concept Map (see Fig: 6, above) to demonstrate the current and future operations of the farm. He stated several generations of Mr McCrea’s family have farmed here and will probably do so for future generations. That by way of context the applicant seeks this dwelling for himself and the remainder of his family as his son is taking over the main running of the business and will be living in the existing farmhouse. However, the applicant will remain active in the day to day running of the farm and with a large part of that activity breeding pigs, it is imperative his new dwelling is close to the yard. He stated the farm has expanded over the years and with current regulations further expansion is expected soon. That, as hatched green on the Concept Map, the only directions the farm can expand are to the east and west as the land to the south rises sharply. That there are other areas hatched orange and yellow on the Concept Map outside the areas for expansion, but these are not suitable a dwelling i.e. one small field due to proximity to feed mill and another large field used for farm water irrigation. For these reasons, the applicant does not have a suitable site on the same side of the road as the farm complex and the current site in the corner of best and nearest alternative field benefiting from enclosure on three sides a back drop of land, trees and buildings on both approach along the road integrating it into the local landform. The agent contends the site is

visually linked to the existing farm complex directly across the road and draws Planning's attention to two other approvals (I/2012/0392/F and LA09/2020/0630/O) under Policy CTY 10 whereby the dwelling is on lands to the opposite side of the road from the farm.

Having taken account of the additional information submitted every proposal is assessed on individual merit. In this instance I do not consider it has been demonstrated that the dwelling could not be located on lands adjacent and to the same side of the road as the farm buildings whereby it would cluster and visually link. No evidence in the form of definite plans relating to the future expansion of the farm business such as planning permissions have been presented. Additionally, the opinion remain that the proposed site is open and exposed to views as it lacks sufficient long established natural boundaries to provide a suitable degree of enclosure for the new dwelling to integrate into the landscape. As a result, if permitted the dwelling would be unduly prominent in the landscape resulting in a detrimental change to the rural character of the area. Accordingly, the opinion remains that the proposal is contrary Policy CTY10, CTY 13 and CTY14 of PPS 21.

Additional considerations

Had the proposed dwelling been considered acceptable on this site I would have had no concerns regarding it impacting the amenity of neighbouring properties to any unreasonable degree in terms of overlooking or overshadowing given the separation distances that would be retained. The only neighbouring properties in close proximity are located to the opposite side of the road.

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online have been checked. HED's map viewer identified no built heritage features of significance on site and whilst NED's map viewer showed the site to be within an area known to breeding waders, I am content that as this site is on improved grassland this proposal would be unlikely to harm a European protected species in accordance with Policy NH 2 - Species Protected by Law European Protected Species.

Flood Maps NI show no flooding on site.

Recommendation: Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary Policy Statement 21, Sustainable Development in the Countryside in that proposed new building will not be visually linked or sited to cluster with an established group of buildings on the farm.

Reason 2

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries therefore is unable to provide a suitable degree of enclosure for the new building to integrate into the landscape.

Reason 3

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the new building would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s): Emma Richardson

Date: 21 February 2024

ANNEX	
Date Valid	10 May 2023
Date First Advertised	23 May 2023
Date Last Advertised	23 May 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 42 Gortnaskea Road Stewartstown Tyrone BT71 5NY	
Date of Last Neighbour Notification	22 May 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2023/0520/F Proposals: Dwelling and garage under PPS21, Policy CTY 10 Decision: Decision Date:	
Summary of Consultee Responses DFI Roads - Enniskillen Office-DC Checklist 1.doc Roads Consultation full.docx DAERA - Omagh-LA09-2023-0520-F.docx DFI Roads - Enniskillen Office-Roads Consultation - Recon response.docx	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Proposed Plans Plan Ref: 02 Site Layout or Block Plan Plan Ref: 03	

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.8
Application ID: LA09/2023/0683/O	Target Date: 5 October 2023
Proposal: Outline permission for a proposed dwelling at an existing cluster	Location: Adjacent to and SW of 150A Washingbay Road Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Patrick Brady 154 Washing Bay Road Upper Meenagh Coalisland BT71 4QE	Agent Name and Address: Mr Eamonn Cushnahann 4 Glenree Avenue Dungannon BT71 6XG
Executive Summary: The proposal is thought to be contrary to the policy requirements held within CTY2a of PPS 21.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc Roads outline.docx FORM RS1 STANDARD.doc

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 representations received. The proposal is considered to be contrary to CTY 2a of PPS 21 in that it doesn't have a focal point.

Characteristics of the Site and Area

The site is located adjacent and SW of 150a Washingbay Road, Upper Meenagh,

Coalisland. The site is located within the countryside as designated within the Dungannon and South Tyrone Area Plan 2010. The sites current use is agricultural land. The site sits at lands lower than No. 150A and has a mix of boundary treatments including mature trees, post and wire fencing and a grass bank. The immediate surrounding land uses is made up of single dwellings and associated outbuildings. Beyond that, the lands are predominantly agricultural fields with dispersed dwellings and outbuildings.

Description of Proposal

Outline planning permission is sought for a proposed dwelling at an existing cluster.

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: 150A, 150B, 154, 152, 150, 148C and 146 Washingbay Road. At the time of writing, no representations were received.

Planning History

LA09/2020/0034/O - Outline Permission for a proposed dwelling at an existing cluster - Adjacent to and SW of 150A Washingbay Road, Upper Meenagh, Coalisland – APPLICATION WITHDRAWN

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy

The Dungannon and South Tyrone Area Plan 2010 identify the site as being outside any defined settlement limits, located North East of Annaghmore Settlement Limits. There are no other zonings or designations 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. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and

any other material considerations.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being new dwellings in existing clusters in accordance with CTY 2a.

Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided that a number of criteria are met. The cluster of development lies outside of a farm and consists of four or more buildings. There are two dwellings north and north east of the red line of the site (150A and 150B) and there is a further dwelling which is derelict south of the site. The dwelling which was approved under LA09/2017/1756/O and LA09/2021/0384/RM (which had no house number evident at the time of writing and was not occupied at the time of site visit) which is located to the SE was under construction at the time of the site visit and was near completion. Therefore, I am content that there are at least four dwellings within the cluster. The cluster is read together and appears as a visual entity in the local landscape. The first and second criteria of CTY 2a have been met.

The third criterion of CTY 2a requires the cluster to be associated with a focal point such as a social/community building/facility or is located at a crossroads. The agent has provided justification for the site and has noted a water pump (known locally as Morris's Pump as stated in planning statement) as the focal point. The agent has provided a further testimony from the applicant which explores further why they consider the water pump as a focal point. The testimony notes that in the past, local families would have gathered at the pump as it was the only water supply for all the households in the townland. From my site visit and from the information provided by the agent/applicant, I am not convinced that the water pump referred to can be considered as a focal point at present.

The proposed site is located South and South West of the existing dwellings on site (150B and 150A) and is set back some distance from the public road behind the dwelling approved under LA09/2017/1756/O and LA09/2021//0384/RM, therefore public views would be somewhat limited. There is an existing agricultural shed SW of the site and thus I consider that the site is bounded on at least two sides with other development in the cluster and therefore the proposal meets the fourth criterion of Policy CTY2a. I feel that the proposed site could be developed to be absorbed into the existing cluster through rounding off and consolidation and site wouldn't alter the existing character or visually intrude into the open countryside if approval was to be forthcoming.

I am also satisfied that the proposed site would not have significant adverse impact on neighbouring amenity, this would be further considered at RM stage if approval was to be forthcoming. The sixth criterion of CTY 2a has been met.

In conclusion, the proposal is considered contrary to the third criterion held within Policy CTY 2a. Policy CTY 2a states that all criteria must be met, therefore the proposal is

contrary to policy and as such refusal is recommended.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. 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. Policy CTY 14 states that planning permission will 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. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. However, given the limited views available of the site from public view points and existing landscaping, it is considered that the impact of a suitably designed dwelling would be minimal at this site if approval was forthcoming.

DfI Roads were consulted on the application and have offered no objection to the proposal, subject to condition if approval were to be forthcoming.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to the SPPS 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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point or is not located at a cross-roads.

Signature(s): Sarah Duggan

Date: 14 February 2024

ANNEX	
Date Valid	22 June 2023
Date First Advertised	4 July 2023
Date Last Advertised	4 July 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 154 Washingbay Road Coalisland Tyrone BT71 4QE The Owner / Occupier 152 Washingbay Road Coalisland Tyrone BT71 4QE The Owner / Occupier 148C Washingbay Road Coalisland Tyrone BT71 4QE The Owner / Occupier 150A Washingbay Road Coalisland Tyrone BT71 4QE	
Date of Last Neighbour Notification	26 July 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/2014/0161/O Proposals: Dwelling and garage (infill site) Decision: PG Decision Date: 18-JUN-14 Ref: M/1994/0504 Proposals: Site for dwelling and garage Decision: WITHDR Decision Date: Ref: M/1990/0155 Proposals: Extension to Dwelling Decision: PG Decision Date: Ref: M/2009/0295/O Proposals: Replacement bungalow for dwelling already situated on the land Decision: PG	

Decision Date: 14-AUG-09

Ref: M/2008/0400/O

Proposals: Proposed new dwelling

Decision: PG

Decision Date: 18-MAY-12

Ref: LA09/2022/0563/O

Proposals: Proposed two storey dwelling + detached double garage

Decision: REF

Decision Date: 21-NOV-22

Ref: M/2011/0059/F

Proposals: Proposed replacement dwelling and garage

Decision: PG

Decision Date: 09-AUG-11

Ref: M/2011/0003/F

Proposals: Dwelling and garage (Article 23 of the Planning NI Order 1991) without compliance with condition 4 (to raise ridge height from 6 to 7m) of previous outline planning application permission M/2009/0295/O

Decision:

Decision Date:

Ref: LA09/2019/0829/O

Proposals: Dwelling and Garage (new access)

Decision: PG

Decision Date: 16-JUL-20

Ref: LA09/2023/0683/O

Proposals: Outline permission for a proposed dwelling at an existing cluster

Decision:

Decision Date:

Ref: M/1984/0584

Proposals: ERECTION OF BUNGALOW

Decision: PG

Decision Date:

Ref: M/2000/0156/F

Proposals: Erection of 1 1/2 storey replacement dwelling

Decision: PG

Decision Date: 20-MAY-00

Ref: M/1978/0681

Proposals: EXTENSIONS TO DWELLING

Decision: PG
Decision Date:

Ref: M/1998/0713
Proposals: Site for proposed replacement dwelling
Decision: PG
Decision Date:

Ref: M/1981/0102
Proposals: ERECTION OF BUNGALOW
Decision: PG
Decision Date:

Ref: M/1984/0525
Proposals: BUNGALOW
Decision: PG
Decision Date:

Ref: M/1980/0418
Proposals: ERECTION OF BUNGALOW
Decision: PG
Decision Date:

Ref: M/1979/0624
Proposals: BUNGALOW
Decision: PG
Decision Date:

Ref: M/2014/0212/RM
Proposals: Proposed replacement dwelling and garage
Decision: PG
Decision Date: 17-JUL-14

Ref: M/1993/0170
Proposals: Replacement Bungalow
Decision: PG
Decision Date:

Ref: M/2013/0428/O
Proposals: Replacement dwelling and garage
Decision: PG
Decision Date: 04-NOV-13

Ref: M/2014/0213/RM
Proposals: Proposed replacement dwelling
Decision: PG

Decision Date: 24-JUL-14

Ref: LA09/2018/1640/F

Proposals: Ground floor extension to rear of dwelling to accommodate rear sitting room, ground floor toilet and additional utility space

Decision: PG

Decision Date: 05-MAR-19

Ref: M/2013/0427/O

Proposals: Replacement dwelling and garage

Decision: PG

Decision Date: 04-NOV-13

Ref: LA09/2021/0384/RM

Proposals: Replacement rural type storey and half dwelling and garage.

Decision: PG

Decision Date: 08-JUN-21

Ref: M/2005/1799/RM

Proposals: Proposed dwelling house

Decision: PG

Decision Date: 25-NOV-05

Ref: M/1994/0680

Proposals: Site for Dwelling and Garage

Decision: PG

Decision Date:

Ref: M/2000/0394/O

Proposals: Dwelling and Domestic Garage

Decision: PG

Decision Date: 20-OCT-00

Ref: M/2003/1299/O

Proposals: Dwelling and garage

Decision: PG

Decision Date: 12-NOV-03

Ref: LA09/2015/0786/RM

Proposals: Proposed infill dwelling and garage

Decision: PG

Decision Date: 17-DEC-15

Ref: LA09/2017/0597/F

Proposals: Proposed dwelling and domestic garage on infill site

Decision: PG

Decision Date: 08-AUG-17

Ref: M/1998/0841

Proposals: Proposed Replacement Dwelling

Decision: PR

Decision Date:

Ref: LA09/2017/1756/O

Proposals: Replacement dwelling

Decision: PG

Decision Date: 07-MAR-18

Ref: LA09/2020/0034/O

Proposals: Outline Permission for a proposed dwelling at an existing cluster.

Decision: WDN

Decision Date: 07-JUN-21

Ref: LA09/2017/0388/RM

Proposals: Replacement dwelling and detached garage.

Decision: PG

Decision Date: 23-JUN-17

Ref: LA09/2017/0483/RM

Proposals: Replacement Dwelling

Decision: PG

Decision Date: 28-JUL-17

Ref: M/2014/0574/O

Proposals: Replacement dwelling

Decision: PG

Decision Date: 31-MAR-15

Ref: M/2014/0326/O

Proposals: Outline planning permission for a replacement dwelling

Decision: PG

Decision Date: 08-AUG-14

Ref: LA09/2018/1434/F

Proposals: Storey and a half and detached garage with a maximum ridge height of 6.5m
Dwelling to consist of 2 pitched roof elements with flat roof link and to a split level ground floor

Decision: PG

Decision Date: 11-JUN-19

Ref: M/2011/0257/F

Proposals: Dwelling & Garage

Decision: PR
Decision Date: 15-NOV-11

Ref: M/2004/0974/O
Proposals: Dwelling House
Decision:
Decision Date:

Ref: M/2006/1704/F
Proposals: Proposed alteration & extension to existing garage to create 1½ storey dwelling with utility room & hall extension.
Decision: PR
Decision Date: 21-FEB-07

Ref: M/1973/0154
Proposals: 11KV AND LV/MV O/H LINES
Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DC Checklist 1.docRoads outline.docxFORM RS1 STANDARD.doc

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Miscellaneous Plan Ref: 03

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.9
Application ID: LA09/2023/0693/F	Target Date: 16 October 2023
Proposal: Proposed temporary mobile home	Location: 20 Loughbracken Road, Pomeroy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Aidan Molloy 20 Loughbracken Road Pomeroy BT70 2SE	Agent Name and Address: Mrs Carol Gourley Unit 7 Cookstown Enterprise Centre Sandholes Road COOKSTOWN BT80 9LU
Executive Summary: The application is before Members as it is recommended for Refusal. It is proposed for a temporary mobile home. This proposal has been assessed under all relevant policy, namely the SPPS, the Cookstown Area Plan 2010, and PPS 21 (CTY 1,6,9,13 and 14). No objections have been received to date. Issues raised by the Planning Department include conflict with policy such as the PPS21 CTY 6 with regards to genuine hardship being caused and CTY 9 with relation to the temporary siting of the mobile home. A special circumstances case has been put forward however it is considered that the application is contrary to paragraph 5.29 of CTY 6 as no verifiable documents from a GP/Medical Professional that explain how genuine hardship would be caused if this application were to be refused. With Regards CTY 9 no adequate details have been provided of the immediate short-term circumstances and how a temporary mobile home will deal with these.	

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

Characteristics of the Site and Area

The site is located within the open countryside as defined in the Cookstown Area Plan 2010, approximately 0.8km northeast of Pomeroy village. The site is identified as 20 Loughbracken Road an existing two storey detached dwelling which is set back from the road, the dwelling is accessed from the Loughbracken Road via a private lane. Mature hedging and fencing surround the sites curtilage, I note that the immediate surrounding

area is rural in nature however there is several existing dwellings located along this section of Loughbracken Road.

Description of Proposal

This is a full application for a proposed temporary mobile home.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Two (2) neighbouring properties were notified with (No.24 returned by royal mail – addressee inaccessible), and press advertisement was carried out in line with the Council's statutory duty. To date no third party representations have been received.

Consultations

No consultations were considered necessary for this application.

Relevant Planning History

Reference: I/1999/0126

Location: 20 Loughbracken Road Pomeroy

Proposal: Extension & Alterations to dwelling

Decision: Permission Granted

Planning Assessment of Policy and Other Material Considerations

- Cookstown Area Plan 2010
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 21 - Sustainable Development in the Countryside
 - CTY 1 – Development in the Countryside
 - CTY 6 - Personal and Domestic Circumstances
 - CTY 9 - Residential Caravans and Mobile Homes
 - CTY 13 - Integration and Design of Buildings in the Countryside
 - CTY14 - Rural Character

Cookstown Area Plan 2010

The Cookstown Area Plan 2010 identifies the site as being in the rural countryside, approximately 0.75km north of Pomeroy. There are no other zonings or designations within the Plan.

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.

Mid Ulster District Council Draft Plan Strategy 2030

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. 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.

Planning Policy Statement 21 – Sustainable Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. The application will be assessed under all relevant policies contained within PPS 21 such as CTY 6, CTY 9, CTY 13 and CTY14.

Policy CTY 9 – Residential Caravans and Mobile Homes

Planning permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances.

These exceptional circumstances include:

- the provision of temporary residential accommodation pending the development of a permanent dwelling; or
- where there are compelling and site-specific reasons related to personal or domestic circumstances (see Policy CTY 6).

The planning department has not been provided with adequate details of the immediate short-term circumstances and how a temporary mobile home will deal with these.

Policy CTY 6 – Personal and Domestic Circumstances

Planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:

(a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and

(b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

I am of the opinion that there is not enough information for the planning department to determine if genuine hardship would be caused if planning permission were refused. CTY 6 (b) also states that permission will be granted the use of a temporary mobile home for a limited period to deal with short term circumstances however the agent/applicant has not provided detailed information as to why a temporary mobile home would deal with short term circumstances and what the short-term circumstances are.

Paragraph 5.29 states that applicants will be expected to provide sufficient information to allow a proper assessment of each specific case.

Such information should include:

- *a statement detailing the special personal or domestic circumstances supported if appropriate by medical evidence from a medical or health professional.*

Whilst the applicant has provided us with a statement of case detailing the personal circumstances these have not been verifiable from a GP or medical professional.

- *details of the level of care required in relation to any medical condition again supported by the appropriate health professional, the identity of the main carer, their current address and occupation.*

A letter submitted by the applicant's sister explains that she currently resides in New York City where she works as a registered nurse. M Molloy details that she intends to relocate to Ireland in Spring 2024, to provide a level of care for her brother, the applicants sister states 'This arrangement would offer him a more stable home environment, close family support coupled with maintaining his independent living which is crucial for his rehabilitation'. No details have been provided that identify a carer is needed for Mr Molloy and that the registered carer for Mr Molloy is his sister. No documents have been submitted which specify who Mr Molloy's current carer is while his sister resides in the New York City.

- *an explanation of why care can only be provided at the specific location and how*

genuine hardship would be caused if planning permission were refused.

No information has been provided indicating why care can only be provided at the proposed site.

Having carried out an assessment of the planning policy, I recommend that this application be refused planning permission as it is contrary to PPS21 policies CTY 6 and CTY9.

Habitats Regulations Assessment

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:

Refuse is recommended

Refusal Reasons

Reason 1

The proposed temporary mobile home is considered contrary to planning policy statement 21 CTY 6 as the applicant has not demonstrated that genuine hardship will be caused should planning permission be refused based on his special circumstances.

Signature(s): Ciara Carson

Date: 8 February 2024

ANNEX	
Date Valid	3 July 2023
Date First Advertised	30 January 2024
Date Last Advertised	11 July 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 18 Loughbracken Road Pomeroy Tyrone BT70 2SE The Owner / Occupier RNN 24 Loughbracken Road Pomeroy Tyrone BT70 2SE	
Date of Last Neighbour Notification	19 January 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: I/1999/0126 Proposals: Extension & Alterations to dwelling Decision: PG Decision Date:</p> <p>Ref: I/1979/0017 Proposals: EXTENSION AND IMPROVEMENTS TO DWELLING Decision: PG Decision Date:</p> <p>Ref: LA09/2017/0278/O Proposals: Farm dwelling and garage Decision: PG Decision Date: 22-MAY-17</p> <p>Ref: LA09/2023/0693/F Proposals: Proposed detached ancillary granny flat Decision: Decision Date:</p>	

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Proposed Plans Plan Ref: 02
Site Location Plan Plan Ref: 01/1

Notification to Department (if relevant)

Not ApplicableNot ApplicableNot Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.10
Application ID: LA09/2023/0796/F	Target Date: 13 November 2023
Proposal: Retention of existing mobile office space used in connection with existing business	Location: 27 Feddan Road Dungannon BT70 2AP
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Timmy Wiggam 27 Fedden Road Ballygawley BT70 2AP	Agent Name and Address: Prestige Homes 1 Lismore Road Ballygawley Dungannon BT70 2ND
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	NIEA	PRT LA09-2023-0796-F ERR.PDF
Non Statutory Consultee	Shared Environmental Services	LA09-2023-0796-F-Elimination-27-10-2023.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Approval final.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Full response.docx This application is bordering the A5 WTC Corridor. SRI Department have been consulted for comment on how or if this application affects the proposed A5 WTC vesting area. DFI and Mid Ulster council are advised to await confirmation from SRI before proceeding with this application.
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Approval.docx

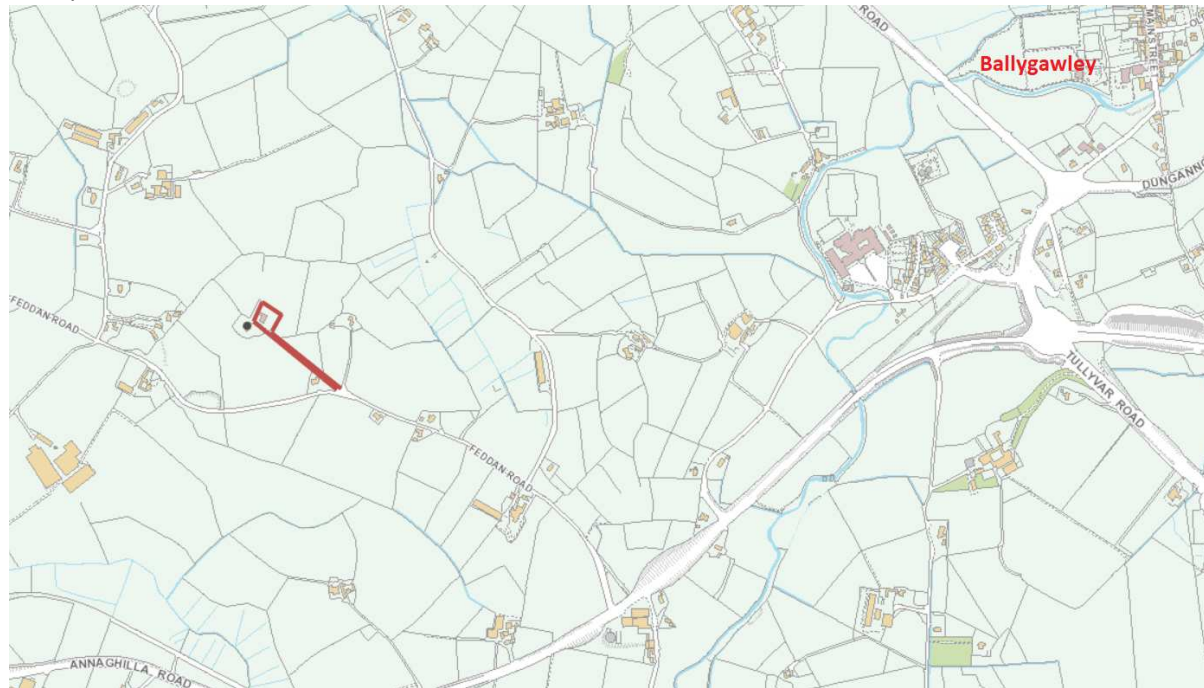
Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	4
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

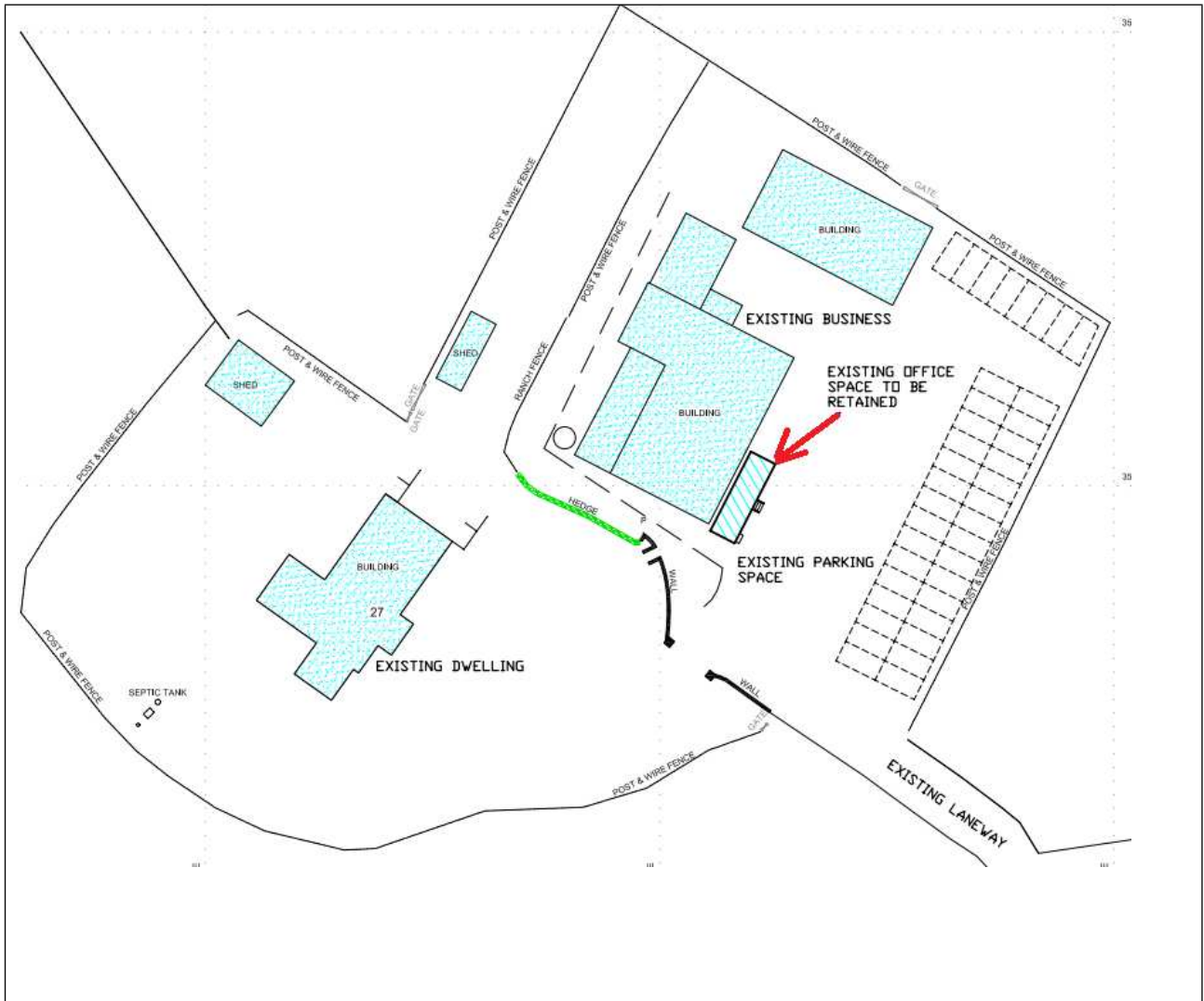
The site lies within the open countryside just a short distance to the south west of the settlement limits of Ballygawley and outside all other areas of constraint as depicted by the Dungannon and South Tyrone area plan 2010.



The site is accessed off the Feddan Road and the red line encompasses a long narrow rising laneway, which runs directly past the rear of number 25. The lane is concrete and has a native species hedgerow on both sides. Approx 240 metres from the Feddan road the lane divides in two, with access to the dwelling at number 27 to the west and the main body of the site to the east.



The site includes a number of large industrial type buildings to the rear of the site with carparking to the front. There are two large trees at the entrance to the site and mature hedging as well as a post and wire security fence on all remaining boundaries. Number 27 which is adjacent to the site is owned by the applicant, there is also a small shed and a cleared rectangular area to the rear of the site. The sheds on site are all of similar design with concrete precast panel bases and corrugated aluminium cladding to upper walls and roof.



Description of Proposal

The proposal seeks full planning permission for the retention of existing mobile office space used in connection with existing business of Skye body repair ltd.

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

- Strategic Planning Policy Statement for Northern Ireland
- DSTAP 2010

- Planning Policy Statement 21: Sustainable Development in the Countryside
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 4: Planning and Economic Development

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. 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 cannot currently be given any determining weight.

History on Site

LA09/2023/0797/F - Retention of existing workshop in connection with existing business – was submitted alongside this application and is currently in the system.

Representations

Press advertisement and neighbour notification has been carried out in line with the Council's statutory duty. At the time of writing, there were numerous objections received from a persons with a legal interest in the surrounding lands.

Assessment of Objections

The objector lists a number of concerns which I will detail and discuss below;

- Disputed site ownership
- Environmental impact i.e. effluent
- Bio diversity checklist needed
- No control over the visibility splays
- Increase vehicle traffic
- Inadequate visibility splays
- Visibility splay X value of 4.5m needed
- Road safety
- Transport Assessment needed
- Certificate of notice erroneously attempted
- Lack of integration, prominent in the landscape
- No legal permission to comply with conditions
- Nor reasonable prospect of getting permission.

Consideration of objections

-With regards to the ownership issues, the applicant has submitted a solicitors letter accompanying the documents and deed maps showing ownership of the land and a right of way to the main road. The applicant has served notice on the surrounding landowners.

-With regards the environmental impact, the applicant has concerns over the discharge of sewerage, and the impact on the drainage basin for the Ballygawley water. The applicant has stated that they will be discharging to a septic tank and this application is currently with NIEA for approval. From site inspection

it is clear there are no water courses in the immediate proximity.

-The applicant was requested to submit a biodiversity checklist, and this was submitted by the applicant raising no serious concerns.

-The next number of points can be discussed as one, with regards to the increase in traffic, road safety and visibility splays. The objector is concerned first and foremost with the sight splay levels required, they feel an X value would be more appropriate. DFI roads are the expert body in this field and they have replied on numerous occasion to state they are happy with the current visibility splays on the ground and show on the drawings.

A transport assessment has been submitted and DFI roads were content from a road safety point of view and did not have any concerns with traffic levels.

The objector also raises ownership issues over the visibility splays; however, the applicant has shown via deed maps that they have a right of way to the road and there is no land required as DFI Roads are content with the splays shown.

The applicant does not own the laneway, however, has shown they do have a right of way and have served notice on the other interested parties.

The objector also states that the applicant does not have full ownership of the sight splays and does not have legal permission to fully comply with the DFI stipulated conditions. However, roads have stated that the splays that are in place are adequate. In addition the objector feels that as the applicant doesn't own all the lands within the splays they are unable to demonstrate control of the land for visibility splays that the application should be refused. However, as the visibility splays in place have satisfied roads the ownership is a civil matter and not have impact on the planning decision.

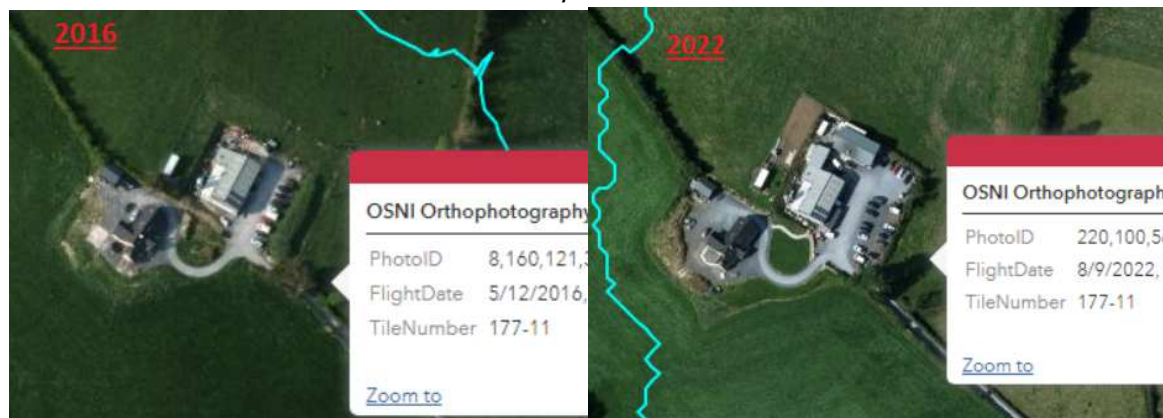
-The next concern raised was surrounding the prominence of the site in the landscape and the lack of integration, as you can see from the photographs below, the only views of the site are long distance and there is a high level of vegetation surrounding to aid the screening. I have no concerns regarding integration.



The existing buildings (not including the two seeking retention) and hardstanding area have been on site since at least 2013, the applicant has also submitted proof that the business was operational on site for same time and enforcement are content that these main buildings are immune. (see ortho image from 2013 below)



The councils Ortho images also confirm that the building seeking retention through this application has been on site for somewhere between 2 and 6 years.



Key Policy Considerations/Assessment

Dungannon and South Tyrone Area Plan 2010 - The site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland states that 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. 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. SPPS does not introduce any new policy considerations which would impact on the assessment of this proposal, as such existing policy will be applied.

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is Industry and Business uses in the countryside that are in accordance with policies contained within PPS4- Planning and Economic Development.

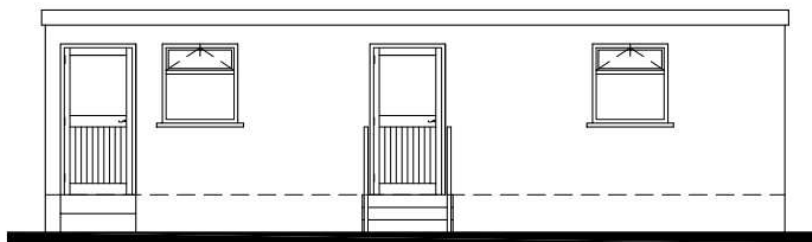
The industrial use on site has been on going for over 6 years, as discussed above there was sufficient

evidence to demonstrate that the business use and operational development of the main buildings and associated yard was immune from enforcement action and therefore lawful. The proposal is for the retention of a further shed which would constitute an extension of an established economic use in the countryside therefore PED3 of PPS4 applies.

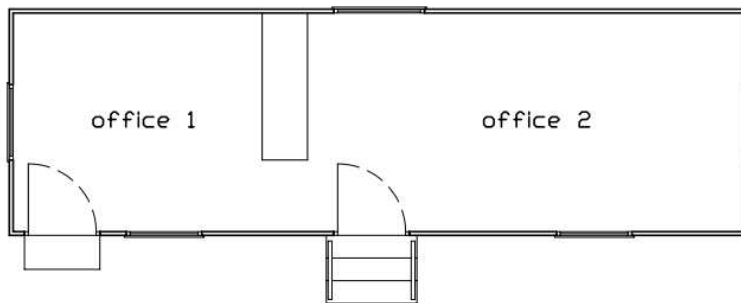
PPS4 - Policy PED 3 Expansion of an Established Economic Development Use in the Countryside states permission will be granted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of enterprise. In exceptional circumstances a major expansion will be granted where it is demonstrated that;

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

The application seeks permission for the retention of a small mobile office with a floor space of approx. 35m². The proposed building sits directly in front of the existing immune buildings which comprise approx. 400m² floorspace.



EXISTING FRONT ELEVATION
SCALE 1/50



It is noted the proposed building subject to this application appears to have been completed without the benefit of planning permission. The proposal sits in front of the existing buildings, however, due to its smaller size, it is considered the siting of the new building consolidates and integrates with the existing built form on site; and is in proportion to existing buildings. It is considered the proposed extension of the established business will have economic benefits and is acceptable in this instance and would not constitute a major expansion.



In terms of impact on rural character the assessment is twofold. Consideration is given to impacts on visual and residential amenity. In my view the proposal will group with the existing established buildings on site. The proposal site is set approx. 240 metres from the roadside and upon site inspection it was barely visible. The proposed buildings are of a similar design and scale and will not be incongruous when viewed in the context of the existing buildings on site. Visual integration is also aided by mature vegetation and trees along the site boundaries.



Given the existing landscaping and distance from the roadside it is considered the proposed development will integrate without significant visual impact.

Given the application relates to engineering works and the proximity to third party dwellings, Environmental Health Department were consulted on this proposal. Environmental Health note that the nearest 3rd party sensitive receptor is located approx.170m from this proposed development, therefore they have no objections subject to conditions and informatives.

As well as the policy requirements of Policy PED 3, it is also necessary for the proposed development to comply with Policy PED 9.

Policy PED9: General Criteria for all Economic Development lists 13 criteria proposals should meet;

a) the proposal is compatible with surrounding land use;

The business use is established on this site. The proposed expansion will be similar in terms of operations carried out on site, as reflected in the P1 form. The original use is Car body repair and the proposed shed will be for an office for the existing business. The proposed sits directly in front of the existing sheds, it is considered given the existing use, the proposal is compatible for this site and locality.

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

Environmental Health have not raised any objections with respect detrimental impact on nearby neighbours subject to conditions and informatives. The objections received do not raise any amenity issues.

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

No built or natural heritage designations have been identified in close proximity of the site. I am content

natural or built heritage features will not be harmed by this proposal. Therefore, I am content the proposal would not be likely to have a significant effect on the features of any European site.

d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
The site is on an elevated site and does not lie in an area of flood risk, no concerns.

e) it does not create a noise nuisance;
Environmental Health have considered the proposal and have not raised any objections subject to conditions attached to any forthcoming approval to ensure no loss of amenity at nearby sensitive receptors due to noise. In light of this, I am content that the proposal will not significantly increase the existing noise within the locality and therefore will not create a noise nuisance to nearby residents.

f) it is capable of dealing satisfactorily with any emission or effluent;
Environmental Health have raised no concern that the proposal will not deal 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; DfI Roads had no concerns.

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;

DfI Roads were consulted on this application and have responded with no objections subject to conditions. It was noted from the site layout plan and on the date of the site inspection that there is an adequate area of parking is provided at the south portion of the site. In light of DfI Roads response and my observations on site it is considered there is adequate access, parking and space for manoeuvring of vehicles due to its countryside location, access to this site is usually by private car or HGV. Therefore, there is little scope to provide a movement pattern of walking, cycling or convenient access to public transport. It is the responsibility of the developer to respect existing public rights of way and to provide for people whose mobility is impaired.

j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
The site layout, building design, associated infrastructure and landscape arrangements are acceptable for this site and locality given the existing established business on site. It is considered the building design and associated infrastructure respects the existing built form.

k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
There is sufficient existing boundary vegetation to provide a decent level of enclosure and coupled with the distance from the roadside there is minimal views from the roadside.

i) is designed to deter crime and promote personal safety; and
It is the responsibility of the developer to ensure that the proposal is designed to deter crime and promote personal safety. There is existing fencing surrounding the site.

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

The proposal will satisfactorily integrate into the countryside as it will read with existing buildings, and existing landscaping adequately screens the site.

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

Condition 2

The vehicular access including visibility splays of 2.4m x 60m in both directions and any forward sight distance shall be provided in accordance with the 1/2500 scale location map and 1/500 scale Block plan received on 21st November 2023 within 6 weeks from the date of this decision notice. 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 access gradient to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses 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 users.

Condition 4

Gates or security barriers at the access shall be located at a distance from the edge of

the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

REASON: To ensure waiting vehicles do not encroach onto the carriageway

Condition 5

The development hereby permitted shall be used only for purposes specified in the description and shall also remain ancillary to the use of the existing business, unless otherwise agreed by Mid Ulster Council.

Reason: To prohibit a change to an unacceptable use and to control the nature and size of the business.

Signature(s): Peter Hughes

Date: 20 February 2024

ANNEX	
Date Valid	31 July 2023
Date First Advertised	14 August 2023
Date Last Advertised	14 August 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 25 Feddan Road Dungannon Tyrone BT70 2AP The Owner / Occupier 23 Feddan Road Dungannon Tyrone BT70 2AP The Owner / Occupier 27 Feddan Road Dungannon Tyrone BT70 2AP</p>	
Date of Last Neighbour Notification	2 August 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
<p>NIEA-PRT LA09-2023-0796-F ERR.PDF Shared Environmental Services-LA09-2023-0796-F-Elimination-27-10-2023.pdf DFI Roads - Enniskillen Office-Roads Consultation - Approval final.docx DFI Roads - Enniskillen Office-Roads Consultation - Full response.docx This application is bordering the A5 WTC Corridor. SRI Department have been consulted for comment on how or if this application affects the proposed A5 WTC vesting area. DFI and Mid Ulster council are advised to await confirmation from SRI before proceeding with this application. Environmental Health Mid Ulster Council-Planning response.pdf DFI Roads - Enniskillen Office-Roads Consultation - Approval.docx</p>	

Drawing Numbers and Title

Proposed Plans 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: 5 March 2024	Item Number: 5.11
Application ID: LA09/2023/0797/F	Target Date: 13 November 2023
Proposal: Retention of existing workshop in connection with existing business	Location: 27 Feddan Road Ballygawley
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Timmy Wiggam 27 feddan Road Ballygawley BT70 2AP	Agent Name and Address: Mr raymond gillespie 1 Lismore Road Ballygawley Dungannon BT70 2ND
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	NIEA	PRT LA09-2023-0797-F ERR.PDF
Non Statutory Consultee	Shared Environmental Services	LA09-2023-0797-F- Elimination-27-10-2023.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Approval - final.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Full response.docx This application is bordering the A5 WTC Corridor. SRI Department have been consulted for comment on how or if this application affects the proposed A5 WTC vesting area. DFI and Mid Ulster council are advised to await confirmation from SRI before proceeding with this application.
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf
Statutory Consultee	Environmental Health Mid Ulster Council	Planning response (2).pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Approval.docx

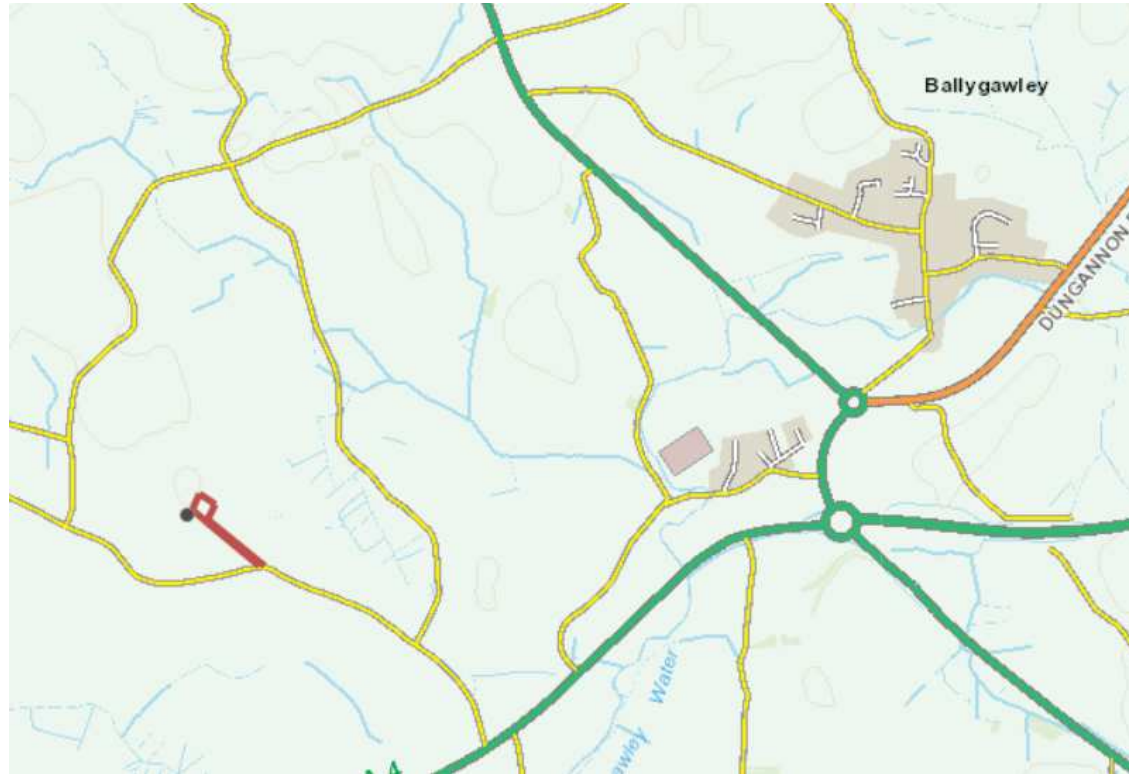
Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	4
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

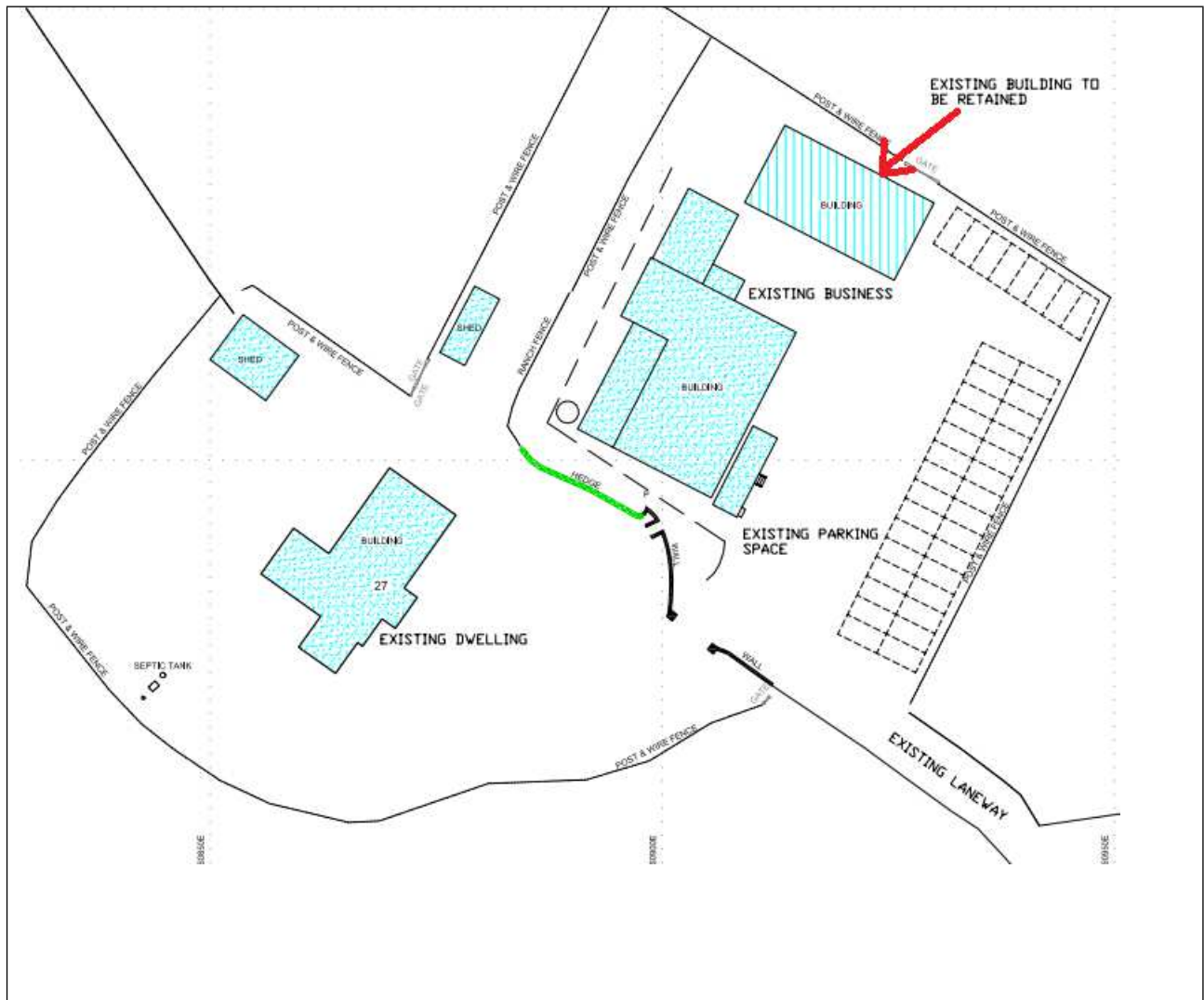
The site lies within the open countryside just a short distance to the south west of the settlement limits of Ballygawley and outside all other areas of constraint as depicted by the Dungannon and South Tyrone area plan 2010.



The site is accessed off the Feddan Road and the red line encompasses a long narrow rising laneway, which runs directly past the rear of number 25. The lane is concrete and has a native species hedgerow on both sides. Approx 240 metres from the Feddan road the lane divides in two, with access to the dwelling at number 27 to the west and the main body of the site to the east.



The site includes a number of large industrial type buildings to the rear of the site with carparking to the front. There are two large trees at the entrance to the site and mature hedging as well as a post and wire security fence on all remaining boundaries. Number 27 which is adjacent to the site is owned by the applicant, there is also a small shed and a cleared rectangular area to the rear of the site. The sheds on site are all of similar design with concrete precast panel bases and corrugated aluminium cladding to upper walls and roof.



Description of Proposal

Retention of existing workshop in connection with existing 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 following documents provide the primary policy context for the determination of this application:

- Strategic Planning Policy Statement for Northern Ireland
- DSTAP 2010
- Planning Policy Statement 21: Sustainable Development in the Countryside
- Planning Policy Statement 3: Access, Movement and Parking

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. 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 cannot currently be given any determining weight.

History on Site

LA09/2023/0796/F - Retention of existing mobile office space used in connection with existing business – was submitted alongside this application and is currently in the system.

Representations

Press advertisement and neighbour notification has been carried out in line with the Council's statutory duty. At the time of writing, there were numerous objections received from a persons with a legal interest in the surrounding lands.

Assessment of Objections

The objector lists a number of concerns which I will detail and discuss below;

- Disputed site ownership
- Environmental impact i.e. effluent
- Bio diversity checklist needed
- No control over the visibility splays
- Increase vehicle traffic
- Inadequate visibility splays
- Visibility splay X value of 4.5m needed
- Road safety
- Transport Assessment needed
- Certificate of notice erroneously attempted
- Lack of integration, prominent in the landscape
- No legal permission to comply with conditions
- Nor reasonable prospect of getting permission.
- impact of hazardous substances on employers or customers
- information missing on extractor fan emissions
- dust and other air pollution
- no pollution prevention and control permits
- waste transfers notes
- numerous other health and safety questions and concerns

Consideration of objections

-With regards to the ownership issues, the applicant has submitted a solicitors letter accompanying the documents and deed maps showing ownership of the land and a right of way to the main road. The applicant has served notice on the surrounding landowners.

-With regards the environmental impact, the applicant has concerns over the discharge of sewerage, and the impact on the drainage basin for the Ballygawley water. The applicant has stated that they will be discharging to a septic tank and this application is currently with NIEA for approval. From site inspection it is clear there are no water courses in the immediate proximity.

-The applicant was requested to submit a biodiversity checklist, and this was submitted by the applicant raising no serious concerns.

-The next number of points can be discussed as one, with regards to the increase in traffic, road safety and visibility splays. The objector is concerned first and foremost with the sight splay levels required, they feel an X value would be more appropriate. DFI roads are the expert body in this field and they have replied on numerous occasion to state they are happy with the current visibility splays on the ground and show on the drawings.

A transport assessment has been submitted and DFI roads were content from a road safety point of view and did not have any concerns with traffic levels.

The objector also raises ownership issues over the visibility splays; however, the applicant has shown via deed maps that they have a right of way to the road and there is no land required as DFI Roads are content with the splays shown.

The applicant does not own the laneway, however, has shown they do have a right of way and have served notice on the other interested parties.

The objector also states that the applicant does not have full ownership of the sight splays and does not have legal permission to fully comply with the DFI stipulated conditions. However, roads have stated that the splays that are in place are adequate. In addition the objector feels that as the applicant doesn't own all the lands within the splays they are unable to demonstrate control of the land for visibility splays that the application should be refused. However, as the visibility splays in place have satisfied roads the ownership is a civil matter and not have impact on the planning decision.

-The next concern raised was surrounding the prominence of the site in the landscape and the lack of integration, as you can see from the photographs below, the only views of the site are long distance and there is a high level of vegetation surrounding to aid the screening. I have no concerns regarding integration.



-The remaining concerns relate to hazardous substances, dust and other air pollution, pollution prevention and control permits, waste transfers notes as well as numerous other health and safety questions and concerns would not be considered within the remit of the planning department within the

council. Environmental health were consulted and responded with no objections subject to conditions, the objector may wish to raise these health and safety concerns with public health at the HSENI

The existing buildings (not including the two seeking retention) and hardstanding area have been on site since at least 2013, the applicant has also submitted proof that the business was operational on site for same time and enforcement are content that these main buildings are immune. (see ortho image from 2013 below)



The councils Ortho images also confirm that the building seeking retention through this application has been on site for somewhere between 2 and 6 years.



Key Policy Considerations/Assessment

Dungannon and South Tyrone Area Plan 2010 - The site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland states that 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. 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. SPPS does not introduce any new policy considerations which would impact on the assessment of this proposal, as such existing policy will be applied.

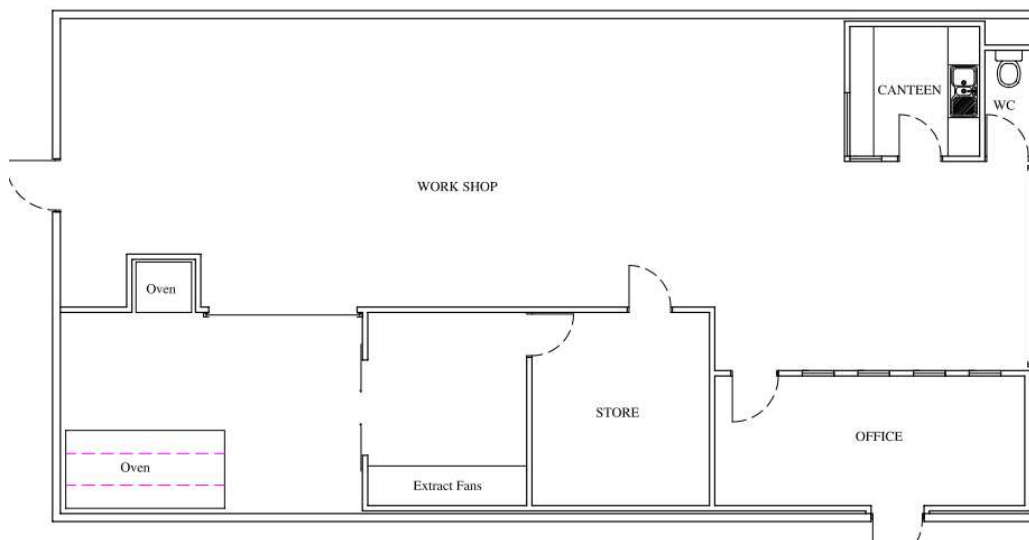
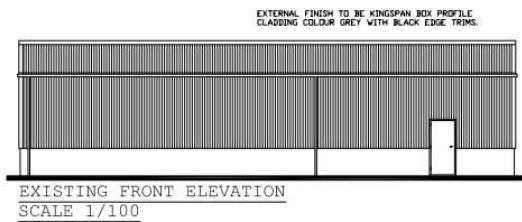
Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is Industry and Business uses in the countryside that are in accordance with policies contained within PPS4- Planning and Economic Development.

The industrial use on site has been on going for over 6 years, as discussed above there was sufficient evidence to demonstrate that the business use and operational development of the main buildings and associated yard was immune from enforcement action and therefore lawful. The proposal is for the retention of a further shed which would constitute an extension of an established economic use in the countryside therefore PED3 of PPS4 applies.

PPS4 - Policy PED 3 Expansion of an Established Economic Development Use in the Countryside states permission will be granted 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 are of enterprise. In exceptional circumstances a major expansion will be granted where it is demonstrated that;

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

The application seeks permission for the retention of an existing workshop, office space, canteen with a combined floor space of approx. 180m². The existing immune buildings comprise approx. 400m² floorspace.



It is noted the proposed building subject to this application appears to have been completed without the benefit of planning permission. The proposal is solely to the rear and it is considered the siting of the new building consolidates and integrates with the existing built form on site; and is in proportion to existing buildings. It is considered the proposed extension of the established business will have economic benefits and is acceptable in this instance and would not constitute a major expansion.



In terms of impact on rural character the assessment is twofold. Consideration is given to impacts on visual and residential amenity. In my view the proposal will group with the existing established buildings on site. The proposal site is set approx. 240 metres from the roadside and upon site inspection it was barely visible. The proposed buildings are of a similar design and scale and will not be incongruous when viewed in the context of the existing buildings on site. Visual integration is also aided by mature vegetation and trees along the site boundaries.



Given the existing landscaping and distance from the roadside it is considered the proposed development will integrate without significant visual impact.

Given the application relates to engineering works and the proximity to third party dwellings, Environmental Health Department were consulted on this proposal. Environmental Health note that the nearest 3rd party sensitive receptor is located approx.170m from this proposed development, therefore they have no objections subject to conditions and informatives.

As well as the policy requirements of Policy PED 3, it is also necessary for the proposed development to comply with Policy PED 9.

Policy PED9: General Criteria for all Economic Development lists 13 criteria proposals should meet;

a) the proposal is compatible with surrounding land use;

The business use is established on this site. The proposed expansion will be similar in terms of operations carried out on site, as reflected in the P1 form. The original use is Car body repair and the proposed shed will be for wheel repair. The proposed building extends to the rear of the site, it is considered given the existing use, the proposal is compatible for this site and locality.

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

Environmental Health have not raised any objections with respect detrimental impact on nearby

neighbours subject to conditions and informatives. The objections received do not raise any amenity issues.

c) it does not adversely affect features of the natural or built heritage;
No built or natural heritage designations have been identified in close proximity of the site. I am content natural or built heritage features will not be harmed by this proposal. Therefore, I am content proposal would not be likely to have a significant effect on the features of any European site.

d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
The site is on an elevated site and does not lie in an area of flood risk, no concerns.

e) it does not create a noise nuisance;
Environmental Health have considered the proposal and have not raised any objections subject to conditions attached to any forthcoming approval to ensure no loss of amenity at nearby sensitive receptors due to noise. In light of this, I am content that the proposal will not significantly increase the existing noise within the locality and therefore will not create a noise nuisance to nearby residents.

f) it is capable of dealing satisfactorily with any emission or effluent;
Environmental Health have raised no concern that the proposal will not deal 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; DfI Roads had no concerns.

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;

DfI Roads were consulted on this application and have responded with no objections subject to conditions. It was noted from the site layout plan and on the date of the site inspection that there is an adequate area of parking is provided at the south portion of the site. In light of DfI Roads response and my observations on site it is considered there is adequate access, parking and space for manoeuvring of vehicles due to its countryside location, access to this site is usually by private car or HGV. Therefore, there is little scope to provide a movement pattern of walking, cycling or convenient access to public transport. It is the responsibility of the developer to respect existing public rights of way and to provide for people whose mobility is impaired.

j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
The site layout, building design, associated infrastructure and landscape arrangements are acceptable for this site and locality given the existing established business on site. It is considered the building design and associated infrastructure respects the existing built form.

k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
There is sufficient existing boundary vegetation to provide a decent level of enclosure and coupled with the distance from the roadside there is minimal views from the roadside.

i) is designed to deter crime and promote personal safety; and
It is the responsibility of the developer to ensure that the proposal is designed to deter crime and promote personal safety. There is existing fencing surrounding the site.

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

The proposal will satisfactorily integrate into the countryside as it will read with existing buildings, and existing landscaping adequately screens the site.

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

Condition 2

The vehicular access including visibility splays of 2.4m x 60m in both directions and any forward sight distance shall be provided in accordance with the 1/2500 scale location map and 1/500 scale Block plan received on 21st November 2023 within 6 weeks from the date of this decision notice. 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 access gradient to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses 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 users.

Condition 4

Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

REASON: To ensure waiting vehicles do not encroach onto the carriageway

Condition 5

There shall be no site operation at the proposed development site outside 08:00 hours-18:00 hours Monday to Friday, 08:00 hours - 13:00 hours Saturday, and no site operation at the proposed development site on Sunday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise

Condition 6

During the hours of operation of use hereby permitted in condition 5, all external doors including roller shutter doors to the proposed development shall remain closed at all times except for access and egress.

Reason: To protect nearby residential amenity from noise.

Condition 7

There shall be no deliveries or despatch of goods to the proposed development outside 08:00 hours - 18:00 hours Monday to Friday, 08:00 hours - 13:00 hours Saturday, and no delivery or despatch of good on Sunday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise

Condition 8

There shall be no activities or processes associated with the proposed development carried out in the external yard areas of the business, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

Signature(s): Peter Hughes

Date: 20 February 2024

ANNEX	
Date Valid	31 July 2023
Date First Advertised	14 August 2023
Date Last Advertised	14 August 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 25 Feddan Road Dungannon Tyrone BT70 2AP The Owner / Occupier 23 Feddan Road Dungannon Tyrone BT70 2AP The Owner / Occupier 27 Feddan Road Dungannon Tyrone BT70 2AP</p>	
Date of Last Neighbour Notification	2 August 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
<p>NIEA-PRT LA09-2023-0797-F ERR.PDF Shared Environmental Services-LA09-2023-0797-F-Elimination-27-10-2023.pdf DFI Roads - Enniskillen Office-Roads Consultation - Approval - final.docx DFI Roads - Enniskillen Office-Roads Consultation - Full response.docx This application is bordering the A5 WTC Corridor. SRI Department have been consulted for comment on how or if this application affects the proposed A5 WTC vesting area. DFI and Mid Ulster council are advised to await confirmation from SRI before proceeding with this application. Environmental Health Mid Ulster Council-Planning response.pdf Environmental Health Mid Ulster Council-Planning response (2).pdf DFI Roads - Enniskillen Office-Roads Consultation - Approval.docx</p>	

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: 5 March 2024	Item Number: 5.12
Application ID: LA09/2023/0860/F	Target Date: 29 November 2023
Proposal: Proposed new fabrication shed and car parking facilities to serve existing workshops and new shed.	Location: 72 Glenshane Road Castledawson BT45 8DQ
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: 72 Glenshane Road Castledawson Magherafelt BT45 8DQ	Agent Name and Address: McGurks Architects 33 King Street Magherafelt BT45 6AR
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Rivers Agency	836250 - Final reply.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2023.0860.F 21st Feb 24.pdf
Statutory Consultee	Rivers Agency	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation.docxDC Checklist.doc
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2023.0860.F.pdf
Statutory Consultee	NI Water - Strategic Applications	LA09-2023-0860-F.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	Rivers Agency	784189 - Final reply.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	Rivers Agency	
Non Statutory Consultee	Environmental Health Mid Ulster Council	
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	2	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
Summary of Issues		
<p>Two representations from one objector have been received in relation to this application and relate to the following issues:-</p> <ul style="list-style-type: none"> • Increase in traffic causing congestion on the Glenshane Road; Dfl roads advised that the proposed access is acceptable and did not raise any issues of concern. • Health and safety of children living in close proximity to the proposed premises; The site will be secured by means of a 1.8m high acoustic barrier and an automated sliding gate across the entrance which should make the site safe. No children should not be allowed on the site unaccompanied. • Hours of operation; Environmental Health have recommended hours of operation which are included in the suggested conditions in order to protect amenity of nearby residential properties. • Increase in noise levels leading to noise disturbance; Environmental Health considered the issue of noise and requested amendments to the design of the site to protect residential amenity. Following receipt of the requested amended noise report, Environmental Health advised that the proposed development was acceptable subject to the suggested conditions. • Size and scale of the proposed building extends beyond the existing site boundaries; Given the size of the existing site and the fact it is fully occupied, it is necessary for the expansion of the business, to allow it to extend into the adjacent land. • The proposal is ill-suited to the rural area and should be located within an industrial zone. The proposed development has been assessed against the relevant policy tests and is found to be compatible with these. Therefore the proposed development is acceptable in this location. • Has Environmental Health considered or been involved in assessing the potential for; noise nuisance; smells or odours from paint spraying; and light pollution. 		

Environmental Health fully considered the proposed development and other than requesting amendments in respect of the noise assessment, did not raise any issues.

- Works ongoing at 5:30 am with lorries emptying loads of fill on the proposed site. If the proposed development is granted approval, a suggested condition is included in respect of hours of operation.

Characteristics of the Site and Area

The site is set to the eastern side of the Glenshane Road and is sited within a field immediately adjacent to an existing industrial yard. The yard is currently used by a steel fabrication business (Topframe) which specialises in the manufacturing of steel portal frames and has also diversified into the manufacturing of farm/industrial machinery (Bidby Attachments). The site sits approximately 1m below the level of the existing yard and continues to fall away towards the north east. There are critical views of the site on approach from the south from where the gable end of a building will be visible, however on approach from the north, the site is effectively screened from view by the existing industrial buildings and the applicants dwelling.

Description of Proposal

The proposal is a full application for a new fabrication shed and car parking facilities to serve existing workshops and new shed. The site extends to 0.99ha and covers the entire portion of the field to the north of the existing industrial yard. This is a full application, on a site on which there is a recent history of an outline approval for the same proposal. The initial outline approval was renewed and is now the subject of this full application. The current proposal would have been accepted as a reserved matters application apart from the proposal to extend the boundary of the existing car park, which is outside the approved site boundary.

The proposal is for a 15 bay shed, measuring 90.57m x 30.85m with a wall plate height of 10.03m and a ridge height of 12.91m above ground level.

The external finishes proposed are :-

Roof – Kingspan KS1000 RW roof panel, colour – pure grey. Kingspan day-lite roof lights.

Walls – Kingspan KS1000 RW wall vertical panels, colour – pure grey
Solid blockwork cavity wall with smooth render finish, colour – white

Doors – Steel fire escape doors. Single skin roller shutter doors, colour Anthracite.

Rainwater goods – Kingspan, double sided plastisol ‘Highline’ gutter and downpipes, colour – Anthracite.

The proposed shed has a number of roller shutter doors in all four elevations. The shed is to be positioned at the southern end of the site alongside the existing fabrication buildings and away from the third party dwelling at No. 2 McCooles Road. The external concrete storage yard is located at the northern end of the site adjacent to the existing and proposed car parks.

The finished floor level of the proposed shed sits between 1.5m and 5.0m below the level of the existing yard. This is due to the level of the site being below the existing yard and falling gently away from the yard. This will necessitate a retaining structure between the proposed building and the existing yard. This difference in site levels has the effect of reducing the visual impact of the proposed shed which is much larger than those on the existing site. The provision of an earth bund along the southern boundary which is proposed to be planted with trees, will also help the new building to integrate into the surrounding landscape.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

At present the existing buildings are occupied by one business which operates under two business names, ie. Topframe which manufactures steel portal frame buildings and other structural and non-structural items and also by a sister company Biddy Attachments which manufactures agricultural/industrial machinery.

The premises was granted approval under the following:-

H/1990/0257/F – change of use to light engineering business 14.01.1991

H/2013/0294/F - Proposed Extension to Side of Existing Engineering Unit 11.12.2013

LA09/2017/1309/O – Site for proposed workshop – Approved 07.03.2018

LA09/2021/0324/O – Renewal of LA09/2017/1309/O – Approved 09.06.2021

Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Strategic Planning Policy Statement (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 as these policies are cancelled by the introduction of the SPPS.

The SPPS recognises that facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape. The SPPS goes on to advise that 'All development in the countryside must integrate into its setting, respect

rural character, and be appropriately designed' and in addition to the 'other types of development in the countryside apart from those set out above should be considered as part of the development plan process in line with the other policies set out within the SPPS'. It further reinforces this by stating that 'In all circumstances 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 criteria'. It further advises that the supplementary planning guidance contained within 'Building on Tradition': A sustainable Design Guide for NI Countryside' must be taken into account in assessing all development proposals in the countryside.

PPS 21 advises that approval will be granted for industry and business proposals in the countryside in accordance with PPS 4. Therefore the overarching criteria for considering industrial development in the countryside is PPS 4 Policy PED 2 – Economic Development in the Countryside which states that approval will be granted for an expansion of an established economic development in accordance with PED 3.

Policy PED 3 – Expansion of an Established Economic Development Use in the Countryside advises that such a proposal 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. However, proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. While new buildings may be approved provided they are in proportion to the existing buildings, they respect the scale, design and materials of the existing buildings on site and they integrate as part of the overall development, in all cases measures to aid integration into the landscape will be required for both the extension and the existing site.

A proposal for a major expansion of an existing industrial enterprise which does not meet the above policy provisions may be permitted in exceptional circumstances where it is demonstrated that:-

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

In considering the proposal it is critical to consider the planning history of this site. The site was granted approval for a change of use to light engineering use in 1990 and has been in continuous use since 1999 by the current business. A more recent approval granted approval for a 210m² extension in 2013 which has been implemented. Since that date the business has diversified into the manufacturing of agricultural/industrial machinery which has necessitated the proposed development. Further outline approvals were granted for a site for the current proposed shed, as noted above. Therefore the business is considered to be an established economic development use in the countryside. The only reason the current proposal has not been submitted as a full application and not as a reserved matters application is that the extension to the car park extends outside the red line of the site approved at outline stage.

As present the site is congested, with steel stock stored close to the site entrance and at several places along the yard approaching the manufacturing buildings. This not only creates difficulties for large delivery vehicles in accessing or leaving the site and for large vehicles turning and loading/off-loading but also for smaller vehicles as they have to manoeuvre around the steel stockpiles.

However, notwithstanding the above, the site at present is very heavily used with little room for outside storage of raw steel, finished products, loading/unloading or for turning and parking of both delivery and workers private vehicles. The existing buildings are currently all used by the business which removes the potential for the reuse of any existing building. The only potential for extending the existing buildings would be to the north or west of the existing group which would result in the existing grouping becoming more prominent as the adjacent ground sits considerably higher than the existing buildings. The only remaining potential for expanding the existing yard is towards the west. This is where the proposed site is located and is on lower lying ground. Whilst the proposal is for a much larger building than what exists on site at present, this is necessitated by the continued growth of the existing business. In my opinion, it would be unreasonable, given that Council has already granted outline approval for a shed of the same size and in the same location, to expect the business to relocate to different premises. Such a move would cause logistical problems for the production and movement of products given that the company has different product ranges manufactured using the same machinery. As detailed above, the premises have already been extended and have used all other possible land. In addition to safeguarding the existing 22 jobs, the company indicates that they will create 3 additional jobs. The prospect of locating the proposed building in a business park would divide the business from existing operations, thus creating operational problems. As the proposed building will result in the business employing 25 full-time jobs, this is considered to be a significant contribution to the local economy.

The next issue to be considered is does the scale and nature of the proposal harm the rural character or appearance of the local area and is there a major increase in the site area. Regarding the nature of the development, this is not an issue as the site is already being used in its entirety by the steel fabrication business. Therefore the proposed development does not introduce any new use to the site. Whilst the scale of the proposed development may be of concern as it is considered to be a major increase in terms of both the site area and the size of the proposed building, given the characteristics of the site and the proposed finished floor levels of the building, it is my opinion, as was that agreed at the outline stage, that the proposed building will not have a detrimental impact on visual amenity or rural character.

From inspecting the site and considering the justification for the proposed new building, it is my opinion that there is sufficient reason to provide the new building on the current site as opposed to relocating the existing enterprise to an alternative site. This is a full application which provides full details of the design and materials as detailed in the report above which are in keeping with the established buildings on site. In this context, the appearance of the proposed building would be considered to be acceptable. The site does not have any historic or architectural interest.

The proposed site plan also indicates that there is to be an earth bund created along the

southern boundary and this is to be planted and landscaped which will help the building to integrate into the surrounding landscape. With the help of the earth bund and landscaping together with the lower ground levels, the proposed building should not have a detrimental impact on either visual amenity or rural character. The building will be viewed as part and parcel of the existing built form on the site.

The proposed development also falls to be considered under Policy PED 9 – General criteria for economic development which states that a proposal, in addition to other policy provisions of this PPS, will be required to meet a range of criteria which are addressed below:

- (a) The use is compatible with surrounding land uses as it is for an extension of an existing industrial use located in a rural area and immediately adjacent to the existing business. The site is mainly surrounded by farmland with one third party dwelling located to the north of the site and which shares a paired access point with the site. A second dwelling is located to the immediate west of the existing industrial yard, however, this is located within lands outlined in blue.
- (b) The proposal has the potential to have an adverse impact on the amenity of noise sensitive dwellings in the vicinity by way of noise emanating from the site. One objector raised an issue of the increase in traffic and the effect this would have on their amenity. It is accepted that storage yard and the car park extension will move closer to the nearest dwelling. It has been submitted that the number of cars accessing the site will remain similar to existing levels. The extended car park will accommodate up to 38 vehicles. A 1.8m high acoustic barrier is proposed along the northern boundary with a 5m-10m area of grass between the barrier and the objectors dwelling. Environmental Health have advised that the amended site plan and the revised noise report area acceptable and consequently have no objections subject to the suggested conditions.
- (c) There are no features of natural or built heritage in the immediate vicinity.
- (d) The site is affected by a watercourse flowing along the north eastern boundary and given the size of the site a drainage assessment was submitted. Consequently, Rivers Agency advised that the assessment was acceptable and the development was considered to be acceptable;
- (e) Environmental Health Department requested a noise report taking into account the potential noise effect on noise sensitive dwellings. The proposal also includes the provision of a 1.8m high acoustic barrier. It is my view that the separation distance is adequate to ensure that the proposal does not impact on neighbouring amenity by reason of loss of light, overshadowing or visual intrusion. The design will not cause overlooking and care has been taken to ensure the increased structure does not result in noise nuisance;
- (f) No concerns regarding emissions or effluent have been raised;
- (g) DfI Roads did not raise any objection to the proposal;
- (h) DfI Roads have not raised any issues regarding access or manoeuvring in the site and I am satisfied that the increased parking is sufficient to meet the needs of the

employees;

(i) As the site is located in a rural area it is not considered reasonable to expect there to be convenient access to public transport. However the site is within 200m of the Glenshane Road and therefore there is an acceptable movement pattern which supports walking, cycling. The site is located 2km to the north of the Castledawson Park and ride facility.

(j) The site layout, building design associated infrastructure and landscaping arrangements are considered to be acceptable. The landscaping which includes a good quality hedge along the southern boundary will help improve the integration potential of the site;

(k) The site can be adequately screened by means of a good quality boundary hedge along the southern boundary. Additional planting is proposed around the existing workshops with the existing boundary hedges surrounding the site to be retained. Any areas of outside storage are presently well screened from public view by the topography, the existing buildings on site and the existing mature vegetation. Any proposed landscaping will also be of benefit in screening these areas.

(l) It is in the applicant's interest to guard against crime and with the provision of a sliding entrance gate, the site should be secure.

(m) As the site is located in the countryside, measures to aid integration are required. As described above, the existing boundary hedges are to be retained and the provision of a good quality native species along the southern boundary would help to effectively screen the gable of the proposed building thereby aiding the integration potential of the development.

PPS 21 – Policy CTY 13 Integration and Design of Buildings in the Countryside allows for a building to be approved where it can be visually integrated into the surrounding landscape. Such a building will be unacceptable where it is a prominent feature in the landscape or it relies primarily on the use of new landscaping for integration. As detailed above, the proposal would not be prominent as it is sited on low lying ground and is visually linked to the existing buildings. The proposal is surrounded by existing boundary hedgerows with the exception of the southern boundary and therefore has an acceptable degree of enclosure. The provision of a hedge along the southern boundary can be conditioned. In my opinion, this proposed development satisfies all the requirements of this policy and is therefore acceptable in terms of its integration potential.

PPS 21 – Policy CTY 14 Rural Character allows for a new building to be approved provided it does not have a detrimental change or further erode the rural character. The proposed development is considered to be acceptable, as it is visually linked to and is sited to the rear of the existing buildings, there will only be a transient view on approach from the south for a short distance. However, the majority of the proposed building will be effectively screened from the public view.

PPS 15 – Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains requires any proposed development for a building exceeding 1000m² to be accompanied by a drainage assessment. Such an assessment was submitted and

following consultation, Rivers Agency advised that this was acceptable.

Recommendation

In taking the above into consideration, it is my opinion that although the proposed development involves the provision of a substantial building in the rural area, sufficient justification has been provided as detailed above. In this case the proposal is considered to be acceptable subject to the conditions listed below:-

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 existing natural screenings along the northern and eastern boundaries of this site, shall be permanently retained, augmented where necessary and let grow 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.

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

Condition 3

If any retained hedge/tree is removed, uprooted or destroyed or dies within 5 years from the date of the development hereby approved, becoming operational another hedge/tree or trees shall be planted at the same place and that hedge/tree(s) shall be of such size and species and shall be planted at such time as may be specified by Mid Ulster District Council.

Reason: To ensure the continuity of amenity afforded by existing hedges/trees.
DC09011MW

Condition 4

All proposed planting as indicated on the stamped approved drawing no. 02/2 uploaded to the planning portal on shall be undertaken during the first available planting season following the building hereby approved becoming operational.

Reason: To ensure the proposal is in keeping with the character of the rural area and in the interests of visual amenity.

Condition 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 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 proposal is in keeping with the character of the rural area and in the interests of visual amenity.

Condition 6

No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 02/ uploaded to the planning portal on to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

Condition 7

Operational works associated with the hereby permitted development shall only take place between 07:00hours – 18:00hours Monday to Friday, 07:00 hours 13:00hours Saturday and at no time on a Sunday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect amenity of nearby residential properties.

Condition 8

The cumulative noise from the proposal shall not exceed 45dBLAeq1hr at 2 McCooles Road when measured at a distance of 3m from the façade of the property as predicted in the Lester Acoustics Outward Sound Level Impact Assessment uploaded to the planning portal on 12th January 2024, referenced MRL/1201/L03.

Reason: To protect amenity of nearby residential properties.

Condition 9

Within 4 weeks of a written request by the Council, following receipt of a complaint, a noise survey shall be undertaken, submitted to and agreed in writing with the Council. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels with all plant and equipment operating under normal operating conditions and demonstrate whether or not the noise limit stipulated in condition 2 is being achieved. All monitoring shall be carried out at the operator's expense. The Council shall be notified not less than 2 weeks in advance of the commencement of the noise survey.

Reason: To protect amenity of nearby residential properties.

Condition10

Following completion of the noise survey and where noise monitoring demonstrates exceedances of the noise limit stipulated in Condition 8 the applicant shall provide details of additional noise mitigation measures that will be incorporated into the proposal to ensure compliance with condition 8.

Reason: To protect amenity of nearby residential dwellings.

Condition11

All doors to the proposal shall be kept closed at all times except for access and egress.

Reason: To control noise and protect residential amenity.

Condition12

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

Reason: To protect amenity of nearby residential properties.

Condition13

A 1.8m high acoustic barrier shall be erected along the sites northern boundary as depicted on drawing 02/ uploaded to the planning portal on and referred to in the outwards sound level impact assessment uploaded to the planning portal on 12th January 2024. The barrier shall be constructed of either masonry or timber panelling (Close lapped with no gaps). The barrier shall be maintained and permanently retained thereafter.

Reason: To protect amenity of nearby residential amenity.

Signature(s): Malachy McCrystal

Date: 21 February 2024

ANNEX	
Date Valid	16 August 2023
Date First Advertised	29 August 2023
Date Last Advertised	29 August 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 2 Mccooles Road Castledawson Londonderry BT45 8DJ The Owner / Occupier 3 Mccooles Road Castledawson Londonderry BT45 8DJ The Owner / Occupier 1 Mccooles Road Castledawson Londonderry BT45 8DJ</p>	
Date of Last Neighbour Notification	11 September 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2023/0860/F Proposals: Proposed new fabrication shed and car parking facilities to serve existing workshops and new shed. Decision: Decision Date:</p> <p>Ref: H/2001/0207/F Proposals: Bungalow And Domestic Garage Decision: Decision Date:</p> <p>Ref: H/2001/0334/F Proposals: Dwelling and Garage Decision: PG Decision Date: 21-JUN-01</p> <p>Ref: H/1994/0477 Proposals: REPLACEMENT DWELLING(EXISTING DWELLING TO BE CONVERTED TO STABLES)</p>	

Decision: PG
Decision Date:

Ref: H/1990/0257
Proposals: CHANGE OF USE TO LIGHT ENGINEERING BUSINESS(REPLACEMENT)
Decision: PG
Decision Date:

Ref: H/1999/0717/O
Proposals: Site Of Dwelling and Garage
Decision: PG
Decision Date: 11-FEB-00

Ref: LA09/2021/0324/O
Proposals: Renewal of Outline Planning LA09/2017/1309/O.
Decision: PG
Decision Date: 09-JUN-21

Ref: H/1990/0383
Proposals: ENTRANCE SIGN
Decision: PG
Decision Date:

Ref: LA09/2017/1309/O
Proposals: Proposed workshop
Decision: PG
Decision Date: 07-MAR-18

Ref: H/2013/0294/F
Proposals: Proposed Extension to Side of Existing Engineering Unit
Decision: PG
Decision Date: 12-DEC-13

Ref: H/1993/0103
Proposals: SITE OF REPLACEMENT DWELLING AND RETENTION OF OLD HOUSE
AS STABLES
Decision: PG
Decision Date:

Summary of Consultee Responses

Rivers Agency-836250 - Final reply.pdf
Environmental Health Mid Ulster Council-LA09.2023.0860.F 21st Feb 24.pdf
Rivers Agency-
DFI Roads - Enniskillen Office-Roads Consultation.docxDC Checklist.doc
Environmental Health Mid Ulster Council-LA09.2023.0860.F.pdf

NI Water - Strategic Applications-LA09-2023-0860-F.pdf
Environmental Health Mid Ulster Council-
Rivers Agency-784189 - Final reply.pdf
Environmental Health Mid Ulster Council-
Rivers Agency-
Environmental Health Mid Ulster Council-
Environmental Health Mid Ulster Council-
Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Existing Plans Plan Ref: 03
Proposed Floor Plans Plan Ref: 04

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.13
Application ID: LA09/2023/0888/O	Target Date: 8 December 2023
Proposal: Infill dwelling & garage	Location: Lands immediately South of 22 School Lane Gulladuff
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mrs Anne McKee 106b Ballinderry Bridge Rd Cookstown BT80 0AX	Agent Name and Address: C Mcllvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road COOKSTOWN BT80 9LU
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 this site is not considered as a small gap site along a substantial and continuously built up frontage which includes a line of 3 or more buildings along a road frontage. The curvature of the lane results in very limited visual linkage with the existing buildings on School Lane for this site to be considered a small gap site. 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
Statutory Consultee	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 within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan 2015. The site is identified as lands immediately South of No. 22 School Lane, Gulladuff. The application site is rectangular in shape, and part of a much larger agricultural field. The western (roadside) boundary is defined by wooden

and wire fencing, the northern and southern boundaries are defined by mature hedgerows, and the eastern boundary remains undefined. The surrounding area is rural in nature, with scattered dwellings and their associated outbuildings.

Description of Proposal

This is an outline application for an infill dwelling and garage at lands immediately South of No. 22 School Lane, Gulladuff.

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

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

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. Following my site visit, I am of the opinion only 2no. buildings can be considered having road frontage along School Lane relevant to this site – No. 18 and No. 22 School Lane. I do not consider the outbuilding Northeast of No. 18 to have a road frontage, and I also do not consider the building set back behind No. 22 to have a road frontage. Furthermore, following my site visit, I am of the opinion that the size of the gap site along with the curvature of the lane results in very limited visual linkage with the existing buildings on School Lane for this site to be considered a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. For these reasons, I am of the opinion this proposal fails to comply with 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 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

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 along a substantial and continuously built up frontage which includes a line of 3 or more buildings along a road frontage.

Reason 3

The proposal is contrary to Policy CTY 14 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: 20 February 2024

ANNEX	
Date Valid	25 August 2023
Date First Advertised	5 September 2023
Date Last Advertised	5 September 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 18 School Lane Gulladuff Londonderry BT45 8PE The Owner / Occupier 22 School Lane Gulladuff Londonderry BT45 8PE	
Date of Last Neighbour Notification	29 August 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2003/0397/O Proposals: Site of dwelling. Decision: PR Decision Date: 01-MAR-05</p> <p>Ref: H/2003/0990/O Proposals: Site of dwelling and garage. Decision: PG Decision Date: 07-JUN-04</p> <p>Ref: H/2003/0991/O Proposals: Site of dwelling and garage. Decision: Decision Date:</p> <p>Ref: LA09/2018/1078/O Proposals: Renewal of planning application LA09/2015/0174/O for dwelling and garage Decision: PG Decision Date: 04-OCT-18</p> <p>Ref: LA09/2015/0174/O Proposals: Dwelling and garage</p>	

Decision: PG
Decision Date: 09-SEP-15

Ref: H/2001/0829/O
Proposals: Site Of Dwelling
Decision: PG
Decision Date: 19-NOV-01

Ref: H/2007/0055/RM
Proposals: 1 No. dwelling and 1 No. garage.
Decision: PG
Decision Date: 31-MAY-07

Ref: H/2008/0101/F
Proposals: Change of access to previously approved dwelling (H/2007/0055/RM)
Decision: PG
Decision Date: 24-APR-09

Ref: H/2003/0215/RM
Proposals: Dwelling and garage.
Decision: PG
Decision Date: 27-MAY-03

Ref: H/1988/0298
Proposals: ALTERATIONS AND ADDITIONS TO HOUSE
Decision: PG
Decision Date:

Ref: LA09/2023/0888/O
Proposals: infill dwelling & garage
Decision:
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx
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: 5 March 2024	Item Number: 5.14
Application ID: LA09/2023/0955/O	Target Date: 27 December 2023
Proposal: Site of dwelling and garage under CTY2a	Location: Adjacent to 19 Moneyneany Road, Draperstown.
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Adrian Kennedy 49A Wilson Street Botany Sydney 2019	Agent Name and Address: Mr AIDAN O HAGAN 5 DRUMDERG ROAD DRAPERSTOWN, BT457EU
Executive Summary: <p>This application is being presented to members with the recommendation to refuse as the proposal fails to meet any policy within PPS 21. The proposal fails to meet CTY 1, CTY2a and CTY8. The agent was asked to confirm if there was a CTY10 case possible but no information on this was forthcoming and on the basis of the surrounding area it is unlikely that a proposal for CTY10 would meet all the relevant policy criteria however, the proposal has not been assessed under CTY 10. Only one neighbour notification letter was issued to No.19 Moneyneany Road as the dwelling to the east was under construction and no address was linked to the dwelling on the planning system. No third-party representations have been received. DfI Roads were consulted and offered no objections subject to a condition.</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

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

The proposal is contrary to CTY 1, CTY2a, CTY 8 and CTY 14 of PPS 21.

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. The application site is a relatively large agricultural field which is located adjacent to the Moneyneany Road, and extends north east. The site is

relatively flat and sits at a level slightly lower than the existing roadside. The site lacks established mature boundaries and is mainly defined on all sides by post and wire fencing with mature trees providing a backdrop to the site. To the north of the site is a public house 'Mulligans Bar' to the north east there is a single farm shed and to the east of the site is a new dwelling under construction- these are not in the applicants ownership. The surrounding area is mainly rural with no development on the opposite side of the road, with dwellings located further south of the site.

Description of Proposal

This is an outline planning application for a site of dwelling and garage under CTY2a.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015
Strategic Planning Policy Statement (SPPS)
PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking

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 new dwellings in existing clusters. 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 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A number of examples are provided in CTY 1 detailing the different cases, which would allow for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

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.

I do not believe there is a cluster of development which lies outside of a farm and consists of 4 or more buildings present. There is one building to the north of the site identified as 'Mulligans Bar' and a dwelling under construction to the south east of the site, as well as a farm building to the north east. As such, there is not enough buildings to constitute a cluster at this location. It is noted there is an outbuilding to the rear of Mulligans Bar but as policy states this cannot be considered. There are a number of additional dwellings to the south of the site as identified on the site location plan but I don't believe these read in conjunction with the proposed site and are too far removed to be considered a cluster.

- *The cluster appears as a visual entity in the local landscape*

As stated, I do not believe there is a cluster of development as this location so the proposal fails to meet this policy criteria.

- *The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,*

As mentioned there is not a cluster however, for clarify I am content that the building identified as Mulligans Bar can be considered a focal point as it provides a sense of place to the local area.

- *The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster:*

Again, whilst the site is not located within a cluster, it is technically bounded on two sides by other development. However, it should be noted the redline of the site is large, and it is unlikely a dwelling and curtilage would extend the full width of the field and therefore would not be physically bounded on two sides.

- *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;*

I do not believe a dwelling could be absorbed at this location as there is not established cluster to consolidate with. It is my opinion that a dwelling here would alter the rural character of the area as there is no existing cluster that a dwelling could be absorbed into.

- *Development would not adversely impact on residential amenity.*

Although a dwelling here does not meet the policy, I am satisfied that it would not adversely impact on residential amenity.

From the above, the proposal fails to comply with CTY2a in that there is not existing cluster of development at this location.

For clarity the proposal was also assessed under CTY 8 Ribbon Development. CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception 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 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. 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.

The first step in determining whether an infill opportunity exists is to identify whether there is an otherwise substantial and continuously built-up frontage present. There is the Public House to the north of the site and a dwelling under construction (substantially completed at the time of the site visit) to the southeast. As this is only two buildings, I do not believe there is a substantial and continuously built-up frontage present. I am content however, that the site is sufficient only to accommodate up to a maximum of two houses. However, as there is no substantial and continuously built up frontage the proposal fails to comply with 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. I am content that a dwelling here with a ridge height of 6.8m that matches the development in the area would ensure a dwelling would not be a prominent feature within the landscape. The site does lack landscaping however it does have a strong mature tree line to provide a backdrop and it would aid integration. A full landscaping scheme would be required at Reserved Matters stage.

Policy 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 the area. I am content that a dwelling in this location would not be a prominent feature in the landscape and a well-designed dwelling would respect the pattern of development. However, as previously mentioned a dwelling in this location would result in ribbon development and cannot be absorbed into existing development. Therefore, failing to meet the policy criteria set out in Policy CTY 14.

PPS 3: Access, Movement and Parking

DfI Roads were consulted on the proposal and offered no objection subject to conditions being applied.

Other Material Considerations

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.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to the SPPS 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 CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not an existing cluster of development at this location and the development cannot be absorbed into an existing cluster.

Reason 3

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site within a substantial and continuously built up frontage and would if permitted, create a ribbon of development.

Reason 4

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development.

Signature(s): Ciaran Devlin

Date: 22 February 2024

ANNEX	
Date Valid	13 September 2023
Date First Advertised	2 January 2024
Date Last Advertised	26 September 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 19 Moneyneany Road Draperstown Londonderry BT45 7DU	
Date of Last Neighbour Notification	15 December 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/1999/0762/F Proposals: Alterations and Additions to Licenced Premises Decision: PG Decision Date: 21-MAY-00</p> <p>Ref: LA09/2021/0797/RM Proposals: Dwelling house and domestic garage Decision: PG Decision Date: 06-AUG-21</p> <p>Ref: LA09/2020/1469/O Proposals: Site of dwelling house and domestic garage ridge height of 6.8m Decision: PG Decision Date: 12-FEB-21</p> <p>Ref: H/2003/0566/O Proposals: Site of dwelling and garage. Decision: Decision Date:</p> <p>Ref: LA09/2023/0955/O Proposals: Site of dwelling and garage under CTY2a</p>	

Decision:
Decision Date:

Ref: H/1999/0106
Proposals: ALTERATIONS TO EXISTING BAR AND CHANGE OF USE OF PART OF DWELLING TO BAR
Decision: PG
Decision Date:

Ref: H/1995/0069
Proposals: ALTS TO FILLING STATION INCLUDING UNDERGROUND TANK
Decision: PG
Decision Date:

Ref: H/1996/0662
Proposals: ALTS & NEW PITCHED ROOF
Decision: PG
Decision Date:

Ref: H/2004/0203/O
Proposals: Site of dwelling and garage.
Decision: PR
Decision Date: 23-MAR-06

Ref: H/1995/0083
Proposals: SITE OF DWELLING
Decision: PG
Decision Date:

Ref: H/2003/0942/O
Proposals: Site of dwelling and garage.
Decision:
Decision Date:

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: 5 March 2024	Item Number: 5.15
Application ID: LA09/2023/0959/F	Target Date: 28 December 2023
Proposal: Change of House Type from that previously approved under LA09/2017/0507/F; to Proposed Two-Storey Design with Footprint retained and the Addition of a Detached Garage.	Location: 350M South West of 89 Caledon Road, Mulnahorn, Aughnacloy
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr & Mrs David & Belinda Brady 115 Caledon Road Aughnacloy BT69 6HZ	Agent Name and Address: Mr Philip Caddoo 44 Rebaghey Road Aughnacloy BT69 6EU
Executive Summary: Application is being presented to Committee as Rivers Agency have some concerns with flooding however the principle of planning has been accepted and the previous approval has been commenced on site, therefore there is a legitimate fall back position. This application is for an increase in ridge height on the existing footprint and could be completed at any time without the requirement for additional information.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc Roads Consultation - response.docx
Statutory Consultee	Rivers Agency	864660 - Final Response.pdf
Statutory Consultee	Rivers Agency	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Approval.docx
Statutory Consultee	Rivers Agency	39272 - Final Response.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 a 0.71ha parcel of land located within the rural remainder approx. 1.5km south-east of Aughnacloy. It is located within the rural countryside, outside any defined settlement limit as identified in the Dungannon and South Tyrone Area Plan 2010. The site is roughly rectangular in shape, with mature vegetation defining the western and southern (roadside) boundaries. The eastern boundary encompasses an existing laneway to a poultry unit and is undefined on the ground, as is the northern boundary. The site lies along a dead-end road which terminates at a farm holding approximately 440m to the south of the site. The site also lies 60m from the boundary with the South of Ireland as shown by the red line running to the west of the site on the above orthophotography.

There is little development pressure in the area, with development mostly taking the form of single dwellings and associated outbuildings. There are a number of poultry units along this road with agricultural land surrounding the site.

Description of Proposal

Change of House Type from that previously approved under LA09/2017/0507/F; to Proposed Two-Storey Design with Footprint retained and the Addition of a Detached 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 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.

Relevant Histories

Ref: M/2012/0057/F

Proposals: Proposed 2 no. select farm poultry sheds with 4 no. feed bins and an office, changing and standby generator building. (Each poultry shed will contain 25,850 chickens).

Decision: PG

Decision Date: 16-MAR-12

Ref: LA09/2015/0530/O

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 08-MAR-16

Ref: LA09/2017/0507/F

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 07-JUL-17

Ref: LA09/2023/0803/NMC

Proposals: Amended roof structure with overall rise in height of approx. 0.9m Attached carport and garage positions revised; and rooflights omitted in lieu of first floor windows.

Decision: APPRET - Application Returned

Decision Date:

Representations

No neighbouring properties were identified to be notified and press advertisement has been carried out in line with the Council's statutory duty. To date no letters of representation have been received.

Dungannon and South Tyrone Area Plan 2010

The site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010 and is not subject to any area plan designations, as such, existing planning policies should be applied in this assessment.

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 an 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 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. It does not present any change in policy direction therefore existing policy applies.

PPS 3 – Access, Movement and Parking

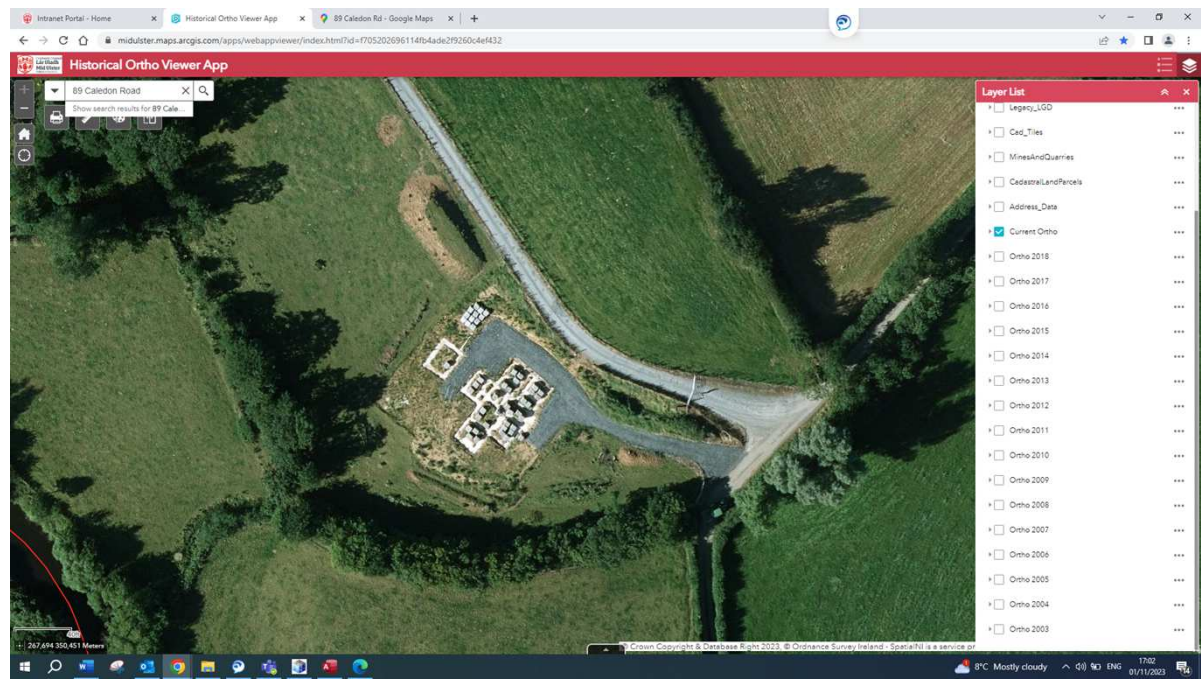
Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. A new access has been created and DFI Roads development control offer no objection to the above-mentioned proposal on the condition that it is constructed and maintained to that detailed on Drawing No. 02 rev. 01 (plan nr 002 rev C) dated 2nd November 2023. This shows visibility splays of 2.4m x 33m in both directions.

CTY1 of PPS 21 – Development in the Countryside.

CTY 1 states that planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

CTY 1 allows for a new dwelling in the countryside provided it meets with the criteria specified in other policies within the document. This development does not meet with any of the specified criteria above however, it is acknowledged that the principle of development was agreed under the previous application LA09/2015/0530/O and a full application was subsequently granted for a farm dwelling on this site on 7th July 2017 under LA09/2017/0507/F.



Orthophotography taken 8th October 2022 shows building works significantly commenced on site at this time. This accords with the time condition set down under LA09/2017/0507/F which stated development was to commence within 5 years from the date of the decision therefore the critical date for commencement was 7th July 2022. A letter from Building Control has been submitted which confirms that an application for Building Regulation Approval was received for the above scheme on 18th June 2018 and that the following inspections have been carried out:-
Foundations - 16/03/22
Hardcore - 21/09/23.

This confirms that development was commenced in time and due to this I am content that the previous planning permission was implemented in time and there is a legitimate fallback position that would allow that dwelling to be constructed as approved. The main policy considerations therefore lie within Policy CTY 13 of PPS 21.

CTY 13 Design and Integration of PPS 21

This full application for a change in house type has been received as a previously submitted non-material change application under LA09/2023/0803/NMC was returned as it was felt the increase in ridge height constituted a material change to the design of the dwelling.



Figure 1 - Proposed dwelling

The proposed dwelling has the same footprint as the previously approved dwelling, with the principal difference being the increase in the ridge height. The dwelling now has a ridge height of 7.7m (see Fig. 1 above) whereas the previously approved dwelling had a ridge height of 6.7m and the appearance of a bungalow (see Fig. 2 below).





Figure 2 - previously approved dwelling

The only change is the increase in ridge height to the dwelling as the concrete floor to the originally approved dwelling is already in place and this dwelling will be sited on the footprint of the dwelling already commenced. The finishes of smooth white render with natural limestone to the front and side projections are considered acceptable. I am content that the size and scale of this dwelling is acceptable and can be accommodated comfortably within this site without appearing prominent or out of keeping with the surrounding area, given the fact the road is so lightly trafficked as it is a dead-end road.

The strong southern and western boundaries ensure there are no long-term critical views of the site when travelling north along the public road. When travelling south the curvature of the road prevents any long-term critical views of the site. I am confident the minor nature of the road and its curvature ensures that the increase in height of the dwelling will not be overtly conspicuous in the landscape. The existing vegetation is shown to be retained augmented by additional planting and shall be conditioned to be retained as part of any planning approval. Levels have also been provided and I consider these are acceptable. The new garage is acceptable and is sited to the north of the dwelling, closer to the existing laneway to the east.

Other Material Considerations

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.

Consultation with Rivers Agency

From assessment of the Rivers Agency Strategic Flood Hazards and Flood Risks Map (NI) it is indicated that significant portions of the site lie within the predicted 1 in 100 year strategic fluvial flood plain. Rivers Agency were subsequently consulted and have advised that the applicant should undertake a River Model for their consideration that will verify the more accurate extent of the floodplain.

I spoke with the agent about this response and advised that as a result of Rivers Agency

concerns, we are willing to allow for a dwelling on the opposite side of the existing laneway to the east, in substitution of this site as this will alleviate any flooding concerns or the need for a FRA. This was not considered a satisfactory solution given the amount of money that has already been spent to date on commencing the original dwelling on this site, as considerable works have already been completed here.

In response to the Rivers Agency concerns, the agent has provided Fluvial Flood Plain Modelling drawings (see below) in support of the existing development. The agent also highlighted that this application was submitted in direct relation to a previous permission granted under LA09/2017/0507/F on 10th April 2017, with the site groundworks commencing the following year and suitable natural flood defences erected on the land. They believe that the site (as it currently sits) has been adequately prepared to mitigate against risk of flooding as a result of climate change; and would ask DFI Rivers to review the accompanying maps which have been derived from the strategic flood maps directive 2nd Cycle. They have also highlighted the inclusion of a new 5 metre maintenance working strip along the sites southern boundary with the watercourse, as requested by the department.



Figure 3 - Existing topographical model



Figure 4 - Proposed topographical model

Rivers Agency response to these models on 22nd January 2024 is that their previous comments remain the same, and they confirm that significant infilling of the strategic flood plain will occur as a result of development. They advise that development within the above-mentioned flood plain would require Planning Authority to deem the application an exception or overriding regional importance. Then to allow proper consideration of flood risk to the site the applicant would be required to undertake a Flood Risk Assessment (FRA) appropriate to the scale of development. Alternatively as this is the strategic flood map and not our detailed modelled Flood Hazard map, the applicant has the option to undertake a River Model for their consideration that will verify the more accurate extent of the floodplain.

This response was relayed to the agent however they still do not feel this is a reasonable expense for them to be asked to undertake, as this application is only concerned with the change in house type which involves an increase in ridge height, and not the principle of planning at this site. A fall-back position remains as development has commenced on site. They reiterate that they are content that the site will not be affected by flooding.

As this application is for a change of house type, with the existing footprint remaining the same, I do not feel it will have an impact on flooding at the site. The only change is to the height of the dwelling and the addition of a garage to the rear of the site, further away from the watercourse. The principle of a dwelling on this site has been accepted under the previous approvals LA09/2015/0530/O and LA09/2017/0507/F, and this report should primarily be concerned with assessing the amended design for the proposed dwelling under CTY 13 of PPS 21.

I am of the opinion that as the original dwelling could be completed as approved without the need for a FRA, it is not reasonable for us to insist on one at this stage of the planning process. A flood risk has been identified at the site and the applicant and his professional advisers have been fully advised of the flooding concerns and are willing to proceed on the basis of this knowledge. An alternative site has been offered but not accepted. There is no change to the footprint of the dwelling and a legitimate fall back position remains whereby the original dwelling could be built at any time. The increase in ridge height is considered acceptable therefore I recommend approval of the change of house type and new garage.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

All hard and soft landscape works as detailed on drawing No. 02 rev. 01 date received 02 November 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 with 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.

Condition 2

The vehicular access including visibility splays of 2.4m x 33m in both directions and any forward sight distance shall be provided in accordance with drawing No. 02 rev. 01 date received 02 November 2023 prior to the occupation 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 access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses 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 users.

Condition 4

Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

Signature(s): Deirdre Laverty

Date: 20 February 2024

ANNEX	
Date Valid	14 September 2023
Date First Advertised	25 September 2023
Date Last Advertised	25 September 2023
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>	
<p>Ref: M/2013/0509/DETEIA Proposals: Eir Grid scoping request in relation to North-South interconnector project Decision: EOLI Decision Date: 08-NOV-13</p> <p>Ref: LA09/2017/0507/F Proposals: Proposed dwelling and garage Decision: PG Decision Date: 07-JUL-17</p> <p>Ref: LA09/2015/0530/O Proposals: Proposed dwelling and garage Decision: PG Decision Date: 08-MAR-16</p> <p>Ref: LA09/2023/0959/F Proposals: Change of House Type from that previously approved under LA09/2017/0507/F; to Proposed Two-Storey Design with Footprint retained and the Addition of a Detached Garage. Decision: Decision Date:</p>	

Ref: M/2012/0057/F

Proposals: Proposed 2 no. select farm poultry sheds with 4 no. feed bins and an office, changing and standby generator building. (Each poultry shed will contain 25,850 chickens).

Decision: PG

Decision Date: 16-MAR-12

Ref: LA09/2023/0803/NMC

Proposals: Amended roof structure with overall rise in height of approx. 0.9m Attached carport and garage positions revised; and rooflights omitted in lieu of first floor windows.

Decision:

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DC Checklist 1.docRoads Consultation - response.docx

Rivers Agency-864660 - Final Response.pdf

Rivers Agency-

DFI Roads - Enniskillen Office-Roads Consultation - Approval.docx

Rivers Agency-39272 - Final Response.pdf

Drawing Numbers and Title

Proposed Floor Plans

Proposed Floor Plans

Proposed Elevations

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Floor Plans Plan Ref: 03

Proposed Floor Plans Plan Ref: 04

Proposed Elevations Plan Ref: 05

Garage Plans Plan Ref: 06

Site Location Plan Plan Ref: 01 rev. 01

Site Layout or Block Plan Plan Ref: 02 rev. 01

Proposed Floor Plans Plan Ref: 03 rev. 01

Proposed Floor Plans Plan Ref: 04 rev. 01

Proposed Elevations Plan Ref: 05 rev. 01

Notification to Department (if relevant)

Not Applicable

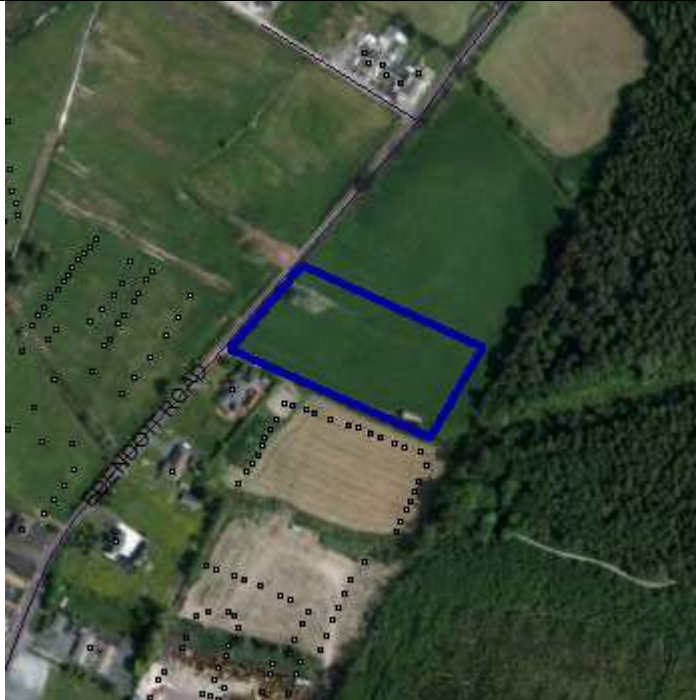


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.16
Application ID: LA09/2023/1052/O	Target Date: 17 January 2024
Proposal: Dwelling & garage	Location: 60M NE of 17 Edendoit Road Pomeroy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Michael Donnelly 37-39 Main Street Pomeroy BT70 2QH	Agent Name and Address: C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road COOKSTOWN BT80 9LU
Executive Summary: <p>This outline application is for a proposed farm dwelling and is brought to the planning committee with a recommendation for refusal. The proposal fails to comply with the following planning policy for the reasons provided:</p> <ul style="list-style-type: none">- Policy CTY 10 of PPS 21 - in that there is only 1 building on the farm for the proposed dwelling to visually link with.- Policy CTY 14 of PPS 21 - in that it would result in a suburban style build-up of development when viewed with existing and approved buildings and would create / add to a ribbon of development.- Policy CTY 8 of PPS 21 - in that it would create / add to a ribbon of development.- Policy CTY 15 of PPS 21 - in that it would mar the distinction between the settlement and the surrounding countryside. <p>The proposal complies with Policy CTY 13 of PPS 21 and Policy AMP 2 of PPS 3 at this outline stage.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads outline.docxDC Checklist 1.docFORM RS1 STANDARD.doc
Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2023-1052-O.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 of the proposed development is located on the northern outside edge of the

Pomeroy settlement limit as defined in the Cookstown Area Plan 2010. The site is therefore located in the rural countryside. The site is a 0.92 ha portion of a larger agricultural field. The site slopes gently upwards from the main road before flattening out. The existing access is via a field gate off the road. On the site is a large agricultural shed. The western roadside boundary consists of hedgerow which provides a degree of screening for the site when viewing it head-on from the road. The northern boundary is undefined and the southern boundary is defined by post and wire fencing and this also marks the settlement limit boundary. The eastern boundary is defined by a thick backdrop of mature coniferous trees which are part of the western boundary of Pomeroy Forest Park. The closest residential dwelling to the proposed site is number 17 Edendoit Road which is adjacent and south west to the site. Access to this neighbouring dwelling is via a laneway which runs adjacent to the site's southern boundary. Also south of the site is an approved development scheme for 57 dwelling units, which at the time of the site visit, only the southern portion of the site is complete with built dwellings.

Description of Proposal

The proposed is an outline application for a farm 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.

Cookstown Area Plan 2010

The site of the proposed development is located on the northern outside edge of the Pomeroy settlement limit as defined in the Cookstown Area Plan 2010. The site is therefore located in the rural countryside. Map No. 56 (Pomeroy) of the Area Plan shows the site, which is not close to any local landmarks, archaeological sites / monuments and sewage treatment works etc.

Planning Histories

I/2004/0192/O – Proposed dwelling and garage – 140 metres east of 17 Edendoit Road, Pomeroy, County Tyrone – Application Withdrawn

I/1988/0405 – Dwelling – Derryhash Pomeroy – Permission Refused

I/2006/1070/F – Housing development, site road and associated works (57 Units) – lands immediately south east of the boundaries of 9, 15 & 17 Edendoit Road, Pomeroy – Permission Granted 03/01/2008

Representations

No third party representation have been received to date.

Other Constraints

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

The site is located outside of the Pomeroy Forest historic gardens. Given the proposed site is outside of this designated area and there is a separation distance of at least 500 metres to the closest buildings within the forest, I am content that this proposal will not impact the historic park.

There are no issues pertaining to flooding at the site.

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 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 farm dwellings. 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 21: Sustainable Development in the Countryside

Policy CTY1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a dwelling on a farm and therefore must be considered against Policy CTY 10.

A consultation was made to DAERA who confirmed that the farm business ID was allocated on 06/06/2023. The farm business has not claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years and the application site is not on land for which payments are currently being claimed by the farm

business. In light of this, the agent has submitted receipts and financial statements in the applicant's name from as far back as 2011 relating to farming and maintenance works carried out on the farm holding. This includes slurring, hedge cutting, mowing and raking, as well as works to the farm shed. With this, I am satisfied that there is an established farm business and the receipts prove there has been farming activity for at least 6 years.

A check on planning portal of the farm lands provided confirm that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of this application.

A new access is proposed for the dwelling at this outline stage. In terms of visual linkage / clustering, there is only one farm building with which a new dwelling at this site could cluster with. The policy asks that the new building is visually linked or sited to cluster with established group of buildings on the farm. Because there is only one farm building identified at this site, the proposed fails to meet this aspect of the policy. There is no demonstrable evidence provided from a competent authority such as the Health and Safety Executive or Environmental Health and also no evidence relating to the future expansion of the farm business (i.e. valid planning permissions, building control approvals etc) that would support a dwelling at this site as an exception. Given the proposed fails to visually link / cluster with an established group of farm buildings, the proposed fails to comply with Policy CTY 10.

Policy CTY 13 states 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 is an outline application and therefore such details as the design are only received at the reserved matters stage if approval is granted at this outline stage. It is considered that a dwelling at this site would be an unduly prominent feature in the environment. The site is out of site when driving out of Pomeroy. Approaching Pomeroy from the north east, the natural topography of the wider agricultural field to the north of the site helps to limit views. Roadside hedgerow also limit views to the site. A backdrop of mature trees to the rear of the site provide an element of enclosure and integration for a dwelling at this site and thus I am content that the proposal would not rely entirely on the use of new landscaping for integration. It is my view that the proposed development complies with Policy 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. Immediately south of the site is the approved site for 57 dwelling units within the settlement limit (planning ref I/2006/1070/F). It is my view that a dwelling at the proposed location will result in a suburban style build-up of development when viewed with existing and approved buildings. The proposal would also create / add to a ribbon of development The proposed development fails to comply with Policy CTY 14.

CTY 15 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. It is considered that a dwelling at the proposed site will mar the distinction between settlement and the surrounding countryside and therefore the proposal fails to comply with Policy CTY 15.

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 proposed access arrangements involve the creation of a new access onto the public road. DfI Roads were consulted in this application and provided no objection to the proposed subject to condition. It is considered that the proposed accords with Policy AMP 2 of PPS 3 at this outline stage.

Recommendation

Having assessed the application against planning policy and all other material considerations, it is considered there are a number of reasons why this application should be refused. The proposal fails to meet CTY 10 in that there is only one building on the farm for the dwelling to visually link / cluster with. The proposal fails to meet CTY 14 in that it would result in a suburban style build-up of development when viewed with existing and approved buildings and would create / add to a ribbon of development. The proposal therefore fails on Policy CTY 8 (ribbon development). Finally the proposal fails on Policy CTY 15 in that it mars the distinction between the settlement of Pomeroy and the surrounding countryside.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal fails to meet Policy CTY 10 of PPS 21 in that there is only 1 building on the farm for the proposed dwelling to visually link with.

Reason 2

The proposal fails to comply with Policy CTY 14 of PPS 21 in that it would result in a suburban style build-up of development when viewed with existing and approved buildings and would create / add to a ribbon of development.

Reason 3

The proposal fails to comply with Policy CTY 8 of PPS 21 in that it would create / add to a ribbon of development.

Reason 4

The proposal fails to comply with Policy CTY 15 of PPS 21 in that it would mar the distinction between the settlement and the surrounding countryside.

Signature(s): Benjamin Porter

Date: 12 February 2024

ANNEX	
Date Valid	4 October 2023
Date First Advertised	17 October 2023
Date Last Advertised	17 October 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 17 Edendoit Road Pomeroy Tyrone BT70 2RW	
Date of Last Neighbour Notification	15 December 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Roads outline.docxDC Checklist 1.docFORM RS1 STANDARD.doc DAERA - Coleraine-Consultee Response LA09-2023-1052-O.DOCX	
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: 02 Rev A	
Notification to Department (if relevant) Not Applicable	

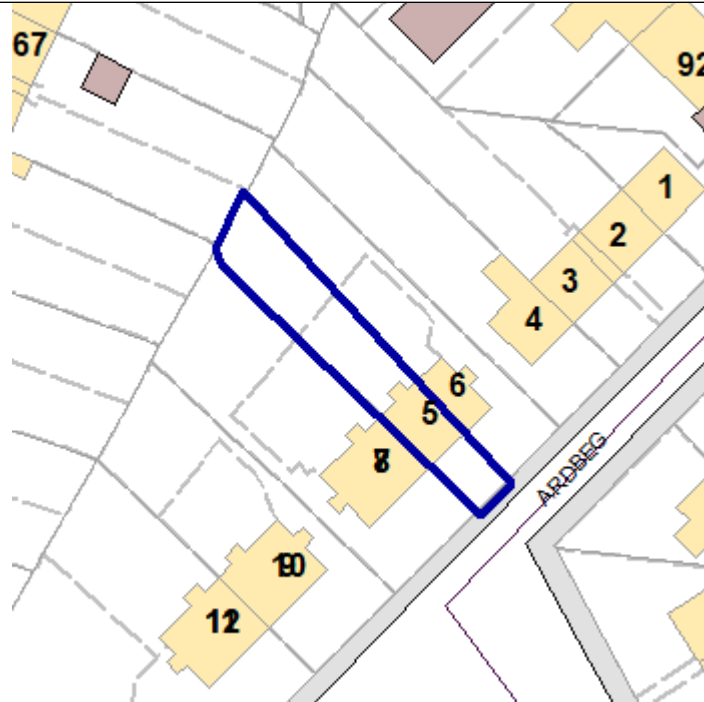


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.17
Application ID: LA09/2023/1053/F	Target Date: 16 January 2024
Proposal: Proposed self contained granny flat within the curtilage of the existing property for the benefit of the occupants of the existing dwelling	Location: To The rear of 5 Ardbeg Donaghmore Road Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Brian Cassidy 5 Ardbeg Donaghmore Road Dungannon	Agent Name and Address: McKeown and Shields Ltd 1 Annagher Road Coalisland Dungannon BT71 4NE
Executive Summary: No third party representations have been received. The proposal is overdevelopment of the site and there will be a detrimental impact on neighbouring amenity.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	NI Water - Single Units West	LA09-2023-1053-F.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 application site is within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is residential in character as the predominant land use is newer housing development and cul-de-sacs of older housing.

The site comprises of a dwelling which has been split into two flats at No.5 and 6. To the front of No.6 is a small lawn area and driveway. To the side of the dwelling is a doorway to No.5 and a concrete driveway. The front boundary treatment is a low wooden fence and black metal gates. To the rear of the dwelling is a long-grassed area which serves as the lawn and along the southern boundary with the neighboring property is a metal wired fence.

Description of Proposal

This is a full application for proposed self-contained granny flat within the curtilage of the existing property for the benefit of the occupants of the existing dwelling at to the rear of 5 Ardbeg, Donaghmore Road, Dungannon.

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

Press advertisement and neighbour notification has been carried out in line with the Council's statutory duty. At the time of writing, no third-party objections were received.

Planning History

There are no planning histories at the application site.

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 limit of Dungannon as defined in the Dungannon and

South Tyrone Area Plan 2010, so SETT 1 is the relevant policy which applies. I consider as the proposal does not meet all the criteria in QD 1 in PPS 7 and PPS 7 Addendum it does also not meet all the criteria in SETT 1 in the Plan.

SPPS – Strategic Planning Policy Statement for Northern Ireland

The 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 favour of the provisions of the SPPS. No conflict arises between the provisions of the 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).

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.

Policy EXT 1 – Residential Extensions and Alterations

Ancillary Accommodation

Planning Policy EXT 1 of PPS7 details that planning permission will be granted for a proposal to extend or alter a residential property where several criteria are met. Contained within this policy is the provision for ancillary accommodation, whereby it is acknowledged that there may be occasions when people wish to provide ancillary accommodation to provide additional living space for elderly relatives or to meet a variety of other personal and domestic circumstances.

To be considered as ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. This proposal has a kitchen, living room, two bedrooms and a shower room. The granny flat is situated in the rear garden of the dwelling at No. 5 Ardbeg but will share the same driveway and electricity connection. I am not satisfied that the proposal is ancillary to the main residential property as there are kitchen facilities, a bathroom and two bedrooms and the building could function as a standalone dwelling. Paragraph 2.9 of APPS7 states that additional accommodation should be attached to the existing dwelling and a separate doorway is acceptable. Paragraph 2.10 states that's the construction of a separate building as self-contained accommodation within the curtilage of an existing dwelling will not be acceptable unless a dwelling could be granted in its own right. I consider a stand-alone dwelling would not meet the policy within QD1 in PPS 7 due to the impact on neighbouring amenity and overdevelopment.

The agent submitted a supporting statement on the 7th February 2024 and the proposed use of the dwelling is for the applicant's parents who are both pensioners. The applicant is their son who has stated on the application form his address is No.5 Ardbeg and the

purpose of the dwelling is that he can be located nearby for assisted care to his parents. No justification has been provided as to why the ancillary accommodation cannot be accommodated by an extension to the existing dwelling at No. 5.

Scale, Massing, Design and Appearance

In initial plans submitted the proposed granny flat was located immediately beside the rear wall of No.5 in the garden. In discussions with the principal planner, it was agreed this siting was unacceptable and would have a negative impact on neighbouring amenities through loss of light, privacy, and overshadowing. In revised drawings submitted the building has been moved to the rear boundary of the site.

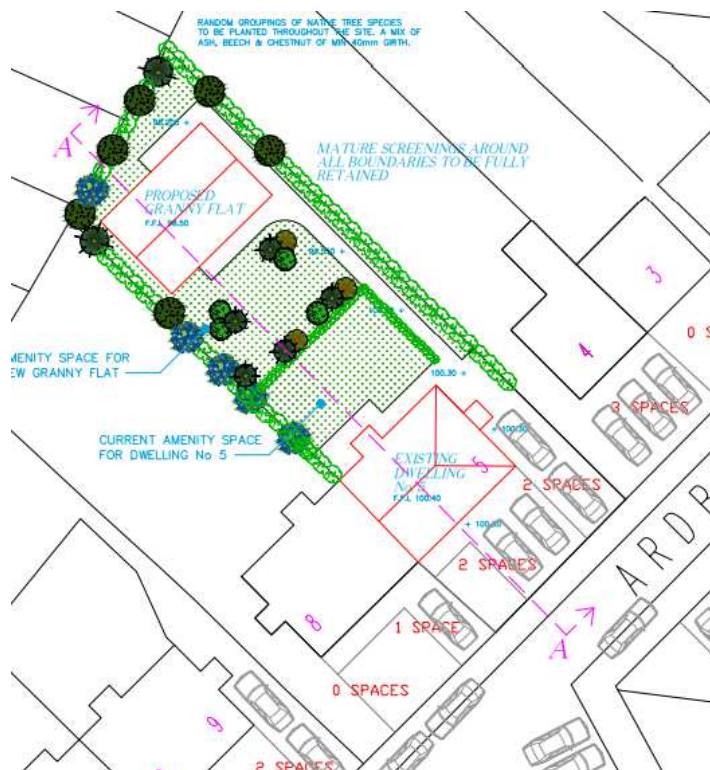


Figure 1 – Image of block plan submitted.

The proposed granny flat measures 8.8m width x 6.3m depth x 3.5m in height, with a height to the eaves of 2.5m. The finishes are black roof tiles, red brick external walls and upvc windows and doors. I have no concerns about the finishes of the granny flat as they will match the existing dwelling. The design and external materials are sympathetic with the built form and appearance of the existing property. I consider the scale and massing of the building is not excessive. There are no critical views of the building from the public road.

Paragraph A7 in PPS 7 Addendum states that proposals in an urban context should not overdevelop the site in terms of massing, plot size, and proximity to boundaries. I consider the proposed dwelling is overdeveloping the plot and is not an acceptable location for another dwelling. The site is located within a built-up residential area where

there are other terraced and semi-detached dwellings surrounding all boundaries of the site. I consider the proposal will detract from the character of the property.

Neighbour Amenity

In terms of privacy there are no windows on the side elevations of the granny flat. On the rear elevation there are three windows i.e. bedroom, shower room and kitchen window. As shown in figure 3 below No.65 and No.67 Newell Road to the rear are at a lower level than the site. The rear garden slopes downwards from the rear boundary fence to the rear wall of the dwellings at No.65 and No.67. I consider the proposed dwelling will create unacceptable loss of privacy to these neighbouring dwellings. In terms of mitigation against loss of privacy new planting along the rear boundary has been shown on the block plan which should assist in the protection of neighbouring amenity. However, this planting will take time to grow up to a sufficient height so in the immediate period there will still be overlooking in No.65 and No.67's rear amenity space.





Figure 2 - Images of the rear garden area at the site.



Figure 3 – Images of the rear garden area at the site.

I consider the building will be dominant when viewed from the rear dwellings as it is 3.5m in height and the garden of No.65 and No.67 sits at a lower ground level, I The rear wall of the proposed building is 2.2m from the rear boundary fence and 4.5m at the northern boundary. consider the building will not appear dominant in their garden areas.

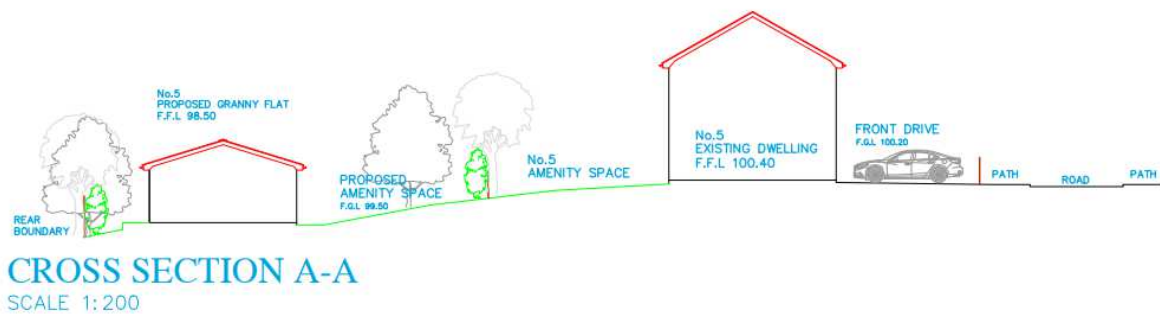


Figure 4 – Cross section submitted to show the levels through the application site.

I believe the proposed dwelling will create unacceptable overshadowing and loss of light to No.65 and No.67. The path of sun will hit the proposed dwelling in midday leading to afternoon and create overshadowing in the rear gardens of No.65 and No.67. However, this overshadowing will be along the rear boundary of these properties and not within their main amenity space immediately to the rear of the dwellings.

Having assessed all the evidence, I am content the proposal will create unacceptable neighbour amenity.

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 building will not detract from the environmental quality of the area.

Amenity Space, Parking and Manoeuvring

Parking Standards Guidance states that a further two car parking spaces would be required for an additional dwelling at the site. It has been shown on the block plan existing space for 2 in-curtilage spaces for No.6 and 2 spaces for No.5 to the side of the dwelling. In addition, there is a communal car parking area within the estate. I am content there is sufficient car parking spaces to accommodate the proposal.

In terms of amenity space, the rear garden will be sub-divided into two gardens areas with hedging to separate each space. The amenity space for No.5 and No.6 measures 88sqm and the garden area for the proposed dwelling measures 98sqm. The Department’s guidance, Creating Places, at paragraph 5.19 states that for any individual house, private open space of less than around 40 square metres will generally be unacceptable. but for flat or apartment developments a minimum of 30sqm would be acceptable. I have no concerns about the proposed amenity space for the proposal is acceptable as it is within these parameters.

Overall, I consider the proposal does not meet all the criteria in PPS 7 Addendum.

Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas

Policy LC 1 – Protecting Local Character, Environmental Quality and Residential Amenity.

The proposal is for a single storey dwelling in the rear garden of an existing dwelling will has been sub-divided into apartments. It is stated in the description the building will serve as a granny flat, but I do not consider the dwelling is ancillary accommodation as assessed in APPS7. The footprint of the proposed dwelling is 62sqm which is like the existing dwellings at No.5, 6 and 8 at 67sqm. All the dwellings along this row in Arbeg have long generously sized gardens at 24m in length. This proposal will half the garden size of No.5 I consider the plot size and rear amenity space does not reflect the pattern of settlement within the area. I consider the proposed density is higher than the established area and will detract from the overall character of the area. Annex A in the policy states a two-bedroom dwelling should have a floorspace of at least 60sqm and I am content this criterion has been met. Overall, I consider the proposal does not meet all the criteria in LC1.

Policy QD1 – Quality in New Residential Development

The application site comprises of No.5 and No.6 Ardbeg which are flats. The site is within the settlement limit of Dungannon in an area which is predominantly residential. The proposal is to site a building which will serve as a granny flat in the rear garden of the flats. I am of the opinion the proposed dwelling does not respect the constraints of the site itself. The plot size is significantly smaller than adjoining dwellings and does not respect the character of the area and is overdevelopment.

There are no archaeological or landscape features at the site.

The Department’s guidance, Creating Places, at paragraph 5.19 states that for any individual house, private open space of less than around 40 square metres will generally be unacceptable. There is a small amount of space to the rear of the granny flat and as stated earlier in the assessment I am content this is over 40sqm.

As this is a proposal for a single dwelling there is no requirement to provide neighbourhood facilities.

There are no alterations to the existing access, so DFI Roads were consulted.

The site is about a 10–15-minute walk to the nearby retail park where there is Sainsburys, Home Bargains and other shops and there are footpaths from the site to the town centre in Dungannon.

The proposal is for a single storey dwelling which will serve as a granny flat for the applicant’s parents. I have no concerns about the scale and massing of the building as it is approximately the same footprint and size as the dwellings in the immediate area.

I consider there is potential for loss of neighbouring amenity particularly to No. 65 and No.67 to the rear of the site.

Overall, I consider the proposal does not meet all the criteria in QD1 in PPS 7.

Other Considerations

I completed a check on the statutory map viewers and there are no other ecological, built

heritage or flooding considerations at the site.

NI Water were consulted as the proposal is for an additional dwelling within the settlement limit of Dungannon. NI Water responded stating there is no wastewater capacity at present for the dwelling and there are ongoing capacity issues with the Dungannon wastewater treatment works. However, this issue could be negatively conditioned and discharged by the Council at a later stage.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not meet all the criteria in QD1 in PPS 7, SETT 1 in the Plan and EXT1 in PPS 7 Addendum.

Refusal Reasons

Reason 1

Contrary to QD1 in PPS 7 - Quality Residential Environments and Plan Policy SETT 1 - Settlement Limits in the Dungannon and South Tyrone Plan 2010 in that the development if permitted would be overdevelopment as the plot size is smaller than adjoining sites.

Reason 2

Contrary to LC1 in Addendum to PPS 7 - Safeguarding the Character of Residential Areas in that the density of the development is higher than in the surrounding residential area and the pattern of development is not in keeping with the overall character of the area.

Reason 3

Contrary to EXT 1 in PPS 7 Addendum in that the development if permitted is not ancillary accommodation.

Signature(s): Gillian Beattie

Date: 20 February 2024

ANNEX	
Date Valid	3 October 2023
Date First Advertised	16 October 2023
Date Last Advertised	16 October 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 6 Ardbeg Dungannon Tyrone BT70 1HF</p> <p>The Owner / Occupier 4 Ardbeg Dungannon Tyrone BT70 1HF</p> <p>The Owner / Occupier 63 Newell Road Dungannon Tyrone BT70 1EG</p> <p>The Owner / Occupier 65 Newell Road Dungannon Tyrone BT70 1EG</p> <p>The Owner / Occupier 7 Ardbeg Dungannon Tyrone BT70 1HF</p> <p>The Owner / Occupier 67 Newell Road Dungannon Tyrone BT70 1EG</p> <p>The Owner / Occupier 5 Ardbeg Dungannon Tyrone BT70 1HF</p> <p>The Owner / Occupier 8 Ardbeg Dungannon Tyrone BT70 1HF</p> <p>The Owner / Occupier 25 Ardbeg Dungannon Tyrone BT70 1HF</p>	
Date of Last Neighbour Notification	23 January 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: M/1992/4076 Proposals: Improvements to Dwelling Decision: PDNOAP Decision Date:</p> <p>Ref: LA09/2023/1053/F Proposals: Proposed self contained granny flat within the curtilage of the existing property for the benefit of the occupants of the existing dwelling Decision:</p>	

Decision Date:

Ref: M/1993/0342

Proposals: Erection of 3 temporary mobile homes and stores

Decision: WITHDR

Decision Date:

Summary of Consultee Responses

NI Water - Single Units West-LA09-2023-1053-F.pdf

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: 5 March 2024	Item Number: 5.18
Application ID: LA09/2023/1069/F	Target Date: 25 January 2024
Proposal: Erection of 7 no. dwellings and 8 no. apartments with associated car parking, private and communal amenity space, landscaping, site works and access arrangements from Chapel Road	Location: Lands to The South of Nos 14-44 Fortview Terrace, North of Nos 19-33 Dunleath Avenue, East of Nos 11-17 Drumcree and West of Nos 85-101 Church Street Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Kelly Brothers Ltd Milltown East Industrial Estate Upper Dromore Road Warrenpoint BT34 3PN	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2023 1069 F Residential development Fortview Cookstown.doc
Statutory Consultee	Rivers Agency	792260 - Final reply.pdf
Statutory Consultee	NIEA	PRT - LA09-2023-1069-F.PDF
Non Statutory Consultee	NI Water - Multiple Units West	LA09-2023-1069-F.pdf
Non Statutory Consultee	NI Water - Multiple Units West	LA09-2023-1069-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template - Feb 2024.docx
Statutory Consultee	DFI Roads - Enniskillen Office	
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2023 1069 F Residential development Fortview Cookstown.doc
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template - Approval.docx
Statutory Consultee	Rivers Agency	889280 - Final reply.pdf

Representations:	
Letters of Support	0
Letters Non Committal	1
Letters of Objection	4
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	
Summary of Issues	
<p>Eight letters of objection have been received in relation to this planning application and relate to the following issues:-</p> <ul style="list-style-type: none"> o The land was cleared of tree/vegetation cover without consent some time in the early 2000's; <p>As there was no Tree Preservation Order on the tree or vegetation, the owner did not require any consent to remove these. Furthermore, as the trees/vegetation was removed over five years ago, any such action would now be immune from enforcement action. Any such action which has again occurred, also require no such consent as there is still no TPO on the proposed site. As the site is located on whiteland within Cookstown settlement limit and without any designations, there is a presumption in favour of development on such land.</p> <ul style="list-style-type: none"> o The aforementioned works demonstrate the applicants lack of consideration for residents; <p>The proposed development, in my opinion, does not have a detrimental impact on existing residents. How the development will be managed, is a matter for the developer and is not a planning consideration as one cannot assume how any site will be managed.</p> <ul style="list-style-type: none"> o The land is not zoned for phase 1 or 2 housing lands and therefore is not required for housing needs. Other sites would be more sequentially suitable; <p>The lands are considered whitelands and are therefore freely available, subject to normal planning considerations. Such lands do not need to be zoned for any such use and are considered windfall sites which are additional to any anticipated housing needs.</p> <ul style="list-style-type: none"> o The area of communal parking should be relocated as it presents a potential source of noise disturbance; <p>Neither EHD nor Dfl roads have raised any such issues with the proposed location of the parking area. The proposed layout clearly indicates a proposed 1.8m high vertical close boarded timber fence between the parking area and the rear boundary to the dwellings at Dunleath Avenue. The proposed site plan also indicates a number of proposed trees</p>	

along the same boundary which is considered acceptable in this urban location.

o The need for a legal agreement to secure the long term future of landscaping, trees and hedges;

Any condition relating to the management and or retention of landscaping and/or trees/hedges is not required to have a legal agreement. Such conditions can be enforced without the need for a legal agreement.

o The neighbour at No.44 Fortview Terrace has contested that they have a Right-of-Way along the side of their dwelling and this will be impacted upon by the provision of the access road into the site;

The issue of the private right-of-way is a civil matter between the parties concerned and is not for Council to adjudicate on. It is acknowledged that the proposed access to the site will close off the alleged right-of-way along the side and into the rear of No.44, however this is a civil matter.

o Reduced privacy;

The proposed development will not have a detrimental impact on privacy. A 1.8m high vertical close boarded fence is to be provided along the rear of all the proposed dwellings.

o Street light pollution;

Any street lights being provide will be required in this urban setting for the safety of residents. Such lights are necessary and while they will undoubtedly create some light pollution they are essential and are no more unacceptable than those already existing in the surrounding residential areas.

o Noise pollution;

Environmental health did not raise any concerns regarding noise disturbance from the proposed development.

o Added pressure on water/sewerage services;

NI Water advised that there is not sufficient capacity within the existing sewage network to accommodate the proposed development. However, this can be dealt with by way of a negative condition requiring the developer to agree a means of sewage disposal prior to the development commencing.

o Flooding;

DfI Rivers did not raise any issues regarding the potential for flooding. The development will however, have adequate site drainage to ensure that any surface water is dealt with appropriately and does not run over adjoining lands.

o Access/regress from the development via Chapel road or Dunleath Avenue and conflict with delivery vehicles;

DfI Roads advised that the access is acceptable, subject to being provided in accordance with the approved Private Streets Determination drawing. Roads did not raise any issues of concern regarding a potential conflict with delivery vehicles. The access is being proposed directly onto Chapel Road only and does not include any proposal to connect through Dunleath Avenue.

o Impact on natural environment;

The proposed development will have an impact on the surrounding environment, however, this is not to such an extent that it would justify a refusal.

o Removal of mature trees and hedges;

A biodiversity checklist was submitted with the application and included an ecological statement setting out what trees and vegetation is proposed to be removed. This is acceptable as the majority of the vegetation to be removed is scattered immature trees to the south western section of the site. The majority of mature trees along the boundaries are to be retained, however some have been lopped. One notable tree, located to the rear of No.'s 15/17 Drumcree has been lopped to a height of around 3m. However, when viewed on Google Street View, much of this lopping appears to have been done around 2021. AS there is no Tree Preservation Order on any of the trees within the site, there was no restrictions on the landowner in terms of requiring permission to remove any of those trees.

o Impact on biodiversity;

Given that the habitats on site are of relatively low ecological value, there is an opportunity to enhance the area with planting of native trees, shrubs and wildflowers in appropriate areas. Proposed planting has been indicated on the site layout plan and is considered sufficient in this urban setting.

o Surface water flooding;

DfI Rivers have not raised any concerns regarding potential flooding or surface water ponding. is not considered to be an issue.

One letter of support was also received from Francie Molloy MP stating that there is significant housing pressure in Cookstown as demand for homes cannot currently be met and that his office deals with requests for housing on a daily basis, from families and individuals in need of a home. MP Molloy therefore offers his support to this application.

Characteristics of the Site and Area

Characteristics of the site and area

The site comprised of an area of backland greenfield site with direct access onto Chapel Road.

The established built context is residential in character, defined by two storey terraced dwellings to the north, south and east and a row of bungalows to the west along Drumcree. A number of commercial and retail buildings are located in the wider surrounding area to the north along Church Street which connects to Chapel Street, Loy Street, James Street and William Street to provide a throughfare intersecting Cookstown Town Centre.

The site is bounded by the following:

- northern side by the rear of two terraces of two storey dwellings with a vehicular access in between;
- Southern boundary by a mixture of 2.0m close boarded fencing and a hedgerow rising between 2.0m and 3-4m high.
- Western boundary mainly by mature conifer hedgerows;
- Eastern boundary is undefined and borders the long rear garden spaces of dwellings fronting directly onto Church Street. This boundary is largely marked by temporary security fencing panels.
- At the south eastern corner of the site, the boundary is defined by a short row of mature conifer trees approximately 12m tall.

The site falls gently from the access point at Chapel Road towards the rear South West corner.

The site sits approximately 1m below the level of the rear of the terraced dwellings along the northern boundary and approximately 0.75m above the rear of the dwellings in Dunleath Avenue along the southern boundary.

The access to the site is via a narrow strip of land between No's 17 Drumcree and 44 Chapel Road. This area is currently fenced off by means of temporary security fencing with a pair of high metal security gates which are padlocked. There is a narrow pedestrian along the side of No.44 Chapel Road which leads to the rear of the terrace dwellings. This narrow pedestrian entrance is the area being disputed with and objector in respect of a right-of-way.

Description of Proposal

Erection of 7 no. dwellings and 8 no. apartments with associated car parking, private and communal amenity space, landscaping, site works and arrangements from Chapel Road.

The access is proposed into the site immediately adjacent to the western side of No.44 Chapel Road and to the rear of No.17 Drumcree. A pair of semi-detached two storey dwellings and six no. two storey apartments are proposed along the rear of the terraced dwellings which front onto Chapel Road. Five no. two storey dwellings and two storey apartments are proposed along the southern boundary and backing onto existing dwellings at Dunleath Avenue.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

There is no relevant planning history on the proposed site.

The relevant policies for consideration of this application are:

Cookstown Area Plan 2010

Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 7 - Quality Residential Environments.

Planning Policy Statement 12 - Housing in Settlements

Planning Policy Statement 13 - Transportation and Land Use

Creating Places

The lands in question are indicated as white land in the Cookstown Area Plan 2010 and therefore there is a presumption in favour of development on this site. The proposed layout has a density of 35.7 units per hectare.

PPS 7 Quality Residential Environments - Policy QD 1 Quality in new Residential Environments requires new residential developments to create a quality residential environment which should be based on a concept plan which drawn on the positive aspects of the surrounding area. Proposals must conform to nine criteria listed in the policy in order to protect residential amenity, residential character, environmental quality and movement. Any proposals which fails to satisfy the criteria, even if the site is designated for residential use, will not be acceptable.

This is an full application and is therefore being assessed against these criteria as follows:-

(a) The proposal meets the first of these criteria in that it respects the surrounding context in terms of layout as the density of the surrounding areas range from 11.7 dwellings per hectare in Drumcree, 45.1 dwellings per hectare in Dunleath Avenue to 120 dwellings per hectare in Chapel Road.

(b) A search of the site, conducted using the online Historic Environment Map Viewer, found no listed buildings or scheduled monuments within or in close proximity to the site which would be affected by the proposal. The site is not within an Area of Archaeological Potential and there is no record of any archaeological artefacts being discovered during the development of the surrounding lands. Any landscape features which extends to the existing boundary hedgerows are identified and can be protected to way of condition.

(c) The layout shows a layout with 7 dwellings and 8 apartments, therefore there is no requirement for the provision of public open space. This arrangement provides for all dwellings to have adequate private amenity space ranging from 69m² to 160m² for dwellings and between 58m² to 114m² for two apartments to 160m² for four apartments.

(d) The site is located within the settlement of Cookstown and within 250m of the local shop and public house and between 600m to 950m from three local schools and around 950m from the town centre. Therefore the site is close to and within walking distance of the centre of Cookstown and therefore the provision of neighbourhood facilities are not deemed necessary within the site;

(e) The site has direct access onto the Chapel Road, which in turn provides access onto Church Street and the Drum Road, which will provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system;

(f) Adequate provision can be made for all sites to have car parking, with six of the seven private dwellings having in-curtilage parking whilst there is an adequate amount of communal parking provided for the remaining dwelling and the apartments. DfI Roads have advised that the level and positioning of the proposed parking is acceptable.

(g) The design of the development in terms of form, materials and detailing have been considered in detail and are considered acceptable for this location.

(h) Given the existing surrounding land uses, the proposal will not create a conflict with adjacent land uses which are all dwellings.

(i) Generally the layout can be designed to deter crime and to ensure there are no areas which are unsupervised or not overlooked.

Consultee responses

DfI Roads, Environmental Health Department, Rivers, and NIEA advised that they have no objections to the proposed development. Although NI Water advised that there is no capacity within the sewage network system to accommodate the proposed dwellings, this issue can be covered by way of condition, requiring the developer to agree a method of sewage disposal with NIW prior to any development commencing on site.

Recommendation

On consideration of the above, it is my opinion that planning permission should be approved subject to the conditions listed below:-

Summary of Recommendation:

Approve is recommended

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

All proposed planting as indicated on the stamped approved drawing no. 02/2 uploaded to the planning portal on 12th February 2024 shall be undertaken during the first available planting season following occupation of the first dwelling hereby approved.

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

Condition 3

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.

Condition 4

Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in (verges/service strips) determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

Condition 5

Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in (verges/service strips) determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

Condition 6

Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in (verges/service strips) determined for adoption.

Reason: In order to avoid damage to and allow access to the services within the service strip.

Condition 7

The visibility splays of 2.4 metres by 35 metres at the junction of the proposed access

road with the public road, shall be provided in accordance with Drawing No; 08/2 uploaded to the planning portal on 19th February 2024, prior to the commencement of any other works or other development. 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.

Condition 8

The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses 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 users.

Condition 9

No dwelling(s) shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of (each phase / the development.)

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

Condition10

Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council in consultation with DfI Rivers which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event with an additional allowance for climate change (10%) and urban creep (10%).

Reason: In order to safeguard against surface water flood risk.

Condition11

None of the residential 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.

Condition12

All shrubs and trees being planted within the new housing scheme as indicated on the stamped drawing No.02/2 uploaded to the planning portal on 12th February 2024 must be native species.

Reason: To compensate for the loss of trees and hedges during the site clearance.

Condition13

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

The Department for Infrastructure 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: 08/2 uploaded to the planning portal on 19th February 2024.

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.

Condition14

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 08/2 uploaded to the planning portal on 19th February 2024. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreements under Article 3 (4C) and Article 32.

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

Signature(s): Malachy McCrystal

Date: 20 February 2024

ANNEX	
Date Valid	12 October 2023
Date First Advertised	24 October 2023
Date Last Advertised	24 October 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 87 Church Street Cookstown Tyrone BT80 8HT</p> <p>The Owner / Occupier 91 Church Street Cookstown Tyrone BT80 8HT</p> <p>The Owner / Occupier 93 Church Street Cookstown Tyrone BT80 8HT</p> <p>The Owner / Occupier 95 Church Street Cookstown Tyrone BT80 8HT</p> <p>The Owner / Occupier 97 Church Street Cookstown Tyrone BT80 8HT</p> <p>The Owner / Occupier 99 Church Street Cookstown Tyrone BT80 8HT</p> <p>The Owner / Occupier 101 Church Street Cookstown Tyrone BT80 8HT</p> <p>The Owner / Occupier 103 Church Street Cookstown Tyrone BT80 8HT</p> <p>The Owner / Occupier 19 Dunleath Avenue Cookstown Tyrone BT80 8JA</p> <p>The Owner / Occupier 21 Dunleath Avenue Cookstown Tyrone BT80 8JA</p> <p>The Owner / Occupier 23 Dunleath Avenue Cookstown Tyrone BT80 8JA</p> <p>The Owner / Occupier 25 Dunleath Avenue Cookstown Tyrone BT80 8JA</p> <p>The Owner / Occupier 27 Dunleath Avenue Cookstown Tyrone BT80 8JA</p> <p>The Owner / Occupier 31 Dunleath Avenue Cookstown Tyrone BT80 8JA</p> <p>The Owner / Occupier 29 Dunleath Avenue Cookstown Tyrone BT80 8JA</p> <p>The Owner / Occupier 33 Dunleath Avenue Cookstown Tyrone BT80 8JA</p> <p>The Owner / Occupier 11 Drumcree Cookstown Tyrone BT80 8JB</p> <p>The Owner / Occupier 13 Drumcree Cookstown Tyrone BT80 8JB</p>	

22 Fortview Terrace Cookstown Tyrone BT80 8HZ
The Owner / Occupier

24 Fortview Terrace Cookstown Tyrone BT80 8HZ
The Owner / Occupier

26 Fortview Terrace Cookstown Tyrone BT80 8HZ
The Owner / Occupier

15 Drumcree Cookstown Tyrone BT80 8JB
The Owner / Occupier

28 Fortview Terrace Cookstown Tyrone BT80 8HZ
The Owner / Occupier

30 Fortview Terrace Cookstown Tyrone BT80 8HZ
The Owner / Occupier

32 Fortview Terrace Cookstown Tyrone BT80 8HZ
The Owner / Occupier

34 Fortview Terrace Cookstown Tyrone BT80 8HZ
The Owner / Occupier

36 Fortview Terrace Cookstown Tyrone BT80 8HZ
The Owner / Occupier

38 Fortview Terrace Cookstown Tyrone BT80 8HZ
The Owner / Occupier

40 Fortview Terrace Cookstown Tyrone BT80 8HZ
The Owner / Occupier

42 Fortview Terrace Cookstown Tyrone BT80 8HZ
The Owner / Occupier

44 Fortview Terrace Cookstown Tyrone BT80 8HZ
The Owner / Occupier

17 Drumcree Cookstown Tyrone BT80 8JB
The Owner / Occupier

37 Chapel Road Cookstown Tyrone BT80 8AR
The Owner / Occupier

39 Chapel Road Cookstown Tyrone BT80 8AR
The Owner / Occupier

41 Chapel Road Cookstown Tyrone BT80 8AR
The Owner / Occupier

43 Chapel Road Cookstown Tyrone BT80 8AR
The Owner / Occupier

45 Chapel Road Cookstown Tyrone BT80 8AR
The Owner / Occupier

36 Rathmore Cookstown Tyrone BT80 8JD

Date of Last Neighbour Notification	27 October 2023
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Date of EIA Determination	
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ES Requested

<events screen>

Planning History

Ref: I/1979/0096

Proposals: PRIVATE GARAGE

Decision: PG

Decision Date:

Ref: I/1996/0377

Proposals: Extension to dwelling

Decision: PG

Decision Date:

Ref: I/2001/0574/A41

Proposals: Disabled Facilities

Decision: 205

Decision Date: 21-DEC-01

Ref: I/1976/0391

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Ref: LA09/2023/1069/F

Proposals: Erection of 7 no. dwellings and 8 no. apartments with associated car parking, private and communal amenity space, landscaping, site works and access arrangements from Chapel Road

Decision:

Decision Date:

Ref: I/1991/4015

Proposals: Improvements to 30 Dwellings Dunleath Avenue Cookstown

Decision: PDNOAP

Decision Date:

Ref: I/2007/0699/F

Proposals: Two storey extension to rear of existing dwelling

Decision: PG

Decision Date: 19-NOV-07

Ref: I/2001/0423/F

Proposals: Extension to dwelling

Decision: PG

Decision Date: 20-JUL-01

Ref: I/1990/0290
Proposals: Extension to dwelling
Decision: PG
Decision Date:

Ref: I/2004/1346/Q
Proposals: Development
Decision: 211
Decision Date: 21-FEB-06

Ref: I/2004/1426/Q
Proposals: Development
Decision: 211
Decision Date: 21-FEB-06

Ref: I/1978/0316
Proposals: CHANGE OF USE OF STORES TO MOTOR CYCLE SALES AND
SERVICING
Decision: PR
Decision Date:

Ref: I/2001/0652/F
Proposals: Proposed domestic garage
Decision: PG
Decision Date: 21-DEC-01

Ref: I/2005/1206/O
Proposals: Proposed site for dwelling to rear of 17 Drumcree, Cookstown.
Decision: PG
Decision Date: 21-JUN-06

Ref: I/1986/0392
Proposals: RENOVATION AND EXTENSION OF EXISTING DWELLING
Decision: PG
Decision Date:

Ref: I/1993/0124
Proposals: Extension and alterations to dwelling
Decision: PG
Decision Date:

Ref: I/1979/0255
Proposals: GARAGE
Decision: PG
Decision Date:

Ref: I/2004/1267/F
Proposals: Extension & alterations to dwelling
Decision: PG
Decision Date: 29-DEC-04

Ref: I/1974/037401
Proposals: ERECTION OF 66 NO DWELLINGS
Decision: PG
Decision Date:

Ref: I/1974/0374
Proposals: HOUSING DEVELOPMENT (ERECTION OF 60 DWELLINGS)
Decision: PG
Decision Date:

Ref: I/1974/037402
Proposals: ERECTION OF NON-SUBSIDY BUNGALOW (AMENDED PLAN)
Decision: PG
Decision Date:

Ref: I/1974/037404
Proposals: ERECTION OF 66 NO DWELLINGS, PRIVATE STREETS ACT (NI) 1964 ONLY
Decision: PG
Decision Date:

Ref: I/1974/0025
Proposals: ERECTION OF APPROXIMATELY 60 NO. DWELLINGS
Decision: PR
Decision Date:

Ref: I/1975/0249
Proposals: EXTENSION AND ALTERATIONS TO HOUSE
Decision: PG
Decision Date:

Ref: I/1980/0303
Proposals: IMPROVEMENTS TO TERRACE HOUSE
Decision: PG
Decision Date:

Ref: I/1980/0276
Proposals: IMPROVEMENTS TO DWELLING
Decision: PG
Decision Date:

Ref: I/2005/1374/F
Proposals: Extension & alterations to dwelling
Decision: PG
Decision Date: 10-JAN-06

Ref: I/1978/0052
Proposals: EXTENSION TO DWELLING
Decision: PG
Decision Date:

Ref: I/1993/0159
Proposals: Extension to furniture store
Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Response Template.docx
Environmental Health Mid Ulster Council-LA09 2023 1069 F Residential development
Fortview Cookstown.doc
Rivers Agency-792260 - Final reply.pdf
NIEA-PRT - LA09-2023-1069-F.PDF
NI Water - Multiple Units West-LA09-2023-1069-F.pdf
NI Water - Multiple Units West-LA09-2023-1069-F.pdf
DFI Roads - Enniskillen Office-Response Template - Feb 2024.docx
DFI Roads - Enniskillen Office-
Environmental Health Mid Ulster Council-LA09 2023 1069 F Residential development
Fortview Cookstown.doc
DFI Roads - Enniskillen Office-Response Template - Approval.docx
Rivers Agency-889280 - Final reply.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Existing Plans Plan Ref: 03
Proposed Plans Plan Ref: 04
Proposed Plans Plan Ref: 05
Proposed Plans Plan Ref: 06
Proposed Plans Plan Ref: 07
Roads Details Plan Ref: 08
Site Layout or Block Plan
Roads Details

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.19
Application ID: LA09/2023/1118/F	Target Date: 2 February 2024
Proposal: Permission under section 54 (in relation to Planning Application no LA09/2016/0470/F) for the continuance of use of buildings without compliance with condition no. 5 of the previous planning permission granted ie, we are requesting that condition 5 be revoked as a consequence of changes to the site layout being recently accessed and the subsequent review of the Noise Impact Assessment now superceded with a new up to date Noise Impact Assessment hereby submitted	Location: 111 Ballynakilly Road Coalisland BT71 6HE
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Formac Limited 22 Listamlet Road Dungannon	Agent Name and Address: McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2023.1118.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

Within the red line of the site there are 4 buildings at the south west corner which are linked together and have barrel roofs, these were former agricultural buildings and have openings on the west and east sides the large shed in the middle of the site has an A line roof with grey walls and roof panels, it has 2 large roller doors that open towards the north east and one roller door to the north and south elevations, the building to the north of the site has grey cladding to the upper walls and roof, a roller door to the west and sliding doors to the south and the buildings are currently used for a variety of industrial and storage purposes.



There is a mature hedge to the north of the site, with an electricity substation, a children's play park and residential development to the north of it. To the south is a lake which is surrounded by trees. Further southeast is a spring manufacturing business and to the north west is tile and bathroom sales business.

Description of Proposal

The proposal seeks full planning permission for the continuance of use of buildings without compliance with condition no. 5 of the previous planning permission granted ie, we are requesting that condition 5 be revoked as a consequence of changes to the site layout being recently accessed and the subsequent review of the Noise Impact Assessment now superseded with a new up to date Noise Impact Assessment hereby submitted.

Condition 5 stated ;

'Within 6 weeks of the date of this decision, the enclosure of the buildings referred to in condition 2 will have panelling or a composite/metal/masonry material fitted as detailed in the Noise Impact Assessment, dated March 2016, additional submissions dated August 2016 and December 2016.

Reason: To protect the amenity of neighbouring residents.'

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

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. 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 cannot currently be given any determining weight.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, there was one third party objection received. This objection was made on behalf of the residents of Ballynakilly, the objection did not go into any detail other than that they opposed the removal of the condition as they felt all conditions on this application were put in place to protect the amenity of residents and the removal of any of the conditions would be detrimental to the residents.

Consideration of representation

The objection letter does not raise any specific concerns but more a general issue with removal of any conditions due to the need to protect residential amenity. The applicant has submitted a more up to date reviews acoustic/noise assessment report. EHO has assessed both the new report and the objectors concerns and states "the conditions are still in place to protect residential amenity (2,6,7,8,9 & 10)."

History on Site

LA09/2022/0131/F - warehouse provision for the storage of metal components – GRANTED 20.02.2023

LA09/2016/1223/F - Retention of 3 hard standing areas – GRANTED 15.01.2019

LA09/2016/0470/F - Retention of change of use of existing buildings to Light Industrial, General Industrial and Storage and Distribution – GRANTED 06.06.2019

M/2014/0340/F - 500kw centralised anaerobic digestion (CAD) plant GRANTED 17.11.15

M/2010/0348/F - Rebuilding of existing commercial premises due to fire - GRANTED 24.09.2010

M/2007/1571/F - upgrade of existing access to commercial premises – GRANTED 14.08.08

Consultees

Environmental health were consulted on this application as the condition under question was requested by the environmental health department. In their response they concluded "... the Grainger Acoustics report demonstrates that noise mitigation measures as presented in condition 5 are not required and it is the opinion of the Environmental Health Department that the condition can be revoked."

Planning permission was granted on the 6th June 2019 for the retention of the change of use of existing buildings to Light Industrial, General Industrial and Storage and Distribution under planning application LA09/2016/0470/F, therefore the principle of development on the site is lawful and established. The application relates solely to the non-compliance with condition 5 of that permission.

Condition 5 stated "Within 6 weeks of the date of this decision, the enclosure of the buildings referred to in condition 2 will have panelling or a composite/metal/masonry material fitted as detailed in the Noise Impact Assessment, dated March 2016, additional submissions dated August 2016 and December 2016. Reason: To protect the amenity of neighbouring residents."

All other details and conditions of the previous approval remain intact. The only changes sought are the necessity to fit the sound proofing to the building enclosures as per the condition above. The agent has also submitted a reviewed acoustic report which was sent to EHO for consideration. EHO response stating there shall not be an unacceptable impact on residential amenity of the neighbouring properties was sufficient for them to allow the condition to be revoked. The council has no reason to disagree with this decision and are happy to allow non-compliance and therefore revoke condition 5 of planning approval LA09/2016/0470/F.

Recommendation approval.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

This permission hereby granted relates solely to the removal of Condition No.05 of planning permission LA09/2016/0470/F and all other conditions contained within the original approval remain applicable.

Reason: To ensure that all other conditions of the previous approval are adhered to.

Signature(s): Peter Hughes

Date: 21 February 2024

ANNEX	
Date Valid	20 October 2023
Date First Advertised	30 October 2023
Date Last Advertised	30 October 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 18 Coash Road Dungannon Tyrone BT71 6JE The Owner / Occupier RNN - Unit 3 20A Coash Road Dungannon Tyrone BT71 6JE The Owner / Occupier 26 Cranebrook Crescent Dungannon Tyrone BT71 6JH The Owner / Occupier RNN - Unit 2 20A Coash Road Dungannon Tyrone BT71 6JE The Owner / Occupier 25 Cranebrook Crescent Dungannon Tyrone BT71 6JH The Owner / Occupier RNN 20 Coash Road Dungannon Tyrone BT71 6JE The Owner / Occupier Unit 4 20A Coash Road Dungannon Tyrone BT71 6JE The Owner / Occupier Unit 1 20A Coash Road Dungannon Tyrone BT71 6JE The Owner / Occupier 121 Ballynakilly Road Coalisland Tyrone BT71 6HE	
Date of Last Neighbour Notification	23 October 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Environmental Health Mid Ulster Council-LA09.2023.1118.F.pdf	

Drawing Numbers and Title

Notification to Department (if relevant)

Not Applicable

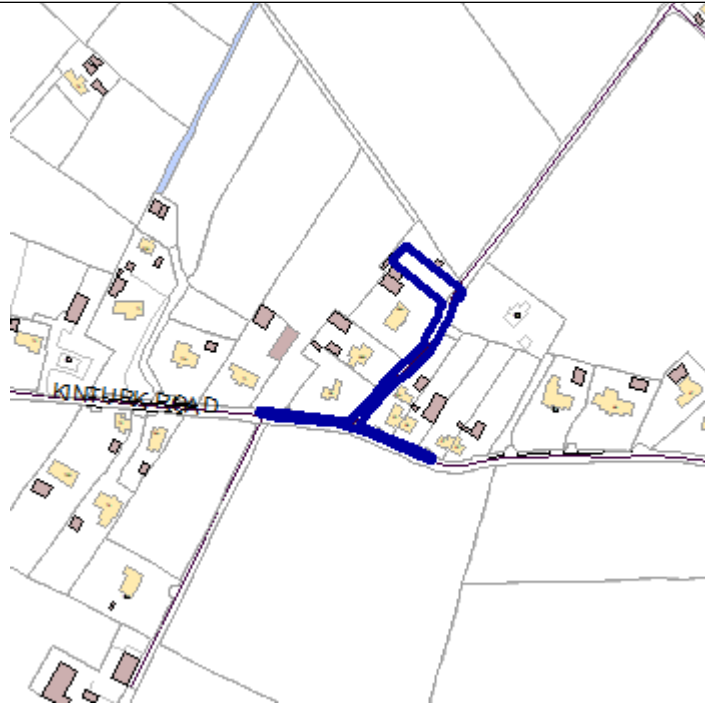


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.20
Application ID: LA09/2023/1139/F	Target Date: 8 February 2024
Proposal: Proposed site for dwelling in infill site	Location: Adjacent to 69A Kinturk Road Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Martin McVey 67A Kinturk Road Coagh Cookstown	Agent Name and Address: Gibson Design & Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Executive Summary: <p>This application is being presented to Committee as it will be located within the vicinity of an existing Wastewater Treatment Works (WwTWs) and NI Water recommend refusal of the proposal as occupiers of the building may experience nuisance due to the operations of the WwTWs.</p> <p>However, further consultation with Environmental Health who raised no concerns, Planning is recommending the proposal be approved. That whilst there is a NI Water septic tank close by the proposal there are two houses located at a closer distance to the existing tank, one of which consists of foundations and one built. An informative making the owner / developer aware of the existing Wastewater Treatment Works (WwTWs) would be attached to any subsequent decision.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc Roads Consultation - Approval response.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2023.1139.F.pdf
Statutory Consultee	NI Water - Single Units West	LA09-2023-1139-F.pdf
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 site is located in the rural countryside as defined by the Cookstown Area Plan 2010, approx. 2.75km north of Moortown and 650 metres west of Lough Neagh.

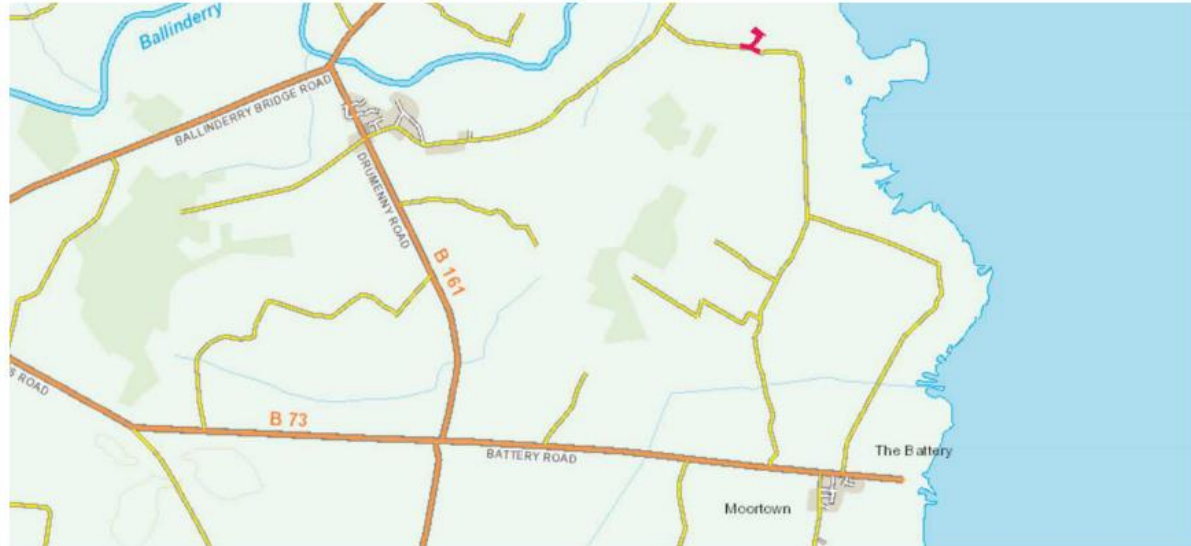


Fig 1: Site outlined red.



Fig 2: Site outlined red.

The site is a small rectangular shaped plot cut from the curtilage of no. 69a Kinturk Road, an existing single storey dwelling with ancillary buildings, set back approx. 100m from and accessed off the Kinturk Road via a lane serving approx. 9 additional dwellings

and the Lough.

The site sits on the curtilage of no. 69a Kinturk Road between the dwelling located immediately to its southwest and a recently approved single storey ancillary general-purpose garage/stable located immediately to its northeast. The site contains a general-purpose shed located in its most western corner. (see Fig: 3, below).

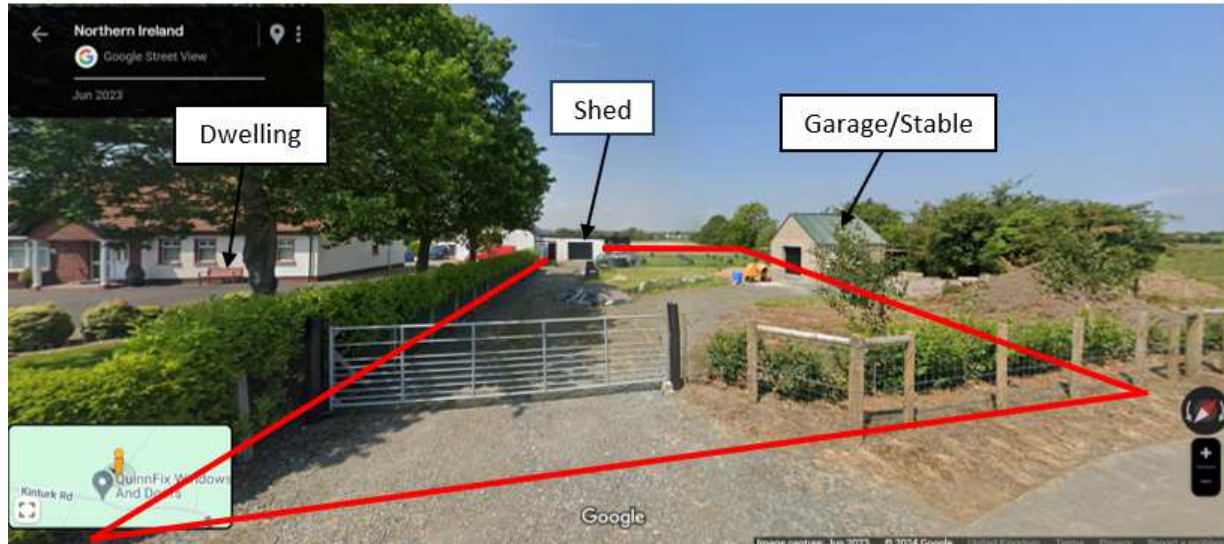


Fig 3: Site containing shed identified red between dwelling and ancillary general-purpose garage/stable.

The southwest boundary of the site is defined by post and wire fencing and mature hedge with a few trees interspersed through; the front lane side / southeast boundary by a post and wire fence and relatively new hedge; the rear northwest boundary by post and wire fencing; and the northeast boundary is undefined.



Fig 4: Views into the site screened from the Kinturk Road located to the south by vegetation along its southwest boundary.



Figs: 5 & 6: Views into the site screened from the lane serving it on both approaches by vegetation along its southwest boundary on the southwest approach; and by vegetation bounding the wider curtilage of the host property, no 69a Kinturk Road, on the northeast approach.

Views into the site are screened from the Kinturk Road located to its south by vegetation along its southwest boundary (see Fig: 4, above). Views into the site are also limited from the lane serving it until passing along its lane side frontage (see Figs: 5 & 6, above).

The wider area surrounding the site is characterised primarily by agricultural lands interspersed with detached dwellings, ancillary buildings and farm groups however the immediate area has come under some development pressure in recent times with a small cluster of development forming to the south of the site around the junction of the Kinturk Road and lane serving the site. Development in this small cluster includes no. 69b Kinturk Road, a 1 ½ storey dormer dwelling; and no. 69 Kinturk Road a bungalow, both located in that order running in a line immediately southwest of no. 69a Kinturk Road. A sewage works exists on lands just south, and to the opposite side of the lane, to the site.

Description of Proposal

This is a full planning application for a dwelling based on Policy CTY8 of PPS21 to be located on lands adjacent to 69A Kinturk Road Cookstown.

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 11: Planning and Waste Management

Planning Policy Statement 15: Planning and Flood Risk

Planning Policy Statement 21: Sustainable Development in the Countryside in particular:
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.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

Planning History

On site

- LA09/2020/0982/F - Proposed new general purpose garage/stable and retention of lean-to extension to existing general purpose shed/stable to facilitate existing dwelling and extension to curtilage - 69A Kinturk Road Coagh Cookstown - Granted 17th August 2021

Whilst a condition of the above proposal was that the use of the buildings granted were limited to general purpose shed/stable ancillary to no. 69A Kinturk Road and the site shall not be subdivided, I am content that although this proposal will sub divide said lands as is also the case here as detailed further below if the proposal meets with policy it overrides the condition.

Adjacent site

- I/2003/0288/O - Proposed 2 storey dwelling and garage - To the rear of 55 - 61 Kinturk Road Coagh - Granted 14th May 2003
- I/2006/0716/RM - Proposed 2 storey dwelling and domestic garage - To the rear of 55 - 61 Kinturk Road Coagh - Granted 10th January 2007

The above applications relate to lands containing foundations of a dwelling located immediately east of the site to the opposite side of the lane serving the site.

Consultees

1. DfI Roads - were consulted in relation to access arrangements and have raised

no objections to this proposal. Roads have advised where the lane meets the private road the access is in-situ and doesn't require any improvements as such I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

2. NI Water - whilst the proposal will utilise a septic tank NI Water were consulted as it will be located within the vicinity of an existing Wastewater Treatment Works (WwTWs) located on lands just south, and to the opposite side of the lane. NI Water responded to recommend the proposal be refused as it may experience nuisance due to its proximity to the operations of the existing WwTWs. They advised before they would be prepared to recommend approval, they would require confirmation it met the requirements of Planning Policy Strategy 11, particularly Policy WM5. That as the proposal is located wholly or partially within the WwTWs odour consultation zone boundary an Odour Encroachment Assessment is required to determine its compatibility with the existing operation of the WwTWs. Depending on circumstances this may also require the procurement of an Odour Dispersion Model to NI Water specification.

Further to NI Water's consultation response above I consulted internally with Environmental Health who advised that whilst there is a NI Water septic tank close by the proposal there are two houses located at a closer distance to the existing tank, one of which consists of foundations and one built. That what NI Water are asking for is an application for an odour assessment to be made to NI Water before they can commence the odour assessment procedure. In relation to single dwellings that propose a treatment package or septic tanks the Environmental Health Department would recommend that the tank is located at least 7m from any proposed residential dwelling.



Fig 7: Showing WwTw's in relation to proposed dwelling (red box on site); and two houses located at a closer distance to the existing tank, one of which consists

of foundations and one built.

Having consulted with Environmental Health I am content a dwelling on this site at approx. 40.9m would be greater than 7m from the tank and should not be impacted to any greater unreasonable degree by nuisance due to its proximity to the operations of the tank than two houses located at a closer distance to the existing tank, one of which consists of foundations (32.9m) and one built (32.5m) and as such consider it would be unreasonable to seek additional information. I consider it reasonable to attach an informative to any subsequent decision to make any future purchaser / developer aware that that the proposal may experience nuisance due to its proximity to the operations of the Wwtw's.

3. Environmental Health were consulted in relation to the nearby existing septic tank (WwTw's) and proposed treatment plant. Environmental Health responded to advise that the site of the proposal is located at a similar distance to the existing septic tank than two existing dwellings; and as the proposal it to dispose of foul effluent via a treatment plant they recommended the following comments be brought to the attention of the applicant via informative on any subsequent decision notice:

- The applicant/agent should satisfy themselves the proposed dwelling can be provided with an effective means of foul effluent treatment, and disposal of final effluent to a watercourse or underground stratum. A consent to discharge sewage effluent must be obtained from NIEA, Water Management Unit, as required by the Water (Northern Ireland) Order 1999. Attention should be paid to British Standard BS 6297:2007 Code of practice for design and installation of drainage fields for use in wastewater treatment (+A1:2008) (incorporating Corrigendum No.1) which states that sewage treatment works should be situated as far from habitable buildings as is practicable. The Environmental Health Service would recommend a separation distance of 15 metres between the location of the septic tank and the dwelling where possible. BS 6297:2007 stipulates an absolute minimum separation distance of 7 metres for septic tanks serving single domestic dwellings.
- A legal agreement will be required in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed dwelling will have access to these lands for maintenance/improvement works as required.

I am content that Environmental Health have raised no concerns with this proposal and their advice can be referred to via an informative attached to any subsequent decision notice.

Consideration

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside and all other policies relevant to this proposal have been retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in Policy CTY1 of PPS21 - Development in the Countryside. It is my opinion the current proposal falls under one of these instances, the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 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 criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

I consider this application in principle acceptable under CTY8. It is my opinion that the current site constitutes a small gap site within an otherwise substantial and continuously built up frontage as it is located within a line of 4 buildings on similar sized plots running along the west side of the access lane serving the site as detailed above in ‘Characteristics of the Site and Area’. The buildings running northeast to southwest include (1) a recently approved single storey general-purpose garage/stable ancillary to no. 69a Kinturk Road, located immediately to the northeast of the site; and (2, 3 & 4) nos. 69a, 69b and 69 Kinturk Road located immediately to its southwest, comprising three detached dwellings.

I believe the extremely modest dwelling proposed is of an appropriate siting, orientation, size, scale and design for the site and locality. That it will respect the existing development pattern along the lane and integrate onto the site in accordance with Policy CTY13 and with minimal disruption to the rural character of the area in accordance with CTY14. From the limited views of the site as noted above (see ‘Characteristics of the Site and Area’) the dwelling will benefit from the backdrop and sense of enclosure provided to it by the topography of the area; and the existing development and mature vegetation both bounding the site and within the wider vicinity.

The design (including finishes) of the proposed dwelling is generally simplistic and reflective of traditional rural design and in keeping with the rural design principles set out in ‘Building on Tradition’ A Sustainable Design Guide for the Northern Ireland Countryside.

The dwelling, which is 1 ½ storey of bungalow appearance, has a small rectangular-shaped floor plan and a pitched roof construction (approx. 7.3m above FFL) with a chimney expressed along the ridge line adjacent its south gable; and a small, front and rear porch. Finishes to the dwelling have not been included as such in the interests of visual amenity I consider it reasonable to attach a condition to any subsequent decision notice that prior to the commencement of the development hereby approved the applicant shall submit details of the colour and texture of all external finishes to the Council for agreement and this condition has been full discharged.

I am content the proposed dwelling should not impact the amenity of neighbouring properties, with particular attention given to no. 69a Kinturk Road located immediately to the southwest of the site to any unreasonable degree in terms of overlooking or overshadowing due to its size, scale, siting, orientation and design; the separation distances that will be retained; and the existing vegetation bounding the site to the southwest. I am reasonably content any unreasonable overlooking from the ground floor living room of the proposal towards no. 69A Kinturk Road should be prevented by the existing vegetation along the party boundary in the form of a hedgerow interspersed with trees and the first-floor windows in the proposal are bedroom windows considered non main serving. The aforementioned said existing and proposed ground levels and finished floor levels have not been included as such to ensure the dwelling is not raised significantly above existing ground level in the interests of residential amenity I consider it reasonable to attach a condition to any subsequent decision notice that prior to the commencement of the development hereby approved the applicant shall submit details of the existing and proposed ground levels and finished floor levels to the Council for agreement and this condition has been full discharged.

Additional Considerations

In additional to checks on the planning portal Natural Environment Map Viewer (NED) and Historic Environment Map (NED) map viewers available online have been checked. NED map viewer identified the site is not located within Lough Neagh and Beg Ramsar site, Special Protected Area (SPA), an Area of Scientific Interest (ASI), Special Area of Scientific Interest (ASSI) located approx. 650 metres to the east of the site. HED map viewer identified no built heritage assets of interest on or in close proximity to the site.

Flood Maps NI does not indicate flooding on site and whilst a watercourse exists along the northeast boundary of the wider host site / curtilage of no. 69a Kinturk Road I am content that a 10m maintenance strip in accordance with Policy FLD 2 of PPS 15 should be able to be retained to the opposite side of the watercourse to the site. I am also content due to the small-scale nature of this proposed development, in combination with the small watercourse, low gradient and the dilution factor of Lough Neagh, there would be no likely significant effect to any European site from this proposal.

Case Officer recommendation

Approve

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 existing mature trees and vegetation as detailed on Drawing No. 02 received 26 OCT 2023, shall be retained except where it is required to provide access and / or sight lines. 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 and residential amenity.

Condition 3

Prior to the commencement of the development hereby approved the applicant shall submit details of the colour and texture of all external finishes to the Council for agreement and this condition has been full discharged.

Reason: Reason: In the interests of visual amenity.

Condition 4

Prior to the commencement of the development hereby approved the applicant shall submit details of the existing and proposed ground levels and finished floor levels to the Council for agreement and this condition has been full discharged.

Reason: Reason: In the interests of residential amenity.

Informative 1

This proposal will be located on lands in close proximity to a Waste Water Treatment Works as such any future purchaser / developer should be aware that that the proposal may experience nuisance related to the operations of the Waste Water Treatment Works.

Signature(s): Emma Richardson

Date: 22 February 2024

ANNEX	
Date Valid	26 October 2023
Date First Advertised	7 November 2023
Date Last Advertised	7 November 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 57 Kinturk Road Cookstown Tyrone BT80 0JD The Owner / Occupier 69 Kinturk Road Cookstown Tyrone BT80 0JD The Owner / Occupier 61 Kinturk Road Cookstown Tyrone BT80 0JD The Owner / Occupier 69A Kinturk Road Cookstown Tyrone BT80 0JD The Owner / Occupier 61A Kinturk Road Cookstown Tyrone BT80 0JD The Owner / Occupier 59 Kinturk Road Cookstown Tyrone BT80 0JD The Owner / Occupier 69B Kinturk Road Cookstown Tyrone BT80 0JD The Owner / Occupier RNN - 61B Kinturk Road Cookstown Tyrone BT80 0JD</p>	
Date of Last Neighbour Notification	27 October 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: I/1979/0137 Proposals: EXTENSION AND IMPROVEMENTS TO DWELLING Decision: PG Decision Date:</p> <p>Ref: I/1995/0392 Proposals: Extension to Dwelling Decision: PG Decision Date:</p> <p>Ref: LA09/2020/0692/O</p>	

Proposals: Proposed Dwelling in an infill site

Decision: WDN

Decision Date: 06-DEC-21

Ref: I/1989/0259

Proposals: Improvements to dwelling

Decision: PG

Decision Date:

Ref: I/2003/0027/O

Proposals: Proposed site for 2 storey dwelling and garage

Decision:

Decision Date:

Ref: I/1990/0372

Proposals: 11 KV Rural Spur

Decision: PG

Decision Date:

Ref: I/1994/0015

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: LA09/2020/0982/F

Proposals: Proposed new general purpose garage/stable and retention of lean-to extension to existing general purpose shed/stable to facilitate existing dwelling at no 69a Kinturk Road, Coagh and extension to curtilage to no 69a Kinturk Road, Coagh.

Decision: PG

Decision Date: 17-AUG-21

Ref: I/2003/0139/O

Proposals: Proposed replacement dwelling

Decision:

Decision Date:

Ref: LA09/2021/0035/F

Proposals: Proposed extensions , alterations to dwelling to include rear extension, front porch, conversion of roofspace

Decision: PG

Decision Date: 14-APR-21

Ref: I/1996/0038B

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: I/1987/0183
Proposals: PROPOSED DWELLING
Decision: PR
Decision Date:

Ref: I/1990/0514
Proposals: Dwelling
Decision: PR
Decision Date:

Ref: I/1996/0038
Proposals: Site for Dwelling
Decision: PG
Decision Date:

Ref: I/2002/0333/O
Proposals: 1 No. Dwelling House
Decision: PG
Decision Date: 14-APR-03

Ref: LA09/2015/0299/O
Proposals: Proposed site for new dwelling in infill site
Decision: PG
Decision Date: 18-SEP-15

Ref: LA09/2015/0892/RM
Proposals: Proposed new dwelling and garage/domestic store in infill site
Decision: PG
Decision Date: 08-FEB-16

Ref: I/2003/0896/F
Proposals: Dwelling & Garage
Decision: PG
Decision Date: 03-MAR-04

Ref: I/1992/0255
Proposals: Improvements and extension to dwelling
Decision: PG
Decision Date:

Ref: I/2003/0140/O
Proposals: Proposed dwelling
Decision: PG
Decision Date: 21-MAY-03

Ref: I/1990/0344
Proposals: Sewage Treatment Works (Underground)
Decision: PG
Decision Date: 06-SEP-90

Ref: I/2005/1146/F
Proposals: Proposed disabled extension to dwelling
Decision: PG
Decision Date: 28-OCT-05

Ref: I/2013/0160/F
Proposals: Proposed garage conversion and extension to rear. Linkage provided to contact both structures.
Decision:
Decision Date:

Ref: LA09/2023/1139/F
Proposals: Proposed site for dwelling in infill site
Decision:
Decision Date:

Ref: I/1979/0402
Proposals: IMPROVEMENTS TO DWELLING
Decision: PG
Decision Date:

Ref: I/1991/0010
Proposals: Improvements to Dwelling
Decision: PG
Decision Date:

Ref: I/2004/0441/O
Proposals: Site of Dwelling & Garage
Decision: PG
Decision Date: 30-OCT-04

Ref: I/2008/0036/F
Proposals: New storey and a half dwelling with detached garage
Decision: PG
Decision Date: 22-MAY-08

Ref: I/2007/0334/F
Proposals: New dwelling and garage (intergrated), removal of condition 5 - ridge height of 5.5m, removal of conditional 6 - maximum frontage of 12m, removal of condition 7 - depth of under building not to exceed 0.45m
Decision:

Decision Date:

Ref: I/2004/0670/O

Proposals: Proposed Dwelling & Garage

Decision: PG

Decision Date: 23-JUL-04

Ref: I/2002/0645/O

Proposals: Proposed site for dwelling and domestic garage

Decision: PG

Decision Date: 19-NOV-02

Ref: I/2005/1409/RM

Proposals: Proposed 2 storey dwelling & domestic garage

Decision: PG

Decision Date: 08-MAR-06

Ref: I/2006/0666

Proposals: New dwelling

Decision: 461

Decision Date: 07-MAR-07

Ref: I/2007/0469/F

Proposals: Proposed dwelling.

Decision: PG

Decision Date: 19-OCT-07

Ref: I/2004/0440/O

Proposals: Site of Dwelling & Garage

Decision: PG

Decision Date: 30-OCT-04

Ref: I/2009/0073/F

Proposals: Dwelling and garage

Decision: PG

Decision Date: 28-APR-09

Ref: I/1979/0136

Proposals: EXTENSION AND IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Ref: I/2013/0172/F

Proposals: Proposed garage conversion and extension to provide granny flat/ancillary accommodation.

Decision: PG

Decision Date: 05-NOV-13

Ref: I/2009/0028/F

Proposals: Extension to Existing Ground Floor Bedroom to provide disabled facilities

Decision: PG

Decision Date: 24-FEB-09

Ref: I/2005/1002/O

Proposals: Proposed dwelling

Decision: PR

Decision Date: 10-MAR-06

Ref: I/2003/0288/O

Proposals: Proposed site for a 2 storey dwelling and garage.

Decision: PG

Decision Date: 19-MAY-03

Ref: I/2006/0716/RM

Proposals: Proposed 2 storey dwelling & domestic garage

Decision: PG

Decision Date: 12-JAN-07

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DC Checklist 1.doc
Roads Consultation - Approval response.docx

Environmental Health Mid Ulster Council-LA09.2023.1139.F.pdf

NI Water - Single Units West-LA09-2023-1139-F.pdf

Environmental Health Mid Ulster Council-

Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Plans Plan Ref: 03

Notification to Department (if relevant)

Not Applicable

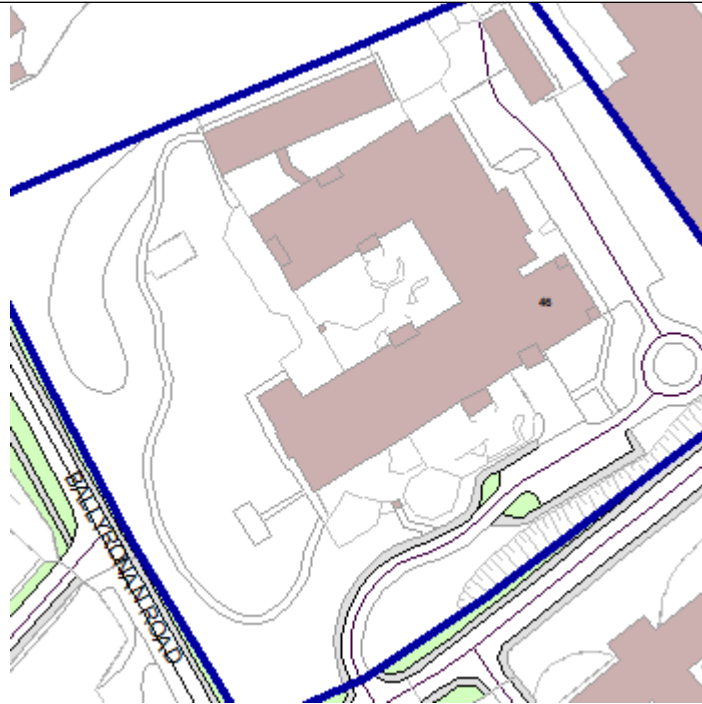


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.21
Application ID: LA09/2023/1166/F	Target Date: 29 May 2024
Proposal: Extension to existing school	Location: Kilronan Special School Ballyronan Road Magherafelt
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Education Authority 40 Academy Street Belfast BT1 2NQ	Agent Name and Address: Gravis Planning 1 Pavilions Office Park Kinnegar Drive Holywood BT18 9JQ
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Rivers Agency	883347 - Final reply.pdf
Statutory Consultee	NIEA	
Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	NIEA	
Statutory Consultee	DFI Roads - Enniskillen Office	No vehicle intensification as per supporting information. Dfl Roads do not offer an objection. Conditions not required
Statutory Consultee	NI Water - Strategic Applications	LA09-2023-1166-F.pdf
Statutory Consultee	Rivers Agency	816701 - Final reply.pdf
Statutory Consultee	NIEA	PRT - LA09-2023-1166-F.PDF
Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2023.1166.F.pdf
Statutory Consultee	NIEA	PRT LA09-2023-1166-F.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	
<p>The application site measures c.2.2 hectares and is located off the Ballyronan Road at the southeastern end of Magherafelt.</p> <p>The subject site is currently occupied by Kilronan Special School which comprises the school buildings, car parking, access and green amenity space around the periphery. Access to the site is from a public road which runs directly off the Ballyronan Road to the west and which also serves some commercial units to the east of the school.</p> <p>There is undeveloped land to the north, commercial buildings to the east, offices and a residential property to the south and Ballyronan Road to the west. The surrounding area is a mix of residential, and commercial properties along with a large, outdoor, sporting facility.</p> <p>The school site is flat and is virtually completely screened from its main public viewpoint, the Ballyronan Road, as a result of a continuous line of tall trees (approx. 4 – 5m in height) along its western boundary. The northern and eastern boundaries are defined by further vegetation whilst further vegetation and a road form the southern boundary.</p>	
Description of Proposal	
Extension to existing school.	
<p>The proposed extension provides the following accommodation:</p> <ul style="list-style-type: none"> • Classrooms (2 senior PMLD, 2 transition of which 1 is PMLD, a shared Art/ Technology classroom, a shared Drama/ Music classroom and a shared HE/ Science classroom), • ASD support suite • Rebound, sensory total immersion therapy rooms. • Nurture and life skills rooms • Central shared classroom resource area 	

- Shared Post 16/ IT Space

The extension will cater mostly for the older pupils and will become a dedicated senior/ transition 'wing' of the school.

A PAD was submitted under ref LA09/2022/1355/PAD and subsequently LA09/2023/0471/PAN.

A pre-community consultation event was carried out at Kilronan School on 22nd June 2023 and feedback was very positive. No objections have been received to the application.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Strategic Planning Policy Statement (SPPS)

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration in determining this application. 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. Under the SPPS, the guiding principle for planning authorities in determining applications 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.

Section 45 of the Planning Act (NI) 2011 states that 'where an application is made for planning permission, the council in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations'.

Magherafelt Area Plan 2015 (MAP)

Settlement development limits are designated for each town, village and small settlement in the district, as set out in Part 4 of the Area Plan. The settlement development limit is designated to take account of the town's role as a local hub while protecting its natural setting.

This site lies within the settlement limits of Magherafelt as defined in MAP MT01 Map No 5 and set out in Policy SETT1 – Designation of Settlements. In MAP, the site is not zoned for any particular use. Given the un-zoned nature of the subject site, any future development associated with the existing school would be considered acceptable, in

principle (subject to other design-related considerations).



. 6 – Excerpt from MAP 2015 (indicative site location added in red)

Policy SETT 2 – Development within settlement limits

As the proposed development is located within the settlement limit, favourable consideration will be given providing a range of criteria are met, in accordance with Policy SETT2;

- **It should be sensitive to the size and character of the settlement in terms of scale, form, design and use of materials.**

The proposed scheme provides 7no. classrooms to address deficient accommodation identified through analysis of the existing school. The layout provides post primary accommodation only, which maximises the flexibility of space to serve as senior/ transition age group teaching, breakout and social space. The accommodation provided focuses on providing PMLD/ SLD teaching accommodation with adjoining sensory, and equipment stores along with hoisted hygiene rooms where possible.

A dedicated sensory garden is proposed as part of the works to overcome this loss of external space which is fundamental to the wellbeing and learning of both pupils and staff.

As the 7no classrooms are the key deliverable of the proposal, these take precedence within the proposed plan and have been arranged around the perimeter with traditional low-level glazing. This, combined with the potential of high-level glazing to the corridor maximises potential for natural light and ventilation through all classrooms with reduced reliance on artificial lighting and mechanical ventilation which can present unique challenges to pupils with SEN.

The building has been designed using a simple, robust palette of materials in keeping to the rural context of the building. These have been specified and detailed to a high level

to achieve a quality architectural aesthetic along with maximising the performance of the building envelope to reduce ongoing maintenance and to achieve a maximum lifespan of the building.

I am satisfied the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and materials.

- **Where applicable it is in accordance with any key site requirements contained in part 4 of the Plan.**

There are no key site requirements identified in Part 4 of the plan, therefore the proposal complies with SETT 2.

Education and Community

Policy COY 1 - Community Uses

Favourable consideration will also be given to community uses provided a range of criteria are met, in accordance with policy COY 1.

Policy COY 1 states that planning permission will be granted for community uses within settlement limits provided all the following criteria are met:

- **There is no significant detrimental effect on amenity;**

I am content that the proposal will have no significant effect on amenity of any neighbouring properties due to existing significant vegetation and its location remote from any residential properties.

- **The proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites;**

I am content that this development will not prejudice any surrounding lands in developing but note that there are no zoned sites in close proximity. Any surrounding zonings are not considered to adversely impact upon the school site.

- **The proposals are in keeping with the size and character of the settlement and its surroundings;**

Furthermore, I am content that the proposed size and scale of the proposal is in keeping with the existing school buildings. This will be carried out on a phased basis in 4 phases. Phase 1- enabling works, Phase 2 – extension construction, Phase 3 – interventions within existing building and Phase 4 – landscaping work/mobile removal. This will ensure minimal disruption on site and ensure all work carried out as shown in each phase.

- **Where necessary, additional infrastructure is provided by the developer; and, there are satisfactory access, parking and sewage disposal arrangements.**

Additional infrastructure is not required, and the proposal is to accommodate existing numbers, there will be no increase in numbers of pupils or staff accessing the school. DFI Roads & NI Water were consulted and have offered no objections. I am content there is satisfactory access, parking and sewage disposal arrangements existing at the site.

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. 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.

Other policy and material considerations

Kilronan Special School has the vision to provide a happy, safe and stimulating learning environment where pupils are motivated to achieve and feel valued and respected. At present, due to increasing numbers, the school is not adequately fit to meet the various needs of the pupils. This extension will provide much needed accommodation at a location the pupils are familiar with, rather than having to be relocated as the pupils here needs routine, structure and familiarity.

PPS2 – Natural Heritage

A Biodiversity checklist and Preliminary ecology assessment was completed and submitted with the application and NIEA; Natural Heritage Division (NED) and Water Management Unit (WMU) consulted.

Water Management Unit considered the impacts of the proposal on the water environment and have taken account of the NI Water response stating that there is capacity at the wastewater treatment works at the site and that associated sewer network can take the loads for the development with no adverse effect on the WWTW if they comply with all relevant water consents.

The site contains buildings, grassland, hardstanding, scrub and trees. NED are content there are no concerns regarding, badgers, newts, red squirrels, common lizards and otters. There is no Bat Roosting Potential (BRP) at the main school where demolition is to take place, or at the site of the 2 mobiles to be removed and the one mobile to be relocated. NED have no issues relating to protected sites, habitats and species.

PPS3 – Access, Movement and Parking

The existing site access will remain and the proposal will continue to be served by the existing access of Ballyronan Road which is not a protected route. This will therefore not prejudice road safety or significantly inconvenience the flow of traffic and so is in line with policy AMP2.

In line with AMP6 & AMP7 a Transport Assessment form was submitted in terms of traffic implications and car parking. The proposal does not result in an increase in staff or pupils arriving at the school, as this is an extension to serve existing pupils and will provide much needed additional accommodation for the school .

DFI Roads were consulted and offer no objection, based on the information submitted there will be no vehicle intensification therefore no conditions are required.

PPS 8 – Open Space

Development will not be permitted which would result in a loss of existing open space, however an exception will be permitted where it is clearly shown that redevelopment of the area will bring substantial community benefits that outweigh the loss of the open space.

Whilst the proposal will be located in part on existing grassed areas, sufficient amenities and open space areas will be created within the site for the use and enjoyment of the pupils. The existing play equipment and walking trail around the perimeter of the site will also remain. To help mitigate the loss of some of the green area to the front of the site, a dedicated sensory area has been proposed as part of the works, which is fundamental to the wellbeing and learning of the pupils in the school. They will find this a highly valuable space which they don't have now in order to help with their regulation, this gain would be considered as outweighing the loss of the existing green space.

In addition, the loss of green space will not result in a significantly detrimental impact on amenity or character of the school but will actually enhance it.

PPS15 – Planning & Flood risk

A flood risk assessment and drainage assessment (DA) have been submitted and DFI Rivers were consulted for comments.

FLD1 – Development in Fluvial Flood Plains

Flood Maps (NI) indicate that the site lies outside the 1 in 100-year fluvial flood plain, however a small portion on the southern boundary of the site lies within the 1 in 100-year climate change fluvial flood plain. The proposed built development as indicated on the submitted plans lies outside of this, a section of the existing access to and from the school.

FLD2 – Protection of Flood defence and drainage assessment

The proposal will not affect the operational effectiveness or accessibility of the designated culvert on Ballyronan Road and so FLD2 has been satisfied.

FLD3 – Development and surface water

The DA has provided detailed drainage design that demonstrates the issues of sewer flooding will be managed by attenuating the 1 in 100-year event within the proposed drainage network and safely disposed of at limited rate supported by relevant correspondence provided by NI Water. The requirements of FLD3 have been met to provide adequate measures to mitigate flood risk from the development to elsewhere.

FDL4 – Artificial modification of watercourses

Not applicable to this site.

FLD5 – Development in proximity to reservoirs.

Not applicable to this site.

DFI Rivers have therefore no objections if the submitted DA is complied with and this can be conditioned. The proposal complies with the criteria of PPS15.

Overall, I am content the proposed development satisfies the relevant planning requirements and planning policy tests and therefore should be recommended for planning approval, subject to relevant conditions

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

Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on the site should immediately cease. The Planning and Environmental Health Department of Mid Ulster District Council shall be informed and a full written risk assessment in line with current government guidance

(Land Contamination Risk Management - LCRM) that details the nature of the risks and any necessary mitigation measures shall be prepared and submitted for appraisal and agreed with the Planning and the Environmental Health Department of Mid Ulster District Council.

Reason: To Protect Human Health

Condition 3

If measures are required as per Condition 2 it shall be necessary for the applicant to demonstrate through a verification report that the site is now fit for end use. It must demonstrate that the identified pollutant linkages are effectively broken. The Verification Report methodology shall be in accordance with current best practice as outlined by the Environment Agency. The Verification Report methodology shall be agreed in advance with the Planning Service, in consultation with the Issued on behalf of Environmental Health Service

Reason: To Protect Human Health

Condition 4

Construction works, which are audible at any noise sensitive property outside the site, shall only take place between the hours of 07:00 -19:00 hours on Monday to Friday, 07:00 -13:00 hours on Saturday with no works being undertaken on Public/Bank Holidays. Outside of these hours, work at the site shall be limited to construction work that is not audible at any noise sensitive property.

Reason: To control the noise levels from construction works at noise sensitive locations.

Condition 5

The applicant should comply fully with the submitted Drainage Assessment received on 18th October 2023.

Reason: To prevent any potential flood risk on the site.

Condition 6

NIW public sewer/s traverse the proposed development site. No construction to be made, trees planted or other obstruction permitted over this sewer, or within the permitted wayleave width. Details of which can be found within NIW guidance notes, available at the link below. A diversion may be necessary. No development shall commence until the applicant has demonstrated to the satisfaction of the council, that NIW are content that the proposed development will not affect this sewer, and sufficient drawings have been submitted, which clearly indicate the required wayleaves . The applicant is advised to obtain a records map from NIW and establish the exact location of the infrastructure within the site, and how it may affect the proposal. Further Consultation with NIW

Developer Services developerservices@niwater.com is required at an early design stage. Further information, guidance notes and applications can be downloaded from NIW website at <https://www.niwater.com/services-for-developers/homeowners/closeproximity/sewer/>.

Reason: To prevent disturbance / damage to existing sewers and in the interest of public safety.

Signature(s): Emma McCullagh

Date: 14 February 2024

ANNEX	
Date Valid	1 November 2023
Date First Advertised	14 November 2023
Date Last Advertised	14 November 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 48 Ballyronan Road Magherafelt BT45 6JQ The Owner / Occupier 52 Ballyronan Road Magherafelt BT45 6EW The Owner / Occupier MUDC 50 Ballyronan Road Magherafelt BT45 6EW The Owner / Occupier 49 Ballyronan Road Magherafelt BT45 6EW The Owner / Occupier 47 Ballyronan Road Magherafelt BT45 6EW The Owner / Occupier 24 Meadowbank Road Magherafelt BT45 6EQ The Owner / Occupier 40 Ballyronan Road Magherafelt BT45 6EW</p>	
Date of Last Neighbour Notification	8 November 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
<p>Rivers Agency-883347 - Final reply.pdf NIEA- Environmental Health Mid Ulster Council- NIEA- DFI Roads - Enniskillen Office-No vehicle intensification as per supporting information.</p> <p>Dfi Roads do not offer an objection. Conditions not required</p>	

NI Water - Strategic Applications-LA09-2023-1166-F.pdf
Rivers Agency-816701 - Final reply.pdf
NIEA-PRT - LA09-2023-1166-F.PDF
Environmental Health Mid Ulster Council-LA09.2023.1166.F.pdf
NIEA-PRT LA09-2023-1166-F.PDF

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Existing Plans Plan Ref: 03
Proposed Plans Plan Ref: 04
Proposed Floor Plans Plan Ref: 05
Roof Details Plan Ref: 06
Proposed Plans Plan Ref: 07
Existing Plans Plan Ref: 08
Proposed Elevations Plan Ref: 09

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.22
Application ID: LA09/2023/1217/O	Target Date: 26 February 2024
Proposal: Proposed dwelling and garage on a farm	Location: Land adjacent to No 30 Killyfaddy Road Magherafelt
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Ian Brown 95 Ballyronan Road Magherafelt BT45 6EW	Agent Name and Address: Vision Design 31 Rainey Street Magherafelt BT45 5DA
Executive Summary: <p>This outline application for a dwelling and detached garage is being presented before members as refusal.</p> <p>This proposal has been assessed under all relevant policy and guidance, that is the SPPS, the Magherafelt Area Plan 2015, PPS3, PPS 21 (CTY 1,8, 10, 13 and 14). Issues raised by the Planning Department include conflict with planning policy 21 specifically CTY 10 - criteria (C), as it is my view that the proposed site does not visually link or cluster with an established group of farm buildings. CTY 13 in that the proposed dwelling on this site would not cluster or visually link with buildings on the farm. CTY 14 particularly criteria (d) which directs refusal of a development if it would extend a ribbon development along the Public Road. No objections have been received to date. DFI Roads, NIW and DAERA have been consulted and raised no objection subject to conditions and informatives.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DAERA - Coleraine	Consultee Response - LA09-2023-1217-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	NI Water - Single Units West	LA09-2023-1217-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 within the open countryside, approximately 1.2km from the settlement limits of Magherafelt as per the Magherafelt Area Plan 2015. The site is identified as land

adjacent to No.30 Killyfaddy Road, Magherafelt, in which the red line covers an undulating agricultural field that sits on the roadside. I note that the red line covers a large agricultural field. The sites boundaries comprise of a small hedgerow surrounding the site, with mature trees to north and south boundaries resulting in the site being somewhat open. The proposed site is currently accessed via an existing agricultural gate to the northwest where the proposal seeks to create a new access onto the public road closer to the southwest boundary. I note that the immediate surrounding area has several dwellings and associated outbuildings alongside a scattering of agricultural fields.

Description of Proposal

This is an outline application for proposed dwelling and garage on a farm.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Three (3) neighbouring properties were notified, and press advertisement was carried out in line with the Council's statutory duty. To date, no third party representation have been received to date.

Relevant Planning History

Reference: LA09/2018/0635/O

Proposal: Infill development, involving the erection of chalet type bungalow with detached garage

Location: Adjacent To 28 Killyfaddy Road, Magherafelt, BT45 6EX.

Decision and Date: Permission Granted 05.12.2018

Planning Assessment of Policy and Other Material Considerations

- Magherafelt Area Plan 2015
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside
 - CTY 1: Development in the Countryside
 - CTY 10: Dwellings on Farms
 - CTY 13: Integration and Design of Buildings in the Countryside; and
 - CTY 14: Rural Character
 - CTY 8: Ribbon Development

Magherafelt Area Plan 2015

The Magherafelt Area Plan 2015 identifies the site as being in the rural countryside, approximately 1.2km south of Magherafelt. There are no other zonings or designations within the Plan.

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.

Mid Ulster District Council Draft Plan Strategy 2030

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. 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.

Planning Policy Statement 3 – Access, Movement and Parking

PPS 3 policy AMP 2 outlines that planning permission will only be granted for a development proposal involving direct access onto a public road where; It does not prejudice public safety or inconvenience traffic. It does not conflict with access to protected routes. In addition, consideration should be given to the nature and scale; character of existing development; contribution to a quality environment and the location and number of existing accesses.

The proposed dwelling and garage will result in the construction of a new access onto a public road therefore, DFI Roads were consulted and provided no objection to the proposed subject to standard conditions.

Planning Policy Statement 21 – Sustainable Development in the Countryside

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 this instance the application is proposed for a dwelling and garage on a farm therefore this application will be considered mainly under CTY 10 (Dwellings on Farms) of PPS21. CTY 13 and 14 will also be considered in terms of integration and rural character.

CTY10: Dwellings on Farms

Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;*
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and*
- (c) the new building is 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.*

With respect to (a) DAERA were consulted and responded to state that the farm business number is an active and establish farm holding for more than 6 years and is claiming payments.

With respect to (b) having carried out a check on previous approvals, I am content that there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. Nor has the applicant had an approval under this Business Number in the last 10 years.

With respect to (c) there are no buildings on or adjacent to the site for the proposed dwelling to cluster or visually link with however the agent stated that he has chosen the best site on the farm holding in terms of amenity due to intense poultry which can generate odours. His farm buildings are poultry sheds located over 500m to the NE of the site. An informal consultation email was sent to Environmental Health with regards this, to which they responded stating 'It is recommended that new poultry developments are kept a minimum of 150m away from non-associated residential dwellings. This distance may be reduced to a minimum of 100m for free-range methods.' The proposed site is over 500m from the poultry sheds and I am of the opinion that the visual linkage is so limited that a dwelling on the site will in no way be associated with the poultry buildings. As a result of the application fails under CTY 10.

Figure 1: Photo taken from site visit on 09.02.2024- photo taken from existing farm buildings laneway.



CTY 13: Integration and Design of Buildings in the Countryside

Policy CTY13 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. The proposed site is agricultural field which offers minimal integration. I do however note that there is a small degree of existing screening along all boundaries and mature trees on the north and south boundary which may help integrate a modest dwelling with a low ridge. The application however fails CTY 13 in that a dwelling on this site will not cluster or visually link with buildings on the farm which would itself aid the integration of a dwelling.

Figure 2: snip of site taken from google maps dated 'Sept 2022'



CTY 14- Rural Character

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. This application is contrary to criteria (d) of CTY 14 as well as CTY 8 in that if approved it will result in the extension of ribbon development along this section of the public road. This ribbon includes existing dwellings No.28 and No.30 which front directly onto the public road. There is also an outline approval (LA09/2018/0635/O) for a small gap site between these No. 28 and No.30 which, overtime will result in 4 road fronting buildings. If this application is approved, it will also create a development opportunity in the field to the south, which could be developed with 2 dwellings under policy CTY 8 of PPS21. This would further erode the rural character of this area and should be avoided.

Figure 3: No.28 Killyfaddy Road, LA09/2018/0635/O previously approved outline (blue), No.30 Killyfaddy Road and LA09/2023/1217/O current application site (red)



Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, refusal is recommended on the basis the proposal fails CTY 1,10,13 and 14 of PPS 21 respectively.

Other Considerations

Northern Ireland Water were consulted on the application and recommended no objection subject to standard conditions which can be viewed on the consultation response (06.12.2023) via public access portal.

Habitats Regulations Assessment

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:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

Reason 2

The proposal is contrary to Policy CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, would create a ribbon of development along the Killyfaddy Road.

Signature(s): Ciara Carson

Date: 19 February 2024

ANNEX	
Date Valid	13 November 2023
Date First Advertised	28 November 2023
Date Last Advertised	28 November 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 32 Killyfaddy Road Magherafelt Londonderry BT45 6EX The Owner / Occupier 33 Killyfaddy Road Magherafelt Londonderry BT45 6EX The Owner / Occupier 30 Killyfaddy Road Magherafelt Londonderry BT45 6EX	
Date of Last Neighbour Notification	21 November 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2021/0322/F Proposals: Erection of replacement dwelling & detached garage. Decision: PG Decision Date: 19-JAN-22</p> <p>Ref: H/2009/0389/F Proposals: New dwelling and garage Decision: PG Decision Date: 19-OCT-09</p> <p>Ref: H/2012/0286/F Proposals: New site access and change of house type and garage from that approved under application ref H/2009/0389/F Decision: PG Decision Date: 08-OCT-12</p> <p>Ref: H/2011/0412/F Proposals: 1 No 2 Storey Dwelling on a Farm with Detached Domestic Double Garage with Roof in Roofspace Decision: PG</p>	

Decision Date: 18-JAN-12

Ref: LA09/2015/0871/F

Proposals: Single storey side and rear extension to dwelling.

Decision: PG

Decision Date: 04-JAN-16

Ref: H/2004/1544/O

Proposals: Site of Dwelling and Detached Garage.

Decision: PR

Decision Date: 11-JAN-06

Ref: LA09/2018/0635/O

Proposals: Infill development , involving the erection of chalet type bungalow with detached garage.

Decision: PG

Decision Date: 11-DEC-18

Ref: LA09/2023/1217/O

Proposals: Proposed dwelling and garage on a farm

Decision:

Decision Date:

Ref: H/2008/0167/F

Proposals: Retrospective application for garage for storing boat and trailer plus retrospective approval for reducing ground level to form hard standing area.

Decision: PG

Decision Date: 18-AUG-08

Ref: H/2007/0439/F

Proposals: Extension to a Dwelling

Decision: PG

Decision Date: 15-APR-08

Ref: H/2011/0042/F

Proposals: Alteration of access to dwelling as previously approved through H/2009/0389/F

Decision: PG

Decision Date: 31-MAR-11

Ref: H/1989/0077

Proposals: CONVERSION OF DWELLINGS INTO LICENSED RESTAURANT

Decision: WITHDR

Decision Date:

Ref: LA09/2017/1087/F

Proposals: Sun lounge extension to rear of dwelling
Decision: PG
Decision Date: 22-SEP-17

Summary of Consultee Responses

DAERA - Coleraine-Consultee Response - LA09-2023-1217-O.DOCX
DFI Roads - Enniskillen Office-Outline resp.docx
NI Water - Single Units West-LA09-2023-1217-O.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

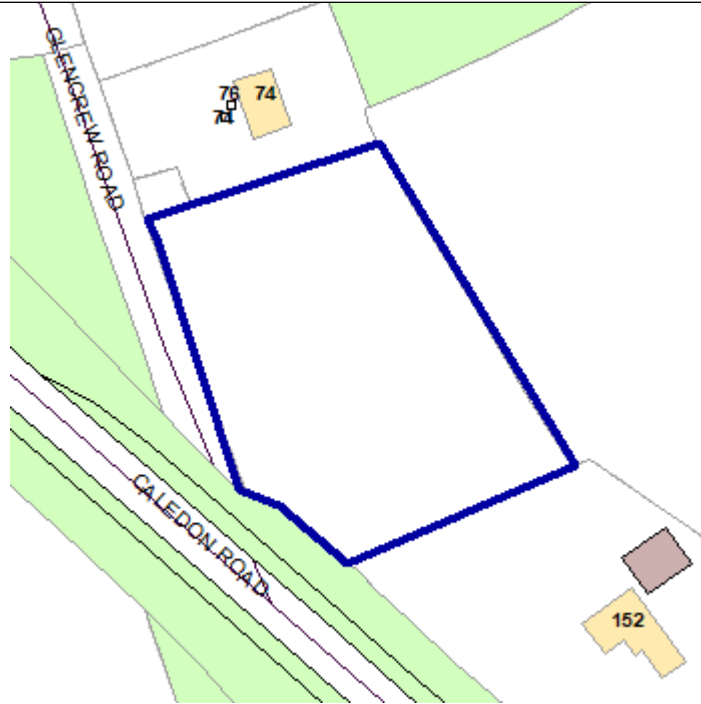


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.23
Application ID: LA09/2023/1323/O	Target Date: 21 March 2024
Proposal: Proposed infill dwelling and garage	Location: Adjacent to and NW of 152 Caledon Road Aughnacloy
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Lloyd Crawford 55 Kingston Manor Craigavon BT66 7HR	Agent Name and Address: Mr Raymond Gillespie 1 Lismore Road Ballygawley Ballygawley BT70 2ND
Executive Summary: This proposal does not fully comply with the provisions of CTY 8 in that there is not a common frontage onto the one road and Members are asked to consider if this proposal would be deemed an exception to this policy.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
	Rivers Agency	911404 - Final Response.pdf
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	NI Water - Single Units West	LA09-2023-1323-O.pdf

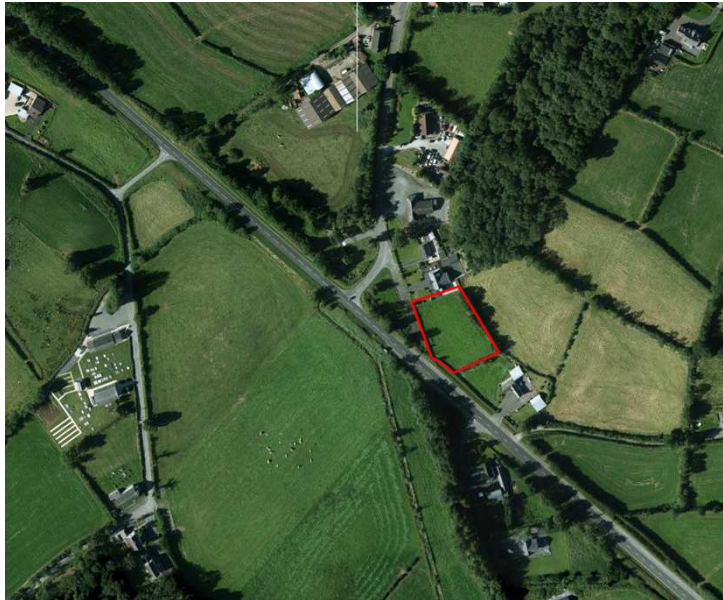
Representations:

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

This application site is a rectangular shaped field which is adjacent to and north west of No 152 Caledon Road, Aughnacloy. It sits approximately 3 kilometres south of Aughnacloy village and is whiteland in the Dungannon and South Tyrone Area Plan (DSTAP). Although the site is located within the rural countryside, there are a variety of uses in close proximity to the site. Approximately 200 metres to the west of the site and along the Dunmacmay Road sits Ballymagrane Presbyterian Church and St Georges Church of Ireland Church and their associated burial grounds, with a Trout Fishery located 1 kilometre to the south.



The site is flat with the land to the rear of the site rising steeply. The northern boundary is defined by a D-rail fence which marks the curtilage of No 78 Glencrew Road. The rear eastern boundary and southern boundaries are defined by post and wire fencing and hedgerow with some trees along the rear. The south western corner of the site is parallel to the A28 however the edge of that main road would be over 10 metres from the site boundary, separated by a unused vegetated parcel of land. The western boundary which is along the roadside at the dead end is hedged and has a grassed verge. Directly opposite the site is a small triangular grassed area which provides relief from the A 23 main road.

Planning History

M/2006/1393/RM - Proposed dwelling and garage - South Of No. 78 Glencrew Road, Aughnacloy - Approval - 28.06.2006

M/2002/0010/O - Proposed dwelling and garage - South Of No.78 Glencrew Road, Aughnacloy – Approval - 24.05.2002

Description of Proposal

This application seeks full planning permission for an infill dwelling on land adjacent to and NW of 152 Caledon Road, Aughnacloy.

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. All valid representations received have been subject to a Counter Representation period. 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 much impact on this proposal, as PPS 21 is retained and it is this policy which this application will be assessed under. Section 6.73 of the SPPS relates to development which is considered acceptable in the countryside and that 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'.

As can be seen above, planning permission was previously granted initially on this site for a dwelling under the old Rural Strategy policy.

Policy CTY1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8.

Policy CTY 8 - Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception 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 and provided it respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. 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 there are a number of buildings to the north of this site as below;

- No 74 Glencrew Road is a bungalow with 3 rooflights and a porch projection on the front elevation and a side projection on the southern gable. This property appears to have increased their curtilage to the rear of the property as well as to the south when it was constructing the replacement dwelling.
- No 76 Glencrew Road is a small single storey dwelling with a low-pitched roof with outbuildings either side of the house to the rear. A front garden area is enclosed by a picket fence and Royal Mail Postbox is located on the kerbed grass verge to the front of this curtilage along the roadside.
- No 70 is an Orange Hall which is single storey and has a hipped roof. The building is set back a bit from the road with the front area seemingly utilized for parking. A low stone wall and pillars enclose this property from the road and a gravel verge with kerbing separates it from the public road.

However, this application site is the plot of land along this part of the Glencrew Road. The Glencrew Road is a semi-circular route which is approximately 3.7 kilometres in length which sits to the north of the A28 Augher – Newry Road. This site is at the eastern end of this road and this particular section of the Glencrew Road is a dead end along the roadside boundary of the site. In the past, along the frontage of the site is originally where the Glencrew Road connected to the A28, however in the interests of road safety, this access point was permanently closed off and a safer access point was created at a 90-degree angle to the A28 where it is positioned now, adjacent to No 76 Glencrew Road.

To the south of this application site is a single storey dwelling at No 152 Caledon Road. The only planning history for this property was for an extension to it which was granted planning permission in 1976. I am not wholly satisfied this application site would meet the policy requirements of CTY 8 as the site does not have a common frontage with the dwellings that it proposes to be a gap within. The site is the last parcel of land at this part of the Glencrew Road and it is a dead end here, thereby not sharing the required common frontage as No 152 fronts onto the Caledon Road and not the Glencrew Road. It is my opinion that when travelling along the A28 towards Aughnacloy, a dwelling on this application site would read with that at No 152 Caledon Road and this would be the most travelled route where the development would be visible from. However, the large garden area of No 152 to the north along with the fact the Glencrew Road terminates in front of this site, a dwelling on this application site may not necessarily read with that which is existing.

Policy CTY13 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. The rising agricultural land to the rear of this application site and the existing vegetation would provide a good backdrop to development on this site, however the existing boundaries should be augmented.

If this proposal were to be deemed an exception to the policy, I feel in order to assimilate into the surrounding area it would be important that a ridge height restriction is imposed to allow satisfactory integration with existing development either side of the site and it should have a frontage in line with the dwellings to the north. A dual frontage aspect to the proposed dwelling would be beneficial in that it would also help the proposal to read with No 152 and would link it to this dwelling more. When taking the house types in the immediate environs into consideration by specifying the building line and ridge height as conditions to any permission, I am content development on this site would integrate into the surrounding area unobtrusively in compliance with CTY 13.

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. Through the processing of this application, it has been determined what type and design of dwelling would not cause a detrimental change to the rural character of the area. With the implementation of conditions restricting the position and ridge height of any potential dwelling, I am content it would not result in a detrimental change to the area and thereby meeting the policy requirements of CTY 14.

Representations and Consultations

DfI Roads were consulted and have no objection to this application subject to the provision of visibility splays of 2.4 metres by 33 metres in both directions and a Forward Sight Distance of 33 metres.

DfI Rivers have stated this application site is located partially within a predicted flooded area. As this is an outline application, any permission granted will have a Condition to ensure no development occurs within this area.

This application site sits approximately less than 70 metres to the south of the Orange Hall at No 70 Glencrew Road which was previously known as Crilly School. This is a Grade B1 listed building which is of special architectural or historic interest and is protected. The Archaeology and Built Heritage section of HED have no issues regarding development on this application site, subject to conditions relating to the height and type of roof proposed.

NI Water have said there is no public watermain within 20 metres of the proposed development boundary however access is available via an extension of the existing water supply network. They have no objections to this proposal, subject to a condition regarding Article 76 being inserted to any permission granted.

In line with the Council's statutory duty, 2 neighbouring residents were notified about this application and it was advertised in the local press. There were no objections to this proposal.

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.

Summary of Recommendation:

Approve is recommended

Members are asked to consider if this development for a residential property would be considered an exception to CTY 8 of PPS 21. Development on this site would access onto the Glencrew Road and the end dwelling to potentially create an infill opportunity accesses onto the Caledon Road – A28. Although it does not fit neatly into the policy requirements in terms of a common road frontage in that the “substantial line of building” do not access onto the one road, it is the Case Officer's interpretation that when travelling along the A28 (which would be the most Critical View) the site could be visually linked together with No 152 bookending this potential line of residential development. If the Members do agree this application as an exception to Policy CTY 8, it is the Case Officer's opinion that the proposal is in compliance with CTY 13 and CTY 14 of PPS 21 and therefore would recommend permission is granted, subject to conditions.

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

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.

Condition 3

Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

Condition 4

Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4 metres by 33 metres in each direction and a forward sight distance of 33 metres, shall be provided in accordance with a 1:500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road 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 5

The proposed dwelling shall have a ridge height of no more than 5.7 metres from Finished Ground Level and shall have a traditional pitched or hipped roof profile.

Reason: To ensure that the detailed design respects the Listed Building in terms of height and massing.

Condition 6

The front elevation of the dwelling shall be in line with dwellings No 76 and 78 Glencrew Road with a dual frontage design on the south eastern gable.

Reason: In order to respect the pattern of development in the vicinity.

Condition 7

All buildings must be constructed outside of the predicted flooded area as indicated on the DfI Rivers' Surface Water Flood Maps (NI).

Reason: In order to lessen potential impact of flooding.

Condition 8

No development shall be commenced until a requisition for a water main extension has been made to NI Water in accordance with Article 76 of the Water and Sewerage

Services (Northern Ireland) Order 2006 to serve the proposed development. No part of the development shall proceed beyond sub-floor construction until such water main extension to serve the development has been provided.

Reason: To ensure a practical solution for the delivery of a public water supply

Condition 9

During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of a native species hedge to be planted to the rear of the visibility splays, as well as the planting of all other site boundaries. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 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.

Signature(s): Cathy Hughes

Date: 20 February 2024

ANNEX	
Date Valid	7 December 2023
Date First Advertised	8 January 2024
Date Last Advertised	18 December 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 152 Caledon Road Aughnacloy Tyrone BT69 6JD The Owner / Occupier 78 Glencrew Road, Aughnacloy Co Tyrone	
Date of Last Neighbour Notification	12 December 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: M/1975/0485 Proposals: EXTENSION TO DWELLING Decision: PG Decision Date:</p> <p>Ref: M/1979/0774 Proposals: IMPROVEMENTS TO NIHE COTTAGES Decision: PG Decision Date:</p> <p>Ref: M/2002/0010/O Proposals: Proposed dwelling and garage Decision: PG Decision Date: 24-MAY-02</p> <p>Ref: LA09/2023/1323/O Proposals: Proposed infill dwelling and garage Decision: Decision Date:</p> <p>Ref: M/2009/0942/F Proposals: Replacement dwelling and domestic garage</p>	

Decision: PG
Decision Date: 25-JUN-10

Ref: M/2006/1393/RM
Proposals: proposed dwelling and garage
Decision: PG
Decision Date: 05-SEP-06

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx
Rivers Agency-911404 - Final Response.pdf
Historic Environment Division (HED)-
NI Water - Single Units West-LA09-2023-1323-O.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Location Plan Plan Ref: 01 Rev 1

Notification to Department (if relevant)

Not Applicable

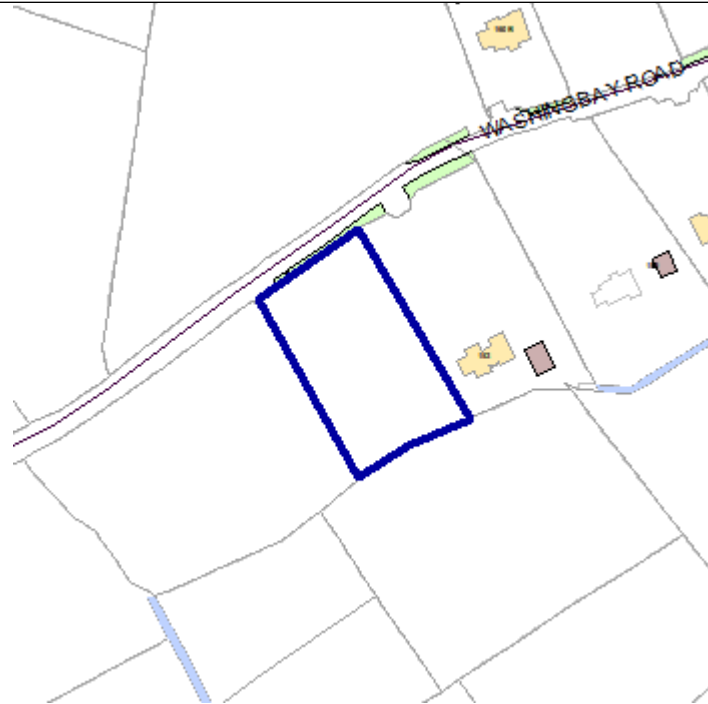


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 March 2024	Item Number: 5.24
Application ID: LA09/2023/1377/O	Target Date: 1 April 2024
Proposal: Dwelling and garage under Policy CTY 2a of PPS 21	Location: 30M West of 153 Washingbay Road, Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Philip Brady 27 Ballynakilly Road Coalisland BT71 6JJ	Agent Name and Address: Mr Dan Mc Nulty 4 Dergmoney Court Omagh BT78 1HA
Executive Summary: Contrary to CTY 2a New Dwellings in Existing Clusters in PPS 21 as the site is not bounded on two sides by development and the development cannot be easily absorbed into the existing cluster. Contrary to CTY 14 Rural Character in PPS 21 as the proposal will add to a ribbon of development.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc
Statutory Consultee	DFI Roads - Enniskillen Office	FORM RS1 STANDARD.doc Roads outline.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 application site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in

character and the predominant land uses are agricultural fields, detached dwellings on single plots and groups of agricultural buildings. To the east of the site there are several detached dwellings with a frontage to the public road. Approximately 430m to the southeast of the site is Derrytresk GAA playing pitch.

The site is an agricultural field with a flat topography and a roadside frontage to the public road. To the rear of the site there is a row of established trees and the boundary treatment at the roadside and to the east is a wooden timber fence. The southwest boundary is undefined.

Description of Proposal

This is an outline application for dwelling and garage under Policy CTY 2a of PPS 21 at 30M West of 153 Washingbay Road, Coalisland.

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

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, no third-party objections were received.

Planning History

No planning history at the site.

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 outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010 and is not within any other designations or zonings in the Plan.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that 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 cluster dwelling 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 21

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 are 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. As this proposal is for one dwelling in a cluster CTY 2a is the relevant policy in the assessment.

CTY 2a – Dwellings in existing clusters

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 four buildings thus adhering to this criterion. There are dwellings at No.153, 160B, 160C, 162B and 161. The cluster appears easily as a visual entity in the local landscape as shown in figure 1 below. Derrytresk Football fields is located approximately 430m southeast of the application site and although not directly associated with the site, it is my view that the application site is in line with the spirit of the policy. There is a dwelling to the east and abutting the site at No.153. There is a planning approval LA09/2022/1692/O across the road to the northeast, but no development has commenced at the site. The agent has argued in discussions there is development across the road and has shown on a block plan an entrance formed for LA09/2015/0828/O. Figure 2 shows there is an access across the road, but I am of the opinion the site is not bounded by development on two sides and the site does not provide a degree of enclosure. I do not consider the proposal will round off an existing cluster and I consider the development would add to a ribbon of development which is detrimental to rural character. I am content the proposal would not have an unacceptable impact on neighbouring amenity.



Figure 1 – Orthophotography image of the application site in the context of the wider area.



Figure 2 – Image of across from the road at the application site.

Having accessed all the evidence, I do not consider the proposal meets all the criteria for a dwelling in a cluster.

Other policies within PPS 21

I have assessed the proposal against other policies within PPS 21 for a dwelling in the countryside.

I consider the proposal does not meet the case within CTY 3 – Replacement Dwellings as there is no dwelling at the site to be replaced.

I consider the proposal does not meet the case within CTY 8 – Infill Dwellings as the development would add to a ribbon of development.

I consider the proposal does not meet the case within CTY 10 – Dwelling on a farm as there are no buildings at the site and the applicant has shown no other land in blue on the site location plan.

CTY 13 – Integration and Design of Buildings in the Countryside

The site is an agricultural field with a flat topography and a roadside frontage to the public road. There are other dwellings to the northeast of the site so I am content the proposal will not be a prominent feature in the landscape. There are minimal natural boundaries at the site and only established trees to the rear. There are other dwellings in the immediate vicinity which will provide a backdrop in long distance critical views in both directions.

CTY 14 – Rural Character

As stated earlier in the assessment I am content the proposal will not be a prominent feature in the landscape. There are already several dwellings in the immediate area to the northeast of the site so another dwelling will not lead to a suburbanised build-up of development. As there are no buildings to the southwest of the site and three dwellings to the northeast, I consider the proposal will add to a ribbon of development which is detrimental to rural character.

PPS 3 – Access, Movement and Parking

The site does not access onto a protected route, so I have no concerns in this regard.

The applicant is proposing a new access onto the public road, so DFI Roads were consulted. Roads were content with the proposal subject to visibility splays.

Other Considerations

I checked the statutory map viewers, and I am satisfied there are no other ecological, historical or flooding issues at the site.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as the application does not meet all the criteria in CTY 2a and CTY 14 in PPS 21 Sustainable Development in the Countryside.

Refusal Reasons

Reason 1

Contrary to CTY 1 - Development in the Countryside in PPS 21 as there is no overriding reason why the proposed development is essential and could not be located within a settlement.

Reason 2

Contrary to CTY 2a - New Dwellings in Existing Clusters in PPS 21 in that the application site is not bounded on at least two sides with other development in the cluster and the development will not round off the existing cluster.

Reason 3

Contrary to CTY 14 Rural Character in PPS 21 as the development if permitted will add to a ribbon of development which is detrimental to rural character.

Signature(s): Gillian Beattie

Date: 19 February 2024

ANNEX	
Date Valid	18 December 2023
Date First Advertised	9 January 2024
Date Last Advertised	9 January 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 153 Washingbay Road Coalisland BT71 4QE The Owner / Occupier 159 Washingbay Road Coalisland BT71 4QE	
Date of Last Neighbour Notification	19 December 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2023/1377/O Proposals: Dwelling and garage under Policy CTY 2a of PPS 21 Decision: Decision Date:</p> <p>Ref: M/2004/2191/O Proposals: Proposed dwelling Decision: PG Decision Date: 05-APR-05</p> <p>Ref: M/1994/0504 Proposals: Site for dwelling and garage Decision: WITHDR Decision Date:</p> <p>Ref: LA09/2023/1374/F Proposals: Farm Shed for Feeding & Shelter Area, Storage Area & Underground Slurry Tanks Decision: Decision Date:</p> <p>Ref: M/2006/2001/RM</p>	

Proposals: Proposed Private Dwelling and Detached Garage

Decision: PG

Decision Date: 04-APR-07

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DC Checklist 1.doc

DFI Roads - Enniskillen Office-FORM RS1 STANDARD.docRoads outline.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02 Rev 1

Site Layout or Block Plan Plan Ref: 03

Notification to Department (if relevant)

Not Applicable



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2018/0754/O Recommendation: Refuse	Target Date: 12 September 2018
Proposal: Dwelling and garage	Location: 20 Metres West Of 35 Moss Road Ballymaguigan Magherafelt
Applicant Name and Address: Christopher Cassidy 58 Aughrim Road Magherafelt	Agent name and Address: Cmi Planners Ltd 38 Airfield Road Toomebridge
Summary of Issues: <p>This application was first before Members at September 2018 Planning Committee. It was recommended at that time to refuse the application under policies CTY 1, CTY 8, CTY 13 and CTY 14 of PPS 21. It was agreed to defer the application for an office meeting with Dr Boomer. The applicant also submitted a supporting statement in advance of the office meeting which has been fully considered.</p> <p>It is recommended that Members refuse this application for the reasons that were previously presented and the justification for this recommendation is detailed further in this report.</p>	
Summary of Consultee Responses:	
Characteristics of the Site and Area <p>The application site is a 0.1 hectare plot of vacant land located 20m West of number 35 Moss Road, Ballymaguigan, Magherafelt. It is just outside the settlement limit of Ballymaguigan as is designated in the Magherafelt Area Plan 2015. The site is flat and partially hard cored. Access to site comes directly off the Moss Road and the access point is currently blocked up with high metal fencing. The remainder of the roadside boundary is defined by a mix of low level hedgerow and high hedgerow. The Eastern and Southern boundaries are defined by thick mature hedgerow. The Western boundary is undefined with the exception of a vacant portable unit.</p>	

This area is rural in character and has a flat topography. To the East and SE of the site are 2 detached dwellings and associated outbuildings. Opposite the site and within the development limits of Ballymaguigan are a grouping of commercial buildings "Moss Tiles" and a detached dwelling. To the NW of the site is another detached dwelling. Lough Neagh, A European Designated Site, is located approx. 500 to the East of the site.

Description of Proposal

This is an outline application for a dwelling and garage.

Deferred Consideration:

This site and its immediate surrounds have a very extensive planning and enforcement history, some of which is material in my consideration of the proposal.

Relevant Planning History

H/2002/0467/F - Site of Dwelling and Garage on land adjacent to 35 Moss Road, Ballymaguigan, Magherafelt. Application Withdrawn on 17.10.2002

H/2004/0708/O - Site of Two Storey Dwelling. 58 Metres West of 35 Moss Road, Ballymaguigan, Magherafelt. Refused and Appeal Dismissed.

H/2004/0714/O - Site of two storey dwelling. 38m west of 35 Moss Road, Ballymaguigan, Magherafelt. Refused and Appeal Dismissed.

H/2011/0360/O - Infill Dwelling and Garage. 20m West of 37 Moss Road. Refused on 20.01.12

LA09/2015/0347/LDE - Portacabin used by CMI Planners for meeting and storage rooms on lands adjacent to 35 Moss Road, Magherafelt. Application required to be submitted.

LA09/2015/0598/F - Replacement office and storage unit associated with an established business (retrospective) 50m West of 35 Moss Road, Ballymaguigan, Magherafelt. Refused on the 25.05.2016

LA09/2016/0635/LDE - Portacabin for storage purposes, 40m NW of 35 Moss Road, Ballymaguigan, Magherafelt. Permitted Development.

LA09/2016/0761/F - Extension to existing portacabin to provide storage and office accommodation 40m North West of 35 Moss Road, Ballymaguigan, Magherafelt. Permission Refused on the 05.10.2017

LA09/2017/1405/F - Part use of portacabin for office use (retrospective) - 40m South of 35 Moss Road. Under consideration.

LA09/2021/0511/F - Storage shed to replace existing store - 20m West of 35 Moss Road. Under Consideration.

LA09/2022/0556/O - Infill Dwelling adjacent to 37 Moss Road. Refused 20.4.23

Relevant Enforcement History

LA09/2015/0055/CA - Unauthorised modular structure, set on supporting concrete bases and hardcore. Adjacent to 35 Moss Road, Ballymaguigan, Magherafelt, Londonderry, BT45 6LJ. Closed

LA09/2016/0174/CA - Unauthorised sign attached to Portacabin adjacent to 35 Moss Road. Closed

LA09/2017/0076/CA Unauthorised change of use of portacabin from storage to office accommodation on lands adjacent to 35 Moss Road, Ballymaguigan, Magherafelt,

Londonderry, BT45 6LJ. Closed

LA09/2023/0155/CA - Alleged unauthorised building adjacent to 35 Moss Road. Under investigation.

The application has been submitted for a dwelling and garage to be considered under infill policy. The proposal is primarily considered under Policy CTY 8 of PPS 21 which states that 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.

The proposal is relying on a dwelling and garage at number 35 Moss Road and a portacabin in the NW portion of the site as being part of a substantial and built up road frontage. It was initially determined that the portacabin could not be considered a "building" for the purposes of being part of a built up road frontage, nor could the detached garage associated with number 35 Moss Road. The applicant has submitted a supporting statement in which he refers to several planning approvals by the Council in which temporary structures and set back detached garages have been accepted. Having visited this site I would be of the opinion that the garage associated with number 35, is set back and is of a scale and size that it cannot be read as part of the frontage. This is the view also taken by the PAC in decision 2016/A0070 (paragraph 31). I am also not convinced that the portacabin can be considered as part of this frontage. Whilst previous decisions have accepted temporary and similar structures, there are other examples of cases where such applications have been recommended for refusal and subsequently withdrawn rather than been issued as a refusal due to their temporary nature, small scale and visibility with other buildings (eg LA09/2022/1761/F). The portacabin in question has such a low key presence in this landscape due to its scale, that it cannot be regarded as contributing towards a substantial and built up frontage to meet the test of the policy.

Members should also note that at Planning Committee on the 4th April 2023 it was agreed to refuse an infill dwelling to the immediate South of this application site (LA09/2022/0556/O). Members agreed that there was no substantial and built up road frontage at this location as well as the fact that the site was set back off the Moss Road. The refusal of LA09/2022/0556/O is material to the consideration of this application and as there has been no change in policy since that application was refused, Members are advised that this application before them remains at conflict with Policy CTY 8. It is important to also note that there is a live enforcement case (LA09/2023/0155/CA) on this site for an alleged unauthorised building.

The proposal was also considered under Policy CTY 13 of PPS 21 - Design and Integration and Policy CTY 14 of PPS 21 - Rural Character. This is an outline application therefore design is not under consideration. Integration is however a material consideration. Given the flat topography of the site and the lack of any long term critical views from the Moss Road, a modest single storey dwelling would not appear overly prominent in the local landscape. Existing boundary treatment along the roadside boundary, if retained, will screen views into the site to a certain degree. The existing Eastern boundary, if retained, will also assist integration and will act as a backdrop when travelling in a SE direction along the Moss Road. Additional planting along the Western and Southern boundaries will further aid integration but will not be primarily relied upon for the purposes of integration. This site was deemed acceptable in terms of integration under

Appeal Decision 2006/A1003 (Paragraph 4) and similar to the previous officers consideration, in my opinion, remains acceptable.

As referred to above, a single storey dwelling on this site will not appear overly prominent given its flat topography and the lack of long term critical views. I do however have concerns that a dwelling on this site would result in a build-up of development in this particular rural area. The site, despite the presence of the existing portable unit just outside the NW boundary, still acts as visual break between the edge of the settlement of Ballymaguigan and the existing rural properties, numbers 35 and 37 Moss Road. A dwelling on this site would result in a visual consolidation between these dwellings and their outbuildings and the development within the settlement limit of Ballymaguigan. I do acknowledge that the rural character of this area may have already suffered from a high level of existing development, but this does not justify a further erosion of rural character. This was also the view taken by the Planning Appeals Commission in (Paragraph 31) of Appeal Decision 2016/A0070 and (Paragraph 6) of Appeal Decision 2006/A1003. Furthermore I would refer Members to April 2023 Planning Committee in which a decision to refuse LA09/2022/0556/O was taken. Members agreed that another dwelling in this area would lead to an unacceptable build up of development and CTY 14 was a reason for refusal. This decision again is material in this recommendation.

I have also considered Policy CTY 15 - The Setting of Settlements. I agree with the previous case officers view that if a dwelling were to be approved on this site, it would result in a visual consolidation between number 35 and 37 Moss Road, their associated outbuildings and the existing development within the development limit of Ballymaguigan. In effect it would mar the distinction between the settlement and the surrounding countryside and would be contrary to this policy. This also was recognised in Appeal Decision 2016/A0070 (Paragraph 32).

There have been no objections to this application from any third party.

In the scenario that the new Mid Ulster District Council Local Development Plan is adopted in the future and if there is any change or extension to the settlement limit of Ballymaguigan which would take in this site, then the applicant would have the opportunity at that time to submit an application for a dwelling which may be more policy compliant, but as it stands, I recommend that Members refuse this application under Policies CTY 1, CTY 8, CTY 14 and CTY 15.

Conditions/Reasons for Refusal:

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 site is not located within a substantial and built up road frontage

Reason 3

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in 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 and would therefore result in a detrimental change to further erode the rural character of the countryside.

Reason 4

The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would if permitted mar the distinction between the defined settlement limit of Ballymaguigan and the surrounding countryside.

Signature(s):Karla McKinless

Date: 12 February 2024



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4/9/18	Item Number:
Application ID: LA09/2018/0754/O	Target Date: 12/9/18
Proposal: Dwelling and garage	Location: 20 metres West of 35 Moss Road Ballymaguigan Magherafelt
Referral Route: Application is being recommended for refusal	
Recommendation: Refuse	
Applicant Name and Address: Christopher Cassidy 58 Aughrim Road Magherafelt	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Executive Summary: Proposal fails to Comply with policies CTY 1, CTY 8, CTY14 and CTY 15 of PPS 21	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

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

The following neighbouring properties have been notified and to date there have been no objections from any of these occupants or any other third party.

- 30 Moss Road, Magherafelt, Londonderry, BT45 6LJ,
- 32 Moss Road, Magherafelt, Londonderry, BT45 6LJ,
- 35 Moss Road, Magherafelt, Londonderry, BT45 6LJ,
- 37 Moss Road, Magherafelt, Londonderry, BT45 6LJ,
- 36 Moss Road, Magherafelt, Londonderry, BT45 6LJ,

•
There have been no objections from any consultee.

Characteristics of the Site and Area

The application site is a 0.1 hectare plot of vacant land located 20m West of number 35 Moss Road, Ballymaguigan, Magherafelt. It is just outside the settlement limit of Magherafelt as is designated in the Magherafelt Area Plan 2015. The site is flat and partially hard cored. Access to site comes directly off the Moss Road and the access point is currently blocked up with high metal fencing. The remainder of the roadside boundary is defined by a mix of low level hedgerow and high hedgerow. The Eastern and Southern boundaries are defined by thick mature hedgerow. The Western boundary is undefined with the exception of a vacant portable unit.

This area is rural in character and has a flat topography. To the East and SE of the site are 2 detached dwellings and associated outbuildings. Opposite the site and within the development limits of Ballymaguigan are a grouping of commercial buildings "Moss Tiles" and a detached dwelling. To the NW of the site is another detached dwelling. Lough Neagh, A European Designated Site, is located approx. 500m to the East of the site.

Description of Proposal

This is an outline application for a dwelling and garage.

Relevant Planning History

H/2002/0467/F - Site of Dwelling and Garage on land adjacent to 35 Moss Road, Ballymaguigan, Magherafelt. Application Withdrawn on 17.10.2002

H/2004/0708/O - Site of Two Storey Dwelling. 58 Metres West of 35 Moss Road, Ballymaguigan, Magherafelt. Refused and Appeal Dismissed.

H/2004/0714/O - Site of two storey dwelling. 38m west of 35 Moss Road, Ballymaguigan, Magherafelt. Refused and Appeal Dismissed.

LA09/2015/0347/LDE - Portacabin used by CMI Planners for meeting and storage rooms on lands adjacent to 35 Moss Road, Magherafelt. Application required to be submitted.

LA09/2015/0598/F - Replacement office and storage unit associated with an established business (retrospective) 50m West of 35 Moss Road, Ballymaguigan, Magherafelt. Refused on the 25.05.2016

LA09/2016/0635/LDE - Portacabin for storage purposes, 40m NW of 35 Moss Road, Ballymaguigan, Magherafelt. Permitted Development.

LA09/2016/0761/F - Extension to existing portacabin to provide storage and office accommodation 40m North West of 35 Moss Road, Ballymaguigan, Magherafelt. Permission Refused on the 05.10.2017

Relevant Enforcement History

LA09/2015/0055/CA - Unauthorised modular structure, set on supporting concrete bases and hardcore. Adjacent to 35 Moss Road, Ballymaguigan, Magherafelt, Londonderry, BT45 6LJ.

LA09/2016/0076/CA Unauthorised change of use of portacabin from storage to office accommodation on lands adjacent to 35 Moss Road, Ballymaguigan, Magherafelt, Londonderry, BT45 6LJ,

Planning Assessment of Policy and Other Material Considerations

The primary policy considerations in this assessment are:

Magherafelt Area Plan 2015
 SPPS – Strategic Planning Policy Statement for Northern Ireland
 PPS 2 – Natural Heritage
 PPS 3 – Access, Movement and Parking
 PPS21 – Sustainable Development in the Countryside

Magherafelt Area Plan 2015

This site is outside any settlement defined in the Magherafelt Area Plan (MAP) 2015 and is not affected by any MAP designations. The MAP offers no specific policy or guidance in respect of the proposed development and is therefore not material. PPS21 policy provisions are therefore applicable in this assessment.

SPPS – Strategic Planning Policy Statement for Northern Ireland

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 provision for development in the countryside subject to a number policy provisions, including CTY 8 of PPS 21 which deals with Ribbon Development. There has been no change in policy direction in the SPPS in respect of Ribbon Development therefore CTY 8 of PPS 21 remains my primary policy consideration in this assessment.

PPS 2 – Natural Heritage

This site is located approximately 500m to the West of Lough Neagh SPA/RAMSAR, a European Designated site and there is a water course to the South of the application site that has the potential to link into Lough Neagh. This has triggered an informal consultation with Shared Environment Service (SES). SES have confirmed that there is a buffer of 55m between the site and the watercourse which is sufficient to ensure no run-off pollutants. I am therefore satisfied that the proposal if approved would not have any significant effect on the features of this European Site. The site is not within any NIEA consultation zones for ornithology.

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. A direct access onto the Moss Road is proposed. DFI Roads have been consulted and have no objections subject to the provision of 2.4m x 65m splays and a 65m forward sight distance. This can be dealt with by planning condition.

PPS21 – Sustainable Development in the Countryside

Policy CTY 8 – Ribbon Development

Policy CTY 8 of PPS21 states that 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.

The applicant has indicated on his site location plan that he considers that the existing portable unit to the immediate West of the site, the detached dwelling at number 35 and its associated detached garage be considered as a line of 3 buildings along this section of the Moss Road. I however, would disagree. It is my opinion that the garage associated with number 35 does not read as part of this frontage given its subordinate and setback position. This was also the view taken by the Planning Appeals Commission in paragraph 31 of Appeal Decision 2016/A0070. I would further question as to whether or not the existing portable unit, which is temporary by its very nature can be considered as a building. Mid Ulster District Council has accepted that the portable unit for storage purposes approved under LA09/2016/0635/LDE has been on site in excess of 5 years and is immune from any enforcement action. This approval simply permits the applicant to use it for storage purposes. It is my opinion that it is more representative of a "Caravan", in that it is a structure which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer). As such, the application site cannot be considered as a gap within a substantial and built up frontage as the frontage only comprises one building (ie) detached dwelling at number 35.

Policy CTY 13 – Design and Integration

This is an outline application therefore design is not under consideration. Integration is however a material consideration. Given the flat topography of the site and the lack of any long term critical views from the Moss Road, a modest single storey dwelling would not appear overly prominent in the local landscape. Existing boundary treatment along the roadside boundary, if retained, will screen views into the site to a certain degree. The existing Eastern boundary, if retained, will also assist integration and will act as a backdrop when travelling in a SE direction along the Moss Road. Additional planting along the Western and Southern boundaries will further aid integration but will not be primarily relied upon for the purposes of integration. This site was deemed acceptable in terms of integration under Appeal Decision 2006/A1003 (Paragraph 4) and in my opinion remains acceptable.

Policy CTY 14 – Rural Character

As referred to above, a single storey dwelling on this site will not appear overly prominent given its flat topography and the lack of long term critical views. I do however have concerns that a dwelling on this site would result in a build-up of development in this particular rural area. The site, despite the presence of the existing portable unit just outside the NW boundary, still acts as visual break between the edge of the settlement of Ballymaguigan and the existing rural properties, numbers 35 and 37 Moss Road. A dwelling on this site would result in a visual consolidation between these dwellings and their outbuildings and the development within the settlement limit of Ballymaguigan. I do acknowledge that the rural character of this area may have already suffered from a high level of existing development, but this does not justify a further erosion of rural character. This was also the view taken by the Planning Appeals Commission in Paragraph 31 of Appeal Decision 2016/A0070 and Paragraph 6 of Appeal Decision 2006/A1003.

Policy CTY 15 – The Setting of Settlements

If a dwelling were to be approved on this site, it would result in a visual consolidation between number 35 and 37 Moss Road, their associated outbuildings and the existing development within the development limit of Ballymaguigan. In effect it would mar the distinction between the settlement and the surrounding countryside and would be contrary to this policy. This also was recognised in Appeal Decision 2016/A0070 (Paragraph 32)

Neighbour Notification Checked**Yes/No****Summary of Recommendation:**

I recommend the application to be refused as it fails to comply with CTY 1, CTY 8, CTY 14 and CTY 15 of PPS 21.

Refusal Reasons

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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not located within a substantial and continuously built up road frontage.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in 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 and would therefore result in a detrimental change to further erode the rural character of the countryside.
4. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, mar the distinction between the defined settlement limit of Ballymaguigan and the surrounding countryside.

Signature(s)**Date:**

ANNEX	
Date Valid	30th May 2018
Date First Advertised	14th June 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 30 Moss Road Magherafelt Londonderry The Owner/Occupier, 32 Moss Road, Magherafelt, Londonderry, BT45 6LJ, The Owner/Occupier, 35 Moss Road Magherafelt Londonderry The Owner/Occupier, 37 Moss Road Magherafelt Londonderry The Owner/Occupier, Moss Tiles 36 Moss Road Magherafelt	
Date of Last Neighbour Notification	9th July 2018
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/0754/O Proposal: Dwelling and garage Address: 20 metres West of 35 Moss Road, Ballymaguigan, Magherafelt, Decision: Decision Date: Ref ID: LA09/2017/1405/F Proposal: Part use of Port A Cabin for office use (retrospective) Address: 40m South East of 35 Moss Road, Ballymaguigan, Decision: Decision Date: Ref ID: LA09/2015/0598/F Proposal: Replacement office and storage unit associated with an established business (retrospective) Address: 50m West of 35 Moss Road, Ballymaguigan, Magherafelt, Decision: PR Decision Date: 25.05.2016	

Ref ID: LA09/2015/0347/LDE

Proposal: Portacabin used by CMI Planners for meeting and storage rooms

Address: Lands adjacent to 35 Moss Road, Magherafelt,

Decision: PR

Decision Date:

Ref ID: H/2004/0708/O

Proposal: Site Of Two Storey Dwelling

Address: 58 Metres West Of 35 Moss Road, Ballymaguigan, Magherafelt

Decision:

Decision Date:

Ref ID: H/2002/0467/F

Proposal: Site of Dwelling and Garage

Address: Adjacent to 35 Moss Road, Ballymaguigan, Magherafelt

Decision:

Decision Date: 17.10.2002

Ref ID: H/2004/0714/O

Proposal: Site of two storey dwelling.

Address: 38m west of 35 Moss Road, Ballymaguigan, Magherafelt.

Decision:

Decision Date:

Ref ID: H/1998/0679

Proposal: DWELLING ANG GARAGE

Address: IN FRONT OF 37 MOSS ROAD BALLYMAGUIGAN MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2006/0693/F

Proposal: Replacement dwelling and detached garage

Address: 37 Moss Road, Ballymaguigan, Magherafelt

Decision:

Decision Date: 08.12.2008

Ref ID: H/1992/0061

Proposal: ALTS & ADDS TO DWELLING

Address: 37 MOSS ROAD BALLYMAGUIGAN MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2003/0365/F

Proposal: Proposed sun room extension and first floor conversion to dwelling.

Address: 37 Moss Road, Magherafelt.

Decision:

Decision Date: 29.07.2003

Ref ID: H/1993/0120

Proposal: SITE OF REPLACEMENT DWELLING

Address: 37 MOSS ROAD BALLYMAGUIGAN

Decision:

Decision Date:

Ref ID: H/1989/0106

Proposal: SITE OF REPLACEMENT DWELLING

Address: 37 MOSS ROAD BALLYMAGUIGAN

Decision:

Decision Date:

Ref ID: H/1999/0025

Proposal: REPLACEMENT DWELLING

Address: 37 MOSS ROAD BALLYMAGUIGAN

Decision:

Decision Date:

Ref ID: H/1997/0292

Proposal: SITE OF REPLACEMENT DWELLING

Address: 37 MOSS ROAD BALLYMAGUIGAN MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2004/1497/F

Proposal: Extension to a dwelling and detached garage

Address: 37 Moss Road, Magherafelt

Decision:

Decision Date: 22.05.2005

Ref ID: H/2009/0190/O

Proposal: Site of proposed residential housing development and proposed widening of Moss Road and provision of footway between the proposed site and B18 Ballyronan Road.

Address: No 36 Moss Road, Ballymaguigan, Magherafelt including lands immediately to the east and the west.

Decision:

Decision Date: 10.12.2009

Ref ID: H/2011/0360/O
 Proposal: Proposed infill dwelling and garage
 Address: 40m NW of 37 Moss Road, Ballymaguigan, Magherafelt,
 Decision:
 Decision Date: 20.01.2012

Ref ID: LA09/2016/0197/F
 Proposal: Alterations and extension to existing dwelling to form additional single storey sun lounge
 Address: 37 Moss Road, Ballymaguigan, Magherafelt,
 Decision: PG
 Decision Date: 31.03.2016

Ref ID: LA09/2016/0761/F
 Proposal: Extension to existing portacabin to provide storage and office accommodation
 Address: 40m North West of 35 Moss Road, Ballymaguigan, Magherafelt,
 Decision: PR
 Decision Date: 05.10.2017

Ref ID: LA09/2016/0635/LDE
 Proposal: Portacabin for storage purposes
 Address: 40m NW of 35 Moss Road, Ballymaguigan, Magherafelt,
 Decision: PG
 Decision Date:

Summary of Consultee Responses

DFI – Roads – No objections subject to standard conditions
 NIW – No objections
 EH – No objections
 SES (informal) – No objections

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:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Further Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2019/0179/F	Target Date: <add date>
Proposal: To continue use of the land and factory without complying with condition 12 of planning approval (M/2011/0126/F) - seeking variation of opening hours condition Monday - Friday from 6am - 8pm (Amended Noise Impact Assessment)	Location: Lands 70m South of 177 Annagher Road Coalisland.
Applicant Name and Address: DMAC Engineering 177 Annagher Road Coalisland	Agent name and Address: CMI Planners Ltd 38 Airfiled Road Toomebridge
Summary of Issues: The proposed hours of operation extend into that is common night-time hours and could result in nuisance to neighbouring residential properties. Objectors are concerned about the existing factory and nuisance from it, they are concerned this will make matters worse. The operator has implemented procedures they say limit any noise and impact on neighbouring properties.	
Summary of Consultee Responses: EHO – met with the applicants noise consultants on site and undertook visits to the site. Note that ambient noise levels can be affected by various factors at different times of the year, the proposal could affect residential amenity during quiet sleep hours (23:00 – 07:00), conditions could mitigate against any issues.	
Characteristics of the Site and Area: This site is that which relates to the permission M/2011/0126/F, and incorporates the DMAC Factory building, associated circulation, parking and hardstand areas, finished product storage areas and an area to the south of the site (beyond the large earth bund) which is used to control and regulate site drainage.	

The sizable earth bund, approx 5-7m high, to the south of the site acts as a sound buffer to protect residential amenity further to the south. Beyond the earth bund to the south is the area of drainage which is relatively flat and defined by bare earth/soil.

There is also earth banking and mature landscaping along the NE boundary of the site.

Topography within the factory site is relatively flat, however Annagher Road to the north is elevated well above the site, leaving little views of the large factory from the public road.

In the locality there are detached single dwellings to the south, east and north of the site. Land to the east and NE is agricultural in nature. Annagher Road is located to the north, with Coalisland Town located further to the west.

Description of Proposal

This is an application for variation of condition 12 of planning approval M/2011/0126/F - seeking variation of opening hours condition Monday - Friday from 6am - 8pm.

Condition 12 of M/2011/0126/F reads;

The development hereby permitted shall not remain open for business prior to 07:00 hrs nor after 20:00hrs Monday to Friday, 08:00 hrs to 14:00hrs on Saturdays nor at any time on a Sunday.

Reason: In the interests of residential amenity.

Deferred Consideration:

This application was recommend as a refusal to the Planning Committee in September 2021, October 2022 and September 2023 where it was deferred to allow further consideration of mitigation to prevent noise at neighbouring properties before 7.00 am, nighttime hours.

Neighbours were notified about a revised amendment of the condition stating:

Between the hours of 0600hrs and 0700hrs:

- there shall no activities within the building except for: welding components; quality checking components, paint preparation
- cleaning of equipment, welding, mixing of paint and spraying;
- all doors into the building shall remain closed except for pedestrian doors for access and egress purposes only;
- there shall be no loading, unloading or movement of any materials or finished products;
- there shall be no activities in the yard areas except for workers arriving at the site: and no deliveries shall be received at the site.

Reason: In the interest of residential amenity

Two additional objections have been received which reconfirm the concerns in relation to noise and other nuisances from the existing factory any also for any change to the hours of operations. It has been stated there is a statutory nuisance occurring under the terms of the Clean Neighbourhoods and Environment Act (NI) 2011 as well as a breach of planning control. They advise site operations routinely start at 5:30 in the morning and the Council has a duty of care to the residents to ensure they are not subjected to a statutory nuisance. Noise will be heard before 6:00am as the workers arrive at the site in cars and

machinery is started. The additional hours of operation will mean more painting and more environmental impact and impact on health from the fumes.

Environmental Health Officers have been consulted with the additional objections, they have advised they are in receipt of 37 complaints about the factory and have carried out investigations but have not determined there to be any action to be taken by them. The proposal will extend the hours of operations into the period deemed to be quiet sleeping hours, 23:00hrs to 07:00hrs. There could be nuisances associated with noise from the car park as workers arrive at the factory, such as vehicles moving, engines idling, employees talking on exiting their vehicles, car door slams and car alarms. This could be worse during periods of warm weather where nearby residents may wish to sleep with windows open for ventilation purposes. In relation to odours and fumes, EHO have advised the site is subject to a PPC permit which is subject to conditions one of which requires all emissions to be free from offensive odours beyond the site boundary.

Members are advised the proposed amended condition will result in activity between the hours of 06:00am and 07:00am being constrained to activities that are not of themselves particularly noisy. The activities will be contained within the existing building and as such are unlikely to create additional noise at the closest receptors. It is noted there will be vehicles arriving at the site before the factory becomes operational. Assurances have been offered to state there will only be a small number of staff at the site for the 06:00am start time and so limited vehicular activity is expected. Members may take account of other mitigation to reduce the noise from the carpark, such as the existing earth bund to the south and the factory building which will screen this area from the objectors properties. Given the limited activities that have been proposed between 06:00hrs and 07:00hrs, I consider it is reasonable to accept this will be the case.

There are currently no conditions that limit when vehicles can be at the site or in relation to the operations of the fans associated with the spray booths. This application is under Section 54 of the Planning Act (NI) 2011 which allows the Council to consider removing, amending or retaining conditions of planning permissions issued. The Council may add conditions that are considered relevant to the condition that it is being asked to amend but cannot amend any time commencement conditions. In this case if the Council were to decide to amend the condition about the hours of operation, additional conditions limiting the activities to be carried out before 7:00am could be attached. The Council could also attach conditions about other operations or activities that should be restricted before this time in the interests of the amenity of the adjoining residents.

In summary this site has had a long history with the Planning Department and breaches of planning control, before and after it was granted planning permission. The Council is being asked to weight up the business interests and ongoing employment of workers at this site against the amenity of neighbouring properties who live close to this industrial development. The operator has given assurances they have put processes in place to limit the impacts on the residents. Residents are complaining that they are experiencing nuisances as the site is already operating to these hours and before. Environmental Health Officers have advised there may be some nuisances from the proposed extension to the hours of operation, they have investigated complaints and have not taken any further action under their powers. Additional conditions to restrict when the fans are turned on and to introduce controls on when goods and deliveries can be received to and dispatched from the site may assist in preventing further nuisance to the residents.

In light of the mitigation and additional conditions to restrict operations on the site, I recommend this application is approved.

Conditions:

1. The development hereby permitted shall not remain open for business prior to 06:00 hrs nor after 20:00hrs Monday to Friday, 08:00 hrs to 14:00hrs on Saturdays nor at any time on a Sunday.

Reason: In the interests of residential amenity.

2. Between the hours of 0600hrs and 0700hrs:
 - there shall no activities within the building except for: welding components; quality checking components, paint preparation
 - cleaning of equipment, welding, mixing of paint and spraying;
 - all doors into the building shall remain closed except for pedestrian doors for access and egress purposes only;
 - there shall be no loading, unloading or movement of any materials or finished products;
 - there shall be no activities in the yard areas except for workers arriving at the site: and no deliveries shall be received at or goods dispatched from the site.

Reason: In the interest of residential amenity

3. All extractor fans in the spray booths shall not be operational before 0800hrs or after 20:00hrs.

Reason: In the interest of residential amenity

4. No vehicular traffic shall be on site, except for emergencies, essential maintenance activities or in accordance with condition 2, prior to 06:00 hrs nor after 20:00hrs Monday to Friday, 08:00 hrs to 14:00hrs on Saturdays nor at any time on a Sunday.

Reason: In the interest of residential amenity

5. The species rich hedgerow with trees to the south-east of the site and on neighbouring land in the control of the developer shall be retained.

Reason: To retain the biodiversity interest within the site.

6. The existing mature trees and vegetation along the entire site boundaries shall be retained except where it is required to provide sight lines. 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





Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Further Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2019/0179/F	Target Date: <add date>
Proposal: To continue use of the land and factory without complying with condition 12 of planning approval (M/2011/0126/F) - seeking variation of opening hours condition Monday - Friday from 6am - 8pm (Amended Noise Impact Assessment)	Location: Lands 70m South of 177 Annagher Road Coalisland.
Applicant Name and Address: DMAC Engineering 177 Annagher Road Coalisland	Agent name and Address: CMI Planners Ltd 38 Airfiled Road Toomebridge
Summary of Issues: The proposed hours of operation extend into that is common night-time hours and could result in nuisance to neighbouring residential properties. Operator has implemented procedures they say limit any noise and impact on neighbouring properties.	
Summary of Consultee Responses: EHO – met with the applicants noise consultants on site and undertook visits to the site. Note that ambient noise levels can be affected by various factors at different times of the year, the proposal could affect residential amenity during quiet sleep hours (23:0 – 07:00)	
Characteristics of the Site and Area: This site is that which relates to the permission M/2011/0126/F, and incorporates the DMAC Factory building, associated circulation, parking and hardstand areas, finished product storage areas and an area to the south of the site (beyond the large earth bund) which is used to control and regulate site drainage.	

The sizable earth bund, approx 5-7m high, to the south of the site acts as a sound buffer to protect residential amenity further to the south. Beyond the earth bund to the south is the area of drainage which is relatively flat and defined by bare earth/soil.

There is also earth banking and mature landscaping along the NE boundary of the site.

Topography within the factory site is relatively flat, however Annagher Road to the north is elevated well above the site, leaving little views of the large factory from the public road.

In the locality there are detached single dwellings to the south, east and north of the site. Land to the east and NE is agricultural in nature. Annagher Road is located to the north, with Coalisland Town located further to the west.

Description of Proposal

This is an application for variation of condition 12 of planning approval M/2011/0126/F - seeking variation of opening hours condition Monday - Friday from 6am - 8pm.

Condition 12 of M/2011/0126/F reads;

The development hereby permitted shall not remain open for business prior to 07:00 hrs nor after 20:00hrs Monday to Friday, 08:00 hrs to 14:00hrs on Saturdays nor at any time on a Sunday.

Reason: In the interests of residential amenity.

Deferred Consideration:

This application was recommend as a refusal to the Planning Committee in September 2021 and October 2022 where it was deferred to allow further consideration of mitigation to prevent noise at neighbouring properties before 7.00 am, nighttime hours.

The operator advises that only activities that do not create noise will occur before 7.00am, these include, pre-heating metal for spraying, mixing paint for spraying, spraying and welding. The operator advises that all doors will remain closed until 7:00am to prevent any noise escaping and that no movement of the products will occur during these times as the jigs for welding and products for spraying will have been moved into position the evening before, therefore minimising the risk of noise from them being moved. The operator also advised one person has the keys to all the main doors and is responsible for ensuring these are not opened before 7:00am. The operator also advises that fans associated with the spray booths are on timers and do not activate until 8:00am. As already stated the operator advises they need to change the hours to retain staff as the working pattern is shifting to a 4 day week, though they stress that not all staff work this pattern and it is only some of the staff who work this pattern.

Members are advised the operator has indicated they already do these processes to limit the noise, however there are still concerns from local residents who have recently advised:

- they live close to the factory and are disturbed in the morning and wish to have some quiet time in the evening
- the factory is operating from 5:30am and after 8:00pm and is causing nuisance to them due to noise, smell, fumes, loss of air quality and residue from paint spraying.

This application is under Section 54 of the Planning Act (NI) 2011 which allows the Council to consider removing, amending or retaining conditions of planning permissions

issued. The Council may add conditions that are considered relevant to the condition that it is being asked to amend but cannot amend any time commencement conditions. In this case if the Council were to decide to amend the condition about the hours of operation, additional conditions limiting the activities to be carried out before 7:00am could be attached. The Council could also attach conditions about other operations or activities that should be restricted before this time in the interests of the amenity of the adjoining residents.

This site has had a long history with the Planning Department and breaches of planning control, before and after it was granted planning permission. The Council is being asked to weight up the business interests and ongoing employment of workers at this site against the amenity of neighbouring properties who live close to this industrial development. The operator has given assurances they have put processes in place to limit the impacts on the residents, however the residents are advising they are still experiencing nuisances. In view of the continued objections from the neighbours and EHO not being in support of the extended hours of operation, I consider the proposal should be refused and the hours of operation not extended.

Refusal Reasons:

1. The proposal is contrary to policy CTY1 of PPS21 Sustainable Development in the Countryside and Policy PED9 of Planning Policy Statement 4: Planning and Economic Development in that it has not been demonstrated that the proposal;

- will not harm the amenities of nearby residents;
- will not create a noise nuisance.

2. The proposal is contrary to paragraph 3.8 of SPPS in that it has not been demonstrated that proposal will not cause harm to interests of acknowledged importance, namely rural character and residential amenity. The proposal could, if granted permission, result in a detrimental impact to residential amenity through impacts from noise, nuisance and general disturbance.



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: LA09/2019/0179/F	Target Date: <add date>
Proposal: To continue use of the land and factory without complying with condition 12 of planning approval (M/2011/0126/F) - seeking variation of opening hours condition Monday - Friday from 6am - 8pm (Amended Noise Impact Assessment)	Location: Lands 70m South of 177 Annagher Road Coalisland.
Applicant Name and Address: DMAC Engineering 177 Annagher Road Coalisland	Agent name and Address: CMI Planners Ltd 38 Airfiled Road Toomebridge
Summary of Issues: The proposed hours of operation extend into that is common night-time hours and result in nuisance to neighbouring residential properties.	
Summary of Consultee Responses: EHO – met with the applicants noise consultants on site and undertook visits to the site. Note that ambient noise levels can be affected by various factors at different times of the year, the proposal could affect residential amenity during quiet sleep hours (23:0 – 07:00)	
Characteristics of the Site and Area: This site is that which relates to the permission M/2011/0126/F, and incorporates the DMAC Factory building, associated circulation, parking and hardstand areas, finished product storage areas and an area to the south of the site (beyond the large earth bund) which is used to control and regulate site drainage.	

The sizable earth bund, approx 5-7m high, to the south of the site acts as a sound buffer to protect residential amenity further to the south. Beyond the earth bund to the south is the area of drainage which is relatively flat and defined by bare earth/soil.

There is also earth banking and mature landscaping along the NE boundary of the site.

Topography within the factory site is relatively flat, however Annagher Road to the north is elevated well above the site, leaving little views of the large factory from the public road.

In the locality there are detached single dwellings to the south, east and north of the site. Land to the east and NE is agricultural in nature. Annagher Road is located to the north, with Coalisland Town located further to the west.

Description of Proposal

This is an application for variation of condition 12 of planning approval M/2011/0126/F - seeking variation of opening hours condition Monday - Friday from 6am - 8pm.

Condition 12 of M/2011/0126/F reads;

The development hereby permitted shall not remain open for business prior to 07:00 hrs nor after 20:00hrs Monday to Friday, 08:00 hrs to 14:00hrs on Saturdays nor at any time on a Sunday.

Reason: In the interests of residential amenity.

Deferred Consideration:

This application was recommend as a refusal to the Planning Committee in September 2021 and was deferred to allow a meeting with the Planning Manager and Environmental Health Officers.

At the meeting a number of proposals were put forward by the applicants for ways to reduce the noise between 6 – 7 am and to provide constant monitoring equipment in the site. Following the meeting the applicant advise they have appointed a Compliance Manager whose role is to ensure doors are closed, forklifts do not operate outside and that noise generating activities are not carried out or impact on neighbours. A revised noise assessment was also submitted by Grainger Associates on 12 December 2021 and this indicated significantly lower levels of noise at the nearest properties than shown in the previous report in March 2021. Neighbours were notified of the revised report and there were 2 additional comments received objecting to the proposals as it will impact on sleeping times in the morning and peaceful times in the evening and that no regard has been had to the other application for the revised car park which will reduce the effect of the buffer mound.

Due to the significant differences Environmental Health Officers carried out their own survey between 06:45 – 07:30 on 18 January 2022 and noise measurements obtained by EH show noise levels similar to those outlined within the March 2021 report and noise from DMAC was clearly audible and noted to consist of constant fan noise, FLT movements, reverse alarms and banging & clanging of metal/steel.

A further report was submitted (24 March 2022) which outlined a number of Pre and post 07:00hrs activities along with a number of other noise management proposals and included a summary of joint monitoring visit which took place on 22 March

2022. EHO have noted the noise that was witnessed at the neighbouring property on 22 March 2022 would be unlikely to impact residential amenity.

EH carried out a further visit at 6:30am on 5th May 2022 and noted the environment was dominated by birdsong though occasional impulsive noises (bangs/clangs) were heard above the ambient noise.

In response to EHO comments the applicants have advised the was agreement at a site meeting on 22 March that noise heard could not impact residents, DMAC have a stringent monitoring plan and procedures to limit activity and ensure all doors are kept closed until 7:00am with no outdoor activity taking place. They note there may be noise from sources not associated with DMAC eg thunder, passing lorries which are occasional. They also set out there may be very occasional sounds from DMAC.

Mr Daniel McShane indicates that without the earlier opening hours DMAC may have problems retaining staff who may move to other organisations that can provide this 4 day week work pattern. This may have an impact on the continued operations of the business at this site.

Following the receipt of the additional noise reports, neighbours were notified and 2 additional letters of objection were received which raise the following points:

- Health Implications
 - World Health Organisation guidelines recommend night time (11pm to 7:00am) exposure to noise is limited to 40dB
 - research indicates that nighttime exposure above 55dB can raised blood pressure and lead to heart attacks, some residents have these conditions
- Noise coming from DMAC every day before they should, as early as 5:30am

In light of the Environmental Health Officers findings and following DMACs changes to the operations and employment of a Compliance Officer, there is the potential for the earlier opening hours to effect the amenity of nearby residents. In the opinion of the Environmental Health Officers, the operations could, at certain times of the year adversely impact on the amenity of the nearby residents. The applicants have indicated they have put in place stringent measures to control noise and activities, they also note there may be very occasional sounds from DMAC site. EH Department has noted noises from the site following these mitigation measures being put in place as such I recommend the proposed extension to the hours of operation is refused.

Refusal Reasons:

1. The proposal is contrary to policy CTY1 of PPS21 Sustainable Development in the Countryside and Policy PED9 of Planning Policy Statement 4: Planning and Economic Development in that it has not been demonstrated that the proposal;

- will not harm the amenities of nearby residents;
- will not create a noise nuisance.

2. The proposal is contrary to paragraph 3.8 of SPPS in that it has not been demonstrated that proposal will not cause harm to interests of acknowledged importance, namely rural character and residential amenity. The proposal could, if granted permission, result in a detrimental impact to residential amenity through impacts from noise, nuisance and general disturbance.





**Development Management Officer Report
 Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0179/F	Target Date:
Proposal: To continue use of the land and factory without complying with condition 12 of planning approval (M/2011/0126/F) - seeking variation of opening hours condition Monday - Friday from 6am - 8pm	Location: Lands 70m South of 177 Annagher Road Coalisland.
Referral Route: Recommendation to refuse, objections.	
Recommendation:	Refuse
Applicant Name and Address: DMAC Engineering 177 Annagher Road Coalisland	Agent Name and Address: CMI Planners Ltd 38 Airfiled Road Toomebridge
Executive Summary: It has not been demonstrated by the applicant/agent that this proposal will not result in detrimental impacts to residential amenity, especially in the morning time between the hours of 6am and 7am Monday to Friday.	
Signature(s):	

Case Officer Report

Site Location Plan: 01



Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

A number of objections have been received and issues raised include;

- the extension of opening hours would have an adverse affect on health and well being;
- noise that is currently experienced all day long would be extended in the morning time and would have a detrimental impact on peace and private amenity;
- currently already in breach of opening hours (enforcement are aware);
- extended opening hours would result in more noise and fumes from the factory;
- the reason for the condition being added was to protect private amenity, however as applicant has not stuck to this condition and as a result private amenity is currently being adversely impacted.

Description of proposal

This is an application for non-compliance of condition 12 of planning approval M/2011/0126/F - seeking variation of opening hours condition Monday - Friday from 6am - 8pm.

Condition 12 of M/2011/0126/F reads;

The development hereby permitted shall not remain open for business prior to 07:00 hrs nor after 20:00hrs Monday to Friday, 08:00 hrs to 14:00hrs on Saturdays nor at any time on a Sunday.

Reason: In the interests of residential amenity.

Characteristics of site and area

This site is that which relates to the permission M/2011/0126/F, and incorporates the DMAC Factory building, associated circulation, parking and hardstand areas, finished product storage areas and an area to the south of the site (beyond the large earth bund) which is used to control and regulate site drainage.

The sizable earth bund, approx 5-7m high, to the south of the site acts as a sound buffer to protect residential amenity further to the south. Beyond the earth bund to the south is the area of drainage which is relatively flat and defined by bare earth/soil.

There is also earth banking and mature landscaping along the NE boundary of the site.

Topography within the factory site is relatively flat, however Annagher Road to the north is elevated well above the site, leaving little views of the large factory from the public road.

In the locality there are detached single dwellings to the south, east and north of the site. Land to the east and NE is agricultural in nature. Annagher Road is located to the north, with Coalisland Town located further to the west.

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.

Area 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 and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Dungannon South Tyrone Area Plan 2010- The site is located just outside the development limits of Coalisland, in the countryside. The policy provisions of SPPS and PPS21 apply.

Relevant Planning Policy

SPPS- Strategic Planning Policy Statement
PPS21- Sustainable Development in the Countryside
PPS4- Planning and Economic Development

Relevant Planning History

M/2011/0126/F- permission granted for a small rural industrial enterprise on land situated adjacent to existing settlement limit of Coalisland, for DMAC on 13.04.2015.

Condition 12 of this permission reads;

The development hereby permitted shall not remain open for business prior to 07:00 hrs nor after 20:00hrs Monday to Friday, 08:00 hrs to 14:00hrs on Saturdays nor at any time on a Sunday.

Reason: In the interests of residential amenity.

M/2006/2126/F- Retention of Replacement shed for the purpose of paint spraying machine components, permission was refused on 22.06.2017.

An enforcement notice was served on this site for unauthorised breached in planning control and the offender fined 15,000. These buildings have now been removed and this part of land now lies bare with exposed soil. This site also contains drainage for the adjacent DMAC Factory site, and is the subject to two current application where decisions are pending (see below);

-LA09/2019/0838/F- Hobby/Storage shed, porta cabin to be used as a canteen and recreation room, raised flower beds, poly tunnels and car parking associated with Coalisland mens shed club, permission granted 09.03.2021.

-LA09/2018/0943/F- Extension to existing factory premises to provide staff car parking (under consideration- deferred for further consideration).

There is also some current enforcement action on the DMAC site relating to hours of operation and unauthorised chimney flues with associated odour.

3rd Party Objections

A number of objections have been received and issues raised include;

- the extension of opening hours would have an adverse affect on health and well being;
- noise that is currently experienced all day long would be extended in the morning time and would have a detrimental impact on peace and private amenity;
- currently already in breach of opening hours (enforcement are aware);
- extended opening hours would result in more noise and fumes from the factory;
- the reason for the condition being added was to protect private amenity, however as applicant has not stuck to this condition and as a result private amenity is currently being adversely impacted.

Consideration

The applicant wants to amend condition 12 of planning ref M/2011/0126/F, to extend hours of operation from 7am-8pm Mon-Fri to 6am-8pm Mon-Fri. It has been raised by objectors that DMAC may already be in breach of this condition, and this is being investigated by the Planning Enforcement Team.

The reason for the condition is to protect existing residential amenity. Objectors currently complain about noise levels, especially early in the morning. To consider the impacts of noise, nuisance and general disturbance I consulted Environmental Health. On 21st June 19 Environmental Health provided comment stating that commencement of operations would impinge on what is generally regarded as quiet sleeping hours (11pm-7am) where a higher level of protection is afforded to residential amenity to facilitate sleep between these hours. Environmental Health go on to say that two objectors have stated that current noise levels are impacting their amenity and extension of operating hours to 6am would further impact them and for this reason the applicant is required to provide a noise impact assessment and/or mitigation measures to control noise emissions from the premises.

Following on from this the agent then provided a Noise Impact Assessment and on 10.08.2021 Environmental Health provided a response. Environmental Health conclude that the Noise Impact Assessment shows that the impact of amending opening hours to 6am would have an excess of rating noise level over background noise level of +7 dB. BS 4142 states that a difference of +5 dB is likely to be an indication of adverse impact, depending on context, whilst a difference of +10 dB or more is likely to be an indication of significant adverse impact.

Environmental Health conclude that this difference of + 7 dB indicates that variation of the opening hours is likely to impact neighbouring residential amenity.

In response to Environmental Health comments the agent has provided an e-mail to put forward his interpretation of how he envisages this change in opening hours will impact on nearby residents. This e-mail is only his view, and an my opinion should not override the concerns of Council's Environmental Health Department.

In my view, I would have significant concern about allowing the factory to open at 6am. This would mean machines, extractor fans, vehicles, welding, metal work, spraying etc. starting before 7am. Plus employees would be arriving to the site by car before 6am, and would involve the starting and stopping of engines, and the opening and slamming of doors. It is difficult to see how noise, nuisance or general disturbance could be mitigated against so as not to cause detriment to residential amenity, given that current noise levels are found by objectors to be having detriment to their existing residential amenity.

The agent states that only 5 people would be arriving at 6am to turn on machines etc. I am not sure that Council could appropriately control this. A variance of condition can only consider the condition itself, and I am not sure if it would be lawful to control numbers of people attending the site or noise levels, as it is only hours of operation that are being considered.

I find it important to note that there is a pending application for the extension of a staff carpark to the south of the existing DMAC factory. This proposal will involve the cutting through of an existing earth bund that currently acts as a noise buffer to properties to the

south. Should both proposal be granted then this will mean factory noise escaping through a hole in an earth bund, and cars parking closer to where current objectors live. In my view both proposals need to be looked at carefully to consider both scenarios, given the sensitivities currently experienced at the site.

The applicant/agent has been provided with ample opportunity to demonstrate that earlier opening hours would not have a detrimental impact on existing residential amenity and this has not been demonstrated.

I recommend to Members that this application is refused as it will result in detrimental impacts to nearby residential amenity.

Under paragraph 3.8 of SPPS the guiding principle for planning authorities in determining planning applications 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. I contend that, on current information before me, that it has not been clearly demonstrated that harm to interests of acknowledged importance (i.e. residential amenity) will not occur. The applicant/agent has been given a fair chance to demonstrate otherwise, and has failed to do so. I advise Members to refuse this proposal. At this time and in absence of any additional information I find the objectors concerns to be determining.

PPS21 Sustainable Development in the Countryside states that there are a range of types of development which in principle considered to be acceptable in the countryside, one is industry and business uses in accordance with PPS4.

Policy PED 9- General Criteria for Economic Development of PPS4 has a number of criteria that have to be met including criteria;

- (b) does not harm the amenities of nearby residents;
- (e) does not create a noise nuisance.

In my view the applicant/agent has failed to demonstrate these points, and that the condition as stands meets the lawful tests of a condition and is necessary to control the impacts of current operations on this site on nearby residential amenity.

The proposal is contrary to SPPS paragraph 3.8, PPS21 policy CTY1 and PPS4 policy PED9 in that it has not been demonstrated that the proposed hours of operation will not have a detrimental impact to existing residential amenity.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission is refused for the following reasons;

Reasons for Refusal:

- 1.The proposal is contrary to policy CTY1 of PPS21 Sustainable Development in the Countryside and Policy PED9 of Planning Policy Statement 4: Planning and Economic Development in that it has not been demonstrate that the proposal;

-will not harm the amenities of nearby residents;
-will not create a noise nuisance.

2. The proposal is contrary to paragraph 3.8 of SPPS in that it has not been demonstrated that proposal will not cause harm to interests of acknowledged importance, namely rural character and residential amenity. The proposal will, if granted permission, result in a detrimental impact to existing residential amenity through impacts noise, nuisance and general disturbance.

ANNEX

Date Valid	8th February 2019
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Date First Advertised	21st February 2019
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Date Last Advertised	
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Details of Neighbour Notification (all addresses)

The Owner/Occupier,
161 Annagher Road, Coalisland, Tyrone, BT71 4NF
The Owner/Occupier,
172 Annagher Road, Coalisland, Tyrone, BT71 4NF
The Owner/Occupier,
174 Annagher Road, Coalisland, Tyrone, BT71 5DA
The Owner/Occupier,
175 Annagher Road, Coalisland, Tyrone, BT71 5DA
The Owner/Occupier,
175a ,Annagher Road, Coalisland, Tyrone, BT71 5DA
The Owner/Occupier,
177 Annagher Road, Coalisland, Tyrone, BT71 5DA
Martin Dooey
181 Annagher Road, Coalisland, BT71 5DA
The Owner/Occupier,
181 Annagher Road, Coalisland, Tyrone, BT71 5DA
The Owner/Occupier,
32 Washingbay Road, Coalisland, Tyrone, BT71 4PU
The Owner/Occupier,
36 Washingbay Road Coalisland Tyrone
James Hughes

Date of Last Neighbour Notification	
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Date of EIA Determination	N/A
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ES Requested	No
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Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/0480/F Recommendation: Approve	Target Date: 19 May 2021
Proposal: Proposed new dwelling and domestic garage within existing cluster	Location: 75M West Of 11 Grange Road Cookstown
Applicant Name and Address: Mr Paddy Donnelly 65A Lissan Road Cookstown	Agent name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Summary of Issues: Neighbour Notifications and press advertisement has been carried out in line with the Council's statutory duty. One letter of objection has been received. All other material considerations have been addressed within the determination within the report.	
Summary of Consultee Responses:	
Characteristics of the Site and Area The application site is identified as lands approximately 75m West of 11 Grange Road, Cookstown, which is identified within the Cookstown Area Plan 2010 as land within the countryside and is not located within any settlement limit. The site is not located within any specific environmental designations. The immediate area, despite being in the rural remainder, experiences a medium levels of development, which includes detached dwellings, agricultural buildings, industrial buildings and a redundant petrol filling station, which is operating as a car washing facility. There are a number of established businesses in close proximity to the site, including Allingham Transport, DBS Building Supplies. The site forms the portion of a grass field that borders the Tullywiggan Road to the west; boundaries comprise of timber fence with low level hedgerow; the south boundary has a post and wire fence abutting a farm laneway; further beyond a small farm shop. The other remaining boundaries to the east and north open onto the field and are undefined. Further east is a small corrugated and timber shed used for keeping horses. The surrounding topography within the site is relatively flat.	

Description of Proposal

Full planning permission is sought for a new dwelling and domestic garage within existing cluster located 75m West of 11 Grange Road, Cookstown.

Deferred Consideration:

This application was presented before the Planning Committee in March 2022 with a recommendation to refuse as it was not considered the site is located at or near a focal point, and the site does not provide a suitable degree of enclosure and is not bounded on at least two sides with other development in the cluster. It was agreed to defer the application for an office meeting with the Service Director. At that meeting the agent stated the neighbouring approval to the immediate north would commence on site within 2 weeks so we agreed to hold the application until the approved dwelling was constructed to wall plate level and take a report back to Planning Committee. Although some 22 months have elapsed, and a site visit carried out by me on 25 January 2024 has demonstrated that no development has yet commenced on the ground on the neighbouring approval works do not need to commence until 8 December 2026.

Having carried out a site inspection it is clear the site is in close proximity to Allingham Transport, a commercial business which is based in a significant building in close proximity to the application site and I consider this to be a focal point for the purposes of CTY 2a. For the approval to the immediate north which has not yet been constructed it has been accepted there is a cluster of development at this location, and it does appear as a visual entity in the local landscape. Although there is a lack of landscaped boundaries to provide enclosure a dwelling on this site will not appear as either visually intrusive or prominent in the local landscape. Although the approved dwelling to the north has not yet commenced there is development to the south of the application site in the form of farm buildings. The Grange Road runs alongside the application site on the other side of which there is a mix of dwellings and agricultural fields on the opposite side of that road. A new dwelling on this site will not significantly alter the existing character or visually intrude into the open countryside and development would not adversely impact on residential amenity.

In summary although the application does not strictly adhere to all the criteria in CTY 2a I consider a recommendation to approve can be made based on meeting the overall spirit of a new dwelling in a cluster of development.

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 dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow planted on the inside.

Reason: To ensure the proposal is in keeping with the character of the rural area.

Condition 3

The vehicular access, including visibility splays and any forward sight line shall be provided in accordance with drawing no 2, rev 2 bearing the date stamp 10 July 2021, prior to the commencement of any works or other development hereby permitted. 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 levels 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 gradient of the access 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.

Signature(s):Karen Doyle

Date: 21 February 2024



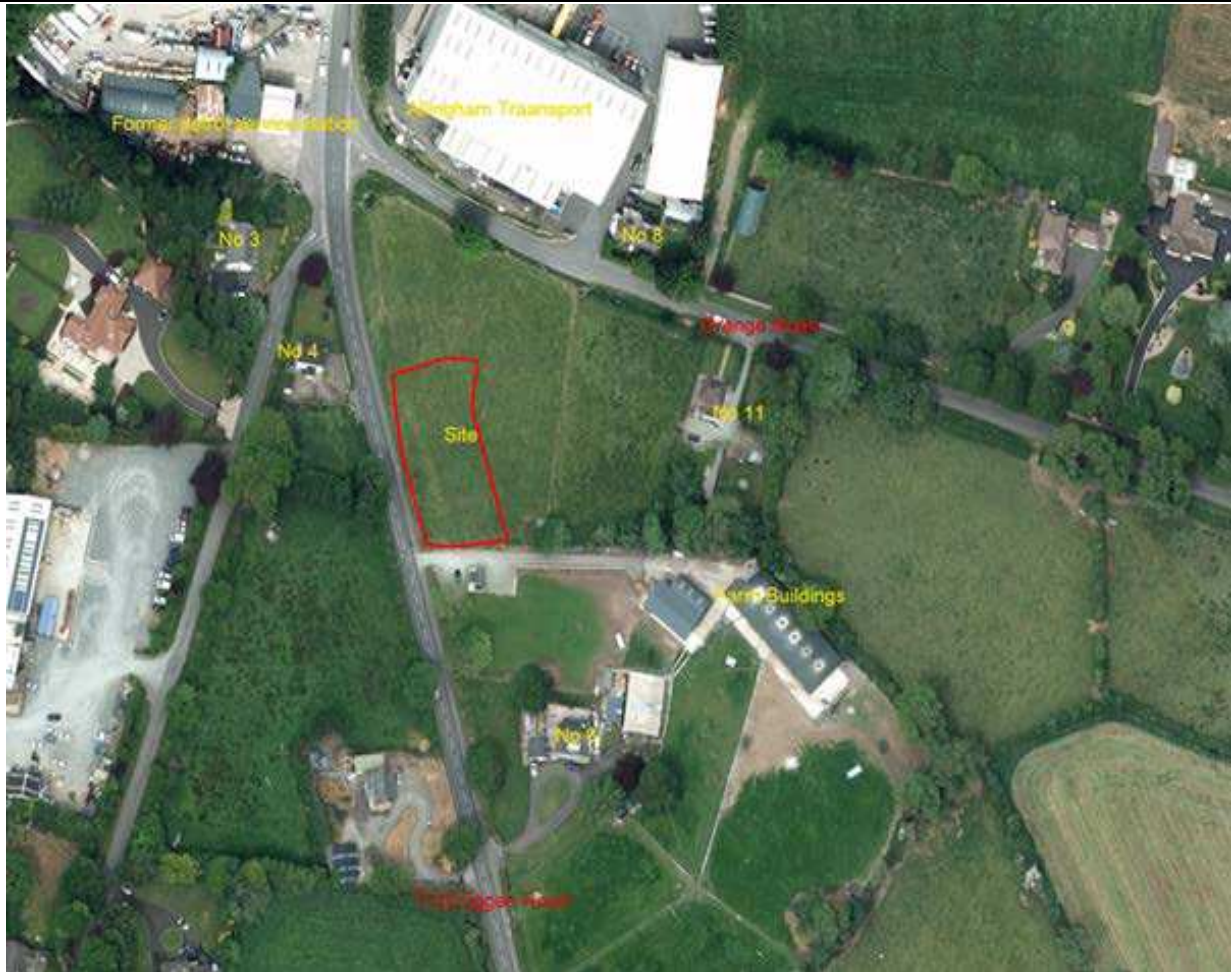
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0480/F	Target Date:
Proposal: Proposed new dwelling and domestic garage within existing cluster	Location: 75m West of 11 Grange Road Cookstown
Referral Route: <ol style="list-style-type: none"> 1. Refusal- Contrary to Policies CTY1 and CTY2a of PPS 21 2. Letter of objection 	
Recommendation:	Refusal
Applicant Name and Address: Mr Paddy Donnelly 65a Lissan Road Cookstown	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary: Neighbour Notifications and press advertisement has been carried out in line with the Council's statutory duty. One letter of objection has been received; all other material considerations have been addressed within the determination within the report.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice

Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Full planning is sought for a dwelling and garage within an existent cluster in accordance with Planning Policy CTY2a of PPS 21.

Characteristics of the Site and Area

The application site is identified as lands approximately 75m West of 11 Grange Road, Cookstown, which is identified within the Cookstown Area Plan 2010 as land within the countryside and is not located within any settlement limit. The site is not located within any specific environmental designations.

The immediate area, despite being in the rural remainder, experiences a medium levels of development, which includes detached dwellings, agricultural buildings, industrial buildings and a redundant petrol filling station, which is operating as a car washing facility. There are a number of established businesses in close proximity to the site, including Allingham Transport, DBS Building Supplies.

The site forms the portion of a grass field that borders the Tullywiggan Road to the west; boundaries comprise of timber fence with low level hedgerow; the south boundary defined by a post and wire fence which borders a farm lane; further south is a small farm shop. The other remaining boundaries to the east and north open onto the field and are undefined. Further east is a small corrugated and timber shed used for keeping horses.

The surrounding topography within the site is relatively flat.

Description of Proposal

Full planning permission is sought for a new dwelling and domestic garage within existing cluster located 75m West of 11 Grange Road, Cookstown. The proposed dwelling is to provide a two storey detached with a ridge height of 8m; frontage 13m; and a depth of 12m. Full details and external finishes and proposed landscaping are annotated on Drawing Nos 03 and 04 date stamp 24/03/2021.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

Planning history.

LA09/2019/0891/F - junction of Tullywiggan road and Grange Road, Cookstown for a nw dwelling and garage within existing cluster PG. 21.10.2019

LA09/2020/0421/F - approx. 55m SW of 8 Grange Road, Cookstown - New dwelling and garage within existing cluster. PG 16.09.2020.

LA09/2021/0750/F - proposed new dwelling and garage within an existing cluster. PG 09.12.2021

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 objection has been received. This application was initially advertised in the local press on w/c 05/04/2021 (publication date 06/04/2021).

Six (6) notification letters sent on 13/04/2021; 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.

Consultees.

1.DFI Roads were consulted in relation to access, moving and parking arrangement on 26/072021 and responded on 16/08/2021 no objection subject to standard conditions and Informatives.

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. The Cookstown Area Plan 2010 does not contain provided by PPS 21 and the SPPS.

1. Strategic Planning Policy Statement (SPPS);
2. Regional Development Strategy 2035;
3. Cookstown Plan 2010;
4. PPS 3 Access, Movement and Parking & DCAN 15 vehicular Standards;
5. PPS 21 Sustainable Development in the Countryside (CT2a, CTY 13 & 14);
6. Building on Tradition A sustainable design guide for rural NI.
7. MUDC Draft Area Plan 2030

Cookstown Area Plan 2010

The CAP acts as the local development plan for the area the site is located in however there are no provisions in the LDP that are material to the determination of the application.

Regional planning policies of relevance to this application are set out in the Strategic Planning Policy Statement for Northern Ireland (SPPS) and other retained policies, specifically Planning Policy Statement 21 Sustainable Development in the Countryside (PPS 21).

There is no conflict or change in policy direction between the provisions of the SPPS and the retained PPS 21 insofar as it relates to this application. Therefore the retained policies take precedence in decision making in accordance with the transitional arrangements outlined in the SPPS.

Supplementary planning guidance is found in Building on Tradition. A Sustainable Design Guide for the Northern Ireland Countryside (BOT).

Policy CTY1 of PPS 21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The first of these is a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a. Other types of development will only be permitted where there are overriding reasons why that development is essential.

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.*

There are a number of dwellings surrounding the site - Nos 3 & 4 are located NW of the site consisting of detached dwellings with roadside frontages; No 8 detached dwelling located north; and No 11 a detached dwelling located NE of the site. Therefore, I am content that it lies outside of a farm and consists of four or more buildings, of which more than three are dwellings.

- *The cluster appears as a visual entity in the local landscape;*

I am content that the site and cluster is able to appear as a visual entity in the local landscape. As I already alluded to the immediate area, despite being in the rural remainder, experiences a medium levels of development, which includes detached dwellings, agricultural buildings, industrial buildings and a redundant petrol filling station, which is operating as a car washing facility.

There are a number of established businesses in close proximity to the site, including Allingham Transport, DBS Building Supplies. I am satisfied the cluster as a visual entity with the surrounding landscape.

- *The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads.*

It is noted the site is not associated with a focal point such as a social / community building/facility, or is located at a cross-roads. However, there is located established industrial bossiness in the vicinity of the site. It is also noted that it is established practice in MUDC that have considered economic development / industrial buildings to represent a focal point within a cluster. It is particularly noteworthy that a site bordering the application was considered to represent development in existing cluster approved under LA09/2019/0891/F

I am of the view that it has been recognised as a cluster in the above application and that a precedent has been established on the basis of development previously approved within an existent cluster.

- *The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;*

-

Upon review of the submitted plans and from my site observations it is clear that the site's red line does not development on at least 2 of its boundaries.

I acknowledge whilst there is planning approval adjacent to proposed site however in the absence of no construction works site does not represent development.

It is noted that laneways and public roads are not defined as development and cannot therefore be considered material in this application.

The proposal fails the criteria not having other development on at least two sides in the cluster;

I am content that 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 whilst I note that the site does not have other development on at least two of its boundaries and fails this criteria of CTY 2a.

- *Development would not adversely impact on residential amenity.*

Given the proposed location and the separation distance with other residential properties the design and layout of the proposed dwelling I am content that it is unlikely to have an adverse impact on residential amenity.

On the basis of the above assessment, the application fails to meet the policy criteria outlined in Policy CTY2a in that it is not bounded on at least two sides with other development in 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. Taking into consideration the design and layout I would be content on balance that the dwelling should not appear as a prominent feature in the landscape and that the dwelling and ancillary works would be able to visually integrate into the landscape given the existing landscaping coupled with new landscaping and the land form. In terms of the proposed design I am content that this is acceptable on balance within this rural context.

In terms of Policy CTY 14 that deals with rural character and states that planning permission will be granted where the building it does not cause detrimental change to, or further erode the rural character of the area. As stated I am content that an appropriately designed dwelling will not be

Objection Assessment

A letter of objection from Ross Planning on behalf of a local resident, which was received by MUDC Planning date stamp 05/08/2021.

I have assessed the points raised in the objection and discussed at DM Group meeting. Summary of issues as follows:-

- Site fails Policy CTY2a in that it is not associated with a focal point;
- The applicant does not have control of all lands;
- Lacks integration and does not have other development on at least two boundaries;
- Site acts as a visual break along the Tullywiggan Road;
- Roads issues that no forward distance annotated on plans; and
- The cluster appears as a visual entity in the local landscape;

The agent was made aware that the redline incorporated lands not in his control. This was rectified and amended site location and block plans showing reduced redlines were received.

It is noteworthy the immediate area, despite being in the rural remainder, experiences a medium levels of development, which includes detached dwellings, agricultural buildings, industrial buildings and a redundant petrol filling station, which is operating as a car washing facility.

<p>I am content the site is within existing cluster and as a visual entity in the local landscape.</p> <p>In terms of road concerns - Roads were consulted and responded having no objection and recommended approval subject to conditions.</p> <p>I am in agreement with the objector that the site is not bounded on at least two sides with other development in the cluster and fails the policy in this respect.</p> <p>Other Material Considerations There are no concerns with regards to flooding, residential amenity or ecology.</p> <p>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 the 25th March and was to run for 8 weeks. Due to issues faced with COVID19, this period has been extended and closed at 5pm on 24th September 2020. In light of this, the draft plan cannot currently be given any determining weight.</p>	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation:</p> <ol style="list-style-type: none"> 1. Refusal- Contrary to Policies CTY1 & CTY2a of PPS 21 2. Letter of objection 	
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to the SPPS 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. 2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the existing cluster of development is not associated with a focal point and the site does not provide a suitable degree of enclosure and is not bounded on at least two sides with other development in the cluster. 	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	24th March 2021
Date First Advertised	6th April 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 3 Ardculmer Road Cookstown Tyrone The Owner/Occupier, 4 Tullywiggan Road, Cookstown, Tyrone, BT80 8SD The Owner/Occupier, 7 Ardculmer Road Cookstown Tyrone The Owner/Occupier, 8 Grange Road Cookstown Tyrone Hayley Dallas 9a, Clare Lane, Cookstown, Londonderry, Northern Ireland, BT80 8RJ Hayley Dallas 9a, Clare Lane, Cookstown, Londonderry, Northern Ireland, BT80 8RJ	
Date of Last Neighbour Notification	13th August 2021
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2018/1604/O Proposal: Renewal of outline planning approval LA09/2015/0798/O for a dwelling and garage Address: 20m North of 8 Tullywiggan Road, Cookstown, Decision: PG Decision Date: 17.09.2019 Ref ID: LA09/2020/0421/F Proposal: New dwelling and garage within existing cluster Address: Approx. 55m SW of 8 Grange Road, Cookstown, Decision: PG Decision Date: 16.09.2020 Ref ID: LA09/2019/0891/O Proposal: Proposed new dwelling and garage within existing cluster. Address: Junction of Tullywiggan Road and Grange Road Cookstown,	

Decision: PG
Decision Date: 21.10.2019

Ref ID: LA09/2021/0480/F
Proposal: Proposed new dwelling and domestic garage within existing cluster
Address: 75m West of 11 Grange Road, Cookstown,
Decision:
Decision Date:

Ref ID: LA09/2015/0798/O
Proposal: Proposed dwelling and garage
Address: 20m North of 8 Tullywiggan Road, Cookstown,
Decision: PG
Decision Date: 09.12.2015

Ref ID: I/1995/6016
Proposal: Proposed site Grange Road, Cookstown
Address: Grange Road, Cookstown
Decision:
Decision Date:

Ref ID: I/1977/0115
Proposal: ERECTION OF 6 NO. BUNGALOWS
Address: ARDCUMBER, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1976/0061
Proposal: ERECTION OF 6 PRIVATE BUNGALOWS
Address: ARDCUMBER, COOKSTOWN
Decision:
Decision Date:

Summary of Consultee Responses

Content

Drawing Numbers and Title

Drawing No. 01 (Rev-1)
Type: Site Location Plan
Status: Submitted

Drawing No. 02 (Rev-1)
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Notification to Department 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: LA09/2021/1672/F	Target Date: <add date>
Proposal: Proposed change of house type and relocation of dwelling and domestic garage from that originally approved under M/2013/0414/F and domestic garage	Location: Approx. 100m North of 34 Ferry Road Coalisland Dungannon
Applicant Name and Address: Mr Patrick And Mrs Lisa Trainor 4 Ferry Road Coalisland Dungannon	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: This application is for the relocation of a house and garage from the previously approved location. The house is located on a more exposed and visible site, it is much larger than originally approved and the design is not typically rural in appearance. The applicants have been offered the opportunity to amend the design and the location however they have instead provided a revised landscaping scheme and asked that it is conditioned to allow the house to be approved and built.	
Summary of Consultee Responses: DFI Roads - no objection subject to sight line improvements SES – HRA carried it and unlikely to have significant effects on European Designations NIEA – condition consent to discharge for septic tank and requested preliminary ecological assessment (desk top analysis)	

Characteristics of the Site and Area:

The site is located in the rural countryside outside any defined settlement limit designated under Dungannon and South Tyrone Area Plan 2010, approximately 2km southeast of Killeen. Lough Neagh lies approx. 200 – 300m to the north and northeast of the site.

The site in effect comprises two relatively square shaped plots, one larger southwest plot and one smaller northeast plot cut from the same much larger rectangular shaped host field. The larger southwest plot, previously approved for a dwelling and a garage under planning application M/2013/0414/F, comprises the overgrown foundations of a garage and a pre-fabricated modular building in use as a dwelling. The smaller northeast plot is where the current application seeks to relocate the previously approved scheme with a change of house type including garage. The site is set back approx. 450m from and accessed off the Ferry Rd via an existing gravelled laneway. A mix of native hedgerows and vegetation bounds the host field, which sits above the level of the adjacent lough shores. The boundaries of the site within the host field are undefined. The land rises through the site from southwest to northeast as such the smaller northeast plot sits substantially elevated above the larger southwest plot.

Critical views of the site are from the Ferry Rd around its access off the road and on the approach to it from the lane serving it. From these views, the vegetation bounding the host field and land rising within it would provide a dwelling on the lower southwest plot with a sense of enclosure and backdrop. However, from these views a dwelling on the higher northeast plot, as currently proposed, is likely to sit in the skyline and be unduly prominent in the landscape, as it is bound only to one side.

The area surrounding the site is predominantly agricultural land interspersed with detached dwellings, ancillary buildings and farm groups. Significant peat operations exist in the area along the lane leading to the site.

Description of Proposal

This is a full planning application for the proposed relocation and change of house type of a dwelling and garage previously approved and deemed to have commenced on site under planning application M/2013/0414/F.

Planning application M/2013/0414/F on the 14th October 2014 granted permission for a dwelling and garage on a farm in the southwest body of the current site (see Fig 1, below). Works under the aforementioned permissions were to have commenced prior to the 14th October 2019.

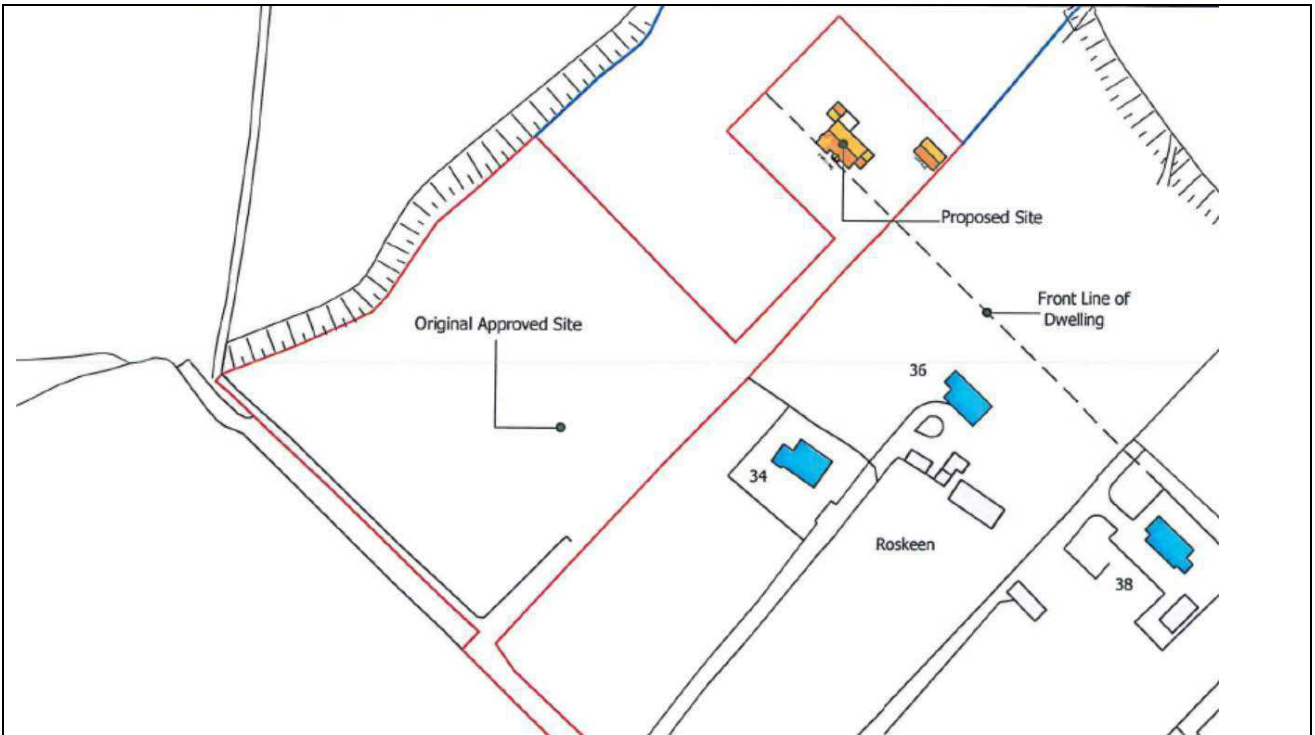


Fig 1: Current site location plan showing approx. location of previously approved dwelling and garage; and location of the change of house type including garage proposed.

Works on site would appear to have commenced in accordance with M/2013/0414/F. The access into the site and foundations of the garage appear to have been put in place within the specified timeframe as approved; and building control confirmed they carried out an inspection of the foundations on the 25th September 2019, as per a Building Control letter and invoice submitted alongside this application.

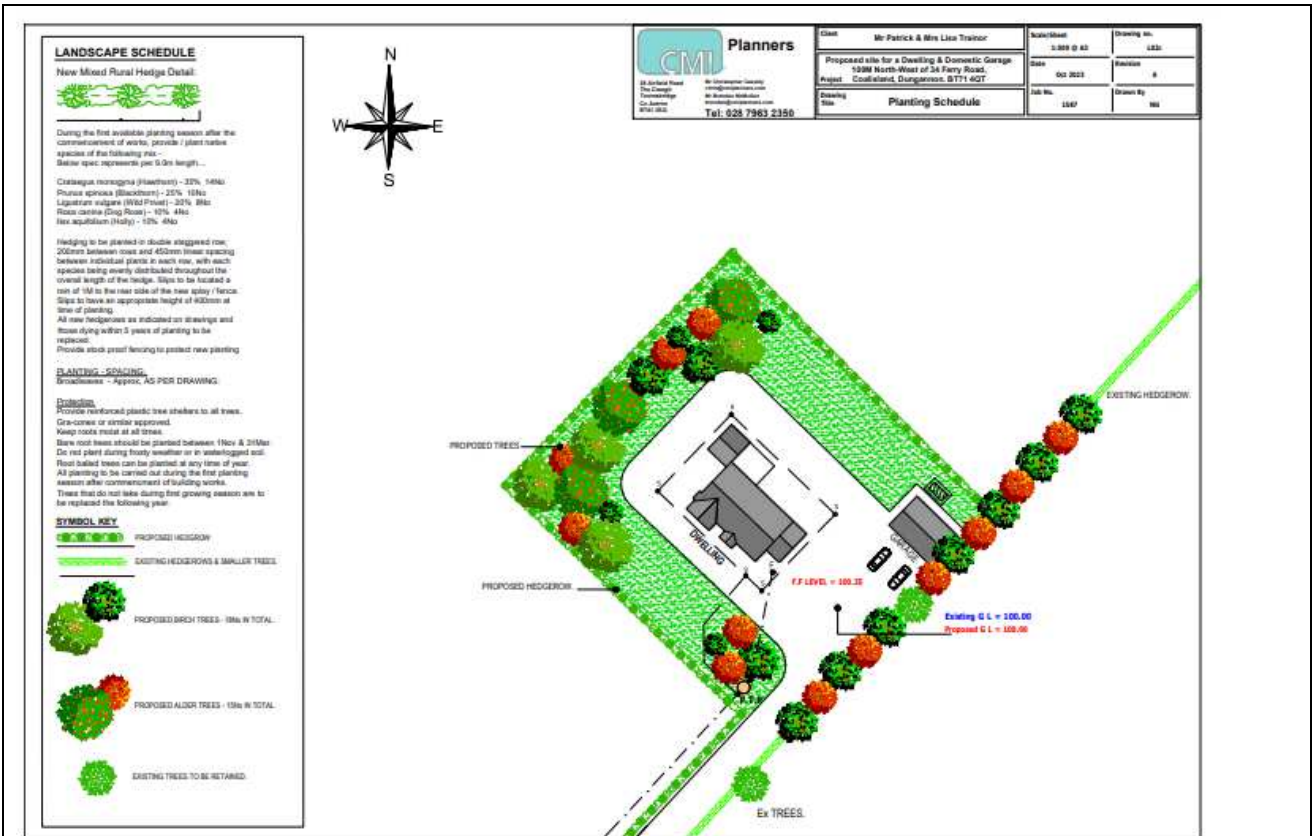


Fig 4: Block plan of dwelling and garage currently proposed, including revised landscaping plan



Fig 5: Floor plans and elevations of dwelling and garage currently proposed

As seen above in Figs 1, 2, 3, 4 & 5 above the previously approved scheme was for a modest single storey dwelling and single storey detached garage whilst the new proposal is for a substantial two-storey dwelling and single storey detached garage. The previous scheme was located in the southwest body of the current site on lower enclosed lands whilst the new scheme is to be located in the northeast body of the current site on elevated open lands.

Deferred Consideration:

This application was before the Planning Committee in July 2022 where it was deferred to allow a meeting with the Service Director and again in November 2023 where it was deferred for a members site visit.

A site visit was conducted on 20 November 2023 and following the visit the applicants were asked to consider revising the siting and design of the proposed dwelling. Recent correspondence from the applicants indicates the wish to have this application decided on the basis of the information currently in front of the Committee.

Members will be aware from the previous report the concerns in relation to the prominent nature of the proposed dwelling and the inappropriate design proposed. The additional landscaping proposed is welcome, however the policy makes it clear that landscaping cannot be used to over come issues in relation to a prominent development.

The proposed dwelling will be prominent in public views and as such it is recommended this application is refused.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and the design of the dwelling is inappropriate for the site and its locality due to its size, scale and massing, and if permitted it would be a prominent feature in the landscape.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside..

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
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Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
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Critical views of the site are from the Ferry Rd around its access off the road and on the approach to it from the lane serving it. From these views, the vegetation bounding the host field and land rising within it would provide a dwelling on the lower southwest plot with a sense of enclosure and backdrop. However, from these views a dwelling on the higher northeast plot, as currently proposed, is likely to sit in the skyline and be unduly prominent in the landscape, as it is bound only to one side.

The area surrounding the site is predominantly agricultural land interspersed with detached dwellings, ancillary buildings and farm groups. Significant peat operations exist in the area along the lane leading to the site.

Description of Proposal

This is a full planning application for the proposed relocation and change of house type of a dwelling and garage previously approved and deemed to have commenced on site under planning application M/2013/0414/F.

Planning application M/2013/0414/F on the 14th October 2014 granted permission for a dwelling and garage on a farm in the southwest body of the current site (see Fig 1, below). Works under the aforementioned permissions were to have commenced prior to the 14th October 2019.

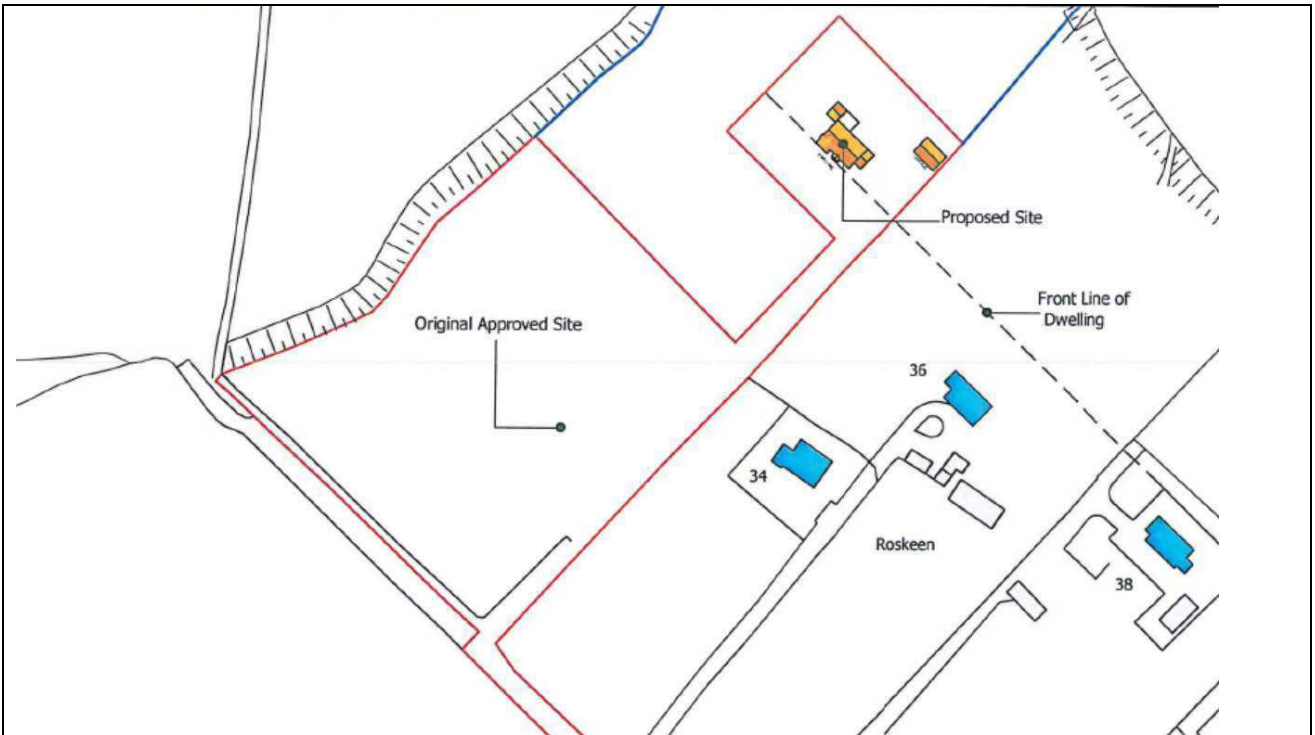


Fig 1: Current site location plan showing approx. location of previously approved dwelling and garage; and location of the change of house type including garage proposed.

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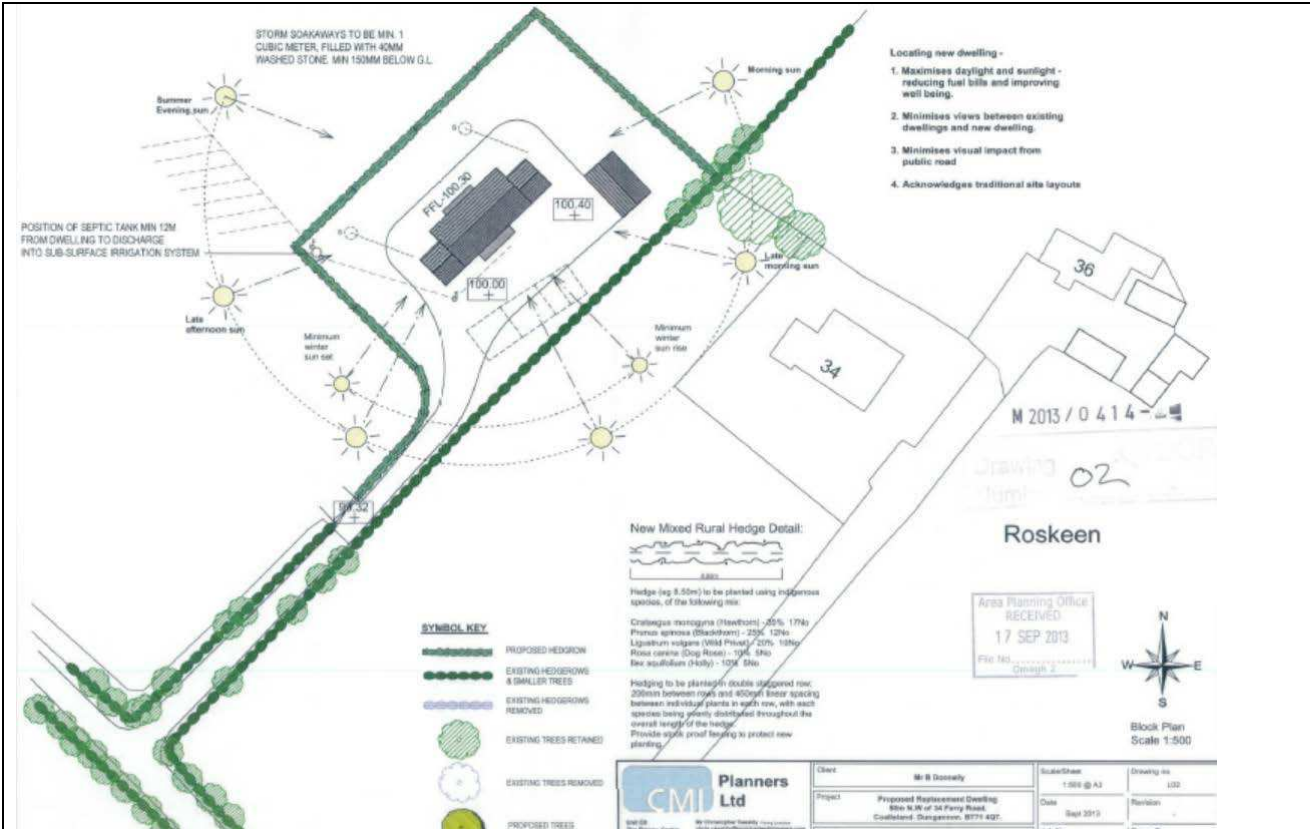


Fig 2: Block plan of dwelling and garage approved under M/2013/0414/F



Fig 3: Elevations of dwelling and garage approved under M/2013/0414/F

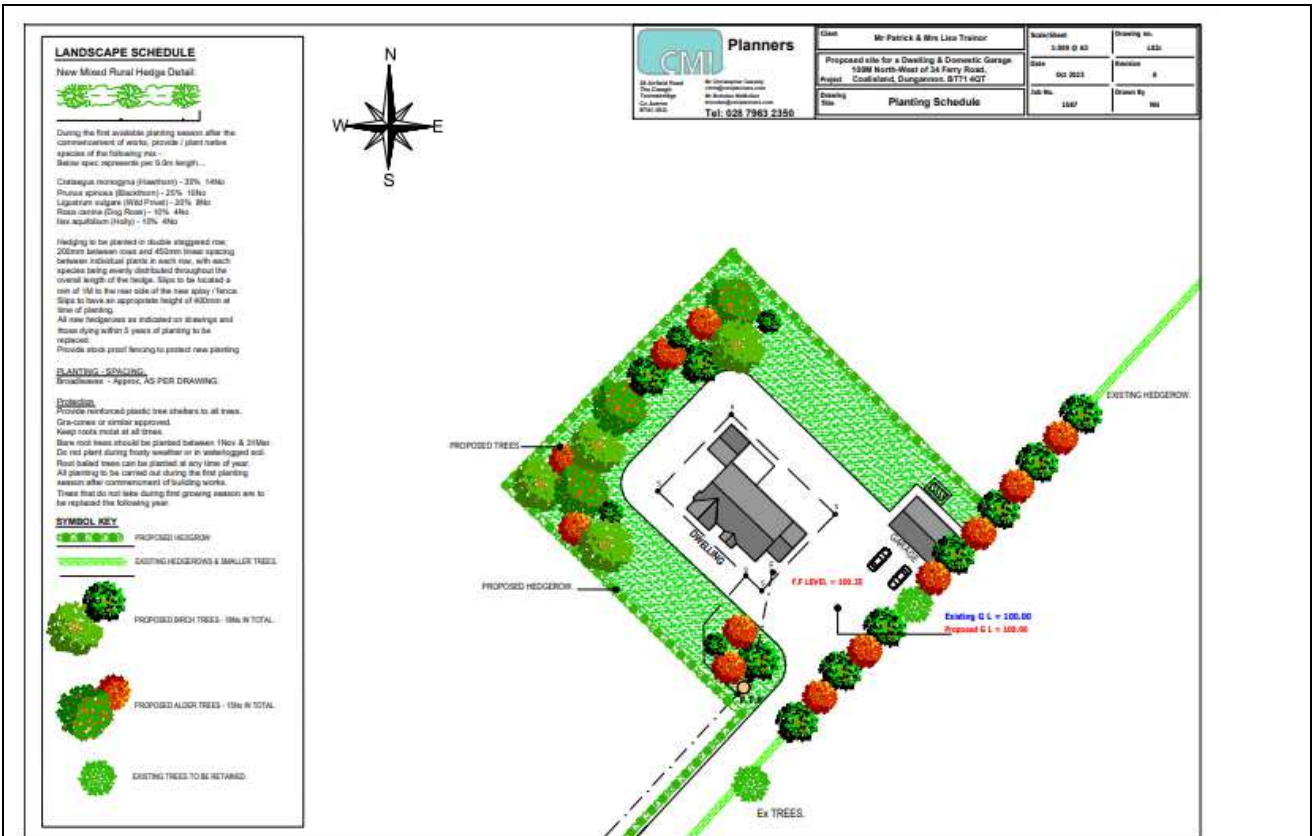


Fig 4: Block plan of dwelling and garage currently proposed, including revised landscaping plan



Fig 5: Floor plans and elevations of dwelling and garage currently proposed

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Deferred Consideration:

This application was before the Planning Committee in July 2022 where it was deferred to allow a meeting with the Service Director. A meeting was held on 16 September and a further site visit was undertaken. At the site visit it was noted roadside vegetation has been removed which further opened up the site to views from the junction with Derryloughan Road and from this location the proposed dwelling would be prominent in the landscape on a local ridge line. Fig 6 shows the proposed dwelling superimposed onto the view from the junction, This view shows how prominent the site is and is a reasonable indication of how the dwelling will appear. It is noted the dwelling, especially in this view, will be divorced from the other buildings here will appear prominent in the landscape.

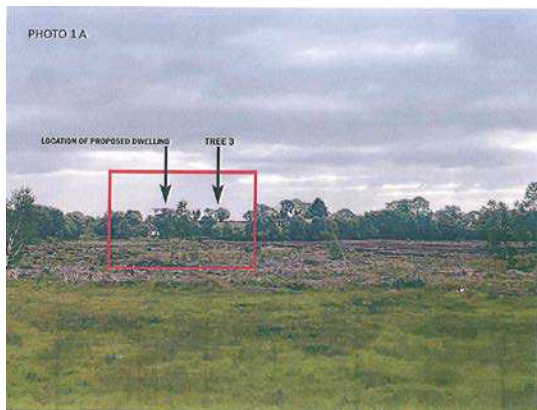


Fig 6 – Site identified and agent has superimposed dwelling in view from Derryloughan Road/Ferry Road junction.

The agent was advised to reduce the dwelling and resite, however additional information was provided about other houses in the immediate area. The dwellings referred to are located to the south east of the application site. as shown in Fig 7 below.

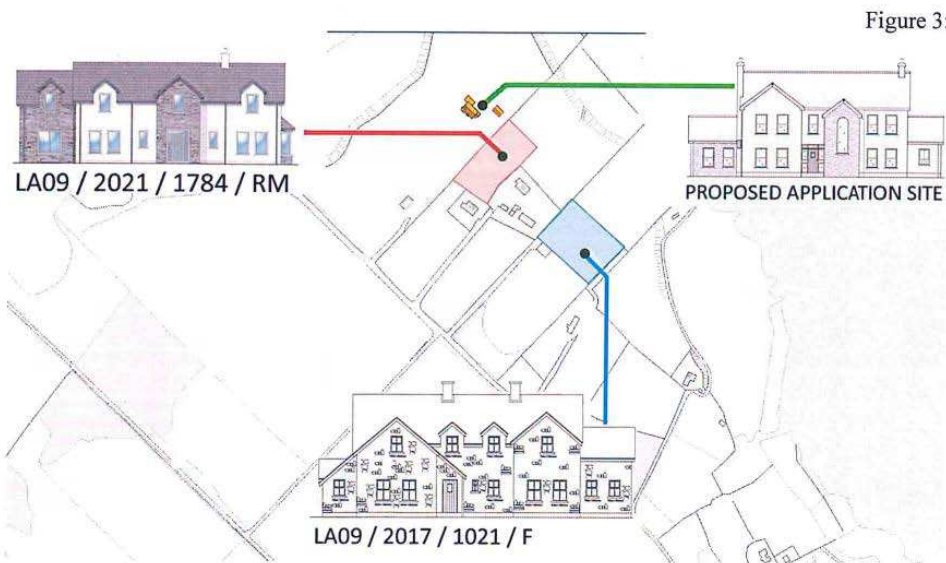


Figure 3:

Fig 7 – other houses approved nearby

At a meeting with Linda Dillon MLA, the applicants and the agent on 16 October 2023, these dwellings were discussed and everyone was advised about how applications are each considered on their own merits. The identified dwellings were assessed in relation to the integration prospects due to existing buildings and vegetation around them and were considered acceptable. The dwelling in blue on fig 7 has been constructed on site, it is lower in the landscape and so well enclosed by vegetation that it is not visible from the public road, the dwelling in red is on a site that is enclosed by vegetation and other buildings. The applicants were requested to revise the proposal and reduce the impact of the dwelling. The agent indicated they would submit a revised landscaping plan and wished to have a decision on the proposal.

Members are advised that CTY13, para 3.59 – 3.64 deal with the issue of integration and that dwellings on top of slope/ridge locations will be unacceptable. It further sets out that new planting alone will not be sufficient and a dwelling on an unacceptable site cannot be integrated by the use of landscaping. The reason for this is the time period that is necessary for landscaping to mature. The proposed dwelling will be prominent in public views as indicated in fig 6 and as such it is recommended this application is refused.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and the design of the dwelling is inappropriate for the site and its locality due to its size, scale and massing, and if permitted it would be a prominent feature in the landscape.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside..

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1672/F	Target Date:
Proposal: Proposed change of house type and relocation of dwelling and domestic garage from that originally approved under M/2013/0414/F and domestic garage	Location: Approx. 100m North of 34 Ferry Road Coalisland Dungannon
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Recommendation: Refuse	
Applicant Name and Address: Mr Patrick And Mrs Lisa Trainor 4 Ferry Road Coalisland Dungannon	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	NIEA	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

Description of Proposal

This is a full planning application for the proposed relocation and change of house type of a dwelling and garage previously approved and deemed to have commenced on site under planning application M/2013/0414/F.

Planning application M/2013/0414/F on the 14th October 2014 granted permission for a dwelling and garage on a farm in the southwest body of the current site (see Fig 1, below). Works under the aforementioned permissions were to have commenced prior to the 14th October 2019.

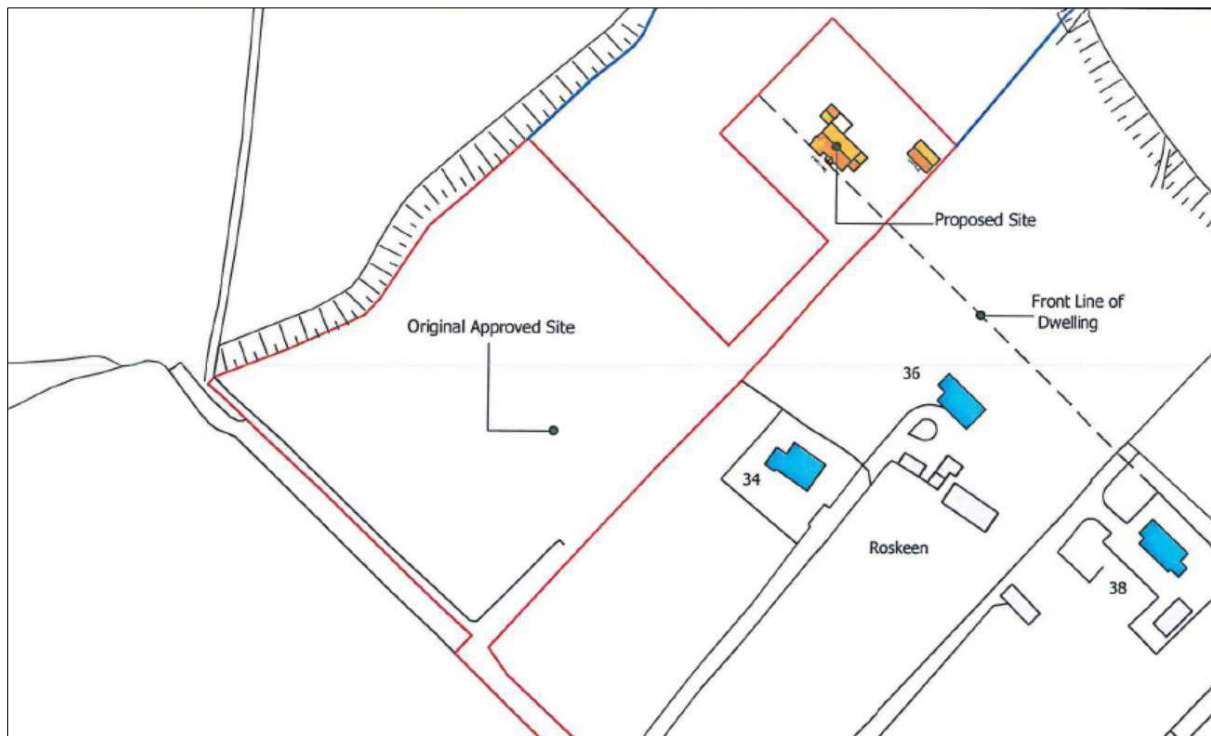


Fig 1: Current site location plan showing approx. location of previously approved dwelling and garage; and location of the change of house type including garage proposed.

Works on site would appear to have commenced in accordance with M/2013/0414/F. The access into the site and foundations of the garage appear to have been put in place within the specified timeframe as approved; and building control confirmed they carried out an inspection of the foundations on the 25th September 2019, as per a Building Control letter and invoice submitted alongside this application.

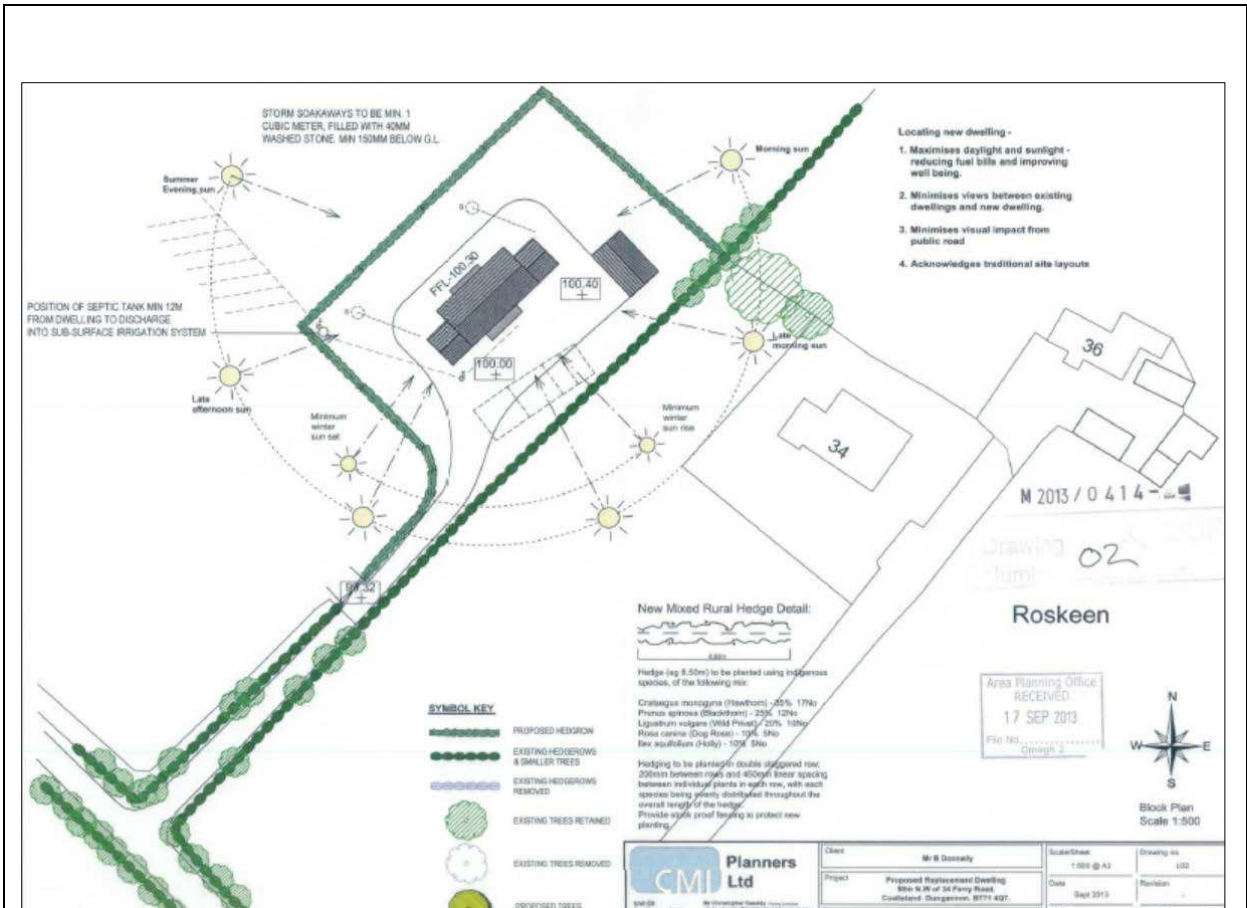


Fig 2: Block plan of dwelling and garage approved under M/2013/0414/F



Fig 3: Elevations of dwelling and garage approved under M/2013/0414/F



Fig 4: Block plan of dwelling and garage currently proposed



Fig 5: Floor plans and elevations of dwelling and garage currently proposed

As seen above in Figs 1, 2, 3, 4 & 5 above the previously approved scheme was for a modest single storey dwelling and single storey detached garage whilst the new proposal is for a substantial two-storey dwelling and single storey detached garage. The previous scheme was located in the southwest body of the current site on lower enclosed lands whilst the new scheme is to be located in the northeast body of the current site on elevated open lands.

Characteristics of the Site and Area

The site is located in the rural countryside outside any defined settlement limit designated under Dungannon and South Tyrone Area Plan 2010, approximately 2km southeast of Killeen. Lough Neagh lies approx. 200 – 300m to the north and northeast of the site.

The site in effect comprises two relatively square shaped plots, one larger southwest plot and one smaller northeast plot cut from the same much larger rectangular shaped host field. The larger southwest plot, previously approved for a dwelling and a garage under planning application M/2013/0414/F, comprises the overgrown foundations of a garage and a pre-fabricated modular building in use as a dwelling. The smaller northeast plot is where the current application seeks to relocate the previously approved scheme with a change of house type including garage. The site is set back approx. 450m from and accessed off the Ferry Rd via an existing gravelled laneway. A mix of native hedgerows and vegetation bounds the host field, which sits above the level of the adjacent lough shores. The boundaries of the site within the host field are undefined. The land rises through the site from southwest to northeast as such the smaller northeast plot sits substantially elevated above the larger southwest plot.

Critical views of the site are from the Ferry Rd around its access off the road and on the approach to it from the lane serving it. From these views, the vegetation bounding the host field and land rising within it would provide a dwelling on the lower southwest plot with a sense of enclosure and backdrop. However, from these views a dwelling on the higher northeast plot, as currently proposed, is likely to sit in the skyline and be unduly prominent in the landscape, as it is bound only to one side.

The area surrounding the site is predominantly agricultural land interspersed with detached dwellings, ancillary buildings and farm groups. Significant peat operations exist in the area along the lane leading to the site.

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

Regional Development Strategy 2030

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 21 - Sustainable Development in the Countryside

Supplementary Planning Guidance for PPS21 - 'Building on Tradition' A Sustainable Design Guide for the 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.

Representations

Press advertisement and Neighbour Notification has been carried out in line with the Council's statutory duty. At the time of writing, no third party representations were received.

Relevant Planning History

On Site

- M/2002/0984/O - Replacement Dwelling House - 100m West of 34 Ferry Rd Coalisland - Withdrawn 1st March 2003 it would appear as there was no justification for it in a countryside policy area; and the dwelling did not meet replacement criteria.
- M/2005/0520/O - One dwelling - 100m West of 34 Ferry Rd Coalisland - Withdrawn 23rd September 2005 it would appear as there was no justification for it in a countryside policy area
- M/2013/0414/F - Farm dwelling and garage - 50m NW of 34 Ferry Rd Coalisland - Granted 14th October 2014
- LA09/2021/0063/CA - Alleged unauthorised modular building - 32 Ferry Road Coalisland - Assessment of enforcement case

Adjacent

- LA09/2020/1443/O - Proposed dwelling on a farm (CTY 10) - Adjacent to 34 & 36 Ferry Rd Dungannon - Granted
- LA09/2021/1784/RM - Proposed dwelling & garage - Adjacent to 34 & 36 Ferry Rd Dungannon - Granted

The above applications relate to lands to the rear of no. 34 Ferry Rd and immediately southeast of where the dwelling and garage under the current application is proposed to be sited. The dwelling approved under the above applications was 1 ¾ storey with a 7.5m ridge height above FFL.

Consultees

1. Dfi Roads were consulted in relation to access arrangements and have raised no objections to this proposal, subject to standard conditions and informatives. Accordingly, subject to these conditions and informatives I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Shared Environmental Services (SES) were consulted in relation to any potential hydrological link from the development to a European site as the site is located within Lough Neagh Ramsar Site; the applicant intends to use a package treatment plant for foul sewage; and both foul & storm drainage is to be taken to an existing open stream boundary.

SES have carried out a Habitats Regulation Assessment (HRA) report responded that having considered the nature, scale, timing, duration and location of the project, concluded it would not be likely to have a significant effect on any European site, either alone or in combination with any other plan or project and therefore an appropriate assessment is not required. In reaching this conclusion, no account was taken of measures intended to avoid or reduce potential harmful effects of the project on any European site. No likely significant effect is predicted due to the scale/nature of the proposed development, the presence of existing development in the vicinity and the quality of the habitat that will be lost to facilitate the proposed development.

Mid Ulster District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by SES, dated 24th March 2022. This found that the project would not be likely to have a significant effect on any European site.

3. NIEA were consulted in relation to any potential hydrological link from the development to a European site as the site is located within Lough Neagh Ramsar Site; the applicant intends to use a package treatment plant for foul sewage; and both foul & storm drainage is to be taken to an existing open stream boundary.
 - Water Management Unit (WMU) and Inland Fisheries – WMU has considered the impacts of the proposal on the surface water environment and is content with the proposal subject to conditions, any relevant statutory permissions being obtained and the applicant referring and adhering to DAERA Standing advice. Inland Fisheries is content.
 - Natural Environment Division (NED) - Noted no ecological information had been submitted with the application and advised they required further information to fully assess the likely impacts on natural heritage interests. Based on aerial photography and the proposal drawings it appears that the site is likely to contain significant natural heritage interest. NED considers that a Preliminary Ecological Appraisal (PEA) is required to assess the potential impacts. A PEA will provide direction as to whether more detailed and/or targeted surveys should also be carried out. NED notes that the site contains suitable habitat for breeding birds and considers that site vegetation clearance works should not be undertaken during the birdbreeding season (which extends from 1st March to 31st August) unless an appropriate survey has been carried out by a suitably experienced ecologist which confirms the absence of active nests.

With regards NED's response above, I note it was a desk-based response, the lands within the site comprise improved grassland and existing vegetation bounding the site could be conditioned to be retained, should any development be accepted

Consideration

Dungannon and South Tyrone Area Plan 2010 - is the statutory local development plan for the application site. The site is located outside any development limit and the development plan offers no specific policy or guidance in respect of the proposal.

The Strategic Planning Policy Statement for Northern Ireland - Retains the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside.

Planning Policy Statement 21: Sustainable Development in the Countryside - is the overarching policy for development in the countryside. It provides certain instances where the development of a dwelling is considered acceptable in the countryside subject to criteria. These instances are listed in Policy CTY1 of PPS21.

I am content the principle of this development, a dwelling and garage, has been established on site through the previous approval M/2013/0414/F and the subsequent commencement of development. As detailed in 'Description of Proposal' further above works on site would appear to have commenced in accordance with M/2013/0414/F. The access into the site and foundations of the garage appear to have been put in place within the specified timeframe as approved (prior to the 14th October 2019); and building control confirmed they carried out an inspection of the foundations on the 25th September 2019, as per a Building Control letter and invoice submitted alongside this application.

The above said with respect to the relocation and design of the dwelling and garage proposed it must still comply with Policies CTY 13 and 14 of PPS 21. CTY 13 states that the proposed development must be able to visually integrate into the surrounding landscape and be of an appropriate design. Policy CTY 14 allows for a building in the countryside where it does not cause detrimental change to or further erode the rural character of the area.

In this instance, I do not believe the site has the capacity to absorb the proposed dwelling in accordance with Policy CTY13 and 14 in that the proposed site has only one established (eastern) boundary and therefore is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. Furthermore, the size, scale, and massing of the dwelling in my opinion is inappropriate for the site and locality and if permitted would be a prominent feature in the landscape when viewed from the surrounding vantage points (see 'Characteristics of the Site and Area') leading to a detrimental change to the rural character of the area.

Whilst the previous dwelling was a low ridge bungalow of modest size and scale on lower more enclosed lands, the proposed dwelling is a substantial 2-storey dwelling (ridge height approx. 8.7m above FFL) on more elevated open lands, which in my opinion would have a significantly greater visual impact when viewed from surrounding vantage points. I would also note that the previously approved scheme was relatively simplistic in design and consistent with simple rural form whereas the new dwelling has two large front projections not considered typical of simple rural form.

Accordingly, the agent was contacted via email on the 12th May 2022 and advised Planning did not consider the design of the dwelling to be consistent with simple rural

form; and that due to its size, scale and location on an elevated and open site it would not integrate and appear prominent in the landscape. The agent was offered the opportunity to submit the following additional information for further consideration within 21 days from the of the email i.e. the 2nd June 2022:

- An amended design showing the size and scale of the property reduced;
- An amended block to show the dwelling moved lower down the field onto lower lands near the position of the previously approved dwelling; and
- A few existing (from a fixed point i.e. on the public road) and proposed spot levels.

To date no additional information for consideration has been received.

Other Policy/Considerations

Whilst the location and design of the dwelling including garage is not considered acceptable I had no concerns regarding it impacting the amenity of any existing or potential (see Planning History LA09/2020/1443/O & LA09/2021/1784/RM) neighbouring properties to any unreasonable degree owing to its location and the separation distances retained.

In addition to checks on the planning portal Historic Environment Division map viewer available, online has been checked and identified no built heritage assets of interest on site or within the immediate vicinity.

Checks of the Planning portal and Flood Maps NI indicate the site is not subject to flooding

The development is under the 15.2m height threshold in the area requiring consultation to Defence Estates relating to Met Office - Radar. The development is located within an area of constraint on wind turbines; the development is not for a turbine.

Taking all of the above into consideration I would recommend the refusal of this application.

Neighbour Notification Checked	Yes
Summary of Recommendation:	Refuse

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and the design of the dwelling is inappropriate for the site and its locality due to its size, scale and massing, and if permitted it would be a prominent feature in the landscape.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if

permitted be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0714/O Recommendation: Approve	Target Date: 19 September 2022
Proposal: Dwelling and domestic garage	Location: 120M SW Of 119 Mullaghboy Road Bellaghy BT45 8JH
Applicant Name and Address: Mr Peter Doherty 22 Viewfort Dungannon BT71 6LP	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: This application was first before members at March 2023 Planning Committee. It was recommended for refusal as it was considered that the proposal was contrary to policies CTY 1, CTY 10 & CTY 13 of Planning Policy Statement 21 in that the site did not visually link with or cluster with an established group of buildings on the farm. Members agreed to defer the application for an office meeting with Dr Boomer which was facilitated. Following a site inspection by myself I am now recommending this application for approval and the justification for this is detailed further in this report.	
Summary of Consultee Responses: There were no new or additional consultations issued to inform this deferred consideration.	
Description of Proposal This is an outline planning application for a dwelling and domestic garage to be assessed under CTY 10	

Deferred Consideration:

This outline application for a dwelling on a farm has been assessed under primarily under policy CTY 10 of PPS 21. Following consultation with DAERA it is accepted that there is an active and established farm for the required period as is set out in policy. No development opportunities have been sold off the holding in the last 10 years and no other farm dwelling has been approved under this farm business number. The main area of contention is the proposed siting of the dwelling and whether or not it is sited to cluster or visually link with an established group of buildings on the farm.

The farm in question is located at 119 Mullaghboy Road, which is approximately 115m to the NE of the application site. The farm group consists of a dwelling and several agricultural outbuildings. There is also a standalone farm building located in the Northern section of the site which is separate from the main farm group.

Having viewed the farm maps submitted with the application as well as carrying out a site inspection it is evident that the most acceptable site in terms of clustering and visual linkage is currently being developed as part of an infill approval. The dwelling was up to roof level on the day I visited the site. The application site is on the closest available land to the main farm group. Whilst a dwelling on the site will not cluster with the farm group, it is my opinion that there is a degree of visual linkage, albeit minimal. Policy CTY 10 is not prescriptive in terms of distances when referring to visual linkage. There is opportunity within the host field to site a dwelling closer to the main farm group however this would result in a dwelling that would be more prominent and less integrated due to the topography of this section of the field.

A dwelling with a ridge height of no more than 6m, sited in the Western portion of the site would be acceptable in terms of integration and rural character and is not at conflict with CTY 10 in terms of visual linkage.

Approval is recommended.

Conditions/Reasons for Refusal:**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

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.

Condition 3

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the RS1 form available to view on Public Access.

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 dwelling shall have a ridge height of less than 6.5 metres above finished floor level.

Reason: To ensure that the development satisfactorily integrates.

Condition 5

The proposed dwelling shall be sited in the area shaded green as identified on drawing no. 01

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21

Condition 6

No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council. Development shall be carried out in accordance with the approved levels

Reason: To ensure the dwelling integrates into the landform.

Condition 7

The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity

Condition 8

No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the 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 Council gives written consent to any variation. -

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape

Condition 9

The existing natural screenings of the site shall be permanently retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

Signature(s):Karla McKinless

Date: 14 February 2024

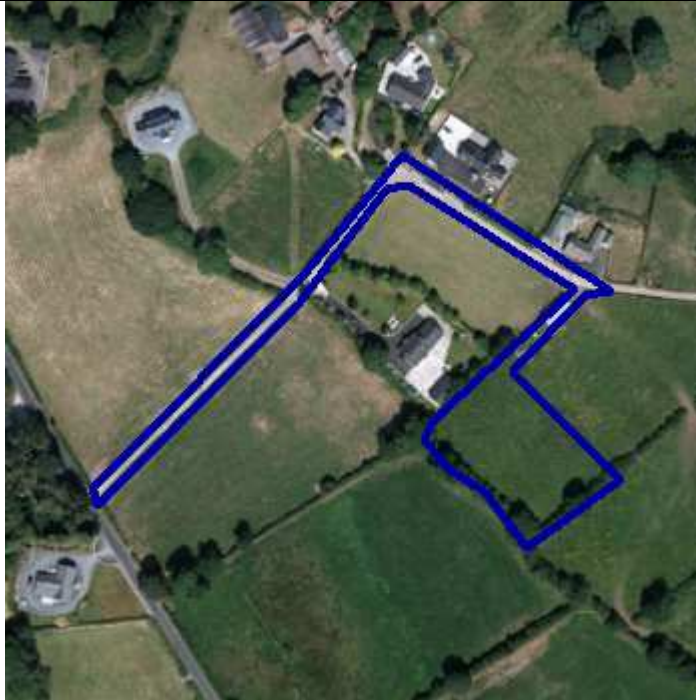


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 March 2023	Item Number: 5.17
Application ID: LA09/2022/0714/O	Target Date: 19 September 2022
Proposal: Dwelling and domestic garage	Location: 120M SW Of 119 Mullaghboy Road Bellaghy BT45 8JH
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Peter Doherty 22 Viewfort Dungannon BT71 6LP	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-0714-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx There is no drawings attached with this application. Upload drawings.

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

The proposal is contrary to Policy CTY 1, CTY 10 & CTY 13 of Planning Policy Statement 21. The proposed site does not visually link with or cluster with an established group of buildings on the farm.

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 red line of the application site includes a corner portion of a larger agricultural field. Access is taken from a shared laneway with the land rising from the public road in a north eastern direction with the laneway then turning in an eastern direction with the site located south of the laneway. The site itself fall gently in a southern direction. There are strong boundaries on both the northern and southern boundaries with mature trees providing strong screening of the site. The surrounding area is a mix of agricultural land uses with a number of residential dwellings located on this laneway.

Representations

No third party representations have been received in relation to this application.

Description of Proposal

This is an outline planning application for a dwelling and domestic garage

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS3: Access, Movement and Parking

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 - Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster' 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 dwellings on farms. 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 acceptable in the countryside. In this instance the application is for a dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

(a) the farm business is currently active and has been established for at least 6 years;
(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and the access should be taken from an existing lane.

Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building group.

DAERA were consulted and confirmed the farm business has been active and established for more than 6 years, therefore I am content that criteria A has been met.

Following a search on the planning system I am content that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

With regards criteria C which states that the new building is visually linked or sited to cluster with an established group of buildings on the farm. From the farm maps provided, there is an established group of farm buildings located in and around the dwelling at 119 Mullaghboy Road shown outlined in yellow in the image below which are approximately 116m north east of the application site. There is one single agricultural building, owned by the farm business which is shown highlighted in orange.



The policy relates to an established group of buildings on the farm, and it is clear the established group is located at 119 Mullaghboy Road which a new dwelling should visually link with or be sited to cluster with. Given the topography of the land and the separation distance between this established group and the application site I do not believe there is any visual linkage between the two sites. The buildings outlined in yellow sit at a level lower than the field to the south west, with the land then falling back behind a hill where the proposed site is, therefore there is no visual link between the two sites. When viewed on the laneway there is no clear visual link between the proposed site and the established group.

There is land available within the applicants ownership as shown in blue on the site location map where a site would visually link with the established group of buildings on the farm. No justification has been provided for the alternative site in accordance with policy CTY 10. The agent contends the site visually links with the farm building highlighted in orange and that it is wasn't for the strong mature tree line on the southern boundary of the site, the visual linkage would be there between a dwelling on the proposed site and the established group of buildings shown in yellow. As mentioned given the topography of the site I do not believe there is a visual linkage and the proposed site does not cluster with the established group of buildings on the farm and therefore fails to comply with CTY 10.

Policy CTY13 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. As this is an outline application, no design details have been provided however, I am content the site could take a single storey dwelling limited to a

ridge height of 6m above finished floor level. Planting should be retained on the existing boundaries which would ensure a dwelling would not be a prominent feature in the landscape and would integrate into the landscape. However, criteria (g) of CTY 13 requires it to visually link with or be sited to cluster with an established group of buildings on the farm and for this reason it fails to comply with CTY 13.

Policy CTY 14 states, planning permission will 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. As this is an outline application, no design details were submitted. I am content a dwelling at this location would not result in a detrimental change to or erode the rural character of the area.

PPS 3 - Access, Movement and Parking:

DfI Roads advised that they have no objection to the proposed development subject to conditions. They also advised that 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 DfI Roads 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.

Other Material Considerations

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.

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 CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling is not visually

linked or sited to cluster with an established group of buildings on the farm.

Signature(s): Ciaran Devlin

Date: 22 February 2023

ANNEX	
Date Valid	6 June 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 113 Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 111 Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 115 Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 117 Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 110 Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 109 Mullaghboy Road Bellaghy Londonderry BT45 8JH</p>	
Date of Last Neighbour Notification	27 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/1993/6054 Proposals: ELECTRICITY SUB-STATION AND 110 KV/33 KV OVERHEAD LINES NEAR BELLAGHY MAGHERAFELT Decision: QL Decision Date:</p> <p>Ref: LA09/2022/1623/F Proposals: Proposed change of house type and relocation of extant planning approved (REF: LA09/2018/1657/F) Two storey dwelling. Curtilage to be extended with garage to remain as previously approved. Decision: PG Decision Date: 17-FEB-23</p> <p>Ref: LA09/2022/0714/O</p>	

Proposals: Dwelling and domestic garage

Decision:

Decision Date:

Ref: H/1994/0432

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: H/1996/0144

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: H/1992/6123

Proposals: SITE OF DWELLING McKENNAS LANE BELLAGHY

Decision: QL

Decision Date:

Ref: LA09/2020/1601/F

Proposals: New dwelling

Decision: PG

Decision Date: 10-MAR-21

Ref: LA09/2020/0501/O

Proposals: Proposed Site for Dwelling and Garage Under CTY 10

Decision: PG

Decision Date: 04-SEP-20

Ref: H/2005/0661/F

Proposals: Replacement two storey dwelling & detached garage

Decision: PG

Decision Date: 19-OCT-05

Ref: H/1978/0245

Proposals: ALTERATIONS AND ADDITIONS TO HOUSE

Decision: PG

Decision Date:

Ref: H/1996/6006

Proposals: SITE OF DWELLING MULLAGHBOY ROAD BELLAGHY

Decision: QL

Decision Date:

Ref: H/1987/0399

Proposals: SITE OF DWELLING AND GARAGE

Decision: PG
Decision Date:

Ref: H/1984/0373
Proposals: ALTERATIONS AND ADDITIONS TO HOUSE
Decision: PG
Decision Date:

Ref: H/1980/0139
Proposals: ALTERATIONS AND ADDITIONS TO HOUSE
Decision: PG
Decision Date:

Ref: H/2014/0378/F
Proposals: Replacement dwelling
Decision: PG
Decision Date: 19-JAN-15

Ref: H/2013/0143/F
Proposals: Two storey extensions to the front of existing dwelling and single storey side extension
Decision: PG
Decision Date: 01-JUL-13

Ref: LA09/2016/1380/F
Proposals: Proposed 2 storey farm dwelling
Decision: PG
Decision Date: 09-MAR-17

Ref: LA09/2018/1657/F
Proposals: Proposed two storey dwelling and garage (on a farm)
Decision: PG
Decision Date: 17-MAY-19

Ref: H/1996/0333
Proposals: DWELLING AND GARAGE
Decision: PG
Decision Date:

Ref: LA09/2019/0670/RM
Proposals: Proposed dwelling and garage.
Decision: PG
Decision Date: 25-SEP-19

Ref: H/2004/0403/RM
Proposals: Erection of one no. bungalow and detached garage. (Outline

Ref:H/2001/0188).

Decision: PG

Decision Date: 24-MAY-04

Ref: H/2003/0973/F

Proposals: Dwelling and garage.

Decision: PG

Decision Date: 04-AUG-04

Ref: H/2003/0211/F

Proposals: Dwelling and garage.

Decision: PG

Decision Date: 16-APR-03

Ref: H/2003/0238/O

Proposals: Site of dwelling and garage.

Decision: PG

Decision Date: 17-SEP-03

Ref: H/2003/0643/O

Proposals: Site of a Chalet - Type dwelling.

Decision: PG

Decision Date: 31-JAN-05

Ref: H/2005/0211/F

Proposals: Dwelling and garage

Decision: PG

Decision Date: 27-JUN-05

Ref: H/2003/0883/O

Proposals: Site of dwelling.

Decision:

Decision Date:

Ref: H/2004/0552/F

Proposals: Extension to sides and rear of dwelling

Decision: PG

Decision Date: 02-JUL-04

Ref: H/2012/0062/O

Proposals: Proposed two storey farm dwelling with domestic garage

Decision: PG

Decision Date: 01-MAY-12

Ref: H/2011/0364/F

Proposals: Replacement of Existing Two Storied Vacant Dwelling with new 1 1/2 Storey

Dwelling House with Associated Carport and Garage

Decision: PG

Decision Date: 14-NOV-11

Ref: H/1998/0578

Proposals: DWELLING AND GARAGE

Decision: PG

Decision Date:

Summary of Consultee Responses

DAERA - Coleraine-Consultee Response LA09-2022-0714-O.DOCX

DFI Roads - Enniskillen Office-Outline resp.docx There is no drawings attached with this application.

Upload drawings.

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/1367/F Recommendation: Approve	Target Date: 23 December 2022
Proposal: Two Storey Dwelling and Garage under CTY2a	Location: Site 10M North Of 56 Quarry Road Knockcloghrim
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
Summary of Issues: This application was first before Members at October 2023 Planning Committee. The proposal was recommended for refusal as it failed to comply with Policies CTY 1 and CTY 2a of PPS 21. It was considered that there was no cluster of development which consisted of 4 or more buildings. Members agreed to defer the application for an office meeting with Dr Boomer. This meeting was facilitated and following a site inspection I am now recommending that the application be approved. The justification for this recommendation is detailed further in this report.	
Summary of Consultee Responses: No new consultations were carried out to inform this deferred consideration. Environmental Health were initially consulted due to the application's close proximity to the local GAC's floodlights. Environmental Health had no objection, subject to conditions. They did note that the applicant should take into consideration that this proposal is located in close proximity to a GAA pitch, and such activities may have a resulting impact upon the amenity enjoyed by the proposal due to noise.	

Description of Proposal

This is a full application for a Two Storey Dwelling and Garage to be assessed under policy CTY2a – Dwelling in a existing cluster.



Deferred Consideration:

This outline application has been submitted for a dwelling in an existing cluster. The main area of contention was that it was considered that there was no cluster of development that consisted of four or more buildings, three of which had to be dwellings. All other clustering criteria was considered to have been met. When this proposal was initially assessed it was noted that there were 2 dwellings approved to the North of the site (LA09/2022/1375/F and LA09/2022/1379/F) but development had not commenced on either of these. As such, there was no substantive cluster consisting of 4 or more buildings.

I have recently carried out a site inspection and the 2 dwellings to the North of the site are substantially built, one to roof level and the other has the roof on and windows installed.

It is my opinion that this cluster now consists of the 2 new dwellings, another existing dwelling further to the North and the GAC building to the immediate south. This constitutes 4 buildings, 3 of which are dwellings. The dwellings to the East of the site are located within the settlement limits and so can not be considered as part of the cluster for the purposes of this assessment. Nevertheless, the site is bound on 2 sides by development. I am also convinced that a dwelling on the site can be considered as a natural rounding off and consolidation of the cluster which is an intention of the policy. A dwelling in this location will have no negative impact on rural character, will be subject to no critical views and has a design which will compliment the adjacent residential development.

There have been no objections to this proposal from any third party.

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 existing natural screenings of the site shall be permanently retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

Condition 3

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.PL 03a bearing the date stamp 09 Sept 2022 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 existing access indicated on Drawing No PL03a bearing the date stamp 09 Sept 2022 shall be permanently closed and the footway / verge properly reinstated to DfI Roads satisfaction within 2 months of the date of approval.

Reason: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.

Signature(s):Karla McKinless

Date: 14 February 2024



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 The Owner / Occupier 60A Quarry Road Knockcloghrim Londonderry BT45 8NS The Owner / Occupier 49 Gulladuff Road Gulladuff Londonderry BT45 8NT The Owner / Occupier 62 Gulladuff Road Gulladuff Londonderry BT45 8NT The Owner / Occupier 61 Gulladuff Road Gulladuff Londonderry BT45 8NT The Owner / Occupier 64 Gulladuff Road Gulladuff Londonderry BT45 8NT The Owner / Occupier 61 Gulladuff Road Gulladuff Londonderry BT46 5EN The Owner / Occupier 1 Jacksons Drive Gulladuff Londonderry BT45 8NN The Owner / Occupier 2 Jacksons Drive Gulladuff Londonderry BT45 8NN The Owner / Occupier 4 Jacksons Drive Gulladuff Londonderry BT45 8NN 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



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2023/0025/F Recommendation: Approve	Target Date: 24 April 2023
Proposal: Retention of existing shed for mix of domestic storage and agricultural machinery	Location: Adjacent to 26A Brookmount Road Ballinderry Bridge Cookstown
Applicant Name and Address: Francis Rocks 26A Brookmount Road Ballinderry Bridge BT80 0BB	Agent Name and Address: Manor Architects Ltd Stable Buildings 30A High Street Money more BT45 7PD
Summary of Issues: <p>This application was first before Members at August 2023 Planning Committee. It was recommended for refusal as the proposal was considered to be contrary to Policies CTY 1, CTY 12 and CTY 13 of PPS 21. It was argued that the farm business was not active and established, it wasn't necessary and that the scale of the development would have a negative impact on rural character. Members agreed to defer the application for an office meeting, which was facilitated. Following the submission of revised information and after carrying out my own site inspection I am recommending this application for approval. Justification for this revised recommendation is detailed further in this report.</p>	
Summary of Consultee Responses: <p>No new consultations were issued to inform this deferred consideration.</p>	
Description of Proposal <p>This is a full planning application. It was initially submitted for the retention of an agricultural shed to store machinery. During the deferred process the description was amended to the retention of an existing shed for a mix of domestic storage and agricultural machinery. This</p>	

revised description was re-advertised and all relevant third parties were notified of the change.





Deferred Consideration:

The main areas of contention with this application centre around whether the farm business can be considered active and established, whether the shed is considered necessary along with the scale of the existing building and its impact on rural character.

Policy CTY 12 of PPS 21, which deals with agricultural buildings, requires there to be an active and established agricultural holding. The applicant has a farm business ID which was allocated on the 26th April 2005. DAERA have confirmed that this is correct and that it is a dormant category 1 number. This "dormant" categorisation only means that it has not been used to makes claims of the land in the last 5 years. I am satisfied that as the applicant was allocated a farm business ID in 2005 that the farm business has been established for the required 6 year period. The applicant has submitted 2 "affidavits" which in effect are signed conacre agreements and are not affidavits signed off by a solicitor. Notwithstanding their description as "affidavits", these are typical of the signed conacre agreements we regularly accept as evidence that the farm is currently active (ie) being farmed by another farmer. At the office meeting the applicant also advised that he also helps keep his land in good agricultural condition which is why he owns a tractor, link box and rotavator. For the purpose of the policy test, I am satisfied that the active and established test has been met.

At the deferred office meeting the applicant was asked specifically about what the shed was used for. He explained that it was used for the housing of some farm machinery which he used to keep his land in good agricultural condition, along with the storing of some domestic items. I have since carried out a site inspection in which I requested to see inside the building and I would agree that the shed is being used for those purposes. On the day of my site visit the shed was being used for no other purposes. For this reason a revised description was sought which more accurately reflects the use of the shed. The use of this shed goes some way to explaining why it is necessary for the efficient use of the holding, as is another policy test of CTY 12. As a standalone agricultural shed, the level of farming carried out by the applicant may not justify a shed of this size, however as it also has a domestic element, it is not unreasonable to require this size of building. As I have been inside the building I can confirm that it houses a car and many other domestic items which require storage outside of the dwelling house. Also, material

to this element of the assessment is the fact that approval was granted for a replacement domestic shed on this site under LA09/2021/0011/F. The building subject to this application is located at the same location within the yard as the previous approval, however it has a larger footprint. This would indicate that a domestic storage use has already been considered acceptable at this location.

In terms of Policy CTY 12 which requires an agricultural building to be necessary for the efficient use of the holding, it is my opinion that as the building is only in part being used for the purposes of agriculture (ie) storing machinery for the up keep of the land, then I accept that there is no major conflict with the policy and it is necessary for the use of the holding.

The scale of the building and its impact on the character of the area was a concern raised by the previous case officer. It was considered that its scale was not merited as the shed was not deemed necessary for the efficient use of the holding. As I now consider it necessary to store both agricultural and domestic items, then the scale of the building is considered more generally. The building proposed has a floorspace of 181sqm and a ridge height of approx. 7m. In comparison to standard agricultural buildings throughout the district, this is typical in scale, massing and design. It is not much bigger than what was previously approved on the site. It is set back of the public road and it sits on land that is slighter higher than the applicants dwelling. The photograph in the site characteristics section above shows it in context when viewed from the public road and in my opinion its scale and impact on rural character is not concerning. It will have no impact on residential amenity by way of overshadowing, loss of light, dominance, loss of privacy or unacceptable odours or noise. As such, it is my opinion that there is no conflict with Policy CTY 13.

Since this application was last before Members, 1 further objection has been submitted on 23rd Nov 2023. Issues raised by the objector centre on scale and massing, which I have addressed above, agricultural justification, which have addressed above and non-compliance with the previous approval. Members should note that this retrospective application has been submitted on the back of an enforcement case (LA09/2021/0195/CA) and if Members are minded to approve, the Enforcement Team will review its status. There are no material planning issues raised by the objector which would merit the refusal of this application.

It is therefore recommended that Members approve this application subject to the conditions referred to below.

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

Condition 2

The building hereby approved shall be used only for a mix of domestic and agricultural storage and not for the keeping of livestock or any other use.

Reason: In the interests of Natural Heritage and to protect residential amenity

Signature(s):Karla McKinless

Date: 19 February 2024



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 August 2023	Item Number: 5.5
Application ID: LA09/2023/0025/F	Target Date: 24 April 2023
Proposal: Retention of Agricultural Shed to store machinery	Location: Adjacent to 26A Brookmount Road Ballinderry Bridge Cookstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Francis Rocks 26A Brookmount Road Ballinderry Bridge BT80 0BB	Agent Name and Address: Manor Architects Ltd Stable Buildings 30A High Street Moneymore BT45 7PD
Executive Summary: <p>The proposal has been assessed against under all relevant policy including the Cookstown Area Plan, SPPS, PPS 21, PPS 2 and PPS 3. It is my opinion that the proposal fails to comply with PPS 21 policy CTY 12 in that it has not been demonstrated that the development is on an active and established agricultural holding. The agent contends that the landowner rents fields out on conacre, but no evidence has been provided by way of a conacre agreement and this has been requested previously.</p> <p>The agent also contends the building is to store agricultural vehicles & machinery used for the maintenance and upkeep of field boundary hedgerows, fences & gates. However, it is my opinion that the building larger than what is required for this work. There was a previous approval granted on the site for a domestic shed however, this shed was built instead and is of a larger scale. This application has been made retrospectively to retain the shed built without planning permission. An enforcement case is currently live on the site, with enforcement proceedings on hold pending the outcome of this planning application, as if this application was approved it would rectify the breach.</p> <p>Two letters of objection have been received from one neighbour and have been considered fully in the body of this report and consultee advice sought where necessary.</p>	

Points raised in the objections relate to the scale of the building, the proposed use of the building not relating to agricultural use, drainage arrangements including discharge to a nearby watercourse and health and safety issues regarding the laneway.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2023-0025-F.DOCX
Non Statutory Consultee	Rivers Agency	75584 - Final Response.pdf
Non Statutory Consultee	NIEA	PRT LA09-2023-0025-F.PDF
Non Statutory Consultee	NIEA	PRT LA09-2023-0025-F.PDF
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Full response.docxDC Checklist 1.doc

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	2
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Two letters of objection received. The proposal is contrary to policy CTY 1, CTY 12 & CTY 13.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits and outside any other designations as per the Cookstown Area Plan 2010. The red line of the application site includes part of an existing shared laneway which extends south from Brookmount Road until it meets the site of the building which is located in an existing yard to the rear of 26A Brookmount Road. At the time of the site visit the building was completed with the top of the building finished with metal cladding and block work with smooth render on the bottom half of the building. The yard is relatively flat with the existing shared laneway located adjacent to the southern boundary and travelling west, with the lane rising to a level above the ground level of the building. The southern boundary was defined by a post and wire fence with a low level wall being built at the corner of the laneway. The northern boundary is defined by an existing mature laurel hedgerow with the western boundary defined by a post and wire fence. The surrounding area is rural in nature with the predominant land use being agricultural fields and dispersed dwellings.

Description of Proposal

This is a full planning application for the retention of Agricultural Shed to store machinery

Site History

LA09/2021/0011/F- Replacement shed Adjacent To 26A Brookmount Road Ballinderry Bridge. Permission Granted 4th March 2021.

This shed was approved with the condition that the shed shall be used only for purposes ancillary to the residential use of the dwelling known as No.26a Brookmount Road. Below is an image of the previous approval and another image shown the building on site at the time of the site visit. The building subject to this application is located at the same location within the yard as the previous approval, however it has a larger footprint.



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Cookstown Area Plan 2010
 Strategic Planning Policy Statement (SPPS)
 PPS 21: Sustainable Development in the Countryside
 PPS 2: Natural Heritage
 PPS 3: Access, Movement and Parking

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. Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

One of these types of development is agricultural and forestry development in accordance with Policy CTY 12. Provisions of SPPS do not impact on this policy.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural and forestry holding where it is demonstrated that:

- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- (d) it will not have an adverse impact on the natural or built heritage; and
- (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

Firstly, with regards to determining if the agricultural holding is active and established as set out within Policy CTY 10, DAERA responded to a consultation response after a P1C form was submitted to confirm that the Business ID was established in April 2005 but it has since been closed because it has no agricultural activity for the last five years. The agent then provided a statement of case in which he advised the applicant does not currently use the land for agricultural activity but instead hires it out to two other farmers (David Porte & Andrew Paterson) under conacre. They state further that under this agreement the applicant is obliged to maintain the boundaries, fences and gates and this building is to store the machinery needed. However, no evidence of the conacre agreement was provided to indicate that the business has been active and established for the last 6 years. The agent was asked for evidence of this conacre agreement on 7th June and nothing has been received to date. From this the proposal is contrary to Policy CTY 12 in that it has not been demonstrated the farm holding is active and established.

Although it hasn't been demonstrated that the farm holding is active and established the proposal will be further assessed under Policy CTY 12.

Regarding the policy requirement stating it should be necessary for the efficient use of the holding, following internal group discussions I believe the building on site is not necessary. The agent has stated its purpose is for the storage of agricultural vehicles and machinery used for the maintenance and upkeep of field boundaries and hedges on the farm holding. The farm maps provided (which aren't up-to-date as no single farm payment has been claimed so up-to-date farm maps are not provided by DAERA) show the holding being a modest 8.2hectare and no evidence of the machinery has been provided to justify a building of this size. It should be noted that the previous approval for a domestic shed with a footprint of 132sqm with the new building measuring 181sqm with the ridge height measuring similar to what was approved.

In terms of the character and scale of the building I am not satisfied it is appropriate for its location given the applicant hasn't justified the need for the building to be this large and it is not located on an active and established farm holding, it is therefore contrary to criteria B.

With regards to the building visually integrating, the building is visible when travelling north western on Brookmount Road however given how far it is set back from the road I am content it will integrate. Additional planting would be required on the southern and

western boundaries which has not been shown on the plans but could be addressed by way of a condition.

With regards to the impact on natural or built heritage the objector raised concerns regarding the development a trench being dug and pipes laid running in the direction of a watercourse. NIEA were consulted as a result of these comments and responded to state, "Water Management Unit note the letter of objection and advise that NIEA do not consent storm water discharges to the environment but do, where appropriate, consent discharges of effluents and potentially contaminated site drainage generated during construction or due to the activity taking place at the site." The applicant must refer to and adhere to relevant precepts in DAERA Standing Advice Discharges to the Water. They also stated Discharge to Consent may be required for the development. I am content as NIEA did not raise any planning concerns that the development will not have an adverse impact on the natural or built environment.

In terms of any impact on neighbouring amenity I am content that the proposal is far enough removed from any third party dwellings as to avoid any nuisance. The objector raised concerns regarding the use of the building was not for agricultural purposes but this can be dealt with by way of a planning condition should the application be approved to ensure it is only used for the storage of agricultural machinery and no livestock or business operations should take place in the premises.

As the proposal is for a new building, the applicant is also required to provide sufficient information to confirm all of the following:

- There are no suitable existing buildings on the holding or enterprise that can be used;
- The design and materials to be used are sympathetic to the locality and adjacent buildings; and
- The proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- it is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

As the proposal is to be the first agricultural building on the holding, the proposal cannot comply with the above policy requirements. The policy is silent on the provision for first agricultural buildings and as such this proposal fails to meet the policy criteria.

Policy CTY13 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. As previously mentioned, I am content the building integrates into the landscape but does require additional planting however does not rely solely on this new planting in order to integrate. As previously mentioned, I am not satisfied the design of the building is appropriate for the site and its locality as it is a large building and a strong enough case has been put forward justifying the need for a building of this size. As such fails to comply with CTY 13.

Policy CTY 14 states that Planning permission will 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. As previously mentioned, I am content the proposal will not be a prominent feature in the landscape.

PPS 3: Access, Movement and Parking

DFI Roads development control offer no objection to the above mentioned proposal on the condition that it is constructed and maintained to that detailed on plan No 02. The vehicular access is existing and sight visibility lines of 2.4 x 60m are insitu and in place, to be maintained.

Other Material Considerations

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.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to the SPPS 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 CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that; there is an active and established farm holding, the building is necessary for the efficient use of the agricultural holding and in terms of character and scale it is not appropriate to its location.

Reason 3

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that in terms of character and scale it is not appropriate to its location.

Signature(s): Ciaran Devlin

Date: 7 July 2023

ANNEX	
Date Valid	9 January 2023
Date First Advertised	14 March 2023
Date Last Advertised	24 January 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 26A Brookmount Road Cookstown Londonderry BT80 0BB</p>	
Date of Last Neighbour Notification	3 March 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2023/0025/F Proposals: Replacement Agricultural Shed Decision: Decision Date:</p> <p>Ref: I/1977/0095 Proposals: BUNGALOW Decision: PG Decision Date:</p> <p>Ref: I/1977/009501 Proposals: ERECTION OF FARMHOUSE BUNGALOW. Decision: PG Decision Date:</p> <p>Ref: I/1999/0641/F Proposals: Extension to dwelling to provide seperate accommodation. Decision: PG Decision Date: 04-MAY-00</p> <p>Ref: LA09/2021/0011/F Proposals: Replacement Shed</p>	

Decision: PG
Decision Date: 04-MAR-21

Ref: I/2005/0047/F
Proposals: Proposed single storey dwelling & domestic garage.
Decision: PG
Decision Date: 15-MAR-05

Ref: I/2004/0432/RM
Proposals: Proposed Domestic Dwelling & Garage
Decision: PG
Decision Date: 17-JUN-04

Ref: I/2003/1042/O
Proposals: New Dwelling
Decision: PG
Decision Date: 21-JAN-04

Ref: I/2004/0675/O
Proposals: Proposed dwelling & domestic garage
Decision: PG
Decision Date: 29-SEP-04

Summary of Consultee Responses

DAERA - Coleraine-Consultee Response LA09-2023-0025-F.DOCX
Rivers Agency-75584 - Final Response.pdf
NIEA-PRT LA09-2023-0025-F.PDF
NIEA-PRT LA09-2023-0025-F.PDF
DFI Roads - Enniskillen Office-Roads Consultation - Full response.docxDC Checklist
1.doc

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Plans Plan Ref: 03

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: LA09/2023/0251/F	Target Date: 20 June 2023
Proposal: Proposed 2 storey dwelling with 1 1/2 storey garage attached via carport	Location: 50M East of No.55 Killycanavan Road Dungannon, Ardboe
Applicant Name and Address: Eugene Devlin 55 Killycanavan Road Ardboe BT71 5BP	Agent Name and Address: No Agent
Summary of Issues: This application is for a dwelling in a gap site. The gap is off a private lane to a 2 storey farm house and farm complex. There is a bungalow at the end of the lane with a frontage to the lane, previous concerns about the dwelling being prominent have been addressed by reorienting the dwelling with the 2 storey element beside the 2 storey dwelling and single storey portion towards the bungalow.	
Summary of Consultee Responses: DFI Roads – no objections, access sight lines in placed to be retained	
Characteristics of the Site and Area: The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan, approximately 2.2km southeast of Ardboe and 0.8km west of Lough Neagh.	

The site is a square shaped plot comprising a flat agricultural field set back from, and accessed off, the Killycanavan Road via a short length of lane. The site, which fronts north onto the lane serving it, sits within a line of existing development accessed off and running along the south side of the lane including no. 55 Killycanavan Road (a two storey dwelling with ancillary farm buildings running to its rear / south and west) located immediately to the west of the site; and no. 55a Killycanavan Road (a single storey dwelling with a large shed to its rear / south and a couple of smaller sheds to its west side) located immediately east of the site. The site is bound to its north, west and south by post and wire fencing and low hedging. The remaining east boundary is defined in part by the sheds ancillary to 55a Killycanavan Road and in part by close boarded fencing enclosing the curtilage of another single storey dwelling bounding the site, no. 55b Killycanavan Road located just south of no. 55a. Views of the site will be open from the Killycanavan Road on the northwest approach to its access off the Killycanavan Road due the flat topography of the area and the vegetation within the vicinity of the site and bounding it being relatively low. Views of the site are screened on the northeast approach from the Killycanavan Road due to existing development adjoining and in the wider vicinity screening it screening it. The area surrounding the site is rural in character comprising relatively flat agricultural landscape typical of the Lough shores interspersed with single dwellings, ancillary buildings, and farm groups.

Description of Proposal

This is a full planning application for a 2-storey dwelling with a 1 ½ storey garage attached via carport to be located on lands 50m east of no.55 Killycanavan Road Dungannon Ardboe.

Deferred Consideration:

This application was before the Planning Committee in December 2023 where it was deferred for a meeting with the Service Director for Planning. Following the meeting on 14 December 2023 and a subsequent site visit, the applicants have provided amended plans showing the house reorientated with the 2 storey hipped roof element beside the existing 2 storey dwelling.

Members will recall from the previous report this relates to a dwelling up a private lane. The principle of the gap site has been accepted as private lanes can also be taken into account in CTY8 and the bungalow and garage to the west have a frontage to the lane as have the 2 storey dwelling and farm complex to the east. The issue was the design of the house and its prominent nature in the gap. A revised plan has been submitted which shows the house reorientated on the site, the 2 storey element sits beside the existing 2 storey dwelling and the lower portion towards the bungalow. I am of the opinion this reflects the scale of the adjoining development and would not become a prominent feature in the ribbon. The hipped roof element is not typical of dwellings in the locality. That said on the opposite side of the lane is a bungalow which has a gable fronting the road and a hipped roof to the end away from the road. This creates an L-shaped footprint with gables at the 2 ends and the L and a hip at the corner where both parts meet (Fig 1).



Fig 1. Bungalow opposite with gable and hipped roof

The proposed dwelling is also beside a farm complex which has a mix of rooflines and types. For these reasons I do not consider the hipped roof would be out of character in this location.

DFI Roads have advised the existing access onto the public road has sightlines of 2.0m x 33.0m and they have no objections provided these are retained. This can be conditioned on any subsequent planning permission.

In light of the above, I recommend the application is approved as it meets with Policy CTY8 for a dwelling in a gap site.

Conditions:

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 area within the 2.0m x 33.0m sight visibility splays, where the laneway meets the public road shall be permanently kept clear of an obstructions higher than 250mm above the level of the adjoining carriageway.

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

3. All hard and soft landscape works as detailed on drawing no 02 Rev 2 received on 19 January 2024 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. 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 with 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: 5 December 2023	Item Number: 5.10
Application ID: LA09/2023/0251/F	Target Date: 20 June 2023
Proposal: Proposed 2 storey dwelling with 1 1/2 storey garage attached via carport	Location: 50M East of No.55 Killycanavan Road Dungannon, Ardboe
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Eugene Devlin 55 Killycanavan Road Ardboe BT71 5BP	Agent Name and Address: No Agent
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 - Full response.docxDC Checklist 1.doc

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, as depicted within the Dungannon and South Tyrone Area Plan, approximately 2.2km southeast of Ardboe and 0.8km west of Lough Neagh.



Fig 1: Site outlined red



Fig 2: Site outlined red

The site is a square shaped plot comprising a flat agricultural field set back from, and accessed off, the Killycanavan Road via a short length of lane. The site, which fronts north onto the lane serving it, sits within a line of existing development accessed off and running along the south side of the lane (see Fig 2, above) including no. 55 Killycanavan Road (a two storey dwelling with ancillary farm buildings running to its rear / south and west) located immediately to the west of the site; and no. 55a Killycanavan Road (a single storey dwelling with a large shed to its rear / south and a couple of smaller sheds to its west side) located immediately east of the site. The site is bound to its north, west and south by post and wire fencing and low hedging. The remaining east boundary is defined in part by the sheds ancillary to 55a Killycanavan Road and in part by close boarded fencing enclosing the curtilage of another single storey dwelling bounding the site, no. 55b Killycanavan Road located just south of no. 55a.

Views of the site will be open from the Killycanavan Road on the northwest approach to its access off the Killycanavan Road due the flat topography of the area and the vegetation within the vicinity of the site and bounding it being relatively low (see Fig 3, below). Views of the site are screened on the northeast approach from the Killycanavan Road due to existing development adjoining and in the wider vicinity screening it screening it.

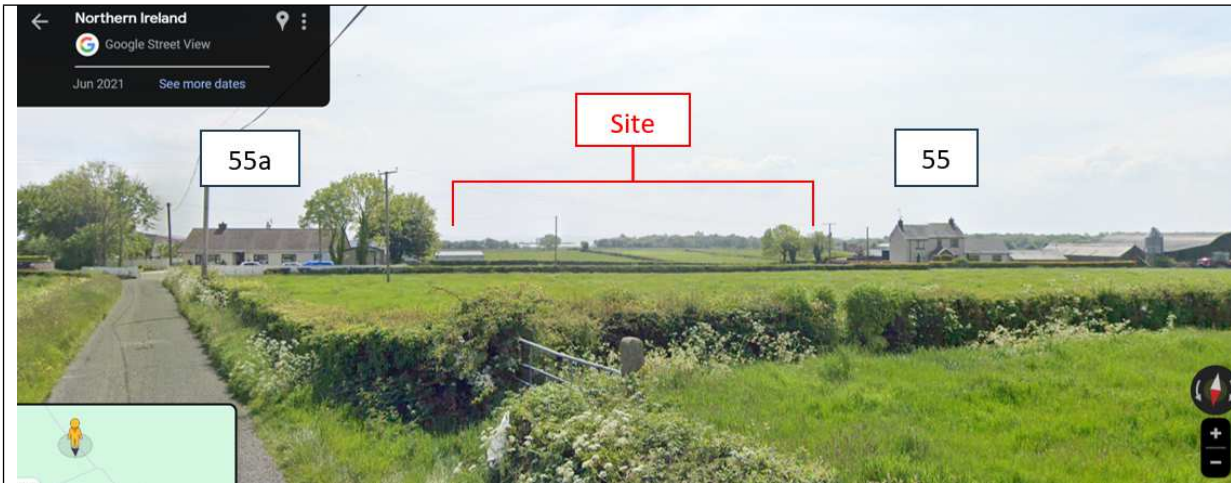


Fig 3: Google Street View of site on northwest approach to its access off the Killycanavan Road.

The area surrounding the site is rural in character comprising relatively flat agricultural landscape typical of the Lough shores interspersed with single dwellings, ancillary buildings, and farm groups.

Description of Proposal

This is a full planning application for a 2-storey dwelling with a 1 ½ storey garage attached via carport to be located on lands 50m east of no.55 Killycanavan Road Dungannon Ardboe.

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking
- Development Control Advice Note 15: Vehicular Standards
- Planning Policy Statement 21: Sustainable Development in the Countryside
- Supplementary Planning Guidance for PPS21 - 'Building on Tradition' A Sustainable

Design Guide for the 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.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

Relevant Planning History

N/A

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and had no objections to the proposal subject standard conditions and informatives, which will be applied to any subsequent decision notice to comply with the requirements of PPS 3 Access, Movement and Parking.

Consideration

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland advises that the retained policies relevant to this proposal including Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 and include the development of a small gap site in accordance with Policy CTY8 Ribbon Development.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 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 criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

I consider this application in principle acceptable under Policy CTY8 in that the site does constitute a small gap site sufficient only to accommodate a dwelling within an otherwise substantial and continuously built-up frontage including a line of more than 3 buildings as

detailed further above in ‘Characteristics of the Site and Area’ running along the south side of the lane serving the site including a dwelling to the east side and another dwellings to the west side with ancillary farm building extending on.

The above said whilst I believe a dwelling including garage of an appropriate siting, size, scale and design could integrate into this gap site to respect the existing development pattern along the frontage with minimal disruption to the rural character of the area I do not consider the proposal as submitted respects the existing development pattern due to its substantial size, scale and hipped roof design.

Whilst the dwelling to the west of the site is 2 storey of similar height to the dwelling proposed its main body has a modest footprint and a pitched roof design; and the dwellings to the east of the site are modest and single storey with pitched roofs, furthermore due to the flat topography of the area and the vegetation within the vicinity of the site and bounding it being relatively low I consider the dwelling including garage proposed would be a prominent feature in the landscape when viewed from the surrounding vantage points (see ‘Characteristics of the Site and Area’ and Fig 3 further above) leading to a detrimental change to the rural character of the area. I would note that hipped roofs are not typical of the area.

Accordingly, I contacted the applicant / agent on the 30th June 2023 and offered him the opportunity to submit an amended scheme to reflect the scale of the development to either side or information (this could be a streetscape) to show how the proposal meets the design guide principles for infill. Subsequently, the applicant / agent submitted a streetscape on the 23rd October 2023 to show how the proposal meets the design guide principles for infill (see Fig 4, below).



Fig 4: Streetscape of proposal within existing development

Whilst the streetscape submitted has been considered, my opinion remains as before that the proposal as it stands does not respect the existing development pattern along the frontage due to its substantial size, scale and design. I consider the streetscape reinforces this opinion. Accordingly, I consider the proposal should be refused as contrary to:

1. Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling and garage would not respect the existing development pattern along the substantial and continuously built up frontage within which it sits by reason of its size, scale and design.
2. Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the size, scale and design of the proposed dwelling and garage is inappropriate for the site and its locality.
3. Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling and garage by reason of its size, scale and design would if permitted, be unduly prominent in the landscape resulting in a

detrimental change to the rural character of the countryside.

Additional considerations

I consider a suitably designed scheme, to respect the existing development pattern along the frontage within which it would sit, could integrate on this site without having any unreasonable impact on the neighbouring properties amenities in terms of overlooking or overshadowing given in particular the separations distances that could be retained but also the existing vegetation, fencing and building bounding the site.

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED), map viewers available online have been checked. No built heritage assets of interest were identified on or near the site; and whilst NED map viewer identified the site to be within an area known to breeding waders, the works are to be located on improved grassland within a line of development therefore are unlikely to harm the population of breeding waders.

NI Flood Maps indicate no flooding on site.

Recommendation: Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling and garage would not respect the existing development pattern along the substantial and continuously built up frontage within which it sits by reason of its size, scale and design.

Reason 2

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the size, scale and design of the proposed dwelling and garage is inappropriate for the site and its locality.

Reason 3

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling and garage by reason of its size, scale and design would if permitted, be unduly prominent in the landscape resulting in a detrimental change to the rural character of the countryside.

Signature(s): Emma Richardson

Date: 22 November 2023

ANNEX	
Date Valid	7 March 2023
Date First Advertised	21 March 2023
Date Last Advertised	21 March 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 57 Killycanavan Road Dungannon Tyrone BT71 5BP The Owner / Occupier 55B Killycanavan Road Dungannon Tyrone BT71 5BP The Owner / Occupier 55A Killycanavan Road Dungannon Tyrone BT71 5BP The Owner / Occupier 55 Killycanavan Road Dungannon Tyrone BT71 5BP	
Date of Last Neighbour Notification	8 March 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Ref: I/2010/0208/Q Proposals: Proposed Dwelling on a Farm Decision: 211 Decision Date: 30-JUN-10 Ref: I/1974/0197 Proposals: MV O/H LINE Decision: PG Decision Date: Ref: LA09/2023/0251/F Proposals: Proposed 2 storey dwelling with 1 ½ storey garage attached via carport Decision: Decision Date: Ref: I/1995/0381 Proposals: Extension to processing plant Decision: PG	

Decision Date:

Ref: I/1978/0151

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Ref: LA09/2022/0255/LDP

Proposals: The construction of a new agricultural shed to be used for milking cows and ancillary farm office on first floor

Decision: WDN

Decision Date: 19-JUL-22

Ref: I/2010/0494/F

Proposals: Proposed dwelling max ridge height 6.30 metres with front gable and rear returns with detached domestic garage (amended site plan).

Decision: PG

Decision Date: 27-JUN-11

Ref: I/1974/0118

Proposals: IMPROVEMENTS TO DWELLING HOUSE

Decision: PG

Decision Date:

Ref: I/1996/0131

Proposals: Proposed extension to dwelling.

Decision: PG

Decision Date:

Ref: I/1975/038201

Proposals: ERECTION OF SUBSIDY BUNGALOW

Decision: PG

Decision Date:

Ref: I/1975/0382

Proposals: ERECTION OF SUBSIDY BUNGALOW

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation - Full response.docxDC Checklist 1.doc

Drawing Numbers and Title

Proposed Plans Plan Ref: 01
Cross Sections Plan Ref: 02

Notification to Department (if relevant)

Not ApplicableNot 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: LA09/2023/0629/O	Target Date: 16 September 2023
Proposal: Proposed gap site for dwelling and domestic garage	Location: Lands Approx 60M NE of 45 Derrytresk Road Coalisland
Applicant Name and Address: Mary Daya 45 Derrytresk Road Coalisland BT71 4QL	Agent Name and Address: McKeown and Shields Ltd 1 Annagher Road Coalisland Dungannon BT71 4NE
Summary of Issues: This application is being assessed under CTY8 and CTY10, the farming case has not been clearly demonstrated as active and established farming. Additional information in relation to the historical use of the land and buildings indicates the property has a frontage to the lane allowing the proposal to meet with the policy for infill development. Members should note an objection was received, however this was withdrawn.	
Summary of Consultee Responses: DFI Roads – access acceptable with conditions	
Characteristics of the Site and Area: The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan approx. 2.37km southeast of Annaghmore and 2km north of the Tamnamore roundabout. The site is a relatively flat plot comprising the roadside frontage and northern half of a much larger field. The site is bound by a line of road frontage development including 3 dwellings, nos. 39, 41 & 43 Derrytresk Road with ancillary buildings running respectively to	

the north of the site; and bound to the south by the remainder of its host field with a small paddock / field extending further south beyond. The small paddock / field is located to the southeast side of no. 45 Derrytresk Road, a small single storey dwelling with ancillary outbuildings.

The north boundary is defined by a relatively low close boarded fence and the west boundary by relatively low hedgerow vegetation. The southern boundary of the site is undefined onto the host field. The west boundary of the lane proposed to serve the site is undefined onto the host field and onto a small paddock / field located to the south of the host field, which it is proposes to cut through; and the east boundary of the lane proposed to serve the site is defined by relatively low hedgerow vegetation.

Views of the site will be from the Derrytresk Road when travelling west to east and vice versa over a few hundred meters on the approach to and passing along it's access of the Derrytresk Road. Whilst the area surrounding the site is primarily rural in character comprising largely agricultural lands it has come under development pressure in recent years with a large no. of roadside dwellings, ancillary buildings and farm groups extending along both, but particularly to the south side of the Derrytresk Rd, a minor rural road.

Description of Proposal

This is an outline planning application for a dwelling and domestic garage to be located on lands approx. 60m NE of 45 Derrytresk Road Coalisland.

Deferred Consideration:

This application was before the Planning Committee in December 2023 where it was deferred for a meeting with the Service Director for Planning. Following the meeting on 14 December 2023 and a subsequent site visit, the applicants have provided amended plans showing how an access can be achieved without adversely impacting the setting of the house.

Members will be aware that Policy CTY8 allows for up to 2 dwellings in a small gap in a substantial and continuously built up frontage. For the purposes of the policy a road frontage also means a private lane. In this case the existing dwelling at the junction of the lane and the public road was not considered to have a frontage with the lane. Discussions at the office meeting revolved around the use of the area between the dwelling and the lane, it was advised this was historically used as a paddock area associated with the house and would have kept a donkey or horse. At the site visit I noted the septic tank is located in this area and there is a hedge arch into this area. (Fig 1)



Fig 1 recent photo of the existing dwelling

Historical orthophotography and google Streetview images (See Appendix A) indicate this area is used independently of the adjoining fields with some fruit trees and what appears to be a garden seat in place. I do not see any indication that the area was fenced off in any way which would tend to support the applicants claims this is a paddock area associated with the existing dwelling. In light of that I am of the view 'Maggies Cottage' does have a frontage with the existing lane. As this has a frontage with the existing lane, it can, in my opinion be assessed as part of the development along the laneway. There is a dwelling here and further down the lane, fronting onto the lane are 2 more bungalows separated by outbuildings and a cottage at the end of the lane. The 2 houses and outbuildings have a frontage of approx. 83metres in length onto the lane. The application site is in a field that has a frontage of approx. 78 metres with the lane. In my opinion the proposed site is within a gap that could, taking into account the existing development, accommodate up to a maximum of 2 dwellings and as such meets with Policy CTY8. I consider it appropriate and necessary to restrict the height of any dwelling to 4.5m, to reflect the existing buildings in the frontage.

In light of the above, I recommend this application is approved with the conditions proposed.

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 Mid Ulster District 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. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.0m x 60.0m in both directions, 60.0m forward sight line and any other details set out in the DFI Roads response received 06 July 2023, shall be provided in accordance with a 1:500 site plan submitted and approved at reserved matters stage. 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.

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of all trees and hedges within and on the site boundaries to be retained, measures for their protection during the course of development and long term maintenance. The scheme shall also provide details of native species hedging to be planted along all new boundaries of the site, along the new access lane and behind the sight lines. For the avoidance of doubt, the new access shall be designed to ensure the minimum amount of removal of mature vegetation along the roadside. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 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, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

5. The proposed dwelling shall have a ridge height of less than 5.0 metres above finished floor level.

Reason: To ensure that the development is not prominent in the landscape.

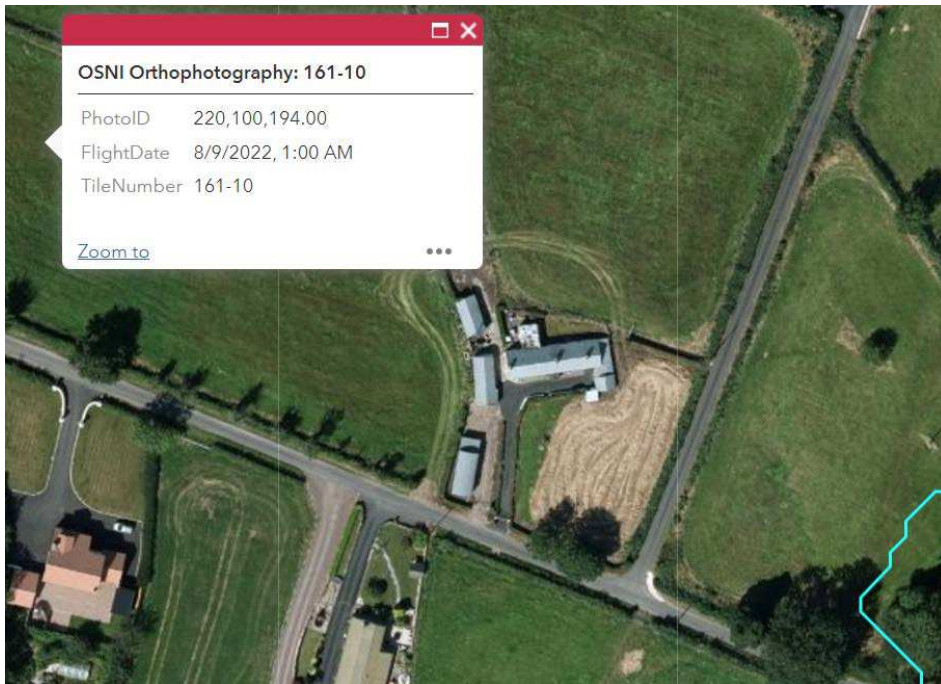
6. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

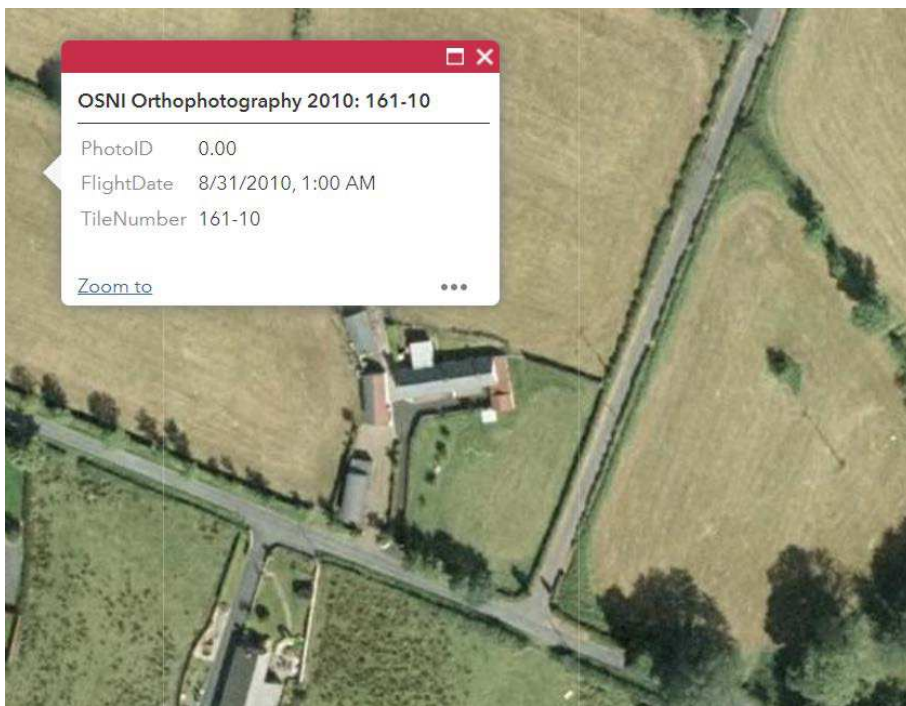
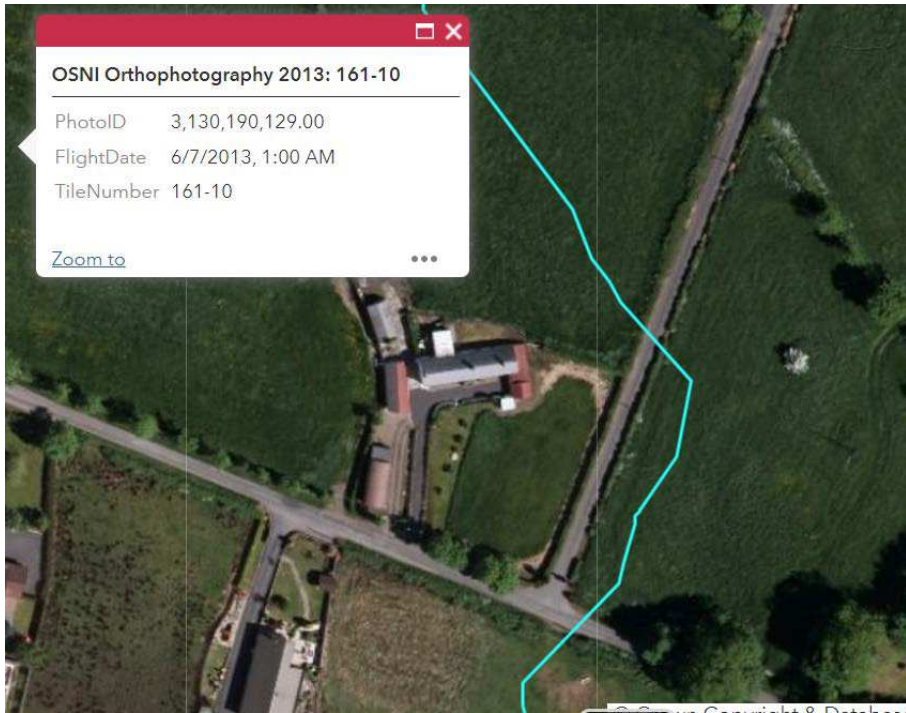
Reason: In the interest of visual amenity.

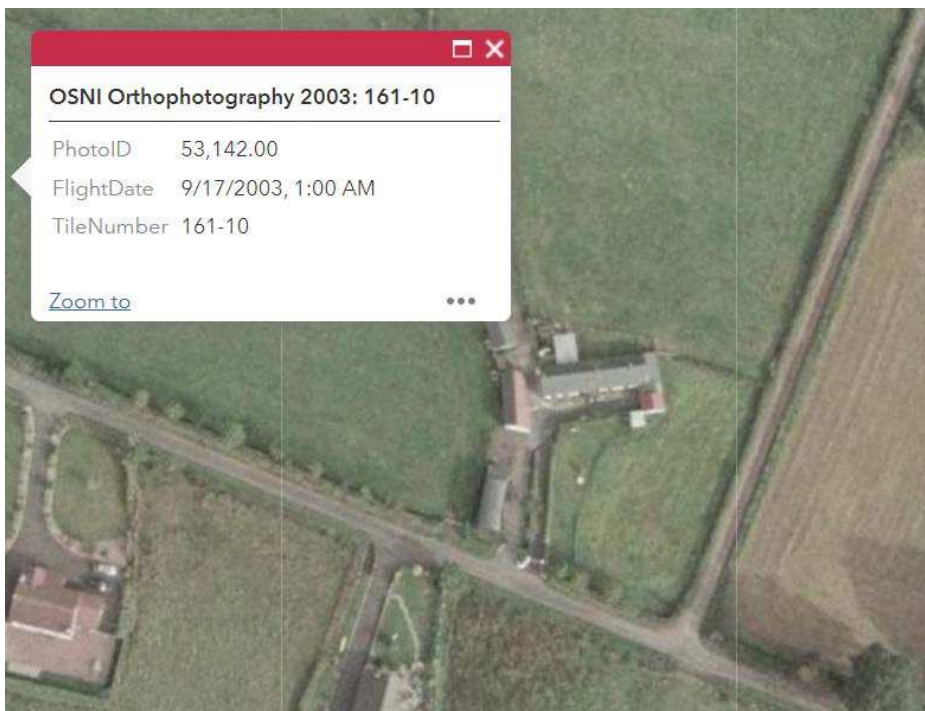
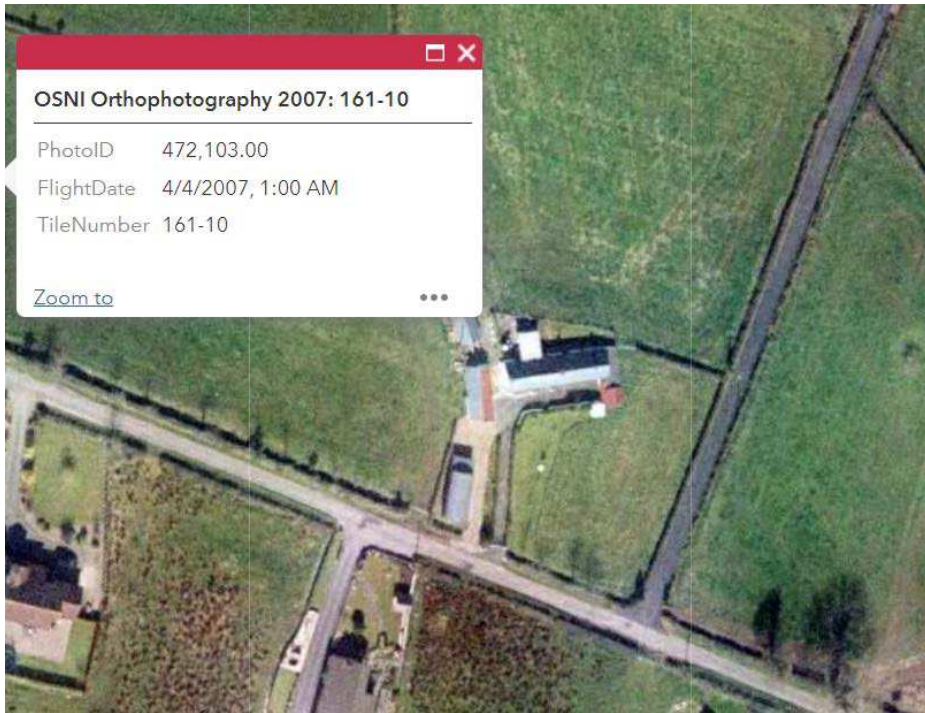
Signature(s)

Date:

APPENDIX A – Historic Aerial Photography and Streetview Images









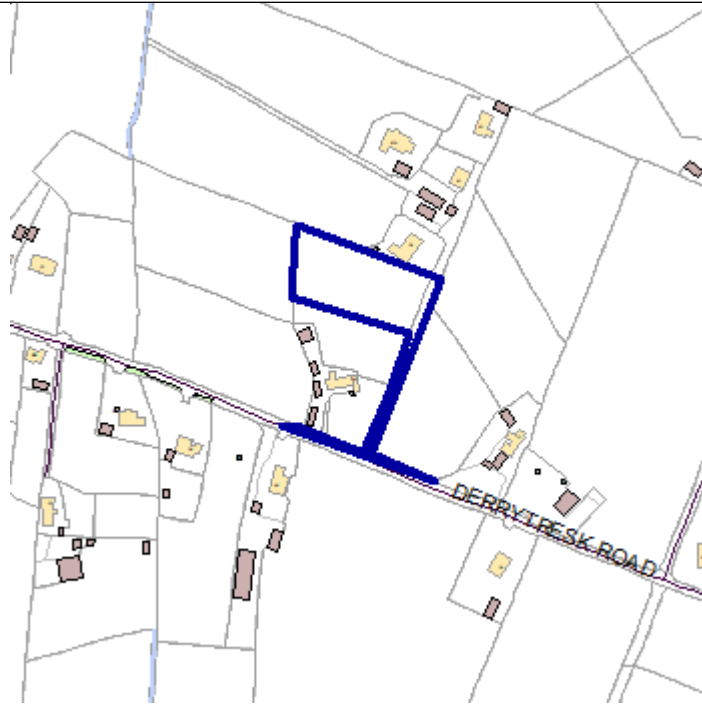


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 December 2023	Item Number: 5.16
Application ID: LA09/2023/0629/O	Target Date: 19 September 2023
Proposal: Proposed gap site for dwelling and domestic garage	Location: Lands Approx 60M NE of 45 Derrytresk Road Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mary Daya 45 Derrytresk Road Coalisland BT71 4QL	Agent Name and Address: McKeown and Shields Ltd 1 Annagher Road Coalisland Dungannon BT71 4NE
Executive Summary: <p>This proposal at the outset was applied for as the development of a small gap site under Policy CTY 8 of Planning Policy Statement 21 'Ribbon Development'. During the processing of the application as it was not considered to meet the exception within Policy CTY 8 to permit a dwelling on a small gap site the applicant was given the opportunity to submit a farm case for consideration under Policy CTY 10 Dwellings on Farms. A farm case was submitted however it was not considered sufficient to demonstrate that the farm business that has been established for at least 6 years and is currently active.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Omagh	LA09-2023-0629-O.docx
Statutory Consultee	DFI Roads - Enniskillen Office	FORM RS1 STANDARD.docDC Checklist 1.docRoads outline.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, as depicted within the Dungannon and South Tyrone Area Plan approx. 2.37km southeast of Annaghmore and 2km north of the Tamnamore roundabout.

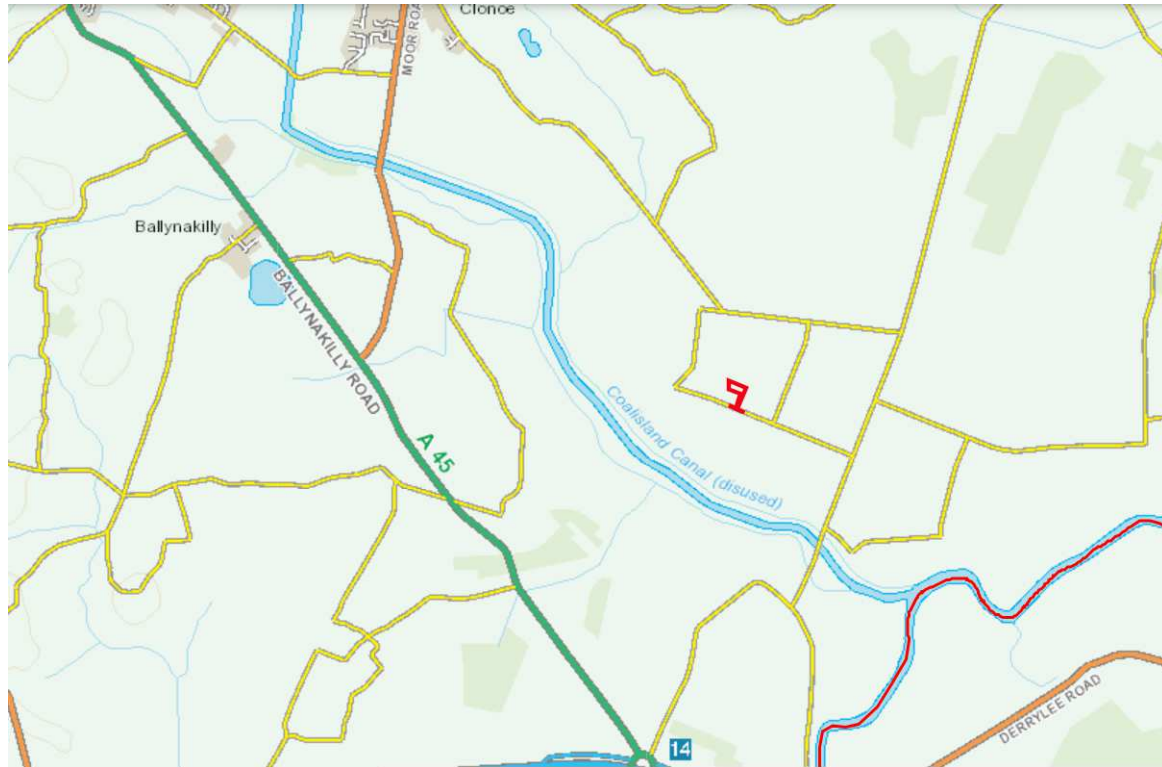


Fig 1: Site outlined red



Fig 2: Site outlined red

The site is a relatively flat plot comprising the roadside frontage and northern half of a

much larger field. The site is bound by a line of road frontage development including 3 dwellings, nos. 39, 41 & 43 Derrytresk Road with ancillary buildings running respectively to the north of the site; and bound to the south by the remainder of its host field with a small paddock / field extending further south beyond. The small paddock / field is located to the southeast side of no. 45 Derrytresk Road, a small single storey dwelling with ancillary outbuildings.

The north boundary is defined by a relatively low close boarded fence and the west boundary by relatively low hedgerow vegetation. The southern boundary of the site is undefined onto the host field. The west boundary of the lane proposed to serve the site is undefined onto the host field and onto a small paddock / field located to the south of the host field, which it is proposes to cut through; and the east boundary of the lane proposed to serve the site is defined by relatively low hedgerow vegetation.

Views of the site will be from the Derrytresk Road when travelling west to east and vice versa over a few hundred meters on the approach to and passing along it's access of the Derrytresk Road.

Whilst the area surrounding the site is primarily rural in character comprising largely agricultural lands it has come under development pressure in recent years with a large no. of roadside dwellings, ancillary buildings and farm groups extending along both, but particularly to the south side of the Derrytresk Rd, a minor rural road.

Description of Proposal

This is an outline planning application for a dwelling and domestic garage to be located on lands approx. 60m NE of 45 Derrytresk Road Coalisland.

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

Supplementary Planning Guidance for PPS21 - 'Building on Tradition' A Sustainable Design Guide for the 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.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

Planning History

N/A

Consultees

1. Dfi Roads – were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal would comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted on this application and advised the farm business stipulated on the P1C Form accompanying the application whilst allocated in 1992 had been closed as it has had been no agricultural activity for the last 5 years.

Dungannon and South Tyrone Area Plan 2010 - The site is located in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement (SPPS) for Northern Ireland - advises that the policy provisions relevant to this proposal including Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement (PPS) 21: Sustainable Development in the Countryside - is the overarching policy for development in the countryside states that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in Policy CTY1 of PPS 21. This proposal has been applied for under one of these instances, the development of a small gap site under Policy CTY 8 of PPS 21 'Ribbon Development'.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 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 criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings

along a road frontage without accompanying development to the rear.

I do not consider this application in principle acceptable under Policy CTY8 as the site is not located within a line of 3 or more buildings along a road frontage without accompanying development to the rear. Whilst a line of road frontage development including 3 dwellings runs immediately to the north of the site, it is not bound by road frontage development to the south. It is bound to the south by the remainder of its host field, with a small paddock / field extending further south beyond. The small paddock / field is located to the southeast side of no. 45 Derrytresk Road, small single storey dwelling with ancillary outbuildings. No. 45 Derrytresk Road does not have a road frontage therefore is unable to bookend the site's host field to the south. This proposal would also be contrary to Policy CTY14 of PPS 21 in that it would result in the extension of ribbon development along the road it fronts onto leading to a further erosion of the areas rural character.

Accordingly, the agent / applicant was advised that the proposal submitted, in Planning's opinion, does not comply with Policy CTY8 of PPS 21 and as such asked had all other cases for a dwelling in the countryside been explored? E.g. does the applicant farm, is there any investment and return from farming, does an opportunity exist under Policy CTY 10 of PPS21 for a dwelling on a farm? If there is a possible farm case information should be submitted to demonstrate compliance with Policy CTY10 of PPS 21.

The agent / applicant subsequently submitted additional information to make a case for a dwelling on a farm under Policy CTY10 of PPS21 this included:

- a completed P1C form detailing that the applicant had taken over farm business, that was established over 50 years ago, from John McNally her deceased brother. Later evidence from the applicant states the farm owner John McNally was her uncle. Noting the P1 C form completed was signed by the agent not the applicant, it appears the relationship of the applicant to the farmer business owner appears to simply have been an error, that the business owner was her uncle.
- a letter of support from the applicant stating she inherited the farmstead and has been doing works to restore it to its former glory including works to the buildings on it. That Brian Donnelly has helped with the front garden, hedges and shrubs and Seamus Donnelly a local farmer maintains the lands in a farming capacity and takes care of drains and hedges.
- a letter of support from Brian Donnelly stating that in relation to the upkeep of the farm area belonging to the applicant he has looked after and maintained the garden, hedges and shrubs.
- a letter of support from Seamus Donnelly stating he has taken the applicant's lands in conacre for the past 15-20 years. That he along with the applicant's family, who have always owned the lands, has maintained them until now cleaning drains, cutting hedges, replacing gates and fences.

The Department of Agriculture, Environment and Rural Affairs (DAERA) were consulted in relation to the farm business detailed above. DAERA advised that whilst the business was allocated in 1992, DAERA had closed it as it had no agricultural activity in the last 5 years. As such the business detailed was no longer established and the additional information as detailed above did not support that the business has been established

more than 5 years and currently active. It did not demonstrate investment and return from farming.

The agent / applicant was advised of Planning's opinion, that the proposal at present does not comply with Policy CTY10 of PPS 21 as it has not been demonstrated that the farm business is currently active and has been established for at least 6 years. That DAERA's consultation response advised the business detailed had been closed. Planning offered the agent / applicant the opportunity to submit evidence of the con acre agreement/payments to the owner and invoices/receipts for the works the owner has paid for to maintain the land in good agricultural condition for past 6 years.

The applicant / agent subsequently submitted further information regarding how the applicant's uncle's farm business that she had inherited operated largely in goodwill. This included a letter of support from the applicant's brother Peter Campbell stating the lands were maintained by the family. Whilst the additional information was taken into account it was not considered sufficient to demonstrate the applicant's investment and return from farming and that the farm business that has been established for at least 6 years and is currently active.

Bearing in mind the above, I have considered other instances listed under Policy CTY1 of PPS 21 whereby the development of a dwelling in the countryside is considered acceptable however like the infill opportunity and farm dwelling under polices CTY 8 and CTY 10 respectively this proposal fails to meet with these instances.

Other Policy and Material Considerations

I consider had a dwelling been deemed acceptable on this site in principle under one of the instances listed in Policy CTY1 of PPS 21, subject to a suitably designed scheme, it should not have had any unreasonable impact on the neighbouring properties amenity in terms of overlooking or overshadowing given the separation distances that could have been retained.

Checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online identified no built heritage assets of interest or natural heritage features of significance on the site.

Flood Maps NI indicate no flooding on site.

Recommendation

Refuse

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 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along the road frontage leading to a further erosion of the areas rural character.

Reason 3

The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business is currently active and has been established for at least 6 years.

Signature(s): Emma Richardson

Date: 23 November 2023

ANNEX	
Date Valid	6 June 2023
Date First Advertised	20 June 2023
Date Last Advertised	20 June 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 46 Derrytresk Road Coalisland Tyrone BT71 4QL The Owner / Occupier 39 Derrytresk Road Coalisland Tyrone BT71 4QL The Owner / Occupier 45 Derrytresk Road Coalisland Tyrone BT71 4QL	
Date of Last Neighbour Notification	9 June 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DAERA - Omagh-LA09-2023-0629-O.docx DFI Roads - Enniskillen Office-FORM RS1 STANDARD.docDC Checklist 1.docRoads outline.docx	
Drawing Numbers and Title Site Location Plan Plan Ref: 01	

Notification to Department (if relevant)

Not Applicable

Report on	Report on the Council's consideration of the launch of the Consultation on Onshore Petroleum Policy.
Date of Meeting	5 March 2024
Reporting Officer	Lorraine Moon / 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 provide members with information regarding the Department for the Economy's consultation regarding Onshore Petroleum Licensing Policy and advise of our response.
2.0	The petroleum licensing system is the set of rules for how companies can search for and extract onshore oil and gas in Northern Ireland. It is the responsibility of DfE under the Petroleum (Production) Act (Northern Ireland) 1964 and other regulations.
2.1	DfE's current policy objective is '...to maximise successful and expeditious exploration and exploitation of Northern Ireland's oil and gas resources.' Historically this policy has been driven by economic considerations such as wanting a secure and local source of energy and attracting inward investment by developer/licensees.
2.2	In October 2020, the Northern Ireland Assembly passed a motion calling for a moratorium on petroleum licensing for exploration, drilling or extraction of hydrocarbons (oil and gas) in Northern Ireland. In advance of the October 2020 Assembly debate, DfE obtained legal advice that a moratorium on fracking or, on petroleum exploration and extraction, prior to the independent research and policy development process completing, could result in a legal challenge with a high likelihood of success. The Climate Change Act (Northern Ireland) 2022 has also been passed. There is considerable public interest in this issue, especially concerning the potential use of hydraulic fracturing (fracking).
2.3	The Department for the Economy has launched a consultation on onshore petroleum licensing policy in Northern Ireland following a review by the Department. The Department has developed a range of policy options for onshore petroleum licensing policy. This has been informed by independent research from Hatch Regeneris on the environmental, social and economic impacts of onshore petroleum exploration and production in Northern Ireland and other relevant international research.

2.4	The preferred policy option the Department has identified is a moratorium and eventual legislative ban on exploration and production of all forms of onshore oil and gas in Northern Ireland.
2.5	The final decision on onshore petroleum licensing in Northern Ireland will be taken by a future Executive, informed by the responses and evidence submitted through the consultation process. The details of the consultation can be found on the DfE website. The deadline for responses is 12 April 2024.
2.6	A full suite of related documents can be viewed via the following link: Onshore petroleum licensing policy Department for the Economy (economy-ni.gov.uk)
3.0	Main Report
3.1	Onshore petroleum exploration and production is the process of searching for underground accumulations of oil and gas known as hydrocarbons. This involves a range of desk-based and non-invasive studies to identify prospective targets and then drilling to test them. Following this process, if drilling discovers significant quantities of hydrocarbons that can be commercially extracted, production of oil and gas may follow. Not all exploration will lead to production.
3.2	Areas that are the focus of exploration are chosen based on the land geology (i.e. the types of rock underneath the surface, their history, and the structures they have formed). The Department's consultation deals with the two types of oil or gas accumulations and the two different methods of extraction that are used for each. Policies aimed at combating climate change are having a major impact on onshore petroleum exploration, and raising questions about how this activity contributes to greenhouse gas emissions, the appropriateness of continuing to explore for fossil fuels and the future of jobs in the industry.
3.3	Currently all onshore Northern Ireland, excluding internal waters, is available for Petroleum Licence applications. Unlike the rest of the UK, Northern Ireland has an 'open door' policy meaning that a company can apply for a licence at any point rather than during a particular licensing round.
3.4	Exploration for unconventional oil and gas has become more prominent in recent years with extraction of oil and gas made possible through technological changes including the combination of horizontal drilling and high volume hydraulic fracturing (fracking). This has been championed by some as a means to obtain a secure energy supply, but it has also received widespread criticism for its potential environmental and social impacts and risks.
3.5	<p>Questions posed within the consultation are as follows:</p> <p>1. Do you agree with the assessment of the policy context and potential for onshore oil and gas resource in Northern Ireland?</p>

Whilst not an established location for oil and gas exploration, Northern Ireland has seen some limited exploration activity since the 1960s. Since 1964 there have been 34 Petroleum Licences. A total of 16 exploration wells and 2 shallow stratigraphic boreholes have been drilled under these licences. Although several wells have recorded the presence of onshore oil or gas, it has not been in a sufficient quantity to be suitable for commercial development.

In relation to hydrocarbon extraction, there are some controversial, unconventional extraction methods such as hydraulic fracturing ('fracking') which often cause concerns among residents and even among the wider population when they are put forward as proposals. At present, it is considered that there is not enough definitive evidence on the matter, with both sides of the argument making cases in support of their relative point of view. Therefore, in relation to unconventional hydrocarbon extraction or chemical extraction of precious metals, proposals for such development will be contrary to the Plan, unless it can be definitively proven that there will be no negative impacts on human health or human safety.

The policies of neighbouring administrations will impact the decisions of companies looking to invest in onshore petroleum exploration, a point which needs to be taken into account in the consideration of Northern Ireland's onshore petroleum licensing policy.

MUDC would therefore agree with this assessment.

3.6

2. Do you agree with the assessment of the economic impacts of potential onshore oil and gas exploration and production in Northern Ireland?

It is agreed that any level of development would create a demand for skills and jobs, however as the independent research by Hatch demonstrates the estimated number of jobs which would be created both in the industry and indirectly is low across all option scenarios. The Northern Ireland economy does not have the significant chemical or energy intensive sectors that would benefit from indigenous onshore oil and gas production. The level of retained benefit from expenditure by the sector is estimated to be below 50% in any scenarios, even with the highest level of development and local sourcing of goods and services.

The independent research concluded that the costs and scale of development in Northern Ireland would be unlikely to achieve economies of scale or low production costs required to impact energy prices. It also raised questions about the impact such activity could have on the local tourism industry that often focuses on the unique and untouched natural environment of Northern Ireland. Exploration and production activity could harm that reputation and therefore harm that sector of the economy.

MUDC would therefore again agree with this assessment.

3.7

3. Do you agree with the assessment of the potential social and environmental impacts of onshore oil and gas exploration and production in Northern Ireland?

	<p>Independent research carried out by Hatch Regeneris determined there to potentially be the risk of moderate adverse and, in some cases potentially major adverse environmental and social impacts associated with potential development of onshore oil and gas in Northern Ireland.</p> <p>The research also highlights that there is uncertainty about some impacts, such as longer-term gas leakage after well closure and pollution of ground water aquifers from any fracking process or the failure or deterioration of well integrity over time. It is important to note impacts will vary by geographic location and there may be additional unforeseen effects.</p> <p>In addition, there is limited evidence around the longer-term public health impacts, cumulative health impacts and potential cumulative impacts of a combination of emissions on site as well as impacts on water resource availability. This determination seems appropriate and one which we would agree with.</p> <p>MUDC would therefore again agree with this assessment.</p>
3.8	<p>4. Do you agree with the preferred option for onshore petroleum licensing policy?</p> <p>The preferred option (see option 4 below) largely accords with MUDC Policy MIN 3 of its 2030 Draft Plan Strategy whereby it states ‘At present, it is considered that there is not enough definitive evidence on the matter, with both sides of the argument making cases in support of their relative point of view. Therefore, in relation to unconventional hydrocarbon extraction or chemical extraction of precious metals, proposals for such development will be contrary to the Plan, unless it can be definitively proven that there will be no negative impacts on human health or human safety.’</p>
3.9	<p>5. Do you think there are alternative options for onshore petroleum licensing policy in Northern Ireland which should be considered?</p> <p>No as there is no strong economic case to support the exploration for and possible production of any potential onshore oil and gas resources in NI. Such a course of action would be contrary to the objectives of the NI Energy Strategy and targets in the Climate Change Act (Northern Ireland) 2022. In addition, both the Hatch Report and BGS Report on Seismic Activity in NI Basins raise concerns about the environmental and social impacts of onshore oil and gas exploration and extraction.</p> <p>In addition, it should also be noted that there are no known oil and gas reserves like that found in the North Sea or onshore in Great Britain. Therefore, any exploration or production of hydrocarbons would take significant time to find oil and gas with no guarantees that there is enough to merit commercial production.</p>
3.10	<p>Options for onshore petroleum licensing policy in Northern Ireland: Option 1: Status quo – Do nothing; Option 2: Change from open door policy to licensing rounds in defined areas;</p>

	<p>Option 3: Moratorium and eventual legislative ban on exploration or production of unconventional hydrocarbons; or</p> <p>Option 4: Moratorium and eventual legislative ban on all forms of onshore petroleum exploration and production.</p>
3.11	<p>The Departments preferred option is option 4: Moratorium and eventual legislative ban on all forms of onshore petroleum exploration and production.</p> <p>This preferred option would introduce a closed-door policy for onshore petroleum exploration and production in Northern Ireland. It also aligns with the commitment in the Northern Ireland ‘Energy Strategy – The Path to Net Zero Energy’ to ensure that our energy is secure, affordable and clean for us now and for future generations by phasing out fossil fuels and supports the long-term vision of Net Zero Carbon Energy for Northern Ireland.</p>
3.12	<p>According to the independent research carried out by Hatch Regeneris supporting onshore petroleum exploration and production would not result in any significant increase in jobs, or wider benefits for the economy.</p>
3.13	<p>In considering the case as set out, members may wish to also consider supporting Option 4.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	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	Members are requested to agree the contents of this report and that it is submitted as the Councils response to the Consultation.
6.0	Documents Attached & References
6.1	<p>Documents attached relating to Onshore Petroleum Licensing Policy for NI.</p> <p>Hatch report on Economic / Social and Environmental impacts</p>



Onshore Petroleum Licensing Policy for Northern Ireland

CONSULTATION DOCUMENT

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1. Introduction to the consultation

WHAT IS THE PURPOSE OF THIS CONSULTATION?

- 1.1 The purpose of the consultation is to set out the options for onshore petroleum licensing policy in Northern Ireland, provide detail on the proposed policy and to seek views on the issues raised, as well as the way forward.
- 1.2 The consultation has the following main sections:



“What is onshore petroleum exploration and production?”



“What is happening outside Northern Ireland?”

Global and regional developments and policies that impact onshore petroleum exploration and production.



“What happens in Northern Ireland?”

The situation in Northern Ireland including policies, potential onshore oil and gas resource and exploration history.



“What does the independent Northern Ireland research tell us?”

Summary and analysis of the independent research into the economic, environmental and social impacts of onshore petroleum exploration and production in Northern Ireland.



“What should happen next?”

A discussion of options for onshore petroleum licensing policy in Northern Ireland. This includes the preferred option for the way forward and asks for your views on five key questions.

WHY WE ARE CONSULTING

- 1.3 The petroleum licensing system is the set of rules for how companies can search for and extract onshore oil and gas in Northern Ireland. It is the responsibility of DfE under the [Petroleum \(Production\) Act \(Northern Ireland\) 1964 and other regulations](#). Offshore petroleum exploration and production which takes place in coastal or open waters is not devolved to the Northern Ireland Executive and is the responsibility of the [North Sea Transition Authority](#) (formerly known as the Oil and Gas Authority).
- 1.4 In 2019, DfE began to consider the current onshore petroleum licensing system to assess its effectiveness and impact on sustainability, particularly in light of the UK's net zero carbon commitments. To support this process, DfE commissioned research into the environmental, social and economic impacts of onshore petroleum exploration and production in Northern Ireland. This research, conducted by Hatch Regeneris, has bolstered Northern Ireland specific knowledge and is available as part of the consultation pack. This research-based approach has been taken by the other UK administrations prior to the formulation of final policy proposals.
- 1.5 Consideration of the Northern Ireland specific position is set against the backdrop of local and international efforts to combat climate change (e.g. the Paris Agreement, UK Net Zero Commitment by 2050). This has intensified following recent reports from [the UN Intergovernmental Panel on Climate Change \(IPCC\)](#) and recommendations on the oil and gas industry from the [International Energy Agency \(IEA\)](#). Neighbouring administrations have taken action to varying degrees on onshore oil and gas exploration and production.
- 1.6 In October 2020, the Northern Ireland Assembly passed a motion calling for a moratorium on petroleum licensing for exploration, drilling or extraction of hydrocarbons (oil and gas) in Northern Ireland. In advance of the October 2020 Assembly debate, DfE obtained legal advice that a moratorium on fracking or, on petroleum exploration and extraction, prior to the independent research and policy development process completing, could result in a legal challenge with a high likelihood of success. The Climate Change Act (Northern Ireland) 2022 has also been passed. There is considerable public interest in this issue, especially concerning the potential use of hydraulic fracturing (fracking).
- 1.7 These developments demonstrate the need for this review of the onshore petroleum licensing policy position in Northern Ireland to ensure it is fit for purpose.

IMPACT ASSESSMENTS

- 1.8 The consultation document analyses the social, environmental and economic impacts of a range of policy options and draft impact assessments have been completed where appropriate. Final impact assessments will be informed by the responses and evidence submitted through this consultation process and will be available alongside the final policy position. Following the consultation, a Section 75 Equality of Opportunity Screening will be completed for the proposed policy option prior to any Ministerial decision being made. The final decision on the onshore petroleum licensing policy in Northern Ireland will be taken by a future Executive.

- 1.9 A draft Rural Needs Impact Assessment (RNIA) has been completed for the preferred option. The draft RNIA will be revisited to ensure all relevant issues have been taken into account and finalised prior to the introduction of any new legislation. The need for a Strategic Environmental Assessment (SEA) has been screened out at this stage. As the preferred option is a no development option it does not provide a framework for the development consent for projects and will have no significant effects on the environment. This position will be revisited following the consultation and prior to finalising the policy position.

2. How to respond

2.1 This public consultation is open until **12 April 2024**. Please respond by answering the questions online. If not responding using the online survey, your response will be most useful if it is framed in direct response to the questions posed. The questions are:

- *Do you agree with the assessment of the policy context and potential for onshore oil and gas resource in Northern Ireland?*
- *Do you agree with the assessment of the economic impacts of potential onshore oil and gas exploration and production in Northern Ireland?*
- *Do you agree with the assessment of the potential social and environmental impacts of onshore oil and gas exploration and production in Northern Ireland?*
- *Do you agree with the preferred option for onshore petroleum licensing policy?*
- *Do you think there are alternative options for onshore petroleum licensing policy in Northern Ireland which should be considered?*

2.2 We encourage respondents to respond to this consultation online where possible, as this is the Department for the Economy's (DfE) preferred method of receiving responses. It is also the most convenient and simple way for you to make a response. You can answer the questions by completing the [Citizen Space online survey](#).

2.3 Responses submitted in writing or by email will also be accepted. Email responses to this consultation should be sent to petroleumpolicyreview@economy-ni.gov.uk. Alternatively you may post your response to DfE at:

Onshore Petroleum Licensing Policy for Northern Ireland Consultation
 Minerals and Petroleum Branch
 Floor 7
 Adelaide House
 39-49 Adelaide Street
 Belfast
 BT2 8FD
 Tel: 028 9052 9377

2.4 If you require an alternative format (Braille, audio, CD, etc.), please contact DfE on petroleumpolicyreview@economy-ni.gov.uk and appropriate arrangements will be made as soon as possible.

2.5 Following the end of the consultation, DfE may publish anonymised direct quotes from your consultation response. Further detail on this, and how it relates to access to information legislation, can be found in Section 9.

3. What is onshore petroleum exploration and production?



- 3.1 Onshore petroleum exploration and production is the process of searching for underground accumulations of oil and gas known as hydrocarbons. This involves a range of desk-based and non-invasive studies to identify prospective targets and then drilling to test them. Following this process, if drilling discovers significant quantities of hydrocarbons that can be commercially extracted, production of oil and gas may follow. Not all exploration will lead to production.
- 3.2 Areas that are the focus of exploration are chosen based on the local geology (i.e. the types of rock underneath the surface, their history, and the structures they have formed). This consultation deals with the two types of oil or gas accumulations and the two different methods of extraction that are used for each.

CONVENTIONAL HYDROCARBONS

- This oil and gas is located within porous and permeable rocks such as sandstones.
- As these rocks are permeable, oil and gas is relatively straightforward to bring to the surface. The extraction process primarily involves the drilling of vertical wells into the ground to reach the oil or gas, which often flows into the well unaided and is then pumped to the surface.

UNCONVENTIONAL HYDROCARBONS

- This oil and gas is located in rocks that do not have the permeability (minute connected pathways) that would allow the hydrocarbons to easily flow from them.
 - Oil and gas does not flow from these rocks without help. Methods used to promote the flow include drilling of vertical wells with long horizontal extensions that increase the area in contact with the rock and high volume hydraulic fracturing (fracking) to create the pathways for oil or gas to flow into the well.
- 3.3 To proceed with any activity the geological, technical and economic conditions need to be suitable. The local environment needs to be respected and protected in line with the relevant laws. Developers also need the “social licence” to operate. This means that there needs to be broad local support for exploration and buy in from the communities where it might take place.
 - 3.4 Exploration for unconventional oil and gas has become more prominent in recent years with extraction of oil and gas made possible through technological changes including the combination of horizontal drilling and high volume hydraulic fracturing (fracking). This has been championed by some as a means to obtain a secure energy supply, but it has also received widespread criticism for its potential environmental and social impacts and risks.
 - 3.5 Offshore petroleum exploration and production takes place in coastal or in open waters, i.e. not on land. Responsibility for UK licensing in this area rests with the [North Sea Transition Authority](#) (formerly known as the Oil and Gas Authority), not the Northern Ireland Executive. There are currently no offshore petroleum licences near Northern Ireland.



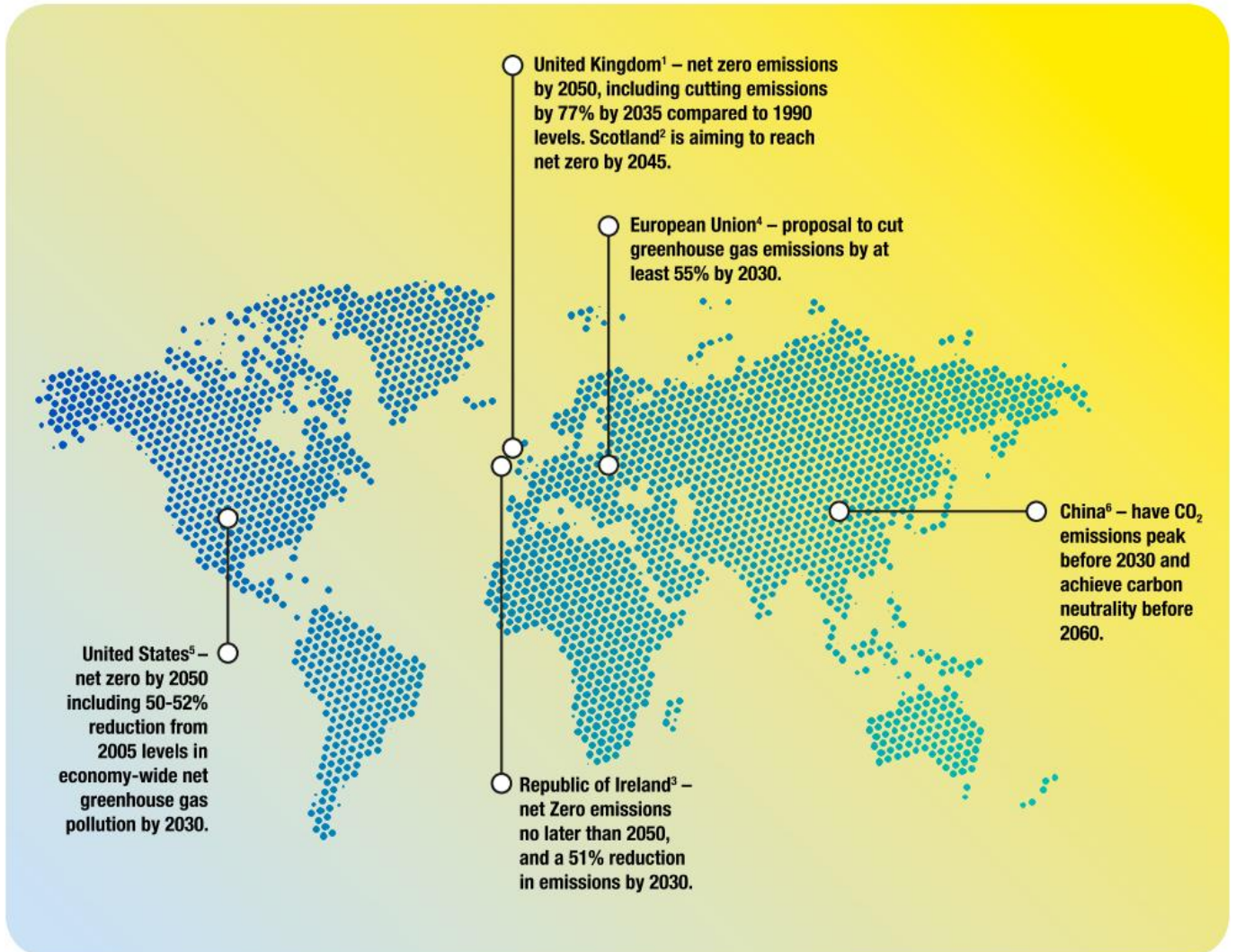
4. What is happening outside Northern Ireland?

- 4.1 This section sets out some of the recent developments in onshore petroleum exploration and production as well as the policies that impact this activity in Great Britain, Republic of Ireland and international jurisdictions.

INTERNATIONAL DEVELOPMENTS AND POLICIES

- 4.2 Recent years have seen a high profile “shale boom” in the United States. By 2019, the USA produced 98% of the shale oil and 78% of the shale gas in the world becoming a net exporter of hydrocarbons. This growth in the hydrocarbon industry has brought economic benefits to those regions with long standing oil and gas infrastructure and a less prescribed regulatory system.
- 4.3 Policies aimed at combating climate change are now having a major impact on onshore petroleum exploration, and raising questions about how this activity contributes to greenhouse gas emissions, the appropriateness of continuing to explore for fossil fuels and the future of jobs in this industry. The recent International Energy Agency (IEA) report [The Oil and Gas Industry in Net Zero Transitions](#) has highlighted the need for the industry to adapt to the move towards net zero.
- 4.4 The [2015 Paris Agreement](#) was signed by 191 countries. It aims to substantially reduce global greenhouse gas emissions to limit the global temperature increase in this century to 2 degrees Celsius while pursuing efforts to limit the increase even further to 1.5 degrees in order to achieve a climate neutral world by the mid-century. The Agreement includes commitments from all countries to reduce their emissions and work together to adapt to the impacts of climate change, and calls on countries to strengthen their commitments over time.
- 4.5 [The Glasgow Climate Pact](#) was agreed at the COP26 climate change conference in 2021. This package of decisions reaffirms the international communities commitment to limiting global temperature rise to 1.5 °C, as well as calling for the phasing-down unabated coal power and ending of fossil fuel subsidies. The [COP 28 conference](#) in November 2023 made further commitments to transition away from fossil fuels and triple the use of renewables by 2030.

4.6 Individual countries have developed emissions targets to help reach these goals. These include:



1 [gov.uk website - United Kingdom emissions targets September 2023](#)
2 [gov.scot website - Scotland emissions targets](#)
3 [Government of Ireland website - Republic of Ireland emissions target August 2021](#)
4 [European Commission website - EU 2030 Climate Target Plan](#)
5 [Whitehouse.gov website - Reducing U.S. greenhouse emissions](#)
6 [AP news website - China emissions target 2030](#)

- 4.7 These are ambitious targets that will require significant changes including a decrease in fossil fuel use in business and domestic settings through a focus on energy efficiency measures. There will also need to be a corresponding increase in the use of and investment in other sources of energy, e.g. growth in renewables such as wind or solar power and exploration and development of alternative zero-carbon fuels.
- 4.8 Pressure continues to increase on the scale and speed of the efforts needed to meet these critical and formidable goals. The UN's Intergovernmental Panel on Climate Change (IPCC) is a group of scientists whose findings are endorsed by the world's governments. Successive reports have demonstrated the need for huge cuts in carbon emissions which, in part, led to calls for climate legislation in Northern Ireland. [The Climate Change 2023 report](#) puts it very succinctly "Limiting human-caused global warming requires net zero CO₂ emissions".
- 4.9 The International Energy Agency (IEA) is an autonomous intergovernmental organisation set up under the framework of the Organisation for Economic Co-operation and Development (OECD). It has specific recommendations for the oil and gas industry. The May 2021 report [Net Zero by 2050](#) recommends that, beyond projects already committed as of 2021, there should be no new oil and gas fields approved for development in our pathway to achieve net zero. The November 2023 report [The Oil and Gas Industry in Net Zero Transitions](#) states "In a scenario that hits global net zero emissions by 2050, declines in demand are sufficiently steep that no new long lead-time conventional oil and gas projects are required".

ENERGY SECURITY AND ENERGY COSTS

- 4.10 Energy security is defined as ["the uninterrupted availability of energy sources at an affordable price"](#). Rising wholesale energy prices and the Russian invasion of Ukraine in February 2022 means that where energy comes from and how much it costs has become one of the most pressing geo-political issues. It is also a major issue for all of us as we spend a lot more to heat our homes, fill up the car and cope with increases in the price of food and other goods.
- 4.11 In response to increasing concerns about energy security, the UK government published the [British Energy Security Strategy](#) in April 2022. This outlines long term plans to provide secure, clean and affordable energy by focusing on renewable and nuclear energy. It emphasises that North Sea oil and gas will need to be used during the transition to net zero and that the government is remaining open minded about onshore gas reserves. There have been [renewed calls](#) to allow fracking as a way to increase energy security and independence.
- 4.12 In response to this the UK government commissioned the British Geological Survey to advise on the latest scientific evidence around shale gas extraction and associated seismic activity. [The report](#) was published in September 2022. It concluded that "forecasting the occurrence of large earthquakes and their expected magnitude is complex and remains a scientific challenge. As a result, our ability to evaluate and mitigate risks from hydraulic fracturing-induced seismicity and predict the occurrence of larger earthquakes during hydraulic fracturing operations is also a challenge." The report also concludes that "there are new seismic data analysis methods that could help to manage the risk of seismic activity from hydraulic fracturing in shales. Further work is needed to develop these methods and incorporate them in risk assessments."

4.13 The UK government formally lifted the moratorium on shale gas extraction in [September 2022](#). This change in policy was widely opposed both from the opposition and within the government. In October 2022 it was confirmed that the [Prime Minister Rishi Sunak stood by the policy of a moratorium as stated in the 2019 manifesto](#).

ONSHORE PETROLEUM LICENSING POLICY IN GREAT BRITAIN AND REPUBLIC OF IRELAND

4.14 The rules for granting onshore petroleum licences are different in the rest of the UK than in Northern Ireland. In England, a system of licensing rounds, administered by the [North Sea Transition Authority](#), is in place where companies have a limited period to apply for a licence for an area that they wish to explore. Onshore petroleum licensing policy has been a devolved matter in Scotland and Wales since 2018. There have been a number of significant policy developments (mainly relating to unconventional oil and gas) in the past few years as shown in the sections below.

4.15 England



4.16 Scotland



4.17 Wales



4.18 Republic of Ireland



At COP26 in November 2021, Wales and Ireland were part of a group of ten national and regional governments that pledged to stop licensing oil and gas production⁷. This has since been formalised as the [Beyond Oil and Gas Alliance](#) as "a first-of-its-kind alliance of governments and stakeholders working together to facilitate the managed phase-out of [oil and gas production](#)". The policies of neighbouring administrations have halted a lot of, but not all, onshore petroleum exploration in the UK and Ireland. This will impact the decisions of companies looking to invest in this sector and that needs to be taken into account in the consideration of Northern Ireland’s onshore petroleum licensing policy.

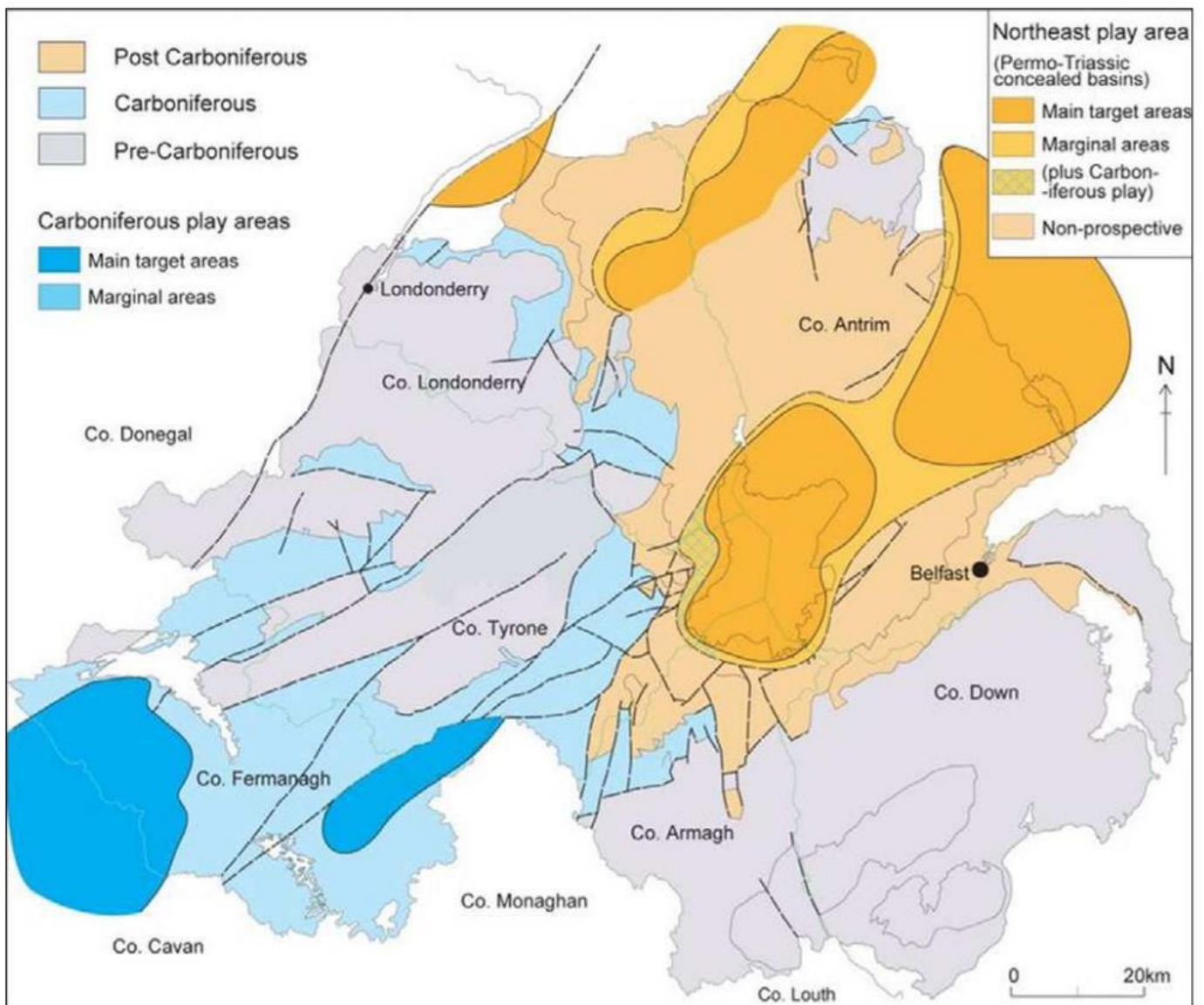
⁷ [BBC News website - Wales pledges to stop licensed oil and gas production](#)



5. What happens in Northern Ireland?

- 5.1 This section considers the potential onshore petroleum resource in Northern Ireland, the current system for petroleum licensing including relevant policies and details of previous exploration.
- 5.2 Whilst not an established location for oil and gas exploration, Northern Ireland has seen some limited exploration activity since the 1960s. The map below shows the areas that may have potential for oil and gas exploration. The orange areas represent potential conventional hydrocarbon resource and the blue areas represent potential unconventional hydrocarbon resource.

AREAS PROSPECTIVE FOR HYDROCARBONS IN NORTHERN IRELAND



Source: [Geological Survey of Northern Ireland](#)

- 5.3 DfE has the power to grant licences “to explore for, bore for and get” petroleum in Northern Ireland. This power was granted by the Petroleum (Production) Act (Northern Ireland) 1964 and has been supplemented by further legislation since then.
- 5.4 All of onshore Northern Ireland, excluding internal waters, is available for Petroleum Licence applications. Unlike the rest of the UK, Northern Ireland has an “open door” policy meaning that a company can apply for a licence at any point rather than during a particular licensing round. In addition to submitting an application, companies must meet financial and technical capability thresholds, as well as demonstrate sufficient environmental awareness. Details of the application and assessment process for petroleum licence applications can be found in the [Guidance for Applicants](#).
- 5.5 DfE’s current stated policy objective is “...to maximise successful and expeditious exploration and exploitation of Northern Ireland’s oil and gas resources.”⁸ Historically this policy has been driven by economic considerations such as wanting a secure and local source of energy and attracting inward investment by developers/licensees.
- 5.6 Since 1964 there have been thirty-four Petroleum Licences. A total of sixteen exploration wells and two shallow stratigraphic boreholes have been drilled under these licences. Although several wells have recorded the presence of onshore oil or gas, it has not been in a sufficient quantity to be suitable for commercial development. There are currently no active petroleum licences in Northern Ireland with the last active licence (PL1/10, under which the Woodburn Forest No. 1 well was drilled) relinquished in April 2020.

8 [Department for the Economy website - Petroleum Licensing in Northern Ireland; Guidance for Applicants, page 27](#)

LOCATIONS OF EXPLORATION DRILLING UNDER HISTORIC PETROLEUM LICENCES



This map is based on Crown Copyright and is reproduced with the permission of Land and Property Services under delegated authority from the Controller of Her Majesty’s Stationary Office. Crown Copyright. MOU577.3/2021.

5.7 There are two petroleum licence applications currently with DfE. One application is for the Lower Lough Neagh area (PLA 1/16) and the other is focused on County Fermanagh (PLA 2/16). There was a public consultation on both applications in 2019 that raised a range of issues. Given the cross cutting and controversial nature of this issue previous DfE Ministers have stated that the final decision on these applications will be made by the Executive and not before the completion of the review of petroleum licensing policy⁹. Further details of these applications can be found on the [Departmental website](#).

⁹ NI Assembly website. See debate on Onshore Fracking (Prohibition) Bill: Second Stage.

THE POLICY CONTEXT IN NORTHERN IRELAND

- 5.8 The Northern Ireland [‘Energy Strategy – The Path to Net Zero Energy’](#) aims to ensure that our energy is secure, affordable and clean for us now and future generations. One of the five main principles is to, “Replace fossil fuels with renewable energy: We will phase out fossil fuels by growing our indigenous renewable base, supported by sustainable renewable imports and use these to decarbonise power, heat and transport.”
- 5.9 In addition to the Energy Strategy, any onshore petroleum licensing policy must align with a number of other policies, proposals and commitments. Some examples are:
- In 2020, the [New Decade New Approach](#) document included a commitment to introduce legislation and targets for reducing carbon emissions in line with the Paris Climate Change Agreement.
 - The [10X Economic Vision](#) for the Northern Ireland Economy is based around three pillars of innovation, inclusive growth and sustainability. The sustainability objectives are for 80% electricity consumption from renewable sources, greenhouse gas emissions 48% lower than baseline and to double the size of NI’s low carbon and renewable energy economy to more than £2bn turnover.
 - The [Green Growth Strategy](#) will be delivered through a series of Climate Action Plans, which will set out the actions to meet sector-specific greenhouse gas emission targets leading to a cleaner environment, more efficient use of our resources within a circular economy and green jobs.
 - The [Climate Change Act \(Northern Ireland\) 2022](#) was passed in March 2022. This legislation sets targets for the reduction of greenhouse gas emissions for the years 2030, 2040 and 2050. It states that "The Northern Ireland departments must ensure that the net Northern Ireland emissions account for the year 2050 is at least 100% lower than the baseline."
 - In September 2021 the Infrastructure Minister announced a [review of strategic planning policy](#) on oil and gas development. This will include conventional and unconventional hydrocarbon development.

6. What does the independent Northern Ireland research tell us?



- 6.1 As detailed in section three, in October 2020, DfE commissioned [independent research](#) (hereafter referred to as the research) into the economic, social and environmental impacts of onshore petroleum exploration and production in Northern Ireland (both conventional and unconventional oil and gas).
- 6.2 Following an open procurement process, Hatch Regeneris was awarded the contract for the work by DfE. The research was overseen by a steering group of officials from DfE Energy Group, Geological Survey of Northern Ireland (GSNI) and Northern Ireland Environment Agency (NIEA). The final report was received by DfE in July 2021. This section details the key findings of the research which can be accessed as part of the [consultation pack](#). Page references for specific sections are also provided for ease of reference.
- 6.3 Hatch Regeneris applied development scenarios to help identify the potential impacts of different levels of future exploration and production activity. This method has been applied widely in numerous studies of this nature in other jurisdictions¹⁰. The four scenarios were - no development and then low, medium and high levels of development. A 30-year period to 2050 was used to measure the impacts and encompass the stages of a standard exploration and production process – from preliminary investigations through production and to the closure of a site.
- 6.4 The final Hatch research sets out the relevant policies in Northern Ireland and further afield, as well as the potential for onshore oil and gas development in Northern Ireland. Conclusions and findings were based on information available at the time of the research, as well as informed through engagement with stakeholders from industry, government, interest groups and local elected representatives.
- 6.5 The research sets out the following key findings which are considered in more detail below:
- Changing policy context with international, UK and Executive commitments to reduce greenhouse gas emissions and proposals to phase out fossil fuels;
 - The uncertainty around the potential for onshore oil and gas resources within Northern Ireland;
 - Relatively modest economic benefits of any potential development of onshore oil and gas in Northern Ireland; and
 - The risk of moderate adverse and, in some cases, potentially major adverse environmental and social impacts associated with potential development of onshore oil and gas in Northern Ireland.

¹⁰ See KMPG - [Unconventional oil and gas: Economic Impact Assessment and scenario development of unconventional oil and gas in Scotland \(2016\)](#) (www.gov.scot/website)

CHANGING POLICY CONTEXT AND UNCERTAINTIES

Research Report sections 3, 4 (p.23-57) and section 6 (p.65-76)

- 6.6 As set out in the earlier sections of this consultation, the global and regional context for petroleum exploration and production has significantly altered in recent years with further change inevitable. Since 2015, targets have been introduced with the aim of reducing greenhouse gas emissions as well as phasing out combustion of fossil fuels. The moratoria and bans on various forms of petroleum exploration in the rest of the UK and the Republic of Ireland will also have a significant impact reducing the likelihood of further research and investment.
- 6.7 The research highlights the limited data on Northern Ireland’s prospectivity for onshore oil and gas. Whilst it is feasible that there is oil and gas resource, there is also a high level of uncertainty about whether there is enough to make production commercially viable. On this basis, Hatch conclude that extensive further exploration activity would be needed before it could be concluded that commercial extraction would be viable.

**QUESTION 1 – CHANGING POLICY CONTEXT AND UNCERTAINTIES
DO YOU AGREE WITH THE ASSESSMENT OF THE POLICY CONTEXT AND POTENTIAL FOR
ONSHORE OIL AND GAS RESOURCE IN NORTHERN IRELAND?**

ECONOMIC IMPACTS

Research Report section 7 (p. 76-102)

- 6.8 The research presents the potential economic benefits of onshore oil and gas exploration and production in Northern Ireland.

Main economic impact figures for the four scenarios

	Average Employment Impacts per year (Person Years) within Northern Ireland	GVA Impacts (per annum)	Potential total lifetime retained expenditure
No development	No impacts	No impacts	No impacts
Low development	35 – 45	£2.2m – £3.3m	£63.10m – £94.40m
Medium development	60 – 85	£4.0m – £6.0m	£113.60m – £169.90m
High development	110 – 155	£7.6m – £11.3m	£214.60m – £320.90m

- 6.9 Any level of development would create a demand for skills and jobs, however, the estimated number of jobs which would be created both in the industry and indirectly is low across all scenarios. The Northern Ireland economy does not have the significant chemical or energy intensive sectors that would benefit from indigenous onshore oil and gas production. The level of retained benefit from expenditure by the sector is estimated to be below 50% in all scenarios, even with the highest level of development and local sourcing of goods and services.

6.10 The research concludes that the costs and scale of development in Northern Ireland would be unlikely to achieve economies of scale or low production costs required to impact energy prices. It raises questions about the impact such activity could have on the local tourism industry that often focuses on the unique and untouched natural environment of Northern Ireland. Exploration and production activity could harm that reputation and therefore harm that sector of the economy.

**QUESTION 2 – ECONOMIC IMPACTS
DO YOU AGREE WITH THE ASSESSMENT OF THE ECONOMIC IMPACTS OF POTENTIAL
ONSHORE OIL AND GAS EXPLORATION AND PRODUCTION IN NORTHERN IRELAND?**

ENVIRONMENTAL AND SOCIAL IMPACTS

Section 8 (p.103-187)

6.11 The potential economic impacts need to be considered alongside the potential social and environmental impacts. The research presents an assessment of the significance of these factors on an assumption that current environmental as well as planning regulations will be adhered to, and that best practice industry mitigation measures will be implemented. The social and environmental impacts are greater with a higher level of development and, in some cases, are of a major adverse significance.

Environmental and social impacts of the four scenarios

- No development
No social or environmental impacts.
- Low development scenario
Potential effects of moderate adverse significance related to public health, and seismicity (unconventional only).
- Medium development scenario
Potential effects of at least moderate adverse significance for the following additional topics over and above the low scenario: groundwater and surface water; green house gas emissions (unconventional only); loss of soils; some landscapes and geodiversity receptors (potentially greater for unconventional wells).
- High development scenario
Potential effects of at least moderate adverse significance for the following additional topics over and above the medium scenario: some air quality receptors; handling, storage and disposal of waste; and habitat loss, disturbance and fragmentation. The significance of the effects for the groundwater abstraction and pollution and social cohesion and community wellbeing receptors are assessed as being of major adverse significance.

- 6.12 The research also highlights that there is uncertainty about some impacts, such as longer term gas leakage after well closure and pollution of ground water aquifers from any fracking process or the failure or deterioration of well integrity over time. This is a high level analysis of the impacts so conclusions reached are not site specific. It is important to note impacts will vary by geographic location and there may be additional unforeseen effects.
- 6.13 There are other gaps in evidence particularly around the longer term public health impacts, cumulative health impacts and potential cumulative impacts of a combination of emissions on site as well as impacts on water resource availability, water quality and the fragmentation of habitats. These gaps in evidence make a reliable assessment of impacts challenging in these areas.
- 6.14 The research indicates that any form of development will have noticeable impacts on local communities and landscapes, even with the checks provided by the law and best practice. This may make it difficult to achieve the social licence that would make exploration and production possible or feasible.
- 6.15 In 2020 DfE commissioned [the British Geological Survey](#) to carry out a desk-based study of the potential risks of induced seismicity from high volume hydraulic fracturing of shales in Northern Ireland. The Report, which is available as part of the consultation pack, considered the principal areas of Northern Ireland that may be prospective for shale gas and shale oil - the Lough Allen (Fermanagh) and Rathlin (Antrim) sedimentary basins. It reviewed seismicity data associated with high volume hydraulic fracturing elsewhere (primarily GB and North America). It also incorporated the available seismicity data for the two NI basins, known potential risks and mitigations. The report concluded that the present-day stress regime and stress state of the faults in these basins are poorly understood. Our understanding of these basins could be improved through better geophysical data and improved regional seismic monitoring.

**QUESTION 3 – ENVIRONMENTAL AND SOCIAL IMPACTS
DO YOU AGREE WITH THE ASSESSMENT OF THE POTENTIAL SOCIAL AND
ENVIRONMENTAL IMPACTS OF ONSHORE OIL AND GAS EXPLORATION AND PRODUCTION
IN NORTHERN IRELAND?**



7. What should happen next?

7.1 This section sets out four possible options for onshore petroleum licensing policy in Northern Ireland:

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

SUMMARY OF APPRAISAL OF OPTIONS

7.2 The following table summarises the appraisal of the four options against key criteria using a traffic light system; with green indicating a desirable outcome, red an undesirable outcome and amber as neutral. The appraisal of each option is discussed in more detail below:

Option	Policy Fit	Economic impacts	Environmental impacts	Social impacts	Deliverable
1. Status quo	No	Low – positive	Medium to high – negative	Medium to high - negative	No action
2. Licensing rounds	No	Low – positive	Medium to high – negative	Medium to high - negative	New legislation and regulatory framework
3. Moratorium and eventual legislative ban on exploration or production of unconventional hydrocarbons; or	Partial	Low – positive	Medium – negative	Medium – negative	Legislative change
4. Moratorium and eventual legislative ban on all forms of onshore petroleum exploration and production.	Yes	Low – positive	None – negative	None - negative	Legislative change

DISCUSSION OF OPTIONS

Option 1: Status Quo – Do Nothing

- 7.3 This would involve no change to the current licensing rules and no change to the current policies. The open door policy would remain in place and the focus would continue to be on maximising the economic potential of Northern Ireland’s oil and gas resources.
- 7.4 DfE’s initial consideration of the petroleum licensing regime in 2019 indicated that the current system (and its supporting policy) does not give sufficient weight to the environmental and social impacts of onshore petroleum exploration and production. Since then there has been a further shift towards reducing greenhouse gas emissions through the 2022 Climate Change Act and prioritising sectors that benefit the growth of a carbon neutral, green economy in the 10X Economic Vision and the Energy Strategy.
- 7.5 There has never been any indigenous production of onshore oil and gas so there is no dependence on the sector. In addition, the research shows that the economic benefit of continuing exploration for potential oil and gas would not be significant and that there could be negative consequences for society and the environment. Maintaining the current position would therefore appear to leave petroleum licensing out of step with the Climate Change Act, the Energy Strategy, have no major economic impact and potentially have adverse environmental and social impacts.

Option 2: Change from open door policy to licensing rounds in defined areas

- 7.6 This would maintain the policy to maximise the economic potential of Northern Ireland’s natural resources but remove the open door policy and adopt a licensing round approach. The licensing round process as administered by the North Sea Transition Authority (formerly known as the Oil and Gas Authority) in England is informed by strategic environmental assessments and provides greater control over petroleum licensing activity. If a similar system were to be adopted in Northern Ireland, DfE would define the area open for applications and the conditions to be applied to licences would be informed by a Strategic Environmental Assessment (SEA). This approach would attempt to address some of the social and environmental concerns through environmental assessment and a more robust regulatory system.
- 7.7 From an economic perspective, there has never been any indigenous production of onshore oil and gas so there is no dependence on the sector. The Hatch research concludes the economic benefits of any future petroleum exploration and production would not be significant, so it would perhaps be difficult to justify a potentially lengthy process of regulatory reform to convert to a licensing round approach. There are also potentially more retained economic and skills benefits through investing in renewables and greener technologies as set out in the 10X Economic Vision. Like Option 1, this option would also appear to leave petroleum licensing out of step with the Climate Change Act, the Energy Strategy and broader economic and climate change priorities.

Option 3: Moratorium and eventual legislative ban on exploration or production of unconventional hydrocarbons

- 7.8 This would represent a significant shift in the current policy. It would lead to a moratorium and eventual legislative ban on exploration for all unconventional oil and gas (including fracking) in Northern Ireland. Companies would still be able to apply for licences to explore for conventional oil or gas.
- 7.9 There would be no detrimental impact to the economy as there is no current production of indigenous onshore oil and gas and the economic impacts of any future petroleum exploration and production have been shown by the research to be reasonably low. A reduction in any potential activity would also lead to a decrease in the social and environmental impacts of petroleum exploration associated with unconventional oil and gas. There have been particular concerns about the impact of high volume hydraulic fracturing (fracking) as shown by the motion in the Assembly, the introduction of a Private Members Bill to prohibit onshore fracking in the last Assembly mandate and the high level of objection to current licence applications. This option would help to alleviate those concerns although would not address the remaining impacts of any conventional onshore oil and gas exploration and production.
- 7.10 While more in line with the Climate Change Act, the Energy Strategy and other economic and environmental priorities than options 1 and 2, option 3 would not signal a complete shift away from fossil fuels as exploration for conventional onshore oil and gas would still be permitted.

Option 4: Moratorium and eventual legislative ban on all forms of onshore petroleum exploration and production.

- 7.11 This would represent the most significant shift in the current policy. It would lead to a moratorium and eventual legislative ban on exploration and production of all forms of onshore oil and gas in Northern Ireland. This would introduce a closed door policy for onshore petroleum exploration and production in Northern Ireland. **This is the preferred option.**

Why is this the preferred option?

- 7.12 The Hatch research concludes that supporting onshore petroleum exploration and production would not result in any significant increase in jobs, or wider benefits for the economy. Furthermore, such an approach would have no impact on energy prices for Northern Ireland consumers, as any oil or gas would be sold at international market prices. As there has been no commercial production of oil or gas in Northern Ireland to date and therefore no reliance on the sector, a ban on petroleum exploration and production would not disadvantage the broader economy. However, a ban on petroleum exploration and production would stop any future tax revenue or royalties from this activity.

- 7.13 Option 4 aligns with the commitment in the Energy Strategy to ensure that our energy is secure, affordable and clean for us now and for future generations by phasing out fossil fuels and supports the long term vision of Net Zero Carbon Energy for Northern Ireland. This option would ensure a focus on the growth of the low carbon and renewable energy sector, supporting people into secure, well paid jobs.
- 7.14 It would also remove the possibility of adverse social and environmental impacts on local communities and the rural environment whilst ensuring Northern Ireland plays its part in meeting climate commitments. The Climate Change Act (Northern Ireland) 2022 enshrines in legislation a commitment to meet emissions targets in 2030, 2040 and achieve net zero by 2050. International research from the International Energy Agency (IEA) recommends that there should be no further development of oil or gas fields in the pathway to achieve net zero. The UN's Intergovernmental Panel on Climate Change (IPCC) has repeatedly warned that huge cuts in carbon emissions are necessary to reach the targets of the Paris agreement and limit the impacts of climate change.
- 7.15 As part of the Energy Strategy Options consultation in 2021, stakeholders were asked if the current approach to petroleum licensing should change in line with the commitment to decarbonise energy. Of the 115 stakeholders who responded, there was broad support (86% of respondents to the question) for changing the approach to petroleum licensing. The majority of the written responses call for all petroleum licensing to be banned. Responses highlighted that continuing with licensing petroleum exploration and production would be inconsistent with net zero commitments and other aspects of the Energy Strategy.
- 7.16 The war in Ukraine and rising energy prices has brought into sharp focus the need to ensure we have more secure indigenous energy supply. The UK Government's [British Energy Security Strategy \(ESS\)](#) outlines long term plans to provide secure, clean and affordable energy by focusing on nuclear and renewable energy. This is in line with our preferred approach focusing on decarbonising our network through renewables and the use of biomethane and hydrogen technologies. The ESS also states that North sea oil and gas will need to be used during the transition to net zero. It remains open minded about onshore gas reserves. The British Geological Survey report on shale gas extraction and associated seismic activity shows that there is more to be done to understand the risks of this activity.
- 7.17 In 2023 the UK government began to pursue a policy of encouraging offshore oil and gas exploration as part of the the transition to net zero.¹¹ For our consideration of the NI position, there are no known oil and gas reserves like those found in the North Sea or onshore in GB. Therefore, any exploration or production of hydrocarbons would take significant time to find oil and gas with no guarantees that there is enough to merit commercial production. This investigative activity would not be able to address the immediate issues of security of supply and rising prices. In addition, the Hatch Report indicates the potential moderate to adverse environmental impacts and the 2021 BGS Report on seismic activity in NI basins concludes that the present day stress regime and stress state of the faults in these basins are poorly understood.

11 [gov.uk website - New annual oil and gas licensing rounds to boost UK economy](https://www.gov.uk/government/news/new-annual-oil-and-gas-licensing-rounds-to-boost-uk-economy)

7.18 In conclusion, there is no strong economic case to support the exploration for and possible production of any potential onshore oil and gas resources in NI. Such a course of action also runs contrary to the objectives of the NI Energy Strategy and targets in the Climate Change Act (Northern Ireland) 2022. In addition, both the Hatch Report and BGS Report on Seismic Activity in NI Basins raise concerns about the environmental and social impacts of onshore oil and gas exploration and extraction. **On this basis, the recommended preferred policy is a moratorium and eventual legislative ban on exploration and production of all forms of onshore oil and gas in Northern Ireland.**

QUESTION 4 – DO YOU AGREE WITH THE PREFERRED OPTION FOR ONSHORE PETROLEUM LICENSING POLICY?

**QUESTION 5 – ALTERNATIVE OPTIONS
DO YOU THINK THERE ARE ALTERNATIVE OPTIONS FOR ONSHORE PETROLEUM LICENSING POLICY IN NORTHERN IRELAND WHICH SHOULD BE CONSIDERED?**

REMINDER

You can answer the questions by completing the [Citizen Space online survey](#).

The consultation is open until **12 April 2024**.

8. Next steps

- 8.1 Once this consultation is closed the responses will be analysed by DfE and a report will be made available. The responses will help identify any aspects of this topic that need further scrutiny or impact assessment and to gauge the level of support for the preferred option.
- 8.2 The final decision on the onshore petroleum licensing policy in Northern Ireland will be taken by the Executive, informed by the responses and evidence submitted through this consultation process.
- 8.3 Full implementation of any option other than the status quo would require passage of legislation through the Northern Ireland Assembly.

9. Confidentiality

FREEDOM OF INFORMATION, ENVIRONMENTAL INFORMATION AND DATA PROTECTION

- 9.1 Following the end of the consultation, DfE will publish a consultation report summarising responses received in an aggregated format. This report may include anonymised direct quotes from your response. Personal information that you provide in your response will not be published in the consultation report.
- 9.2 However, any information provided in responses, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or the Data Protection Act 2018 if DfE receives such a request for information.
- 9.3 With your response, please identify any information which you do not wish to be disclosed and explain why you regard that information as confidential. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on DfE. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.
- 9.4 For information regarding the Minerals and Petroleum Branch Privacy Notice following the introduction of GDPR please use the following link: [Minerals and Petroleum Branch Privacy Notice](#)



The Potential Economic, Social and Environmental Impact of Onshore Petroleum Development in Northern Ireland

A Final Report by Hatch
July 2021

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www.hatch.co.uk

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Appendix A - Coverage of Socio-economic and Environmental Themes

Key Messages

The purpose of this research has been to provide an independent assessment of the potential economic, societal and environmental impacts of the development of both conventional and unconventional oil and gas resources in Northern Ireland (NI). The results of the research will be used by policy makers to inform the formulation of policy options on onshore oil and gas exploration and development and provide Ministers with the evidence needed to make fully informed decisions about any future petroleum development.

The assessment has used methods which are common for this type of assessment, including the use of publicly available information on the resource that might exist in NI and the use of development scenarios given uncertainty about the extent of the commercially extractable resource.

One of the key policy drivers in NI, as in the rest of the world, is focused on tackling climate change (and both avoiding and managing its impacts) and the transition to net zero carbon energy by 2050. The Northern Ireland Government is committed to using this transition (and the challenges presented by the Covid-19 pandemic) to secure economic growth that delivers a fairer, more resilient and successful economy.

Despite the increase in interest from the industry in NI's oil and gas resources and some limited exploration over the last 15 years, there has been no commercial development and there remain considerable gaps in information necessary to make a meaningful estimate of the technically recoverable resources. Although it is feasible that commercial quantities of oil and gas could be identified, it is nevertheless highly uncertain. This has informed the approach through the use of development scenarios, with each of these subject to varying degrees of uncertainty linked to the geology, market conditions, consenting processes and development of supply chains.

In the context of the size of the NI economy, as well as its energy sector, the scale of potential GVA and employment impacts are shown to be relatively low, even under the high development scenario. The fairly modest scale of economic impact can be attributed to the combination of the scale of development and the relatively limited scope to capture the associated expenditure and supply chain impacts within Northern Ireland. NI is unlikely to achieve the economies of scale and low costs of production which would provide a major benefit from lower energy prices. There is the scope for further downstream economic benefits, although these are unlikely to provide a major driver for additional sector growth or attraction of major inward investors into Northern Ireland. There will also be other smaller scale economic and financial costs and benefits for NI as a whole or local communities, although these are highly uncertain.

The assessment concludes that under the **no development scenario** there would be no additional social and environmental impacts on the baseline conditions. Allowing for the prevailing planning and regulatory regimes, as well as potential mitigation, the assessment points to:

- The **low development scenario** having potential effects of moderate adverse significance related to public health, and seismicity (unconventional only)
- The **medium development scenario** is assessed as having potential effects of at least moderate adverse significance for the following additional topics over and above the low scenario: groundwater and surface water; GHG emissions (unconventional only); loss of soils; some landscapes and geodiversity receptors (potentially greater for unconventional wells)
- The **high development scenario** is assessed as having potential effects of at least moderate adverse significance for the following additional topics over and above the medium scenario: some air quality receptors; handling, storage and disposal of waste; and

habitat loss, disturbance and fragmentation. The significance of the effects for the groundwater abstraction and pollution and social cohesion and community well-being receptors are assessed as being of major adverse significance.

There are potential environmental impacts for which the gaps in the available evidence makes a reliable assessment of the consequences of development, and the scope for regulatory control and good practice to adequately manage them, challenging as part of the study. This applies to all of the development scenarios set out above. Drawing on the conclusion of the all island Unconventional Gas Exploration and Extraction Joint Research Programme (UGEE JRP), the key gaps relate to: potential pollution of groundwater aquifers as a result of the long term failure or deterioration of well integrity, as well as the migration of pollutants and gas to the aquifer as a result of the fracking process; the long term leakage of gas after well closure associated with fracked wells.

Other gaps in evidence identified in this study include evidence around the long term public health impacts effects beyond post-closure, as well as cumulative or transboundary effects for either physical or mental health and wellbeing and the lack of available evidence about the impact of induced seismic events on people, including their physical health and safety, as well as less tangible impacts on mental wellbeing, anxiety and stress. Uncertainty also exists regarding impacts from the combination of emissions from onsite machinery, HGVs, drilling and fracturing which could lead to cumulative negative effects on sensitive receptors, the impact on water resource availability, water quality and aquatic habitats and ecosystems and the fragmentation of terrestrial habitat due to development.

Executive Summary

Introduction

- i. The interest in onshore petroleum exploration and exploitation, especially unconventional oil and gas, has been gathering pace in a number of countries around the world over the last decade. The exploitation of these resources offers economic benefits but is also controversial due to the potential environmental and social impacts.
- ii. Recent UK and NI policy decisions around climate change and commitments to a 2050 Net Zero Greenhouse Gas (GHG) emissions target has raised the issue of whether or not it is economically, environmentally or socially appropriate to continue to licence onshore petroleum exploration and development in Northern Ireland (NI). Across the UK and the Republic of Ireland moratoria or bans are in place either on unconventional only or all forms of onshore oil and gas exploration and development.
- iii. Onshore petroleum exploration, on a relatively small scale, has taken place over a number of decades across NI although there has been no commercial development. The petroleum licensing regime is devolved to the Northern Ireland government and in 2019 the Department for the Economy NI undertook an initial review of it. The review highlighted that, whilst remaining functional, the licensing regime is not considered sufficiently flexible to balance increasing societal and environmental responsibilities with economic benefit and there is insufficient information on the relative benefits and disbenefits of development.
- iv. The strategic issues of climate change and the setting of challenging decarbonisation targets for the UK requires NI to consider its position on continued exploration for hydrocarbons (including its 'open door' to licence applicants). In addition, there is an unprecedented level of interest from communities and interest groups, with a very strong objection to development proceeding due to concerns about the health, social and environment impacts. BEIS's public attitudes survey shows the opposition to shale gas exploitation in the UK has increased from 21% to 40% between 2013 and 2019¹.
- v. The purpose of this research has been to provide an independent assessment of the potential economic, societal and environmental impacts of the development of both conventional and unconventional oil and gas resources in NI (section 1 provides a fuller description of the research objectives and questions). These impacts could potentially be both positive and negative.
- vi. The results of the research will be used by policy makers to inform the formulation of evidence-based policy options on conventional and unconventional oil and gas exploration and development and provide Ministers with the information needed to make fully informed decisions about any future petroleum development (as well as informing the wider debate within the UK).
- vii. The assessment has taken into account the publicly available information on the resource that might exist in NI and the factors which will determine the extent to which this is economically extractable. Given the uncertainty about the technical and economically extractable resource, the assessment has used various development scenarios to test the scale and nature of economic,

¹ [Fracking for shale gas in England \(nao.org.uk\)](http://nao.org.uk)

social and environmental impacts given different levels of exploration and production activity. Sections 7 and 8 provide the description of the assessment methods.

What is Onshore Petroleum Development?

- viii. Oil and gas reserves can be located onshore in both conventional and unconventional rock formations known as petroleum reservoirs. The nature of these reservoirs play an important part in determining how they can be accessed and the drilling and extraction methods and associated technologies which are used.
- ix. Conventional reservoirs contain concentrations of oil or gas that occur in discrete accumulations or pools in the pore spaces between the rock particles/grains. Given the concentration of these pools in particular locations, they are typically accessed using vertical well bores and the oil or gas will flow or can easily be pumped to the surface. There are three main sedimentary basins within NI which are prospective for conventional hydrocarbon reservoirs– the Rathlin Basin, Larne Basin and Lough Neagh Basin.
- x. Unconventional oil and gas reservoirs are found where the permeability and porosity within the rock are very low, so that the resource cannot be extracted economically through a vertical well. Rather it requires a horizontal well followed by multistage lateral hydraulic fracturing to artificially increase the permeability and porosity and recover the oil and gas. The main unconventional gas prospect in NI is the Bundoran Shale Formation in the Lough Allen Basin (part of a larger basin that extends into the Republic of Ireland). There are also potential unconventional oil and gas reservoirs within the Carboniferous rocks in the Rathlin Basin but there is relatively little information about the extent of these formations.
- xi. The timescales for the phases of a development (from planning, site preparation, drilling and testing, production and decommissioning) can run up to twenty years or more. It may vary between developments of similar and different types depending on the geology and productivity of the well.

Policy Context

- xii. One of the key policy drivers in NI, as in the rest of the world, is focused on tackling climate change (and both avoiding and managing its impacts) and the transition to net zero carbon energy by 2050. This will require the continuation of good progress in the decarbonisation of the energy supply, as well as major investments to achieve decarbonisation of industry, transport and the built environment.
- xiii. Oil and gas are carbon-rich fossil fuels and the unabated combustion of these fuels produces greenhouse gas (GHG) emissions. The transition to a low carbon economy implies a reduction in the use of fossil fuels in NI. A key issue is therefore whether there is a role for indigenous NI oil or gas to replace the use of imported oil or gas in the transition to net zero carbon energy.
- xiv. In February 2020 the Northern Ireland Assembly debated and carried a private member's motion concerning the climate crisis. The motion stated that the Assembly recognises that NI is facing climate breakdown and a biodiversity crisis and that a climate emergency should be declared.
- xv. The Department for the Economy has embarked on the development of a new energy strategy to decarbonise energy by 2050. In developing its new strategy for NI, the government has considered the optimal pathways to decarbonising energy in light of the existing energy mix, the scope to

reshape use and demand reduction measures. The consultation on strategy options was launched in March 2021, with the intention of publishing the full strategy at the end of 2021. The strategy vision is to secure net zero carbon energy by 2050, whilst ensuring affordable energy for users and providing opportunities to create jobs and encourage investment.

- xvi. The consultation document asks a number of questions which are directly or indirectly relevant to future onshore petroleum development. These include whether the NI Government's approach to petroleum licensing should change in line with the commitment to decarbonise energy, as well as the potential role for carbon capture use and storage (CCUS) in NI.
- xvii. As in the rest of the UK, the Northern Ireland Government is committed to using this transition (and the challenges presented by the Covid-19 pandemic) to secure economic growth that delivers a fairer, more balanced and resilient economy. This is reinforced by the recent publication of the 10X Economy Strategy (An Economic Vision for a Decade of Innovation).
- xviii. Northern Ireland has a separate onshore petroleum licensing regime to other parts of the UK. Under the Petroleum (Production) Act (Northern Ireland) 1964 companies seeking to undertake prospective exploration, drilling for or extracting oil or gas in NI must hold a petroleum licence granted by the Department for the Economy (DfE). The application and licensing process is underpinned by regulations which, among other things, set out the arrangements for making and determining applications, the permissible terms and conditions for granting a petroleum licence, and monitoring activity.
- xix. The Strategic Planning Policy Statement 2015 (SPPS) is the statement of the Department for Infrastructure's policy on planning matters that should be addressed across Northern Ireland. It reflects the Infrastructure Minister's expectations for delivery of the planning system to enable the "*orderly and consistent development of land whilst furthering sustainable development and improving well-being.*" The SPPS includes a presumption against unconventional hydrocarbon extraction until there is sufficient and robust evidence on all environmental impacts.
- xx. The NI Assembly debated a motion calling for a moratorium on onshore development activity until a bill can be brought forward that bans all exploration, drilling and extraction of hydrocarbons in NI. Many of the NI local councils have passed similar motions calling for a moratorium on onshore oil and gas development.
- xxi. The strategic issues of climate change and the setting of challenging decarbonisation targets for Northern Ireland requires the Northern Ireland Government to consider its position on continued exploration for hydrocarbons. The Government's position must be informed by and consistent with the future direction of the proposed NI Energy Strategy. The DfE is currently reviewing this, with this study forming part of the evidence it will consider.
- xxii. Whilst the UK Government had promoted onshore oil and gas development as a means of securing the dual benefits of energy security and economic growth, moratoria on exploration and drilling unconventional resources are currently in place across Great Britain in response to the climate crisis and concerns or uncertainty over the environmental impacts². The Irish Government also announced its intention in February 2021 to end the issuing of new licences for the exploration and extraction of gas, on the same basis as the 2019 decision in relation to oil.
- xxiii. Prior to the moratoria, the UK Government put in place a number of initiatives in 2013 and 2014 to encourage the exploration and development of onshore oil and gas in England and Wales

² conventional development on and offshore are not covered by the moratorium

(although most do not apply in NI), particularly unconventional shale gas resources. This included tax incentives and allowances for developers, access rights and improved monitoring. Developers would also be expected to demonstrate good practice encouraged by the industry, such as the adoption of the Community Engagement Charter introduced by UKOOG which provides for local community payments and revenue sharing.

Global Resource and Prospectivity in NI

- xxiv. Commercial exploration and production of onshore shale oil and gas has been particularly advanced in United States and Canada³, accounting for much of the global output of unconventional oil and gas the last decade. The growth in the US has been driven by the combination of substantial reserves, advances in horizontal drilling and hydraulic fracturing, and favourable development conditions. The circumstances in the US which are favourable to large scale production include private ownership of sub-surface rights, a large number of independent operators, extensive supply chains and a skilled workforce, and an existing pipeline and supporting infrastructure.
- xxv. The UK, including Northern Ireland, may have substantial conventional and unconventional resources of oil and gas which could be accessed through onshore exploration and extraction. However, despite the increase in interest from the industry over the last 15 years, there remains considerable gaps in the engineering, geological or cost information necessary to make a meaningful estimate of overall technically recoverable reserves.
- xxvi. Exploration for onshore oil and gas in Northern Ireland began in 1965 and whilst oil and gas shows have been encountered they have never been discovered in commercial quantities. The basins which offer the most prospects for commercial extraction are in the Lower Carboniferous rocks of counties Fermanagh and Tyrone and the Carboniferous to Triassic rocks beneath the NE of Northern Ireland. The former has a history of gas shows from a small number of vertical exploration wells although the prospectivity is reduced by the poor quality of the low permeability tight gas sandstone reservoir targets drilled.
- xxvii. In recent years the focus in the basin has shifted towards shale gas reservoirs although the use of horizontal drilling to produce gas from the tight sandstones has been proposed. Exploration in the latter is more challenging because of a thick cover of basalts above the sedimentary basins but the 2008 Ballinlea No. 1 well in the Rathlin Basin had significant gas shows, and oil samples were brought to the surface from Carboniferous conventional reservoir rocks.
- xxviii. The two current licence applications within Northern Ireland, which are currently on hold due to the review of the petroleum licensing regime, have faced considerable opposition from politicians, local communities and interest groups across NI.
- xxix. Although it is feasible that commercial quantities of oil and gas could be identified, it is nevertheless highly uncertain due to:
- The limited data on the prospectivity of the resource in NI. The exploration which has occurred to date has provided evidence that there is oil and gas in NI but there is insufficient data to establish whether it could support commercially viable production and hence reduce this uncertainty.

³ United Nations Conference on Trade and Development, Commodities at a glance, Special issue on shale gas. 2018.

- The moratoria in Great Britain (for unconventional resources only) and Republic of Ireland will limit new research and exploration particularly in the case of unconventional shale gas resources, which in turn will limit the sharing of knowledge and expertise and the development supply chains which could have helped to de-risk investments in NI and reduce development costs.
- Wider market and geopolitical factors which may keep global oil and gas prices comparatively low as economies transition to net zero carbon energy. Whilst uncertain, this may make some onshore development increasingly unviable financially.
- Proposed onshore exploration and development in Great Britain and Northern Ireland, especially involving hydraulic fracturing, has faced considerable opposition from interest groups and local communities. In practice it may be increasingly difficult to overcome this opposition and to achieve the social licence to operate.

Development Scenarios

- xxx. Given the considerable uncertainty over the potential development path of onshore petroleum exploration and extraction in Northern Ireland, a range of possible development scenarios have been used to test the impacts of various development paths. The scenarios take account of the publicly available information on the type, scale and location of the resource within Northern Ireland. The development scenarios are not policy scenarios and the assessment assumes the existing policy position is applicable.
- xxxi. The development scenarios used in the assessment are:
- **No development scenario** – this scenario assumes that no exploration or commercial exploitation takes place in NI over next three decades. The purpose of including this scenario is to enable comparison to the other three scenarios which include varying amounts of development.
 - **Low development scenario** – two developments for conventional resources and one for unconventional (total of 10 vertical wells)⁴.
 - **Medium development scenario** – three developments for conventional resources and two for unconventional (total of vertical 18 wells).
 - **High development scenario** - five developments for conventional resources and four for unconventional (total of 34 vertical wells).
- xxxii. The overall assessment covers the period between 2021 and 2050, a period of thirty years. Where impacts associated with activity undertaken up to 2050 may occur beyond this time period, the assessment considers these subject to the available evidence and certainty about their nature, scale and duration. Also, bearing in mind that this is a high-level assessment, it has not always been possible to be specific about the quantitative impacts where they may persist.
- xxxiii. The analysis has confirmed that the level of development activity under all of the development scenarios is technically feasible, although the high scenario may be more challenging to achieve

⁴ In addition, different intensities of drilling activity have been assumed which allow for the potential of more or fewer laterals per well. The low and high intensity rates for lateral drilling is defined as 2 and 4 horizontals respectively for both conventional and unconventional oil and gas.

in practice given the various sources of uncertainty, lead times for securing development consents and the securing of supply chains especially during the earlier drilling phases.

- xxxiv. The estimated total lifecycle development costs (in 2021 prices) range from £195m-£245m under the low development scenario, £351m-£441m for the medium development scenario, £663m-£833m for the high development scenario. The expenditure range under each scenario is due to differing intensities of drilling assumptions. The costs are a best estimate and have been informed by similar previous studies, engagement with industry specialists and Hatch's in-house expertise.

Review of Economic Impact Evidence

- xxxv. The shale boom in North America has resulted in a significant amount of economic impact evidence related to the development of unconventional oil and gas. The US evidence points to the significant economic impacts, mostly but not wholly beneficial, resulting from the development of onshore oil and gas. This is mainly due to the specific circumstances under which the US has developed its oil and gas industry including the strength of its supply chains.
- xxxvi. In comparison, the circumstances in which the UK would develop its onshore oil and gas sector are very different⁵. The moratoria in GB and the Republic of Ireland on unconventional activity (and conventional resources in the case of the Republic) are now a major constraint on the development of the sector and the associated supply chains and skills base. Achieving the critical mass needed to attain the high levels of economic impacts reported by some of the earlier UK level impact studies is impossible in the current climate.
- xxxvii. Northern Ireland lacks an indigenous oil and gas sector, although it has a sizeable geosciences sector and a range of sectors which could form part of the supply chain if future oil and gas development were to occur. Nevertheless, as outlined below, the nature of the Northern Ireland economy and its infrastructure would limit the scope to secure both upstream and downstream economic benefits from future onshore oil and gas development.

NI Economic Impact Assessment

- xxxviii. The approach to assessing the potential economic impact of onshore oil and gas in NI has consisted of estimating the potential upstream expenditure which could reasonably be retained within NI under each development scenario over a 30 year period and then estimating the direct, indirect and induced economic impacts which this supports in NI. The analysis points to the following estimated impacts:
- Under the No Development Scenario there is no additional economic benefit.
 - The annual GVA impact ranges from £2.2m-£3.3m under the low scenario, £4.0m-£6.0m under the medium development scenario and £7.6m-£11.3m under the high development scenario.
 - The annual FTE employment impact ranges from 35-45 jobs under the low scenario, to 60-85 jobs under the medium development scenario and to 110-155 jobs under the high development scenario.
- xxxix. In the context of the NI energy sector as a whole, as well as the low carbon and renewable sectors, the scale of GVA and employment impacts are shown to be relatively low, even under the high

⁵ it is important to note that whilst the UK has around 120 sites producing oil and gas from conventional reservoirs, little is known about the associated economic impact.

development scenario. The fairly modest scale of economic impact can be attributed to the combination of the assumed scale of development and the relatively limited scope to capture the associated expenditure within Northern Ireland.

- xl. The assessment also estimates the indirect tourism impacts which arise from the expenditure of transitory workers on hospitality, food and drink, and retail in the local communities neighbouring the developments. These are not included within the core impacts presented above. The estimated tourism employment impacts are modest for all development scenarios.
- xli. The study provides insights into the type of employment and skills requirements that would be required if oil and gas were to be developed in Northern Ireland. Development of oil and gas would create demand for employment and skills directly within the oil and gas sector (for example requiring engineering and geology skills) and also create demand for wider skills and employment (for example in planning and construction).
- xlii. The production of large-scale oil and gas could be a benefit to downstream sectors in NI, which use this as a feedstock to their existing manufacturing and energy generation activities. However, besides the power generation sector, NI currently lacks significant downstream chemicals and major energy intensive sectors which would be a ready source of demand for the oil and gas output. The benefit of cheaper feedstocks for the manufacturing sector or gas for power generation is unlikely to provide a major driver for additional sector growth (although it could safeguard employment given the cost pressures firms in these sectors face) or attraction of major inward investors into Northern Ireland.
- xliii. Energy costs in NI are typically higher than the rest of the UK and EU averages, in part due to its reliance on imports. This reduces the competitiveness of the region's industry and deters inward investment. Whilst NI would undoubtedly benefit economically from lower energy prices, it is unlikely that future gas production in NI from onshore sources will provide the type of price effect experienced in the US. The main reason for this is that the sector will not be able to achieve the economies of scale and low costs of production in Northern Ireland, even with the scale of activity envisaged under the high development scenario.
- xliv. Agricultural land is a major feature of Northern Ireland's current land use and a valuable economic sector. There is also a small but growing food-based visitor economy associated with this agricultural nature and public perception of high-quality environment and associated food products. The land take under all development scenarios is modest and landowners would be compensated for any associated loss of income. However, there is the potential risk of some reputational damage for the rural economy associated with perceptions about the change of use and the potential for contamination and the knock-on this may have for the agri-food and growing food tourism sectors (all concerns expressed by local stakeholders in areas which could be affected by development).
- xlv. The development of onshore oil and gas in NI would also incur other financial and economic costs by the public sector (e.g. costs associated with the licensing and consenting process, regulation, policing and other public services). The National Audit Office, in a report focused on exploitation of unconventional resources in England, notes that whilst the costs associated with activity at scale are highly uncertain, these costs would nevertheless arise and need to be accounted for.

NI Social and Environmental Assessment

- xlvi. The environmental and social impact assessment of the potential for onshore petroleum exploration and development in NI has drawn on a combination of qualitative and quantitative

evidence from existing Strategic Environmental Assessments (SEAs) for onshore unconventional oil and gas development in the UK and other publicly available research reports covered in the review.

- xlvi. It is a high-level assessment of the significance of potential impacts. It is neither a Strategic Environmental Assessment (SEA), a project-level Environmental Impact Assessment (EIA), nor a project-specific Environmental and Social Impact Assessment (ESIA). Similarly, the assessment of health themes is not a Health Impact Assessment (HIA).
- xlvi. A consistent approach has been adopted to the assessment of environmental and social impacts and the evaluation of significance. The assessment has assumed that prevailing planning policies and environmental regulations are sufficient to control activities to prevent pollution and nuisance to sensitive receptors. The mitigation measures outlined in the theme chapters could be implemented, among others, as part of the licence conditions and as good industry practice on a site-by-site basis. However, assessing the effectiveness of the implementation and regulation of past, current or future planning policies and laws covering NI is not within the scope of this assessment.
- xlix. The table below provides a summary of the assessment findings. It concludes that under the no development scenario there would be no additional social and environmental impacts on the baseline conditions. As this scenario does not reflect a change in the current position for onshore development, the potential benefits and disbenefits of such a change are not considered.
- i. The **low development scenario** is assessed as having potential effects of at least **moderate adverse significance** for the following topics:
 - Health: Public health; amenity, recreation and physical health; social cohesion and community well-being
 - Noise and seismicity: felt seismicity (unconventional only).
- ii. In the assessment, environmental topics, compared to a number of health-related topics noted above, are generally found to be lower significance under the low development scenario as assumptions are made of a smaller footprint or influence in the context of the regional or national resource. However, as noted below, some of these topics are subject to important aspects of uncertainty which could affect this assessment and any future site specific EIA.
- iii. The **medium development scenario** is assessed as having potential effects of at least **moderate adverse significance** for the following topics:
 - Health: public health; amenity, recreation and physical health; social cohesion and community well-being
 - Water: groundwater and surface water extraction and pollution
 - Climate change: GHG emissions (unconventional only)
 - Noise and seismicity: felt seismic activity (unconventional only)
 - Soils: loss of soils
 - Landscapes and Geodiversity: landscape and visuals; natural tourism assets; light impacts (in this instance, the potential for moderate adverse effects is assessed to be greater where there is clustering of developments in close proximity to each other). The impacts may be greater, in some regards, for unconventional drilling.

- liii. The **high development scenario** is assessed as having potential effects of at least **moderate adverse significance** for the following topics:
- Health: public health; amenity, recreation and physical health
 - Air quality: point-source and fugitive emissions; air quality impacts associated with construction and site traffic; dust
 - Soils: loss of soils; loss of soil quality or productivity; impact on biodiversity or agriculture
 - Waste management: handling, storage and disposal of waste
 - Climate change: GHG emissions (both conventional and unconventional)
 - Biodiversity, Flora and Fauna: habitat loss, disturbance and fragmentation
 - Noise and seismicity: felt seismic activity (unconventional only)
 - Landscapes and Geodiversity: landscape and visuals; natural tourism assets; light impacts (again, in this instance, the potential for moderate adverse effects is assessed to be greater where there is clustering of developments in close proximity to each other). Again, the impacts may be greater, in some regards, for unconventional drilling
- liv. The significance of the effects under the high development scenario for the groundwater abstraction and pollution, especially for unconventional development activities, and social cohesion and community well-being receptors is assessed as being of **major adverse significance**.
- lv. There are potential environmental impacts for which the gaps in the available evidence makes a reliable assessment of the consequences of development, and the scope for regulatory control and good practice to adequately manage them, challenging. This applies to all of the development scenarios which have been assessed in this report. The UGEE JRP all island study concludes that there is significant uncertainty around the following topics in particular:
- Groundwater aquifers could be polluted as a result of the failure or deterioration of well integrity
 - These aquifers could also be polluted by the migration of pollutants and gas to the aquifer as a result of the fracking process
 - The long term leakage of gas after well closure.
- lvi. The review and impact assessment in the context of NI has identified other gaps in the available evidence. These include gaps around the long term public health impacts beyond post-closure, as well as cumulative or transboundary effects for either physical or mental health and wellbeing and the lack of available evidence about the impact of induced seismic events on people, including their physical health and safety, as well as less tangible impacts on mental wellbeing, anxiety and stress.
- lvii. Uncertainty also exists regarding impacts from the combination of emissions from onsite machinery, HGVs, drilling and fracturing which could lead to cumulative negative effects on sensitive receptors, the impact on water resource availability, water quality and aquatic habitats and ecosystems and the fragmentation of terrestrial habitat due to development.
- lviii. It is also important to note and acknowledge that many potential impacts are site-specific and will vary depending on the sensitivity of local receptors and the prevailing environmental and social conditions. Within the scope of this study, it is challenging to assess these beyond high level or general terms, and the assessment does not include explicit statements about receptors and

potential impacts for specific sites and their neighbouring communities which could be the focus of current or future development applications.

Social & Environmental Assessment Summary			
Theme	Receptor	Development Scenario	Significance
All themes listed below	All receptors listed below	No Development	N/A
Air Quality	Point-source and fugitive emissions (conventional)	Low	Minor adverse
		Medium	
		High	Moderate adverse
	Point-source and fugitive emissions (unconventional)	Low	Minor adverse
		Medium	
		High	Moderate adverse
	Air quality impacts associated with construction and site traffic	Low	Minor adverse
		Medium	
		High	Moderate adverse
	Dust	Low	Minor adverse
		Medium	
		High	Moderate adverse
Soil	Loss of soils	Low	Negligible
		Medium	Moderate adverse
		High	
	Loss of soil quality or productivity	Low	Negligible
		Medium	Minor adverse
		High	Moderate adverse
	Impact on biodiversity or agriculture	Low	Negligible
		Medium	Minor adverse
		High	Moderate adverse
Water	Groundwater and surface water abstraction	Low	Minor adverse
		Medium	Moderate adverse
		High	Major adverse
	Groundwater and surface water pollution	Low	Minor adverse
		Medium	Moderate adverse
		High	Major adverse
Waste Management	Handling, storage and disposal of waste	Low	Minor adverse
		Medium	
		High	Moderate adverse
	Exposure to radioactive waste materials	Low	Negligible
		Medium	Minor adverse
		High	
Climate Change	GHG emissions (conventional)	Low	Minor adverse
		Medium	Moderate adverse
		High	
	GHG emissions (unconventional)	Low	Minor adverse
		Medium	Moderate adverse
		High	
Biodiversity, Flora and Fauna	Habitat loss, disturbance and fragmentation	Low	Negligible
		Medium	
		High	Moderate adverse
	Invasive species	Low	Negligible
		Medium	
		High	
Cultural and Archaeological Heritage	Loss/damage to known or unknown sites or assets	Low	Negligible to Minor adverse
		Medium	

Theme	Receptor	Development Scenario	Significance
	Impacts on setting of cultural heritage	High	
		Low	Negligible to Minor adverse
		Medium	
		High	
Noise and Seismicity	Noise	Low	Negligible
		Medium	
		High	Minor adverse
	Felt seismic activity	Low	Negligible to Moderate adverse
		Medium	
		High	
Health	Health and safety	Low	Negligible to Minor adverse
		Medium	
		High	
	Public health	Low	Negligible to Moderate adverse
		Medium	
		High	
	Amenity, recreation and physical activity	Low	Negligible to Moderate adverse
		Medium	
		High	
	Social cohesion and community wellbeing	Low	Negligible to Moderate adverse
		Medium	
		High	Minor adverse to Major adverse
Landscapes and Geodiversity	Landscape and visual effects	Low	Negligible
		Medium	Negligible to Moderate adverse
		High	
	Natural tourism assets	Low	Negligible
		Medium	Negligible to Moderate adverse
		High	
	Light impacts	Low	Negligible
		Medium	Negligible to Moderate adverse
		High	
Material Assets	Land use change to industrial use	Low	Negligible
		Medium	Negligible to Minor adverse
		High	
	Impacts on agricultural land	Low	Negligible
		Medium	Negligible to Minor adverse
		High	
	Impacts on transport infrastructure	Low	Negligible
		Medium	
		High	
	Impacts on housing, services, social and community infrastructure	Low	Negligible to Minor adverse
		Medium	
		High	

1. Introduction

Introduction

- 1.1 The interest in onshore petroleum exploration and exploitation, especially unconventional oil and gas, has been gathering pace in a number of countries around the world in recent years, most notably the USA and Canada. The exploitation of these resources has been associated with economic benefits in these countries and has led to the USA becoming the leading oil producer in the world. However, some of the processes used to recover unconventional oil and gas (UOG) resources are controversial due to their potential environmental impacts.
- 1.2 Recent UK policy decisions around climate change and UK government commitments to a 2050 Net Zero Greenhouse Gas (GHG) emissions target has raised the issue of whether or not it is economically, environmentally or socially appropriate to continue to license onshore petroleum exploration and development in NI. Across the UK and Ireland, a range of moratoria or bans currently exist either on unconventional only (England, Scotland and Wales) or all forms of oil and gas exploration and development (Ireland).
- 1.3 Onshore petroleum exploration, on a relatively small scale, has taken place over a number of decades across Northern Ireland (NI). Only eighteen boreholes (16 exploration wells and two shallow stratigraphic boreholes) have been drilled under petroleum licences and although several wells have recorded gas and oil shows none of the exploration has led to commercial discoveries and development. However, exploration companies continue to show interest due to the geological features that suggest NI remains prospective for oil and gas.
- 1.4 The petroleum licensing regime is devolved to the Northern Ireland government. The existing NI licensing regime was established in the 1960s - Petroleum (Production) Act (Northern Ireland) 1964 and associated secondary legislation that have had some limited amendments since. In 2019 the Department for the Economy NI undertook an initial review of the petroleum licensing regime. The initial review highlighted that, whilst remaining functional, the licensing regime is not considered sufficiently flexible to balance increasing societal and environmental responsibilities with economic benefit. The review highlighted that there is insufficient information on the benefits and disbenefits of continuing to license exploration and that further bespoke research was required to provide the necessary evidence on the economic, environmental and social impacts of petroleum exploration.
- 1.5 The strategic issues of climate change and the setting of challenging decarbonisation targets for the UK requires NI to consider its position on continued exploration for hydrocarbons (including its 'open door' to licence applicants). The Department's position will need to be informed by and be consistent with the future direction of the proposed NI Energy Strategy.
- 1.6 As an indication of the level of public interest in this area there has been an unprecedented level of response to consultations on two petroleum licence applications undertaken in 2019, with an almost universal objection rate. BEIS's public attitudes survey shows the opposition to shale gas has increased from 21% to 40% between 2013 and 2019⁶. The responses have raised concerns in respect of the impact on the environment and local communities.

⁶ [Fracking for shale gas in England \(nao.org.uk\)](https://www.nao.org.uk/fracking-for-shale-gas-in-england/)

Purpose of the Research

- 1.7 This current research is intended to provide an independent evidence base on which to inform the NI future policy position on petroleum licensing, as well as the preparation of the new Energy Strategy. It will also help to assess the concerns over the current licence applications and inform any recommendation to the Economy Minister and the NI Executive on award or otherwise of a petroleum licence. As such, it has assessed the potential economic, societal and environmental impacts of the development of both conventional and unconventional oil and gas resources should they be discovered in NI. These impacts could potentially be both positive and negative.
- 1.8 This assessment has taken into account the publicly available information on the resource that might exist in NI and the factors which will determine the extent to which this is economically extractable (including geological, technical, economic, geopolitical, policy and regulatory). Given the uncertainty about the existence or size of any technical and economically extractable resource, the assessment has used various development scenarios to test the scale and nature of economic, social and environmental impacts given different levels of exploration and production activity.
- 1.9 The research has also considered these impacts in the context of the current and changing energy mix in NI, allowing for the transition to renewable sources of heat and power as part of a zero carbon future and for the possibility of future oil and gas production to replace imported fuels.
- 1.10 The results of the research will be used by policy makers to inform the formulation of evidence-based policy options and provide Ministers with the information needed to make fully informed decisions about any future petroleum development.
- 1.11 The specific objectives of the study are:
 - Understanding, based on a current knowledge of the potential resource that might exist in NI, of the potential economic, social and environmental benefits and disbenefits to NI of the development of onshore oil and gas, in both the exploration phase and commercial extraction stages
 - Identification of the key economic, social and environmental variables that may be impacted by the development of conventional and unconventional oil and gas, and to determine suitable indicators against which the impacts can be assessed
 - Compare the economic, social and environmental variables to those of a continuing reliance on the importation of oil and gas and an increased reliance on renewable energy technologies
 - Identification of any potential cross-border implications of the development of conventional or unconventional oil and gas
 - To provide a basis to inform the development of future policy on the development of conventional and unconventional oil and gas resources in NI.

Assessment Issues and Approaches

- 1.12 There are a number of issues that were considered in designing the research methods and undertaking the assessment:
 - There is a growing evidence base on the economic, social and environmental impacts of shale oil and gas in particular in North America. Whilst this will be a useful evidence base for this study and has informed many of the other assessments for the UK, Welsh and Scottish Governments, aspects of this experience will be far less transferable to NI.

- Given the limited development of the onshore industry in the UK (and prevention of some forms of further development through the moratoria), there are considerable uncertainties around the scale of the unconventional hydrocarbon resource, as well as some significant aspects of uncertainty related to the potential for economic, social and environmental impacts which could arise if development were to occur. The UK specific evidence which the growth of the domestic sector would normally generate will be significantly diminished by the moratoria placed on future development in GB.
- There are nevertheless a number of major strategic economic and environmental assessments which have been undertaken by the UK and devolved governments to inform their own policy positions. Although not benefiting from UK specific monitoring data and analysis gathered from UK based exploration and production activity, these are credible sources of analysis which have been used to inform this study.
- There is nevertheless the need for realism on the potential scale of some impacts of onshore development activity. For example, claims have been made about the potential for unconventional oil and gas development in particular to support a very large number of jobs and to reduce energy prices and to provide cheap feedstocks in the UK. It is very uncertain that this could materialise for NI given the potential scale of oil and gas supply from onshore development and the nature of its economy and energy markets. Also, there are aspects of uncertainty about the potential for environmental impacts despite the commissioning of island of Ireland or NI specific technical assessments (such as the UGEE JRP all island study⁷ and a study considering the potential risks of induced seismicity from hydraulic fracturing in NI⁸).
- Given this uncertainty it has been important for the research team to:
 - Triangulate the evidence by drawing on a range of sources including the published literature, the comprehensive analysis of economic, social and environmental data, and engagement with government, industry, trade bodies and interest groups (as part of the evidence gathering process), as well as the team's own experience of undertaking these types of assessment across different energy sectors.
 - Use of development scenarios which incorporate different production assumptions, including no development. This is particularly important given the uncertainty about the existence or scale of technically and economically recoverable resource (also bearing in mind that the scale of estimates of recoverable resource have been scaled back significantly in some North American locations). It should be noted that these are not scenarios which relate to particular policy options.
 - As outlined later in the report, these scenarios are not site location specific as this is not known and do not provide a basis for assessing the impacts on specific communities.

⁷The Unconventional Gas Exploration and Extraction (UGEE) research programme was commissioned jointly by Environmental Protection Agency (EPA), the Department of Communications, Energy and Natural Resources (DCENR) and the Northern Ireland Environment Agency (NIEA). It was awarded a contract to a consortium led by CDM Smith Ireland Limited (more information can be found here: [REV_EPA-Fracking-8pp-DL-Sept15-v2\(HR\).pdf](#))

⁸Potential risks of Induced Seismicity from high volume hydraulic fracturing of shales in NI, BGS, February 2021

Economic, Social and Environmental Framework

- 1.13 The range of economic, social and environmental themes which have been considered through the assessment, including the associated potential impact pathways which could occur under the development scenarios, are set out in Appendix A.
- 1.14 The assessment methods have been tailored to the different topics and types of potential impact pathways:
- The assessment of **economic impacts** has quantified the economic output and employment which could be supported under each of the development scenarios, whilst the wider economic impacts (impacts such as sectoral effects, a change in NI's trade balance, changes in energy security and prices) are assessed through a mix of quantitative and qualitative assessment methods. This assessment does not consider the potential indirect costs which could be incurred by the public sector through onshore oil and gas development (such as administrative or policing costs) or resource costs through the change in use or value of material or natural assets. This is considered beyond the scope of this assessment.
 - The assessment of **social and environmental topics** has qualitatively assessed potential impacts under each of the development scenarios. The site-specific nature of many of these impact types limits the scope to quantify them in an assessment of this nature, although where suitable data is available for impacts this has been used to inform the assessment. The assessment has assessed the sensitivity, magnitude and significance of the impact across the range of topics and receptors which were considered relevant. However, this is not a strategic environmental assessment as it is not testing a specific new or proposed change in a policy, programme or initiative.
 - The assessment covers a thirty-year period between 2021 and 2050 which is in line with the timescale for the transition to a zero-carbon economy (although the Northern Ireland Assembly may in due course choose to adopt a shorter timeframe). Some impacts may exceed beyond this period and where that is the case then this is factored into the assessment.
- 1.15 Further information on the respective assessment methods is set out in sections 7 and 8.
- 1.16 The remainder of the report is set out across three parts in the following manner:
- (i) Key messages and executive summary

Part A

- 2. What is onshore petroleum development?
- 3. Policy, planning & regulatory frameworks
- 4. Oil and gas resources in Northern Ireland
- 5. The development scenarios

Part B

- 6. Review of socio-economic impact evidence
- 7. Assessment of economic impacts

Part C

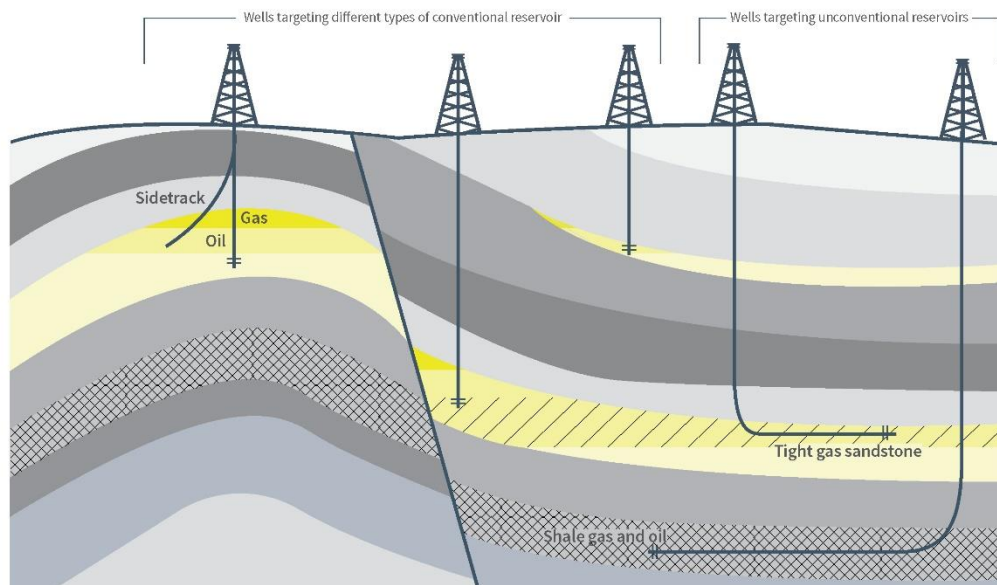
- 8. Social and environmental impact assessment method
- 9. Air quality
- 10. Soils
- 11. Water demand and supply
- 12. Waste management
- 13. Climate change
- 14. Biodiversity, flora and fauna
- 15. Cultural and archaeological heritage
- 16. Noise and felt seismicity
- 17. Health and wellbeing
- 18. Landscapes and geodiversity
- 19. Material assets
- 20. Assessment summary

2. What is Onshore Petroleum Development?

Conventional and Unconventional Oil and Gas

- 2.1 Given the right geological setting and history, oil and gas resources can be located in the subsurface in onshore locations, especially where thick sediments are present in geological basins. Oil and gas may be generated from organic-rich rocks and accumulate in either conventional or unconventional reservoir rocks. The nature of these geological formations plays an important part in determining how they are accessed, including the drilling and extraction methods and associated technologies that are required.
- 2.2 Conventional reservoirs may contain concentrations of oil or gas that have become trapped over time in the pore space of the rock (see Figure 2.1). The rock formations hosting these hydrocarbons traditionally have high porosity and permeability and are found below impermeable rock formations. These impervious layers (seals) have provided a barrier to the upward migration of the oil and gas over geological time, resulting in the trapping of hydrocarbons in the reservoir rock. Given that the geological requirements are normally only present in a small number of locations, conventional hydrocarbons are explored for, and if found, are extracted using near-vertical well bores and with minimal reservoir stimulation. There are three main sedimentary basins within NI which are prospective for conventional hydrocarbons – the Rathlin Basin, Larne Basin and Lough Neagh Basin.

Figure 2.1 Conventional and Unconventional Oil and Gas Resources



Source: Hatch Associates

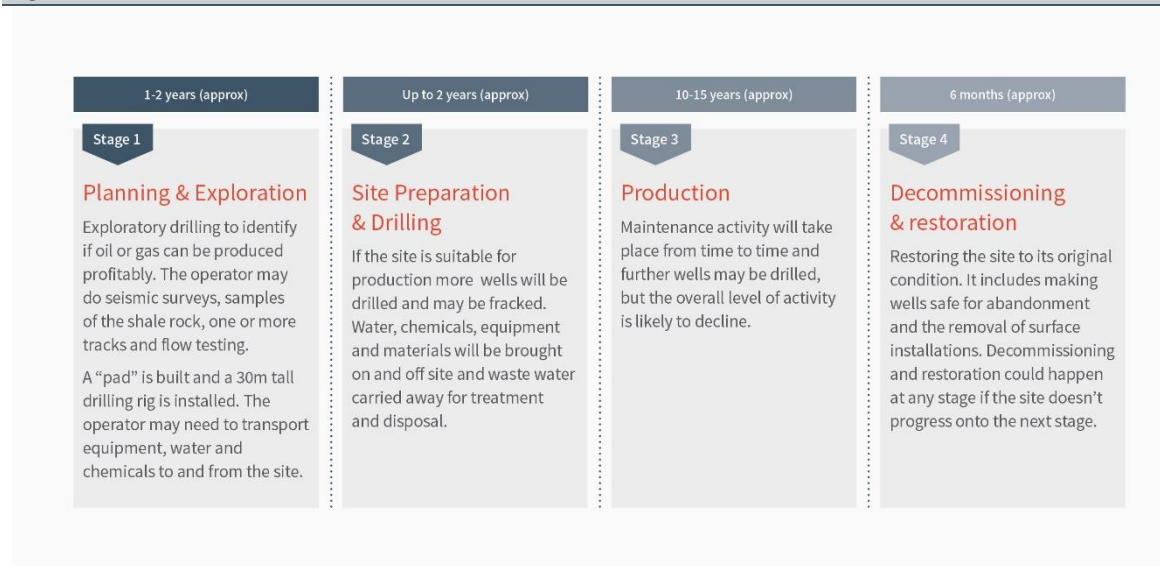
- 2.3 Unconventional oil and gas reservoirs are found in rock formations where both the permeability and porosity are very low, thereby not enabling the resources to be extracted economically via vertical drilling. In contrast it commonly requires a horizontal well followed by multistage laterals and high volume hydraulic fracturing to recover oil or gas. Normally the reservoir comprises a widespread low-permeability and low-porosity rock formation which is oil or gas rich, such as a shale or low permeability sandstone. Alternatively, an unconventional reservoir may also include a low-permeability and low-porosity portion of an oil or gas accumulation that cannot be

developed through the standard drilling and completion processes. If the reservoir rocks consist mainly of shale, the accumulated hydrocarbons are either termed shale gas or shale oil. The main unconventional gas prospect in NI is the Bundoran Shale Formation in the Lough Allen Basin (part of a larger basin that extends into the Republic of Ireland), although the Murlough Shale Formation in the Rathlin Basin may also have unconventional gas potential.

Development Stages

- 2.4 The indicative development cycle for a discovered resource is outlined below (see also Figure 2.2):
- Stage 1: Surveying, site selection and planning, exploratory drilling - up to 3 years
 - Stage 2: Site preparation, drilling and testing – up to 2 years
 - Stage 3: Production – 10-15 years
 - Stage 4: Decommissioning and restoration – 6 months to a year.
- 2.5 The timescales for the stages are approximate and may vary between developments of similar and different types depending on the geology and productivity of the well. The production stage may be longer for conventional resources (up to 20 years), although the productivity of these wells may be significantly reduced in the later years. Shale gas wells tend to be characterised by a very steep decline from a high initial rate over the first 18 to 24 months of production. The post decommissioning stage may also involve periodic monitoring and aftercare of the well after decommissioning is complete.

Figure 2.2 Phases of Onshore Oil and Gas Development



Source: Hatch Associates, drawing on Department for Business, Energy & Industrial Strategy, Guidance on fracking: developing shale gas in the UK. 2019.

Differences in Conventional and Unconventional Development

- 2.6 For this assessment, scenarios for the extraction of conventional and unconventional resources are considered. The extraction of unconventional resources is a technological extension of the techniques for conventional resources. A summary of the most notable differences in the life cycle of the extraction of conventional and unconventional oil and gas is provided in Table 2.1.

Table 2.1 Differences in Stages of Extraction of Conventional and Unconventional Resources		
	Conventional	Unconventional
Stage 1: Development and Exploration	<p>Concentrations of oil or gas occur in discrete accumulations in rock formations that have high porosity and permeability and are found below impermeable rock formations.</p> <p>Vertical well bores with sometimes short incline or a horizontal component are used to extract the resource.</p>	<p>Concentrations of oil or gas in rock formations where the permeability and porosity are so low that the resource cannot be extracted economically by routine drilling and requires a horizontal well bore followed by multistage hydraulic fracturing to achieve production.</p>
Stage 2: Drilling and site preparation	<p>Drilling and completion of well requires up to 3MW of power running continuously while drilling.</p>	<p>Drilling and completion of well requires up to 3MW of power running continuously while drilling.</p> <p>Fracturing the well requires up to 15MW of power (largely for pumping via diesel generation) for several days per lateral.</p> <p>Wastewater generation from fracking activity is an order of magnitude greater due to well depth, returned fracked fluid and number of wells drilled.</p>
Stage 3: Production and Operations	<p>Surface plant and equipment on site for duration of operation.</p>	<p>Surface plant and equipment remain on site for the duration of operation, plus drilling and fracking periodically.</p>
Stage 4: Decommissioning	<p>Conventional well sites are almost entirely restored, leaving only the wellheads, pumpjack if oil produced, and other necessary equipment, and enough space to service and maintain the well.</p>	<p>Unconventional well sites are almost entirely restored, leaving only the wellheads, gas/ liquid separator and other necessary equipment, and enough space to service and maintain the well.</p>

3. Policy, Planning & Regulatory Frameworks

- 3.1 This section provides an overview of the policy and regulatory context for onshore petroleum exploration and production in NI, focussing upon environmental, energy, social and economic considerations. Besides policies which apply to NI, it also covers policies at the global, EU, UK and other devolved administrative areas where they are considered relevant.

Northern Ireland Policy

Draft Programme for Government 2016-21

- 3.2 The Draft Programme for Government provided a framework of outcomes developed by the Government after the May 2016 election. Focused on achieving outcomes of societal wellbeing and delivering real and positive change in people's lives, it represented a move from focusing on inputs and outputs to focus on the outcomes that the Executive at the time wished to achieve. These were:

We prosper through a strong, competitive, regionally balanced economy
 We live and work sustainably — protecting the environment
 We have a more equal society
 We enjoy long, healthy, active lives
 We are an innovative, creative society, where people can fulfil their potential
 We have more people working in better jobs
 We have a safe community where we respect the law, and each other
 We care for others and we help those in need
 We are a shared society that respects diversity
 We are a confident, welcoming, outward-looking society*
 We have high quality public services*
 We have created a place where people want to live and work, to visit and invest
 We connect people and opportunities through our infrastructure
 We give our children and young people the best start in life

*Outcomes not included in NICS ODP

- 3.3 The Northern Ireland Executive has recently finished consulting on its draft outcome framework underpinning the Programme for Government 2021 (with the response not published at the time of writing). The focus of the main economy strand is to achieve an economy which is '*globally competitive, regionally balanced and carbon-neutral*'. The main theme which has increased focus in comparison to that highlighted above is the Green Economy: '*Developing our economy and energy supply in an environmentally friendly way, recognising the impacts industry has on climate change and striving for low-carbon / zero-carbon alternatives*'.

NICS Outcomes Delivery Plan

- 3.4 Since June 2018 and in the absence of an Executive and agreed Programme for Government, the NI Civil Service (NICS) Outcomes Delivery Plan 2018/19 (ODP) became a key strategic document, setting out the actions for departments to put in place to progress the objective of improving wellbeing for all by tackling disadvantage and driving economic growth. At the end of 2019, the ODP actions were to be reviewed and refreshed pending the return of Ministers and production of a new Programme for Government.

3.5 The updated Plan⁹ continues to be structured around the framework of 12 Outcomes of economic, environmental and social wellbeing agreed previously, and its purpose is to give renewed focus to the actions likely to achieve the biggest impact in the immediate future. Outcomes and associated indicators of relevance to the development of oil and gas in NI include:

- We prosper through a strong, competitive, regionally balanced economy
 - Energy security of supply margin
- We live and work sustainably — protecting the environment
 - Greenhouse gas emissions
 - Water quality and pollution
 - Biodiversity
- We enjoy long, healthy, active lives
 - Physical and mental health
- We have more people working in better jobs
 - Skilled workforce.

New Decade, New Approach 2020

3.6 New Decade New Approach¹⁰ was published in January 2020, being the basis on which the NI Executive was restored. It sets out the immediate priorities for the restored Executive, as agreed by the parties:

- Transforming the health service, including the delivery of a Mental health Action Plan
- Transforming other public services
- Investing for the future, including the following sub priorities:
 - To develop a regionally-balanced economy with opportunities for all, including that NI has the right mix of skills
 - To drive the delivery of essential infrastructure projects for a prosperous shared future
 - To tackle climate change head on with a strategy to address both the immediate and longer-term impacts.
- Delivering a fair and compassionate society
- Introduce legislation and targets for reducing carbon emissions in line with the Paris Climate Change Accord
- Developing a new Programme for Government, building on the NICS Outcomes Delivery Plan – to comprise a framework of 12 outcomes of societal wellbeing and a Priorities Plan.

⁹ <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/odp-dec-%202019.pdf>

¹⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade__a_new_approach.pdf

Economy 2030: An Industrial Strategy for Northern Ireland¹¹

- 3.7 The draft Industrial Strategy sets out its vision for Northern Ireland *'to be a globally competitive economy that works for everyone'* whilst noting that *'becoming the globally competitive economy to which we aspire should not mean sacrificing what makes Northern Ireland special'*. It aims to achieve this through a proposed framework of five pillars for growth. This is closely related, and in response to, the UK Government's Industrial Strategy White Paper. The pillars cover overarching themes which include inclusivity, prosperity and achieving economic rebalance :
- **Pillar 1 – Accelerating Innovation and Research:** by encouraging innovation through its support for continuous improvement.
 - **Pillar 2 – Education, Skills and Employability:** by upskilling individuals and providing them with the tools to improve productivity within businesses.
 - **Pillar 3 – Driving Inclusive, Sustainable Growth:** by providing businesses with support focused on creating sustainable improvements to business culture and attitudes towards operational excellence.
 - **Pillar 4 – Succeeding in Global Markets:** by raising business competitiveness and contributing to export success in international markets.
 - **Pillar 5 – Building the Best Economic Infrastructure:** by making key investments in energy, water, transport and connections, digital communications, waste disposal networks and facilities.
- 3.8 Northern Ireland's energy and low carbon sectors are identified as important both in terms of their role in providing the infrastructure that a modern growing economy requires (whilst also noting the trade-offs between economy, society and environment of these investments), as well as the opportunities for growth through the expansion of renewable energy sources as well as the transition to a zero-carbon economy. It notes a number of intended actions which are particularly relevant to this study including the intention of enhancing the security, sustainability and cost-efficiency of the region's energy supply, as well as developing a new Energy Strategy to meet NI's medium and longer term energy needs.

Northern Ireland Economic Recovery Plan

- 3.9 The Economic Recovery Action Plan sets out a range of decisive actions to kick-start economic recovery in NI in response to the challenges presented by the Covid -19 pandemic, helping to build a more competitive, inclusive and greener economy. Whilst 'Rebuilding a Stronger Economy' sets out the priorities for a more competitive, inclusive and greener economy, the Recovery Action Plan defines the immediate actions required to deliver this.
- 3.10 The Building a Greener Economy strand of the action plan specifically recognises that the economic recovery must be sustainable, environmentally responsible and tackle climate change. It notes in particular the opportunities presented by the shift to renewables technologies, as well as the circular economy. It notes that DfE will support a Greener Economy by:
- Delivering a net zero carbon energy transition
 - Improving energy efficiency of buildings and industry
 - Encouraging green innovation in renewables and low carbon technologies

¹¹ economy-ni.gov.uk/sites/default/files/consultations/economy/industrial-strategy-ni-consultation-document.pdf

- Developing the Hydrogen Economy and Circular Economy
 - Enabling a low carbon workforce
 - Working collaboratively across Government on a green growth approach to recovery.
- 3.11 This is reinforced by Invest NI's (the main economic development agency in NI) recovery plan which focuses on supporting business to deal with the dual challenges of the ongoing impacts of Covid-19 and EU Exit. The Green Economy strand of the plan sets out the intention of maximising zero-carbon and Green Economy global market opportunities in areas where NI has distinct capability (e.g. Hydrogen) and support business to accelerate progress towards net zero carbon energy.

Green Growth Strategy

- 3.12 NI is currently developing a green growth strategy and delivery framework. Green growth is about working together to value environmental assets, growing those assets and, in so doing, growing the economy. As such, it aligns well with the draft outcome framework underpinning the Programme for Government, Rebuilding a Stronger Economy and the Northern Ireland Covid -19 Economic Recovery Plan.
- 3.13 The Green Growth Strategy is being co-designed by the Executive in collaboration with a broad and inclusive range of people from across the business community, environment sectors and the community and voluntary sectors. The strategy was discussed at the Executive, with co-design and consultation during autumn 2020 and a strategy due to be finalised in 2021.
- 3.14 The delivery framework will be a series of interconnected programmes that demonstrate green growth in action. The first will be key foundation programmes, major objectives that will contribute to the aims of the strategy but in a way that demonstrates real impact on the ground. The first announced is the Forests for our Future programme, with other key programmes expected to include keeping plastics in the economy and out of the environment, agri-environment approaches and rewarding farmers for environmental outcomes, increasing renewable energy to become a net exporter and linking up to sustainable transport to achieve net zero emissions.

Environment Strategy

- 3.15 Northern Ireland has not previously had an overarching environment strategy. Department of Agriculture, Environment and Rural Affairs (DAERA) is in the process of preparing a strategy which is aimed to provide an effective and holistic approach providing real improvements in the environment for the future. It has produced a public discussion document designed to give stakeholders the opportunity to express their opinions on a wide range of environmental issues facing NI.
- 3.16 Northern Ireland's new Environment Strategy is currently in development, taking account of the consultation responses. The strategy is expected to cover the following themes:
- Climate change
 - Natural environment and landscapes
 - Resource efficiency – promoting that the use of resources including oil and gas is in a way that reduces harm to the environment as much as possible.
 - Marine environment
 - Environmental quality (air, water and neighbourhoods)

- Fisheries and aquaculture
- Built environment.

3.17 The public consultation document also outlines six possible outcomes from the implementation of the strategy:

- We reuse and recycle our resources as much as possible and produce zero waste
- We can all access a healthy environment
- We reduce our greenhouse gas emissions and prepare for the impacts of climate change
- The loss of wildlife is stopped, our ecosystems are healthy, and our landscapes are properly looked after
- We provide and consume goods and services in ways that can be sustained in the future
- We have excellent air, water, land and neighbourhood quality.

3.18 As of early 2021, the six Strategic Environmental Outcomes for the Environment Strategy had been revised to the following:

- *Excellent air, water, land & neighbourhood quality*
- *A healthy & accessible environment everyone can connect with & enjoy*
- *Biodiversity loss in reverse, healthy ecosystems & well managed landscapes*
- *Sustainable production & consumption on and at sea*
- *Zero waste & highly developed circular economy*
- *Net zero carbon society & improved climate resilience*

3.19 The consultation document notes the particular environmental challenges which arise in NI due to the very different characteristics of our economy, our geographical location and other factors such as the prevalence of traditional fuels sources as coal and oil. This is reflected in the relative reductions in greenhouse gas emissions which have been achieved across the UK, with NI lagging behind England and Scotland.

Northern Ireland Energy Strategy

3.20 The Department for the Economy's Strategic Energy Framework (SEF)¹² was adopted in 2010 by the Northern Ireland Executive. Responding to the changed context for energy within the UK and NI, the Department for the Economy has embarked on the development of a new energy strategy to decarbonise the NI energy sector by 2050 at least cost to the consumer. In developing its new strategy for NI, the government must consider the optimal pathways to decarbonising energy in light of the existing energy mix, the scope to reshape and demand reduction measures.

3.21 The consultation on a new energy strategy for NI was launched in March 2021, with the intention of publishing the finalised strategy at the end of 2021. The strategy vision is to secure net zero carbon energy by 2050, whilst ensuring affordable energy for users and providing opportunities to create jobs and encourage investment. It also sets out five principles at the heart of the proposed strategy:

¹² [Strategic Energy Framework 2010](#)

- Placing consumers at the heart of our energy future: it aims to make energy simple for everyone in society and develop policies that enable and protect consumers through the energy transition. Affordability and fairness will be key considerations in policy decisions.
 - Growing a green economy: it aims to provide economic opportunities, create new jobs and grow a low carbon skills base through innovation and focusing on NI's competitive strengths.
 - Do more with less: it aims to set clear targets, standards and regulations that drive improvements in energy efficiency. Consumers will be supported to invest in changes that reduce their energy use.
 - Replace fossil fuels with indigenous renewables: it aims to phase out fossil fuels by growing NI's indigenous renewable base and using this to decarbonise power, heat and transport.
 - Create a flexible and integrated energy system: it aims to create a flexible, smart and digitised energy system that integrates renewables across heat, power and transport, creating value for consumers and enhancing security of supply.
- 3.22 The consultation document asks a number of questions which are directly or indirectly relevant to the possibility of onshore petroleum development. These include whether the NI Government's approach to petroleum licensing should change in line with the commitment to decarbonise energy, as well as whether there is a role for carbon capture use and storage (CCUS) in NI.
- 3.23 The option paper sets out a range of energy scenarios for achieving net zero carbon energy, namely 'business as usual', 'high electrification', 'high gasification' and 'diverse'. Of these four scenarios, the business as usual scenario is not Paris Agreement compatible, with substantially higher final energy demand than the other scenarios. The high electrification scenario has the lowest final energy demand of all scenarios due to shift to electricity (60% of total demand by 2050) and substantial improvements in energy efficiency (including that required for the increase in heat pumps) and relies mostly on electricity with 60% of final demand. The high gasification scenario has a higher level of overall final energy demand than the high electrification scenario and has the highest proportion of gas (accounting for 46% of final energy demand, compared to the high electrification (22%) and diverse scenarios (37%)). The diverse scenario takes into account the considerable regional differences in Northern Ireland and includes higher levels of local involvement as well as local responses to the low carbon transition.

Climate Emergency

- 3.24 In February 2020, the Northern Ireland Assembly debated and carried a private member's motion concerning the climate crisis. The motion stated that the Assembly recognises that NI is facing climate breakdown and a biodiversity crisis and that a climate emergency should be declared. Of particular relevance to this assessment, it calls on the Minister of Agriculture, Environment and Rural Affairs and the Minister for the Economy to:
- implement the commitments as agreed in the New Decade, New Approach agreement to include reviewing the Executive's strategies to reduce carbon emissions in respect of the Paris Accord
 - developing a new energy strategy which will set ambitious targets and actions for a fair and just transition to net zero-carbon energy
 - bringing forward a climate change act to give environmental targets a strong legal underpinning

- establishing an Independent Environmental Protection Agency to oversee this work and ensure targets are met.

3.25 In addition, the NI Assembly also debated (October 2020) a motion calling for a moratorium on onshore development activity until a bill can be brought forward that bans all exploration, drilling and extraction of hydrocarbons in NI.

3.26 Many of the NI local councils have also passed similar motions calling for a moratorium on onshore oil and gas development.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

3.27 The SPPS is the statement of the Department for Infrastructure's policy on planning matters that should be addressed across Northern Ireland. It reflects the Infrastructure Minister's expectations for delivery of the planning system that enables the "*orderly and consistent development of land whilst furthering sustainable development and improving well-being.*"

3.28 The SPPS includes a presumption against unconventional hydrocarbon extraction and fracking until there is sufficient and robust evidence on all environmental impacts.

3.29 The statement supports the six guiding principles of sustainable development agreed by the Northern Ireland Executive:

- living within environmental limits
- ensuring a strong, healthy, just and equal society
- achieving a sustainable economy
- using sound science responsibly
- promoting opportunity and innovation
- promoting good governance.

3.30 A central challenge in furthering sustainable development highlighted by the SPPS is mitigating and adapting to climate change and improving air quality. It notes various ways in which this can be achieved including through shaping new and existing developments in ways that reduce greenhouse gas emissions, positively build community resilience and promoting sustainable patterns of development.

3.31 There are a number of policies and statements in the SPPS which have a bearing on potential onshore oil and gas development including archaeology and the built environment, countryside development, economic development, flood risk, natural heritage, open space and recreation, tourism transportation and waste management.

UK Policy

3.32 There is now clear recognition in UK policy that the natural environment underpins health, well-being and ultimately economic prosperity¹³. The economic benefits that flow from natural assets are increasingly taking a greater prominence in policy making, as seen in the 25 Year Environment Plan, the UK Industrial Strategy, the ambition to deliver a green EU Exit, and the UK Government's Covid-19 Recovery Strategy and drive towards a green recovery package.

¹³UK Government's 25 Year Environment Plan (25YEP)

25 Year Environment Plan

- 3.33 The 25 Year Environment Plan (25YEP) sets out the importance of enhancing natural capital in order to boost productivity as the essential basis for resilient and inclusive economic growth over the long term. Its focus areas include:
- to use and manage land sustainably
 - to increase resource efficiency and reduce pollution and waste
 - to connect people to the environment in order to improve health and wellbeing.
- 3.34 The 25YEP is also complementary to the UK's Industrial Strategy (2017), reinforcing the relationship between the environment and the economy. The Strategy's five foundations of productivity (Innovation, People, Infrastructure, Places and Business environment) are all, to a greater or lesser degree, supported by and reliant on the natural environment. The Strategy's Grand Challenges include the Clean Growth priority area as well as commitments to investment in clean innovation, lowering carbon emissions and tackling local air pollution, further showcasing the linkages between a healthy environment and thriving economy.

Net Zero Ambition

- 3.35 In June 2019 the UK government passed secondary legislation that committed the UK to "at least 100%" reduction in carbon emissions relative to the levels in 1990 by 2050. In April 2021 the government announced its intention to commit the UK to cutting emissions by 78% by 2035 compared to 1990 levels (as well as the UK's sixth Carbon Budget incorporating its share of international aviation and shipping emissions for the first time). However, the UK's existing Nationally Declared Contribution (NDC), a central pillar of its commitment to the Paris Agreement, does not commit the UK to net zero – this is expected to be changed in the run up to the next COP26 climate talks.
- 3.36 The Climate Change Committee's 2020 Progress Report suggests that the Covid-19 recovery represents an opportunity to further steer choices towards new vital economic activity that accelerates the Net Zero transition and strengthens the UK's climate change resilience. The CCC report's headline conclusion is that there is a sizeable "policy deficit" between recent, current and planned short-term action, and what is required to put the UK on track to meet its long-term climate targets. The delay to the publication of the National Infrastructure Strategy, Energy White Paper and the Buildings and Heat Strategy were highlighted as concerns, as was the lack of a clear carbon pricing trajectory.
- 3.37 The delay to COP26 is seen as creating a window of opportunity to establish a credible and leading position on climate change. UK Government recently revealed that a national net-zero strategy will be published before the COP26 climate summit in November 2021. To achieve Net Zero, the UK needs to achieve an average emissions reduction of around 15.5 MtCO_{2e} per year over the next 30 years, similar to the 16 MtCO_{2e} achieved in 2019.

Energy White Paper 2020

- 3.38 Energy is a devolved matter within NI, however, the Energy White Paper¹⁴ is included here as it provides further clarity on the UK Prime Minister's strategy for the wider energy system necessary to deliver net zero emissions by 2050. The White Paper notes that '*we will ...make sure the natural gas markets and networks evolve in a way which enables continued investment and ensure secure supplies but also promotes the use of low-carbon options, wherever possible*'. Whilst the White

¹⁴ [Energy White Paper \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/90114/energy-white-paper-2020.pdf)

Paper's focus on the oil and gas sector is mainly concerned with offshore activity, a number of the commitments could be relevant to the onshore sector including:

- Ensuring that licensing is compatible with the UK's climate change ambitions in the coming decades (including through formalising this into existing processes)
- Ensuring the UK maintains a secure and resilient supply of fossil fuels during the transition to net zero emissions.

National Infrastructure Strategy

- 3.39 The National Infrastructure Strategy was published in November 2020 with the intention of creating a "fairer, faster, greener" economy, as well as driving its plans to "level up" the country. The third chapter concentrates on how the infrastructure investment aligns with decarbonising energy and reducing climate change. Decarbonising the power supply, industrial decarbonisation and the shift to low emissions vehicles are seen as key priorities along the route to achieving net-zero emissions.

Republic of Ireland

- 3.40 In March 2021 the Irish Government approved its Climate Action and Low Carbon Development (Amendment) Bill, setting out its path to net-Zero emissions no later than 2050, and to a 51% reduction in emissions by 2030. The Bill provides an ambitious framework for Ireland to meet its international and EU climate commitments, including:
- Provision for the first of two five-year carbon budgets proposed by the Climate Change Advisory Council to equate to a total reduction of 51% over the period to 2030 (relative to a baseline of 2018)
 - The inclusion of all forms of greenhouse gas emissions including biogenic methane in the carbon budgets
 - The role of Government in setting out how the carbon budget will apply by sector, detailed in the annual Climate Action Plan
 - Local Authorities preparing their own five-year Climate Action Plans which will include both mitigation and adaptation measures (and with alignment to Development Plans).

International Policy Perspectives

- 3.41 There are a wide range of international policies which also have a direct or indirect bearing on onshore petroleum development in NI. This also includes a number of European Union policies due to their legacy implications. These are outlined briefly below.

UN Sustainable Development Goals

- 3.42 The 2030 Agenda for Sustainable Development, adopted by all UN Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet, both now and into the future. The seventeen Sustainable Development Goals (SDGs) are an urgent call for action by all countries - developed and developing - in a global partnership. They represent an integrated approach to ending poverty and other deprivations hand-in-hand with strategies that improve health and education, reduce inequality, and **spur economic growth while tackling climate change** and working to preserve land and seascapes.
- 3.43 The SDGs relevant to the development of onshore oil and gas in NI include:

- Goal 3: Good health and wellbeing – ensure **healthy lives** and promote **wellbeing** for all at all ages.
- Goal 6: Clean water and sanitation – including to ensure availability and **sustainable management of water**.
- Goal 7: Affordable and clean energy – ensuring access to **affordable, reliable, sustainable and modern energy** for all.
- Goal 8: Decent work and economic growth – sustained, inclusive and sustainable economic growth, full and productive **employment and decent work** for all.
- Goal 11: Sustainable cities and communities – make **human settlements inclusive, safe, resilient and sustainable**.
- Goal 13: Climate action – take urgent **action to combat climate change** and its impacts.
- Goal 15: Life on land – including to protect, restore and **promote sustainable use of terrestrial ecosystems, reverse land degradation, and halt biodiversity loss**.
- Goal 16: Peace, justice and strong institutions – including promoting **peaceful and inclusive societies**, and building effective, accountable and inclusive institutions for all.

UNCC Paris Agreement

- 3.44 The Paris Agreement is a legally binding international treaty on climate change. It was adopted by 196 Parties at COP 21 in Paris on 12 December 2015. Its goal is to **limit global warming to well below 2 degrees Celsius**. To achieve this long-term temperature goal, countries aim to reach global peaking of greenhouse gas emissions as soon as possible to achieve a climate neutral world by mid-century. The Paris Agreement is a landmark in the multilateral climate change process because, for the first time, a binding agreement brings all nations into a common cause to undertake ambitious efforts to combat climate change and adapt to its effects.

EU Environmental Policy

- 3.45 Whilst the UK exited the European Union at the end of January 2020, many of its policies are still relevant to NI as the policies remain embedded in or have been transferred into UK policy.
- 3.46 The European environment policy rests on the principles of **precaution, prevention and rectifying pollution at source**, and on the **'polluter pays' principle**. The policy areas are:
- Combating climate change
 - Biodiversity, land use and forestry
 - Water protection and management
 - Air and noise pollution
 - Resource efficiency and the circular economy
 - Sustainable consumption and production
 - Chemicals and pesticides.

European Green Deal

- 3.47 The Green Deal is an action plan to make the EU's economy sustainable by turning climate and environmental challenges into opportunities, and making the transition just and inclusive for all.

The EU aims to be carbon neutral by 2050 and proposed a European Climate Law to make the political commitment a legal obligation.

3.48 The most relevant policy areas include:

- Biodiversity
- Eliminating pollution
- Sustainable agriculture
- Clean energy
- Climate action
- Sustainable industry.

3.49 The EU is also providing financial support and technical assistance through the **Just Transition Mechanism** to help those member states and their communities that are most affected by the move towards the green economy. It will help mobilise €100 billion over 2021-2027 in the most affected regions.

3.50 Related EU environmental strategies include:

- **EU strategies for energy system integration and hydrogen** – to pave the way towards a fully decarbonised, more efficient and interconnected energy sector.
- **EU strategy on Offshore Renewable Energy** – while reinforcing the role of offshore energy in the energy mix, the strategy underlines that sustainability and, more specifically, the protection of the environment and biodiversity will be key principles for all dimensions concerned.
- **2030 Climate Target Plan** – proposal to cut greenhouse gas emissions by at least 55% by 2030.
- **EU 2030 Biodiversity Strategy** – putting Europe’s biodiversity on a path to recovery by 2030, with commitments including an increase in ambition on protected areas (30% by 2030, with 10% strictly protected), a binding ecosystem restoration initiative, and biodiversity funding of at least €20 billion per year based on Member State’s prioritized investment needs. However, only a slight reference is made to the EU’s agricultural policy representing over a quarter of the EU budget.
- **State of Nature in the EU 2020 report**¹⁵ – identifies persisting pressures on Europe’s nature and gives an overview of Europe’s most vulnerable species and habitats protected under EU nature laws. The report identifies the top pressures affecting habitats and species as:
 - Unsustainable agriculture and forestry, urban sprawl and pollution
 - Peatlands, grasslands, dune habitats, and species associated with agriculture.

Onshore Petroleum Licensing in NI

3.51 NI has a separate onshore petroleum licensing regime to other parts of the UK and as such the UK Oil & Gas Authority (OGA) does not play any role in relation to onshore licensing and permitting in the region. Under the Petroleum (Production) Act (Northern Ireland) 1964 companies seeking

¹⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:635:FIN>

to undertake prospective exploration, drilling for or extracting oil or gas in NI must hold a petroleum licence granted by the Department for the Economy (DfE).

- 3.52 All of Northern Ireland’s onshore areas are available for petroleum licence applications. DfE is responsible for granting Petroleum Licences for all areas of Northern Ireland including the internal waters adjacent to Northern Ireland (although these internal waters have not been made available for Licence applications).
- 3.53 The application and licensing process is underpinned by a range of Petroleum Regulations which, among other things, set out the arrangements for making and determining applications, permissible terms and conditions for granting a Petroleum Licence and the Model Clauses which may be incorporated in a Petroleum Licence. They also specify the current criteria for determining applications for Petroleum Licences. The Licence application process involves scrutiny of the Applicant’s financial viability and capacity, technical capacity and environmental awareness.
- 3.54 A Petroleum Licence does not grant the Licensee carte blanche to carry out all petroleum related activities. A number of activities, such as drilling, fracturing, extended well testing or suspension and abandonment of a well, are subject to individual consents from the DfE, and a Licensee remains subject to all controls by other bodies such as the Health and Safety Executive Northern Ireland (HSENI), the Northern Ireland Environment Agency (NIEA) and planning permission must be sought where required.
- 3.55 The granting of a Petroleum Licence in no way waives the requirement for the Licensee to get necessary permission from the landowners to carry out exploration activities on that land. It is the Licensee’s responsibility to be aware of, and comply with, all regulatory controls and legal requirements, but they must demonstrate this prior to any permission to drill being given by DfE.
- 3.56 Petroleum Licences cover exploration, appraisal, development and production of oil and gas. In Northern Ireland, a Petroleum Licence has the following periods:

Term	Length (years)	Phase	Work Permitted/Carried Out
Initial	5	Exploration	Evaluation of acreage, identification of prospects, exploration drilling (subject to permission).
Second	5	Appraisal & development	Further exploration or appraisal of discovery leading to submission of field development plan.
Third	20+	Production	Development of field and production period, field decommissioning.

- 3.57 An applicant may either apply for a Petroleum Licence with a firm commitment to drill or with a Drill-or-Drop commitment. The Initial Term of a licence comprises two parts, with Part 1 (years 1-3) of the Work Programme including early exploration activity such as geochemical sampling, seismic data acquisition, and identification of drilling targets. With a drill-or-drop commitment, licensees make a decision whether to proceed to Part 2 (years 4 & 5) of the first term and drill an exploratory well subject to all permits and consents. Following the results of the drilling and if work programme is completed to the satisfaction of DfE, a licensee can proceed to the Second Term. Up to 50% of the licence area may be retained into the Second Term or the licence may also be relinquished at this point.
- 3.58 The Second Term, subject to obtaining any necessary permits and consents may include drilling of an appraisal well, testing programmes, analysis of drilling results, seismic and geochemical surveys and planning for the extraction of any commercially viable discoveries (the licensee will prepare and submit a Field Development Plan).

- 3.59 The Third Term is intended for construction of facilities and production. Subject to obtaining any necessary permits and consents activities carried out in this term may include drilling of production wells, connection to existing infrastructure, extraction of hydrocarbons and decommissioning of oil/gas fields and facilities.
- 3.60 As noted earlier, the SPPS assumes a presumption against unconventional hydrocarbon extraction until there is sufficient and robust evidence on all environmental impacts.

Onshore Petroleum Policies Elsewhere in the UK and RoI

- 3.61 Across the UK and Ireland a range of moratoria or bans exist either for unconventional only or all forms of oil and gas exploration and development:
- England – following the publication of an Oil and Gas Authority report¹⁶ published in November 2019, the UK government announced a moratorium on hydraulic fracking until new evidence is provided on the links to seismic activity. It concluded *'that it is not possible with current technology to accurately predict the probability of tremors associated with fracking'*. The moratorium is still in place, although it does not affect drilling which does not include hydraulic fracking.
 - Scotland – in 2015 the Scottish Government placed a moratorium on unconventional oil and gas development in Scotland whilst it undertook an extensive review of the evidence into the impacts of exploration and extraction. In 2019 it finalised its policy position of *'no support for UOG development in Scotland'* which covers development connected to the onshore exploration, appraisal or production of shale oil and gas using unconventional extraction techniques, including hydraulic fracturing.
 - Wales – at the end of 2018 the Welsh Government announced its policy *'to not undertake any new petroleum licensing in Wales, or support applications for hydraulic fracturing petroleum licence consents'*.
 - Republic of Ireland – the Irish Government announced its intention in February 2021 to end the issuing of new licences for the exploration and extraction of gas, on the same basis as the 2019 decision in relation to oil exploration and extraction. It will no longer accept new applications for exploration licences for natural gas or oil (conventional or unconventional) or letting any future licensing rounds. This applies to both on and offshore development. This does not affect existing approvals which are in place.
- 3.62 Prior to the introduction of the moratorium in England, the UK Government had indicated its support for the industry (excluding NI) by making a series of proposals to encourage safe and sustainable development including reduction in tax burdens on developers, a fund to cover provision of independent evidence on the robustness of current regulatory regime and the retention of business rates by local authorities.
- 3.63 A public consultation was held in 2014 on proposals to simplify underground access and exploitation of oil, gas and geothermal resources in England, Scotland and Wales (not including NI). Whilst the vast majority of respondents were opposed to underground drilling access, the Infrastructure Bill (Infrastructure Act 2015) gave underground access rights to companies extracting petroleum resources and geothermal energy in England and Wales (where it is at least 300 metres below the surface).
- 3.64 The Act also introduced a series of shale gas fracking safeguards setting out the conditions for the granting of a well consent for hydraulic fracturing in England and Wales:

¹⁶ [Oil and Gas Authority Preston New Road Hydraulic Fracturing Operations Data Report](#)

- Requiring a separate hydraulic fracturing consent for associated hydraulic fracturing at a depth of 1000 metres and below, as well as prohibiting associated hydraulic fracturing at a depth of less than 1000 metres
 - Safeguards to be in place in relation to environmental impacts (in particular, relating to groundwater), monitoring, consultation and providing public information.
- 3.65 DECC (now BEIS) published a Regulation and Best Practice guide¹⁷ for onshore oil and gas development in 2015 with the intention of providing greater clarity and good practice for the permitting and permissions process, particularly with respect to unconventional resources and the use of hydraulic fracturing. A separate document covers NI.
- 3.66 The UK Onshore Operators Group, which is the representative body for the onshore oil and gas industry in the UK, published a Community Engagement Charter in 2013¹⁸ setting out the commitments made by its members. Licence applicants and holders would be expected to reflect this Charter in considering their approach to good practice including community consultation and community benefits package.

Summary

- 3.67 One of the key policy drivers in NI, as in the rest of the world, is focused on tackling climate change (and both avoiding and managing its impacts) and the transition to a net zero carbon economy by 2050. This will require the continuation of good progress in the decarbonisation of the energy supply, as well as major investments to achieve decarbonisation of industry, transport and the built environment.
- 3.68 The Department for the Economy has embarked on the development of a new energy strategy to decarbonise energy by 2050. In developing its new strategy for NI, the government has considered the optimal pathways to decarbonising energy in light of the existing energy mix, the scope to reshape use and demand reduction measures. The consultation on strategy options was launched in March 2021, with the intention of publishing the full strategy at the end of 2021. The strategy vision is to secure net zero carbon energy by 2050, whilst ensuring affordable energy for users and providing opportunities to create jobs and encourage investment.
- 3.69 The consultation document asks a number of questions which are directly or indirectly relevant to future onshore petroleum development. These include whether the NI Government's approach to petroleum licensing should change in line with the commitment to decarbonise energy, as well as the potential role for CCUS in NI.
- 3.70 As in the rest of the UK, the Northern Ireland Government is committed to using this transition (and the challenges presented by the Covid-19 pandemic) to secure economic growth that delivers a fairer, more balanced and resilient economy.
- 3.71 Northern Ireland is due to publish its new energy and environmental strategies in 2021. These strategies will play an important role in determining the pace and pathways which NI adopts to the transition to net zero-carbon energy and tackling the related challenges of climate change. This direction of travel is also underpinned by the draft Programme for Government and other key policies.
- 3.72 NI has a separate onshore petroleum licensing regime to other parts of the UK and as such the UK Oil & Gas Authority (OGA) does not play any role in relation to onshore licensing and permitting in the region. Under the Petroleum (Production) Act (Northern Ireland) 1964 companies seeking

¹⁷ [Onshore UK oil and gas exploration England Dec15.pdf \(publishing.service.gov.uk\)](#)

¹⁸ [Benefits of Onshore Oil and Gas | UKOOG](#)

to undertake prospective exploration, drilling for or extracting oil or gas in NI must hold a petroleum licence granted by the Department for the Economy (DfE).

- 3.73 The strategic issues of climate change and the setting of challenging decarbonisation targets for Northern Ireland requires the Northern Ireland Executive to consider its position on continued exploration for hydrocarbons. This position must be informed by and consistent with the future direction of the proposed NI Energy Strategy. The Department is currently reviewing this, with this study forming part of the evidence it will consider.
- 3.74 Whilst the UK Government had promoted onshore oil and gas development as a means of securing the dual benefits of energy security (in response to declining output from the North Sea) and economic growth, moratoria on exploration and drilling unconventional resources are currently in place across Great Britain. The Irish Government also announced its intention in February 2021 to end the issuing of new licences for the exploration and extraction of gas, on the same basis as the 2019 decision in relation to oil.
- 3.75 Prior to the moratoria, the UK Government put in place a number of initiatives in 2013 and 2014 to encourage onshore oil and gas development in England and Wales (although most do not apply in NI). This included tax incentives and allowances for developers, access rights and improved monitoring. Developers would also be expected to demonstrate good practice encouraged by the industry, such as the adoption of the Community Engagement Charter introduced by UKOOG which provides for local community payments and revenue sharing.

4. Global Resource and Prospectivity in NI

4.1 This section sets out:

- An overview of existing research on available onshore oil and gas resources, providing global resource context for resource and reserve estimates in UK. Much of the focus is on shale oil and gas resources given the considerable interest over the past decade and improved knowledge of its extent through research and exploration (mainly in the US).
- A review of evidence on the potential for conventional and unconventional resources in Northern Ireland.
- Consideration of the factors which could influence the extent of extraction within Northern Ireland over next twenty years. This includes policy, market, geological and technical considerations factors.

Global Perspective

4.2 There has been a massive expansion in the exploration and production of onshore oil and gas, especially in North America, given the opportunities this presents to reduce the costs of energy, to enhance the energy mix and provide security of supply. This has been driven by the development of new techniques for extracting shale oil and gas, as well as a better understanding of the resource through more extensive studies and exploration activity.

4.3 Shale gas resources are considered to be widely distributed worldwide. Based on an assessment¹⁹ of shale formations around the world, the US EIA estimated (2013-2015 estimates, last updated 2015) the technically recoverable reserves (TRR) of shale oil and gas resources for the world to be:

- 420 billion barrels (bbl) of world shale oil resources, distributed in more than 170 shale strata in 104 basins of 46 countries (up from 350 billion barrels in 2013).
- 7,600 trillion cubic feet (tcf) of world shale gas (up from 7,300 tcf in 2013), which represents approximately 61 years of world natural gas consumption (with 2016 as reference year for demand).

4.4 The map in Figure 4.2 shows the 2013 assessment of the global extraction of shale oil and shale gas formations.

¹⁹ [US Energy Information Administration World Shale Resource Assessments](#)

Figure 4.2 Map of basins with assessed shale oil and shale gas formations, as of May 2013



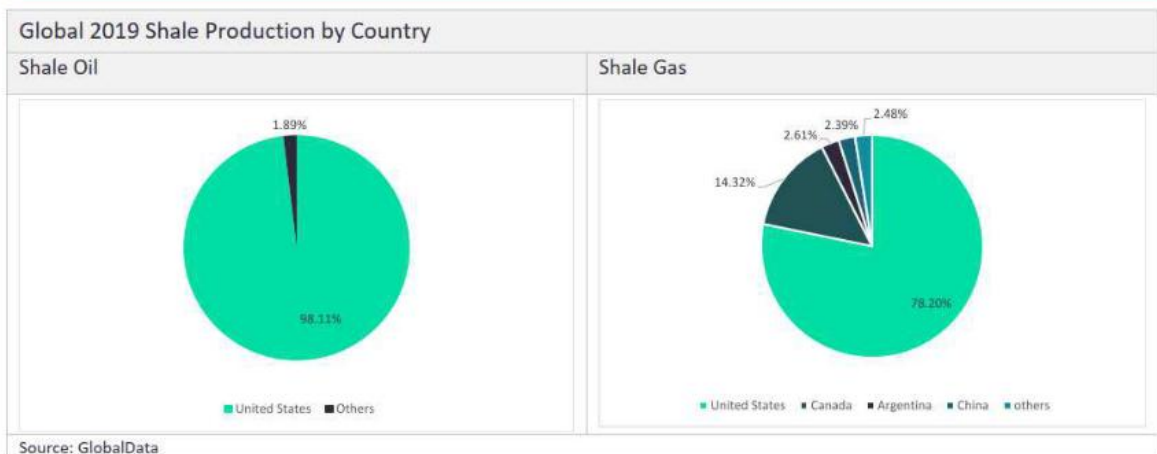
Source: United States basins from U.S. Energy Information Administration and United States Geological Survey; other basins from ARI based on data from various published studies.

- 4.5 Commercial exploration and production has been particularly advanced in the US and Canada²⁰, accounting for much of the global output to date. The shale gas production increased from 18.6 tcf in 2017 to 22.1 tcf in 2018 (global output of natural gas was 3,900 tcf in 2018). The EIA estimated that in 2019 US dry shale gas production was about 25.3 trillion cubic feet (tcf), equal to about 75% of total US dry natural gas production in 2019²¹.
- 4.6 The growth in the US has been driven by the combination of substantial reserves, advances in horizontal drilling and hydraulic fracturing, falling production costs, and favourable development conditions for the oil and gas industry. There are also a set of circumstances which are also favourable to large scale production including private ownership of sub-surface rights, presence of large numbers of independent operators, extensive supply chains and a skilled workforce (in part linked to conventional onshore activity) and existing pipeline and supporting infrastructure and resources.
- 4.7 The U.S. is now the major producer of shale oil worldwide, producing 98% of global shale oil. The U.S. EIA estimated that in 2019, about 2.83 billion barrels of crude oil were produced directly from tight oil resources in the United States. This was equal to about 63% of total U.S. crude oil production in 2019. Figure 4.2 shows the dominance of the U.S. in production of shale oil and gas.

²⁰ United Nations Conference on Trade and Development, Commodities at a glance, Special issue on shale gas. 2018.

²¹ <https://www.eia.gov/tools/faqs/faq.php?id=907&t=8#:~:text=How%20much%20shale%20gas%20is,natural%20gas%20production%20in%202019>.

Figure 4.2 Shale Production by Country



Source: GlobalData, 2020

Impact of Covid-19

4.8 The global oil and gas industry has been impacted by the economic consequences of Covid-19. The effect has been particularly harsh on the already strained shale industry in the US. The decline in demand and subsequent global oil glut has left parts of the shale industry in financial stress. Many wells in the US have been made uneconomic due to the sharp fall in the oil and gas prices²²:

- Several producing wells in the US shales were shut down in 2020 due to reduced global demand and low oil prices. The rig count in major US shale plays dropped considerably from 716 active rigs in January 2020, to 249 active rigs in October 2020, although rising oil and gas prices have been reflected in a modest increase in rig activity in Q1 2021.
- Several prominent shale producers have been pushed into bankruptcies (e.g., Whiting Petroleum, Chesapeake Energy, EP Energy, and Rosehill Resources - Whiting Petroleum emerged out of the bankruptcy in September 2020). For long term financial sustainability of many of the shale operations in the US, it is necessary for the price for shale oil and gas to increase.
- In addition, several major shale players have reduced their planned capital expenditure for the year 2020.

4.9 Additionally, a number of prominent equipment and service providers have also sought to reduce their exposure to the shale oil and gas sector in North America. Schlumberger, a major oil and gas service provider, has sold its US and Canadian fracking business to Liberty Oilfield Services. Several major service providers, such as Baker Hughes and Weatherford International, have already ceased their US shale fracking operations.

UK Perspective

4.10 The UK has a long history of small scale conventional onshore oil and gas development. UKOOG data indicates that²³:

²² GlobalData, 2020, Thematic Research, Shale.

²³ [United Kingdom Onshore Oil and Gas Licensed Areas](#)

- Around 2,000 wells have now been drilled in the UK (around 10% of them having been hydraulically fractured)
 - Currently around 120 sites are in production, with 250 operating wells producing between 20,000 and 25,000 barrels of oil equivalent per day.
- 4.11 However, the UK has a very limited track record of exploration for unconventional oil and gas with no commercial production. Nevertheless, the UK also has substantial volumes of prospective shale gas and oil resources within shale formations distributed across the country. According to the EIA world shale resource assessment in 2013 there are 25.8 trillion cubic feet of wet shale gas and 0.7 billion barrels of tight oil in the UK²⁴. Shale gas exploration is in its infancy in the UK and has stalled following the introductions of moratoria in England, Scotland and Wales, and therefore the amount of recoverable shale gas remains highly uncertain²⁵.
- 4.12 In terms of the main locations, the UK's shale gas formations include:
- County Fermanagh, Northern Ireland
 - Bowland Shale, Northern England
 - Midland Valley, Scotland
 - Weald Basin, Southern England
 - Lower Palaeozoic rocks in Wales and central England.
- 4.13 Whilst the volume of shale gas and oil that is economically recoverable is yet to be estimated for the UK, in 2013 the then Prime Minister David Cameron stated that if 10% of known resources could be extracted, it would provide the equivalent of the UK's total gas needs for 51 years (based on the BGS's survey of the Bowland Shale formation²⁶).
- 4.14 In 2014 a report commissioned by the UK Government and produced by UKOOG, an industry body for the onshore oil and gas sector, claimed that 64,500 direct, indirect and induced jobs could be supported at peak²⁷ through the exploration and production of shale gas. There has been substantial interest in the shale opportunities in England and Scotland from companies such as Ineos, Cuadrilla and iGas.
- 4.15 However, there is currently a moratorium on hydraulic fracturing across Great Britain. The Welsh Government confirmed that hydraulic fracturing would not be supported in Wales in December 2018. The Scottish Government confirmed its policy position of no support for unconventional oil and gas in October 2019 (i.e. a presumption against development of this type). In November 2019, the UK Government announced that it would take a presumption against issuing any further consents for unconventional development in England²⁸ in response to the uncertainty around the risks of seismic activity (following induced seismicity resulting from fracking at Cuadrilla's Preston New Road site in Lancashire). The Republic of Ireland is also intending not to issue any further licences for onshore exploration and production.

²⁴[US Energy Information Administration Report: Technically Recoverable Shale Oil and Shale Gas Resources: United Kingdom](#)

²⁵[London School of Economics - What are the potential reserves of shale gas in the UK?](#)

²⁶[Andrews, I.J. 2013. The Carboniferous Bowland Shale gas study: geology and resource estimation. British Geological Survey for Department of Energy and Climate Change, London, UK.](#)

²⁷[Ernst & Young for UKOOG 'Getting ready for UK shale gas'](#)

²⁸[House of Commons Library Research Briefing Shale Gas and Fracking March 2020](#)

Rest of Europe

- 4.16 Within the EU, other countries are seeking to develop UOG resources further. According to the EIA assessment Europe²⁹ has 906.8 trillion cubic feet of shale gas and 93.2 billion barrels of shale oil. However, the majority of this is found in Eastern Europe, especially in Russia.

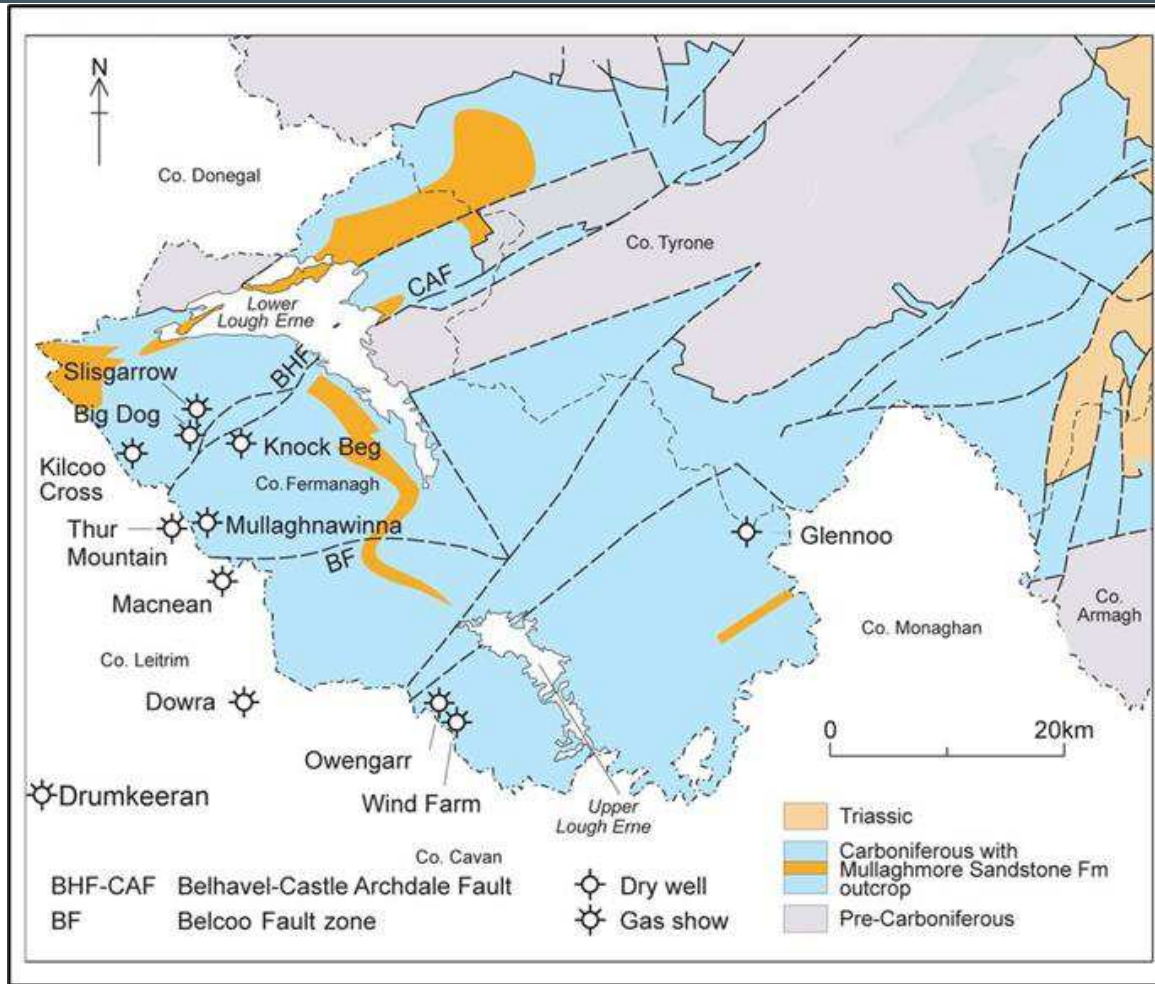
Potential Resources in Northern Ireland

- 4.17 Exploration for onshore oil and gas in Northern Ireland began in 1965 and whilst oil and gas shows have been encountered they have never been discovered in commercial quantities. Despite this initial lack of success to date, there remains the prospect that commercial quantities of oil and gas may be identified across Northern Ireland's basins. The source of evidence of the prospectivity includes various assessments by GSNI³⁰.
- 4.18 The basins which offer the most prospects for commercial extraction are in the Lower Carboniferous rocks of counties Fermanagh and Tyrone (the Lough Allen Basin, see Figure 4.3) and the Carboniferous to Triassic rocks beneath the NE of Northern Ireland (see Figure 4.4). The Lough Allen Basin has a history of gas shows from a small number of vertical exploration wells although the prospectivity is reduced by the poor quality of the low permeability tight gas sandstone reservoir targets drilled. In recent years the focus in the basin has shifted towards shale gas reservoirs although the use of horizontal drilling to produce gas from the tight sandstones has been proposed. Exploration in the latter is more challenging because of a thick cover of basalts above the sedimentary basins but the 2008 Ballinlea No. 1 well in the Rathlin Basin had significant gas shows, and oil samples were brought to the surface from Carboniferous conventional reservoir rocks.
- 4.19 The latter area comprising Carboniferous to Triassic rocks in the NE of Northern Ireland, largely beneath the Antrim Plateau are comparatively less well explored, in part due to the technical difficulties of imaging the geological structures beneath the thick cover of Palaeogene basalt lavas. Seven exploration wells and two stratigraphic boreholes were drilled between 1971 and 2016, with traces of both oil and gas discovered in some wells and a small quantity of oil recovered to surface by the Ballinlea No. 1 well in 2008. The geology in this part of NI has many similarities to that of the East Irish Sea Basin which hosts the giant Morecambe Bay gas field, and other smaller conventional oil and gas fields.

²⁹ Bulgaria, Lithuania/Kaliningrad, Poland, Romania, Russia, Turkey, Ukraine, Denmark, France, Germany, Netherlands, Norway, Spain, Sweden and United Kingdom.

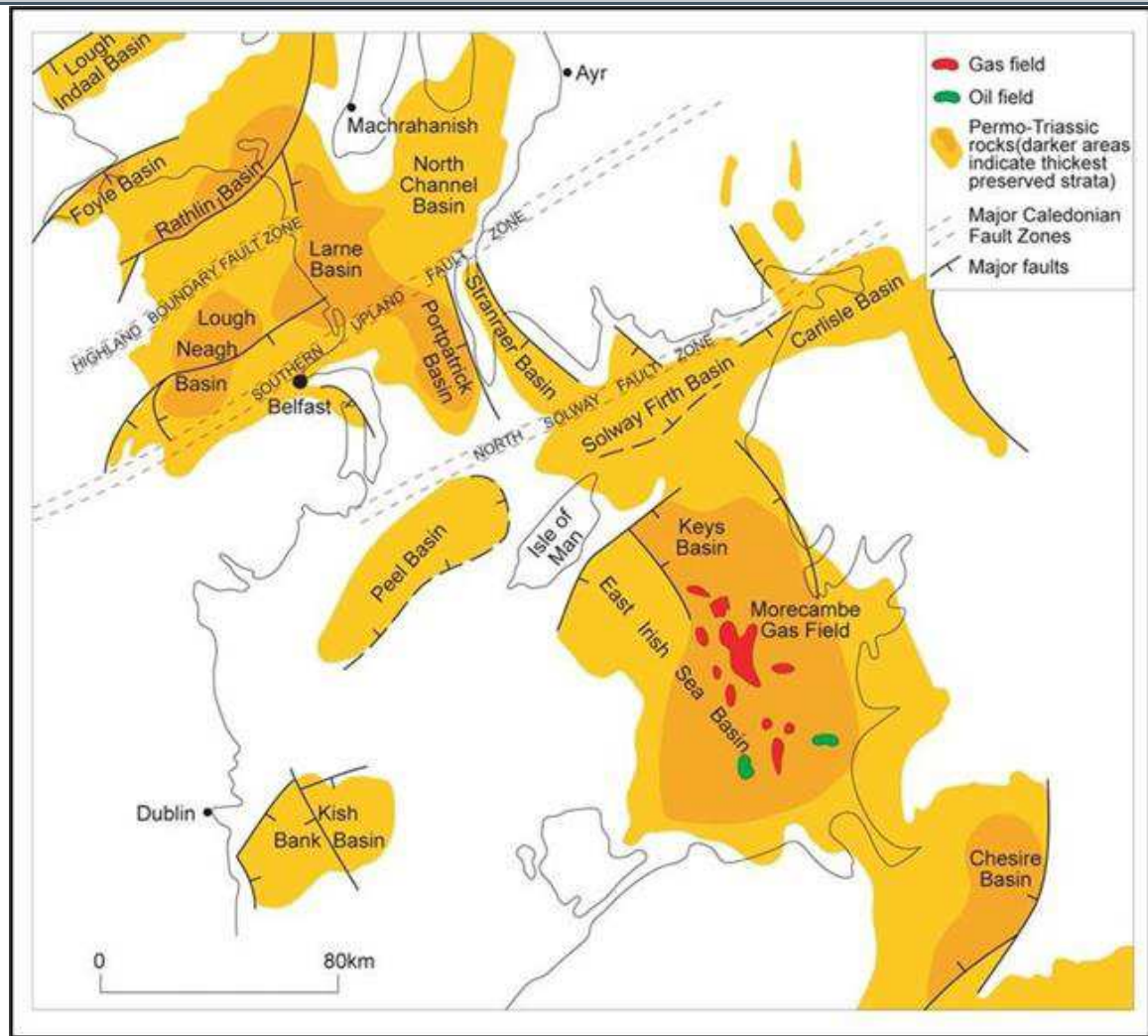
³⁰ The Hydrocarbon Prospectivity of Northern Ireland's Onshore Basin, Geological Survey of Northern Ireland, June 2010

Figure 4.3 Main Oil and Gas Resource Locations in the Lower Carboniferous Rocks of Fermanagh and Tyrone (Lough Allen Basin)



Source: http://earthwise.bgs.ac.uk/index.php/PostVariscan_deformation_and_basin_formation,_Northern_Ireland

Figure 4.4 Main areas prospective for conventional oil and gas in Carboniferous to Triassic rocks, North East Northern Ireland



Source: http://earthwise.bgs.ac.uk/index.php/PostVariscan_deformation_and_basin_formation,Northern_Ireland

Lower Carboniferous rocks of Co. Fermanagh and South Co. Tyrone

- 4.20 The Carboniferous outcrop that covers much of County Fermanagh and parts of County Tyrone, in the southwest of Northern Ireland, forms part of the larger Northwest Irish Carboniferous Basin (NWICB) which extends into the Republic of Ireland.
- 4.21 The NWICB contains a number of sub-basins (Lough Allen, Kesh-Omagh, Slieve Beagh basins) with distinct characteristics. The most important basin, in terms of petroleum prospectivity, is the Lough Allen Basin which straddles the border between Northern Ireland and the Republic of Ireland. This has been the focus of most of the exploration to date.
- 4.22 The main petroleum play in the NWICB involves source rocks (marine mudstones) and reservoir rocks of Lower Carboniferous age. The Benbulbin and Bundoran Shale formations are believed to have generated large quantities of both oil and gas in the basin. The main reservoir intervals occur in the 'tight' Mullaghmore and Dowra Sandstone formations, with secondary but largely untested potential in older early Carboniferous sandstones. The Bundoran and Benbulbin Shale formations both contain shale gas across large areas of the basin, although the Benbulbin Shale Formation is too shallow for this gas to be extracted.

Exploration History

- 4.23 The Lough Allen Basin extends across the border into the Republic of Ireland and has been the focus of most of the hydrocarbon exploration activity in the NWICB. Twelve vertical wells have been drilled in the whole basin and most have encountered uneconomic gas shows to date. The Dowra sandstone was hydraulically fractured in the Dowra No.1 well in 1981 which resulted in increased, but still non-commercial, gas flow rates. In 2002-3 the shallower tight gas Mullaghmore sandstone was fracked in several wells and extended well tests performed but none of these wells sustained commercially viable gas flow rates.

Key Points

- 4.24 The 2010 GSNI prospectivity study concludes:
- The NWICB has the potential to become a productive 'tight gas sandstone' basin if areas of enhanced porosity/permeability can be targeted and the reservoir intervals are drilled horizontally and then fractured.
 - The Mullaghmore Sandstone formation has been the main target to date but it may be that the deeper, more geographically restricted, reservoir intervals (Dowra, Boyle and Kilcoo sandstones) have the greater potential.
 - Earlier exploration programmes have only partially evaluated the hydrocarbon potential of the basin, and doubts have been raised about the test results obtained because of possible formation damage and the techniques used. The small number of wells means that many areas and play concepts have not been adequately evaluated.
 - Seismic data acquisition has been restricted to the Lough Allen Basin and the area to the east, including the Slieve Beagh Basin, is relatively underexplored.
 - There may be only a small area in this basin where the Mullaghmore Sandstone Formation is prospective but the lower reservoir targets may have greater potential in this basin.
 - Future exploration programmes should target areas of better reservoir quality where fracture porosity and sedimentary facies-dependent higher porosity zones may be present.
 - Enhanced fracturing close to major fault zones may also allow a fractured gas shale play in the Bundoran and/or Benbulbin Shale formations to be tested. The combination of improved exploration well targeting and the use of horizontal drilling and appropriate fracturing techniques offers the best opportunity for success.

Lough Neagh Basin

- 4.25 The Lough Neagh Basin is the deepest and possibly the most prospective of the Permo-Triassic basins in Northern Ireland.

Exploration History

- 4.26 There has been little exploration for hydrocarbons with only one licence, PL9/88, leading to 2D seismic acquisition and the drilling of two wells south of Toome near the northwest shores of Lough Neagh.
- 4.27 In addition, a small number of deep boreholes have been drilled for mineral exploration or stratigraphic purposes near the margins of the basin but none in the deepest parts in the northeast and southwest, or under Lough Neagh itself. These boreholes have proved the general succession

but also highlighted the problems of determining the presence of an Upper Carboniferous succession (for the most important source rocks) and Permian (one of the principal reservoir intervals) because of the effects of differential uplift and erosion between fault blocks.

Key Points

4.28 The GSNI prospectivity study concludes:

- Overall, the Lough Neagh Basin has significant potential to become a productive petroleum basin. Reservoirs and caprocks exist at several stratigraphic levels including the regionally important Sherwood Sandstone Group/Mercia Mudstone Group reservoir/seal combination.
- Upper Carboniferous source rocks are known from the Dungannon/Coalisland area to the west of Lough Neagh and, although in some fault blocks these strata have been removed by erosion associated with Variscan tectonism, they are predicted to be present in the deeper parts of the basin.
- The oil show in the Annaghmore No. 1 well and hydrocarbons detected in soil and water well geochemical surveys provide support for the presence of mature source rocks in the basin.
- Several episodes of uplift and erosion may be inferred from the major unconformities and associated missing stratigraphy within the basin, and estimates of the section removed can be made from a study of fission track and sonic/density log data.
- Maturation modelling from the resulting burial history indicates that the source rocks probably started generating hydrocarbons prior to the mid Jurassic to late Cretaceous uplift phase. Compression during the phases of uplift has led to the formation of anticlinal structural traps and faulting has provided migration pathways. There is a risk that traps have been breached, with leakage of hydrocarbons to the surface, when faults have been reactivated during subsequent extensional or transtensional stress regimes but it is anticipated that some structures will have retained their integrity since being charged with hydrocarbons.
- There have been no petroleum licences in the basin since the GSNI study was published but an area around the south and east of Lough Neagh is included in a licence application submitted to DfE.

Larne Basin

4.29 The onshore Larne Basin is part of a larger basin which extends offshore under the North Channel between Northern Ireland and Scotland. The basin is deeper offshore where a significant area of the potential Carboniferous source rocks might be mature for gas. Onshore, the ENE-WSW trending Sixmilewater Fault divides the basin.

4.30 South of the fault the Permo-Triassic sequences shallow towards Belfast Lough, and thin Lower Carboniferous Upper Permian and Triassic sections crop out on the southern shore of the lough. The Permo-Triassic sequence also thickens rapidly as it deepens northwards towards the Sixmilewater Fault in the Larne area. North of the Sixmilewater Fault the Permo-Triassic tends to thin to the north and west, although in the hanging wall west of the Ballytober Fault it may reach thicknesses similar to that in the Larne area.

Exploration History

- 4.31 Four petroleum exploration wells and two shallower stratigraphic boreholes have been drilled in the basin since 1971. Three additional deep boreholes drilled in search of salt deposits or geothermal energy have expanded the knowledge of the geology of the basin.

Key points

- 4.32 The GSNi prospectivity study concludes:
- The dry Ballytober No. 1 well tested the early Permian and Sherwood Sandstone Group targets on largest structural closure mapped in the Larne Basin north of the Sixmilewater Fault. Cairncastle No.1 was drilled into the top of the Sherwood Sandstone Group on a small pop-up structure on the eastern flank of the Ballytober Horst without success. However, the seismic data coverage in the area north of the Sixmilewater Fault is incomplete and static corrections are difficult to apply, so that further prospective structures may remain to be mapped in this area.
 - West of the Ballytober Horst there is potential in the hanging wall of the Ballytober Fault, where the reservoir facies in the Permian and Triassic sandstones may be better developed. South of the Sixmilewater Fault there is very little seismic data and the structure remains largely unknown.
 - The strata rise southwards towards Belfast Lough but as far south as Newmill No. 1 there is still a Permo-Triassic sequence thick enough to contain oil or gas accumulations. Local reversals of the regional dip, or faults throwing down to the south, may produce structural traps in this area. The minor gas show recorded from the early Permian sandstones in the Larne No. 2 geothermal exploration borehole is an encouraging indication that there might be a viable petroleum system in the basin.
 - The Carboniferous is unproven in the onshore Larne Basin although dipping reflectors below the early Permian are probably of this age. There is potential for both mature source rocks and reservoir rocks in the Carboniferous, if rocks similar to those along strike in Ayrshire are present in the Larne Basin. Disparities between the Permo-Triassic depth maps and the gravity anomaly trends suggest a variable thickness of older sedimentary rocks in the basin.
 - Since 2010 there has been one further exploration licence in the Larne Basin. PL1/10 extended from Islandmagee in the east to the northeast corner of Lough Neagh in the west. Seismic reflection surveys identified a number of prospects and in 2016 the Woodburn Forest No. 1 well was drilled to test one of these. Both the Triassic and Permian sandstone targets were water-wet and the well was drilled to 2000m without reaching the Carboniferous.

Rathlin Basin

- 4.33 The Rathlin Basin is a northeast-southwest orientated half graben-(younging to the southeast).style basin that extends offshore to the northeast beneath Rathlin Island and the Malin Shelf. The Rathlin Basin thickens towards the southeast where it is bounded by the Tow Valley Fault. Onshore, the basin is partially covered by Palaeogene basalts which comprise the surface geology whereas offshore the basalts are largely absent and rocks of Triassic to Cretaceous age crop out at the sea bed (younging to the southeast). The Foyle sub-basin forms the north western part of the basin and deepens towards the Lough Foyle Fault.

Exploration History

- 4.34 Only two deep boreholes have been drilled in the Rathlin Basin, with another in the Foyle sub-basin. The Port More borehole was drilled for the Northern Ireland Government in 1967 on a gravity low, as a stratigraphic test intended to prove the extension of coal-bearing Carboniferous strata seen in the Ballycastle coalfield, and terminated at a depth of 1897 metres (-1794 metres OD) in Permian sedimentary rocks. No hydrocarbon shows were recorded but the borehole proved a thick succession of Lower Jurassic and Permo-Triassic rocks below a relatively thin succession of Palaeocene basalts and Upper Cretaceous chalk. No salt was found in a thick Triassic Mercia Mudstone Group sequence (~650 metres). The Carboniferous target was not reached before TD, but the Permo-Triassic sequence included a thick sandstone sequence with good quality reservoir rocks.
- 4.35 The 2008 wildcat well Ballinlea No. 1 was drilled to test a structural target identified by combined seismic and gravity interpretation and drilled to a depth of 2650 metres. Numerous gas shows were recorded from Carboniferous coals and two oil-bearing sandstone units were tested, with a limited amount of oil recovered to the surface. The well did not flow to surface and it was plugged and abandoned, although this well did prove the existence of a petroleum system in the basin.

Key points

- 4.36 The GSNi prospectivity study concluded:
- The Rathlin Basin is considered to have potential for oil and gas accumulations in structural traps in Permo-Triassic reservoirs, sealed by mudstones of the same age. There is a possibility that alluvial fan sands may be draped against the Tow Valley Fault if this formed a fault scarp in the Permo-Triassic. Stratigraphic and structural traps may then have been formed by lateral facies variation and differential compaction between the fan sands and the finer inter-fan and distal deposits.
 - There is additional potential for discoveries in Carboniferous sandstones in both structural and stratigraphic traps. The mixed clastic sequence present in the Ballycastle coalfield provides a close spatial relationship between source, reservoir and caprocks in which oil and gas accumulations may occur, if repeated in the Rathlin Basin. (A sedimentary sequence similar to the one in the Ballycastle coalfield, complete with gas-bearing coals, oil-bearing sandstones and oil-rich shales, had been proven by the Ballinlea well but the results were still confidential when the report was written).
 - The main exploration risks are the difficulties of mapping prospects because of the poor seismic data quality, and the potential for structural traps to be breached after they have been charged with hydrocarbons during subsequent tectonic episodes.
 - The acquisition and integration of other geophysical data (gravity, magnetic, magnetotelluric) into the processing and interpretation stages of the seismic method should improve both the seismic imaging and the robustness of the modelling of the petroleum systems in the basin.
 - The organic-rich mudstones of the Murlough Bay Formation may also have potential for shale gas production. They are known to be mature and have a high organic content. However, the poor seismic imaging currently available means that the geological structure cannot be determined with sufficient resolution or confidence for high volume hydraulic fracturing of the shale to be approved, irrespective of any other regulatory issues.
 - The operator of the PL3/10 licence proposed drilling an updip appraisal well on the Ballinlea structure but withdrew from the licence, citing the lengthy planning process as a

major reason for their decision not to proceed with the second well. Petroleum Licence PL5/10 covered Rathlin Island itself and the Licensee also operated a Licence issued by OGA for the area offshore Rathlin. Both the DfE and the OGA licences were relinquished after the completion of geophysical studies but without drilling.

Summary

- The concealed basins of Northern Ireland can be demonstrated to have many of the elements needed for a productive petroleum province. They show a number of similarities to productive basins elsewhere in the UK, such as the East Irish Sea Basin. Regional-scale reservoirs and seals are present in the Triassic Sherwood Sandstone Group and Mercia Mudstone Group, respectively.
- Mature oil and gas prone Carboniferous source rocks are interpreted to be present, and mature, within the deeper parts of all three basins. The main exploration play is for oil or gas trapped in the Sherwood Sandstone Group with secondary Permian reservoir targets but there is also potential for intra-Carboniferous plays including unconventional gas shale production.
- The main risks are associated with the lack of knowledge of the sub-surface structure and basin fill, and the difficulties in obtaining good quality seismic data and, therefore, producing accurate seismic two-way time and depth maps from which to identify prospects to drill. Gaps in data also introduce uncertainties about migration pathways, the relative timing of trap formation and hydrocarbon charge, and the potential for later breaching of traps.
- However, improved data should reduce these risks and determine whether this area can become a productive petroleum province. The concealed basins of northeast Northern Ireland remain an under-explored area with significant conventional hydrocarbon exploration potential.

History of Petroleum Licensing in Northern Ireland

4.37 Onshore petroleum exploration has taken place over a number of decades across Northern Ireland, although on a relatively small scale. Only 16 exploration wells and two shallower stratigraphic boreholes have been drilled under petroleum licences and although several wells have recorded gas and oil shows, none of these have led to field development and commercial extraction. Table 4.1 below summarises the history of petroleum licensing and exploration in Northern Ireland.

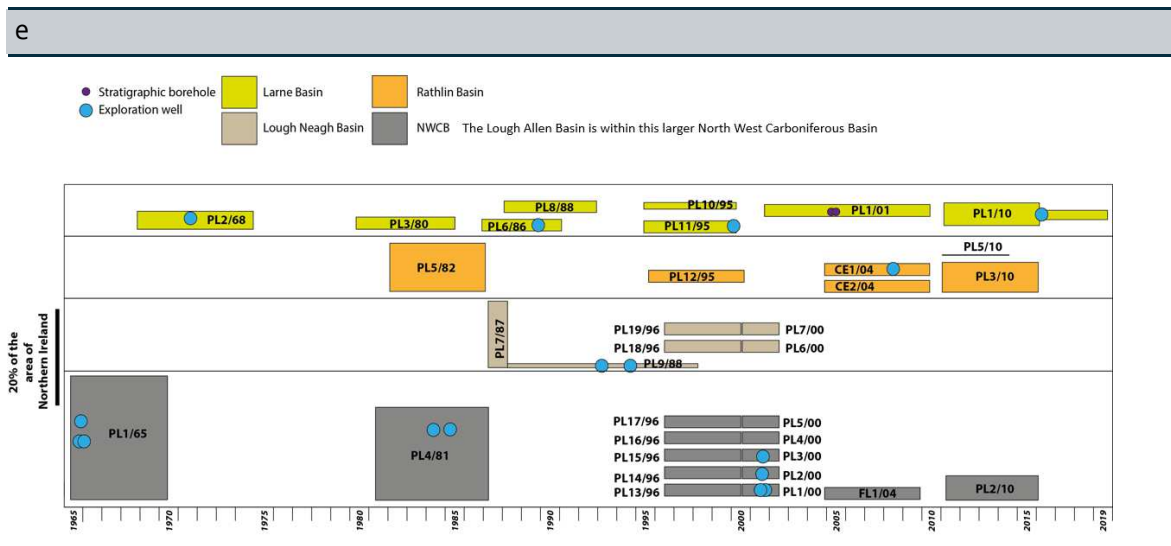
Table 4.1 Northern Ireland Petroleum Exploration History

Operator	Licence ID	Wells (spud date)	Commencement	Expiry
Marathon Petroleum (UK) Ltd.	PL1/65	Big Dog No.1 (1965), Glenoo No.1 (1966), Owengarr No.1 (1965)	05/05/65	01/05/70
Marathon Petroleum (GB) Ltd.	PL2/68	Newmill No.1 (1971)	02/08/68	11/11/75
Energy Sources NI Ltd	PL3/80 mostly offshore		29/04/80	28/06/85
Aran Consortium	PL4/81	Kilcoo Cross No.1 (1985), Slisgarrow No.1 (1984)	01/04/81	31/03/87
BP Petroleum Development Ltd	PL5/81		06/07/81	31/07/81
Barclay Consortium	PL5/82		19/01/82	18/01/87
Fyregold Petroleum Ltd. (then named Kirkland Resources)	PL6/86	Ballytober No.1 (1990)	01/11/86	31/01/91
NW Exploration	PL7/87		30/04/84	29/04/88
Mustang	PL8/88		01/01/88	31/12/92
Nuevo Energy Co.	PL9/88	Annaghmore No.1 (1993), Ballynamullan No.1 (1994)	30/04/88	29/04/98
Antrim Energy Inc.	PL11/95	Caincastle No.2 (2000) redrill of Cairncastle No.1	01/05/95	30/04/00
Mustang	PL10/95		01/05/95	30/04/00
Rigel Energy Corp	PL12/95		08/09/95	07/09/00
Priority Oil & Gas LLC & Susan Morris and Assoc	PL13-96		01/07/96	30/06/00
Priority Oil & Gas LLC & Susan Morris and Assoc	PL14-96		01/07/96	30/06/00
Priority Oil & Gas LLC & Susan Morris and Assoc	PL15-96		01/07/96	30/06/00
Priority Oil & Gas LLC & Susan Morris and Assoc	PL16-96		01/07/96	30/06/00
Priority Oil & Gas LLC & Susan Morris and Assoc	PL17-96		01/07/96	30/06/00
Priority Oil & Gas LLC & Susan Morris and Assoc	PL18-96		01/07/96	30/06/00
Priority Oil & Gas LLC & Susan Morris and Assoc	PL19-96		01/07/96	30/06/00
Evergreen Resources Inc.	PL1/00	Mullanawinna No.1 (2001), Slisgarrow No.2 (2001)	01/07/00	30/06/02
Evergreen Resources Inc.	PL2/00	Knock Beg No.1 (2001)	01/07/00	30/06/02
Evergreen Resources Inc.	PL3/00	Wind Farm No.1 (2001)	01/07/00	30/06/02
Evergreen Resources Inc.	PL4/00		01/07/00	30/06/02
Evergreen Resources Inc.	PL5/00		01/07/00	30/06/02
Evergreen Resources Inc.	PL6/00		01/07/00	30/06/02
Evergreen Resources Inc.	PL7/00		01/07/00	30/06/02
Antrim Resources (NI) Ltd.	PL1/01	Drumcrow Crossroads (2005), Salmon Hatchery (2005) (both shallow)	17/10/01	28/05/10
Connaught Energy (Alberta) Corp	CE1/04		31/12/04	28/05/10
Connaught Energy (Alberta) Corp	CE2/04	Ballinlea No.1 (2008)	31/12/04	28/05/10
Finavera Ltd.	FL1/04		01/12/04	31/11/2009
Tamboran Resources Pty Ltd.	PL2/10		01/04/11	30/09/14
P.R. Singleton Limited (Providence Resources plc)	PL5/10		22/02/11	31/07/14
Rathlin Energy Limited	PL3/10		15/02/11	14/01/16
Infrastrata plc and eCORP Oil & Gas UK Limited	PL1/10	Woodburn Forest No.1 (2016)	04/03/11	active

Source: Department for the Economy Northern Ireland, 2020.

4.38 Figure 4.5 shows the timeline of licences and wells in Northern Ireland. From 1965 to 2019:

- The Larne Basin has been subject to eight licences, four exploration wells (the most recent well, Woodburn Forest No. 1 was drilled in 2016) and two stratigraphic boreholes
- The Rathlin Basin has been subject to six licences with one exploration well
- The Lough Neagh Basin has been subject to six licences and two exploration wells
- The North West Carboniferous Basin / Lough Allen Basin has been subject to 14 licences and nine exploration wells.



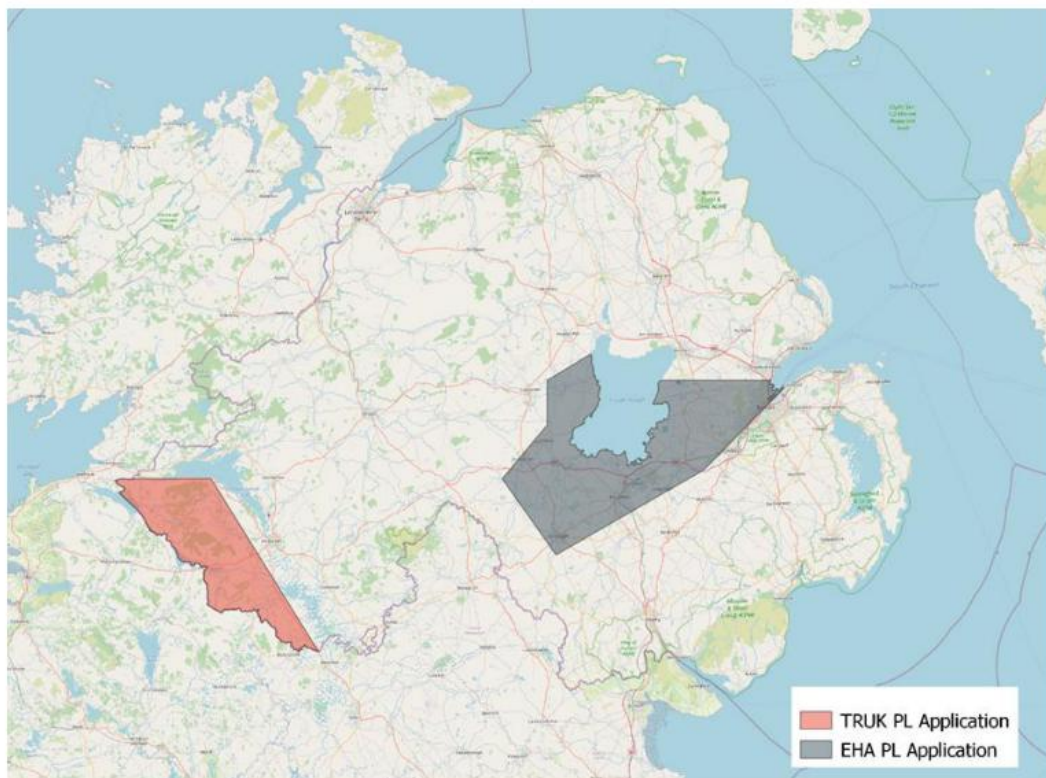
Source: Department for the Economy Northern Ireland, 2019

4.39 Most recently, in 2020, the petroleum licence (PL1/10) under which drilling of Woodburn Forest No.1 well was undertaken was relinquished, leaving no active petroleum licences held in Northern Ireland.

Current Licence Applications

4.40 There are two current petroleum licence applications in Northern Ireland: PLA1/16 (EHA application) which is located around the southern half of Lough Neagh and PLA2/16 (TRUK application) which is in the South West of Northern Ireland bordering the Republic of Ireland. Both application areas cover a significant area of Northern Ireland. The map in Figure 4.6 shows the geographical area covered by the two onshore petroleum licences currently proposed. The area covered by the EHA petroleum licence application is approximately 1,666 km², whilst that covered by the TRUK petroleum licence application is approximately 607 km².

Figure 4.6 Current Applications for Onshore Petroleum Licences in Northern Ireland



Source: OpenStreetMap, Department for the Economy Northern Ireland, 2020.

4.41 The Department for the Economy carried out public consultation in respect of two Petroleum Licence Applications - PLA1/16 and PLA2/16. The public consultations began on 07 May 2019 and closed on 31 July 2019. The Department received a total of 5,703 responses: 2,572 for PLA1/16 and 3,131 for the PLA2/16³¹. The Department for the Economy identified eight campaign letters regarding the EHA application, which together account for a total of 2,274 responses. In addition, the Department for the Economy identified eight campaign letters regarding the TRUK application, which together account for a total of 2,274 responses. The main themes of the campaign letters are summarised in the table below.

³¹[Department for Economy Consultation Response to Petroleum License Applications PLA1/16 and PLA 2/16](#)

Table 4.2 Summary of recent petroleum licence consultation responses

Name of Campaign Letter	Summary of Response
Licence Application PLA1/16 (EHA Application)	
People Before Profit	The respondents object to plans to drill for petroleum in Greater Belfast due to the potential risk to communities including potential for habitat destruction, petroleum leakage and the possibility for water contamination, as well as the opinion that fossil fuels should remain in the ground due the overall impact on the local environment and contribution to climate change.
Friends of the Earth	The respondents indicated that granting the licence would contradict science, law and policy and further deepen Northern Ireland's climate debt by tying the country into a 30-year dependency on fossil fuels. They commented on the high environmental and health risks, whilst noting that development will support only a small number of highly skilled jobs beyond the construction period. In addition, they note the economic potential for promoting a green and circular economy to lead to better sustainable local job opportunities than oil and gas development.
Lough Neagh Fishermen	The respondents object in the strongest possible terms. A key concern is that a decision could be taken without appropriate environmental, health or economic risk assessment. They also note that the problem of leaky wells and wastewater disposal is, in their view, unsolved. The issue of earthquakes also highlighted. They note the economic value of tourism around Lough Neagh providing leisure and health benefits as well as being important culturally and historically. The Lough is a RAMAR site and provides a significant level of drinking water and is important to the fishing industry.
Residents	The responses included objections from South Lough Neagh Residents, ABC Council Area Residents, North and West Belfast Residents, who list a range of environmental, social and economic issues as the reasons for their objection.
Licence Application PLA2/16 (TRUK Application)	
Petroleum Licence Application	Their objection to development was based on the direct threat to agriculture (through spills and leaks) and tourism. The responses note that there is no certainty that fracking is not a significant risk to air and water. In addition, Methane leaks would release additional greenhouse gases. They noted that the geographical areas suggested are of high scientific value and scientific interest and include the Marble Arch Caves. They were of the opinion that fracking is not compatible with a safe climate future. In addition, there is potential for cross border impact, the Republic of Ireland have banned onshore shale gas activities.
Submission to Department	The respondents were opposed to the licence due to the risk of earthquakes and land subsidence, risk of groundwater contamination and methane emissions.
Friends of The Earth	Provided the same response as Licence Application PLA1/16 (EHA Application). Please see above.
Public Interest	The objection was based on research showing the complex geology of the area, which makes the area much more high risk than the US. These responses were of the view that net zero targets would mean that we should be moving away from oil and gas and fracking is dirty and is unsuitable for even very sparsely populated area (as in the US). The response recommends including the Republic of Ireland in consultations and following their lead in banning exploration of unconventional hydrocarbons.
30 Year Letter	The objection to a 30-year petroleum licence suggests that the licence regime needs to be assessed on whether it is fit for purpose. The concern was that there is a reluctance for an SEA to be undertaken. As well as a concern that the area borders Republic of Ireland which has a ban on fracking exploration and extraction.
Residents of Fermanagh, Leitrim and Manorhamilton	The respondents objected to the licence application. The residents felt as though there has been a lack of consultations and noted the impact on agriculture and tourism sectors and areas of outstanding beauty as reasons for objection, as well environmental concerns such as leaky wells and wastewater disposal. They noted that the employment benefit for local people would be limited. They wish the matter to be treated with the highest political seriousness.

Source: [Department for Economy Consultation Response to Petroleum License Applications PLA1/16 and PLA 2/16](#)

Influences on Future Extraction in Northern Ireland

Uncertainty over the Resource

- 4.42 As noted above, there has been a long history of exploration for oil and gas in Northern Ireland although it has yet to be discovered in commercial quantities. Whilst there are a variety of factors which point to the potential of the area's basins, there are also good reasons to believe that the uncertainty over the potential resource which can be commercially extracted will remain.
- 4.43 The onshore oil and gas sector is a highly mobile sector, typically investing where it can secure the greatest return at lowest risk. The amount of investment needed to substantiate the commercial prospects in Northern Ireland is considerable and this investment has been limited to date. But it is only once there is an improved geological and geophysical understanding of the target formations that industry will have greater confidence over whether Northern Ireland represents an attractive area for investment.
- 4.44 The moratoria in the rest of the UK and the Republic of Ireland will prevent the gathering and sharing of geophysical evidence for similar basins, as well as the practicalities of securing planning and regulatory permissions and testing, drilling and operating onshore wells. The absence of this track record will not help to reduce the uncertainties that developers and investors face. A number of exploration wells have been drilled for conventional targets in Northern Ireland and any future exploration of this type would not be dependent on the results and experience from elsewhere in the UK and Ireland – the risks and uncertainties relate to the knowledge of the local geological subsurface in the concealed sedimentary basins of NE Northern Ireland.
- 4.45 A House of Lords Economic Affairs Committee examined the prospects for the UK's shale oil and gas industry in 2014. A number of contributors expected the industry to be operating at scale in GB by the early to mid-2020s, which it clearly is not. The absence of this development elsewhere in the UK will make the shale gas development in Northern Ireland a much harder step to take than would otherwise have been the case.

Market and Investment Factors

- 4.46 Although highly uncertain, it is possible that global prices remain low as demand for oil and gas falls as part of the transition to a zero-carbon economy. Whilst this scenario would reduce the prospects for onshore development in Northern Ireland being financially viable (given higher costs compared to US shale production), it is uncertain due to the range of global economic and geopolitical factors which will influence this.
- 4.47 Factors that could increase the stimulus for development include energy shocks which push energy prices up and global political pressures affecting energy markets which encourage governments to seek greater energy security.
- 4.48 The focus of policy on decarbonising energy is placing considerable pressure on major oil and gas operators to diversify away from fossil fuels to renewable energy sources. Whilst this is being underpinned by a massive flow of investment capital away from oil and gas projects and into renewables projects, there could still be an interest from smaller developers in pursuing onshore development opportunities (subject to market prices and the policy environment).

Social Licence to Operate

- 4.49 The social licence to operate exists where a project has the ongoing approval within the local community and other stakeholders to be implemented and to continue to operate. As noted

earlier, the initial shale gas exploration and production wells which were planned in Great Britain ahead of the fracking moratoria, would have provided opportunities to address directly issues concerning the public acceptability of hydraulic fracturing. This includes gathering the evidence relating to the main concerns for communities and interest groups (including induced seismicity, surface and groundwater quality, water resource availability, treatment of produced water, fugitive emissions, traffic movements, noise and vibration, and visual intrusion).

- 4.50 In theory at least, it is only when the technologies can be demonstrated to operate safely in environments and planning regimes similar to Northern Ireland, that the level of controversy associated with these developments will diminish and developers secure the social licence to operate. However, in practice this may be difficult to achieve given the moratoria in GB and the shift away from onshore oil and gas extraction elsewhere in Europe given the climate emergency.

Summary

- 4.51 Commercial exploration and production of onshore shale oil and gas has been particularly advanced in United States and Canada³², accounting for much of the global output to date. The shale gas production increased from 18.6 trillion cubic feet (tcf) in 2017 to 25.3 tcf in 2019 (i.e. 75% of total U.S. dry natural gas production in 2019³³). The growth in the US has been driven by the combination of substantial reserves, advances in horizontal drilling and hydraulic fracturing, and favourable development conditions. These favourable circumstances in the US which are favourable to large scale production include private ownership of sub-surface rights, a large number of independent operators, extensive supply chains, a skilled workforce, and an existing pipeline and supporting infrastructure (due to the presence of a well-established conventional oil and gas sector).
- 4.52 The UK has substantial conventional and unconventional resources which could potentially be accessed through onshore exploration and extraction. Despite the increase in interest from the industry and UK Government over the last 15 years, there remains considerable gaps in the engineering, geological or cost information necessary to make a meaningful estimate of overall technically recoverable shale gas resources.
- 4.53 Exploration for onshore oil and gas in Northern Ireland began in 1965 and whilst oil and gas shows have been encountered they have never been discovered in commercial quantities. The basins which offer most prospects of commercial extraction are in the Lower Carboniferous rocks the counties of Fermanagh and Tyrone and the Carboniferous to Triassic rocks beneath the Antrim Plateau. The former has a history of gas shows from a small number of exploration wells but the prospectivity for conventional oil and gas is reduced by the poor quality of the low permeability tight gas sandstone reservoir rocks and incomplete knowledge of the gas content of the shale reservoirs. The latter have potential for conventional oil and gas accumulations and, although exploration is technically challenging, a working petroleum system has been demonstrated in the Rathlin Basin by the 2008 Ballinlea No. 1 well.
- 4.54 Only eighteen exploration wells have been drilled and although several wells have recorded gas and oil shows, none of these have led to field development and commercial extraction. Despite this initial lack of success to date, there remains the prospect that commercial quantities of oil and gas may be identified across Northern Ireland's basins. However, it is subject to considerable uncertainty

³² United Nations Conference on Trade and Development, Commodities at a glance, Special issue on shale gas. 2018.

³³

<https://www.eia.gov/tools/faqs/faq.php?id=907&t=8#:~:text=How%20much%20shale%20gas%20is,natural%20gas%20production%20in%202019>.

- 4.55 The two current licence applications within Northern Ireland, which are currently on hold due to the review of the petroleum licensing regime, have faced considerable opposition from politicians, local communities and interest groups.
- 4.56 Although it is feasible that commercial quantities of oil and gas could be identified, it is nevertheless highly uncertain that this could occur in practice due to the following factors:
- There is considerable uncertainty about the presence of oil and gas resources in NI and the exploration which has occurred to date has provided little data to reduce this uncertainty. The absence of this intelligence makes future investment highly speculative and the potential economic return lower. However, the fact that DfE has received two licence applications within the past five years indicates that there is still some industry interest in Northern Ireland.
 - The moratoria in Great Britain and Republic of Ireland will limit new research into the nature and prospectivity of the shale gas resource and the development of an onshore unconventional oil and gas sector which could be relevant to NI. This will in turn limit the sharing of knowledge and expertise and the development of supply chains which help to de-risk investments in NI and reduce development costs.
 - Although highly uncertain, it is possible that oil and gas prices remain low as demand for oil and gas falls as a result of the transition to a zero-carbon economy. Whilst this scenario would probably reduce the prospects of onshore development in Northern Ireland being financially viable (given higher costs compared to US shale production), it is highly uncertain due to the range of global economic and geo-political factors which will influence this.
 - Proposed onshore development in Great Britain and Northern Ireland, especially hydraulic fracturing, has faced considerable opposition from interest groups and local communities. In practice it may be increasingly difficult to overcome this opposition and to achieve the social licence to operate. Although opposition has been primarily directed towards the use of fracking for shale gas and oil, opposition seems to be growing against any further exploration and development of petroleum resources of any type. This opposition is often framed within the context of climate change and the need to reduce the use of fossil fuels and greenhouse gas emissions.
- 4.57 These considerations have informed the development scenarios which are set out in Section 5. There is a recognition that whilst the development of an onshore oil and gas sector in Northern Ireland at scale is technically feasible, various factors reduce the likelihood of this happening in practice (including technical, market, financial and social considerations). These factors could in turn lead to a lower level of activity taking place in the future, a continuation of the situation over the last two decades which has seen intermittent but ultimately unsuccessful exploration, or even no further exploration (which defines the No Development scenario).

5. The Development Scenarios

Introduction

- 5.1 This section of the report sets out the approach to estimating the potential environmental, social and economic impact of future onshore development of conventional and unconventional oil and gas resources in Northern Ireland.
- 5.2 Given the considerable uncertainty over the likely development path of onshore petroleum exploration and extraction in Northern Ireland, a range of possible development scenarios have been used to test the potential impacts of various development paths. The scenarios take account of the publicly available information on the possible type, scale and location of the resource within Northern Ireland. They also take account of the consequences of the moratoria which have been implemented in the rest of the UK (through for example the removal of the opportunities to share data between well developments and to enhance supply chains), as well as the more recent policy position of the Republic of Ireland Government. It is assumed that the current planning policy and regulatory regime for onshore petroleum development in Northern Ireland remain in place (although it is recognised that the Northern Ireland Executive may wish to amend these in the future as part of the policy development process).

The Development Scenarios

- 5.3 Given there is little information available on the technically recoverable resource in Northern Ireland, the scenarios have been based on different scales of activity which are judged to be feasible given the current NI policy and the overall assessment timescale. However, as explained below, there are different likelihoods of these development scenarios occurring in practice:
- **No development scenario** – this scenario assumes that no exploration or commercial exploitation takes place in NI over the next three decades. Whilst unlikely to arise over the assessment period under NI's prevailing policy position, it is feasible that it could occur if the uncertainty and risk facing the sector were to increase. The purpose of including this scenario is to enable comparison to the other three scenarios which include some amount of development.
 - **Low development scenario** – uncertainties and other barriers to widespread development remain and global energy prices continue to provide limited incentives to invest in Northern Ireland. A higher level of exploration is assumed to occur which leads to successful commercial scale production of both conventional and unconventional resources, although still on a fairly limited basis. The potential likelihood of the scenario and its associated level of activity occurring under NI's prevailing policy is considered to be moderately high.
 - **Medium development scenario** – A number of the barriers and aspects of uncertainty affecting the industry are lessened or removed, in part through a higher level of exploration. Higher energy prices may provide a greater incentive to development compared to the low scenario. There is a step change in exploration and production compared to the low scenario. The potential likelihood of this scenario and its associated level of activity occurring under NI's prevailing policy is judged to be moderate.
 - **High development scenario** - uncertainty affecting the industry is greatly reduced in Northern Ireland possibly through more supportive policy and regulation and a higher level of successful exploration and deployment of commercial wells which helps to

delineate the recoverable resource and associated risks. Activity could also be stimulated by market factors such as a much higher increase in energy prices which are sustained in the longer term. This leads to a significant step change in commercial extraction, stimulating significantly higher investment activity across Northern Ireland's basins. The potential likelihood of this scenario and its associated level of activity occurring under NI's prevailing policy is judged to be low.

- 5.4 The scenarios are not setting out possible or preferred policy options which the Department for the Economy may consider in due course, nor do they consider the specific assumptions about future policy decisions which may shape these options.

Scenario Assumptions

- 5.5 Besides defining the circumstances in which the development scenarios are likely to occur in (above), they are also defined in terms of their indicative scale (i.e. number of pads or developments, number of wells per pad, number of laterals), the type of well (i.e horizontal drilling with hydraulic fracturing or vertical drilling), (the resource type and location (i.e. conventional or unconventional and the basin in which development may occur).
- 5.6 These assumptions provide a basis for the quantification of economic impacts, as well as a range of additional exploration and production related variables (e.g. water and waste requirements, methane flares, HGV movements, etc) which will inform the environmental and social assessment. There is evidence to help inform these assumptions from other economic and strategic environmental assessments (although this evidence can often be vague and opaque in their definition of their assumptions) and site specific EIAs in the UK (as well as monitoring data for US sites, although much of this evidence is already factored into the UK SEAs).
- 5.7 The basis of the development scenarios – scale, type and location - is summarised in Table 5.1 below.

Table 5.1 Outline of Development Scenarios	
Conventional	Unconventional
High Scenario	
<p>There are 3 main conventional basins onshore N. Ireland, Rathlin Basin (780 sq km), Larne Basin (650 sq km) and Lough Neagh Basin (888 sq km with 390 sq km unlikely due to designations). Of these only the Rathlin Basin is well mapped, this shows 10 structures. Assuming a 1 in 5 success rate this would lead to 2 developments. As the structures are generally small and conventional, 2 wells per development have been assumed. Extrapolating this level of prospectivity to the other basins would give: Larne Basin - 2 developments of 2 Wells; Lough Neagh Basin - 1 development of 2 wells.</p> <p>Total Conventional: 5 well pads and 10 wells in total (av of 2 wells per pad)</p>	<p>The main unconventional prospect is the Bundoran Shale Formation in the Lough Allen Basin. The Bundoran Shale Formation has an extent in the subsurface of approximately 560 square kilometres. However, there are significant areas of this that would not be available for development due to shallow depth or environmental restrictions. To fully develop the areas available (allowing for development constraints) could accommodate approx. 4 well pads at 6 wells a pad.</p> <p>Unconventional: 4 well pads and 24 wells in total (av of 6 wells per pad)</p>
Medium Scenario	
<p>Conventional: 3 well Pads and 6 wells in total (av of 2 wells per pad)</p>	<p>Unconventional 2 well pads and 12 wells in total (av of 6 wells per pad)</p>
Low Scenario	
<p>Conventional: 2 well pads and 4 wells in total (av of 2 wells per pad)</p>	<p>Unconventional: 1 well pad and 6 wells in total</p>
No Development Scenario	
<p>No exploration or commercial exploitation of onshore oil and gas takes place in NI over the assessment period.</p>	

5.8 Table 5.2 outlines the associated assumptions for the number of pads and wells for conventional and unconventional oil and gas resources.

Table 5.2 Pad and Well Intensity by Development Scenario

	No Development	Low Development		Medium Development		High Development	
Type of Resource	Conventional/ Unconventional	Conventional	Unconventional	Conventional	Unconventional	Conventional	Unconventional
Number of pads	0	2	1	3	2	5	4
Number of wells per pad	0	2	6	2	6	2	6
Total number of wells	0	4	6	6	12	10	24
Number of laterals/sidetracks:							
Low intensity	0	8	12	12	24	20	48
High Intensity	0	16	24	24	48	40	96
Estimated output (mmbobe):							
Low intensity	0	8.00	6.24	12.00	12.48	20.00	24.96
High Intensity	0	16.00	24.00	24.00	24.96	40.00	49.92

Source: Hatch; Note: low and high intensity rates for lateral drilling is defined as 2-4 horizontals respectively for both conventional and unconventional oil and gas resources. The No Commercial Production Scenario is excluded from the table as it does not include the development of a commercial scale pad development.

- 5.9 The available evidence from the US suggests a high intensity of activity per pad for shale oil and gas (i.e. number of well and laterals drilled per pad). This practice has informed a number of the UK studies which have assumed a high intensity of activity (i.e. 40 laterals per pad being a common place assumption made up of 10 vertical wells and four laterals per well). There is limited evidence in the UK to support this assumption and there are good reasons to assume that this intensity might not be achievable in Northern Ireland given its geology (i.e. thin formations, the style and distribution of faults, shallowness of shale formation across parts of the basin, comparatively lower number of target horizons). A more cautious approach has been adopted for this study to reflect this uncertainty (between 12 and 24 laterals wells per pad, for both conventional and unconventional resources, for the low and high intensity assumptions respectively).

Assessment Period and Development Phases

- 5.10 The overall assessment covers the period between 2021 and 2050, a period of thirty years. Consequently, all of the expenditure associated with the lifecycle of this additional activity is captured up to 2050. Where impacts associated with activity undertaken up to 2050 may occur beyond this time period, the assessment considers these subject to the available evidence and certainty about their nature, scale and duration.
- 5.11 The analysis has confirmed that the level of development activity under all of the scenarios is technically feasible within the time period considered, although the high scenario may be more challenging to achieve in practice given the need to source specialist drilling and hydraulic equipment during the earlier drilling phases (which may need to be imported where it is not present on the island of Ireland).
- 5.12 The indicative development cycle for a development³⁴ are outlined below:
- Stage 1: Surveying, site selection and planning - up to 3 years
 - Stage 2: Site preparation, drilling and testing – up to 2 years
 - Stage 3: Production – 10-15 years³⁵
 - Stage 4: Decommissioning and restoration – 6 months to a year³⁶.

Development Costs

- 5.13 Whilst there is a lot of evidence for the development, capital and production costs of wells for conventional and unconventional resources in the US, there is no similar evidence base for the UK. This is important as it is unlikely that the costs for developments in Northern Ireland will benefit from the economies of scale and hence costs savings which have been achieved in the US. Also, whilst other UK studies have assumed some degree of economies of scale can be achieved for higher development scenarios, it is also unlikely that this can be achieved in Northern Ireland given the maximum scale of activity assumed (and hence has not been built into the scenarios for this assessment).

³⁴ the timescales for the phases are approximate and may vary between developments of similar and different types depending on the geology and productivity of the well

³⁵ this may be longer for conventional wells (up to 20 years), although the productivity of these well may be significantly reduced in the later years

³⁶ this may also involve periodic aftercare of the well which may continue after decommissioning

- 5.14 Table 5.3 sets out the assumed development costs for higher and lower intensity wells (2 and 4 laterals per well respectively) by phase of development. Whilst there may be differences, for the purposes of this analysis the same costs are assumed for wells for both conventional and unconventional resources. The total lifecycle costs for a well are assumed to be £19.5m for a 2 lateral well and £24.5m for a 4 lateral well. These costs are a best estimate.
- 5.15 The total lifecycle development costs range from £195m-£245m under the low development scenario (with the range defined by number of laterals drilled per well), £351m-£441m for the medium development scenario, £663m-£833m for the high development scenario (see Table 5.4)

Table 5.3 Estimated Average Cost Per Well for High and Low Intensity Activity and by Phase of Development £millions

	Cost for a 4 Lateral Well	Cost for a 2 Lateral Well
Development & Exploration	2.75	2.75
Drilling	6.00	4.50
Fracturing	10.00	7.50
Waste Management	1.00	1.00
Operations	4.00	3.00
Decommissioning & Aftercare	0.75	0.75
Total	24.5	19.5

Source: Hatch analysis; 2021 prices

Table 5.4 Total Lifecycle Development and Operational Costs by Development Scenario, 2021-2050 £millions

	Low Development Scenario			Medium Development Scenario			High Development Scenario		
	Conven-tional	Uncon-ventional	Total	Conven-tional	Uncon-ventional	Total	Conven-tional	Uncon-ventional	Total
Low intensity drilling	78	117	195	117	234	351	195	468	663
High Intensity drilling	98	147	245	147	294	441	245	588	833

Source: Hatch; 2021 prices; note – the no development scenario assumes no exploration or production activity and hence is not included in this table.

Summary

- 5.16 Given the considerable uncertainty over the potential development path of onshore petroleum exploration and extraction in Northern Ireland, a range of possible development scenarios have been used to test the impacts of various development paths. The scenarios take account of the publicly available information on the type, scale and location of the resource within Northern Ireland. The development scenarios are not policy scenarios and it has been assumed that the prevailing policy relevant to NI does not change.
- 5.17 The development scenarios are:
- **No development scenario** – this scenario assumes that no exploration or commercial exploitation takes place in NI over the next three decades. Whilst unlikely to arise under NI's prevailing policy position, it is feasible that it could arise if the uncertainty and risk facing the sector were to increase. The purpose of including this scenario is to enable comparison to the other three scenarios which include varying amounts of development.

- **Low development scenario** – two conventional developments and one unconventional development (total of 10 wells). The potential likelihood of this scenario and its associated level of activity occurring is judged to be relatively high compared to the other scenarios.
 - **Medium development scenario** – three conventional developments and two unconventional development (total of 18 wells).
 - **High development scenario** - five conventional developments and four unconventional development (total of 34 wells). The potential likelihood of this scenario and its associated level of activity occurring is judged to be relatively low compared to the other scenarios.
- 5.18 In addition, different intensities of drilling activity have been assumed which allow for the potential of more or fewer laterals per well. The low and high intensity rates for lateral drilling is defined as 2 and 4 horizontals respectively for both conventional and unconventional oil and gas.
- 5.19 The overall assessment covers the period between 2021 and 2050, a period of thirty years. Where impacts associated with activity undertaken up to 2050 may occur beyond this time period, the assessment considers these subject to the available evidence and certainty about their nature, scale and duration. Also, bearing in mind that this is a high level assessment, it has not always been possible to be specific about the quantitative impacts where they may persist.
- 5.20 The analysis has confirmed that the level of development activity under all of the development scenarios is technically feasible, although the high scenario may be more challenging to achieve in practice given the various sources of uncertainty, lead times for securing development consents and the sourcing of specialist drilling and hydraulic equipment during the earlier drilling phases.
- 5.21 Whilst there may be some differences in practice, for the purposes of this analysis the same costs are assumed for wells for both conventional and unconventional resources. The lifecycle costs for a well are assumed to be £19.5m for a 2 lateral well and £24.5m for a 4 lateral well. The total lifecycle development costs (in 2021 prices) range from £195m-£245m under the low development scenario, £351m-£441m for the medium development scenario, £663m-£833m for the high development scenario. The costs have been informed by previous similar studies, engagement with industry specialists and Hatch's in-house expertise.

Part B

6. Review of Socio-economic Impact Evidence

- 6.1 This section considers evidence of the economic impact of onshore oil and gas exploration and production. It examines the international evidence, which is dominated by the US literature, as well as the available evidence from the UK.

US Evidence

- 6.2 The vast majority of global shale oil and gas (89% and 78% respectively) was produced in the US in 2019³⁷. For this reason, much of the economic impact evidence is focused on the extraction of unconventional resource in the US. Also, the majority of the research evidence has been gathered at a time when the industry was expanding rapidly and hence does not take account of the adverse effect on the US shale industry of the Covid-19 pandemic. Nevertheless, the evidence provides valuable evidence around the economic benefits associated with a rapid upscaling in production activity, albeit vulnerable to major national and global economic shocks.

GVA and Employment Creation in the US

- 6.3 The IHS Global Insight study³⁸ assessed the economic impact of unconventional oil and gas exploitation to the US economy in 2012 and presented growth estimates up to 2035. The study presented the following estimates for the economic impact of unconventional oil:

- Annual capital expenditure of \$87bn in 2012 and estimated to rise to £350bn per year by 2035 (£5.15 trillion in total between 2012 and 2035).
- 1.75 million jobs supported in the lower 48 US states in 2012 (split between 360,000 direct jobs, 537,000 indirect jobs in supplying industries and 850,000 induced jobs) and estimated to reach 3.5 million jobs in 2035.

- 6.4 The reasons for the scale of the impacts included the rapid upscaling of activity, the strength of US supply chains serving onshore development resulting in a larger proportion of expenditure retained in the US, and many of the jobs supported directly or indirectly being relatively well paid (and hence supporting many jobs in local service centres).

- 6.5 A 2012 review of the US unconventional oil and gas industry (Albrycht et al. 2012)³⁹ also found evidence of strong direct and indirect employment effects in the US. The study concluded that the majority of supply chains for the unconventional oil and gas industry are located within the US and there is very limited import of any products required for unconventional gas extraction and production.

- 6.6 A number of economic impact studies have been undertaken for the major unconventional oil and gas plays in the US:

- An assessment of the economic impact of unconventional oil and gas plays in the Appalachian basin in Pennsylvania⁴⁰ where 710 wells were drilled in 2009, estimated that around of 22,000 full time equivalent (FTE) direct jobs were supported across all sectors,

³⁷ GlobalData, 2020, Thematic Research: Oil & Gas Shale.

³⁸ IHS (2013) America's new energy future: the unconventional oil and gas revolution in the US economy. Volume 3.

⁴⁰ Considine, Watson and Blumsack, 2010, The Economic Impacts of the Pennsylvania Marcellus Shale Natural Gas Play: An Update.

with around 3,000 (14%) in the Mining Sector and 5,000 in the Construction Sector (23%). This activity also supported 8,700 indirect jobs and a further 13,600 induced jobs.

- A 2017 University of Texas at San Antonio assessment estimated that the economic impact of shale drilling in the Eagle Ford basin from 2014 to 2016. The study found that the basin produced \$123 billion in economic impact and supported more than 191,000 jobs in 20 Texas counties during the height of the oil boom in 2014 when prices peaked above \$100 per barrel. When crude oil prices dropped to as low as \$26 per barrel in January 2016, the economic impact support also shrank significantly reaching around \$49.8 billion and around 108,000 jobs during that period⁴¹.

- 6.7 Studies have also sought to identify the economic contribution of unconventional oil and gas to regional economic performance. Spencer et al. (2014) found a weak positive correlation between unconventional oil and gas production and overall employment growth⁴². Weber (2012)⁴³ assessed the impact natural gas production had on overall job levels within counties in the states of Colorado, Texas and Wyoming. The study found that being a producing county led to higher growth in employment (1.5%) and income (2.6%), whilst \$1 million in gas production generated 2.35 jobs within the counties.
- 6.8 The lower employment impacts in this study were in part due to the focus on county employment creation and support. Due to the leakage of expenditure out of the counties, the impacts did not include all employment associated with the development lifecycle.

Wider Economic Impacts

Energy Security

- 6.9 In the late 1990s and early 2000s the US was consistently a net gas importer. However, due to the commercial development of its substantial shale gas reserves, its rapid growth in natural gas exports enabled the US to be a net exporter of natural gas⁴⁴. In 2019/2020 the US began exporting more petroleum than it imported, a shift arising from the record shale production in fields such as the Permian Basin.
- 6.10 However, amid the worst price fall in nearly three decades during 2020, American drillers have faced a million-barrel drop in production that has potential to set back the country's energy security gains⁴⁵. The main threat comes from the possibility of a low oil and gas price that is sustained, making it uneconomic for shale producers in the largest US shale fields.

Cost of Energy

- 6.11 Lower natural gas prices translate into a reduction in electricity prices. The regions in the US with the highest natural gas extraction typically have the lowest electricity price⁴⁶. This is a particularly

⁴¹ University of Texas at San Antonio Institute for Economic Development, 2017, Economic Impact of the Eagle Ford Shale: Business Opportunities and the New Normal.

⁴² Spencer et al. 2014. Unconventional wisdom, an economic analysis of US shale gas and implications for the EU.

⁴³ Weber, 2012, The effects of a natural gas boom on employment and income in Colorado, Texas, and Wyoming.

⁴⁴ [US Energy Information Administration Natural Gas Imports and Exports](#)

⁴⁵ [World Oil - Are America's days as a net oil exporter numbered?](#)

⁴⁶ Albrycht, 2012, The impact of shale gas extraction on the socio-economic development of regions – an American success story and potential opportunities for Poland.

important factor for energy-intensive businesses and can be an important factor in the locational decisions of these businesses.

- 6.12 Spencer et al (2014)⁴⁷ however concluded that the shale oil and gas revolution had a minimal impact on US manufacturing, confined to gas-intensive sectors. The study also estimated the average increase in the level of US GDP that is likely to occur between 2014 and 2040 as a result of greater productivity from lower gas costs. This was estimated to be in the order of 0.57% of GDP.
- 6.13 Frondel and Horvath (2019) investigated the effect of the increase in U.S. oil on world oil prices. The study found that there is a statistically significant negative long-run relationship between increased U.S. oil production and oil prices.

Price of chemicals

- 6.14 Impurities from natural gas can be extracted to produce valuable materials in the petrochemical industry (mostly C1 Methane in case of the shales of Fermanagh). Petrochemical feedstock accounts for 12% of global oil demand⁴⁸ and a large proportion of production costs for petrochemical and fertilizer producers.
- 6.15 Lower natural gas prices for both industrial use and electricity generation, and higher supply and a fall in production costs for feedstock, could benefit the entire value chain. This incentivises the development of projects including natural gas processing plants, fractionation capacity projects, ethane and propane projects for fertilizers etc⁴⁹.
- 6.16 The IHS (2013) report estimated that in 2012 employment in energy-related chemicals was more than 53,000 jobs, estimated to increase to almost 319,000 jobs by 2025. Combined with the total unconventional oil and gas value chain employment, this represented around 2% of the total US employment in the short term (2012-2015), potentially increasing to 2.4% by 2025.
- 6.17 The oil price crash resulting from the Covid-19 pandemic has brought mixed fortunes for the petrochemical industry. While demand for some chemicals has fallen with the shrinking world economic output, demand for others is surging. Refineries are having to adapt, if they can, and some are proving more flexible than others⁵⁰.

Local Impacts

Workforce Requirements, Training and Education

- 6.18 US studies indicate that the drilling of shale oil and gas development usually depends on out-of-state capital equipment and workforce, except for truck hauliers and construction workers⁵¹. Energy companies and contractors that perform specialist drilling and fracturing activities typically operate at a pan-state level, limiting the direct job opportunities for local residents.

⁴⁷ Spencer et al, 2014, Unconventional wisdom, an economic analysis of US shale gas and implications for the EU.

⁴⁸ IEA, 2018, The Future of Petrochemicals.

⁴⁹ University of Texas, 2014, Economic impact of the Eagle shale drilling.

⁵⁰ [King, 2020, Oil price crash ripples through chemicals production.](#)

⁵¹ Cornell University, 2011, Economic consequences of shale gas drilling.

- 6.19 A study by Cornell University⁵² found that where exploration and drilling occurs at scale and over a prolonged period, there are opportunities to replace specialist 'out-of-town' workers with local employees. Local businesses are able to adapt so that they are able to participate in shale development and supply chains and hence to employ local workers. There are also more employment opportunities for local residents during the post-drilling production phase, where it is more cost effective to recruit and train local workers. These jobs are generally more readily available in local labour markets, although also fewer in number compared to earlier stages.
- 6.20 A more recent report analysed employers and colleges in Ohio, Pennsylvania and West Virginia in the context of developing a skilled workforce for the oil and gas industry⁵³. The report notes the challenge of connecting employment to education in a sector which is rapidly changing because of technological innovations, which in turn constrains some of the opportunities for local workforces.

Impact on Local Sectors and Tourism

- 6.21 US studies have explored the expenditure impacts on sectors at a local level. A Cornell University (2011)⁵⁴ study found that a boost to local service sectors through increased expenditure could lead to increased prices and displacement of existing customers. The same study noted potential negative impacts through wage and labour substitution effects. This arises through the increase in the price of factors of production facing local businesses not in the oil and gas sector, as well as the loss of workers to operators in the oil and gas sector and its supply chain. This could lead to local businesses closing or choosing to leave the area, making the local economy more dependent on drilling activities and less diverse in the long run.
- 6.22 Another Cornell University study focused particularly on the effects of production activity within the Marcellus Shale on the tourism sector⁵⁵. The study found that the activities associated with higher density development could, besides providing a boost to tourism in terms of expenditure, also have some detrimental impacts on local tourism sectors. The industrialisation associated with widespread drilling could do damage to the localities tourism 'brand' through changes in perceptions and visitor behaviour, especially where quality of the landscape and environment is an important part of the offer.

Local public services

- 6.23 Unconventional gas exploration in an area could cause a strain on public services. The increased volume of traffic and trucks carrying heavy loads on local roads creates a greater need for policing through the need to control truck movement and weight limits⁵⁶. The influx of workers can place a strain on local schools and hospitals, and increased costs for local governments.
- 6.24 A study of Sublette County⁵⁷, a rural county in Wyoming, shows that as a result of oil and gas industry development in the area, the permanent population had increased by 34% between 2000

⁵² Marcellus Shale Education & Training Center, 2009, Marcellus Shale Workforce Needs Assessment.

⁵³ Bozick et al, 2017, Developing a Skilled Workforce for the Oil and Natural Gas Industry

⁵⁴ Cornell University, 2011, Economic consequences of shale gas drilling.

⁵⁵ Cornell University, 2011, Drilling in Marcellus Shale. Potential impacts on the tourism economy

⁵⁶ Cornell University, 2011, Drilling in Marcellus Shale. Potential impacts on the tourism economy

⁵⁷ Jacquet, 2009, Energy Boomtowns and Natural Gas: Implications for Marcellus Shale Local Governments and Rural Communities.

and 2007. At the same time, the ambulance runs, medical visits, court cases, arrests and reported crimes had increased rapidly reflecting the impact from new and transient workers.

- 6.25 The IHS (2012) report estimates that in 2012 state and local tax receipts arising from unconventional oil and gas activity amounted to an estimated \$31 billion (reflecting the use of state and county level taxes in the US). This represented 5% of US lower 48 States' total expenditures and 41% of the estimated 2012 budget gaps. However, (as noted above by Jacquet) while local governments may experience increases in revenue, there are also significant additional expenditures required to sustain the public infrastructure and services which experience a substantial and sustained increase in demand and other potential wider costs of unconventional gas and oil exploitation.

Other International Evidence

Europe

- 6.26 Poyry (2013)⁵⁸ conducted a study on the macroeconomic effects of European shale gas production. The study estimated that gas import dependency could fall from 89% in the scenario of no shale development to 78% in the middle shale production scenario, and 62% in the case of significant shale production scenario.
- 6.27 However, the report notes that the reality could be different due to the strong linkages between the European gas market with the US and Asia markets, as well as the potential development of shale gas in other parts of the world. The report reaches reasonably optimistic conclusions that shale gas development could result in lower gas and electricity wholesale prices. The projections in gas price reduction range from 6% to 14% depending on how rapidly the industry develops. Wholesale electricity prices could see a reduction of between 3% and 8%. The lower gas and electricity prices predicted in the shale gas development scenarios could also bring cost savings to industries within the EU. To some extent, businesses will pass lower costs onto consumers in the form of lower product prices, which would improve their competitive position in the markets, stimulating international demand for their goods.
- 6.28 More recently Janda and Kondratenko (2018)⁵⁹ undertook a study of the Economic Impacts of Shale Gas on EU Energy Security. The results of this study showed that shale production affects the price negatively. The authors are of the view that European shale gas development is not able to affect the energy security of the EU on an international level.

UK Economic Impact Evidence

- 6.29 National onshore oil and gas economic studies have been undertaken by DECC, BEIS, Welsh Government, Scottish Government and UKOOG. All of the studies heavily draw on US economic impact evidence to the UK to help inform their assumptions. Also, local assessments have also been undertaken by developers with an interest in the potential plays in specific areas of the UK, including Cuadrilla and iGas. A number of the headline assumptions and impacts are summarised in the table at the end of the section.
- 6.30 As with the US literature, it is primarily focused on onshore unconventional resources as this has been seen as the main development opportunity for the UK. There is no recent research on the economic impact of exploitation of onshore conventional oil and gas resources

⁵⁸ Poyry, 2013, Macroeconomic effects of European shale gas production.

⁵⁹ Janda and Kondratenko, 2018, An Overview of Economic Impacts of Shale Gas on EU Energy Security.

- 6.31 It should be noted that the economic impact estimates in this section have been criticised by various groups that are opposed to onshore oil and gas development. Friends of the Earth, for example, point to overstated employment impacts, selective use of findings in presenting more optimistic scenarios, the failure to distinguish between local employment and activities undertaken by a mobile workforce, and the failure to consider the range of potential negative impacts on other sectors (such as tourism and agriculture)⁶⁰.

National Shale Gas Studies

- 6.32 The Institute of Directors (2013) sought to assess the economic impact of onshore shale gas on the UK⁶¹. The report, was sponsored by Cuadrilla Resources Ltd. The study suggested that jobs created in the UK by unconventional gas could be 74,000 at peak and that spend could be up to £33 billion in supply chain activities from 2016 to 2032.
- 6.33 The study assumed that a single pad of 10 wells and 10 laterals could support 400 FTE jobs and a pad of 10 wells and 40 laterals could support just over 1,000 FTE jobs and that there is no leakage of expenditure out of the UK.
- 6.34 The study also estimated that for the widespread development scenario, UK gas import dependency could reduce to 46% and potentially as low as 27%. This was compared to the scenario of no or very limited shale gas by 2030, where import dependency would be 63%.
- 6.35 The report outlined the potential for the UK to secure reduced gas prices, as well as reduced prices for petrochemical feedstocks as a result of shale gas development. However, it pointed out that it is too early to say how significant these effects would be, this is attributed to the uncertainty around future gas prices.
- 6.36 In 2014, DECC undertook a Strategic Environmental Assessment⁶² of potential oil and gas activity in the UK, covering all stages in the development lifecycle, under high and low activity scenarios for unconventional oil and gas⁶³. The assessment estimated that for the high activity scenario peak, 16,000 to 32,000 FTE jobs could be created by oil and gas development which represented an increase of between 3.5% and 7% in the level of employment supported by the UK oil and gas industry sector⁶⁴. However, the potential for these jobs to directly benefit local communities in which sites are located would depend on the balance between skilled and unskilled construction and oil and gas posts required and the local labour market skills base.
- 6.37 The assessment identified that under the UKOOG (2013) Community Engagement Charter, benefits from shale gas exploration and production would be provided to host local communities and county/unitary authorities via an initial community contribution of £100,000 per well pad where fracturing takes place. Under the high activity scenario, total UK contributions could be between £3 and £12 million. During production, it was estimated that community benefits to the value of 1% of revenue from production could amount to a total of £2.4 million to £4.8 million per

⁶⁰ Friends of the Earth, 2015, Making a better job of it.

⁶¹ IoD, 2013, Getting shale gas working.

⁶² DECC, 2013, Strategic Environmental Assessment for Further Onshore Oil and Gas Licensing

⁶³ The high activity scenario envisaged a total of between 1,440 and 2,880 wells being developed from 120 well pads with a peak number of 180 to 360 wells per annum being drilled and subject to hydraulic fracturing; the low scenario assumes a maximum of 360 wells from 30 pads.

⁶⁴ Oil and Gas UK, 2012, 2012 Economic Report.

site (equivalent to between £0.3 billion and £0.6 billion across all sites) under the high activity scenario, assuming each well is productive for 20 years.

- 6.38 UKOOG commissioned Ernst & Young (2014)⁶⁵ to further examine the supply chain skills requirements and opportunities of a UK shale gas industry. Its estimates are based on the development scenario used in the Institute of Directors (IoD) report (2013), namely 4,000 wells drilled in the UK by 2032, requiring £33 bn of investment. The report estimates that:
- At peak 64,500 jobs would be created from upstream activities, 6,000 direct jobs, 40,000 indirect or supply chain jobs, and approximately 19,000 induced jobs (implying an indirect and induced employment multiplier of 9.8).
 - UK oilfield service and manufacturing companies have an opportunity to develop the sector, as the development of shale gas requires specialist equipment and skills for hydraulic fracturing totalling £17 billion (out of the £33 billion).
- 6.39 The assessment of the UK water management industry showed that UK suppliers have the facilities to perform water treatment procedures and drilling waste management, although increased capacity would be required to treat waste volumes at peak. The need for waste storage and transportation infrastructure will depend on the proportion of treatment processes that can be conducted on-site, although there are no supply constraints anticipated. Furthermore, the UK has a well-developed waste transportation industry, with services for unconventional wells already established.
- 6.40 The report set out two specific recommendations, firstly defining a set of standard skills, qualifications and/or accreditations required by operators for staff to work on shale projects, and secondly defining a plan and investment case to develop required skills at pace.
- 6.41 In 2015 Welsh Government commissioned a study of the socio-economic impacts of unconventional gas development in Wales⁶⁶. The study used the estimates of capital and operational spending for high, medium and low scenarios of coal bed methane and shale gas development.
- Under the low 'business as usual' scenario there is little additional economic impact.
 - The annual GVA impact ranged from £1.4m to £3.1m under the medium scenario to £11.4m to £26.7m under the high scenario.
 - The Annual FTE employment ranged from 34 to 72 jobs under the medium scenario to 270 to 630 jobs under the high scenario.
- 6.42 The study notes that at the outset production conditions in Wales would be very different from that in the US, and even if the primary production conditions were comparable, developers in Wales would face a different mix of planning constraints to those that US firms have typically faced. In this context the impacts should be viewed as illustrative and in the opinion of the authors. In addition, the study stated that the High activity scenario is on balance less likely to occur in this timescale given the wider uncertainties attendant on development in the sector.
- 6.43 Most recently, in 2016 KPMG was commissioned by the Scottish Government to undertake an assessment of the potential economic impacts of the development of unconventional oil & gas resources in Scotland⁶⁷.

⁶⁵ Ernst & Young, 2014, Getting ready for Shale Gas – Supply Chain Skills Requirements and Opportunities.

⁶⁶ Regeneris, Cardiff University and AMEC, 2015, Socio-economic Impact of Unconventional Gas in Wales.

⁶⁷ KPMG, 2016, Economic Impact Assessment and scenario develop of unconventional oil and gas development in Scotland.

- 6.44 The assessment covers a period from 2018 up to 2062 and the impacts are presented as cumulative impacts. The total GVA (cumulative to 2062) comes to £1.1 billion in the Medium scenario, with £0.1 billion in GVA generated directly added to £1.0 billion in indirect and induced effects (including CBM).
- 6.45 Peak year employment is used in the KPMG study to quantify the number of additional jobs that could be created by the unconventional oil & gas sector. The study assumes that a maximum of three pads would be built in any given year in the Medium scenario (4 in the High and 2 in the Low) and that once a pad is built, a given worker would then work on the next pad being built; resulting in one single job being maintained over a longer time rather than the creation of additional jobs for every pad built. In the medium scenario over 1,400 jobs would be created at the peak employment year.
- 6.46 Table 6.1 provides a summary of the findings of the five main national impacts assessments undertaken for the UK or devolved nations to date.

Table 6.1 Summary of Key Assumptions and Estimated Economic Impacts of UK National Shale Oil & Gas Studies

	IoD	EY	DECC SEA		Regeneris			KPMG		
Date Undertaken	2013	2014	2013		2015			2015		
Geographic Area	UK	UK	UK		Wales			Scotland		
Development Scenario	Central	Central	Low	High	Low	Central	High	Low	Central	High
Pads	100	100	30	120	3 CBM	4 CBM & 1 Shale	12 CBM & 8 shale	2 CBM & 10 shale	2 CBM & 20 shale	2 CBM & 31 shale
Wells per pad	10	10	NA	NA	4 to 6	4 to 6 CBM & 10 to 24 Shale	4 to 6 CBM & 10 to 24 Shale	15 CBM & 10 shale	15 CBM & 20 Shale	15 CBM & 20 shale
Laterals per well	4	4	6 -12 (per pad)	12-24 (per pad)	NA			-		
Period of drilling	16 years (2016-2032)	16 years (2016-2032)	9 years	12 years	3-4 years			-		
Production Lifetime	20 years	20 years	20 years		NA			12 years CBM & 15 years shale		
Scope of Coverage	Lifecycle	Upstream	NA		Lifecycle			lifecycle		
Total Development Expenditure (Lifetime)	£39bn	£33bn	£1.6bn-£3.2bn	£15.4bn - £26bn	£9.2 - £13.1m	£106.8 - £235.0m	£757.1 - £1,780.4m	£1.5bn	£4.4bn	£10.8bn
Total Development Expenditure (Lifetime) Per Pad	£388m	£330m	£54 m-£107m	£107m-£215m	£3.1 -4.4 m	£31.4 - 47m	£37.9 - 89m	£141m CBM & £110m shale	£141m CBM & £176m shale	£141m CBM & £299m shale
Total Development Expenditure (Lifetime) Per Well	£38.8m	£33m	NA		£0.74m	£1.6m	£2.88m	NA	NA	NA
Proportion of investment in geographic area	100%	100%	71%		32% - 38%			50% for CBM & 30%-60% for shale		
Laterals at peak (annually)	400	400	30-60	180-360	NA			NA		
Presented as peak or average annual employment?	Peak	Peak	Peak		Annual average / person years			Peak		
Annual Employment Per Lateral– Direct	-	15 (peak)	NA		NA			NA		
Annual Employment Per Lateral - Total	185 (peak)	161 (peak)	89 (peak)		1.1-1.6			NA		
Total Direct Employment (peak or average)	-	6,100 (peak)	NA		NA			430 (peak)	930 (peak)	1,280 (peak)
Total Employment including Indirect and Induced (peak or average)	74,000 (peak)	64,500 (peak)	2,600-5,300 (peak)	16,000-32,000 (peak)	2.6-3.7 (average annual) / 39-56	34-72 (average annual) / 510- 1,080	267-627 (average annual) / 4,010 - 9,410	470 (peak)	1,400 (peak)	3,100 (peak)

Source: DECC, 2013, Strategic Environmental Assessment for Further Onshore Oil and Gas Licensing; Ernst & Young, 2014, Getting ready for Shale Gas – Supply Chain Skills Requirements and Opportunities; IoD, 2013, Getting shale gas working; Regeneris Consulting, Cardiff University and AMEC, 2015, Socio-economic Impact of Unconventional Gas in Wales; KPMG, 2016, Economic Impact Assessment and scenario develop of unconventional oil and gas development in Scotland.

Regional and Local Impact Assessments

- 6.47 There is limited recent regional and local economic impact assessments of unconventional oil and gas in the UK, although a number of studies were undertaken in the early 2010s. The impacts predicted by these studies have not been reached due to the restrictions on fracking in the UK over the last 4-5 years.
- 6.48 A study of the potential economic impacts of the future exploration and exploitation of shale gas in the Ocean Gateway area of the North West of England was commissioned by IGas and Peel Developments in 2014⁶⁸. The development scenario consisted of a total of 300 vertical wells and 1,200 laterals, with overall investment totalling £9.8 billion - similar to the intensity of scenarios used in the IoD and Ernst and Young assessments.
- 6.49 Peak level employment was estimated to be around 15,500 FTE jobs in the UK, of which 3,500 (23%) were estimated to be in the Ocean Gateway area. The UK employment is based on an assumption that all supply chain activity is located in the UK, which appears to be predicated on the UK developing a largescale unconventional oil and gas sector. The extent to which the development activity supports local employment was shaped by the following assumptions:
- Local residents have time to acquire the relevant skills, whilst others relocate permanently to the area. It was assumed that 40% of direct jobs are local.
 - A third (35%) of Tier 1 suppliers would locate operations in the area, with subsequent tier operators co-locating some of their activity (up to 15%) in Ocean Gateway.
- 6.50 In 2015 AMION Consulting undertook a study for Peel into the economic impacts of a Bowland Shale supply hub⁶⁹. The study found that a co-located supply chain could more than double the supply chain spend retained in the Bowland Shale area and create over 13,000 local peak year jobs – 7,800 more than without the creation of a supply hub. The study assumed there would be 100 well pads and 1,000/2,000 wells. This would result in a peak annual spend of £2.6 billion and a cumulative spend (to 2048) of £30.6 billion. The employment impact would reach a peak year impact of 13,000 assuming the development of a local integrated supply hub.

Summary

- 6.51 The US 'shale boom' has resulted in a significant amount of economic impact evidence related to the development of unconventional oil and gas. The US evidence points to the significant economic impacts resulting from the development of onshore oil and gas. This is mainly due to the specific circumstances under which the US has developed its oil and gas industry. There is very little geographical leakage of economic impacts out of the US due to the size and level of self-containment of economic activity in the US economy and the strengths of its oil and gas and related supply chains. In addition, the US has a relatively strong and large employment and skills base to draw upon and has the critical mass required to further develop its supply chains and skills base.
- 6.52 The sustainability of some of these economic impacts has been questioned by some commentators as a result of the pandemic and associated economic downturn and its impact on global oil and gas prices. This has led to wells being mothballed and others abandoned as producers have failed.

⁶⁸ AMION Consulting, 2014. Potential Economic Impacts of Shale Gas in the Ocean Gateway.

⁶⁹ AMOIN Consulting, 2015. Creating a supply hub for the Bowland Shale.

- 6.53 Looking at the wider economic impact evidence the US evidence provides insights into workforce requirements, training education and some of the opportunities that may be available to local people and the challenge to increase local benefits. In addition, the evidence also provides insights on the potentially negative economic impacts on tourism and other sectors and local public services, although an important message is that this often depends heavily on the circumstances and nature of the locations in which development occurs.
- 6.54 In comparison, the circumstances in which the UK would develop its unconventional oil and gas sector are very different. The moratoria in GB and RoI on unconventional activity are a major constraint on the development of the sector and the associated supply chains and skills base. Achieving the critical mass needed to attain the high levels of economic impacts reported by UK and regional impact studies is highly unlikely in the current climate.
- 6.55 Due to the significant differences between the US and UK, more recent UK studies such as those focused on Wales and Scotland have been more conservative in the scale of economic impacts which could be achieved across different development scenarios.
- 6.56 Northern Ireland lacks an indigenous oil and gas sector, although it has a sizeable geosciences sector and a range of sectors which could form part of the supply chain if future oil and gas development were to occur. Nevertheless, as outlined later in the report, the nature of the Northern Ireland economy and its infrastructure would limit the scope to secure economic benefits from future onshore oil and gas development.

7. Economic Impact Assessment

Introduction

- 7.1 This section sets out the estimation of the economic impacts which are expected to occur under each of the development scenarios. This focuses on the direct, indirect and induced impacts within Northern Ireland, measured through indicators such as Gross Value Added (GVA) and employment creation.
- 7.2 It also considers the wider potential economic benefits or disbenefits which might arise if development was to occur. This includes the indirect effects on sectors which could use the oil and gas as inputs and sectors which might be affected by loss of land or changes in their amenity (e.g. tourism, agriculture). It also considers impacts on energy security, energy prices and trade balances.
- 7.3 Whilst production would generate royalty income, this would flow to the UK Exchequer rather than being retained within Northern Ireland (apart from compensation to landowners who can prove their holding of mineral rights prior to 1964 Act). The royalties have not therefore been estimated as part of this assessment.

Assessment Approach

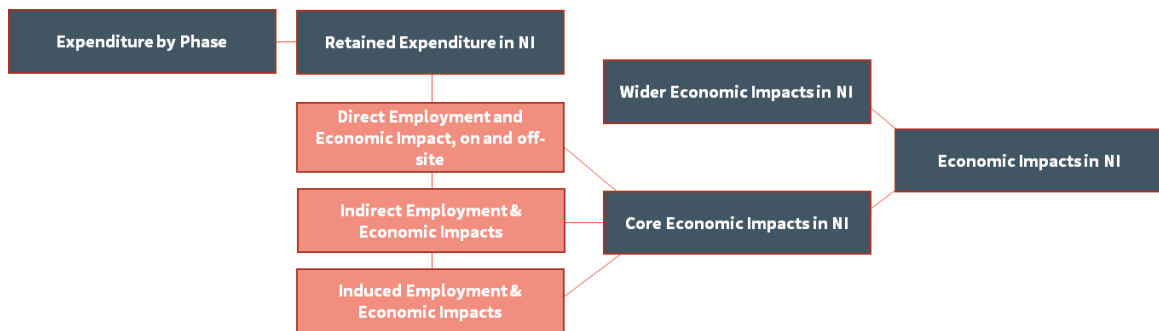
- 7.4 This section outlines the approach to assessing the economic impacts resulting from onshore oil and gas development in Northern Ireland. The assessment of economic impact focuses on the GVA and employment impacts of the potential development scenarios. For the key quantitative measures of economic impact (employment and GVA) Hatch developed an economic impact model to estimate the direct, indirect and induced employment impacts supported by exploration, development, production and decommissioning phases.
- 7.5 The no development scenario assumes that no exploration or commercial exploitation takes place in Northern Ireland over next three decades. The assessment briefly covers the expected economic impacts under this scenario where appropriate.

Input Output Tables

- 7.6 Input Output tables can be used to model the direct, indirect and induced impacts of expenditure within the Northern Ireland economy. The modelling exercise drew on Hatch's in-house Input Output tables which quantitatively represent the interdependencies between sectors. Hatch frequently use bespoke in-house economic tables and we have applied this to a wide range of energy contexts including oil & gas development and on and offshore wind projects.
- 7.7 A key aspect of the economic modelling was to map the expenditure categories for each phase against the sector categories in the input output table on a best fit basis. For example, expenditure which is heavily reliant on the construction sector would be matched to the construction sector within the input output model. Each sector within the input output table has different economic multipliers which vary based on the variation on interdependencies across sectors.

Direct (on & offsite), Indirect and Induced Economic Impacts

Figure 7.1 Economic Assessment Approach



Source: Hatch, 2021

- 7.8 Direct impact captures the economic activity that is supported directly through the lifetime and decommissioning of onshore oil and gas development. This covers direct staff employed on- and off-site and all first-tier supply chain expenditure relating to the exploration, development, production and decommissioning of the oil and gas facilities.
- 7.9 Indirect impacts measure the supply chain impact of the additional output generated by companies in the supply chain supporting the tier one suppliers. The additional economic activity in these companies is passed down through their supply chains and generates additional, indirect benefits for many other companies across the Northern Ireland economy.
- 7.10 Induced impacts capture the knock-on benefits that additional employment supported directly and indirectly has in the Northern Ireland economy as salaries - earned by those employed in additional jobs - are spent on goods and services elsewhere in the economy.
- 7.11 To derive the total economic benefits, direct, indirect and induced employment and economic impacts are added together.

Presenting the Impacts and Dealing with Uncertainties

- 7.12 The economic impacts are presented on the basis of the total impacts, per annum and by development phases for each development scenario. It should be noted that other impact studies present the impacts on a peak impact basis. Hatch do not model peak impact in the same way as other studies owing to the uncertainty associated with the precise timing of investment and activity within phases, however we take the average employment impacts over different phases and aggregate these where phases overlap to provide insight into the profile of employment over the course of the thirty year assessment period.
- 7.13 The GVA impacts are presented in 2021 prices and are not discounted. It removes the effects of inflation and presents impacts in a common currency without adjusting for social time preference (which is more relevant for investment appraisal, especially where competing options are being considered which have different cost/benefit profiles).
- 7.14 The impacts for the high, medium and low oil and gas development scenarios are presented as ranges to allow for the uncertainties associated with the potential retention of expenditure within Northern Ireland (compared to the potential for it to leak out of the region) and the intensity of drilling at the exploration and production sites.

Estimating the Core Economic Impacts

Sourcing of Inputs and Retained Expenditure in NI

- 7.15 The retention of expenditure associated with development, operation and decommissioning of the onshore oil and gas industry in Northern Ireland directly impacts on the level of economic impact Northern Ireland will capture as a result of future onshore oil and gas development.
- 7.16 This assessment has drawn on a variety of evidence to reach assumptions on the level of expenditure which could be retained within the Northern Ireland economy. To reach these assumptions which are backed by a sound evidence base, the following evidence has been assessed:
- Information on the assumptions for the level of retained expenditure in other UK oil and gas economic impact studies
 - Information available on businesses currently within Northern Ireland who are operating in the UK and global oil and gas supply chains⁷⁰, as well as analysis of the capacity and capability of sectors in Northern Ireland which could form part of the supply chains if onshore oil and gas development were to occur
 - Evidence gathered from stakeholder engagement including with the oil and gas industry and economic development agencies.
- 7.17 Several UK oil and gas economic impact studies made assumptions on the level of retained expenditure within their impact areas. The most useful economic impact studies Hatch assessed are shown in Table 7.1 below.

Economic Impact Study	Level of Retained Spend
2015, Wales Economic Impact Study by Regeneris	32%-38% retained spend in Wales (low to high scenarios)
2015, Scotland Study by KPMG	30%-60% retained spend in Scotland (low to high scenarios)
2013, UK SEA Study by DECC	71% retained spend in the UK

Hatch desk-based research, 2021.

- 7.18 Table 7.2 presents the sourcing assumptions used in this assessment for each of the detailed expenditure category level and the rationale underpinning the assumptions. This has been informed by similar assessments for other regions of the UK, such as the assessment of unconventional oil and gas in Scotland, as well as an analysis of the potential of NI's business base to supply these categories of goods and services.

Cost category		% of Expenditure Retained in Northern Ireland	Information used to inform retained expenditure assumption
Main Category	Subcategory		
Planning and Licensing		60%-80%	Expected to be mostly sourced within Northern Ireland, but some work may be outsourced by local offices of international practices to the rest of the UK (hence reduced to allow for leakage of wages and profits). Larger companies operating in NI might expand their existing offices in response to opportunities under high scenario.

⁷⁰ [Invest Northern Ireland - The capabilities of the oil and gas supply chain within Northern Ireland.](#)

Cost category		% of Expenditure Retained in Northern Ireland	Information used to inform retained expenditure assumption
Main Category	Subcategory		
Exploration		20%-30%	Northern Ireland lacks much of the specialist equipment and expertise required. However, some expenditure will be retained associated in supporting activities.
Pad Development costs		60%-75%	The strong construction and civil engineering sector in NI will help to retain a high proportion of expenditure.
Drilling and Completion	Security services	100%	Site security services are widely available in NI and it is expected that all this expenditure will be retained within Northern Ireland.
	Steel casing	50%-65%	NI has a number of general and specialist metal fabricators, including metal piping. The potential to retain expenditure is therefore considered moderate.
	Rig hire	0%	Rigs are likely to be sourced from outside of Northern Ireland, either from Rol or GB (or further afield if development activity in NI and GB were to create considerable demand compared to limited rig supply).
	Ancillary Equipment and service	10%-15%	Industry consultations suggest NI has limited existing capacity in the supply of ancillary equipment and services for the oil and gas sector. Retention of expenditure is assumed to be low.
	Cementing services	50%-65%	NI has strong capabilities within the manufacture of cements, including some specialist products. Retention of expenditure is assumed to be medium.
	Directional drilling service	0%	This is specialist equipment which is highly likely to be sourced from outside of Northern Ireland, possibly from the US.
	Drilling fluids and fluids engineering	30%-45%	There are reasonable opportunities to source locally.
	Drill rig fuel	100%	The requirement for fuels is standard. It is therefore expected that all of the expenditure would be retained within NI.
Hydraulic Fracturing	Equipment	0%	Specialist equipment, with specialist mobile teams required. This is in limited supply in Europe. The moratorium in development in GB will limit any expected growth in supply that was expected under an active development scenario. Consultation with Invest NI indicated Northern Ireland's oil and gas supply chain is very limited, although some activity around making valves for the oil and gas activity out of Aberdeen (although this work is drying up).
	Proppants	40%-55%	Potentially good supply of suitable sands for fracking of wells. Retention of expenditure is assumed to be medium.
	Other ⁷¹	10%-15%	These categories cover a wide range of products and services, some fairly specialist, and the associated level of expenditure is modest. Retention of expenditure is assumed to be low.
	Mobilisation / demobilisation	10%-15%	
	Miscellaneous ⁷²	10%-15%	
Wastewater Disposal	Wastewater management	70%-90%	Northern Ireland has a relative strength in the water supply, waste treatment and management industry. The water industry is closely related to supporting the agri-food sector (which is a strong sector within Northern Ireland). Retention of expenditure is assumed to be high.
	Drilling waste management	70%-90%	
	Waste transportation	70%-90%	NI has a relative strength in the waste transportation sector. Retention of expenditure is assumed to be high.
	Water and storage transportation	70%-90%	NI has a strength in the water and storage transportation sectors.
Operational Expenditure		50%-70%	Many of the services and skills required would be sourced within NI. More specialist skills, equipment and spares could be sourced from outside Northern Ireland. Location of operators bases in NI would help to retain expenditure.
Decommissioning and Aftercare		50%-70%	As with construction, there are good opportunities to retain expenditure given construction and specialist remediation and monitoring services.

Hatch Calculations, 2021

- 7.19 Table 7.3 shows the estimated total cost per well and the breakdown by the categories of expenditure (based on both high and low intensity drilling). The high and low assumptions of the percentage retained expenditure in NI for each category (shown in Table 7.2) is then applied to these costs to derive the value of retained expenditure in NI. This provides estimates of the retained expenditure by expenditure category per well for high and low drilling intensity assumptions in NI. The retained expenditure per well in NI is estimated to be between £6.3m (low sourcing/low drilling intensity) to £9.4m (high sourcing-high intensity drilling) per well.

Cost category		Assumption		Retained Expenditure per Well (£m)
Main Category	Subcategory	Total Cost Per Well (£m) - range is based on low and high intensity drilling	% of Expenditure Retained in Northern Ireland	
Planning and Licensing		0.09	60%-80%	0.05-0.07

⁷¹ 'Other' includes expenditure on chemicals e.g. polymers or surfactants, or acid.

⁷² 'Miscellaneous' covers costs associated with general wear and tear of equipment and spares.

Cost category		Assumption		Retained Expenditure per Well (£m)
Main Category	Subcategory	Total Cost Per Well (£m) - range is based on low and high intensity drilling	% of Expenditure Retained in Northern Ireland	
Exploration		0.60	20%-30%	0.12-0.18
Pad Development costs		2.06	60%-75%	1.24-1.55
Drilling and Completion	Security	1	100%	1
	Steel casing	0.97 - £1.39	50%-65%	0.49-0.90
	Rig hire	0.92 - £1.31	0%	0
	Ancillary Equipment and service	0.51 - £0.73	10%-15%	0.05-0.11
	Cementing services	0.35 - £0.50	50%-65%	0.18-0.33
	Directional drilling service	0.32 - £0.45	0%	0
	Drilling fluids and fluids engineering	0.24 - £0.34	30%-45%	0.07-0.15
	Drill rig fuel	0.19 - £0.28	100%	0.19-0.28
Hydraulic Fracturing	Equipment	6.24 - £8.32	0%	0
	Proppants	0.74 - £0.99	40%-55%	0.30-0.54
	Other	0.27 - £0.36	10%-15%	0.03-0.05
	Mobilisation / demobilisation	0.17 - £0.22	10%-15%	0.02-0.03
	Miscellaneous	0.08 - £0.10	10%-15%	0.01-0.02
Wastewater Disposal	Wastewater management	0.36	70%-90%	0.25-0.32
	Drilling waste management	0.33	70%-90%	0.23-0.30
	Waste transportation	0.18	70%-90%	0.13-0.17
	Water and storage transportation	0.13	70%-90%	0.09-0.12
Operational Expenditure		3.00 - £4.00	50%-70%	1.50-2.80
Decommissioning and Aftercare		0.75	50%-70%	0.38-0.53
Total		19.50 - 24.50		6.31-9.44

Hatch Calculations, 2021,

- 7.20 In addition, Table 7.4 presents a higher level expenditure breakdown for each expenditure category. It is important to note that the level of sourcing varies by a small amount from low drilling to high drilling intensity. This is due to the differing cost profile at different levels of drilling intensity. When drilling intensity is higher there is a greater proportion of expenditure associated with activities which have lower retention of expenditure in NI (and vice versa for low drilling intensity).

Table 7.4 Costs, Sourcing and Retained Expenditure Levels Per Well

Total cost per well £m		£19.50-£24.50 (range defined by high and low intensity drilling)	
Total Expenditure Retained in NI £m (per well)		£9.44 (high Sourcing-high intensity drilling)	£6.31 (low sourcing-low intensity drilling)
Expenditure Retained in NI £m (per well) across broad expenditure categories	Development & Exploration	£1.80	£1.41
	Drilling	£2.24-£2.77	£1.98-£2.40
	Fracturing	£0.49-£0.65	£0.35-£0.46
	Waste Management	£0.90	£0.70
	Operations	£2.10-£2.80	£1.50-£2.00
	Decommissioning and aftercare	£0.53	£0.38

Hatch Calculations, 2021.

7.21 Table 7.5 shows the potential total lifetime retained expenditure across the development scenarios. The expenditure ranges presented account for the high to low sourcing and drilling intensities. The estimated retained expenditure in NI is therefore:

- low scenario - £63.1 million to £94.4 million (covering both the development of conventional and unconventional oil and gas)
- medium scenario - £113.6 million to £169.9 million
- high scenario - £214.6 to £320.9 million.

7.22 There is the potential for the supply side of the economy in NI to adapt to the opportunities presented under the high scenario, as local suppliers enhance their capacity and capacity to supply goods, services and skills. The prospect of being closer to a developing market may also attract elements of the oil and gas supply chain to Northern Ireland. However, the assessment assumes that the scale of the opportunity is not sufficient, even under the high scenario, for an effect of this type to be significant (and bearing in mind the moratoria in the rest of the UK and the Republic of Ireland).

7.23 It is assumed that the total expenditure associated with the no development is zero.

Table 7.5 Retained Expenditure in NI by Development Scenario (£ millions)

Development Phase	Low		Medium		High	
	Conventional	Unconv'al	Conventional	Unconv'al	Conventional	Unconv'al
Number of Wells	4	6	6	12	10	24
Lateral Intensity	8-16	12-24	12-24	24-48	24-48	48-96
Development & Exploration	£5.65- £7.20	£8.47- £10.80	£8.47- £10.80	£16.94- £21.59	£14.12- £17.99	£33.89- £43.18
Drilling	£7.91- £11.07	£11.87- £16.61	£11.87- £16.61	£23.73- £33.21	£19.78- £27.68	£47.46- £66.43
Fracturing	£1.39- £2.59	£2.09- £3.88	£2.09- £3.88	£4.18- £7.76	£3.58- £6.47	£8.36- £15.53
Waste Management	£2.80- £3.60	£4.20- £5.40	£4.20- £5.40	£8.40- £10.80	£7.00- £9.00	£16.80- £21.60
Operations	£6.00- £11.20	£9.00- £16.80	£9.00- £16.80	£18.00- £33.60	£15.00- £28.00	£36.00- £67.20
Decommissioning and aftercare	£1.50- £2.10	£2.25- £3.15	£2.25- £3.15	£4.50- £6.30	£3.75- £5.25	£9.00- £12.60
Total	£25.25- £37.76	£37.88- £56.63	£37.88- £56.63	£75.75 - £113.27	£63.13- £94.39	£151.50- £226.53

Hatch Calculations, 2021. Numbers may not sum due to rounding. The ranges presented account for the ranges of high to low sourcing and drilling intensities. The lower estimates represent a scenario with low drilling intensity and sourcing and the upper estimates represent a scenario with high drilling intensity and sourcing.

GVA and Employment Impact Estimates

7.24 The following section presents the assessment of the economic impacts in NI which are estimated to occur under low, medium and high development scenarios. The assessment presents total GVA and employment impacts over the period 2021 to 2050, as well as the average annual impacts. The estimates are also presented by development phase (with the annual impacts averaged over the duration that in which the activities are most likely to occur) and conventional and unconventional resources in turn. The estimates also distinguish between direct, indirect and

induced economic effects (activity supported as the industries involved purchases goods and services in Northern Ireland, and associated effects linked to the spending of wage income). The results presented in this section are presented as ranges to account for uncertainties over the level of sourcing and drilling intensity.

Impact by Development Phases

- 7.25 The development periods have been used as the basis for estimating the annual average economic impacts associated with the scenarios (e.g., activity under the initial surveying, site selection and planning phase could occur between 2021 and 2032, a period of 12 years; in the case of the drilling phase, the main drilling activity could take place between 2024 and 2035, although it might be prolonged up to around 2046 through the re-fracking of wells).

GVA Impacts by Phase

- 7.26 The total lifetime GVA Impacts resulting from low, medium and high development scenarios are presented in Table 7.6 below. Of the four phases site preparation, drilling and testing has the largest direct GVA and total GVA impacts, accounting for over half of the total GVA impact. This is due to the high level of expenditure (total retained expenditure is highest in this phase) associated with this development phase. **The overall scale of the estimated GVA impacts in NI varies between £67 and £99 million under the low scenario to between £229 and £338 million under the high scenario over the period 2021 to 2050.**

Table 7.6 GVA impacts in NI by phase of development and low, medium and high development scenarios

Development Scenario	Phase of development	GVA Impacts (£ millions) within Northern Ireland			
		Direct	Indirect	Induced	Total
Low	Surveying, site selection and planning	6-8	5-7	4-5	15-19
	Site preparation, drilling and testing	17-23	6-9	9-12	32-44
	Production	6-11	6-11	4-8	16-30
	Decommissioning and restoration	1-2	1-2	1	4-6
	Total	30-44	19-29	18-26	67-99
Medium	Surveying, site selection and planning	11-14	9-12	7-9	27-34
	Site preparation, drilling and testing	31-42	11-15	16-22	58-79
	Production	11-20	11-20	8-14	29-54
	Decommissioning and restoration	3-4	3-4	2-3	7-10
	Total	55-80	33-48	33-48	121-179
High	Surveying, site selection and planning	20-26	18-23	13-16	51-65
	Site preparation, drilling and testing	58-80	20-29	31-42	109-151
	Production	20-38	20-38	15-27	55-103
	Decommissioning and restoration	5-7	5-7	4-5	14-19
	Total	104-150	62-97	62-90	229-338

Hatch Calculations. The values presented in this table are rounded to the nearest £ million. Numbers may not sum due to rounding. The lower bound represents a development scenario with low drilling intensity and sourcing assumptions. The upper bound represents a development scenario with high drilling intensity and sourcing assumptions.

- 7.27 By taking the lifetime GVA impact for each phase and annualising this based on the estimated duration over which the phase will occur it is possible to provide an indication of the average annual impacts of each development phase. Table 7.7 contains the annual GVA impact results. Surveying, site selection and planning has the largest direct GVA and total GVA impacts per annum. This is largely due to the relatively shorter duration over which this activity occurs and the higher proportion of retained expenditure associated with this activity.

- 7.28 The analysis highlights that whilst the GVA impact are sizeable in aggregate over the thirty year period of the impacts assessment, on an average annual basis it is much more modest. The main factors which influence this are the degree of expenditure leakage out of the region (much of this linked to the requirement for goods and services which cannot be sourced locally), and the uneven manner in which the associated activity is spread over a long time period. Average annual GVA impacts in NI by phase of development and low, medium and high development scenarios.

Table 7.7 Average GVA impacts per annum in NI by phase of development and low, medium and high development scenarios

Development Scenario	Phase of development	GVA Impacts Per Annum (£ millions) within Northern Ireland			
		Direct	Indirect	Induced	Total
Low	Surveying, site selection and planning	0.5-0.6	0.4-0.6	0.3-0.4	1.3-1.6
	Site preparation, drilling and testing	0.7-1.0	0.3-0.4	0.4-0.5	1.4-1.9
	Production	0.2-0.4	0.2-0.4	0.2-0.3	0.6-1.2
	Decommissioning and restoration	0.1	0.1	0.1	0.3-0.4
	Average across the development lifecycle	1.0-1.5	0.6-1.0	0.6-0.9	2.2-3.3
Medium	Surveying, site selection and planning	0.9-1.2	0.8-1.0	0.6-0.7	2.3-2.9
	Site preparation, drilling and testing	1.3-1.8	0.5-0.7	0.7-1.0	2.5-3.5
	Production	0.4-0.8	0.4-0.8	0.3-0.6	1.2-2.2
	Decommissioning and restoration	0.2	0.2-0.3	0.1-0.2	0.5-0.7
	Average across the development lifecycle	1.8-2.7	1.1-1.7	1.1-1.6	4.0-6.0
High	Surveying, site selection and planning	1.7-2.2	1.5-1.9	1.1-1.4	4.3-5.4
	Site preparation, drilling and testing	2.5-3.5	0.9-1.3	1.3-1.8	4.7-6.5
	Production	0.8-1.5	0.8-1.5	0.6-1.1	2.2-4.1
	Decommissioning and restoration	0.3-0.5	0.3-0.5	0.2-0.3	0.9-1.3
	Average across the development lifecycle	3.5-5.0	2.1-3.2	2.1-3.0	7.6-11.3

Hatch Calculations. The values presented in this table are rounded to the nearest £100,000. Numbers may not sum due to rounding. The lower bound represents a development scenario with low drilling intensity and sourcing assumptions. The upper bound represents a development scenario with high drilling intensity and sourcing assumptions.

Employment Impacts

- 7.29 The employment impacts resulting from the low, medium and high development scenarios are presented in Table 7.8 below. As with the GVA impacts, of the four phases site preparation, drilling and testing has the largest direct employment and total employment impacts, accounting for over half of the total employment impact over the development lifecycle. **This is due to the higher level of expenditure (which drives jobs creation) associated with this activity. The total person years of employment which is estimated to be supported in NI ranges from 980 and 1,380 under the low scenario to between 3,350 and 4,680 in the high scenario.**

Table 7.8 Total person years employment (FTE) impacts in NI by phase of development and low, medium and high development scenarios

Development Scenario	Phase of development	Employment Impacts (Person Years) within Northern Ireland			
		Direct	Indirect	Induced	Total
Low	Surveying, site selection and planning	60-70	70-90	60-70	180-230
	Site preparation, drilling and testing	320-380	90-130	130-180	540-690
	Production	60-120	80-150	60-120	210-380
	Decommissioning and restoration	20	20-30	20	50-70
	Total	460-600	260-390	270-390	980-1,380

Development Scenario	Phase of development	Employment Impacts (Person Years) within Northern Ireland			
		Direct	Indirect	Induced	Total
Medium	Surveying, site selection and planning	100-130	120-160	100-130	330-420
	Site preparation, drilling and testing	580-690	160-230	240-330	980-1,240
	Production	120-220	140-260	110-210	370-690
	Decommissioning and restoration	30-40	30-50	30-40	90-130
	Total	830-1,080	460-700	490-710	1,770-2,480
High	Surveying, site selection and planning	200-250	240-300	190-240	620-780
	Site preparation, drilling and testing	1,090-1,300	300-430	460-610	1,850-2,340
	Production	220-410	270-500	220-400	700-1,310
	Decommissioning and restoration	50-80	50-90	50-80	170-240
	Total	1,560-2,030	870-1,310	920-1,330	3,350-4,680

Hatch Calculations. The values presented in this table are rounded to the nearest 10 jobs. Numbers may not sum due to rounding. The lower bound represents a development scenario with low drilling intensity and sourcing assumptions. The upper bound represents a development scenario with high drilling intensity and sourcing assumptions.

- 7.30 As with GVA impacts, by taking the total person years of employment for each phase and annualising this based on the estimated duration over which the phase will occur it is possible to estimate the average annual impacts of each development phase. Table 7.9 contains the average annual employment impact results. Surveying, site selection and planning has the largest direct and total employment impact per annum, as with the GVA impact this is largely due to the shorter duration over which this activity occurs and the high proportion of retained expenditure associated with this activity.
- 7.31 It is clear that the level of annual average employment supported in Northern over the thirty year development period is fairly modest under all scenarios. **It ranges from between 35-45 person years of employment per year under the low scenario to between 110-155 under the high scenario.** To put these employment figures into context a recent report by the DfE NI (2020)⁷³ stated that in 2017, around 3,860 employee jobs were supported in the energy sector in Northern Ireland. Which was equivalent to 0.5% of all employee jobs in NI in 2017. In addition, the report stated in the three-year period 2016-2018 in Northern Ireland, an estimated annual average of around £1 billion in turnover and 5,900 full time equivalent (FTE) jobs were generated directly by businesses active in the low carbon and renewable energy economy in each of the years 2016 to 2018.

Table 7.9 Average Employment (FTE) impacts per annum in NI by phase of development and low, medium and high development scenarios

Development Scenario	Phase of development	Employment Impacts (Person Years) within Northern Ireland			
		Direct	Indirect	Induced	Total
Low	Surveying, site selection and planning	5	5	5	15-20
	Site preparation, drilling and testing	15	5	5-10	25-30
	Production	5	5	5	10-15
	Decommissioning and restoration	1	1-2	1	3-5
	Average across the development lifecycle	15-20	10-15	10-15	35-45
Medium	Surveying, site selection and planning	10	10-15	10	30-35
	Site preparation, drilling and testing	25-30	5-10	10-15	45-55
	Production	5-10	5-10	5-10	15-30
	Decommissioning and restoration	2-3	2-3	2-3	6-9

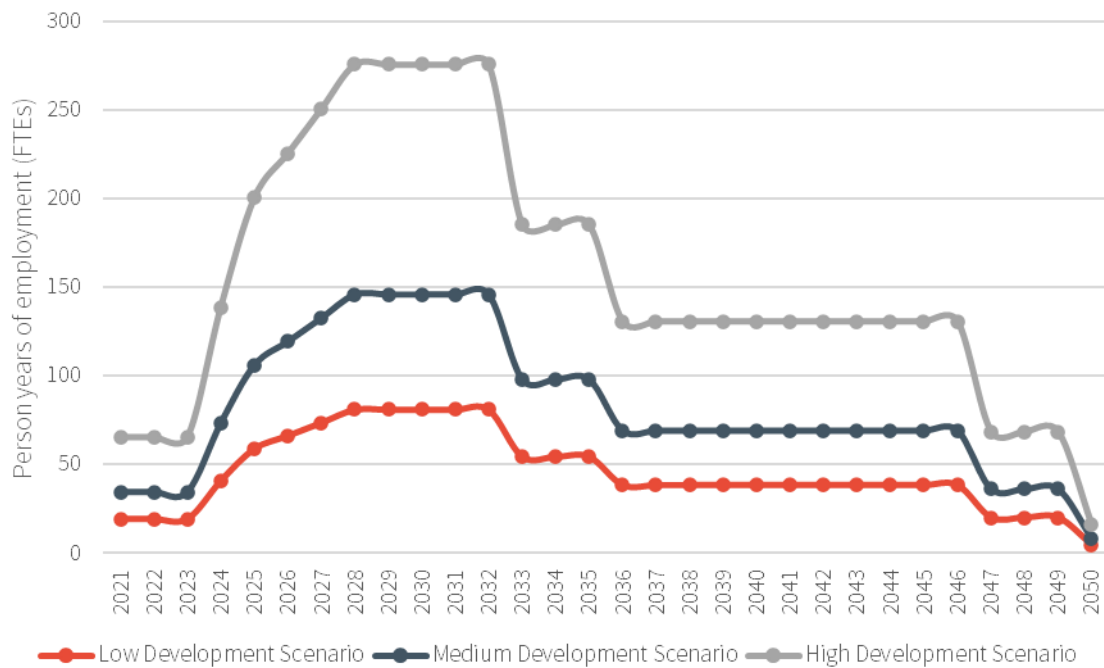
⁷³ DfE Northern Ireland, 2020, Energy in Northern Ireland 2020.

Development Scenario	Phase of development	Employment Impacts (Person Years) within Northern Ireland			
		Direct	Indirect	Induced	Total
	Average across the development lifecycle	30-35	15-25	15-25	60-85
High	Surveying, site selection and planning	15-20	20-25	15-20	50-65
	Site preparation, drilling and testing	50-55	15-20	20-25	80-100
	Production	10-15	10-20	10-25	30-50
	Decommissioning and restoration	4-5	4-6	4-5	12-16
	Average across the development lifecycle	50-70	30-45	30-45	110-155

Hatch Calculations. The values presented in this table are rounded to the nearest 5 jobs and values in the decommissioning and restoration phase are rounded to the nearest 1 job (due to the smaller economic impacts associated with this phase). Numbers may not sum due to rounding. The lower bound represents a development scenario with low drilling intensity and sourcing assumptions. The upper bound represents a development scenario with high drilling intensity and sourcing assumptions.

- 7.32 Figure 7.1 indicates how employment that is estimated to be supported in each of the development scenarios would be spread across the assessment period. The profile is estimated on the basis of the expected expenditure profiles for each scenario and timing of the associated development phases. It is clear that the additional jobs would be concentrated over the first fifteen years, thereafter reducing by around a half as wells moved into their steady state production phase.
- 7.33 Given the delays which can occur during licensing, exploration and planning, there is the potential for the timing of employment creation associated with the earlier phases of development to be delayed. In addition, as the employment levels have been averaged across the respective phases, there is the potential for the peak employment levels to be higher than the maximum average show in the chart (although this will be mirrored in lower employment at other times over the thirty years).

Figure 7.2 Estimated Total Employment Impact Timeline (under high drilling intensity and sourcing assumptions)



Source: Hatch Calculations, 2021. The employment estimates are based on the aggregated average person years employment impact for each phase of development per annum across the development lifecycle. Please note that employment impacts during

Figure 7.2 Estimated Total Employment Impact Timeline (under high drilling intensity and sourcing assumptions)

the Site Preparation, drilling and testing phase were allocated on the basis that 70% of the total expenditure to the first 12 years of the phase and the remaining 20% of expenditure would be spread over the remaining 11 years.

Impacts by Conventional and Unconventional Oil and Gas Development

7.34 The analysis also presents economic impacts by the extraction of unconventional and conventional resources. For both GVA and employment impacts, the scale of total and annual average impacts are larger for the unconventional activity and proportionately greater under the high compared to the low development scenario. This is due to the assumption that there is greater opportunity to up scale the unconventional exploration and production activity given the geology of Northern Ireland.

Table 7.10 Total GVA impacts in NI by type of development activity and low, medium and high development scenarios

Development Scenario	Type of development	GVA Impacts (£ millions) within Northern Ireland			
		Direct	Indirect	Induced	Total
Low	Unconventional	18-27	11-16	11-16	40-60
	Conventional	12-18	7-11	7-11	27-40
	Total	30-44	19-29	18-26	67-99
Medium	Unconventional	37-53	22-32	22-32	81-119
	Conventional	18-27	11-16	11-16	40-60
	Total	55-80	33-48	33-48	121-179
High	Unconventional	73-106	44-64	44-64	161-238
	Conventional	30-44	18-26	18-26	67-99
	Total	104-150	62-90	62-90	229-338

Hatch Calculations. The values presented in this table are rounded to the nearest £ million. Numbers may not sum due to rounding. The lower bound represents a development scenario with low drilling intensity and sourcing assumptions. The upper bound represents a development scenario with high drilling intensity and sourcing assumptions.

Table 7.11 Average annualised GVA impacts in NI by type of development activity and low, medium and high development scenarios

Development Scenario	Type of development	GVA Impacts Per Annum (£ millions) within Northern Ireland			
		Direct	Indirect	Induced	Total
Low	Unconventional	0.6-0.9	0.4-0.6	0.4-0.5	1.3-2.0
	Conventional	0.4-0.6	0.2-0.4	0.2-0.4	0.9-1.3
	Total	1.0-1.5	0.6-1.0	0.6-0.9	2.2-3.3
Medium	Unconventional	1.2-1.8	0.7-1.1	0.7-1.1	2.7-4.0
	Conventional	0.6-0.9	0.4-0.6	0.4-0.5	1.3-2.0
	Total	1.8-2.7	1.1-1.7	1.1-1.6	4.0-6.0
High	Unconventional	2.4-3.5	1.5-2.3	1.5-2.1	5.4-7.9
	Conventional	1.0-1.5	0.6-1.0	0.6-0.9	2.2-3.3
	Total	3.5-5.0	2.1-3.2	2.1-3.0	7.6-11.3

Hatch Calculations. The values presented in this table are rounded to the nearest £100,000. Numbers may not sum due to rounding. The lower bound represents a development scenario with low drilling intensity and sourcing assumptions. The upper bound represents a development scenario with high drilling intensity and sourcing assumptions.

Table 7.12 Total person years employment (FTE) in NI by type of development activity and low, medium and high development scenarios

Development Scenario	Type of development	Employment Impacts (Person Years) within Northern Ireland			
		Direct	Indirect	Induced	Total
Low	Unconventional	280-360	150-230	160-240	590-830
	Conventional	180-240	100-150	110-160	390-550
	Total	460-600	260-390	270-390	980-1,380
Medium	Unconventional	550-720	310-460	320-470	1,180-1,650
	Conventional	280-360	150-230	160-240	590-830
	Total	830-1,080	460-700	490-710	1,770-2,480
High	Unconventional	1,100-1,440	610-930	650-940	2,360-3,300
	Conventional	460-600	260-390	270-390	980-1,380
	Total	1,560-2,030	870-1,310	920-1,330	3,350-4,680

Hatch Calculations. The values presented in this table are rounded to the nearest £ million. Numbers may not sum due to rounding. The lower bound represents a development scenario with low drilling intensity and sourcing assumptions. The upper bound represents a development scenario with high drilling intensity and sourcing assumptions.

Table 7.13 Average annual employment (FTE) impacts in NI by type of development activity and low, medium and high development scenarios.

Development Scenario	Type of development	Employment Impacts (Per Annum) within Northern Ireland			
		Direct	Indirect	Induced	Total
Low	Unconventional	10	5-10	5-10	20-30
	Conventional	5-10	5	5	15-20
	Total	15-20	10-15	10-15	35-45
Medium	Unconventional	20-25	10-15	10-15	40-55
	Conventional	10	5-10	5-10	20-30
	Total	30-35	15-25	15-25	60-85
High	Unconventional	35-50	20-30	20-30	80-110
	Conventional	15-20	10-15	10-15	35-45
	Total	50-70	30-45	30-45	110-155

Hatch Calculations. The values presented in this table are rounded to the nearest £ million. Numbers may not sum due to rounding. The lower bound represents a development scenario with low drilling intensity and sourcing assumptions. The upper bound represents a development scenario with high drilling intensity and sourcing assumptions.

GVA & Employment Impacts per well

- 7.35 As noted earlier, the total expenditure associated with each well is estimated to vary between £19.5 and £24.5 million depending on the drilling intensity, of which it is estimated £6.3-£9.4 million will be retained in Northern Ireland. The upshot is that GVA and employment which is estimated to be supported in NI per well is sizeable in its totality, but fairly modest when it is borne in mind that this could be spread over a period up to thirty years in duration.

Table 7.14 Total GVA and employment impacts in NI per well

GVA Impacts (£ millions) within Northern Ireland			
Direct	Indirect	Induced	Total
3.0-4.4	1.9-2.9	1.8-2.6	6.7-9.9
Employment Impacts (Person Years) within Northern Ireland			
Direct	Indirect	Induced	Total
45-60	25-40	25-40	100-140

Hatch Calculations. The values presented in this table are rounded to the nearest £ 100,000 and 5 FTE jobs. Numbers may not sum due to rounding. The lower bound represents a well with low drilling intensity and sourcing assumptions. The upper bound represents a development scenario with high drilling intensity and sourcing assumptions.

- 7.36 The average annual GVA and employment impacts per well supported in NI are shown in Table 7.15 below.

Table 7.15 Average annualised GVA and employment impacts in NI per well			
GVA Impacts (£ millions) within Northern Ireland			
Direct	Indirect	Induced	Total
0.10-0.15	0.06-0.10	0.06-0.09	0.24-0.33
Employment Impacts (Person Years) within Northern Ireland			
Direct	Indirect	Induced	Total
1.5-2.0	0.9-1.3	0.9-1.3	3.3-4.6

Hatch Calculations. The values presented in this table are rounded to the nearest £ 10,000 and 0.1 of an FTE job. Numbers may not sum due to rounding. The lower bound represents a well with low drilling intensity and sourcing assumptions. The upper bound represents a development scenario with high drilling intensity and sourcing assumptions.

- 7.37 For the purposes of comparison with other studies the total average annualised employment impact per pad is estimated to be 7-9 FTE jobs for a conventional pad and 20-28 FTE jobs for an unconventional pad (this difference is explained by the higher number of wells per pad in the unconventional development scenarios). The total average annualised employment impact per lateral is estimated to be 1.1 to 1.6 FTE jobs.
- 7.38 Table 7.16 presents the comparative per lateral/well/pad employment impacts stated from other oil and gas impact studies (each study presents their development scenarios differently). The table below shows a wide variation in impacts when measured on a per lateral/well/pad basis. However, importantly, the employment impacts on NI are more in line with the more recent UK national studies which assessed the economic impact of oil and gas development on Wales and Scotland. This is expected as, of the studies presented below, the NI context is most closely aligned with the Welsh and Scottish context. In comparison, the larger employment impacts presented in the UK wide studies assumed much higher levels of retained expenditure (100% in one instance) on the basis of the future development of a major onshore sector.

Table 7.16 Comparison of the scale of NI employment impacts with other studies		
Name of Study	Measurement basis (employment per lateral/well/pad)	Total Employment Per Annum (employment per lateral/well/pad)
UK - IoD	Employment per lateral at peak	185 (peak)
UK - EY	Employment per lateral at peak	161 (peak)
UK - DECC	Employment per lateral at peak	89 (peak)
Wales - Regeneris	Average FTE employment per lateral	1.3-1.5 (average)
Scotland - KPMG	Total FTE employment per well (peak) (central scenario)	5 (peak)

Northern Ireland estimates	Total annual average FTE jobs:	
	- per pad (unconventional)	20-28
	- per pad (conventional)	7-9
	- per well	3.3-4.6
	- per lateral	1.1-1.6

Note: total employment includes direct, indirect and induced for the study impact area

Development of the Supply Chain

- 7.39 There is the potential for the opportunities presented by the onshore oil and gas development in NI to encourage local businesses to invest in order to capture a greater share of associated expenditure. Likewise, the prospect of being closer to a developing market may also attract elements of the oil and gas supply chain to invest in Northern Ireland. This type of effect could in turn ensure a robust and reliable local supply chain for what would be a developing sector in Northern Ireland, as well as resulting in a higher share of capex and opex being captured in Northern Ireland.
- 7.40 However, the assessment assumes that the scale of the opportunity is not sufficient, even under the high scenario, for an effect of this type to be significant. The fact that there are currently moratoria in the rest of the UK and the Republic of Ireland will also reduce the confidence that key tier one and two suppliers, especially for major specialist equipment suppliers and operators, would have in making major investments into Northern Ireland.

Type of Employment and Skill Requirements

- 7.41 Development of oil and gas will create a demand for a wide range of both existing and different skills within the NI economy, both within the oil and gas sector and in other sectors of the economy. Whilst some of these skills existing in high volumes within NI and will be sourced locally, others will need to be sourced from further afield due to their specialist nature.
- 7.42 The types of jobs in the upstream oil and gas industry are generally highly skilled including the following types of jobs⁷⁴:
- Drilling, Energy, Mining, Completions and Reservoir Engineers
 - Wellsite and Engineering Geologists
 - Geochemists and Geoscientists
 - Mudloggers
 - Instrumentation Technologists.
- 7.43 The analysis above shows the more closely defined employment and skills requirements of the oil and gas sector. However, development of oil and gas does not just draw upon the oil and gas sector. It covers a broader range of jobs and skills. For example, in the earlier stages of development there is significant requirements for inputs from the construction and planning sectors. KPMG's economic assessment of Scotland's oil and gas development presented a range of direct and indirect job types that are required in the unconventional development of oil and gas. These job types are shown in Table 7.17. This table helps illustrate the broader job requirements of oil and gas development if it were to take place in Northern Ireland.

⁷⁴ Codovia, 2019, The Future of Oil and Gas Jobs and required Skills.

Table 7.17 Employment categories and job type	
Employment categories	Job Type
Planning and licensing	Environmental and regulatory approval
	Surface leasing and permits
	Site excavation, preparation
	Drilling
	Evaluation
Exploration	Geophysical and geochemical surveys
Pad Development	Designing well pad requirements
	Installing infrastructure
Drilling and Completion	Mobilising drill rig requirements
	Cementing casing into bore
	Sourcing and receiving drilling mud additives
	Drilling and installing production casing
Fracturing	Sourcing and receiving fracturing fluids
	Pumping fracturing fluids
	Treating/transport waste and wastewater
	Testing for recovery potential
Production	Confirming well viability
	Installing surface facilities
	Installing pipe infrastructure
Decommissioning and aftercare	Preparing site for decommissioning
	Decommissioning and aftercare

Source: KPMG, 2016, Economic Impact Assessment and scenario develop of unconventional oil and gas development in Scotland.

Indirect Economic Activity Supported in the Tourism & Hospitality Sector

- 7.44 In addition to the economic impacts estimated above which are focused on direct retained expenditure within Northern Ireland, there will also be additional indirect economic impacts supported in the tourism sector associated with the local (within Northern Ireland) expenditure of transitory oil and gas workers⁷⁵. For example, transitory workers will spend money on food and accommodation whilst working within Northern Ireland. This will indirectly support jobs and create economic value within the tourism sector. These economic impacts are not included in the induced expenditure impacts estimated above.
- 7.45 Transitory workers are likely to be heavily used in the activities associated with drilling and hydraulic fracturing. This is due to the lack of these specialist skills, equipment and associated services within Northern Ireland. The estimated expenditure per well occurring outside of NI associated with these activities is around £7.62m assuming low drilling intensity and £10.37m assuming high drilling intensity (of which £1.52m and £2.07m will be the employments costs of the transitory workers).
- 7.46 The economic impacts within NI associated with transitory workers will occur in the period that their services are required, mainly during the initial exploratory drilling, the subsequent main

⁷⁵ Transitory workers are assumed to live outside of Northern Ireland. The expenditure of these workers is not captured within the core economic impacts.

drilling and fracking of the wells, as well as subsequent drilling and fracking of established wells to improve their productivity.

- 7.47 The estimated indirect economic activity supported in the hospitality, food and drink, and retail sectors is presented in Table 7.18 below. Whilst the economic benefit supported is fairly modest, it can nevertheless provide a valuable injection of spending and help to support new jobs in local communities. To put the estimates in context, under the highest development scenario only around 2 FTE jobs would be supported per year in the communities in close proximity to each development pad⁷⁶.

⁷⁶ 200 person years of employment corresponding to the high development-high intensity scenario divided by nine pads divided by 12 years over which the associated activities would be concentrated. The royalties have been estimated net of UK corporation tax.

	Total indirect person years of employment (FTEs) supported within Northern Ireland	Total indirect GVA (£m) supported within Northern Ireland
Low Development Scenario	40-60	£1.4-1.9
Medium Development Scenario	80-110	£2.4-3.3
High Development Scenario	150-200	£4.6-6.3

Hatch Calculations, 2021.

Financial Contribution to Communities

7.48 The UK Onshore Operators Group's Community Engagement Charter in 2013⁷⁷ sets out the commitments made by its members:

- To provide benefits to local communities at the exploration/appraisal stage of £100,000 per well site where hydraulic fracturing takes place
- To provide a share of proceeds at production stage of 1% of revenues, allocated approximately 2/3rd to the local community and 1/3rd at the county level.

7.49 Under the assumption that development in Northern Ireland will follow the same commitments as laid out above, Table 7.19 shows the potential contribution to communities from oil and gas development in Northern Ireland. The community benefits at the production phase are calculated based on the estimated output of oil and gas from Northern Ireland and then estimating how much revenue would be generated from this output. The estimates for the revenue generated at the production stage are based on a range of a conservative price of \$40 per barrel and an optimistic price of \$60 per barrel. The ranges presented in the table also account for the uncertainty over the intensity of drilling that would occur in Northern Ireland.

	Development Scenarios		
	Low	Medium	High
Exploration/Appraisal Stage			
Local community benefits at the exploration/appraisal stage of £100,000 per (lateral) well site where hydraulic fracturing takes place (£m)	1.2	2.4	4.8
Production Stage			
Community benefits at production stage allocated at the local community level (£m)	1.2-6.9	2.4-7.2	4.8-14.4
Community benefits at production stage allocated at the county level (£m)	0.6-3.5	1.2-3.6	2.4-7.2
Total community benefits at production stage (£m)	1.8-10.4	3.6-10.8	7.2-21.6
Development Lifecycle			
Total community benefits (£m)	3.0-11.6	6.0-13.2	12.0-26.4

⁷⁷ [Benefits of Onshore Oil and Gas | UKOOG](#)

Hatch Calculations, 2021. The ranges presented reflect low to high drilling intensity scenarios and low to high oil price estimates. Numbers are rounded to the nearest £0.1m. Numbers may not sum due to rounding.

Wider Economic Impacts

Energy Supply and Security

- 7.50 In total, around 47,000 GWh of energy was consumed in NI in 2017 (13,754 GWh from electricity and gas and 33,286 GWh from other fuels). This was equivalent to 3.3% of the total energy consumption in GB for the same year. Of this energy, 50% was for Heat, 33% was for Transport and the remaining 17% was for Power.
- 7.51 NI has three main power generating sites with an installed capacity of 1.9 GW (1.2GW of which is gas powered), as well as renewable energy sources (with capacity of over 1.3GW from wind alone). Kilroot, the coal and oil powered station, is due to be converted to a gas only generator. There is also interconnections with the Scottish grid, with two 250 MW lines on the Moyle Interconnector and interconnection with the Republic of Ireland grid is via three tie-lines with over 400 MW combined capacity. Whilst electricity can be imported and exported via the Moyle Interconnector and North-South tie-lines, since 2016 NI was able to meet the vast majority of its own electricity demands without relying on imports or transfers of electricity from other countries.
- 7.52 Electricity consumption in NI has declined between 2010 and 2019 (-8%) due to improved energy efficiency, extension of gas networks especially for domestic heating, changes in the building stock which has improved energy efficiency, as well as higher prices which have dampened demand. The contribution of renewables sources of electricity from within NI as a share of total consumption has gradually increased between 2010 and 2020, reaching just under 50% in September 2020.
- 7.53 There are four gas transmission pipelines covering Northern Ireland. All of Northern Ireland's gas comes from the UK mainland via the Scotland to NI Pipeline (SNIP). The gas distribution network provides gas to three distribution areas: Phoenix Natural Gas Limited (PNGL) operates the network in the Greater Belfast and Larne distribution licenced area; firmus energy (Distribution) Limited (feDL) operates the network in the 'Ten Towns' distribution licenced area; and SGN Natural Gas Limited (SGN) operates the network in the West distribution licenced area.
- 7.54 The total number of gas connections in NI has gradually risen as new investments have been made in the network, mostly recently in the west. Total gas consumption in the domestic and industry and commercial sectors in NI was 6,754 GWh in 2019. Two thirds (68%) of total consumption in 2019 was in the Greater Belfast network area with about 27% in the Ten towns licenced area and the remaining 5% in the West network area. Over the period 2017-2019 there was a 14% rise in total consumption (an increase of over 806 GWh), continuing the trend of increased connections and consumption.
- 7.55 The Northern Ireland Gas Capacity Statement forecasts the level of gas demand and supply up to 2028/29. This indicates an overall fall in demand primarily due to the increasing contribution of renewable sources within the power generation sector (and as existing capacity is taken off stream). The demand amongst domestic, commercial and industrial users (distribution) is forecast to increase gradually, reflecting increasing market penetration of natural gas as a fuel within the domestic and industrial/commercial sector (and allowing domestic and non-domestic investment in renewable heating and energy efficiency measures).
- 7.56 The Northern Ireland Department for the Economy is currently preparing its Energy Strategy which will set out possible pathways to net zero carbon energy, including the contribution which

natural gas can play as part of this transition. The strategy options were published in March 2021, with the full strategy due to be published in late 2021.

- 7.57 Whilst the strategy will help to inform energy planning and investment decisions, the likelihood is that natural gas will continue to play an important part of the energy mix in NI and as part of the transition to net zero carbon energy (subject to which scenario option is selected and the associated rate of transition away from natural gas). A domestic source of oil and gas from onshore production could provide up 3.2 mmboe per year under the low development scenario (equivalent of 13% of NI demand in 2018), 3.9 mmboe under the medium scenario (15% of NI demand) and 7.1 mmboe under the high development scenario (28% of NI demand).
- 7.58 This supply of gas could be integrated into the gas network, meeting the needs of domestic, non-domestic and power generators, or transported by road to end users. This would help to reduce the long-term reliance on gas supply from Great Britain via the SNIP. This could also in turn help to reduce the risks associated with any potential disruption to the supply of imported gas although this is considered to be a modest risk.
- 7.59 As GB's supply of natural gas from the continental shelf declines, it will become increasingly reliant on imported LNG. NI will in turn rely on transhipped LNG, although neither it nor the Republic of Ireland currently have LNG facilities.

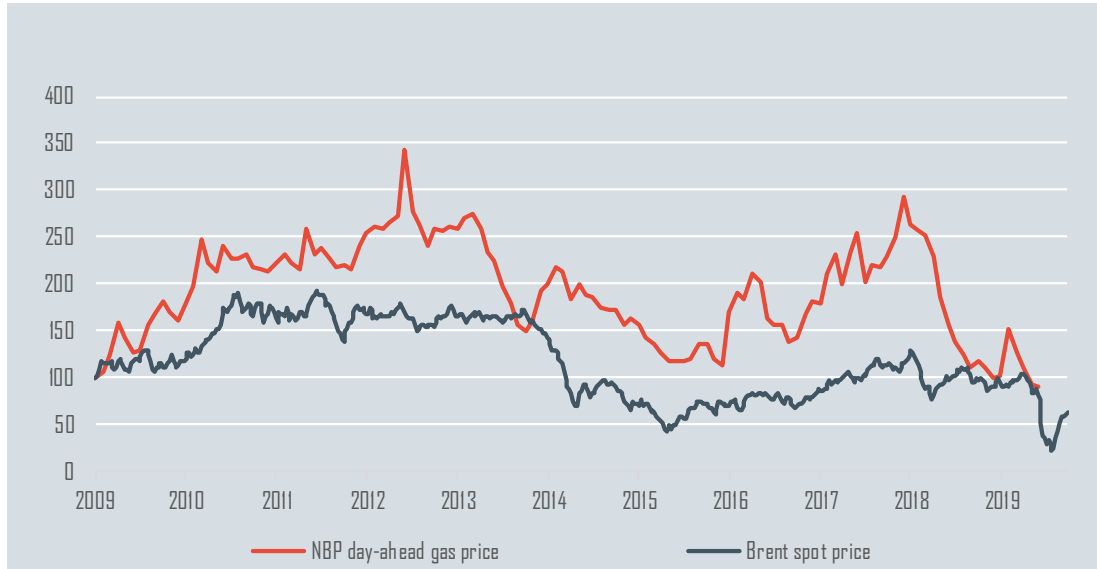
Energy Prices

- 7.60 The unconventional energy revolution in the US has put downward pressure on energy prices for the US consumers. Wellhead prices for US natural gas were trading \$2.80 Mbtu in March 2021 compared to around \$4 Mbtu⁷⁸ in late 2013 and \$8 Mbtu in 2008. Lower natural gas prices also translate into a reduction in electricity prices, although the impact for consumers has been less dramatic than that which has occurred in the wholesale gas market for electricity generators. The regions in the US with the highest natural gas extraction tend to have the lowest electricity price and vice versa. This is a particularly important factor for energy intensive businesses.
- 7.61 Globally, oil and gas prices were relatively low pre-Covid-19 pandemic due to the increased supply from North America, as well as strong supply from the OPEC countries and other countries such as Russia and Venezuela. In March 2021 the Brent spot price was \$65.24 per barrel, whilst NBP 1 day ahead was £40.60 per therm having increased from their historic lows in the first and second quarter of 2020 (and close to the trend over the last decade).
- 7.62 Energy costs in NI are typically higher than the rest of the UK and EU averages. In the first half of 2019, non-domestic electricity prices were above the EU median price in all size categories - they were substantially above the EU median price in the small category (15% higher), small/medium category (41% higher), the medium category (37% higher) and in the large/very large category (40% higher).⁷⁹ Whilst there is limited published data for gas prices, domestic gas prices were slightly above UK prices and below most EU countries.
- 7.63 Whilst NI would undoubtedly benefit economically from lower energy prices, it is relatively unlikely that future gas production in NI from onshore sources will provide the type of price effect experienced in the US. The main reason for this is that the costs of production will be relatively high for developers in Northern Ireland, even under the scale of activity envisaged under the high development scenario. There is the potential for this to change in the future, if imported LNG becomes a bigger part of the energy mix, although this is currently uncertain.

⁷⁸ one thousand British thermal units

⁷⁹ [Energy in Northern Ireland 2020 \(economy-ni.gov.uk\)](https://www.economy-ni.gov.uk/energy)

Figure 7.2 Indexed Brent Crude Oil and NBP Gas Prices, October 2009 = 100



Sources: U.S. EIA; Ofgem

- 7.64 Northern Ireland’s supply of electricity and gas is closely intertwined with that of the UK, and to some extent the Republic of Ireland. In terms of the supply of gas, it operates in markets where prices are largely set at a European level and the cost of transportation is relatively low. It is unlikely that the supply of oil and gas will significantly reduce the prices that major non-domestic users pay for their energy, or the price of gas or electricity to domestic consumers.

Potential Indirect Impacts on Sectors

Downstream Sectors

- 7.65 The production of large scale oil and gas could be a benefit to downstream sectors, which use these as a feedstock to their existing production activity. The feedstocks can include a mixture of light hydrocarbons including ethane, propane and butane. This could enable producers to replace imported feedstocks, reducing the associated transportation or transfer costs.
- 7.66 The available GSNI evidence suggests that ethane and propane are not likely to be found in the shale of Fermanagh. All of the wells drilled to date which have had shows, were dominated by CH₄ Methane. The wet gas condensate that has enabled some shale gas to command a higher price and to be more economical is less likely in NI.
- 7.67 The economic framework which has been used in the economic impact analysis above does not account for the impact of the additional oil and gas output on other sectors in NI (in for example the way that a CGE economic model would). However, besides the power generation sector, NI lacks the types of sectors which would be a ready source of demand for the oil and gas output. NI lacks a petrochemicals sector and its basic chemicals sector is modest in size. Official employment and GVA data for the petrochemicals and chemical sectors⁸⁰ is not disclosed due to the small number of businesses.
- 7.68 It also lacks the major energy intensive sectors, such as steel-making and glass manufacture, which might require a major source of cheap energy as part of its manufacturing processes. It does

⁸⁰ SIC 19: Manufacture of coke and refined petroleum products and SIC 20.14: Manufacture of other organic based chemicals

have a number of medium sized manufacturers of construction materials. These could potentially have an interest in bilateral agreements with site operators.

- 7.69 Allowing for these considerations, the prospect of a local source of feedstocks for the manufacturing sector or gas for power generation is unlikely to provide a major driver for additional sector growth (although it could safeguard employment given the cost pressures firms in these sectors face) or attract major new inward investment into Northern Ireland.

Tourism Sector

- 7.70 There is limited evidence examining the tourism impacts of energy infrastructure in the UK. The exceptions to this have tended to focus on onshore wind farms and electricity and gas transmission infrastructure (for example, a study undertaken by National Grid examining the impact of major grid infrastructure on the visitor economy and recreational users⁸¹). The limited development of onshore oil and gas to date means that the assessments which have been undertaken are few in number and typically restricted to ex-ante EIA type assessments. A number of the strategic area-based assessments which have been undertaken do consider tourism impacts, whilst others have not covered this topic.
- 7.71 Assessments for individual developments (such as the Environmental Statement for exploration activity around Preston New Road in Lancashire) tend to consider impacts which may indirectly affect the tourism sector (such as visual, noise, traffic and air quality impacts) whilst not directly assessing the impacts on visitors and tourism. This may reflect the sites not being in established tourism areas.
- 7.72 The international evidence considering the potential impacts on visitor perceptions, experiences and behaviour, and hence the tourism sector overall, is also limited. The comparability to NI is also limited due to the considerable scale of the exploration and production activity in these areas, whilst often not being located in well-established visitor and tourism areas. Nevertheless, the research provides some general messages:
- There is the potential for temporary expenditure benefits for the tourism sector during the exploration and drilling phases in particular associated with the temporary workforce undertaking specific specialist tasks (such as drilling, hydraulic fracturing, etc). The benefits are concentrated in local towns through spending in hospitality, food and drink, retail and leisure sectors. *As noted, the estimate of this additional economic benefit associated with this expenditure for NI is very modest.*
 - Scope for longer-term negative effects on tourism sectors where development activity occurs at scale and is fairly concentrated in particular areas. These impacts may occur through the indirect consequences of sector capacity being concentrated on migrant workers (displacing more traditional visitors) and the possibility of discouraging long term investment. *In the case of Northern Ireland, the potential scale of development, its likely dispersed nature and the modest expenditure impacts, are not likely to lead to these types of effects occurring.*
 - Other research points to the potential for negative impact of onshore oil and gas development on visitor perceptions of areas, especially amongst visitors who value high quality environments. A meta review of US peer-reviewed studies reaches the conclusion that whether fears of environmental contamination are realistic or not, there could be a permanent, negative impact on public perceptions of a rural area with a significant tourism

⁸¹ A Study into the Effect of National Grid Major Infrastructure Projects on Socio-economic Factors - Business and Recreational Users Report. February 2014

sector. *The areas in which onshore oil and gas development could take place in NI coincide with a number of established tourism areas or areas prioritising the growth of the sector, including a range of visitor attractions and recreational assets. Some of these are of international importance. A common feature of the branding and promotion of these tourism areas is the quality and unspoilt character of the rural environment.*

- 7.73 It is unlikely that the influx of migrant workers or associated local economic growth driven by oil and gas developments will lead to major positive or negative impacts in its own right. Rather, the risk of negative impacts arise from the specific relationships between the location and characteristics of particular developments, the locations in which they are planned, and the nature of their tourism offer and branding. The research evidence points to both established tourism and aspiring areas with high quality landscapes and environments which are a key feature of their visitor offer, and which brand themselves on their peace and tranquillity, as being the area which are much more likely to be sensitive to development.
- 7.74 Areas which are located in areas with higher concentration of oil and gas resources include Lough Neagh (Lough Neagh Basin), County Fermanagh (NWICB), the Causeway Coast (Rathlin Basin) and the areas of the East Coast (Larne Basin). A number of these include areas which are known for their scenic landscapes and strong tourism offer:
- Lough Neagh - The lough is the biggest lake in the UK and is known for its tranquil character which makes it a popular visitor area. Lough Neagh attracts bird watchers from all over the world due to the number and variety of birds which can be seen on its shores. The Lough has undergone substantial positive changes over recent years assisted by substantial EU support through the Lough Neagh Partnership. Watersports is popular on the lough, centred around the award winning Ballyronan marina and a Blue Flag beach award. Other popular activities undertaken in the area include cycling, adventure sports, guided tours, golf and walking & hiking⁸².
 - County Fermanagh - Almost a third of County Fermanagh is covered by lakes and waterways of all shapes and sizes. This ranges from the larger Upper and Lower Lough Erne, to the Shannon-Erne Canal and the River Erne. This makes County Fermanagh attractive to visitors engaging in walking, cycling, boating, kayaking, canoeing, wildlife watching and heritage visits and visitors looking to take in the wildlife of the County. Other attractions include the Cuilcagh Legnabrocky Trail, Marble Arch Cave UNESCO Global Geopark, and castles⁸³.
 - Causeway Coast and Glens - The rugged, unspoilt landscape presents opportunities for a range of activities. The area is home to iconic attractions along the Causeway Coastal Route, for example the Giant's Causeway UNESCO World Heritage Site. Tourism is a key economic activity and a major prosperity driver for the area. The number of estimated overnight trips to the Causeway Coast and Glens Borough in 2019 was 1,095,000 and an estimated expenditure on overnight trips of £192 million in 2019⁸⁴.
 - East Coast (Mid and East Antrim) – Mid and East Antrim is home to rugged coastlines, castles and hosts the former homes to two US presidents. The Gobbins is a famous hike in

⁸² [Discover Lough Neagh website](#)

⁸³ [Discover Northern Ireland County Fermanagh](#)

⁸⁴ [Causeway Coast and Glens Borough Council Tourism](#)

the area allowing visitors to navigate through hidden tunnels and go up and down staircases which have been carved into the cliff face⁸⁵.

Agriculture and Other Land Based Sectors

- 7.75 Agricultural land use is a major feature of Northern Ireland's current land use. In 2019, over 1 million ha were used for agriculture, 75% of its total land area⁸⁶. In 2017, there were 25,000 farms across NI, of which the south-west of NI contains the highest numbers with over 5,000 farms in the district of Fermanagh and Omagh⁸⁷.
- 7.76 NI also has eight forestry planning areas and 19 forest landscape units⁸⁸. There are high concentrations of forestry in the West Fermanagh Uplands and Antrim Hills and Glens, whereas the area around Lough Neagh has less forested areas.
- 7.77 There is also a small but growing food-based visitor economy associated with this agricultural nature and public perception of high-quality environment and associated food products. This is confirmed by the UGEE JRP all island study which notes that the agri-food sector is currently acknowledged to be on a path of sustainable growth, based on emission-efficient food production and high animal welfare, environmental and agronomic standards.
- 7.78 The land takes under the development scenarios is an estimated 9 hectares for the low development scenario, 15 ha for the medium scenario and 27 ha for the high scenario. This represents a modest loss of agricultural land (or potentially forestry) across NI as a whole. Whilst the change in use will result in a fall in incomes from agricultural use, for the landowners affected it would be compensated through rental income for the land.
- 7.79 Stakeholders engaged during the research pointed to the potential reputational damage for the rural economy associated with change in use, perceptions about the potential for contamination and the knock-on this may have for the agri-food and growing food tourism sectors. This is covered further in the environmental impact sections below.

Other Indirect Costs

- 7.80 Onshore oil and gas development in NI may also lead to a range of other financial and economic costs for the public sector. This includes the costs managing the licensing and consenting process within government departments, regulators, local government and other local bodies. It also extends to the costs associated with policing demonstrations and other public services. Whilst it is very difficult to put an estimate of these potential costs, the NAO⁸⁹ has identified the known public expenditure of at least £33 million in England since 2011 (not including the cost of planning appeals, judicial reviews, or the time of public servants). This includes £13.4 million spent by three local police forces on managing protests around shale gas sites. The NAO notes that BEIS has not estimated the public investment that would be required to support the production of shale gas at scale in England.

⁸⁵ [Tourism figures reveal upward trend for Mid and East Antrim](#)

⁸⁶ <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/Stats%20Review%202019%20ofinal.pdf>

⁸⁷

<http://www.ninis2.nisra.gov.uk/InteractiveMaps/Agriculture%20and%20Environment/Agriculture/Farm%20Census/atlas.html>

⁸⁸ Department of Agriculture, Environment and Rural Affairs, Forestry Planning Areas and Forest Landscape Units, 2018

⁸⁹ [Fracking for shale gas in England \(nao.org.uk\)](#)

Summary

- 7.81 The approach to assessing the potential economic impact of onshore oil and gas in NI has consisted of:
- The assessment of the direct, indirect and induced GVA and employment impacts supported by the different development scenarios, distinguishing between wells for conventional and unconventional resources, higher and lower drilling intensity, and different phases of activity
 - Use of best estimates of the level of retained expenditure in NI, which is informed by analysis of the supply chain inputs and skills that will be required and the ability of the NI economy to meet these in the coming decades (this does not take account of economic impacts associated with the onward marketing and sale, transport and distribution of the oil and gas output)
 - The use of Hatch's input-output tables for NI to estimate the supply chain and personal expenditure effects (indirect and induced effects respectively)
 - The presentation of the total economic impacts over the 30 year assessment period, as well as average annual estimates.
- 7.82 The analysis points to the following main impacts:
- Under the No Development Scenario there is no additional economic benefit.
 - The annual GVA impact ranges from £2.2m-£3.3m under the low scenario, £4.0m-£6.0m under the medium development scenario and £7.6m-£11.3m under the high development scenario.
 - The annual FTE employment impact ranges from 35-45 jobs under the low scenario, to 60-85 jobs under the medium development scenario and to 110-155 jobs under the high development scenario.
- 7.83 When comparing to the energy sector as a whole and the low carbon and renewable sectors the scale of impacts are shown to be relatively low. The fairly modest scale of economic impact can largely be attributed to the combination of the scale of development and the relatively limited scope to capture the associated expenditure within Northern Ireland, although the high development scenario has assumed a much higher number of developments, the analysis does not suggest that NI could capture an onshore oil and gas hub which could retain the higher value expenditure associated with horizontal drilling and fracking and associated services.
- 7.84 The assessment also estimates the indirect tourism impacts which arise from the expenditure of transitory workers on hospitality, food and drink, and retail in the local communities neighbouring the developments. These are not included within the core impacts presented above. The estimated tourism impacts are relatively low for all development scenarios. Under the highest development scenario only around 2 FTE jobs would be supported per year in the communities in close proximity to each development pad.
- 7.85 The study provides insights into the type of employment and skills requirements that would be required if oil and gas were to be developed in Northern Ireland. Development of oil and gas would create demand for employment and skills directly within the oil and gas sector (for example requiring engineering and geology skills) and also create demand for wider skills and employment (for example in planning and construction). The report gives examples of the wide range of job types required within NI ranging from highly skilled engineering to semi-skilled jobs.

- 7.86 The production of large-scale oil and gas could be a benefit to downstream sectors, which use these as a feedstock to their existing manufacturing and energy generation. However, besides the power generation sector, NI lacks the downstream sectors and major energy intensive sectors which would be a ready source of demand for the oil and gas output. The benefit of cheaper feedstocks for the manufacturing sector or gas for power generation is unlikely to provide a major driver for additional sector growth (although it could safeguard employment given the cost pressures firms in these sectors face) or attraction of major inward investors into Northern Ireland.
- 7.87 Energy costs in NI are typically higher than the rest of the UK and EU averages, in part due to its reliance on imports. This reduces the competitiveness of the region's industry and deters inward investment. Whilst NI would undoubtedly benefit economically from lower energy prices, it is relatively unlikely that future gas production in NI from onshore sources will provide the type of price effect experienced in the US. The main reason for this is that the sector will not be able to achieve the economies of scale and low costs of production in Northern Ireland, even under the scale of activity envisaged under the high development scenario.
- 7.88 Agricultural land is a major feature of Northern Ireland's current land use and a valuable economic sector. There is also a small but growing food-based visitor economy associated with this agricultural nature and public perception of high-quality environment and associated food products. The land take under all development scenarios is modest and landowners would be compensated for any associated loss of income. However, there is the potential risk of reputational damage for the rural economy associated with change in use, perceptions about the potential for contamination and the knock-on this may have for the agri-food and growing food tourism sectors (all concerns expressed by local stakeholders in areas which could be affected by development).
- 7.89 The development of onshore oil and gas in NI would also incur other financial and economic costs by the public sector. The NAO in a report focused on England notes that whilst the costs associated with activity at scale are highly uncertain, these costs would nevertheless arise and need to be accounted for.

Part C

8. Social and Environmental Impact Method

8.1 The environmental and social impact assessment of the potential for onshore petroleum exploration and development in NI draws on:

- Development scenarios which have been used to consider the potential scale of development for both conventional and unconventional resources in NI between 2021 and 2050, including a 'no development' scenario
- In terms of the assumed high and low ranges for drilling activity for each development scenario, the use of the higher intensity as this represents the worst case in environmental impact terms
- A combination of qualitative and quantitative evidence drawn from existing Strategic Environmental Assessments (SEAs) in the UK and other publicly available research reports covered in the review
- An analysis of the baseline conditions in NI, across both environmental and socio-economic topics
- Engagement with stakeholders to provide insights about potential impacts and issues of particular relevance to the NI context.
- A consistent approach has been adopted to the assessment of environmental and social impacts and the evaluation criteria used to determine impact of significance. These criteria assume:
 - Prevailing planning policies and environmental regulations control activities are sufficient to prevent pollution and nuisance to sensitive receptors, and
 - Mitigation measures outlined at the end of the assessment of each receptor should be implemented, among others, as part of the licence conditions and as good industry practice.

8.2 Prevailing planning policies and environmental regulations control activities to prevent pollution and nuisance to sensitive receptors. As such, planning policies and environmental regulations provide high-level mitigation that is common to all oil and gas development, while good practice measures provide site-based mitigation. The significance assessment can therefore be considered as a post-mitigation assessment that, where possible, takes into account the areas of uncertainty raised in the SEAs for unconventional oil and gas extraction across the UK and NI specific research reports (in particular those related to particular types of impacts, as well as existing controls and regulatory systems that will act to control potential environmental and social impacts). Assessing the effectiveness of the implementation and regulation of past, current or future planning policies and laws in NI is not however within the scope of this assessment.

8.3 Direct and indirect, positive and negative (adverse) impacts have been considered.

8.4 A qualitative assessment has been conducted exercising the professional experience and judgement of the project team and drawing on the range of evidence gathered during the study. Where there are limitations to the data, and / or uncertainties with regard to the assessment of significance, these have been recorded along with any material assumptions.

8.5 The scope is based on the following stages of oil and gas exploration and development activity:

- Stage 1: Development and Exploration, including surveying, site selection and planning (up to 3 years)

- Stage 2: Drilling, Fracturing and Waste management, including site preparation, drilling and testing (up to 2 years)
- Stage 3: Production and Operations (10-15 years)
- Stage 4: Decommissioning, Restoration and Aftercare (6 months to a year)

8.6 Transboundary and cumulative impacts are also addressed, where appropriate.

Environmental, Social and Socio-economic Impact Themes

8.7 The impact assessment covers the following potential environmental and social impact themes and topics (in no particular order of importance):

- **Air Quality:** Direct and fugitive emissions, construction and site traffic, dust and associated air quality impacts
- **Water:** Groundwater and surface water abstraction and pollution of groundwater and surface water bodies
- **Naturally Occurring Radioactive Materials (NORM):** including the occurrence of radon at sites
- **Soil:** land take, ground contamination, soil sealing and quality
- **Climatic factors:** GHG emissions from land use change and combustion of fossil fuels
- **Biodiversity, flora and fauna:** habitat disturbance, loss and fragmentation, loss of flora and fauna and invasive non-native species
- **Population:** noise, light, air quality/dust, felt seismic activity, in-migration and impacts on social cohesion
- **Public health:** amenity, mental wellbeing, recreation and physical activity, physical health and safety, road traffic accidents
- **Cultural and archaeological heritage:** loss/damage to known or unknown sites or assets, impacts on setting of cultural heritage
- **Landscapes and geodiversity:** landscape and visual effects, natural tourism assets
- **Material assets:** land use change, impacts on industrial/agricultural land, impacts on infrastructure, impacts on housing and services, impacts on tourism and visitor economy infrastructure.

8.8 It is important to acknowledge that many potential impacts are site-specific and will vary depending on the sensitivity of local receptors and the prevailing environmental and social conditions. Within the scope of this study, it is challenging to assess these beyond high level or general terms, and the assessment does not include explicit statements about receptors and potential impacts for specific sites and their neighbouring communities which could be the focus of future development applications.

8.9 The assessment uses a framework derived from the literature on impact assessment to provide a consistent method, comprising three elements, within which to consider impacts and significance:^{90,91,92,93}

- Receptor sensitivity
- Nature of the impact
- Significance of the impact.

Identifying Receptor Sensitivity

8.10 Receptor sensitivity has been determined from the importance or value of the social or environmental aspect under examination. Sensitivity is a measure of the adaptability and resilience of an environmental or social receptor to an identified impact, in the context of the prevailing regulatory and planning systems. Sensitivity has been defined as:

- **Low:** The receptor is adaptable and is resilient to change
- **Medium:** The receptor has a degree of adaptability and resilience and is likely to cope with the changes caused by an impact, although there may be some residual modification as a result
- **High:** The receptor is vulnerable, rare, threatened or at risk due to its location or setting (context) and an impact is likely to leave it in an altered state from which recovery would be difficult or impossible.

The Nature of Impacts

8.11 In determining the significance of the impact it is important to take into account and consider several factors which define the nature of the impact, namely the:

- Type of impact
 - **Positive:** Applies to impacts that have a beneficial environmental or social result, such as enhancement of the existing environmental or social conditions
 - **Negative:** Applies to impacts that have a harmful aspect associated with them such as loss or degradation of environmental resources, nuisance to people or impact on amenity.
- Impact Path
 - **Direct:** Applies to impacts which can be clearly and directly attributed to a particular environmental or social parameter (e.g. generation of dust directly impacts air quality)

⁹⁰ United Kingdom Environment Agency. *Environmental Impact Assessment (EIA): A handbook for scoping projects*. 2002. Environment Agency.

⁹¹ Canadian Environment Protection Agency. *Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the Canadian Environmental Assessment Act, 2012 — Interim Technical Guidance*. Version 1. March 2018

⁹² World Business Council for Sustainable Development. *Guidelines for Environmental and Social Impact Assessment*. 2016. Cement Sustainability Initiative.

⁹³ FEARO. *A Reference Guide for the Canadian Environmental Assessment Act. Determining Whether a Project is likely to Cause Significant Adverse Environmental Effects*. November 1994. Federal Environmental Assessment Review Office.

- **Indirect:** Applies to impacts which may be associated with or are subsequent to a particular impact on a certain environmental or social parameter (e.g. dust dispersion away from a site may lead to vegetation or crop damage).
- Duration (how long the stressor or its effect will last)
 - **Short-Term:** Applies to impacts whose effects on the environment will cease within a 1 year - period, or once construction activities are completed
 - **Medium-Term:** Applies to impacts whose effects on the environment will cease to be discernible within a 5-year period
 - **Long-Term:** Applies to impacts whose effects on the environment will be discernible for a period greater than 5 years.
- Reversibility
 - **Reversible:** Applies to impacts whose effects will be reduced and disappear over time (either naturally or artificially), once the impacting activity ceases
 - **Irreversible:** Applies to impacts whose effects will not be reduced or disappear over time (either naturally or artificially), once the impacting activity ceases.

Assessing the Significance of the Impacts

8.12 The concept of 'significance' is central to the impact assessment process and aids the identification and categorisation of environmental and social effects. Significance is a complex measure based on a combination of:

- Consequence, in combination with
- Likelihood of occurrence.

8.13 Consequence refers to the outcome that is determined by the nature of the impact on environmental and social receptors relative to thresholds such as sensitivity. Consequence may be:

- **Positive:** A beneficial effect on the receptor or receptors
- **Negligible:** whilst there may be a minor effect this will be below a threshold which is either noticeable or perceived by the receptor
- **Minor:** When compared with the baseline, change which may only just be noticeable; existing thresholds would not be exceeded
- **Moderate:** Change which may be noticeable and may breach accepted limits
- **Major:** A large change compared to variations in the baseline; potentially a clear breach of accepted limits.

8.14 Likelihood of occurrence is an expression of uncertainty and can be described as:

- **Certain:** The impact will invariably occur and can definitely be anticipated as resulting from the activity undertaken
- **Likely:** The impact will occur and can reasonably be anticipated as resulting from the activity undertaken
- **Unlikely:** The impact will seldom occur and may not necessarily be anticipated as resulting from the activity undertaken

- **Very unlikely:** The impact is not expected and not anticipated as resulting from the activity undertaken

8.15 Based on the factors above, a significance rating is given to each potential impact. The table below illustrates the rankings of impact significance based on the denoted categories of consequence and likelihood. The significance of the impact is then ranked as negligible, minor, moderate or major (adverse or positive) which is explained and justified using the results of the review and/or professional judgement.

Consequence \ Likelihood	Very Unlikely	Unlikely	Likely	Certain
	Positive	Negligible	Minor Positive	Moderate Positive
Negligible	Negligible	Negligible	Negligible	Negligible
Minor	Negligible	Minor Adverse	Moderate Adverse	Moderate Adverse
Moderate	Negligible	Moderate Adverse	Moderate Adverse	Major Adverse
Major	Minor Adverse	Moderate Adverse	Major Adverse	Major Adverse

Cumulative Impacts

8.16 Cumulative impacts result from the incremental impact of a project when added to other existing, planned or reasonably defined developments that, taken together at a defined temporal or spatial scale, result in physical, biological or social effects that are substantially greater than that of the stand-alone projects in isolation.

Transboundary Impacts

8.17 Transboundary impacts are impacts that extend beyond the host country of the project but are not global in nature. In this instance, transboundary impacts include air quality, abstraction from water sources, the pollution of surface and groundwater water bodies.

Approach to Mitigation

8.18 For each impact topic, mitigation measures have been identified from the existing evidence base which describe the possible steps and measures that could be taken to protect environmental and social receptors. It is assumed that the existing land use planning controls and environmental protection regulations provide effective mitigation at a strategic level, and mitigation measures, when undertaken for specific projects as good practice, typically further reduce impact significance. Where appropriate, the types of appropriate mitigation measures are specified for the different stages of onshore petroleum exploration and development.

Assumptions

8.19 The environmental and social impact assessment is based on the following assumptions:

- This is a high-level assessment of potential impacts. It is neither a Strategic Environmental Assessment (SEA), a project-level Environmental Impact Assessment (EIA), nor a project-specific Environmental and Social Impact Assessment (ESIA). Similarly, the assessment of health themes is not a Health Impact Assessment (HIA).
- Whilst the assessment is at the level of NI, it seeks to take account of the characteristics of the broad areas in which conventional and unconventional resource is more likely to occur due to the geological conditions. However, it is not a site-specific assessment.
- The assessment draws on published research mainly from the UK, as well as internationally (within the limitations of the available study resources). Key documents used in the assessment include the SEAs produced for the UK and for Scotland, as well as the EPA-led UGEE JRP all island study. However, due to the limited scale of recent unconventional oil and gas developments in the UK, the available evidence is reliant on desk studies, evidence from outside of the UK, evidence produced during conventional petroleum production and evidence from comparable industries. Therefore, current studies are seldom specific to individual geographic regions, nor considered in the context of the regional policy and legislative landscape.
- The assessment has been undertaken with reference to the prevailing regulatory and planning policy landscape of NI, and impacts have been considered within this context. A summary has been provided in section 2.
- A number of consultations were undertaken to inform this assessment, including with stakeholders at DAERA, Department for Infrastructure, as well as a number of environment and community groups. These meetings were to provide insights into potential issues of particular relevance to NI and were not intended as a formal consultation.

Structure of the sections

- 8.20 The following sub-sections provide a summary of the environmental, social, health and safety impacts of onshore petroleum exploration and development for those topics which have been scoped into the assessment (they are not presented in order of priority or importance). For each impact theme, the remainder of the Chapter discusses:
- Potential sources of impact during oil and gas activities
 - Description of impacts by impact topic
 - Evaluation of impacts by impact topic
 - Impact mitigation by impact topic
 - Summary table of the impact theme and associated topics.
- 8.21 Where the impacts are expected to be significantly different between developments of conventional and unconventional resources, this is noted.

9. Air Quality

9.1 This section covers the following:

- Point source and fugitive emissions
- Air quality impacts from construction and site traffic
- Dust.

Point source and fugitive emissions

Sources

- 9.2 Point source emissions to air are generated by onsite machinery (stationary and mobile), transportation, drilling, venting and flaring activities.
- 9.3 Fugitive emissions from conventional oil and gas activity are primarily generated by machinery, drilling and site related transportation. For unconventional activity, the potential for fugitive emissions is increased as a result of hydraulic fracturing, flaring and venting activities.
- 9.4 The DECC Report (DECC, 2013) discusses intentional vented emissions of methane and carbon dioxide associated with shale gas exploration and production, specifically the release of gases during flowback, and release for safety reasons and during certain maintenance operations.
- 9.5 Fossil fuel combustion in engines (such as diesel engines used for drilling, truck traffic, hydraulic fracturing and natural gas compression) and the flaring of shale gas generates mainly carbon dioxide. Incomplete combustion results in additional emissions such as methane, VOCs and carbon black, all of which have impacts on air quality.
- 9.6 Multiple truck movements occur during the well lifecycle, including transport of fresh water, additives, proppant and flowback water.
- 9.7 Indirect emissions result from processes used in the exploitation of shale gas, including emissions from the energy used to treat and transport water and wastewater in the manufacture the chemicals and construction materials.

Impact Assessment

- 9.8 As discussed in the baseline section, ambient air quality is variable across airsheds and the level of degradation in air quality is dependent on the type and intensity of economic activity undertaken within the airshed. Specific pollution sources, such as local traffic, are the primary contributors to background levels of air pollution particularly in urban conurbations.
- 9.9 According to the UGEE JRP all island study⁹⁴ on unconventional gas exploration and extraction activities, emissions from individual sites are usually sporadic and not unique to unconventional gas exploration activities. Air pollutant sources from unconventional oil and gas activity can include:
- point source emissions - particulate matter, CO, NO_x, SO_x, VOCs, methane
 - fugitive emissions - methane and VOCs.

⁹⁴ Unconventional Gas Exploration and Extraction (UGEE) Joint Research Programme, Final Report 4: Impacts and Mitigation Measures, 2016

- 9.10 Emissions from multiple well developments in a local area or across a wider region have a potentially adverse effect on air quality by elevating ambient pollution and ozone concentrations.
- 9.11 For unconventional activity, effects are not expected to be significant at a national level. During stages 2 and 3, there could be locally significant air quality effects under the high activity development scenario principally relating to emissions to air from machinery, drilling and hydraulic fracturing, especially impacting sensitive receptors including residents and biodiversity (DECC, 2014). Flaring during stage 2 exploration activities could also lead to production of CO₂ and other GHGs as well as methane from flowback water. There could also be some fugitive emissions at stage 4 during decommissioning and restoration, due to gasses escaping from wells after closure, including methane emissions.
- 9.12 Fugitive emissions are difficult to quantify and control and potential sources include leaks from valves, wellheads and on-site accidents or accidental releases from the well casing into groundwater.
- 9.13 Local negative effects are temporary but could occur from the short to long term. A more significant negative effect is anticipated from unconventional oil and gas activity due to the enhanced scale of emissions, however even under the high scenario this represents a limited scale of development when compared to the scenarios used in the DECC and Scottish SEAs.
- 9.14 Uncertainty exists over the combination of emissions from onsite machinery, HGVs, drilling/fracturing which could lead to cumulative negative effects on sensitive receptors, with additional cumulative effects from flaring of gases in production. Locally felt cumulative effects could be significant where activities are undertaken simultaneously, or sites are located in close proximity, and where there are existing air quality issues/sensitive receptors. However, existing regulatory controls are expected to mitigate risks to a minor level.

Summary

- 9.15 **Receptor sensitivity:** Medium. In areas where air quality is already adversely affected by background factors, such as transport, an incremental increase in point and fugitive emissions will further increase the pollutant load and effectively lower ambient air quality.
- 9.16 **Type of impact:** Impact on air quality would be negative, given the relatively good background levels of air quality determinants in Northern Ireland, especially outside of urban areas.
- 9.17 **Impact Path:** The impact on air quality would be direct. The increase in particulate matter, CO, NO_x, SO_x, VOCs, methane is directly quantifiable and can be compared to background levels to determine the incremental increase or decrease in emissions.
- 9.18 **Duration of impact:** The impact would be medium to long-term duration, depending on the phasing, proximity and intensity of well development, the impact will persist for the duration of site activities.
- 9.19 **Reversibility of impacts:** Reversible. Once a site is decommissioned, no fugitive emissions from capped wells are expected. Air quality monitoring should be undertaken for a specified time period to confirm the absence of emissions post closure.
- 9.20 **Significance:** For the no development scenario, there would be no increase in point source and fugitive emissions over baseline conditions. For the low and medium development scenarios, the significance would be minor adverse, for the high development scenario, the significance would be moderate-adverse.

Mitigation Measures

- 9.21 The type and quantity of emissions generated by development for conventional and unconventional resources should be quantified in support of each development application and evaluated relative to the existing and forecast quality of the relevant airshed. Strict emissions limits can then be specified for each site to ensure that the cumulative emissions do not exceed the total pollutant load within an airshed.
- 9.22 Where receptors sensitive to air quality are identified and significant impacts identified, the siting of the development and number of wells should be carefully considered at the design phase so that receptors downwind are not adversely affected by emissions.
- 9.23 All site machinery should conform to manufacturer specifications in terms of fuel efficiency and emission limits and be maintained to always meet these specifications.
- 9.24 Periodic testing of air quality upwind and downwind of well sites should be undertaken and reported to the relevant authority.

Air quality impacts from construction and site traffic

Sources

- 9.25 Vehicle movements associated with conventional oil and gas exploration and development are mainly in relation to construction and site preparation stages.
- 9.26 Emissions from HGV movements and other construction and site-related traffic which, for unconventional projects, can be high-frequency at certain times of the development process.

Impact Assessment

- 9.27 The potential impacts of vehicle movements are mainly associated with a decrease in air quality, particularly affecting local communities in close proximity or along key transport routes. Dust is discussed in a separate section below.
- 9.28 The DECC and Scottish SEAs both provide evidence about vehicle movements in relation to unconventional oil and gas exploration and development, with a range of assumptions presented at different stages of the development lifecycle.
- 9.29 For conventional oil and gas exploration and production, during Exploration and Production Development stages, which constitutes a 14 to 16 week time frame, the DECC SEA presents an assumption of 470 vehicle movements per well pad (of two wells per pad, the same as under the NI development scenarios). Applying this to the NI development scenarios suggests that there could be in the region of 940 vehicle movements under the low scenario during these activities (or approx. 9 per day over 15 weeks), 1,410 vehicle movements under the medium scenario (or approx. 13 per day over 15 weeks), or up to 2,350 vehicle movements under the high scenario (or approx. 22 vehicle movements per day over 15 weeks).
- 9.30 The DECC SEA report also presents assumptions for unconventional development at 820 to 2,370 vehicle movements per well during exploration drilling with coring and hydraulic fracturing. Applying this to the NI development scenarios suggests that there could be in the region of Low 4,950 to 17,600 vehicle movements per well pad (6-11 wells per pad), which is 450 to 3520 vehicle movements per well for the low scenario, to 10,290 to 36,735 vehicle movements per well pad (23 wells per pad), representing is 447 to 1597 vehicle movements per well for the high scenario. The number of vehicle movements varies depending on number of wells drilled and phasing, volume

of water needed, where water is sourced, volumes of waste and wastewater generated, method of water treatment, and whether that happens offsite.

- 9.31 At exploration and appraisal stage, the Scottish SEA includes an assumption of 190 vehicle movements per well pad (of 10 wells) per week, over 2 years. This equates to 19,760 vehicle movements over 2 years, or 27 per day under the low development scenario, 39,520 vehicle movements over 2 years, or 54.3 per day under the central scenario, and 79,040 vehicle movements over 2 years, or 109 per day under the high scenario.
- 9.32 At construction stage, the Scottish SEA assumption is 7,000-11,000 vehicle movements per well pad (of 10 wells) over a 2-year construction period. The NI development scenarios assume 6 wells per pad and, applying the low-end assumption of 7,000 vehicle movements over 2 years, suggests there could be in the region of 7,000 total vehicle movements, or 9.6 vehicle movements per day under the low scenario, 14,000 total vehicle movements, or 19.2 per day under the medium scenario, or 28,000 total vehicle movements, or 38.5 per day under the high scenario.
- 9.33 The UGEE JRP all island study states that during exploration and site preparation activities, the number of vehicle movements would be a small proportion of those required to create emissions to cause significant environmental or health impacts. Therefore, this would be likely to represent a minor impact. Potential impacts include increase in traffic related air emissions, noise and visual impact, and potential damage to transport infrastructure, congestion, and effects on road safety. If a number of well pads are simultaneously developed in the same area, the potential of adverse effects increases due to a sustained increase in the number of HGVs in one area. The sensitivity of the receptor would be further increased if there is a single route needed for the development of a high number of pads, which could lead to a combination of increased numbers of vehicles and extension to the period of site development. This is considered to present a minor potential impact in view of the longer development period.
- 9.34 During end-of-project, well closure and decommissioning stages, some vehicle movements are likely to be associated with the process of reinstating original site conditions, but this is expected to be minimal and not expected to result in any adverse impacts. Following site closure, traffic movements would be limited to those associated with ongoing environmental monitoring and anticipated to be negligible.

Summary

- 9.35 **Receptor sensitivity:** Medium. The increase in pollutants generated by construction activities is limited to the construction period and is therefore short-lived. Outside of areas where air quality is already adversely affected, the incremental increase in pollutants should be within the capacity of the airshed to absorb the short-term increase and then return to prior levels.
- 9.36 **Type of impact:** Negative. Conventional, and especially unconventional, stage 2-3 activities could have locally adverse air quality effects resulting from emissions to air from HGV movements, under the high development scenario for stage 2 and under both the medium and high scenarios for stage 3.
- 9.37 **Impact path:** The impact on air quality would be a direct impact. Air quality is readily quantifiable and background levels can be used as benchmarks for short-term incremental increases to identify the capacity of the airshed to absorb an increased pollution load.
- 9.38 **Duration of impact:** Short-term for the construction process. Once the construction process is completed for conventional wells, the impact of operational and decommissioning activity is dependent on the lifetime of the well. In unconventional well development, the duration of fracking activities is dependent on the number of lateral wells drilled.

- 9.39 **Reversibility of impacts:** Reversible, after construction ceases further impacts on air quality will be limited to operational and decommissioning activities.
- 9.40 **Significance:** For the no development scenario, there would be no increase in emissions due to construction activities and site traffic over baseline conditions. For the low and medium development scenarios, the significance would be minor adverse, for the high development scenario, the significance would be moderate-adverse.

Mitigation Measures

- 9.41 Wells should not be sited within a specified distance to receptors sensitive to air emissions generated by construction activities.
- 9.42 A Construction Environmental Management Plan (CEMP) should be required for each proposed development that includes a traffic management plan to minimise emissions from vehicles utilised during construction and establish routes for construction vehicles that avoid congested areas and use of unsuitable roads.
- 9.43 All stationary and mobile equipment on site must comply with nationally specified energy consumption and emissions limits.
- 9.44 The contractor must institute a system of reporting on emissions from all stationary and mobile sources during the construction process.
- 9.45 Periodic monitoring of ambient air quality around well construction sites should be undertaken and reported to the relevant authority.

Dust

Sources

- 9.46 Sources of dust include:
- Areas that are cleared for construction, materials laydown and topsoil and other bulk materials stockpiles
 - Access tracks and roads
 - HGV and small vehicles travelling over unpaved surfaces at speed
 - Site establishment and construction activities that impact on the cleared surfaces.

Impact Assessment

- 9.47 The DECC SEA identifies that there is likely to be an adverse effect locally due to dust during construction, drilling and HGV movements, associated with well pad production and site preparation.
- 9.48 Dust adversely affects air quality at a local level, particularly by site preparation and construction activities undertaken on surfaces that have been cleared of vegetation. Dust emissions at a project site can cause physical nuisance and impact human health, particularly people with respiratory conditions, children and older people.
- 9.49 Dust settling on areas downwind of construction activities smothers vegetation and can cause die-back and loss of species that are less adapted to the increased particulate matter concentrations.

Summary

- 9.50 **Receptor sensitivity:** Medium. The receptors for dust would be vegetation in areas immediately adjacent to sites and access roads that is coated by dust. Local communities and community amenities would also be receptors potentially affected by dust.
- 9.51 **Type of impact:** Dust would be a negative impact.
- 9.52 **Impact path:** The impact of dust would be direct, although limited to the area where dust increases the airborne particulate matter concentration and the area where the dust settles.
- 9.53 **Duration of impact:** The impact of dust is considered to be short-term especially where appropriate management measures are undertaken.
- 9.54 **Reversibility of impacts:** The impact of dust is reversible. Once the dust is stopped by rehabilitation of the source or a cover that prevents airborne particulate matter being generated.
- 9.55 **Significance:** For the no development scenario, there would be no increase in dust generated by activities over baseline conditions. For the low and medium scenarios, the significance would be minor adverse, for the high development scenario, the significance would be moderate-adverse.

Mitigation Measures

- 9.56 The Construction Environmental Management Plan (CEMP) must include measures to minimise the potential for dust generation on and around the site(s).
- 9.57 Periodic monitoring of particulate matter concentrations around well construction sites should be undertaken and reported to the relevant authority.

Summary table

- 9.58 The table below summarises the impacts associated with the air impact theme.

Potential Impact	Development scenario	Receptor Sensitivity	Type of Impact	Consequence	Likelihood	Significance
Point-source and fugitive emissions (conventional)	No development	Medium	N/A	N/A	N/A	N/A
	Low		Negative	Negligible	Likely	Minor adverse
	Medium			Negligible		Minor adverse
	High			Minor		Moderate adverse
Point-source and fugitive emissions (unconventional)	No development	Medium	N/A	N/A	N/A	N/A
	Low		Negative	Negligible	Likely	Minor adverse
	Medium			Negligible		Minor adverse
	High			Minor		Moderate adverse
Air quality impacts associated with construction and site traffic	No development	Medium	N/A	N/A	N/A	N/A
	Low		Negative	Negligible	Likely	Minor adverse
	Medium			Negligible		Minor adverse

	High			Minor		Moderate adverse
Dust	No development	Medium	N/A	N/A	N/A	N/A
	Low		Negative	Negligible	Likely	Minor adverse
	Medium			Negligible		Minor adverse
	High			Minor		Moderate adverse

- 9.59 The impact on air quality is generally a minor to moderate negative effect and will occur in the short term, mainly during stage 2 in a site’s development cycle. Where multiple sites are located in close proximity causing an increase in related HGV movements, construction and drilling activities, the increase in pollutants will generate a more substantial adverse effect.
- 9.60 No substantial difference in the impact on air quality is expected by site preparation and drilling activities done for conventional and unconventional resources. However, the emissions generated at stage 3 by unconventional well operation are expected to be substantially greater than those generated by conventional well operation, due to the increased lateral wells and the potential for fugitive emissions from the lateral wells.
- 9.61 The no-development scenario will not adversely affect baseline ambient air quality. The impact on air quality associated with the low and medium development scenarios are assessed as minor adverse significance due to the dispersed nature of the emissions and low intensity of well development. The air quality impact associated with the high development scenario is assessed as moderate adverse due to the potential for a greater spatial concentration of the emissions and the high intensity of well development in this scenario.

10. Soils

10.1 This section covers the impact of activities on soil quality, soil sealing and erosion.

Soil quality, soil sealing and erosion

Sources

10.2 The soil condition can be affected by oil and gas developments due to land take and site development, exploration, drilling, pollution, traffic, pipelines, etc. The main potential sources are:

- The clearance of vegetation and removal of soil within the footprint of operations including the loss of soil layers
- Compaction of soils during well pad preparation and during the construction of associated infrastructure including the movement of vehicles and equipment
- Soil sealing (the loss of soil resources due to the covering of land) for well pads, access roads etc
- Storm water runoff across sites due to inadequate drainage
- Ground contamination caused by flowback fluids associated with fracturing, leaks from surface installations and saline intrusion
- Accidental ground spills and leaks.

Impact Assessment

10.3 The NI Government has produced a policy statement as part of a strategy for the protection and conservation of peatlands. The majority of peatland is in private ownership and conservation is dependent on the adoption of good management practices by landowners. Outside of peatlands, soil quality is not protected but falls within protection afforded to landscapes, habitats, species and certain archaeological sites.

10.4 The UGEE JRP all island study lists potential impacts to soils during the drilling and development phase would occur as a result of the removal of vegetation, mixing of soil horizons, soil compaction, increased susceptibility of soils to wind and water erosion, contamination of soils with petroleum products, and disturbance of biological soil crusts.

10.5 The UGEE JRP all island study expects that there may be increased potential for storm water generation where high volumes and intensity of storm water runoff can result in increased erosion, which in turn results in elevated sediment loads and levels of turbidity (suspended solids) from undisturbed land.

10.6 Potential impacts on agriculture relating to UGEE activities include the temporary reduction in farmable land, the management of excavated soils, stored and replaced on site, and the potential for damage to soils that remain on site, for example through tracking by heavy machinery. Damage to soils could potentially reduce agricultural productivity if subsequently returned to agricultural use.

10.7 The DECC report and UGEE JRP all island study both observe that risks of negative effects increase commensurate with the area of land that would be required to accommodate exploration and production well pad sites and the amount of disturbance. Similarly, the impact varies depending

on the sensitivity of the land. It is noted that National Planning Policies seek to avoid development in sensitive areas.

- 10.8 The DECC SEA cites the risk of disturbance of contaminated sites/accidental spillages to be a low secondary risk due to existing regulation and controls.
- 10.9 The Scottish SEA notes that for shale gas projects, controls mitigate the risk of accidental release of hazardous materials but there remains a risk of ground contamination and surface spills. There is also uncertainty over siting in areas of flood risk.
- 10.10 In terms of indirect impact, this may include impacts on biodiversity and natural capital, farming and agricultural livelihoods.

Summary

- 10.11 **Receptor sensitivity:** The receptor sensitivity for soils is low to medium in the context of biodiversity and agriculture in NI. However, the importance of soils and landscape for agriculture and biodiversity, would suggest a receptor sensitivity of high for the high development scenario.
- 10.12 **Type of impact:** Loss and damage to soils would be a negative impact. The loss or alienation of soil and the loss of soil condition removes tracts of land from productive use, particularly where agricultural land is lost.
- 10.13 **Impact path:** This impact could result in direct soil loss or damage, with indirect impacts on agriculture and biodiversity.
- 10.14 **Duration of impact:** Impacts could be felt in the short, medium- and long-term, the replenishment of eroded soils requires a concerted effort to ensure the replacement of soils over time and improving the soil condition also requires directed management interventions.
- 10.15 **Reversibility of impacts:** Impact of loss generally not reversible without conservation efforts. The higher the quality of the soil lost, the greater the investment required to restore the soil condition so that the land can be returned to productive use.
- 10.16 **Significance:** For the no development scenario, there would be no adverse impact on soils over baseline conditions. For the low development scenario, the significance would be negligible, for the medium development scenario the significance would be minor adverse and for the high development scenario, the significance would be moderate-adverse.

Mitigation Measures

- 10.17 Exploration and production activity should not be permitted within a specified distance of areas such as peatland or other areas having protected status to minimise the potential for soil loss and degradation.
- 10.18 A Construction Environmental Management Plan (CEMP) should include measures to minimise impacts to soil due to erosion and provide for reinstatement, as necessary.

Summary table

- 10.19 The table below summarises the impacts associated with the soil impact theme.

Potential Impact	Development scenario	Receptor Sensitivity	Type of Impact	Consequence	Likelihood	Significance
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Loss of soils	No development	Low	N/A	N/A	Likely	N/A
	Low		Negative	Negligible		Negligible
	Medium	Minor		Moderate adverse		
	High	Medium		Moderate		Moderate adverse
Loss of soil quality or productivity	No development	Low	N/A	N/A	Unlikely	N/A
	Low		Negative	Negligible		Negligible
	Medium	Minor		Minor adverse		
	High	Medium		Moderate		Moderate adverse
Impact on biodiversity or agriculture	No development	Low	N/A	N/A	Unlikely	N/A
	Low		Negative	Negligible		Negligible
	Medium	Minor		Minor adverse		
	High	Medium		Moderate		Moderate adverse

- 10.20 In the absence of onshore oil and gas development activities under the No Development scenario, there would be no additional loss of soils or their productivity on the baseline conditions.
- 10.21 The impact on soils associated with the low development scenario is assessed as negligible significance due to the dispersed nature of the soil loss and limited well development. The soil loss associated with the medium development scenario is assessed as minor adverse and the soil loss associated with high development scenario is assessed as moderate adverse due to the scale of soil loss and the high intensity of well development in this scenario.

11. Water

11.1 This section covers the following topics:

- Ground and surface water abstraction
- Ground and surface water pollution.

Ground and surface water abstraction

Sources

- 11.2 Water sources include lakes and reservoirs, streams and rivers and groundwater (including springs).
- 11.3 For conventional O&G exploration and production, low volumes of water are required, but the volume required has not been quantified in the existing studies.
- 11.4 For unconventional developments, water demand during individual hydraulic fracturing events defines the maximum demand at any one time. The total demand is determined by the number of wells that are hydraulically fractured in the same time period.
- 11.5 For unconventional exploration and production, based on assumptions within the DECC SEA of 10,000-25,000 m³ per well, taking the mid-point of 17,500 m³ and applying this to the NI development scenarios suggests that the water abstraction volumes could be in the region of 105,000 m³ under the low scenario, 210,000 m³ under the average, and 315,000 m³ under the high scenario.
- 11.6 The UGEE JRP all island study anticipates that the water required for unconventional projects and operations would be sourced from available water resources within or close to the licence areas in each basin. It is further expected that developers would try to source water as close as possible to individual wells pads. Precisely how and where the water would be sourced would be determined by practical considerations and cost – specifically the total costs of planning, licensing, constructing, and maintaining abstraction points versus the costs of purchase and transport of water from existing water supply schemes in the region.

Impact Assessment

- 11.7 Groundwater abstraction impacts include reduced baseflow to surface water bodies (if groundwater and surface water are hydraulically connected), adverse influence on the supporting conditions of nearby groundwater-dependent terrestrial ecosystems, and hydraulic interference with existing, neighbouring supply wells (public and private).
- 11.8 The adverse effect of water extraction is dependent on several factors including:
- the timing of the abstraction (rainy or dry season)
 - cumulative effects occurring either as a result of multi well pads or several pads within a hydraulically connected area
 - the availability of existing water resources and the volume of water extracted by existing users in that area
 - the volume of wastewater that can be recycled and used as fracturing fluid.

- 11.9 The DECC SEA identifies potentially significant negative effects on water under both low and high activity scenarios for under Stages 2, 3 and 4 of the unconventional oil and gas lifecycle. Total water consumption across these stages could be between 7 and 18 million m³ under a low scenario, and between 57 and 144 million m³ water under high scenario. For the high scenario, this equates to an increase of 9 million m³ annual water usage, or 18.5% of the annual mains water supplied to energy, water and waste sectors in UK; but still less than 1% of total UK annual non-domestic mains water usage. The DECC SEA assumed that there would be a 5km distance between well pad sites and activities would not be undertaken simultaneously.
- 11.10 The DECC SEA considers the impact on water resource availability, aquatic habitats and ecosystems and water quality to be more uncertain; but expects existing regulations would ensure mains supply or groundwater or surface water abstraction is sustainable. Use of recycling or reuse of flowback water would reduce demand. Demand reduction due to recycling or flowback water in the US is between 10-77% which, applied to high activity scenario, could lower demand to between 13 and 33 million m³.
- 11.11 Both the DECC and Scottish SEAs provide evidence on the proportion of water that is likely to be returned as flowback under unconventional development activity. The DECC SEA suggests this is between 30 and 75%, and the Scottish study in the region of 25%. Applying the more conservative DECC assumption to the water abstraction volume assumptions set out above suggests that between 31,500 and 78,750 m³ could be returned as flowback under the low development scenario, between 63,000 and 157,500 m³ under the medium scenario, and between 94,500 and 236,250 m³ under the high scenario.
- 11.12 Using the estimate for flowback water (under unconventional development activity) and assuming that a direct replacement is feasible, the potential reduction in the quantity of water abstracted for use under the low, medium and high scenarios is between 26,250 and 73,500 m³, 52,500 and 147,000 m³ and 78,750 and 220,500 m³ respectively.
- 11.13 Flowback can be reused; however, it must be treated prior to disposal to a water body to meet water quality discharge limits. Under the high activity scenario up to 108M m³ wastewater would require treatment, which is approximately 3% of the UK's total annual wastewater. For UOG, flowback volumes ranging from 3,000 m³ to 18,750 m³ per well (based on AEA report⁹⁵, 2012 - ex ante synthesis) generated from hydraulic fracturing has high levels of salinity and mineral content. Where large volumes of water require treatment, this can put pressure on existing wastewater treatment infrastructure capacity.
- 11.14 The UGEE JRP all island study states that abstraction pressures manifest as changes in natural and regulated water level cycles and residence times. Abstraction from rivers reduces stream flow that, in turn, alters river morphology and water quality and ultimately ecological conditions at affects stream biota. Abnormally low water levels during periods of high net abstraction represent a particular risk of impact on the shallow littoral zones, which support the populations of macrophytes and macroinvertebrates.
- 11.15 The UGEE JRP all island study refers to cross-border river basins where Article 3 (Coordination of administrative arrangements within river basin districts) of the EU Water Framework Directive (WFD) requires Member States to coordinate water resources management.

⁹⁵ AEA, 2012b. Climate Impact of Potential Shale Gas Production in the EU. Report for European Commission DG CLIMA, Issue 2. Available online: http://ec.europa.eu/clima/policies/eccp/docs/120815_final_report_en.pdf (accessed 29 June 2016).

Summary

- 11.16 **Receptor sensitivity:** Medium. Where excessive water extraction occurs the impact of reduced baseflow on lakes, streams and rivers, and groundwater (including springs) is only alleviated once the excessive abstraction ceases and recharge via rainfall or other increased inflow is sufficient to return the baseflow to previous flow rates and volumes.
- 11.17 **Type of impact:** Impact on water sources due to extraction would be negative for both conventional and unconventional development activity. The ecological function of aquatic ecosystems is dependent on the flow quantity and seasonal variability to provide habitat for key aquatic species.
- 11.18 **Impact path:** Direct impact on water quantity, quality and aquatic ecosystems function.
- 11.19 **Duration of impact:** Impacts are expected to be short to medium-term after abstraction ceases and resources are recharged. This assumes that the availability of water to recharge a water body is not reduced by other abstractions or a reduced rainfall season. However, given the extended operational lifecycle of unconventional development activity, the duration of the impact for unconventional activity will be longer than that for conventional development activity.
- 11.20 **Reversibility of impacts:** Impacts can be considered reversible as surface and groundwater resources are recharged.
- 11.21 **Significance:** For the no development scenario, there would be no increase in surface and groundwater abstraction over baseline conditions. Using unconventional development activity as a worse-case, the low development scenario, the significance would be negligible, whilst for the medium development scenario the significance would be moderate-adverse and for the high development scenario, the significance would be major adverse.

Mitigation Measures

- 11.22 Water abstractions are subject to existing control measures (systems of “prior authorisation”). In Northern Ireland, abstractions of all waters are licensed under the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006.
- 11.23 The island of Ireland UGEE JRP all island study identified mitigation measures to minimise impacts of abstractions:
- reducing demand for water (by charging for water consumption and encouraging the recycling of flowback waters)
 - spreading abstractions among multiple sources
 - directing abstractions towards lower sections of catchments (higher order streams)
 - avoiding abstractions from ecologically sensitive catchments and streams
 - timing operations such that they avoid overlap between maximum demand periods and low-flow conditions.

Ground and surface water pollution

Sources

- 11.24 The UGEE JRP all island study identified potential impacts on water quality resulting from the following activities undertaken for conventional and unconventional development:

- storm water runoff and run-on from utility corridors, road and well pads
 - surface chemical spills and leaks during transport, storage at well pads, drilling and hydraulic fracturing
 - improper well construction, well completion and operation, including failures during drilling, hydraulic fracturing and production
 - pit, impoundment or tank leaks of on-site stored flowback water, produced water, drilling muds and cuttings
 - leaks, spills or improper disposal of flowback water, produced water, drilling muds and cuttings during off-site treatment, transport and disposal.
- 11.25 The UGEE JRP all island study states that quantities of drilling fluids cannot be predicted for any given site or well with certainty because this depends on drilling progress and the conditions encountered. Nonetheless, for guidance purposes, quantities can range from 0.5 to 0.6 m³ per metre drilled and total quantities can range from 1,500 to 2,500 m³ per well pad, depending upon depth and number of wells for conventional development and from 3,240 to 6,480 m³ per pad for unconventional development. Thus, well depths and the number of wells drilled will determine the total quantities of waste produced at a given pad.
- 11.26 Drilling muds and fluids are typically stored in mud pits (impoundments) or tanks. The mud pits may or may not be lined, depending on case-specific circumstances and regulatory requirements.
- 11.27 Flowback and produced waters are transported through discharge pipes to storage or treatment units located on site. The fluids may be stored in on-site surface impoundments or storage tanks. The surface impoundments are typically excavated into the ground with surrounding berms or bunds and may or may not be lined. Surface impoundments may be used for temporary storage before transfer to lorries for off-site disposal or treatment or may be used as long-term storage for evaporation purposes.

Impact Assessment

- 11.28 Pollution of water bodies results from uncontrolled disposal of untreated water and other liquid (chemical) wastes generated from construction, drilling and fracking activities. There is also a risk of groundwater contamination from loss of well integrity or accidental discharge where a pathway from surface to groundwater exists.

Surface Water

- 11.29 The island of Ireland UGEE JRP all island study states that faulty connections at pipes and leaks or ruptures in lines and failure of storage tanks containing flowback or produced waters can result in surface spills.
- 11.30 Surface impoundments may overflow as a result of incorrect design or unanticipated weather events. Leakage can also occur from unlined impoundments into groundwater. In some cases, a well blowout can occur, releasing fluids to the environment. However, such occurrences are rare owing to the use of blowout preventers at wells.
- 11.31 Produced wastes during UGEE operations include drilling fluids/cuttings and flowback and produced waters. Based on studies in the USA, approximately one-half of the recorded spills related to hydraulic fracturing activities were spills of flowback or produced waters. Typical spills are relatively small, with one-half of the spills less than 3,800 l and few exceeding 38,000 l.

- 11.32 The quantity of chemical additives used during hydraulic fracturing varies from 5 to 75 m³ per well. Overall, the reported "spill rate" of chemical additives is variable, depending upon the reporting protocols and accounting methods and varies between 1.3 and 12.2 spills per 100 wells. The volume of the spills reported ranged from 19 to 72,000 l, with a median volume of 1,600 l.
- 11.33 The Regeneris report (2015) on UOG states that wastewater generated estimated per scenario, based on assumptions from the DECC study, represented 0.1% of UK annual wastewater and that this is not likely to have a significant effect at a national level. Possible significant effects at a regional and local scale are dependent on the location of sites relative to existing treatment infrastructure capacity. The report also noted that scrutiny through the environmental permitting system can be assumed to ensure that these effects would not be unacceptable in a local context. Also, that the scale of expansion of the industry should provide sufficient time for investment in additional capacity.

Groundwater

- 11.34 Fluids associated with drilling and hydraulic fracturing operations represent potential sources of contamination in the groundwater environment. Natural gas constituents that are naturally present or are released as a result of hydraulic fracturing operations are also potential sources of contamination if they migrate to the near-surface environment via natural, induced or artificial pathways.
- 11.35 Induced subsurface pathways result from the fractures associated with the hydraulic fracturing process intended to release gas from the target formation. The length of the induced fractures from the horizontal well may extend to several hundred metres. The propagation length of fractures must be monitored and controlled and minimum separation distances between target formations and aquifers specified. In addition, hydraulic fractures associated with one well may propagate and intersect hydraulic fractures associated with a nearby well. Therefore, the distance between hydraulic fracturing operations and wells must be controlled and minimum distances specified.
- 11.36 The DECC SEA considers that significant negative cumulative water pollution effects at local level are likely, indicating additional water treatment capacity required in certain localities in light of estimated volumes of wastewater.

Summary

- 11.37 **Receptor sensitivity:** High. For sensitive water bodies (surface and groundwater) the impact of a pollution event is proportional to the scale of the spill or leak, the nature of the pollutant, the effective containment of the pollution event and the remediation measures implemented. For unconventional development activity, the high development scenario has a higher potential for pollution events due to the quantities of chemicals stored onsite and used in operational activities.
- 11.38 **Type of impact:** The impact of water pollution would be negative. Water pollution has a direct impact on the quantity of water available for use and the quality of water for various use classes.
- 11.39 **Impact path:** Impact of water pollution may be direct when the pollution reaches a surface water body or indirect through soil leaching into a groundwater aquifer.
- 11.40 **Duration of impact:** The duration of impact is expected to be short-term to medium-term where the response to the pollution event is effective. However, where an indirect pollution goes undetected for some time, the impact can become long-term.
- 11.41 **Reversibility of impacts:** The impact on water is considered reversible where remediation is possible and the resources exist for effective remediation.

11.42 **Significance:** For the no development scenario, there would be no increase in surface and groundwater pollution over baseline conditions. Using unconventional development as a worst case, for the low development scenario the significance is minor adverse, for the medium development scenario, the significance is moderate-adverse and for the high development scenario, the significance is major adverse.

Mitigation Measures

- 11.43 National and local planning controls and environmental regulations should be sufficient to prevent the uncontrolled discharge of untreated waste liquids to surface water bodies or to underground wells.
- 11.44 Operators should be required to monitor fracture propagation and report periodically to the relevant authority to confirm that specified minimum distances from sensitive receptors are being maintained
- 11.45 Fluids may be treated on site for reuse, discharge or disposal off site. Tank storage is typically a closed-loop system from the wellhead to the tanks via pipes. In some cases, pipelines are used to transport flowback and produced waters off site.
- 11.46 No on-site storage of wastewater in unlined mudpits should be permitted; all wastewater and other fluids must be treated to specified standards as good practice, either on site or at a licenced facility
- 11.47 Relevant off-site facilities that can treat, recycle or otherwise dispose of on-site produced wastes are regulated landfills, treatment plants and authorised recycling facilities. However, the lack of capacity at existing wastewater treatment plants and the lack of a landfill licensed to accept hazardous waste is a serious constraint to the management of waste materials. Deep well injection of waste fluids is a further option, but it is not considered feasible in Ireland or Northern Ireland without further technical assessment, including hydrogeological characterisation of deeper bedrock formations.

Summary table

11.48 The table below summarises the impacts associated with impacts to surface and ground water bodies based on unconventional development activity as a worst-case setting.

Potential Impact	Development scenario	Receptor Sensitivity	Type of Impact	Consequence	Likelihood	Significance
Groundwater and surface water abstraction	No development	Medium	N/A	N/A	Likely	N/A
	Low		Negative	Negligible		Minor adverse
	Medium			Moderate		Moderate adverse
	High			Major		Major adverse
Groundwater and surface water pollution	No development	High	N/A	N/A	Likely	N/A
	Low		Negative	Negligible		Minor adverse
	Medium			Moderate		Moderate adverse
	High			Major		Major adverse

- 11.49 In the absence of onshore oil and gas development activities under the No Development scenario, there would be no increase in water abstracted for conventional and unconventional oil and gas development activities, or in the pollution generated by conventional and unconventional oil and gas development activities, over the baseline conditions.
- 11.50 Using unconventional development activity as a worst-case, the impact of abstraction on water bodies associated with the low development scenario is assessed as negligible significance due to the quantity of water available in surface and groundwater bodies. The impact of abstraction associated with the medium development scenarios is assessed as moderate adverse and the significance of the high development scenario is assessed as major adverse given the quantity of water that could be abstracted. This impact is most relevant to unconventional developments which require more water.
- 11.51 Using unconventional development activity as a worst-case, the significance of a pollution event associated with the low development scenario is assessed as minor adverse and the significance of a pollution event associated with the medium development scenario is assessed as moderate adverse while the significance of the high development scenario is assessed as major adverse given the quantity and nature of chemical substances used during the operational stage of well development and the existing lack of capacity in wastewater treatment plants in NI.

12. Waste Management

12.1 This section covers the following topics:

- Solid waste management
- Naturally Occurring Radioactive Materials (NORM).

Solid Waste Management

Sources

12.2 Conventional and unconventional oil and gas generate a range of solid waste products including:

- Drill cuttings
- Drilling muds
- Packaging and domestic waste
- Waste oil from maintenance work on machinery
- Residues from water treatment.

12.3 Water and liquid waste disposal is discussed in section above.

Impacts

12.4 The largest quantity of waste generated by oil and gas development activities is drill cuttings. The volume generated varies between wells for conventional and unconventional resources, with the latter generating substantially greater quantities due to fracking.

12.5 Based on the DECC SEA assumption of 1,500 m³ drill cuttings per conventional well pad (which assumes two wells per pad, as do the NI development scenarios), it is estimated that the total drill cuttings for conventional oil and gas exploration and development is anticipated to be in the region of 3,000 m³ under the low scenario, 4,500 m³ under the central, and 7,500 m³ under the high scenario.

12.6 For unconventional oil and gas development, the mid-point and high-end figures from the DECC assumptions, ranging between 3,240 and 6,480 m³ drill cuttings per well pad, have been used in this assessment. This suggests that the volume of drill cuttings for unconventional development activity could be in the region of 4,860 to 6,480 m³ under the low scenario, 9,720 to 12,960 m³ under the medium, and 14,580 to 19,440 m³ under the high scenario.

12.7 Other solid waste can be hazardous (e.g., waste oil) or non-hazardous waste (e.g., wooden pallets) and is generated in much smaller quantities.

Summary

12.8 **Receptor sensitivity:** Low. Solid waste management is well regulated and waste management and disposal facilities are available for non-hazardous waste. However, given that there is no hazardous waste landfill in Northern Ireland, hazardous waste will either need to be exported for treatment and disposal or a suitably engineered landfill located within NI will be required.

12.9 **Type of impact:** Negative. Increase in quantity of waste for treatment, especially liquid waste, may be greater than existing capacity in local and regional treatment facilities and well

development may outpace the incremental increase in waste treatment capacity especially over the short-term.

- 12.10 **Impact path:** Direct. Any improper handling, storage or disposal of waste has the potential to result in direct contamination of the physical environment, loss of amenity and subsequent public health issues. However, the existing system of waste management controls will serve to minimise the risk of pollution events.
- 12.11 **Duration of impact:** Medium-term. Increased capacity for waste management term will reduce pressure on existing management and treatment facilities.
- 12.12 **Reversibility of impacts:** Irreversible. Waste is generated as a direct result of activity and there is little opportunity for reuse or recycling of the main waste stream, namely drilling muds.
- 12.13 **Significance:** For the no development scenario, there would be no increase in waste materials generated over the baseline conditions. For the low and medium development scenarios, the significance is minor adverse and for the high development scenario, the significance is moderate adverse.

Mitigation measures

- 12.14 The capacity of existing waste management and treatment facilities should be assessed to determine where additional capacity is required.
- 12.15 The Construction and Operational Environmental Management Plans must include waste management measures to ensure that waste is separated, transported, treated and disposed according to regulatory requirements.
- 12.16 Operators must maintain a waste inventory and ensure that all waste generated is accounted for in terms of treatment and disposal.

Naturally Occurring Radioactive Materials (NORM)

Sources

- 12.17 Naturally Occurring Radioactive Materials (NORM) is defined as radioactive materials that occur naturally and where human activities increase the exposure of people to ionising radiation⁹⁶. These materials normally exist at trace concentrations in rock formations. This assessment considers NORM as it occurs at well development sites.
- 12.18 The UGEE JRP all island study explains how NORM is concentrated and enhanced by the oil and gas recovery processes. NORM flows with the oil, gas and water mixture and accumulates inside equipment as scale and/or sludge. This enhanced NORM results from activity increasing the concentrations of radioactive substances in waste residuals (e.g. sludge, drilling mud or pipe scales), or when material is redistributed as a result of human activities or industrial processes.

Impact Assessment

- 12.19 In oil and gas developments, the level of reported radioactivity can vary significantly, depending on the radioactivity of the reservoir rock and the salinity of the water co-produced from the well.

⁹⁶ <https://world-nuclear.org/information-library/safety-and-security/radiation-and-health/naturally-occurring-radioactive-materials-norm.aspx>

- 12.20 The UGEE JRP all island study specifically considered NORM in the context of the generation and disposal of contaminated flowback and produced water, where elevated levels of radionuclides (e.g. radium) have been identified, and residuals from treatment processes.
- 12.21 The regulations limit the disposal of NORM-containing solid waste in a municipal landfill site. Radioactivity screening is required at all municipal landfill sites and there are established limits. Above the limits, the waste would be classified as low-level radioactive waste and its disposal would be restricted to specially permitted landfill sites.
- 12.22 Long-lived uranium and thorium isotopes are not mobilized from the rock formations that contain them. However, Radium (Ra-226, Ra-224, Ra-228) and Lead (Pb-210) isotopes are mobilized and appear mainly in the water co-produced during oil and gas extraction. Radon-222 is the immediate decay product of radium-226 and preferentially follows gas lines. It decays to Pb-210 which builds up in gas extraction equipment. Radon has a half-life of 3.8 days⁹⁷.
- 12.23 NORM in the oil and gas industry poses a problem to workers particularly during maintenance, waste transport and processing, and decommissioning. External exposure due to NORM in the oil and gas industry is generally low enough not to require protective measures to ensure that workers stay beneath their annual dose limits (such as set out by the IAEA basic safety standards)⁹⁸. The potential impact of NORM on community health and safety is discussed in Section 10.
- 12.24 Radon is not discussed specifically in the UGEE JRP all island study.
- 12.25 Environmental and community groups expressed concerns that oil and gas developments would affect existing radon levels.

Summary

- 12.26 **Receptor sensitivity:** The potential impact of NORM is limited to the disposal of water or residuals (at well sites, a centralised treatment site or permitted waste disposal site). Receptors to NORM in standard operations would be limited to workers processing and storing NORM-contaminated waste materials and equipment, and workers at waste treatment or disposal sites.
- 12.27 **Type of impact:** Negative. Exposure to NORM can have consequences for human health.
- 12.28 **Impact path:** Direct. Where site personnel are working with water or residuals where NORM is concentrated.
- 12.29 **Duration of impact:** Short-term. The half-life of radon is 3.8 days.
- 12.30 **Reversibility of impacts:** Irreversible.
- 12.31 **Significance:** For the no development scenario, there would be no increase in NORM generated by oil and gas development activities over the baseline conditions. For the low development scenario, the significance is negligible and for the medium and high development scenarios, the significance is minor adverse.

⁹⁷ <https://world-nuclear.org/information-library/safety-and-security/radiation-and-health/naturally-occurring-radioactive-materials-norm.aspx>

⁹⁸ *Ibid*

Mitigation Measures

- 12.32 Mitigation measures to prevent NORM include monitoring levels to ensure appropriate handling and treatment, ensuring that fluid management processes are operating correctly and ensuring that NORM waste is disposed of appropriately and safely.
- 12.33 The International Association of Oil and Gas Producers developed a guideline document for managing NORM in the oil and gas industry (IOGP, 2008). That document lists various disposal options for NORM including land-based management, salt cavern disposal, landfilling, underground injection and offshore discharge. The feasibility of these measures in NI would require further investigation.

Summary table

- 12.34 The table below summarises the impacts associated with the waste management theme.

Potential Impact	Development scenario	Receptor Sensitivity	Type of Impact	Consequence	Likelihood	Significance
Handling, storage and disposal of waste	No development	Low	N/A	N/A	Unlikely	N/A
	Low		Negative	Minor		Minor adverse
	Medium			Moderate		Moderate adverse
	High					
Exposure to radioactive waste materials	No development	Low	N/A	N/A	Unlikely	N/A
	Low		Negative	Negligible		Negligible
	Medium			Minor		Minor adverse
	High					

- 12.35 Under the No Development scenario, in the absence of onshore oil and gas development activities would be no additional impact over the baseline conditions.
- 12.36 The impact of waste handling associated with the low and medium development scenarios is assessed as minor adverse significance due to the low level of waste produced. The impact of waste handling associated with the high development scenario is assessed as moderate adverse due to the larger volumes of waste to be produced in this scenario.
- 12.37 The impact of exposure to radioactive waste materials associated with the low development scenarios is assessed as negligible significance due to the low level of waste produced. The impact of waste handling associated with the medium and high development scenarios is assessed as minor adverse.
- 12.38 Regulations regarding the management and disposal of waste materials and liquids containing NORM, control the level of NORM to ensure that they are correctly disposed to landfill. Industry guidelines exist to support the appropriate management of NORM in the workplace. The short half-life of Radon does not present a specific threat, however appropriate measures should be taken to ensure personnel health and safety is not compromised.

13. Climate Change

13.1 GHG emissions associated with the development and operation of wells are discussed below.

Greenhouse gas emissions

Sources

13.2 Drivers of climate change include greenhouse gas (GHG) emissions generated by:

- Land use change leading to substantial land take, particularly multi-project sites and unconventional oil and gas developments where a greater intensity of activity is expected
- Combustion of fossil fuels to meet site development and operational energy demands, including use of machinery, transportation, combustion of produced gas in flaring, to power onsite machinery, to transport equipment and materials to and from site.
- Processing and use of extracted oil and gas products. However, these downstream activities would replace existing processing and use of fossil fuels as the extracted oil and gas substitutes for imported resources.

13.3 The UGEE JRP all island study states that activities result in emissions of four principal GHGs, namely carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O) and the halocarbons (a group of gases containing fluorine, chlorine and bromine). These gases accumulate in the atmosphere, causing concentrations to increase with time (IPCC, 2007). The predominant GHGs related to unconventional oil and gas developments are carbon dioxide and methane⁹⁹.

13.4 The UGEE JRP all island study also states that the greatest contribution to emissions comes from the well completion stage, although estimates of emissions from this stage vary significantly between studies. The second most significant source at this stage is drilling and hydraulic fracturing. The emissions arise from the use of drilling equipment, transport of water and wastewater, while emissions from land clearing, site preparation and construction of the well pad, access roads and well casings, including emissions associated with transport and production of materials, are smaller.

Impact Assessment

Land Use and Land Use Change

13.5 In terms of land use and land change, the DECC SEA assumes 3 ha per conventional well pad (which assumes two wells per pad, as do our scenarios) resulting in total land take for conventional oil and gas exploration in the region of 6 ha under the low scenario, 9 ha under the medium and 15 ha under the high scenario.

13.6 The land take assumptions for the NI scenarios are the same as in the DECC report for conventional oil and gas developments.

⁹⁹ Estimates of GHG emissions should include direct emissions from activities and under control of the operator (Scope 1 emissions), indirect emissions from electricity consumption supplied by another party (Scope 2 emissions) and, where data is available, all other indirect emissions occurring from sources not under control or ownership of the operator (Scope 3 emissions).

- 13.7 The impacts resulting from land take for conventional oil and gas development include CO₂ and methane emissions from vegetation and soil disturbance and associated loss of carbon sequestration capacity.
- 13.8 For unconventional oil and gas development, the assumptions from the DECC SEA are 3 ha per well pad, as opposed to the Scottish SEA which assumes 0.8 ha per pad. The land take assumption for the NI scenario for unconventional oil and gas development is the same as that in the DECC SEA report.
- 13.9 The DECC report states that UOG would result in negative effects due to pad preparation and drilling, CO₂ and methane emissions due to vegetation and soil disturbance, loss of carbon sequestration, and emissions arising from hydraulic fracturing; and the same is expected for the NI scenarios.
- 13.10 The UGEE JRP all island study explains that emissions arise from the energy used in the drilling of the wells and in the pumping of water and other material during hydraulic fracturing. Energy for the drilling operation (and all ancillary support activities such as well pad lighting and crew housing) is provided by large, diesel-fuelled internal combustion engines. The drilling rig engines are a source of combustion-related pollutants including carbon dioxide. This step of the process is the same for conventional and unconventional oil and gas wells. Horizontal drilling is required for shale gas and may also be used for conventional gas (and oil).

Operational Energy Consumption

- 13.11 In terms of emissions from activities, estimated GHGs in Stage 2 and 3 could increase by 0.96 MtCO₂e p.a. under high activity scenario based on max 360 wells p.a. Stage 4 emissions could increase due to gas production, flaring and venting, and fugitive emissions, estimated to be 0.7-1.4 MtCO₂e under high activity scenario, equivalent to 7.6-15.3% of 2011 levels of O&G activity in UK based on DECC (2013) figures.
- 13.12 The island of Ireland UGEE JRP all island study states that emissions associated with site preparation are generally small in comparison with other stages in the life cycle. GHG emissions from this stage are dominated by carbon dioxide from energy use, with some small amounts of methane and nitrous oxide emissions also arising from combustion.
- 13.13 The UGEE JRP all island study states that drilling is not a significant source of methane emissions. Appropriate well design and supervision, including choice and depth of casings, seals and monitoring are essential to ensure safety, avoid gas and fluid migration and maintain well integrity during the drilling phase (AEA, 2012b).
- 13.14 Energy for the hydraulic fracturing operation is typically provided by diesel-fuelled internal combustion engines, as for the drilling phase. However, the fracturing phase is generally over a shorter period than that required to drill the wellbore, using flatbed-mounted engines up to 1,000 HP capacity. Carbon dioxide emissions during the fracturing phase are primarily a result of fuel combustion. After completion of the first well, gas is likely to be available at the site and the use of gas engines may be possible if the quality of gas is suitable. Similarly, if a well has to be re-fractured at a later stage, then gas engines could be an alternative to diesel-fuelled engines (AEA, 2012b, as before).
- 13.15 The UGEE JRP all island study stated that drilling processes involve large quantities of water and sand for the proppant. Transport of the materials will be associated with GHG emissions from vehicle movements, assuming current vehicle technologies, and conventional transport fuels. The fuel consumed in the transport of the water and chemicals, and the associated emissions, is dependent on the quantities of materials that are required and the distances that the materials need to be moved and is, therefore, site specific in nature.

- 13.16 In addition to the emissions associated with transport, emissions may also be associated with the material used in the hydraulic fracturing process. Energy may be consumed, or process-related GHG emissions released, as part of producing the chemicals used in the hydraulic fracturing and the proppant fluid. In addition, the production of steel and cement used at the site would be associated with emissions of GHGs, having an embedded carbon dioxide content.
- 13.17 Upon completion of hydraulic fracturing, a combination of fracturing fluid and water is returned to the surface (flowback). Estimates of the volume of gas released during well completion vary significantly and volumes are also influenced by geology, well productivity and the well completion method. On the assumption that 90% of methane emissions released during flowback are captured and flared, this may constitute the greatest proportion of total GHG emissions resulting from well development.
- 13.18 After well completion, methane emissions during production and processing can come from compressors, pumps, dehydration equipment, chemical processing and incidental leaks (e.g. from pipe joints), particularly in poorly run, leaky operations. These can be reduced by maintenance of machinery and using vapour recovery units to limit venting from storage tanks.
- 13.19 Decommissioning procedures for gas wells have been motivated mainly by resource conservation and protection and groundwater protection (Kang, 2014¹⁰⁰ referenced in the UGEE JRP all island study). Therefore, the main decommissioning strategy is plugging. While there are regulations for decommissioning procedures and protocols, there is no regulation to address methane emissions from abandoned oil and gas wells and methane emissions from these wells are not included in any emissions inventories (Brandt et al., 2014 referenced in the UGEE JRP all island study¹⁰¹); the implied assumption in decommissioning regulations is that leakage will not occur. However, it is now recognised that there is potential for gas to escape following well closure due to well failure, leading to environmental risks (AMEC, 2014¹⁰²). Gas may migrate upwards through a cracked or deformed cement sheath into the atmosphere.
- 13.20 Despite a growing awareness of potential fugitive emissions relating to wells following closure, data on emissions are sparse (AEA, 2012b, as before) and the result is a lack of quantification of methane emissions from these wells (Kang, 2014, as before). Problems with cement sheath failure and cement seal deterioration can mean that all wells have the potential to leak gas eventually, although it is not yet clear under what circumstances the leakage may cause substantial harm (Cherry, 2014¹⁰³). A recent study found that methane fluxes from plugged wells were not necessarily lower than methane fluxes at unplugged wells and that methane emissions from abandoned oil and gas wells appears to be a significant source of methane emissions to the atmosphere (Kang, 2014, as before).

¹⁰⁰ Kang, M., 2014. CO₂, Methane, and Brine Leakage through Subsurface Pathways: Exploring Modelling, Measurement, and Policy Options. A dissertation presented to the Faculty of Princeton University in Candidacy for the degree of Doctor of Philosophy. Available online: <http://publications.jrc.ec.europa.eu/repository/bitstream/JRC83619/lb-na-26085-en-n.pdf> (accessed 29 June 2016).

¹⁰¹ Brandt, A.R., Heath, G.A., Kort E.A. et al., 2014. Methane leaks from North American natural gas systems. *Science* 343(6172): 733–735.

¹⁰² AMEC, 2014. Technical Support for Assessing the Need for a Risk Management Framework for Unconventional Gas Extraction. Report for European Commission DG Environment. Available online: http://ec.europa.eu/environment/integration/energy/pdf/risk_mgmt_fw.pdf (accessed 29 June 2016).

¹⁰³ Cherry, J., 2014. Environmental Impacts of Shale Gas Extraction. GRACast Web Seminar: Series on Hydraulic Fracturing, Part 1. Groundwater Resources Association of California. Available online: <https://www.grac.org/media/files/files/1c7f642e/spring2015.pdf> (accessed 29 June 2016)

Production and Processing

- 13.21 During production and processing on site, the most significant GHG emissions are from the compressors, dehydration equipment and some chemical processing (AEA, 2012b, as before). Additional GHG emissions could be fugitive methane in the form of natural gas migration away from a gas well in the event that well integrity has been compromised, especially through failure of the surface casing or the cement used to cap the well.
- 13.22 During transport and distribution, methane emissions due to leakage are a significant proportion of the total life cycle emissions. However, once the gas has entered the distribution pipelines, leakage rates, and therefore emissions, are the same whether the gas has been supplied from conventional or shale gas reserves.

Cumulative Impacts

- 13.23 Indirect effects of GHG emissions identified in the Scottish SEA report included potential effects on biodiversity. Minor negative effects were identified for shale gas due to scale of development.
- 13.24 The island of Ireland UGEE JRP all island study does not consider emissions and their contribution to climate change in terms of a potential interaction with habitats or species.
- 13.25 Other indirect effects are associated with range of activities, including development on high carbon soils, emissions embedded in sourcing of materials, and waste treatment/disposal. Land use change effects on GHG emissions at a national scale have been estimated, but the unknown location of development in relation to areas of high carbon soils introduces high levels of uncertainty.
- 13.26 In terms of cumulative impacts, the Scottish SEA concluded that significant negative cumulative effects would be expected for shale gas under the high scenario due to highest level of gas production, greatest number of pads and wells with impacts on land use and generating greatest impacts from transport and construction. This is likely to be lower for other scenarios.
- 13.27 The DECC SEA report stated that negative effects would not be nationally significant as the increase in domestic supplies would result in substitution for imported LNG with negligible effect on overall national emissions. Emissions would be less than 0.3% of current total figures.

Summary

- 13.28 **Receptor sensitivity:** Receptor sensitivity is high for climate change and national GHG emission reduction targets reflect concerns about predicted effects of climate change for NI.
- 13.29 **Type of impact:** Negative. Emissions associated with construction and operational activities and indirect from changes to biodiversity and ecosystem function due to climate change. The flaring of methane emissions may constitute the greatest proportion of total GHG emissions from well development activities.
- 13.30 **Impact path:** GHG emissions would have a direct effect on climate change via the Scope 1 and Scope 2 emissions for each well development. Indirect effects would be the result of Scope 3 emissions associated with well development.
- 13.31 **Duration of impact:** Impacts are expected to be long-term. Climate change is a long-term phenomenon and a substantial reduction in GHG emissions is national policy for NI.
- 13.32 **Reversibility of impacts:** Impacts would be irreversible if GHG emissions are not reduced.
- 13.33 **Significance:** For the no development scenario, there would be no increase in GHG emissions over the baseline conditions. For the low and medium development scenarios for conventional oil and

gas well development, the significance is minor adverse. For the high development scenario for conventional oil and gas well development, the significance is moderate adverse. For the low development scenario for unconventional oil and gas well development, the significance is minor adverse. For the medium and high development scenarios for unconventional oil and gas well development, flaring of gas may result in a moderate adverse significant impact.

Mitigation Measures

- 13.34 The island of Ireland UGEE JRP all island study describes techniques and mitigation measures that can be used to minimise the GHG emissions. The effectiveness of these measures in reducing total GHG emissions would, however, be influenced by the relative contribution of that stage to total emissions. The types of measures identified include:

Site Preparation

- Planning for efficient rig and fracturing equipment moves from one pad to another
- Reducing transport emissions through site selection, where possible
- Ensuring that personnel, equipment, materials and services can be sourced locally
- Planning to reduce the number of vehicle journeys and use of efficient transport engines

Drilling and fracturing

- Using gas engines or engines powered from the local electricity grid
- Appropriate well design and supervision to ensure safety, avoid gas and fluid migration and maintain well integrity during the drilling phase

Production

- Using vapour recovery units for storage tanks
- Using low-bleed devices to minimise methane emissions from pneumatic devices
- Enhancing maintenance, cleaning and tuning, repairing or replacing leaking pneumatic devices
- Establishing an effective leak detection and repair programme

Well plugging and decommissioning

- Considering plugging at the planning and development stage
- Bridging, cleaning and perforation of casings to ensure effective seals (particularly across annular spaces and with the geology outside the casing)
- Using multiple plugs where required.

Summary table

- 13.35 The table below summarises the impacts associated with the Climate Change impact theme.

Table 13.1 Climate Change Impact Assessment Summary

Potential Impact	Development scenario	Receptor Sensitivity	Type of Impact	Consequence	Likelihood	Significance
GHG emissions (conventional)	No development	High	N/A	N/A	Likely	N/A
	Low		Negative	Minor		Minor adverse
	Medium			Moderate		Moderate adverse
	High					
GHG emissions (unconventional)	No development	High	N/A	N/A	Likely	N/A
	Low		Negative	Minor		Minor adverse
	Medium			Moderate		Moderate adverse
	High					

13.36 Under the No Development scenario, in the absence of onshore oil and gas development activities would be no additional impact over the baseline conditions. The impact of GHG emissions associated with the low and medium development scenario for conventional oil and gas well development is assessed as minor adverse significance due to the smaller scale of development, but the high development scenario is assessed as moderate adverse significance. The impact of GHG emissions associated with the medium and high development scenarios for unconventional oil and gas well development is assessed as moderate adverse due to the potential for flaring of gas. The significance of GHG emissions associated with the low development scenario for unconventional oil and gas well development is assessed as minor adverse.

14. Biodiversity, flora and fauna

14.1 This section covers the following topics:

- Habitat loss, disturbance and fragmentation
- Invasive species.

Habitat loss, disturbance and fragmentation

Sources

14.2 Habitats can be directly affected by exploration and production of conventional and unconventional oil and gas resources through the removal of vegetation, disturbance or fragmentation of habitats during site development and the construction of infrastructure. The extent of habitat disturbance depends on the number of well pads on a site and activities required for operational purposes.

14.3 Habitat disturbance can occur due to site activities including vehicle movements, operation of mechanical plant, flaring and site lighting.

Impact Assessment

14.4 The UGEE JRP all island study states that characterisation of the impacts on ecosystems and wildlife depends on the location of the well pad and its proximity to protected areas, as well as the sensitivity of the flora and fauna. The impacts on biodiversity associated with individual sites are likely to be limited to the immediate vicinity of the site. The cumulative effects of the development of multiple sites may be more widespread.

14.5 The removal of vegetation during site clearance and preparation results in habitat loss and fencing of areas and road construction may result in fragmentation of habitats. Vehicle movements may result in direct mortality of fauna species, while noise and visual disturbance cause direct and indirect impacts on faunal species at the site and in the surrounding area.

14.6 This may include the loss, reduction or disturbance of rare, endangered and endemic flora and fauna species that, in turn, adversely impacts biodiversity and ecosystem function. The loss of, or reduction in, habitat reduces the value of ecosystem services provided by a diverse ecosystem.

14.7 Habitat fragmentation where parts of a habitat are removed leaving behind smaller unconnected areas can interfere with green corridors or other linkages with direct impacts on local species, animal health, and food chains.

14.8 The UGEE JRP all island study also states that there is limited evidence for the effects of hydraulic fracturing on flora, fauna and biodiversity. The biodiversity impacts of potential concern are associated with cumulative development over a wider area and are judged to be of moderate significance.

14.9 The impact on flora, fauna and biodiversity at an individual site in the post-decommissioning phase would be comparable with many other industrial and commercial land use and is of minor significance. Over a wider area, site development could potentially result in a significant loss of natural habitat.

14.10 Pipelines constructed for use during the production phase would constitute new linear features, which could adversely affect biodiversity, particularly in sensitive ecosystems.

- 14.11 The Scottish SEA also considers the effects on hydro-ecological functioning due to water transportation by vehicle, surface lain or buried pipe. Damage to habitat and species quality and functionality due to accidental release of hazardous material to air, soil or water during production, storage or transportation.
- 14.12 The Scottish SEA expects more significant negative effects for shale gas, than for CBM, however the impacts are expected to be more temporary in duration of effect. Location of development in proximity to sites of nature conservation importance and sensitivity of the habitat loss, and proximity to sensitive receptors like designated sites and sensitive species are uncertain factors.
- 14.13 The DECC report considers negative secondary impacts due to construction activities and HGV movements. Negative impacts include noise, light and human presence. It is assumed that there should be 5km distance between well pad sites as a minimum. In addition, effects would be dependent on the sensitivity of receiving environments proximity and phasing of activities. Habitats regulations and planning controls are assumed to protect the conservation status of designated sites.
- 14.14 Noise generation during the flaring process can be minimised using appropriate flare design, and noise from the associated plant and equipment would be expected to have imperceptible effects on public health, provided that established controls used in the oil and gas industry were applied (AEA, 2012a).

Summary

- 14.15 **Receptor sensitivity:** Medium. The disturbance to flora and fauna and the associated impacts on landscapes and habitats should recover in terms of ecological function (biodiversity) with effective remediation measures post closure of the well sites.
- 14.16 **Type of impact:** Negative. Removal of habitat and the resultant loss of species diversity reduces terrestrial and potentially aquatic ecological function.
- 14.17 **Impact path:** Direct impact on flora, fauna and biodiversity.
- 14.18 **Duration of impact:** Medium-term. The estimated timeframe for well development, exploitation and closure is approximately 30 years. However, effective closure and remediation programs are required to restore ecological function and biodiversity.
- 14.19 **Reversibility of impacts:** Reversible. With appropriate habitat remediation.
- 14.20 **Significance:** For the no development scenario, there would be no increase in habitat loss, disturbance or fragmentation over the baseline conditions. For conventional and unconventional oil and gas, the low and medium development scenarios would have a negligible significance. The significance of the high development scenario for both well development types is moderate adverse.

Mitigation measures

- 14.21 The UGEE JRP all island study states that the development of an appropriate suite of mitigation measures would be dependent on extensive surveys of local flora and fauna to ensure the development of an appropriate suite of mitigation measures. Measures would also need to be monitored to ensure active management of the mitigation process.
- 14.22 Potential mitigation measures include but are not limited to:
- development of and compliance with a suitable Environmental Management Plan

- management of invasive species in accordance with best practice and the restoration of native vegetation where possible
- drilling multiple wells on well pads to minimise land take and habitat fragmentation
- avoiding protected and sensitive areas
- sensitive design of well pads, including the requirements to fit the available landscape and minimise tree removal and habitat fragmentation
- maintaining plantings of soft edges around forest clearings by maintaining existing shrub areas, planting shrubs or allowing shrub areas to grow
- limiting mowing to one cut per year or less after the construction phase of well pads is completed and prohibiting mowing during certain times, such as the nesting season for grassland bird
- designing lighting to minimise impacts through measures such as the use of low-intensity security lighting, focused task lighting, designing operating lights so that the light levels are as low as safely possible, limiting the height of lighting columns to reduce light spillage, well pad lighting to shine downwards to minimise lighting impacts on sensitive species, and the use of fitted hoods
- limiting the total area of disturbed ground, number of well pads and, especially, the linear distance of roads, where practicable
- ensuring that roads, water lines and well pads follow existing road networks and be located as close as possible to existing road networks to minimise disturbance
- gating single-purpose roads to limit human disturbance
- reinstating sites following completion as soon as practicable
- carrying out reinstatement in stages to establish vegetation and habitat incrementally as parts of the site become inactive
- using native tree, shrub, and grass species that are appropriate to the habitat
- developing a surface water protection plan, including spill response protocols
- locating hazardous substances within secondary containment, away from high-traffic areas, as far as is practical from surface waters, not in contact with soil or standing water and with the hazard labels protected from weathering
- limiting exposed and disturbed ground to prevent erosion and runoff.

Invasive species

Sources

- 14.23 The UGEE JRP all island study explains that invasive species can be assessed in the context of any development project and is not specific to oil and gas development.
- 14.24 Disruption to native ecosystems creates conditions conducive for non-native species to establish and out-compete local species for resources and habitat.
- 14.25 Non-native species can be transported into an area when large-scale equipment is brought in from another area without being cleaned and disinfected.

Impact Assessment

- 14.26 The main impacts of oil and gas developments of bringing in invasive species to NI can be loss of diversity, impacts on specific flora and fauna, food chains, or animal health.
- 14.27 Impacts arising from conventional versus unconventional oil and gas developments are not expected to be different, however the higher number of vehicles and increased removal of soils increase the potential for the impact to occur in the higher development scenarios.

Summary

- 14.28 **Receptor sensitivity:** Low. The sensitivity of local habitats and watercourses to invasive species is dependent on the existing biodiversity and species and the active removal of invasive species. Well development in proximity to protected areas would present a higher risk from invasive species.
- 14.29 **Type of impact:** Invasive species is a negative impact.
- 14.30 **Impact path:** Invasive species would have a direct impact on native species and habitats.
- 14.31 **Duration of impact:** Duration of impact would be short to medium term, with removal of the invasive species and monitoring to ensure effective eradication.
- 14.32 **Reversibility of impacts:** The impact is reversible once invasive species are removed.
- 14.33 **Significance:** For the no development scenario, there would be no increase in invasive species over the baseline conditions. For both conventional and unconventional oil and gas, the significance is negligible for all three development scenarios.

Mitigation Measures

- 14.34 Measures to avoid introducing invasive species include checking equipment is clean when arriving on site. If invasive species are found procedures will be put in place to manage their removal and safe disposal.
- 14.35 Any protected species identified during surveys as part of the EIA or pre-construction will be identified and avoided or managed with specific mitigation measures.

Summary table

- 14.36 The table below summarises the impacts associated with the biodiversity, flora and fauna impact theme.

Potential Impact	Development scenario	Receptor Sensitivity	Type of Impact	Consequence	Likelihood	Significance
Habitat loss, disturbance and fragmentation	No development	Low Medium	N/A	N/A	Likely	N/A
	Low		Negative	Negligible		Negligible
	Medium			Minor		Moderate adverse
Invasive species	No development	Medium	N/A	N/A	Unlikely	N/A

	Low					
	Medium		Negative	Negligible		Negligible
	High					

14.37 Under the No Development scenario, in the absence of onshore oil and gas development activities, there would be no additional impacts over the baseline conditions. The loss of habitat and associated ecological function will reduce biodiversity within and surrounding the well development area. However, if development is not permitted in close proximity to protected areas, the effect will be negligible for conventional and unconventional oil and gas wells for both the low and medium development scenarios. For a high development scenario, the significance is minor adverse. While the likelihood of invasive species being introduced by well development activity is low, the potential threat to indigenous flora and fauna should be minimised and effectively managed should invasive species be discovered.

15. Cultural and archaeological heritage

15.1 This section covers the following topics:

- Loss/damage to known or unknown sites or assets
- Impacts on the settings of cultural heritage.

Loss/damage to known or unknown sites or assets

Sources

- 15.2 Archaeological and cultural heritage relates to elements of the environment that are valued because of their age, history, beauty or tradition. Cultural heritage includes both tangible and intangible aspects. Some may be of national or international importance, whereas others may be of importance on a local or community level.
- 15.3 Conventional and unconventional oil and gas developments could knowingly or unknowingly cause loss and/or damage to archaeological and historic assets as a result of land take and site development, exploration, drilling, pollution, traffic, pipelines, etc. Due to a greater number of wells per pad, and the higher requirements for water transportation associated with unconventional oil and gas development, it is anticipated that there would be more potential sources of impact associated with access roads, pipelines and vehicle movements than for conventional oil and gas projects.
- 15.4 The final report from UGEE JRP all island study¹⁰⁴ states that land take and site development associated with unconventional oil and gas development have the capacity to impact on sites of archaeological or cultural heritage, depending on site location, and these elements should be considered in the site selection. Associated linear development for access roads or pipelines also has the potential to negatively impact sites of cultural heritage or archaeological interest. These activities will require excavation of the topsoil and subsoil, and items of archaeological interest may be encountered that could be lost without specific mitigation measures put in place to prevent that.
- 15.5 It also identifies that changes in viewsheds or the character of the surrounding landscape have the potential to negatively impact on cultural heritage features, such as features of archaeological or architectural interest, structures and landmarks.

Impact Assessment

- 15.6 There is the potential for the loss and/or damage of known and unknown archaeology, and other designated and undesignated historic assets, impacting on local assets and wider cultural identity, with possible impacts on the visitor economy.
- 15.7 The characterisation of any impact associated with onshore oil and gas exploration and extraction activities is highly dependent on the project-level specifics of a proposal. However, the UGEE JRP all island study¹⁰⁵ identifies the following in relation to potential adverse impacts:

¹⁰⁴ Final Report 4: Impacts and Mitigation Measures, Unconventional Gas Exploration and Extraction (UGEE) Joint Research Project, 2016

¹⁰⁵ As above

- archaeological remains
 - architectural features
 - landscape and garden design
 - folklore and tradition
 - local battle or ambush sites
 - places of pilgrimage
 - holy or venerated wells
 - sites of local historical or folklore importance
 - established paths and trails
 - language and dialect
 - settlements and placenames.
- 15.8 It also notes that preserving the context of items of cultural heritage, especially archaeological monuments, can be just as important as preserving the remains themselves (this is dealt with in the next section).
- 15.9 The UK SEA does not explicitly cover cultural and archaeological heritage impacts.
- 15.10 The Scottish SEA deals with this impact topic for unconventional oil and gas development only. It notes that the construction of well pads and access roads can lead to loss and/or damage of known and unknown surface and subsurface archaeology and other designated or undesignated historic assets, with the potential for indirect effects arising from changes to surface draining patterns, removal of soils, flora and fauna, increased erosion, changes in the water table, etc.
- 15.11 Nationally significant historic environment assets are protected through legislation, and the NI planning system plays a key role in the conservation of archaeological and built heritage through historic environment advice and guidance in the planning process.

Summary

- 15.12 **Receptor sensitivity:** NI has a unique socio-environmental character that is known for its clean, green character and abundance of historic cultural assets. There are 60 conservation areas in NI and over 50,000 heritage assets are recorded of which a quarter are formally protected¹⁰⁶. An associated tourism industry has developed in relation to this and consultations with community stakeholders suggest this segment of the industry is still in relative infancy in places and is closely tied to NI's natural landscapes combined with its density of cultural heritage.
- 15.13 The scale of loss and/or damage would be dependent on the siting of development activity and its proximity to an area with important heritage assets, as well as whether the heritage site is designated and/or known or not, and the sensitivity of the historical environment asset receptor. However, impacts on cultural heritage sites and assets would be controlled through the prevailing regulatory and planning regimes, mitigating impacts on highly sensitive receptors. This includes a theme related to archaeology and built heritage in the SPPS which specifies various controls and statutory protections related to World Heritage Sites, Areas of Significant Archaeological Interest, Conservation Areas, and Areas of Townscape Character, with the local planning authority

¹⁰⁶ NI Heritage Statistics, 2019

empowered to prevent development or require specific mitigation measures. Receptor sensitivity has therefore been identified as low.

- 15.14 **Type of impact:** damage and/or loss to cultural and archaeological heritage sites or assets would be a negative impact.
- 15.15 **Type of effect:** this would constitute a direct negative effect, with the potential for indirect effects caused by changes to local environmental processes further impacting on heritage sites or assets, as well as indirect or cumulative effects on the tourism industry.
- 15.16 **Duration of impact:** impacts could occur across the short-, medium- and long-term, due to the development activity lifecycle.
- 15.17 **Reversibility of impacts:** depending on the scale of damage, impacts could be reversible after development activity ceases, whereas loss of heritage assets is likely to be irreversible.
- 15.18 **Significance:** As a result of low receptor sensitivity which is protected through existing regulatory and planning controls, the consequence is expected to be negligible to minor and the likelihood is classified as unlikely, resulting in a significance level of **minor adverse**.
- 15.19 The significance level is dependent on the scale of activity, and it is anticipated that the high scenario is more likely to cause a minor adverse impact than under the medium or low scenarios, which are associated with lower levels of activity. It is also expected that impacts are more likely to be associated with unconventional oil and gas development due to a higher number of wells and the need for water transportation infrastructure.
- 15.20 Under the No Development scenario, there would be no occurrence of oil and gas development activities meaning there would be no additional impacts related to the loss or damage of cultural or archaeological heritage compared to the baseline conditions.

Mitigation Measures

- 15.21 The UGEE JRP all island study states that this potential impact can be mitigated through archaeological surveys, careful site selection, and recording and preserving any items or sites of archaeological interest. Any potential development should also be at a suitable distance from protected sites to ensure no negative impacts occur, or at the very least minimise negative impacts occurring as a result of development.
- 15.22 Detailed survey, assessment and establishment of mitigation measures at a project level may be required, given the numbers and density of sites of importance. In addition, it is important to determine the local significance of items of cultural heritage. While the determination of an appropriate suite of mitigation measures would be very dependent on project-specific details and potential impacts, it may include:
- carrying out a thorough programme of liaison with local people to establish locally important cultural heritage that may not be listed in national databases, literature or development plans
 - identifying the full range of sites of archaeological and cultural heritage sites and establishing site boundaries establishing appropriate exclusion zones around sites
 - avoiding potential impacts through site selection, or re-routing of pipelines or roads
 - implementing a programme of archaeological works to preserve by record any items of archaeological interest encountered; should the monitoring archaeologist identify any features of interest, a strip, map and record exercise may be appropriate

- liaising with the National Monuments Service and complying with any relevant codes of practice.

Impacts on settings of cultural heritage

Sources

- 15.23 As outlined in the section above, the setting or context of cultural and archaeological heritage can be just as important as the remains themselves, particularly for archaeological monuments.
- 15.24 Projects could knowingly or unknowingly cause loss or damage to the wider setting of cultural heritage assets, including landscape, visual setting and accessibility, as a result of land take and site development, drilling rigs, pollution, access roads and traffic, pipelines, fencing, storage and processing facilities, ancillary development, etc. Unconventional oil and gas developments are anticipated to have more potential sources of impact, due to higher number of wells per pad, associated drilling and fracturing processes, and higher requirements for water transportation.

Impact Assessment

- 15.25 There is potential for changes to viewsheds or the character of the surrounding landscape could impact on cultural heritage features, such as features of archaeological or architectural interest, structures and landmarks, impacting on asset cultural value, recreation and amenity, and the visitor economy.
- 15.26 The UK SEA does not explicitly cover impacts on the settings of cultural heritage.
- 15.27 The Scottish SEA considers the impact of unconventional oil and gas developments, and notes they are dependent on the location of well pads and their proximity to historic assets, as well as potential cumulative effects from pads developed in close proximity. It also notes the potential for minor impacts on loss and/or damage of sites or assets to combine with direct impacts on the setting of cultural assets leading to overall loss or damage.
- 15.28 As outlined above, the NI planning regime acts as a control on these impacts through the planning system which plays a key role in the conservation of archaeological and built heritage, including the setting of assets. This is primarily focused on built and archaeological heritage, rather than wider dimensions of cultural heritage.

Summary

- 15.29 **Receptor sensitivity:** As identified in the section above, NI has a large number and density of recognised heritage assets which includes 60 Conservation Areas, 177 Areas of Townscape Character, and 547 Local Landscape Policy Areas, as well as close to 17,000 sites and monuments, and 400 historical nucleated settlements. This suggests that sensitive receptors across NI are protected from impacts on the setting of important cultural heritage, and receptor sensitivity has been identified as low.
- 15.30 **Type of impact:** impacts to the setting of cultural heritage would be negative.
- 15.31 **Type of effect:** a range of development activities could directly impact on cultural settings.
- 15.32 **Duration of impact:** impacts could be felt in the short-, medium- and long-term, occurring across the development lifecycle.

- 15.33 **Reversibility of impacts:** impacts would be reversible where they are related to the presence of infrastructure, equipment or traffic which is removed once the project is complete, however there is the potential for irreversible impacts as a result of impacts such as despoilment and pollution.
- 15.34 **Significance:** Due to the low sensitivity of the receptor, controlled through prevailing regulatory and planning systems, the consequence is therefore expected to be negligible to minor, and likelihood is classified as unlikely, resulting in a significance level of **negligible to minor adverse**.
- 15.35 The significance level is dependent on the scale of activity, and it is anticipated that the high scenario is more likely to cause a **minor adverse** impact than under the medium or low scenarios. It is also expected that impacts are more likely to be associated with unconventional oil and gas developments due to greater activity on site and the need for water and waste transportation.
- 15.36 Under the No Development scenario, there would be no occurrence of oil and gas development activities meaning there would be no additional impacts on the settings of cultural heritage compared to baseline conditions.

Mitigation Measures

- 15.37 Mitigation measures are closely linked to those for impacts on cultural sites or assets, as provided in the section above.

Summary table

- 15.38 The table below summarises the impacts associated with the cultural and archaeological heritage impact theme.

Potential Impact	Development scenario	Receptor Sensitivity	Type of Impact	Consequence	Likelihood	Significance
Loss/damage to known or unknown sites or assets	No development	Low	N/A	N/A	N/A	N/A
	Low		Negative	Negligible to Minor	Unlikely	Negligible to Minor adverse
	Medium					
	High					
Impacts on setting of cultural heritage	No development	Low	N/A	N/A	N/A	N/A
	Low		Negative	Negligible to Minor	Unlikely	Negligible to Minor adverse
	Medium					
	High					

- 15.39 Due to the low level of commercial onshore oil and gas development in the UK, there is little direct evidence about the impacts on cultural and archaeological heritage assets and their settings, and detailed assessment is highly dependent on the project-level specifics of a proposal. Impacts are expected to be more significant under the high scenario, and less significant under the medium and low scenarios, as well as potentially more significant due to fracturing processes and higher water transportation requirements associated with unconventional oil and gas developments compared to conventional development. The effects are also dependent on the siting and phasing of projects and their proximity to the receptor, with potential for cumulative impacts if developments are clustered geographically, which would be controlled through existing

regulatory and planning regimes. Under the No Development scenario, there would be no additional impacts on the baseline conditions.

16. Noise and felt seismicity

16.1 This section covers the following topics:

- Noise
- Felt seismic activity.

Noise

Sources

16.2 Noise is any sound that has the potential to cause disturbance, discomfort, psychological stress, or actual physiological harm to a subject exposed to it, or physical damage to any structure exposed to it. Projects could cause noise nuisance due to exploration, construction, drilling and fracturing activities, and traffic and HGV movements.

16.3 The UGEE JRP all island study JRP notes that noise nuisance could therefore be caused during all project stages, including:

- Noise from excavation, earth moving, and plant and vehicle transport during site preparation
- Well drilling and the fracturing process itself are major sources of noise, as a result of diesel engines, air compressors, preparation and cleaning of pipes, and drill pipe connections
- Hydraulic fracturing site activities and road traffic are other potential sources.

Impact Assessment

16.4 There is potential for noise nuisance, particularly affecting local communities and settlements as well as those on key transportation routes.

16.5 The UK SEA identifies that the site preparation and construction stage of development is likely to have an adverse effect locally due to noise from construction, drilling and HGV movements. It notes that impacts would be dependent on the location of sites, the frequency, timing, and routing of HGVs, the proximity of development activities to sensitive receptors, existing levels of noise, and prevailing health issues.

16.6 The Scottish SEA identifies potential noise issues from unconventional oil and gas developments site activities and associated traffic, and also notes that there is also dependence on local factors. There is uncertainty in the available evidence about the impact of noise pollution on significant health outcomes in the short and longer term.

16.7 The UGEE JRP all island study deals with noise impacts and the potential effect on health and wellbeing. Noise can cause annoyance and disturbance to people at work or during leisure activities, as well as causing sleep disturbance and have a deleterious effect on general physical and mental well-being. It also notes that people are not equally sensitive to noise, and there is a small but significant minority who are more sensitive than others. Noise can also negatively impact sensitive wildlife.

16.8 The report addresses possible impacts at various unconventional oil and gas developments stages:

- Noise from site preparation and construction activities could affect residential amenity and wildlife, but is not expected to be any more significant than that associated with other forms of construction activity. However, impacts are dependent on local factors such as siting and phasing of activities, as well as proximity to receptors, including along the main transportation access routes.
- Noise from well drilling potentially affecting residential amenity and wildlife, particularly in sensitive areas. The levels of noise expected, when controlled, are not expected to pose risks to public health, although site operatives and visitors may need additional controls to ensure that there are no adverse effects to their health. It also notes that effective drilling noise abatement controls are well established in the oil and gas industry, and it is expected that noise controls would be applied during drilling, reducing the resultant impacts.
- Noise from the fracturing process itself relating to the pumping of proppant under high pressure and the associated pumping trucks, which operate simultaneously to inject the volume of water required to achieve the necessary pressure. The operation takes place over a period of several days for each well and would be repeated at a site for multiple wells and pads. It finds that this noise has the potential to temporarily disrupt and disturb local residents and wildlife, particularly in sensitive areas.
- Noise during production from wellhead installations is expected to be minimal, although it notes that there is no specific information available on noise levels.
- Other noise generation including during the flaring process, which can be minimised using appropriate flare design, and noise from the associated plant and equipment are expected to have imperceptible effects on public health, provided that established controls used in the oil and gas industry were applied. Noise from associated pipeline construction could affect residential amenity and wildlife, particularly in sensitive areas.
- Noise from the well completion process could arise from on-site plant and machinery, but it is likely to be lower level and of limited duration. Following project cessation, well closure and decommissioning, there would be no residual noise impacts, except for the occasional traffic arising from monitoring and maintenance.

16.9 The JRP report also notes that the magnitude of noise impacts would be dependent on proposed project details, such as the location of the sites, numbers of well pads, duration of activities such as drilling, location and types of sensitive receptors, existing noise levels, and the application of appropriate mitigation measures.

Summary

- 16.10 **Receptor sensitivity:** The UGEE JRP all island study identifies potential noise-sensitive receptors as any dwelling, house, hotel or hostel, health or educational establishment, place of worship or entertainment, or any other facility or area of high amenity that, for its proper enjoyment, requires the absence of noise at nuisance levels. Based on the well-developed noise control measures in the oil and gas industry which it is assumed would be applied to the onshore sector, and existing regulatory and planning controls for highly sensitive receptors such as protected areas, the receptor is classified as having low sensitivity.
- 16.11 **Type of impact:** Negative impacts caused by noise nuisance, likely to be more significant for unconventional oil and gas developments than conventional due to hydraulic fracturing processes and greater requirements for water transportation.
- 16.12 **Type of effect:** Direct.

- 16.13 **Duration of impact:** Noise impacts across all stages of developments, but most significant during site preparation, construction, drilling and hydraulic fracturing (for unconventional oil and gas developments), which represents a medium- to long-term time period.
- 16.14 **Reversibility of impacts:** noise impacts are reversible and will cease once project activities cease. However, there is uncertainty in the evidence about the potential long-term health impacts of noise pollution, both to humans and wildlife.
- 16.15 **Significance:** As a result of low receptor sensitivity and existing controls, both regulatory and industry, the consequence is expected to be negligible, under the low to medium scenarios, to minor under the higher scenario (this would be dependent on multiple projects being located in close proximity, particularly for unconventional oil and gas developments), and the likelihood is likely, resulting in a significance of **negligible to minor adverse**.
- 16.16 Under the No Development scenario, there would be no occurrence of oil and gas development activities meaning there would be no additional noise related impacts on the baseline conditions.

Mitigation Measures

- 16.17 Noise impacts relating to a potential development would be dependent on site location and the scale of the development. The UGEE JRP all island study notes that a full characterisation of noise impacts would be required as part of any project-level Environmental Impact Assessment and would include site surveys and noise modelling, which would in turn determine the most appropriate mitigation measures. Daytime and night-time noise levels should also be specified within any conditions associated with permission for petroleum exploration and production activities and monitored during works. Standard noise mitigation techniques such as process alterations, restriction of hours, modifying site layout and the installation of control equipment include:
- Increasing the distance between the source and the receptor – the greater the distance, the lower the noise impact, as topography and vegetation between the pad and receptor can reduce perceived noise levels
 - Locating access roads as far as practical from occupied structures or sensitive receptors, serving to protect noise receptors from noise impacts associated with trucking and road construction
 - Traffic noise mitigation – modification of speed limits, restricting truck traffic on certain roads, and accounting for displacement to ensure noise impacts are not shifted to another roadway
 - Scheduling more significant noise generating operations during daylight hours to make them more tolerable than in evening hours
- 16.18 Site specific measures may also be used to mitigate noise nuisance impacts, including:
- directing noise-generating equipment away from sensitive receptors
 - installing temporary sound barriers of appropriate heights between a noise-generating source and any sensitive surroundings
 - using noise-reduction equipment
 - limiting noisier activities to certain daytime hours
 - liaising with local residents and potential receptors to provide advance notification of the drilling schedules

- scheduling drilling operations to avoid simultaneous effects of multiple rigs on the same receptors
- limiting hydraulic fracturing operations to a single well at a time
- using electric pumps.

Felt seismic activity

Sources

- 16.19 Unconventional oil and gas developments could lead to seismic activity being experienced locally due to hydraulic fracturing activity.

Impact Assessment

- 16.20 Felt seismic activity, particularly impacting local communities, can impact perceptions of safety, demand for local housing and other services, and have possible implications for the local visitor economy.
- 16.21 The UK SEA assessment concludes that the risk of hydraulic fracturing causing felt seismic activity (which is defined as magnitude >3) is very small, based on three referenced studies, as well as the role played by regulatory controls introduced by UK Government.
- 16.22 The Scottish SEA identifies a potential minor negative effect under its high scenario for shale gas development, which is reflective of hydraulic fracturing occurring over a wider area, and a lower risk under its medium and low scenarios. It also notes that the location and occurrence of potential seismic events is uncertain, based on the evidence available.
- 16.23 A recent British Geological Survey (BGS) report¹⁰⁷ on induced seismicity in relation to hydraulic fracturing in NI, provides a useful evidence base for the context of this study. The report summarises a wide range of international research including from the UK, against factors including frequency of events, proximity to the well, temporal relationship with operations, relationship with injected volume, and triggering mechanisms. It also considers geological susceptibility in NI, including the following key points:
- One of the most cited geological factors for induced seismic events is the influence of basement faults and there is considerable evidence that hydraulic fracturing operations in deeper shale intervals, close to crystalline basement are more likely to induce larger earthquakes.
 - Other research suggests that fault maturity may play an important role in the observed frequency-magnitude distribution of induced earthquakes, with older, more mature (Precambrian) faults that have smoother surfaces resulting in larger slip and an increase in the ratio of larger events to smaller ones than younger, less mature (Palaeozoic) faults with rougher surfaces.
 - High in-situ overpressure in shale formations, where the pore pressure is significantly above hydrostatic, has also been suggested as a controlling factor for earthquakes induced by fracturing. As a result, target formation overpressure has been interpreted as a proxy for slip potential.

¹⁰⁷ British Geological Survey – Potential risks of induced seismicity from high volume hydraulic fracturing of shales in Northern Ireland, 2021

- Lough Allen Basin in NI – eight wells have been drilled but in comparison to most sedimentary basins that have been explored for oil and gas, there is relatively little exploration data for the Basin, nor information about the current stress regime and whether or not faults are critically stressed. The report also notes that borehole image logs that have been run in several wells indicate the presence of open fractures in places and their orientation is consistent with a regional stress regime dominated by NW-SE compression similar to that found elsewhere in the UK.
- Rathlin Basin – geological mapping of the surface bedrock gives very little indication of the nature of the geological structure within the basin. The Ballinlea No. 1 well is the only modern oil and gas exploration well in the basin, and the drilled sequence was found to be normally pressured. There is little exploration geophysics data for the Rathlin Basin and data quality is poor. As a result, the detailed structure within the basin is poorly known.

16.24 The report also considers the historical seismicity of NI, as well as more recent instrumental data:

- An academic review¹⁰⁸ of published data confirms that earthquake activity is very low. Historical accounts reveal only 26 events in the period 1500 to 1970, which can be deemed credible. Half of these accounts can be attributed to earthquakes that occurred outside Ireland, in England, Scotland or Wales, where there is substantial evidence of widely felt and occasionally damaging earthquakes stretching back many hundreds of years. These were nearly all events of around magnitude 5 ML or above that occurred in the western part of Britain and were widely felt across Britain and Ireland. The other thirteen events occurred in Ireland and the immediate offshore area. All of these have low intensities suggesting that these were small earthquakes. Nearly all the historical activity is concentrated around the coast and there is an almost complete absence of seismicity inland.
- Instrumental data from the Dublin Institute of Advanced Studies (DIAS) and the British Geological Survey (BGS) catalogues also confirm these low rates of seismic activity. Almost all the instrumental seismicity lies in areas where historical earthquakes have occurred; mainly in Wicklow and the Irish Sea; Wexford, Waterford and Cork on the south coast of Ireland and, Donegal in the north. The exception to this is the magnitude 4.0 ML earthquake off the coast of Mayo in 2012, which is the largest Irish event in the catalogue. Nearly all the seismic activity in Ireland, both instrumental and historical is concentrated around the coast and there is an almost complete absence of seismicity inland, with only two instrumentally recorded earthquakes in County Leitrim.
- Baptie et al. (2016) used the combined historical and instrumental catalogue to determine an earthquake activity rate for Ireland, which suggests an earthquake with a magnitude of 4 Mw or greater approximately every 476 years. This contrasts with a rate for the UK of a magnitude 4 Mw earthquake every six years. However, the results strongly depended on assumptions of catalogue completeness, which highlights the problem of estimating reliable rates in low seismicity regions, where data are sparse.

16.25 The report addresses the assessment of hazard and risk associated with induced seismicity:

- Hazard is a function of the frequency of earthquakes in space and size. However, for new hydraulic fracturing there is no data available to develop such assessment models. Induced seismicity also has a strong dependence on both the locus and nature of operations,

¹⁰⁸ Baptie, B., et al. (2016) Final Report 2: Baseline Characterisation of Seismicity. Joint Research Programme on the Environmental Impacts of Unconventional Gas Exploration and Extraction, Environmental Protection Agency, Ireland. ISBN: 978-1-84095-688-7. [Available at <https://www.epa.ie/pubs/reports/research/ugeejointresearchprogramme/>].

meaning the hazard will be time dependent and increase with factors such as the number of wells.

- Risk is a function of both exposure and vulnerability, e.g. the number of buildings exposed to shaking and the susceptibility of those buildings to damage, as well as the hazard. Therefore, risk is higher in a densely populated area, even if the hazard is comparable.
- Again, there is a general lack of data available to enable the development of models to assess hazard and risk effectively for induced seismicity, including for defining potential maximum magnitude or damage potential, and the study notes that there are relatively few risk assessments for hydraulic fracturing operations published, and even fewer that quantify risk in terms of damage or loss.

- 16.26 The UGEE JRP all island study does not deal with induced seismicity explicitly, although it is referenced in the section on human health impacts. This corresponds with a lack of available evidence about the impact of induced seismic events on people, including their physical health and safety, as well as less tangible impacts on mental wellbeing, anxiety and stress. The report does include a detailed account of monitoring and mitigation activities associated with seismicity.
- 16.27 It should be noted that the moratorium on hydraulic fracturing in England was largely due to the occurrence of felt seismicity and concerns about the ability to mitigate these impacts effectively.

Summary

- 16.28 **Receptor sensitivity:** based on gaps in the available evidence about potential induced seismicity, the receptor has been classified as medium.
- 16.29 **Type of impact:** Negative.
- 16.30 **Type of effect:** Direct effects of induced seismicity due to hydraulic fracturing activities under unconventional oil and gas developments only.
- 16.31 **Duration of impact:** Short-term impacts felt during hydraulic fracturing stage.
- 16.32 **Reversibility of impacts:** impacts are reversible, unless damage or loss is severe enough to be irreversible, including potential for serious injury or death.
- 16.33 **Significance:** As noted above, there is no available evidence, or established models, to be able to assess hazard and risk effectively. However, it is expected that potential impacts are more likely and could be more significant under the high scenario, particularly if multiple unconventional oil and gas developments are sited close together, which would constitute a higher number of wells across a wider area with potential for cumulative impacts. Therefore, the consequence could range from negligible to moderate, as a result of the existing aspects of uncertainty around felt seismic occurrences, and the likelihood is unlikely to likely, resulting in a significance level of **negligible to moderate adverse**. There could be potential for transboundary impacts dependent on the siting and clustering of development sites although there is uncertainty in the evidence base in terms of estimating the potential scale and reach of felt seismic events.
- 16.34 Under the No Development scenario, there would be no occurrence of oil and gas development activities meaning there would be no additional felt seismicity impacts on the baseline conditions.

Mitigation Measures

- 16.35 The BGS report identifies the following developments in mitigating the induced seismicity impacts of hydraulic fracturing operations:

- The UK Department for Energy and Climate Change (DECC, 2013) published a regulatory roadmap that outlines regulations for onshore oil and gas (shale gas) exploration in the UK. These regulations contain specific measures for the mitigation of induced seismicity including: avoiding faults during hydraulic fracturing; assessing baseline levels of earthquake activity; monitoring seismic activity during and after fracturing; and, using a 'traffic light' system that controls whether injection can proceed or not, based on that seismic activity.
- However, identification of faults in the locus of operations is challenging, even where 3-D reflection seismic data are available, and basins such as the Bowland Shale have been subject to multiple episodes of deformation, resulting in structural complexity that makes data difficult to interpret. Even where faults can be identified it is difficult to tell if they might be seismogenic.
- Traffic light systems are a widely implemented means of mitigating the risk of induced seismicity during hydraulic fracturing operations themselves. These are essentially control systems for management of induced seismicity that allow for low levels of seismicity but are intended to reduce the probability of larger events that may result in a concern for public health and safety by limiting/stopping operations at certain thresholds. These thresholds are generally based on levels of ground motion which may represent a hazard or a public nuisance. In the UK, the magnitude limit of 0.5 *M_L* for the cessation of operations is considerably less than those limits applied elsewhere internationally, however, the red-light threshold in the UK only requires a temporary suspension of operations, as opposed to a complete cessation of operations at the well pad. Despite their widespread implementation, traffic light systems have often failed to preclude larger earthquakes. These shortcomings have led to suggested modifications to traffic light systems to improve performance (please refer to the BGS Report, p.20).

Summary table

16.36 The table below summarises the impacts associated with the population impact theme.

Potential Impact	Development scenario	Receptor Sensitivity	Type of Impact	Consequence	Likelihood	Significance
Noise	No development	Low	N/A	N/A	N/A	N/A
	Low		Negative	Negligible	Likely	Negligible
	Medium					
	High					
Felt seismic activity	No development	Medium (unconventional oil & gas devt only)	N/A	N/A	N/A	N/A
	Low		Negative	Negligible to moderate	Unlikely to Likely	Negligible to Moderate adverse
	Medium					
	High					

16.37 Due to the uncertainty in the available evidence and inability to assess hazard and risk effectively, the significance for felt seismicity ranges from negligible to moderate adverse. Both noise and felt seismicity-related impacts are expected to be more significant under the high scenario, and less significant under the medium and low scenarios, as well as more significant due to unconventional

oil and gas developments compared to conventional developments. The effects are also dependent on the siting and phasing of projects, and their proximity to the receptor, and would be controlled through existing regulatory and planning regimes. Under the No Development scenario, there would be no additional impacts on the baseline conditions.

17. Health

17.1 This section covers the following topics:

- Health and safety, both for occupational workers and public safety
- Public health and wellbeing
- Amenity, recreation and physical activity
- Social cohesion and community wellbeing.

Health and safety

Sources

17.2 Immediate physical health and safety concerns for the project site and associated workforce, and public safety associated with site security and transportation to and from the site, road traffic accidents and accidental spillages.

Impact Assessment

17.3 The impact assessment considers the Health and safety impacts for site workers and operatives, public safety impacts for local residents and visitors to the local area, and public health impacts for the wider local community, particularly impacting on those in close proximity to project sites or local transportation routes and particularly sensitive receptors.

17.4 Public safety impacts associated with transportation and site traffic, leading to increased road traffic accidents are not directly covered in the UK SEA. The Scottish SEA identifies a potentially negative effect related to unconventional oil and gas developments, based on the effect of increased traffic movements and the impact on road accident risk. It also notes that impacts are dependent on the location of developments and their proximity to each other and to receptors, with potential for cumulative effects on road safety.

17.5 The UGEE JRP all island study addresses traffic safety impacts at each stage of development for unconventional oil and gas developments:

- Site preparation: number of vehicle movements is fairly low, although potential impacts are noted to include road safety during the period of site preparation. The most sensitive situation is likely to be a route located through a town centre leading to a shale gas development area. A single route could plausibly be needed for the development of a large number of well pads, depending on the scale of development proposed. This could result in a combination of increased numbers of vehicles, or an extension of the period of site development to several years. This is considered to be likely to present a minor potential impact in view of the longer development period.
- Well construction, hydraulic fracturing and well completion: the impacts from traffic associated with an individual site were estimated to be likely to be "minor" in view of the short duration, although it would potentially be noticeable by local residents. However, the impact of traffic associated with more widespread development, including the risks posed by traffic accidents, may be of moderate significance.

- Project closure and decommissioning stage: some truck movements may be associated with the process of reinstating original site conditions but likely to be minimal and not expected to pose significant impacts, representing low threat of road traffic accidents.
- 17.6 The report also notes that classifying the magnitude of impacts would depend on the details of individual project proposals.
- 17.7 Additionally, environmental and community groups observe that historically spending on road infrastructure in NI has been relatively low and cite poor road conditions as a factor in accident risk.

Summary

- 17.8 **Receptor sensitivity:** the receptor is classified as low, being represented by the occupational workforce and local residents in terms of road safety. In reality, the sensitivity of the receptor is dependent on individual project proposals, including factors such as scale of activity, siting and phasing and proximity, as well as the existing regulatory regime and planning controls.
- 17.9 **Type of impact:** impacts on health and safety would be negative.
- 17.10 **Type of effect:** direct health impacts as a result of site operations, associated vehicle movements and traffic.
- 17.11 **Duration of impact:** Short to long-term, as health and safety impacts could occur across the development process as well as post-closure.
- 17.12 **Reversibility of impacts:** some impacts would be reversible, for example, respiratory conditions would improve once operations ceased, however there is potential for other health impacts to be irreversible including serious health conditions, injuries and death.
- 17.13 **Significance:** the existing research suggests that under prevailing regulatory and planning regimes, operations would be undertaken to a high standard and potential health and safety impacts would be minimised. At the same time, there is considerable concern within the general public in NI about such development, particularly unconventional oil and gas development. Therefore, the consequence is anticipated to range from negligible to minor, based on the low to high development scenarios and the potential for cumulative health and safety, including road safety impacts, dependent on the location and potential for clustering of projects. The likelihood is unlikely, based on existing regulatory controls, and this results in a significance of **negligible to minor adverse**.
- 17.14 Under the No Development scenario, there would be no occurrence of oil and gas development activities meaning there would be no additional health and safety impacts on the baseline conditions.

Mitigation Measures

- 17.15 As discussed above, the prevailing regulatory and planning regimes represent a major part of effective mitigation, and the Scottish SEA notes avoiding areas with a high density of sensitive receptors would mitigate impacts, and the use of contingency planning to deal with the impacts of unexpected events and hazards to reduce potential physical health and safety risks.
- 17.16 The UGEE JRP all island study notes the requirement for a transport and traffic management plan as part of any permit application and identifies the following mitigation measures for road safety impacts, including:
- route selection to maximise efficient driving and public safety

- road safety assessment and, following agreement, implementation of safety measures such as signage and increasing sight distances
- avoiding peak traffic hours, school drop-off and pick-up hours in the vicinity of schools and community events and implementing overnight quiet periods
- advance public notice of any necessary detours or road closures
- adequate off-road parking and delivery areas at the site to avoid lane or road blockage
- providing frequent passing places (turnouts) on narrow roads
- limiting truck weight, axle loading and weight
- specifying that the operator would pay for the addition of traffic control devices or trained traffic control agents where required.

Public health and wellbeing

Sources

- 17.17 Public health and wellbeing impacts associated with air quality, dust and odour, ground and surface water pollution, waste, NORM, noise, light, felt seismicity and other environmental impacts.

Impact Assessment

- 17.18 The evidence on public health impacts in a UK context focuses on unconventional oil and gas development.
- 17.19 Potential public health and wellbeing impacts for local residents and communities are addressed in MedAct's 2015 report¹⁰⁹ on unconventional oil and gas development at a UK level, which identifies the following risks to public health:
- Air Pollution: respiratory disease, carcinogens, birth defects, chronic respiratory disease
 - Contamination of ground and surface water: drinking water
 - Traffic, dust, noise, odours, un-natural light and other nuisances: traffic fatalities, health hazards, stress, stress as a co-factor.
- 17.20 MedAct's updated public health assessment report in 2016 on shale gas production in England identifies the following direct, or immediate health issues:
- Risk of adverse reproductive outcomes due to exposure to endocrine disrupting chemicals which can be potent even at relatively low levels
 - Risk of respiratory effects resulting from ozone and smog formation, which may affect communities living at a distance from oil and gas extraction sites
 - Stress, anxiety, mistrust, fear and other psycho-emotional effects arising from nuisance impacts, as well as actual and perceived social and economic disruption.
- 17.21 The report also finds that the cumulative and synergistic risks of chemical, physical and psychosocial stressors of multiple well pads and boreholes across a relatively densely populated and economically active, rural landscape would pose a health and environmental threat,

¹⁰⁹ https://www.medact.org/wp-content/uploads/2015/04/medact_fracking-report_WEB4.pdf

particularly if regulation is inadequate and if tight profit margins cause companies to take shortcuts and minimise costs. It notes that it is important to recognise the uncertainty about the degree of risk and not to exaggerate the threat posed by shale gas production. Society presently tolerates a number of industrial and commercial practices that are considerably more harmful to human health and the environment. However, the MedAct report concludes that unconventional oil and gas developments would produce risks and some harms. It is therefore important that the risks are well understood and that regulation and subsequent monitoring is able to keep the level of risk to an acceptable level, and that the benefits of development outweigh the harms. This is particularly important for local communities who will bear the brunt of the immediate risks and harms associated with unconventional oil and gas developments.

- 17.22 Public Health England (Kibble et al, 2014¹¹⁰) reviewed the potential public health impact of direct emissions of chemicals and radioactive material (NORM) from the extraction of shale gas. The report concludes that the potential risks to public health from exposure to the emissions associated with shale gas extraction will be low if the operations are properly run and regulated. Most evidence suggests that contamination of groundwater, if it occurs, is most likely to be caused by leakage through the vertical borehole. Contamination of groundwater from the underground hydraulic fracturing process itself (i.e. the fracturing of the shale) is unlikely. However, surface spills of hydraulic fracturing fluids or wastewater may affect groundwater, and emissions to air also have the potential to impact on health.
- 17.23 The UK SEA finds that if properly run and regulated, there are low risks to public health, based on extrapolating evidence from overseas. It does note possible secondary negative effects on human health from contamination of groundwater or surface water if consumed, but regulatory requirements should mean this risk is very low, and pollution control measures with relevant regulatory controls would help mitigate this risk further.
- 17.24 The Scottish SEA identifies a range of potential health impacts from unconventional oil and gas developments including:
- Increased risk of road accidents
 - Accidental release of hazardous materials
 - Explosive risk including waterborne methane
 - Occupational risks associated with respirable crystalline silica.
- 17.25 It identifies a potentially significant negative effect reflecting the physical health risks, and potential impacts dependent on waterborne methane posing a potential explosive risk and the extent to which crystalline silica could pose a risk to the health of nearby residents. It also finds that there could be significant negative cumulative effects based on a range of impacts on health and wellbeing and dependent on the scale of activity. The greater the scale of activity, the more that cumulative impacts are likely, depending on the siting and phasing of sites, their proximity to each other and to local receptors.
- 17.26 The UGEE JRP all island study notes that gas emissions are cited by the public to be of concern from a human health viewpoint. Whilst these can be adequately managed during operations, following closure of a well, there is evidence that sealed and capped wells can deteriorate with time and stray gas leaks can occur. However, the study also notes that neither the reasons for this nor the scale of the emissions is quantitatively known and so the impact cannot be reliably assessed until further data is available.

¹¹⁰ Kibble, A. et al (2014). *Review of the Potential Public Health Impact of Exposures to Chemical and Radioactive Pollutants as a Result of the Shale Gas Extraction Process*. Centre for Radiation, Chemical and Environmental Hazards, January 2014, Public Health England.

- 17.27 Environmental and community groups commented on a baseline of high levels of mental health issues in NI compared to other parts of the UK linked to other health and economic factors and the legacy of conflict in NI.
- 17.28 Stakeholder engagement with environmental and community groups highlighted the considerable concern about the health impacts of oil and gas development, particularly for unconventional oil and gas developments, both in the short-term as well as the poor evidence about the long-term health implications for future generations. Stakeholders also highlighted more strategic concerns about the capability of existing environmental regulation in NI to be able to ensure these activities are properly regulated and controlled.
- 17.29 This assessment is based on published evidence in the UK, which in turn is based on studies of operations in other geographies. There is a limit to how evidence from elsewhere can be applied in the NI context, and it is important to recognize that the evidence base itself has already been recycled from studies in North America and elsewhere. In reality, these issues are area specific. The report¹¹¹ that was produced as a result of the consultation undertaken on unconventional petroleum extraction in Wales sets out this limitation clearly:
- Petroleum extraction is a mature industry, but unconventional extraction methods are relatively new and there is a lack of operational experience in the UK. This means that there is no evidence on the potential impacts of unconventional oil and gas at a local site by site basis. The majority of the available research evidence and data on petroleum extraction originates from countries outside the UK which already have commercial scale operations, especially in the United States.
 - Caution is recommended when extrapolating evidence from other countries since the data used is country-specific and the mode of operation, underlying geology, local site specific factors, local socio-political demographics and the regulatory regime are likely to be very different.
 - A number of UK reports (including those from Public Health England, the Independent Expert Scientific Panel for Scottish Government and the Royal Society) note that the technology and regulatory framework exists to allow for safe extraction of petroleum reserves. Both Public Health England and the Independent Expert Scientific Panel for Scottish Government concluded that the potential risks to public health from exposure to the emissions associated with unconventional gas extraction should be low if the operations are properly run and regulated.
 - The Welsh consultation report broadly supports this view, based on appropriate mitigation and control measures being put in place to ensure that the regulatory framework identifies and manages all potential hazards from unconventional oil and gas. Similar approaches are used to effectively regulate other industries such as incinerators, landfills, waste transfer sites which have the potential to pollute the environment.
 - However, it is important to recognise that gaps in the evidence base do exist and more knowledge is needed to better understand the technology to minimise risk and how current regulations can best be applied. The Welsh report recommended a more detailed Wales specific review to better understand the environmental and wider health implications of petroleum production.
- 17.30 As a result, whilst the evidence available suggests that major health impacts are not expected, except for more sensitive receptors factors such as social perceptions, anxiety and mental wellbeing, this cannot be definitively answered without further research. It is also important to

¹¹¹ <https://gov.wales/sites/default/files/consultations/2018-06/180703-petroleum-extraction-policy-in-wales.pdf>

note that there is a lack of long-term evidence about effects beyond post-closure, as well as cumulative or transboundary effects for either physical or mental health and wellbeing.

- 17.31 There is therefore a lack of evidence to draw definitive conclusions about potential impacts on public health and wellbeing, and more detailed research is required.

Summary

- 17.32 **Receptor sensitivity:** the receptor is classified as medium, based on the wide number of public health and wellbeing impacts that could affect a variety of different receptors. In reality, the sensitivity of the receptor is dependent on individual project proposals, including factors such as scale of activity, siting and phasing and proximity, as well as the existing regulatory regime and planning controls.
- 17.33 **Type of impact:** impacts on public health would be negative.
- 17.34 **Type of effect:** direct health impacts as a result of site operations, and potential indirect effects as a result of environmental processes resulting in impacts reaching other areas, including potential for transboundary effects.
- 17.35 **Duration of impact:** short- to long-term, as health impacts could occur across the development process as well as post-closure and into the future. Existing evidence is not clear on long-term implications.
- 17.36 **Reversibility of impacts:** some impacts would be reversible, for example, respiratory conditions would improve once air quality impacts ceased, however there is potential for other health impacts to be irreversible including serious health conditions, injuries and death.
- 17.37 **Significance:** there is a lack of primary evidence in the UK for the health impacts of onshore oil and gas development, however, the existing research suggests that under prevailing regulatory and planning regimes, operations would be undertaken to a high standard and potential health impacts would be minimised. At the same time, there is considerable concern within the general public in NI about such development, particularly unconventional oil and gas development. Therefore, the consequence is anticipated to be negligible for conventional oil and gas development, due to the established nature of the activities, and range from negligible to moderate for unconventional oil and gas development, based on the difference in the low to high development scenarios as well as uncertainties due to the lack of existing evidence in the UK and the potential for a range of public health and wellbeing impacts. The likelihood is assessed as unlikely, based on existing regulatory controls, and this results in a significance of **negligible to moderate adverse** (although this is subject to the aspect of uncertainty and gaps in evidence cited above). There is potential for cumulative impacts dependent on the siting of multiple development sites, as well as transboundary effects where developments could generate impacts that reach communities in the ROI.
- 17.38 Under the No Development scenario, there would be no occurrence of oil and gas development activities meaning there would be no additional public health impacts on the baseline conditions.

Mitigation measures

- 17.39 As noted in the Health and safety section above, the UGEE JRP all island study outlines mitigation measures for road safety impacts.
- 17.40 The mitigation measures associated with environmental impacts that are linked to public health are included in the relevant sections above: air quality, water, soils, waste, NORM, etc.

Amenity, recreation and physical activity

Sources

- 17.41 Projects could lead to a decrease in physical activity, recreation and amenity activities, due to nuisance, environmental contamination and pollution effects preventing physical and leisure activities outdoors, outdoor visitor economy, etc.
- 17.42 The following topics relating to oil and gas development represent potential impactors on human amenity, recreation and health:
- Noise and odour nuisance
 - Air quality and dust
 - Water (surface and groundwater)
 - NORM
 - Vibrations and felt seismicity
 - Community facilities
 - Physical activity and recreational activities
 - Perception effects.
- 17.43 As the topics above suggest, health impacts associated with a loss of amenity and recreation are not solely about physical changes to land use or accessibility, or environmental impacts. Perception effects also play a significant role, and can result in concerns, anxiety and potential mental health impacts due to perceived risks to physical health.

Impact Assessment

- 17.44 There is potential for a decrease in healthy living and physical activity, potentially impacting on quality of life, particularly impacting people local to the project site.
- 17.45 The UK SEA identifies a potential negative effect on quality of life depending on the location and proximity of local populations, due to noise, vibration and air quality, and associated HGV movements. This could be significant for communities close to sites, or living/working adjacent to minor roads during well construction, drilling, and particularly during hydraulic fracturing on unconventional oil and gas developments. The effects are local but under a higher scale of development, this could become significant due to the magnitude of effect if concentrated at a local/sub-regional level. It also notes that this could also give rise to locally significant negative cumulative effects on quality of life but planning controls and other regulatory requirements should mitigate this. Impacts are also dependent on local factors including the location of sites, frequency, timing, routing of HGVs, proximity to sensitive receptors, existing levels of nuisance, and prevailing health issues, etc.
- 17.46 The Scottish SEA finds potential impacts from unconventional oil and gas developments on local amenity and mental wellbeing, and access to opportunities for recreation and physical activity, as a result of impacts relating to wider environmental quality such as landscape, amenity and access to recreational resources and the direct and indirect effects on health and wellbeing as a result. Whilst impacts are dependent on the location of pads and potential impacts on recreational resources, the assessment identifies a potential minor negative effect reflecting loss of land for access and recreation, as well as impacts on environmental quality. It also notes the potential for

significant negative cumulative effects based on a range of impacts on health and wellbeing under its high development scenario.

- 17.47 The UGEE JRP all island study confirms that in the event that any potential unconventional oil and gas developments are located adjacent to existing playgrounds or sporting facilities such as pitches, which residents may use for exercise and as part of a healthy lifestyle, there may be a reduction in these activities. An increase in traffic may also deter residents from cycling or walking the roads surrounding the site. Appropriate site location and development can be used to mitigate these potential impacts.
- 17.48 It also discusses that the impacts of a development on health and wellbeing can be related to both the physical emissions of an activity, such as emissions to air or water, but also to the perceptions people have of a development. Risk perception of environmental hazards can cause anxiety, which has a negative impact on public health that is related to how people believe they may be affected by it rather than the likelihood of their exposure to it. The report summarises relevant research into commonly raised concerns about oil and gas development activity:
- emissions to air and airborne contaminants
 - emissions to water and waterborne contaminants
 - exposure to radioactive materials
 - exposure to flammable gases
 - exposure to potentially hazardous materials
 - risks from induced seismicity
 - road safety and traffic concerns
 - potential impacts on domestic and farm animal health and fish
- 17.49 Impacts on amenity, recreation and opportunity for physical activity are localised and therefore dependent on factors such as the location, and phasing of sites, their proximity to sensitive receptors, such as recreational spaces and local residents, as well as the scale of proposed activity. Unconventional oil and gas developments are expected to have greater impacts on quality of life, due to direct effects as well as community perceptions of these projects leading to higher levels of concern and anxiety and further impacting on healthy lifestyles.

Summary

- 17.50 **Receptor sensitivity:** the rurality of the NI context enhances the sensitivity of this receptor, however local planning system will control the location of projects. At the same time, there are high levels of public concern around oil and gas development, particularly unconventional oil and gas development. Based on the scale of activity within all of the development scenarios, its sensitivity is classified as low.
- 17.51 **Type of impact:** impacts on amenity, recreation and physical activity would be negative.
- 17.52 **Type of effect:** direct impacts as a result of site activities and emissions to air and water, as well as potential indirect impacts due to social perceptions and concerns leading to further reductions in quality of life.
- 17.53 **Duration of impact:** short- to long-term as impacts can occur across all stages of development.
- 17.54 **Reversibility of impacts:** impacts are reversible once development activity ceases and sites are restored to their former condition.

- 17.55 **Significance:** unconventional oil and gas developments are expected to have a greater impact on quality of life due to the impact of hydraulic fracturing processes, as well as higher levels of societal concerns and anxiety. However, these impacts are localised and dependent on factors like the scale and location of development as well as proximity to receptors, which would be controlled under the existing planning regime. Therefore, the consequence is expected to be negligible to minor and likelihood unlikely to likely, resulting in a significance level of **negligible to moderate adverse**.
- 17.56 Under the No Development scenario, there would be no occurrence of oil and gas development activities meaning there would be no additional amenity, recreation and physical activity impacts on the baseline conditions.

Mitigation Measures

- 17.57 The Scottish SEA identifies some high-level recommendations to mitigate impacts on local amenity and mental well-being, including the screening of site activities through planting to help to reduce impacts on local amenity associated with unconventional oil and gas developments.
- 17.58 According to the UGEE JRP all island study, local and regional planning documents are important in defining and protecting the character of a local area and are the principal way of managing and guiding positive change and mitigating potential negative impacts. Care should be taken during site selection to avoid any sites with potential impacts on community amenities such as walking and cycling routes, playing fields and recreational areas.
- 17.59 However, it also notes the importance of effective communication and proactive engagement to address concerns and reduce mental wellbeing impacts, including the following key points:
- Good communication and public involvement from an early stage is essential for generating trust. Distrust of authorities is commonly reported in the context of potential environmental impacts of proposed developments.
 - Distrust may be an indicator of a lack of common understanding, and debates by professionals about whether or not public concerns were justified, or whether or not any hazard actually existed, and the magnitude thereof, can indicate a lack of understanding of the effect of anxiety on public well-being.
 - Effective risk communication is not simply a one-way flow from sources of information about the risks posed by environmental hazards to health (scientists, agencies, interest groups, eyewitnesses) through transmitters who amplify the message (media, institutions, interest groups, opinion leaders) to receivers who accept the information (general public, affected people, group members, those exposed), but a two-way exchange, or even dialogue, between all parties.
 - To address concerns, thereby reducing potential health impacts relating to anxiety over impacts, a programme of public engagement, information and consultation should be undertaken involving true two-way communication.
- 17.60 The JRP report also notes that public reactions to risk often have a rationale of their own and that “expert” and “lay” perspectives should inform each other as part of a necessary two-way process. This process should include:
- information campaigns
 - adequate and appropriate (two-way) communication activities
 - providing evidence on known risks

- making sure that information provided is accurate, consistent and provided in clear non-technical language
- ongoing programmes to monitor environmental factors that may be perceived to be a health risk.

Social cohesion and community wellbeing

Sources

- 17.61 Projects could lead to high levels of in-migration of skilled labour supply to the site, which could lead to damage to social cohesion, or dilution of culture and language. The UGEE JRP all island study notes that should a proposed development result in a relatively large influx of workers in comparison with the local population, this may have an adverse impact on the cultural heritage of a community, such as local traditions.
- 17.62 Projects, particularly activities related to unconventional oil and gas development, could also lead to concerns within the resident community leading to stress, anxiety, and reduced wellbeing, and possible protest and division within the community.

Impact Assessment

- 17.63 In-migration leading to tension, impacting social cohesion, possible protest and division, diluting local culture and language, and impacting on community stress, anxiety and wellbeing. Impacts felt locally but over time could lead to regional or national cultural impacts if development initiated at scale.
- 17.64 Social cohesion and community wellbeing impacts are not explicitly addressed in the UK SEA, the Scottish SEA or the Welsh socio-economic impact assessment study.
- 17.65 The 2015 MedAct report¹¹² on unconventional oil and gas developments at a UK level identifies potential effects as a result of an influx of temporary workers including community cohesion, stress, and community divisions.
- 17.66 The UGEE JRP all island study also notes the potential for changes to local communities as a result of an incoming workforce, and identifies that potential differences in income or lifestyle of highly skilled incoming workers may further complicate impacts on local communities, creating possible tension and division between locals and the incoming workforce. The economic impact assessment presented in Part B suggests that the volume of transitory workers will be fairly modest and temporary, although this does vary to some extent across the development scenarios.
- 17.67 The JRP report notes that potential community impacts are highly dependent on the level of development. Intensive and widespread unconventional oil and gas developments activities can significantly impact local communities, in both the long and short term. Development that takes place on a smaller scale, is expected to have a smaller potential impact on community character and facilities. It also notes that potential impacts would be dependent on the speed at which development activities occur. Slower, more moderate growth of the industry is likely to result in less acute impacts than rapid growth over a shorter time. While communities naturally change in response to social, demographic and economic conditions, these are normally gradual and a

¹¹² https://www.medact.org/wp-content/uploads/2015/04/medact_fracking-report_WEB4.pdf

community has time to adapt and accommodate external pressures. When communities experience abrupt or dramatic changes, they are typically experienced as adverse.

- 17.68 However, the report also emphasises that the way that changes within the community are viewed is subjective, varying from individual to individual, as well as being highly dependent on the scale of the development. The JRP study therefore identifies potential impacts, but does not attempt to classify the scale of the impact or whether it is objectively positive or negative.
- 17.69 Environmental and community groups commented on the legacy of conflict in NI which has resulted in underlying sensitivities remaining in some communities, affecting community wellbeing.
- 17.70 Environmental and community groups also identified considerable potential for oil and gas projects to lead to tension and divisions within the local community, even before any physical operations have begun. The existence of live licence applications within NI has been shown to create considerable unrest and concern in those communities, including organised opposition and protest. This was reported by some as bringing the community together to oppose development, but others noted that there are examples where divisions have started to appear within the community in terms of those that oppose or support development, but also in terms of those who are pro or anti protesting as an activity in its own right. There is also the potential for disturbance of local residents, relating to protest activities.
- 17.71 Recent academic research¹¹³ has shown that younger groups are highly concerned about oil and gas development, particularly unconventional oil and gas developments. There is a gap in existing published evidence in the UK on inter-generational issues, which represents an important impact topic.
- 17.72 Several stakeholders, as well as correspondence received by the research team, asked that motions recently passed by a number of district councils to ask the Executive to ban all petroleum licensing and to write to the Department for Economy to reject the two current licence applications are noted in the assessment.

Summary

- 17.73 **Receptor sensitivity:** whilst the scale of activity under all three development scenarios is not extensive, based on the existing licences in NI, there is considerable community concern already active in some places, and the sensitivity of this receptor has been assessed as medium.
- 17.74 **Type of impact:** negative impacts on social cohesion, community wellbeing, and intergenerational justice.
- 17.75 **Type of effect:** direct impacts due to site operations and activities, as well as social perceptions of projects, particularly unconventional oil and gas developments (although public perceptions may not distinguish between conventional and unconventional oil and gas).
- 17.76 **Duration of impact:** short- to long-term as impacts occur from before anything has happened on-site and the longer term effects on local communities are unknown.
- 17.77 **Reversibility of impacts:** there is a lack of evidence. Impacts could be reversible where tension and division stops once projects cease, however, these kinds of impacts are likely to persist in the long term and fundamentally change the character of an area irreversible.
- 17.78 **Significance:** therefore, the consequence is expected to be minor under the low and medium scenarios, particularly for unconventional oil and gas development, although in practice

¹¹³ Dunlop, L. et al (2021) "It's our future." Youth and fracking justice in England, *Local Environment*; and Dunlop, L. et al (2020) Corrosive disadvantage: the impact of fracking on young people's capabilities, *Children's Geographies*.

communities may not perceive a distinct difference between conventional and unconventional oil and gas development. Consequence is expected to be minor to moderate for the high scenario for conventional and unconventional oil and gas development. The likelihood ranges broadly from unlikely to certain, based on the pre-existence of concern, anxiety and tension in some places, resulting in a significance level of **minor to major adverse**. There is the potential for transboundary effects, particularly if developments are located close to the border with ROI, but the evidence is not sufficient to assess these definitively.

- 17.79 Under the No Development scenario, there would be no occurrence of oil and gas development activities meaning there would be no additional social cohesion or community wellbeing impacts on the baseline conditions. This is distinct from a policy-based no development scenario, which could help to alleviate existing societal concerns and anxiety about potential development.

Mitigation Measures

- 17.80 As outlined in the section above on amenity, recreation and physical activity, the UGEE JRP all island study identifies local and regional planning documents are important in defining and protecting a community’s character and are the principal way of managing and guiding positive change and mitigating potential negative impacts within a community. It also notes the importance of effective communication and proactive engagement to address concerns and reduce mental wellbeing impacts, and the key points summarised in the section above also apply to social cohesion and community wellbeing impacts mitigation.

Summary table

- 17.81 The table below summarises the impacts associated with the health impact theme.

Potential Impact	Development scenario	Receptor Sensitivity	Type of Impact	Consequence	Likelihood	Significance
Health and safety	No development	Low	N/A	N/A	N/A	N/A
	Low		Negative	Negligible to Minor	Unlikely	Negligible to Minor adverse
	Medium					
	High					
Public health	No development	Medium	N/A	N/A	N/A	N/A
	Low		Negative	Negligible (for conventional devt) Negligible to Moderate (for unconventional devt)	Unlikely	Negligible to Moderate adverse
	Medium					
	High					
Amenity, recreation and physical activity	No development	Low	N/A	N/A	N/A	N/A
	Low		Negative	Negligible to Minor (esp. for unconventional devt)	Unlikely to Likely (esp. for unconventional devt)	Negligible to Moderate adverse
	Medium					
	High					
Social cohesion and	No development	Medium	N/A	N/A	N/A	N/A

community wellbeing	Low		Negative	Minor	Unlikely to Certain (esp. for unconventional al devt)	Minor adverse to Moderate adverse
	Medium			Minor to Moderate		Minor adverse to Major adverse
	High					

- 17.82 Impacts are expected to be more significant under the high scenario, and less significant under the medium and low scenarios, as well as more significant due to activities associated with unconventional oil and gas developments, as a result of hydraulic fracturing processes and increased requirements for water transportation and infrastructure, compared to conventional oil and gas developments. The effects are also dependent on the siting and phasing of projects, and their proximity to the receptor, and would be controlled to some extent through existing regulatory and planning regimes (although this is less clear for intangible impacts related to mental wellbeing, social cohesion, and community level wellbeing). Under the No Development scenario, there would be no additional impacts on the baseline conditions.
- 17.83 It is important to note the gaps in available evidence about public health and wellbeing impacts of oil and gas development, particularly unconventional, as well as wider societal concerns, social cohesion and community wellbeing impacts. There is also uncertainty about impacts in the long term, beyond post-closure. More research is required to definitely assess public health and wellbeing impacts on onshore oil and gas development in NI. Amenity and recreation impacts are highly dependent on project specific proposals, including the siting of developments, their proximity to receptors and effects on the accessibility of recreational assets.

18. Landscapes and geodiversity

18.1 This section covers the following topics:

- Landscape and visual effects
- Impacts on natural tourism assets
- Light impacts.

Landscape and visual effects

Sources

18.2 Projects could cause significant landscape and visual effects due to siting, drilling rigs, lighting, flaring, access roads, traffic and HGV movements, fencing, pipelines, generators, storage and processing facilities, portable offices and work facilities, etc.

Impact Assessment

18.3 There is potential for significant landscape and visual effects, particularly impacting communities in close proximity to development sites, as well as the visitor economy. There are also indirect links with the setting of cultural heritage assets, as covered in the preceding section.

18.4 The UK SEA identifies the potential for significant landscape and visual impact from construction activities and associated machinery like drilling rigs. The significance would be dependent on the distribution patterns of well pads, phasing of development, the nature, quality and designations of the receiving landscape, and the extent of visibility to communities. It also notes that the probability of significant landscape effects would be commensurate with the scale of development, including the area of land take required and the density/duration of activity.

18.5 The Scottish SEA of unconventional oil and gas developments also identifies a more significant impact associated with a greater scale of development, finding a significant negative effect for its high scenario for shale gas development, and a minor negative under the mid and low scenarios. It also notes contextual factors such as the location of well pads and potential cumulative effects and likelihood of infrastructure sharing.

18.6 The UGEE JRP all island study does not explicitly deal with landscape and visual effects, and this is covered in the section above on the setting of cultural heritage.

Summary

18.7 **Receptor sensitivity:** the NI landscape is characterised by its rural nature and high quality landscapes, however, the prevailing regulatory and planning regime would ensure that highly sensitive receptors are protected, and the sensitivity of this receptor is therefore considered to be low.

18.8 **Type of impact:** landscape and visual effects are negative impacts.

18.9 **Type of effect:** these represent direct negative effects of oil and gas development activity, as well as potential for indirect effects as a result of adverse impacts on local environmental processes causing further visual effects.

- 18.10 **Duration of impact:** landscape and visual effects could occur in the short-, medium- and long-term, occurring across the development lifecycle.
- 18.11 **Reversibility of impacts:** impacts could be reversible where they relate to the presence of rigs, traffic, facilities and equipment that will be removed once development activity is complete, however there is also potential for irreversible impacts as a result of pollution and despoilment.
- 18.12 **Significance:** As a result of existing regulatory controls, the consequence is expected to be negligible under the low scenario, with potential to increase under the medium and high scenarios, particularly in relation to unconventional oil and gas development and the need for water transportation and associated pipelines, from negligible to moderate, and likelihood is classified as likely, resulting in a significance level of **moderate adverse**.
- 18.13 The significance level is dependent on the scale of activity, and it is anticipated that the high scenario is more likely to cause a moderate adverse impact than under the medium or low scenarios, particularly if clustering of development sites occurs.
- 18.14 Under the No Development scenario, there would be no occurrence of oil and gas development activities meaning there would be no additional landscape or visual effects on the baseline conditions.

Mitigation Measures

- 18.15 Mitigation measures for landscape and visual effects are similar to those for impacts on cultural or archaeological heritage, as provided in the section above. Any potential development should be subject to detailed survey, assessment and establishment of mitigation measures at a project level, and landscape designations are a control along with planning controls. In addition, it is important to determine the local significance of the landscape, and the determination of an appropriate suite of mitigation measures would be heavily dependent on project-specific details and potential impacts.

Impacts on natural tourism assets

Sources

- 18.16 Projects could damage or degrade natural assets, rural / outdoor visitor economy assets and the livelihoods associated, as a result of land take and site development, drilling rigs, pollution, access roads and traffic, pipelines, fencing, storage and processing facilities, ancillary development, etc.

Impact Assessment

- 18.17 Damage or degradation to natural assets, impacting particularly on communities in close proximity to the site, as well as the visitor economy and other related livelihoods.
- 18.18 The UK SEA does not explicitly cover impacts on natural assets, and the Scottish SEA refers to these impacts and references back to cultural and archaeological heritage evidence.
- 18.19 The Welsh socio-economic impact study notes that there is a lack of evidence that addresses these impacts holistically, and provides a short summary of ex-ante evidence internationally. Similarly to NI, the natural environment outside of the larger urban settlements is key to the Welsh tourism offer, making it a sensitive receptor.

- 18.20 Consultations with community groups suggest that there is a small but successful natural visitor economy developing in some areas of NI which is highly dependent on its reputation as a clean, green landscape.

Summary

- 18.21 **Receptor sensitivity:** NI is characterised by its natural landscapes and it has a growing nature-based visitor economy, making this a sensitive receptor, dependent on well pad siting, proximity of natural assets to the development activity, and the sensitivity of the natural assets. As the prevailing regulatory regime controls for this sensitivity by safeguarding existing tourism assets, it has been identified as low.
- 18.22 **Type of impact:** impacts in natural assets would be negative.
- 18.23 **Type of effect:** a range of development activity factors could lead to direct negative effects on natural assets, with potential indirect effects caused by pollution and disruption to local environmental processes.
- 18.24 **Duration of impact:** impacts could be felt in the short-, medium- and long-term, as they could occur across the development lifecycle.
- 18.25 **Reversibility of impacts:** the impacts could be reversible where site restoration activities are completed post-closure, however there is also the possibility of irreversible impacts caused by pollution and despoilment.
- 18.26 **Significance:** The consequence is expected to range from negligible under the low scenario but could increase from negligible to moderate as the scale of the proposed activity increases, particularly in relation to the impact of unconventional oil and gas development, due to the increased requirements for water transportation and associated pipelines. Likelihood is classified as unlikely to likely, resulting in a significance level of **negligible to moderate adverse**.
- 18.27 The significance level is dependent on the scale of activity, and it is anticipated that the high scenario is more likely to cause a moderate adverse impact than under the medium or low scenarios, particularly if clustering of development sites occurs.
- 18.28 Under the No Development scenario, there would be no occurrence of oil and gas development activities meaning there would be no additional impacts on natural tourism assets compared to the baseline conditions.

Mitigation Measures

- 18.29 It is assumed that the existing planning regime will avoid development in areas with designated landscapes, dependent on their precise status and importance. In other high quality landscape areas, or areas with high value tourism and where their environmental character is a key component, but which sit outside of formal designations, tourism impact assessment is likely to be an appropriate tool for assessing impacts as part of the EIA scoping process.
- 18.30 This is confirmed in the Welsh socio-economic impact study which suggests the following controls and mitigation measures:
- Landscape designations are a control along with planning controls
 - Comprehensive tourism assessment as part of local planning process on a case-by-case basis to look at the proximity of tourism activities to development sites, and the extent of visual, noise, traffic, air quality impacts on the visitor economy.

Light impacts

Sources

- 18.31 Projects could lead to an increase in light pollution due to operations at night-time, including floodlighting and flaring, as well as security functions on site.

Impact Assessment

- 18.32 There is potential for light pollution, impacting the local community, settlements, and habitats and species. Particularly affecting local settlements and communities in close proximity, as well as nearby habitats and species or farm animals.
- 18.33 Direct impacts on landscape could result from the presence of lighting and related surface equipment. These impacts are greatest during the exploration, appraisal and the early stages of production
- 18.34 There are some gaps in the available evidence in relation to light pollution impacts, on landscape and visual setting as well as for both human and animal health, particularly in the long-term.
- 18.35 The UK SEA does not deal with light impacts explicitly, and they are addressed in terms of the impact on biodiversity, flora and fauna, as well as the local community.
- 18.36 The Scottish SEA identifies light pollution from site activities including floodlighting for safe working or flaring, particularly during the drilling phase which occurs 24 hours a day until complete. Truck movements are also identified as another source of light pollution.
- 18.37 The study notes that lighting impacts are dependent on the siting and distribution of development, particularly where multiple sites are in close proximity, resulting in cumulative impacts. It also emphasises that the available evidence is uncertain on whether unconventional petroleum associated light pollution would pose a risk to physical health.
- 18.38 The UGEE JRP all island study also deals with light impacts in relation to impacts on biodiversity, flora and fauna, as well as noting that lighting on site may result in adverse visual intrusion from a distance, as drilling may operate for 24 hours a day especially in or when visible from sensitive high-value agricultural or residential areas.

Summary

- 18.39 **Receptor sensitivity:** light pollution is higher in towns, cities and along main transport routes, whereas receptor sensitivity is higher in rural and sparsely populated areas, which is relevant to the NI context. However, existing planning policy will help to control impacts particularly for sensitive receptors, and receptor sensitivity is therefore classified as low.
- 18.40 **Type of impact:** negative.
- 18.41 **Type of effect:** direct light pollution from site activities and equipment.
- 18.42 **Duration of impact:** impacts across the short- to medium-term, based on exploratory, site preparation, drilling and hydraulic fracturing activities.
- 18.43 **Reversibility of impacts:** reversible, once lighting on site is ceased. Lighting is mainly required during exploration, drilling and hydraulic fracturing stages, and once projects are in production lighting will be minimal.

- 18.44 **Significance:** the significance level is dependent on the scale and intensity of activity, particularly where multiple projects are located in close proximity and unconventional oil and gas development in particular. Therefore, the consequence is anticipated to be negligible to minor, and the likelihood is unlikely to likely, resulting in a significance level of **negligible to moderate adverse**. It is anticipated that the high scenario is more likely to cause a moderate adverse impact than under the medium or low scenarios.
- 18.45 Under the No Development scenario, there would be no occurrence of oil and gas development activities meaning there would be no additional light related impacts on the baseline conditions.

Mitigation Measures

- 18.46 The assessment results are based on the application of existing planning and regulatory controls.
- 18.47 The UK SEA notes that light pollution effects should be mitigated by use of screening, shielding and down lighting where practical.
- 18.48 The UGEE JRP all island study sets out the following possible lighting design measures which could be appropriate:
- designing lighting to minimise impacts through measures such as the use of low-intensity security lighting, focused task lighting, designing operating lights so that the light levels are as low as safely possible, limiting the height of lighting columns to reduce light spillage, well pad lighting to shine downwards to minimise lighting impacts on sensitive species, and the use of fitted hoods
 - siting lighting to minimise off-site light migration, glare, and “sky glow” light pollution

Summary table

- 18.49 The table below summarises the impacts associated with the landscapes and geodiversity impact theme.

Potential Impact	Development scenario	Receptor Sensitivity	Type of Impact	Consequence	Likelihood	Significance
Landscape and visual effects	No development	Low	N/A	N/A	N/A	N/A
	Low		Negative	Negligible	Likely	Negligible
	Medium			Negligible to Moderate		Negligible to Moderate adverse
	High			Negligible to Moderate		Negligible to Moderate adverse
Natural tourism assets	No development	Low	N/A	N/A	N/A	N/A
	Low		Negative	Negligible	Unlikely to Likely	Negligible
	Medium			Negligible to Moderate		Negligible to Moderate adverse
	High			Negligible to Moderate		Negligible to Moderate adverse
Light impacts	No development	Low	N/A	N/A	N/A	N/A
	Low		Negative	Negligible	Unlikely to Likely	Negligible
	Medium			Negligible to Minor		Negligible to Moderate adverse
	High			Negligible to Minor		Negligible to Moderate adverse

- 18.50 Impacts are expected to be more significant under the high scenario, and less significant under the medium and low scenarios, as well as more significant due to unconventional oil and gas development compared to conventional development. The effects are also dependent on the siting and phasing of projects, and their proximity to the receptor, and could be controlled through existing regulatory and planning regimes. Under the No Development scenario, there would be no additional impacts on the baseline conditions.

19. Materials assets

19.1 This section covers the following topics:

- Land use change to industrial use
- Impacts on agricultural land
- Impacts on transport infrastructure
- Impacts on housing, social & community impacts.

Land use change to industrial use

Sources

19.2 Projects could lead to land use change to industrial, from agricultural or other uses, due to land take for well pad development, processing and storage facilities, pipelines, other equipment and infrastructure, temporary offices, ancillary development, etc.

Impact Assessment

19.3 There is potential for projects to cause land use change to industrial, from agricultural or other uses, impacting with significant impact where multiple projects are in close proximity.

19.4 The NI economy has a largely rural character outside of its major towns and cities, and agricultural land is a major feature of its land use. In 2019, over 1 million ha were used for agriculture, 75% of its total land area¹¹⁴.

19.5 NI also has eight forestry planning areas and 19 forest landscape units¹¹⁵. There are high concentrations of forestry in the West Fermanagh Uplands and Antrim Hills and Glens, whereas the area around Lough Neagh has less forested areas.

19.6 According to the UK SEA assumption of 3 ha per conventional well pad (which assumes two wells per pad, as do the development scenarios developed for this study), the total land take for conventional oil and gas exploration and development is anticipated to be in the region of 6 ha under the low scenario, 9 ha under the medium and 15 ha under the high scenario.

19.7 For unconventional oil and gas development, the assumptions from the UK SEA have been applied as they are more conservative at 3 ha per well pad, as opposed to the available evidence in the Scottish SEA which is 0.8 ha per pad. Under the development scenarios developed for this study, the total land take for unconventional oil and gas developments is anticipated to be in the region of 3 ha under the low scenario, 6 ha under the medium scenario, and 12 ha under the high scenario.

19.8 Therefore, according to the UK SEA assumptions, the total land take for both conventional and unconventional development would be in the region of 9 ha under the low scenario, 15 ha under the medium and 27 ha under the high scenario.

19.9 The UK SEA identifies most significant effects during construction and pad development stages, when clearance is required for pad prep and provision of associated infrastructure. It also notes that receptor sensitivity will vary according to the previous land use, as well as if these lie adjacent

¹¹⁴ <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/Stats%20Review%202019%20final.pdf>

¹¹⁵ Department of Agriculture, Environment and Rural Affairs, Forestry Planning Areas and Forest Landscape Units, 2018

to development sites. Sensitivity will be increased where this is previously high-quality agricultural land or other sensitive areas. However, impacts in the long term could be positive if development uses previously developed land.

- 19.10 It also notes there are likely to be short to medium term cumulative effects due to land take, soil loss and compaction, as well as the potential for long term positive impacts beyond site restoration due to soil quality being restored and prospects for beneficial use.
- 19.11 The Scottish SEA of unconventional oil and gas developments identifies similar impacts relating to land use change to industrial uses, impacting on mineral resources, forestry and woodland, as well as agricultural land. It notes that the likely location of pads could result in impacts on land with greatest suitability for agriculture or forestry and woodland production. These impacts would be greater under the high scenario, and less significant under medium and low scenarios used in that SEA. The study also identifies potential cumulative impacts from land use change combining with increasing traffic levels resulting in the urbanisation of the countryside and potential negative effects on environmental quality, as well as secondary effects through the construction of waste treatment facilities.
- 19.12 It should be noted that within the NI context, forestry and woodland uses would be less suitable than agricultural land, being mainly uplands, as well as more sensitive deciduous and ancient woodland receptors being protected under prevailing regulatory and planning regimes.
- 19.13 The UGEE JRP all island study also identifies land use change impacts, and focuses on agricultural land impacts as presented in the following section.

Summary

- 19.14 **Receptor sensitivity:** sensitivity will vary according to the current use of the land, with highest sensitivity associated with previously productive uses and high-quality agricultural land. However, prevailing regulatory and planning controls will protect sensitive receptors, and the sensitivity of the receptor is identified as being low.
- 19.15 **Type of impact:** negative, possible positive impacts after restoration if development uses previously developed land.
- 19.16 **Type of effect:** direct, with potential indirect effects from the construction of waste treatment facilities.
- 19.17 **Duration of impact:** long-term, across the development lifecycle.
- 19.18 **Reversibility of impacts:** impacts are reversible where appropriate site restoration takes place.
- 19.19 **Significance:** therefore, the consequence is expected to range from negligible under the low development scenario, potentially increasing to minor under the medium and high scenarios, and likelihood is classified as unlikely based on existing controls, resulting in a significance level of **negligible to minor adverse**.
- 19.20 The significance level is dependent on the scale of activity, as well as the siting and phasing of activity, and it is anticipated that the high scenario is more likely to cause a minor adverse impact than under the medium or low scenarios, particularly if there is clustering of activity in a smaller geographical area.
- 19.21 Under the No Development scenario, there would be no occurrence of oil and gas development activities meaning there would be no additional land use change to industrial use impacts on the baseline conditions.

Mitigation Measures

- 19.22 The prevailing regulatory and planning policy controls represent the main mitigation mechanisms for land use change.

Impacts on agricultural land

Sources

- 19.23 Projects could cause degradation to agricultural lands as a result of dust, air, land and water pollution, as well as light and noise nuisance, and the impact of increased traffic.
- 19.24 The UGEE JRP all island study suggests that impacts will occur during the drilling and development phase if there are conflicts with existing or planned agricultural activities. It relates the potential impacts on agricultural activities and animals through the following:
- water depletion
 - water contamination and surface water quality
 - neighbouring land uses
 - degradation of soils
 - noise
 - public perception.

Impact Assessment

- 19.25 There is potential for impact, in particular on agricultural land in close proximity to sites, and on crop and animal health and agricultural livelihoods.
- 19.26 As outlined in the section above, agricultural land is a major feature of NI land use. In 2019, over 1 million ha were used for agriculture, 75% of its total land area¹¹⁶. In 2017, there were 25,000 farms across NI, of which the south-west of NI contains the highest numbers with over 5,000 farms in the district of Fermanagh and Omagh¹¹⁷. Consultations with community groups have suggested that in certain areas of NI, such as Fermanagh and Omagh, there is also a small but growing food-based visitor economy associated with this agricultural nature and public perception of high-quality environment and associated food products. This is confirmed by the UGEE JRP all island study which notes that the agri-food sector is currently acknowledged to be on a path of sustainable growth, based on emission-efficient food production and high animal welfare, environmental and agronomic standards.
- 19.27 The UGEE JRP all island study outlines the following impacts:
- soil impacts leading to reduced agricultural productivity
 - loss of available grazing or crop land

¹¹⁶ <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/Stats%20Review%202019%20final.pdf>

¹¹⁷

<http://www.ninis2.nisra.gov.uk/InteractiveMaps/Agriculture%20and%20Environment/Agriculture/Farm%20Census/atlas.html>

- the potential for the introduction of invasive plants that could affect the availability of livestock forage
- possible increases in livestock– vehicle collisions when it is necessary to move livestock across access roads
- noise as a stressor if it occurs where farm or domestic animals are located, affecting their behaviour and productivity or inducing physiological changes, and is known to be detrimental to animal health (although it notes that many species appear to adjust to some forms of sound disturbance)¹¹⁸
- adverse impacts on farm animals relating primarily to accidents and spillages, including the accidental release or leakage of fracking fluids which can lead to animal deaths and reproductive problems
- negative impact on the perception of the island of Ireland as a green, unpolluted country resulting in a knock-on effect on the agri-food industry, negatively impacting commercial interests.

19.28 As outlined in the section above, the UK SEA identifies that receptor sensitivity will vary according to the intensity of development, and the proximity of development to high quality agricultural lands. The Scottish SEA notes that the likely location of pads could result in impacts on land with greatest suitability for agriculture as well as potential cumulative impacts resulting in the urbanisation of the countryside and secondary effects through the construction of waste treatment facilities.

Summary

- 19.29 **Receptor sensitivity:** receptor sensitivity will vary according to the concentration of agricultural land and proximity to development sites. However, prevailing regulatory and planning controls will protect sensitive receptors, specifically through the EIA scoping process, and the sensitivity of the receptor is identified as being low.
- 19.30 **Type of impact:** impacts are negative.
- 19.31 **Type of effect:** direct, with potential for indirect impacts where wind or water patterns transport pollution to non-adjacent agricultural land.
- 19.32 **Duration of impact:** long-term, experienced across development lifecycle.
- 19.33 **Reversibility of impacts:** reversible where effects cease after development activity is complete, but there is potential for irreversible effects including livestock deaths and effects on reproductive functions, and degradation to soils and crops.
- 19.34 **Significance:** therefore, the consequence is expected to range from negligible under the low development scenario, potentially increasing to minor under the medium and high scenarios, particularly in relation to unconventional oil and gas development. Likelihood is classified as unlikely based on existing controls, resulting in a significance level of **negligible to minor adverse**.
- 19.35 The significance level is dependent on the scale of activity, and it is anticipated that the high scenario is more likely to cause a minor adverse impact than under the medium or low scenarios.

¹¹⁸ The report suggests that the hydraulic fracturing process is likely to be the loudest site activity and can produce noise levels of 90 dBA at a distance of 75 m. Whilst dependent on the location of sites, number of well pads, types and numbers of sensitive receptors and the application of appropriate mitigation measures, this level of noise is still likely to be of “moderate” impact, or “significant” for receptors such as farm environments within 300 m of activities.

- 19.36 Under the No Development scenario, there would be no occurrence of oil and gas development activities meaning there would be no additional impacts on agricultural land compared to the baseline conditions.

Mitigation Measures

- 19.37 The prevailing regulatory and planning policy controls represent the main mitigation mechanisms for potential impacts on existing uses. The UGEE JRP all island study identifies the following mitigation measures to minimise the potential impacts on agricultural land, animals and crops:
- sensitive location of well pads and the avoidance of land use conflicts
 - liaison with local farmers to minimise potential impacts on agriculture
 - proper disposal of cuttings
 - prohibition and removal of spent drilling muds from productive agricultural fields
 - locating well pads and access roads along field edges and in non-agricultural areas (where practicable)
 - fencing the site when drilling is located in or adjacent to productive pasture areas to prevent access by animals
 - establishing safeguards to prevent leaks and spillages.

Impacts on transport infrastructure

Sources

- 19.38 Projects could impact on existing or planned transport infrastructure due to HGV movements, traffic/congestion, migrant workforce usage, and/or due to siting decisions. Unconventional oil and gas development has higher requirements for water transportation, both to and from the site as wastewater, which represents an enhanced source of impact due to the vehicle movements this can result in.

Impact Assessment

- 19.39 Local to regional impacts are possible on the transport infrastructure systems, resulting in effects to local communities, commuters, and visitors to the area. Unconventional oil and gas development in particular, can result in increased traffic levels of both light vehicles associated with employee car trips and HGVs associated with site activities, as outlined in the section on air quality impacts related to traffic and construction activities.
- 19.40 Impacts on transport infrastructure are not directly covered in the UK level SEA, and the Scottish SEA deals with the impacts of pad development on infrastructure in general. It notes that the sensitivity of infrastructure receptors would be dependent on the use of pipelines for water transportation which reduces the overall number of vehicle movements required.
- 19.41 The Welsh community transport study addresses impacts on transport infrastructure, identifying that vehicle movements occur across all stages of unconventional oil and gas development. Increases in vehicle movements are anticipated to be highest during exploration and development and to decrease during production, drawing on assumptions from the UK SEA. However, the volume of movements is dependent on the number of wells and their phasing, the volumes of water needed, how it is sourced and transported, volumes of waste and wastewater generated,

the methods and location of water treatment, and the manner that extracted gas is removed from the site. This could lead to negative impacts such as congestion on local roads, but the Welsh study suggested that its road infrastructure would be capable of absorbing this.

- 19.42 The study also finds that the significance of effects would be dependent on location, with urban areas would be more likely to absorb additional movements, whereas smaller scale more rural communities with limited scope for additional routes would be more significantly impacted. This is confirmed in the UGEE JRP all island study, and is of direct relevance to the context of NI.
- 19.43 According to a 2017 study into the community impacts of transportation activities associated with potential unconventional oil and gas in Wales, there are six potential effects on local communities as identified in the previous study undertaken in the Scottish context, which includes potential for accelerated road surface degradation.
- 19.44 The UGEE JRP all island study deals with impacts on transport infrastructure across the island of Ireland, identifying that truck movements are needed across the development lifecycle, including exploration and site preparation, construction, hydraulic fracturing, and production. Sources include the transport of fresh water, additives, proppant, management of flowback, for site construction, and during the drilling stage. There would be much fewer traffic movements associated with end of project, decommissioning and restoration stages, and those associated with post-closure environmental monitoring would be minimal.
- 19.45 There is potential for impacts across exploration, development and production stages to result in damage to existing infrastructure due to the degradation of roads and bridges reducing road quality, congestion and effects on road safety due to risks of spillages, accidents, and potential community severance. The JRP report notes that if a number of well pads are simultaneously developed in a given area, the potential for adverse effects could be increased due to a sustained increase in the number of HGVs in one area. The sensitivity of the receptor is likely to be further increased if there is a single route needed for the development of a high number of pads, which could lead to a combination of increased numbers of vehicles and extension to the period of site development.
- 19.46 The report states that impact associated with an individual site is considered to be minor due to the short duration, but it could be noticeable by local residents. However, the impact of traffic associated with more widespread development may be of moderate significance. Classifying the magnitude of impacts would depend on the details of individual project proposals.

Summary

- 19.47 **Receptor sensitivity:** the sensitivity is dependent on the scale of activity as well as the siting and phasing of multiple projects, but due to the relatively modest levels of activity in the development scenarios and existing regulatory controls, this receptor has been classified as low (noting that this is in relation to impacts on transport infrastructure, and the air quality, noise and other effects of site-related traffic are dealt with elsewhere in this assessment).
- 19.48 **Type of impact:** negative impacts related to potential congestion, damage, and degradation of infrastructure.
- 19.49 **Type of effect:** direct impacts on transport infrastructure.
- 19.50 **Duration of impact:** impacts could be felt in the short- to medium- term being mainly associated with site preparation, construction and production activities. Phasing of multiple sites in close proximity could increase this to the long-term.
- 19.51 **Reversibility of impacts:** impacts are reversible if managed appropriately, and infrastructure is maintained and repaired when required.

- 19.52 **Significance:** therefore, the consequence is expected to be negligible and likelihood is unlikely, resulting in a significance level of **negligible**. There could be potential for cumulative impacts if multiple developments are sited in close proximity and activities are phased in a similar manner, and for transboundary impacts dependent on the siting and clustering of development sites in close proximity to the border with ROI.
- 19.53 Under the No Development scenario, there would be no occurrence of oil and gas development activities meaning there would be no additional transport infrastructure impacts on the baseline conditions.

Mitigation Measures

- 19.54 The prevailing regulatory and planning policy controls represent the main mitigation mechanisms for potential impacts on existing uses.

Impacts on housing social & community infrastructure

Sources

- 19.55 Projects could cause an increase in demand and/or pressure on housing, services and social and community infrastructure due to transient workforces, arising from economic growth and influx of workers into local communities, especially if rural and where there is commencement of development at scale.

Impact Assessment

- 19.56 Influx of workers into local and likely rural areas could result in impacts on housing, services, social and community infrastructure, particularly impacting on local communities close to the project site.
- 19.57 There is a lack of UK based evidence available to understand these impacts either in the short-term, during the development lifecycle, after development activity has ceased, or in the longer-term beyond post-closure.
- 19.58 A 2015 report¹¹⁹ from MedAct on unconventional development activity at a UK level identifies the following potential effects, including the influx of temporary workers, and resultant pressure on local services. This includes the potential impacts of alcohol and drug use, mental illness, violence, community cohesion, stress, and community divisions, all furthering increasing potential pressure on local services. However, these effects are not assessed in a structured way and there is a lack of evidence available to address the long-term impact beyond the lifetime of the project, and beyond post-closure.
- 19.59 The UK SEA does not explicitly cover impacts on housing, services, or social and community infrastructure. It includes some discussion about host community benefits associated with community contributions or funds from shale gas exploration and production, and references the UKOOG 2013 Community Charter requirement of £100,000 per well pad, as well as a figure of community benefits at c. 1% of revenue from production. However, there is no detailed

¹¹⁹ https://www.medact.org/wp-content/uploads/2015/04/medact_fracking-report_WEB4.pdf

assessment of how these community funds are delivered and managed, and how they translate into recognised benefits by the community.

- 19.60 The Welsh socio-economic impact assessment also addresses community benefit packages based on the same assumptions as the UK SEA, but there is again no assessment of how these funds translate into recognised community benefits. The study also notes that in England, there would also be fiscal revenue attributing to local councils through business rates. This does not currently apply in NI as powers relating to business rate-raising are devolved, but to date no action has been taken on measures for onshore activities.
- 19.61 The Scottish SEA on unconventional oil and gas developments does not explicitly address impacts on housing, local services or infrastructure.
- 19.62 The UGEE JRP all island study does address these impacts. It finds that local communities within study areas that may have been historically stable or declining may experience a degree of growth or temporary increase with transient workers, with an associated increase in the demand on local services.
- 19.63 It also notes that new employment sectors, such as suppliers to the unconventional oil and gas sector, may expand. Employment opportunities may then increase in the communities, with an associated potential increase in local population. New residents would be of working age (employees) or younger (their dependents). In some areas, the housing market may experience an increase in house prices or rents if there is not sufficient supply to meet the increased demand.
- 19.64 It should be noted that the highest estimates produced as part of the economic impact assessment undertaken for this study suggest in the region of 22 person years of employment would be supported per year per well pad over a thirty-year period. Further, the additional demand for hospitality, food and drink and retail services would support in the region of 15 person years of employment per well pad, in total. This would be mainly concentrated during a 3-5 year period associated with drilling and hydraulic fracturing.
- 19.65 At a national level, housebuilding in NI has exceeded population growth with the total stock per 1,000 population increasing from 409 units per 1,000 people in 2008/09 to 422 units per 1,000 people in 2019/20.¹²⁰ However, 20% of NI's housing stock is contained within Belfast and of all other districts, Fermanagh and Omagh has the lowest level of housing stock.

Summary

- 19.66 **Receptor sensitivity:** whilst there is a lack of evidence available, the development scenarios do not involve commencement of activity at scale, the economic impact assessment has shown that even under the high scenario the employment effects are modest, and when combined with existing planning policy controls, the sensitivity of this receptor is classified as low.
- 19.67 **Type of impact:** negative, noting that there is a lack of evidence about the translation of community benefit packages into recognised benefits. There is potential for positive effects for rural communities which are in decline, stimulating (at a fairly low level) demand for housing and local services and amenities.
- 19.68 **Type of effect:** direct impacts on services by transient workforce, as well as potential indirect effects caused by an increase in local employment opportunities causing a growth in population (noting there is a lack of evidence available to assess this properly).

¹²⁰ <https://www.communities-ni.gov.uk/publications/northern-ireland-housing-statistics-2019-20>

- 19.69 **Duration of impact:** medium- to long-term, based on the presence of a transient workforce and potential longer term impacts beyond post-closure.
- 19.70 **Reversibility of impacts:** reversible impacts on local services, although the subsequent impacts on the local community in the longer term could be irreversible, such as blighted life chances as a result of not being able to access services when required.
- 19.71 **Significance:** whilst there is a lack of long-term evidence combined with the unknown nature of these impacts, due to the relatively low scale of the development scenarios and existing planning policy controls, the consequence is assessed as ranging from negligible to minor, as well as potential for positive consequence, under all development scenarios and the likelihood is unlikely, resulting in a significance level of **positive** and **negligible to minor adverse**.
- 19.72 The significance level is dependent on the scale of activity, and it is anticipated that the high scenario is more likely to cause a minor adverse impact than under the medium or low scenarios, although the relationship between conventional and unconventional oil and gas developments activity and impacts on housing and other services is not clear based on available evidence. There could be potential for transboundary impacts dependent on the siting of development sites and incoming transient workforce populations.
- 19.73 Under the No Development scenario, there would be no occurrence of oil and gas development activities meaning there would be no additional impacts on housing, social and community infrastructure compared to the baseline conditions.

Mitigation Measures

- 19.74 The prevailing regulatory and planning policy controls represent the main mitigation mechanisms for potential impacts on existing uses, primarily through the EIA scoping process, and developers could be required to undertake assessment of possible impacts on housing and social and community infrastructure, where there is concern about potential negative impacts. This is confirmed in the UGEE JRP all island study, which identifies local and regional planning documents as important in defining and protecting the character of a local area and are the principal way of managing and guiding positive change and mitigating potential negative impacts.

Summary table

- 19.75 The table below summarises the impacts associated with the materials assets impact theme.

Potential Impact	Development scenario	Receptor Sensitivity	Type of Impact	Consequence	Likelihood	Significance
Land use change to industrial use	No development	Low	N/A	N/A	N/A	N/A
	Low		Negative, possible long term positive after site restoration	Negligible	Unlikely	Negligible
	Medium			Negligible to Minor		Negligible to Minor adverse
	High					
Impacts on agricultural land	No development	Low	N/A	N/A	N/A	N/A
	Low		Negative	Negligible	Unlikely	Negligible
	Medium			Negligible to Minor		Negligible to Minor adverse
	High					

Impacts on transport infrastructure	No development	Low	N/A	N/A	N/A	N/A
	Low		Negative	Negligible	Unlikely	Negligible
	Medium					
	High					
Impacts on housing, services, social and community infrastructure	No development	Low	N/A	N/A	N/A	N/A
	Low		Negative, potential for positive	Negligible to Minor, and possible Positive	Unlikely	Positive / Negligible to Minor adverse
	Medium					
	High					

- 19.76 Impacts are expected to be more significant under the high scenario, and less significant under the medium and low scenarios, as well as more significant due to unconventional projects compared to conventional projects. The effects are also dependent on the siting and phasing of projects, and their proximity to the receptor, and would be controlled for through existing regulatory and planning regimes. Under the No Development scenario, there would be no additional impacts on the baseline conditions.

20. Overview of Social & Environmental Assessment

- 20.1 The environmental and social impact assessment of the potential for onshore petroleum exploration and development in NI has drawn on a combination of qualitative and quantitative evidence drawn from existing Strategic Environmental Assessments (SEAs) in the UK on onshore oil and gas development and other publicly available research reports covered in the review.
- 20.2 This is a high-level assessment of the significance of potential impacts. It is neither a Strategic Environmental Assessment (SEA), a project-level Environmental Impact Assessment (EIA), nor a project-specific Environmental and Social Impact Assessment (ESIA). Similarly, the assessment of health themes is not a Health Impact Assessment (HIA).
- 20.3 We have adopted a consistent approach to the assessment of environmental and social impacts and evaluation criteria used to determine impact significance. This has assumed the prevailing planning policies and environmental regulations control activities to prevent pollution and nuisance to sensitive receptors. The mitigation measures outlined above could be implemented, among others, as part of the licence conditions and as good industry practice on a site-by-site basis. However, the effectiveness of the implementation and regulation of past, current or future planning policies and laws covering NI is not within the scope of this assessment.
- 20.4 The assessment concludes that under the **no development scenario** there would be no additional social and environmental impacts on the baseline conditions. As this scenario does not reflect a change in the current position for onshore development, the potential benefits and disbenefits of such a change are not considered.
- 20.5 The **low development scenario** is assessed as having potential effects of **moderate adverse** significance for the following topics:
- Noise and seismicity: felt seismicity (unconventional only)
 - Health: Public health; amenity, recreation and physical health; social cohesion and community well-being.
- 20.6 In the assessment, environmental topics, compared to a number of health-related topics noted above, are generally found to be lower significance under the low development scenario as assumptions are made of a smaller footprint or influence in the context of the regional or national resource. However, as noted below, some of these topics are subject to aspects of uncertainty which could affect this assessment.
- 20.7 The **medium development scenario** is assessed as having potential effects of at least **moderate adverse** significance for the following topics:
- Soils: loss of soils
 - Water: groundwater and surface water extraction and pollution
 - Climate change: GHG emissions (unconventional only)
 - Noise and seismicity: felt seismic activity (unconventional only)
 - Health: public health; amenity, recreation and physical health; social cohesion and community well-being
 - Landscapes and Geodiversity: landscape and visuals; natural tourism assets; light impacts (in this instance, the potential for moderate adverse effects is assessed to be greater

where there is clustering of developments in close proximity to each other). The impacts may be greater, in some regards, for unconventional drilling.

- 20.8 The **high development scenario** is assessed as having potential effects of at least **moderate adverse** significance for the following topics:
- Air quality: point-source and fugitive emissions; air quality impacts associated with construction and site traffic; dust
 - Soils: loss of soils; loss of soil quality or productivity; impact on biodiversity or agriculture
 - Waste management: handling, storage and disposal of waste
 - Climate change: GHG emissions (both conventional and unconventional)
 - Biodiversity, Flora and Fauna: habitat loss, disturbance and fragmentation
 - Noise and seismicity: felt seismic activity (unconventional only)
 - Health: public health; amenity, recreation and physical health
 - Landscapes and Geodiversity: landscape and visuals; natural tourism assets; light impacts (again, in this instance, the potential for moderate adverse effects is assessed to be greater where there is clustering of developments in close proximity to each other).
- 20.9 The significance of the effects under the high development scenario for the groundwater abstraction and pollution and social cohesion and community well-being receptors is assessed as being of **major adverse** significance.
- 20.10 There are potential environmental impacts where the gaps in the available evidence makes a reliable assessment of the consequences of development and the scope for regulatory control and good practice to adequately manage them challenging. This applies to all of the development scenarios which have been assessed in this report. The UGEE JRP all island study concludes that there is significant uncertainty around the following topics in particular:
- Groundwater aquifers could be polluted as a result of the failure or deterioration of well integrity
 - These aquifers could also be polluted by the migration of pollutants and gas to the aquifer as a result of the fracking process
 - The long term leakage of gas after well closure.
- 20.11 The review and impact assessment in the context of NI has identified other gaps in the available evidence. These include gaps around the long term public health impacts beyond post-closure, as well as cumulative or transboundary effects for either physical or mental health and wellbeing and the lack of available evidence about the impact of induced seismic events on people, including their physical health and safety, as well as less tangible impacts on mental wellbeing, anxiety and stress.
- 20.12 Uncertainty also exists regarding impacts from the combination of emissions from onsite machinery, HGVs, drilling and fracturing which could lead to cumulative negative effects on sensitive receptors, the impact on water resource availability, water quality and aquatic habitats and ecosystems and the fragmentation of terrestrial habitat due to development.
- 20.13 It is important to note and acknowledge that many potential impacts are site-specific and will vary depending on the sensitivity of local receptors and the prevailing environmental and social conditions. Within the scope of this study, it is challenging to assess these beyond high level or general terms, and the assessment does not include explicit statements about receptors and

potential impacts for specific sites and their neighbouring communities which could be the focus of future development applications.

Appendix A - Coverage of Socio-economic and Environmental Themes

Economic, Social and Environmental Topics and Impact Pathways			
	Theme	Topic	Impact pathway
Potential Environmental Impacts	Air	Fugitive emissions to air impacting air quality and human health	Emissions to air can come from on-site machinery and drilling activities. Particularly impacting on people with respiratory conditions, children and older people.
		Dust impacting air quality at a local level, nuisance and human health	Dust emissions particularly during site preparation and construction at a project site. Particularly impacting on people with respiratory conditions, children and older people, at a local level.
		Construction and site traffic impacting through congestion, associated air quality and noise, nuisance and health	Emissions to air can come from HGV movements and other traffic. This can be high frequency at unconventional projects. Particularly impacting on local communities in proximity.
	Water	Water abstraction and supply impacting on ground water sources	Water required in exploration and particularly in extraction process. Groundwater not used for drinking water across majority of NI.
		Water disposal, wastes, pollution (chemicals) impacting on groundwater quality and animal/human health	Water discharges and management of other wastes (fillings, chemicals) can pollute ground water sources with implications for livestock farming and animal health.
	Soil	Ground contamination impacting flora, fauna and animal health, possibly human health	Projects could cause ground contamination if leakages of water and wastes occur. Potentially impacting on local farming livelihoods and animal health.
		Damage to soils impacting on soil quality and biodiversity, and farming livelihoods	Projects could damage soil quality, cause degradation. Impacting on biodiversity and natural capital, farming and agricultural livelihoods.
	Climatic factors	Controlled and uncontrolled release of produced gas impacting on air quality and health	Projects could lead to the controlled and uncontrolled release of produced gases through exploration, drilling activities, and fracturing processes. Particularly impacting on local air quality and human health.
		Combustion of gas or fossil fuels for on-site power and for transportation	Combustion of gas and fossil fuels due to project energy demands, particularly in unconventional projects, as well as increased transportation needs, HGV movements, etc. Impacting on emission levels, air quality, and local health.
		Greenhouse gas emissions associated with land use change impacting air quality and carbon commitments, possible divestment campaigns	Projects leading to significant change in land use could lead to significant levels of greenhouse gas emissions, particularly multi-project sites and unconventional developments. Impacting on strategic climate change commitments and air quality, possible divestment campaigns.
	Biodiversity, flora and fauna	Habitat disturbance, loss and fragmentation impacting species, animal health, food chains	Habitats and biodiversity can be affected by developments through the removal of vegetation, reduction in habitats or interference with green corridors or other linkages. Impacting on local species, animal health, food chains.
		Loss of flora and fauna species impacting biodiversity and ecosystems	Projects could impact the flora and fauna of a site through removal of vegetation, reduction in habitats, individual effects on species through e.g. traffic, dust, water, pollution. Leading to wider impacts on biodiversity of flora and fauna and ecological system impacts.
		Invasive non-native species impacting on native species and ecosystems	Projects could disrupt native ecosystems causing conditions for non-native species to invade local environments, as well as transporting non-native species into the area due to migrant workforce and large-scale equipment being brought in. Impacting particularly on local biodiversity, flora and fauna, food chains, animal health.
		Climate change impacts on habitats and species	Projects could cause significant increases in greenhouse gas emissions leading to climate change impacts causing degradation in vegetation, biodiversity, habitats and species. Impacting at a widespread scale.

Potential Social and Economic Impacts	Cultural and archaeological heritage	Loss and/or damage of known and unknown archaeology, and other designated and undesignated historic assets	Projects could knowingly or unknowingly cause loss or damage to archaeological and historic assets as a result of exploration, drilling, pollution, traffic, etc. Impacting on local assets and wider cultural identity, possible impacts on visitor economy.
		Impacts on setting of cultural heritage	Projects could damage or impact on the wider setting of cultural heritage assets, landscape and visual setting, accessibility, etc. Impacting on asset cultural value, recreation and amenity, visitor economy.
	Landscapes and geodiversity	Landscape and visual effects	Projects could cause significant landscape and visual effects due to siting, equipment on site, traffic and HGV movements, etc. Impacting particularly communities in close proximity to site, as well as visitor economy.
		Natural tourist sites	Projects could damage or degrade natural assets and rural / outdoor visitor economy and livelihoods associated.
	Material assets	Land use change to industrial	Projects causing land use change to industrial with significant impact where projects are multi-site or unconventional.
		Impacts on agricultural land	Projects could cause degradation to agricultural lands as a result of dust, air, land and water pollution, impacting crop health and agricultural livelihoods.
		Impacts on transport infrastructure	Projects could impact on existing or planned transport infrastructure due to HGV movements, increased traffic/congestion, migrant workforce usage, or due to siting decisions. Local to regional impacts possible on local communities, commuters, visitors to the area.
		Impacts on housing, services, social and community infrastructure	Projects could cause an increase in demand on housing, services and social and community infrastructure due to migrant workforces. Particularly impacting on local communities close to project site.
		Impacts on tourism and visitor economy infrastructure	Projects could cause an increase in demand for visitor economy infrastructure (e.g. hotel beds), leading to decreased accessibility, availability and amenity value for local communities, tourists and other visitors. There could be positive impacts for visitor economy livelihoods due to increase in demand.
	Population	Noise, impacting local community and settlements	Projects could cause noise nuisance due to exploration, construction, drilling and fracturing activities, traffic and HGV movements. Particularly affecting local communities and settlements as well as those on key transportation routes.
		Light pollution, impacting local community and settlements and local habitats and species	Projects could lead to increase in light pollution due to operations at night-time as well as security on site. Particularly affecting local settlements and communities in close proximity, as well as nearby habitats and species or farm animals.
		Air quality, dust and odour nuisance	Projects could lead to increases in dust, air pollution and odour nuisance due to construction, drilling and fracturing, traffic and HGV, release of gases, etc. Particularly affecting local communities in close proximity or along key transport routes.
		Felt seismic activity	Projects could lead to seismic activity being experienced locally due to fracturing activity. Particularly impacting local communities, possible perceptions of safety, demand for local housing and other services, and possible implications for local visitor economy.

	In-migration of workers damaging social cohesion, diluting culture and language	Projects could lead to high levels of in-migration to supply skilled labour to the site, causing tension and impacting social cohesion, diluting local culture and language. Impacts felt locally but over time could lead to regional or national cultural impacts.
	Demonstrations and civic unrest	Project proposals and developments may lead to demonstrations and civic unrest, which will require policing and civil resources, and impose various costs on local communities
Health	Amenity, mental wellbeing, recreation and physical activity	Projects could lead to decrease in healthy living, including decreased physical activity, recreation and amenity activities and impacts on mental wellbeing, due to nuisance, environmental contamination and pollution effects preventing physical and leisure activities outdoors, outdoor visitor economy, etc. Particularly impacting people local to the project site.
	Physical health and safety	Project sites could lead to health and safety risks to workers and local residents.
	Road traffic accidents	Projects could lead to increased road traffic accidents due to HGV and car trips associated with exploration and production activity.
	Increased Radon seepage risks	Projects could impact on Radon gas pathways.
Socio-economic	Increased economic output and GVA	Projects would provide additional economic output, GVA, salaries and tax income (business rates) within NI; expenditure that would have otherwise leaked out of the NI due to the purchase of O&G or associate feedstocks.
	Employment opportunities, including rural opportunities for young people	Projects could bring economic opportunities through the training and job opportunities associated directly with exploration and production activity, and in the supply chain.
	Supply chain opportunities	Projects could bring economic opportunities for businesses in the supply chain, and associated training and job opportunities.
	Reduced employment and income from tourism	The possibility that production scale activity may impact, directly or indirectly, on a range of sectors from agriculture to tourism. This could be both benefits and disbenefits. These effects could be both through real or perceived effects (e.g. the perception that an area is not as attractive or appealing for tourism due to development activity).
	Downstream economic benefits	Opportunities arising from NI production leading to improved access to, and possibly reduced costs of, feedstocks (e.g. through lower transport costs); this could also help to support the case for the investment in new facilities
	Impacts on agriculture e.g. reduction in yields, animal health, quality of products.	As for tourism above, projects could impact on the agriculture sector and its products, directly or indirectly.
	Energy market impacts	Arising from increased self-reliance of Northern Ireland, enhanced energy security and possible efficiency effects linked to lower energy costs.
	Pressure on housing, services, social and community infrastructure	Arising from economic growth and influx of workers into local communities, especially if rural, due to the commencement of development at scale.
Cross-border issues	There may be specific cross-border issues which are relevant for many of the topics above	Projects, possibly depending on nature and location, may raise economic, social or environmental cross border considerations

HATCH



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Report on	Council's consideration of the launch of the Consultation on 'Future Focused Review of the Strategic Planning Policy Statement (SPPS) on the issue of Climate Change'.
Date of Meeting	5th March 2024
Reporting Officer	Emma McCullagh, Principal Planner
Contact Officer	Emma McCullagh

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	The purpose of this report is to provide members with information regarding the Department for Infrastructure's consultation regarding 'The Review of the SPPS on the issue of Climate Change' and advise of our response.
2.0	Background
2.1	<p>DFI are looking at how they can help improve how the planning system responds to the challenges of our changing climate now and into the future. They want to gain different views on the policy areas of the SPPS that they think are the most relevant in relation to Climate Change.</p> <p>The information gathered will help any future Infrastructure Minister decide on whether or not to review the SPPS and if so, where the focus should be.</p>
2.2	<p>DFI have focused on six main areas which they feel are most impacted by Climate Change;</p> <ul style="list-style-type: none"> - The Purpose of Planning - Furthering Sustainable Development - The Core Planning Principles of the planning system - Flood Risk - Transportation - Development in the countryside. <p>They have asked for views on the above six areas and how they might need to be updated because of Climate Change.</p> <p>The details of the consultation can be found on the DFI website.</p> <p>The deadline for responses is 28th March 2024.</p>

3.0	Main Report
3.1	<p>Climate change is a long-term change in the average weather patterns that have come to define Earth's local, regional and global climates.</p> <p>The key causes of Climate Change include;</p> <ul style="list-style-type: none"> - Generating electricity and heat by burning fossil fuels, - Manufacturing goods, - Cutting down of trees causes emissions as trees release carbon they have been storing. - During major explosive eruptions huge amounts of volcanic gas, aerosol droplets, and ash are injected into the stratosphere. - Using transportation - Producing food causes emissions of Co2, methane and other greenhouse gases. - Powering buildings. They continue to draw on coal, oil, natural gas for heating and cooling, they emit significant quantities of greenhouse gas emissions. - Consuming too much. The use of power in the home and how you get around, consumption of goods and how much you throw away, - Other natural factors, including changes in the sun and variations in Earth's orbit and levels of carbon dioxide (CO₂).
3.2	<p>Northern Ireland accounted for 4.3% of total UK greenhouse gas emissions in 2018 and produced the equivalent of 10.3 tonnes of CO₂ per person compared with a UK figure of 6.8 tonnes of CO₂ per person.</p> <p>The UK makes up approximately 1% of global emissions. Based on estimates- NI's share of global emissions is around 0.04%</p> <p>The Questions posed within the consultation are as follows:</p>
3.3	<p><i>Question 1: Can you provide any evidence on how and why the Department should update, revise, and improve 'The Purpose of Planning' as contained within the SPPS so that it is fit for purpose and suitably future proofed to appropriately support the Climate Change agenda going forward? Please detail.</i></p> <p>'The Purpose of Planning' is currently silent specifically on climate change; however it is not a question if we can prevent it occurring, the key thing is to protect people from its adverse impact and this needs to be reflected in its purpose.</p> <p><i>Question 2: Can you provide any evidence on how and why the Department should update, revise, and improve 'Furthering Sustainable Development' (including Mitigating and Adapting to Climate Change and The Importance of Ecosystem Services) in order to better support the Climate Change agenda? Please detail</i></p>

Council fully support 'Furthering Sustainable Development' (including Mitigating and Adapting to Climate Change and The Importance of Ecosystem Services) as is broadly set out in the SPPS.

This section of the SPPS forms the basis of our consideration, along with other regional policies, which we use currently use to make our planning decisions relating to sustainable development.

MUDC have approved 43 Renewable applications between 2018-2023 and through our Enforcement section, MUDC have protected boglands through taking action on unauthorised extractions at various unauthorised commercial peat extraction sites, throughout Mid Ulster including in Coalisland and along Lough Neagh.

In terms of travel, any revision to the SPPS should encourage Working from Home, to reduce congestion and in addition we further support 'active travel'. This would include a switch from carbon fuel to electric or hydrogen and Planning should be designed to help in providing the infrastructure for doing this, including the promotion of installation of hybrid heating systems and solar panels.

'Furthering Sustainable Development' requires new thinking. The Covid epidemic taught us that new technology has improved communications to the extent that most office-based jobs no longer require employees to be centred in traditional office locations. Therefore, in order to reduce the need to travel, Planning should be facilitating people to work from home where they can achieve better work/life balance in terms of family commitments.

It is recognised in the SPPS with flooding there is resilience, but this needs to be widened, as flooding is not the only risk.

Any review of the SPPS should encourage the building of resilience to ensure power supplies are not over reliant on traditional carbon and build resilience in relation to technology and telecommunications (including fibre optic cables). This is key in moving forward and we should aim for 100% connectivity for mobile coverage and maximum broadband widths. The Planning Process could be greater utilised to ensure all new properties are catered to provide for this.

Planning Service needs to support those Engineering Industries that are setting up to provide the above services and to ensure an entrepreneurial base is distributed. For example, MUDC have been very successful to date in accommodating many engineering and quarry companies working in blockmaking etc. These have not always followed traditional locations and this advantage of localism should spread to other companies involved in this type of operation.

The SPPS should recognise a balance is required and this is best determined at local level, a localised agenda is missing from the document.

Question 3: Can you provide any evidence on how and why the Department should update, revise, and improve the 'Core Planning Principles' in order to better support the Climate Change agenda? Please detail.

The Council fully support the core principle 'improving health and well-being'.

The Council fully support the core principle 'Supporting Sustainable Economic Growth'.

The Council fully support the core principle 'Good design and place making' but it needs to be widened. Design should be about reducing risk and factoring mitigation; this includes many areas including flooding but also areas such as telecommunications and broadband.

The Council fully support the core principle 'Preserving and improving the Built and Natural Heritage'.

Question 4 – Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Flood Risk', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.

Council fully support the existing policy and it should be remembered the policy discourages proposals within the flood plain.

We would be concerned about the notion of using predicted climate change figures due to their uncertainty and because of the amount of existing development already within these climate change areas and the potential impact on them. In the Mid Ulster area in particular there are lands for example, at the LoughShore that are at risk of being prevented from development if we rely on Climate change predictions.

There would need to be flood mitigation provided for large areas, and not just individual pieces of land but areas as a whole. This could prevent the sterilisation of large areas of land which would otherwise not be capable of being developed.

Question 5: Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Transportation', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.

Evidence to date shows a pullback on commitment to providing interconnecting railway network and MUDC are disappointed with this. If these commitments are not met serious questions need to be asked about Central Governments commitments.

MUDC is utilising its Development Plan to protect old railway lines for transport uses, whether road, rail or active travel. This protection needs to be emphasised and encouraged in the SPPS.

Question 6: Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Development in the Countryside', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.

	<p>From our opening paragraphs you can see MUDC and our settlement patterns will not make any difference to overall climate change. Policy which will further restrict rural development will not assist in any way with climate change.</p> <p>DOE statistics show the number of planning approvals for rural dwellings (new and replacements), throughout all areas of Mid Ulster (Previously Magherafelt, Cookstown and Dungannon Councils), dropped significantly from over 2000 in 2006/07, to 837 in 2010/11 following the introduction of PPS21 in June 2010 and this trend has been continuing consistently since.</p> <p>The paper 'Response to queries raised by the Department for Infrastructure, August 2023', shows the average approval rate for dwellings in the countryside between 2012-2019 was 246 dwellings per annum. This is approvals are well below the previous figures and so there is no need to intervene, to do so would be harmful to the vitality and viability of the countryside.</p> <p>Our experience to date is that policies contained in PPS21 are succeeding in focusing development to clusters and reducing speculative proposals. This said, the SPPS also needs to recognise that within this framework, each local authority may have particular needs and in certain instances there may be a need for adjustments to the policy.</p>
4.0	Other Considerations
4.1	<p>Financial, Human Resources & Risk Implications</p> <p>Financial: None Identified</p> <p>Human: None Identified</p> <p>Risk Management: None Identified</p>
4.2	<p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications: None Identified</p> <p>Rural Needs Implications: None Identified</p>

5.0	Recommendation(s)
5.1	Members are requested to note the contents of this report and agree that the Service Director of Planning can reply as such to DFI.
6.0	Documents Attached & References
	<p>Appendix 1 - Letter from DFI requesting 'call for evidence'.</p> <p>Appendix 2 - Future Focused Review of the Strategic Planning Policy Statement (SPPS) on the issue of Climate Change A Call for Evidence</p> <p>Appendix 3 - Future Focused Review of the Strategic Planning Policy Statement (SPPS) on the issue of Climate Change A Call for Evidence (Easy Read)</p>

Climate, Planning and Public Transport



Department for

Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

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Your Reference:

Our Reference:

22nd August 2023

Dear Colleague

THE STRATEGIC PLANNING POLICY STATEMENT AND CLIMATE CHANGE

You will be aware that the Climate Change Act (Northern Ireland) 2022 came into force in June 2022, setting a net zero target by 2050, with interim targets to be set for 2030 and 2040. The Department for Agriculture, Environment and Rural Affairs (DAERA) is currently consulting on the related Carbon Budgets and the CCC advice report on

“The path to a Net Zero Northern Ireland”:

<https://www.daera-ni.gov.uk/consultations/carbonbudget>

The consultation closes on 11 October, and I would encourage you to express your council's views as part of that process.

As you are aware, later this year, DAERA will also consult on the first Climate Action Plan and the current consultation on Carbon Budgets will help to inform that process. The legislation also requires the Department to put in place a transport sectoral plan and an infrastructure sectoral plan for combatting climate change. The infrastructure sectoral plan must include policies and proposals for planning and construction, while the transport sectoral plan must include policies and proposals for public and private transport. Significant cross public sector collaboration will continue to be required over the coming months to put in place the mechanisms which will ensure compliance with

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Website: www.infrastructure-ni.gov.uk/topics/planning

the Act and support the delivery of the related Green Growth, Energy, Clean Air and Nature Recovery Strategies.

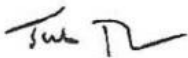
It is widely recognised that the planning system has a key role to play in guiding, encouraging, and promoting a more sustainable and integrated approach to land use and infrastructure development and in looking for innovative and locally agreed solutions to the challenges we will continue to face in terms of climate change. Beyond the ongoing work to finalise the review of regional strategic planning policy on renewable and low carbon energy, it is important that the policy framework provided for by the Strategic Planning Policy Statement (SPPS) is fit for purpose and suitably future proofed to appropriately support the Climate Change agenda going forward.

It is within this context that I am writing to advise you that the Department will soon bring forward a Call for Evidence on a potential focused review of the SPPS on the issue of Climate Change. It is the Department's intention to undertake this stakeholder engagement exercise this autumn. The primary purpose of the Call for Evidence is to engage with key stakeholders on the proposed areas of focus for a review of the SPPS and to invite the submission of evidence on the relevant factors that can assist with determining the best way forward.

The information gathered through the Call for Evidence will be taken into account by the Department and will help inform any decision by a future Infrastructure Minister on a review of the SPPS and the options for it. Should there be an absence of Ministers, a decision on the way forward will be considered in light of the decision-making legislation in place at that time.

Further information will be provided when the Call for Evidence exercise is formally issued but, in the meantime, you may wish to consider how your organisation can provide support and feedback as part of this process.

Yours sincerely



JULIE THOMPSON
Deputy Secretary



Department for
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Future Focused Review of the Strategic Planning Policy Statement (SPPS) on the issue of Climate Change

A Call for Evidence

Issued: 3 January 2024

Respond by: 28 March 2024

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1. Introduction

- 1.1 The Department for Infrastructure (DfI) is responsible for the maintenance, development and planning of critical infrastructure in Northern Ireland. With its focus on water, transport, and planning, the Department seeks to manage and protect over £37bn of public assets that improve people's quality of life, reduce our impact on the planet by living sustainably and decarbonising key services, and build prosperity by driving inclusive productivity. Whilst this Call for Evidence is specifically focused on the Department's regional strategic planning policy (the Strategic Planning Policy Statement, SPPS) it is nonetheless set within this wider Departmental context.

Water (Flood Risk Management)

- 1.2 DfI is responsible for, inter alia, the management of flood risk which includes the maintenance of our river and sea defences, construction of flood alleviation schemes, informing development decisions and developing flood maps. Approximately 5% of properties here are in areas at risk from flooding, which is set to increase by 33% to 59,800 when 2080 Climate Change projections are taken into consideration. DfI is also the lead government department for the strategic coordination of the emergency response to severe weather events, including flooding, emergency planning and processes, which are developed in conjunction with our multi-agency partners.

Transport

- 1.3 In addition, the Department is responsible for the oversight and facilitation of surface transport in the region. The main tools for the delivery of the Department's transport vision are the development of transport strategy and policy and related transport plans, the management of the road network asset (including the promotion of road safety) and providing funding and sponsorship of Translink which delivers the public transport network.

Planning

- 1.4 The Department is also responsible for the strategic direction and production of regional strategic policy for land use planning, planning legislation, processing a small number of regionally significant planning applications and those applications which may be 'called in'. It has a statutory consultee role for roads and rivers to provide specialist advice in relation to the consideration of planning applications by councils.
- 1.5 DfI also works together with councils in managing the two-tier planning system and has a statutory consultee and an oversight role in the preparation of local development plans (LDPs) which set out councils' long-term visions, objectives, and growth over the plan period. The Department, together with local government

and stakeholders, is also taking forward a Planning Improvement Programme (PIP) with the objective of improving the effectiveness and efficiency of the regional planning system.

- 1.6 There is no doubt that the operating environment, including a constrained resource budget for the delivery of the Department's functions, remains very challenging. By focusing on water, transport and planning the Department is clear on the current state of our infrastructure in these key areas, what we need to do, why we need to do it and how we will prioritise the finite public resources available to address the issues within each delivery area.

Climate Change

- 1.7 In June 2022 the Climate Change Act (Northern Ireland) 2022 (CCA) came into force, setting a target of net zero greenhouse gas emissions by 2050, with interim targets for 2030 and 2040. These ambitious targets, set out in the CCA represent a decisive change in Northern Ireland's approach to the climate crisis, requiring an immediate step change in all our sectors' activities to achieve this. The Department for Agriculture, Environment and Rural Affairs (DAERA) launched a 16-week public consultation on 21 June 2023 on the related Carbon Budgets and sought views on the Climate Change Committee (CCC) advice report on 'The path to a Net Zero Northern Ireland'. The consultation closed on 11 October 2023. (<https://www.daera-ni.gov.uk/consultations/carbonbudget>).
- 1.8 DAERA also intends to consult on the first Climate Action Plan and the recent consultation on Carbon Budgets will help to inform that process. The legislation also requires DfI to put in place a transport sectoral plan and an infrastructure sectoral plan for combatting Climate Change. The infrastructure sectoral plan must include policies and proposals for planning and construction, while the transport sectoral plan must include policies and proposals for public and private transport. Significant cross public sector collaboration will continue to be required over the coming months to put in place the mechanisms which will ensure compliance with the CCA and support the delivery of the related strategies including those on Green Growth, Energy, Clean Air and Nature Recovery Strategies etc.

Implications for the SPPS

- 1.9 It is widely recognised that the planning system has a key role to play in guiding, encouraging, and promoting a more sustainable and integrated approach to land use and infrastructure development and in looking for innovative and locally agreed solutions to the challenges we will continue to face in terms of Climate Change. Beyond the ongoing work to finalise the review of regional strategic planning policy on renewable and low carbon energy, it is important that the policy framework provided for by the Strategic Planning Policy Statement (the SPPS) is fit for purpose and suitably future proofed to appropriately support the Climate

Change agenda and related departmental priorities going forward.

- 1.10 It is within this context that the Department is undertaking a 'Call for Evidence' on a potential focused review of the [Strategic Planning Policy Statement](#) on the issue of Climate Change. The primary purpose of the Call for Evidence is to engage with stakeholders on the proposed areas of focus for a review of the SPPS and to invite the submission of evidence on the relevant factors that can assist with determining the best way forward.
- 1.11 The information gathered through the Call for Evidence will be considered by the Department and will help inform any decision by a future Infrastructure Minister on a review of the SPPS and the options for it. Should there be an absence of ministers, a decision on the way forward will be considered in light of the decision-making legislation in place at that time.

2. How to Respond

- 2.1 This Call for Evidence engagement is being facilitated by means of the Citizen Space Hub, which can be accessed via the following weblink:
www.infrastructure-ni.gov.uk/consultations/call-evidence-future-focused-review-SPPS-climate-change
- 2.2 This is the primary means of responding to the consultation. However, respondents may also reply by e-mail to: sppsteam@infrastructure-ni.gov.uk
- 2.3 When responding please provide the following information:
- your name,
 - contact details (preferably email),
 - the organisation you represent (if applicable), and
 - your main area of interest (Academic/NGOs; Business and Industry; Community/Resident/Voluntary Organisations; Environmental; Local Government; Professional Bodies; Individuals).
- 2.4 The consultation will run for **from 3 January 2024 to 28 March 2024**.
- 2.5 Responses must be submitted **by 5.00pm Thursday 28 March 2024**. Comments after this deadline will not be accepted.
- 2.6 **All responses to this Call for Evidence should be made electronically.**

3. Freedom of Information Act 2000: Confidentiality of Responses

3.1 The Department for Infrastructure (Dfi) may publish a summary of responses following the closing date for receipt of comments. Your response, and all other responses to this publication, may be disclosed on request and/or made available on the Dfi website (redacted). The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of responses as this will give you guidance on the legal position about any information given by you in response to this publication.

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- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

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4. Background

- 4.1 The Strategic Planning Policy Statement (the SPPS) 'Planning for Sustainable Development' was published in September 2015, following Executive Committee agreement. It has a statutory basis under Part 1 of the Planning Act (Northern Ireland) 2011 and the SPPS is judged to be in general conformity with the Regional Development Strategy 2035 (the RDS).
- 4.2 The provisions of the SPPS apply to whole of Northern Ireland. They must be taken into account in the preparation of LDPs and are material to all decisions on individual planning applications and appeals.
- 4.3 Whilst the SPPS and the planning system has the objective of furthering sustainable development at its heart, there has been much contextual change in the period following its publication, particularly with regards to the wider efforts of government in seeking to address the challenges presented by a changing climate.
- 4.4 Since the SPPS was published in 2015, tackling Climate Change has become a legislative requirement and it is a priority consideration in the context of the work and functions of DfI, other departments and the wider public sector.

5. Why undertake a Call for Evidence?

The Climate Emergency

- 5.1 As noted in the introduction, the Department has a vast and wide-ranging remit in relation to water, transport, and planning. Its responsibilities include:
 - regional strategic planning policy, legislation and promoting good place-making, including acting as the planning authority for regionally significant planning applications and overseeing the effectiveness of the two-tier planning process that came into effect in 2015;
 - policy and legislation for water, reservoirs and sewerage including discharging the Department's responsibilities, including as shareholder, for oversight of NI Water;
 - responsibility for rivers and drainage policy and legislation and for supporting the work of the Drainage Council;
 - the assessment and management of flood risk and lead department responsibilities for the emergency response to flooding and other severe weather incidents;

- almost all aspects of surface transport policy including public transport, promotion of active and sustainable travel, the development and implementation of a transport strategy and the provision, management, and maintenance of all public roads; and
 - being a statutory consultee in the planning process in relation to rivers and roads matters.
- 5.2 Within the context of the climate emergency and the CCA, the Department is looking at how its policies can contribute to emission reduction in our carbon budgets as we chart the path to net zero by 2050. The following departmental work streams are of particular relevance in the context of Climate Change.

Water (Flood Risk Management)

- 5.3 More frequent and extreme weather events are indicative of our changing climate. Such occurrences demonstrate dramatically just how vulnerable Northern Ireland's built and natural environment is to extremes of climate variables (e.g. temperature/heatwaves; wind/storms; precipitation/floods; and sea levels/surges). These events, particularly flooding events, present increased disruption to and stress on our infrastructure networks and services including drainage, sewerage, digital, energy, road and rail infrastructure, water resources and can impact on the economy, environment, and communities more widely, as evidenced by recent flooding events.
- 5.4 The most effective method of managing flood risk is to mitigate, insofar as possible, the risk occurring in the first place. A key area of the Department's work is to advise council planning authorities in relation to flood risk for proposed new development. This is done through its role as a statutory consultee in the planning process, having regard to the SPPS.

Transport

- 5.5 Transport has been identified as a key sector that will be required to decarbonise by 2050 in order to help manage Climate Change. In response, the Department is developing a new 'Transport Strategy for Northern Ireland' (TSNI) which will set the new approach for the transport system as we embark on a transformative journey to net zero carbon emissions by 2050.
- 5.6 This strategy is being developed around four high level strategic priorities for transport that will shape and influence the planning, design, and operation of the transport network, so that it is resilient and sustainable; supports green growth; is safe and healthy; and supports connected and inclusive communities.
- 5.7 In addition, a suite of transport plans are being developed in an integrated manner with local councils in the development of their LDPs. These transport plans will

set out the framework for transport policy and investment decisions up until 2035. The plans will build on the priorities set out in the TSNI and describe the future development of our road, public transport, and active travel networks.

Planning

- 5.8 Beyond the ongoing work to finalise the review of regional strategic planning policy for renewable and low carbon energy, it is important to consider the current policy framework provided for by the SPPS in relation to Climate Change and if this remains appropriate. This includes ensuring that the regional strategic planning policy framework keeps pace with changes to the context for, and approach to, the delivery of the Department's wider functions on water (flood risk) and transport.
- 5.9 Where appropriate, regional strategic planning policy can also lend support to the implementation of policy developed by other departments where there is a strong interface with the planning system. However, it would not be appropriate for DfI to assume lead policy development responsibility for matters that are the responsibility of other departments.
- 5.10 In order to deliver for the economy, communities and the environment, the Department is committed to ensuring that the planning system operates in an efficient and effective way and plays its part in assisting the wider efforts of government in addressing Climate Change.

6. Purpose and Scope

- 6.1 This Call for Evidence is part of the process of gathering the necessary information to inform a potential focused review of the SPPS in relation to Climate Change and the options and scope for any such review.
- 6.2 Should the outcome of this Call for Evidence lead to a decision to formally review the SPPS, such a focused review could seek to update and bring forward new and revised policy provisions on Climate Change on:
- The Purpose of Planning,
 - Furthering Sustainable Development (including Mitigating and Adapting to Climate Change and The Importance of Ecosystem Services), and
 - The Core Planning Principles of the two-tier planning system.
- 6.3 A focused review could also encompass a fresh look at the appropriateness of extant policy provisions on flood risk, transportation, and development in the countryside, given these are three key policy areas which are impacted by Climate Change (in addition to the review of regional strategic planning policy on

renewable and low carbon energy which is already being progressed).

- 6.4 The Department is particularly keen to hear views and gather evidence in respect of the above-mentioned matters. Nonetheless, there may be evidence in relation to other aspects of the SPPS that you may wish to comment on that might assist the Department with determining the appropriate way forward in addressing Climate Change within the SPPS.
- 6.5 The policy areas outlined in this CfE are considered to reflect how and where the Department can optimise the impact of any focused review of the SPPS in responding to the challenges of a changing climate.

7. The Purpose of Planning

- 7.1 The objective of the planning system, consistent with Part 1, Section 1 of the Planning Act (Northern Ireland) 2011, is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. The SPPS states that this means the planning system should positively and proactively facilitate development that contributes to a more socially, economically, and environmentally sustainable Northern Ireland. Planning authorities¹ should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.
- 7.2 For the existing policy provisions of 'The Purpose of Planning' please see paragraphs 2.1 – 2.4 of the [Strategic Planning Policy Statement](#)

QUESTION 1: *Can you provide any evidence on how and why the Department should update, revise, and improve 'The Purpose of Planning' as contained within the SPPS so that it is fit for purpose and suitably future proofed to appropriately support the Climate Change agenda going forward? Please detail.*

8. Furthering Sustainable Development

- 8.1 The objective of furthering sustainable development lies at the heart of the SPPS and the planning system. The key guiding principles for planning in Northern Ireland are contained within the SPPS. It currently recognises the need to mitigate and adapt to Climate Change and the positive part the planning system plays in

¹ Planning authorities can encompass district councils (in their role as local planning authorities), the Department for Infrastructure and the Planning Appeals Commission (PAC).

seeking to halt the loss of biodiversity and ecosystem services.

- 8.2 In addition, the SPPS seeks to ensure the planning system contributes to a reduction in energy and water usage and helps to reduce greenhouse gas emissions by continuing to support growth in renewable energy sources, as well as promoting development where it reduces the need for private motorised travel. The promotion of high quality and good design is also emphasised, and in terms of seeking to address the nature crisis, working towards the restoration of and halting the loss of biodiversity is noted, as is the conservation of soil and bog lands. In recognition of the challenges of Climate Change, managing development to safeguard against water pollution, flooding and securing improvements in water quality are also addressed.
- 8.3 Furthering sustainable development also means ensuring the planning system plays its part in supporting the Executive and wider government policy and strategies in efforts to address any existing or potential barriers to sustainable development.
- 8.4 The SPPS outlines that in formulating policies and plans and in determining planning applications, planning authorities should be guided by the precautionary approach that where there are significant risks of damage to the environment, its protection will generally be paramount unless there are imperative reasons of overriding public interest.

Mitigating and Adapting to Climate Change

- 8.5 The SPPS currently recognises that a central challenge in furthering sustainable development is mitigating and adapting to Climate Change. It identifies a number of measures that the planning system can consider in this regard.

The Importance of Ecosystem Services

- 8.6 The SPPS also stresses the importance of ecosystem services. It highlights the benefits that a good quality environment can provide not only in terms of economic performance but also by improving resilience to Climate Change. For example, trees and other green infrastructure provide important ecosystem services that reduce the effects of flooding and the urban heat island, a phenomenon that occurs when urban areas experience higher air temperatures than the surrounding rural area.
- 8.7 For the full 'Furthering Sustainable Development' text please see paragraphs 3.1 – 3.16 of the [Strategic Planning Policy Statement](#)

QUESTION 2: *Can you provide any evidence on how and why the Department should update, revise, and improve 'Furthering Sustainable Development' (including Mitigating and Adapting to Climate Change and The Importance of Ecosystem Services) in order to better support the*

Climate Change agenda? Please detail.

9. Core Planning Principles

- 9.1 The SPPS supports 5 'Core Planning Principles' that are fundamental to the achievement of sustainable development, which are: 'Improving Health and Well-Being'; 'Creating and Enhancing Shared Space'; 'Supporting Sustainable Economic Growth'; 'Supporting Good Design and Positive Place-Making'; and 'Preserving and Improving the Built and Natural Environment'. Four of these are particularly relevant to Climate Change and are summarised below.

Improving Health and Well-Being

- 9.2 The SPPS directs that when plan-making and decision-taking, planning authorities should contribute positively to health and well-being through actions, such as: encouraging and supporting quality, environmentally sustainable design; providing better connected communities with safe pedestrian environments; ensuring better integration between land-use planning and transport; and facilitating the protection and provision of green and blue infrastructure.
- 9.3 In addition, the value of networks of green infrastructure in providing a wide range of environmental benefits including flood water storage, urban cooling, improved air quality and habitats for wildlife are highlighted. It is recognised that green infrastructure should be designed and managed as a multifunctional resource capable of delivering on a wide range of environmental and quality of life benefits for communities. The SPPS also draws attention to the wide range of environment and amenity considerations, including air quality, which should be taken into account by planning authorities when proposing policies or managing development.

Supporting Sustainable Economic Growth

- 9.4 The SPPS supports sustainable economic growth. Our environment is identified as an asset for economic growth in its own right and in line with the Department's vision for a 'sustainable future', the SPPS requires planning authorities to encourage proposals that make an important contribution to sustainable economic growth whilst also carefully balancing the protection and enhancement of the quality of the natural and built environment.

Supporting Good Design and Positive Place-Making

- 9.5 Another core planning principle which encourages the need to mitigate and adapt to Climate Change is that of 'supporting good design and positive place-making'. The SPPS accepts that good design furthers sustainable development and encourages healthier living; promotes accessibility and inclusivity; and contributes to how safe places are and feel.

- 9.6 The SPPS recognises that design is not limited to the appearance of a building or place but that it should encompass how buildings and places function in use over the lifetime of a development. To assist in helping to tackle the impacts of Climate Change, it is stressed that 'design' should consider and address, for example, how a development can minimise energy, water usage and CO2 emissions. Landscape design and planting considerations are also outlined as an integral part of design which can contribute to biodiversity.

Preserving and Improving the Built and Natural Environment

- 9.7 This core planning principle seeks to ensure that the environment is managed in a sustainable manner in order to safeguard our landscape and its heritage assets, preserving and improving the natural and built environment and halting the loss of biodiversity. An integrated approach to the management of the natural and cultural aspects of the landscape is advocated as is the important role of the planning system in conserving, protecting, and enhancing the environment whilst ensuring it remains responsive and adaptive to the everyday needs of society.
- 9.8 The SPPS considers that the importance of the environment, however, goes far beyond the immediate benefits it can provide with it being noted that safeguarding our unique landscape (including heritage assets) and biological diversity will also makes an important contribution to the protection of the wider global ecosystem.
- 9.9 For the full 'Core Planning Principles' text please see paragraphs 4.1 – 4.40 of the [Strategic Planning Policy Statement](#)

QUESTION 3: *Can you provide any evidence on how and why the Department should update, revise, and improve the 'Core Planning Principles' in order to better support the Climate Change agenda? Please detail.*

10. Subject Policies

- 10.1 The SPPS makes it clear that the objective of furthering sustainable development and the supporting core planning principles that give expression to it should be applied to both plan-making and decision-taking, along with the relevant subject policies. It is clarified that the SPPS should be read and applied as a whole (SPPS para 5.9). As set out at Part 6 above, the Department considers it appropriate to focus on the following three subject policies within the SPPS.

Flood Risk

- 10.2 The Department is the competent authority for The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009 and has overall responsibility for

flood risk management in the region (see para. 5.3). Flooding is recognised as one of the primary risks to people, property and the environment arising from a changing climate in Northern Ireland. As mentioned earlier in this document, we have experienced and should expect more frequent and extreme weather events. This is reinforced by the latest evidence by the Climate Change Committee (CCRA3 published 2021).

- 10.3 It is accepted that more needs to be done and in this regard the Department is progressing a number of initiatives. For example, existing 'Technical Flood Risk Guidance in relation to Allowances for Climate Change in Northern Ireland' (published 2019), is currently based on UK Climate Projections (UKCP09) information. This guidance is used for flood risk management and development planning purposes (primarily in respect of allowances for increased sea level rise, river flows and rainfall intensities) and assists DfI in its role as a statutory consultee in the planning system. However, 2018 UK Climate Projections (UKCP18) information is now available, and the Department is currently considering updates to the abovementioned guidance in this regard.
- 10.4 The Department also provides advice to councils on the drainage/flood risk aspects of emerging draft LDP documents. This advice is informed by a suite of flood maps, including Climate Change mapping developed by the Department and produced in accordance with the requirements of The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009. These maps have been prepared for areas that have been determined by government to be at significant risk of flooding and were an important step in development of flood risk management plans for these areas. A key aim of the flood maps is to increase awareness among the general public, councils (including planning authorities) and other organisations, of the likelihood of flooding and to recommend that all stakeholders take appropriate action to manage flood risk.
- 10.5 Information relating to flood mapping and Climate Change can be found online at: [Flood Maps NI | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://www.infrastructure-ni.gov.uk/flood-maps-ni)
- 10.6 As Climate Change predictions indicate there is likely to be an increase in the existing floodplain outlines, developers should be aware of the available Climate Change flood mapping and the expected future changes. The Department's capital flood alleviation schemes are also designed with Climate Change factors taken into consideration.
- 10.7 The Department is also developing preparatory work towards the provision of legislation which will enable it to introduce future arrangements, if funded to do so, to encourage developers to use Sustainable Drainage Systems (SuDS) as the preferred drainage solution in new developments. These arrangements which would require further consultation in due course may propose to detail how SuDS can be approved as part of a potential approval process for developments and requirements for their ongoing long-term maintenance. SuDS can assist in the

management of flood and pollution risks from excess water and can benefit water quality, biodiversity, health, and public amenity.

- 10.8** It is therefore recognised that the SPPS and the planning system have an important role to play in supporting the wider efforts of government in supporting flood risk management. An established approach has been to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere. The SPPS, therefore, currently provides that, in all but the most exceptional circumstances, new development is not located within the flood plains of rivers or the sea where it may be at risk or increase the risk of flooding in the locality.
- 10.9** The current definition of a flood plain contained in the SPPS does not include an allowance for Climate Change. Whilst DfI Rivers, in its role as statutory consultee, will continue to provide advice taking into account the latest information on flood risk (including for Climate Change) it is recognised that updating the definition of a flood plain in the SPPS can provide further policy backing to support decision making by planning authorities.
- 10.10** The SPPS also recognises that the planning system should help to mitigate and adapt to Climate Change by working with natural environmental processes, for example through promoting the development of green infrastructure and also the use of SuDS to reduce flood risk and improve water quality.
- 10.11** For the existing policy provisions in relation to 'Flood Risk' please see paragraphs 6.99 – 6.132 of the [Strategic Planning Policy Statement](#)

QUESTION 4: *Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Flood Risk', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.*

Transportation

- 10.12** The Department is the roads authority for Northern Ireland with responsibility for almost all aspects of transport policy including public transport, promotion of active and sustainable travel, the development and implementation of a transport strategy, transport plans and the provision, management and maintenance of the road network as well as delivering wider transport projects. In addition, the Department is a statutory consultee in the planning process in relation to roads related matters.
- 10.13** As the second largest contributor to carbon emissions, the transport sector and particularly its surface transport, needs to play a critical role in responding to the climate emergency. The CCA places a clear responsibility on the Department to decarbonise the transportation sector. As previously mentioned, the Department

is currently bringing forward a Transport Strategy (TSNI) that will set out its new approach for the transport system up to 2035. The strategy aims to provide a clear framework for action which will facilitate implementation of a range of decarbonisation initiatives.

- 10.14** The planning system has an important role to play in supporting the priorities set out in the TSNI and the Department will aim to ensure that the regional strategic planning policies within the SPPS, planning guidance in [Living Places](#), and council LDPs continue to help improve connectivity, promote more sustainable transport patterns and support the decarbonisation of the transport sector.
- 10.15** Going forward, the planning system could potentially improve the alignment of transport planning in Northern Ireland with the climate targets outlined in the CCA and help support the 'Hierarchy in Reducing the Carbon Impact of Transport'. This hierarchy is focused on reducing the number and length of trips; increasing a shift of modes from the use of the private car to public transport and active travel; and a switch to more sustainable fuels.
- 10.16** Within this context the Department is focused on encouraging and prioritising low-carbon transport options, such as:
- **Transport Demand Management:** measures that help manage and reduce travel demand, such as flexible working arrangements, tele-commuting, and further promotion of cycling and walking for short-distance trips,
 - **Active Travel Infrastructure:** enhancing the focus on active travel (cycling and walking) by allocating more space for cycle paths, pedestrian zones, and implementing measures to improve safety and accessibility for non-motorised transport modes,
 - **Sustainable Transport Networks:** ensuring that transport planning focuses on developing sustainable transport networks that minimise carbon emissions, such as investing in efficient public transport systems, promoting shared mobility services, and integrating different modes of transport, and
 - **Monitoring and Reporting:** implementing monitoring mechanisms to regularly assess the progress and impact of transport-related Climate Change targets.
- 10.17** The SPPS was introduced in 2015 in the context of the 'Regional Transportation Strategy for Northern Ireland' for the period 2002-2012, and the subsequent document 'Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation', published in March 2012.
- 10.18** In respect of transportation, the SPPS seeks to support a 'modal shift' by promoting sustainable forms of development that reduce the need for motorised transport and encourages opportunities for active travel and travel by public transport in preference to the private car.

- 10.19 It also recognises that the preparation of a LDP provides the opportunity to assess the transport needs, problems and opportunities within the plan area and that appropriate consideration be given to transportation issues in the allocation of land for future development, including appropriate integration between transport modes and land use. Policy specifies that LDPs should identify active travel networks and provide a range of infrastructure improvements to increase use of more sustainable modes.
- 10.20 Any review of the SPPS in relation to Climate Change should take account of the new approach for transport infrastructure planning and delivery of transport infrastructure services across Northern Ireland.
- 10.21 The planning system can play a positive role in supporting the decarbonisation of transportation. It can promote more sustainable transportation for a greener and more resilient future. The review provides the opportunity to ensure that the subject planning policy for transportation remains up to date and fit for purpose for plan-making and decision-taking. For example, it could consider how regional strategic planning policy can best support and integrate active travel infrastructure and use, deliver sustainable patterns of development that reduce the need to travel and encourage travel by greener modes of travel that minimise carbon emissions.
- 10.22 For the existing policy provisions in relation to 'Transportation' please see paragraphs 6.293 – 6.305 of the [Strategic Planning Policy Statement](#)

QUESTION 5: *Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Transportation', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.*

Development in the Countryside

- 10.23 It is recognised that there are wide variations across Northern Ireland in terms of the economic, social and environmental characteristics of rural areas and that Northern Ireland is characterised by a distinct dispersed rural settlement pattern.
- 10.24 Given the declaration of a climate emergency and the challenges in delivering on the ambitions of the CCA, the Department is considering whether the current approach to new development in the countryside remains appropriate. The role and function of rural settlements and accessibility to existing services and infrastructure is also important.
- 10.25 The aim of the SPPS in relation to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities, consistent with the RDS. The policy approach is to cluster, consolidate, and group

new development with existing established buildings, and promote the re-use of previously used buildings.

- 10.26 The current policy provides a wide range of opportunities for development in the countryside including new dwellings in existing clusters; replacement dwellings; dwellings on farms; dwellings for non-agricultural business enterprises; infill development; the conversion and reuse of existing buildings; and a dwelling where there are personal and domestic circumstances. Additional opportunities are provided for a temporary caravan; social and affordable housing development; and non-residential development including farm diversification; agriculture and forestry development; and the conversion and reuse of existing buildings for non-residential use.
- 10.27 For the existing policy provisions in relation to 'Development in the Countryside' please see paragraphs 6.61 – 6.75 of the [Strategic Planning Policy Statement](#)

QUESTION 6: *Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Development in the Countryside', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.*

Other Matters

- 10.28 As per paragraphs 6.4 and 6.5 above, the Department is particularly keen to hear views and gather evidence in response to Questions 1-6. However, the Department recognises that there may be comments/evidence in relation to other aspects of the SPPS that you may wish to comment on in relation to Climate Change that might assist the Department with determining the most appropriate way forward.

QUESTION 7: *In light of the declared climate emergency and the requirements of The Climate Change Act (Northern Ireland) 2022, can you provide any other evidence on how and why the Department should update, revise, and improve the SPPS to better support the Climate Change agenda? Please detail.*

11. Summary of Questions

- 1) *Can you provide any evidence on how and why the Department should update, revise, and improve 'The Purpose of Planning' as contained within the SPPS so that it is fit for purpose and suitably future proofed to appropriately support the Climate Change agenda going forward? Please detail.*
- 2) *Can you provide any evidence on how and why the Department should update, revise, and improve 'Furthering Sustainable Development' (including Mitigating and Adapting to Climate Change and The Importance of Ecosystem Services) in order to better support the Climate Change agenda? Please detail.*
- 3) *Can you provide any evidence on how and why the Department should update, revise, and improve the 'Core Planning Principles' in order to better support the Climate Change agenda? Please detail.*
- 4) *Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Flood Risk', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.*
- 5) *Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Transportation', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.*
- 6) *Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Development in the Countryside', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.*
- 7) *In light of the declared climate emergency and the requirements of The Climate Change Act (Northern Ireland) 2022, can you provide any other evidence on how and why the Department should update, revise, and improve the SPPS to better support the Climate Change agenda? Please detail.*

12. Next Steps

- 12.1 Responses to this Call for Evidence should be made to the Department by:
5.00pm, Thursday 28 March 2024.
- 12.2 The information gathered, as a result of this Call for Evidence will be considered by the Department and will help inform any potential focused review of the SPPS in relation to Climate Change.
- 12.3 Depending, in part, upon the evidence received, the consideration and scope of any potential review will be refined to focus on the key issues and/or if further research should be undertaken. Any necessary revisions to regional strategic planning policy will follow the normal policy development process and would involve the preparation of a draft policy proposal which would be subject to full public consultation.

Regional Planning Policy and Casework
Department for Infrastructure
Clarence Court
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Future Focused Review of the Strategic Planning Policy Statement (SPPS) on the issue of Climate Change

A Call for Evidence

EASY READ

Issued: 3 January 2024

Respond by: 28 March 2024

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- **Telephone: 028 9054 0612** and talk to one of the Regional Planning and Policy team members. If you have a hearing difficulty, you can use the text relay prefix **18001**.
- **Or E-mail: SPPSteam@infrastructure-ni.gov.uk**

About us

We are the Department for Infrastructure.

What do we do?

We have many wide-ranging responsibilities in relation to water, transport, and planning (including the making of regional planning policy).

We look after our water, rivers, roads, and transport infrastructure.

We manage over £37 billion of public assets that improve people's quality of life and help reduce our impact on the planet.

Here are some of the main things we do.

Water

- We help to reduce the risk of flooding by looking after our sea and river flood defences and by providing expert advice on flooding matters to decision makers, including planners in councils.
- We lead the emergency response to flooding and other severe weather incidents.
- We develop policy and legislation for water, reservoirs and sewerage and we fund and oversee Northern Ireland Water as a shareholder.
- We also bring forward rivers and drainage policy and legislation.

Transport

- We are bringing forward a new transport strategy for Northern Ireland.
- We are responsible for the provision, management, and maintenance of all our public roads, and for the promotion of road safety and active and sustainable travel, including walking, wheeling, and cycling.
- We fund Translink which runs the buses and trains on the public transport network.

Planning

- We make planning policy and planning legislation to guide local development plans and decisions on planning applications.
- We also take decisions on some large planning applications.
- We provide expert advice on roads, rivers, and sewerage issues to our local

councils.

- We are working with others to make the planning system better.

This is a Call for Evidence on:

A potential review of the *Strategic Planning Policy Statement (the SPPS)* on the issue of *Climate Change*

What is the SPPS?

The SPPS is our policy on how we should deal with important planning matters for different land uses and types of development across Northern Ireland.

This policy is used to guide councils in making their local development plans (LDPs) and for those that take decisions on planning applications and planning appeals. A LDP sets out the policies and proposals of councils to be used to decide development proposals for the long-term future development of their areas.

In June 2022 government introduced a new law called the Climate Change Act (Northern Ireland) 2022. This legislation sets an ambitious target of net zero greenhouse gas emissions by 2050, with interim targets for 2030 and 2040.

This means we need to make a big shift in Northern Ireland's approach to the climate crisis and will require an immediate change in all of our activities.

We are thinking about changing the SPPS in places to give it an improved focus on the issue of Climate Change.

You can look at the current SPPS here: [Strategic Planning Policy Statement](#)

Why are we doing a Call for Evidence?

We are looking at how our policies can help improve how our planning system responds to the challenges of our changing climate now and into the future.

We want to reach out to everyone to get your views on the policy areas of the SPPS we think are most relevant in relation to Climate Change.

We want to gather information through the Call for Evidence consultation to help a future Infrastructure Minister decide on whether or not to review the SPPS and if so, where the focus should be.

If a decision is made in the future to review the SPPS, the information collected from this Call for Evidence will feed into the review and help us decide the best way to do it.

We want any review to take a fresh look at how suitable the policies in the SPPS are, and to update and develop new policies, if needed.

What does the Call for Evidence cover – what are we asking about?

We want you to focus on the following policies in the SPPS as we think these are the areas which are most impacted by, and are most relevant to, Climate Change:

- The Purpose of Planning,
- Furthering Sustainable Development,
- The Core Planning Principles of the planning system,
- Flood risk,
- Transportation, and
- Development in the countryside.

We want to get your views and gather evidence on the policies mentioned above and how they might need to be updated because of Climate Change.

But we are also interested in any evidence on other policies in the SPPS that you may think are also relevant in terms of Climate Change.

The Purpose of Planning

We are thinking whether we need to update the purpose of planning and give more focus to climate action so that the planning system can do more to help lessen and manage the impacts of a changing climate.

You can read the existing policy wording on 'The Purpose of Planning' by clicking on the following link and going to paragraphs 2.1 – 2.4.

[Strategic Planning Policy Statement](#)

Please consider question 1 below and give us your views:

QUESTION 1: *Can you provide any evidence on how and why the Department should update, revise, and improve 'The Purpose of Planning' as contained within the SPPS so that it is fit for purpose and suitably future proofed to appropriately support the Climate Change agenda going forward? Please detail.*

Furthering Sustainable Development

Furthering sustainable development can be described as doing things to help meet our needs now without compromising the ability of future generations to meet their needs. It is at the heart of the SPPS and the planning system.

The SPPS already gives us examples of how the planning system can play an important part in helping to slow down or address the worst impacts of Climate Change on communities, buildings and on our environment. We are thinking about whether we might need to improve this policy to make it better.

You can read the existing policy wording on 'Furthering Sustainable Development' by clicking on the link below and going to paragraphs 3.1 – 3.16.

[Strategic Planning Policy Statement](#)

Please consider question 2 below and give us your views.

QUESTION 2: *Can you provide any evidence on how and why the Department should update, revise, and improve 'Furthering Sustainable Development' (including Mitigating and Adapting to Climate Change and The Importance of Ecosystem Services) in order to better support the Climate Change agenda? Please detail.*

Core Planning Principles

The SPPS has 5 'Core Planning Principles' that are very important for planning and for achieving sustainable development. Four of these principles are very relevant to Climate Change and you can read a short description of each below.

Improving Health and Well-Being

The SPPS states that planning should influence health and well-being positively by encouraging better environmentally sustainable design; providing better connected communities with safe pedestrian areas; making sure planning and transport are more linked; and helping to provide and protect green infrastructure (such as parks, green spaces, and street trees) and blue infrastructure (such as ponds, streams, and lakes).

Supporting Sustainable Economic Growth

The SPPS encourages sustainable economic growth whilst also trying to protect and make the natural and built environment better.

Supporting Good Design and Positive Place-Making

This core planning principle also encourages the need to react to and reduce the

impacts of Climate Change. The SPPS accepts that good design can further sustainable development; encourage healthier living; promote accessibility and inclusivity; and contribute to how safe places are and feel.

Preserving and Improving the Built and Natural Environment

This core planning principle tries to make sure that the environment is managed in a sustainable way to protect our landscape and its heritage assets; preserving and improving the natural and built environment; and, stopping the loss of biodiversity (that is the variety of plant and animal life in the world).

You can read the existing policy wording on the 'Core Planning Principles' by clicking on the link below and going to paragraphs 4.1 – 4.40.

[Strategic Planning Policy Statement](#)

Please consider question 3 below and give us your views.

QUESTION 3: *Can you provide any evidence on how and why the Department should update, revise, and improve the 'Core Planning Principles' in order to better support the Climate Change agenda? Please detail.*

The SPPS includes 18 subject policies on different planning policy topics. We are thinking about whether 3 of these subject policies may need to be reviewed to make them better, given Climate Change. These are the subject policies on Flood Risk, Transportation and Development in the Countryside.

Flood Risk

Flooding is a big risk to people, property, and our environment. Our changing climate is making this an even bigger risk to us all. We have experienced and should expect more frequent and extreme weather conditions and events because of Climate Change.

The SPPS and the planning system have an important role to play in supporting flood risk management. Our current approach is to limit new development from being built in areas that flood or where a development may increase the risk of flooding elsewhere.

The SPPS, therefore, advises that new development should not be located within the flood plains (the area which may flood) of rivers or the sea.

We are thinking about whether we need to improve this subject policy to make it better, given the context of Climate Change.

You can read the existing policy wording on 'Flood Risk' by clicking on the link below and going to paragraphs 6.99 – 6.132.

[Strategic Planning Policy Statement](#)

Please consider question 4 below and give us your views:

QUESTION 4: *Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Flood Risk', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.*

Transportation

We are responsible for the network that allows people or goods to move around by road, train, or by ship, and for making transport policy, including planning policy on transport.

As the second largest contributor to carbon emissions, the transport sector and particularly surface transport, needs to play a key role in responding to the climate emergency.

The SPPS seeks to support a 'modal shift' by promoting sustainable forms of development that reduce the need for motorised transport and encourages opportunities for active travel (making journeys in physically active ways like cycling or walking) and travel by public transport in preference to the private car.

We are bringing forward a new Transport Strategy and think we should also consider changing our planning policy to ensure that it can support more walking, wheeling, cycling and use of our buses and trains.

We are thinking about whether we need to improve this subject policy to make it better, given the context of Climate Change.

You can read the existing policy wording on 'Transportation' by clicking on the link below and going to paragraphs 6.293 – 6.305.

[Strategic Planning Policy Statement](#)

Please consider question 5 below and give us your views:

QUESTION 5: *Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Transportation', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.*

Development in the Countryside

The aim of the SPPS regarding development in the countryside is to strike a balance between protection of the environment from the wrong type of development, while supporting and sustaining rural communities.

The current policy approach for development in the countryside is to cluster, consolidate, and group new development with existing established buildings, and

promote the re-use of previously used buildings. The SPPS provides a wide range of opportunities for housing, farming, and other types of development in the countryside.

We are thinking about whether we need to improve this subject policy to make it better, given the context of Climate Change.

You can read the existing policy wording on 'Development in the Countryside' by clicking on the link below and going to paragraphs 6.61 – 6.75.

[Strategic Planning Policy Statement](#)

Please consider question 6 below and give us your views:

QUESTION 6: *Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Development in the Countryside', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.*

Other Matters

We are happy to receive any comments or evidence you may have about other policies in the SPPS that you think are relevant to Climate Change, that might help us in deciding the best way forward or in improving or making new policy.

QUESTION 7: *Can you provide any other evidence on how and why the Department should update, revise, and improve the SPPS to better support the Climate Change agenda? Please detail.*

How to Respond

You can respond to the full consultation survey online through the [Citizen Space hub](#).

Or

Tell us what you think about it by:

- **Telephone: 028 9054 0612** and talk to one of the Regional Planning and Policy team members. If you have a hearing difficulty, you can use the text relay prefix **18001**.
- **Email: sppsteam@infrastructure-ni.gov.uk**

When responding please provide the following information, if possible:

- your name,
- contact details (preferably email),
- the organisation you represent (if applicable), and
- your main area of interest.

The Call for Evidence will run **from Wednesday 3 January 2024 to Thursday 28 March 2024**.

Please respond through Citizen Space if possible.

Please note, you can complete as few or as many questions as you want.

You can get a copy of the full version of Call for Evidence via the following link: www.infrastructure-ni.gov.uk/consultations/call-evidence-future-focused-review-SPPS-climate-change

Regional Planning Policy and Casework
Department for Infrastructure
Clarence Court
12-18 Adelaide Street
Belfast, BT2 8GB
sppsteam@infrastructure-ni.gov.uk



Report on	Lessons from the last 10 years of planning
Date of Meeting	5 th March 2024
Reporting Officer	Service Director for Planning
Contact Officer	Service Director for Planning

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	To examine what lessons what can be learnt over the last ten years from the Performance of the Planning Department and identify any key failings in the system.
2.0	Background
2.1	A key theme in local government currently is moving from transition to transformation. The transition stage occurred fairly smoothly in Planning due to the work of the Transition team in 2014 when a shadow Mid Ulster Council was formed under the governance of members and the leadership of a new Chief Executive supported by a small team of officers including the Planning Manager. The success of that initial work has now been well tested over the 9 years since April 2015 when Mid Ulster Council formerly came into existence and indeed the Planning Department has already made great strides with its transformation with the installation of our new independent Planning Portal and the restructuring of the planning officer grades.
2.2	Members are already aware from the results of the customer survey that planning agents are reasonably satisfied and perceive Mid Ulster as operating the planning functions in a transparent, fair and efficient manner. It is also clear that our new planning portal has been both an operational and financial success particularly when compared with the well reported problems that other Councils have encountered in investing into the regional planning portal. Members will also be interested to note that according to work undertaken by SOLACE it appears Mid Ulster is the most cost efficiently run Planning Service in comparison to the costs indicated by other Councils, although care needs to be taken when viewing such figures as it is not clear that all Council's assign budgets and account for costs in the same way.
2.3	Whilst our customers appear reasonably satisfied there is room for improvement and NI Executive Audit Committee have recorded the view that the Planning System is not satisfactorily serving the region. Whilst most of the changes needed

	are legislative and fall to the Department for Infrastructure to deliver, Mid Ulster Council has its role to play. In moving forward, it is useful to consider what lessons we can learnt from the past and how Mid Ulster Council has performed in relation to other Councils.
3.0	Main Report
3.1	<p>During the transition stage a system of governance for decision making was set up a Planning Protocol written, a scheme of delegation, devised, Members trained, staff transferred, and new structures set up. All files were transferred from the department to the Council's offices and the Council wired into the regional planning portal. Since that initial set up scheme of delegation and Planning Protocol have been reviewed on two occasions, a new planning office opened up in Dungannon, and the Department restructured. All of these changes were in response to service needs and improving services for our customer. The simple lesson that can be drawn from this is</p> <ul style="list-style-type: none"> • the Council can define and adapt how it operates as and when it feels expedient to do so. • change should be seen as a continuous process with the aim of making services better.
3.2	<p>The regional measure of Planning performance is measured in terms of how long it takes to process a planning application and how long to conduct an enforcement investigation. That targets reflected in the Council's business plans being to</p> <ul style="list-style-type: none"> • process 50% of major applications within 30 weeks, • process 50% of local application within 15 weeks, • conclude 70% enforcement investigations in 39 weeks.
3.2	<p>In pursuing these targets not all Council's start from an equal base, Mid Ulster over the last 9 years has consistently received the third most applications in Northern Ireland and has dealt with nearly double the application of some of its neighbours (Appendix 1: Fig1 & 2). This in itself places a strain on the service and means there is no room for slack and in moving forward there is no reason to assume this will change.</p>
3.3	<p>Mid Ulster also has the highest approval rate which obviously is popular among those customers submitting applications. This is achieved by the deferral system that is used to address the deficiencies in many applications. Faster decisions would be achieved if decisions were made on applications as submitted. However this would lead to a large number of refusals and would question the ethos of the Council and Service. There is a perception that high approval rates means a lack of vigour in the planning system. This is something which I would dispute, given that Mid Ulster Council has not had been subject to sustained criticism in the Courts, by the Ombudsman or Planning Appeals Commission. However, it does need to be recognised that on occasion prolonged deferral of applications puts a strain on staff resources, can give false hope and increase costs for some</p>

applicants who may have been better off if the application had been refused earlier in the process. The lesson is simple;

- Deferrals form a valuable part of the Mid Ulster System but the number and time taken to conclude these needs to speed up.

3.4 The high number of applications means the Service continually needs to be managed and staff moved from different posts to ensure officers can keep pace with the applications coming in. If the number of decisions issuing is less than the number of applications coming in, this in itself causes inefficiencies as staff struggle with high caseloads and a backlog can develop (Appendix 1: Fig 4). This has happened on two occasions, to a lesser extent in 2017/18 when staff absences meant one team could no longer cope and a back log developed. However, both staff recruitment and decisive action in terms of reorganisation from three area teams to the current two built resilience in the structure and meant it was cleared over the following year. Over that period, we also worked to address delays with our internal consultees (environmental Health) by developing staff guidance to address unnecessary consultation and forging greater links by housing an environmental health officer in the planning office. We also aimed to do the same with Road Service and came to an agreement, however DfI Road Service never followed through with the agreement.

3.5 The second backlog developed as a result of the Covid pandemic 2020 and 2021 which proved larger and more stubborn to shift. Firstly, problems occurred in being able to work remotely which was addressed through updating our IT hardware and security and then as a result of staff shortages and difficulties in recruiting. To add to the difficulties, we received our highest number of applications over that period and were also diverting staff resources to put in a new computer system. However, we have made serious inroads in addressing the backlog and to date have reduced the number of applications in the system by around 20%. This is primarily as a result of posting a Head of Local Planning, filling all the vacancies which occurred by bringing in trainee planners as part of the restructuring and by reassigning staff working on the Local Development Plan. Accordingly moving forward:

- There is a need to retain staff and agility, the trainee planner program is a key part of this.

3.6 In terms of performance, the processing of major applications has averaged around 67 weeks which is well outside the target (Appendix 1, Figure 7). This is primarily due to the nature of the applications which normally require environmental assessments and other supporting statements. All Councils have also failed to make these targets as an average across the 9 years although some periodical have achieved it. This in my view does not mean the Mid Ulster is failing but that it is systemic within the Planning System. Work is under way regionally to see if this can be addressed by legally requiring front loading through legislation to empower Council's to require the supporting evidence before validating an application. Mid Ulster has also demonstrated its commitment by assigning major applications to a Majors team led by a Principal Officer. It would

be naive to think this will change the amount of time an applicant can expect to spend at the pre- construction stage of a project but by frontloading much of the preparation prior to an application being made this will reduce the time spent formerly in the planning system and therefore:

- The Council should continue to work with the Department to bring forward legislation to improve the standard of submission.

3.7 In terms of Local applications, which represent over 99% of applications, Mid Ulster's performance is overall good and has been the 4th best of all Councils and better than the regional average (Appendix 1: Fig 8). Had it not been for the Covid pandemic it is clear targets would have been met. Ironically performance falls when a backlog is being cleared so performance dipped in 2018/19 when the backlog accumulated the previous year was cleared and it fell dramatically in 2022/23 when the covid backlog began to be cleared. Performance is recovering from 21.6 weeks in the year 22-23 to 16 weeks average processing time as of 1st January this year.

3.8 Performance of the enforcement team is similar in that all that all performance targets were met up until 2020-21. However, they have fallen this financial year again because of a backlog developing over Covid. (Fig 11). However, there are two key things which differentiates Mid Ulster from other Council's in that we open the lowest number of enforcement cases because we require a named complainant thus reducing vexatious complaints. In contrast, we have the highest conviction rate (Fig 12 and 13). This is primarily due our approach which we should continue with, which is

- Give those who carry out unauthorised development every opportunity to correct but deal with continued failures which cause harm to people and the environment sternly.

3.9 The other primary area of work is the preparation of the Local Development Plan. The timetable has been adjusted several times, however, it is interesting to consider progress against what was originally envisaged when work commenced in 2015. At that time it was felt that a preferred options paper would be published in 2016 followed a Draft Plan Strategy in 2017. This proved to be a little ambitious given the quantum of background work needed. However, a Draft Plan Strategy was indeed published in 2019 and it recognised that there were already shortages in development land supply in certain areas, particularly industrial land in Dungannon. Unfortunately, due to the need to reconsult due to an advertising and delays caused by Covid we did not submit to the Department until May 2021. Since then, the Department has failed to either call a Public Examination or serve a direction. When the new plan system was brought in it was envisaged this would be done within one month and not rest with the Department for three years. Indeed, our original time frame anticipated that by this time not only the Plan Strategy, but the Local Policies Plan would have been adopted. Given that no Council has adopted a Local Policies Plan and only a few have Plan Strategies it is clear the system is not working. To add to this the Planning Appeals Commission have declared they are unable to deal with any more Plans until 2026-27. Clearly this indicates a systemic breakdown in the Plan making system

	<p>and questions the value of a system that results in Local Policy Plans being adopted around the time of their notional end by date, i.e. 2030. The Council wrote to the Public Accounts Committee on 24th June 2022 (appendix 2) advising the need to reform the Plan System but has received no response. Accordingly, the lesson is:</p> <ul style="list-style-type: none"> • The Council can no longer rely on the Plan making system to bring about Policy change or ensure adequate land supply to meet the needs of the residents of mid ulster within the next few years and where shortages of development arise this may need to be consideration when addressing individual applications.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	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	<p>(i) That the Head of Strategic Planning follows up with the representation made to the Public Accounts Committee on 22nd June 2022 on the adequacy of the Plan System</p> <p>(ii) That the Committee note the lessons learnt to date.</p>
6.0	Documents Attached & References
6.1	<p>Appendix 1 - Planning Statistics</p> <p>Appendix 2 - Letter to the Public Account Committee</p>

Appendix One

Fig 1: Applications received

	Antrim & Newtownabbey	Ards & North Down	Armagh City, Banbridge & Craigavon	Belfast City	Causeway Coast & Glens	Derry City & Strabane	Fermanagh & Omagh	Lisburn & Castlereagh	Mid & East Antrim	Mid Ulster	Newry, Mourne & Down	Strategic Planning Division 5	Northern Ireland
2015/16	722	977	1,251	1,592	1,222	897	932	980	819	1,379	1,443	6	12,220
2016/17	798	1,022	1,383	1,786	1,311	897	1,062	1,016	861	1,392	1,491	18	13,037
2017/18	730	959	1,331	1,808	1,286	866	1,036	1,020	891	1,415	1,570	11	12,933
2018/19	744	961	1,348	1,756	1,199	857	1,064	960	825	1,337	1,480	10	12,541
2019/20	778	907	1,263	1,580	1,129	840	1,026	963	801	1,424	1,488	8	12,207
2020/21	730	1,009	1,340	1,584	1,161	959	1,111	906	839	1,534	1,657	3	12,833
2021/22	907	1,084	1,310	1,664	1,260	1,065	1,157	1,047	906	1,452	1,744	4	13,600
2022/23	732	941	1,065	1,372	1,093	802	926	834	755	1,217	1,478	2	11,217
	6141	7870	10291	13142	9661	7183	8314	7726	6697	11150	12351	62	100588

Fig2: Applications decided

	Newtownabbey	Antrim & Ards & North Down	Armagh City, Banbridge & Craigavon	Belfast City	Causeway Coast & Glens	Derry City & Strabane	Fermanagh & Omagh	Castlereagh	Lisburn & Mid & East Antrim	Mid Ulster	Newry, Mourne & Down	Strategic Planning Division 5	Northern Ireland
2015/16	686	925	1,215	1,316	1,042	760	979	842	865	1,233	1,153	18	11,034
2016/17	799	906	1,423	1,707	1,301	850	1,004	1,038	824	1,327	1,757	21	12,957
2017/18	720	985	1,123	1,807	1,059	951	1,013	957	870	1,200	1,612	17	12,314
2018/19	743	947	1,244	1,767	1,171	763	1,057	914	889	1,413	1,242	6	12,156
2019/20	747	801	1,132	1,567	1,119	871	966	935	728	1,300	1,571	10	11,747
2020/21	543	797	926	1,341	905	783	908	854	784	1,208	1,424	10	10,483
2021/22	860	1,022	1,374	1,555	1,162	945	1,098	846	953	1,423	1,666	10	12,914
2022/23	765	991	1,041	1,269	1,015	780	967	726	662	1,231	1,309	15	10,771
	5863	7374	9478	12329	8774	6703	7992	7112	6575	10335	11734	107	

Fig 3: Applications approved

	Newtownabbey	Antrim & Ards & North Down	Armagh City, Banbridge & Craigavon	Belfast City	Causeway Coast & Glens	Derry City & Strabane	Fermanagh & Omagh	Castlereagh	Lisburn & Mid & East Antrim	Mid Ulster	Newry, Mourne & Down	Strategic Planning Division 5	Northern Ireland
2015/16	93.4%	95.4%	94.5%	93.2%	91.3%	96.7%	92.0%	93.6%	94.5%	96.7%	90.8%	72.2%	93.7%
2016/17	93.4%	97.1%	95.4%	95.2%	93.0%	93.1%	94.0%	95.1%	93.6%	98.0%	88.3%	76.2%	94.0%
2017/18	92.8%	96.3%	95.8%	92.4%	94.3%	97.0%	94.4%	93.7%	92.2%	97.8%	88.2%	88.2%	93.8%
2018/19	94.5%	96.4%	95.6%	90.7%	93.3%	97.2%	94.9%	94.7%	93.4%	98.4%	80.2%	83.3%	93.2%
2019/20	94.8%	97.1%	95.5%	93.2%	92.9%	97.6%	95.3%	91.9%	93.7%	97.2%	88.7%	80.0%	94.0%
2020/21	95.6%	96.9%	95.6%	95.7%	94.9%	98.6%	98.1%	94.1%	94.3%	99.2%	91.2%	90.0%	95.7%
2021/22	94.9%	93.5%	95.5%	95.4%	95.2%	95.7%	97.3%	98.2%	94.6%	99.2%	91.1%	95.1%	99.1%
2022/23	96.4%	92.1%	94.9%	95.9%	96.5%	96.0%	98.5%	98.0%	94.0%	98.6%	91.7%	95.5%	98.0%

Fig 4: Applications live

	Newtownabbey	Antrim & Ards & North Down	Armagh City, Banbridge & Craigavon	Belfast City	Causeway Coast & Glens	Derry City & Strabane	Fermanagh & Omagh	Castlereagh	Lisburn & Mid & East Antrim	Mid Ulster	Newry, Mourne & Down	Northern Ireland
Mar-16	319	583	711	935	761	619	385	711	275	651	1,376	7,326
Mar-17	293	637	602	959	680	597	395	653	282	660	991	6,749
Mar-18	224	523	711	788	779	509	346	649	229	724	999	6,481
Mar-19	226	543	762	749	760	502	328	655	185	681	1,024	6,415
Mar-20	292	751	1,158	891	930	536	558	639	284	932	971	7,942
Mar-21	378	784	1,158	863	897	592	540	656	259	1,009	1,052	8,188
Mar-22	298	679	862	874	870	597	451	853	242	969	1,106	7,801
Mar-23	285	668	941	931	927	653	474	862	262	909	1,162	8,074
At 31 Sept	257	608	821	982	943	662	397	895	231	839	1,378	8,013

Fig 9: Local Applications Withdrawn

	Newtownabbey	Antrim & Down	Ards & North Down	Banbridge & Craigavon	Armagh City	Belfast City	Coast & Glens	Causeway	Derry City & Strabane	Fermanagh & Omagh	Castlereagh	Lisburn & Castlereagh	Mid & East Antrim	Mid Ulster	Newry, Mourne & Down	Northern Ireland
2015/16	35	41	32	53	44	25	59	30	35	58	46	463				
2016/17	26	56	58	71	89	67	52	37	30	57	118	657				
2017/18	39	45	71	71	89	53	45	52	25	47	75	612				
2018/19	30	43	77	104	76	37	45	40	22	63	81	618				
2019/20	33	26	78	64	79	29	39	46	25	52	70	541				
2020/21	31	43	80	66	49	26	33	31	29	54	53	496				
2021/22	42	78	79	82	67	40	51	47	16	52	64	618				
2022/23	62	46	70	54	71	28	35	66	24	42	60	558				
	237	281	455	441	431	213	248	282	141	310	403	3442				

Fig 10: Enforcement case received

	Newtownabbey	Antrim & Down	Ards & North Down	Banbridge & Craigavon	Armagh City	Belfast City	Coast & Glens	Causeway	Derry City & Strabane	Fermanagh & Omagh	Castlereagh	Lisburn & Castlereagh	Mid & East Antrim	Mid Ulster	Newry, Mourne & Down	Northern Ireland
2015/16	274	338	250	406	288	179	172	254	228	262	263	2,914				
2016/17	440	383	265	417	400	213	255	254	209	188	399	3,423				
2017/18	408	410	316	427	323	181	249	231	209	175	374	3,304				
2018/19	488	459	392	590	294	164	273	284	234	167	451	3,796				
2019/20	497	496	418	984	348	171	243	293	272	196	344	4,262				
2021/22	303	373	364	408	294	172	146	315	216	164	408	3,163				
2022/23	332	366	332	491	269	276	180	274	180	171	322	3,193				
	2742	2825	2337	3723	2216	1356	1518	1905	1548	1323	2561					

Fig 11: Enforcement 70% conclution times (target 39 weeks or less)

	Newtownabbey	Antrim & Down	Ards & North Down	Banbridge & Craigavon	Armagh City	Belfast City	Coast & Glens	Causeway	Derry City & Strabane	Fermanagh & Omagh	Castlereagh	Lisburn & Castlereagh	Mid & East Antrim	Mid Ulster	Newry, Mourne & Down	Northern Ireland
2015/16	19.5	23.6	31.2	31	27	31.3	53.2	29.2	19.7	29.2	64.7	30.4				
2016/17	14.2	32	29.6	30.3	24	33.6	28.2	23.6	22.9	32.6	54.2	27.2				
2017/18	12.2	34.3	32	36.1	38.8	37.2	32.9	26.7	24	29.5	54.2	33				
2018/19	11.8	30.2	28.9	19.9	31.8	73.1	30.8	22.1	20.4	35.5	64.9	27.6				
2019/20	7	25.3	20.2	17.4	28	30.6	28.1	22.7	18	27.3	143.8	25				
2020/21	24.4	50.7	28.9	43.2	43	37.4	48.4	22.7	22.5	30.3	121.9	39.2				

Fig12: Enforcement Prosecution

	Newtownabbey	Antrim & Down	Ards & North Down	Banbridge & Craigavon	Armagh City	Belfast City	Coast & Glens	Causeway	Derry City & Strabane	Fermanagh & Omagh	Castlereagh	Lisburn & Castlereagh	Mid & East Antrim	Mid Ulster	Newry, Mourne & Down	Northern Ireland
2015/16	7	1	3	0	4	0	0	4	3	1	0	23				
2016/17	7	1	1	0	6	0	13	1	2	10	0	41				
2017/18	6	0	0	6	9	0	19	2	0	8	0	50				
2018/19	24	0	0	5	20	0	24	3	0	13	0	89				
2019/20	5	3	0	7	16	1	19	1	1	11	0	64				
2020/21	0	0	0	4	14	1	6	2	0	6	0	33				
2021/22	2	0	0	4	20	4	3	0	1	3	0	37				
2022/23	2	0	1	3	6	2	1	3	0	1	0	19				
	53	5	5	29	95	8	85	16	7	53	0	356				

Fig 13: Enforcement Convictions

	Newtownabbey	Antrim & Down	Ards & North Down	Banbridge & Craigavon	Armagh City	Belfast City	Coast & Glens	Causeway	Derry City & Strabane	Fermanagh & Omagh	Castlereagh	Lisburn & Castlereagh	Mid & East Antrim	Mid Ulster	Newry, Mourne & Down	Strategic Planning	Northern Ireland
2015/16	0	1	0	0	7	0	1	0	3	2	4	0	18				
2016/17	2	4	0	0	5	0	0	6	2	6	5	0	30				
2017/18	1	0	0	1	2	0	0	4	1	6	0	0	15				
2018/19	7	0	0	3	4	0	6	1	0	2	1	0	24				
2019/20	9	1	1	2	2	0	5	1	1	1	2	0	25				
2020/21	0	0	0	3	1	0	0	2	1	5	1	0	13				
2021/22	0	0	0	4	8	1	0	2	0	6	0	0	21				
2022/23	4	2	0	1	1	0	0	1	0	1	0	0	10				
	23	8	1	14	30	1	12	17	8	29	13	0	156				



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Ms Lucia Wilson
Clerk of the Public Accounts Committee
By email: Committee.publicaccounts@niassembly.gov.uk

24th June 2022

Dear Sir Madam

Response to the Public Accounts Committee on Planning in Northern Ireland

On behalf of Mid Ulster District Council, I have been asked to provide the attached report, which was agreed by our Planning Committee on 7th June 2022.

At the outset, it is important to stress that Mid Ulster District Council welcomes the report but is disappointed to see that the Committee has not recognized the improvement to the Planning system resulting from the transfer of planning functions to Local Government. This addressed the democratic deficit, delivered better community participation, transparency and accountability than was ever the case when functions fell under the Department.

This said, our Council recognizes that there is still a need to bring improvements to the planning system. We agree with the Public Accounts Committee that there is a need to improve processes in relation to major development so that development proposals offering most to the economy and our communities are determined in a timely manner. We recognize we have a role to play and to this end, we remain committed to work with the Department and our sister councils to bring about improvements.

In addition to drawing attention to our attached report, the Council is keen to highlight that many of the key delays in the planning system rest with the Department of Infrastructure. These relate to; its responsibilities in relation to progressing local development plans to public inquiry; its failure to respond to planning applications in a timely manner on roads matters; and, its failure to provide adequate direction to NI Water on water and sewerage issues and the planning system.

In order to illustrate this, the Public Accounts Committee will be alarmed to learn

- Mid Ulster submitted its Local Development Plan Strategy in May 2021 and after more than a year the Department has failed to request the Planning Appeals Commission to call a public examination. The consequence of this major investment as agreed regionally as part of the South West Region City Deal is delayed.
- A key reason for delay on major applications relates to untimely or inconclusive Road Service responses. When asked to priorities certain major developments, the DfI Roads Manager provided a written explanation that delays were a product of the DfI voluntary exit scheme 2016.
- NI Water is now objecting to a large number of applications on the grounds of inadequate water infrastructure causing major delays and leaving it to planning officers to find solutions. This problem is across Council Districts and there has been an absence of an intervention by DfI, the parent Department to find an appropriate way forward.

It would be wrong to suggest DfI alone is to blame; similar problems arise in relation to responses from Department of Communities and Department of Department of Agriculture, Environment and Rural Affairs (DAERA).

Regardless of whether these are problems, resulting from lack of funding or need further examination, unless they are addressed, any fixes will be short term and sustained improvement will not occur.

In looking to solutions the Councils supports:

(i) An Independent Commission.

The role of this body should not be limited to a task and finish project on suggestions to improve the Planning System. It should be a properly legally constituted body with the ability to investigate issues and take action relation to the type of issues identified. This body should both assist and be able to hold government Departments to account for improving or failing the Planning System.

(ii) A Further review of Public Administration.

Where planners work side by side roads engineers it is much easier to broker solutions to problems in order to assist development. It is difficult to understand why local roads functions, particularly related to planning does not rest with local government. The same is true of other related functions such as regeneration and heritage functions. Elsewhere in the UK, where these functions rest with local authorities decisions making tends to be quicker.

(iii) A further review of the Development Plan System

It is clear that the two-tier local plan system is broken as witnessed by progress to date. There should therefore be a reinvestigation of the merits of a switch to a unitary plan, move to the English style local development framework, or a time-locked approval system as in the Republic of Ireland. Regardless the role of the Department and Planning Appeals Commission in assessing soundness appear confused and we are now of the view that submissions should be made direct to the Planning Appeals Commission who should be the final arbitrator on the Plan. If this change does not occur at the very least, there should be some binding time-frames set from submission for the Department to complete some of its duties.

(iv) Sustainable funding for Planning Departments

You will be aware that Mid Ulster placed in its own planning portal. This is now live and was delivered in time and on budget and without the need for additional consultancy. It is a testimony to what planning staff in local government can achieve. A key reason for the decision to provide our own was costs with the regional system were unduly prohibitive and the Department refused to recoup the additional expenditure through planning fee increases. Regardless of our action, we agree with the audit office that fees need to rise. However, it is not just a rise in fees that needs to occur, but that the legislation needs to automatically increase fees annually indexed lined to inflation. Only by doing this will we ensure the sustainability of delivering planning functions.

The Council trusts that Public Accounts Committee finds this submission helpful and we remain optimistic that with the right actions, improvements will be achieved.



Dr. Chris Boomer

Service Director

Report on	Measures to improve performance in the processing of Local and Major planning applications.
Date of Meeting	5 th March 2024
Reporting Officer	Karen Doyle, Head of Local Planning
Contact Officer	Karen Doyle

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 present Members with new measures to improve the performance of the Planning Department in Mid Ulster District Council.
2.0	Background
2.1	It is a statutory target that Major planning applications will be processed within 30 weeks and Local applications will be processed with 15 weeks. Mid Ulster District Council has not met the Major target for processing times and, since planning powers were transferred to Local Government, Mid Ulster District Council has only met the yearly Local target for processing applications within 15 weeks on three occasions, the last reporting year being 2019/2020.
3.0	Main Report
3.1	In March 2022, the Public Accounts Committee issued a report, "Planning in Northern Ireland". It states that "since the transfer of functions in 2015, planning authorities have failed to deliver on many of their key targets, particularly on major and significant development". The Committee heard that there are opportunities to improve application quality, but these have not been taken either centrally or locally".
3.2	When a planning application is received, it shall contain the following information as required by Article 3 of The Planning (General Development Procedure) Order (NI) 2015: <ul style="list-style-type: none"> • An application form; • A certificate of ownership; • Site location plan and other necessary plans and drawings; • A plan showing neighbouring land owned; • Pre Application Community Consultation where it is a Major planning application; • An Access statement or a Design and Access Statement where necessary; • The appropriate planning fee.

3.3	The above list is the minimum requirements and thus sets a very low bar for what is deemed a valid planning application. There are many instances where additional information is required to assess a planning application in accordance with planning policy but which are not required by legislation. For example, PPS 7 Policy QD 2 requires a Design Concept Statement with the submission of a planning application for a residential development. PPS 15 Policy FLD 3 requires the submission of a Drainage Assessment where certain thresholds are met, FLD 5 details the need for a Flood Risk Assessment.
3.4	In Mid Ulster it is an accepted practice that those submitting planning applications will do so without the documents which are required by planning policy, simply to get the process underway. In accordance with published legislation, we must accept these applications, however we regularly are placed in a position of having to wait several weeks, if not months, to receive the required information following a request from the case officer. This has the inevitable outcome of delaying the processing of a planning application which puts our case officers under pressure to deliver on the statutory targets for Major and Local applications.
3.5	In Mid Ulster we generally have a positive working relationship with those who submit planning applications in our district. To deliver timely planning decisions that will benefit our district, the Committee are being asked to consider the introduction of a localised checklist to help improve both the quality of the initial planning application and the speed with which the planning applications can be processed.
3.6	<p>There are a number of benefits with the introduction of a localised validation checklist including;</p> <ul style="list-style-type: none"> • The submission of all necessary information will ensure the case officer, consultees and the public are provided with as much information as possible in order to consider the proposal, in full, from the outset; • Applicants are fully aware of the information that is required and the associated costs of procuring the required reports prior to the submission of a planning application; • A reduction in processing times when applications are frontloaded with all the necessary information; • A reduction in costs to Mid Ulster District Council. If an application is frontloaded with the necessary information there will be a reduction in costs of readvertising planning applications, re-notifying neighbours and objectors by mail.
3.7	Compounding the poor performance in Mid Ulster is the number of deferred applications we are currently either assessing or holding for the submission of additional information. At present we are currently carrying a case load of 173 deferred cases. The assessment of these deferred cases can take a considerable amount of time and when they are deferred three or four times by Committee, as has happened in a number of cases, this adds to the considerable workload they are currently facing. It is largely the responsibility of the Principal planner to discuss the local applications with each case officer and with a target output of c.130 local cases each month this adds to the pressures they face.

3.8	The introduction of a checklist will significantly reduce the amount of time case officers spend each month either calling or emailing an agent/applicant to chase the submission of the information that is required. There are a number of occasions where a case officer has asked for the information repeatedly over a number of months, the application is taken with a recommendation to refuse and the committee agree to defer the application to allow the applicant a further chance to submit the outstanding information. This situation needs to be addressed to allow the Planning department the opportunity to meet those statutory Major and Local processing targets.
3.9	The Planning Committee are being asked to consider the introduction of a validation checklist in Mid Ulster. A validation checklist will have two parts and will require an application to be considered: - <ol style="list-style-type: none"> 1. "valid" i.e. it meets the regional legislative requirements as outlined in 3.2 above, and 2. "acceptable", i.e. all other necessary supporting information has been submitted with the application at the submission stage.
3.10	Examples of supporting information include; <ul style="list-style-type: none"> • Biodiversity checklist • Drainage assessment • Flood risk assessment • Parking survey • Transport assessment • Transport assessment form • Design Concept Statement
3.11	In advance of the introduction of a validation checklist an agreement is being sought from the Committee for officers to hold a workshop with those who submit planning applications in Mid Ulster including, applicants, agents and developers. The purpose of the workshop is to facilitate engagement with our customers. Key to the success of a checklist is a "buy in" from customers, and an assurance to our customers, that officers will act in a consistent manner when seeking the submission of additional information which is required to process a planning application in an expedient manner.
3.12	Following the workshop Members are being asked to agree to the preparation of a draft Good Practice Guide which will be prepared by officers and presented before the Planning Committee prior to its final publication on the website.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial:

	Cost of delivering workshops, though these can be delivered in Council facilities eg, Burnavon, Ranfurly House, Seamus Heaney HomePlace
	Human: Officers are required to deliver the workshops, devise a validation checklist and prepare a Good Practice Guide for publication on the Council website.
	Risk Management: None identified at present.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None identified
	Rural Needs Implications: None identified
5.0	Recommendation(s)
5.1	Members are being asked to consider the introduction of a validation checklist as a tool to improve the processing times of planning applications.
6.0	Documents Attached & References
	None

Report on	Organisation of Planning Department and Scheme of Delegation for Planning (April 2024)
Date of Meeting	5 th March 2024
Reporting Officer	Service Director for Planning
Contact Officer	Service Director for Planning

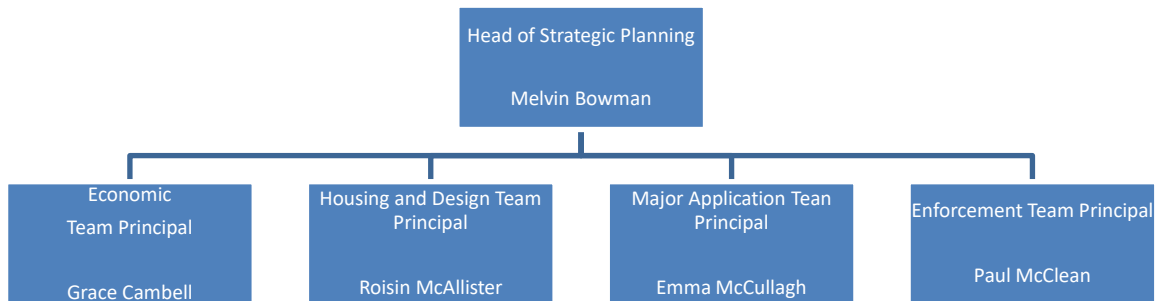
Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	x

1.0	Purpose of Report
1.1	To agree the structure, responsibilities and accompanying Scheme of Delegation for Planning functions for Financial Year (April 2024)
2.0	Background
2.1	Members will be aware that the Planning Department adopted a revised scheme of delegation as of April 2023 and went through a restructuring in the Autumn of 2023. The next phase of that restructuring will commence with the retirement of the Service Director, thus leaving behind a competent work force under the leadership of the Head of Strategic Planning and Head of Local Planning. This report sets out the organisational structure of the Department with accompanying scheme of delegation to ensure the Planning department remains fit for purpose once the Service Director Departs.
3.0	Main Report
3.1	Members will recall that the Policy and Resources and Planning Committee considered a comprehensive review and adopted a new Scheme of Delegation to Officers in April 2023. Over the year the scheme has functioned adequately ensuring both transparency and accountability with members being informed and making decisions on those matters of strategic importance or likely to have a significant impact on communities in the area.(i.e. policy formulation, major and regionally significant applications) or are quasi- judicial in nature. These include proposal where there is an interest (either pecuniary or through a close relative) and where the decision is likely to be disputed because of objection or is recommended for refusal. The Committee also makes those other decisions where a person's liberty may be affected, such as instructions to serve of an enforcement Notice or Tree Preservation Orders. The officers on the other hand are delegated those matters which are not subject to dispute at the point of decision or by their nature are more legalistic or administrative in nature.

3.2 As the current scheme is working satisfactory there is no need to review what is delegated to officers as a principle. The task is simply to reassign those responsibilities delegated to the Service Director to the Head of Strategic Planning and the Head of local Planning.

The Head of Strategic Planning is currently responsible for progressing the Local Development Plan and processing Major Proposals, as well, responding to Government calls of evidence on planning policy and legal matters. Come April He will also take responsibility for overseeing the enforcement function (Fig 1).

Fig 1 Strategic Planning



3.3 The Head of Local Planning takes on the responsibility of managing the two area teams which deal with over 99% of planning applications, consents and other determinations. Come April they will also take responsibility for managing the Business Support functions (Fig 2).

Fig 2 Local Planning

<p>3.4</p>	<div style="text-align: center;"> <pre> graph TD A[Head of Local Planning Planning Karen Doyle] --> B[Dungannon Team Team Principal Phelim Marrion] A --> C[Housing and Design Team Principal Karla McKinless] A --> D[Business Support Manager Jean Connolly] </pre> </div> <p>A simple division of the matters already delegated to the Service Director results in the Head of Strategic Planning being delegated those matters related to the local Development Plan, processing of Major Applications and Enforcement, whilst the Head of Local Planning takes responsibility for determining those planning applications and Listed Building and Conservation Area consents not defined as needing a Planning Committee decision and all other consents and determinations. This is detailed in Appendix One.</p>
<p>4.0</p>	<p>Other Considerations</p>
<p>4.1</p>	<p>Financial, Human Resources & Risk Implications</p> <p>Financial: N/A</p> <p>Human: N/A</p> <p>Risk Management: N/A</p>
<p>4.2</p>	<p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications: N/A</p> <p>Rural Needs Implications: N/A</p>
<p>5.0</p>	<p>Recommendation(s)</p>
<p>5.1</p>	<p>That the Members of Planning Committee and Policy and Resources Committee agree that the revised scheme of delegation and instruct the Service Director to</p>

	seek approval of the Department before it comes into affect and is published on the Council's website in April 2024
6.0	Documents Attached & References
6.1	Appendix One - Draft Revised Scheme of Delegation

APPENDIX A DELEGATED AUTHORITY ON PLANNING MATTERS

Scheme of Delegation of Planning Applications

The Scheme of Delegation for planning applications was agreed by Mid Ulster District Council at its meeting of Thursday 20th April 2023 following approval by the Department for Infrastructure on 7th October 2022. The approval is in accordance with Section 31 of The Planning Act (NI) 2011. The Scheme of Delegation takes effect from 8th April 2024.

Part A – Mandatory applications for determination by the Planning Committee:

Statutory requirements require that certain types of application must be determined by the planning committee and these cannot therefore be delegated to officers:

- Applications which fall within the Major category of development;
- An application for planning permission where the application is made by the council or an elected member of the council, and
- The application relates to land in which the council has an interest/estate.

Part B – Delegated Applications:

The appointed person within the Council is the Head of Local Planning to determine all local development applications with the exception of:

- Applications which are significant departures from the Development Plan or planning policy and which are recommended for approval.
- Applications submitted by the Chief Executive, Directors, planning staff, or their close relatives (parents, partners, siblings, and children).
- Applications submitted by an elected member or their close relative (parents, partners, siblings and children).
- Applications attracting valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.
- Any application referred to the Planning Committee by a Council Member, subject to a valid planning reason being provided by the Member for the deferral.
- All refusals of planning permission.
- Applications where the Head of Local Planning considers that the proposal merits consideration by the Committee, for example an application subject to an Enforcement Notice where the recommendation is to refuse permission.
- Applications where a legal agreement is required.

Part C – Publicity:

On adoption of this scheme of delegation the council made a copy

- available on the councils website at www.midulstercouncil.org

- available at Mid Ulster Council Offices
Magherafelt Office
50 Ballyronan Road
Magherafelt
BT45 6EN

An advert was placed in the local press.

Scheme of Delegation of planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations

As well as determining planning applications, the Council will also have to administer the enforcement of planning and the processing of other planning consents, orders etc. The Scheme of Delegation in relation to planning consents, certificates, orders, enforcement and other determinations was agreed by Mid Ulster District Council at its meeting of Thursday 20th April 2023. The Scheme of Delegation takes effect from 8th April 2024 and is in accordance with Section 7 (4) (b) of the Local Government (Northern Ireland) Act 2014.

The following matters are delegated to the Head of Strategic Planning:-

(a) Enforcement Matters

- The investigation of complaints of breach of planning control including the decision to not take enforcement action and/or to close an enforcement case or investigation and/or to withdraw or vary an enforcement notice;
- In exceptional circumstances, such as where there is immediate risk to human health or the environment, issue an Enforcement Notice or Stop Notice, subject to the Planning Committee being informed at the next available opportunity.
- The service of a Breach of Condition Notice, Submission Notice or planning contravention notices
- To instruct the Council's Legal representative to make an application to the Courts for Injunctions, subject to the Chair and Vice Chair of the Planning Committee being informed.
- To instruct the Council's Legal representatives in relation to any legal action concerning the breach of an enforcement notice or any other enforcement matter.
- Application to the Magistrates Court for a warrant to enter land and/or buildings in accordance with the powers provided in the Planning Act (Northern Ireland) 2011.
- Determination of the type of enforcement appeal (written/hearing), preparation and submission of evidence and amendments to Council's case during the course of the appeal.

(b) Matters Relating to Major and Regional Significant Applications and Proposals (defined by the Planning Act (NI) 2011 and supporting legislation).

- In respect of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 or any successor legislation, to
 - o Issue screening opinions determining whether developments fall within Schedule (1) and (2)
 - o Issue scoping opinions as to the information to be provided in any statement and undertake appropriate consultations and notifications for major proposals.
 - o Determine whether a major application should be accompanied by an Environmental Statement.
- Preparation of evidence on behalf of Council and amendments to the Councils case in liaison with the Chair of the Planning Committee for Public Inquiries and Hearings in relation to Major and Regionally significant Applications.
- Negotiating Section 76 Planning Agreements including developer contributions on Major planning applications prior to a final decision being taken by the Planning Committee.
- Discharge of conditions on major planning approvals.
- In respect of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland 2015 or any successor, to consider and approve of a waste management plan.
- Instruct the Council's Legal representative in relation to any legal action on major planning matters, provided the Committee is informed.

(c) Local Development Plan

- Engage freely with the Planning Appeals Commission at the Independent Examination pre-hearing stage.
- To provide additional information or to request same, where the Commissioner deems this necessary. Agree minor, typographical or factual changes or modifications to the Local Development Plan documents.

- Agree changes to the justification and amplification text, for example to provide greater clarity on a particular policy.
- Agree changes to a particular policy or proposal in the draft Local Development Plan document suggested by the Commissioner, where that change would not fundamentally alter the thrust of that policy / proposal, or the change is necessary to make the policy / proposal sound, with no substantive implications for other aspects of the Plan or overall objectives of the policy.
- Instruct the Council's Legal representative in relation to any legal action on major planning matters, provided the Committee is informed.

(d) Tree preservation Orders

- Determination of any application for carrying out works to trees subject to a tree preservation order.

The following matters are delegated to the Head of Local Planning:

(e) Listed Building and Conservation Area Consents

- The applications for listed building consent, conservation area consent and advertisement consent are delegated to Head of Local Planning, except for where:
 - The application is made by the council or an elected member of the council.
 - The application relates to land in which the council has an interest.
 - The application is submitted by the Chief Executive, Director, planning staff, or close relatives (parents, partners, siblings, and children)
 - The application has attracted valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.
 - The application is recommended for refusal.
 - Where the Head of Local Planning considers that the proposal merits consideration by the Committee.
- Instruct the Council's Legal representative in relation to any legal action on any listed building or conservation area consent.

(f) Other Consents and Certificates

- Determination of any application for a Certificate of Lawful Development.
- Determination of any application for Advertisement Consent or variations of same.
- Determination of any Hazardous Substance Consent.
- Applications for Non Material Changes.
- Determination of applications for Certificates of Alternative Development Value.
- Determination of applications for Urgent Crown Development and Crown Listed Building Consent.
- Determination of a Correction Notice.
- Discharge of Planning Conditions.
- Registering Notices and Charges in the Statutory Charges Register.
- Issuing Property Certificates
- To make determinations under Section 46 (Power to Decline).
- To make determinations under Section 48 (Power to decline).
- Instruct the Council's Legal representative in relation to any of the other legal action on local planning matters, provided the Committee is informed.
- Instruct the Council's Legal representative in relation to any legal action on any of the other consents or certificates as detailed above.

(g) Matters relating Local Planning Applications (defined by the Planning Act 2011 and supporting Legislation as other Planning Applications not defined as regionally significant or major)

- In respect of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 or any successor legislation, as it relates to local applications and proposals:
 - o Issue screening opinions determining whether developments fall within Schedule (1) and (2).
 - o Issue scoping opinions as to the information to be provided in any statement and undertake appropriate consultations and notifications.
 - o Determine whether an application should be accompanied by an Environmental Statement.
- Instruct the Council's Legal representative in relation to any legal action on local planning matters, provided the Committee is informed.

The Planning Committee reserves the right to request a report for information purposes on any of the matters dedicated to the Head of Strategic Planning and the Head of Local Plannings.

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 6 February 2024 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, D McPeake*, Robinson, Varsani

Officers in Attendance

Dr Boomer, Service Director of Planning (SD: PI)
Mr Bowman, Head of Strategic Planning (HSP)**
Ms Doyle, Head of Local Planning (HLP)
Mr Marrion, Senior Planning Officer (SPO)
Ms McCullagh, Senior Planning Officer (SPO)
Mr McClean, Senior Planning Officer (SPO)
Ms McKinless, Senior Planning Officer (SPO)
Ms Scott, Council Solicitor
Miss Thompson, Committee and Member Services Officer

Others in Attendance

LA09/2021/0480/F	Mr Cassidy***
LA09/2021/0676/O	Mr Cassidy***
LA09/2022/0234/O	Mr Cassidy***
LA09/2022/0437/F	Mr Cassidy***
	Mr Molloy MP***
LA09/2023/0105/O	Mr Cassidy***
LA09/2023/0268/O	Mr Cassidy***
	Mr Morgan***
LA09/2023/0328/F	Councillor McNamee*

Councillors Bell* and Burton*

* 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 5.02 pm

P014/24 Notice of Recording

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

P015/24 Apologies

Councillor McFlynn.

The Chair, Councillor S McPeake extended the condolences of the Planning Committee to Councillor McFlynn following the recent passing of her mother.

P016/24 Declarations of Interest

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

Councillor McElvogue declared an interest in agenda item 6.8 – LA09/2022/0541/F.

The Chair, Councillor S McPeake declared an interest in agenda item 6.4 – LA09/2021/0676/O.

P017/24 Chair's Business

The Service Director of Planning (SD: PI) referred to addendum circulated and the public consultation on the review of Planning Development Management Regulations. It was advised the consultation proposes changes in three areas as follows –

- A review of the classes of development to ensure they reflect current and future development trends and that the associated thresholds take a balanced approach to community consultation in planning applications for major development.
- Proposals to make pre-determination hearings discretionary for Councils which will help focus resources and reduce delays in issuing planning decisions for some planning applications; and
- Proposals to introduce online/digital methods into the pre-application community consultation (PACC) process, to enhance accessibility and encourage participation in the planning process by a broader range of people.

The SD: PI advised that the consultation closes on 3 March 2024 prior to the next Planning Committee and if Members were content he would propose submitting comments on the consultation as follows –

- Support a review of the classes of development as it is felt that it is onerous for sports clubs to go through a community consultation when a new sports pitch is being proposed.
- Support the proposal to make pre-determination hearings discretionary for Councils.
- Support proposals to introduce online/digital methods into the pre-application community consultation process.

Resolved That the Service Director of Planning submit comments to the public consultation on the review of Planning Development Management Regulations as outlined above.

The Service Director of Planning (SD: PI) referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting/consideration of additional information –

Agenda Item 5.8 - LA09/2022/1117/F - Retention of shed ancillary to existing business and domestic dwelling and associated works, including extension of domestic and commercial curtilage, landscaping works, garden wall estate fencing and widening of access at 14 Tullydraw Road, Dungannon for Paul McCaul.

Agenda Item 5.11 - LA09/2023/0290/O - Dwelling and garage at lands approximately 93m NE of 19 Coal Pit Road, Dungannon for Mr & Mrs Peter and Carmel McBrien.

Agenda Item 5.12 - LA09/2023/0304/F - Retrospective Farm Diversification Agricultural Storage Shed / Office / Car Valet / Showroom at 47 Crancussy Road, Cookstown for Mr Karl Heron.

Agenda Item 5.14 - LA09/2023/0425/F - Farm building at 200m SW of 31 Camaghy Road South, Galbally, Dungannon for Mr Seamus McGlinchey.

Agenda Item 5.15 - LA09/2023/0426/F - Farm shed to replace existing farm buildings for storage of farm machinery and fodder at 78 Moneygran Road, Kilrea for Mr Damian Shields.

Agenda Item 5.20 – LA09/2023/0652/O - Dwelling on a Farm at Site at 150m W of 18A Ballynacross Road, Maghera for Mr David Fulton.

Agenda Item 5.22 - LA09/2023/0790/F - Garage at 73 Favour Royal Road, Aghnacloy for Mr Stuart Henderson.

Agenda Item 5.23 - LA09/2023/0874/F - Farm shed at lands approx 53m E of 17A Corvanaghan Road, Cookstown for Mr Charles Quinn.

Agenda Item 5.25 - LA09/2023/0906/O - Dwelling and domestic garage at 20m S of 3 Coal Pit Road, Dungannon for Mr Shaun Kelly.

Agenda Item 5.26 - LA09/2023/0916/F - Off site replacement dwelling and garage at 180m W of 16 Carnose Road, Cranny, Moneymore for Mr Gregory McGovern.

Agenda Item 5.27 - LA09/2023/1064/O - Dwelling and garage at lands opposite 20 Moor Road, Corr, Dungannon for Mr Sean O'Brien.

Agenda Item 5.28 - LA09/2023/1070/O - Dwelling and garage adjacent to 59 and 24m SE of 55 Killary Lane, Killary, Stewartstown, Dungannon for Mr Brian Corr.

Agenda Item 5.29 - LA09/2023/1071/O - Dwelling and garage at approx 50m NE of 2 Cullenramer Road, Dungannon for Mr Michael Walls.

Agenda Item 5.31 - LA09/2023/1159/F - 2no. Infill dwellings and domestic garages at 50m W of 56 Tobermore Road, Draperstown for Mr Adrian McIvor.

Agenda Item 5.32 - LA09/2023/1286/F - Extension and alterations to dwelling at 22 Ballynagowan Road, Stewartstown for Mr and Mrs Enda and Nuala Devlin.

Agenda Item 5.33 - LA09/2023/1296/F - Car port and first floor extension to side of dwelling at 22 Ferny Ridge, Castlecaulfield for Gareth Hetherington.

Agenda Item 5.34 - LA09/2023/1297/F - Temporary planning permission for the retention of a mobile caravan unit for living accommodation at Site 50m W of 10 Aghnahoe Road, Killeeshill, Dungannon for Trevor Hurst.

Councillor Clarke stated there appeared to be some sort of conflict in numbering between the items listed on the agenda between 5.32 and 5.34 and the reports for those applications.

The SD: PI stated he understood the Councillors comments but highlighted that those three applications are all being recommended for deferral.

Proposed by Councillor Kerr
Seconded by Councillor Clarke and

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

Matters for Decision

P018/24 Planning Applications for Determination

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

LA09/2018/0873/LBC **Alteration and extension of existing listed building (The Corner House) to include; demolition of ancillary unlisted spaces to the rear of the building, internal alterations and fit out to provide office and meeting space, original ground floor windows to be reinstated and provision of three storey rear extension to provide office and meeting space, canteen and pedestrian link to adjoining premises at 6-8 St Patrick's Street, Draperstown, Magherafelt for Heron Brothers Ltd**

Members considered previously circulated report on planning application LA09/2018/0873/LBC which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Varsani and

Resolved That planning application LA09/2018/0873/LBC be approved subject to conditions as per the officer's report.

LA09/2018/0887/F **Alterations and extensions of existing listed building (the Corner House) to include: demolition of ancillary unlisted spaces to the rear of the building, internal alterations and fit out to provide office and meeting space, original ground floor windows to be reinstated and provision of three storey rear extension to provide office and meeting space, canteen and pedestrian link to adjoining premises at 6-8 St Patricks Street, Draperstown, Magherafelt for Heron Brothers Ltd**

Members considered previously circulated report on planning application LA09/2018/0887/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2018/0887/F be approved subject to conditions as per the officer's report.

LA09/2019/0331/F **4 span portal framed building to be used for sub-assembly and research/design formation of concrete areas throughout remainder of the site for storage and access and upgrade top parking and associated works (amended description) at Unit 3 Granville Road, Dungannon for McCloskey International Ltd**

Members considered previously circulated report on planning application LA09/2019/0331/F which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor Kerr and

Resolved That planning application LA09/2019/0331/F be approved subject to conditions as per the officer's report.

LA09/2019/0854/F **New spur road from Greers Road to lands approved (M/2014/0572/O) for outline residential development for maximum of 210 units with access onto Greers Road, Donaghmore Road and Quarry Lane. The right of way road will also provide access to the existing car park (Amended Description) at lands 37m W of 6 Union Place, Dungannon for The Mallon Family**

The Service Director of Planning (SD: PI) asked that this application be taken off the agenda due to an error in certification of land ownership as submitted to the Department meaning that the application cannot be determined at present.

Proposed by Councillor Kerr
Seconded by Councillor Varsani and

Resolved That planning application LA09/2019/0854/F be deferred for clarification of ownership.

LA09/2019/1011/O Housing development at lands to the E & NE of 89 Loup Road, Loup, Moneymore for Mr K Scullion

Members considered previously circulated report on planning application LA09/2019/1011/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McConnell and

Resolved That planning application LA09/2019/1011/O be approved subject to conditions as per the officer's report.

LA09/2021/0837/F Assembly factory buildings and increased hardstanding to the rear of existing manufacturing premises on existing site at 200 Annagher Road, Coalisland, Dungannon for McGrath Engineering Ltd

Members considered previously circulated report on planning application LA09/2021/0837/F which had a recommendation for approval.

Proposed by Councillor Kerr
Seconded by Councillor Carney and

Resolved That planning application LA09/2021/0837/F be approved subject to conditions as per the officer's report.

LA09/2022/0607/F Housing development consisting of 12 dwellings, 10 semi detached and 2 detached including access road at site immediately E of Ashbrook Nursing Home, 50 Moor Road, Coalisland for D M Investments

Members considered previously circulated report on planning application LA09/2022/0607/F which had a recommendation for approval.

Proposed by Councillor Kerr
Seconded by Councillor Carney and

Resolved That planning application LA09/2022/0607/F be approved subject to conditions as per the officer's report.

LA09/2022/1117/F Retention of shed ancillary to existing business and domestic dwelling and associated works, including extension of domestic and commercial curtilage, landscaping works, garden wall estate fencing and widening of access at 14 Tullydraw Road, Dungannon for Paul McCaul

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

LA09/2022/1638/F **Alteration and extension to existing supermarket including change of use. Additional change of use to provide new off licence with first floor store at 53, 55, 57 and 59 Church Street, Cookstown for Mr Pearse Kelly**

Members considered previously circulated report on planning application LA09/2022/1638/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2022/1638/F be approved subject to conditions as per the officer's report.

LA09/2022/1728/F **Widening of an established business access to facilitate safe access for HGV vehicles to the Moy Park Hatchery at 16 Main Street, Donaghmore for Mr Michael Quail**

Members considered previously circulated report on planning application LA09/2022/1728/F which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McConnell and

Resolved That planning application LA09/2022/1728/F be approved subject to conditions as per the officer's report.

LA09/2023/0290/O **Dwelling and garage at lands approximately 93m NE of 19 Coal Pit Road, Dungannon for Mr & Mrs Peter and Carmel McBrien**

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

LA09/2023/0304/F **Retrospective Farm Diversification Agricultural Storage Shed / Office / Car Valet / Showroom at 47 Crancussy Road, Cookstown for Mr Karl Heron**

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

LA09/2023/0356/F **Veterinary Clinic and animal rehabilitation centre, access, landscaping and ancillary site works at lands S of 165 Aughrim Road, Toome for Taurus Hold Co Ltd.**

Members considered previously circulated report on planning application LA09/2023/0356/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0356/F be approved subject to conditions as per the officer's report.

LA09/2023/0425/F **Farm building at 200m SW of 31 Camaghy Road South, Galbally, Dungannon for Mr Seamus McGlinchey**

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

LA09/2023/0426/F **Farm shed to replace existing farm buildings for storage of farm machinery and fodder at 78 Moneygran Road, Kilrea for Mr Damian Shields**

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

LA09/2023/0509/O **Site for dwelling and garage at 30m SE of 35 Kilrea Road, Upperlands for Mr Darren McGuckin**

Members considered previously circulated report on planning application LA09/2023/0509/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Black and

Resolved That planning application LA09/2023/0509/O be approved subject to conditions as per the officer's report.

LA09/2023/0518/O **Site for dwelling and garage at 40m N of 24 Killywoolaghan Road, Ardboe for Christopher Scullion**

Members considered previously circulated report on planning application LA09/2023/0518/O which had a recommendation for approval.

Proposed by Councillor Kerr
Seconded by Councillor McConnell and

Resolved That planning application LA09/2023/0518/O be approved subject to conditions as per the officer's report.

LA09/2023/0595/F **Conversion of rear yard to beer garden to Public House at The Cosy Corner Bar, 68 Gulladuff Road, Gulladuff for Seamus Boyle**

Members considered previously circulated report on planning application LA09/2023/0595/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2023/0595/F be approved subject to conditions as per the officer's report.

LA09/2023/0635/F **Industrial unit and site office in existing industrial park at lands immediately N of Junction of Pomeroy Road & Kilcronagh Road, Cookstown for Mr PJ McGee**

Members considered previously circulated report on planning application LA09/2023/0635/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2023/0635/F be approved subject to conditions as per the officer's report.

LA09/2023/0652/O **Dwelling on a Farm at Site at 150m W of 18A Ballynacross Road, Maghera for Mr David Fulton**

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

LA09/2023/0733/RM **Dwelling between 66 and 66A Derryoghill Road, Dungannon for Jacinta Hughes**

Members considered previously circulated report on planning application LA09/2023/0733/RM which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor Kerr and

Resolved That planning application LA09/2023/0733/RM be approved subject to conditions as per the officer's report.

LA09/2023/0790/F **Garage at 73 Favour Royal Road, Aughnacloy for Mr Stuart Henderson**

Agreed that application be deferred to consider further information submitted.

LA09/2023/0874/F **Farm shed at lands approx. 53m E of 17A Corvanaghan Road, Cookstown for Mr Charles Quinn**

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

LA09/2023/0899/F **Replacement of existing wind turbine as approved (H/2011/0329/F) with a new wind turbine to a hub height of 53m and a rotar diameter of 52m along with associated development at lands approx. 320m SE of 6 Brackaghlislea Road, Draperstown for Mr Austin Kelly**

Members considered previously circulated report on planning application LA09/2023/0899/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Cuthbertson and

Resolved That planning application LA09/2023/0899/F be approved subject to conditions as per the officer's report.

LA09/2023/0906/O **Dwelling and domestic garage at 20m S of 3 Coal Pit Road, Dungannon for Mr Shaun Kelly**

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

LA09/2023/0916/F **Off site replacement dwelling and garage at 180m W of 16 Carncoose Road, Cranny, Money more for Mr Gregory McGovern**

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

LA09/2023/1064/O **Dwelling and garage at lands opposite 20 Moor Road, Corr, Dungannon for Mr Sean O'Brien**

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

LA09/2023/1070/O **Dwelling and garage adjacent to 59 and 24m SE of 55 Killary Lane, Killary, Stewartstown, Dungannon for Mr Brian Corr**

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

LA09/2023/1071/O **Dwelling and garage at approx. 50m NE of 2 C Cullenramer Road, Dungannon for Mr Michael Walls**

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

LA09/2023/1114/F **Office extension and alterations to existing offices at 30 Farlough Road, Dungannon for Mr Darragh Cullen**

Members considered previously circulated report on planning application LA09/2023/1114/F which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2023/1114/F be approved subject to conditions as per the officer's report.

LA09/2023/1159/F **2no. Infill dwellings and domestic garages at 50m W of 56 Tobermore Road, Draperstown for Mr Adrian McIvor**

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

LA09/2023/1286/F **Extension and alterations to dwelling at 22 Ballynagowan Road, Stewartstown for Mr and Mrs Enda and Nuala Devlin**

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

LA09/2023/1296/F **Car port and first floor extension to side of dwelling at 22 Ferny Ridge, Castlecaulfield for Gareth Hetherington**

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

LA09/2023/1297/F **Temporary planning permission for the retention of a mobile caravan unit for living accommodation at Site 50m W of 10 Aghnahoe Road, Killeeshill, Dungannon for Trevor Hurst**

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

LA09/2020/1046/F **Retention of and relocation of partially constructed farm shed for farm machinery storage, and animal shelter and amendments to the design of approved LA09/2017/0977/F at 40m NE of 28A Toomog, Galbally, Dungannon for Noel McElduff**

Members considered previously circulated report on planning application LA09/2020/1046/F which had a recommendation for approval.

Proposed by Councillor McConnell
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2020/1046/F be approved subject to conditions as per the officer's report.

LA09/2021/0317/O **Infill dwelling & garage between 23 & 27A Macknagh Lane, Upperlands, Maghera for Mr Paddy McEldowney**

The Head of Local Planning (HLP) presented a report on planning application LA09/2021/0317/O advising that it was recommended for refusal.

Councillor Clarke referred to the confusion over boundaries and ownership and stated that he felt this has been clarified and that there has been confirmation and proof that would meet the concerns.

The Chair, Councillor S McPeake stated he had been at the site meeting and that the concerns related to road frontage and that aerial images had been provided to support the curtilage being in place for over 5 years.

Th HLP stated that there is no certificate of lawfulness to extend the curtilage of no. 27a and that the frontage of this dwelling fronts onto a private lane and there is only one dwelling on this private lane.

The Service Director of Planning (SD: PI) asked if the part of land which has been brought into the curtilage looks like a garden area.

The HLP advised that the area is being kept as a biodiversity area and that there are trees which would look to be associated with the dwelling. The HLP referred to the information and images submitted by the agent which show that the land has been used as part of the curtilage of no.27a for in excess of five years.

The SD: PI stated that if Members are satisfied that the evidence provided is reasonable then the area could be read as part of the curtilage of the dwelling.

The Chair, Councillor S McPeake stated that the photographs being shown tonight were not sufficient and having been to the site and having received the additional photographs from the agent it is clear to him that the curtilage comes out to the road.

The SD: PI stated that the key test is the nature of the gap and asked if there are three buildings.

The HLP stated that there is a dwelling and garage to the south of the site however the garage is partially set behind the dwelling therefore it is arguable whether it has a frontage to the road.

The SD: PI stated that if it can be read as two buildings from the road then it could be accepted. The SD: PI asked if the site is only big enough to accommodate two dwellings and from looking at the land take in the vicinity he felt it is clear that no more than two houses could be accommodated. The SD: PI stated that he felt there is good argument that the application can meet policy.

The Chair, Councillor S McPeake stated that from his memory of the site visit the concerns related to the authenticity of the curtilage and that he felt the images supplied show that the curtilage has been extended in excess of five years and comes out to the road.

Councillor Clarke stated that given the images provided he felt that it would be reasonable to approve the application. Councillor Clarke proposed that the application be approved.

Councillor Mallaghan seconded Councillor Clarke's proposal.

The HLP referred to conditions and did not believe a height restriction is necessary.

Resolved That planning application LA09/2021/0317/O be approved subject to conditions.

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

The Service Director of Planning (SD: PI) asked that this application be deferred for further consideration.

Resolved That planning application LA09/2021/0480/F be deferred for further consideration.

The Chair, Councillor S McPeake vacated the Chair and withdrew from the meeting. Councillor Black took the Chair.

LA09/2021/0676/O Relocation of approved site LA09/2018/1646/O to opposite side of road at 70m SW of 11 Motalee Road, Magherafelt for Mrs Gillian Montgomery

Ms McKinless (SPO) presented a report on planning application LA09/2021/0676/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 the officer report now lists two refusal reasons one being added from the original report that the farm is not active. Mr Cassidy stated he was unaware he had to show any activity on the farm and stated he would like a month deferral in order to make the necessary submissions to show that the farm is active and that a deferral would also allow time to address the issues on the planning appeal.

The Service Director of Planning (SD: PI) stated that this site has been to appeal and has been dismissed because it is creating a ribbon and that the grounds for refusal of the application include this. The SD: PI stated it does not get superceded because of a farm case and that nobody is going to lose a house as this farm has the ability to accommodate a dwelling outside of the ribbon. The SD: PI questioned why the applicant should be put to further expense and delay and stated that Members are in a difficult position in that the matter has already been considered by planning appeals and determined.

Councillor Clarke stated that there are no maps or drawings within the officer report for this application on what the Committee is being asked to decide upon and felt that this information should always be provided so that Members can have a visual interpretation on what is there.

The SD: PI accepted it was bad practice if the maps have not been included within the officer report but highlighted that anyone can call up the application and view the

details and that the debate in relation to this application is not related to where the site is. The SD: PI stated that this site has been rehearsed before and has ended up at planning appeal who have dismissed the appeal on grounds of ribboning and change to rural character. The SD: PI advised Members to follow the decision of the Planning Appeals Commission and that if the applicant is dissatisfied then they can go back to planning appeal. The SD: PI stated that if there was a situation of a judicial review Council would inevitably lose because it went against a planning appeals decision and highlighted that the applicant is not going to lose because they have already got a site approved.

The Chair, Councillor Black stated there seems to be some confusion on what evidence is required and that part of the request for deferral related to addressing the issues regarding the planning appeal decision. Councillor Black asked if there was any benefit in allowing the month deferral in order to address those issues.

The SD: PI asked how long the application has been deferred.

Ms McKinless advised that the deferred office meeting took place in September 2022 and at that stage the applicant was asked to submit a stronger farm case. It was advised that the original outline approval remains live until 25 March 2024 so if another deferral is granted then it is running tight to the expiry of the original farm case.

The SD: PI stated that the substantive issue in relation to this application is the siting and the ribboning and suggested that the farm case reason for refusal be dropped and to just go forward with the siting reason for refusal.

The Chair, Councillor Black stated that although a one month deferral would leave things tight it may be worth doing.

Councillor Kerr referred to the agents comments in relation to the inconsistent views of officers.

The SD: PI asked if the agent had been made aware that this site had been refused before.

Ms McKinless stated that details of the planning appeal decision were discussed at the office meeting.

The SD: PI stated that the agent is out of line in saying he has been given inconsistent information in this case as there are records of him being told. The SD: PI stated it is always easy to defer things but that the situation would be the same in a month's time only it would be worse because the applicant would have been given false hope in that if they spend more money then they would get a different result. The SD: PI stated that he is prepared to remove the farm issue from the refusal reasons and if the applicant wants to go back to planning appeal then the issue contested will relate to the previous planning appeal decision. The SD: PI stated that to approve the application would put Members at serious risk and it is giving a false impression to the applicant.

Councillor Clarke proposed to accept the recommendation.

Councillor Mallaghan seconded Councillor Clarke's proposal.

Resolved That planning application LA09/2021/0676/O be refused on grounds stated in the officer's report removing refusal reason related to farm case.

Councillor S McPeake rejoined the meeting and retook the Chair.

LA09/2021/1657/F **General purpose storage unit & associated works in association with an established business at 25m NE of 9 Farlough Road, Dungannon for Terramac Fabrication Ltd**

Application Withdrawn.

LA09/2022/0234/O **Site for dwelling and garage at lands approx. 100m SW of 111 Dunnamore Road, Cookstown for Mr Noel Corey**

Ms McKinless (SPO) presented a report on planning application LA09/2022/0234/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 evidence had been submitted to establish if there is an active farm and that this includes a DAERA client ID and flock number created on the 23 November 1999. Receipts were also submitted covering the years 2017-2022 which Council has accepted as indicating that the applicant may have been doing enough works to constitute activity on his land. Mr Cassidy advised that a conacre agreement has also been submitted which indicates that the applicant is leasing a parcel of land immediately adjacent to his home and that additionally the applicant owns a cash crop of woodland which is adjacent to the proposed site. Mr Cassidy stated that additional evidence has also been submitted which includes soil sampling on his lands carried out by DAERA and forestry deforestation details. Mr Cassidy stated that the applicant has demonstrated a level of activity which meets the policy test. Mr Cassidy stated that the second reason for refusal relates to no buildings at the desired location and that this scenario was examined under the Lamont Judicial Review Decision. Mr Cassidy stated that lawyers for Lamont argued that Planning Service had not properly interpreted and applied the relevant provisions in that the proposed dwelling did not link or cluster with a group of established buildings on the farm. It was advised that Mr Justice Treacy acknowledged that case law does not require Planning Service to slavishly follow the policy designed to achieve a broader social and environmental goal but contends that the desired results cannot be ignored. Mr Cassidy stated that as the proposed development fell squarely within cty10 the questions Mr Justice Treacy asked were:

- (a) Did the Planning Service have regard to the policy?
- (b) Did the Planning Service give clear reasons for departing from the policy?
- (c) Did the Planning Service understand the policy?

In the Lamont decision it was found they had not and planning permission was quashed. Mr Cassidy stated that in this case the applicants land is several hundred

metres from his house and garage and that there is no space around his home for a new dwelling. Mr Cassidy stated that the Lamont decision is clear that if the three questions have been considered then consideration can be given to a site where no buildings exist. Mr Cassidy stated that in the words of Mr Justice Treacy, Council do not have to slavishly follow policy and that the Committee can give clear reasons for departing from policy and felt that the officer recommendation should be re-examined.

The Service Director of Planning (SD: PI) stated that buildings on a farm cannot be as easily put aside as the agent says but that there can be reasons they can be overcome. The SD: PI asked if officers are satisfied that there is a farm.

Ms McKinless stated that some receipts and evidence have been provided to indicate that the land is being kept in good agricultural condition. It was advised that the applicant only applied and was granted a Category 3 business number in October 2020.

The SD: PI asked how long the applicant has owned the land.

Ms McKinless advised that a screen shot of a client ID and a flock number dated 1999 were provided along with photographs of a herdbook and tags.

The SD: PI asked if these were in the applicant's name.

Ms McKinless advised that the photographs of the herdbook and tags could not be linked directly to the applicant.

Ms McKinless stated that the main reason for refusal is that there are no verifiable plans to expand or no health and safety reasons for siting beside the buildings but that she did acknowledge that the applicant has no land at the two farm buildings. Ms McKinless stated that the other reason for refusal was that officers are not convinced that there is an established farm business.

The SD: PI stated that officers need to be satisfied that there is an established farm and that further evidence of this is required and if clarified this could be resolved. The SD: PI suggested that the application be deferred in order for the farm business to be substantiated.

Resolved That planning application LA09/2022/0234/O be deferred in order for the farm business to be substantiated.

LA09/2022/0437/F **Farm dwelling at 59 Derryvaren Road, Coalisland for Mr James Campbell**

Mr Marrion (SPO) presented a report on planning application LA09/2022/0437/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 Molloy MP to address the committee in the first instance.

Mr Molloy MP stated he wanted to support the application on the basis that there has been a building on this site for some time and that the level of the ground at the site now is level with the road and the adjacent house. Mr Molloy stated he did not feel the danger of flooding is relevant because of the ground levels and the fact that this is solid ground. Mr Molloy stated that the site is close to the Lough and that a lot of the land in vicinity would flood but highlighted that the road is on a similar level and that this protects the site along with the neighbouring house. Mr Molloy stated that the family have lived in the area for years and that he felt that the land surrounding the site will stand up to the test.

Mr Cassidy stated that the only refusal reason relates to the flood plain and felt that it is interesting to note that Rivers Agency are not recommending refusal of this application. Mr Cassidy stated that in their latest consultation reply dated 23 November 2023 Rivers Agency accept a portion of the application site is above the predicted flood level of 13.97m and highlighted that it is within this area that the new house is proposed and will be sited. Mr Cassidy stated that the levels within the site have remained constant since 2011 and that this can be seen from the fence line in the pictures submitted. Mr Cassidy stated that the site has never flooded and that images provided by Rivers Agency show the worst level of flooding on the site and whilst water comes up to the rear of the site it does not encroach on to where the house is to be built. Mr Cassidy felt that this application could be approved with conditions that all development is situated above the predicted 100 year flood level.

The Service Director of Planning (SD: PI) asked what response has been received from Rivers Agency.

Mr Marrion advised that the Rivers Agency comment relates to the Ordnance Datum level which is 13.97 as being their predicted flooding level.

The SD: PI asked if this is the level taking into account global warming.

Mr Marrion advised this is the level Rivers Agency are predicting and have commented that part of the site is above the 13.97 level.

The SD: PI stated that the policy refers to once in 100 years fluvial flood plain and if this is applied there is land left which the proposal could be sited on.

Councillor Clarke stated that Rivers Agency have indicated that the 1 in 100 year predicted flood level is 13.97m and that they accept that the finished floor level is 14.76m and that this allows for a freeboard of more than 600mm. The Councillor stated that Rivers Agency ask for 300-600mm. Councillor Clarke felt that the application should be approved.

The SD: PI stated he understood the argument but wanted to go through the application methodically as flooding will become a more prevalent issue going forward. The SD: PI stated that there isn't a test in relation to climate change within policy and given the state of current policy the applicant can meet the policy requirements for the reasons outlined by Councillor Clarke. The SD: PI stated that he felt this policy will change in the future to include climate change and gives food for thought on how things will develop. The SD: PI stated that in this case, the only

issue is the flood plain and that he felt it was reasonable to approve the application on the arguments put forward.

The Chair, Councillor S McPeake stated that the applicant is from the area and knows the situation better and did not feel they would want to invest and build on a site which is going to be problematic.

The SD: PI suggested condition be applied that no buildings be erected in the area shaded blue on the map and that the land should not be changed in the area shaded blue to ensure that water is not displaced. Landscape and access conditions to also be applied.

Proposed by Councillor Clarke
Seconded by Councillor Kerr and

Resolved That planning application LA09/2022/0437/F be approved subject to conditions.

LA09/2022/0541/F **Farm shed for the storage of hay at 210m E of 91 Ballynakilly Road, Coalisland for Mr Gavin Quinn**

Mr Marrion (SPO) advised that additional information had been submitted on this application which officers need time to consider. That being the case, a deferral of the application was requested.

Proposed by Councillor S McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/0541/F be deferred to consider additional information submitted.

LA09/2022/1095/F **Relocation of previously approved dwelling and domestic double garage due to ground conditions at approx. 75m NW of 42 Cloghogmoss Road, Coalisland for Mr Declan McShane**

Members considered previously circulated report on planning application LA09/2022/1095/F which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor Kerr and

Resolved That planning application LA09/2022/1095/F be approved subject to conditions as per the officer's report.

LA09/2022/1582/O **Dwelling and garage on a farm at 60m NE of 28 Cloughfin Road, Killeenan, Cookstown for Mr Patrick Hegarty**

Application withdrawn.

Ms McKinless (SPO) presented a report on planning application LA09/2023/0105/O advising that it was recommended for refusal.

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

Mr Cassidy advised that DAERA have been consulted and have confirmed the farm business ID, which has an address at 19 Tullynure Road, Lissan and has been established for more than six years and that single farm payments have been claimed in each of the last six years. It was advised that Council are satisfied that there is an active and established farm. Mr Cassidy stated that the applicants have a holding at Lissan and that the land at Gulladuff is an outlying farm some 14 miles from their home. Mr Cassidy stated that the Gulladuff lands extend to 25 acres and were once owned by Grainne's family. These lands originally owned by Grainne's parents were purchased and show a clear intent by the applicants to expand their holding and it was advised that it is the intention that their son will live there and look after the holding. Mr Cassidy also advised that Grainne's parents house is 200m from these lands. Mr Cassidy referred to the officer report which states that the applicant was provided an opportunity to submit plans for agriculture buildings at this location but to date these have not been received and stated whilst this is correct it should be noted that the applicants avail of the farm sheds at Grainne's brothers house and that these sheds are approximately 200m away from the site. Mr Cassidy stated there is currently no need for any additional sheds as it is intended to establish the home first and build the farm around it. Mr Cassidy stated that the issue of no buildings at the desired location was examined under the Lamont Judicial Review which was discussed earlier and in this case the applicant's land is 14 miles away from their home main farm grouping. Mr Cassidy stated there is a clear intention to expand and extend the farm and felt that the Lamont decision is clear and for these reasons he asked Members to reconsider the recommendation.

The Service Director of Planning (SD: PI) asked what is 200m from the proposed site.

Mr Cassidy advised that the applicant's mothers farm is situated 200m from the site which is now run by her son, the applicant's brother. Mr Cassidy advised that the applicants avail of the sheds around the home house.

The SD: PI asked if the farm close to the proposal site is the applicants.

Ms McKinless advised that the applicants are the Quigleys and that their farm is situated at Lissan. The application site is at Gulladuff and it is her understanding that the applicant's mother has a farm 200m from the proposed site and that the applicants avail of those farm buildings.

The SD: PI read out part of policy cty10 and felt it can be read two ways. It expressly advises that an exception can be made to allow a building away from farm buildings where it is impractical to build next to those buildings because of health or plans to

expand the farm buildings and there are no other buildings on the farm or out farm. Given the policy is silent on what happens where there are no buildings on the farm his interpretation is that this section of the policy implies that where there are no other sites available at any group of buildings on the farm or out farm then permission could be granted.

Councillor Clarke stated he had no contact with the applicants in relation to this case although he did know them. The Councillor stated that it seemed to him that the applicants bought the 25 acres at Gulladuff, which he felt is a substantial enough size, with the intention of setting up a business for their son, this land at Gulladuff is a fair distance from the home farm which is 14 miles away. Councillor Clarke referred to the farm buildings close by which are owned by the applicant's mother but are utilised by them and the question of what should come first, the farm buildings or a dwelling. The Councillor felt that this application needed to be looked at closely.

The SD: PI stated he would agree with the comments but that at the office meeting it was put to officers that the farm at Lissan and the farm close to the proposed site was the same farm and that Members are now being advised that these are two distinct farms and that while someone else's farm buildings are being used, they are not buildings on the applicant's farm. The SD: PI asked if there was any reason to contest that being the situation.

Ms McKinless advised there was not.

The SD: PI stated that on considering the policy he felt that there was an opportunity to approve this application based on Councillor Clarke's argument.

Ms McKinless advised there was also a city ribboning reason for refusal on the application as well.

The SD: PI stated he took the view that this proposal did not read as a ribbon resulting as a change rural character and is not sited to provide another gap between that and the other two sites it wouldn't lead to further expansion.

Councillor Clarke stated that taking all into consideration he would propose the application be approved.

Councillor Kerr seconded Councillor Clarke's proposal.

The SD: PI stated that siting conditions should be applied along with tree retention requirements.

Resolved That planning application LA09/2023/0105/O be approved subject to conditions.

LA09/2023/0206/O Dwelling and Garage at 30m S of 15 Craigs Road, Cookstown for Mrs Marissa McTeague

Ms McKinless (SPO) presented a report on planning application LA09/2023/0206/O advising that it was recommended for refusal.

Councillor Clarke referred to roadside frontage and that the pattern in this case is set back from the road. The Councillor asked if the land between each of the current dwellings in the ownership of the occupiers of the dwellings.

The Service Director of Planning (SD: PI) stated the given the photograph shows a field of sheep it would be difficult to argue that the field is in the curtilage of the dwellings therefore there is no road frontage.

Proposed by Councillor S McPeake
Seconded by Councillor Varsani and

Resolved That planning application LA09/2023/0206/O be refused on grounds stated in the officer's report.

**LA09/2023/0268/O Dwelling and Garage at lands 40m N of 182
Brackville Road, Coalisland for Mr James Girvin**

Mr Marrion (SPO) presented a report on planning application LA09/2023/0268/O advising that it was recommended for refusal.

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

Mr Cassidy stated that this application is recommended for refusal for two reasons, the first reason being that there is an appreciable distance between the proposed new building and the established group of buildings on the farm. Mr Cassidy referred to a previous approval in Dungannon which has striking similarities to this application – that it was on the opposite side of the road and over 70 metres from the main group of farm buildings. Mr Cassidy referenced the officer report for that application which stated that there was a visual linkage between the area of land on the opposite side of the road and the farm buildings albeit marginal and that the case officer found the preferred location acceptable. Mr Cassidy referred to the current application and photographs submitted which the proposed site and farm buildings in one view and that there is a strong visual linkage and that the application therefore meets the element of linkage within policy. Mr Cassidy stated that the second reason for refusal is that other development opportunities have been sold off from the farm within 10 years from the date of application and that planning permission for a dwelling on a farm was approved within the last 10 years. Mr Cassidy advised that planning permission for a house on the farm was obtained in 2010 with the designed house approved in 2015 and renewed in 2018. Mr Cassidy stated that the renewal of all these applications was done within the timeframe of the 2010 approval still being live. Mr Cassidy stated that the site is still under the same owner as the farm business and has not been sold or transferred and despite extensive searches he could find no history of any refusal ever being recorded in Mid Ulster or any other Council areas nor a PAC decision where the ten year rule has commenced from the date of a renewed application as in this case. Mr Cassidy stated the recommendation is not within the spirit of the policy and is unfair to the applicant and asked that Members reconsider the application.

Mr Morgan stated that the location of the site on his grandfather's farm was carefully chosen as it is 60 metres from the main farm grouping. The site allows for a strong

visual linkage with the existing buildings and is also far enough away so as not to interfere with the day to day running of the farm. Mr Morgan stated that the previous site approved in 2010 for his uncle remains in his ownership and has not been transferred or sold, Mr Morgan stated that the land has been in his family for generations. Mr Morgan stated that the site is well enclosed with mature trees to aid integration and if approved the site is where he and his family would hope to build their forever home.

The Service Director of Planning (SD: PI) asked when the planning permission was renewed.

Mr Marrion advised that it was renewed 24 September 2018.

The SD: PI stated that legally that is a planning permission in itself and asked when the renewal was granted was it based on being a house on a farm.

Mr Marrion stated it was.

The SD: PI stated that the bottom line is that a policy permission has been granted within ten years and therefore the ten year rule applies.

Councillor Kerr stated he did not believe the renewal should count and as it has been over ten years from the original application and that he felt that this application should be looked at favourably.

The SD: PI suggested that the application be deferred for legal opinion in relation to the question of the renewal.

Councillor Mallaghan stated he did not think the Committee had come across this situation before and agreed it would be important to get legal opinion.

The Head of Local Planning (HLP) referenced the General Development Procedure Order which refers to a renewal as an application.

The SD: PI stated that he felt the legal opinion was necessary to provide Members with a direction on what decision to take.

Councillor Clarke asked if this is one of the outworkings of pps14.

The SD: PI advised that it wasn't. The SD: PI stated that the Development Plan sets out to try to cure some of the anomalies which exist and that he just wanted to make sure the Committee have a legal opinion behind them as this situation will likely arise again at some stage in the future.

Councillor Varsani stated she agreed with the comments and that legal opinion should be obtained as to whether the Committee can approve this application. The Councillor referred to the details submitted by the agent in relation to a similar site which was approved in 2017 and stated that she felt there are strong similarities between the two applications which are worth further consideration.

Proposed by Councillor Mallaghan
Seconded by Councillor Varsani and

Resolved That planning application LA09/2023/0268/O be deferred to obtain legal opinion.

LA09/2023/0328/F Renewal of approved planning application (extension to rear and side of dwelling to accommodate siting area and bedroom) at 5 Coolmount Drive, Cookstown for Emma McAleer

Ms McKinless (SPO) presented a report on planning application LA09/2023/0328/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 Councillor McNamee to address the committee.

Councillor McNamee advised that Ms McAleer was not the original applicant in 2017. In 2018 Ms McAleer became aware that 5 Coolmount Drive was available to buy and had a live application to extend the property. Ms McAleer agreed to purchase this property subject to planning approval for the extension being granted. It was advised that planning approval was granted at that time and Ms McAleer bought the property. Councillor McNamee stated that for various reasons, including Covid, the extension works did not commence and the applicant therefore applied for the renewal of the application within the statutory timeframe and this was brought to Committee in June 2023 with a recommendation to approve the application. Following the meeting in June a site visit was undertaken and the outworkings of this has resulted in a recommendation to refuse the application which Councillor McNamee stated is a complete u turn on previous decisions taken. Councillor McNamee stated that initially the original proposal was found unacceptable because it would create overshadowing and loss of light, potentially impacting nos. 4 and 10 Coolmount Drive. Further to this, it was advised that amended plans were submitted which significantly changed the height and footprint of the proposal and this was given approval in 2018. Councillor McNamee read from the officers report at that time which stated they were content with what was being proposed and by reducing the height and footprint of the proposal it will have less impact on the adjoining properties and introduce a more integrated and better proportioned design and that the proposal does not affect the privacy or amenity of neighbouring residents. Councillor McNamee stated that the application before Members tonight is the exact same application which was approved in 2018 and was also recommended for approval in 2023. Councillor McNamee stated that it is clear the concerns of residents were taken into consideration in 2018 and that the officer in their own words stated that the amended plans addressed the issues of concern. Councillor McNamee stated he felt it was wrong of officers to ask the applicant to submit new plans and referred to the stress and anxiety caused to the applicant and her family. Councillor McNamee stated that if Members refuse this application it would place the applicant in negative equity which he felt is morally wrong and a complete u turn from decision taken in 2018. Councillor McNamee urged Members to uphold the original decision taken in 2018 and approve the application.

The Service Director of Planning (SD: PI) stated that under normal circumstances a lot of weight could be given to the previous approval but highlighted that consultations did not take place with neighbouring properties at the time of the original application. The SD: PI stated that some Members have visited the site and that Members should consider the objector's viewpoint and whether they would be content with the proposal.

Councillor Black stated this is an unusual situation and recalled having concerns the last time the application was presented on the amenity of neighbours and that he would continue to have those concerns. The Councillor stated that at the time of the original application process was not followed correctly nor was the objector given the opportunity to object at that point in time. Councillor Black stated he did have sympathy with the applicant but the reality is that process was not followed the first time and he felt there is the potential to have significant impact on the neighbours amenity. The Councillor noted that the applicant was given the opportunity to amend their proposal but that this was not taken. Councillor Black stated that he felt the reasons for refusal were correct and would therefore propose the officer recommendation to refuse the application.

Councillor Mallaghan stated he had looked back on the planning portal to see the nature of the objections raised in 2018 and it does appear they were taken into consideration at that time. The Councillor stated that when an objection is made to an application this gives a greater sense of consideration for the officer involved but in this circumstance nothing has changed since 2018 when all comments were taken into account. Councillor Mallaghan stated that the applicant would have had an expectation to gain an approval in these circumstances and is often the case when living in a town you can expect to be living beside buildings such as the one under consideration. Councillor Mallaghan referred to the comments made in which the applicant was contacted and advised that the application was going to be refused and that they should reapply and reconsider and he would like to hear more on this. Councillor Mallaghan stated that taking everything into consideration and given the history of the application he would propose that the application be approved.

Ms McKinless read email sent to applicant which outlined that following the site visit and subsequent internal group discussions about the proposal it was considered that the proposed extension cannot be recommended for approval as it stands. Whilst the current application was submitted as an in time renewal it was advised that there has been a material change in circumstance brought to officers attention ie. Neighbours which should have been notified were not. Under the current application all relevant neighbours have now been notified and some have raised objections, which following the site visit, hold some weight in the assessment of the application. The email stated that it is not unreasonable to assume that if neighbour notification at the time of the original application these same concerns would have been raised. The email stated that it was considered the proposed extension will have a negative impact on adjacent residential amenity and in order to address this the applicant was given the opportunity to reduce the scheme to single storey in its entirety and that a full set of drawings would need to be submitted to reflect this amendment. The email also outlined that as the application was submitted as an in time renewal there is the option to change the description of the proposal as the 2018 approval has now expired without a material start having been made to keep it live. It was further advised that an additional planning fee would also be required as it would have be

processed as a full domestic extension. The email concluded by asking the applicant how they wished to proceed.

The SD: PI stated that what the officer had done is contact the applicant to advise that the application will be recommended for refusal unless they wish to make changes to the proposal. The SD: PI stated this is a case which Members can decide based on their own view.

The Chair, Councillor S McPeake stated he had attended the site visit and whilst there is not a huge gap between the two houses he was touched that the proposed design of the extension means there is no overlooking which is a big compromise. Councillor S McPeake agreed that houses can be closely built together in urban areas and that he did have some sympathy for the applicant albeit that is not a material consideration.

Councillor Graham seconded Councillor Black's proposal to refuse the application. The Councillor stated that if she lived in no. 4 or 10 she would not want a double height wall coming against her fence whether there were windows or not. Councillor Graham stated that everyone has different ideas and mistakes were made with the original application and that whilst she had sympathy with the current applicant Members needed to consider the information in front of them.

The SD: PI stated that because planning approval was granted the recourse of that would have been Judicial Review. The SD: PI stated that the application was not judicially reviewed so therefore the planning application stood and could have been started therefore it must be a material consideration. The SD: PI stated that Members have the ability to take a different decision because neighbour notification did not take place on the original application. The SD: PI asked Members to go to the most basic test and take their own view on whether there is an unacceptable detrimental effect on neighbouring amenity.

The Chair, Councillor S McPeake referred to drawing which was brought to site visit which indicated that there no adverse effect by the sun and light into the neighbouring property.

Ms McKinless stated there was a technical drawing in relation to loss of light but highlighted that the recommendation within the report relates to overbearing and overdominance and not loss of light.

Councillor Black asked if loss of light should be considered.

The SD: PI explained that light comes from two sources – sunlight and daylight, and highlighted on the map the movement of the sun in relation to the properties. The SD: PI advised that the proposal would not have an impact on daylight but that there would be some limited impact in relation to overshadowing and it was up to Members to decide whether this is adverse enough to refuse the application.

Councillor Varsani seconded Councillor Mallaghan's proposal to approve the application.

Councillors Cuthbertson and McElvogue had left the meeting.

Members voted on Councillor Black's proposal –

For – 4

Against – 8

Abstained – 1

Members voted on Councillor Mallaghan's proposal –

For – 8

Against – 4

Abstained - 1

Resolved That planning application LA09/2023/0328/F be approved subject to conditions.

LA09/2023/0580/F **Removal of Conditions 7 & 8 from approved
LA09/2023/0022/O at 25m NW of 56 Cavey Road,
Ballygawley for Mr Niall McCartan**

Members considered previously circulated report on planning application LA09/2023/0580/F which had a recommendation for approval.

Proposed by Councillor McConnell
Seconded by Councillor Varsani and

Resolved That planning application LA09/2023/0580/F be approved subject to conditions as per the officer's report.

P019/24 **Receive Report on Response to the Northern Ireland Public
Service's Ombudsman Report "Strengthening Our Roots"**

Ms McCullagh (SPO) presented previously circulated report which outlined the NIPSO report on tree protection in the Northern Ireland Planning Service. Members considered the response to each recommendation contained therein as set out at Appendix B of report.

Proposed by Councillor S McPeake
Seconded by Councillor Kerr and

Resolved To respond to the NIPSO report as set out at Appendix B of report.

Matters for Information

P020/24 **Minutes of Planning Committee held on 9 January 2024**

Members noted previously circulated minutes of Planning Committee held on 9 January 2024.

P025/24 Duration of Meeting

The meeting was called for 5 pm and concluded at 8.05 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, Dungannon and virtually.

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

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

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

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

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



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 06 February 2024

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

Chairs Business – Public Consultation on Review of Planning Development Management Regulations

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.27	Refusal Reasons did not pull through on report.	Members to note reasons for refusal Reason 1 Contrary to CTY 1 - Development in the Countryside in PPS 21 as there is no overriding reason why the proposed development is essential and could not be located within a settlement. Reason 2 Contrary to CTY 10 - Dwellings on farms in PPS 21 in that the development does not cluster or visually link with the established group of buildings on the farm. No demonstrable health and safety reasons or verifiable plans to expand the farm business have been provided. Reason 3 A lack of information has been provided to demonstrate if there is an active and established farm at the application site.

5.29	Refusal Reasons did not pull through on report.	<p>Members to note reasons for refusal</p> <p>Reason 1 Contrary to CTY 1 - Development in the Countryside in PPS 21 as there is no overriding reason why the proposed development is essential and could not be located within a settlement.</p> <p>Reason 2 Contrary to CTY 2a - New Dwellings in Existing Clusters in PPS 21 in that the application site is not at a crossroads or associated with a focal point.</p>
6.4	Deferred Office Meeting Note (Sept 2022)	Members to note request for CTY10 farm case asked for at this time
6.6	Additional Farm Evidence	Members to Note
6.10	Email withdrawing application	Members to Note